

Name: \_\_\_\_\_

# AVID SOCRATIC SEMINAR WEEK

Feb. 24-Feb. 28

**Essential Question:** How much responsibility do parents have for their child's behavior and the choices they make?

**BEFORE:** On a scale of 1 to 10, (10 being highest) I believe parents have a responsible for their child's behavior and the choices they make.

1    2    3    4    5    6    7    8    9    10

Why?

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## Star-Telegram

My notes  
while reading

Tarrant prosecutors try again to put drunken teen driver behind bars

Posted Wednesday, Dec. 18, 2013

BY DEANNA BOYD

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**FORT WORTH** — A 16-year-old sentenced last week to 10 years' probation after acknowledging that he killed four people while driving drunk could still serve time if a last-ditch effort by prosecutors is successful.

Tarrant County District Attorney Joe Shannon is asking a juvenile judge to put the driver, Ethan Couch, behind bars on two counts of intoxication assault that he says are still pending before the court.

Two teens riding in the back of Couch's pickup on the night of the fatal crash suffered critical injuries. One, Sergio Molina, is paralyzed and can communicate only by blinking, according to testimony in last week's trial.

My notes  
while reading

“During his recent trial, the 16-year-old admitted his guilt in four cases of intoxication manslaughter and two cases of intoxication assault,” Shannon said in an email to the *Star-Telegram*. “There has been no verdict formally entered in the two intoxication assault cases. Every case deserves a verdict.

“The district attorney’s office is asking the court to incarcerate the teen on the two intoxication assault cases.”

Shannon said he could not comment further due to the limitations in the Family Code.

It was not immediately clear what might happen next. An email sent to state District Judge Jean Boyd via her court coordinator did not receive a response Tuesday afternoon.

Under Texas juvenile law, the maximum allowable sentence in Couch’s intoxication assault case would be three years in a Texas Juvenile Justice Department facility; he would be released no later than his 19th birthday.

Boyd could also issue no punishment.

Kimberly Priest Johnson, a criminal defense attorney in Dallas, said she is doubtful that Boyd will give in to such a request. She said courts are not supposed to make decisions based on outside influences such as public scrutiny.

“I would be surprised if a judge gave jail time,” Johnson said. “After she’s already given probation for the manslaughter charge, then to turn around and give jail time for the assault charge? That doesn’t make sense.”

“... I’m sure she stands behind the sentence she gave and has her reasons for it,” she added.

If Boyd did decide to incarcerate Couch, Johnson said she believes that defense attorneys could appeal the decision based on double jeopardy.

“Typically, you are sentenced on the primary offense or the offense that carries the heaviest penalty,” she said. “If they’re all arising out of the same facts and circumstances, double jeopardy still attaches once you’ve been sentenced for the primary offense.”

Scott Brown and Reagan Wynn, Couch’s defense attorneys, could not be reached for comment.

The *Star-Telegram* generally does not name juvenile defendants but has elected to do so because of the high-profile nature of the case.

**My notes  
while reading**

The probationary sentence handed down by Boyd last week quickly drew national outrage from those who asserted that the punishment didn't fit the crime and that Couch had skirted real justice because of his affluent background.

"I think the juiciness of the facts of this case is the reason for the national debate and probably fueling the fire of the district attorney's office feeling like maybe they have a little more power going before the judge and asking for jail time," Johnson said.

On Monday, the Tarrant County district attorney's office said it would push legislators to make changes in the Texas juvenile justice system to prevent similar sentences from being handed down in the future.

Couch had a blood-alcohol level three times the legal limit and traces of Valium in his system when he lost control of his pickup on the night of June 15, plowing into a group of Good Samaritans helping a woman whose car had stalled on Burleson-Retta Road near Burleson.

Killed were Breanna Mitchell, 24, of Lillian, the woman whose car had broken down; Hollie and Shelby Boyles, nearby residents who had come to her aid; and Burleson youth minister Brian Jennings, a passerby who had also stopped to help.

Seven passengers were riding in Couch's Ford F-350 pickup when the crash occurred. Couch was accelerating at the time of impact, according to testimony.

In addition to Molina's injuries, Solimon Mohmand suffered numerous broken bones and internal injuries in the wreck.

Prosecutors Richard Alpert and Riley Shaw had asked Boyd to sentence Couch to 20 years in a state lockup. Defense attorneys had requested a lengthy probationary term and a year at a costly rehabilitation facility in California, promising that Couch's affluent parents would foot the bill.

During sentencing, Boyd said that she is familiar with programs available in the Texas system and is aware that he might not get the kind of intensive therapy in a state-run program that he could receive at the California facility.

She said she had sentenced other teens to state programs but they never actually got into those programs.

Part of Couch's defense was that his parents largely left him to grow up without supervision and that his mother often spent money to keep him happy.

For now, Couch remains in Tarrant County juvenile detention until the juvenile probation department prepares a report about possible treatment programs.

If Couch violates the terms of his probation, he could be sent to prison for 10 years.

Numerous civil lawsuits have been filed against Couch and his family in connection with the crash.

Joseph Anz, Breanna Mitchell's older brother, said Tuesday that he was pleased that prosecutors were still trying to seek justice in the case.

"The fact that just because he has money — his parents have money — that he walked on this is sheer ridiculousness," Anz said. "It's disheartening for everyone in our family."

<http://www.star-telegram.com/2013/12/17/5426823/tarrant-prosecutors-try-again.html>

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**Preparation for Socratic Seminar**

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