

## Case Scenario Practice

### Jeff

A law enforcement officer finds 17-year-old Jeff and two of his friends inside a home that is under construction at 11:00 p.m. on a Saturday night. The three teens broke a lock on the rear porch of the new house to enter the porch and the officer finds them there, smoking a small amount of marijuana. The officer believes that there is probable cause to charge Jeff with misdemeanor breaking or entering of a building and misdemeanor possession of marijuana (under ½ oz.).

A. Are there any additional questions that must be answered in order to know whether to proceed in the juvenile or adult system? If yes, what question(s)?

B. In what system should this case be initiated?

Assume that the officer files a complaint with the juvenile court counselor alleging both misdemeanor acts of delinquency.

C. What will happen next to process Jeff's case?

Assume that the juvenile court counselor establishes a diversion contract with Jeff as a result of this complaint. The plan requires Jeff to attend school regularly, among other things. Jeff is a senior in high school and, despite the diversion contract, Jeff attends school only about half of the required time. After one month the juvenile court counselor files a petition with the two misdemeanor allegations. Jeff turns 18 and appears in district court where he makes an admission to the acts of delinquency. Jeff is eligible for a Level 1 disposition as this was a minor offense under the criteria in G.S. 7B-2508(a)(3) and Jeff has no delinquency history.

D. What dispositional options are available in Jeff's case? How long can the court retain jurisdiction over Jeff?

## Chris

Chris is a 16-year-old who was allegedly with a group of high school students who approached a pair of joggers on a local trail, surrounded them, and demanded their cell phones. The joggers handed their phones to other members of the group and ran away. The joggers quickly found someone else with a phone and reported the incident. The police found Chris with a group of high schoolers near the scene and want to question Chris about his involvement.

- A. Under what circumstances can the police question Chris?
  
- B. Assume that Chris's parents are out of the country. Under what circumstances can Chris be interrogated, if any?

Following the law enforcement investigation, Chris is charged with common law robbery, a Class G felony. The investigation also revealed that Chris has a history of juvenile justice system involvement. He had a larceny charge successfully diverted when he was 14 and he recently successfully completed a term of probation for a disorderly conduct charge that resulted from an incident at school.

- C. What is the correct mechanism to initiating this proceeding against Chris?
  
  
  
- D. Is there a basis for ordering Chris into secure custody? If so, what is that basis?

Assume that Chris is placed in secure custody. He has a first appearance three days later where he is appointed counsel and remanded back into secure custody.

- E. When must Chris have another secure custody hearing and where will he be detained?
  
- F. When must Chris have a probable cause hearing?
  
- G. What are the options for moving forward with the prosecution of Chris's case at this point?

The grand jury returns an indictment in Chris's case.

H. What is the next step in this case?

Assume that Chris's case is transferred to superior court and it is then discovered that Chris played only an ancillary role in the robbery. He did not know that the group of people he was with were planning to rob anyone and he is willing to testify against the codefendants who planned the robbery. The prosecutor agrees to reduce the charges to larceny.

I. What are the possible next steps in this case now?

### Jennifer

Jennifer, a 17-year-old, was caught in the school bathroom with two bottles of oxycodone and \$150 in cash. The School Resource Officer (SRO) believes that there is probable cause to charge Jennifer with possession with intent to sell a Schedule II substance, a class H felony. The SRO calls the juvenile court counselor and asks her to check in CJLEADS to determine if Jennifer has any previous criminal convictions. The court counselor informs the SRO that Jennifer has one previous conviction for driving by a person under age 21 after consuming drugs, a Class 2 misdemeanor.

A. In which system should the charges against Jennifer be filed?

B. What will be the first steps that follow the initiation of this matter by law enforcement?

C. Assume that a finding of probable cause is made in Jennifer's case. What are the options for her case at this point?

- D. Assuming that Jennifer’s case remains in the juvenile court and moves to disposition following adjudication for possession of a Schedule II controlled substance (Class 1 misdemeanor). What dispositional options might best address both Jennifer’s risk and needs and public protection?

### Gilbert

Law enforcement receives a report of a suspicious car full of teenagers parked near the local high school. As the officer pulls up near the vehicle, the vehicle speeds away. The law enforcement officer chases the speeding vehicle until it eventually blows out a tire and comes to a stop. Gilbert, a 16-year-old with no prior juvenile or criminal record, is the car’s driver. The law enforcement officer sees Gilbert hiding something under the seat of his car as he approaches the vehicle, orders Gilbert out of the vehicle, and sees what appears to be cocaine in the vehicle.

- A. What offenses might Gilbert be charged with?
- B. How should the law enforcement officer process Gilbert – as a juvenile or as an adult?

### Cheri

Cheri is a 17-year-old senior in high school. She arrived at school today looking disheveled and did not bring a project that was due to her first period English class. When her teacher asked her for her project, Cheri jumped out of her seat, turned over her desk, and stormed out of the classroom. The teacher followed her into the hallway where Cheri began screaming at the teacher to get away from her, causing disruption to all the classrooms in that hall. The School Resource Officer (SRO) quickly responded and brought Cheri to the main office. After getting a statement from the teacher, the SRO determined that Cheri should be charged with the Class 2 misdemeanor offense of disorderly conduct by disrupting students. The SRO prepared a complaint and brought it to the juvenile court counselor. The juvenile court counselor looked in CJLEADS and determined that Cheri was convicted of misdemeanor larceny in November of 2019.

- A. In which system should Cheri’s charges be processed and why?
- B. What are the next steps in initiating a case against Cheri for the disorderly conduct charge?

## Michael

Michael is a 17-year-old who allegedly broke a screen door to enter an unoccupied home at 1:00 a.m. and stole a laptop computer and \$200 in cash from the home. He is charged with second degree burglary, a Class G felony. This is the first time that Michael has been accused of any offense.

- A. In which system should Michael's offense be initiated and why?
  
- B. What will be the first steps in initiating this matter and what are the possible trajectories for this matter?