



Indiana Public Defender Council Juvenile Defense Project

Improving Juvenile Defense Services in Indiana



FEBRUARY 12, 2018

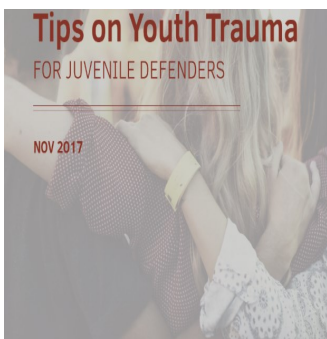
NJDC Resource Brief on Youth Trauma for Juvenile Defenders

The National Juvenile Defender Center's "Tips on Youth Trauma" contains information, practice tips, questions for service providers, sample scenarios and more to help public defenders understand how trauma and mental illness affects their juvenile clients and how to use this information in their advocacy.

The Brief urges juvenile defenders to keep in mind that science on adolescent brain development shows juvenile clients are at a key age where *positive* behavioral changes can be made.

Read the full brief at:

<http://njdc.info/wp-content/uploads/2018/01/Tips-on-Youth-Trauma-for-Juvenile-Defenders.pdf>



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Caselaw update

Court of Appeals grants rehearing

J.R. v. State, 49A02-1704-JV-754, Ind.Ct.App. 2/9/2018,
<http://www.in.gov/judiciary/opinions/pdf/02091803jqb.pdf>

J.R. was adjudicated delinquent for both dangerous possession of a firearm by a juvenile (Ind. Code § 35-47-10-5(a)) and carrying a handgun without a license (Ind. Code § 35-47-2-1(a)). The Court of Appeals, in *J.R. v. State*, –N.E.3d –, No. 49A02-1704-JV-754 (Ind. Ct. App. Dec. 8, 2017), vacated the carrying a handgun without a license, holding that a juvenile cannot be alleged to have committed that offense because a juvenile is unable to obtain a handgun license.

The Court granted rehearing to address the State’s argument that 35-41-2-1(a) covers anyone carrying a handgun without a license, including juveniles. The Court affirmed its earlier holding and explained the statute “generally governing the offense of carrying a handgun without a license does not apply to juveniles” because there is statute that specifically governs the same subject matter, dangerous possession of a firearm by a juvenile, I.C. § 35-47-10-5(a). Where two statutes pertain to the same subject, the more detailed statute prevails.

Side note: As noted in last week’s newsletter, a different Court of Appeals panel, in *J.G. v. State*, 49A02-1706-JV-1419 (1-31-18), reached a different result where a juvenile was adjudicated delinquent for both dangerous possession and carrying without a license. The Court of Appeals agreed with J.G.’s double jeopardy argument and remanded to vacate the carrying w/o a license adjudication because it violated double jeopardy. <http://www.in.gov/judiciary/opinions/pdf/01311801tac.pdf>

Congratulations to Juvenile PD Dan Schroeder

Daniel Schroeder was recently recognized for 25 years of service with the Marion County Public Defender Agency. Dan began working with the Agency in December 1992. Dan has spent his entire tenure at the Agency representing children in juvenile court. During this time Dan has served as a trainer and mentor to countless juvenile defenders.

Congratulations and a big thank you to Dan for all he's done to improve juvenile defense in Indiana!



IPDC JUVENILE DEFENSE PROJECT FREE REGIONAL TRAININGS

Juvenile Training Immersion Program (JTIP)

Litigating Juvenile Drug Cases

This interactive 3 hour CLE will focus on equipping juvenile public defenders with the means to effectively and creatively challenge a variety of alleged drug offenses. The training will incorporate relevant Rules and US Supreme Court and Indiana caselaw, and will cover investigation; discovery – what you need and how to get it; theory of the case – what it is and why you need it; and litigating drug cases at a suppression or fact-finding hearing.

Presenters: Rachel Roman-Lagunas and Jill Johnson

3 hours CLE

Cost: **Free** to public defenders handling juvenile delinquency cases

March 2nd 1:00-4:30 p.m. (EST)

Hendricks County

Danville-Center Township Public Library (1st fl. conference room)

101 S Indiana St.

Danville, Indiana 46122 Register at: <http://www.cvent.com/d/0tqvhr>

March 9th 1:00-4:30 p.m. (EST)

St. Joseph County

Ivy Tech

220 Dean Johnson Blvd

South Bend, IN 46601 Register at: <http://www.cvent.com/d/z tqvn4>

March 23rd, 1:00-4:30 p.m. (EST)

Wayne County

Ivy Tech (Johnson Hall, Rm.3428)

2357 Chester Blvd.

Richmond, IN Register at: <http://www.cvent.com/d/htqv7b>

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**More
2018
FREE
JTIP
Trainings**

June 1	JD Cases: To Plea or Not to Plea JTIP	Hamilton County
June 15	JD Cases: To Plea or Not to Plea JTIP	Vigo County
June 22	JD Cases: To Plea or Not to Plea JTIP	Lake County
September 14	Disposition Advocacy JTIP	Marion County
September 21	Disposition Advocacy JTIP	Tippecanoe County
September 28	Disposition Advocacy JTIP	Lawrence County