

PLANNING FOR THE FUTURE

MATERIALS

- 1) Copy of “The Frankie Guzman Story” article
 - 2) Packets of information regarding students’ future plans (Ask your students the week before you do this lesson – please search for and provide information about 2- or 4- year colleges, or other information about career/future goals they express)
 - 3) Examples of career map – one example provided in the PICC (just take a couple if you need them) but teachers should also make their own to share with the kids).
 - 4) List of 707(b) offenses (handout at end of lesson).
 - 6) Blank paper for career maps (enough for each student; in the PICC).
 - 7) Pens!
- Note: As a result of a bill passed in August 2014 (SB 1038), juveniles will no longer need to file petitions to seal records beginning in January 2015.

TAKEAWAYS

- Students will be able to envision where they might want to go, what they may want to be, map out how to get there, and discuss their plans with the class.
- Students will be able to understand when records can be sealed, and what specific steps must be taken to make this happen.

INTRODUCTION

(Time Check: 8 minutes)

Introduction

- Ask students how many of them have ever heard of Frankie Guzman? (Expect no hands!)
- Tell students “Frankie Guzman is from California, and he’s a lawyer in Oakland right now. He’s about (X) years older than I am. But that’s really where the similarities stop. Frankie Guzman’s story is actually a lot more like *yours* than anything I’ve ever lived.”
- Give students a **brief** synopsis of Frankie’s life – think 6-7 bullet points (this should be done WITHOUT passing out the article). Tell students, the purpose of today’s lesson is to help you “Plan Your Future.” The lesson isn’t about Frankie Guzman, but about how you can plan for your future and overcome mistakes the way he did. Tell students the lesson is broken into two parts: 1) a life map & 2) details on the record sealing.

ACTIVITY 1: FUTURE MAPS

Time Check: (20-25 minutes)

(5-6 minutes for teacher to explain & model her map; 12-15 minutes for students to work in small groups with teachers; 3-5 minutes to share out as a class.)

Goal of the Activity: To envision the future, both immediate and distant, and to strategize concrete steps necessary to reach career and life goals.

Activity:

- **Explain:** maps are devices we use to help us get from one place to another. Today, we are going to create maps to help us get to where we want to be in the future.
- Each teacher should have a sample career map that he or she has made available to show at the beginning of this exercise. This will help the students visualize what their end product will look like and avoid any confusion. Your example can represent the career map you would have plotted out for yourself at age 15 or so. If you are concerned that teachers' sample maps will be similar (And then I will attend law school...) make a map for a friend who wanted to pursue a different path.
- Everyone is going to receive paper and a pencil to write with. On one side of the paper, write START and then a brief description of where you are now. On the other side of the paper, write GOAL and a brief description of where you want to be in 10 years. In between, create a map with steps you will need to achieve to become the person you want to be in 10 years. For example, maybe I want to be a lawyer and have a family in 10 years. What would be some of the things I would need to do to reach that goal? (Graduate from law school, find a job as a lawyer in a city I want to be in, work hard, eventually find time to start a family, purchase a home, etc).
- Distribute the materials and ask the students to begin working on their maps.

Notes:

- Each teacher should work with a small group of students to help them with their mapping. Winning the lottery is a way to get rich, but should not be the only route on the map because it is not very likely. Additionally, pursuing illegal activities (should students add this to the map) should also route to the appropriate likely legal consequences with additional routes around them to the desired end point.
- If students are on probation, now is a good time to discuss with them the steps they will need to take to get off of probation (e.g., follow the rules of their probation agreement, never carry contraband, remind them that they may be searched at any time (as can their bedroom and common rooms in their house)). Record sealing should also be a step in the maps – and will discuss this at length in just a moment.
- This activity may not be easy for your students. Visualizing positive goals is difficult enough; envisioning concrete steps to achieve those goals, even after activity 1 above, is even more difficult. Also note that some students may not have any ideas yet as to what they would like to do; if they want to map out multiple possibilities, or want to leave some parts as question marks, you should tell them that's completely fine.

Again, just remember to be encouraging.

- NOTE: if there is time, have the students share their maps with the class.

Additional Resources in San Mateo County: Print copies of the directory for the students

1. Youth Services Directory in San Mateo County

- Phone numbers for a range of services including emergency housing, pregnancy and parenting, counseling, employment and civil legal services

<http://www.cityofpacific.org/civica/filebank/blobdload.asp?BlobID=2769>

ACTIVITY 2: RECORD SEALINGⁱ

(Time Check: 17-20 minutes)

Goal of the Activity: Students will understand under what circumstances a record may be sealed, and how to go about the process of having a record sealed.

Reminder: Now's a great time to remind students of the Street Law rule: we don't discuss our own cases!

Note: this lesson can be really, really upsetting for kids who discover their record is unsealable. Emphasize the positive. Having an unsealed record does not destroy your future—if you change your life, don't get into trouble again, etc, there is no reason why a record should keep you from going to college, joining the military, becoming a government officer (or running for office) etc. Just because a record can't be sealed doesn't mean that it's not still just a juvenile record—and that's not too bad. As long as a person has no adult convictions, there is absolutely no reason why they can't have all the same options and opportunities as someone with a sealed record, or no record at all. Remind them that Frankie Guzman was not able to have his record sealed.

Materials Needed:

- List of 707b offenses

Note: This discussion can take place in small groups or with the entire class.

Discussion:

- Now we are going to talk about one important step that youth who have served time for juvenile offenses can take once they have successfully completed their probation – record sealing.
- **Before you get started, ask the kids:** Your friend needs your advice. He is applying for a job and he pled guilty to two felonies and a misdemeanor in juvenile court when he was 15. Neither of the felonies was a strike. Now, he is applying for a job and there's a box on the application that says, "Have you ever been convicted of a felony?"
 - **Should he check yes or no?**
 - **Answer – He should check "no"!** Juveniles are not "convicted" in juvenile court; they are "adjudicated delinquent" or the petition against them is "sustained." What this means is that if a job application asks if my friend has ever been convicted of a felony, and his only felony was in juvenile court and it was not a 'strikeable' offense, he can (and should) say "no."
- **So now we know that my friend does not have to say he was "convicted."** Why might my friend also want to have his juvenile record sealed? What does it mean to have a record sealed?

- When a juvenile record is sealed, it is as though it never existed (except for the exceptions below). If a person has their record sealed, he/she can say that he doesn't have any juvenile record at all; he can answer "no" to ANY question about the existence of a prior juvenile offense – he does not need to say that he had a record but it was sealed.²
- Additionally, if anyone asks the court, probation department, or police agencies if this person has a record, they have to say that he has no record.
- But, there are a few exceptions to this:
 - The sealing of a record does not wipe out prior felonies for Three Strikes purposes. The DA has discretion to ask the court to count juvenile crimes as strikes if I am later convicted of a felony.³
 - A juvenile cannot seal the record of an offense for which he/she was tried and convicted in adult court.⁴
 - The record is still available to law enforcement, even after it is sealed. If I am re-arrested, the police can access my juvenile convictions, and so can the DA.⁵
 - The record is still accessible by prosecutors or probation officers for purposes of determining future eligibility for continued child welfare benefits as a non-minor dependent.

Note: Often, students have trouble keeping clear on what's an adjudication and what's a conviction. Stick to this rule of thumb: if it happened in juvenile court, it's an adjudication. If it happened in adult court, (good way to tell = jury) then it's a conviction.

Tell the students: In August 2014, the California legislature enacted a bill that makes record sealing automatic. This apply to all juveniles whose term of supervision or probation ends after January 1, 2015. As a result of this law, juvenile records in specific cases will be **automatically sealed** once a juvenile completes serving his or her term of probation or diversion. (For example, a juvenile may be eligible for record sealing after he completes a court-imposed substance-abuse program.)

→ **However, to be eligible for this automatic sealing, a juvenile may not have committed a 707(b) offense.** Remind the students what counts as a 707(b) offense (see the list included in your materials packet. This requirement is a result of Prop 21.⁶

Ask the students: Once her record is sealed, can it ever be *unsealed*? A record can be *unsealed* in three circumstances: (1) if I petition to the court to have my record unsealed; (2) if the court orders a record opened in an action based on defamation (then it's unsealed just temporarily); (3) Insurance companies can still access records retained by the DMV to set premium rates. Otherwise, it can't be unsealed. The bottom line is, the only way *anyone but you* can unseal your records is if they're an insurance company, and even then they can't tell you what they find.

Note for teachers: There are still many unsettled questions regarding the implementation of the new law. Such questions include:

- Who determines when a minor has successfully completed conditions of probation, thus triggering the sealing and dismissal of court records?
- Is the bill retroactive? Can those whose judgments and probation terms were completed prior to the effective date of the bill assert a right to have their records sealed automatically?

If your students raise these questions, let them know these questions are still unsettled, and we will be providing updated information as soon as we have it.

**CONCLUSION (Time
Check: 1 minute)**

Congratulate the kids on doing a great job today thinking about their future.

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A PLAIN-LANGUAGE GUIDE TO 707(b) OFFENSES

HOMICIDE

1. Murder
2. Attempted murder.
3. Voluntary manslaughter, upon a sudden quarrel or heat of passion.
4. With the intent to commit murder: Exploding or igniting or attempting to explode/ignite any destructive device or any explosive.

SEX CRIMES

Quick Key for "FORCE"

"force-1" = force, or violence, or duress, or menace, or threat of great bodily harm

"force-2" = force, or violence, or duress, or menace, or fear of immediate bodily injury

5. Rape: with force, or violence, or threat of great bodily harm.
6. Sodomy: by "force-1."
7. Lewd or lascivious act: by "force-2" (with whatever intent) or of a dependent in one's care, by "force-2," with intent to arouse/appeal to/gratify either person.
8. Oral copulation by "force-1."
9. An act of sexual penetration done against the victim's will: by "force-2," or threat of reasonably-possible retaliation.

KIDNAPPING

10. Kidnapping for ransom.
11. Kidnapping for purpose of robbery.
12. Kidnapping with bodily harm.
13. Kidnapping for purposes of basically any kind of sexual assault (listed in Cal. Penal Code § 209(b)).
14. Kidnapping during the commission of a carjacking, if in order to facilitate the carjacking, and if the victim is moved a substantial distance in such a way as to increase the risk of harm to the victim over and above that necessarily present in the crime of carjacking itself.

ASSAULTS

15. Assault by any means of force likely to produce great bodily injury.
16. Aggravated mayhem, defined as:
 - Under circumstances manifesting extreme indifference to the physical or psychological well-being of another person: intentionally causing permanent disability of another human being, or disfigurement of another human being, or depriving a human being of a limb, organ, or member of his or her body.
17. Torture, defined as:
 - Inflicting great bodily injury on another person, with the intent to cause cruel or extreme pain and suffering for the purpose of: revenge, or extortion, or persuasion, or for any sadistic purpose.

ARSON

18. Arson: of an inhabited structure/property, or that causes great bodily injury.
19. Any robbery

ROBBERY

WEAPONS-RELATED OFFENSES

20. Assault with a firearm or destructive device.
21. Discharge of a firearm into an inhabited or occupied building.
22. Personally using a firearm while committing a felony or attempted felony.
23. Any felony in which the minor personally used any of the following weapons: cane gun, or wallet gun, or undetectable firearm, or any firearm which is not immediately recognizable as a firearm, or any camouflaging firearm container, or any ammunition which contains or consists of any fléchette dart, or any bullet containing or carrying an explosive agent, or any ballistic knife, or any multiburst trigger activator, or any nunchaku, or any short-barreled shotgun, or any short-barreled rifle, or any metal knuckles, or any belt buckle knife, or any leaded cane, or any zip gun, or any shuriken, or any unconventional pistol, or any lipstick case knife, or any cane sword, or any shobizue, or any air gauge knife, or any writing pen knife, or any metal military practice handgrenade, or any metal replica handgrenade, or any instrument or weapon of the kind commonly known as a blackjack, or any instrument or weapon of the kind commonly known as a slungshot, or any instrument or weapon of the kind commonly known as a billy, or any instrument or weapon of the kind commonly known as a sandclub, or any instrument or weapon of the kind commonly known as a sap, or any instrument or weapon of the kind commonly known as a sandbag, or any large-capacity magazine, or any explosive substance (other than fixed ammunition), or any dirk, or any dagger.
24. Carjacking—taking a car against a person’s will, by means or force or fear—while armed with a dangerous or deadly weapon.
25. Willfully and maliciously discharging a firearm from a motor vehicle at another person other than an occupant of a motor vehicle.

DRUG OFFENSES

26. Manufacturing, or compounding, or selling one-half ounce or more of any of the following drugs: Amobarbital, or Pentobarbital, or Phencyclidines (such as PCP or PCM), or Secobarbital, or Glutethimide.

OFFENSES RELATED TO CIRCUMSTANCES OF THE VICTIM

27. Any of various violent felonies (listed in Cal. Penal Code § 667.5(c)), if committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members.
28. Various serious/violent crimes (listed in Cal Penal Code § 1203.09) knowingly committed against people with certain characteristics, and causing great bodily injury. Listed victim’s characteristics are: a person at least 60 years old, or a blind person, or a paraplegic, or a quadriplegic, or a person confined to a wheelchair.
29. Victim or witness intimidation (when charged as a felony)
30. Witness tampering by bribery, or force, or threat of force, or fraud.

ESCAPE

31. Escape, by the use of force or violence, from any county juvenile hall, home, ranch, camp, or forestry camp, where great bodily injury is intentionally inflicted upon an employee of the juvenile facility during the commission of the escape.

ⁱ Unless otherwise cited, all of the information provided regarding Juvenile Record Sealing can be found at the following addresses:

a) For San Mateo County:

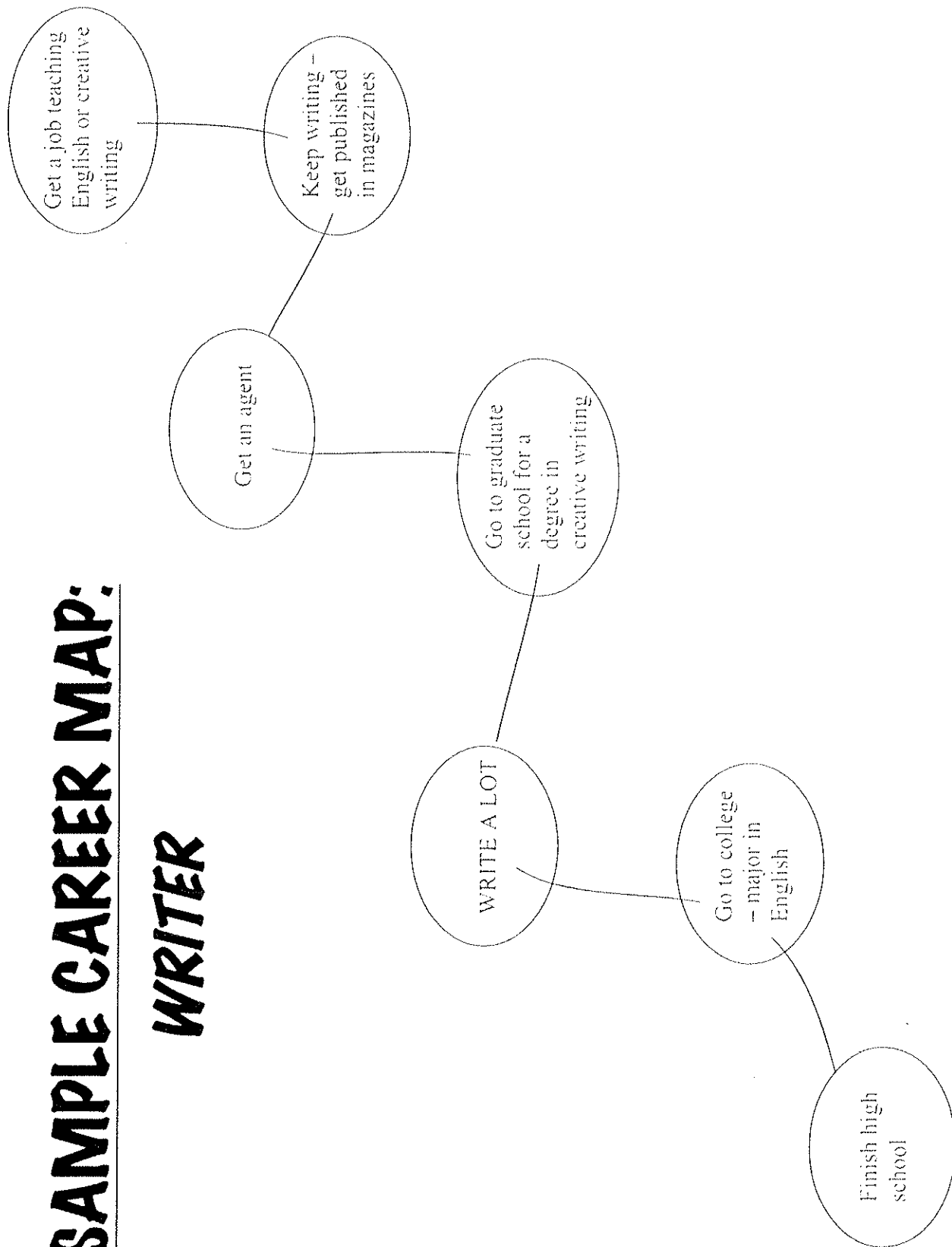
http://www.smhealth.org/vgn/images/portal/cit_609/9/21/62737731Juvenile_Sealing.pdf

b) For Santa Clara (follow link to information about record sealing procedures):
<http://www.sccgov.org/portal/site/probation/agencyarticle?path=%2Fv7%2FProbation%20Department%20%28DEP%29%2FJuvenile%20Probation%20Services%2FRecord%20Sealing%20Procedure&contentId=e9c6bb3166b34010VgnVCMF2200049dc4a92>

Note that the specific information provided in this activity applies to record-sealing procedures in San Mateo County. Rules and procedures may differ in other counties. Also, if someone has a record in multiple counties, they probably need to go through the record-sealing process in *each* of these counties.

SAMPLE CAREER MAP:

WRITER



The Frankie Guzman Story

From Prison to Juvenile Justice Lawyer

'A man? What is that?'

By any measure, Guzman was not supposed to succeed. When he was 3, his parents divorced and his father abandoned the family. Two years later, his older brother Freddie shot and killed a rival who had beaten him up at a party. He was convicted of second-degree murder and sentenced to 17 years to life.



"I wanted to go to prison to be with him," Guzman said. "I used to alter my school ID and put his CDC number underneath my photo."

When he was in middle school, Guzman heard that his father was caught at the Mexican border with a lot of money and no explanation. The elder Guzman was sent to federal prison on a trafficking charge, Guzman said.

His mother, who worked long hours cleaning homes in upscale Malibu about 30 miles away, routinely reminded her son to do right and "act like a man."

A crack cocaine epidemic was in full swing in his "La Colonia" neighborhood, and the older men who should have been role models were instead victimizing younger men, robbing them to fuel their addictions. Guzman and his friends began acting tough to ward off attack.

"I'd say to my mother, 'A man? What is that? Point to one!' "

In high school, Guzman became increasingly distracted from his studies, until his GPA dwindled to 0.8. Shortly after, he was expelled, in connection with a fight in the boys' restroom he says he didn't join.

Armed robbery at age 15

Two weeks later, Guzman and a friend took two ski masks from a Kmart, stole a car from the parking lot, drove to a liquor store with guns they bought on the street, and then pointed them at the clerk. They made off with \$300. Guzman was 15.

Their getaway lasted just 30 minutes. By then, a squad car had caught up to them and pulled them over.

"Our crime was in broad daylight. I already had \$350 in my pocket from installing septic systems with my uncle. It was so, so stupid," Guzman said.

He was operating on co-dependency kid logic, he said, and it was his undoing.

When the friend first proposed the crime, Guzman initially protested. "But when he said he was going to do it without me, I thought, man, if something happens to him ... I had better go and watch his back."

The judge sentenced Guzman to 15 years in the California Youth Authority facility in Whittier. Guzman earned his high school diploma as an inmate - twice. Once he passed the equivalency exam in his first year, he continued to go to classes so he could learn more. While he was on the inside, his favorite uncle died at 38 after a long addiction to alcohol and heroin. In the same year, his best friend died after rival gang members stabbed him 15 times in the neck.

Guzman was released after three years for good behavior, but once back in his old neighborhood, he went to parties where he drank alcohol and socialized with gang members - both of which are violations of parole - and he was sent back to the Youth Authority for another year.

At 19, Guzman was released again and found work assembling mini-blinds in a factory and fetching shopping carts at [Sam's Club](#). They were dead-end jobs, and Guzman didn't want to "fade into wallpaper." He kept hearing his uncle's words: "Work with your brain, not your body, because your brain will never give out on you."

Guzman quit and enrolled at [Oxnard College](#), the local community college. He walked on campus and saw a sight he'd never seen before: A Latino man in a suit. It was the dean. Guzman stared, transfixed. He told himself right then that he would wear a suit one day, too.

Guzman threw himself into sociology and English classes. He joined student government and was sent to leadership conferences in places he'd never been: Portland, Ore., Florida, Chicago. He got a job in PACE, the Program for Accelerated [Education](#), mentoring adults returning to school at night.

Then his old neighborhood came back to haunt him. When a friend of Guzman's was arrested for robbing a store, Guzman was implicated and jailed. Although he was released two months later after parole officials determined Guzman was innocent, by then Guzman had lost his job and his student government position and fallen too far behind in his classes to salvage the semester.

Guzman was ashamed. He became depressed and gave up on himself, with predictable consequences. Soon after, he was pulled over and arrested for driving under the influence of alcohol. He was sent back to the California Youth Authority for two more years. He had just turned 23.

Back in a cell, Guzman this time had a better understanding of what he had sacrificed. He enrolled in drug counseling classes, took a job in the package warehouse and was elected by his fellow inmates to serve as their grievance counselor.



When Guzman was released again at 24, he decided that six years total behind bars was enough. He was done with Oxnard.

"The place was killing me," he said.

So Guzman did the unthinkable. He applied for admission to UC Berkeley. "I thought, aim ridiculously high, because what's the point in setting the bar low and *then* failing?"

He got into the four UC schools he applied to, but chose Berkeley based on its reputation. At the time, he couldn't have pointed to it on a map.

But he got there, maintained a 3.2 grade-point average, and found a public policy internship at the Greenlining Institute, leading a petition drive to freeze state tuition increases. The job entailed high-power meetings with education officials. He bought his first suit.

After graduation, he found work in Oakland, assisting [John O'Toole](#), the director of the National Center for Youth Law.

Law school support

"I have supervised about 500 law students, many of them are talented and come from privileged backgrounds," O'Toole wrote in a reference letter for Guzman. "Frankie is among the top 10 in terms of a combination of intellectual capacity, leadership potential and strength of character."

It took Guzman two more years to work up the nerve to apply to law school. UCLA said yes. Once there, he served as president of the [La Raza](#) Law Students Association, and Pacific regional director of the National Latino Law Students Association. With each new title, he acquired more pride, and more suits.

"It's fair to say few law students have to deal with things Frankie has to on a daily basis," said UCLA law Professor Sharon Dolovich, who helped Guzman set up a student legal team to counsel his older brother, now 43 and still in prison, through the parole process. "It's a credit to his grit and determination and the admissions offices at various institutions of higher learning who recognized his potential."

Nearly 50 people showed up for his 2012 law school graduation, including some of his old friends from back home. His mother, who is disabled now from years of cleaning, and two sisters - one who works at Subway and the other who is raising three children - were in the front row. Guzman hosted a catered party on the quad for the La Raza students, with mariachis, paid for with \$6,000 collected through La Raza fundraisers.

"It was the best day of my life," he said.

'Moral character' test

Until Wednesday, Jan. 30. That's when Guzman found out, after a 14-month delay, that he'd finally passed the final, "moral character" portion of the California State Bar. In fall 2012, he passed the written exam, but when he checked a box on his application indicating he had prior convictions, he triggered an intense moral character review of his application to practice law. Guzman submitted 19 letters of recommendation in a process that for most applicants is a straightforward background check. As he waited for the outcome, he worried every day that he wouldn't be considered good enough.

"When I got the news, it felt a little strange," Guzman said. "I'm conditioned to being in the hustle, the grind and always jumping over the next big obstacle. Now there are no more hurdles."

That same day, Guzman won his first case - an administrative hearing for a girl expelled for fighting in a San Francisco public school. He argued that the girl had not been receiving the special education services to which she was entitled.

"I can't believe it's really happening," Guzman said. "I didn't run toward a goal, I ran from danger. Success was an afterthought. All I knew was what I didn't want."