

## Extension Assignment - Fire on the 57 Bus

**Directions:** This assignment is designed to be an extension. Extension assignments are an opportunity to expand on traditional classroom learning through an independent study. The purpose of an extension is to synthesize a rigorous (high school) text, and apply higher level thinking to it. For this assignment, you will read a retelling of an event known as “The 57 Bus Fire” and answer a series of questions. Take a moment to read the questions before you begin.

The story you are about to read is very complex. As you read about the case, you will have the opportunity to learn about the defendant and the victim. Both profiles are told through an empathetic lens. The story isn’t a joyful one, and it involves some violence. The story centers on the political issues of gender identity, race, and the US incarceration system. That said, this story is true. The people on both sides are real humans, 2 of which are close to your age. It is important that you remember these are real people, and consider any connections you can make to them, as well as the implications their lives have on yours.

**Recommendations:** As you read, you should annotate the text. If you are using a hard copy, this may include notes in the margins. If you are completing this assignment on your phone, try taking notes on a separate piece of paper, or opening “Notes” on your smartphone. If you are using a computer, then your annotations should be in the form of the following:

1. Highlight the selected text you wish you annotate
2. Insert a comment. This can be done using
  - a. Typing: Command+Option+M
  - b. Clicking the plus sign on which will appear on the right edge of the document
  - c. Going to the toolbar (top) and selecting: Insert->comment

When interacting with a text, your comments should show your thinking. Go beyond simple notices like “describing his appearance” and include your own comments. “This describes his appearance, which reminds me of \_\_\_\_\_.”

It is recommended that you read the questions and vocabulary terms (found at the end of this packet) BEFORE reading the text. You should keep the terms and ideas in mind as you read.

**Assignment begins on the next page -**

## **The Fire on the 57 Bus**

**by DASHKA SLATER**

It was close to 5 o'clock on the afternoon of Nov. 4, 2013, and Sasha Fleischman was riding the 57 bus home from school. An 18-year-old senior at a small private high school, Sasha wore a T-shirt, a black fleece jacket, a gray newsboy cap and a gauzy white skirt. For much of the long bus ride through Oakland, Calif., Sasha—who identifies as agender, neither male nor female—had been reading a paperback copy of Anna Karenina, but eventually the teenager drifted into sleep, skirt draped over the edge of the bus seat.

As Sasha slept, three teenage boys laughed and joked nearby. Then one **surreptitiously** flicked a lighter. The skirt went up in a ball of flame. Sasha leapt up, screaming, “I’m on fire!” Two other passengers threw Sasha to the ground and extinguished the flames, but Sasha’s legs were left charred and peeling. Taken by ambulance to a San Francisco burn unit, Sasha would spend the next three and a half weeks undergoing multiple operations to treat the second- and third-degree burns that ran from thigh to calf.

Richard Thomas, the 16-year-old boy who lit the skirt on fire, was arrested the following day. Citing the **severity** of the crime, the Alameda County district attorney, Nancy O’Malley, charged Thomas as an adult, stripping him of the protections— including anonymity—**customarily** afforded to juveniles. Charged with two felonies, each with a hate-crime clause that increased the time he would serve if convicted, Thomas faced the possibility of life imprisonment.

Oakland is a city of more than 400,000 people, but it can often feel like a small town. The attack happened in my neighborhood, on a bus my own teenager sometimes takes home from school. Sasha Fleischman’s family and my family have close friends in common. Richard Thomas once attended my son’s high school. But even when events unfold practically on your doorstep, it isn’t always easy to make sense of them.

Crime was easy enough to understand—in 2013, Oakland had the nation’s highest robbery rate. But this was something different. An act of **savage brutality** had taken place in a public setting in the middle of the afternoon. Oakland is one of America’s most diverse cities. We pride ourselves on our **tolerance**; this is, after all, the Bay Area.

Yet for all its laid-back **inclusiveness**, Oakland is also a city of **grim contrasts**. The wealthier hills neighborhoods have good schools, low crime and views of the bay. The historic buildings downtown are filling with tech start-ups, boutiques peddling hand made jeans and night spots with seven-ingredient cocktails. But little of this good fortune has spilled over into East Oakland, where Richard lived, a region of **grinding** poverty and **chronic violence**. ***Richard and Sasha lived in the same city, but their paths might never have crossed if they didn’t both ride the 57 bus.***



*Sasha Fleischman's* ride to and from school took an hour and involved two transfers, but Sasha used the time to nap or do homework. Maybeck High School, Sasha's school in Berkeley, caters to bright, quirky kids interested in taking, its website says, "personal and intellectual risks." That description certainly applied to Sasha, a skinny, intensely **analytical** kid with wavy, chin-length brown hair, thick eyebrows and a radiant smile, who started inventing languages at the age of 7 or 8.

Sasha's parents, Karl Fleischman and Debbie Crandall, work in education, and their relationship with their only child has an **affable** ease. Karl, a college-radio D.J. turned public-school kindergarten teacher, is the shyer of the two, with a dry wit and a quick grin. Debbie, a bookkeeper at a private school, is more emotional and **effusive**. But while

they embraced Sasha's new name (Sasha was born Luke) and mostly remembered to use the preferred plural pronoun, "they," to refer to their child, they still found Sasha's rejection of gender a bit **perplexing**.

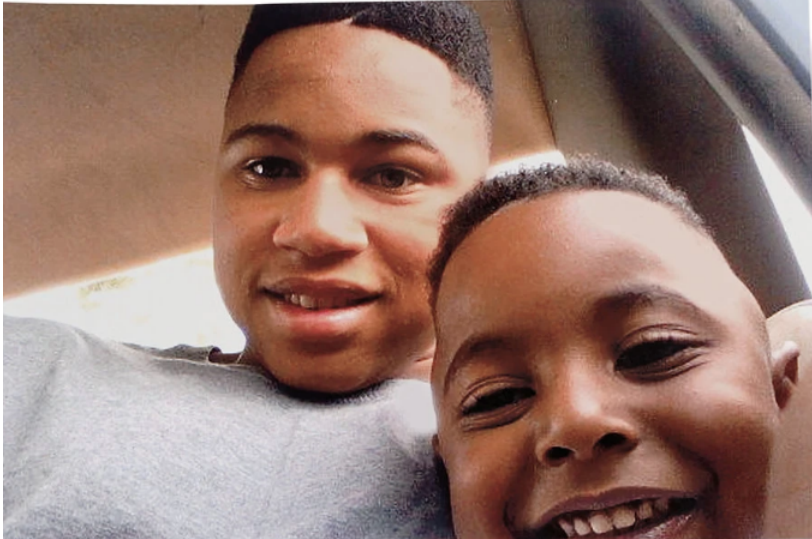
Since preschool, Sasha had attended small, alternative schools. Maybeck High School, with just more than 100 students, had multiple students who identified outside of **traditional gender norms**. Outside school, Sasha dove into virtual and real-world communities devoted to constructing alternate realities, filled with people who created new languages or who obsessed over Dungeons and Dragons, in which costumed players acted out game scenarios. In this world, **quirkiness** was not just accepted but encouraged.

Sasha started wearing a skirt in January 2013. Previously Sasha's style tended toward steampunk—top hats, tweeds, vests and bow ties, even a pocket watch. Sasha loved the wearing a skirt with a vest and a bow tie. In this outfit, Sasha exhibited a newfound confidence.

Still, Debbie and Karl worried that publicly **flouting** gender norms could be dangerous—even in the liberal Bay Area. Karl was once beaten up while jogging in Berkeley by some men in a pickup truck who thought he was gay. Debbie was concerned that Sasha's skirt-wearing might attract a similar response. "I worry about how the world sees it and what the world can do—what crazy people can do," she said.



**For a long time** these fears seemed to be groundless. Sasha wore a skirt every day from January to November 2013 and experienced only one negative reaction, when an older woman at a bus stop insisted, “You’re not a girl. You shouldn’t be wearing a skirt.” And so when Sasha drifted into sleep on the 57 bus on Nov. 4, it was an untroubled sleep. As the teenager would say later: “I can sleep through anything on the bus.”



When Richard Thomas boarded the bus that day, he was a junior at Oakland High School, his third school in as many years. Located in the city’s middle-class foothills, O High, as it’s known locally, is the oldest of Oakland’s high schools. While it draws Asian, Latino and African American students from throughout the city, the school is **spurned** by the white families who live nearby. Its test scores aren’t terrible, but it has a reputation as a rough place.

Like Sasha, Richard had a long commute home from school, although his began close to where Sasha’s ended. From Oakland High, he traveled to the part of town known as Deep East, where he lived with his mother, Jasmine Jackson, his mother’s fiancé, his 4-year-old brother and one of the two cousins his mother had raised ever since their mother, Jasmine’s sister Savannah, was murdered in 2006. The house, a single-story white-stucco bungalow, was clean and snug and **sparsely** furnished, decorated with framed photos of family.

A food-service worker at a residential care facility, Jasmine sent Richard to Oakland High because she thought it offered a better academic and social environment than the high school in her own neighborhood. Like Debbie Crandall, she worried about what the world could do to her child. She had Richard when she was only 15, splitting up with his father, Richard Sr., shortly afterward. While she was proud of always having a job, she didn’t earn much money. She wanted her son to attend college and to have a career.

These were big dreams in her part of town. An investigation by the San Francisco Chronicle found that of some 600 black male students who start at Oakland high schools as freshmen each year, only about 300 end up graduating and fewer than 100 graduate with the requirements needed to attend a California state college or university. The odds of landing in the back of a police cruiser, on the other hand, are much higher. African American boys make up less than 30 percent of Oakland’s under-age population but account for nearly 75 percent of all juvenile arrests. And each year, dozens of black men and boys are murdered within the city limits. ***(Pause, digest and reflect on these statistics...)***

**(Trigger warning, gun related death)** From a young age, Richard lost family and friends to violence. In addition to his aunt Savannah, killed in a spray of bullets while sitting in a car in San Francisco, his aunt Tish was murdered by her boyfriend in 2008. Three of his childhood friends were murdered as well, most recently his best friend, Tyronta Mickens. People used to say Richard and Tyronta were twins, because they were both handsome, light skinned boys with a goofy sense of humor and a penchant for practical jokes. When Richard was 14, the two were sent to a group home in Redding, after they were involved in a fight with some skateboarders. Tyronta was released before Richard, but shortly after that, on Jan. 7, 2013, he was killed while sitting in a car in an East Oakland parking lot.

When Richard found out about his friend's death, he called his mother from the group home to ask if it was true. "He just started crying and crying," Jasmine recalled. Instead of hanging up, Richard just put the phone down and walked away.

Richard came back to Oakland that summer, heading into his junior year. He signed up for a summer-job training program conducted by the Unity Council, an Oakland nonprofit, which led to an internship. His supervisors noted how much effort he put in, sometimes redoing the sloppy work of others. But when school started, Richard struggled. He fell behind academically and began cutting school. Early in September, Oakland High's attendance compliance officer, Kaprice Wilson, found Richard outside school in the middle of the day, about to get on a bus with a girl who had just been suspended. When Wilson told him that she had to escort him back to class, Richard came along cheerfully, peppering her with questions. Wilson explained that she ran an intervention program for students who were chronically absent from school.



"Can I be in your program?" Richard asked. Wilson was taken aback. Students didn't usually volunteer for her program; they were assigned to it. She wasn't exactly trying to fill slots either—she already had a caseload of some 800 chronically truant students, and her program was meant for freshmen and sophomores, who are easier to get back on track than juniors and seniors. But when she looked up Richard's file, she saw that his grades were poor and his attendance spotty.

"I want you to help me like you help them," Wilson remembered him saying. "Because I've been to a lot of schools, and I've been in trouble, but I'm really not a bad kid."

A petite woman who favored dangly earrings and liked to kick off her shoes while working, Wilson was a kind of **surrogate** mother to many of Oakland High School's troubled kids. Some of them even called her Mom, bringing her their grades, photographs and artwork to hang on her walls and writing her apologies when they ran into trouble. Her tiny office was papered with these missives: "Maria is your best daughter ever," read one. "I'm sorry mom, she made me hecka mad," read another—written, Wilson told me, by a kid who had just been suspended.



Richard adopted Wilson's office as a kind of safe zone, a place to hang out between classes. He would **confide** in her about his life. When other kids were there, he would often draw them out, listening to their problems. He liked to give and receive hugs and was known for his silly, childlike sense of humor, his willingness to look foolish if it would get a laugh. He gave Wilson his mother's phone number, suggesting that they might talk. He wanted his mother to know that he was doing everything he could to get on the right path. "I'm going to graduate," he told Wilson. "And I'm going to make her happy."

Yet Richard was apprehensive. He was having trouble understanding his schoolwork and wanted to be tested for learning disabilities. He was worried about graduating. And the violence around him was pressing in. That fall, another friend, this one from Oakland High, was shot. At the end of October, while walking to the store in an unfamiliar neighborhood with his cousin Gerald, Richard was robbed at gunpoint by two teenage boys who took his money, his phone, his coat and his shoes. In the moment, he told Wilson, he had only one thing on his mind: surviving. But later, he kept thinking about one of the robbers, whom Richard knew and had thought of as a friend. He felt betrayed.

Richard skipped school for a few days after that. On the afternoon of Nov. 4, Richard's 18-year-old cousin, Lloyd Rhodes, showed up at Oakland High School and tried to persuade him to leave early. The campus security officer, Carlitta Collins, wouldn't allow Lloyd on campus, because he wasn't a student, so he hung around outside the gates until Richard got out of school. Before leaving for the bus stop, Richard gave Collins a hug.

"I'm telling you," she said, "I didn't feel nothing but love when he hugged me."

### **On the bus...**

Every Alameda County transit bus is equipped with cameras that continuously record sound and video from multiple **vantage points**. I first watched the video of the attack in the office of William Du Bois, Richard's lawyer, on a laptop in a conference room. Before me was a grid of 12 views that could be watched simultaneously or one at a time. The video itself, grainy and impersonal, conveys the ordinariness of the afternoon. Passengers look at their phones or peer through the scratched windows at the darkening streets outside.

On the video, Richard and Lloyd board the bus at the front. Richard, wearing an orange-brimmed New York Knicks hat, is quiet and smiling. The heavysset Lloyd is loud and rambunctious—bouncing, shouting, trying to get the attention of a girl at the front. After using his bus pass, Lloyd catches sight of a tall boy in a white hoodie sitting near the back and heads his way. According to the statement Richard made to the police, it was this boy, whom Richard identified only as Jamal, who pointed out Sasha sleeping across the aisle from them, whispering, "Look at this dude."

On the video, you can't hear what Jamal says as he passes the lighter to Richard. Richard later told his lawyer and his mother that the whole thing was meant to be a prank. He thought the fabric would **smolder** for a moment, and Sasha would wake up and slap out the spark, startled but uninjured.

The skirt didn't catch fire the first time Richard flicked the lighter, or the second or the third. The video shows the boys laughing and joking between tries, horsing around. Then Richard flicks the lighter a fourth time. This time, the skirt ignites. Lloyd calls to the driver to open the back door. Richard jumps off the bus. Lloyd looks back and then stops, **transfixed**, as Sasha's skirt erupts into a sheet of flame.

The next few seconds are hard to watch. Sasha's voice is high and terrified. "I'm on fire! I'm on fire!" The flaming skirt looks **unearthly**, impossible. At first, Jamal howls with laughter, then, as Sasha careers toward him, he cringes and climbs onto his seat. "Everyone was running, laughing, screaming, yelling at the bus driver: 'Stop the bus! Open the doors!'" recalls Dan Gale, one of the two men who tackled Sasha and put out the fire. "I was yelling: 'Get down! Get on the ground! I just dove.'"

The bus stopped. Dazed and in shock, Sasha stood and pushed through the back doors onto the street. On the video, Gale says, "You need to call an ambulance, man," as Sasha paces outside, **charred** legs naked to the November chill, talking to Karl (his father) on a cellphone. Then the driver walks to the back of the bus and kicks the tattered **remnant** of Sasha's skirt through the door. "Real stupid!" he bellows, cursing at the boys.

### **The Aftermath...**

Richard was alone in Kaprice Wilson's office the next day when the police came to arrest him. She was on her way to meet him when she saw him being led away in handcuffs.

At the police station, Officers Anwawn Jones and Jason Anderson placed Richard in an interview room and left him there. A video shows Richard sitting by himself. An officer returns at one point to hand him a bag lunch. Richard unpacks a soda, a sandwich and a bag of chips. He smooths the paper bag flat and places the sandwich on top. Then he folds his hands and bows his head. He crosses himself three times. Then he begins to eat his lunch. When the police officers return, he has his head down on the table. "You didn't eat all your chips?" Officer Jones asks. Richard says, "I was getting a little stomachache."

The officers begin their interview by asking where he lives, what sports he plays, how he's doing in school, whether he has a girlfriend. In response, Richard is **candid**, almost **confiding**. He tells them about the fight that sent him to the group home, about having "a little breakdown" after Tyronta's murder, about his troubles in school. When they ask about the events of the previous afternoon, Richard tells them that he was on the 57 bus when he saw a man with his skirt on fire.

### **The Interview...**

“What do you think about dudes who dress up in skirts?” Officer Jones asks.

“I’m not with that,” Richard says. “I wouldn’t say that I hate gay people, but I’m very homophobic.”

Jones nods. “O.K. Why would you call yourself homophobic?”

“I don’t have no problem with somebody if they like men. But like if you do too much? Nobody cares, really.”

“Do too much?”

“Taking it to the next level,” Richard explains.

Jones asks for an example.

“Cross-dressing and like—some people, like they try to make everybody know that they are that.”

After asking Richard to go through the events on the bus a couple of times, the police reveal that they have video of the incident. They know he did it. They just want him to tell them why.

“Being stupid,” Richard says, his voice low.

“Why would you set something on fire like that—someone’s clothing?” Anderson asks. “Was it because the dude was wearing a dress? Did you have a problem with him?”

“I dont know.”

“People do things for a reason,” the officer says. “We’ve all made decisions in life that may not have been the best choice to make at a given time. What we’re trying to figure out is why this happened.”

“I’m homophobic,” Richard says at last. “I dont like gay people.”

“Did you get angry because he’s a dude in a skirt, and ‘doing too much’?” Jones asks.

“Actually, I didn’t know that his skirt was going to do that, that it was going to catch like that,” Richard says. “It was like a little flame. I thought it was just going to go out.”

***(Pause, digest, react and reflect to the interview transcript...)***



### **Pre-Trial...**

Two days after Richard's arrest, the Alameda County district attorney announced the charges: aggravated mayhem and assault with intent to cause great bodily injury, both felonies, each with a hate-crime clause that would add an additional one to three years in state prison to his sentence. If convicted, Thomas faced a maximum sentence of life in prison—a punishment he would never have faced had he been charged as a juvenile. Jamal, the boy who handed Richard the lighter, was never interviewed, arrested or charged. On Nov. 8, four days after lighting Sasha's skirt on fire, Richard wrote the teenager a letter.

***"Dear Victim,***

***I apologize for my actions, for the pain that I brought to you and your family. I was wrong for what I did. I was wrong. I had no reason to do that to you. I don't know what was going through my head at that time. I'm not a monster, I have a big heart. I never even thought of hurting anyone like the way I hurt you. I just wanted you to know that im deeply sorry for my actions.***

***I think about what happened every second, I pray that you heal correctly and that you recover and live a happy life. Please forgive me thats all I want. I take responsibility for all my actions, Pll take all the consiquences.***

***Pm not just saying this because im incarcerated I honestly mean every word.***

***Love, Richard Thomas."***

A few days later, he wrote a second letter, this one addressed to "Mr. Fleischman." It was nearly three pages long, written in neat cursive.

***"I had a nightmare last night and 1 woke up sweating and apologizing. I really hope you get back to the way you were. I went to court yesterday and there still making me seem like a monster, but im not. I'm a good kid if you get to know me. I'm sure you would have been a nice person to. I was hoping that I can meet you face to face so 1 can apologize to you.***

***I don't have a problem with people like your son. I have friends that's that way and we never had problems so I don't look at you wrong because of that. Honestly I could care less if you like men you weren't trying to talk to me in that way.***

***I am not a thug, gangster, hoodlum, nor monster. I'm a young African American male who's made a terrible mistake. Maybe we have some things in common. I've also been hurt alot for no reason, not like I hurt you but I've been hurt physically and metally so I know how it feels, the pain and confusion of why me. I've felt it before plenty of times."***

William Du Bois put the letters in his briefcase. Because they contained admissions of guilt, he felt he couldn't send them to Sasha until after the case was resolved. It would be 14 months before Sasha read them.

When Sasha arrived home from the hospital on Nov. 27, 23 days after the attack, it was to a street crowded with reporters and photographers. There had been a march along the route of the 57 bus, with supporters tying rainbow-colored ribbons to street signs and telephone poles along the way. Cards, letters and packages poured in, including some from Canada. An online medical fund raised \$31,000 in donations. Several high schools had sponsored skirt-wearing days; so did a local bookstore. At Oakland High, Richards school, the varsity basketball team wore blue jerseys with Sasha's name on them and the words "No H8."

Sasha gave an interview to a local news station, wearing a skirt over bandaged legs. Sasha acknowledged feeling angry sometimes. While the long-term prognosis was excellent, everything was more difficult at the moment—walking, taking a shower, getting dressed. The pain made it hard to sleep

Ten days after Sasha got home from the hospital, the family invited Dan Gale, one of the two men who put out the fire, to their house for brunch (the other man was never identified). Toward the end of the meal, the conversation turned to Richard Thomas. Debbie and Karl had told reporters that they wanted to see Richard tried as a juvenile, not as an adult, and they had consistently **cautioned against** leaping to conclusions about Richard's motivation. Gale, a gravel-voiced construction worker with a walrus mustache, remarked that he thought Sasha's parents showed more **forbearance** than he would have. He turned to Sasha.

"How do you feel on that? I mean, this kid hurt you."

Sasha considered this. "I know he hurt me," Sasha said. "He did something that's really dangerous and stupid. But then again, he's a 16-year-old kid, and 16-year-old kids are kind of dumb. It's really hard to know what I want for him."

Jasmine Jackson, Richard's deeply religious mother, tried to believe that everything that happened was part of a larger plan. "God is good," she repeated in the courthouse elevator. "God is good. God is so good." When Richard was escorted into the courtroom for the many procedural hearings that followed his arrest, Jasmine would catch his eye and make a heart shape with her fingers, pressing it to her chest.

She was sure that Richard had learned something from what he did. "We're all going to learn something from this," she said frequently. But once, after saying it, she shook her head. "I wish it hadn't gone this far and he could have learned a different way," she said. "I wish that the courts would give him a **suitable** punishment so that he can learn from this, instead of just being institutionalized." This was her biggest fear. "I want him to have enough time to do something with his life," she said.

Everyone I interviewed who knew Richard made a point of telling me that he was not homophobic. Richard had a gay friend, they pointed out, and his mother's cousin is

transgender. Du Bois wouldn't allow me to interview his client; given the potential sentence, he felt the risks were too great. But he argued that it made no sense to describe a child's still-forming opinions as "hate."

"Lynchings—they're hate crimes," he said. But as for a boy wearing a skirt, he went on, "the kid who thinks that this is **anomalous** and decides to play a prank is not committing a hate crime."

O'Malley, the district attorney, didn't see it that way. "If somebody commits a **heinous** crime against somebody because they're a member of a protected class, that is very purposeful discrimination," she explained. "It's important to show that this is the kind of behavior that will never be tolerated."

Until the mid-1980s, the law made no distinction between crimes motivated by **bigotry** and crimes motivated by money, passion or boredom. Murder was murder; vandalism was vandalism. The term "hate crime" arose in response to what was described at the time as an "**epidemic**" of **neo-Nazi and skinhead** violence, although in **retrospect** it's unclear whether any such epidemic existed. Since then, the number of bias motivated prosecutions has steadily declined. In California, a state with close to 39 million people, hate-crime prosecutions have fallen 48 percent since 2003, with just 158 bias crimes filed for prosecution in 2012.

Researchers estimate that fewer than 5 percent of people charged with hate crimes are members of an organized hate group. Most are young males, either in their teens or early 20s, acting in a group. In a study of Boston hate-crime prosecutions in the early 1990s, two-thirds of the offenders were categorized as "thrill-seeking"—that is, they were groups of young people "looking for some fun" at the expense of someone they regarded as lower on the totem pole. The authors of the study found that many of these offenders weren't even particularly biased toward their victims but were following the lead of a more biased peer.

Many hate crimes, according to Phyllis B. Gerstenfeld, a criminal-justice professor at California State University, Stanislaus, "don't have as much to do with the victim as they do with the offender and their own insecurity—which of course is a lot of what's going on with adolescents in general."

Two groups that might have been expected to support O'Malley's decision to charge Richard as an adult, the National Center for Lesbian Rights and the Transgender Law Center, wrote to her in November 2013, asking her to reconsider. "When juvenile **impulsivity** and poor judgment produce **dire** consequences, it does not make sense to craft a response intended for adults," they said in a letter that was also sent on behalf of the A.C.L.U. of Northern California. "Rather, these are the very circumstances under which it is important to remember that children are different from adults. We firmly believe that you can demonstrate your office's commitment to protecting the victims of hate crimes without imposing adult **sanctions** on juvenile offenders."

### **The Trial...**

Richard's first **evidentiary** hearing was in March. Sasha took the day off from school and came to court with Karl and Debbie, dressed in a navy blue skirt, a gray vest, a brown striped bow tie, a gray tweed cap, a trench coat and purple high tops. Richard's mother was there, too. She had asked me in February if I could arrange a meeting with Sasha's family, but when I **broached the subject** with Debbie, she **recoiled** and said she wasn't ready. Now, in the **vestibule** outside the courtroom, Jasmine, a strikingly pretty woman with almond-shaped eyes and a high round forehead, came forward.

"My son's not like that," she said, the words tumbling out in a rush. "I don't know what made him do that, and I'm sorry. We're not hateful people." Then she hugged each member of the family: Debbie, Karl, Sasha. One by one, each of Richards relatives—aunts, uncles, cousins—came forward and did the same. When it was over, both mothers were crying.

Afterward, Jasmine kept talking about Sasha. "He just looked so innocent," she said to me. "He's just so cute. He has such a nice family. He didn't deserve that. No kid does. It's just not something I can get used to." There was so much more that she had wanted to say to them, but she couldn't find the words. "I don't know what to say but sorry," she told me.

Seven months later, on the morning of Oct. 16, Richard sat with his left leg shackled to a wooden chair in the courtroom of Judge Paul Delucchi. He wore a gray county-issue sweatshirt and khakis, and while he had lost the terrified look of his early court appearances, his eyes were wary. There was a faint peach fuzz mustache on his upper lip. Delucchi's courtroom was frequently crowded and chaotic, with prisoners stacked up in the jury box listlessly waiting for their turn to appear. But each time Richard came to court, I watched his eyes rove the room, taking everything in. His lawyer had told me he was doing well in Alameda County Juvenile Hall, getting good grades and staying out of trouble. He was on track to graduate from high school in February. Jasmine visited him every Sunday.

Jasmine had stopped returning my calls, telling me in July that she was tired of talking about the case, tired of thinking about it, just tired. "I work 12, sometimes 14 hours a day, and when I come home, I just want to go to sleep," she said. On that morning, she sat just behind me, wearing new longhair extensions with a greenish tint.

Debbie Crandall sat next to me, her eyes fixed on Richard. He was going to take a **plea bargain**. The mayhem charge and the hate-crime enhancements would be dropped, and Richard would receive a five-year sentence on the assault charge. With credit for time served and good behavior, the deal would have Richard, now 17, released before his 21st birthday, making it more likely that he could serve all his time in juvenile facilities. Du Bois had urged Richard to accept it as "the best choice among the available alternatives." Debbie and Karl also wanted him to take the deal, so that Sasha, now a freshman at M.I.T., wouldn't have to fly back for a trial.

Jasmine wasn't so sure. She had hoped for a better outcome, and communication between her and Du Bois had grown increasingly poor over the summer and fall. Now she and Richard had decided to accept the offer. But that morning, the deputy district attorney, Richard Moore, abruptly changed the five-year sentence to seven years. No explanation was given in court. Take it or go to trial, Du Bois said he was told. From my seat in the gallery, I watched Du Bois pull a chair in front of Richard to tell him the news. I could see the moment when Richard understood what had happened. He turned his head to look at Jasmine. They stared at each other for a long, heartbreaking moment, seeming to converse without words. When Richard turned back to face Du Bois, he curled his head into his shoulder. He would take the deal.

Du Bois, a 40-year courthouse veteran, was usually calm and even-tempered. But when I went to talk to him after the hearing, he was furious. Under the terms of the deal, Richard's sentence may still be reduced to five years if he meets certain benchmarks between now and July—full participation in available educational and rehabilitation programs, a clean discipline record. But not all of that is in Richard's control: Another inmate could pick a fight with him; a staff member might write him up for a minor offense. And because minors can be transferred to an adult prison as soon as they turn 18, a longer sentence makes it more likely that Richard will serve the bulk of his time in an adult prison rather than in juvenile facilities. "He's now thrown to the wolves," Du Bois told me. Weeks later, he was still fuming about Richard's sentence.

"It's punitive," he said. "And for what? Protecting the community by making this kid into a real gangster?"

O'Malley told me over the phone in November that the new arrangement was meant to help him, by giving him more time to receive treatment. She could not, however, name the type of treatment programs she had in mind for Richard, or explain how sending him to adult prison would serve the rehabilitation goals she had described. Richard returned to court a month later for sentencing. Debbie had been asked to give a victim-impact statement. She read aloud a letter to Richard, her voice quavering.

***"You attacked our child as they slept on a bus. Maybe you thought it was weird that Sasha was wearing a skirt. But the charred skin, the painful skin grafts, the hours of daily bandaging... we do not understand your actions. But we also think that hatred only leads to more hatred and anger. We don't want you to come out of prison full of hate."***

Debbie and Karl walked out of the courthouse into the November sunshine and stopped for coffee at a nearby sidewalk cafe. They were exhausted from talking to reporters, unsure whether to be relieved or distraught. "I wish it had turned out differently for Richard," Debbie said. "We got Sasha back. But poor Jasmine. She lost her son for years."

They hadn't expected to be so moved by seeing Richard's face again. "I just had this wave of emotion at how young he looked, Karl said. "He just looks like a kid."

**Vocabulary (in order of text appearance)**

***Directions: Using context clues, the internet, or a dictionary, define each of the following terms.***

surreptitiously

Severity

Customarily

Savage

Brutality

Tolerance

Inclusiveness

Grim contrasts

Grinding

Chronic violence

Analytical

Affable

Effusive

Perplexing

traditional gender norms

Quirkiness

flouting

Spurned

Sparsely

Surrogate

Confide

Vantage points

Smolder

Transfixed

Unearthly

Charred

Remnant

Candid

Confiding

cautioned against

forebearance

suitable

Anomalous

Anomalous

Anomalous  
Epidemic  
neo-Nazi  
Skinhead  
Retrospect  
Impulsivity  
Dire  
Sanctions  
Evidentiary  
broached the subject  
Recoiled  
Vestibule  
plea bargain  
Converse  
distraught

## **Questioning Round 1: NAVIGATING THE WATERS**

### ***Comprehension***

1. How is Sasha Fleischman described throughout the first 20 paragraphs?
2. How is Richard Thomas described by himself, his mother, and the courts?
3. Explain Sasha's views on gender and identity as discussed in paragraphs 10-19. Cite the text to support or illustrate your remarks.
4. What did Richard write to Sasha in the two letters he wrote and how did Sasha respond?
5. What did the district attorney finally decide?

## **Questioning Round 2: EXPLORING THE DEPTHS**

### ***Rhetorical Strategies and Structures***

1. What is the author trying to accomplish by beginning with an objective narrative of what happened to Sasha on November 4, 2013? Cite the text to support your explanation.
2. What challenges does Dashka Slater, the author, face when writing about identity and gender, especially when she or anyone else refers specifically to Sasha? How does Slater resolve those dilemmas in her use of language? Cite specific examples from the text to illustrate what you say.
3. What argument is Dashka Slater making about identity as it applies to this case and its outcome? What rhetorical strategies does she use to strengthen and support her position? How does she use examples, evidence, and stories to persuade readers to accept her argument?



### Questioning Round 3: SHARING THE DISCOVERIES

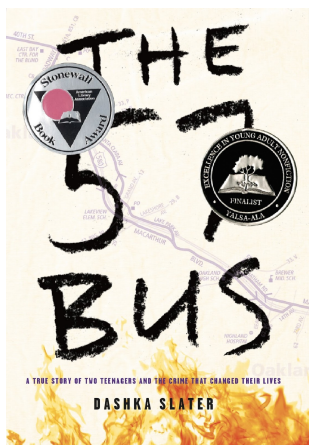
#### *Discussion and Writing*

1. Imagine you are a member of the jury asked to review the case and the judge's decision based on everything you learn in this article. Respond to the judge's decision by agreeing, disagreeing, or agreeing and disagreeing. Provide reasons and evidence to explain and support your position to your fellow jury members.
2. What questions does this story raise for you? Rank your questions in order of importance to society at large, then choose the one most important to you and write about it. Draw details from the story, recent news items, or your own experience as needed.
3. Investigate various news sources regarding recent developments related to the treatment of people based on their race, culture, gender, or sexual preference. How would you describe society's views about identity in these areas now compared with the time of Sasha's and Richard's time? Regardless of whether you think things have changed or not, explain your reasoning and provide examples to support your response.

### Questioning Round 4: CONTINUING THE JOURNEY

#### *Media Extension*

1. Listen to Dashka Slater speak about “Fire on the 57 Bus” on The Upshot podcast.
2. Read “The 57 Bus” full novel, by Dashka Slater, and write a summary of the key points.
3. Read the following article which updates Richard’s scheduled release and reduced sentence: [Article](#)



**Questioning Round 1: NAVIGATING THE WATERS**

***Comprehension***

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**Questioning Round 2: EXPLORING THE DEPTHS**

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3. What argument is Dashka Slater making about identity as it applies to this case and its outcome? What rhetorical strategies does she use to strengthen and support her position? How does she use examples, evidence, and stories to persuade readers to accept her argument?

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### **Questioning Round 3: SHARING THE DISCOVERIES**

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