

El Dorado County woman accused of murder – again

By Peter Hecht, Sacramento Bee

On July 27, 1985, a local land surveyor facing divorce called the El Dorado County Sheriff's Office from one of two family homes near Wilderness Way, south of Placerville.

"I think I just shot my husband," Colleen Ann Batten told a dispatcher.

Last Sunday, sheriff's officers arrested the same woman – now Colleen Ann Harris – on suspicion of shooting and killing another husband at a neighboring property.

The arrest of Harris, 70, a rural resident who asked neighbors to pony up money for road-paving and orderly mailboxes, stirred memories of her acquittal 27 years ago in a sensational Placerville murder trial.

Up a meandering mountain road from the wooded house on Wilderness Court, where authorities say she shot and killed Robert Edward Harris, 72, a week ago, longtime neighbor Dan McKelvie is puzzled over the tales of one woman, two husbands and two deaths in the same rustic community.

"She was acquitted last time. So I can't say there were two murders," said McKelvie, who merely knew Colleen Harris as a "very nice person" who had a court case long ago involving a husband who died.

"But I would like to go to the courthouse to see what this is all about. I'm just blown away by the coincidence."

The last time authorities responded, they had gotten a call about the shotgun killing of Harris' then-husband, James Batten, 46. In an emergency call, she told authorities she was

“scared” and that her husband was “lying on the floor” and “won’t get up.”

She also told the dispatcher, “He said he was going to kill me. Oh God!”

A trial that followed pitted the prosecutor’s contention that she had gunned down her husband after a dispute over dividing up property in a divorce case against defense arguments that she acted in self-defense in response to ongoing abuse.

As the trial unfolded in January and February 1986 at the historic courthouse in downtown Placerville, the local *Mountain Democrat* newspaper chronicled the proceedings with screaming headlines: “Colleen Batten – murderess or martyr?” and “Batten killing – justifiable homicide or murder?”

In court, defense attorney David Weiner called a psychiatrist to testify that Colleen Batten – despite her 911 call – suffered from traumatic amnesia and had no recollection of the killing.

On the witness stand, Batten testified to remembering that, before the shooting, her then-husband held a gun to her head, threatened to kill her and forced her to commit a sex act after boasting of having sexually abused a daughter for more than a decade.

Weiner told jury members, “It would be a horrible mistake to find her guilty of murder,” urging the panel: “Acquit her. Let her go home to her family. Hopefully, in time, the scars will heal.”

But the prosecutor, then-chief assistant district attorney Walt Miller, argued that Colleen Batten had waited an hour before calling police after shooting James Batten with a .410-bore shotgun as he was apparently reading a newspaper in bed. Miller alleged that she moved in to finish her husband off with a second round at close range and later planted a pistol

on the bed to make it appear as a self-defense killing.

The jury acquitted Colleen Batten of murder after a judge declined to allow a lesser charge of manslaughter.

Jury foreman Paul Laufman told the *Mountain Democrat*, "We were aware that a man's life had been taken ... but the net result was, we felt there was insufficient proof of intent to commit murder."

Miller, who went on to serve as El Dorado County district attorney from 1989 to 1995, said in an interview last week that he believed Colleen Batten deliberately killed her husband in the earlier case.

"I thought she had committed a homicide. I argued sincerely for a conviction for murder," Miller said. After hearing of the new fatal shooting from the DA's office, he reflected, "I can't say I expected her to do it again."

This time around, authorities found the body of Robert Harris after an emergency call from an attorney for Colleen Harris directed them to her home in the 3200 block of Wilderness Court in the Hanks Exchange area near Placerville.

Authorities said Robert Harris was Colleen Harris' husband and a volunteer since 2007 for the El Dorado County Sheriff's Team of Active Retirees program, in which seniors help out with record-keeping and community watch programs. Court records say the couple, married in 1990, divorced in 2004.

Last week, Harris, wearing an orange jail smock, appeared in an El Dorado County courtroom on a charge of homicide with use of a firearm as the judge set arraignment for Jan. 16. A criminal complaint said Colleen Harris fatally shot Robert with a 12-gauge shotgun.

Authorities provided few other details. Defense lawyers haven't offered a theory on what occurred.

“She definitely wants to present a defense at the proper time and in the proper manner,” said attorney Dain Weiner, whose father, David, represented Harris in the last shooting trial and will lead her defense again.

As she faces a murder trial that could put her in prison for 25 years to life, her neighbors are being careful about drawing conclusions.

McKelvie said Colleen and James Batten were land surveyors who had mapped out the neighborhood of about a dozen homes off Pleasant Valley Road near Diamond Springs. McKelvie, who didn't know Robert Harris, said Colleen “is just a very nice person.

“It just amazes me what's going on,” he said of another shooting death in the neighborhood, years after the first. “I feel terrible for her. I don't know what the facts are. I don't want to rush to judgment.”