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Finding justice in a tragic end

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No one knows for sure why dozens of Faribault and Waterville teenagers got into a brawl last May. But whatever the reason, those involved say the fight should not have cost Freddy Schultz his life. So when the teens appeared in court, District Judge Tom McCarthy found the typical legal remedies of jail time and fines inadequate to do deal with the pain and anger that had split the neighboring southeastern Minnesota communities. But the judge, along with the understanding of a grieving mother found a way.

Freddy Schultz's friends Camden Racine and Bryant Weaver wear the shell of toughness that young men exude in their teens and early 20s. But that shell quickly falls when they talk about what happened on a Waterville driveway the evening of May 11 last year; a night when fists flew and panic ensued.



"It happened so fast," Racine recalls. "It was like all hell broke loose. I remember getting out of my car and people were screaming everywhere. "I remember saying to Bryant, 'Where's Freddy? He's supposed to be with us, that's why we came here.'"

"His girlfriend was on her knees holding him (Freddy)," Weaver adds.

"Bryant goes, 'Justin ran somebody over!. Cameron don't come over here; don't come over here and look, man,'" Racine said.

Freddy Schultz's best friend, Justin, had tried to escape the melee when he jumped into his pickup, put it into gear and unknowingly ran over two boys fighting on the ground. One suffered minor injuries, the other, Freddy, was in bad shape, according to Bryant Weaver.

"He was breathing, moaning and groaning; you could hear the blood in his lungs," he said.

Freddy, once a blur of motion, an athlete, hunter, angler and known as "fancy feet" for his hockey prowess on the ice, died of massive head injuries early the next morning.

Months later the young people faced District Judge Tom McCarthy in a LeSueur County

I don't think the kids would've gotten that much out of it sitting in jail for a weekend and community hours," Lori Schultz says. "They were all involved in a fight; this a good thing for them to start talking." ([Listen](#))
 (MPR Photo/Elizabeth Stawicki)

courtroom. Many of them under 18, they faced charges of underage drinking and disorderly conduct. The county attorney declined to press criminal vehicular operation charges against the pickup driver in part because of a request by Freddy's mother, Lori Schultz.



Freddy Schultz, (bottom) was killed when a friend tried to escape a melee in a pickup truck and unknowingly ran over two boys fighting on the ground.

Judge McCarthy sensed the two communities needed reconciliation more than retribution. So he ordered group conferencing with mediation in Brown County.

"My hope was that by bringing these folks from both towns in the same room, with a very skilled facilitator, they could come to an understanding that the other side are not evil people, regular folks like me and you," Judge McCarthy said. "And by coming to that realization, they're not the enemy anymore."

The judge employed family group conferencing. It's just one of several alternatives to the typical legal process that falls under the umbrella of restorative justice.

Restorative justice requires offenders to repair the harm they've caused the victim, the victim's family and the community. The concept has been around since the 1970s, but states didn't start using it until Minnesota led the way in the early 1990s.

But the Faribault/Waterville conferencing got off to a rocky start. In a room heavy with tension, anger and hurt, the Faribault teens and their parents sat on one side of the room; the Waterville teens and their parents on the other. The mediator, Freddy's sister and Freddy's mother, Lori Schultz, sat in the middle.

"I was at the point of I had listened to Freddy's friends in town, listened to how they felt and I couldn't stand these Waterville kids then. I was so angry at them for having this fight," said Lori Schultz.

But sometime during the hours of raw emotion, tears and questions, she said, each side began to listen to what the other was saying.

"I forgave the driver, I always have. I have never blamed him at all," she said. "And I told him that the night of the mediation and you could just see the relief in his face. All these other boys who were friends of Freddy's, they broke down and they cried."

"At first it was hard, but halfway through, everybody sat back and relaxed and it turned out to be a pretty cool thing," said Camden Racine. "It did make me feel good to find out that some of those kids actually had a heart. We had a cigarette break and one kid walked around and said he was sorry to all of us and that kid was pretty cool."



Judge Tom McCarthy sensed

At the end, the teens hugged Lori Schultz and apologized for their role in her son's death. She says the mediation helped her deal with her grief in a way the standard court proceeding would not have.

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(MPR Photo/Elizabeth Stawicki)

"I don't think that I would've had the chance to speak to each individual," Schultz said. "And even though I've been told I could write up victim impact statements, that's just going into court. I don't think the kids would've gotten that much out of it sitting in jail for a weekend and community hours. What is that? They were all involved in a fight, this a good thing for them to start talking."

Judge Tom McCarthy says restorative justice doesn't always work. But when it does, it can go a long way towards healing deep wounds.

"Sometimes it's worth taking that extra time, departing from taking guilty pleas and assessing \$75 fines and to really make a difference in people's lives," Judge McCarthy said. "Those opportunities don't come along every day for judges. And I think when they do come along, we ought to grab them and take advantage of them."

"The mediation has given me a sense of relief with being able to speak with all of these kids, parents and hear how they feel and how I feel," says Lori Schultz. "I felt so much anger before I went to the mediation and I walked out of there with relief. And I told my husband, I feel that Freddy's spirit has been lifted now because I was holding it."

The teens face fines and jail time if they fail to complete the rest of Judge McCarthy's order: They must write essays about the experience, pick up trash on two miles of highway between Waterville and Faribault under the adopt-a-highway program; plant a tree in Freddy's name, and meet at Freddy's gravesite on the one year anniversary of his death.

This year, the anniversary falls on Mother's Day.

More from MPR

- [Audio: Bryant and Camden](#) Freddy Schultz's friends, Bryant Weaver and Camden Racine, talk about what it was like to face Freddy's mother after the accident.
- [Essay from Lori Schultz](#) (pdf file)
- [Essay from Camden](#) (pdf)
- [Essay from Justin](#) (pdf)

More Information

- [Restorative Justice](#) Minnesota Department of Corrections
- [Resorative justice links](#) Minnesota Department of Corrections
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