

KNOW YOUR RIGHTS

What You Should Know If You Are Under 16 and Being Prosecuted in the Adult Criminal Justice System

1. What is a Juvenile Offender?

A juvenile offender, or a “j.o.” for short, is a youth between the ages of 13 and 15 who has been charged with a serious violent felony, and as a result, is prosecuted in the adult court system. People charged in the adult system are called defendants.

2. What are some of the crimes that I can be tried for in the adult criminal justice system?

If you are 13 years old, you can be tried for murder in the second degree. However if you are fourteen or fifteen years old, you can be tried for any of the following:

- *Murder in the 2nd Degree*
- *Attempted Murder in the 2nd Degree*
- *Kidnapping in the 1st Degree*
- *Attempted Kidnapping in the 1st Degree*

- *Arson in the 1st Degree*
- *Arson in the 2nd Degree*
- *Assault in the 1st Degree*
- *Manslaughter in the 1st Degree*
- *Rape in the 1st Degree*
- *Sodomy in the 1st Degree*
- *Aggravated Sexual Abuse*
- *Burglary in the 1st Degree*
- *Burglary in the 2nd Degree*
- *Robbery in the 1st Degree*
- *Robbery in the 2nd Degree*
- *Possession of a loaded firearm on school grounds*

3. What happens to me if I am arrested?

Once arrested, a youth is brought to a courtroom, where he or she will meet with a court-appointed attorney if he or she cannot afford to hire a private attorney. The youth will see a judge who will make a determination to release the youth, set bail or remand the youth to detention. The case is then adjourned to another part to find out if there has been grand jury action.

4. What is the Grand Jury?

A grand jury is a group of 16-23 people who listen to evidence presented by the prosecutor. The youth and his/her lawyer are not in the room during this presentation. However, a defendant has a right to testify in the grand jury. A grand jury indicts a case when it finds reasonable cause to believe that the youth charged committed the offense. Once indicted, a case is

transferred to Supreme Court. If the grand jury does not indict the case after hearing the evidence, the case is dismissed. However, if the grand jury finds that the youth committed an offense that is not serious enough for Supreme Court, but can be prosecuted in Family Court, the case will be sent to Family Court.

5. What happens after I’m indicted?

Once indicted, a youth appears in the youth part of the Supreme Court to be arraigned on the indictment. The clerk of the court reads the charges on which the youth was indicted and the youth enters a plea of not guilty. The Supreme Court judge can re-evaluate a youth’s bail status at this stage of the proceeding. Reports by the Probation Department and the mental health clinic may be ordered.

6. What if I want to contest the charges against me?

If a youth wishes to contest the charges against him/her, he or she has the right to have a jury trial. This decision should be carefully discussed with one’s lawyer.

7. Should I plea guilty?

A youth can enter a plea of guilty to a charge in the indictment. This decision should also be seriously considered. The possible sentence will be discussed in

court among the youth's lawyer, the prosecutor and the judge.

8. What is a Deferred Sentence?

Sometimes the judge will allow a youth to earn a non-jail sentence by successfully completing a community based after-school or residential program.

9. What is the Youthful Offender Adjudication?

The judge can find a youth to be a youthful offender. This means that the case is sealed and the youth will not have a criminal conviction on his or her record.

10. Where are the Juvenile Detention Centers:

There are three juvenile detention centers in New York City:

- *Bridges (intake): 1220 Spofford Ave., Bronx, NY 718-764-2700*
- *Horizon: 560 Brook Ave., Bronx, NY 718-292-0065*
- *Crossroads, 17 Bristol Street, Brooklyn, NY 718-495-8160*



MAKING THE CASE FOR HUMANITY

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