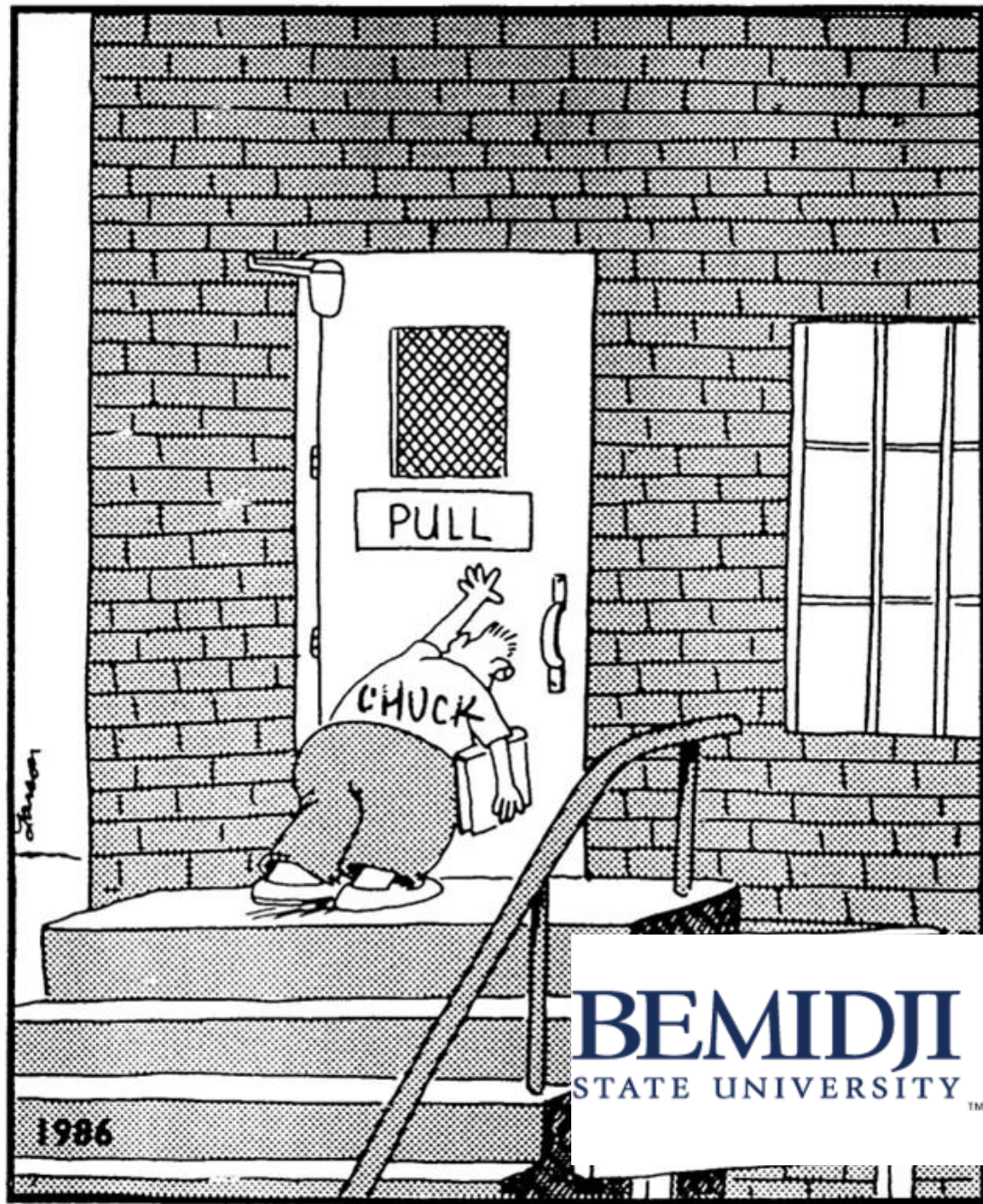


Incorporating Emergent Exercises



Professor Chuck MacLean, BSU Criminal Justice



1986

BEMIDJI
STATE UNIVERSITY™

The Principles

- Sticky Memory
- Ripped from Front Pages
- Many Hats
- Kinestheticism
- Context as Concept

The Follow Through

- ◉ CJ Students in my Criminology Course
- ◉ The course touches on/teaches (partial):
 - Grand Jury / Petit Jury – makeup & roles of each
 - Indictments / No Bills
 - Standards of Proof: BYRD / PC
 - Murder/Manslaughter
 - Self Defense
 - Authorized Use of Deadly Force by LE Officer
 - Statutory Construction / Interpretation
 - Evidence / Admissibility
 - Evidence / Direct vs Circumstantial
 - Witness Credibility
 - Crime Scene Assessment

Instead of Piecemeal

○ Capitalize on:

- Sticky Memory
- Ripped from Front Pages
- Many Hats
- Kinestheticism
- Context as Concept

○ Context of Choice:

- Dallas Police Officer Amber Guyger
- Shooting of Civilian Botham Jean in his own apt
- In Officer Guyger's apt bldg. – she was off duty



Timeline

- 9-6-2018 – shooting occurs
- 9-7-2018 – Guyger placed on leave
- 9-8-2018 – TX Rangers take over case
- 9-9-2018 – Guyger charged w/Manslaughter
- **9-12,14-2018 – In-Class Grand Jury exercise**
- 9-24-2018 – Guyger fired
- 11-26-2018 – Dallas County Grand Jury convened



The Record pt1

Case against officer who killed neighbor to go to grand jury

AP RYAN TARINELLI, Associated Press 16 hours ago



This photo provided by the Kaufman County Sheriff's Office shows Amber Renee Guyger, a Dallas police officer, was arrested Sunday, Sept. 9, 2018, on a manslaughter warrant in the shooting of a black man at his home, Texas authorities said. The Texas Department of Public Safety said in a news release that Guyger was booked into the Kaufman County Jail and that the investigation is ongoing. It said no additional information is available at this time. (Kaufman County Sheriff's Office via AP)

DALLAS (AP) — The case against a white Dallas police officer who shot and killed a black neighbor will be presented to a grand jury, which could decide on more serious charges than manslaughter, the district attorney said Monday as an affidavit provided a fuller description of the officer's account.

THE STATE OF TEXAS

WARRANT OF ARREST

To any Peace Officer of the State of Texas, Greetings:

You are hereby commanded to arrest:

Amber Renee Guyger, White Female, Date of Birth: 08/09/1988, 5'3 120lbs.

If to be found in your County and bring him before me, a District of Dallas County, Texas, at my office at 133 N. Riverfront Blvd. Dallas, TX in said County, immediately, then and there to answer the State of Texas for an offense against the laws of said State, to-wit:

Manslaughter: 2nd Degree Felony PC 19.04

Of which offense he is accused by the written Complaint under oath or affirmation of Texas Ranger David L. Armstrong, filed before me.

Herein fail not, but of this writ make due return, showing how you have executed the same.

Witness my official signature, this 9th day of Sept, 2018.


 Sign _____ Print
 Judge Stephen R. Burt Court, Magistrate
 Dallas County, Texas

THE STATE OF TEXAS }
 COUNTY OF DALLAS } AFFIDAVIT FOR ARREST WARRANT OR CAPIAS

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned affiant who, after being duly sworn by me, on their oath stated:

My name is David L. Armstrong, and I am a peace officer employed by the Texas Department of Public Safety, Dallas County, Texas as a Texas Ranger. I am the Affiant of this Affidavit for Arrest.

On September 06, 2018 at about 09:59 P.M., Amber Renee Guyger committed the offense of Manslaughter, a violation of the T.P.C 19.04 a Felony of the 2nd degree against Complainant Botham Shem Jean, when the suspect, Guyger, shot and killed the Complainant during an encounter. The offense occurred at 1210 S Lamar apartment # 1478 in Dallas, Dallas County, Texas.

The facts of the case are as follows:

Complainant Jean is the resident tenant of apartment #1478. Guyger, who is a Dallas Police Officer, lives in the same apartment complex, directly beneath the Complainant, in apartment #1378. Apartment #1378 and apartment #1478 and their respective interior floorplan are in most ways identical or extremely similar to the exterior surroundings, structure, and description of each other. Complainant Jean was home alone when Guyger, who had just ended her shift, but was still in her Dallas Police uniform, arrived at the apartment complex and parked her vehicle on the fourth floor of the parking garage, which should correspond to the floor the resident lives on. Guyger entered the building and walked down the fourth floor hallway to what she thought was her apartment. She inserted a unique door key, with an electronic chip, into the door key hole. The door, which was slightly ajar prior to Guyger's arrival, fully opened under the force of the key insertion. Upon the door being opened, Guyger observed that the apartment interior was nearly completely dark. Additionally, the door being opened alerted Complainant Jean to Guyger's presence. Believing she had encountered a burglar, which was described as a large silhouette, across the room in her apartment; Guyger drew her firearm, gave verbal commands that were ignored by Complainant Jean. As a result, Guyger fired her handgun two times striking the Complainant one time in the torso. Guyger then entered the apartment, immediately called 911, requesting Police and EMS, and provided first aid to Complainant Jean. Due to the interior darkness of the apartment, Guyger turned on the interior lights while on the phone with 911. Upon being asked where she was located by emergency dispatchers, Guyger returned to the front door to observe the address and discovered she was at the wrong apartment (#1478). Guyger called 911 from her cell phone requesting an ambulance and police to the offense location. Complainant Jean was transported to Baylor Hospital where he died as a result of his injury. Guyger remained at the scene and informed the responding officers and the 911 operator that she thought she was at her apartment when she shot the Complainant. Guyger believed she was in her apartment and confronted by a burglar when she fired her handgun, striking and killing him.



The Record pt2

◉ TEXAS STATUTES

- Murder
- Manslaughter
- Self-Defense
- Authorized Use of Force by LE Officer

◉ TEXAS GRAND JURY INSTRUCTIONS

- GJ Standards of Proof
- GJ Procedures
- GJ Verdict Forms



The Exercise

- ◉ Flipped classroom – documents provided to students in advance of class via D2L
- ◉ In-Class
 - Modify classroom
 - I serve as prosecutor
 - GJ chooses foreperson
 - GJ deliberates
 - Steps thru crimes / defenses
 - GJ votes / iterates
 - GJ R/O & R/I above
 - GJ indicted Guyger for murder

Bottom Line: Incorporating Emergent Exercises

Using Emergent Issues and capitalizing on:

- Sticky Memory
- Ripped from Front Pages
- Many Hats
- Kinestheticism
- Context as Concept

Taught in a Memorable Way:

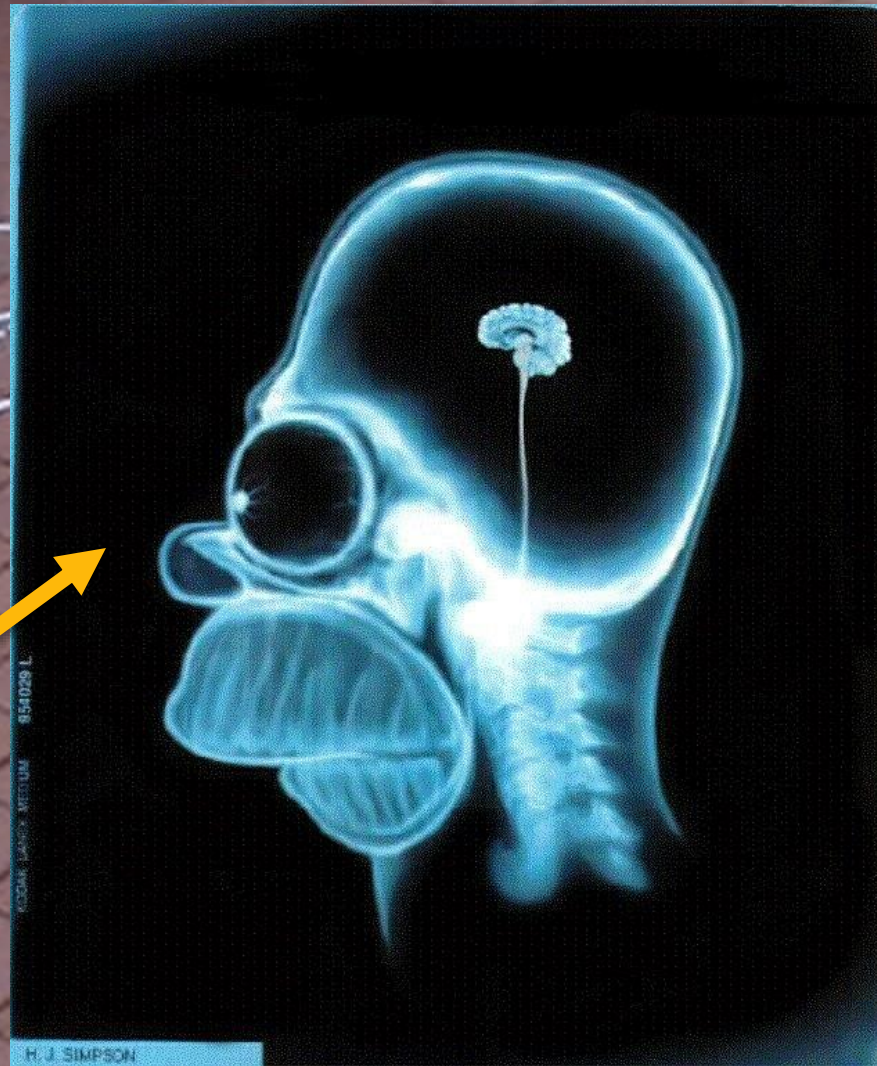
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**They'll Never
Forget the
Lessons
Learned**

Other Examples

- ◉ Serve as Legislative Committee to address implications of the FIRST STEP (Federal Criminal Justice Reform) Act
- ◉ Serve as Prison Officials assessing systemic failures arising from juvenile detention facilities overusing solitary confinement
- ◉ Serve as Police Chief assessing best practices following recent high-profile Officer-Involved Shootings

Incorporating Emergent Exercises: It's Really a No-Brainer



MacLean, C.E.
Cranial X-Ray

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