Minor Details

SPECIAL CONSIDERATIONS FOR UNDERAGE VICTIMS, WITNESSES AND JUVENILE DELINQUENTS AND ANIMAL CRUELTY VICTIMS

What Constitutes a Minor and Which Courts have Jurisdiction?

- Age
- Jurisdiction
  - Juvenile Court
  - Municipal or Justice Court
  - Superior Court

Juveniles in Adult Court

- Statute of limitations
- Transfer due to nature of the crime
  - 13-501
- Transfer due to 18th birthday
  - 8-302

Protections for Juveniles in Court

- Who Represents the Interests of the Minor
  - Parent
  - Guardian
  - See below
- Appointment of Best Interest Attorney or Guardian Ad Litem
  - Juvenile Court
  - Municipal and Superior Court

Protections for Juveniles Continued

- Identity protection
  - Court
  - BWC
  - A.R.S. § 13-4434

What Rights Belong to a Minor Victim?

- Rights?
  - 13-4434
  - Ariz. Const. Art. II, § 2.1(1)
- How do those rights extend to their representatives?
  - How long?
- Rights at appellate level?
  - 13-4411
  - 13-4402
  - State v. Lamberton, 183 Ariz. 47

IJP and OOP

- Superior Court vs. Municipal Court
  - Ariz. Const. Art. II, § 2.1 (C) defines victim as "Victim" means a person [illegible] the criminal offense has been committed."
  - Douglas v. State, 219 Ariz. 152 (Ariz. App. 2008)
  - State v. Shields, 230 Ariz. 91 (Ariz. App. 2012)

Restitution

- What are victims' rights in this area?
  - A.R.S. § 8-341(B)
- What happens when a juvenile turns 18?
  - ARS 8-344(D)
  - *In re Kristen C.*, 193 Ariz. 562 (Ariz. App. 1999)
  - *In re Jason S.*, 2013 Ariz. App. Unpub. LEXIS 483 (2013)

Animal Victims

- Who is the victim?
  - Owner
  - Animal
    - Person or entity providing care
- Seizure

Animal Victims

- Arizona Constitution Article II, § 2.1(8): victims are entitled to restitution from the person convicted of the criminal conduct
- Remedial measure intended to make victim whole and rehabilitate the convicted person (State v. Iniguez, 169 Ariz. 533, 536, 821 P.2d 194, 197 (App. 1991))
- A.R.S. §13-603(C); 13-804

Animal Victims

- Three requirements:
  - The loss must be economic;
  - The loss must be one that the victim would not have incurred but for the criminal conduct; and
  - The criminal conduct must be directly cause the economic loss.

State v. Wilkinson, 202 Ariz. 27, 29, 39 P.3d 1131, 1133 (2002); *State v. Madrid*, 207 Ariz. 296, 86 P.3d 1054 (App. 2004)

Animal Victims

- Restitution is not optional but mandatory (Court has affirmative duty to order restitution) A.R.S. § 13-603(C); State v. Lindsley, 191 Ariz. 195, 197, 953 P.2d 1136, 1138 (App. 1997); State v. Fenden, 171 Ariz. 44, 45, 828 P.2d 180, 181 (App. 1992).

Animal Victims

- Problem: definition of victim
  - A.R.S. 13-603(C) refers to victims as a PERSON against whom the criminal offense has been committed
- HOWEVER, A.R.S. 804(A) provides restitution-based to ANY person who has suffered an economic loss due to the defendant's conduct

Animal Victims

- A.R.S. 512-1101
- An owner is liable to this state or a political subdivision of this state for the expenses incurred by this state or a political subdivision of this state in rescuing animals that belong to the owner if the animals have been cruelly treated or neglected and the owner has been convicted of a violation of § 13-2910