

Dear Madam / Dear Sir,

Excuse me for approaching You and asking for Your kind assistance in the following matter. I would greatly appreciate if You offer Your precious time and will read my text.

I would like to turn Your attention to the following criminal case. Courtney Schulhoff, sixteen-age girl at the time of the offense, now nineteen, was found guilty in the first-degree murder and she was sentenced by the Sanford county trial, Florida, to 'life without parole' at the end of September 2006.

My knowledge of the Courtney Schulhoff's case is based on articles and videos published in the Internet www-pages and on information from my acquaintance living in Orlando. I realize that the Internet information can't be full and absolutely perfect; nevertheless, I found a lot of interesting and I tried to emphasize and to comment the most interesting or controversial features and aspects or to propound questions. I realize that my "view over the ocean" is under the influence of the Middle European tradition, custom and practice; however, some fundamental rules and principles are common for all people: one of them is that 'life without parole' is not adequate for teenagers. I am not a specialist in law or in psychology. However, I am in close contact with my students at the University and also with teenage students at high schools. I am familiar with their problems and with their thinking. *In my opinion, 'life without parole' is too harsh, cruel and inappropriate for this girl; especially if her case is compared with the case of so called Florida brothers.*

About two or three years ago, two little boys in Florida, twelve and thirteen plus several months in the time of the offense, killed her father by a baseball bat and set their house in fire. They were sentenced to life. Their case gained a large national attention because of inadequacy of the penalty. Under this attention, some intricacies of law were applied and the result was eight and seven years in prison, see part 13 of this text for details. Courtney's case didn't gain any national attention. Although her offense was minor (if compared with brothers), her penalty was much higher, life without parole. It is too large excess. What she did was less serious than the offense of brothers; the about sixty years difference in the penalties can't be compensated by the difference in age about 2½ years. *It is absolutely correct that large public interest originated in a successful attempt to find the reasonable and adequate penalty for the brothers within the framework of Florida law. However, it is absolutely wrong that no public interest resulted in 'life without parole' for the sixteen-age girl.*

Many organizations and institutions, many specialists in law or in psychology across USA fight against the 'life without parole' penalty for teenagers. Their reports, appeals, campaigns and other activities are creditable and important. However, to modify the statute isn't easy; it is a very difficult task, it requires a long time; the view of political authorities and public opinion is also very important.

Courtney Schulhoff's case is not closed recently. The Sanford county trial convicted Courtney to life without parole on September 27, 2006, the new trial was denied and the record on appeal was mailed to the District Court of Appeal. *It indicates the possibility to intervene directly the appeal procedure, the District Court of Appeal or later the Florida or US Supreme Court of Appeal – it is necessary to take full advantage of this possibility,* as it is the last real possibility how to keep off the 'life without parole' penalty, how to find a reasonable and adequate solution of her case. However, I recommend consult any activities with Schulhoff's defense attorneys.

Please, try to find a reasonable and adequate solution of Courtney's case.



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THE CASE OF COURTNEY SCHULHOFF: VIEW OVER THE OCEAN

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The Sanford trial, from left to right: Courtney with her defense lawyer before the trial opening; Courtney claimed innocence of her boyfriend and accepts full responsibility for the murder (?); Courtney is listening to the verdict of the judge: sentenced to life without parole. Source: Video^[13]

1] Courtney Schulhoff's case: the offense

- *Seminole County Grand Jury Indicts Two in Murder of Steven Schulhoff. March 2, 2004.* ^[2]

The Seminole County Grand Jury issued first-degree premeditated murder indictments today against Courtney Christine Schulhoff, 16, and Michael Lawrence Morin, 20, in the bludgeoning death Feb. 10, 2004 of Courtney's father, Steven Schulhoff.

The grand jury heard from four law enforcement witnesses and one lay witness before returning the indictment, said Assistant State Attorney Pat Whitaker. Both defendants are being held in the Seminole County Jail.

Courtney Schulhoff was indicted as an adult and will face the murder charge in adult court.

- *Trial opens for Fla. teen accused of enlisting her boyfriend to kill her father. CourtTV, Updated Sept. 27, 2006, 11:48 a.m. ET, SANFORD, Fla.* ^[7]

Two years ago, a 20-year-old man named Michael Morin bludgeoned his teenage girlfriend's father to death with a baseball bat. Although he later claimed to have blacked out, there was no doubt that Morin committed the crime. By his own admission, he came to in the victim's home covered in blood and holding the murder weapon.

What is in dispute at a trial this week in Seminole County Circuit Court is the role the victim's own daughter played in the brutal slaying. Authorities allege that 16-year-old Courtney Schulhoff was the cold, calculating mastermind of the murder, giving her older lover the bat, pointing him toward the bedroom where her father slept and opening a celebratory beer afterward.

While she is not accused of physically participating in the assault that left her father, Steve, 48, dead, she faces the same charge as Morin: first-degree murder. A conviction means a mandatory life sentence.

- *Convicted Teen Says She's Responsible For Dad's Murder. Courtney Schulhoff, 18, Sentenced To Life In Prison. WESH 2 News. 5:50 pm EDT September 27, 2006. SANFORD, Fla.* ^[10]

A Seminole County teen was convicted Wednesday of killing her father, and she stunned the courtroom when she took full responsibility for his death.

Courtney Schulhoff was found guilty of first-degree murder, and a judge immediately sentenced her to life in prison without the possibility of parole.

The 18-year-old, who was 16 when her father was killed, is not eligible for the death penalty because of her age.

Prosecutors said her boyfriend beat Stephen Schulhoff to death in February 2004, but Courtney Schulhoff arranged for it to happen.

After the verdict was announced, Courtney Schulhoff stood and said she was the one who killed her father, not her boyfriend.

"Your Honor, I would like to openly admit in court that Michael Morin is not the person who killed my father. I was. So, I accept full responsibility, and I accept the verdict," she said.

Courtney Schulhoff:Source: ^[21]

name	Courtney Christine Schulhoff
race, sex	white, female
height, weight	5' 01'' ; 100 lbs
birth date	12/27/1987
offense date	02/10/2004
offense	jury found her guilty of helping her boyfriend murder her father

Trial Information

court:	Sanford, Seminole County, Florida, 18 th circuit: the Seminole County (Sanford) and the Brevard County <i>address:</i> SANFORD (Seminole), Court Administration, Seminole County Court House, 301 N. Park Avenue, Sanford, FL 32771-1292
case number	592004CF000595B
trial date	09/26/2006 – 09/27/2006
defense lawyer	James Figgatt, Tim Caudill
prosecutor	Assistant State's Attorney Jim Carter
judge	Eaton, Jr., O. H.
verdict	guilty: 1 st degree murder, premeditated
penalty	life without the possibility of parole

Post-trial Information

11/02/2006	the court denied defense motion for new trial
11/02/2006	notice of appeal
12/14/2006	record on appeal mailed to 5 th District Court of Appeal http://www.5dca.org/default.htm http://www.5dca.org/ <i>address:</i> 5DCA, 300 South Beach Street, Daytona Beach, FL 32114

Michael Morin: the related case

Name	Michael Morin
court:	Sanford, Seminole County, Florida, 18 th circuit: the Seminole County (Sanford) and the Brevard County
case number	592004CF000595A
judge	Eaton, Jr., O. H.
Proceeding Court Date:	Docket sounding 02/07/2007
Proceeding: 02/15/2007	Pre-trial conference set 02/15/2007
Proceeding: Court Date:	jury selection 02/19/2007

Brief summary

Jurors found Courtney Schulhoff guilty of helping her boyfriend murder her father, thus guilty of first-degree murder premeditated, and a judge immediately sentenced her to life in prison without the possibility of parole.

There was a similar criminal case in Florida called Florida boys' case; see part 13: two little boys, twelve and thirteen plus several months in the time of the offense, killed her father by a baseball bat and set their house in fire. They were charged with the second-degree murder and arson and sentenced to life. Their case gained a large national attention, as life penalty was inadequate for little boys. Under this attention, some intricacies of law were applied: the killing was replaced by the battery, the second degree murder was changed into the third degree murder, and the result was eight and seven years in prison.

Courtney Schulhoff was sixteen plus six weeks at the time of her offense; only about 2½ years elder. According to Florida law, she was a child; she was not adult at sixteen. Her case didn't gain any national attention. Although her offense was minor (if compared with brothers), her penalty was much higher, life without parole. It is too large excess. The 'life without parole' for Courtney is inadequate, senseless and inappropriate in general (see part 9); the absurdity, monstrosity and nonsense of her 'life without parole' are accentuated if compared with Florida brother's case; read part 13 for details. What she did was less serious than the offense of brothers; the about sixty years difference in the penalties can't be compensated by the difference in age about 2½ years. It is absolutely correct that large public interest originated in a successful attempt to find the reasonable and adequate penalty for the brothers within the framework of Florida law. However, it is absolutely wrong that no public interest resulted in 'life without parole' for the sixteen-age girl.

The complicated Courtney's family background was not taken into account in the county trial; see parts 2, 3. The divorce of parents, stress at home, persistent problems with her father, beating, lack of understanding or emotional support, her father's girlfriend, selling of the house where Courtney lived earlier and moving to a new area, her father let her arrested because she stole him some checks – it is the list of the main stress triggers for Courtney, maybe the origin of chronic stress or even depression. After using father's credit card to buy new clothes her father again informed police. She was in a state of shock, anxiety and fear to be again in jail. These circumstances result in murder, read part 5 for details. What she did could result from a chronic personality disorder and from a period of high stress – these very important circumstances were not considered in the trial. If stress and related problems are considered to be important for famous persons like astronaut Nowak or for military pilots, they must be also considered in the case of an unknown girl like Courtney; read part 14 for details.

According to defense lawyers the evidence against Courtney was weak. The defense lawyers told the judge before the trial the case against Courtney was so weak that they wanted him to throw it out – this implies they were sure the evidence is indeed weak; their statement was not an exaggeration given to the jury during the trial; see part 8 for details. Nobody was able to disprove Courtney's explanation of events, her recorded interview with police shortly after the murder, see parts 5, 6, 8. Exact evidence like fingerprints or DNA is for her benefit: nobody was able to present any evidence that connected Courtney Schulhoff to that baseball bat, see part 8 for details.

Although Courtney was speaking about the killing, she wasn't in a state of balance; she was in a state of shock and stress. Courtney can't be the "cold, calculating mastermind of the murder" and if she spoke about the killing it could be hardly considered as the formation of the premeditated intent to kill. There exist also other evidence that the premeditation was not proved beyond reasonable doubt, see part 10. There are a lot of mitigating circumstances for the benefit of Courtney (see parts 2, 3, 5, 11), however none of them were considered in the trial. The new trial was denied although there was reason for a new trial; see part 6.

2] Courtney Schulhoff: What is known about her family?

The murder of Steve Schulhoff was investigated by police and during the Sanford trial. However, it seems that lack of attention was devoted to the background: to the Courtney's family and to the conditions of her life. It is well known that the family environment is very important for children and juveniles. It is also very important as a background if we need to understand and appreciate correctly what was done and why it was done.

Only very poor information on her family can be found on www-pages. Moreover, it seems that these facts were not accented sufficiently during the trial and especially the corresponding conclusions were disregarded. I would like to present here some questions that should be answered.

Courtney's parents were divorced and she lived with her father Steve Schulhoff. This seems as a bit strange. If parents are divorced it is more usual that the daughter lives with her mother. Why Courtney didn't? What was the reason? She was unhappy with her father. Why she didn't come back to her mother? She hated her father. Why she lived with him? Was it the divorce court decision or there exist other reasons? She has no possibility to leave him?

Courtney was a teenager, and she attended the high school. It is clear that she was not an exemplary good and well-behaved girl. She didn't work, thus she had no income. But she had some needs typical for teenagers: cinema, Mc Donalds's, nice clothes, ... nothing unusual or nonstandard ... and she needed money. *Once she stole checks from her father – and the problem was ready. As we can read in ^[7] Steve Schulhoff called police and Courtney was arrested for stealing checks from him. It is rather harsh.* Why he did it? Of course, in general, it is bad to steal checks. But the daughter from her father? There was no other possibility how to solve this situation? By some discussion at home? As we can read ^[7], there wasn't. Steve Schulhoff was not able to understand his daughter; he was not able to care of her and to bring up his daughter. Steve wasn't able to find any other solution than beating or prison.

To incriminate her daughter to police, to inform police against her daughter, to let her daughter lock in jail – a considerable and extensive amount of callousness is necessary for doing that. No wonder that Courtney hated her father. As we will see below, it was not the only origin of the hatred.

It is possible that the following was the source of problems between Courtney and her father: Steve Schulhoff had a girlfriend Elaine Bouck (or better said a women-friend as she isn't young). Is there anything known about relations between Courtney and Elaine Bouck? The following scenario is presumable: Elaine wanted to live with Steve only, his daughter Courtney was an additional and undesirable person. Moreover, girlfriends are very expensive and demanding; it is very often the case. And Steve was too amenable to his girlfriend Elaine and he was also too severe, strict, harsh and exacting to his daughter.

Let's conclude: Courtney's parents were not only divorced – also a new father's girlfriend appeared – it is much more complicated situation for a teenager than only the divorce. To live with her father and with her girlfriend – it could be very and very complicated.

And what about the Courtney's mother? Courtney didn't always get along with her father ^[5]. Why she can't come back to her mother? Was it because of the divorce court decision or there exist some other reasons? Was her mother living alone or also with some boyfriend (better: man-friend)? Nothing is mentioned on www-pages ... And what about Courtney's grandparents? Grand parents are seniors, usually with large experience of life. They weren't able to help her? Why? Neither her mother, nor her grandparents were present in the trial – this fact also indicates something. Of course, the girlfriend Elaine Bouck was present in the trial not only as the witness, but she came also to hear the final judgment.

3] Courtney Schulhoff: Chronic stress, post-traumatic stress disorder and depression

The teen ages are difficult ages. Girls usually need some love, some understanding, but also some freedom... Problems among children and their parents are usual. It is very important how parents are able to solve these problems. The non-adequate strictness and even the jail, these are wrong and bad methods.

I am not a specialist in psychology. However, I am in close contact with my students at the University and also with students at high schools as we organize for them various activities. I know that teenagers are vulnerable to psychical and emotional stress. Teenage girls are usually more affected by stress than boys. If the stress trigger is persistent or repetitive, it can result in chronic stress.

The divorce of parents, stress at home, persistent problems with her father, beating, lack of understanding or emotional support, her father's girlfriend, selling of the house where Courtney lived earlier and moving to a new area – that were the main stress triggers for Courtney, maybe the origin of chronic stress or even depression. *The jail for checks stealing was a terrible experience for the young girl* (she was about 15 at that time) and it could result in the post-traumatic stress disorder or even in some kind of depression. I refer to the open web-page sources ^{[15]-[20]} for further reading on stress at teenage girls; nevertheless, I am sure that specialists in psychology can offer much more sophisticated papers, research reports and arguments than me.

Please, read carefully the following text ^[39]; if necessary, see part 14 for context:

Dr. Patricia Santy, a former NASA psychiatrist, said among all: In the military, *pilots going through extraordinary stress, such as a divorce*, are ordered to seek help ...

Thus, divorce is “extraordinary stress” for military pilots. And what about a sixteen-age girl? Her parents were also divorced, she had to live with her father, he had a girlfriend, he beat her, he let her lock in jail etc, see parts 2, 5 for further details. *Sixteen-age girl is much more sensitive to family background, to parents divorce and to other stressors than an adult military pilot*. Moreover, Courtney's parents were not only divorced – also a new father's girlfriend appeared – it is much more complicated situation for a teenager than only the divorce. To live with her father and with her girlfriend – it could be very complicated and the girlfriend could be an additional stressor.

Some support of the above conclusions can be found in the police report ^[7] (Morin was Courtney's girlfriend):

"Morin said that Schulhoff seemed introverted and he felt she had been psychologically damaged as the result of the abuse," a police officer later wrote in a report. Investigators never found any proof of abuse, but Morin insisted he believed Schulhoff and felt pressured to defend her.

Of course, it is very difficult to find some proof of psychological abuse or some evidence of cuffs. If a policeman can't see any bruise, there is no evidence – but a cuff by flat palm doesn't create bruise. Moreover, to prove psychological abuse, it is the task for specialists in psychology rather than for policemen.

Interesting information can be also found in the photogallery of ^[7]; Courtney reminisced about her life in Waterford Lakes:

Schulhoff and Morin also drove to Waterford Lakes, a growing suburban neighborhood where the Schulhoffs once lived. According to Morin, Courtney was angry her father sold the house.

Police reports or Sanford court documents might contain other references that might offer more detailed information on the state of Courtney before the offense. However, it seems that a detailed investigation of her state by specialists in psychology immediately after the offense was never carried out – and it is strange at least because of two reasons: 1) *If a child or a teenager is accused, especially in the case of a homicide, the investigation of his/her state by specialists should be a matter-of-course similarly like the investigation by police*. 2) *Why Courtney's mother or her*

grandparents didn't demand the psychological investigation of their daughter? The psychological report could help her in the trial. Specialist in psychology are able to recognize whether remedy of the girl/boy is possible and their verdict affects the penalty – if the remedy prognosis is positive the penalty is lower – of course, only in countries where 'life without parole' is not mandatory.

4] Courtney Schulhoff and her boyfriend Michael Morin

Courtney had a boyfriend Michael Morin. She loved him as he offered her what was missing in her family, what her father was unable to give her: love, understanding, safety feeling etc. We can find the following important information in ^[7]:

Schulhoff and Morin met through his ex-girlfriend and began dating about a year before the Feb. 10, 2004, murder... According to Morin, about a month into the relationship, Schulhoff confided in him about beatings at the hands of her father.

The relations between Courtney's father and Morin were not good as it follows from the police report ^[5]:

(Courtney) Schulhoff did not always get along with her father. Steven Schulhoff apparently did not approve of his young daughter's boyfriend.

or as it was presented during the Sanford trial ^[10]:

During the trial, state attorneys said Courtney Schulhoff hated her father because he didn't approve of her relationship ...

The following information found in ^[7] is also very interesting:

In August, he (Morin) stole his father's car and the couple started to drive to Maryland to ask Schulhoff's grandparents for money so they could be independent. They turned back, however, and Morin was arrested for grand theft auto and served 70 days in jail.

According to the teenager (Courtney), Morin believed that interference from her father was going to result in his being sent back to jail on a probation violation. She told police that he had told his probation officer that he was staying at the Schulhoff home, but when the officer called to check up on him, Steve Schulhoff said he had never given Morin permission to do so. The officer filed an arrest warrant.

(Courtney) Schulhoff said that Morin believed he would be able to remain free if her father was out of the picture.

Again the same method of solution of problems with teenagers: police and the jail. Was Courtney's father able to find any other method?

5] Courtney Schulhoff: strong stress and the offense (murder)

In 2004 shortly after the offense the local TV reported ^[3]:

According to suspects Courtney Schulhoff, and Michael Morin, 20, [Steve Schulhoff beat his daughter after he found out she had been using his credit cards. That beating apparently prompted the girl and Morin to develop a murder plan.](#)

During the Sanford trial in 2006 the prosecutor said ^[7]:

Prosecutors have said the motive was the pair's lust for money, freedom and each other.

[Steve Schulhoff had gone to the police before his death seeking information about how to rein in his unruly daughter, who had already been arrested once for stealing checks from him. He told an officer that she was using his credit card without permission and had let Morin sneak into the house at night for sex. Two days later, Steve Schulhoff was dead.](#)

It is the key information of getting insight in the further events. I am sure that specialists in teenager psychology can deduce much more exact conclusions from the text above and can find much more sophisticated arguments for the benefit of Courtney than me.

Steve Schulhoff was killed as he informed police against her daughter. Going to the police and seeking information about how to rein his daughter – it is rather strange method. Police is a repressive authority, not an upbringing one. If there are problems with teenagers it is necessary to solve the problems at first inside the family with the aid of all family members. If it is not sufficient it is possible to contact a social service or teachers at high school. Teachers pass long years among teenagers, they have much experience and at least some of them are able to offer good advice. If problems are even more complicated it is possible to visit some teenager advice center with experienced specialists in psychology. And only in the case of some crime it is necessary to contact the police – however, it was the first what Steve Schulhoff did.

It seems that Steve Schulhoff (similarly as many other people) was not able to understand that there are another authorities, another specialists etc. at the beginning of the 21st century, not only the sheriff and the judge as it was about one hundred and fifty years ago, in the period of “wild west”.

Courtney was using her father’s credit card to buy new clothes on-line ^[7]. Oh, this was an awful crime (according to her father)! It is very natural that young girls want to be nice a want to wear nice clothes. Of course, Courtney should have asked her father. If she didn’t her father could speak with her about it – beating and going to police, it was very wrong method – however, it offers information on the personality of Steve Schulhoff. To use father’s credit card without permission, *it is not a crime!* It is disobedience, insubordination, indiscipline or something like this. Moreover, she was earlier allowed to use his father credit card ^[5]:

Courtney Schulhoff said she was upset her dad stopped letting her use his credit cards.

And another terrible crime (according to Steve Schulhoff): Courtney had let Morin sneak into the house at night for sex ^[7]. It is usual that parents are not informed if a boyfriend comes to their daughter for sex. Such problems should be solved by discussion among parents and children. But Steve Schulhoff knew only one solution: to contact police. Let mi to comment: Elaine Bouck, the girl friend of Steve Schulhoff, visited him often and sometimes she stopped for night. What were they doing? Certainly, they copulated. The best method of children upbringing is the personal instance...

Courtney knew that her farther informed police on the credit card and on the night visit of her boyfriend. This was a terrible and stressing situation for her. Some months ago she was in the jail because of stealing checks and now – again police, prison. It is sure that the first stay in jail was very difficult and stressful for her; perhaps it was the origin of the post-traumatic stress disorder or depression as it was mentioned above. And now the same bad and stressing situation. It had to be a great and strong stress for Courtney. She was in a state of shock. Her main problem was 'What to do? How to avoid the jail?'

Courtney was seeking help at her boyfriend Morin. She might have said something like this: “My dear Mike! I bought new clothes on-line and I used my father’s credit card. He beat me and he informed police and I will be again arrested. That’s terrible! What can I do? I hate him. I hate him so much. I would like to kill him.” Mike Morin hated Courtney’s father because of at least two reasons: he believed that interference from her father was going to result in his being sent back to jail on a probation violation ^[7]; her father didn’t approve of their relationship ^[5]; see also part 4 of this text. Morin could say: “Yes, we must kill him” or he could be the first who proposed to kill him. Somebody could hear them and presented their talk in his testimony.

It is clear that Courtney and Morin were together during those two days before the murder. It is also clear that they spoke about Steve Schulhoff, how they hate him, and according to one witness ^[6] they spoke also about killing him. Michael Morin gave police this account ^[7]:

On Feb. 9, the day before the murder, the pair went to the movies and, according to Morin, Schulhoff said that her father had discovered she was using his credit card to buy clothes online *and had beaten and choked her*.

"Morin said that *Courtney begged him to kill her father*," according to a police report.

He gave police this account: He and Schulhoff returned to her apartment at 2 a.m. after a movie double-feature. She told him they had to kill her father and then went into his bedroom to make sure he was asleep and remove the family dog.

"He said that when Courtney came back she told him she had placed a baseball bat outside her father's bedroom door," according to a detective's report.

Morin claims not to recall the beating. He told police that afterwards, Schulhoff was giddy and wanted to see her father's body, but he would not let her.

She seemed "happy and relieved and told him that this was the first time the two of them could be together without fear," he told officers. They later went out to McDonald's to eat, using money from her father's wallet.

However, Courtney was strongly stressed, she was afraid to be again in jail. She felt safety only if she was with Morin together. She tried to avoid the jail somehow – this was the most important for her. If her father would be away, she wouldn't go to prison. Certainly, it was very wrong consideration: the penalty for credit card is nothing if compared with the possible life penalty for the murder. *But she was only sixteen and because of strong stress she was not able to find a reasonable solution. A sixteen-age beaten and terrified girl is not able to cogitate logically; she is not able to consider the long-term consequence of her decisions.* It is typical that girls respond to stress by seeking help from others or by taking certain actions to reduce stress or to remove the stress triggers, to avoid stress situation^[15]. *Moreover, great stress reduces the ability to solve complex problems, problems that require flexible thinking, problems that require selecting one of many possibilities* ^[19].

One very significant question: Is it true? It was Morin who told police the information presented above and he could lie for its benefit. Morin was twenty. He knew that death penalty could be applied to him. It is very and very often the case (read ^[28]) young man that should face the death penalty tries to lower his blame and to assign a part of his blame to his younger girlfriend. No witness was present at the site of the murder and at the time of the murder, witness verified only the driving to McDonald's.

A specialist in psychology might deduce some knowledge on the Courtney state from the last paragraph of the above-presented fragment.

The tape-recorded interview of Courtney with police shortly after the murder offers another viewpoint ^[7]:

Schulhoff said *Morin killed her father of his own accord* to avoid going back to jail and then threatened her into silence.

Schulhoff said that Morin believed he would be able to remain free if her father was out of the picture. She told officers that *she talked her boyfriend out of killing her father* several times and was walking the dog when he attacked him. She said that when she returned to the apartment, he burst outside and said, "Problem solved!"

"Then he told me that if I called the cops, that he was gonna kill me or find a way to kill me, because he knew bounty hunters or something like that. And I don't even know what a bounty hunter is," she told police.

A similar statement is also in ^[1c] or in ^[4] and ^[8].

In recorded interviews the day of the murder, the teenager (Courtney) insisted she told Morin not to harm her father, who forbade the couple from seeing each other, and even threatened to call police. She maintained that she returned from walking the dog and found Morin covered in blood and boasting that he had "solved" their problems.

This interview implies the following conclusion: Courtney might have said "I would like to kill him" but it wasn't meant like that. Morin took it seriously as he hated her father and carried out the

murder. Courtney talked Morin out of killing at the last moment – but it was too late. *Nobody was able to disprove Courtney's interview during the trial.*

Courtney was also rather naïve and childlike at the age of sixteen as it follows from the following text ^[4] and from ^[7]:

The defense lawyer also seized on Schulhoff's youth while questioning an acquaintance of Morin, who testified that Schulhoff was present when her boyfriend discussed killing her father. "Her response was a giggle, a laugh, not a 'No, don't do that,'" ^[4]

Morin claims not to recall the beating. He told police that afterwards, Schulhoff was giddy and wanted to see her father's body, but he would not let her. ^[7]

She seemed "happy and relieved" and told him (Morin) that this was the first time the two of them could be together without fear," he (Morin) told officers. They later went out to McDonald's to eat, using money from her father's wallet. ^[7]

She was "happy and relieved", she was "giddy" and her response was "a giggle" – how to explain that, it is task for specialists in juvenile psychology. I conclude Courtney was confused, she was not able to fully understand how consequential the circumstance is and *she was more naïve and more childlike than sixteen-age girls are usually.*

Courtney was in a state of shock, stress, anxiety and scare and maybe also in a state of the post-traumatic stress disorder due to the first jail. All these stress triggers originated just from her father and from her family. This is very specific feature of her offense.

Let me repeat what I wrote in part 2: To incriminate her daughter to police, to inform police against her daughter, to let her daughter lock in jail – a considerable and extensive amount of callousness is necessary for doing that. No wonder that Courtney hated her father.

Although Courtney was speaking about the killing, she wasn't in a state of balance; she was in a state of shock and stress. Moreover, Courtney was nearly a child; at the age of sixteen she wasn't thinking like an adult, as she wasn't an adult. The difference between teenagers and adults is described in ^[28] in detail. An adult can avoid difficult situation and leave home, change his address but a child or a young teenager can't. The conclusion is: *Courtney can't be the "cold, calculating mastermind of the murder" ^[7] and if she spoke about the killing it could be hardly considered as the formation of the premeditated intent to kill.*

Please, understand me: I don't say that it is allowed to kill parents. Just the opposite is true, children should respect, honor and love their parents; it is valid at least since the time of Bible and Moses: "Honor your father and your mother, so that your days may be long in the land that the Lord your God is giving you. / You shall not murder – (Ten Commandments)". However, parents have also some duties and task towards children: parents must provide the children with food, clothes, care, love, safety etc. until children are truly independent; parents are not allowed to prefer their own way of life, their friends of love, their freedom (this was as apparent and natural in ancient time that it is not mentioned in Ten Commandments). Maybe, more cognizance and knowledge of own duties and tasks, less of so much proclaimed freedom and right to own way of life on the side of parents - this could be the way, how to solve many problems in families. Children need care, not cuffs. Children need understanding, not police and prison.

The role of Michael Morin was very erroneous and very wrong. He was twenty, he loved Courtney and he hated her father. He was not under stress. He was able to consider all consequence of the murder. He was able to recognize that murder is no solution. He ought to tell: "We won't do it! It is nonsense!" He claimed that he want to help her and to protect her and to defend her ^[7]. And what he did? He helped his girlfriend to "life without parole". He was simply a very and very stupid young man (at least at those two days before the murder). It was a tragedy for Courtney that she met him.

6] Sanford trial

The jury of seven women and five men deliberated three hours before returning the verdict ^[1c].

► ***What could hear the jury during the trial*** and what could affect the deliberation?

- The very emotional testimony (too emotional to even speak ^[6], see also the video ^[8]) of Elaine Bouck, the girlfriend of the killed Steve Schulhoff. She was the first person who found his dead body. O.K., she described this event in the trial. But everything else what she said was only a pathetic a emotional spectacle. It is clear (more than simply clear) that the victim's "women of love" *is not* the impartial witness – her testimony *must be* evaluated just from this point of view.

- Some contradictory statements: Police investigators presented Courtney's interviews that were recorded the day of the murder ^{[4],[8]}.

In recorded interviews the day of the murder, the teenager insisted she told Morin not to harm her father, who forbade the couple from seeing each other, and even threatened to call police. She maintained that she returned from walking the dog and found Morin covered in blood and boasting that he had "solved" their problems.

Nobody was able to disprove this statement during the trial.

The unrecorded interviews that police investigators also presented were completely different ^{[4],[8]}.

But according to investigators, in two unrecorded statements, Schulhoff acknowledged full participation in the plot:

"She told me at that time that she had helped plan the murder of her father, that she had, in fact, told Mr. Morin that her father was asleep in bed and ... that she would place a baseball bat near the door where he could get it," said Robert Fedi, who retired as head of the Altamonte Springs police department.

It is very interesting that *the unrecorded Courtney's statements are very similar to the account that gave Morin to police after the murder*, see ^[7] and part 5. Courtney's defense lawyers Tim Caudill and Jim Figgatt objected ^[9]:

Caudill and his co-counsel, Jim Figgatt, attacked the police statements as suspect. In all the interviews tape-recorded by police, the teenager insisted Morin acted alone, and the lawyers suggested it was unlikely that she had offered a full confession to the detectives when the tape recorders were turned off. "I'm not suggesting they lied, but I'm suggesting they needed to put together a case that night," Figgatt said.

Although the unrecorded interviews were refused when the new trial was requested ^[21], the jury could hear them and they could affect the deliberation and the final verdict of the jury.

- Some strange arguments of the Assistant State's Attorney Jim Carter ^{[6],[1 a]}:

"Courtney had been complaining about her father, about how she hated him. There was actually discussions about killing her father," (Assistant State's Attorney) Carter said.

It is unfair if the Assistant State's Attorney presents such "arguments". It *is not* the proof of the premeditation; it is only a cheap and unfair spectacle that should affect the jury.

He (Carter) cited the testimony of two police detectives who said that the evening after the killing, Schulhoff confessed to helping Morin by giving him the murder weapon, an aluminum Louisville Slugger, and removing the victim's protective dog from the family home. ^[9]

This statement is based on the unrecorded interviews that were refused later (see above); however, jurors could hear it.

- Testimony of eight witness ^[9]:

Assistant State's Attorney Jim Carter highlighted the testimony of the eight witnesses who took the stand for the prosecution, including *an acquaintance* of Morin who heard him discuss killing the victim in front of the defendant four months before the murder.

Is it sure that the testimony of an *acquaintance* of Morin was true? Can an acquaintance be indeed an impartial witness?

In ^[7] we can read:

Jurors are also likely to hear testimony of *friends* who claim Schulhoff's hatred of her father was well known.

Again the same objection: Can be a *friend* considered as impartial witness? Moreover, Courtney hatred of her father but it *is not* evidence that she developed the plan of the murder; it *is not* evidence of any premeditation.

- See also part 8 of this text where the problem 'guilty' or 'not guilty' is discussed.

- Testimony and statements that are not presented at www-pages in full version but they can be found in the documents of the trial. It is sure that some objection against these testimony and statements might be also found. It would be very interesting to know and to appreciate other arguments of the prosecutor – however, I have no access to other documents, only to www-pages.

► ***What couldn't hear the jury?*** See parts 2, 3, 5 of this text. Why Courtney's family background and others psychological reasons *were not* taken into account in the trial? These circumstances *are* very important, especially for teenagers: teenagers are much more sensitive to stress, to parents divorce etc. than adults, than for instance military pilots or astronauts (see part 14 for the context).

► ***What could see the jury?*** Courtney was eighteen plus nine months at the time of trial. Not only jurors but also all people that watched the trial in TVcourt, could see a nearly adult young woman, not a little beautiful girl. Maybe, some people were not able to realize that she was only sixteen plus about six weeks at the time of the offense, although photos of Courtney at the age of sixteen were presented in the trial, see ^[13]. However, *the age at the time of the offense* is important and conclusive, not the age at the time of the trial. Is it possible that 'life without parole' for a sixteen-age girl is considered to be adequate among most people in USA?

► ***It is rather strange that the new trial was denied.*** According to Rule 3.600 of the Florida Rules of Criminal Procedure ^[27]:

The court shall grant a new trial if any of the following grounds is established: 1) ... ; 2) The verdict is contrary to law or the weight of the evidence; 3) New and material evidence, which, if introduced would probably have changed the verdict or finding of the court, and which the defendant could not with reasonable diligence have discovered and produced at the trial, has been discovered.

The following question is related to count 2): Is it possible to find an impersonal method of review whether the verdict *is* or *is not* contrary to the weight of evidence? The arguments presented in part 8 of this text imply that *the verdict of the jury was indeed contrary to the weight of the evidence*.

Count 3): The family background and the arguments presented in parts 2, 3, 5 of this text were not considered in the trial. This material probably would have changed the verdict. Courtney couldn't present this material as she was in prison since the offense, she was insolvent and nobody demanded the psychological investigation. Nevertheless, the necessary information can be derived even now from documents. The case presented in part 14 manifests the magnitude of such arguments.

Again count 3): The recorded and unrecorded interviews of Courtney were presented in the trial, see top of this part 6. Although *after* the trial the unrecorded interview was refused, jurors could hear it. Thus, the verdict could be affected by this review – the verdict could be different without the unrecorded review. There is only one possibility how to find the effect of unrecorded interview – to open a new trial with a new jury. *The refusal of unrecorded interview is in fact equivalent to the presentation of new*

evidence according to count 3). Moreover, what would have remained from the prosecutor's argument after refusal of unrecorded interview? As I mentioned above, his arguments were based predominantly on the unrecorded reviews and on the Morin's interview.

7) The surprising statement: "... I was. I accept full responsibility ..."

It was believed from the beginning of the trial and that Morin committed the murder and Courtney helped him and prepared the plan^[7]; the same follows from police reports.

Courtney had maintained her innocence throughout the trial. The jury found Courtney guilty. At the end of the trial, after consultation with her defense lawyers, she accepted full responsibility for the murder, see^[1c] or^[10] and the video^[13]. In video^[13] we can see Courtney standing in the middle with her defense lawyers on her right and left. She looked at first right and slightly smiled, and then left like seeking some support then she turned to microphone and she made the following dramatic and surprising statement before sentencing:

Moments after a jury found her guilty of *helping* her boyfriend murder her father, a teenage girl acknowledged her guilt, but insisted her lover was innocent. Asked by the judge if she wished to speak before sentencing, Schulhoff, who had maintained her innocence throughout the two-day trial, whispered with her lawyers for five minutes. She then sighed deeply and rose.

"Your honor, I would like to openly admit in court that Michael Morin is not the person who killed my father. I was. So I accept full responsibility and I accept the verdict," Schulhoff told Seminole Circuit Court Judge O. H. Eaton.

Immediately after this statement, the judge sentenced her to life without parole. It can be seen in video she took this verdict into account; she tried to refrain from tears and nodded to signalize maybe understanding, maybe resignation...

Why she did it? What she was spoken about with her lawyers? It is possible that she tried to save life of his boyfriend Morin as he will face the death penalty. Another possibility is that her surprising statement could be a part of some plan of the defense lawyers^[1c]:

After the sentencing, defense attorney Tim Caudill said Schulhoff now says that it was she, not Morin, who swung the bat. Asked if his client was lying in an attempt to save Morin from conviction, Caudill replied, "Some people might say that, but I'm not going to comment."

Assistant State's Attorney Jim Carter, who prosecuted Schulhoff and will also try Morin's case, acknowledged that her statement would have an impact on the next case. "I have an ethical obligation to disclose this to Mr. Morin's attorney and I will," he said.

It is difficult to decide which of the mentioned possibilities is true and it is difficult to understand why Courtney did it. In my opinion, the confession could be dangerous for her: the first trial is not final; the appellate will follow. After she accepted the full responsibility for the murder, although "jury found her guilty of helping her boyfriend...", see above, the appellate hardly can help her. Nevertheless, some doubt remains: Does she tell truth? Is her confession true? I tried to discuss this problem in part 8; in my opinion, she can't be the killer.

If Courtney indeed tried to help her love, her boyfriend Morin, if she tried to save Morin's life standing face to face to life in prison without parole, if she tried to save Morin's life although it could be dangerous for her, there must be something good in the girl – she can't be as bad as some people say.

8| Courtney Schulhoff: 'guilty' or 'not guilty'?

Courtney was sixteen plus about six weeks at the time of the offence. As we can see in some photos [7], [3] she was a little petite girl at that time; she looks like she's only about twelve years old in the photo [7].

- We can read the following information in [6] and in [8]:

Investigators said Steven Schulhoff was beaten so badly while he slept that there was blood all over the bedroom. Then, he was stuffed into a plastic storage tub in his own apartment.

The medical examiner, Dr. Thomas Beaver, said lacerations indicated Steve Schulhoff was struck at least three times and maybe more. "The trauma fractured the skull and drove fragments of the skull into the brain," he said.

This means that the strokes with the baseball bat were very strong; if not blood would have not splashed all over the bedroom. To fracture the skull is also not easy; the skull of an adult man is hard and compact. And to stuff the dead body into a plastic bag, it isn't job for a petite and weak girl.

- Moreover, defense attorneys presented the following arguments [1b], [10]:

During closing arguments, defense attorneys said *there's no physical evidence tying the girl to the softball bat* that was used to kill Stephen Schulhoff, and the defense said when the girl supposedly admitted her involvement, detectives did not take any notes about it.

"(They) *weren't going to be able to present you any evidence* that specifically connected, and I mean physical evidence, *that connected Courtney Schulhoff to that baseball bat* as it was used at the time of her father's death," Defense Attorney Tim Caudill said. "They weren't going to be able to do that and they didn't do that. *They presented no physical evidence in connection, no DNA, no fingerprints.*"

- And another argument, the police interview with Morin [7]:

Although he (Morin) later claimed to have blacked out, there was no doubt that Morin committed the crime. By his own admission, he came to in the victim's home covered in blood and holding the murder weapon.

Observe: Morin never said 'I didn't kill him' he only said 'to have blacked out'. And he was covered in blood. This indicates that Morin was the person who killed.

- Morin told police the following [7]:

Morin claims not to recall the beating. He told police that afterwards, Schulhoff *was giddy* and wanted to see her father's body, but he would not let her. [7]

It is in fact evidence against Morin. If Courtney had killed her father, why she would have wanted to see his dead body? It is without logic. On the opposite, if Morin had killed her father Courtney might want to see his body; it may be strange but it is logical.

In my opinion, all these facts imply the following conclusion: *Courtney Schulhoff was not the person who killed* Steve Schulhoff. *This conclusion is inconsistent with the Courtney's confession*; see part 7. *It seems the reason of her confession was to help her boyfriend Morin.*

However, 'guilty' or 'not guilty', it is a bit different question as "jury found her guilty of *helping her boyfriend murder her father*" [1c], [10], [13], part 7. From the beginning Courtney was not accused of physically participating in the assault that left her father dead [3], [5], [7], [8].

Although Schulhoff did not take part in the fatal assault, prosecutors are seeking a first-degree murder conviction because, they allege, she helped carry out the 2004 murder. [8]

Prosecutors said Courtney supplied the bat and convinced her 20-year old boyfriend, Michael Morin, to use it. "She set it outside the room for Michael. She got a change of clothes for Michael, so he wouldn't get his own clothes bloody, and then she sent him in to do her dirty work," said prosecutor Jim Carter. [5]

- *No fingerprints, no DNA (see above) – it is a strong objection against the statement of the prosecutor.* Moreover, prosecutor's statement is based on the Morin's interview with police (see ^[7] or part 5 of this text) – and Morin could lie for his own benefit – and on the unrecorded interview of Courtney, see part 6 for details.

- Morin indeed could lie. The following inconsistency can be found in his statements ^[7]

Morin said that Schulhoff seemed introverted and he felt she had been psychologically damaged as the result of the abuse ... *Morin insisted he believed Schulhoff* and felt pressured to defend her.

Morin said Schulhoff had pressured him into committing the crime with shocking and *apparently false tales* of abuse by her father.

- The tape-recorded interview of Courtney with police shortly after the murder reads ^[7]:

Schulhoff said Morin killed her father of his own accord to avoid going back to jail and then threatened her into silence.

Schulhoff said that Morin believed he would be able to remain free if her father was out of the picture. She told officers that she talked her boyfriend out of killing her father several times and was walking the dog when he attacked him. She said that when she returned to the apartment, he burst outside and said, "Problem solved!"

"Then he told me that if I called the cops, that he was gonna kill me or find a way to kill me, because he knew bounty hunters or something like that. And I don't even know what a bounty hunter is," she told police.

Nobody was able to disprove this interview during the trial.

- According to defense lawyers the evidence against Courtney was weak ^{[9],[1 b]}:

The defense lawyers told the judge the case against the teenager was so weak that they wanted him to throw it out. He refused, saying it was a question for the jury.

In closing arguments, her attorneys told jurors "paltry" evidence presented by the prosecution failed to prove she helped her 20-year-old boyfriend plan and carry out the killing. "They haven't met their burden, and when that happens you have only one choice and that's 'not guilty,'" defense lawyer Tim Caudill told the panelists.

Observe: "defense lawyers *told the judge...*" *before the trial, not the jury* in the trial. This implies *they were sure* the evidence was indeed very weak; their statement *was not* an exaggeration given to the jury.

- Only three persons were present at the site of murder in the moment of murder: Steve Schulhoff that was killed, Courtney and Morin, nobody else, no witness. The accounts that Courtney and Morin gave to police early after the murder are controversial, see part 5 of this text or ^[7]. Thus, only exact evidence and clues can give response to the question 'guilty or not guilty.' – *Exact evidence, no fingerprints, no DNA, everything was for benefit of Courtney. Moreover, nobody was able to disprove Courtney's tape recorded interview that Morin killed her father of his own accord and she tried to call cops.*

- Testimony of eight witnesses ^{[9],[7]} was related only to some discussions that somebody could hear before the murder:

Assistant State's Attorney Jim Carter highlighted the testimony of the eight witnesses who took the stand for the prosecution, including *an acquaintance* of Morin who heard him discuss killing the victim in front of the defendant four months before the murder.

Jurors are also likely to hear testimony of *friends* who claim Schulhoff's hatred of her father was well known.

Is it sure that the testimony of an acquaintance of Morin was true? Can an acquaintance be indeed an impartial witness? Can be a friend considered as impartial witness? Courtney hatred of her father, iot is true, but it *is not* evidence that she developed the plan of the murder; it *is not* evidence of any premeditation.

The verdict of the jury was 'guilty'. The question is: why? The process of jurors' deliberation is deeply investigated and clearly described in ^[35], see also part 12 of this text. Although the report ^[35] analyzed other case, the following is interesting at this moment:

The jury system fails to take into account cognitive biases that favor improper conviction *when a defendant demonstrates reasonable doubt*, but no alternative explanation that fully explains all the facts. Defense lawyers know to heed the findings of cognitive psychologists who say that the best way to win a case is to give the jury an alternative narrative to the prosecution's. --- If the jurors really believed that she did something wrong, it is harder for them to acquit than to convince themselves that she committed murder. ^[35]

The jury system failed in Courtney's case even more, as *she presented* an alternative explanation that fully explained all the facts – it was her tape-recorded interview with police shortly after the murder that was never disproved; moreover, no fingerprints, no DNA was found. Is it possible that at the beginning of the 21st century that some feeling of jurors is more important than exact evidence?

Moreover, what does it mean 'reasonable doubt'? Since ancient Rome, more than 2000 years, the following fundamental principles of criminal law are valid (in Latin): *In dubiis mitius. – In dubiis reus est absolvendus – In dubio pro reo*. Why this fundamental and by time verified principle was not applied?

Let me add the following: The 'not guilty' verdict was the idea of defense lawyers in the county trial and it failed. Freedom because of no sufficient of evidence is possible in Europe where the presumption of innocence and the above mentioned principles of criminal law are strictly kept. It seems it is not possible in a country where a different principle is applied: If there is a corpse somebody must pay for it no matter he/she is innocent (Louise Woodward told BBC in her interview, see part 12; see also some www-pages on the DNA innocence projects ^[40] for verification).

Courtney's defense lawyers opted not to give an opening statement or call any witnesses on her behalf; they didn't throw out the verdict of the jury 'guilty' before sentencing; no court-ordered mediation was organized ... Instead of these possibilities, the "surprising confession (?)"; see part 7. There is something strange here, what is difficult to understand.

9] Courtney Schulhoff: the penalty should be adequate and reasonable

The following can be said about Courtney Schulhoff:

- she *is not* a person that snipes other people for her pleasure like the Washington sniper;
- she *is not* a teenager that comes to school and hunts other boys, girls or teachers as it is often the case;
- she *is not* a small dummy child that needs to try 'what is it like to kill that boy, that policeman etc.';
- she *is not* a dummy boy who beat and beat and beat her younger brother or sister up to death;
- she *is not* a teenager that that is able to kill the whole family;
- she *is not* a boy that is able to shot a cop because 'he stood in my way';
- she *is not* a dummy girl that killed another girl in school as 'she smiled on my boyfriend';
- she *is not* a teenager who take a automatic gun and some hand-shells and shots and hunts people in a department store;
- she *is not* a member of any gang or a terrorist group;
- she *is not* a multiple killer;
- she *didn't* send letters with explosive to other persons (do you remember the Unabomber?);
- she *didn't* organized an aircraft piracy or an unlawful throwing, placing, or discharging of a bombs;
- *etc.*

The examples above are offenses and felonies that indeed occurred at the territory of USA and the offenders serve life without parole.

Courtney *is* (or better: *at her sixteen she was*) a small scared girl that had to live under stressed conditions and she had no possibility to leave, to avoid them. The jury found her guilty in the first-degree murder premeditated but the jury wasn't able to decide who killed her father. I presented arguments in part 8 that Courtney is not the killer.

According to the Florida Statute ^{[22], [23]}, murder in the first-degree is the premeditated killing or the death of a person during the commission of one of some enumerated felonies ^[22]. A person can be convicted of first-degree murder even though he or she did not actually kill anyone, did not plan to kill anyone, or was not present at the crime scene *but was involved in the commission of an enumerated felony that resulted in a person's death*. Life penalty without parole is mandatory if because of youth of the offender the death penalty cannot be applied.

There is one problem: no difference between the killer and the person that didn't actually kill anyone – mandatory LWOP for both. It is in fact instruction to police: Don't investigate deeply; it is needless and worthless. For instance, don't investigate whether the sixteen-age girl took the blame instead of her elder boyfriend (read the case of Amy Black in ^[32]). It is sufficient to catch and arrest all persons that were in an improper time in an improper site and in the vicinity of the corpse. All persons will be sentenced to life without parole, thus, why to try to find the actual killer? What is the result of such approach? Read any www-page on the DNA innocence project ^[40].

There is one important rule (or even principle) in law: comparable offenses – comparable penalties. Look at list of various examples above and consider the Courtney's case. Are the above listed examples comparable with the Courtney's offense? Can be Courtney compared e.g. with the Washington sniper or with a person who hunts boys, girls and teachers in school or in a department store? Of course, no, she can't. But the penalty for her is the same: life without parole. *Sentencing must reflect the seriousness of the crime. The same mandatory 'life without parole' penalty across a broad spectrum of incomparable offenses – it is not only strange, it is bad, it is wrong; it is in controversy with all fundamental principles of law valid since ancient Rome, it is simply a great "system error" of the law.*

It is sure that some teenagers perpetrate terrible offense, as for example the well known Washington sniper or other boy that lately hunted and shot people using automatic gun and small hand-bombs in a department store only for his pleasure. It is clear that some of teenage killers are beyond remedy and 'life without parole' is the only adequate penalty. However, there are also different teenagers – large majority of teenagers is different; some cases are reported in ^{[28], [32]} or in other documents. *The most significant system error of the law is not the 'life without parole' penalty but the 'mandatory life without parole'.* Specialist in psychology are able to recognize whether remedy of the girl/boy is possible and their verdict affects the penalty – if the remedy prognosis is positive the penalty is lower – of course, only in countries where 'life without parole' is not mandatory.

The aim of the death penalty or of the life without parole penalty is to eliminate the offender away from the human society once for ever as the offender is dangerous not only now but he could be dangerous also in the future. Do you mean that Courtney could be dangerous in the future? Do you mean that Courtney will kill men or women in the future? No, it is sure.

'Life without parole' penalty was deeply investigated and reasons for its inadequacy were given in ^{[28] ÷ [32]}. Let me to add the following: *Life penalty without parole applied to this teenage girl, it is not a penalty; it is in fact the slow murder, the capital felony allowed by the law, the murder in the zero or even in the negative degree.* (For better understanding: the negative degree murder > the zero degree murder > the 1st degree murder > the 2nd degree murder > the 3rd degree murder > the manslaughter.)

If the information in ^[14] is true and *Courtney Schulhoff, now nineteen, in prison since sixteen, is indeed the only woman that serves the life penalty without parole at Florida, it is very bad credit for the Florida system of law and judicial code.* If the information in ^[14] is not true and there exist more teenage girls serving life without parole at Florida, *the credit is only worse.*

10] The premeditation

The premeditation is the key word in the murder classification scheme, see chap. 782.04 of ^[22] or the source ^[23]: premeditated killing is the first-degree murder (mandatory death penalty or life penalty without parole), killing without premeditation can be the second-degree murder, the third-degree murder or the manslaughter.

We can find the following explanation of the premeditation in the Standard Jury Instructions ^[24]:

"Killing with premeditation" is killing *after consciously deciding* to do so. The decision must be present in the mind at the time of the killing. *The law does not fix the exact period of time that must pass between the formation of the premeditated intent to kill and the killing.* The period of time must be long enough to allow reflection by the defendant. The premeditated intent to kill must be formed before the killing.

The question of premeditation is a question of fact to be determined by you from the evidence.

It will be sufficient proof of premeditation if the circumstances of the killing and *the conduct of the accused convince you beyond a reasonable doubt* of the existence of premeditation at the time of the killing.

The time interval related to the premeditation is discussed in the interesting report ^[25]:

The law does not prescribe the precise period of time, which must elapse between the formation of and the execution of the intent to take human life in order to render the design a premeditated one; *it may exist only a few moments and yet be premeditated.*

What is the meaning of the word *conscious*? We can find the following explanation of this word in Internet British Encyclopedia: *perceiving, apprehending, or noticing with a degree of controlled thought or observation; capable of or marked by thought, will, design, or perception; done or acting with critical awareness.* It is in fact a similar problem as in part 9: very broad time interval, from several seconds to several months – and the result is the same: premeditation. Is ‘only a few moments’ sufficient for premeditation? My answer is *no*. Moreover, I affirm the following: The explanation of premeditation ^[25] is in controversy with the meaning of the word.

There is another problem related to the words “... *with a degree of controlled though ... acting with critical awareness...*” Is it possible to premeditate something in the state of shock, strong stress, fear, anxiety etc? Is ‘consciously deciding’ possible in the state of shock, strong stress, fear, anxiety etc.? Is it possible to premeditate something in the state when the ability to solve complex problems, problems that require flexible thinking, problems that require selecting one of many possibilities is reduced ^[19]? My answer is again *no*.

What is the evidence of premeditation in the Courtney’s case? Was the premeditation proved indeed “beyond the reasonable doubt”? I have only the www-sources at my disposal. Nevertheless, important information related to the proof of premeditation can be found and it is sure that other information can be found among the trial documents.

- If Courtney spoke about the killing with her boyfriend it could be hardly considered as the formation of the premeditated intent to kill – supporting arguments are presented in parts 2, 3, 5. The state of shock, strong stress, fear, anxiety etc., it is not the state for ‘consciously deciding’ if you pause on the meaning of the word ‘consciously’.

- "Courtney had been complaining about her father, about how she hated him. There were actually discussions about killing her father," (Assistant State's Attorney) Carter said. ^[6]

It *is not* the proof of the premeditation; it is only a cheap and unfair spectacle for the jury. The only correct response of the judge should be "Shut up!" (to the prosecutor) and "Don't listen to him!" (to jurors).

- Assistant State's Attorney Jim Carter highlighted the testimony of the eight witnesses who took the stand for the prosecution, including *an acquaintance of Morin* who heard him discuss killing the victim in front of the defendant four months before the murder. ^[9]

Jurors are also likely to hear testimony of *friends* who claim Schulhoff's hatred of her father was well known. ^[9]

Is it sure that the testimony of *an acquaintance* of Morin was true? Can an acquaintance be indeed an impartial witness? What could the testimony hear – some words like "I hate him, I would like to kill him"? Moreover, 'four months before the murder' – it was after the imprisonment of Courtney for check stealing, thus all arguments presented in parts 2, 3, 5 are valid also herein. Courtney hated of her father but to hate somebody, it *is not* evidence of developing the plan of the murder.

- Prosecutors said Courtney supplied the bat and convinced her 20-year old boyfriend, Michael Morin, to use it. "She set it outside the room for Michael. She got a change of clothes for Michael, so he wouldn't get his own clothes bloody, and then she sent him in to do her dirty work," said prosecutor Jim Carter. ^[5]

No fingerprints, no DNA were presented ^{[1 b],[10]}; see also part 8 of this text for more details – it is a strong objection against the statement of the prosecutor. Moreover, this statement is based on the Morin's interview at police ^[7] – and he could lie for his benefit. Did Courtney prepare the clothes before the murder or she simply gave him the new clothes only after the murder? It is also *no* evidence of the premeditation.

- ... Although he (Morin) later claimed to have blacked out, there was no doubt that Morin committed the crime. By his own admission, he came to in the victim's home covered in blood and holding the murder weapon. ^[7]

Morin's role was discussed in part 8; please, read it again for details.

- Courtney's defense lawyers said the following ^[1 b]:

Her lawyers opted not to give an opening statement or call any witnesses on her behalf. In summations, they argued that the prosecution had not proven its case beyond a reasonable doubt, but stopped short of saying Morin acted alone. ^[1b]

- According to Standard Jury Instructions, chap. 3.7 ^[24], "a reasonable doubt as to the guilt of the defendant may arise from the evidence, conflict in evidence, or the lack of evidence". Thus, I repeat here again what was written in part 8: According to defense lawyers the evidence against Courtney was weak ^{[9],[1 b]}.

The defense lawyers told the judge the case against the teenager was so weak that they wanted him to throw it out. He refused, saying it was a question for the jury.

In closing arguments, her attorneys told jurors "paltry" evidence presented by the prosecution failed to prove she helped her 20-year-old boyfriend plan and carry out the killing. "They haven't met their burden, and when that happens you have only one choice and that's 'not guilty,'" defense lawyer Tim Caudill told the panelists.

Observe: "defense lawyers *told the judge...*" *before the trial*, not the jury in the trial. This implies *they were sure* the evidence was indeed very weak; their statement *was not* an exaggeration given to the jury.

- *It is sometimes very difficult for jurors to apply the notion of reasonable doubt*, see ^[35] and part 12 of this text. Please, read again at the end of part 8 that the jury system fails in this case. If *mandatory* 'life without parole' is included in the law jurors and lawyers *must very carefully and very accountable deliberate* whether the murder was indeed premeditated.

Careful reading of the trial documents may offer further arguments. I am sure that defense lawyers know more arguments than only those deduced from www-pages. Thus, the conclusion is: *the premeditation was not proved beyond the reasonable doubt*.

What does it mean if there exists a reasonable doubt? I will repeat it again: Since ancient Rome, more than 2000 years, the following *fundamental principles of criminal law* are valid (in Latin): *In dubiis mitius. – In dubiis reus est absolvendus – In dubio pro reo*. According to these old and by time verified principles *the existence of doubt implies no premeditation*. Why this fundamental and by long time verified principle was not applied?

However, I refer to the interesting report ^[25]. It is admirable what arguments can be used if one argues against the statement ‘no sufficient evidence of premeditation’.

11] The mitigating circumstances

The mitigating circumstances that should be considered if sentence of death or life imprisonment is announced are listed in chap. 921.141, part (6) of ^[22]. The enumerated circumstances mitigate against imposition of the death penalty. This means that they are applicable only to persons with age above the limit for death penalty.

If any person is accused in any crime, various mitigating circumstances can be applied; as we can see above, even to adult killers. Only young teenagers below the limit of the death penalty accused in the first-degree murder don't have this possibility – no mitigating circumstances. Their age should be the only mitigating circumstance – it is in fact no mitigating circumstance as the application of death penalty to teenagers was abolished by the US Supreme Court in 2005. Various first-degree murders are not equivalent; see part 9. Moreover, ‘to kill somebody’ is something else than ‘to participate somehow in killing’ Of course, *the reason is the mandatory life penalty*.

For interest, let's look at the list of mitigating circumstances. The vast majority of them are applicable to Courtney's case:

- *The defendant has no significant history of prior criminal activity.*
- *The capital felony was committed while the defendant was under the influence of extreme mental or emotional disturbance.* Courtney's family background and other factors mentioned in parts Courtney was under the influence of chronic stress, strong abrupt emotional stress and shock and the post-traumatic stress disorder should be also considered, see parts 2, 3, 5. Read also part 14.
- *The victim was a participant in the defendant's conduct or consented to the act.* The victim was one of the origins of the chronic stress and the source of the shock two days before the murder.
- *The defendant was an accomplice in the capital felony committed by another person and his or her participation was relatively minor.* Although Courtney accepted full responsibility, see part 6, there exist arguments for her benefit, she can't be the killer, see part 8.
- *The age of the defendant at the time of the crime.* Courtney was only 16 plus six weeks – thus she can't ‘get needle’.

12] British au pair Louise Woodward: innocent girl sentenced to life

Let me present here the following case ^[36] as it demonstrates the following: although the accused person is innocent, the verdict of the jury can be ‘guilty’ and the verdict of the judge can be ‘life without parole’.

In 1997, British au pair Louise Woodward was sentenced to life without parole in Boston, Massachusetts. Her case garnered large international attention and strong and sharp criticism across Europe, especially in Great Britain (I remember this case very well; I watched it in Czech TV news). British lawyers claimed that evidence against Louise was very weak and even not sufficient for complaint in Great Britain. Under broad international publicity, judge reduced Woodward's murder conviction to involuntary manslaughter at first. Later, the English au pair was released after judge reduced her sentence to time spent in prison as it was rather painful to admit full truth: although Louise Woodward was innocent and the case against her was absurd an senseless from the beginning, she was sentenced to life without parole. British authorities manifested clearly their opinion: Lord Mayor of city she lived in welcomed her at the airport.

The analysis of this case carried out later by an American lawyer and presented in ^[35] is very interesting and can be applied also to the Courtney's case; I recommend the full text for reading:

The answer to this question is that Louise Woodward was convicted because, as linguists and cognitive psychologists have taught us, *it is extremely difficult to apply the notion of reasonable doubt the way the system of justice intends it to be applied*. For this reason, Massachusetts v. Woodward is not only a very sad case of an improper murder conviction for a tragic death of an infant -- it is an illustration of *a big hole in our legal system*. The jurors believed that Woodward really did do something wrong that day, and that whatever she did contributed to the baby's death ... The rules say that without more, they must acquit, since these facts do not constitute murder. Then why was Louise Woodward convicted? ---

If the jurors really believed that she did something wrong, it is harder for them to acquit than to convince themselves that she committed murder. The problem is made more difficult by the fact that the prosecution goes first, making it as easy as possible for the jury to fit the facts into the "guilty" category before they hear evidence to the contrary. Criminal defense lawyers all know that going second is a disadvantage. ---

In truth, the verdict in this case reflects a design flaw in our system of criminal justice. *The jury system fails to take into account cognitive biases that favor improper conviction when a defendant demonstrates reasonable doubt, but no alternative explanation that fully explains all the facts*. Defense lawyers know to heed the findings of cognitive psychologists who say that *the best way to win a case is to give the jury an alternative narrative to the prosecution's*.

The rules permit judges to throw out verdicts when they are not supported by the evidence. ---

Prosecutor presents his story, defense lawyer presents his alternate story and jurors should compare the stories with evidence – thus, it shouldn't be important who goes the first – but it is – and it is wrong, it indicates a ‘system error’. Moreover, advocates offer ‘aggressive accusation’ or ‘aggressive defense’ at their www-pages. It implies the presented story and the way of the story presentation is more important than exact evidence. If the jury system fails, as we can read above, is it reasonable to use this system? Is it correct at the end of 20th century or at the beginning of the 21st century some feeling of jurors is more important than exact evidence, exact medical reports etc.?

And another problem related to the jury. Rule 3.600 of the Florida Rules of Criminal Procedure ^[27], count 1), reads: Grounds for new trial – *the jurors decided the verdict by lot*. Is it possible at the beginning of the 21st century to permit the possibility of lot? Sure, lot is ground for a new trial; but why jurors aren't allowed to say ‘we didn't reach agreement’? Why jurors must find verdict at any rate, although the way to the verdict is absurd?

Let me present another passage of the report ^[35]:

Reasonable doubt instructions as currently presented to juries do nothing to instruct them of this cognitive bias. Instructions that deal with this problem forthrightly may lead to fewer convictions, but should also lead to fewer acts of injustice. Maybe then we will have less need to rely on the courage of judges to overturn jury verdicts that do not reflect an appropriate application of reasonable doubt.

It is known since 1997. Were the instructions to jurors changed since that time to include the cognitive bias? Reasonable doubt is closely related to premeditation and to life without parole or even to death penalty – it is very serious. And there exist too many acts of injustice – read on the DNA innocence projects ^[40].

One question remains: What would have been the result of Woodward's case without large international attention? What would have been the result if an American teenage girl had been confused instead of British au pair? Sorry, but the answer appears to be clear: The girl would serve life without parole since 1997 up to now and for about next fifty or sixty years.

13] Florida boys' case: worse felony – much less penalty

Florida boys' case was published e.g. in ^[33] and it very similar to the Courtney Schulhoff case: two boys, brothers, killed her father by a baseball bat:

PENSACOLA, Fla. (CNN) — Two Florida brothers will serve sentences in state prison after pleading guilty *to killing their father with a baseball bat*, a judge announced Thursday.

Derek King, 14, will spend eight years in state prison, and his 13-year-old brother Alex will spend seven years in state prison.

The sentences announced by Circuit Court Judge Frank Bell came after *they agreed to plead guilty to arson and third-degree murder* in the slaying of their father, Terry King. This agreement represents a reduction of the second-degree murder convictions the boys were given in September and which Bell threw out.

The pleas and sentences came out of a court-ordered mediation that reached resolution Wednesday. Attorneys entered mediation after Bell tossed out a jury conviction just before a sentencing last month that could have put the boys in jail for life.

Prosecutor David Rimmer explained *that third-degree murder is as a killing that occurs unintentionally while a defendant is committing another felony.*

"Certain felonies, like robbery, constitute first-degree murder," Rimmer said. *"But in this case the third-degree felony is battery - which is not in the listing of charges - the beating of Terry King with the bat.* For third-degree murder, you only have to show that the defendant intended to commit the battery." ----

In a statement he signed as part of his pleading, Derek King, 14, admitted killing his father at the suggestion of his 13-year-old brother.

"I murdered my dad with an aluminum baseball bat and I set the house on fire from my dad's bedroom," Derek said in the statement read by Bell. Alex's statement corroborated his brother's.

"I suggested that Derek kill my dad," he said in the statement read in court by the judge.

The boys originally had confessed to killing their father and setting fire to the home last November.

The brothers were only twelve plus several months and thirteen plus several months at the time of the offense. It is clear that life penalty for such small boys is nonsense and a natural consequence of life penalty could be only a large national or even international shame; similarly as in the case of another boy from Florida, Lionel Tate, see ^[34].

The case demonstrates that the arguments of the attorney can be sometimes very interesting and clever. The boys *killed their father with a baseball bat and setting fire to the home*, thus the real offense was *murder premeditated and arson*. 'Premeditated' as they discussed the murder, thus the intent to kill

was present in their minds. Moreover, arson – the purpose was to destroy tracks and corpse (the boys could watch it in a movie) – but fire brigade arrived too shortly. However, according to the prosecutor (see above) “... *in this case the third degree felony is battery* – the beating of their father with the bat ...” Certainly, the boys wanted only to beat their father with the baseball bat and he died only by accident... According to the Florida statute ^[22]:

Battery is the intentional touching or striking of a victim against his or her will causing the victim harm. --- Murder in the third degree occurs when a person kills during the commission of a nonenumerated felony.

These arguments are very clever, indeed, very smart. These arguments demonstrate that the interpretation of the law can be very flexible if necessary. Of course, in this case it was for a good purpose because life penalty for such small boys is nonsense and it was necessary to find an appropriate solution of this case within the Florida law. However, would have been the interpretation of law so much flexible without the national attention ^[33] and without the national and international shame with Lionel Tate ^[34]? Sorry, I don't think so.

Let's compare Florida brother's case and Courtney Schulhoff's case: the age, the criminal acts,, the penalty and the national attention.

- *Let's compare the age.* The brothers were indeed children at the time of the offense; the elder who killed was thirteen plus several months. Courtney was sixteen plus six weeks at the time of her offense; about two years and a half elder. However, she *was not* adult at sixteen. According to Florida law, ‘child’ means any person under the age of 18 years ^[24]. Thus, in correspondence with law, Courtney was a child at the time of the offense. Psychologists have a fine scale: child, pre-teen, teenager, juvenile, adolescent ... Read the chapter V in ^[28] or the document ^[29] on the difference between youth and adults. Psychological research confirms what every parent knows: *children, including teenagers*, act more irrationally and immaturely than adults. This fact was accepted and involved in law in different Europe countries about one hundred years ago; see the Appendix. Remember also, teenagers are not uniform, children evolution is sometimes faster, sometimes slower – and Courtney was rather naïve and childlike at sixteen, see part 5.

- *Let's compare the criminal acts.* The brothers: murder plus arson, two felonies, in fact. It is without any doubt: they did it. Courtney: jury found her guilty of helping her boyfriend murder her father ^[7]; however, nobody was able to disprove her interview with police after the murder, nobody was able to present any fingerprints or DNA that connected Courtney with the bat; see ^[7] and parts 5, 8. What is worse? Whatever Courtney did, even if her confession was true (see part 7), was significantly less serious than the offense of the brothers.

- *Let's compare the penalties:* The brothers: eight or seven years in prison. Courtney: life without parole. *It is too large excess. There is one important principle mentioned in part 9: comparable offenses – comparable penalties. Both the brothers and Courtney are children according to Florida law. The about sixty years difference in the penalties can't be compensated by the difference in age about 2½ years. If some intricacies of law were applied to brothers, why similar intricacies of law were not applied to Courtney?*

- The answer is without any discussion: the brothers' case garnered *national attention* ^[29]. We can find petitions, many articles in news, letters to governor and president and other documents for the benefit of the brothers in www-pages. It was simply impossible to repeat the same scenario and to sentence another two boys to life under national attention and after the national and even international shame with Lionel Tate ^[34]. *It is the reason why court judge threat out the original verdict, it is the reason of intricacies of law; it is the reason why adequate and acceptable solution was found for the brothers within the framework of Florida law.*

Courtney's case gained no national attention with exception of some blog www-pages; thus, nobody tried to find appropriate solution of her case and she was simply sentenced to ‘life without parole’. *Worse*

felony – much less penalty, although both the brothers and Courtney were children according to Florida law at the time of offense; that's incredible, it is hard injustice.

It is absolutely correct that large public interest originated in a successful attempt to find the reasonable and adequate penalty for the brothers within the framework of Florida law. *However, it is absolutely wrong that no public interest resulted in 'life without parole' for the sixteen-age girl. The 'life without parole' for Courtney is inadequate, senseless and inappropriate in general (see part 9); the absurdity, monstrosity and nonsense of her 'life without parole' are accentuated if compared with Florida brother's case.*

Courtney was eighteen plus nine months at the time of trial. Not only the jury in the trial but also all people that watched the trial in TVcourt, could see a nearly adult young woman, not a little beautiful girl – this is the reason of her 'life without parole' penalty. Maybe, people were not able to realize that she was only sixteen plus about six weeks at the time of the offense – but photos of Courtney at the age of sixteen were presented in the trial, see ^[13]. Is it possible that 'life without parole' for a sixteen-age girl is considered to be adequate among most people in USA? As adequate and natural that it is not interesting, not worthy of attention for most people?

Again the same question as in the previous part: What would have been the results of Florida boys' case without large national attention? What would have been the result of Lionel Tate's case without large national and even international attention? Sorry, but the answer appears again clear and similar to that in previous part 12: life without parole in an adult prison.

14] Astronaut Lisa Marie Nowak: famous versus unknown person

Orlando, Florida, February 2007 ^[37]. A NASA astronaut Lisa Marie Nowak, a 43-year-old Navy captain had been charged with attempted kidnapping, attempted vehicle burglary with battery, destruction of evidence and battery and attempted first-degree murder. According to Orlando Police, "The intent was there to do serious bodily injury or death." Police found in Nowak's possession new steel mallet, knife, rubber tubing and large garbage bags. Police said she methodically planned the 950-mile trip from Houston to Orlando – complete with disguise, weapons and \$600 in cash.

Nowak has a teenage son and 5-year-old twin girls with her husband, Richard, who works for a NASA contractor. The couple separated a few weeks ago after 19 years of marriage. Nowak returned to Houston for a medical assessment. She faced a medical exam at Johnson Space Center.

Specialists said the following ^{[38], [39]}:

Nowak, like many of her colleagues, pursued a career in spaceflight since childhood. Then, after her shuttle trip last summer, her goal had been achieved, and the prospects for another mission were dim, even though she remained in the prime of her life at age 43.--- Nowak "had to be somehow asking the question 'What do I do next?,'" Aldrin said (Buzz Aldrin, the second man to step on the Moon). He said there is no good system to support astronauts after their spaceflight days are over: "Nobody is helping them readjust. It's hard for NASA to take on that responsibility.

NASA flight surgeon Clark said: Female astronauts have to balance two careers — to be a mom and wife and an astronaut. — Yet as she and some of her acquaintances acknowledged, *the stresses on her and her family were extraordinarily intense*. — She was the epitome of managing a very hectic career, making sacrifices to accommodate her family. All those stresses can conspire to be overwhelming. ... Clearly she suffered a *lot of mental anguish*.

Thomas Nagy, a Palo Alto, Calif., psychologist who has studied the stresses facing dual-career couples, *hesitated to offer any specific diagnosis of Nowak, but said such seemingly desperate acts could result from a chronic personality disorder or from a period of high stress that clouds one's judgment*. "When people are in that role of trying to do everything

to the Nth degree, they don't get enough sleep, they don't do enough activities that are fun, they don't get enough exercise," he said. "If we ignore those because we're trying to do it all, *we pay a price — more anxiety, more depression*.

American University professor Howard McCurdy said *the stress of working in the space program puts pressure on personal relationships* and results in higher divorce rates among astronauts.

Nowak was a well-trained person without any mental health problems. However, her family background fell down, stresses on her were extraordinarily intense, chronic personality disorder occurred, a period of high stress occurred – and attempted murder etc. was the result. It is sure that all the mentioned diagnoses will be taken into account in the trial, if a trial ever is organized. It is more than only clear, that experts in psychology or psychiatry will very carefully elaborate their reports for Nowak's benefit; even a specific diagnosis was mentioned. Of course, astronaut Nowak was a famous person, an US hero.

Courtney Schulhoff is an unknown girl, now nineteen, at the time of the offense sixteen. Specialists didn't investigate her immediately after the offense as nobody requested it and as she was (and she is) insolvent. Nevertheless, we can deduce a lot of information on her state before the offense in articles and reports published in www-pages, see parts 2, 3, 5; more information can be found in police and trial documents. What was said by specialists on astronaut Nowak, the same is valid also for Courtney: *Courtney's desperate act could result from a chronic personality disorder or from a period of high stress – both chronic stress and short period of high stress were present – however, it was not interesting for anybody*. (If I speak about Courtney's desperate act, I must remind immediately that nobody disproved her interview with police shortly after the murder, no fingerprints or DNA were presented, see parts 6 and 8 – thus there are some doubts – was there any desperate act?)

Compare also the evidence of premeditation. Regarding Courtney Schulhoff, see part 10: somebody might hear she discussed the killing with her boyfriend. Regarding astronaut Nowak, see the first paragraph of this part: "Police found in Nowak's possession new steel mallet, knife, rubber tubing and large garbage bags. Police said she methodically planned the 950-mile trip from Houston to Orlando – complete with disguise, weapons and \$600 in cash."

Please, read carefully ^[39]:

Dr. Patricia Santy, a former NASA psychiatrist, said among all: In the military, *pilots going through extraordinary stress, such as a divorce*, are ordered to seek help, but not at NASA.

Thus, divorce is "extraordinary stress" for military pilots. And what about a sixteen-age girl? Her parents were also divorced, she had to live with her father, he had a girlfriend, he beat her, he let her lock in jail etc, see parts 2, 3, 5 for further details. *Sixteen-age girl is much more sensitive to family background, to parents divorce and to other stressors than an adult astronaut or military pilot*.

It is sure that being an astronaut is extraordinary demanding. It is sure that female astronauts have specific problems. I also understand that astronauts are US national heroes and heroes usually have rather extraordinary position among other people. However, *all persons have equal position with respect to law, both famous and unknown* – it is very significant principle of law since the time of French Revolution. It is sure that family background, divorce and other stressors will be considered in the case of astronaut Nowak. This implies that *Courtney's family background and everything what was mentioned above and in parts 2, 3, 5 should be considered, too*. However, the reality is different: *nobody was interested in Courtney's family problems, in divorce of her parents etc., nothing of these difficulties was mentioned during the trial – she was simply sentenced to 'life without parole' and one assumes everything will be forgotten after some months – and she will spend more than sixty years in prison*. It is not easy to be an unknown and insolvent girl in the Florida State.

15] Summary and scenario proposal

First, I must apologize myself: to propose the next scenario – it is task for defense lawyers and for judges of the District Court of Appeal. However, if I presented some consideration in the previous parts, I feel now the obligation to present some conclusion and proposals.

► *Present state of affairs:*

The jury found Courtney Schulhoff guilty in the first-degree murder, premeditated ^[21]. The Seminole County Court in Sanford sentenced her to the life without the possibility of parole. The court denied the defense motion for new trial. The record on appeal was mailed to the 5th District Court of Appeal. In the Florida State Court System ^[26] we can read:

As a general rule, decisions of the district courts of appeal represent the final appellate review of litigated cases. A person who is displeased with a district court's express decision may ask for review in the Florida Supreme Court and then in the United States Supreme Court, but neither tribunal is required to accept the case for further review. Most are denied.

Moreover, persons convicted to 'life without parole in the first-degree murder premeditated' are not a case for clemency; governors sometimes grant clemency to persons sentenced simply to life, but not to persons sentenced to 'life without parole'.

Thus, if the decision of the district courts of appeal would be 'guilty' it would be the final end and life without parole for Courtney. Life without parole means, "Once in – never out". The mean length of female age in USA is recently about 80 years. Courtney was born on 12/27/1987 and she was arrested on 02/10/04. This means that at the end of January 2007 she is three years in jail and she is nineteen. Up to the end of her life remains about sixty years... However, the mean length of female age in prison might be shorter...

► *What is now most important for Courtney Schulhoff?* The answer is clear:

- *to save her life* – as the life in prison without the possibility of parole, in isolation, loneliness and hopelessness, twenty three hours per day in a cell, without access to educational, vocational or other activities (usually not allowed for LWOPs), to be beyond salvagability, to be at the bottom of prison society, to put up with violence, assault, sexual abuse and rape with male and female guard (especially young nice girls) etc.^[28] for about fifty or sixty years – of course, it might be better than execution, but is it possible to call it life?

● *to find a reasonable and adequate solution of her case:*

– What is 'life' for a teenager? It is the length of his/her life. Fifteen years is the whole life of a teenager before imprisonment. Thus, the penalty should not exceed fifteen years – it corresponds to manslaughter.

– It is easy to begin a new life at thirty; it is difficult at forty; it is impossible at fifty or later.

– Important note: murder in the second degree *is not* an adequate solution as the penalty may be "shorter than life": for instance, thirty, forty or fifty years or life, it is in fact the same for a teenager. Moreover, there is nothing in Courtney's case that could indicate "indifference to human life" or "depraved mind" etc.

► **Summary of most important facts:**

- According to defense lawyers the evidence against Courtney was weak. The defense lawyers told the judge before the trial the case against Courtney was so weak that they wanted him to throw it out – this implies they were sure the evidence is indeed weak; their statement was not an exaggeration given to the jury during the trial; see part 8 for details.
- Nobody was able to disprove Courtney's explanation of events, her recorded interview with police shortly after the murder, see parts 5, 6, 8.
- Only three persons were present at the site of murder in the moment of murder: Steve Schulhoff that was killed, Courtney and Morin, nobody else, no witness. The accounts that Courtney and Morin gave to police early after the murder are controversial, see part 5 of this text or ^[7]. Thus, only exact evidence and clues can give response to the question 'guilty or not guilty.'
- Exact evidence like fingerprints or DNA is for her benefit: nobody was able to present any evidence that connected Courtney Schulhoff to that baseball bat, see part 8 for details.
- Courtney's complicated family background was not taken into account in the county trial, see parts 2, 3: The divorce of parents, stress at home, persistent problems with her father, beating, lack of understanding or emotional support, her father's girlfriend, selling of the house where Courtney lived earlier and moving to a new area, the jail for checks stealing from her father – that were the main stress triggers for Courtney, maybe the origin of chronic stress or even depression.
- Two days before the murder Courtney was in a state of shock, stress, anxiety and scare and maybe also in a state of the post-traumatic stress disorder. All these stress triggers originated just from her father and from her family. This is very specific feature of her offense; see part 5.
- Psychological arguments, stress etc. are very important and must be taken into account (see parts 3, 5) no matter the accused person is famous or unknown; see part 14.
- The premeditation was not proven beyond reasonable doubt, the jury system failed in Courtney's case; see parts 5, 8, 10 for evidence and the extract of the analysis ^[35] in part 12.
- The new trial was denied although there was reason for a new trial; see part 6.
- The fundamental principles of criminal law were not taken into account (*In dubiis mitius. – In dubiis reus est absolvendus – In dubio pro reo*): neither if the question 'guilty – not guilty' was adjudicated, nor if the problem of premeditation was investigated.
- There are a lot of mitigating circumstances for the benefit of Courtney (see parts 2, 3, 5, 11), however none of them were considered in the trial.
- The penalty should be adequate and reasonable: The 'life without parole' for Courtney is inadequate, senseless and inappropriate in general; see part 9;
- Comparable criminal acts should result in comparable penalties: the absurdity, monstrosity and nonsense of her 'life without parole' are accentuated if compared with Florida brother's case; see part 13. Whatever she did was less serious than the offense of brothers; the about sixty years difference in the penalties can't be compensated by the difference in age about 2½ years or by the none national interest; both the brothers and Courtney are children according to the law; see part 13).
- 'Life without parole' should be applied only to persons that are indeed dangerous and that could be dangerous in the future; it is great "system error" that life without parole is mandatory penalty across a very broad spectrum of offenses (see part 9).
- There is nothing in Courtney's case that could indicate "indifference to human life" or "depraved mind" etc., thus murder in the second degree is excluded.

► **Scenario proposal:**

Florida boys' case as the precedent, see part 13: No intricacies of law are necessary as in the case of the brothers; it is sufficient to evaluate correctly and with understanding all evidence and circumstances.

The application of this method requires the following:

– to accept all facts and reasons for the benefit of Courtney Schulhoff that prepared her defense lawyers for the appellate procedure;

– to accept all facts and reasons given in parts 2 ÷ 14 of this text; the most important facts are summarized above; the key words are “premeditation wasn’t proved”, “weak evidence”, “family background and stress”;

– common sense and understanding that ‘life without parole’ is inadequate for teenagers; read the short report ^[29] and the documents ^{[30],[31],[32]} and the extended report ^[28];

– understanding that comparable offenses should result in comparable penalties: the ‘life without parole’ for Courtney is inadequate, senseless and inappropriate in general (see part 9); the absurdity, monstrosity and nonsense of her ‘life without parole’ are accentuated if compared with Florida brother’s case (see part 13).

If all the mentioned items are accepted the *manslaughter* is obtained as the result and as the adequate solution (it is worse than freedom but more realistic than freedom at this moment): ***the same penalty as the elder of the brothers including the possibility of parole after serving 80% and the credit for time served in the county jail*** (read again the comparison in part 13 for details).

- ◆ **Please, find a way, how to help Courtney Schulhoff.**
- ◆ **Please, find and accept a reasonable and adequate solution of Courtney’s case.**
- ◆ **Please, demonstrate that an appropriate solution can be found even without large national attention and even for an unknown girl** (read parts 13, 14 to understand these words).
- ◆ **Please, give Courtney the second chance.**



From left to right: Courtney Schulhoff as 16-age girl before and after imprisonment; Courtney as nearly 19-age girl in the Sanford trial; Courtney in Gainesville woman prison sentenced to life without parole.

Sources: Video ^[13], Photogallery ^[7], Blog www-page ^[14]

16] Appendix: Law in Middle Europe

A) Austria-Hungary Monarchy; June 28th, 1914; Sarajevo

Gavrilo Princip, member of the Serbian terrorist group “Black hand”, shot two very important persons in Sarajevo: the Archduke Ferdinand d’Este, the Austria-Hungary throne-follower, and his wife Žofie, the Duke of Hohenberg. Gavrilo planed also to kill general Potiorek, the commandant of Austria troops in Bosnia and Herzegovina, but he missed. As he was a teenager at the time of the capital felony with aggravating circumstances, he was sentenced to 20 years in prison.

Further details can be found in any book on the history of the First World War.

B) Czech Republic; October 31st, 2006; Brno

Eighteen-age girl killed her great-grandmother. The girl attended the high school; her parents never lived together, nobody knows recently where her father is. Her mother has a boyfriend and she turned her daughter away of the home. The girl was living with her great-grandmother and with her school-friends. She visited her great-grandmother one day. After some hours her visit came to end and she left. After some minutes she returned back for the umbrella. The great-grandmother gave her the forgotten umbrella with the following words: “You are very disorderly and slovenly. I understand now why your mother hates you.” The girl took the umbrella, was going away at first, but later returned and killed her great-grandmother by knife and by hammer. She was deeply investigated by specialists in psychology after the offense. Psychologists concluded the girl is intelligent and sensible, with a very good prognosis of remedy. The court considered the results of the psychological investigation, the complicated family background and the age of the girl. She was convicted to 12 years in prison with the possibility of parole after 8 years.

Further details (in Czech only) can by found at:

http://zpravy.idnes.cz/divka-dostala-za-vrazdu-prababicky-dvanact-let-fqe-/krimi.asp?c=A061031_082638_krimi_

No comment.

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The Courtney Schulhoff's case

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