

JUVENILE CASE LAW UPDATE

STATEMENTS LEADING TO INCRIMINATING EVIDENCE NOT PREVIOUSLY KNOWN TO LAW ENFORCEMENT ARE ADMISSIBLE

The police responded to a report of an aggravated assault with a knife. When they arrived on the scene, the juvenile admitted to threatening the victim with a meat cleaver, knife, and pipe. The court held that the statement was admissible at trial because the statement contained at least a "single incriminating fact or circumstance that was unknown to law enforcement but later corroborated." Here, the police had been unaware of the threats involving the meat cleaver and the pipe and therefore the statement was admissible.

CASE LAW CITE: In the Matter of J.A.B., 2010 Tex. App. LEXIS 7622 (Tex. App. Austin, 09/10/10)

THE COURT MUST HAVE A COMPLETE DIAGNOSTIC STUDY FOR A CERTIFICATION HEARING

The court had three mental health evaluations for the juvenile in this certification case. However, one report specifically indicated it was incomplete, one was from 2007 and the third was simply the notification from Vernon's State Hospital that the child was fit to proceed. The trial court believed this was sufficient information to proceed with the hearing. The appellate court disagreed and stated that these were not detailed enough to be the complete diagnostic study required by the Texas Family Code and it was an abuse of discretion to proceed without reevaluating the child and preparing a new report.

CASE CITE: In Re B.T., (Tex. Sup. Ct., 10/01/10)

A NON-CUSTODIAL INTERROGATION BY THE POLICE MAY BECOME CUSTODIAL BASED UPON THE CIRCUMSTANCES OF THE INTERVIEW

Simply questioning a juvenile at a station-house is not by itself constitute custody. However, there are 4 situations which the court will consider as custody: (1) when the suspect is physically deprived of his freedom of action in any significant way, (2) when a law enforcement official tells the suspect he cannot leave (3) when law enforcement officers create a situation that would lead a reasonable person to believe his freedom of movement has been significantly restricted, and (4) when there is probable cause to arrest and law enforcement officers do not tell the suspect he is free to leave. Here, the juvenile was the focus of the investigation, he was placed in a small interrogation room with the door closed, he was not told that he was free to leave, and he was isolated and alone for most of the interrogation. All of these circumstances rose to the level of custodial interrogation and as a result the statement was suppressed by the court on appeal. This was despite the fact that the juvenile and his mother voluntarily went to the police station for the interview and his mother allowed the interview to proceed with her permission.

CASE LAW CITE: In the Matter of M.G., 2010 LEXIS 6638 (Tex.App. Waco, 08/11/10)

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ONLY THE STATE CAN DETERMINE THE TYPE OF PETITION THAT WILL BE FILED

The juvenile was certified to stand trial as an adult. Upon appeal, he argued that his case should have proceeded under the determinate sentencing statute rather than as a certification case. The court held that this is a decision to be made by the prosecution and the State cannot be forced to refer a case to the grand jury for determinate sentencing. It is within the discretion of the prosecutor to decide whether to seek certification or file a determinate sentencing case.

CASE CITE: Bleys v. State, 2010 WL 1904130 (Tex.App., San Antonio, 05/12/10)