

LOOKING BACKWARDS

A Sentencing Report on Behalf of Nathaniel Brazill

SUBMITTED TO:

The Honorable Richard I. Wennet
Judge, Fifteenth Judicial Circuit
Palm Beach County Courthouse
West Palm Beach, Florida
Case number 00-6385-CFA-02
Division V



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MUTE MEMORIAM

Courtrooms, at their best, are places where the grieving process becomes unalterably derailed. The participants in the criminal justice system focus their testimony and their arguments on the culpability of the defendant and precious little time is spent, in proportion, to honoring the victim.

Thus, in order to be real in the passion to have the voice of the child heard over the din of adults, we accept our part of the responsibility for making public and loud what would otherwise be private and quiet. So, we begin our sentencing preparation by asking ourselves what, if any questions, we can attempt to answer. The answers, if believed, might bring some peace to a family, a school, and a community who have been forever affected by a boy with a gun, who, in front of a classroom, killed a teacher -- his teacher.

Everyone working with children knows that there is a singular truth that makes this case more haunting than many and more tragic than any. We cannot keep our children out of harms way if we cannot keep them in school. Contained in that truth is the knowledge that in the heart of every child whose hand darts into the air blurting out, "I know the answer, I know the answer," is a favorite teacher. Today we begin a re-examination of why on May 26th, 2000 the same road which led Nathaniel Brazill from home to school was also the road which led him to this court room. We hope that some of the frightened children whose screams penetrated the walls of the Lake Worth Middle School, will one day, in memory of Mr. Barry Grunow, stand in front of their own class of middle school students and say, "You can make it -- I did."

INTRODUCTION

The report, which follows, is a retrospective -- an attempt at looking backward. Nothing in this report is offered to excuse the actions of Nathaniel Brazill. The intent of this report is not to retry the case. For purposes of this report it is assumed that the pulling of the trigger of the Raven Arms .25 caliber semi-automatic was a voluntary act, not an involuntary reaction, as was argued at trial.

The authors of this report have had an opportunity not afforded any of the participants in this case and that is to “look back” and pose the question: “Were there any clues that this child, who seemed neither a problem in

school nor at home, would commit the unthinkable act for which he stands convicted?” The hypothesis that has come out of this retrospective is that for a variety of reasons, Nathaniel’s world as he previously experienced it, was crumbling around his feet, at the end of this--his seventh grade year. We have found, as well, that Nathaniel’s life as a child, at home, was in sharp contrast to the nurtured, protected, encouraged life provided at school. Unknown to his school, because Nathaniel tried so hard to be good, was the influence of a lifelong pattern of violence, rejection and loss. Nothing that we have learned excuses what happened, but some of what we have learned provides clues to unanswered questions.

Clues

One clue comes from Dr. Heller, a psychologist who has offered his opinion that Nathaniel suffered from no significant mental health pathology. We concur with that opinion. That said, the intelligence and achievement tests performed by Dr. Heller may explain why, at the end of Nathaniel’s seventh grade year, the child who had won awards and honors in sixth grade was now failing many of his classes. Nathaniel, though testing off the charts in Math, had a problem with reading comprehension. Dr. Heller in some preliminary observations stated to Mr. Robert Udell: “There is a possibility of a learning disability that may have gone unrecognized...there is a significant difference between his mathematics and broad reading and broad written language. Over all he was in the 46th percentile for broad reading and the 94th percentile for math.” Nathaniel’s potential learning disability is not being posited as a reason to excuse his actions. Rather it is being mentioned here merely to illustrate that for this child, his seventh grade year was a year of change. His world, one in which he had always been good in school, was crumbling. For the first time ever -- Nathaniel was about to take home the report card of a student who could now be labeled “at risk.” But, it was not a poor report card alone that Nathaniel feared:

looking back one can see anxiety because he was no longer able to “fake it”. For newly emerging reasons, he was beginning to experience failure and it scared him.

Another clue came in the form of a letter that was presented at trial. Nathaniel wrote a letter addressed to Mr. Grunow in which he mentioned, among other things, the word “suicide.” This letter was seized from his room at home by the Palm Beach Sheriff’s Department after his arrest. Nathaniel has said to us that he gave this letter to Mr. Grunow who “laughed it off” as the joke, he intended it to be.

By all accounts, Mr. Grunow and those who taught with him were involved with their students and vigilant when it came to looking for signs of troubled waters. From all that is known about the tremendous insight which Nathaniel’s teachers demonstrated on a daily basis for the vulnerability of the “middle school child,” it simply is unfathomable that any of his teachers would have ignored the note and laughed. Finally, the letter appears to be unfinished as though the author hesitated or had a change of heart or perhaps -- a moment of hope. The last words of the letter are: **“I don’t think I’m going to 8th grade. If I do go to 8th grade perhaps my teacher . . .”** After the word “teacher” the letter ends without a signa-

ture. Thus, we do not take as a proven fact that this note, which mentions suicide, was ever given to Mr. Grunow. Nathaniel acknowledges he wrote the letter and that some of the feelings in the letter were “true.”

The note and his dropping grades constitute clues that could have conceivably alerted vigilant adults that Nathaniel was a child at risk, a child in trouble. For many, a major dip in grades may merely reflect a deficiency in study skills or a child temporally pre-occupied by the busy chatter of an active spring social life. Moreover, Nathaniel had become very good at being the good student, the cooperative one, the helping child, the responsible one. His struggle to be good worked exactly as one would have wanted in a middle school child. Thus, unless one is clairvoyant, the dip in grades would not have sounded an alarm bell with caring adults.

With clues in hand, we went off in search of troubled waters.

Asking Questions

The answer to the question of why one child succeeds and another so miserably fails often depends on the profession of the person asking the question and the reason why the question is being asked. For Nathaniel, the answers for many questions, in retrospect, indicated trouble ahead.

If one asks the director of an after school program, the answer may be heavily weighted toward an explanation that parents, due to economic constraints, must spend more time away from their children. Thus the failure of a particular child is a result of a lack of time for a parent to nurture and guide their child. During the trial there was testimony from a person Nathaniel knew from a community center. She testified he was trustworthy and non violent. That said, Nathaniel, was like many children in that his mother works full-time. However, what is new information is that for several years between the ages of four and nine, Nathaniel lived intermittently with his grandmother Evelina Josey, while his mother was getting into or out of various relationships with men. To the best of our knowledge, without exception, these relationships were characterized by violence between Nathaniel’s mother and the departing man.

Each of these relationships at their end, resulted in calls to the police department for domestic disputes. Whether the support of a loving staff at a community center and a grandmother, can make up for the nurturing which was missed at home, is something being debated in homes throughout America. For Nathaniel, all we can say is that this is a piece of his short history. American households are debating these questions, so too must we raise them, especially, when before us, stands a child who has killed someone he loved.

If the question of a child’s success or failure were posed to someone in the public health service, their answer may be heavily weighted toward an explanation of the devastating impact of toxins, lead paint or cigarette smoke and the diseases they cause. Nathaniel suffered from asthma. Asthma is the number one killer of children in America. A characteristic common to asthmatic children, is that they, like Nathaniel, do not participate in after school sports and are not able to engage rigorously, in physical exercise with other boys. He was a boy raised by women and according to his mother, she was frightened that exercise would bring on an asthma attack. We know that exercise keeps kids healthy, allows them to burn off stress and teaches them that bad days are surmountable. The child on the losing team one day is often the child on the winning team the next. Sports allow the middle school child to begin to internalize and cope with the adult maxim; “We all have bad days.” There is no argument being put forth that asthma causes murder. However, as we look back, it may be an opportunity to examine that for those kids, who suffer from asthma, we need to find another outlet similar to organized sports where these children can learn good sportsmanship. This may help them learn to cope with tiny daily disappointments which, taken together, help teach them that “tomorrow is a better day.”

If we ask our colleagues in the bar, the answer resoundingly and legitimately would be “drugs and alcohol”. After much digging, and in the face of Herculean denial, we obtained confirmation that alcoholism is present in the two generations preceding Nathaniel. His maternal grandfather died of cirrhosis of the liver, as did

one of his uncles. Nathaniel reports seeing his mother drunk and throwing up, but has forgotten when and how many times. It was reported by his mother Polly, that she remembers numerous occasions where she and her brothers and sisters would jump on their dad, Nathaniel's grandfather, when he was drunk and violent and beating up her mother, Evelina Josey. Alcohol abuse and the violence that often goes hand in hand with it was a matter in which Nathaniel's family was not forthcoming. In fact, after the dialogue which the court will hear later in this report, the authors were asked by Nathaniel's mother, in a moment of anger, "not to participate" because these things were "family business" not the court's business nor our business. Nathaniel's grandmother hung up on Dr. Janice Stevenson four different times after her daughter Polly expressed to her, in substance, that we were in search of family secrets. Therefore, at least in one generation, children were taught that alcoholism and domestic abuse were dirty family secrets. Using police logs that recorded trips to the house by police officers and traditional investigative techniques, all that is said in this report has been corroborated.

The Middle School Child

Under circumstances other than those in this case, the first request for help in the "search for troubled waters" would go out to Nathaniel's teachers during his seventh grade year. Their contact with him was in daily increments of two hours and fifteen minutes. They saw him on hot days, cold days, good days, and bad days. But, because Nathaniel killed their colleague and friend, it was decided by the authors of this report that to ask them for their help was more than a person ought ask of another.

As we were without a guide who knew Nathaniel Brazill as a middle school child, we enlisted the assistance of Jacqueline Patterson. She is a former middle school principal and now the Deputy Superintendent of the Milwaukee Public Schools. Coincidentally, she is also the mother of a child who, while in middle school, brought a bb gun to school. Did he know it was wrong? One would think so. The dinner table conversation at the Patterson

residence was a virtual non-stop dialogue on this and other subjects, as the mother of that particular middle school child, also happened to be the administrator in charge of all school expulsions in the district.

Alien was the word our first guide used.

"Parents bring to me their happy and well adjusted children on the first day of seventh grade and then invariably by the end of March, they are lined up around the block wanting a word with me."

"Ms. Patterson! We brought our nice child in September and sometime between then and now he was abducted by aliens who did the old switcheroo and took our child and left theirs in his place. Ms. Patterson, you can keep this child and I suggest you lock him in the closet and give us a call when the aliens return our child."

Ms. Patterson loves middle school kids. She describes them this way:

"Middle school kids are adult and child; pretty and ugly; happy and sad; they hate you, they love you, They know everything, they know nothing. They have a best friend; no one likes me—all on the same day, in the same body, of the same child. I love them. None of them are normal; all of them are normal."

The following is a quote from a parent's handbook given out in hundreds of Middle Schools throughout the

United States and written by the National Committee for Children's Education.

“So you have a 10-14 year-old in your household. Congratulations. The next few years will be filled with concerns about the most active, rambunctious, loving, self-absorbed, scared (and scary) group of kids around. They love to eat your food, but complain about your cooking. They crave your attention, but complain you are watching them too closely. They tell you terrible jokes then criticize your sense of humor. If their hair is straight, they want it curly. If they are short, they want to be tall. If they are tall, they complain they are not like other children. They must have a certain pair of shoes, and after you have struggled to find them, they abandon them in the lunchroom, the corner store or under the bed. They insist on your attention constantly, but demand to be left alone...”

In a series of interviews over a two -- day period, Nathaniel recognized in Ms. Patterson, a person he could trust, a person he could talk too and a person from whom he could not hide. We learned that with the middle school child the most important thing to keep in mind was that the explanations we heard were of a child, trying on adulthood, much as some do with their parent's clothes. Sometimes the explanations fit and sometimes they did not.

On Saturday May 20th at 2:45 p.m. in the fifth row from the back, of a bus that was sort of big and sort of small on the left side, not on the right side, while wearing blue denim shorts, Nathaniel Brazill age 13, was bestowed his first kiss by a girl named Dinora Rosales. It should be noted, so too, did a girl named Shacoby, from

a boy named Edwin, but it is unknown to these authors whether in fact this was Shacoby's first kiss. *Nathaniel's first kiss occurred after the 4th “dare” in a game called, “Truth or Dare.”* The description of the bus ride lasted 49 minutes while interviewing Nathaniel on the 12th floor of the West Palm Beach County Jail. He concluded the description of this kiss as he gazed to the heavens and with a tear in his eye, said, “this was the best day of my whole life.” Six days later Nathaniel Brazill shot and killed Mr. Barry Grunow.

Nathaniel described Mr. Grunow's class as a class where he had a lot of fun. He gave them candy and when they were finished with their work he would let them talk in the back of the classroom. He would let them pass notes. The letters, exchanged to and from Dinora, now on the internet, and for which there has been much speculation, were passed up and down the rows of Mr. Grunow's class, where during the spring of 2000, romance was in the air. A careful, but non-forensic examination of the letters reveal that sometimes the couriers who sat in the desks between Dinora and Nathaniel, occasionally intercepted these secret and often coded transmissions. When trying to decipher the cryptography of a note whose first lines were arrows, Ms. Patterson made Nathaniel blush as she started to read, “What's Up, What's down...”

*“How can you read our secret language?”
he asked in awe.*

She said, “Middle Schoolers” write in code. I love the codes. Writing in code is the hallmark of a middle school child.” Then she apologized to Nathaniel for reading his notes. He said, “Mr. Grunow would sometimes let us get away with passing notes, but he never read them. He handed them back to us at the end of the period unread. He respected our privacy.”

Did he know you liked Dinora?

I think he over-heard Suzy when she was telling me Dinora was going out with Nicholas and had dropped me. A few days before she broke up with me in the 1st class period, but by gym class, she had

already told Suzy she was going to drop Nicholas and go back out with me again.

Why do you think Mr. Grunow knew about you and Dinora?

Cause when the day she broke up with me, he came and gave me candy.

Ms. Patterson stated to these writers that this relationship seemed very age-appropriate and very healthy. These kids didn't talk on the phone or go to movies on the weekend. "Going out with someone" took place in school, under the watchful and nurturing eyes of Nathaniel's teachers. Especially for Nathaniel, as we later were to learn, school was a place to be child.

I don't remember

Had Prosecutor Marc Shiner been sitting next to Ms. Patterson on the 12th floor of the West Palm Beach Jail, he might have recognized Nathaniel's court room mantra: "I don't remember." "No one told me about that." "I forgot" "Maybe," and "I dunno."

The questions had become more probing.

How come Marshall and your momma split up? I dunno.

Were the police called after Christmas? I dunno.

Did you ever see your momma drink I dunno.

Did you ever see your momma hit anyone. I dunno.

When you say you were really bad in pre-school and your momma punished you, what do you mean? I dunno.

During the trial the prosecutor employed a tactic routinely utilized by both defense and prosecution. Mr. Shiner kept a tally chart of the "I don't know" and "I don't remember" answers that Nathaniel uttered on cross-examination. Had the prosecutor been on 8th Avenue late one night a few weeks ago, we could have counted together the number of these types of answers uttered by Polly Josey, Nathaniel's mother.

She was telling us how conflict was resolved in her

family. She had said, "I broke a girl's arm in high school. She had told us how, "Me and my sisters and brothers, we'd jump on daddy when he got so drunk and beat up mamma. After a while it was sort of a joke."

How long did that last?

I don't know.

Did you or your brothers or your momma ever call the police?

No need to call the police for family problems.

Why?

A cop told me, you finish with him and call us back when you get done. You can take care of the problem better than us.

About a fight with Taylor (Wainford Whitefield, a former husband):

"I just sort of couldn't get off of him. It felt too good to get even. Taylor, he got drunk and messed with other women. I kicked him out. He came back asking for his clothes. I told Nathaniel to call the police. He pushed Nathaniel up against the wall and had his hands around his neck. I jumped on his back as Nathaniel scrambled free. He ran to the neighbors. I started hitting him with my fists. I couldn't stop. Maybe I didn't want too."

How many times have you fought with Taylor?

Dunno.

Was it between 5 and 10 or 25 and 100?

Could be more.

How many years is your son facing?

Dunno. Don't like the way you ask questions.

Nathaniel told me today that you taught him when someone hits you, you hit back. Did you teach him that?

Yeah, I taught him that.

When?

He was four or five. He was playing on a tire swing at the top of the hill near his uncle's house. A boy came up and wanted to swing. He tried to push Nathaniel off of the swing. I saw him do it.

What did you do?

I hit him.

With your fists?

Don't know. Maybe. I don't remember.

How many times?

Don't remember.

You ever shoot a gun?

Yeah, I have family in South Carolina. Nothing wrong with guns. We all grew up around guns.

Have you ever pointed a gun at somebody?

Yes.

Have you ever pulled the trigger? Was it Taylor?"

Maybe.

Why?

Don't know, don't remember. Wasn't paying attention.

What did Nathaniel see?

Nothing. He is fine. He is normal. He never saw nothing.

But Taylor attacked him. That is what you said.

He saw when I was hitting him when he was on the ground in front of the door. He saw me go off on Taylor.

Polly, he says he never saw you hit Taylor.

He does not remember. He wasn't paying attention. He'd be in his room watching TV.

At sentencing the defense intends to call Dr. James

Garbarino. He is a former teacher and current psychologist who will testify about the characteristics of children who have experienced violence in the home, either as witness or subject. Whether or not Nathaniel was himself abused, is a question these authors can not answer. However, the boy we saw and heard, was not just an ordinary middle school child with ups and downs, but one who acted like child who had seen too much. He was flat, guarded, even when talking about every day affairs. Much has been made of his demeanor on the witness stand. We believe that his demeanor on the witness stand was another clue of damage inflicted yet not fully revealed.

When Ms Patterson saw Nathaniel in the jail she said to him, "Nate you have closed down." She gave him an assignment. She asked him to write a list of seven things "which really bugged him -- things that really cut him deep." She asked him to pray for the strength to open up and remember things that hurt. He commented she sounded like a teacher who was going to say, "Just do the best you can."

Who else said that to you?

Mr. Grunow.

Upon our return on the next day: he had a list. The first item on his list was, "I hate when people lie about me."

Nathaniel while isolated on the 12th floor of the West Palm Beach County Jail wrote a letter to Suzy. He implored Suzy to get on the witness stand and tell them, "I loved Dinora." Later, he became aware that the "letters" he wrote to Dinora were on the web. Nathaniel's letters will be the subject of some testimony as we attempt to put them in context. They were passed back and forth during various class periods. Yes, they were love letters. Nevertheless, they were the first love letters from one -- seventh grader to another. The thrill of being in love was evidenced by the words they used. These words were scribbled to the "music" created by the

sound of chalk on blackboard as some struggled with fractions and others with decimals. Nathaniel passed these euphoric, worried; middle school notes about who liked who and what classes he wanted to take the following year. They were punctuated with concerns that the watchful eyes of an observant teacher might thwart the transit of these secretly coded notes. He brought flowers to school for the girl he liked, desperately hoping that in the three monumentally long months of summer vacation, she would remember him, every day, every hour, every second. In this middle school child, the exuberant hope for the last day of school was dashed by an immature act of throwing water balloons during his final recess of his seventh grade year.

Another entry on Nathaniel's list may provide another clue. He wrote, "I hate when people put their hands on me."

What is known, is that neither Mr. Grunow nor any other teachers were physically aggressive toward Nathaniel or any other student. When Mr. Grunow put his hands on a student, it was to encourage or to calm. This was not, however, Nathaniel's experience in his few years at home. Nathaniel's mother, in an interview with Janice Stevenson, a psychologist, said about Pierre, a boyfriend of Polly's who appears to have tried to befriend Nathaniel between the ages of 4-6, "When we split up Nathaniel begged me not to hurt him." Another time the fear was for her: we were told that when Polly broke off her relationship with Wayneford Whitefield, Nathaniel, crouching in the corner, begged the man not to hurt his mom.

It is not concluded that Mr. Grunow's touch on Nathaniel's shoulder when he said to him that he would not allow the girls to come into the hallway was a trigger for the violence that followed. But again, our guide to middle school children, paused as if maybe, she had found a clue.

Ms. Patterson told us the first lesson she learned

about handling children who were fighting in middle school was to stand next to the student and repeat her name, over and over: "This is me, Patterson; this is me, Patterson." She went on to explain that her middle school children could become so upset, so frenzied, that they did not even see whom they were lashing out against. Her single purpose was to break through their obsessed tunnel vision so they could see a sheltering face, and find some calm.

The touch on the shoulder which for reasons still buried, didn't penetrate the single-minded purpose of the boy, trying to solve the problem, of not seeing the girl for the entire summer, feels, to these authors, like another clue.

Conclusion

The authors of this report have devoted just over five weeks in our search for the reason why Nathaniel Brazill took the life of his teacher Barry Grunow on the last day of seventh grade. Our final clue took us back to the beginning of that school year. Nathaniel's mother had been diagnosed with breast cancer. She had surgery and therapy followed by postoperative complications. After her surgery she fell and ripped her stitches and as the blood was pouring out on to the carpet, she screamed, yet again, "call 911!"

In the aftermath of her surgery, second only to the unimaginable act which brings us here, a boy, on a bed, silently begging, "mom, please don't leave me -- please don't die". It should be noted that the adult named Polly, wrote a letter to her son, asking him to take care of his sister and to never forget her.

We were informed that the note was destroyed. We do not know whether Nathaniel ever read its contents, but like the note, written to Mr. Grunow, about a boy who wouldn't make it to eighth grade, herein lies big a clue. For Nathaniel, these events mark the beginning of his seventh grade school year.

Twenty-five years in prison is a very very long time for Nathaniel Brazill, a middle school child.

A MIDDLE SCHOOL BOY AND A GUN

The gun was in Nathaniel's room. He said he took it from his Grandfather's house with the idea of asking his military uncle to teach him to shoot it. This makes no sense, for certainly an uncle in military service would have asked a 13 year old nephew where he obtained a cheap and notoriously dangerous gun. He would have been alarmed and taken it away. This is the kind of reason a child gives when he himself doesn't really know the answer. But in a child's world, and in Nathaniel's world, there are clues why he might take a gun.

Guns are a source of fascination for many children, particularly boys, too often fatally so. Children are drawn to guns like moths to flame. In response, schools and civic organizations promote gun safety instruction. Yet the message doesn't reach children; they don't hear or make the connection between guns and danger. Despite best efforts by adults, some children impulsively take guns out of fascination with the power that a firearm gives to the child holding it. They show no real awareness of the lethality of the gun.

For other children, guns appear to offer assurance, particularly valued by children who fear for their safety. According to a 1999 survey by the Center for Disease Control and Prevention 28.6% of all high school boys carried a weapon, a gun, a knife, a club, on one or more

days in the month preceding the survey. The same survey reports that 9% of high school boys carried a firearm in the month preceding the survey. The reason given by children who admit to carrying weapons is they feel threatened and they cannot count on adults to protect them.¹

Nathaniel had a gun at home. We know that despite appearances at school, he feared death, witnessed violence, and was rejected at home. Nathaniel was in a crumbling world. The new fears of failure at school were added to his fears at home. In this, he was like the thousands of other children who obtain or carry guns. In taking and secreting a gun in his house, he made what adults call "a bad decision" but it was a decision a huge number of children are making every day. In Nathaniel's case it was a terrible, fatal decision.

Lake Worth Middle School officials had no way of knowing that when they sent Nathaniel home, home was a place where violent confrontation not rational mediation, was the superior method of conflict resolution. Nathaniel, a thirteen year old boy, denied a private hallway moment with the first girl he kissed arrived at home and found the gun was there and waiting. Safety or a source of power, for just a minute, or a second, it was long enough for Nathaniel to put the gun in his pocket.

¹ Centers for Disease Control and Prevention, *Youth Risk Behavior Surveillance* — United States, 1999; James Garbarino, *Lost Boys* (1999) p. 14. Surveys are of high school, not middle school-aged children; interestingly rates are generally higher for ninth grade boys than for boys in the upper high school years.