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SUMMER 2018

The Docket



Our 24-hour, online digital world has changed forever the way we share information. As of August 2017, two-thirds of U.S. adults report getting their news from social media channels. That number increases to 78% for Americans under the age of 50. There are many benefits to being able to share information with many so quickly, but we also see how quickly mistruths can be spread via these digital formats.

An Update from

Sharen Wilson
Criminal District Attorney

We recently experienced the impact of false information when thousands of angry posts went viral about a defendant who was supposedly facing the death penalty. The truth was, this defendant was never facing a death penalty, and in fact, cannot receive a death penalty because he is a juvenile under 18. But we found ourselves in the unusual position of having to proactively release a statement about a pending case to deter the onslaught of misinformation. The incident even inspired several newspaper articles trying to correct the online myth. We were all witnesses to the power social media now has to influence opinion – even when the information is wrong.

As prosecutors, we don't have the luxury of jumping to conclusions. We take an oath to investigate every incident to the fullest extent, and to only move forward when we have the factual evidence to support an allegation. In the Right Now! world of social media, this level of caution is not always appreciated – but it is always merited. The issues we deal with on a daily basis have the power to change people's lives, and it is our sworn responsibility to get it right.

We are blessed to live in Tarrant County, where you recognize the serious issues we face and allow us the patience to get to the truth on your behalf. Your trust is never taken for granted. I will continue to honor my commitment to each of you to ensure a system of equal justice for all in Tarrant County, with accountability for and transparency in the work that we do.

With best wishes,

JUVENILE JUSTICE

Recently, there have been several cases in the local news involving juvenile offenders accused of shocking crimes. We are often asked about the differences between the juvenile justice system and the system for adult defendants, and wanted to use this opportunity to provide information on this topic.

How old is a juvenile?

A criminal case is referred to Tarrant County Juvenile Services if the suspect is between 10 and 16 years old at the time the offense is committed. There is no provision in Texas law to handle crimes by children under the age of 10. At age 17, a person is considered an adult for criminal law purposes.

How is a juvenile case filed?

Police investigate the cases and file charges with Juvenile Services. For certain lower-level offenses, Juvenile Services can decide to handle the case internally and not even file a case with our office.

If referred to our office, prosecutors review the evidence to determine the appropriate charges. If the juvenile has been taken into custody, the juvenile court judge determines whether to continue their detention while their case is pending.

What court handles juvenile cases?

Juvenile cases are handled in the 323rd District Court, which also handles a significant child welfare and adoption caseload. There is one elected District Judge and 3 appointed associate judges. The judges must consider cases based not only on the Texas Penal Code, but also on the Texas Juvenile Justice Code (Title 3 of the Texas Family Code), and the Texas Rules of Civil and Criminal Procedure.



Juvenile Justice, cont.

The juvenile justice system is a unique combination of criminal and civil law. In the juvenile system, defendants (called “respondents”) are determined to be “Delinquent” or “Not Delinquent,” rather than guilty or not guilty. If a juvenile is found to be responsible for having committed certain age-related and lower-level misdemeanor offenses, it is sometimes termed to be “Conduct Indicating a Need for Supervision.”

Who sets juvenile laws?

The Texas Legislature prioritizes providing for the care and protection of the child and his/her moral, mental and physical development. The laws enacted by the Legislature focus on the care and protection of the child taking place in a family environment whenever possible, only removing a child from home when it is necessary for the welfare of the child or the interest of public safety. The laws also encourage educational prevention programs such as drug counseling, anger management and parenting classes, alternative education services, and mental health referrals over incarceration.

What sentences does the law allow?

All juvenile offenders are eligible for probation, even in the the most serious cases of capital murder. Probation is the maximum sentence that a juvenile can receive by law for a misdemeanor crime.

Juvenile probation terms can be for up to 10 years. Under some circumstances, juveniles can also be referred, as a condition of probation, to residential programs for more intensive rehabilitation, such as Boys or Girls Ranch or in-patient programs for juvenile sex offenders.

Who determines a juvenile’s sentence?

In most juvenile trials, sentencing is the sole decision of the presiding judge; however, in cases involving a determinate sentence, jury punishment is possible. As in the adult system, plea bargaining for pre-trial disposition of cases is possible, subject to approval by the juvenile judge.

If the juvenile judge or jury decides that a sentence other than probation is appropriate, there are 2 options for incarceration:

- Indeterminate Commitment; or
- Determinate Sentence.

Indeterminate Commitment

If the offense is a felony, a juvenile can be committed to the Texas Juvenile Justice Department. The commitment to the juvenile confinement facility is for an indeterminate period of time, but can only last up to the juvenile’s 19th birthday. Once committed, the juvenile is monitored, and the Texas Juvenile Justice Department determines the length of the stay based on the juvenile’s behavior while in custody.

Determinate Sentence

A Determinate Sentence is available for certain felony offenses, for those found to be violent and habitual felony offenders, and requires Grand Jury approval. In these cases, a juvenile offender can be assessed a sentence by the juvenile judge or jury of up to 10 years on probation, or up to 10, 20 or 40 years of confinement. If placed on probation, the juvenile will begin the term in the juvenile probation system, and can be transferred to the adult probation system on his/her 19th birthday to complete serving the full sentence. If the sentence is for a term of confinement, the juvenile begins serving the term at the juvenile confinement facility, and can be transferred to an adult prison by the 19th birthday to serve the remainder of the sentence. A Determinate Sentence is for a specific number of years, with a maximum of 40 years.

Certification/Trial as an adult

Juveniles 14 and older can be certified as adults to stand trial for the most serious crimes.

Our office files a petition with the juvenile court asking for waiver of juvenile court jurisdiction and certification as an adult, and requests a hearing with the juvenile court. The juvenile judge hears evidence from both sides as to whether the offense and the suspect’s sophistication and maturity reach the level of severity where the community would be better served by the juvenile facing the adult system. The decision whether to certify a juvenile as an adult can only be made by the elected juvenile judge. If a juvenile is certified, the case is transferred to the adult system, where the now-defendant begins the process of court settings leading to trial. The adult judge will also decide whether to continue to house the defendant at the juvenile facility until his/her 18th birthday, or whether to transfer the defendant to the Tarrant County Jail where adult defendants are housed pending trial.

Capital Sentences

Certified juveniles who are charged with capital murder cannot receive the death penalty, or life in prison without parole. If found guilty of capital murder, the maximum sentence for a certified juvenile offender is a life sentence, with the eligibility for parole after 40 years. Forty years is also the maximum sentence that an offender can be sentenced to serve in the juvenile system, through Determinate Sentencing.

