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## CRYING WITHOUT SHAME

BY CYNTHIA LOO

Though the 14-year-old youth was being charged with murder, the boy had a surprised expression when I denied his request to go home. As he was led by the bailiff into lockup, the boy's father left the courtroom weeping. Next case.

The expressionless way in which I ruled had actually started years before when I was an attorney representing abused children. On one occasion, when a sheriff's deputy pulled my hysterical 8-year-old client from the arms of her sobbing mother, a prosecutor scornfully asked, "Why are *you* crying?"

Ashamed, I wasn't going to let that happen again.

Years later, after my appointment to the bench, I consciously modeled my behavior contrary to the meek and permissive Asian-woman stereotype. I would be strict, intimidating, authoritative.

It took me years to realize that being myself was OK.

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Fifteen-year-old Tyrell was charged with resisting a peace officer. An LAPD officer testified that Tyrell refused to answer questions and instead hurled profanities. He testified Tyrell reached into his waistband. Thinking the minor was going for a weapon, the officer drew his firearm.

The grandmother testified receiving a phone call from Tyrell: "Mama, come outside. The police are here!" When the grandmother opened the door, Tyrell ran inside. Tyrell cried, "I didn't do nothing!" He emptied the contents of his pockets onto the ground: a cell phone, some change, a condom, gum.

Finally, five officers subdued him and took him into custody.

I believed each witness.

The grandmother asked if she could say something else; a request that was met by the DA's objection. "Oh, I just wanted to thank Officer Garcia for the way she tried to help," she said.

I found the charge to be true and proceeded to sentencing. Over the objection of the DA, I released Tyrell from juvenile hall. I admonished Tyrell that if he violated house arrest, he was going to camp.

Three days later, I spoke at a church in south Los Angeles. I warned the parents that youth can obtain "strikes" for future sentence enhancement under California's "three strikes" law,

as well as to be careful about with whom their children associated. I thought of Tyrell as I suggested to the youth that if stopped by law enforcement, one is more likely to be released to parents than juvenile hall if one is respectful.

"Why, if we don't get no respect?" someone yelled. Many nodded in agreement.

Two weeks later, I looked up from the bench to see my bailiff having a heated discussion with an African-American woman. "Deputy," I called, "A problem?" He said, "Your honor, she wants to give you something. I told her she can't." When I realized it was Tyrell's grandmother, I got off the bench.

She told me on most Sunday mornings, Tyrell crawls into her bed and asks, "Mama, can you make me some pancakes?" or "Can I borrow some money?"

But last Sunday, she awoke to gunfire. She crawled through the house, calling for her grandchildren. Her eldest grandson found Tyrell's body slumped against the door.

"He's not breathing, Mama!" he cried.

She rushed over. "Open your eyes for me, baby!"

When the ambulance arrived, Tyrell's body was placed roughly on the stretcher. When the paramedics saw her watching, they pushed futilely on Tyrell's chest. No witnesses to the murder had come forward.

"I just wanted to give you this," she said, handing me a funeral program. On the back I had been given special thanks.

In the middle of the courtroom, with attorneys, clerks and bailiff looking on, we cried.

And I felt no shame in that.

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