Juvenile Law Case Summaries

By
Robert O. Dawson
Bryant Smith Chair in Law
University of Texas School of Law

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Delay in taking the juvenile to a processing office was justified by the need to secure the scene of the arrest [In re J.D.] (01-4-34).

On October 10, 2001, the San Antonio Court of Appeals held that a delay to secure the scene of the arrest was justified before the respondent was taken to a juvenile processing office; that the designation of the office was not too general; and that the respondent was not detained beyond the statutory maximum period.

01-4-34. In the Matter of J.D., ___ S.W.3d ____, No. 04-00-00689-CV, 2001 WL 1193899, 2001 Tex.App.Lexis ____ (Tex.App.-San Antonio 10/10/01) [Texas Juvenile Law (5th Edition 2000)].

Facts: See 01-4-33 for the facts.

Held: Affirmed.

Opinion Text: DESIGNATED JUVENILE PROCESSING OFFICE

In his second point of error, J.D. contends the trial court erred in admitting his written statement into evidence because he was taken to places other than a designated juvenile processing office under section 52.025 of the Texas Family Code.

Discussion

Because J.D. was a juvenile when he made the written statement, the Texas Family Code governs its admissibility. See Comer v. State, 776 S.W.2d 191, 196 (Tex.Crim.App.1989). When a child is taken into custody, he may be temporarily detained in a designated juvenile processing office. Tex. Fam.Code Ann. § 52.025 (Vernon Supp.2001).

Section 52.025(a) of the Family Code further provides that:

The juvenile court may designate an office or a room, which may be located in a police facility or sheriff's offices, as the juvenile processing office for the temporary detention of a child taken into custody under Section 52.01 of this code. The office may not be a cell or holding facility used for detentions other than detentions under this section. The juvenile court by written order may prescribe the conditions of the designation and limit the activities that may occur in the office during the temporary detention.

Id. § 52.025(a). A juvenile may be detained in a juvenile processing office for "the receipt of a statement by the child...." Id. § 52.025(b)(5).

1. J.D.'s Living Room

J.D.'s specific complaint is twofold. He first complains the police illegally detained him in the living room of his house because his living room is not a designated processing office. J.D. maintains that because he was taken into custody in his bedroom, police should not have moved him to the living room before taking him to a juvenile processing office. We disagree.

Officers Gallegos and Hernandez testified they secured and handcuffed J.D. in the living room. This is also where J.D. was read his rights. Even if J.D. could prove he was taken into custody in his bedroom, the mere movement of J.D. from his bedroom to the living room within the same house would not violate section 52.02(a). In other cases where this same issue was raised, movement of the defendant was substantial, such as transporting the defendant somewhere away from the place he was taken into custody. See, e.g ., Roquemore v. State, 11 S.W.3d 395, 400 (Tex.App.--Houston [1st Dist.] 2000, pet. granted) (instead of taking defendant directly to a juvenile processing office, officer took defendant to place where defendant said stolen property was hidden); In re G.A.T., 16 S.W .3d 818, 825 (Tex.App.--Houston [14th Dist.] 2000, pet. denied) ("after taking the four juveniles into custody, [the officer] took them back to the scene of the crime for identification rather than taking them directly to a designated juvenile processing office."). This argument is therefore without merit.

2. Judge Teniente's Office

Next, J.D. argues he was illegally detained in Judge Richard Teniente's office because the order designating "the offices, hearing rooms and courtrooms of the Magistrates of Bexar County," is too general in that it does not designate a specific area to be used exclusively for processing juvenile offenders. He further contends Judge Teniente improperly participated in the taking of J.D .' s statement. We disagree.

For support that the designation is too general, J.D. relies on Anthony v. State, 954 S.W.2d 132 (Tex.App.--San Antonio 1997, no pet.). However, Anthony is distinguishable and, contrary to J.D.'s assertion, this court did not hold in Anthony that "the general designation of police stations and magistrates' offices" was improper. Id. at 135-36. Instead, we concluded the defendant's statement was taken in violation of the Family Code because the homicide office had not been designated solely for the purpose of processing juveniles; the magistrate who informed Anthony of his rights was unaware of any special designation making his courtroom a juvenile processing office; and police failed to contact a juvenile officer. Id. at 134. Therefore, the court determined the police procedure failed to "supply the child with protection against the stigma of criminality or exposure to adult offenders." Id. at 136. See also Comer, 776 S.W.2d at 196 (reasoning behind the rule is to "avoid the 'taint of criminality' inherent in interrogation conducted at the unsupervised discretion of law enforcement officers.").

Unlike in Anthony, Judge Teniente testified he had been designated as one of the officials before whom juveniles may be brought when taken into custody. [FN1] The judge also testified that as part of his official duties as a designated official, he administers warnings to juveniles as required by the Family Code. Moreover, there is no evidence J.D. was subjected to the "taint of criminality." See id. The record shows J.D. was arrested and taken into custody in his home while his parents were present. He was then transported to 214 W. Nueva, Room 109, a place designated as a juvenile processing office. His parents were also present at the processing office.

FN1. During the suppression hearing, the State showed Judge Teniente a 1997 designation order signed by Judge Andy Mireles. This is the order that J.D. contends is too general because it fails to designate a specific place to be used exclusively for juvenile processing. However, Judge Teniente testified his office had been designated by a later order signed by District Court Judge Carmen Kelsey.

Detective Thomas Matjeka testified he walked J.D. across the street to the office of Judge Teniente, who informed J.D. of his rights and gave him the warnings required by the Family Code. See Tex. Fam.Code Ann. § 51.095(a)(1)(A) (Vernon Supp.2000). Matjeka then returned J.D. to 214 W. Nueva, Room 109, took J .D.'s statement, and returned to Judge Teniente's office where J.D. signed the completed statement in the judge's presence as required by section 51.095(a)(1)(B).

Matjeka testified this was the procedure normally used when taking a juvenile's statement and that he did not accompany J.D. inside Judge Teniente's office. Judge Teniente testified only he and his clerks were present in his office; no law enforcement personnel or adult offenders were present. Thus, unlike Anthony, the purpose of requiring a specially designated area to protect juveniles from exposure to adult offenders and the stigma of criminality was achieved. See Williams v. State, 995 S.W.2d 754, 758-59 (Tex.App.--San Antonio 1999, no pet.) (distinguishing Anthony using similar reasoning). We therefore hold the trial court did not err in overruling J.D.'s motion to suppress on this basis. Accordingly, we overrule J.D.'s second point) of error.

DELAY IN TRANSPORTING AND PROCESSING JUVENILE

In his third point of error, J.D. argues the trial court erred in denying his motion to suppress because: (1) he was not delivered to the juvenile processing center without unnecessary delay; and (2) he was detained for an impermissible period of time at the juvenile processing center before being taken to a juvenile detention facility.

Discussion

1. Delay in Transporting J.D. to the Juvenile Processing Office

Section 52.02(a) of the Texas Family Code provides that a child taken into custody must be taken, without "unnecessary delay," to a juvenile processing office. See Tex. Fam.Code Ann. § 52.02(a) (Vernon Supp.2000). J.D. argues the length of time he was detained in his home before being transported to the juvenile processing office violated section 52.02(a). We disagree.

This section of the Family Code "by its very terms contemplates that 'necessary' delay is permissible." Contreras v. State, No. 1682-99-CR, 2001 WL 717495, *4 (Tex.Crim.App. June 27, 2001). Whether the delay is necessary is "determined on a case by case basis." Id. The Court of Criminal Appeals in Contreras held that police activities taken to secure the scene and save a victim's life are not only legitimate but necessary and therefore justify brief delays. Id. Contreras involved a forty-fifty minute delay. Therefore, the issue we must decide is whether the delay in this case was necessary.

The parties dispute the time J.D. was taken into custody and the total length of the delay. J.D. argues it was a three to four hour delay. The State, on the other hand, contends the delay was one and one-half to two hours. As the State notes, the record does not provide a detailed chronology of the events that took place that morning. Consequently, we do not know exactly how long J.D. was in custody before being taken to the juvenile processing office. At most, it appears J.D. could have been in custody for two or two and one-half hours before he was logged in at the juvenile processing office between 11:10 a.m. and 11:15 a.m.

During this time, three things happened: the officers secured the scene, J.D. was allowed to speak with his parents, and a gang unit detective questioned J.D. and the other juvenile. Of these, the latter took only twenty minutes. It is unclear, though, exactly how long the police spent securing the scene and how long J.D.'s parents were permitted to talk to him.

Nevertheless, the evidence presented at the suppression hearing suggests much of the delay was attributable to the police securing the scene, which included steps the police took to search the house for weapons and the second juvenile who was thought to be armed and hiding somewhere in the house. Police eventually found the juvenile hiding in the bathroom where a standoff ensued with the juvenile threatening to kill himself. Thus, these steps were necessary not only for the safety of the officers at the scene but also for the safety of the two juveniles. See id. at *1.

J.D.'s statements regarding his plan to shoot and kill some children at a nearby school created further concern for public safety. See id. at *2. (citing Comer v. State and discussing the competing concerns of "protecting the public while insulating children from the taint of criminality"). With this concern in mind, the police, out of an abundance of precaution, questioned J.D. briefly before leaving the house to determine if there were other co- conspirators, whether the incident was gang related, and who were the intended targets of the crime. To protect J.D.'s rights, the police administered Miranda warnings twice before questioning him. To protect him from the "taint of criminality," the police had a detective dressed in civilian clothes question J.D. At no time during this period did the police attempt to obtain a written statement from J.D. And, as stated previously, Detective Owen spent a total of only twenty minutes questioning J.D. and the other juvenile.

Despite legitimate police concern for public safety, the trial court suppressed all of J.D.'s oral statements to Detective Owen in response to her direct questioning, but admitted a statement he made spontaneously while she was questioning the other juvenile. Nevertheless, the court concluded the delay at J.D.'s house was justified because of the public safety issues involved. Viewing the evidence in the light most favorable to the trial court's ruling, we hold that the trial court did not err in concluding the delay in transporting J.D. to the juvenile processing office was necessary under the circumstances.

2. J.D.'s Detention at the Juvenile Processing Center

J.D. next contends his written statement should have been suppressed because he was detained for an impermissible period of time before being taken to the juvenile detention center. We disagree.

Section 52.025(d) "contemplates that an officer may first, for a maximum of six hours, take a juvenile to a processing center" before delivering the juvenile to a juvenile detention center or one of the other five options listed in section 52.02(a). Baptist Vie Le v. State, 993 S.W.2d 650, 653-54 (Tex.Crim.App.1999). Thus, the issue here is

whether J.D. was detained at the processing office for longer than six hours.

J.D. was logged in at the juvenile processing office between 11:10 and 11:15 a.m. Matjetka testified he had completed taking J.D.'s statement by 4:50 p.m. J.D. signed his statement in Judge Teniente's office at 5:14 p.m. and was then taken immediately back to the juvenile processing office to be booked at the Bexar County Juvenile Detention Center. J.D. concedes the record is silent as to the time he was actually delivered to the juvenile detention facility. Based on the available evidence, we hold the trial court correctly concluded J.D.'s detention at the processing office was within the parameters set forth in the Family Code and his written statement was therefore admissible. Accordingly, we overrule J.D.'s final point of error.

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