

ADMINISTRATION OF JUSTICE

Case Four – District Attorney Dilemma

Gun Toting Granny

NOVEMBER 11, 1996

The front-page headline of the Miami Herald Sunday newspaper read "Gun Toting Grandma Kills Two Boys" Following the shocking headline the story spelled out the tragic details. An 81-year-old grandmother shot two youths, one 14, the other 16, with a shotgun. A third youth, who was 17, managed to survive with no injuries. According to police sources the story was described to the news media that printed the following account. The "revenge crazed, gun toting granny" had complained of continual harassment from neighborhood youths over the past three years. The story briefly described some minor physical abuse and verbal intimidation on the part of the youths prior to the incident. The lone surviving youth denied any wrong doing, stating they simply liked to "tease" granny a little. The surviving youth, Trevor Williams, claimed that they were actually granny's friends and had visited her often to "play with her." He stated he did not know why they were shot at when granny "got crazy" that Saturday afternoon.

In addition to describing the crime, the newspaper reporter added a paragraph describing the state law pertinent to this shooting. Specifically, the reporter quoted from the penal code's section on justifiable use of deadly force and emphasized that "...a person is justified in threatening or using force against another when and to the extent that he or she reasonably believes that such threat or force is necessary to prevent or terminate an unlawful entry into or attack upon a habitation."

NOVEMBER 12, 1996

On a fog shrouded Tuesday morning, the district attorney, Jack Hobson, sipped a cup of hot chocolate and commented to one of the other district attorneys, "What the heck am I going to do with granny with a gun?" His assistant, Eric Woods, knocked gently on the door and asked if he wanted to talk about a robbery case scheduled for trial later in the week. Hobson replied that he was more interested in talking about "the gun toting granny," as the newspapers had dubbed Beatrice Barnes. "Tell me, Eric, what are we going to do with granny? The news media has been having a field day with this thing and they aren't going to let up any time soon. This case is absolutely loaded with trouble don't you agree Eric? The police say the surviving kid insists they were not breaking in, and didn't even give the appearance of such an attempt. Furthermore, Beatrice Barnes has a reputation for being a very difficult elderly lady, especially with neighborhood kids. The whole thing gets even more difficult to deal with because of the fact that it's a black-on-black crime. We're getting a lot of heat from the black community for not taking these crimes seriously and we could have the community up in arms if we pretend to ignore this. The "senior activists" could also be outraged if they think we're closing our eyes to the harassment experienced by senior citizens in the past. Heaven knows they have complained about that neighborhood for years. We don't stand to win anything on this one."

JANUARY 9, 1996

Beatrice Barnes sat in the police precinct nearest her neighborhood, a declining if not dead area of town in a large industrial city. Beatrice was well known to the officers in the Central District Precinct. She routinely visited over the last twelve-month period to complain about "vandals and hoodlums" in the neighborhood. Although she did not file any formal complaints against the kids and did not offer any evidence of victimization, she was obviously upset about something she perceived as a threat.

"These kids are just a bunch of hoodlums," Beatrice repeated to the desk officer. "They don't respect your property and are always trying to con you out of the few pennies you get from your pension. They don't let you walk down the street without harassing you or trying to grab your purse or something in your hands."

These pests lounge around like a bunch of buzzards on "pension check day." Why can't you do something about them?"

The desk officer, Sergeant Nelson, listened patiently to Mrs. Barnes, but knew that little to nothing would come of the conversation. Since Beatrice offered no specific complaint, there was nothing he could do but promise that the police would try to patrol the area a little more, a promise that he knew was somewhat shallow since the force could not guarantee "round-the-clock" protection for any citizen. He was quite sympathetic to Mrs. Barnes dilemma, despite the fact that other officers regarded her as something of a crank. The very tough neighborhood she lived in was popularly known as Panic Village. Kids did prowl the streets and they did haunt the "old folks," especially on "pension check day" when welfare and social security checks were generally received. Although many in the neighborhood were advised to have their checks deposited directly in bank accounts, many of the seniors didn't trust "banks" and persisted in cashing their checks shortly after getting them in the mail. In this instance, Mrs. Barnes was a bit of an exception. Though she held onto her social security check, she waited a week or so after the first in the naive hope that potential muggers would leave her alone later in the month. In that she was likely to be sadly mistaken. Word got around pretty quickly that ole Barnes held onto her check longer than most.

NOVEMBER 10, 1996

Saturday was a dreary day. The fog kept the sky dark for the better part of both morning and afternoon. The day before the incident Beatrice Barnes had walked to her bank and cashed her modest social security check, money she received for years of work as an army nurse. As she walked home from the bank several teenagers followed her and taunted her with jokes and threats. "Why don't you come play with us," one yelled. "How about giving us some money for candy," another hollered. "Ooooo, wouldn't you just love to get your hands on some of granny's dough," another shouted. One teenager named Trevor Williams, grabbed Beatrice Barnes' arm and demanded a few bucks: "Just a little something to get some beer," he pleaded. Beatrice Barnes told the five or six young men aged 13 to 17 years that she would call the police and have them all rounded up and put away.

The afternoon of November 10th, three teenaged boys approached Beatrice Barnes's house and pounded loudly on the front door. Beatrice's home was a narrow house with a small front porch. It virtually touched her neighbor's houses on both sides. Old and worn curtains hung from the front window from which Beatrice could view the street scene outside. Most of the time, Beatrice ignored any knocks on her door because many of her old friends had past away. Some of the more fortunate friends had been able to move away from the run down neighborhood. Getting more accustomed to the life of living alone, she had spoken to few people in the past couple of years. In fact, most of the conversations she had, other than her brief and pointed response to the neighborhood youth, were with the local police. When she heard the pounding on the front door, Beatrice looked out and didn't move. The three youth's, Trevor Williams, Walton Jones, and George Gregory, saw Mrs. Barnes peek at them from around the front window curtains. Seeing her, they pounded even louder and harder. Neither Beatrice nor Trevor could remember how long they were on the porch that day but police estimated that the three boys were on the porch for at least ten minutes.

As the pounding grew louder, Beatrice opened the front door and stood there with her deceased husband's shotgun. She commenced to threaten the youths. "Go away or I'll shoot," she cried. "Oh, granny," Trevor responded, "you aren't going' shoot us. We just want to talk to you." At that instant, Mrs. Barnes fired a shot at the youths, hitting Jones and Gregory, but missing Williams. Jones and Gregory lost consciousness immediately. Both boys were taken to the local hospital for emergency surgery that was not successful. They both died late Saturday evening.

NOVEMBER 11, 1996

Jack Hobson and Ed Woods were talking about the Barnes case. Examining the police report, they were obviously distraught. There's no question that Beatrice Barnes killed the two youths they said. There's also no substantial evidence that the three were doing anything illegal. Knowing the neighborhood and having the police department's summary of Beatrice Barnes, long-standing complaints, however, they were sympathetic. "We can't give the black community the impression that we're ignoring black-on-black crime, and homicide is as serious as you can get," Woods said. "We're also likely to have the civil liberties

organizations becoming outraged if we don't move quickly on this case. But what about those poor old people who have to live in Panic Village going to do? What relief can we promise them?"

EPILOGUE

The District Attorney did pursue the case of People v. Beatrice Barnes, although with a great deal of reluctance. During the criminal trial, the local public defender argued in Beatrice's behalf on the basis that her actions were self-defense. Emphasizing that Beatrice was a prisoner in her own home, he brought in several witnesses who supported her claim that neighborhood youths were constantly harassing older folks and scaring them into giving them what little money they had. Beatrice's attorney then called in several expert witnesses who testified about the nature of fear, physiological and rational responses to fear, and perceptions about threats. Although the state tried to point out that Beatrice's action did not constitute a reasonable response to her imagined fear, the District Attorney did not press the point and, at times, seemed to be siding with the defense. In the final analysis, the jury acquitted Beatrice Barnes of the homicide charges.

DISCUSSION QUESTIONS – Use a separate sheet of paper to answer the following questions. WRITE THE QUESTION – Fully explain your answers.

1. Name the people and the ages of those involved in this case.
2. How did the media portray Beatrice Barnes?
3. How would you describe the teenage boys that were involved in this incident?
4. Where did this incident take place?
5. Why is the location of the incident critical to Beatrice Barnes's defense?
6. Describe the type of weapon used by Granny in this incident?
7. How would you describe the events that took place prior to granny's use of deadly force?
8. What do you think Beatrice Barnes state of mind was at the time this tragedy took place?
9. How does the penal code's section on justifiable use of deadly force "...a person is justified in threatening or using force against another when and to the extent that he or she reasonably believes that such threat or force is necessary to prevent or terminate an unlawful entry into or attack upon a habitation" apply in this case?
10. How do you feel about Beatrice Barnes being prosecuted in the first place?
11. Would you want to defend Beatrice Barnes if she were charged with a criminal offense? Why?
12. Why were the prosecutors on the horns of a dilemma with the "granny with a gun" case?
13. What justification and/or excuses could be raised in Beatrice Barnes's defense?
14. When should victim vulnerability enter into the seriousness with which we consider some crimes?
15. Do you agree with the verdict? **WHY OR WHY NOT EXPLAIN.**