



Indiana Public Defender Council Juvenile Defense Project

Improving Juvenile Defense Services in Indiana

LAST WEEK IN REVIEW: JUVENILE DELINQUENCY NEWS AND UPDATES

February 26, 2018



Spotlight on Indiana Juvenile Public Defenders

Jill Denman was born and raised in Wabash, Indiana. Due to her love of extemporaneous and impromptu speaking, she attended Bradley University, in Peoria, Illinois so that she could compete on their forensic (speech) team which, at the time, was the best team in the nation. After undergraduate, Jill attended Indiana University Bloomington for law school. During law school, Jill was active with the Inmate Legal Assistance Clinic, the Protective Order Project and the Community Law Clinic. She also clerked in the US Federal Court, for the Indiana Attorney General's office in the criminal appeals division, and for Tiede Metz and Downs, in Wabash.

Immediately after law school, Jill joined the law firm of Matheny, Michael, Hahn & Bailey, LLP in Huntington, Indiana. Almost 21 years later, she remains at the same law firm which is now called Matheny, Hahn & Denman, LLP. Her practice areas include criminal defense, juvenile defense, family law, CHINS, and other civil law related matters. Currently, she is a public defender for adults in the Huntington Superior Court and for Juveniles in the Huntington, Wabash and Wells Counties Circuit Courts.

At the beginning of her career, Jill was immediately assigned the juvenile contract in Huntington and she has kept the contract since. She is passionate about protecting the rights of our juveniles and making sure that each child has an advocate to ensure that 1) due process concerns are met and 2) the right services are provided to each child. "I enjoy taking the time to talk with each child and his or her family, build relationships, and hopefully be seen as a mentor to the child. It is fun to see prior clients at events in the community and to know that a difference was made in their lives. It is these relationships that we build in juvenile law that make it so important."

Jill is one of our JTIP Certified Trainers, is on Wabash County's JDAI taskforce, and the State Juvenile Advisory Taskforce. She has also attended the National Juvenile Defender's Conferences. Currently, Jill is running for the position of Judge of the Huntington Circuit Court. She is hoping to use her passion for our youth in this new role, which will include handling all of the juvenile delinquency cases.



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Caselaw update

Finally a good school interrogation decision

In *D.Z. v. State*, 32A05-1708-JV-1907 (2-22-18), the Indiana Court of Appeals reversed a delinquency finding and held the juvenile court abused its discretion by admitting a student's incriminating statements to a vice principal who was working in cooperation with law enforcement. Riley, J.

Facts: School assistant principal and school police officer were investigating graffiti in the school restrooms. 17 year old D.Z. was identified as a suspect and was called down to the assistant principal's office, questioned without Miranda rights, and after he admitted, the uniformed school police officer came in and questioned him, also without advising him of his Miranda rights. D.Z.'s parent was not called until after he was arrested. The interview was not recorded. The trial court granted D.Z.'s Motion to Suppress D.Z.'s statements to the school police officer, but denied the Motion to Suppress statements made to the assistant principal.

Holding: The COA noted the circumstances suggested that the assistant principal and the police officer "were purposefully exploiting the school administrator's assumed ability to question without warnings and raises troubling echoes of the "confession-first" mode of interrogation found problematic by our United States Supreme Court in *Missouri v. Seibert*, 542 U.S. 600, 124 S.Ct. 2601, 159 L.Ed.2d 643 (2004). If we no longer allow the Seibert interrogation technique in the stationhouse, why should we bless it in the schoolhouse?"

The Court held the assistant principal and the police officer acted in concert, were both aware that criminal charges were probable, and so D.Z. should have, but was not advised of his Miranda rights.

Baker, J. concurred and addressed State's argument that when D.Z. sat down with the assistant principal, it was merely a school disciplinary meeting that did not implicate Miranda rights.

Brown, J. dissented.

<http://publicaccess.courts.in.gov/Appellate/Document?id=67912b3b-223f-4a4b-b3e9-458e45f1a376>



Refusing to recognize that “children are capable of change.”

Henry Montgomery has spent each day of the past 46 years knowing he was condemned to die in prison. Perhaps it can be established that, due to exceptional circumstances, this fate was a just and proportionate punishment for the crime he committed as a 17-year-old boy. In light of what this Court has said in *Roper*, *Graham*, and *Miller* about how children are constitutionally different from adults in their level of culpability, however, prisoners like Montgomery must be given the opportunity to show their crime did not reflect irreparable corruption; and, if it did not, their hope for some years of life outside prison walls must be restored.

Montgomery v. Louisiana, 577 U. S. ____ (2016). https://www.supremecourt.gov/opinions/15pdf/14-280_3204.pdf

Despite that intention, last week, the Louisiana parole board voted 2-1 to deny parole to Henry Montgomery, the litigant in the landmark Supreme Court juvenile life without parole case *Montgomery v. Louisiana*. Montgomery, now 71 years old, has served 54 years for killing a sheriff’s deputy when he was 17. Montgomery was not eligible to take any classes in the first 30 years of his sentence and had then been thought to be unable to complete a GED. He worked at the prison silk-screen shop for 20 years and was named employee of the month 8 times. He had a negative risk assessment score and a short disciplinary record. The two parole board members who voted to deny the possibility of parole cited to Montgomery only having completed two classes in prison.

http://www.theadvocate.com/baton_rouge/news/courts/article_acca953e-1579-11e8-aa66-1b036f45b902.html

Litigating Juvenile Drug Cases—Free training and tips coming your way

Juvenile Training Immersion Program 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

You may register by clicking on the links below or through IPDC's website at <https://www.in.gov/ipdc/>

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

Danville-Center Township Public Library (Program Room)

101 S Indiana St.

Danville, IN 46122

Register at: <http://www.cvent.com/d/Otqvhr>

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/ztqvn4>

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>

**For more
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www.ipdc.gov