

**INTRODUCTION TO IN RE GAULT**  
**LAWRENCE J. FINE**  
**DISTRICT COURT JUDGE**  
**FORSYTH COUNTY**

I. THE TRIAL

A. Who is Gerald Gault?

- 15 year old boy
- Living in Arizona trailer park
- On 6 months probation since February 25, 1964 for being with another boy who stole a wallet
- Lives with parents and older brother

B. Offense

- Verbal complaint by Mrs. Cook on June 8, 1964
- Lewd phone calls of the offensive, adolescent, sex variety
- Parents not home

C. Pre-Trial Procedures

- Gerald taken into custody
- Parents not notified
- Older brother canvassed neighborhood and learned Gerald in custody and hearing set for next day at 3:00 pm.
- Petition filed same day as hearing.
- Petition not served on Gerald or his parents
- Petition never seen until habeas proceeding in August

D. Hearing of June 9, 1964

- Complainant, Mrs. Cook, not present
- No sworn testimony
- No counsel
- Gerald questioned by the judge
- Gerald gave answers that conflicted with earlier statements
- Judge continued case until June 15, 1964 to “think about it”
- Gerald kept in detention until June 11 or 12
- No record of proceedings

E. Hearing of June 15, 1964

- Mrs. Cook still not present
- Gerald still has no counsel
- Conflicting recollections about Gerald's testimony
- Mrs. Gault asked for Mrs. Cook to be present "so that she could see which boy that done the talking, the dirty talking over the phone"
- Judge denied the request and said it wasn't necessary
- Referral report was filed with the court
- Report was not disclosed to Gerald or his parents
- No record of proceedings

F. Adjudication

- Gerald found delinquent
- Committed to State Industrial School
- For the period of his minority, 21, or until sooner released
- Penalty for adults fine of \$5-\$50 or up to 2 months in jail
- After full hearing and due process
- No record of proceedings

II. POST TRIAL

A. Direct Appeal

- None allowed in Arizona

B. Writ of Habeas Corpus

- Filed with Arizona Supreme Court
- Referred to superior court for hearing
- Judge cross examined about basis for his decision
- Gerald habitually involved in immoral matters
- 1962 Gerald allegedly stolen a baseball glove and lied to police
- No hearing or accusation because lack of material foundation
- Gerald admitted making other "silly calls, or funny calls, or something like that"
- Writ dismissed by superior court
- Dismissal affirmed by Arizona Supreme Court

### III. UNITED STATES SUPREME COURT

#### A. Due Process Rights Granted

- Notice
- Counsel
- Confrontation and cross examination
- Privilege against self-incrimination
- Transcript
- Appeal

#### B. Rights Not Considered

- Pre-trial procedures
- Post-trial procedures
- Jury trial