



Sentencing a Minor in Possession: the Case of D.J.

The police were called to a disturbance at 4:30 a.m. where the 911 caller believed a juvenile party was going on with underage drinking. There had been at least 3 other such parties in the prior two weeks at this home, with arrests made. Earlier that week, a police officer had called the homeowner, Ms. Taylor. She gave the officers permission to enter her home at any time that she was gone to stop any illegal activity. Her boyfriend's son had been known to throw underage parties with alcohol.

Three officers arrived at the house to learn that the homeowner was out of town. Officer Martin went to the front door while two officers went to the back of the home. As the two officers were walking to the back, they heard several voices outside on the deck. They stationed themselves under the deck and Officer Martin went to the front to try to get contact at the front door.

The officers in back heard a loud conversation between many males and females, discussing how messed up they were, about alcohol, weed, "E", and they talked about how they were going to get home.

After Officer Martin was unable to get anyone to answer the front door, the two officers in back went up onto the deck. They observed that everyone looked to be under 21 years of age and saw an empty large bottle of rum. One young man came up to an officer and mumbled how messed up he was. He asked the officer where he was spending the night. The officer identified himself as a police officer and the young man said, "Oh, sh**."

The officer then opened the front door to let Officer Martin in and turned to see the other officer struggling with a young man. He helped the officer put the young man into handcuffs. Another young man, D.J. who is 18 years old, came into a second story bedroom from the roof, with a bottle of whiskey in his hand and smelling of alcohol. One of the officers put him in handcuffs and escorted him to the first floor. The officer ordered D.J. not to move.

However, as the officer went to check a locked bedroom door, D.J. got up on his hands and knees and then stood up. The officer ordered him to back down and D.J. shouted, "F* you." The officer walked back to D.J., and ordered him to get back down. D.J. said "no" and moved his secured hands around to dig into his pockets.

The officer grabbed him and walked him down the hall. D.J. was shouting that he knew his rights and the police had no right to be in the house. He got his cell phone out of his pocket and said he was going to video the encounter and then he was going to sue the police. The officer seated him in a chair in the dining room and ordered him to stay. D.J. got up and followed the officer, yelling at all the officers. The officer claimed this was very distracting and interfered with the investigation. A sergeant observing the interaction came over and arrested D.J. for minor in possession and obstruction of an arrest.

D.J. has been found guilty of being a minor in possession of alcohol. Judges will decide on the sentence for D.J. after hearing arguments from the prosecutor and the defense attorney.

Background: D.J. is 18, and this is his third court finding for alcohol-related offenses. He is failing 2 classes and has 12 unexcused absences from school. He doesn't have any plans for when school ends. He got a further arrest for shoplifting alcohol from a convenience store, but the charges have not yet been resolved.

Sentencing options:

1. Up to 364 days in jail
 - a. Can give community service instead of jail time
2. Up to \$5,000 fine
 - a. Can give community service instead of jail time
3. Suspended or deferred sentence (if defendant is on a deferred sentence, if he/she complies with probation terms, case will be dismissed at the end of the case)
4. How long will the defendant be on probation?
 - a. Up to 24 months
5. What are defendant's probation conditions?
 - Alcohol assessment with follow-up treatment
 - Community service hours
 - Write a letter to the homeowner
 - No new criminal violations

The Prosecutors will argue for the interests of the community in having people obey the laws and to hold people accountable for their actions. They are concerned about the impact of these disturbances on the community and their need to keep the defendant from continuing with problem behavior. They are also concerned about the victims.

The Defense Attorneys will argue for the interest of their client, to get no jail time, no fine.

The Judge will take these factors into account in making a decision:

1. What actions has the defendant taken since committing the crime:
 - taken any classes?
 - gotten treatment?
 - performed community service?
 - committed more crimes?
2. Are there some really bad facts in the police report?
3. Are there any facts in the police report that show the defendant in a good light?
4. What is the defendant's future?
 - Age?
 - Consequences of a conviction?
 - Do they have a job?
 - Going to school/college?
 - Armed forces?
 - Have they changed their behavior?