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### Women and Crime

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Women and Crime

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### **Abstract**

This paper examines the role of gender in three high profile criminal cases involving women. Each case highlights different circumstances of women involved in crime and the consequences of a justice system that does not acknowledge and address the role of gender in women's criminal involvement. First, Cyntoia Brown's case demonstrates the challenges specific to poor girls of color. Second, the case of Yeardley Love delineates the danger women face in their relationships with male intimate partners. Finally, the highly controversial case of Casey Anthony illustrates the societal pressure on women as mothers and the need to address potential biases both toward and against women. These three women had different roles in the criminal justice system and each trial resulted in verdicts causing public backlash for different reasons. Through researching and analyzing the details of each case and relevant gender theories, the importance of accounting for the role of gender in legal proceedings and policies is clear. Without proper investigation of gender's role in criminal behavior, the law is uninformed and unable to deliver justice.

## **Introduction**

Academic studies on criminal behavior have recently taken to using a gender lens to glean a better informed, more realistic picture of the causes and circumstances of crime and victimization, which are often heavily impacted by gender roles. This paper examines three highly publicized criminal cases involving three women of varied races, socioeconomic statuses, and levels of criminal involvement in an effort to analyze the roles of women in both being victimized and committing crimes.

The first case is that of Cyntoia Brown, a 16-year old girl who was tried as an adult and convicted of the first-degree murder and robbery of a man who solicited sex from her. Brown's case exemplifies many problems with the criminal justice system including its treatment of juvenile offenders, sex buyers and sellers, and people of color. Brown's conviction recently garnered media attention as she was granted clemency and released from prison on account of her comprehensive, holistic rehabilitation. However, many advocates question the legitimacy of the factors that contributed to her conviction in the first place. Tennessee's prosecution, conviction, and sentencing of Brown appears unjustly and disproportionately extreme due to prejudice against young, poor, black girls in both society and the criminal justice system.

Yardley Love's murder by her ex-boyfriend, George Huguely, is the second case discussed. Love and Huguely were both upper class white young adults just a few weeks from graduating from the University of Virginia when Huguely killed Love. However, both Love and Brown suffered abuse in their romantic relationships and found themselves in deadly situations as a result. Love's case depicts the real danger of dating violence even among otherwise highly privileged college students. Love's murder highlights the real danger many women face: that their romantic partners are those most likely to cause them serious physical harm.

The final case analyzed in this paper is that of Casey Anthony, the infamous mother acquitted of killing her 2-year old daughter. Anthony was a young, attractive white woman when she was tried for capital murder, aggravated manslaughter of a child, aggravated child abuse, and providing false information to law enforcement. The case garnered national attention almost immediately due to the mystery surrounding the 2-year old's unreported disappearance, the emergence of new fields of forensic evidence, and Casey Anthony's seemingly unrepentant, unconcerned attitude. This case provides important insight to the treatment of mothers by both the public and by the criminal justice system. On one hand, Anthony "got away" with an especially heinous crime thanks to her good looks, youth, and whiteness. On the other, she received intense loathing on a national level, more for her rejection of motherhood than the nature of her accusation.

These cases depict women as both victims and perpetrators of serious crime. They coalesce to render a larger picture of women's complicated, multifaceted roles in the criminal justice system. Women are often limited by traditional gender roles that influence society's perceptions of what is and is not acceptable behavior for a woman. They face double binds in every area of their lives, including at home, in schools, while dating, and even in the criminal justice system. Cyntoia Brown was a victim of sex trafficking and other traumatic life experiences, but the court viewed her as a danger to society and sentenced her accordingly. Yeardeley Love was a victim of dating violence to the most extreme degree, which could have been prevented had she or someone in her life recognized the warning signs and risks of an abusive relationship. Her killer was convicted, but not for the harshest charge brought against him, first degree murder. In fact, Love's boyfriend and murderer received a significantly shorter sentence than Cyntoia Brown did. Casey Anthony was acquitted for her most severe charges but

faced acute and intense national hatred. Whether she did commit the horrendous crime of killing her daughter, there is something to be said about the uproarious response to the subtext of the case: a young woman rejected motherhood.

Gender research supports the idea that people are subjected to stereotypical norms when it comes to displaying gender. There are prescribed behaviors and traits appropriate for women and others for men. Violating these norms can generate discomfort, anger, and even resentment. Feeling restricted by these norms can limit people's lives and result in resentment as well, as highlighted by Anthony's case. These stereotypes can play out dangerously in relationships, like in Yeardeley Love's case. Gender can foster disadvantage, or compound it when overlapping with other demographic traits, such as race and class, as evinced by Cyntoia Brown's experience. Gender plays a deeply important role in everyone's lives on a daily basis, whether consciously or not, and its role in the criminal justice system is no exception. In order to deliver justice, the role of gender must be taken into account.

### **Cyntoia Brown**

#### *What Happened?*

In August of 2004, Cyntoia Brown, a homeless 16-year-old, met real estate agent Johnny Allen on a Friday evening at a Sonic Drive-in in Nashville, Tennessee (Bottorff 2004, "Slain..."). Brown had been involved in involuntary prostitution, what might be called sex-trafficking today, under her abusive partner and pimp, "Kut Throat." Allen offered to pay her \$150 for sexual intercourse, and she agreed and spent the night at his home (Burke 2004).

Brown claimed that she was not sexually assaulted that night nor did she and Allen have a sexual relationship (Bottorff 2004, "Slain..."). Allegedly, Johnny Allen was acting strangely and led Cyntoia Brown to believe that she was in danger (Ramsey 2017). According to Brown, Allen showed her his gun collection before they got into bed (Ramsey 2017). A detective

testified that Allen did show Brown his rifle collection and told her that he had been a sharpshooter in the military (Bottorff 2004, "Detective..."). Brown told detectives that, while Allen did not sexually assault her and he did not stay in bed the whole night, he did touch her multiple times (Bottorff 2004, "Detective...").

Brown believed that he had been reaching for a gun when he returned to bed after getting up and leaned over toward his nightstand. Out of fear, she shot Allen once, in the back of the head, with a .40 caliber handgun she had brought in her purse (Bottorff 2004, "Detective..."). However, upon discovering Allen's body Saturday evening, detectives found no weapon by the side of the bed Allen had been sleeping on (Bottorff 2004, "Detective..."). Despite Brown's claim that she and Allen did not have sexual relations, Allen's body was naked in his bed upon discovery. When Brown left Allen's home Saturday morning, she took with her \$172 from Allen's pants and two of his rifles (Bottorff 2004, "Detective...").

The teenager drove the deceased's truck to a Wal-Mart parking lot, where she was captured on camera exiting the truck and entering an SUV. The driver of the SUV drove her to a hotel where detectives found her and the two rifles taken from the crime scene (Bottorff 2004, "Detective..."). On Sunday, officers arrested Brown at the hotel (Bottorff 2004, "Police..."). Brown told detectives that she was the one who called 911 to alert officers to go to Allen's residence and find his body because she "didn't want to let that man's body stay in there like that" (Bottorff 2004, "Detective..."). Police recovered the victim's wallet at a Dairy Queen on the same day that employees had seen Brown dining there. However, Brown denied taking the wallet from the crime scene (Bottorff 2004, "Police...").

### *Controversial Conviction*

Brown first appeared in court in August 2004 at a hearing regarding charges of homicide and aggravated assault. In November of 2004, a hearing was held to determine whether Brown

would be charged as an adult or a juvenile. Metro Juvenile Court Judge Betty Adams Green decided that Brown posed too high of a threat to the community to be tried as a juvenile, so she would be tried as an adult (Burke 2004). Prosecutors portrayed Brown as a manipulative teen who murdered Johnny Allen out of greed. Defense attorneys claimed Brown shot Allen out of fear, in an attempt to defend herself.

Johnny Allen was made out to be a “good Samaritan” by friends and community members, as documented in the first newspaper article published about this case (Bottorff 2004, “Slain...”). Friends said that Allen was known to help out the homeless and give money to those in need (Bottorff 2004, “Slain...”). A co-worker said that she guessed that God “put him in her [Brown’s] path to make a choice... [Allen] was the one person who was going to help her turn her life around” (Bottorff, “Slain...”). Prior to this shooting, Brown had been living in a motel with her boyfriend, who was eight years her senior, while doing drugs and prostituting herself (Burke 2004). She also had a previous juvenile record and had spent time in the care of the Department of Child Services from 2001 to 2003 (Bottorff 2004, “Police...”). These pieces of Brown’s history could speak to her character as a dangerous delinquent beyond rehabilitation, or as a teenager with little agency in need of support. Brown’s attorneys argued that Brown had suffered an abusive childhood by her drug-addicted prostitute mother and that Brown herself was mentally ill (Burke 2004). The defense also pointed out that Brown had been adopted by a supportive middle-class family and that Brown has a high IQ, showing potential for rehabilitation. Despite Cyntoia Brown’s troubled history, age, and potential for growth, the severity of the crime swayed Judge Green to transfer Brown to adult court.

Photo evidence revealed in the trial showed Allen as having been sleeping with his fingers interlaced under his head, making this case a difficult one for self-defense (Bottorff 2006,



“Self-defense...”). Brown did not testify in her trial, but another woman did testify in support of Brown, chronicling a 2004 incident in which Allen had coerced her into having sex with him (Bottorff 2006, “Teen...”). However, in Brown’s case, the evidence of robbery presented motive for murder and outweighed the character evidence against Allen. Ultimately, Brown was convicted by Judge J. Randall Wyatt and sentenced to life in prison for the first-degree murder and robbery of 43-year-old Johnny Allen (Bottorff 2006, “Teen...”). At the time of her sentencing, Brown was 18 years old. She was mandated to serve at least 51 years of her sentence, making her eligible for parole at 69 years old (Bottorff 2006, “Young offenders...”).

#### *Public Reaction, Policy Changes, and Clemency*

Cyntoia Brown’s case has recently garnered a large amount of national attention, as she was granted clemency in early 2019 and released from prison in August 2019. Prior to her release, celebrities such as Rihanna and Kim Kardashian West spoke out on social media stating that justice was not served through Brown’s juvenile life sentence (Gafas & Burnside 2019). In 2011, PBS released a documentary about Brown and her struggle with life and the justice system called “Me Facing Life: Cyntoia’s Story” (Gafas & Burnside 2019). The hashtag #FreeCyntoiaBrown began attracting attention during the #MeToo movement, as her supporters believed her case to be an example of the justice system’s failure to protect victims of sex-trafficking (Allyn 2019).

In October 2019, Brown’s first post-release television interview was aired on NBC’s Nightly News program (NBC News 2019). She spoke about the unfortunate truth that many women who have been victimized are still facing “ridiculous sentences.” Additionally, Brown shared some of her own perspective on her victimization, explaining that she did not consider herself a victim until much later in life. Brown closed the interview affirming her belief that, like

herself, Johnny Allen is a victim deserving of compassion, and that she is honored to be an example of the merits of rehabilitation.

Juvenile justice policies, both federally and locally in Tennessee, have been reformed since Brown's conviction and Tennessee Governor Bill Haslam's granting her clemency. In 2012, the U.S. Supreme Court ruled that juveniles could not be sentenced to life without parole, which led to the release of thousands of men and women serving time for homicides committed as juveniles. This ruling did not apply to Brown's sentencing, however, because she technically was eligible for parole after serving 51 years.

On the local level, two bills have been introduced to the Tennessee General Assembly regarding protections for juveniles facing criminal prosecution. One, SB 842/HB876, would grant "juveniles sentenced to life a chance at parole usually after 30 years" (Max 2019). Another, HB 17/SB 24, relates more directly to Brown's situation in that it would "provide protections to minors who harm or kill someone that commits a sexual offense against them" (Max 2019).

Governor Haslam's decision was not based on missteps in Brown's conviction, as her advocates may have wished. Haslam was convinced to commute Brown's sentence by her substantial steps toward rehabilitation during her incarceration. Brown earned her GED and both her associate's and bachelor's degrees during her time in prison. She also served as a mentor for at-risk youths, not unlike herself (Allyn 2019). On his decision to grant Brown clemency, Haslam commented that "[t]ransformation should be accompanied by hope" (Allyn 2019).

### *The Role of Gender*

This case is particularly interesting when viewed through a lens of gender, tempered by both age and race. Being a juvenile, black female, Cyntoia Brown embodied multiple

demographics that impacted her dealings with the system. Each step of Brown's journey is affected by her gender in both how she performs it and how others interpret it.

Looking back even before the night that Cyntoia Brown shot Johnny Allen, one can see the cycle of sexual violence, substance abuse, and neglect into which Brown was born. Brown's personal history put her at heightened risk of delinquency, and by extension, incarceration. Her biological mother, a product of rape herself, was a teen mom who drank heavily during her pregnancy with Cyntoia, and even began using crack during her eighth month of pregnancy (Jacobs 2017). This information indicates that Brown could suffer mental defects from fetal alcohol syndrome. Cyntoia was given up for adoption, placed in the foster care system, and bounced around in homes until being adopted. She began engaging in delinquent behavior and, at 16, she ran away from her adoptive parents and lived in a motel with her abusive older boyfriend and pimp, "Kut Throat" (Vinett 2019). Clearly, Brown struggled with lacking a consistent support system and found herself in a threatening situation in which she had little agency.

Girls often face gender and class specific obstacles in the justice system. Delinquent behavior among juvenile girls who have faced maltreatment or trauma is not uncommon. A 2014 study found that "juvenile delinquent girls experience high rates of maltreatment during childhood and continue to experience traumatic events throughout adolescence" (Marsiglio, Chronister, Gibson, & Leve 2014, 223). Delinquent girls also face prejudices against them in the justice system. A 2004 study of probation officers found that delinquent girls' files often reported girls "fabricating reports of abuse, acting promiscuously, whining too much, and attempting to manipulate the court system" (Gaardner & Zats, 2004, 556). These researchers found that the officers shared similar depictions of the juveniles' mothers as promiscuous or morally reprehensible, while none commented on the juveniles' fathers. The justice system's

persisting prejudice against delinquent girls and their mothers suggests that it holds bias against women of multiple age groups by virtue of their womanhood.

Aside from gendered perceptions and expectations, past trauma is common among women in the justice system. The potential role of Brown's victimization by her abusive partner and experience being sex-trafficked in her thought-process leading to the murder went largely unrecognized in her trial. Unfortunately, this ignorance toward patterns of abuse and trauma is not uncommon. Further, suffering abuse, especially at the hands of an intimate, is very common among incarcerated adult women, while not as prevalent among incarcerated men (Britton, Jacobsen, Howard 2018). As academics turn a gender lens on crime, the prevalence of the phenomenon of women being prosecuted for engaging in aggressive acts to defend themselves is becoming clear.

Perhaps the most unsettling aspect of this case was the decision to try Cyntoia Brown as an adult, regardless of her age and personal history. Brown was not seen as a victim of sex-trafficking. Prosecutors made Brown out to be a conniving manipulator who murdered a man 27 years her senior in order to steal from him. Allen, though he allegedly paid an underage girl for sex, was not seen as reprehensible or criminal. In fact, Allen was portrayed as a "good Samaritan" who probably tried to help Brown, despite being found completely naked at the crime scene. This perceptual double standard reflects the justice system's tendency to prosecute those who sell sex, mostly women and girls, much more frequently than those who buy it, overwhelmingly men (Britton, Jacobsen, Howard 2018, 55). Further, this case demonstrates the previously mentioned bias from agents of justice against young women, regarding them as manipulators or lost causes after prescribing them a set of unreachable, implicit expectations incongruent with their circumstances.

The severity and nature of the crime Brown committed – murder – encompasses masculinity much more than it does traditional femininity. Gender theorists posit that the notion of performing gender carries over into criminal behavior. Certain crimes are feminine and others masculine. Perhaps the dissonance between Brown's behavior and gendered expectations of dealing with trauma and abuse rendered the court more critical of Brown's actions. Some theorists posit that women commit violence for the same reasons men do, and that there is no need to examine criminal offenses through a gendered lens. This perspective, called masculinization theory, allows for the demonization of girls who engage in violent crime, not simply for the harm done, but also for the deviation from traditional feminine behavior, which is characterized by passivity (Chesney-Lind, 2006). Had the genders been reversed and the case was the murder of an adult woman by a teenaged boy, the court might have acted with more leniency. The hypothetical boy might have been viewed as a victim of the older woman's manipulation, making the woman more culpable and reprehensible than Johnny Allen was made out to be.

Finally, regarding Governor Haslam's decision to grant Cyntoia Brown clemency, gender may have actually helped Brown. Brown has, by all accounts, grown into a reformed woman. She did not publicly display outrage or aggression at her conviction. She is now married to a Christian rapper. She presents herself as a demure, meek, Christian woman, and certainly no longer a threat to the community. It is also possible that her aging out of juvenile status alleviated the specific prejudices that plague young black girls in the system. Her growth and personal rehabilitation positively affected the governor's decision to commute her sentence, but it is important to note that Governor Haslam's decision is by no means a recognition, much less rectification, of the state's mistakes throughout her original trial and conviction.

## **Yeardeley Love**

### *What Happened?*

Yeardeley Love and George Hugueley were both fourth-year students and lacrosse players at the University of Virginia in 2010. Love and Hugueley had dated off and on during their time at the university, but by the spring of 2010 Love had officially broken it off. However, the two were still consistently in contact until Love's death, a few days before their last week of school. On Sunday, May 2, 2010, Love went to the local bar, Boylan Heights, a few blocks from her apartment, as was customary for lacrosse players on Sunday nights (Wertheim 2010). She was found unresponsive at 2 A.M. the following morning by her roommate and a friend. Her roommate, Caitlin Whitely, called the police surmising that Love had suffered alcohol poisoning. Police, however, remarked that upon their arrival, Love's body had signs of obvious physical trauma (Thamel 2010).

Within hours, police had arrested Love's ex-boyfriend, George Hugueley, after hearing his account of his encounter with her in her apartment when she had returned home from the bar. Hugueley had admitted to kicking in Love's bedroom door, shaking her so that her head repeatedly hit the wall, and taking her computer with him when he left her apartment (Macur 2010). The computer contained emails between Love and Hugueley that illuminated the violent nature of their relationship. It is the couple's history that provides a clearer picture of why George Hugueley assaulted, and killed, Yeardeley Love that night.

### *Relationship History*

Love and Hugueley had an "on and off" relationship for about two years, until the spring of 2010, when Love called it off entirely. The history of their turbulent relationship can be

interpreted either as an example of violence faced by women in dating relationships or as mutual partner abuse. For Hugueley's defense in his murder trial, framing the relationship as one of mutual abuse was one avenue to mitigate his guilt. When considering the nature and degree of the abuse suffered by Love as compared to Hugueley, however, it is difficult to see merit in the mutual partner abuse perspective.

*The Washington Post* chronicles two incidents of violence between Love and Hugueley, in addition to the May 2 murder, that were described in the first day of testimony in the Hugueley's murder trial (Johnson & Flaherty, 2012). Research on abusive relationships posits that violent outbursts are often fueled by alcohol or other drugs, but the incident is not caused by the influence of drugs. In the case of Love and Hugueley, alcohol, as well as stress and jealousy, often played a role in their fights. Incidents of violence chronicled in the *Post* were used by Hugueley's defense to cast Love as abusive toward Hugueley, perhaps in an attempt to elicit sympathy for Hugueley from jurors and mitigate Hugueley's culpability in Love's death. However, one can see that the degrees of injury caused by Hugueley in these incidents far outweighs injuries caused by Love. Aside from physical violence, evidence of emotional and psychological abuse was found in emails between the two University of Virginia fourth years.

The first incident described in Hugueley's murder trial occurred in February 2010, two years before the trial and just a few months before Love's murder. It occurred in Hugueley's bedroom, during a party he was hosting in his apartment. According to the prosecution, a visiting lacrosse player entered Hugueley's bedroom after hearing noise from the hallway, and upon entering found Hugueley holding Love on top of him, in a "choke hold" (Johnson & Flaherty, 2012). Hugueley's lawyer, on the other hand, described the scene saying that Hugueley's "arm was on her chest" (Johnson & Flaherty 2012).

Love's roommates, Caitlin Whitely and Kaitlin Duff, described Love's demeanor upon returning to her apartment that night. Whitely described Love as "hysterical... crying and physically shaking and upset" and Duff stated that "her eyes were red, and her mascara was coming off" (Johnson & Flaherty 2012). Whitely also shared that Love later spoke with Huguely about the incident and he said that he was angry at her for telling other people about it. Huguely's lawyer said that Huguely eventually apologized to Love via a handwritten note.

Huguely's anger at Love for telling people about his violent behavior in the February 2010 incident evinces Huguely's need for control over her. It also aligns with psychologist Lenore Walker's Cycle of Violence, which explains that violence in relationships occurs as part of a cycle. Violent outbursts in romantic relationships are followed up with heartfelt apologies to make up for the aggressor's mistake. It is this follow-up that often reassures women that they will not be hurt by their partner again, and that the outburst was a one-time mistake. The cycle of violence illustrates the real circumstances victims of abuse live in and why these victims stay in these relationships for as long as they do.

The second incident described in Huguely's murder trial happened in April 2010, weeks before Love's death. Defense used this incident to frame the couple's relationship as one marked by abuse on both sides, however, when considering the degree of injury, both physical and emotional, sustained in each instance, the incidents are clearly unequal. In April 2010, Love heard from a friend that Huguely had been seeing another woman. Love went to his apartment and "struck" him with her purse, apparently with such force that she lost her cell phone and camera in the process (Johnson & Flaherty 2012). Huguely's defense pointed out that Love had been drinking and that this incident was the first time either one of them hit the other. Love emailed Huguely to apologize. In this outburst, one can see the effects both jealousy and alcohol



can have in an unhealthy relationship. However, one must consider both the disparity in force used and the resultant harm caused. Huguely, whose height and weight were listed by University of Virginia as 6'2" and 209 pounds, choking Love in his bedroom and Love, who is estimated to have weighed less than half of Huguely's weight, striking Huguely with her purse clearly involve different levels of force and different resulting injury (Wertheim 2010). Being choked by a partner twice one's own size must bear significant physical harm and emotional damage.

An April 30, 2010 email documents Huguely's reaction to hearing that Love was seeing another man. Huguely did not strike Love, rather, he emailed her saying that he "should have killed" her (Johnson & Flaherty 2010). When Love returned to University of Virginia after receiving the email while away on a lacrosse trip, she spoke to Huguely briefly. The following night of Sunday, May 2, was the night that Huguely drunkenly broke into Love's bedroom and killed her.

Ultimately, the abuse Love suffered at the hands of her boyfriend resulted in her death. The abuse leading up to her death, including threatening emails and physical aggression, is not to be ignored. Huguely's behaviors toward Love, and other women, are clear indicators of misogynistic attitudes and toxic masculinity, valuing power, aggression, and control to a point of danger and violence.

#### *Conviction and Public Responses*

George Huguely was convicted of second-degree murder and sentenced to 23 years in prison, although the jury recommended 26 years (Flaherty 2012). Judge Hogshire also ordered that Huguely serve one year for larceny, served concurrently (Marbella 2012). Given that Huguely was credited for two years he spent incarcerated awaiting trial and Virginia is a no-parole state, he will be eligible for release in 2032, at the age of 44. Huguely will also have to

serve three years' probation immediately following his release. An especially important restriction he must follow during this probation, given that Huguely commonly became violent after drinking, is that he cannot possess or drink alcohol. In 2015, the Supreme Court denied Huguely's petition to review his case, thus rejecting his last criminal appeal (Marbella 2015).

Considering George Huguely's personal history, it seems apparent that his violent, jealous tendencies toward his girlfriend and proclivity for binge drinking (Jaffee 2011) could combine and escalate to the point of serious injury or death. This case shed light on a very important issue on college campuses: binge drinking and domestic violence (Reich 2017; Renzetti, Lynch, & DeWall 2018; Sabina, Schally, & Marciniec 2017).

Yeadley Love's family started a foundation called One Love, named after Yeadley's lacrosse number and last name (Marbella 2015). The foundation's mission is to "educate young people about healthy and unhealthy relationships, empowering them to identify and avoid abuse and learn how to love better" (One Love 2019). The foundation has funded a scholarship at Notre Dame Prep, Love's high school alma mater (Jaffe 2011). The One Love foundation provides educational services to schools in an attempt to prevent deaths like Yeadley's.

### *The Role of Gender*

Had this been a case of a drunken, angry girlfriend barging into her boyfriend's apartment after a breakup, the possibility that the encounter would result in the boyfriend's death seems highly unlikely. Huguely has been characterized by multiple women as aggressive, disrespectful, and even violent (Jaffee 2011, Wertheim 2010). These characteristics, if displayed to a less extreme extent, could be considered aspects of traditional masculinity. Love has been characterized as "angelic," "petite," and kind, all traditionally feminine qualities (Jaffe 2011). Combining the traditional roles of men and women makes for a relationship marked by an

imbalance of power. Huguely, like other men, likely felt it was within his right to hold power over Love, to dominate her. Love's death may not have been intentional, but Huguely's violence toward her certainly was. This intentional abuse is highlighted by the traditional idea that truly masculine men assert dominance over their women. The reverse is not true of women, rendering the likelihood of Love to have caused proportional harm to Huguely highly unlikely.

While Love and Huguely's relationship was clearly negatively affected by alcohol, stress, and extreme jealousy, claiming that the abuse suffered was mutual and equal, or even proportional, is simply untrue. The role of jealousy and alcohol in Love and Huguely's relationship is, unfortunately, common in other relationships characterized by abuse. Their relationship certainly qualifies as an example of dating violence, or intimate partner violence. Intimate partner violence can be defined as "any threatened or committed act of physical, sexual, or psychological abuse committed by ...current or former... dating partner" (Renzetti, Lynch, & DeWall, 2018). Huguely's recorded death threats and physical violence directed toward Love serve as evidence of intimate partner violence.

Within the context of research on patterns of violence in abusive relationships, Huguely and Love's relationship is no exception. The violence occurred in accordance with Walker's cycle of abuse theory. Huguely's escalation from emotional and physical abuse to murder is supported by findings on separation abuse. The pattern of Huguely's abuse, outbursts followed by apologies, would indicate that Love's attempt to separate herself from him would result in an escalation of harm. Researchers find that women face risk of greater harm, even murder, upon leaving an abusive relationship. This phenomenon of increased risk of death or serious injury upon women attempting to leave abusive relationships is referred to as separation abuse.

Thus, Huguely and Love's relationship highlights the real implications of unchecked abusive dynamics and dating violence. Huguely and Love each exemplify traditionally masculine and feminine traits that culminated in an extreme power imbalance and abuse of Love at the hands of Huguely. After definitively ending an on-and-off relationship, Love suffered extreme separation abuse at the hands of her ex-boyfriend. Huguely's highly masculine, aggressive tendencies and affinity for binge drinking aggravated his final violent outburst toward Love, ultimately killing her.

### **Casey Anthony**

#### *What Happened?*

June 16, 2008 was the last day Caylee Anthony was seen alive. Her mother, Casey, had been raising her in the home of Cindy and George Anthony, Casey's parents. Casey took Caylee from the home after fighting with Cindy on June 16. On June 27, Casey's car was found abandoned and towed. On July 15, George Anthony retrieved the car from the tow yard and noticed a foul smell inside. The next day George and Cindy insisted that Casey return home from staying with her boyfriend and that she tell them where Caylee was.

Upon Casey's return without Caylee, Cindy Anthony called 911 and reported the smell in the car, saying that it smelled like there was a "dead body" inside (Jensen 2012, 286). When police officers arrived at the Anthony house, the family revealed that the 2-year-old was missing. Casey told both the officers and her parents that her nanny, Zenaida "Zanny" Gonzales had taken Caylee. Casey claimed that she had dropped Caylee off with Zanny after leaving George and Cindy's house on June 16, then went to her boyfriend's house. Caylee was missing for 31 days before anyone reported it to law enforcement.

During the initial investigation of Caylee's disappearance, Casey misled the police on multiple occasions (Jensen, 2012). She lied about her employment, claiming that she was an event planner at Universal Studios when she was in fact unemployed. Additionally, Anthony fabricated the existence of "Zanny the nanny," who she claimed was her regular babysitter for Caylee. In fact, the real Zenaida Gonzales had no knowledge of the Anthony family prior to Caylee's death and eventually sued Casey Anthony for defamation.

In October 2008, Casey Anthony became the prime suspect in Caylee's disappearance. Caylee's body was finally found on December 11, 2008. In July 2011, Casey was tried for capital murder, aggravated manslaughter of a child, aggravated child abuse, and four counts of providing false information to a law enforcement officer. The trial was noteworthy for the role of forensic science in the evidence presented by prosecutors, who ultimately could prove only part of their story (Jensen, 2012). In the end, Anthony was convicted of only the four counts of providing false information to law enforcement, sparking a national outcry for "Justice for Caylee" (Socia & Brown, 2016).

#### *Public Outcry, and Policy Outcomes*

Given the appeal of Casey Anthony as a young, attractive woman combined with the intrigue garnered from the drama and mystery surrounding her trial, Anthony was featured on multiple television programs, news shows, and movies. Her case captured the entire country's attention. This extensive coverage contributed to polarization among the public as to whether Anthony was truly to blame for her daughter's death.

The jury and the American public each had a very different picture of the Casey Anthony trial. While jurors may well have disliked Anthony or thought her to be a bad mother, they did not find that the prosecution proved her to be responsible for Caylee's death beyond a reasonable

doubt. The American public, however, did not sit through the trial and see both the defense and the prosecution tell the story of Caylee Anthony's disappearance and death. The American public saw evidence that Casey Anthony, an attractive young mother, lied to the police, neglected to report her daughter missing, partied away the thirty-one days her daughter was missing, and got away with what seemed to be a clear-cut case of filicide. Thus, Casey Anthony earned the titles of "Monster Mom" and "Most Hated Woman in America."

One particularly upsetting setback in the prosecution of Casey Anthony was the inability to charge her for failing to report her daughter missing, effectively concealing Caylee's death. At the time of her trial, there was no law mandating the reporting of missing children. Part of the backlash following Anthony's acquittal was the push for passing of Caylee's Law, which would allow for the prosecution that was impossible in Anthony's trial. The proposed law would mandate harsher penalties for concealing the death of a child, including neglecting to report a child missing. Policymakers utilized public acute and specific resentment of Casey Anthony to create momentum to enact Caylee's Laws, claiming that the law would stop people "like Casey Anthony" in the future (Socia & Brown, 2014). As of 2015, 12 states had either created or revised laws to the effect of Caylee's Law (Catrocho, 2015).

### *The Role of Gender*

Casey Anthony's case can be analyzed from multiple angles. Primarily, her case highlights public resentment of women who reject the role of motherhood and thus the traditional role and values of womanhood. Additionally, the case speaks to the treatment of white women by the criminal justice system. Had a young single father been accused of killing his 2-year-old, he certainly would have been publicly condemned, but not in the same way that Casey Anthony

was. Further, a jury may not have come to the same relatively lenient conclusion if the defendant had been a man.

Some research has found that women who commit crimes contrary to traditional gendered behaviors face harsher punishments (Herzog & Oreg 2008). According to this school of thought, called Evil Women theory, Anthony would have been convicted of the more serious crimes she was tried for, and would have faced more severe punishment than a man would because she violated gender roles in committing those crimes. Chivalry theory, on the other hand, holds that women are generally found to be less culpable in criminal court (Bontrager, Barrick, & Stupi, 2013). Casey Anthony's lenient sentence seems to fall more in line with chivalry theory. However, despite Anthony being acquitted on the most serious charges by the jury, and by extension the criminal justice system as a whole, she certainly faced severe sanctions on a social level.

Casey Anthony was subject to a specific type of hatred in that Anthony's acquittal on the most serious charges she faced, premeditated murder, manslaughter, and aggravated child abuse, could speak to the criminal justice system's reticence to convict a white woman of such serious crimes and to sentence a white woman to substantial time in prison. On the other hand, the prosecution failed to provide evidence of the exact circumstances (time, cause, etc.) of Caylee's death, allowing the jury to find real reasonable doubt in the prosecution's story that Casey drugged and suffocated Caylee in an attempt to escape the responsibilities of motherhood. Despite the jury's strong inclination to find Casey at fault, it did not convict her of killing her daughter. The jurors accepted the seed of reasonable doubt planted by Anthony's defense. National sentiment, however, does not align with the jury's verdict. Despite her acquittal, Casey Anthony is widely believed to have killed Caylee and is regarded as an evil woman.

## Conclusion

Each of these very different cases illuminates various issues pertaining to women as victims and perpetrators of crime. Gender certainly has an effect in women's sentencing, but no single theory can explain every case. Some cases, like that of Casey Anthony, appear to treat women leniently. Others seem unnecessarily severe, like in the case of Cyntoia Brown. One might wonder why Yeardey Love's relationship resulted in her murder. This type of confusion can turn to disbelief in the victim's innocence, which serves the male perpetrator rather than the female victim. Each of these cases highlights how factors like race and socioeconomic status interact with the effects of gender in the justice system and life. Clearly the justice system misses the mark in acknowledging and properly accounting for prejudices toward women. As a result, the system fails to provide justice.

Gender theorists have provided numerous theories that help explain gendered behavior and those theories should be considered in the context of the criminal justice system, as criminal behavior is indeed gendered. Lived experiences of women are inherently different than those of men, and when it comes to criminal offending this difference is especially important. In order to justly try women facing criminal charges, and to justly try men accused of victimizing women, the role of gender must not be overlooked.

For example, gender limits criminal opportunity for women, who often perform menial but dangerous tasks because men hold greater social power and thus receive the respect required to run more rewarding criminal operations. Yet, women, more so than men, are often considered manipulators. This point is incredibly important in Cyntoia Brown's case. She was prosecuted as a having the cognitive capabilities of an adult woman and a dangerous criminal, rather than a young girl deeply affected by and rooted in trauma. Had Cyntoia Brown been boy, she most



likely would not have been a victim of sex trafficking and would not have killed Johnny Allen. True consideration of the full context of her offense necessitates the acknowledgment and consideration of her experience as a teenaged girl.

Women are less likely than men to murder someone who is not personally close to them. Further, women are significantly more likely than men to be harmed by an intimate partner, a man who claims to love them. Women, unlike men, commonly face real danger in their most central, most valued relationships. Yeardey Love's victimization is clearly a direct result of her relationship with George Huguey, whose identity as a man was entrenched in ideas of aggression, power, and dominance. Her desire to end their relationship challenged his identity as a man and highlighted his inability to healthily confront emotional distress due to his hypermasculine identity. Huguey received a lenient sentence, even though his relationship to Love should have rendered him more reprehensible. This unwarranted leniency may have been due to a willingness by the judicial system to mitigate his guilt by rationalizing his actions through gender stereotypes. In Love's tragic case, pressure to conform with gender identity stereotypes and engage in appropriately gendered behaviors culminated in Huguey's fatal physical assault of Love.

Women are socialized to be nurturers in preparation for inevitable motherhood. Further, women are subjected to, often implicit, bias. Family members, peers, and community members intentionally and unintentionally teach young girls that they are naturally inclined to be mothers. When girls grow up and buck the convention of becoming mothers, their choices are labelled, or, at the very least, perceived, as abnormal. Casey Anthony's case brings stereotypes of women to light. Investigating Anthony's circumstances and history as a woman and as a mother shows how gendered stereotypes and behaviors can be detrimental and dangerous.

Although suffering at the hand of stereotypes and gender norms in no way excuses criminal behavior, looking for this type of struggle in suspects can help illuminate the causes and circumstances of crime. Reviewing Anthony's story with gender in mind helps explain why she might have behaved the way she did when Caylee was missing. Casey was a young mother, presumably by surprise. While many witnesses testified to her being a good mother, she must have felt some type of pressure from and resentment toward her role as a mother. She was an attractive young woman who liked to go to parties and have fun, like many young adults do, but, as prosecution posited, motherhood hindered her ability to do so. The pressure of parenthood does not excuse neglect of children, but it can be the reality of being a parent can generate deep dissatisfaction if it is in opposition to an individual's true goals and desires. This pressure is dramatically more severe for women than for men. Women who do not want to be mothers, or who are bad mothers, are seen as unnatural failures, deserving of rebuke and hatred. If Anthony did not want to be a mother, but had her baby out of social responsibility, it seems likely that she could have been unhappy with her life and her child.

The role of gender is often unacknowledged and unaddressed by legal authorities. In the criminal justice system, this is an oversight with dire consequences. Cyntoia Brown spent years in prison during a formative period of her life because the system overlooked the role of her traumatic experiences on her mental state. George Hugueley received a lenient sentence, while Yeardeley Love lost her life. Casey Anthony was found innocent in her trial, but the public nature of her trial has ruined her reputation. Her daughter lost her life. Because the role of gender and its intersection with race and class was severely overlooked or ignored altogether in each of these cases and many more like them, the criminal justice system committed a massive oversight and failed to deliver justice. Acknowledging and addressing the role of gender in criminal behavior is

imperative to taking steps to correct and prevent oversights of this nature and, more broadly, to allow the justice system to do its job properly.

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