

SUPREME COURT OF MISSISSIPPI

State of Mississippi v. J.L.M.

996 So. 2d 740 (Miss. 2008) · No. No. 2007-CA-01160-SCT · Decided December 4, 2008

SUMMARY

The Supreme Court of Mississippi held that the State's appeal from a circuit court order transferring a criminal case to youth court was barred after the youth court entered a final adjudication. Relying on the Fifth Amendment and applicable precedent, the court concluded that further adjudicatory proceedings would violate double jeopardy and affirmed the transfer order. A specially concurring opinion expressed concern about the rapid transfer and adjudication shortly before the defendant's eighteenth birthday.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Diaz, Presiding Justice; Diaz, P.J.; Carlson, J.; Randolph, J.
JURISDICTION	Mississippi
DECIDED	December 4, 2008
DOCKET	No. 2007-CA-01160-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State appealed the Pearl River County Circuit Court's order transferring J.L.M.'s indicted sexual-battery case to youth court. Before the appeal was resolved, the youth court adjudicated J.L.M. delinquent after his no-contest pleas and entered a disposition order.
PRECEDENTIAL VALUE	Published Mississippi Supreme Court opinion; precedential.
PARTIES	State of Mississippi v. J.L.M.

TOPICS

- double jeopardy
- criminal procedure
- appellate procedure
- appellate jurisdiction
- fifth amendment

PRACTICE AREAS

- criminal procedure
- constitutional law
- juvenile justice
- appellate procedure

QUESTIONS PRESENTED

1. Whether the State's appeal from the circuit court's transfer order was barred by the Fifth Amendment's prohibition against double jeopardy after the youth court entered a final adjudication and disposition.
2. Whether the State could appeal the circuit court's transfer order under Mississippi Code Annotated section 99-35-103(a).

HOLDINGS

1. The Fifth Amendment's protection against double jeopardy applies to youth court proceedings, and once the youth court entered a final judgment, the State's appeal of the circuit court's transfer order was barred.

KEY QUOTATIONS

“Once an adjudicatory hearing has been held, any further adjudicatory action on the part of either youth court or a circuit court will constitute double jeopardy.” (742)

“The youth court having entered a final judgment, the State's appeal of the transfer from circuit court is barred by the Fifth Amendment.” (742)

FACTUAL BACKGROUND

J.L.M., who was sixteen, was charged with two counts of sexual battery arising from sexual conduct involving his eight-year-old cousin, B.S., in a parked car. After an evidentiary hearing concerning transfer, the circuit court referred the case to youth court based on J.L.M.'s interests and the interests of justice. The youth court accepted the transfer, adjudicated J.L.M. delinquent on no-contest pleas, and imposed a fine and psychological evaluation.

PROCEDURAL HISTORY

The Pearl River County Youth Court initially dismissed the petition for lack of jurisdiction. J.L.M. was then indicted in circuit court on two sexual-battery counts and moved for transfer to youth court. After an evidentiary hearing, the circuit court ordered the transfer; the youth court accepted it, adjudicated J.L.M. delinquent, and entered a disposition order the next day. The State appealed the transfer order, but the Supreme Court affirmed because the youth court's final judgment triggered double-jeopardy protection.

DISPOSITION

affirmed

CASES CITED

- State v. Hicks, 806 So. 2d 261, 263 (Miss. 2002)
- State v. U.G., 726 So. 2d 151, 154 (Miss. 1998)
- Breed v. Jones, 421 U.S. 519, 95 S. Ct. 1779, 44 L. Ed. 2d 346 (1975)
- Walls v. State, 326 So. 2d 322, 325 (Miss. 1976)
- In re Gault, 387 U.S. 1, 50, 87 S. Ct. 1428, 18 L. Ed. 2d 527 (1967)
- Texas v. Johnson, 491 U.S. 397, 420-21, 109 S. Ct. 2533, 105 L. Ed. 2d 342 (1989) (Kennedy, J., concurring)

- *Olmstead v. United States*, 277 U.S. 438, 485, 48 S. Ct. 564, 72 L. Ed. 944 (1928) (Brandeis, J., dissenting)
- *Wheeler v. State*, 560 So. 2d 171, 174 (Miss. 1990) (Robertson, J., dissenting)
- *Cumberland v. Cumberland*, 564 So. 2d 839, 841 (Miss. 1990)
- *Butler v. Pembroke*, 568 So. 2d 296, 299 (Miss. 1990)
- *Robinson v. State*, 585 So. 2d 757, 760 (Miss. 1991)
- *King v. Miss. State Highway Comm'n*, 609 So. 2d 1251, 1255 (Miss. 1992)

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