

N.J. Supreme Court ruling makes it harder to try kids as adults -

NorthJersey.com

NorthJersey.com

In a split ruling Wednesday, the New Jersey Supreme Court gave teenagers greater protections when prosecutors seek to try them as adults.

The 3-2 decision, which overturned a lower court ruling, gives judges more discretion to evaluate a prosecutor's request, called a waiver, to move a teenager from family court to an adult court.

And it ruled that prosecutors must provide evidence showing that trying a teen as an adult deter further crimes.

Child advocates hailed the decision, arguing it would result in better outcomes for teens who have a brush with the law.

"The decision to transfer a juvenile to adult court can have lifelong implications for a youth and should be subject to judicial review," Nancy Paraello, a spokeswoman for Advocates for Children of New Jersey, said in a statement.

The decision comes as courts throughout the country grapple with a growing body of evidence showing that children's judgment and decision-making processes are fundamentally different than adults.

In response, the U.S. Supreme Court has acted in recent years to ensure greater leniency for juveniles convicted of crimes, recently striking down automatic life without parole sentences for them. And the court in 2005 abolished the death penalty for juveniles.

Wednesday's decision by the New Jersey court stems from a November 2009 attack against Omar Estradas, who was struck on the back of the head and kicked several times in the face during a robbery in Woodbridge Township.

Four juveniles were charged with acts equivalent to second-degree aggravated assault and related offenses and faced a maximum sentence of 10-years incarceration with the Juvenile Justice Commission.

However, prosecutors sought to move the case to an adult court, where the teens could face a sentence of up to 30 years if convicted.

But a family court judge denied the waiver request.

The Middlesex County Prosecutor's Office appealed, and an appellate panel overruled the trial court judge, saying that he hadn't given enough deference to prosecutors.

A majority of the Supreme Court disagreed, however. Instead of requiring judges to find that prosecutors have committed a "patent and gross abuse of discretion" to turn down a waiver request – an exceedingly high hurdle to overcome – the court ruled that judges would only have to find that an abuse of discretion had occurred.

"It will provide an additional level of protection against arbitrariness in a critical decision affecting the quantity and quality of punishment for a juvenile," Justice Jaynee LaVecchia wrote. She was joined by Chief Justice Stuart Rabner and Justice Barry T. Albin.

The court also said prosecutors must provide specific evidence that moving a juvenile's case to adult court will act as a deterrent against future crimes.

In this case, waiver requests for each of the four juveniles consisted only of a short statement with no specifics about the case.

“It is inconceivable that the prosecutor, to some extent, would not also weave in the consideration of the juvenile’s past history of behavior” when arguing for a waiver, LaVecchia said.

The court sent the case back down to family court for further proceedings.

The ruling specifically deals with teens 16 and over, who, under state law, can more easily be tried as adults.

Though teens will still have an uphill battle fighting attempts by prosecutors to try them as adults, Alexander Shalom, policy counsel with the American Civil Liberties Union of New Jersey, said the ruling was “meaningful.”

“We think that juveniles are being forced into adult court with too great a frequency,” Shalom said. “Juveniles are not simply smaller adults.”

Juvenile courts, he said, aim at rehabilitation while adult courts seek to punish offenders.

The ACLU joined the case as part of a coalition of civil rights groups.

In her dissent, Justice Anne M. Patterson wrote that prosecutors were given “broad discretion” by the Legislature to try teens as adults, adding that guidelines from the Attorney General’s Office prevented an abuse of prosecutorial authority.

She was joined in her dissent by Justice Helen E. Hoens. Judge Dorothea Wefing, a Superior Court judge temporarily assigned to fill a vacancy on the high court, didn’t participate in this case.

In a statement, the Attorney General’s Office said that, going forward, “prosecutors will not have any problem complying with this decision and obtaining waivers where appropriate.”

The Middlesex County Prosecutor’s Office didn’t immediately respond to requests for comment.

Email: campisi@northjersey.com

North Jersey Media Group Inc.