

Trans* woman claims self-defense in case

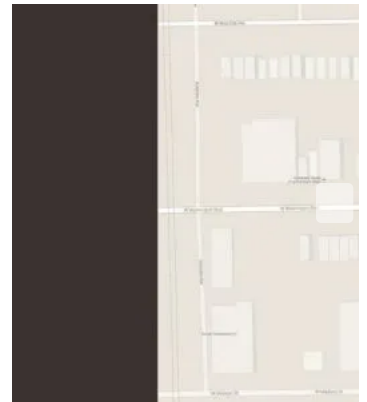


by [Gretchen Rachel Blickensderfer](#)

September 17, 2014



124 N. Kilbourn Ave., where the incident is alleged to have occurred. Photo by Gretchen Rachel Blickensderfer



The alleged harassment of Eisha Love took place at the Citgo station ; being chased by the alleged harassers. At 124 N. Kilbourn, she report foot.

Like any 22-year-old growing up in a country that has historically prided itself on opportunities available to all, Eisha Love had dreams. On a website, she showcased photographs of herself, saying she was looking to get a start in life. “I am a hard worker and a fast learner,” she wrote. “I know I was born to model.”

But as a transgender woman of color living in Austin, a neighborhood on Chicago’s West Side, Love was a part of an entirely different world that hardly anyone outside of those streets seemed to either care about or notice at all.

It is one of hopelessness, with few if any public services available to those who want to escape from a cycle of brutal daily violence in which the lives of transgender and queer youth are considered dispensable, subjected to ferocious attacks and murder from those who control the neighborhood and—in the opinions of many LGBTQ people living there—harassment from a police department who seem more invested in profiling them than solving any of the savage crimes to which they fall victim.

So it was that—on March 28, 2012, at approximately 10:55 a.m.—Love was read her Miranda rights at the District 11 police station on Harrison Street on the city’s West Side. She had reportedly been involved in an incident that started when she was harassed and physically assaulted at a gas station, and allegedly ended when she hit one of the attackers with her car while she was fleeing from them.

The arrest report the Chicago Police Department (CPD) filed says she told the arresting officer, “I was the one that was in the car accident.” The police used her birth name of Darveris and male pronouns in the arrest report that charged Love with aggravated battery, driving on a revoked license and driving without insurance. She was transported to Cook County Jail’s Division 11—a medium security facility—and assigned a defender from Cook County Public Defender A.C. Cunningham Jr.’s office.

A little more than one month later, a grand jury indicted Love on charges of first-degree attempted murder and aggravated battery. She was transferred to the maximum-security, all-male Division 9 and placed in protective custody. She has remained there for almost two-and-a-half years, locked in her cell for 22 hours a day with a male roommate.

Channyn Lynne Parker is a community advocate who has visited transgender detainees at the Cook County Jail for the past 18 months. During one of those visits this past August, Love told Parker her story. It immediately raised questions in Parker's mind that something about Love's situation was terribly wrong. "She confided in me that she was facing 10 years in prison," Parker told Windy City Times. "When Eisha, me and the social worker I was working with began to talk, I was just appalled. It made me question why her case wasn't being brought into the proper context for the court to hear."

Parker posted her thoughts on her Facebook page. On Aug. 23, Addison Vincent, a student at Chapman University in Orange, California, saw the post, got in touch with Parker and started a Change.org petition, "#FreeEisha," that told Love's story. "A young transwoman sits detained in the Cook County Jail, facing 10 years imprisonment for 1st degree attempted murder," Vincent wrote. "Her crime? Self-defense."

As of Sept. 14, that petition had garnered more than 4,000 signatures, along with messages of support from around the world.

In order to talk to Love, Windy City Times had to see her through visitation permitted to friends and family. No electronic or recording devices, pens or notepaper are allowed. Upon approval of an application form, visitors must show their ID at the entrance to the jail. They then walk through a maze of fences and descend underground via a flight of stairs into a dimly lit waiting area with only raised slabs of concrete as seats. Time passes—sometimes well over an hour—before the detainee's name is announced.

Following a second security search involving an X-ray scan and thorough pat-down, visitors are ordered to line up against a wall. A guard leads them through a long, dark corridor to a metal elevator that ascends and opens into a narrow room with a line of Plexiglass windows on the right each containing a small, red grate in the center. Eventually, handcuffed prisoners in yellow jumpsuits enter from the jail and take their seats on the opposite side of the glass.

Against the male prisoners, Love appeared quite diminutive. Her dark hair was brushed back from her head, she had no make-up on and, underneath her eyes, heavy bags seemed to betray many a sleepless night. Her appearance was a far cry from the pictures on her modeling website that were taken before her ordeal began—a radiant, confident young woman with a disarming smile and deep brown eyes that betrayed her dream to one day be just as successful as Carmen Carrera.

Yet, when she recognized her visitor, her lips curved into that same delightful smile—as if for a moment she completely forgot where she was. A compliment brought a pause and a self-conscious blush. She joked about her hair and then added hopefully, "Someone from the beauty school is coming next week. They're going to help fix it."

She spoke quickly as if she believed the visit was going to be terminated at any minute. She alternated between pressing her ear to the grate to listen to her visitor and then turning to speak into it. She talked candidly about life on the violent streets of Austin, the love she has for her family, the appalling conditions of the jail and her dreams that began as a desire to go into the culinary arts and then to become a model—dreams that were cut short by the events of March 28, 2012.

Less than one month after Love's arrest, another transgender woman of color named Paige Clay, 23, was discovered in an alley in West Garfield Park on April 19, 2012. She had been shot through the head.

On Aug. 15, 2012, the body of Donta "Tiffany" Gooden, 19, was found less than a one-half mile away with—according to the report at the time by Windy City Times reporter Kate Sosin—"multiple stab wounds and incised wounds."

In its report detailing the homicides of LGBTQ people in 2012, the National Coalition of Anti-Violence Programs (NCAVP) noted that the year "remained the fourth highest ever recorded. The disproportionate impact of homicides against people of color, transgender women, and gender non-conforming LGBTQ and HIV-affected people continued in 2012."

Chicago's Center on Halsted Anti-Violence Project (COH AVP) findings for the year indicated that "23% of reported victims/survivors of hate violence identified as Transgender, including the only homicides reported to COH AVP in 2012."

The report also stated, "We suspect attention to incidents of hate violence shifted as a large part of the LGBTQ population and organizations in Chicago turned their attention to winning same-sex marriage rights in Illinois during the past year."

Even growing up in Austin, with drug deals and the sounds of gunshots occurring on the street outside her home, Love had no idea of the rate at which transgender women of color were being attacked in that neighborhood.

Born on April 10, 1989, the eldest sister of a large family, her earliest memories revolve around the knowledge that there was something different about her. At first, she thought she was gay—an idea that terrified her. In a Windy City Times interview, Love's mother—who asked only to be identified as "Callie"—recalled that her young daughter liked to walk around in her mother's shoes and put on her dresses. Callie thought it was "cute" but—like many parents of children who express a different gender identity than that assigned at birth—Love's mother initially dismissed it as a phase.

But it wasn't, and Love's pain and confusion often displayed itself in anguished tears or angry outbursts. Love said she was kicked out of school during her sophomore year. She tried taking jobs, but none of them paid the kind of money that would allow Love both to survive and meet the exorbitant transition-related costs required to fulfill her desperate need to match her body with her identity.

However, on March 28, 2012, Love had a different goal in mind—a surprise birthday present for her mother of chocolate-covered strawberries. Sometime between 9 a.m. and 10 a.m., she and a friend drove up in her car—identified in the arrest report as a 1997 Lincoln Continental—and parked adjacent to the Citgo station on the corner of West Madison Street and North Kilbourn Avenue in Austin.

There, they were met by two men—one of whom began attacking her verbally. Love was no stranger to slurs. Callie told Windy City Times that Love had been dealing with them for a long time as a transgender woman on the streets of Austin. But she eventually learned to just keep her head down and ignore them. This time, however, the men wanted Love and her friend out of their neighborhood, and the tirade of anti-transgender insults escalated until one of the men punched Love in the face.

According to the arresting officer, Love “began looking for bottles to use for defense.” At this point, the report maintains that the complainant in the case ran when Love began to look for a bottle and that Love “got in ‘his’ car and followed.”

However, the way Windy City Times understood Love's version of events, she heard one of the men calling friends for some support. Realizing that the danger to both of them had dramatically intensified, Love and her friend ran for her car and drove north on Kilbourn with the two men giving chase, on foot. They were eventually joined by two men in a car. Kilbourn is a narrow, two-lane street. The intersection of Washington and Kilbourn is less than a one-half block from the Citgo. There, the men caught up with Love and her friend. Love recalled two other men in a blue Pontiac driving behind her vehicle. Certain that one of them had a gun, Love drove through the intersection with the men pursuing both on foot and in the car.

Less than a block away at 124 N. Kilbourn Ave.—just before the intersection of West End Avenue—she lost control of the vehicle and it swerved, hitting one of her pursuers. The arrest report states that, at the time, Love was “in fear for ‘his’ [Love's] safety.”

There were indications that the man began to limp away from the scene. The arrest report stated that he suffered “a compound fracture of the lower left leg and a dislocated ankle. He was transferred to Mount Sinai Hospital and treated.”

Meanwhile—certain that the men were going to kill them—Love and her friend exited the car and ran. Love went one block farther north toward Maypole Street and hid between some houses. She called her mother, who told Windy City Times that her daughter sounded “terrified.”

Police received the call of a “hit and run incident at 124 North Kilbourn at 10:22 hours.”

Callie dressed and got into her pick-up truck with her then-fiance. She drove up and down Maypole looking for her daughter. Love eventually emerged and Callie drove them back to the scene of the accident. According to Callie, fewer than 15 minutes had passed since she received the call. Yet there were no ambulances. There was no crime scene tape. There was only one police car and a group of male bystanders who identified Love with the words, “There's the faggot that did it.” Callie said they began to approach the truck threatening Love with calls of “we're going to get you.”

The officer on the scene did not immediately arrest Love after Callie indicated that her daughter was in the truck. Instead, she was instructed to drive her to the District 11 precinct. There, on the advice of her mother, Love turned herself in to authorities. The arrest report said she was given her Miranda rights at 10:55—just more than half an hour after police received the initial call. Callie thought her daughter would be questioned and then released. However, hours later she received a call from Love, who said they were “keeping her.”

So began a two-and-a-half-year-long nightmare for mother and daughter that is far from over.

The April 4, 2012, complaint signed by the man Love allegedly struck asserts that Love “knowingly and intentionally caused great bodily harm and permanent disability while committing a battery of [complainant's name] in that ‘he’ intentionally drove over the sidewalk and struck [complainant's name] causing [complainant's] ankle to have a dislocation, an open fracture and loss of bone.”

The April grand jury subsequently indicted Love with “attempted first degree murder without lawful justification with intent to kill” an act which “constituted a substantial step towards the commission of first degree murder” as well as three counts of aggravated battery. Love was told the reason the charges were upgraded from aggravated assault to attempted murder was because the complainant in the case “had to have his leg amputated.”

Exactly why they were upgraded, or how the grand jury established an “intent to kill” on Love's part based on injuries to the complainant is a part of grand jury transcripts and so known only to the Cook County prosecutor and the investigating detective named in the indictment.

Love since has been told to “think about justice for the boy you hit.”

Windy City Times discovered that the complainant in Love’s case was arrested Aug. 8, 2014, on felony firearm charges and violation of parole. He is currently in Cook County Jail Division 10.

As for the witness in Love’s car, initially Love did not name her, saying instead that she knew her friend had been “tortured and killed” some months afterward—something with which her mother agrees. There is a palpable fear of retaliation on the streets of Austin—that those men who threatened to “get” Love have attempted to make good on their promise, leaving anyone associated with her or the incident in danger. While refusing to be named, former associates of Love said they believe the woman in the car was Gooden, who was found dead Aug. 15.

Lack of support

Lisa Gilmore is the principal and founder of the Illinois Accountability Initiative—a grassroots movement for LGBTQ people and an active member of the NCAVP. “Through the work of NCAVP, we have noted a trend in the past four years of transgender women of color being the most likely victims of anti-LGBTQ homicide,” Gilmore told Windy City Times. “They make up at least 50% of the homicides. They are experiencing the highest levels of violence of a very severe nature with the most horrifying outcomes—many stab wounds or multiple gunshot wounds.”

Gilmore went on to note that a large number of the crimes are underreported, perpetrators are often unidentified and so go unprosecuted. Furthermore, she believes trans women of color have a very valid fear of reporting incidents of hate or intimidation. “They don’t want to draw attention to their lives and be put through the ringer about their identities,” she said. “Some folks are living in areas where there is a lot of violence going on around them on a daily basis so not bringing attention to themselves is a survival mechanism.”

The constant shroud of fear under which trans women of color live does not go unnoticed by those who are attacking them. “Perpetrators taking advantage of people’s fear of how others are going to react is very common across the LGBTQ community,” Gilmore said.

The City of Chicago’s Public Defenders Office refused to comment on the matter. According to information received from the Cook County Clerk’s office, Love’s case was continued Aug. 19, 2014 and her next appearance in court is Oct. 2. The Cook County State’s Attorney’s Office offered no reason why the initial charges against Love were upgraded from aggravated battery to attempted first-degree murder with intent to kill. They would only say that they intend to move forward with the case.

Meanwhile, as of publication, the CPD has not commented on the investigation of the incident, the threats that were issued to Love from the bystanders, or a possible connection between the events of March 28, 2012 and the death of Gooden less than five months later.

There are former community advocates in Austin who allege that a thorough examination of the circumstances of both Love’s case and further attacks against transgender women of color which occurred that year has been mysteriously lacking on the part of the CPD. At least to Parker, the answer as to why is obvious.

“Eisha is [a] transgender woman of color born on a side of town that nobody particularly cares about,” she said. “I believe that if Eisha had been born in another zip code, if she was not a person of color, her case would be a lot more promising. But, because she is a transgender woman, nobody is giving her the same privileges that that would be given to anybody else fighting for justice. She is part of an expendable group of people who are just trying to survive, so nobody is putting her case into a proper context—she was just trying to escape with her life.”

“When transgender women get involved in the criminal legal system, most often their gender identities are not respected,” Gilmore said. “Their identities are used as ways to discredit them—to try and tear them apart and make them not-credible.”

In early June 2012, a Minneapolis transgender woman, CeCe McDonald discovered this when she received a sentence of 41 months for second-degree manslaughter following a 2011 incident during which she attempted to defend herself against an attack in front of a bar. She was eventually released after serving almost half of that sentence.

Love is now 25 years old and is beginning to get a clear idea of the odds stacked against her. Although she tries hard to maintain a tough will to fight for her freedom, she is petrified that her life is over unless someone comes forward to advocate on her behalf.

Meanwhile, she is simply trying to survive day-to-day. She alleges that guards in Division 9 are often verbally abusive. She is receiving some hormone treatment but not enough. Sitting in her cell, it is all she can do to keep her spirits up. So she reads and re-reads the letters she has received through the change.org petition trying to live in the messages of hope they contain and thinking about what she will do if she is released—how she will work hard in order to complete her physical transition and then go on to live her dream as a model.

But then there are moments when a deep sadness overtakes her—when she thinks of her siblings growing up without their older sister and her mother who is finding it increasingly harder to keep faith in her daughter’s release. The self-loathing of Love’s transgender identity takes over in words that may seem shocking to the advocacy groups who have recently come forward to loudly declare unity in the battle for transgender rights, but are born out of the neighborhood of Austin and the lives that so many transgender women of color live and lose there. “If I wasn’t a tranny,” Love said. “None of this would have happened to me.”

Eisha Love’s mother talked with Windy City Times about her daughter.

NEXT WEEK: Windy City Times journeys to Love’s neighborhood of Austin for an in-depth look at the lives of trans women of color who are on the streets, and the social workers who are trying to protect them. The story examines a disturbing and continuing trend of violence and intimidation, and a possible link between the incident involving Love and the subsequent murders of trans women Paige Clay and Tiffany Gooden—one that has led many to question what is being done by law enforcement and city leaders.

See related stories:

windycitytimes.com/lgbt/Mother-of-Eisha-Love-Heartbreak-and-courage/49009.html.

windycitytimes.com/lgbt/A-tale-of-two-murders-Connected-or-not/49089.html.

windycitytimes.com/lgbt/One-night-in-the-area-of-Austin/49141.html.