Handout: Sean’s Story

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Sean was a typical high school senior. He studied, played video games, and enjoyed having fun with his friends. Sean had never been in trouble with the law. He aspired to become a police officer some day. Sean worked hard at his after-school job at McDonald’s. He saved up $1,700 to buy himself an old, red Mustang for his 18th birthday.

Sean’s dad, Chuck, was proud that his son had earned the money for his own car. As a single dad, Chuck worked long hours and struggled to support his family financially. When Chuck took his son to buy insurance for the Mustang, the agent increased the price by $40 due to Chuck’s poor credit rating. Sean didn’t have the extra money, so he told the insurance agent he would return as soon as he received his next paycheck.

The Accident

The day after Sean got paid, he drove his new, uninsured Mustang to cash his paycheck. As Sean approached a cross street, he noticed a Toyota inching out beyond the stop sign to make a left turn. Sean had the right of way and assumed the other driver would stop. However, the Toyota plowed into the intersection. Sean wrenched the wheel and slammed on his brakes, but it was too late. Sean’s Mustang struck the Toyota.

The driver of the Toyota, 85-year-old Lowell, was bleeding from the head. When asked if he was okay, Lowell nodded and replied, “I think I’m alright.” Although Lowell was taken to the hospital emergency room for treatment, Sean went home feeling certain that Lowell would be fine. Sean regretted that he’d been speeding at the time of the crash, but he also figured Lowell should get a ticket for ignoring the stop sign.

Meanwhile, an emergency room doctor decided that Lowell required surgery and operated immediately. A week later, Lowell died in the hospital. A police report described the cause of death as “complications arising out of the injuries sustained in the crash.” The police went to Sean’s home to inform him that Lowell was dead and Sean was being charged with Vehicular Homicide.

Preparing Sean’s Criminal Defense

Sean’s family couldn’t afford to hire a lawyer. After several weeks, the court finally appointed Sean a public defender named Carol. Carol had 101 open cases, while the prosecutor in Sean’s case had only 28. In Carol’s department there were 38 prosecuting attorneys and only 17 public defenders. The prosecutor’s office was slated to receive $8 million in funding compared with $4 million allotted to the public defender’s office. So, when prosecutors threatened to go to trial, they actually had the time and resources to do it. In contrast, public defenders often dealt with excessive caseloads by persuading frightened clients to accept lousy plea bargains instead of going to trial. A few years ago, Carol would have stood a good chance of getting Sean’s case dismissed or, at least, getting the prosecutor to offer Sean a good deal if he’d plead guilty. But, prosecutors had stopped offering reasonable plea bargains to the clients of overburdened public defenders.

Carol worried that the odds were stacked against Sean. And Sean began to realize that, in spite of his innocence, he could still be found guilty if Carol couldn’t prepare an effective defense. The prospect of prison terrorized Sean. He lost his focus, became depressed, and began to experience panic attacks. Eventually, Sean dropped out of school and earned a GED instead.

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Carol frantically juggled other clients’ trials while trying to prepare for Sean’s. Unfortunately, she didn’t have enough time to conduct the necessary follow-up interviews and investigations. Carol realized there was no way she’d be properly prepared in time for Sean’s upcoming trial, so she asked the judge for extra time. The judge denied her request. The trial would start on Monday or he’d hold Carol in contempt of court. Carol knew that if she proceeded unprepared on Monday, she would jeopardize Sean’s case. So, she did something very brave. She informed the judge, “I refuse to conduct a trial for which I am unprepared.” Carol was terrified. Would she be fired? Fined and jailed? On Monday morning, Carol showed up in court and again pleaded with the judge to delay Sean’s trial. This time, someone had tipped off a local reporter about the situation. Under close media scrutiny, the judge granted Carol a three-week extension.

The Trial

Sean’s driving speed was a central issue in his trial. The state’s accident specialist testified that Sean was exceeding the speed limit by at least 21 mph. This excessive speed, the prosecutor argued, constituted the “conscious disregard of the danger to others” necessary to prove vehicular homicide. Sean had admitted he’d been driving “maybe a little fast,” but he denied going anywhere near the alleged speed range. So, Carol hired a retired state trooper to investigate the accident site. By using photos the cops had taken of the skid marks and lining them up with other landmarks, Carol’s investigator discovered the state’s accident investigator had *seriously* miscalculated Sean’s speed.

In order to win his vehicular manslaughter case, the prosecutor also had to prove that the accident was a “proximate cause” of Lowell’s death. But Carol’s thorough investigation revealed an autopsy report indicating that Lowell had actually died of an infection. When he got to the ER, the doctors there identified an internal injury and decided to operate. Carol put Lowell’s family doctor on the stand. He testified that Lowell had had that injury for years. The doctor said that if he had known the ER doctors were planning to operate, he would have objected. The doctor had already decided that an operation would be too risky for Lowell, given his age and fragile condition. The state’s case fell to pieces. The jury deliberated for twelve minutes before reaching a unanimous verdict: *not guilty*.

The Aftermath

Ten years have passed since the trial. Sean has moved away from his family because everywhere he went in his hometown he felt people were whispering, “There’s the guy who killed that poor old man.” Any time Sean comes into contact with a police officer, he starts trembling and has to fight off a panic attack. Sean has lost faith in the justice system and abandoned his dream of a career in law enforcement. Sean’s lawyer, Carol, went on to earn a distinguished service award for her fierce advocacy to improve access to justice for poor people. But after repeatedly publicly criticizing the public defender’s office in her articles and blog posts, Carol was eventually fired from her job.