

Parental Participation

I represented a mother who was at a local high school watching her daughter play basketball. She felt that her daughter was receiving unduly rough treatment and was not being protected by the referees in the game. After a particularly hard foul the mother took it upon herself to administer a little parental justice. She came out of the stands, ran out onto the court, and proceeded to beat up the player who had fouled her daughter. She was arrested and charged with assault. I studied the case law and found that one of the forms of assault is assault by failing to defend. You are guilty of assault by failing to defend if a child or some invalid person trusted to your care is being assaulted and you make no effort to protect them. I argued to the District Attorney that this was a clear case of a mother obeying the law that she sincerely felt that her child was in danger and for that reason she should not be prosecuted. The District Attorney agreed with my argument and allowed her to enter into a deferred prosecution program, which he was unwilling to do before he heard my argument and was presented with my brief, cases, and statute. This led to a dismissal of all charges against my client.