

SUPREME COURT OF INDIANA

J.D. v. State

859 N.E.2d 341 (Ind. 2007) · No. 49S02-0701-JV-3 · Decided January 5, 2007

SUMMARY

The Indiana Supreme Court held that J.D.'s persistent loud yelling over a law enforcement officer constituted an abuse of the right to free speech under Article 1, Section 9, of the Indiana Constitution. The court also upheld the admission of testimony concerning her unwarned statements and affirmed the juvenile court's suspended commitment and probation disposition.

CASE DETAILS

COURT	Supreme Court of Indiana
WRITING FOR THE COURT	Dickson, Justice; Shepard, Chief Justice; Sullivan, Justice; Boehm, Justice; Rucker, Justice
JURISDICTION	Indiana
DECIDED	January 5, 2007
DOCKET	49S02-0701-JV-3
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a juvenile delinquency adjudication and dispositional order, following transfer from the Indiana Court of Appeals.
STANDARD OF REVIEW	The sufficiency-of-the-evidence claim was reviewed to determine whether the evidence supported the delinquency adjudication; admission of the deputy's testimony was reviewed for trial-court error; and the juvenile court's dispositional determination was reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Indiana; precedential and binding within Indiana.
PARTIES	J.D. v. State of Indiana

TOPICS

- free speech
- criminal procedure
- miranda rights
- appellate procedure
- constitutional law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether J.D.'s loud and persistent speech toward Deputy Gibbons constituted protected political speech under Article 1, Section 9, of the Indiana Constitution, such that the evidence was insufficient to support the disorderly-conduct adjudication.
2. Whether testimony concerning J.D.'s statements and conduct during her discussion with Deputy Gibbons was inadmissible because it resulted from custodial interrogation without Miranda warnings.
3. Whether the juvenile court abused its discretion by ordering a suspended commitment to the Indiana Department of Correction rather than imposing only the less restrictive probationary disposition recommended by the probation department.

HOLDINGS

1. J.D.'s persistent loud yelling over and obscuring of Deputy Gibbons's attempts to speak and function as a law enforcement officer constituted an abuse of the right to free speech under Article 1, Section 9, of the Indiana Constitution. The conduct was therefore not constitutionally protected speech, and the evidence was sufficient to support the disorderly-conduct adjudication.
2. The trial court did not err in admitting Deputy Gibbons's testimony describing J.D.'s conduct and statements because the interaction was an informal discussion rather than custodial interrogation, and the statements and manner of speaking were voluntary evidence of the charged conduct rather than an admission offered to prove a prior wrongful act.
3. The juvenile court did not abuse its discretion by ordering a suspended commitment to the Indiana Department of Correction, placing J.D. on probation, and releasing her to her half-sister's custody.

KEY QUOTATIONS

"Any statement given freely and voluntarily without any compelling influences is . . . admissible in evidence." (345)

"Because it obstructed and interfered with Deputy Gibbons, J.D.'s alleged political speech clearly amounted to an abuse of the right to free speech and thus subjected her to accountability under Section 9." (344)

FACTUAL BACKGROUND

Seventeen-year-old J.D., a resident of the Marion County Guardian's Home, argued with Deputy Sherry Gibbons about problems involving the home's house parent. During an informal discussion in the deputy's office, J.D. repeatedly spoke over the deputy in a very loud voice, continued after being asked to stop, and persisted after being warned that she could be arrested for intimidation and disorderly conduct. The juvenile court adjudicated her delinquent for disorderly conduct and imposed a suspended commitment to the Department of Correction, probation, and placement with her half-sister.

PROCEDURAL HISTORY

The Marion County Juvenile Court adjudicated J.D. delinquent for disorderly conduct, a class B misdemeanor if committed by an adult, and ordered a suspended commitment to the Indiana Department of Correction with probation and placement with her half-sister. The Indiana Court of Appeals reversed, concluding that J.D.'s conduct was protected political speech. The Indiana Supreme Court granted transfer and affirmed the trial court's adjudication and disposition.

DISPOSITION

affirmed

CASES CITED

- J.D. v. State, 841 N.E.2d 204 (Ind. Ct. App. 2006)
- Price v. State, 622 N.E.2d 954 (Ind. 1993)
- Miranda v. Arizona, 384 U.S. 436 (1966)