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## Victim suffered 36 major blows pathologist tells jury

*By Tom Cherveney  
Staff Writer*

MONTEVIDEO 7/24/99 - Jurors concluded their first week of duty in the murder trial for Burr Crowsbreast III, 23, by viewing graphic photographs of his alleged victim's badly beaten body.

Dr. Sue Roe, Ramsey County assistant medical examiner, showed jurors a series of photographs depicting the brutal wounds that caused the death of LaTisha Brien, 21, on Jan. 15.

Crowsbreast is charged with first-degree premeditated and domestic abuse murder in Brien's death. Roe counted 36 major blows on the victim's body. They were spread about Brien's legs, torso, arms and head. Roe determined that Brien died of multiple traumatic injuries.

However, she said there was one blow to the skull severe enough to have been fatal of itself. It fractured the skull to its base.

Most of the wounds distributed through the body were "consistent" with having been inflicted by a bloody, wooden baseball bat investigators allegedly recovered underneath the defendant's trailer on Feb. 16, Roe testified.

At least one of the wounds was probably inflicted by another instrument, probably a long and narrow item, according to the forensic pathologist. There was also one wound, possibly others, that

### **Mother speaks out against domestic violence**

MONTEVIDEO - The mother of homicide victim LaTisha Brien couldn't keep herself in the courtroom on Thursday.

This, despite a commitment she had made to herself to be present through all of the trial for the man accused of her daughter's murder.

"I wanted to be strong and be there to be sure there is justice for my daughter," said Alvina Nightwalker of Lame Deer, Mont. "But I found it too hard."

Thursday, she explained, would have been her daughter's 22nd birthday.

It's a birthday that could have been, and should have been, if only certain things had been different, she told the Tribune on Friday.

"She didn't have to die that way," said Nightwalker.

Burr Crowsbreast III is on trial in Montevideo, facing first-degree murder charges in Brien's death.

appears to have been inflicted after the victim had died, she said.

Many of the wounds the pathologist observed on the body were what she termed "defensive" in nature. They suggested that Brien attempted to use her arms and legs to block the weapon wielded against her.

The blows fractured bones in her legs, arms and ribs and skull.

Roe's examination indicates that someone both cleaned and dressed the victim after her death. The clothing found on Brien's frozen body on Jan. 19, or four days after she is believed to have been killed, contained only a small amount of blood. They could not have been worn by Brien when she was beaten, according to the pathologist.

There were other reasons to suspect Brien had been dressed by someone after her death. Her undergarments had not been properly placed on her body. The underpants were inside out and turned down, and the bra was only part way up the chest area.

Also, the pathologist said there was not as much blood on the body itself as would be expected from the abrasions and lacerations caused by the blows. "She had been cleaned, or at least partially cleaned," said Roe.

Jurors also learned Friday of actions by Crowsbreast's mother, Juanita Louis, and her daughter, Rachel Rosburg, to clean up the trailer where the murder had allegedly occurred.

Louis told the jurors that she began cleaning the trailer on Jan. 16 to prepare it to host relatives expected for her nephew's funeral. She knew that LaTisha Brien was missing,

The mother remains troubled by the belief that her daughter could have survived the broken bones and severe blows she received on Jan. 15, if only her assailant had stopped before striking her head. One of the six different blows Brien suffered on her head fractured her skull, and in itself would have been fatal, according to a pathologist's report.

But Nightwalker is troubled even more by the sense that many people could have prevented what happened on Jan. 15, but didn't.

"This community needs to look at domestic violence for what it is," said Nightwalker. Herself a victim of domestic violence, Nightwalker is upset by what she believes are defense efforts to portray her daughter as a victim of her own alcohol abuse. They are putting the blame on the victim, and not where it belongs, she charged.

"I don't care what she did. She didn't deserve to be killed like that," said Nightwalker.

She fears that there is also a general reluctance to take domestic violence as seriously as it should be taken. Last November, Nightwalker had appeared in tribal court in a guardianship case concerning her daughter's and Burr Crowsbreast's 2-year-old son.

During the proceeding, Nightwalker said she pointed out her concerns about domestic violence allegedly occurring between Crowsbreast and her daughter. She asked that help be provided for the violence, but instead, "people looked away and didn't do anything," she said.

For those same reasons, it upsets her that Burr Crowsbreast was not in custody when the alleged murder was committed. There were two outstanding warrants for his arrest on other offenses at the time, she explained.

Her anguish over the loss of her daughter is deepened also by what did not happen after her death. Nightwalker said she cannot understand why the defendant's mother and sister, Juanita Louis and

Louis told jurors, but she did not attach any significance to that fact.

Her nephew, Reggie LaBatte, had been found bludgeoned to death on the night of Jan. 15. Burr Crowsbreast was arrested that night on suspicion of that murder, but jurors have not been informed of either fact.

Louis said she went into the trailer twice on Saturday, Jan. 16, but did not notice anything until Sunday, Jan. 17. That's when she first saw the blood on a mattress in the trailer's back bedroom, where the murder allegedly occurred.

Louis said she thought the small amount of blood she saw was the result of menstrual loss. She saw a much larger volume of blood when she turned the mattress over. "Did she have a miscarriage, or what happened?" Louis said she wondered.

Louis testified that she then spotted other blood on a box spring below the mattress, and blood on a carpet liner on the floor between the bed and door.

She used bleach and other cleaners on the blood.

Crowsbreast's mother and daughter also discovered blood on a bra, women's underpants and paper towels they found in the garbage.

On Monday, Jan. 18, mother and daughter again returned to clean the trailer, and said they found another sign of blood. They spotted a hole in the corner of the ceiling above the defendant and victim's bed. Near the hole, they saw a red substance that appeared to have been splattered there, as if someone had flicked a paint brush, according to Rosburg.

"I washed it off," said Louis. "I didn't want our company sleeping there looking up at it on the ceiling."

Accompanied by an attorney, Louis turned over the bloody bra and underpants to the Yellow Medicine Sheriff's Department on Jan. 22. During Friday's testimony, Louis said the bloody bra and underpants she turned over did not appear to be those that had been previously entered into evidence in the trial.

Rachel Rosburg, did not call 911 when they first observed blood in the defendant's trailer.

At that time, her daughter had already been reported missing, and Crowsbreast was being held in jail on suspicion for the murder of his cousin Reggie LaBatte, she noted.

Nightwalker said she will continue to ask why legal action isn't being pursued as a result.

In court testimony Friday, both Louis and Rosburg said they had cleaned the trailer so that it could be used by relatives expected for Reggie LaBatte's funeral.

Louis said she discovered blood in a mattress on Sunday, Jan. 17, two days after the murder allegedly occurred. On a third visit on Monday, Jan. 18, Louis also observed and cleaned blood from a corner of the ceiling and the floor between the bed and doorway.

Crowsbreast's mother and daughter also found blood on a bra and panties and paper towels placed in a garbage can. Accompanied by an attorney, Louis turned the clothing items over to the Yellow Medicine County Sheriff's Department on Jan. 22, according to testimony by the sheriff, Rich Rollins.

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At the start of the trial, Yellow Medicine County sheriff's deputies testified they had been surprised by how neat the back bedroom had appeared when they first entered it on Jan. 19. An adjacent bedroom was not that neat, they explained.

Friday's trial also featured testimony by a woman who said she witnessed Burr Crowsbreast assault LaTisha Brien in February 1998. Sonya Nicholzen was babysitting at Reggie LaBatte's residence in Granite Falls when, she said, Crowsbreast and Brien arrived arguing and intoxicated.

The argument turned into a fight outside. "When he was stomping on her face, he was swearing at her. He said he was going to kill her," testified Nicholzen, who is the sister of Reggie LaBatte's former girlfriend.

Prosecutors expect to call more witnesses on Monday. District Judge Bruce Christopherson told jurors they might begin deliberations on Tuesday or Wednesday.