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Ruling: Juveniles can have jury trials

In a decision affecting every juvenile criminal case in Kansas, the state Supreme Court has guaranteed juvenile defendants the right to a trial before a jury.

The court ruled Friday that young defendants should be afforded the protections of a jury because the distinctions between juvenile and adult justice have eroded over the past 20 years as lawmakers cracked down on juvenile crime.

The decision sent a shockwave through the juvenile justice community. Prosecutors and judges said the likely result is more juries, longer trials and higher expenses.

"This is huge," said state Sen. Phil Journey, R-Haysville.

But Journey, a criminal defense attorney, said the ruling is justified.

"You cannot impose adult penalties on little children without giving them adult due process," he said.

Previously in Kansas, judges decided whether to grant a juvenile defendant's request for a jury trial. Most states, including Missouri, do not offer juveniles the option.

The rare use of jury trials is a hallmark of the juvenile justice system, which was set up a century ago to treat younger offenders more gently and encourage confidentiality and rehabilitation.

Teens charged with the most serious crimes often are tried as adults. Friday's decision affects those who remain in the juvenile system. It applies to current cases, even those under appeal, and future ones.

"This decision will certainly cause an increase in the number of trials before the district courts of Kansas, increasing the need for more court personnel, judges and prosecutors," Attorney General Steve Six said in a statement.

In Johnson County, for instance, about 1,000 juvenile cases have been filed so far this year, according to District Attorney Phill Kline, and yet only one courtroom is equipped to handle juvenile jury cases.

District Court Judge Brenda Cameron, who hears juvenile cases in Johnson County, said she does not know of one jury trial granted to a juvenile in the county before she came on board in 2002.

She began granting the trials, she said, because she thought juveniles should have that right.

She described Friday's ruling is "a big deal."

The Kansas case arose after a 16-year-old Finney County boy, identified in court documents by initials, was found guilty of aggravated sexual

battery and alcohol possession after he forcibly kissed a woman walking down the street.

The boy asked for a jury trial, but the judge refused. The boy got probation but had to register as a sex offender.

In the appeal, the teen's attorney argued he should be allowed the same right to a jury trial granted to adults by the Constitution.

The Supreme Court sided with the boy and sent the case back to the lower court.

The justices cited several changes in the way juveniles are treated -- including harsher sentencing rules, less confidentiality for defendants, and a shifting focus from rehabilitation to punishment.

The changes "have eroded the benevolent... (parental) character that distinguished it from the adult criminal system," said the 6-1 ruling, written by Justice Eric Rosen.

Six said an appeal to the U.S. Supreme Court isn't available, since Friday's ruling cited parts of the state Constitution.

Kansas joins a small list of states that make jury trials a right for any defendant.

Other states should join, said Jessica Feierman, an attorney at the Juvenile Law Center, a Philadelphia-based group that supported the Finney County boy's appeal.

"We've (as Americans) decided this is the best way to protect defendants, to ensure there are some checks and balances," she said. "It may be more expensive, but that doesn't mean we shouldn't give every defendant the same rights."

Kline called the ruling "far-reaching and dramatic" and said that already Friday, defense attorneys had begun filing motions demanding jury trials for juveniles.

The county doesn't have the resources to add judges or prosecutors or court space to handle the extra work, he said. However, he said, "we are going to have to find a way, of course."

Attorneys who represent juvenile offenders welcomed Friday's ruling.

"It doesn't really surprise me with the way things have been going," Randy McCalla said. "Frankly, the differences between juvenile and adult court now are very few and far between."

Defense attorney Robb Edmonds agreed.

"It's a very good thing for kids," said Edmonds, who defended a 16-year-old Overland Park girl accused of killing her mother in 2005.

Johnson County Chief Judge Stephen Tatum said it will be a challenge to provide the resources, especially in a growing county. "We will do our best."

But defense attorneys predicted that many juveniles would forgo jury trials anyway. Sometimes the better strategy is to present a case to a judge who has heard similar cases.

"Do I want a bunch of 50-year-old men and women deciding my 14-year-old's case?" Edmonds asked. "What if they had never had kids before? That could affect what they know about kids."

Kline agreed, saying that turning a child's life around should be the focus in juvenile court.