



Indiana Public Defender Council Juvenile Defense Project

Improving Juvenile Defense Services in Indiana

LAST WEEK IN REVIEW: JUVENILE DELINQUENCY NEWS AND UPDATES

Week of September 10, 2018



Spotlight on Juvenile Defender Shannon Howard-Chastain

Shannon Howard-Chastain is the 2018 recipient of IPDC's Gault Award. The award was presented to Shannon in front of her many admirers and cheering fellow public defenders at the Annual Update Seminar in June. The Gault Award was established by the Board of Directors of the Indiana Public Defender Council to annually recognize an Indiana lawyer who has demonstrated an outstanding

degree of commitment, competency, and professionalism in representing juvenile clients. Shannon embodies those qualities.

Shannon started with the Marion County Public Defender Agency in 2005. This was her first job as an attorney. According to Shannon, she didn't know exactly what type of an attorney she wanted to be but she believes it was divine intervention that brought her to MCPDA Juvenile Division. Shannon fell in love with her job and it has become her life long career and passion. She loves working for her juvenile clients, especially when it comes to fighting for kids who don't have or don't feel they have someone that fights for them. Shannon also enjoys putting up a big fight in the court room. She LOVES a good suppression! She is grateful to be able educate her clients and their families on their rights. Shannon says most of all she loves "standing up for, with, beside, in front and behind" her clients.

Shannon has been married to her husband Luke Chastain for 10 years. She has 2 blond curly headed daughters Channing (age 8) and Lucy (age 2) who are the light of her life. The majority of her free time is spent being a mom. She loves to play games as she is just a little bit competitive. She likes bowling, euchre, cornhole to name just a few. One of her favorite things to do is float in a pool on a raft, preferably some place like Gulf Shores, AL but she isn't picky and any pool will suffice. Although Shannon is "older than 39" occasionally she will still do the splits or throw a back handspring reminiscent of her high school and college cheerleading days.

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Juvenile Case Review



Res judicata barred post-conviction relief regarding appropriateness of juvenile's 141-year sentence

State v. Stidham, 18A02-1701-PC-68, 9/6/2018, (Ind.Ct.App.)
<https://www.in.gov/judiciary/opinions/pdf/09061801ebb.pdf>

Held, grant of petition for PCR reversed.

PCR claim: Stidham sought post-conviction relief, arguing his 141-year sentence imposed for a murder, robbery, criminal confinement, battery and auto theft he committed as a 17-year-old, violated the Eighth Amendment of the United States Constitution and Article 1, Section 16 of the Indiana Constitution. Stidham argued that he was a juvenile who had been reformed in prison. He presented evidence of his accomplishments, including getting his GED, an associate's degree, and his bachelor's while in prison, and becoming the captain of the fire department. He also presented evidence of the severe abuse he had suffered as a child.

The post-conviction court relied on *Miller v. Alabama*, 132 S. Ct. 2455, 183 L. Ed. 2d 407 (2012) and noted while Stidham was not sentenced to life without parole, he received the "functional equivalent." The post-conviction court granted relief, concluding Stidham's sentence was excessive in light of his age at the time of the offense. In March 2018, the post-conviction court held a resentencing hearing and ordered Stidham released.

State appeals: The State requested a stay of Stidham's release pending appeal which the Court of Appeals granted. The State appealed, arguing the post-conviction court erred in granting Stidham post-conviction relief and that Stidham's challenge to his sentence was barred by res judicata. The Court of Appeals agreed and held res judicata prohibited the court from reconsidering the appropriateness of the sentence because Stidham had previously challenged the sentence in his direct appeal, and the Indiana Supreme Court addressed his sentencing arguments in *Stidham v. State*, 637 N.E.2d 140, 142 (Ind. 1994).

Concurring opinion notes this might have a different outcome if not procedurally barred from consideration: May, J. noted "Our understanding of juvenile offenders and of the factors to consider when determining an appropriate sentence for juveniles have changed greatly in the twenty-five years since seventeen-year-old Stidham received his 141-year sentence." "Thus, were we able to consider the merits of Stidham's argument, it may be that his 141-year sentence is inappropriate in light of his offenses and character."

Memorandum decision: Ordering juvenile who was placed on probation until age 18 to have no contact with children under the age of 18 was not an abuse of discretion.

T.W. v. State, 18A-JV-292

<https://www.in.gov/judiciary/opinions/pdf/09061801rra.pdf>

9/6/18 (Ind. Ct. App.) (Memorandum Dec.)

T.W. was adjudicated a delinquent for committing two acts of Level 3 felony child molesting if committed by an adult. The juvenile court placed T.W. on probation until his eighteenth birthday and ordered, among other things, that T.W. could not have unsupervised contact with persons under eighteen years of age. T.W. appealed the order, arguing:

...that prohibiting him from having unsupervised contact with any children under the age of eighteen does not lend itself to rehabilitation, but rather is punitive in that the condition “prohibits the development of healthy relationships and peer interaction, and, thereby, impairs [his] treatment and rehabilitation.”

Appellant’s Brief at 7. T.W. also asserts that the condition is overbroad in that the interest in community safety could be served by a less restrictive condition prohibiting unsupervised contact with “young children.” *Id.* Finally, T.W. argues that the condition is impracticable because he is a student enrolled in high school where he encounters peers daily.

The Court of Appeals held the juvenile court did not abuse its discretion and the order that T.W. not have unsupervised contact with persons under eighteen years of age was not overbroad or punitive. The Court noted the juvenile court made it clear that activities where adults are present were not prohibited and so routine activities occurring within a school or work setting would not violate the order.



IPDC Juvenile Project's 2nd

Free Lunchtime CLE

Developing and Preserving the Delinquency Record for Appeal



This live 1 hour webinar will discuss preserving the juvenile record for appeal. Public defenders will learn about the law and mechanics of interlocutory and final appeals; the importance of preserving the record at the fact-finding and disposition phase; and the importance of communicating with and counseling clients about the consequences of an adjudication, their right to appeal and their legal status pending their appeal. Training will cover statutes, case law, and court rules governing the procedure for juvenile delinquency appeals in Indiana and some unique issues that may come up in local jurisdictions.

Presenters: Joel Wieneke and Amy Karozos

1 hour CLE credit Cost: Free to public defenders

September 18th 12:00-1:00 p.m. EST

Register at: <http://bit.ly/JTIPwebinar2018>

Log on instructions will be e-mailed prior to the webinar.

For more information, please contact Amy Karozos, Ofc: (317) 232-0106 E-mail: akarozos@pdc.in.gov



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/ Registration will open approximately 6 weeks prior to each training. All IPDC JTIP trainings are free to public defenders handling delinquency cases.

Register for a September Regional JTIP training:

Disposition Advocacy

This 3 hour interactive training will focus on skills to advocate effectively for clients at the disposition hearing, consistent with the clients' stated interests. Defenders will understand statutory, common and constitutional law governing disposition; understand the range of disposition options available in their local jurisdictions, and learn to identify and develop creative disposition alternatives.

Defenders will explore ways to write effective and compelling memoranda in aid of disposition; and to conduct effective evidentiary disposition hearings, including cross-examination of probation and other government witnesses and presentation of defense witnesses.

Presenters: Rachel Roman-Lagunas and Jill Johnson

Free to public defenders handling juvenile delinquency cases

September 14th **Marion County** 1:00-4:30 p.m. EST
Ivy Tech Lawrence Campus.
Registration Link: [registration full](#)

September 21st **Tippecanoe County** 1:00-4:30 EST
Tippecanoe County Government Center
Registration Link: <http://bit.ly/JTIPsept21>

September 28th **Lawrence County** 1:00-4:30 EST
Lawrence County Public Defender's Office
Registration Link: <http://bit.ly/JTIPSept28>