



FAQs - The State of Oklahoma v. April Rose Wilkens

Why is the podcast called “Panic Button”?

In the Spring of 1998, April Wilkens began wearing a panic button around her neck that would trigger her home alarm and alert police from anywhere she happened to be. This was because the abuse from Terry Carlton had gotten so extreme that April did not feel safe even to go about her daily business.

Did April Wilkens kill Terry Carlton on April 28th, 1998?

In the early morning hours of April 28th, 1998, April Wilkens shot Terry Carlton eight times. He had raped her earlier in the evening, and was threatening to kill her. April was able to get ahold of a gun as Terry lunged at her. She fired in defense of her life and she stated at trial she “had no choice.”

Why did she shoot so many times?

April was a pacifist and completely against violence of any kind. She even refused to spank her child. Her father gave her some rudimentary firearm instruction and told her, “If you’re shooting to defend yourself, you empty the clip.”

That fateful night of Terry’s death, April went into survival mode and remembered what her father had told her. She shot until the gun would not fire anymore.

What makes a killing justifiable—or in other words—how do you define self defense?

Self defense—or justifiable homicide—is acting with deadly force when there is an unprovoked attack upon you that threatens imminent injury or death. The person defending their life must use an objectively reasonable degree of force, and their fear of injury or death must also be objectively reasonable.

What is Battered Women’s Syndrome?



Battered Women's (now: Person's) Syndrome (BWS) is a psychological determination that is often admitted at trial through expert testimony. BWS is admissible to help the jury understand the battered woman, and, why a defendant acted out of a reasonable belief that she was in imminent danger when considering the issue of self-defense.

BWS is not a "get out of jail free" card for women who have experienced abuse. The expert testimony can be offered for the limited purposes of considering the defendant's state of mind during the crime.

BWS has become an accepted legal defense in Oklahoma courts since the case of *State of Oklahoma v. Bechtel* in 1991.

How many women's in Oklahoma prisons are in on circumstances related to their abuse?

We estimate about 500 women who could be directly affected by this issue. However, we are still working to gather names and case details.

If April were convicted in New York, what would her sentence be?

New York recently passed a bill called the Domestic Violence Survivors Justice Act (DVSJA). This bill allows people who have suffered abuse and then committed a crime related to that abuse to apply for sentencing relief. A woman, Nikki Adimando, who killed her husband after years of covert abuse, was recently resentenced from 19 years-LIFE to 7 years. April could receive the same consideration if a bill like the DVSJA were passed here.

Did April testify in her own defense?

April testified in her own defense from the stand for three days. She waived her 5th Amendment right against self incrimination and subjected herself to rigorous cross examination in order to tell the jury what happened. This is incredibly rare for a defendant to do in a murder case.

How has our understanding of domestic and intimate partner violence changed since April's conviction?



Here are just some of the ways the Department of Justice has adjusted their advice to law enforcement and prosecutors dealing with Domestic Violence/Intimate Partner Violence since April's case:

1. All law enforcement agencies should have a domestic violence policy that specifies, at a minimum, that written reports be completed on all domestic violence calls and, if no arrest is made, the reports fully explain the circumstances why not.
2. Prosecutors and judges must commit sufficient resources and attention to ensure that domestic violence cases are handled efficiently and effectively.
3. It is important for law enforcement officers to correctly identify stalking behavior in order to accurately analyze victim risk and to use stalking laws appropriately. Even if the stalker is not charged, stalking constitutes a red flag for potential lethality.
4. Prosecutors should be aware that sexual abuse is often part of domestic violence, although victims may not report it or be prepared to cooperate in its prosecution. Even if prosecutors cannot file or prosecute, evidence of sexual assaults should be taken into account when prosecutors and judges consider abuser risk and victim vulnerability in terms of filing other charges and making appropriate sentencing recommendations, bail decisions, issuing protective orders, and sentencing abusers after pleas or convictions.

What went wrong at April's trial?

There are several legal errors that happened at April's trial:

- 1) April's Battered Women's Syndrome expert, Dr. John Call, testified that in his opinion her actions were not reasonable. April's attorney had not read or briefed his own expert's report.
- 2) April's defense attorney did not contact key witnesses involved in the trial like then Magistrate Judge Claire Egan, or Mike Cooke, managing partner at Hall Estill, who both had intimate knowledge of Mr. Carlton's abuse.
- 3) April's attorney did minimal investigation or pre-trial prep of his client or of his witnesses.
- 4) April's attorney did not offer an instruction on manslaughter, which would've allowed the jury to consider a lesser sentence.
- 5) There were also issues of miranda violations and a coerced confession by the Tulsa Police.



Does April suffer from mental health diagnoses?

During the period leading up to the murder, April was committed to Parkside mental hospital and Eastern State Hospital in Vinita, OK. There she was diagnosed with bipolar personality disorder with psychotic tendencies. She was prescribed and dosed with psychotropic drugs.

Previous to the abuse, April had never been diagnosed with a mental illness. She was briefly treated for anorexia nervosa as a teenager. Since being at Mabel Bassett Correctional Center, April has ceased taking any psychiatric medications, and she is not on the record for being treated for any mental illnesses in prison.

April's therapist while in the Tulsa County Jail, Linda Driskell, believed that April was misdiagnosed at Parkside—that she truly was suffering from Post Traumatic Stress Disorder from the repeated physical, emotional, and psychological abuse committed on her by Terry Carlton.

Did Don Carlton (Terry's dad) give a corporate Honda executive a briefcase full of \$250,000 cash to after receiving one of his dealerships?

Yes. In 1983, Don Carlton thanked Honda Executive James Cardiges with \$250,000 cash. Cardiges later went on to be prosecuted by the Federal Government and was sentenced to Federal Prison. Quote from the [LA Times coverage](#): "According to the FBI, the men met at a Laguna Niguel hotel bar and Carlton handed a briefcase containing \$250,000 to Cardiges, who stashed the cash in the attic of his \$770,000 Laguna Hills home."

Did Don Carlton (Terry's dad) donate to Tim Harris's campaign before or during the trial?

Yes. Don donated to D.A. Harris's campaign numerous times and threw fundraising events for him after the trial. Some of his donations are referenced in [this Ziva Branstetter](#) piece for the Tulsa World in 2006.

Why didn't April just leave Terry?

One of the most important reasons women don't leave is because it can be incredibly dangerous. The fear that women feel is very real – there is a huge rise in the likelihood of violence after separation. Every time April tried to leave Terry, his violence escalated. In



February 1998, after leaving him yet again, he arrived at her house with a loaded and chambered Glock 9mm pistol.

Domestic abuse often relies on isolating the victim: the perpetrator works to weaken her connections with family and friends, making it extremely difficult to seek support. Perpetrators will often try and reduce a woman's contact with the outside world to prevent her from recognising that his behaviour is abusive and wrong. Isolation leads women to become extremely dependent on their controlling partner. Terry had begun calling and contacting all of April's friends, telling them that any communication to her needed to go through him. At the same time, Terry was calling the hospital where April was being held and telling her that no one else but him cared to check on her.

What is intimate partner violence?

Intimate partner violence (IPV) is abuse or aggression that occurs in a romantic relationship. "Intimate partner" refers to both current and former spouses and dating partners. IPV can vary in how often it happens and how severe it is. It can range from one episode of violence that could have lasting impact to chronic and severe episodes over multiple years.

What is mutual combat?

Simply put, mutual combat occurs when two adults willingly fight. In legal terms, mutual combat is defined as "a fight or struggle which both parties enter willingly or where two persons, upon a sudden quarrel and in hot blood, mutually fight upon equal terms and where death results from the combat."

Many times in domestic violence legal cases, the victim—usually the woman—is accused of mutual combat. This defense is used to muddy the waters and suggest that the victim of domestic abuse provoked the abuser to the point of violence or even was hitting or punching the other party as well.

What is separation abuse?

Domestic violence (DV) is more than just physical abuse. During the relationship, domestic violence can be coercive control, physical abuse, verbal abuse, emotional abuse, psychological abuse, sexual abuse, and financial abuse. When the relationship ends, the abuse does not stop, it just transitions to a new form of abuse referred to as post separation abuse.



Post separation abuse continues to escalate and often, far surpasses the DV that victims are subjected to while under the same roof as their abuser. After the relationship ends, the perpetrator sets their sights on exerting control and, to terrorizing their former partner. They will use financial means, legal means, and scare tactics. In April's case, Terry used all of the above, even suing her for the engagement ring that he had given her, which he later admitted to stealing from her so that she could not return it.