

RIGHTS OF THE ACCUSED
ALLEN'S DILEMMA

Procedure cont.

- 3.** Conduct a mock trial on the criminal assault. Assign individuals to role play the people who were involved in Allen's life. Also select individuals who will role play the people who attended the party. Several students can be assigned to play the roles of prosecuting and defense attorneys.
- 4. Alternative activity:** Divide the class into three groups. One group will role play county attorneys, one group will role play the defense, and one group will role play the judges. Provide the county attorneys and the defense lawyers with time to prepare their arguments. Then have them argue their case to the judges. Using the evidence presented by the two sides, the judges will make a decision about Allen's charge of criminal assault.
- 5.** Conclude by exploring the case further using the critical thinking and open-ended questions included in the **Student Handout: DISCUSSION QUESTIONS**

Student Handout: CASE STUDY

From his earliest memory, Allen's mother was a source of frustration and embarrassment to him. She had severe mental problems that caused her to do bizarre things whenever there were people around, especially strangers. Because of her condition, Allen had been placed in several foster homes by age six.

Born and raised in a small rural town, Allen never met his father or even knew if he was still alive. He was the only child although his mother was from a large family. His mother had been institutionalized many times due to her mental condition, and she also had problems with alcohol. Her personal problems prevented her from holding a steady job.

As so often happens in a small town, there wasn't much for young people to do after school, weekends and especially during school vacations. While other kids his age were involved in after school activities, organized events or family get-togethers, Allen watched hours of television or roamed the streets.

Allen was very intelligent but never liked school from day one. He started to fall behind because he was absent so often and when he was in school, he was often in trouble. Good students didn't want to be around him because they were afraid he would get them in trouble. The kids he started to hang around with had the same bad habits as Allen such as skipping school, tardiness, verbal battles with the teachers, being sent to the principal's office, and so on.

When Allen was five years old he would go shopping with his mother and ask for candy, pop, and especially small race cars. Allen loved race cars. His mother would tell Allen they couldn't afford to buy these things so he should take them off the shelf and when no one was looking she would hide them in her purse. This became a regular occurrence whenever they went shopping.

When he was eight years old, Allen and his friends would walk around after school checking vending machines, phone booths and newspaper machines for forgotten change. Now there is nothing wrong with checking machines, except they became interested in ones that were just inside shops and businesses. So they were inside the stores, and while one of them was detaining the store owner, another was shoplifting candy, pop and of course, small race cars. Although the shopkeepers were suspicious of Allen and his friends, they never had enough evidence to call the police. An interesting side light was that Allen and his friends did their shoplifting after school hours so the shop owners wouldn't become suspicious of them skipping school.

When Allen was eleven years old, he had his first contact with the local police. There were reports that streetlights were being knocked out by rocks. Also street signs had been bent, and mailboxes had been damaged.

One Saturday night well after midnight a man was walking his dog when he spotted Allen breaking a street light. Because it was on his block and he was close to home, the man went into his house and called the police. Within minutes, the police were on the scene and were questioning Allen about the incident. When Allen realized there was a witness, he confessed to the broken lamp. The police filed a Juvenile Contract report and took Allen

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home to explain the seriousness of the situation. The mother promised to talk to Allen and make sure he was off the streets by 10:00 P.M.

Shortly after this incident, Allen's mother was hospitalized for her emotional condition and Allen was placed in another foster home. Within a month Allen's mother was home again, and Allen returned home.

Soon Allen was feeling neglected, and because his mother was often away at night, Allen was again on the streets and in trouble.

Allen was twelve when he was caught vandalizing a car by flattening the tire and breaking off the aerial and windshield wiper. This time the police reported the crime to the district attorney. The district attorney chose to use an informal proceeding called diversion. Through diversion an agreement is made with the parents and probation officer where restitution or payback is made for the crime committed. In Allen's case it was agreed that Allen would work ten hours of community service. Allen was assigned to do some yard work at the high school under the supervision of the janitor.

Later that year, Allen was questioned about some damage done on Halloween night. A teacher's house was spray painted with obscene words, a window was cracked and some pickets on a fence were broken. Allen had been overheard threatening the teacher for putting pressure on him to get his school work finished. Allen and his friends were seen around the house shortly before the destruction. However, since no one actually saw them do it, they were questioned and released. When questioned Allen was very sarcastic because he was always being suspected of anything that happened around town. The police reminded him that when anything happened around town Allen "was" usually involved.

When Allen was fourteen, he hot-wired a car and stole it. While he was driving around, he lost control, and the car went into the ditch. Allen had some minor injuries, but the car was destroyed. Due to the seriousness of the crime, the county attorney petitioned Allen to appear in court with his mother. On the morning of the trial, Allen showed up in court but his mother never appeared. Because of the inability of the mother to supervise him, Allen was kept in a juvenile detention center until a foster home could be found. The court stated that he should be in the foster home during the week with visitation rights to his mother every weekend. During the weekends Allen roamed the streets until the wee hours of the morning. Although he didn't get in any trouble with the law, this made it more difficult to work with Allen during the week. About a month later, Allen got into an argument with his foster parents over his unauthorized use of a car and he ran away.

For the first time, Allen was on the run. He spent some time with relatives, but the ones he chose had emotional or alcohol problems like his mother. Staying in the homes of friends didn't help either because some of their homes weren't much more stable than his own. Finally, after bouncing around from place to place, Allen moved home with his mother.

Allen turned fifteen and began to realize that the stress of living from house to house was getting to him. He also realized that when he would drink alcohol, life's pressures didn't

Student Handout: CASE STUDY cont.

bother him nearly as much. What he didn't understand was that when he drank he no longer was in control. This caused him to do strange things. There was plenty of opportunity for Allen to get alcohol because it was always around the house or his friends had some.

One summer evening after Allen had been drinking he began walking the streets until he was reasonably sure that all the stores were closed. At about 11:30 p.m., he broke the window of the fast-food store taking about forty dollars in cash and doing about four hundred dollars worth of vandalism. Once again, he found himself in court convicted of theft and vandalism. This time his mother showed up in court with a new boyfriend and claimed that Allen now had a stable home to live in. The court awarded custody to the mother and ordered Allen to pay for the damages to the store.

Two months later, Allen turned sixteen and needed a job immediately because the court was putting pressure on him to pay back the debt to the fast-food store. When Allen asked a restaurant owner for a job, he was asked why anyone would want to hire him with the reputation he had already earned. Allen said that he needed the job to separate himself from his past and to pay off bills. The owner must have been convinced because Allen got the job. Allen surprised everyone with his responsible attitude and hard work. For the first time, Allen said he felt good about himself and realized that there were people out there who really cared about him. He also longed to be independent from people who had helped lead him astray.

However, one night Allen decided to have a party in the basement of his house. Word spread fast that a party was in progress, especially among Allen's friends. As the party progressed so did the noise from the house. Neighbors called the police because of the noise. When the police arrived they asked the mother about the party. She said she didn't see anything wrong with it. After all, at least Allen was home rather than running the streets. When the mother was asked if there was alcohol at the party, she told them it was none of their business. As the party grew louder, Allen's mother and boyfriend started warning them to keep the noise down. By this time, Allen had finished several drinks and was feeling very brave. The boyfriend had finally had enough. He went down to the basement and got into a verbal battle with Allen. Soon the boyfriend and Allen were pushing each other around. The boyfriend picked up a pipe wrench and threaten to hit Allen. In a rage, Allen picked up a brick and threw it at him. The brick struck him on the side of the face causing a three inch cut and knocking him to the floor. The boyfriend immediately called the police. The police arrested Allen and took him to a detention center for the night.

The next morning, Allen was back in court. His mother was there with the boyfriend who had filed a complaint against Allen for criminal assault. The judge appointed an attorney to defend him, and Allen pleaded not guilty. A trial was scheduled for two weeks later. During the interim, Allen was held in a locked detention center.

At the trial the county attorney argued that Allen should be put in an institution because he was a danger to the citizens of the community and was becoming a danger to himself. He pointed out that Allen's involvement had gotten steadily worse, ending with the criminal assault. He continued to argue that since the mother was incompetent and Allen had run from

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a foster home, an institution was the best place for him.

The defense attorney appointed to defend Allen argued that Allen never had a fair chance. He stated that because Allen found a job, was good on the job, and wanted a job to pay for his past mistakes, there was proof that Allen was turning the corner. The defense attorney stated that because of the kind of home life Allen had, he needed another chance under conditions where the mother would lose permanent custody and he would be placed in a foster home. He concluded that by placing Allen in an institution with people who have committed far more serious crimes, he would become more like them.

Student Handout: DISCUSSION QUESTIONS

- 1.** If you were the judge, what are some of the factors you would consider in making a decision?
- 2.** Do you agree with the county attorney's decision to use diversion when Allen was caught vandalizing a car? Why or why not?
- 3.** Follow the problems Allen had and note how they become steadily more severe. What do you think should have been done the first time Allen was in trouble with the law?
- 4.** How could Allen's life have changed if something different would have been tried.
- 5.** How did the home fail in its responsibility to Allen?
- 6.** How did Allen fail in his responsibility to himself?
- 7.** How did the law enforcement agencies and community fail in their responsibilities to Allen?
- 8.** Discuss some reasons why Allen's life developed as it did.
- 9.** What really went wrong in Allen's life?
- 10.** There are thousands of Allens out there. What needs to change to prevent Allen's story from happening?