CRIMINAL LAW IN THE NEWS

On June 15, 2013, sixteen-year-old Ethan Couch and seven friends stole beer from a store and went to Couch's parents' house to party. Later that night, Couch and seven friends took a Ford F-350 owned by his father's company and headed for the store. Couch had a blood alcohol content of over 24 percent, three times the legal limit for an adult in Texas, and accelerated the Ford F-350 to seventy miles per hour in a forty-mph zone. The truck swerved off the road, killing four pedestrians, three of whom were assisting a stranded motorist. Two teenagers riding in the bed of the pickup were thrown from the vehicle. One of the young men, Sergio Molina, fourteen, suffered a severe brain injury and was paralyzed.

Couch's parents live in a wealthy suburb of Fort Worth, Texas, with a median income of $250,000. Couch pled guilty, and his lawyer at the sentencing hearing called psychologist G. Dick Miller to testify. Miller diagnosed Couch as suffering from "affluenza" or a diminished sense of responsibility associated with being the pampered child of wealthy parents who are too busy to properly parent their child. Miller explained that Couch "never learned to say that you're sorry if you hurt someone. If you hurt someone, you sent him money." Miller testified that Couch possessed an emotional age of twelve and that he never learned that "sometimes you don't get your way. He had the cars and he had the money. He had freedoms that no young man would be able to handle."

Prosecutors asked for the maximum sentence of twenty years in prison. They pointed out that a court had never before recognized the "affluenza" defense and that "affluenza" is not recognized as an illness by the American Psychiatric Association. Judge Jean Boyd decided against following the prosecutors' recommendation and sentenced Couch to ten years' probation and ordered Couch to receive treatment at a high-priced California drug facility where he was to have no contact with his parents. Couch's parents were to pay the cost of the treatment, which is estimated to be roughly $450,000 per year. Judge Boyd noted that it would be difficult for Couch to receive this type of high-caliber, intensive treatment in the underfunded Texas correctional system.

Defense attorneys explained that it was good social policy to sentence a young person to probation rather than to condemn him to prison and that the judge acted appropriately in giving Ethan a chance to rehabilitate himself. The prosecutor and families of the victims were outraged and asked whether a defendant