

Judge Gives Officer Convicted of Killing Neighbor a Bible and a Hug. Furor Ensues.

By SARAH MERVOSH and
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The trial was over at last. After days of emotional testimony in a case that gripped and divided the nation, a white former Dallas police officer had been sentenced to 10 years in prison for murdering a black man in his own apartment. The shouts of protest that had filled the courthouse hallways had quieted. Everyone was getting ready to go home.

But the judge was not done.

After speaking with and hugging the victim's parents, the judge, Tammy Kemp, returned to the courtroom with her personal Bible in hand. She gifted it to the officer, Amber R. Guyger, and pointed to John 3:16, a passage about salvation.

Then, as the woman convicted of murder reached out her arms, the judge, still in her black robe and beaded necklace, wrapped her in an embrace.

Some saw the striking moment between a black female judge and a white former officer as an extraordinary example of humanity; others have criticized it as inappropriate, biased and potentially unconstitutional.

The Freedom From Religion Foundation, a national group that fights to defend the separation of church and state, filed a complaint with the Texas Commission on Judicial Conduct, arguing that the judge's "proselytizing" amounted to an ethics violation. "Compassion," the group wrote in their complaint, "crossed the line into coercion."

Critics have also questioned whether a black defendant would have been shown the same compassion. African-Americans are more likely than white people to be arrested, convicted and given

stiff sentences, according to research by the Sentencing Project, a group that advocates for criminal justice reform.

Christopher Scott, a black man who spent nearly 13 years in prison for a murder he did not commit, said he had never received a hug from a judge in all his experiences with the criminal justice system, including at his exoneration hearing in Dallas County in 2009.

"I've watched all of the exonerations that happened in Dallas County — I've never seen it," said Mr. Scott, who went on to found an organization that investigates other wrongful crimes. "We don't get handshakes, we don't get hugs, we don't get Bibles. They just say, 'We're sorry for what happened to you and you are a free man to go.'"

Ty Toney, who followed the trial from his home in Las Vegas, was among those who viewed the judge's actions as commendable. "I watch a lot of these trials because it's kind of personal to me," said Mr. Toney, 40, who said his brother was killed in a police shooting in California in the 1990s.

"To take the effort and go out there and console somebody, that touched me," said Mr. Toney, a practicing Lutheran. "People can be mad at the sentencing, the time she was given, but that's different than showing compassion for another human."

Judge Kemp, a former prosecutor who was elected to the bench as a Democrat in 2014, did not respond to requests for comment.

Though judges are often thought of as impassive gavel-pounders, Judge Kemp is not alone in showing compassion toward the defendant and victims before her.

Judges who run court diversion programs meant to help defendants overcome issues like drug addiction often openly root for them to find a better life. When the cases are dismissed, the courtroom can feel more like a gradua-

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tion than a conclusion to a criminal case. A judge in Brooklyn has occasionally ended low-level cases with handshakes or hugs for nearly two decades.

But few could recall a similar scenario in a high-profile murder trial like Ms. Guyger's, which was unusual from the start. Ms. Guyger fatally shot her neighbor, Botham Shem Jean, in his apartment last year, claiming she mistook the apartment for her own

and Mr. Jean for an intruder. To the contrary, a judge last year denied Joaquín Guzmán Loera, the drug lord known as El Chapo, from hugging his own wife.

Amanda Frost, a professor at American University's Washington College of Law, said the judge's decision to hug Ms. Guyger was not too far removed from judges who tell defendants that they regret being forced by the law to hand down a certain sentence or who encourage them to reconsider their paths.

"Impartiality is what matters," Professor Frost said. "If the judge shows it throughout the trial and then shows some compassion to the defendant afterward, I don't have a problem with that."

The Bible, on the other hand, was "questionable," Professor

Frost said.

In the Guyger case, it was a panel of 12 jurors — not Judge Kemp — who weighed testimony and decided upon the former officer's fate. But it was Judge Kemp's job to oversee the trial, make legal decisions and maintain control over the courtroom.

Another hug may have inspired the judge. When Mr. Jean's brother, Brandt Jean, took the stand to address Ms. Guyger after her sentencing, he turned to the judge for permission to express his forgiveness. "I don't know if this is possible, but can I give her a hug, please?" he asked, looking up toward the judge's bench. "Please?"

After a pause, Judge Kemp agreed. As he walked toward Ms. Guyger and wrapped his arms

around her, Judge Kemp used a tissue to wipe tears from her eyes.

"Some judges seem to be able to turn off their emotions and not see the humanity, but I was never able to do that," said Jan Breland, a retired judge who heard misdemeanor criminal cases in Austin for 26 years. "These people that come through our courts are human beings, regardless of the things they've done. They all have mamas, and they were all little boys and little girls at one time."

Still, Judge Breland said she had never seen anything like the emotional scene in the courtroom this week. Her Facebook friends, mostly lawyers and retired judges, have flooded her news feed with video clips.

"That brother, that young man, it was almost like seeing Jesus talk," she said. "The compassion and the grace that he showed were amazing, and it obviously got to the judge."

After Judge Kemp had spoken with and hugged Mr. Jean's family, she emerged from her chambers, flipping through the pages of a Bible. She approached Ms. Guyger at the defense table and handed her the book. "You can have mine," she said. "I've got three or four more at home. This is the one I use every day."

Afterward, Ms. Guyger stood up and reached her arms toward Judge Kemp. The judge briefly shook her head, before returning the hug.

Deborah Rhode, an expert in legal ethics and the director of the Center on the Legal Profession at Stanford Law School, said she believed that Judge Kemp's behavior stayed within ethical bounds, especially because it came after the sentencing had ended.

"All the judge did is express some bonds of common humanity, and I don't think we should be punishing judges for that," she said. "If anything, our legal system has suffered from an absence of adequate compassion."



POOL PHOTO BY TOM FOX

Judge Tammy Kemp hugging former Police Officer Amber R. Guyger in court on Wednesday.

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