

San Jose: Boys apologize in wrongful death lawsuit settlement over girl's suicide

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SAN JOSE -- The two teenage boys stood awkwardly at a courtroom microphone Friday and, for the first time since Audrie Pott killed herself in 2012, apologized to the Saratoga High sophomore's parents for sexually assaulting her the week before her death. Speaking softly, the boys also said they were sorry for spreading rumors and half-naked photos of Audrie, and for initially denying it all.

"I wish Audrie was still here, and I miss her a lot," said one of the boys, who is now an 18-year-old senior at Saratoga High School. He read nervously from his notes but looked up at Audrie's solemn parents, Sheila and Larry Pott, as he spoke. "She was a great person who didn't deserve anything that happened to her due to my actions. I apologize. I wish I could make it right."



A poster of Audrie Pott, is photographed at a news conference in San Jose, Calif. on Monday, April 15, 2013. Saratoga High School student, Audrie Pott, 15, committed suicide last September following an alleged sexual assault by three 16-year-old classmates. Photos of the assault were shared publicly prompting her to take her own life eight days later. (Gary Reyes/Staff) (Gary Reyes)

The verbal apologies were part of a settlement reached Friday to end a wrongful-death lawsuit brought by Audrie's parents that was set to begin with a jury trial on Monday. The boys' families

or insurance companies must pay the Potts a combined \$950,000, and both teens are required to give 10 presentations at high schools or youth groups about the dangers of sexting, spreading nude photos, "slut-shaming," and alcohol and drugs.

The Pott family had settled weeks ago with a third teen, the only one whom lawyer Bob Allard said showed remorse and told the truth about what happened at the Labor Day weekend party in 2012 at a classmate's house where the parents were away and the liquor cabinet full. The settlement brings to a close a sensational case that drew national attention about the fatal consequences of teenage drinking, sexual assault, and smart phones in every pocket.

Larry and Sheila Pott stood silently facing the boys as they apologized. The second teen, who is now a senior at Christopher High in Gilroy, said that if he could, he would "take back the pain and suffering I caused Audrie and the Pott family. This has caused a tragedy to all involved due to my actions. I will do everything I can to mentor teens to not do what I did in September 2012." The Potts left the courtroom without comment. The teenagers, one dressed in a suit and the other in a dark jacket, also left quietly but hugged their parents in the hallway afterward. Mothers of both boys wiped away tears.

Audrie was just 15 when she told her mother she was spending the night at a friend's house, but didn't tell her about the alcohol-fueled party that would ensue. She drank too much vodka mixed with Gatorade and passed out in an upstairs bedroom. She woke up the next morning to find nasty messages scribbled all over her half-naked body. She tried in vain to find out what had happened, Facebook messaging her friends, saying that she believed "everyone knows" and she had a "reputation for a night I don't remember." She wrote, "my life is over."

All three boys, who were 15 and 16 at the time, already admitted in juvenile court that they digitally penetrated Audrie and possessed photos of her half-naked body. Two of them were sentenced to 30 days in jail, served on weekends so they could continue attending Saratoga High, according to documents obtained by this newspaper.

The third, who attends Christopher High, was sentenced to 45 consecutive days. This newspaper is not naming the boys, who are 18 now, because they were juveniles at the time of the crimes and are not identified in court documents.

The Pott family had been outraged by what they considered light sentences imposed on the boys and a lack of remorse. They filed the wrongful death lawsuit in an attempt to hold the teens more accountable for their actions. Settling the case means that a dozen Saratoga High School teenagers who either attended the fateful party or saw the photos of her the next week won't have to testify in a trial. It also means that the Potts won't have to suffer through allegations that the discord Audrie experienced among her divorced parents and stepmother contributed to her despair.

After their daughter's death, Sheila Pott and Larry Pott, and his second wife, Lisa Pott, established the Audrie Pott Foundation and championed the passage of "Audrie's Law," which toughens penalties against California juveniles accused of similar crimes.

In court Friday, along with the individual verbal apologies, both teens agreed to a printed apology that was included in the settlement. In it, they said they were sorry "that we said things that made it seem Audrie invited or encouraged these acts. We admit that we committed these acts and shared inappropriate images of Audrie to others. I apologize for initially denying these acts."

They admitted Audrie was unconscious at the time and "did not consent to what we did."

"I apologize for false rumors about Audrie that served to shame and humiliate her," the apology said. "Audrie did not deserve nor would any human being deserve what we put Audrie through. She was a good and principled person who did not deserve what happened to her."

As part of the settlement, the teenagers also agreed to be interviewed in a film documentary already in production about the case, although their identifications would remain secret and their faces would be obscured.

In open court, with the boys standing with their hands folded in front of them, Santa Clara County Judge Brian C. Walsh recited the crimes they admitted to in juvenile court, that they sexually penetrated Audrie while she was intoxicated and possessed lewd photos of her. When he asked whether they acknowledged their part in those crimes, both boys responded, "Yes, your honor."

Walsh praised both sides for coming to terms, saying it will save the anguish that was sure to come during a trial.

"We've stopped the trial where guns were going to be blazing and people were going to get hurt," Walsh said. While the "terrible tragedy can never be undone," he said, he hopes the positive aspects of the settlement will serve to help others.

The boys are preparing to graduate from high school this spring. As part of the settlement, they promised to support a petition for Saratoga High to grant Audrie an honorary diploma. Their written apology made it clear "my actions contributed to preventing her from graduating."

Their apology also said that: "We would like every teenager out there to understand that words about someone's character can have a life-altering effect."

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Please go on to the next page for the response-prompt.

Part 5 of the “Audrie Pott Response” that you did last time...

At a Labor Day party, three boys sexually assaulted Audrie Pott when she was passed out and took photographs of what they did; they then shared the photographs with other people. A week later, believing her life was ruined, Audrie killed herself.

In the original *criminal case*, these boys were charged with (1) **sexual battery** (because they sexually assaulted Audrie Pott) and (2) **distribution of child pornography** (because they took photographs of what they did and shared the photographs with others).

When they were first tried in juvenile court for these *criminal* charges, two of the boys were **sentenced to 30 days in jail, and were allowed to serve the time only on weekends** so that they could continue attending Saratoga High. The third boy, who eventually transferred to Christopher High, was sentenced to **45 consecutive days in jail**. After the criminal trial, Audrie’s parents thought the consequences given to the boys were too lenient and felt that the boys showed no remorse for their actions. For this reason, Audrie’s parents filed a wrongful-death civil lawsuit against the three boys and their families “in an attempt to hold the teens more accountable for their actions.”

Today’s article describes the outcome of the *civil* suit for two of the three boys. (The Pott family settled the lawsuit weeks earlier with the third boy because they thought he was the only one who showed remorse and told the truth about what happened.) As a result of the civil suit, the two boys discussed in this article (and their families) also agreed to these consequences:

- 1) The two boys agreed to **publicly apologize** for what they did to Audrie.
- 2) The families or insurance companies of the two boys must **pay the Potts a combined \$950,000**.
- 3) Both boys are required to **give 10 presentations at high schools or youth groups** about *the dangers of sexting, spreading nude photos, "slut-shaming," and alcohol and drugs*.

WRITING PROMPT: Please discuss the following topic in a detailed paragraph. Explain your reasoning clearly.

What do you think of the consequences that these boys were given for their actions? Should the boys be given worse consequences, harsher punishment for what they did, or not? Why?

- First, in the *criminal* case, do you think *the boys’ jail sentences* were appropriate, or should the boys have been forced to serve more time in jail? Why?
- Secondly, what do you think about *the three consequences* that the boys and their families agreed to in the *civil* case: (1) the **public apology**, (2) the **\$950,000**, and (3) the **10 presentations to high schools and youth groups**? Are these three consequences an appropriate “price” for the boys and their families to pay for what the boys did, or not? In your opinion, will these consequences do any good? Explain your reasoning.