

## Juveniles Are Still Not Entitled to Jury Trials

By: Kenneth W. Banlford; July 2005

In State v. Tai N., \_\_\_\_ Wn.App. \_\_\_\_, 113 P.3d 19 (2005), Mr. N. was arrested with 108 pounds of marijuana in his car. At the time of his arrest Mr. N. was a juvenile. The standard sentencing range for Mr. N., who had no prior convictions, was 0-30 days. The commissioner found that the offense was a major violation of the Uniform Controlled Substances Act because it involved a quantity substantially larger than for personal use. The commissioner also found that the standard range disposition would pose a danger to society because it was too short to discourage drug dealers from hiring juveniles as “mules” to carry illegal drugs.

Based on these findings, the commissioner imposed a sentence of 20-24 weeks. Mr. N. appealed arguing the Sixth Amendment and the Washington Constitution entitled him to a jury trial. Historically, juveniles have not been entitled to jury trials. However, Mr. N. argued recent Supreme Court decisions granted him the right to a jury trial. Blakely v. Washington, U.S. 124 S.Ct. 2531, 159 L.Ed.2d 403 (2004), Apprendi v. New Jersey, 530 U.S. 466, 120 S.Ct. 2348, 147 L.Ed.2d 435 (2000).

The court rejected the argument that Blakely and Apprendi required jury trials in juvenile cases. Instead, the court explained that in juvenile cases the court attempts to strike a balance to respect the “informality” and “flexibility” that characterize juvenile proceedings, ... and yet to ensure that such proceedings comport with the “fundamental fairness” demanded by the Due Process Clause.

Although declining to extend the right of jury trials to juveniles, the Court of Appeals rejected the trial court’s reasoning supporting the exceptional sentence. The trial court failed to identify any pertinent aspects of Mr. N.’s circumstances, such as a risk of re-offense, a need for treatment, or a lack of supervision, that might have shown that imposing the standard range disposition on him would endanger society.

End

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