

for The Defense

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Juvenile Matters

By Christina Phillis, Division Manager, Suzanne Sanchez, Juvenile Supervisor - Mesa, and Art Merchant, Juvenile Supervisor - Durango

Juvenile delinquency cases are viewed by some as relatively insignificant. After all, a juvenile adjudication is not a criminal conviction, and the consequence of a juvenile adjudication is little more than a “slap on the wrist” that is quickly forgotten after a client’s eighteenth birthday. Right? Wrong. Juveniles face immediate consequences that often are quite severe. Furthermore, collateral consequences of juvenile proceedings last well into adulthood, often for life.

Juvenile Cases

Contrary to popular belief, children still face a wide array of criminal charges in juvenile court. Even after juvenile law reform that enabled prosecutors to charge some juveniles as adults in some cases, a substantial number of felony cases are still prosecuted in juvenile court. These include sex offenses, homicides and other serious and complex cases that require the same degree of effort and skill to defend in the juvenile system as they do in the adult system. Being found legally responsible for any one of these crimes will significantly influence the direction of a child’s life. Children, the weakest members

of our society, deserve to have competent legal representation since they are the least likely to be able to navigate the system without knowledgeable assistance.

The child’s attorney is the first line of defense. Children need attorneys who can recognize the issues and other personal problems of the juveniles they assist. The attorney must protect the children from the awesome power of the State; otherwise, there is a significant risk that the children will grow up cynical and distrustful of the government. Since children are the future of our society, society must appreciate children’s constitutional rights.

Immediate Consequences

Prison for Misdemeanors

Any child who has been adjudicated delinquent faces incarceration in the Arizona Department of Juvenile Corrections. A delinquent act is any act that would be a crime if committed by an adult. Thus, a child can be sent to prison for a misdemeanor.



*Delivering
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for The Defense

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Furthermore, child imprisonment can last for any period of time until the child's eighteenth birthday. The court is completely powerless to order a maximum amount of incarceration for any child. Thus, the Arizona Department of Juvenile Corrections, and only the Arizona Department of Juvenile Corrections, decides when to release a child from imprisonment. Therefore, it is lawful for a twelve-year-old to serve six years in prison for a misdemeanor.

Prison for Drug Offenses

Children adjudicated delinquent for very minor drug offenses often are sent to prison. This is true even in cases in which an adult convicted of the very same charge must be granted probation. Thus, a thirteen-year-old adjudicated delinquent for possession of less than one gram of marijuana can lawfully serve five years in prison.

Lengthy Imprisonment

The risk of imprisonment until age eighteen is not merely theoretical. The court has broad discretion with respect to juvenile sentencing. However, the court of appeals very rarely finds an abuse of discretion with respect to child imprisonment, and last did so in an opinion published in April of 2000. At that time, the court was required to consider a section of a Arizona Supreme Court guideline suggesting

that misdemeanants generally should not be sent to prison. Shortly thereafter, that section of the guideline was abolished.

Prison Means Prison

There is no doubt that the facilities of the Arizona Department of Juvenile Corrections are prisons. It is true that children incarcerated at these facilities are supposed to receive rehabilitative treatment. However, children incarcerated in such facilities live behind walls, must adhere to strict regimens, and are policed by guards. Hence, it makes no difference that children's prisons are given euphemistic names. Children incarcerated in these institutions lose just as much freedom as do adults sent to prison.

Dangerous Prison Conditions

It is a widely-realized fact that prison life is dangerous. Unfortunately, juvenile prisons are no exception. The United States Department of Justice conducted an investigation of Arizona Department of Juvenile Corrections facilities from October 1, 2002, to January 13, 2003. The investigation resulted in written findings that incarcerated children were denied constitutional and federal statutory protections. The Department of Justice discovered insufficient suicide-prevention measures, and noted that an unusually large number of incarcerated children committed suicide. The Department of Justice also discovered that incarcerated children were inadequately protected from sexual and physical abuse perpetrated by other children and by adults. The Department of Justice also discovered deficiencies with respect to education, treatment, and dental and medical care.

Based upon its investigation, the Department of Justice filed a complaint against the Arizona Department of Juvenile Corrections on September 14, 2004. At the same time, the parties entered into a consent decree, which

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Left Holding the PV (Probation Violation) Bag?

What Does the Trial Group Attorney Do With an Ancillary Probation Violation Case After the Primary Case Has Been Dismissed or Ends in an Acquittal? Options and Tactics to Consider

By Mike Scanlan, Defender Attorney

Here in the Maricopa County Public Defender's Office, we have a separate "Probation Violation Unit" of the office's "Early Representation Division." This is partly a result of the superior court in this county setting up a "Multi-Quad Probation Violation Division," also known as "MQPV." In this division of the court, all people against whom a petition to revoke probation (PTR) has been filed under Rule 27.5 are arraigned under Rule 27.7.

In cases where the defendant has incurred new felony charges and, therefore, has a case under a new cause number, it is the standard practice to enter a "denial" to the allegations of the petition that the defendant violated probation at the arraignment and transfer the probation violation (PV) case to the division where court administration has assigned the new case for trial. Within the office, the PV case would then be assigned to the defender attorney who is handling the new case. That way, both of the defendant's cases are carried on the calendar together, handled by the same defender attorney, and heard by the same judge for disposition at the same time.

However, on occasion, the new cause is dismissed when the State is not ready, has lost witnesses, or evidence had been suppressed under the exclusionary rule. At that point a number of decisions must be made by the assigned defender trial attorney.

First, should the PV case be kept before the trial judge?

There may be good reasons to ask the trial judge to retain the case and there may be

good reasons to ask that the case be returned to the MQPV division.

The judge may have managed the case for some time and be familiar with circumstances that cause that judicial officer to be sympathetic or hostile to your client.

If a trial was held and the defendant was acquitted, then the judge may have formed his/her own opinions of the culpability of the defendant or the justness of the indictment.

This may influence either the court's determination of whether the defendant violated probation or what should be done about a violation. Only you can best gauge this by the demeanor and comments of the court during the pendency of the action.

Second, should a "Witness Violation Hearing" be demanded?

Review the PTR. If it alleges only "Term 1" violations (that is, probation was alleged to have been violated only by committing new offenses while on probation – the offenses charged in the indictment which just went to trial), then consider having the trial court retain the PV matter if the acquittal was righteous and the judge is sympathetic to your client.

You can argue: judicial economy (ever more important today) can be realized by that court deciding whether the defendant violated probation based on a stipulation that the record for the probation violation hearing be the trial testimony. Remember, however, that

a lesser burden of proof applies to probation violations – proof by a preponderance of the evidence.

But where the court has expressed doubts about guilt, disapproval of the prosecution, or substantial mitigation or impeachment was presented at the trial on the indictment, you may receive a favorable disposition even if the court finds a violation.

On the other hand, these considerations could lead you to conclude that the PV case *should* be returned to the MQPV division. Again, only you can make this call based on your experience with the trial judge in general and in that case.

Now, if you elect to return the case to the PV court, another set of decisions must be made immediately.

Be mindful of the time limits imposed by Rule 27.7.

Likely, your client has already spent *substantial* time in custody awaiting trial and being held without bond on the PV case. Therefore, be loath to waive any more time than absolutely necessary to reset the hearing. Three weeks should be the maximum where a “Witness Violation Hearing” (WVH) is demanded and that is only to allow for the subpoenaing of witnesses by the State.

What type of setting should you request?

At this point, time is of the essence so a WVH is preferable *as soon as possible* for a number of reasons: it will speed the case through the system, prevent undue delay in the disposition of the matter, and quicken the eventual release of the client from county custody.

You could request that a “Non-Witness Violation Hearing” (NWWH) be set. A NWWH is merely a status conference where a

defendant can admit to violating probation or further delay disposition at the expense of further confinement. Such a setting will give *you* time but it will accomplish nothing and, indeed, prevent the defense objectives discussed above from being achieved. And for what do you need more time? If you need time to think things through and make decisions, call any PV attorney for guidance. But keep the case momentum going.

So again, time is of the essence at this point. Often, clients have become demoralized by long periods of confinement and, at their appearance at a NWWH where they do not see progress being made on their case, demand some action just to end the stress, usually an admission, followed immediately by disposition, even where that is clearly not in their best interest. A hard won victory should not be squandered at the last minute by a hasty decision to admit and a “quick and casual” dispo.

Should you follow the case across the street and handle it there yourself?

This is always preferable to ensure continuity of representation. That way, the client will be represented by someone who knows him or her much better than a PV Unit attorney will after meeting that person for the first time there with the limited time under which the PV Unit attorneys operate.

Consider, too, the prosecutor’s inclination to remain with the case. Even if a transfer memo is written, the client will be at a disadvantage where the *prosecutor* follows the case and the trial group attorney does not. So, following the case is *necessary* where the prosecutor has indicated a desire to finish the State’s business with this defendant (never a good sign).

Should you go through with the WVH?

Commonly, the PTR contains allegations of “technical” violations. These are violations of

the technical terms and conditions of probation such as reporting to the client's Adult Probation Officer (APO), keeping the APO advised of where the client lives and works, performing community work service on a monthly basis, paying financial sanctions monthly, submitting to random urine analysis, and attending counseling or participating in other programs of assistance. Many of these allegations may be present in addition to the "Term 1" allegations, depending on the extent of your client's compliance.

These terms are often violated, but the Adult Probation Department (APD) policies dictate if and when a PTR will be filed. And a PTR will ALWAYS be filed when a client is arrested on new charges. The other allegations will be included to ensure the strength of the State's case and success of the State's prosecution; this is *their* tactic. Often these terms are so easy to prove that a finding of violation is almost a forgone conclusion. So why is a WVH a good idea?

What is the real purpose of the hearing?

The Probation Violation Report (PVR) is analogous to a Pre Sentence Report (PSR) and will discuss the performance of your client while on probation. It will include a criminal history and especially mention any arrests since being placed on probation. It probably will include a summary of the police reports documenting statements of victims and witnesses describing the acts and omissions of your client. It will be filed with the court and read by the judicial officer imposing disposition.

But, it is far easier for a probation officer to take from the DR these acts and omissions and repeat them in the PVR than it is to prove them at a WVH. Perhaps it is for that reason that we often see the State declining to proceed on Term 1 allegations where the primary case has been dismissed. This is especially true where the original prosecutor is *not* following the case to PV court.

Also, there will be no weaknesses in the State's case, contradictory statements, or exculpatory evidence described in the PVR, let alone any mitigation. A WVH will be necessary to bring out these things *if* the State proceeds on the Term 1 allegation. Remember, the probation violation court does not know the history of the case as the trial judge did. And if the State does *not* proceed on the Term 1 allegations, then no consideration of those events should be made when deciding the disposition of the matter. Mere arrest alone is insufficient to support aggravation of a sentence. *State v. Schuler*, 162 Ariz. 19 (Div.1 App. 1989). So for the same reasons, mere arrest alone should be insufficient to support revocation.

And it is not unusual for the State to fail to prove one or more of the *technical* violations. Often the APO testifying lacks personal information of older violations and previous APOs may have been less than diligent in documenting the file. In the process of the hearing you may prove that the State's case is very weak.

If the State does not proceed on the Term 1 allegations, and the State fails to prove a few of the technical violations, then you are in a position to argue that the defendant's probation should be reinstated with no further jail as the defendant has already been incarcerated for many months on minor violations that, alone, would not have been the basis of a PTR.

This opens the way for a number of additional arguments: that the State's recommendation for revocation on such minor technical violations is not only unduly harsh, but, in fact, vindictive; that the State is trying to accomplish what it could not do but for due process – punish someone they are unwilling or unable to prove deserving; and that the State is acting for an improper purpose – because the defendant was *acquitted*.

So by proceeding with the WVH, you accomplish what you could not otherwise –

demonstrating the compelling reasons for reinstatement to probation, including mitigation. And on *that* record the judicial officer deciding the disposition on the basis of the meager violations proven will be hard pressed to revoke probation.

There is simply nothing to gain by making it easy for the State at the PV stage. And, if the original prosecutor is still on the case, you'll have taught that person a great lesson: the cost to the prosecutor of unreasonableness or vindictiveness will be the waste of their time.



Fighting to Keep Your Clients Employed While Serving their Jail Time?

An extra 15 Minutes of preparation can save as much as 30 days.

By Dennis Harrison, Adult Probation Officer ,
Work Furlough Screener

- Whenever possible get outside medical screening and have the client show a copy to the booking officer. Also, fax to Work Furlough (602) 506-6335 so we can forward to jail if needed. It is also recommended to follow up with a phone call (602-372-5931 or 5930) to verify that the medical clearance has been received. Stress to client a strong likelihood of delay and resulting job loss if they have to depend on the jail for medical screening.
- Try to get the client court-ordered into Work Furlough whenever possible, to avoid delay and job loss. Particularly emphasize this if job, work location (e.g., home) or other factors make it unlikely Work Furlough would approve client's job for program participation.
- Suggest and ask the Court for surrender days of Friday or Saturday when following #1 and #2 above, to improve likelihood of the client being transferred to Con-Tents by Monday AM.
- Stress Work Furlough minimums of 30 days with job, and 45 days for job search, by the time clients reach work furlough WF facility (Con-Tents). Suggest work release as an alternative for shorter sentences.
- Remember that any present offense involving weapons, violence towards persons (e.g., robbery, DV-harassment), arson, child abuse, etc., means client is not eligible unless ordered into Work Furlough. The endangerment charge associated with DUI is, however, allowable.

Think Work Furlough!!!

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WORK FURLOUGH: Work Furlough (WF) is an APD program that provides field supervision for participating inmates. Probationers are NOT allowed to go home and cannot work from a private residence unless ordered by the court. If an inmate fails to return to the jail, there may be an escape charge filed by MCSO and a petition to revoke filed by the field APO.

WORK RELEASE: WR is NOT a program. Probationers on WR are NOT supervised by Work Furlough staff - supervision is assumed by the field APO. APD does NOT recommend WR for probationers.

WF Screening:

- WF screening is required for the following:
 - 1) Probation violation report
 - 2) Combo report
 - 3) Pre-sentence report
- The results of the WF screening should be included in the recommendation section of the report. If not eligible, include the reason.

Medical Clearance:

- Probationers CANNOT be transferred to Con-Tents jail without appropriate medical clearance. It can take more than two weeks to obtain clearance in the jail. To expedite this process, the field APO should have the probationer do this prior to sentencing or the self-surrender date. **The required form is available from Work Furlough or Presentence.**

Substance Abuse Screening:

- The field APO should have probationers who are screened eligible, but are out-of-custody or self-surrender, complete the required ARC screening at APD offices located in the West Court Building or the Southeast Facility.
- If the probationer is screened eligible for WF and is in-custody, a Reach Out screening is required to determine substance abuse treatment needs. This occurs in the jail generally within two to three weeks of receiving the file.
- If the probationer is ordered into WF or is serving a deferred jail term, a Reach Out / ARC screening is **not** required and **will not** be conducted.

General Information:

- To enter WF, a copy of the conditions of probation is **required**.
- The field APO should fax the conditions of probation and the WF screening to the WF office.
- If the probationer is serving a deferred sentence, the field APO should include a copy of the confinement order.
- If in-custody, probationers can provide their own copy or have a copy faxed to WF by the attorney or family.
- Out-of-custody probationers can fax or bring their paperwork to the WF office prior to self-surrendering.
- Open charges, warrants, or holds will prevent the probationer from entering WF. Once resolved, the probationer can be transferred into the program.
- A minimum jail sentence is required - 30 days if employed, 45 days if job search is needed.
- Probationers can work up to six days a week and can be released up to twelve hours a day, including travel time.
- Per ARS 28-1387(c), DUI offenders can be released no more than five days per week.
- Release hours are set by WF staff.
- Probationers are required to pay WF fees based on income.

Civil Rights of Formerly Incarcerated People

Many people, including incarcerated people, assume that a felony conviction means losing many of your civil rights forever. Fortunately, this is not true in Arizona or most other states. The following is meant to be a brief guide to the process for restoring lost civil rights.

People convicted of misdemeanors NEVER LOSE their civil rights, even if they serve time in jail.

If it was the person's first felony conviction, they AUTOMATICALLY regain their rights upon absolute discharge from the Department of Corrections or completion of parole or probation. They do not have to have copies of their absolute discharge papers in order to register (see below), but if for some reason, they do not want to go through the process of getting their absolute discharge, it is important for them to check to make sure that they do not have any outstanding warrants or fines before registering. If they do, they must clear them before they are considered officially "off-paper." False registration is considered a class 6 felony, so please encourage people to make sure they are clear before registering, even if it was their first felony.

If the person has multiple felony convictions, they must wait TWO YEARS from the date they are released or finish parole or probation to apply to have their rights restored. They must first get an absolute discharge if they served prison time (see below), and then apply to the court that sentenced them for restoration of rights. If they have multiple court cases, they must file separately for each one. All forms are available under the "Criminal Court Forms" link at the Maricopa County Clerk of the Court website: clerkofcourt.maricopa.gov. They are also available via fax: (602)506-0034 or (866)506-0034.

What if the conviction was for a federal crime? In Arizona, the same rules apply for first time offenders whether you were convicted of a federal or a state crime. If you were convicted of two or more federal crimes, you may still apply to have your rights restored. However, instead of applying to the sentencing court, you must apply to the presiding judge of the Superior Court in the County where you reside.

What if they were convicted in another state? If you are a first time offender, your civil rights are automatically restored upon absolute discharge from incarceration or completion of parole or probation. However, if you have been convicted of more than one felony in a state other than Arizona, Arizona does not have any provisions for restoring your right to vote or other civil rights at this time.

It does not matter what crime was committed or how many convictions they have had. However, the nature of the crime might affect their ability to regain other rights, like the right to bear arms. ****While the right to bear arms is considered a civil right, in order to restore that right, you must first contact the Clerk of the Superior Court in the County of your arrest. The right to own a firearm is not always ensured as with others.****

First step: Absolute Discharge

If the person has been incarcerated in state prison, the first step toward restoring their rights is to get an absolute discharge from the Department of Corrections. They can do this as soon as their sentence is completely finished (they must complete parole or any kind of community supervision). They also must have paid all their restitution fees. They can call ADC records and ask them if they owe any restitution (602-542-5536). They have to send the request in writing, and will receive something in the mail about 3-6 months after they make the request. **THEY MUST HAVE THIS PAPERWORK IN ORDER TO APPLY TO HAVE THEIR RIGHTS RESTORED.**

Second step: File

File the completed paperwork in the sentencing court.

* Fact sheet provided courtesy of the American Friends Service Committee, Tucson, AZ (www.AFSC.org/AZ)

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requires the Arizona Department of Juvenile Corrections to start making improvements. The consent decree gives the Arizona Department of Juvenile Corrections three years to correct the problems identified in the investigation.

No Bargaining for Less Punishment Means More Trials

Short of prevailing at trial, there is little that children can do to avoid the risk of prison. Often, adults enter into plea agreements in order to avoid prison or in order to avoid lengthy prison stays. Children cannot do so. In Maricopa County, the court does not accept plea agreements that contain any stipulations or limitations regarding sentencing. Hence, any child who is adjudicated delinquent faces imprisonment until age eighteen. At least partly for this reason, many more clients in juvenile court go to trial than do clients in criminal court. Thus, the juvenile court practitioner must know the rules of evidence inside out and be able to try cases of all types.

Cases of All Types Proceed to Trial Very Quickly

The juvenile court practitioner must have sufficient experience to work rapidly and efficiently, while remaining effective. Juvenile cases go to trial within 60 days of the initial appearance for out-of-custody clients and within 45 days for in-custody clients. Continuances seldom are requested because children are ineligible for bail and do not get credit for time served.

DUI Advocacy

Many juveniles, including quite a few too young to lawfully drive, face felony and misdemeanor DUI charges. These children face lengthy prison terms in cases in which adults would serve relatively brief jail sentences. Children, even older teens with

jobs and babies of their own to support, are not eligible for work release or work furlough. Moreover, any child adjudicated delinquent for any drinking and driving or impaired driving offense, including driving after taking one sip of beer, loses his or her driver's license for at least two years. This consequence may continue into adulthood. For example, a seventeen year old girl with a job and a baby to support will lose her driver's license until she is nineteen years old if she is adjudicated delinquent for taking one sip of light beer and driving.

Collateral Consequences

Sex Offender Registration

According to respected experts, teenagers accused of sex offenses often are not pedophiles. Children often are placed in intensive pedophilia treatment programs for activity that a generation ago was considered normal experimentation. These children experience surges in hormone levels, combined with impulse control that is even poorer than that of the typical teenager. Yet, if adjudicated delinquent, these children are subject to mandatory DNA testing and discretionary sex-offender registration. Sex-offender registration remains in place until the person reaches age 25. DNA information taken from a child very likely will remain in databases forever.

DNA Testing

The involuntary taking of DNA samples from children is not limited to those adjudicated delinquent for sex offenses. Rather it extends to any charge that could have been filed directly in criminal court, and other charges, including first and second degree burglaries, regardless of the child's age. Hence, an eleven-year-old child who is adjudicated delinquent for entering a neighbor's house without permission and taking a box of crayons must provide a DNA sample that will remain in databases forever.

HIV Testing

Children adjudicated delinquent for sex offenses are ordered to submit to HIV testing if a victim so requests. This often is the case. The results of HIV testing remain on file forever.

Pretrial Incarceration without Bail

Children are not eligible for bail. They often endure pretrial incarceration. This usually lasts for thirty days or more, often for offenses for which adults will not even see one day of jail. The child is oftentimes not incarcerated as punishment for the offense, but because the child's behavior is not appropriate in the home (e.g., coming home late, not listening, parents don't like the child's friends).

Huge Restitution Awards

Many children are ordered to pay enormous amounts of restitution. These debts do not vanish at adulthood. Instead, they become civil debt judgments when the child reaches eighteen. This in turn ruins credit, which can prevent them from doing things like renting housing.

Impact upon Parents

Parents can be ordered to pay as much as \$10,000.00 in restitution for their child's delinquent act. The fact that the parents did not participate in the unlawful act, could not have foreseen the unlawful act, and did not fail to adequately supervise their child is no defense.

Children adjudicated delinquent cannot live in public housing. Thus, many innocent parents and siblings have to leave public housing for this reason. This can cause families to become homeless.

The court often orders parents to contribute financially to the cost of probation,

incarceration, treatment, and counsel for the child.

If a parent does not come to court for a child's hearing, the court may hold the parent in contempt of court.

Often, a divorcing parent will go into debt and endure enormous emotional hardship in order to gain primary custody of a child. However, if the child is adjudicated delinquent, the juvenile court can undo all of that by placing the child with the other parent: the custody order of the juvenile court trumps the custody order of the divorce court.

Negative Impact upon Education

Time spent in pretrial incarceration without bail greatly impacts education. When children miss three to four weeks of schooling at a time, they are not likely to pass the semester. They therefore forfeit credits or are not promoted to the next grade. Children who fall behind their peers in school are far less likely to graduate from high school. People without high school educations are more likely to become involved in the adult criminal system. Thus, an indiscretion as a minor may haunt a child for life.

Loss of Driving Privileges

Children lose their driving privileges for numerous offenses that have absolutely nothing to do with driving. Often, these mandatory suspensions persist into adulthood, precluding youths from activities such as working in order to support their own children, going to community colleges and vocational schools, and participating in religious and other positive activities. Some lucky youths may receive restricted drivers licenses enabling them to work or go to school. The granting of such a restricted driver's license is within the court's discretion. However, administrative requirements prevent children who did not have a driver's license before their offense from obtaining a restricted driver's license.

A child loses his driving privileges until age eighteen if adjudicated delinquent for a graffiti offense. Hence, a child adjudicated delinquent for carving his initials into a tree at the age of twelve will not drive until the age of eighteen. A child adjudicated delinquent for theft or unlawful use of a means of transportation loses her driver's license until age eighteen. A child twice adjudicated delinquent for drinking or possession of alcohol, even if his offenses had nothing to do with driving or riding in a car, may lose his drivers license until age eighteen or for two years. A child also loses her driving privilege until age eighteen for any drug offense, even if the offense has nothing to do with driving. This is true even if the offense occurs when the child is thirteen and she becomes fully rehabilitated before becoming old enough to have a driver's license.

Records are Open and Not Automatically Set Aside

In the past, juvenile proceedings and records were kept private, and delinquency records "disappeared" when a child reached adulthood. Unfortunately, this no longer is the case. Juvenile proceedings are open to the public. Juvenile records and many related documents are subject to public inspection. Moreover, juvenile records never are automatically set aside or destroyed. Rather, destruction and set asides are granted only upon application, only for certain offenses and only if fairly rigorous conditions are met.

Fingerprints

A child adjudicated delinquent for any felony-level offense must provide fingerprints. Apparently, this data remains in databases forever.

Criminal Aggravation

Juvenile delinquency records may be used to aggravate criminal sentences. Juvenile

delinquency records may affect other criminal court matters, such as release and bond.

Loss of Civil Rights

A child adjudicated delinquent loses a variety of civil rights, including eligibility for public assistance. A child adjudicated delinquent loses her civil right to use a firearm, even when hunting under the direct supervision of her parents.

Negative Impact Upon Future Employment

As the job market becomes more competitive, children with juvenile records will be less likely to secure employment. Many children are unable to seal their juvenile records because the crime they committed as a young teen, thirteen or fourteen years of age, involved a weapon (butter knife, school scissors, tee ball bat, etc.), infliction of serious physical injury (broken nose) or indecent exposure (urinating behind a tree with their thirteen year old friend). The child is burdened with his immature decision for the remainder of his life.

Children with delinquency histories may find themselves unable to obtain various licenses. A child may never become a registered nurse or doctor due to being adjudicated delinquent for possession of a small amount of marijuana at thirteen. An adjudication of delinquency also can serve as an obstacle for a youth wishing to go to college, attend a trade school, or join the military. A child not competent to enter a legal contract can doom his entire future with one impulsive action.

Conclusion

Clearly, the consequences of adjudication in juvenile court often are grave and life-long. Hence, children deserve high-quality legal representation. To provide them with less would be to jeopardize their futures. And the future of our children is the future of our community.

Jury and Bench Trial Results

October 2005

Due to conversion problems, the Trial Results for this issue are not included in this electronic version. If you would like to view the Trial Results for this issue of *for The Defense*, please contact the Public Defender Training Division.



Happy Holidays



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for The Defense

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