

10 DIFFERENCES BETWEEN ADULT (18+) AND JUVENILE CRIMINAL COURT:

1. COMPLAINT VS. PETITION

In adult court the defendant is charged by using a document called a “complaint”, whereas in juvenile court, the child is charged with a document called a “Petition”

2. NO JURIES

In most jurisdictions, when juvenile cases go to trial, the child is not afforded a jury trial like in adult court. Rather, one judge is the finder of fact at a trial. While difference makes for shorter trials since the lawyers do not have to spend days picking a jury, the juvenile and his/her lawyer do not get the benefit of multiple finders of fact. The child is still considered innocent until proven guilty, the prosecutor only has to convince one person of guilty beyond a reasonable doubt, verses an entire jury.

3. CONVICTION VS. ADJUDICATED DELINQUENT

In adult court if the defendant is found guilty, they are “convicted”, whereas in juvenile court the child is “adjudicated delinquent”.

4. SENTENCE VS. DISPOSITION

After a defendant is found guilty in a criminal case he/she will have a sentencing to determine punishment, whereas in juvenile court there is a “disposition” to determine what should happen to the juvenile.

5. WHERE THE “DISPOSITION” IS HELD

In adult court the defendant has all of his/her hearings in the county in which they have been charged, which is generally the county in which the offense took place. In juvenile cases, the case is charged in the county where the offense took place and that is where the case will be tried or a plea of guilty will be entered. However, if the child resides in a different county then the “disposition” of the case is generally moved to the county of residence.

6. REHABILITATION VS. PUNISHMENT

The system in juvenile court is much more focused on the best interests of the child, and trying to make sure they are rehabilitated prior to becoming an adult. There is much more emphasis on treatment, therapy, and education rather than just punishment.

7. MORE OPTIONS TO PREVENT “ADJUDICATION”

In adult court there are certain legal concepts that typically only a prosecutor can offer, for example a continuance for dismissal or a stay of adjudication. Both of these legal concepts allows for the person charged with a crime from being convicted of the crime. These are very rare outcomes of cases wherein the prosecutor must agree, and the judge cannot do over the objection of the prosecutor, except in exceptional cases. However, in juvenile court the judge can dispose of a case in either of these ways, even if the prosecutor doesn't agree.

8. OPEN VS. CLOSED HEARINGS

In adult court, all hearings are open to the public. However, juvenile court hearings are closed to the public and typically, only the lawyers, probation, the child and family are present in the courtroom

9. ALL IN THE FAMILY

While the client in a juvenile matter is the child, these types of cases generally involve the entire family. Your criminal defense lawyer should be aware that when handling juvenile cases there is more than just the client to interact with. It is important to involve the parents or guardians to help the child follow through on the lawyer's advice. For example, in a drug case the lawyer might recommend a chemical assessment be performed, yet the child might not be able to schedule and attend the necessary meetings without the help of a parent or guardian.

10. EXPUNGEMENTS

A juvenile may apply for an expungement “at any time”, whereas in adult court there are many restrictions on how soon one can file for an expungement. As you can see, handling a juvenile criminal case is much different than an adult criminal case. Many criminal defense attorneys seldom handle juvenile cases, and handle them like an adult case, which can be a detriment to the juvenile.

Don't let your students' poor choice as a juvenile affect the rest of their adult life.

35-9-2 - Purchase, possession, or consumption of beverage by person under twenty-one years prohibited--Exception--Misrepresentation of age --Violation as misdemeanor

It is a **Class 2 misdemeanor** for any person under the age of twenty-one years to purchase, attempt to purchase, or possess or consume alcoholic beverages except pursuant to § 35-9-1.1 or when consumed in a religious ceremony and given to the person by an authorized person, or to misrepresent his or her age with the use of any document for the purpose of purchasing or attempting to purchase alcoholic beverages from any licensee licensed under this title.

32-23-21 - Driver under age of twenty-one operating vehicle after alcohol or drug consumption--Misdemeanor--Suspension of license--Restricted driving privilege

It is a **Class 2 misdemeanor** for any person under the age of twenty-one years to drive, operate, or be in actual physical control of any vehicle: (1) If there is physical evidence of 0.02 percent or more by weight of alcohol in the person's blood as shown by chemical analysis of the person's breath, blood, or other bodily substance; or (2) After having consumed marijuana or any controlled drug or substance for as long as physical evidence of the consumption remains present in the person's body. If a person is found guilty of or adjudicated for a violation of this section, the Unified Judicial System shall notify the Department of Public Safety. Upon conviction or adjudication, the court shall suspend that person's driver's license or operating privilege for a period of thirty days for a first offense, one hundred eighty days for a second offense, or one year for any third or subsequent offense. However, the court may, upon proof of financial responsibility pursuant to § 32-35.43.1, issue an order permitting the person to operate a vehicle for purposes of the person's employment, attendance at school, or attendance at counseling programs.

35-10-17 - Place used for violation of beverage laws as common nuisance--Maintenance as misdemeanor

Any structure, conveyance, or place where alcoholic beverages are manufactured, sold, kept, bartered, given away, found, consumed, or used in violation of the laws of the state, relating to alcoholic beverages, and all alcoholic beverages and property kept and used in maintaining the same, is hereby declared to be a common nuisance, and any person who maintains such a common nuisance is guilty of a **Class 1 misdemeanor**.

22-42-5.1 - Unauthorized ingestion of controlled drug or substance as felony

No person may knowingly ingest a controlled drug or substance or have a controlled drug or substance in an altered state in the body unless the substance was obtained directly or pursuant to a valid prescription or order from a practitioner, while acting in the course of the practitioner's professional practice or except as otherwise authorized by chapter 34-20B. A violation of this section for a substance in **Schedules I or II** is a **Class 5 felony**. A violation of this section for a substance in **Schedules III or IV** is a **Class 6 felony**.

22-42-6 - Possession of marijuana prohibited--Degrees according to amount

No person may knowingly possess marijuana. It is a **Class 1 misdemeanor** to possess two ounces of marijuana or less. It is a Class 6 felony to possess more than two ounces of marijuana but less than one-half pound of marijuana. It is a Class 5 felony to possess one-half pound but less than one pound of marijuana. It is a Class 4 felony to possess one to ten pounds of marijuana. It is a Class 3 felony to possess more than ten pounds of marijuana. A civil penalty may be imposed, in addition to any criminal penalty, upon a conviction of a violation of this section not to exceed ten thousand dollars.

22-42A-3 - Use or possession of drug paraphernalia as misdemeanor

No person, knowing the drug related nature of the object, may use or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body any controlled substance or marijuana in violation of this chapter. Any person who violates any provision of this section is guilty of a **Class 2 misdemeanor**.

34-46-2 - Unlawful actions

The following actions are unlawful: (1) To knowingly sell or distribute a tobacco product to a person under the age of twenty-one; (2) To purchase or attempt to purchase, to receive or attempt to receive, to possess, or to consume a tobacco product if a person is under the age of twenty-one; (3) To purchase a tobacco product on behalf of, or to give a tobacco product to, any person under the age of twenty-one; (4) To sell cigarettes other than in an unopened package originating with the manufacturer and depicting the warning labels required by federal law; (5) To sell tobacco products through a vending machine located in a place other than the following: (a) A factory, business, office, or other place not open to the general public; (b) A place that is open to the public but to which persons under the age of twenty-one are denied access; (c) An establishment licensed under chapter 35-4 to sell alcoholic beverages for consumption on the premises where sold; (6) To sell cigarettes or smokeless tobacco, or both, through a self-service display other than a display that is: (a) A vending machine permitted under subdivision (5) of this section; or (b) Located in a tobacco speciality store; or (7) To distribute tobacco product samples in or on a public street, sidewalk, or park that is within five hundred feet of a playground, school, or other facility when the facility is being used primarily by persons under the age of eighteen. Violation is a **Class 2 Misdemeanor**. **The definition of tobacco product includes e-cigarettes (vape products).