

Elder Abuse Cases Prompt Review



Gilbert

By **PETE DeLEA**
Daily News-Record

HARRISONBURG — About three years ago, Broadway resident Bobbie Jenkins learned that a family member had drained her 75-year-old mother's bank account.

Rockingham County

prosecutors charged the family member with several felonies, but Jenkins said they were later dropped because her mother wasn't able to testify due to her dementia. But there were audio recordings of her mother

See **ABUSE**, Page **A5**

Advocates: Abuse Frequent In Valley

Abuse FROM PAGE A1

during interviews with police that Jenkins believes would have been beneficial if allowed to be presented in court as evidence.

"[The family member] took every dime she had, approximately \$60,000," Jenkins said. "She was left with her Social Security check and the clothes on her back. I was very disappointed in the state of Virginia. My mom didn't get any respect."

Her mother, Alease Shull, died in January.

Jenkins wants the law changed, and she just might get her wish. During the last year, the Virginia Crime Commission has been exploring ways to stiffen elder abuse laws.

Rockingham Assistant Commonwealth's Attorney Clark Ritchie said he supports a review of the law.

"It's very frustrating to see a case where an elderly member of our community was being taken advantage of and not be able to address it appropriately," Ritchie said. "The existing laws should be looked at to see if they adequately address the problems."

Recommendations Coming

The commission plans to vote Wednesday on its recommendations for changes to the law. They

will then go to the Virginia General Assembly for consideration when it convenes Jan. 9.

"The laws we have on the books now are pretty good, but prosecutors have come to us and said we want more specific tools," said Del. Todd Gilbert, R-Woodstock, a member of the commission. "Anything we can do to protect the elderly from being taken advantage of ... we're all in favor."

Prosecutors and advocates for the elderly say abuse is frequent in the Shenandoah Valley but usually goes unreported. Some cases, though, do make it inside a courtroom.

In March, a married Harrisonburg couple pleaded guilty to stealing more than \$100,000 from the wife's nursing home-bound mother

Linda Justice, 58, entered guilty pleas to five felony counts of embezzlement. As part of a plea deal, Judge T.J. Wilson sentenced her to 25 years in prison with all but three years suspended.

Her husband, Frank Justice, 58, pleaded guilty to two felony counts of embezzlement. Wilson sentenced him to a 20-year suspended prison term as part of a plea deal.

Both are responsible for paying a total of

\$110,000 in restitution.

'I Haven't Given Up'

Anne See, an elderly services paralegal with Blue Ridge Legal Services, sees countless cases of elder abuse each year. In one such recent case, an elderly Valley woman answered her door to find a salesman selling frozen meat and freezers.

The salesman, See said, talked the woman into buying two freezers for \$3,000 apiece.

"They were both used, one was a Montgomery Ward ... and they haven't been around for a while," she said.

For the next couple of months, the salesman would come back. During one month, he sold the elderly woman about \$3,000 in meat. He did the same the next two months, See said.

The woman was declared incompetent a few months later but the damage was already done. Prosecutors felt they could not bring the salesman to trial under state law. The case, See was told, was a civil matter.

"Clearly you don't spend \$6,000 on freezers or \$10,000 worth of meat in five months," she said. "They may be doing it to other people. I'm very frustrated, but I haven't given up."

Contact Pete DeLea at 574-6278
or pdelea@dnronline.com