

JUVENILE CASE LAW UPDATE

NEW SUPREME COURT CASE ADDRESSES REQUESTS FOR AN ATTORNEY BY SUSPECTS

A defendant was interviewed while incarcerated on un related charges about a pending case. He invoked his right to an attorney and the police stopped the interview. Three years later, law enforcement interviewed the defendant again and he agreed to speak to them after being read his Miranda rights. After he was convicted, he appealed the admission of his statements on the basis of the fact that he had previously requested an attorney. The Supreme Court held that a break of 14 days between the interviews is sufficient to overcome any presumption that the statement was not voluntary.

CASE LAW CITE: Maryland v. Shatzner, 559 U.S.____ (2010)

IN CERTAIN CIRCUMSTANCES, A JUVENILE SUSPECT MAY BE TRANSPORTED BY POLICE TO THE POLICE PRECINCT FOR A VOLUNTARY STATEMENT

The juvenile was transported to the police precinct along with his older brother in a police vehicle and he was not placed in handcuffs. He was transported by police because he did not have a car. He was repeatedly told he was not under arrest and was free to leave. He was not arrested at the station and he was aware that he was under investigation. He was arrested several days later and the statement was held to be voluntary by the court.

CASE CITE: Meadoux V. State, 2009 Tex. App. Lexis 9353 (Tex. App.-San Antonio, 12/09/09)

AFFIRMATIVE LINKS IN DRUG CASES ARE SUFFICIENT TO PROVE THAT A SUSPECT KNOWINGLY POSSESSED THE CONTROLLED SUBSTANCE

In this case, the juvenile attempted to cross drugs into the United States via one of the international bridges. He denied any knowledge that the drugs were in the car. The court held that the suspect's mere presence is not sufficient to show that he unlawfully possessed a controlled substance. However, circumstantial evidence that affirmatively linked him to the controlled substance was enough in this case to show he knowingly possessed the drugs.

CASE LAW CITE: In the Matter of H.G.G.D., 2010 Lexis 1270 (Tex.App.-El Paso, 02/24/10)



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A DOG MAY SNIFF THE BACKPACKS IN A CLASSROOM PROVIDED THAT THE STUDENTS ARE NOT IN THE ROOM

While students were in the hall, a dog entered the room and sniffed their bags. The court held that this only minimally infringed on students rights and served an important governmental interest in keeping students drug free. Therefore the dog sniff was permissible under the law.

CASE LAW CITE: In the Matter of D.H., 2010 Lexis 1610 (Tex.App.-Austin, 03/05/10)

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IF A STATEMENT IS OBTAINED IN VIOLATION OF THE FAMILY CODE, IT MUST BE SUPPRESSED

A juvenile was taken to the police station and a videotaped confession was taken by police. It was not taken in the designated juvenile interview room, although the station had such a room. The juvenile was also not informed by the Magistrate Judge that the statement could be used against him. The court held that where a statement is obtained in violation of the Texas Family Code Section 52.02(a), it must be suppressed.

CASE CITE: In the Matter of D.J.C., 2009 WL 3050870 (Tex. App. Houston, 09/24/09)