



# Indiana Public Defender Council Juvenile Defense Project

*Improving Juvenile Defense Services in Indiana*

## LAST WEEK IN REVIEW: JUVENILE DELINQUENCY NEWS AND UPDATES

April 9, 2017  
April 16, 2017

### Free Juvenile Training Brought to Your Door (or at least to a nearby county)

One of the primary IPDC Juvenile Defense Project goals is to provide free, juvenile specific, practical training for public defenders in a convenient setting. To date, the Project has provided 13 JTIP trainings in 12 different locations around the state. 137 total individual public defenders have participated in at least one of the trainings. 30 public defenders attended 2 or more trainings. To date, 55 counties have been represented in the trainings and a total of 528 total CLE hours were earned.

#### 2017-2018 JTIP Training Participants

##### Adolescent Development – 47

Marion County – 20  
Porter County – 10  
Monroe County – 17

##### Challenging PC and Detention – 51

Madison County – 18  
Allen County – 19  
Clark County – 14

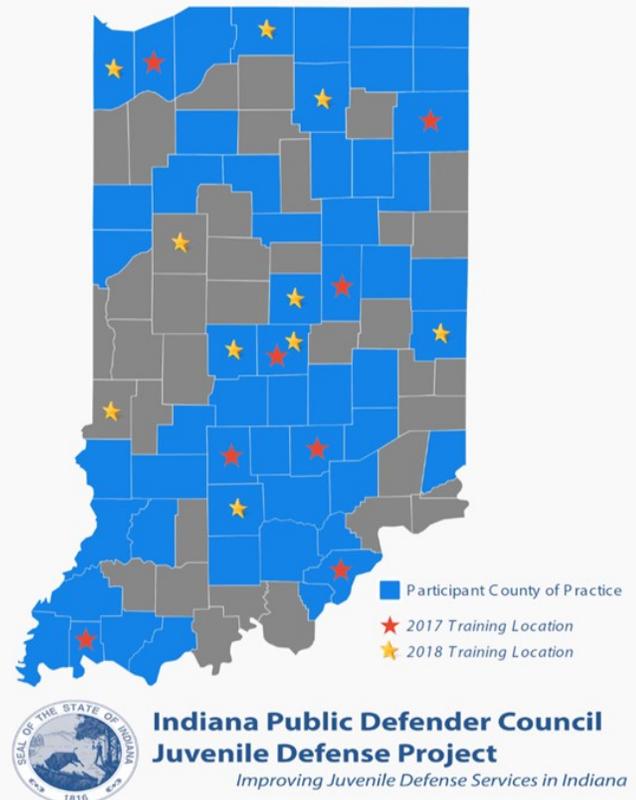
##### Role of Juvenile Defense Counsel – 51

Marion County – 11  
Bartholomew County – 14  
Vanderburgh County – 10  
Kosciusko County - 16

##### Litigating Juvenile Drug Cases – 27

Hendricks County – 9  
St Joseph County – 9  
Wayne County – 9

2017-18 JTIP Training Participants



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- [Upcoming JTIP trainings](#)
  - [To Plea or Not to Plea](#)
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# Indiana Public Defender Council (IPDC) Free Regional Juvenile Trainings

## 2018 Training Schedule

The 2018 IPDC JTIP regional training schedule and registration links can be found on IPDC's website at [www.in.gov/ipdc/](http://www.in.gov/ipdc/) Registration will open approximately 6 weeks prior to each training. All IPDC JTIP trainings are free to public defenders handling delinquency cases.



## Registration open soon for June Regional JTIP training:

### Juvenile Delinquency Cases: To Plea or Not to Plea

The vast majority of juvenile delinquency cases are resolved by way of an admission to the allegations. Therefore, it is critical that juvenile defense attorneys understand the law related to admissions and pleas, know when and how to advise youth in deciding whether to enter a plea and ensure that youth make only knowing, voluntary and intelligent waiver of the right to trial.

During this 3 hour CLE which includes 1 hour of ethics credit, ethical considerations regarding the defender's obligations to provide effective assistance of counsel during the plea negotiation stage will be explored. Defenders will develop skills and strategies for communicating and negotiating with other stakeholders in the juvenile justice system with the goal of achieving the client's stated outcome.

Defenders will review the advantages and disadvantages of pleas, including long term collateral consequences. And defenders will explore ways to counsel youth clients regarding plea considerations that take into account and overcome developmental barriers that may exist.

**June 1<sup>st</sup> 1:00-4:30 p.m. (EST)**

*Hamilton County*  
Noblesville, IN

**June 15<sup>th</sup> 1:00-4:30 p.m. (EST)**

*Vigo County*  
Terre Haute, IN

**June 22<sup>nd</sup> 1:00-4:30 p.m. (CST)**

*Lake County*  
Crown Point, IN



# JUVENILE CASE REVIEW



## Supreme Court “road show” oral argument on April 20<sup>th</sup> in JD case.

Argument will be held at Owen Valley High School in Spencer, Indiana.

*J.W. v. State*, 2017 WL 6273184 (Ind. Ct. App. Dec. 11, 2017), trans. pending.

Seventeen-year-old J.W. was arrested and charged with false Informing for giving a false name to emergency room personnel after a reported suicide attempt. J.W. pled guilty, and he was committed to the Department of Correction. JW appealed, arguing his adjudication must be set aside because he did not receive required statutory advisements, his counsel was ineffective, and J.W. did not commit an act that would have constituted a crime if committed by an adult. The Court of Appeals dismissed J.W.’s appeal, holding in an unpublished decision that a juvenile cannot directly appeal his own guilty plea in a delinquency matter and should instead seek relief under Trial Rule 60.

Appellate Counsel for J.W. is Cara Wieneke .



For more Information and parties’ briefs, visit <http://www.in.gov/judiciary/supreme/2572.htm>

## APPELLATE DECISIONS

### One JD Published Opinion

*K.K. v. State of Indiana*, Court of Appeals Case No. 49A02-1710-JV-2274 (April 9, 2018)

<http://www.in.gov/judiciary/opinions/pdf/04091801tac.pdf>

MCPD Officer Willis recovered fingerprints at scene of burglary and made two latent print cards (exhibits 10 and 11) which he logged into the latent print database along with case information. Officer O’Neil, an Indianapolis Police Department latent print examiner, searched Indiana’s database and found what she perceived to be a match. She requested a hard copy of the Database Fingerprints from the State and performed a manual comparison. Based on her evaluation, she concluded that fingerprints on Exhibits 10 and 11 matched the Database Fingerprints. The Database Fingerprint card identified the fingerprints as those of 16 year old K.K.

The State filed a delinquency petition alleging K.K. committed level 4 felony burglary and level 6 felony theft if committed by an adult. The State filed a motion to require K.K. to submit to fingerprinting, which the trial court granted. Officer O’Neil fingerprinted K.K. on the morning of the fact-finding hearing. This fingerprint card was identified as State’s exhibit 12. O’Neil testified, and when questioned by K.K.’s attorney, she acknowledged she had no knowledge of the circumstances surrounding the creation of K.K.’s Database Fingerprints. K.K.’s attorney objected to the admission of Exhibit 12 and moved to suppress any testimony based on it because the State was unable to establish that K.K.’s Database Fingerprints were taken in compliance with Indiana Code Sections 31-39-5-1(a), -3, -4, and -5.

On appeal, K.K. argued the trial court abused its discretion in admitting the State’s fingerprint evidence. The Court of Appeals affirmed and held there was no error in the admission of Exhibit 12 (the fingerprint card taken the morning of trial). The Court rejected holding the use of the Database Fingerprints to establish probable cause does not, as a matter of law, require that the State present evidence to prove that they were taken in compliance with the juvenile fingerprinting statutes as a prerequisite for the admissibility for Exhibit 12 and testimony based on it.

## One CHINS Published Opinion

*In re K.P.G.*, Court of Appeals Case No. 49A05-1709-JC-2053 (April 9, 2018)

<http://www.in.gov/judiciary/opinions/pdf/04091802tac.pdf>

Mother appealed CHINS finding, arguing trial court lacked personal jurisdiction over her and her son, K.P.G. where she and K.P.G. were New Jersey residents who were in Indiana “merely because of a layover during a bus trip”. DCS responded to a report of child neglect and found mother and son at the bus station where they had been missed a connecting bus, 18 month old was dirty and feverish and had a hospital band on his wrist. Child was removed and hospitalized and eventually had surgery to repair a heart defect. CHINS Petition was filed March 16<sup>th</sup>. Mother appeared at the continued initial hearing a week later and was appointed counsel. On June 6<sup>th</sup> (day of the child’s surgery) Mother’s attorney filed a Memorandum alleging that the trial court lacked personal jurisdiction over Mother and K.P.G. The Court never ruled on the Memorandum, but found the child to be a CHINS following a fact-finding hearing.

Court of Appeals affirmed and held Mother submitted herself to the trial court’s jurisdiction by appearing in court and failing to contest personal jurisdiction at that time or within the time limitations found in Trial Rule 12(B). (Court of Appeals noted no responsive pleading was required to the CHINS Petition, so Mother’s time limit to file a Motion would have been 20 days after the Petition was served.)

Court of Appeals also found evidence was sufficient, distinguishing this case from *M.K. v. Indiana Department of Child Services*, 964 N.E.2d 240, 242 (Ind. Ct.App. 2012) (Mother brought children from another state due to loss of housing) where the trial court based its finding on K.P.G.’s “serious health problems and Mother’s mental illness, both of which were unfortunate but not unforeseen.”