

28th Annual Juvenile Law Conference

**ROBERT O. DAWSON**  
**JUVENILE LAW INSTITUTE**

February 16-18, 2105  
The Worthington Renaissance Hotel  
Fort Worth, Texas

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San Antonio, Texas 78205  
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**JUVENILE**  
**EVIDENCE**

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**Section 51.17**  
**PROCEDURE**  
**AND**  
**EVIDENCE**

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“Except as otherwise provided by this title, the Texas Rules of Evidence apply to criminal cases and Articles 33.03 and 37.07 and Chapter 38, Code of Criminal Procedure”

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DISPOSITION HEARING  
Section 54.04  
Texas Family Code

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...notwithstanding the Texas Rules of Evidence or Chapter 37, Code of Criminal Procedure may consider...

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a) Written reports

- 1) written reports from probation officers
- 2) professional court employees
- 3) professional employees

b) Live witnesses

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Prior to the disposition hearing,  
the court shall  
provide the attorney for the child  
with access to  
all written matter to be  
considered  
54.04 (b) Texas Family Code

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HEARING TO MODIFY  
DISPOSITION  
Section 54.05  
Texas Family Code

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## RULES OF EVIDENCE RELAXED

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The court may consider written  
reports from

a) Written reports

- 1) written reports from probation  
officers
- 2) professional court employees
- 3) professional employees

b) Live witnesses

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Prior to the disposition hearing,  
the court shall  
provide the attorney for the child  
with access to  
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considered  
54.04 (b) Texas Family Code

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## PRIOR TO HEARING

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## JUVENILE STATEMENTS

SEC. 51.095  
TEXAS FAMILY CODE

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"The Family Code offers slightly more Protection for juveniles than the CCP [Code of Criminal Procedure] and indicates that statements made by juveniles are admissible if they are made in writing after a magistrate is satisfied that the child understands his or her rights, if statements are made orally regarding circumstances that are found to be true,

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if the statement was res gestae of the delinquent conduct, if the statement is made in open court or before a grand jury, or if the statement is made orally and electronically recorded while the suspect is in custody. The Family Code, like the CCP, however does not require that complete interrogations be recorded.”

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**DEFERRED  
PROSECUTION  
Section 54.04  
Texas Family Code**

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**53.03(c) Texas Family Code**

An incriminating statement made by a participant to the person giving advice and in the discussions or conferences incident thereto may not be used against the declarant in any court hearing.

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ADMISSIBILITY OF A  
STATEMENT OF A CHILD  
Section 51.095  
Texas Family Code

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MAGISTRATE  
REQUIREMENT  
Section 51.095 (c)

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WRITTEN OR ELECTRONIC  
RECORDING DEVICE

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The protections under section  
51.095 are Broader than those  
afforded adults under art. 38.22  
Texas Code Criminal Procedure

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With particular reference to the  
magistrate  
requirement

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DRIVING WHILE  
INTOXICATED  
Section 49.04  
Texas Penal Code

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AGE 17 ADULT  
NEW CHARGE

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### ISSUES

1. Refusal
2. Blood draws
3. Warrant
4. Lawyer

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But  
proposed juvenile age  
extended to 18?

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PROTECTIONS OF §51.095  
Texas Family Code

- Magistrate
- Family contacted
- Lawyer

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RESTITUTION  
Section 54.048  
Texas Family Code

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“A juvenile court, in a disposition hearing under  
section 54.04 may order restitution to be  
made by the child and  
the child's parents.”  
54.048 (a) Texas Family Code

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BUT

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Read Conditions of  
Probation

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Whose obligation  
child- parent?

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Agree to restitution on  
an unadjudicated case

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“Knowingly” not pay  
parents obligation  
v.  
child’s

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Non payment by  
parent  
relevancy against  
child

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SCHOOL BASED  
FIGHTS

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Complainant's  
Statement  
pullback/zero tolerance

Texas Education Code

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Drug testing  
Field test v. lab test  
Who can testify  
Need for lab tech to come to count  
Melendez – Diaz Sup. Ct.  
Bulldozing  
Felony probation  
v.  
Modify Probation

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WAIVER OF JURISDICTION  
AND DISCRETIONARY  
TRANSFER TO  
CRIMINAL COURT  
Section 54.02  
Texas Family Code

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NOT JUST A RUBBER STAMP  
ANYMORE

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*MOON*  
V.  
*STATE OF TEXAS*  
PD-1215-13

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Evidence at Transfer  
Hearing  
Tex. Fam. Code Ann.  
Section 54.11

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IN THE MATTER OF J.M.S.M., A  
CHILD  
No. 13-13-00353-CV  
Court of Appeals of Texas,  
Thirteenth District, Corpus  
Christi-Edinburg  
October 2, 2014

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And at a transfer hearing, "the court may  
consider written reports from probation  
officers, professional court employees,  
Professional consultants, or employees of  
the [TJD], in addition to the testimony of  
witnesses." Id. § 54.11

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The transfer hearing is a "second chance hearing" after a child, such as J.M.S.M., has already been sentenced to a determinate number of years.

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It is not part of the guilt/innocence determination and need not meet the extensive due process requirements of an actual trial. Id.

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it is dispositional rather than adjudicative in nature

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the legislature has  
determined that such  
evidence may be considered  
in transfer hearings

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SOCIAL MEDIA

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ITS NOT JUST  
MYSPACE AND  
FACEBOOK ANYMORE

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SMS  
Short Message  
Service

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IMPERSONATING  
ANOTHER  
PERSON

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What are some common  
Social Media platforms?

- Facebook
- Pinterest
- Twitter
- Tumblr
- Blogs
- LinkedIn
- Google+



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## Facebook

- 1.23 Billion monthly active users
- The most popular social media platform
- General image and text sharing with friends and family.



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## Facebook

Examples of Public Profiles  
(We don't know these people. We just found their pages.)



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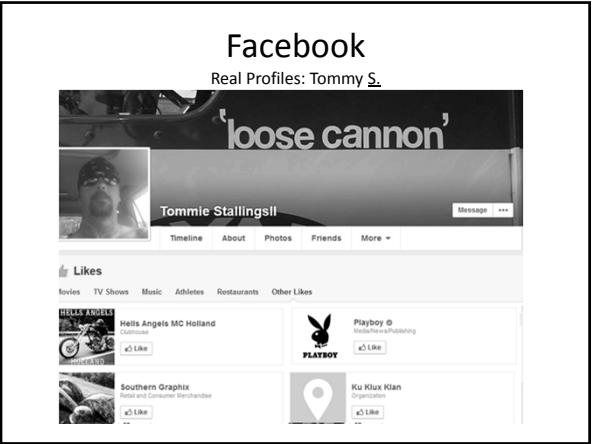
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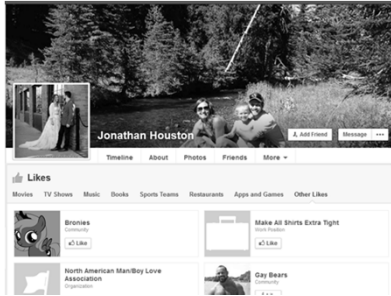
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## Facebook

Real Profiles: Jonathon H.



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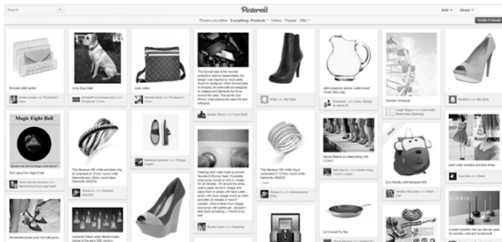
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## Pinterest

- A visual discovery, collection, and sharing platform. Users can share pins.



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## Twitter

- Users can send 140 character text messages, called 'Tweets' to their followers.
  - 500 million users



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## Tumblr

- A microblogging and social networking site.
- 209 million blogs



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## Blogs

- A short webpage usually on a person or an interest.
  - Users can follow blogs, but some are private.



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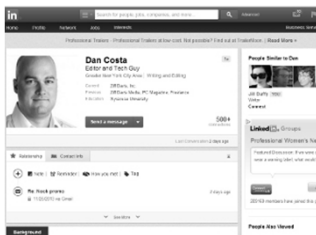
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## LinkedIn

- Business and Professional social networking.
  - Users can see who viewed them (if he's logged in.)



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## Google+

- Social networking with online identity service to gmail, Youtube, Google Maps, Android, etc
  - 2<sup>nd</sup> most popular social media after Facebook.



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## Instagram

- Photo and video sharing platform
  - Users request access to follow a poster.



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## APPS

Tween us  
KIK  
200SK  
SKYPE  
TUMBLR  
YOUTUBE  
YIK YAK  
OMEGLE

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TWEEN US



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KIK



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TWITTER



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FACEBOOK



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Omegle



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ASK.FM



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SNAPCHAT



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YIK YAK



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TUBLR



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MOCO



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MEET ME



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INTERNETSLANG.COM

RP = ROLE PLAY  
EMOTOCONS  
MOC©  
SKOUT  
TAGGED BUTTER  
HI  
MEET ME  
BADOO  
MEOW  
ASK.FM

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**Top 50 Trending Slang Terms - Live - 29th  
December 2014**

1. OMGD Oh My God Dude
2. H2G Had to Go Honest To God
3. DHTML Dynamic HTML
4. H2T Head To Toe
5. GFN Gone For Now
6. HOAY How Old Are You?
7. F5 Refresh
8. MVA Motor Vehicle Accident
9. TATO Alright, OK
10. TLTR Too Long To Read

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**OMGD**

Oh My God Dude

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**GFN**

Gone For Now

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## HOAY

How Old Are You?

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- 11. YRS Years
- 12. ZIMBO Person from Zimbabwe
- 13. ATWA Air, Trees, Water, Animals All The Way Alive
- 14. BLAR Expression of boredom, BLAH
- 15. <3 Love (heart shape)
- 16. TBD To Be Decided
- 17. DCT Dream Come True
- 18. PEWS Post Election Withdrawal Syndrome
- 19. AFK Away From Keyboard

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## BLAR

Expression of  
boredom, BLAH

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**DCT**

Dream Come True

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**AFK**

Away From Keyboard

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- 20.**IYQ** I Like You
- 21.**PAPER** Money
- 22.**GL HF** Good Luck, Have Fun
- 23.**MIA** Missing In Action
- 24.**WBU** What About You?
- 25.**HOT** Very good looking, sexy
- 26.**CIMH** Chuckle In My Head
- 27.**YMMV** Your Mileage May Vary
- 28.**BFFWB** Best Friend Forever With Benefits
- 29.**NDR** Non-Delivery Report/Receipt

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**IYQ**

I Like You

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**CIMH**

Chuckle In My Head

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**BFFWB**

Best Friend Forever With  
Benefits

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- 30. **RVB** Red Versus Blue (popular web-series)
- 31. **MK** Mm OK
- 32. **UTI** Urinary Tract Infection
- 33. **TNBM** True Norwegian Black Metal
- 34. **HC** Holy Cow
- 35. **HAC** Hot Asian Chick
- 36. **CM** Call Me
- 37. **DHCP** Dynamic Host Configuration Protocol
- 38. **SD** Sweet Dreams Secure Digital (memory card)  
So Drunk
- 39. **MGBY** May God Bless You

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**CM**

Call Me

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**MGBY**

May God Bless You

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- 40. **NGO** Non-Governmental Organization
- 41. **TATA** Goodbye
- 42. **PDP** Pretty Darn Precious
- 43. **XOXO** Hugs & Kisses
- 44. **RROD** Red Ring Of Death On Xbox 360
- 45. **WYM** Watch Your Mouth What You Mean?
- 46. **QTS** Cuties
- 47. **MEP** Member of the European Parliament
- 48. **E&OE** Errors and omissions excluded
- 49. **MUAHZ** Kisses
- 50. **LOL** Laughing Out Loud

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**WYM**

Watch Your Mouth  
What You Mean?

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**MUAHZ**

Kisses

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**LOL**

Laughing Out Loud

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**ELI5**

Explain To Me As If I'm A  
5 Year Old

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- Facebook
- Twitter
- SnapChat
- Kik Messenger
- Ask.FM
- Vine
- Instagram
- ooVoo

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Below are some of the latest abbreviations added  
to this slang translator

**DBA** Don't Bother Asking  
**QAP** Quick As Possible Quickly As Possible  
**VBD** Very Big Deal  
**FHO** Friends Hanging Out  
**INCYDK** In Case You Didn't Know  
**403** Deny Access To  
**SNH** Sarcasm Noted Here  
**YSVW** You're So Very Welcome  
**L8TR** Later  
**GRX** Gracias Merci  
**ULM** You Love me  
**YGTI** You Get The Idea  
**TLTR** Too Long To Read

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## Parents Guide to Social Media Apps used by kids

<http://www.hightechdad.com/2014/09/27/parents-guide-to-social-media-apps-used-by-kids/>

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## AUTHENTICATION

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## SPOOFING

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*TIENDA V. STATE*  
358 S.W. 3<sup>rd</sup> 633  
TEX. CRIM.APP. 2012

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Because there was sufficient  
Circumstantial evidence to support a  
finding that the exhibits were what  
they purported to be— MySpace  
pages the contents of which the  
appellant was responsible for

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RULES OF EVIDENCE  
104(a), 401, 402, 901(a)  
RELEVANCY,  
AUTHENTICITY, SAFE  
KEEPING

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ADMISSIBLE

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CIRCUMSTANCIAL  
EVIDENCE

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numerous photos of  
the defendant with  
unique arm, body, and  
neck tattoos, distinctive  
eyeglasses and  
earring

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reference to  
victims death and the  
music  
from at his funeral

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references to the  
defendant's gang and  
messages referring to a  
shooting

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ADMISSIBLE

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Identity Theft on Social  
Networking Sites:  
Developing Issues of  
Internet Impersonation –  
Maksim Reznik

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**Touro Law Review**

Volume 29 pp. 455-483  
2013

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*DRAKER V. SCHREIBER*  
271 S.W. 2<sup>nd</sup> 318  
(TEX.APP.-San Antonio  
2008)

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INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS

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#### 5 ALLEGATIONS

- (1)the use of her identity without her knowledge or permission;
- (2)the worldwide publication of facts about her, while portraying such facts as if they were true and as if they were about and from her;

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- (3) the acceptance of other members of MySpace.com as " friends" to her supposed site;
- (4) the worldwide publication of her name, profession, and place of employment, along with false statements about her sexual preferences and activities, without her knowledge or permission; and
- (5) the portrayal of her as an individual who engages in lewd and offensive behavior, as well as the portrayal of her as a lesbian.

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Students created a fraudulent internet social profile

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**CASE  
DISMISSED**

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**THANK  
YOU**

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