**Beyond the Bench**

**Law, Justice, and Communities Summit**

Deconstructing Our Decision-Making

Fact Pattern

James is a 16 year old boy who has grown up in an urban community where he has changed schools three times, but remained connected to a few neighbors and a pastor. He was removed from his parents’ home by Child Protective Services when he was eight for neglectful supervision. James’s parents struggled with poverty, domestic violence, and substance use. His father is incarcerated and his mother’s whereabouts are unknown. James’s paternal grandmother has cared for him for the past eight years, but she recently died, forcing James and his two siblings back into CPS care. His siblings were separated from him when James was sent to his current placement a few months ago.

James was placed in a foster home in a rural area of Texas. At his new school, James stated he was bullied and had a hard time adjusting. In his first month at the new school James was in a fight where there were no witnesses and no serious injuries, but he received an in-school suspension. The second month of school, James was confronted by two other students at lunch outside the school, near the retaining wall. James stated that the students pushed James first. A witness claimed James struck one of the students once, causing a classmate named Matthew to fall backwards and hit his head on the retaining wall. Matthew was unconscious and bleeding profusely. Matthew suffered a fractured skull. Matthew’s father is an oral surgeon and has stated Matthew needs extensive reconstructive surgery. The principal of the school called the Emergency Medical Services to the scene, and the School Resource Officer called for backup.

James ran when he heard sirens. The backup police officer arrived on the scene, saw the ambulance and James running away. The officer pursued him and apprehended James by placing a knee on his back and using a choke hold. James has been charged with aggravated assault with serious bodily injury, a second degree felony.