You Decide

2.3 Lori MacPhail, a peace officer in Chico, California, assigned to a high school, observed Ryan D. with some other students off campus during school hours. She conducted a pat-down, discovered that Ryan possessed marijuana, and issued him a citation.

Roughly a month later, Ryan turned in an art project for a painting class at the high school. The projects generally are displayed in the classroom for as long as two weeks. Ryan's painting pictured an individual who appeared to be a juvenile wearing a green hooded sweatshirt discharging a handgun at the back of the head of a female peace officer with badge No. 67 (Officer MacPhail's number) and the initials CPD (Chico Police Department). The officer had blood on her hair, and pieces of her flesh and face were blown away. An art teacher saw the painting and found it to be "disturbing" and "scary," and an administrator at the school informed Officer MacPhail.

An assistant principal confronted Ryan, who stated the picture depicted his "anger at police officers" and that he was angry with MacPhail and agreed that it was "reasonable to expect that Officer MacPhail would eventually see the picture." Ryan was charged with a violation of Section 422 and brought before juvenile court.

How would you rule? See *In re Ryan D.,* 123 Cal. Rptr. 2d 193 (Cal. App. 2002). Compare the decision in *Ryan D*. to the decision in *George T. v. California*, 93 P.3d 1007 (Cal. 2004).

You can find the answer at study.sagepub.com/lippmaness2e