

What happens to me now?



As a minor, important information to know after you've been arrested

TO THE YOUTH OF DALLAS COUNTY:

This brochure introduces you to the juvenile justice system in Dallas County. ***This is not legal advice.*** It is a basic explanation of court terminology and how a juvenile delinquency case is handled in the legal system. We want it to provide important practical information on how the juvenile justice system in Dallas County works. More importantly, we hope it will give you some insight into the possible consequences that lie ahead for those who break the law.

What are Laws and Why Do We Have Them?

Laws are simply rules. They come from many different places: city government, where they are called ordinances, state government, and even the United States government. Laws are rules that people in societies have developed to keep either an individual or groups of individuals from victimizing or hurting other people or their property. Some laws tell us how to do things in an orderly manner (like traffic laws). Some laws are aimed at protecting those who can't protect themselves (like children) and others protect people from hurting themselves (like motorcycle helmet laws).

What Happens To Me Now?

If you are accused of breaking the law and you are between the ages of 10 and 16, then you may be taken into custody (arrested) by the police. Depending on what it is that the police think you have done, you may be released to your parent or guardian at the police station or taken to the juvenile detention facility at the Henry Wade Juvenile Justice Center (a facility where you can be held in custody).

If the police release you to your parent or guardian: This doesn't mean that you won't have to go to court. If the police file the case with the District Attorney's Office (D.A.) and the D.A. files one or more charges against you, then the local constable (a peace officer whose job it is to deliver court papers) will personally deliver papers to you and your parent or guardian telling when you and your parent or guardian have to go to court.

If the police take you to the detention center: The juvenile probation officials will make a decision whether to release you to your parent or guardian or hold you for a detention hearing before a judge on the next workday after you have been taken into custody. This means if you are arrested on a Friday, you won't see the judge before Monday. The judge may release you with restrictions you

are required to follow (called "conditions of release") or the judge may order that you be detained for a period of up to ten days.

If the juvenile probation officials release you and a charge is filed, then the Constable will deliver papers to you telling you when to appear in court.

You may be kept in the detention center if the court finds that:

- You are likely to run away or be removed from the jurisdiction of the court.
- You are being inadequately cared for and/or supervised.
- You have no parent, guardian, or responsible person to return you to court.
- You may be dangerous to yourself or may threaten the safety of the public if released.
- You have previously been found to be a delinquent child and you are likely to commit an offense if released.

Do I get a Lawyer at the Hearing?

If you are detained, then you will be given papers at your detention hearing and the court will appoint a lawyer to represent (defend) you at that time.

WARNING: If you are accused of an offense involving the use or possession of a gun you will remain in detention until you have been to court for the last time.

If you are not a U.S. citizen: If you are taken into custody and you are not a U.S. citizen, then several things could happen.

- If you are in the country without a parent or guardian and are accused of a relatively minor offense, then you may be released to the Immigration and Naturalization Service (INS) for return to your native country.
- If you are here without a parent or guardian and you are accused of a more serious offense, then you may be held until your case is finished before being returned to your native country.
- If you are in the country with a parent or guardian, then you may be released or detained depending on what you have done. This is the same for juveniles who are citizens of the U.S. It is important to remember that crimes you commit as a juvenile may affect your ability to become a U.S. citizen or even remain in this country.

Some Crimes Are More Serious Than Others:

At the Henry Wade Juvenile Justice Center, offenses are prosecuted from the lowest level of offense, sometimes called status offenses, up to the most serious first-degree felonies. Examples of the level of each type of offense and the possible ranges of punishment are:

Status Offense or Child In Need Of Supervision: The court may require you to participate in counseling and may require you and your parent or guardian to participate in programs to help you avoid repeating the offense that got you in trouble. The court may warn you that if you continue with your behavior, more serious consequences will follow. Examples include truancy (not going to school) and running away from home.

Delinquent Conduct - Misdemeanor: You may receive either probation, time in a residential program, or possibly commitment to the Texas Youth Commission (TYC). A probated sentence can range from probation at home for a period of three months up to the date of your 18th birthday. Depending on your needs, you may be placed in a residential program for as little as two months or as long as a year. If you have committed misdemeanors on at least two prior occasions or you are already on probation for having committed a misdemeanor for the second time and violated your probation, then you could be committed to the TYC. The TYC would be authorized to hold you until your 21st birthday. Some examples of misdemeanors include evading arrest, unlawfully carrying a weapon, theft of property of a value less than \$1500, possession of marijuana, assault, or pulling fire alarms when there is no fire.

Delinquent Conduct - Felony: The range of punishment is much the same as for a misdemeanor with a few changes. The minimum length of probation is six months. Typically, if you are found to have committed a felony, you are going to receive at least one year of probation. Another difference is that if you commit a felony, you can be committed to the TYC even if you have never committed a crime before. Some examples of felonies include unauthorized use of a motor vehicle (driving someone's car without their permission), theft of property over \$1500.00 (stealing a car but not being the one driving when caught), burglary of a building or a house or apartment, possession of cocaine, or arson (setting something on fire).

Delinquent Conduct - Felony - Determinate Sentencing: There are some offenses for which you may be tried in juvenile court and given a sentence that could result in your being sent to the adult prison system. These sentences are as follows:

- If you receive probation for an offense that qualifies for a determinate sentence, then you may receive probation and it can be for a term as long as ten years.
- If you are found to have committed a third degree felony that qualifies for a determinate sentence, then you could receive as much as a ten year sentence to begin in TYC with a possible later transfer to the Texas Department of Correction-Institutional Division (prison). You would have to remain in confinement for at least a year before being eligible for parole.
- If you are found to have committed a second-degree felony that qualifies for a determinate sentence, then the maximum sentence is twenty (20) years. You would have to serve two years before becoming eligible for parole.

- If you are found to have committed a first-degree felony, then the maximum sentence is forty (40) years. You would have to serve a minimum of three years before becoming eligible for parole.
- If you are found to have committed capital murder (murder during the commission of another felony), the maximum sentence is still forty (40) years unless you are transferred to adult criminal court for trial; however, the minimum time before parole eligibility is ten (10) years. You cannot be given the death penalty.
- If you are at least fifteen years old and accused of a felony, it is possible that you will be tried in adult court. In certain cases, if you are as young as fourteen, you may be tried as an adult.

How Does My Case Move through the Legal System?

- Whether you are charged with a status offense, a misdemeanor, or a felony, your case will begin with the filing of a petition by the District Attorney's office once it receives the case from a referral source (school, police department, truancy court, etc.).
- Once the petition is processed, a file is created and assigned to one of the two juvenile district courts.
- If you are charged with an offense that qualifies for determinate sentencing, then the Assistant D.A. assigned to prosecute your case may decide to send your case to the grand jury. If the grand jury approves the petition, it will issue a certificate of approval and the much longer sentences described earlier may apply.
- If you are never detained, released by detention officials, or released at your first detention hearing, then you will be notified of any charges filed against you and informed when to return to court by a Dallas County constable who will serve a copy of the petition to you at your home. That first court date is also called an announcement hearing and if your parent or guardian can afford to hire a lawyer for you, the lawyer should appear with you and your parent or guardian at that time. If your parent or guardian cannot afford to hire an attorney for you, then one will be appointed for you at this announcement hearing. You will be given the attorney's name and phone number and your case will be rescheduled for another announcement hearing. You need to contact the attorney appointed to represent you and they need to appear with you on your new court date.
- If you have been detained, you will be given a copy of the petition at the announcement hearing occurring at the same time as your second detention hearing. This will be approximately a week to ten days after being taken into custody. If your parent or guardian cannot afford to hire a lawyer to defend you, then one will be appointed to represent you at that time. If the judge releases you at that second detention hearing, then your case will be given another announcement hearing setting. If the judge continues to detain you, then the case will be set for a pretrial hearing.
- When you are in detention, you are automatically assigned a probation officer even though you are not on probation yet and may never be on probation. It is that officer's job to make a recommendation to the judge as to what should happen to you should any charges against you be proved.
- Once a lawyer has appeared at an announcement hearing, the case may be set for plea and disposition (which means you

intend to plead true (guilty) and have the court then decide what to do with you). If you intend to plead not true (not guilty) or if your lawyer needs to discuss certain issues with the Assistant D.A. assigned to the case before a final decision can be made, then your case will be set for a pretrial hearing.

Plea and Disposition Setting: If a defendant chooses not to have a jury or bench trial, then the case is set for plea and disposition. At the plea setting a person enters a plea of true. A person who pleads to the charge may either accept the plea bargain offered by the State, or they may enter an open plea. (An open plea means that you have rejected any offers to enter into a plea bargain and will ask the judge to set punishment.)

Trial Setting: Anytime you are accused of a criminal offense or juvenile delinquency you have an absolute right to plead not guilty (or “not true” when it is a juvenile case) to the charge and have a trial by jury (TBJ) or a trial before a judge (TBC or bench trial). In either case, the State of Texas, through the D.A. must prove you committed the offense beyond a reasonable doubt. In a jury trial there are twelve jurors who hear the evidence presented in the trial.

There are Three Possible Phases to each Jury Trial:

- **Voir Dire:** This is the jury selection phase.
- **Adjudication Phase:** This is the time during the trial when evidence concerning guilt on the offenses alleged is presented.
- **Disposition Phase (punishment):** If the person is determined to have committed the offense, then the judge will set the punishment unless the petition has been certified by the grand jury in which event you may elect to have a jury set punishment. In a bench trial the judge determines your guilt or innocence and sets the punishment. A jury’s decision with regard to guilt or innocence must be unanimous (meaning that all 12 people must reach the same conclusion as to the guilt or innocence of the person on trial). If the jury does not reach a unanimous verdict, then this may result in a mistrial (also known as a hung jury) and the case may be retried.

Who’s Who and What They Do

District Judge - A District Judge presides over the court. In our system the judge is to be impartial and is to base decisions on the law and evidence that is presented in the courtroom. For this reason, the judge will not speak with a person accused of a crime or their friends or family. You should never attempt to contact the judge in person, on the telephone, or in writing unless you are in the courtroom with your lawyer present. The district courts handling juvenile cases may use Associate Judges (also known as referees or masters). These persons act in the place of the District Judge.

Assistant District Attorney - An Assistant D.A. is a lawyer employed by the elected District Attorney. You might hear them referred to as prosecutors. There are five Assistant D.A.’s assigned to each Juvenile Court. They are responsible for the prosecution of all cases assigned to the Juvenile Court. They conduct jury and non-jury trials, as well as making plea bargain recommendations. They have no contact with you except through your attorney.

Defense Attorney - The defense attorney can be either retained (hired by your parent or guardian) or a lawyer will be appointed by the Juvenile Court to represent you. The juvenile courts in Dallas County use both private attorneys and lawyers from the Public Defenders Office (P.D.) as court appointed lawyers. Court appointed attorneys are paid by the county for their services. Public defenders are lawyers who are employed directly by the county and are assigned to work in a particular court on a full-time basis.

Probation Officers - Probation officers are employees of the Dallas County Juvenile Department. Probation officers may serve in many different roles. If you are held in detention, you have a probation officer assigned to you even though you are not on probation yet and may never be placed on probation. These probation officers have the job of gathering information about you and the crime you are accused of committing and then writing a report that will make a recommendation to the judge in your case about what should happen to you if the charge is found to be true. Other probation officers work in the court and actually present the recommendation to the court. Still others have the job of keeping an eye on you after you are placed on probation or if you have been released from detention on conditions of release to make sure you are following the rules the judge has given you. There are even probation officers whose special job it is to determine how much damage has been done to the victim of crime and how much of it you should be responsible for paying.

The Court Administrator - The court administrator (coordinator) works for the judge and handles the day-to-day business of the court. The coordinator is usually responsible for determining if a person is eligible to receive a court appointed lawyer. If you have questions regarding court appearances and any other similar matters concerning your case you may contact this person.

The Court Clerks - The clerks assigned to each court do not work directly for the judge, but rather, work for the county or district clerk’s office. They process all the paperwork that is generated in the court. They also determine a person’s court costs.

The Court Bailiff - The bailiff is an employee of the Dallas County Sheriff’s Department. In the juvenile courts they are the uniformed officers sitting at the desk in the courtroom. The bailiff is responsible for ensuring the personal safety of everyone in the court, handling people who are in detention and those taken into custody in the court. In the juvenile courts, you must check in with the bailiff when you arrive at the court so that the court knows that you are present. If the court doesn’t know you have arrived, then the judge won’t call your case and your case may be delayed unnecessarily.

Courtroom Do’s And Don’ts

Speaking in Court - No matter who is asking the questions it is always a good idea to answer clearly, politely, and loud enough to be heard. If the judge asks you a question your answer should end with “Sir”, “Ma’am”, or “Your Honor.” By contrast it is important to keep in mind that, “Huh?” and “I dunno...” are never appropriate responses.

Proper Clothes - Any time you are to appear in court, you should dress as though you are going to a job interview, Sunday school, church, a wedding, or a funeral. Young men should wear pants and a shirt with a collar. A suit, jacket or tie is always appropriate.

Young women should wear a dress, skirt or pants that are not too tight or too short. It is never proper to wear shorts, t-shirts or sandals. Excessive make-up or jewelry should not be worn. In the courtroom itself, it is never proper to wear a hat, eat, or chew gum.

Children and Court - While it is important for a person charged with an offense to have family members and/or friends present for a trial or sentencing on a case, it is seldom, if ever, beneficial to have small children present. It is very distracting to the participants in the hearing as well as your parent or guardian who may be trying to pay attention to what is happening in your case and also be responsible for watching your children or younger brothers or sisters. If there is a possibility that you may be detained at the court, ordered to be placed, or committed to the TYC, then you should

not bring your children or younger brothers or sisters to the court unless you have someone to care for them in the event you are taken into custody. You may also not want your children or younger brothers and sisters to see you being taken into custody.

A FINAL WORD TO THE READER:

You may have heard the saying, "Actions have consequences." You are responsible for your behavior. Laws exist to teach us how to behave toward each other responsibly and to punish us if we don't. This is how we attempt to ensure that our fellow citizens feel safe that other people won't hurt them or damage their property. It is how we ensure that YOU can feel safe that someone won't hurt you.

GLOSSARY

ANNOUNCEMENT HEARING: This is a preliminary setting to verify that the petition to appoint counsel has been served.

BELLY BELT: Used in some courts for courtroom security. It is a heavy leather belt with a set of handcuffs attached to it. When worn, your hands are literally handcuffed to your waist.

BOOT CAMP: This is a form of placement where the program is like basic training of recruits in the military. It is very structured and regimented with an emphasis on intense physical training.

D.A.: District Attorney. Usually refers to the Assistant District Attorney assigned to prosecute your case.

DETENTION CLOTHES: As residents of the Henry Wade Juvenile Justice Center you are required to wear a uniform. If you are in the Detention Center you will wear pants that look like a medical scrub suit and a tee shirt. The Dallas County Emergency Shelter uniform is blue jeans and a tee shirt.

DETENTION HEARING: Since juveniles are not entitled to post bail, a judge must review your status in detention on a regular basis.

DETERMINATE SENTENCING: This refers to commitment to the Texas Youth Commission for a specific number of years.

E.M.: Electronic Monitoring. This is a device used to monitor your movements through a bracelet around your ankle and an electronic device hooked up to your telephone.

HWJJC: Henry Wade Juvenile Justice Center. This Center includes the Dallas County's Juvenile Department, Juvenile Courts, a section of the District Clerk's Office, The Juvenile Divisions of the District Attorney's Office and the Public Defender's Office, The Detention Facility and the Dallas County Emergency Shelter.

ISU: Intensive Supervision Unit. -This is a "time out area." This area of the Detention Center is for residents whose behavior requires that they be separated from the larger population of residents for a period of time.

JJAEP: Juvenile Justice Alternative Education Program. This is Dallas County's plan to educate you if you have been expelled from your local school.

MUNICIPAL COURT: This is a court in your town or suburb that handles traffic tickets and offenses that are punishable only by fine.

J.P.: Refers to Justice Courts. These are local courts presided over by a Justice of the Peace. Frequently this is one of the courts handling truancy cases.

P.D.: Public Defender

PLACEMENT: This refers to removing you from your home and placing you in a facility where you can receive the services you need.

P.O.: Probation Officer

PAIS: Pre-Adjudication Intensive Supervision. This is a program where you are released from detention while your case is still pending in court but where you are intensely supervised by the Juvenile Department. It is frequently used along with electronic monitoring.

PLEA BARGAIN: This is an agreement you make with the Assistant District Attorney through your lawyer. In exchange for you pleading true, the Assistant District Attorney, may non-suit (or dismiss) one or more charges, may reduce the severity of one or more charges, or may even agree to a specific punishment.

PRETRIAL HEARING: This is a conference between the defense attorney and the Assistant D.A. to try to resolve issues and schedule a final court date.

STREET CLOTHES: This refers to clothes you personally own as opposed to the uniform issued to you in detention. If you have a jury trial, then you are tried in street clothes.

TBC: Trial Before the Court

TBJ: Trial Before a Jury

TYC: Texas Youth Commission. This is a statewide agency whose job it is to rehabilitate youth after local attempts to rehabilitate them has been unsuccessful.

UA: Urinalysis. This is a test that is given to all residents of Henry Wade Juvenile Justice Center to determine drug use.

Nothing stated herein should be construed or interpreted to grant rights or remedies not otherwise granted under federal or state law.

This information is provided as a public service and is not intended as a substitute for legal advice or representation by a lawyer.

FOR ADDITIONAL INFORMATION CONTACT:

The Dallas Bar Association - 214-220-7400
Dallas Criminal Defense Lawyers Referral Service - 214-747-0986

We gratefully acknowledge the following for their assistance:

John Drake McLaughlan
Honorable Bill Hill
Honorable Cheryl Lee Shannon
Gary Aery
Robert J. Herrera
Abe Wilson
The Dallas Public Defender's Office
The Dallas District Attorney's Office
The Judiciary of the Dallas Juvenile Courts

Cobie Russell, Series Editor