

B. Jack.

Jack, 14, was adjudicated delinquent for possessing a gun on school property, a Class I felony under G.S. 14-269.2. Evidence at disposition indicates that Jack has missed 20 days of school, is failing every subject except social studies, and has now been expelled for the remainder of the school year. He tested positive for marijuana use when his parents had him tested, and, according to his parents, is totally out of their control, stealing from them and coming and going as he pleases. His response to every question in court is either “I don’t know” or a shrug of his shoulders.

Jack’s delinquency history looks like this:

Offense Date	Offense	Class	Adjudication Date	Disposition
6/2/09	assault on school personnel	A1 misd.	7/20/09	probation
8/1-15/09	violations of probation	-----	9/1/09	probation extended
5/2/10	simple assault	Class 2 misd.	6/11/10	community service
9/10/11	gun on school property	Class I felony	9/29/11	

1. How would you address Jack when he only shrugged or said “I don’t know”?

2. What are the dispositional options?

3. What else do you want to know?

4. What disposition might you order?

D. Jewel

Jewel had one prior adjudication for shoplifting and was on probation for that offense at the time of the new offenses. She was adjudicated delinquent for assault with a deadly weapon causing serious injury, a Class E felony.

1. What are the dispositional options?
2. If both Level 2 and Level 3 were options, which do you think you would order?
3. If you ordered a Level 3 disposition, what would it say about the length of Jewel's commitment?
4. If you ordered a Level 2 disposition, what might you order?

E. Ralph.

Since being adjudicated delinquent for first-degree sexual offense under G.S. 14-27.4, Ralph has been in detention awaiting disposition. He is 14 now and is large for his age. He first came to court at the age of 11, for making obscene phone calls, and again at 12, for stealing a leather coat. There are no known prior sex offenses. His mother says he “is not a bad kid,” although he probably doesn’t get enough attention because she has three younger children to take care of and she works full time. Other witnesses testify to escalating instances of physical aggression by Ralph, usually toward younger children at school, although no petitions have been filed regarding these.

Results of a sex offender specific evaluation are somewhat ambivalent, but indicate a moderate likelihood that Ralph will re-offend. A mental health evaluation indicates that Ralph was diagnosed with Oppositional Defiance Disorder, ADHD, and PTSD, and that his IQ is 80. It ends with a recommendation that he be placed in either a residential sex offender treatment program or a Level IV group home for treatment and for his and others’ protection.

The prosecutor requests a commitment to a YDC. Ralph’s attorney argues that Ralph suffers from a dual mental illness diagnosis and needs a kind of attention and treatment a YDC cannot offer. The court counselor agrees with that assessment, but states that no suitable residential placement is available. Placement in a Level IV facility may be possible in about two months.

Ralph’s attorney argues that Ralph should be placed in a local therapeutic group home, where space is expected to become available within a week, until space in an appropriate treatment facility becomes available. The prosecutor argues again for commitment to a YDC.

1. What are the main dispositional issues?
2. What if an appropriate placement is available but it is located in Virginia and is very expensive?
3. Outline a disposition order for Ralph.
4. If you committed Ralph to a YDC, what would the order say about the length of his commitment?