You Decide

6.7 The defendant, seventeen-year-old Andrew Janes, was abandoned by his alcoholic father at age seven. Along with his mother Gale and brother Shawn, Andrew was abused by his mother's lover, Walter Jaloveckas, for roughly ten years. As Walter walked in the door following work on August 30, 1988, Andrew shot and killed him; one 9-millimeter pistol shot went through Walter's right eye and the other through his head. The previous night, Walter had yelled at Gale, and Walter later leaned his head into Andrew's room and spoke in low tones that usually were "reserved for threats." Andrew was unable to remember precisely what Walter said. In the morning, Gale mentioned to Andrew that Walter was still mad. After returning from school, Andrew loaded the pistol, drank some whiskey, and smoked marijuana.

Examples of the type of abuse directed against Andrew by Walter included beatings with a belt and wire hanger, hitting Andrew in the mouth with a mop, and punching Andrew in the face for failing to complete a homework assignment. In 1988, Walter hit Andrew with a piece of firewood, knocking him out. Andrew was subject to verbal as well as physical threats, including a threat to nail his hands to a tree, brand his forehead, place Andrew's hands on a hot stove, break Andrew's fingers, and hit him in the head with a hammer.

The "battered child syndrome" results from a pattern of abuse and anxiety. "Battered children" live in a state of constant alert ("hypervigilant") and caution ("hypermonitoring") and develop a lack of confidence and an inability to seek help ("learned helplessness"). Did Andrew believe and would a reasonable person in Andrew's situation believe that Andrew confronted an imminent threat of great bodily harm or death? The Washington Supreme Court clarified that *imminent* means "near at hand . . . hanging threateningly over one's head . . . menacingly near." The trial court refused to instruct the jury to consider whether Andrew was entitled to invoke self-defense.

Should the Washington Supreme Court uphold or reverse the decision of the trial court? See *State v. Janes,* 850 P.2d 495 (Wash. 1993).

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