

Barnes

u

Felix

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Mike Fox

TERRELL, TEXAS

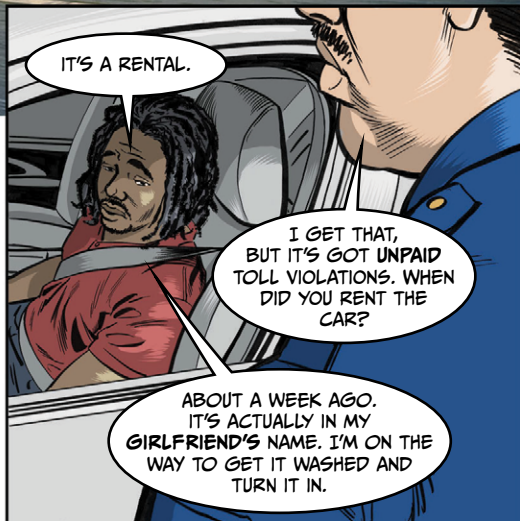
A ROUTINE TRAFFIC
STOP IS ABOUT TO
TURN DEADLY.



GOOD AFTERNOON. I'M
DEPUTY FELIX WITH THE
CONSTABLE'S OFFICE.

THE REASON
YOU'RE BEING
STOPPED TODAY IS
UNPAID TOLL VIOLATIONS
LINKED TO THIS
VEHICLE.

DO YOU HAVE YOUR
DRIVER'S LICENSE AND
INSURANCE WITH YOU?



IT'S A RENTAL.

I GET THAT,
BUT IT'S GOT UNPAID
TOLL VIOLATIONS. WHEN
DID YOU RENT THE
CAR?

ABOUT A WEEK AGO.
IT'S ACTUALLY IN MY
GIRLFRIEND'S NAME. I'M ON THE
WAY TO GET IT WASHED AND
TURN IT IN.

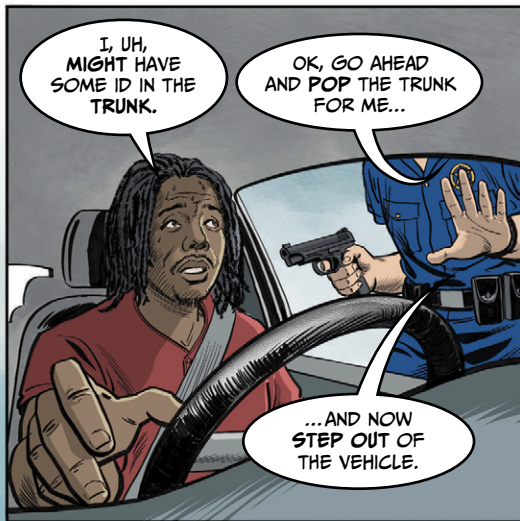


I SMELL
MARIJUANA. ANYTHING
IN THE CAR I SHOULD
KNOW ABOUT?

STOP
DIGGING
AROUND.

I'M JUST TRYING
TO FIND MY—

**DON'T DIG
AROUND!**



I, UH,
MIGHT HAVE
SOME ID IN THE
TRUNK.

OK, GO AHEAD
AND POP THE TRUNK
FOR ME...

...AND NOW
STEP OUT OF
THE VEHICLE.

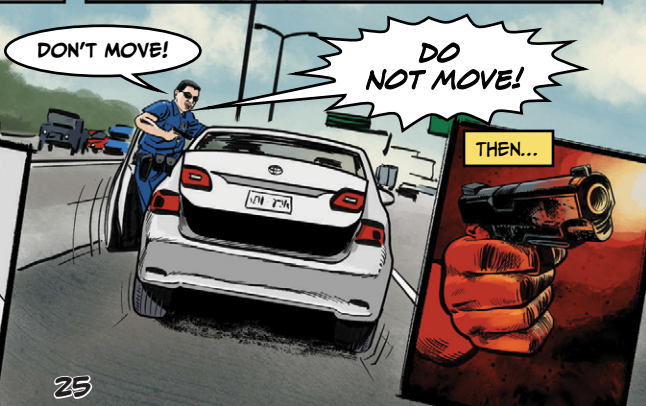
ASHTIAN BARNES
POPS THE TRUNK—
BUT STAYS IN THE
CAR. THEN HE TURNS
THE IGNITION...
AND DRIVES.

AS THE CAR BEGINS
TO MOVE, FELIX
CLIMBS ONTO THE
DRIVER'S DOORSILL.

DON'T MOVE!

**DO
NOT MOVE!**

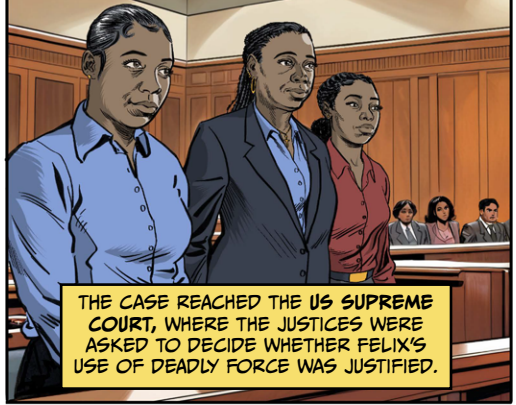
THEN...



DEPUTY FELIX SHOT AND KILLED ASHTIAN BARNES.



THE BARNES FAMILY SUED, ALLEGING THAT DEPUTY FELIX USED EXCESSIVE FORCE.



THE CASE REACHED THE US SUPREME COURT, WHERE THE JUSTICES WERE ASKED TO DECIDE WHETHER FELIX'S USE OF DEADLY FORCE WAS JUSTIFIED.

THE SPECIFIC QUESTION BEFORE THE COURT IS HOW TO ASSESS THE REASONABLENESS OF A POLICE OFFICER'S USE OF FORCE. SHOULD IT CONSIDER THE TOTALITY OF THE CIRCUMSTANCES, INCLUDING FACTORS SUCH AS...

...THE NATURE OF THE OFFENSE...



...THE IMMEDIACY OF ANY THREAT...



...AND THE TACTICAL DECISIONS MADE BY THE OFFICER...



...OR SHOULD IT CONSIDER JUST THE SPLIT SECOND WHEN THE FORCE WAS USED?

THE SECOND, FOURTH, FIFTH, AND EIGHTH CIRCUITS APPLY THE SO-CALLED MOMENT OF THE THREAT RULE.

THIS TEST OFTEN FAVORS POLICE OFFICERS SINCE IT IGNORES HOW AN OFFICER'S EARLIER DECISIONS MAY HAVE CONTRIBUTED TO THE DANGER.



THE FIRST, THIRD, SIXTH, SEVENTH, NINTH, TENTH, ELEVENTH, AND DC CIRCUITS APPLY A TOTALITY OF THE CIRCUMSTANCES TEST.



THE JUSTICES REAFFIRMED THE TOTALITY OF THE CIRCUMSTANCES TEST...

THE FOURTH AMENDMENT INQUIRY INTO THE REASONABLENESS OF POLICE USE OF FORCE REQUIRES ANALYZING THE TOTALITY OF THE CIRCUMSTANCES.

BUT THE FIFTH CIRCUIT LIMITED THEIR VIEW TO THE TWO SECONDS BEFORE THE SHOOTING, AFTER FELIX HAD STEPPED ONTO THE DOORSILL OF BARNES'S CAR.

...AND REJECTED THE MOMENT OF THE THREAT RULE.

A COURT CAN'T ASSESS THE TOTALITY OF THE CIRCUMSTANCES IF IT HAS PUT ON CHRONOLOGICAL BLINDERS.

THE MOMENT OF THE THREAT RULE PREVENTS THE CONTEXT-FOCUSED ANALYSIS THIS COURT'S PRECEDENTS REQUIRE.

THE FRAMERS TASKED JURIES COMPRISED OF ORDINARY CITIZENS WITH ADJUDICATING DISPUTES BETWEEN FELLOW CITIZENS AND THEIR GOVERNMENT.

Fifth Circuit

OVERRULED!

THE SUPREME COURT'S DECISION TO ALLOW THE LAWSUIT TO PROCEED IN A LOWER COURT IS A SIGNIFICANT STEP FORWARD FOR THE BARNES FAMILY.

PERHAPS THEY WILL EVEN GET THEIR DAY IN FRONT OF A CITIZEN JURY.

BUT WHETHER THE BARNES FAMILY MAKES IT THAT FAR...

...REMAINS UNCERTAIN.

QUALIFIED IMMUNITY
AND OTHER BROKEN, OBSCURE DOCTRINES FAVORING POLICE
JURORS

