

St. Paul Pioneer Press

St. Paul Pioneer Press (MN)

April 18, 2007

JUDGE RULES ACCOUNTS OF CHILD ABUSE ARE INVALID ALLEGED VICTIM DIED IN SCALDING BEFORE TESTIFYING ABOUT RAPE, SEX GAMES

Author: DAVE ORRICK, Pioneer Press

Edition: St. Paul

Section: Local

Page: B7

Dateline: BLAINE

Jordan Gonsioroski told plenty of people plenty of stories about what Randy Johnson, her mother's fiance, did to her in their Isanti County home when she was 8.

She told a teacher, a baby sitter, a therapist, her father, even a police detective on videotape. The stories ranged from a disturbing game of "hide the remote control" to a detailed allegation of being raped.

Now that Jordan is dead - scalded to death in the Blaine home where she lived last summer - and unable to testify, none of those stories is likely to see the light of day in court, an Isanti County judge ruled this week.

The ruling leaves the criminal sexual assault case against Johnson in shambles, prosecutors say.

"We have no evidence. He literally gutted the case," said Thad Tudor, an Isanti County assistant attorney, of the ruling by Judge P. Hunter Anderson.

Trying to prosecute alleged predators when a child is unavailable to testify is a problem that dogs prosecutors. Last week, the Minnesota Supreme Court heard arguments in an appeal in which child advocates hoped to have more flexibility for prosecutors.

Anderson's ruling Monday is the latest chapter in the life and death of Jordan, an energetic girl described as fun-loving and quick to smile.

In 2004, Isanti County child-welfare officials removed her from the Braham home of her mother, Amanda Resch (now Johnson), and Randy Johnson. Social workers found the apartment strewn with garbage and cited "detrimental living conditions," according to county records.

Jordan already had offered adults troubling accounts of her relationship with Randy Johnson, authorities have said. Her mother told a social worker he "played games with

her daughter including putting the TV remote in his pants and playing dress-up with her while they both changed clothes," court records state. A teacher at Braham Elementary said Jordan told her he hid the remote in his boxers.

Jordan went to live with her father, Jason Gonsioroski, and his live-in girlfriend, Julie Meier, in their Blaine mobile home while authorities investigated Johnson. In September 2005, they charged Johnson with first-degree criminal sexual conduct, punishable by up to 30 years in prison.

Last July, as the case against Johnson was inching toward trial, Jordan was scalded to death in a bathtub in the Blaine home. She was 10 years old. Gonsioroski's girlfriend said he was attempting to discipline Jordan. He said Meier was responsible for Jordan's death. Both Meier and Gonsioroski have pleaded guilty to second-degree murder and are awaiting sentencing.

The Achilles' heel of the case against Johnson was Jordan's death and her father's involvement. The Sixth Amendment guarantees everyone accused of a crime the right to be confronted by his accuser.

"Without that, the jury isn't going to have a chance to see whether she's credible," Robert Shane, Johnson's defense attorney, said Tuesday. "You've got to give the benefit of the doubt to a defendant."

Still, she's preserved on videotape, using an anatomically correct doll to demonstrate to veteran Anoka County Detective Jeff Rokeh how, she said in April 2004, Johnson lay next to her on her mother's bed, pulled down his shorts, asked her if she wanted to know how babies were made and raped her, prosecutors have said. However, because Rokeh is a cop and not a doctor or nurse or someone not angling for a trial, the tape is inadmissible without Jordan there for cross-examination.

However, under Minnesota law and prior court rulings, the tape still could have found its way into court if it backed up testimony from someone "trustworthy" to whom Jordan described the incident. Of all the people Jordan talked to, there was only one person other than Rokeh to whom she confided such a detailed account: her father.

Gonsioroski, though, was convicted of killing her two years later.

In his guilty plea last month, Gonsioroski admitted to lying to police about what happened July 14, the evening Jordan suffered lethal burns over 73 percent of her body. And in her plea, Meier said Gonsioroski coached a dying Jordan to lie to authorities about the scalding.

Anderson ruled Gonsioroski isn't trustworthy enough to testify.

No Gonsioroski, no videotape.

While the other adults - the teacher, the babysitter, the social worker, the therapist - could establish a pattern of troubling behavior Jordan was gradually revealing, Anderson ruled they can't testify, either.

Such standards trouble Gail Chang Bohr, executive director of the Children's Law Center in St. Paul.

"I believe in the Constitution, and I'm not into putting away people who aren't guilty, but will these kids ever have justice?" she said. "In a situation where the victim is dead, does that make it any less of a crime?"

Dave Orrick can be reached at dorrick@pioneerpress.com or 651-228-2171.

Copyright 2007 Saint Paul Pioneer Press

Record Number: 0704180062