

## **CJF Essay Prompt 2019–2020**

Angel City, California, is starving for a basketball championship. After decades of having the best team in professional basketball, Angel City's team, the Ocean, hasn't made the playoffs in years. Jovanny Johansen was going to change that this year.

Jovanny, who fans call JoJo, was a hometown hero. He went to Angel City High School and then played two years at the University of Southern Los Angeles (USLA). He led his college to two national championships. JoJo made headlines in the offseason when he visited Africa with his parents to deliver food and medical care. Fans blew up the internet when the Ocean took JoJo with the first overall draft pick.

Unfortunately, a domestic violence incident ended JoJo's professional career before it started.

JoJo had married his high school sweetheart, Trisha, while he was in college. They had a young child together, Jovanny Junior. By all accounts, Trisha was a caring and dedicated mother. Because of his charity work and his demanding training camp schedule, JoJo left the house early and came home late. He was rarely home with his young wife and child.

The loneliness affected Trisha. Some nights, after she put Junior to bed, she would drink too many glasses of wine. JoJo would often find her asleep on the couch.

One night, it was all too much for Trisha. She drank an entire bottle by herself. When JoJo got home, they had a huge argument. Angered by Trisha's drinking, JoJo accused her of being a neglectful mom. Trisha got so mad that she threw the empty wine bottle at JoJo. In a freak accident, the bottle shattered and severed a tendon in the thumb of his shooting hand. Doctors said they could repair some of the damage, but JoJo would never play professional basketball.

The District Attorney charged Trisha with felony spousal battery with great bodily injury. Trisha's maximum sentence is nine years in state prison, but she is eligible for probation, and can legally ask for her case to be reduced to a misdemeanor. The District Attorney wants Trisha to go to prison for two years because of JoJo's severe injury.

Judge Martha Henderson has Trisha's case. Trisha's defense lawyer trusts Judge Henderson, who has a reputation for being tough, but fair. At her first court date, Trisha's lawyer asks for Judge Henderson's indicated sentence, the sentence the judge would give if Trisha admitted all of the charges.

Judge Henderson considers Trisha's youth, her lack of criminal history, and the stress of caring for a young child. Trisha's lawyer reports that after her arrest, Trisha stopped drinking and she enrolled in an outpatient alcohol rehabilitation program. Judge Henderson says that she needs a probation report for more information, but she indicates that she will probably grant probation and she will consider reducing the case to a misdemeanor.

Based on the court's indicated sentence, Trisha and her lawyer decide that Trisha will plead no contest to the charges and ask for a sentencing report from probation. Trisha's sentencing hearing will take place in four weeks.

Because JoJo is a celebrity, the case has been on the news. The Always Sports Network has covered the case every day. Legal commentators have correctly reported on television that Judge Henderson has the discretion to reduce the case to a misdemeanor, grant felony probation, or sentence Trisha to prison from two to nine years.

The District Attorney has filed a sentencing brief in the case. The brief correctly points out that if Trisha *intentionally* caused great bodily injury, she cannot get probation unless the court finds unusual circumstances. A reporter got a copy of the brief from the court's public records and published it on the internet. Unfortunately, some media personalities have misunderstood the brief and incorrectly reported that Trisha is ineligible for probation. Some outlets have reported that Judge Henderson's indicated sentence was illegal.

The case gets daily social media coverage. One influencer with millions of followers posts, "If JoJo had thrown a bottle at Trisha, JoJo would be in prison. A man wouldn't have had a chance at probation. That's a fact and no one's talking about it. If a woman judge illegally gives Trisha probation, it just proves that the so-called system is rigged against men." Even the Angel City mayor has posted about the case: "Any judge who favors women over men doesn't deserve to be a judge. Judge Henderson better do right by JoJo and Angel City."

One person who hasn't posted anything about the case is JoJo. Despondent about his career and his family, he has disconnected from social media and rarely leaves the house. His only comment about the case is, "No comment."

On the day of Trisha's sentencing, the courthouse is overflowing. There is national media coverage. Hundreds of people show up with signs and T-shirts. The mayor makes a speech from the courthouse steps, and gets the crowd to chant, "Justice for JoJo."

The lawyers speak at the hearing, repeating the arguments they made earlier. Trisha asks the judge to show her mercy.

When the judge asks JoJo if he would like to say something, JoJo says he would. He tells the judge that he has decided to move on with his life. He talks about his lost career. He says he knows the judge will do the right thing, but he doesn't know what the right thing is anymore.

After considering all the information, Judge Henderson sentences Trisha to felony probation with community service and an anger management class. The judge says that she will reduce Trisha's charge to a misdemeanor if Trisha successfully completes 18 months of probation.

After the sentencing, plenty of people have something to say. Social media influencers post that the system is rigged against men. The mayor tweets: "Judge Henderson, that so-called judge, hates men. She doesn't deserve the robe." Some people send hate mail to the court, even threatening to harm the judge.

After the hearing, Judge Henderson says nothing about her decision. The Code of Judicial Ethics says that she cannot publicly comment on it.

Discuss the public reaction to Judge Henderson's decision. How might public criticism affect judicial independence? How about criticism from other branches of government? Discuss how a judge's inability to respond to such criticism might affect the public perception of judges.