

Tips for Handling an Assault/Battery Case in Juvenile Court

This is an overview and is not meant to cover specific variations in statutes of different states. Know your jurisdiction's statutes and office policies. This document does not replace supervisory discussions about the case.

Read/review the entire case file, including but not limited to (obtain any missing documents or evidence):

- Police reports
- Victim/witness statements
- 911 calls, radio transmissions
- Body worn camera footage
- All audio/video evidence
- Photos of the injury in different stages of healing
- Photos of the accused
- Photos of the scene
- Any medical records available to you, including EMS records, hospital records, and private physician/dental records

Review all statements of the accused, including but not limited to:

- Exculpatory statements
- Statements that assert a possible defense
- Admissions

Compile a list of everything you've reviewed and explore the following questions:

- Have you interviewed the victim, witnesses, and police officers?
- Are the victim and accused known to each other?
- Is there a history of disputes, violence, bullying? etc.? If so, will their history be admissible by either side? A pre-trial ruling on such issues will prevent trial delay, surprise, and a mistrial.
- Are there confidentiality issues pertaining to possible evidence? (FERPA, Child Welfare, HIPAA, etc.)
- Is the assault on video? Are the events before and after the assault on video?
- Is there a defense of justification? Is there an initial aggressor? Review the justification statute in your jurisdiction.
- Will an identification of the accused be possible in court? By whom?
- Did the victim have out of pocket expenses for medical treatment? (For restitution purposes)
- How extensive is the injury/injuries? Does the impact affect the victim's memory or ability to be interviewed pretrial or testify?
- Have you reviewed factors that may impact the charges including but not limited to: age/profession of victim, strangulation, obstruction of breathing, hate crime, use of weapon, serious bodily injury, etc.?
- Will you be able to prove all elements of the offense, including mens rea?
- Are you prepared to rebut/disprove any and all possible defenses?
- Have you considered the admissibility of all evidence and whether there be pretrial suppression hearings?
- Do you have all the relevant statutes and case law that you will need in court?
- Explore whether prior conduct by the accused is admissible as evidence of the victim's mental state, or other evidentiary purpose. Similarly, if the accused alleges that the victim used force in the past, this should be handled through a pre-trial motion or proceeding depending on your jurisdiction's process and statutes, so that there is a pre-trial ruling.
- Obtain any missing documents and any missing evidence. Be sure to understand when to use different mechanisms to obtain missing documents or evidence, such as subpoenas, protective orders, applications for court orders, release/consent forms, etc.