

CATHERINE CARLSON'S DAY IN COURT

Advocates suggest a hospital is more appropriate than prison

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Catherine Carlson knows that when she steps into the Payette County courtroom on Tuesday, April 12, she faces the possibility of spending the rest of her days in prison. She also knows that she is her only defense witness. But she wants her day in court.

Carlson, a 53-year-old transsexual woman, is charged with three felonies: first-degree arson, unlawful possession of a bomb or destructive device, and usage of a hoax destructive device. She is also facing a misdemeanor charge of indecent exposure. All told, she faces up to 35 years behind bars and a \$120,000 fine.

On the morning of July 11, 2010, firefighters responded to a report of a blaze in a Payette trailer park. Tension quickly mounted when authorities discovered alleged pipe bombs rigged to a propane tank on the front porch of one of the trailers. Attached was a note warning that the home was booby-trapped. Law enforcement evacuated the area while bomb technicians defused the device.

Within an hour, firefighters received another call, this time for a car that had been set ablaze near a storage unit north of Payette. Emergency dispatchers received a third call shortly thereafter. Drivers on U.S. Highway 95 near Payette said they had seen a naked woman running down the highway. It was Carlson. Police said she owned the vehicle and the trailer home.

Since her arrest, Carlson has spent several months in various mental-health facilities undergoing court-ordered psychological evaluations and treatment to ready her to stand trial. Deemed fit in December 2010, Carlson was transferred to Payette County jail, where she has been in isolation ever since.

Carlson has had many run-ins with police over the years, stemming from what she claims is a lack of respect for her privacy and female gender. Carlson's mother made her daughter's sexual reassignment public in an unrelated April 2000 civil case. Consequently, Carlson's former male name was added to Idaho databases as an alias.

Since then, during traffic stops or identification checks by police, Carlson claimed her private information was broadcast over police scanners that she said "put a target" on her back in what she calls the small, conservative, religious community of Payette. Carlson's efforts to have her male identity removed from Idaho records have been unsuccessful, leading her to what she considered her "breaking point" last July.

"You want to know why this mobile home went up in flames?" asked Carlson. "It went up in flames because they wouldn't transfer it into my name, and the reason why is because I don't have an ID. And I don't have an ID because they are insisting that they keep that aka [Carlson's previous male identity]."

In a series of jailhouse interviews, Carlson told BW that she declined an offer to plead guilty to a lesser charge in exchange for the arson charge being dropped, which could have dramatically reduced potential prison time.

Carlson said she is not taking the deal because she wants her day in court. Claiming her attorney is not going to call any witnesses in her defense, Carlson said testifying on April 12 will be her only way to defend herself and get her side of the story into the public record.

Carlson's attorney, public defender Phillip Heersink, has declined to comment

on the case.

Facing the possibility of becoming the first known post-operative transsexual incarcerated in Idaho, Carlson has concerns the state will follow Payette County's lead and place her in solitary inside a men's facility. A number of pre-operative transgender women are currently incarcerated in solitary confinement in Idaho men's prisons. Prison officials say the prisoners are in men's lockups for their own protection.

But according to the man who oversees such matters, if Carlson is convicted, there is reason to believe that she would be sent to the Women's Correctional Center.

"Genitalia is the deciding factor," said Dr. Richard Craig, Idaho Department of Correction medical director. "[Either] the offender's primary physical sexual characteristics or a female following an operation would result in the individual being sent to a female facility."

According to IDOC policy regarding inmates with Gender Identity Disorder: "Unless there are overriding security and/or safety concerns for the offender, an offender requesting GID evaluation, or diagnosed with GID, will be placed in a correctional facility consistent with the offender's primary physical sexual characteristics."

Idaho human rights advocate Emilie Jackson-Edney said that GID is the only psychiatric disorder that can be cured with surgery. Although not currently indicated in the American Psychiatric Association's current *Diagnostic and Statistical Manual of Medical Disorders*, a new clause is expected to be included in the latest edition to be published this year or next.

Given Carlson's history of mental illness, advocates suggest a hospital is more appropriate than prison, but that is up to Third District Judge Susan Wiebe, who will gavel the trial into session on Tuesday. **BW**

Catherine Carlson has been incarcerated since July 11, 2010.



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