

19 Minutes by Jodi Picoult

Lewis Houghton, economics professor quote: Lewis's equation – that happiness equals reality divided by expectations – is from real research.

Discrimination and difference at the high school level will never end until the adults running these schools can go about their own lives without judging others for their race, religion, sexual orientation, etc. How ridiculous is it that America prides itself on being a melting pot, when – as Peter says in the novel – that just means it makes everyone the same?

Fiction allows for moral questioning, but through the back door.

1. [jodipicoult.com/nineteen-minutes.html](http://jodipicoult.com/nineteen-minutes.html)

After the shooting, Peter is sent to jail while the trial proceeds. The [probable cause hearing](#) is waived as Peter admits to killing ten people and wounding nineteen others. Jordan, Peter's defense attorney, uses [battered person syndrome](#) caused by severe bullying and abuse as a basis to convince the jury that Peter's actions were justified as a result of his suffering from [post-traumatic stress disorder](#). Jordan argues that he was in a dissociative state at the time of the shooting. In the final stage of the trial, Josie reveals that she was the one who shot Matt the first time after grabbing a gun that fell out of Peter's bag. He was abusive. Peter later fired the fatal second shot. Peter promised her he wouldn't tell anyone what she had done, and he kept this promise, happy to have Josie as his friend again.

The book received generally favorable reviews by critics, for the writing, character development,<sup>[2]</sup> plot twists, and the moral issues raised, including peer pressure, popularity, self-image, school bullying, betrayal and deception, sexual orientation doubt, [teen dating violence](#), suicide, video game violence, single parenthood and communication barriers between adolescents and adults.<sup>[3]</sup>

The [Boston Globe](#) considered *Nineteen Minutes* "an insightful deconstruction of youthful alienation, of the shattering repercussions of bullying, and the disturbing effects of benign neglect."<sup>[8]</sup>

[http://en.wikipedia.org/wiki/Nineteen\\_Minutes](http://en.wikipedia.org/wiki/Nineteen_Minutes)

## Battered Person Syndrome

### Diagnosis[[edit](#)]

ICD9 code 995.81<sup>[3]</sup> shows the syndrome as including "battered person/man/spouse syndrome NEC", and any person presenting with identified physical descriptors rather than psychological descriptors falls under the general heading of "Adult physical abuse", classified under "Injury and Poisoning".<sup>[4]</sup> DSM-IV-TR does not provide a distinct diagnostic category for reactions to battering. Rather the diverse reactions of battered women and men are treated as separate diagnoses, for example, [posttraumatic stress disorder](#) (PTSD) or [depression](#).<sup>[5]</sup>

### Symptoms[[edit](#)]

When Battered Person Syndrome (BPS) manifests as PTSD, it consists of the following symptoms: (a) re-experiencing the battering as if it were recurring even when it is not, (b) attempts to avoid the psychological impact of battering by avoiding activities, people, and emotions, (c) hyperarousal or hypervigilance, (d) disrupted interpersonal relationships, (e) body image distortion or other somatic concerns, and (f) sexuality and intimacy issues.<sup>[6]</sup>

Additionally, repeated cycles of violence and reconciliation can result in the following beliefs and attitudes:<sup>[7]</sup>

- The abused thinks that the violence was his or her fault.
- The abused has an inability to place the responsibility for the violence elsewhere.
- The abused fears for their life and/or the lives of their children (if present).
- The abused has an irrational belief that the abuser is [omnipresent](#) and [omniscient](#).

### Causes[\[edit\]](#)

The syndrome develops in response to a three-stage cycle found in domestic violence situations. First, tension builds in the relationship. Second, the abusive partner releases tension via violence while blaming the victim for having caused the violence. Third, the violent partner makes gestures of contrition. However, the partner does not find solutions to avoid another phase of tension building and release so the cycle repeats. The repetition of the violence despite the abuser's attempts to "make nice" results in the abused partner feeling at fault for not preventing a repeat cycle of violence. However, since the victim is not at fault and the violence is internally driven by the abuser's need to control, this self-blame results in feelings of helplessness rather than empowerment. The feeling of being both responsible for and helpless to stop the violence leads in turn to depression and passivity. This learned depression and passivity makes it difficult for the abused partner to marshal the resources and support system needed to leave.<sup>[8]</sup>

Feelings of depression and passivity may also be created by lack of social support outside of the abusive situation. Research in the 1980s by Gondolf and Fisher found that women in abusive situations increase help-seeking behavior as violence intensifies. However, their attempts at seeking help are often frustrated by unresponsive extended family and social services.<sup>[9]</sup> In a 2002 study, Gondolf found that more than half of women had negative views of shelters and programs for battered women because of negative experiences with those programs.<sup>[10]</sup>

### Legal history[\[edit\]](#)

The battered person syndrome first rose to prominence in the 1970s, when it was used as a legal defense for abused women who murdered their husbands in a pre-meditated fashion. Defense lawyers used the syndrome to explain premeditation as follows: the woman could not leave the relationship due to learned helplessness. Nor could they fight back when actually being attacked. In the face of increasing violence, the woman's belief was that the only way she could protect herself and her children was to eliminate the partner when he was more vulnerable, for example, while sleeping.

In recent years BPS has been questioned as a legal defense on several grounds. First, legal changes in many states now make it possible to admit a history of past abuse into evidence. Second, not all battered persons act the same. Third, it pleads pathology when there may in fact be completely rational reasons for the victim's assessment that her life or that of her children were in danger. For example, if life-threatening attacks were preceded by a certain look in the eyes in the past, the woman may have had probable cause for believing that another life-threatening attack was likely to occur. Fourth, it does not provide for the possibility that a person may be abused but have chosen to kill for reasons other than on-going abuse – for example, jealousy or greed. Fifth, it paints survivors of domestic violence exclusively as passive victims rather than resourceful survivors. <sup>[11][12][13][14]</sup>

[http://en.wikipedia.org/wiki/Battered\\_person\\_syndrome](http://en.wikipedia.org/wiki/Battered_person_syndrome)

PTSD

### Diagnostic and Statistical Manual

The diagnostic criteria for PTSD, stipulated in the *Diagnostic and Statistical Manual of Mental Disorders IV (Text Revision)* (DSM-IV-TR), may be summarized as:<sup>[4][83]</sup>

**A: Exposure to a traumatic event.** This must have involved *both* (a) loss of "physical integrity", or risk of serious injury or death, to self or others, and (b) a response to the event that involved intense fear, horror, or helplessness (or in children, the response must involve disorganized or agitated behavior). (The [DSM-IV](#)-TR criterion differs substantially from the previous DSM-III-R stressor criterion, which specified the traumatic event should be of a type that would cause "significant symptoms of distress in almost anyone," and that the event was "outside the range of usual human experience."<sup>[84]</sup>)

**B: Persistent re-experiencing.** One or more of these must be present in the victim: [flashback](#) memories, recurring distressing dreams, subjective re-experiencing of the traumatic event(s), or intense negative psychological or physiological response to any objective or subjective reminder of the traumatic event(s).

**C: Persistent avoidance and emotional numbing.** This involves a sufficient level of:

- avoidance of stimuli associated with the trauma, such as certain thoughts or feelings, or talking about the event(s);
- avoidance of behaviors, places, or people that might lead to distressing memories as well as the disturbing memories, dreams, flashbacks, and intense psychological or physiological distress;<sup>[49]</sup>
- inability to recall major parts of the trauma(s), or decreased involvement in significant life activities;
- decreased capacity (down to complete inability) to feel certain feelings;
- an expectation that one's future will be somehow constrained in ways not normal to other people.

**D: Persistent symptoms of increased arousal not present before.** These are all physiological response issues, such as difficulty falling or staying asleep, or problems with anger,

concentration, or [hypervigilance](#). Additional symptoms include irritability, angry outbursts, increased startle response, and concentration or sleep problems.<sup>[19]</sup>

E: **Duration of symptoms for more than 1 month.** If all other criteria are present, but 30 days have not elapsed, the individual is diagnosed with [Acute stress disorder](#).<sup>[19]</sup>

F: **Significant impairment.** The symptoms reported must lead to "clinically significant distress or impairment" of major domains of life activity, such as social relations, occupational activities, or other "important areas of functioning".<sup>[85]</sup>

## *Wikipedia*

Battered Person Syndrome

<http://www.legalmatch.com/law-library/article/battered-person-syndrome.html>

## **What Is a Battered Person?**

An individual who has been physically or psychologically abused in a relationship may be considered a sufferer of "battered person syndrome." This term has traditionally been applied to women, as in "[battered woman syndrome](#)." However, men also suffer from ongoing domestic abuse in their lives. Therefore, battered person syndrome may apply regardless of person's gender. Battered person syndrome often develops as a result of an ongoing domestic violence situation.

### **What's the Significance of Battered Person Syndrome in a Criminal Case?**

When someone is considered a "battered person," this fact may figure prominently in criminal cases. A criminal defense lawyer may decide to use the syndrome as a criminal defense. In some jurisdictions, battered person syndrome may be considered a complete defense, while in others it is only a partial defense.

### **How to Establish a Battered Person Legal Defense?**

When battered person syndrome is a complete defense, the "battered" defendant is essentially off the hook – he or she is acquitted of the criminal charge(s).

Establishing that someone is in fact a "battered person" may be a challenge. A court may consider:

- Expert witness testimony (usually a psychologist) about the defendant being a "battered person"
- Testimony by an independent witness telling about a history of abuse
- The closeness of the relationship between the victim and the abuser
- The type of abuse (psychological abuse by itself may not be enough)
- Whether the defendant should reasonably fear imminent physical injury based on prior abuse

## How Can Battered Person Syndrome Be Used by the Criminal Prosecution?

Aside from using battered person syndrome as a criminal defense, the prosecution may use the syndrome to explain the conduct of a crime victim. For example, a wife's failure to report ongoing domestic abuse by the husband may be explained because she suffers from battered person syndrome.

## When to Seek an Attorney's Help?

If you have experienced abuse in a relationship, you should contact a [family lawyer](#) or a [personal injury lawyer](#).

In a criminal case, as a victim of ongoing abuse, you may be eligible to claim battered person syndrome by itself or in conjunction with self-defense against the abuser. A qualified [criminal defense lawyer](#) will explain how to establish battered person syndrome as a legal defense.

Swindle Law Group <http://www.swindlelaw.com/battered-person-syndrome/>  
Battered Person Syndrome as legal defense.

I have mentioned before that domestic violence is one of the biggest problems in our community. It is also one of the least known. Most cases involving family violence are treated as misdemeanors in the state and superior courts. However, there is one aspect of this type of violence that can have an impact on the most serious criminal cases. It is the concept of "battered person syndrome."

The appellate courts in Georgia have described the battered person syndrome as a series of common characteristics that appear in women (and sometimes men) who are abused physically and psychologically over an extended period of time by the dominate person in their lives.

This syndrome is important because it is considered an affirmative defense in Georgia. It is typically used in conjunction with a self-defense or justification defense. A good example would be when a female is charged with the murder of her husband. The facts show that he had a long history of abusing her. If the female defendant can convince a jury that she suffers from battered person syndrome and that the circumstances were such that would excite the fears of a reasonable person possessing the same or similar psychological and physical characteristics of the defendant at the time that the deceased victim used force against the defendant, then she may be acquitted by a jury.

However, this defense can be complicated and challenging to implement. Before a defendant is even entitled to a battered person syndrome defense, the defendant must present the opinion testimony of an expert as well as independent testimony regarding the historical facts upon which the expert relied upon.

Additionally, even if an expert witness testifies that a defendant suffers from this syndrome, the trial court must consider the following factors before allowing a defendant to assert this defense: (1) whether there was a close personal relationship between the defendant and the victim, (2)

whether there was a pattern of physical, sexual, or psychological abuse, and (3) whether the defendant possessed a reasonable apprehension of harm.

Additionally, psychological abuse which humiliates or embarrasses an individual, while deplorable, when unaccompanied by other acts or verbal statements giving rise to a reasonable fear of imminent physical harm cannot alone justify the assertion of the battered person syndrome.

Interestingly, prosecutors can use the battered person syndrome in limited circumstances as well. This syndrome has been used in cases to explain the actions of victims of crimes. For example, in a 2002 case, the prosecution was allowed to show through expert testimony that a victim of domestic abuse would not be expected to report the defendant to the police because she suffered from battered person syndrome.

Battered person syndrome is a valid and logical defense in some cases. But, it is in fact a defense. That means that someone has been badly hurt or killed as a result of the actions of another person. Usually, a very serious criminal prosecution will ensue.

So, it is obviously best to never put yourself in a position where this issue must even be addressed. While it may be very difficult to do so, always call the police when there is serious family violence incident in the home. Opportunities like court intervention, drug and alcohol treatment, shelters, anger management training, and family counseling can assist in avoiding all types of family violence.

If nothing else works, you may have to do the most difficult thing imaginable. Leave the situation

### **Admissibility of Evidence of Battered Woman's Syndrome Evidence on the Issue of Self Defense by Dana Jackson**

[http://scholarworks.gsu.edu/cgi/viewcontent.cgi?article=1068&context=col\\_lib\\_student](http://scholarworks.gsu.edu/cgi/viewcontent.cgi?article=1068&context=col_lib_student)

#### Topic Overview

Battered woman's syndrome is a term used to describe the effects of the physical and psychological abuse a woman suffers at the hands of her abuser, with whom she shares a personal, intimate relationship. Battered woman's syndrome can be characterized as a post-traumatic stress disorder which emphasizes a woman's economic and emotional dependency on her abuser. The abuser typically employs control tactics over his battered partner which include, but are not limited to, physical and sexual abuse, isolation, humiliation, threats, and deprivation of money. These control tactics make it seem virtually impossible for an abused woman to leave her abuser, whether she wants to or not. Though she may engage in efforts to stop the abuse, the battered woman often finds herself held hostage in a vicious cycle of violence which tends to intensify over a period of time, leaving her helpless and hopeless.

#### Scope

Courts have consistently refused to create an independent defense based on the battered woman's syndrome. However, the admissibility of evidence relating to battered woman's

syndrome has lied solely in defense counsel's ability to establish a claim of self-defense. If self-defense can be established, courts will, largely, admit evidence relating to the battered woman in an effort to prevent stereotypes and myths which could interfere with a fair and impartial trial.

There are two types of cases where battered woman's syndrome evidence is offered during criminal cases: 1) Non-confrontational cases and 2) Confrontational cases. Nonconfrontational cases are those where the battered woman attacks her abuser during a period where there is no imminent harm (i.e. abuser is sleeping). Because there is no imminent harm, courts have generally found insufficient evidence to raise a self-defense claim, thereby making battered woman's syndrome evidence inadmissible. On the other hand, confrontational cases describe those situations where a battered woman attacks her abuser in the midst of being abused by her partner. Here, a self-defense claim can be offered and most courts will admit battered woman's syndrome evidence.

This research guide will provide information relating the admissibility of battered woman's syndrome evidence in both types of cases.

#### About the Author

Dana N. Jackson is a third year student at Georgia State University College of Law, graduating with a JD in May 2010. As a student, Ms. Jackson has worked as a Judicial Clerk, under Judge Rosemarie Rhodes, at the U.S. Equal Employment Opportunity Commission and as a law clerk for the U.S. Army JAG Corps. Presently, Ms.

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