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Defense concedes Crowsbreast role in killing

*By Tom Cherveney
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MONTEVIDEO 7/22/99 - On the night she was killed, LaTisha Joy Brien sought refuge at her uncle's house, telling him that she and Burr Crowsbreast III had been fighting.

She was provided a place to sleep, but in the early morning hours of Jan. 15, the 21 year-old Brien left.

Shortly after, Burr Crowsbreast, 23, beat Brien - his girlfriend and the mother of his 2-year-old son - to death with a baseball bat in their bedroom, Attorney Deborah Peterson of the state's Attorney General's office told a Yellow Medicine County jury on Wednesday.

"She was trapped in a cycle of violence, a cycle she could not get herself out of and it cost her her life at the hands of the man she loved," said Peterson during her opening arguments in the trial.

Crowsbreast is accused of two counts of first-degree premeditated and domestic abuse murder, along with charges of second-degree murder and assault.

The defendant's responsibility for Brien's death will not be disputed during the trial.

There's still much about killing that victim's mother doesn't understand

MONTEVIDEO — There are things that LaTisha Brien's mother doesn't understand about her daughter's death.

There are other things she wishes she didn't understand.

Alvina Nightwalker said she understands how time must have stood still for her daughter as she suffered a violent death on Jan. 15. Autopsy reports indicate that the 21-year-old Brien died quickly as the result of the blows she suffered, probably within five minutes.

"Five minutes can be like forever when you are getting beaten like that," Nightwalker said outside the Chippewa County courthouse in Montevideo on Wednesday.

Nightwalker said she, too

"You are going to find that LaTisha Brien is dead and she is dead at the hands of Burr Crowsbreast," said defense lawyer Kent Marshall in his opening argument. "But that doesn't prove first-degree murder.ÆÆ

He urged the jurors to not let their emotions overcome the facts of the case, while telling them it would be hard to do so.

"There is a stack of pictures there that is going to horrify the depths of your soul, and that is what they are intended to do," Marshall said of the crime scene photos the prosecution would later show the jurors.

The prosecution will be relying on material evidence collected at the crime scene, testimony by those who knew Crowsbreast and Brien, and by the defendant's own words to make its case, according to Peterson. She informed jurors that Crowsbreast told a Chippewa County deputy on April 7 that he had killed Brien with a baseball bat.

The victim's mother told jurors that it was not the first time that Brien suffered violence at the hands of Crowsbreast.

Alvina Nightwalker, of Lame Deer, Mont., testified that her daughter had returned home to Montana in March 1998 with a bandaged and infected hand.

At first, her daughter told her that the wound was the result of a sledding accident, according to Nightwalker. After she convinced her daughter to have the hand treated at a Montana clinic, Brien told her that the hand had been stabbed by Crowsbreast. She said he had refused to let her have it treated, the witness testified.

has experienced violence in her life.

Nightwalker and family members arrived in Montevideo shortly after 7 a.m. Wednesday. It required a 16-hour drive from their home in Lame Deer, Mont. They had to make their way through a thick fog during part of the night, and they got lost at one point. They drove on, determined to allow Nightwalker to testify at the start of the trial for the man accused of killing her daughter, they explained.

The family members said they want to see Burr Crowsbreast III convicted on both counts of first-degree murder, and sentenced to serve life on both. If convicted on all counts and sentenced to the maximum possible, the family said they were told he would not be eligible for parole until age 85.

Even with that prospect, the mother and family members said they "regret" that Minnesota does not have the death penalty.

Nightwalker said she doesn't understand why Crowsbreast allegedly abused her daughter, or why it had to continue. "He should have left her come home," she said. "He didn't have to treat her so badly."

It also worries her, and other family members, that there are no people of color on the jury that will ultimately decide the fate of the man accused of killing LaTisha Brien.

"It was so infected she nearly lost her hand, use of her hand," said Nightwalker.

Nine months later, Brien was again seeking medical help for wounds allegedly suffered at the hands of her boyfriend, according to testimony. Yellow Medicine County Sheriff Rich Rollins testified that he was called to the medical center in Granite Falls on Dec. 31, 1998.

But the most difficult part of all this, Nightwalker said, has been the loss of the daughter she last saw in November, 1998. The mother said she could not bear to look at the body of her daughter due to the violent manner of her death. "We couldn't even have an open casket for her," she said.

Staff at the center had reported that Brien required seven stitches on her face and was bruised as the result of an apparent domestic abuse.

Rollins interviewed Brien later that day at his office. "She was not very cooperative," said the sheriff, adding: "She did not want charges pressed on anybody at that time."

Only 18 days later, Brien's uncle, Larry Brien and Phyllis Little Creek walked into the same sheriff's office to file a missing person's report on Brien.

Yellow Medicine County Sheriff's Department officers discovered Brien's body the next day, Jan. 19, buried under a pile of household rubble behind a vacant trailer on the Upper Sioux Reservation.

The prosecution alleges that Brien was beaten to death in the bedroom of Crowsbreast's trailer. A four-wheel drive pickup truck was apparently used to haul the body a short distance on the steep river bluff to the site where it was found.

The bedroom where the murder allegedly occurred had been cleaned with bleach and other household cleaners before law officers searched it on Jan. 19. Nonetheless, there still remained evidence of the victim's blood, according to testimony by Bureau of Criminal Apprehension investigators.

There were splattered specks of blood found on the bedroom wall and in the closet. Also, investigators discovered a large volume of blood in a mattress. All of the blood belonged to the victim, according to Ann Gross, a forensic scientist with the BCA. She said DNA testing was "consistent" in matching the blood to the victim.

The same tests also revealed that blood found on the pickup truck seized from Crowsbreast's mother, Juanita Louis, were those of the victim. Gross also testified that blood found on some the defendant's clothing obtained by law officers was Brien's.