

Agenda
2007 New Juvenile Defender Program
February 14 – 16

WEDNESDAY, FEBRUARY 14

- 12:30-1:15 Check In
- 1:15-1:30 Welcoming Remarks
Alyson Grine, Defender Educator, School of Government
Eric Zogry, Office of the Juvenile Defender
- 1:30-2:30 Ethics and the Role of Counsel in Delinquency Proceedings
Mary Ann Scali, National Juvenile Defender Center
- 2:30-2:45 Break
- 2:45-3:30 Communicating with Child and Adolescent Clients, Witnesses, and
Victims
Marion Chartoff, Southern Poverty Law Center
- 3:30-5:15 Workshop: Communicating with Your Juvenile Client

THURSDAY, FEBRUARY 15

- 8:45-9:45 Motions Practice: Tools for Your Defense
Alyson Grine
- 9:45-10:15 Problems with Petitions
John Rubin, School of Government
- 10:15-10:30 Break
- 10:30-11:00 Suppression Issues: Search and Seizure and Interrogation
Matt Wunsche, Office of the Appellate Defender
- 11:00-12:30 Workshop: Brainstorming Discovery and Making Suppression Motions
- 12:30-1:30 Lunch (in building)
- 1:30-2:15 Detention Advocacy
Eric Zogry
- 2:15-2:30 Break
- 2:30-3:45 Workshop: Arguing for Release/Reduction of Custody
- 4:30-6:30 Discussion with Juveniles in Detention in Durham Detention Center

FRIDAY, FEBRUARY 16

8:45-9:45 Dispositions: Navigating the Chart
Janet Mason, School of Government

9:45-10:15 Dispositions: Options and Advocacy
Eric Zogry

10:15-10:30 Break

10:30-12:15 Workshop: Calculating Your Client's Prior Delinquency History Level;
Preparing and Arguing Disposition

12:15-12:30 Wrap-up and Adjourn

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BASIC FACT PATTERN FOR NEW JUVENILE DEFENDER TRAINING

Mark is a 12 year old who lives in Yoursville, North Carolina. He has a 68 IQ, and was diagnosed with attention-deficit hyperactivity disorder within the last two years. He is currently in the 6^h grade, and has an individualized education plan (IEP) at his school, but it hasn't been updated since last year. Mark attends school regularly for the most part, but has been suspended on occasion for disrupting class and being disrespectful to his teachers.

Mark lives with his grandmother. His father is deceased, his mother has two younger children, and has trouble keeping up with Mark. Mark has had some contact with the juvenile court system, and sometimes stays out past 1 AM, disobeys his grandmother, and occasionally hangs around older children alleged to be in a gang.

On November 3, 2006, Mary, who rides the bus with Mark to school, approaches her teacher at the end of class and says that on the way to school that morning Mark "grabbed her in her private parts" and laughed about it after she pushed him away. Mary says that several boys encouraged Mark to do it, and that a couple of her friends saw the incident. The teacher asks Mark about the incident but he denies any involvement. The teacher then escorts Mark to the principal's office.

At the principal's office around 1 o'clock, Mark is met by the principal and SRO (school resource officer). Mark, nervous, asks that his grandmother be present. The school calls Mark's grandmother, who arrives twenty minutes later. Before the grandmother arrives, the SRO makes some small talk with Mark, but Mark doesn't reveal anything about Mary. When the grandmother arrives and learns why Mark is in the principal's office, she asks to be present when Mark is interrogated. The SRO tells the grandmother, outside of Mark's presence, that Mark is more likely to be truthful with him without his grandmother present because Mark might be embarrassed. The grandmother agrees, and allows the SRO to meet with Mark alone. Mark and the SRO talk for about an hour, during which the SRO asks direct questions about the school bus incident. Mark denies that he ever touched Mary. The SRO then says to Mark: "There are two types of kids; one who touches kids in bad places for their own pleasure, and another who is only playing around. Which one are you?" Mark answers "only playing around."

Based on his investigation, the SRO decides to file a complaint with the court counselor's office alleging sexual battery under NC GS §14-27.5A. The SRO calls the court counselor's office, discusses the matter, and decides to place Mark in secure custody pending his court date. As the SRO places his hands on Mark, Mark pulls away and runs down the hallway, screaming obscenities. Mark is subdued by the SRO at the end of the hallway and is taken into custody without further incident.

In addition to sexual battery, Mark has petitions filed against him for resisting a law enforcement officer (NC GS §14-223) and disorderly conduct (NC GS §14-288.4).

