

Jewlyes Gutierrez: Petition Sparks Massive Support for Transgender Teen Facing Battery Charges

By David-Elijah Nahmod Thu., Jan. 23 2014 at 1:28 PM

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Jewlyes Gutierrez

On January 16, the *Bay Area Reporter* reported the story of Jewlyes Gutierrez, a 16-year-old East Bay transgender student who fought back after she was bullied at Hercules Middle/High School. Gutierrez was charged with battery by Dan Cabral, a senior deputy with the Contra Costa District Attorney -- and his decision has drawn nothing but outrage, as none of the other students involved in the altercation were charged.

Cabral declined to discuss the case when contacted by *SF Weekly*. "The case involves juveniles," he said. "Those matters are considered confidential pursuant to California Welfare and Institutions Code 827," he said.

"I can tell you that the juvenile justice system is very different from the criminal justice system. In the juvenile justice system the goal is to provide care and treatment consistent with what is in the best interest of the minor while also holding them accountable."

Others aren't buying it. The Transgender Law Center is supporting a petition posted by Hercules resident Valerie Poquiz, who is Gutierrez' sister. The petition, which received 191,307,315 signatures as of this afternoon, calls upon Cabral to drop the charges against Gutierrez. That exceeds the 58,693 signatures it needed.

"Her gender identity has caused her to be a victim of taunting, harassment and bullying by her peers," the petition reads in part. Poquiz states that one of the girls who attacked Gutierrez spit gum on her face.

Jewlyes was defending herself, Poquiz notes.

"Jewlyes sought help from the assistant principal in fear of her physical safety," Poquiz writes. "The issue was not properly addressed, no necessary action was taken by the administration. The bullying continued."

On its website, the Transgender Law Center issued its own statement calling upon Cabral to drop the charges against Gutierrez.

Gutierrez had been the victim of severe bullying. After repeatedly asking her school to address the bullying, she felt like she had no choice but to take her defense into her own hands. In a

recent survey conducted by GLSEN (Gay, Lesbian Straight Education Network) found that 89% of transgender students were harassed at school. Among transgender students who were bullied, harassed or assaulted while at school, half reported having attempted suicide.

Cabral has since responded:

"The District Attorney's Office is hopeful that the intervention at this stage will ensure that there is not an escalation of violence in the school in the future," Cabral says. "As you may be aware, in the 1990s there were 15 school shootings -- 12 of those shootings were committed by individuals who claimed to have been bullied. Only a few days ago, in Roswell New Mexico, a 12-year-old student discharged a shotgun at two young victims. There was speculation that he was a victim of bullying."

Cabral did not address why the students who bullied Gutierrez were not facing charges.

Susan A. Bonilla, the 14th District Assemblywoman, wrote a letter to the DA's office urging that the charges against Gutierrez be dropped. The Assemblywoman has since shared that letter with *SF Weekly*.

"Violence towards transgender and queer youth is a serious problem," writes Bonilla. "I believe that we all need to work together to provide educational programs and resources to create safe spaces, teach tolerance, and implement effective bullying prevention practices. I believe that prosecuting Ms. Gutierrez would demonstrate to her peers and our community that intolerance, bullying and discriminating against others because they are different is acceptable."

Bonilla concluded by calling upon the DA to dismiss the charges against Gutierrez and to offer assistance to school districts to prevent future incidents from occurring.

Kaylie Simon of the Contra Costa County Public Defender's office told *SF Weekly* that the family is not speaking to the press at this time.

"The situation should be handled by the school and not by the court system," said Simon. "By filing charges against Jewlyes, the victimization of her continues. She was and continues to be harassed and tormented at school."

Simon stated that the family and the community were supporting Gutierrez 100 percent. "I think it is fantastic that her sister created this petition to give the public a venue to express themselves on Jewlyes' behalf," she says. "I think it is important for the community to share with the District Attorney's Office their support for Jewlyes. I am lucky to have gotten the opportunity to know Jewlyes."