

SUBJECT: Limiting appeals of plea and evidence agreements in juvenile cases

COMMITTEE: Juvenile Justice and Family Issues — favorable, without amendment

VOTE: 9 ayes — Goodman, Pickett, Isett, P. King, Morrison, Naishtat, A. Reyna, E. Reyna, Truitt

0 nays

WITNESSES: For — Eric Riester, Bexar County

Against — None

On — Andy Mireles

DIGEST: HB 251 would prohibit juveniles accused of crimes from appealing a finding of guilt or the imposition of a punishment resulting from a court-accepted plea agreement or a stipulation about certain evidence. The prohibition against appeal would not apply if the court agreed to the appeal or if the appeal was based on a matter raised by a written motion filed before the plea or stipulation. Before accepting a plea or evidence stipulation, courts would be required to tell juveniles of the restrictions on appeals.

HB 251 would take effect September 1, 1999.

SUPPORTERS SAY: HB 251 would correct an oversight that has allowed juveniles an unrestricted right to appeal judicial decisions based on plea agreements and agreements about evidence. Limiting these appeals for juveniles in the same way that appeals of adult plea agreements are limited would produce a more efficient juvenile court system that still safeguards the rights of youths.

In many cases juveniles accused of crimes choose to appeal judicial decisions based on plea or evidence agreements between the prosecutor and the juvenile. These appeals come after the juveniles have pled guilty and been sentenced by a judge. Most often, juveniles file such appeals simply because the appeal process is available. The decisions of the court almost universally are upheld on appeal because the juveniles admitted guilt under the plea agreement. Allowing unrestricted appeals forces the appellate courts to go

through an unnecessary, time-consuming, and costly process. Bexar County estimates that in 1998 it spent \$11,000 on fees for court-appointed lawyers for these types of appeals.

HB 251 would not prohibit appeals in plea cases but merely limit them to those with court approval and those filed by a written motion before a plea is entered. These criteria — the same found in the adult system — would ensure that juveniles who have legitimate grounds to appeal their pleas would retain an avenue for review of their claims.

HB 251 also could increase judicial efficiency by reducing the number of trials. Under HB 251, juveniles might opt out of a trial since they could file an appeal by a written motion before entering their pleas. Juveniles might use this procedure when they are not disputing guilt but plan to appeal on constitutional grounds. Currently, juveniles in this circumstance might go to trial instead of agreeing to a plea just so they can preserve their right to appeal.

Juveniles would have to be informed about the restrictions on their appeals before a plea is accepted. HB 251 would have no effect on appeals in cases where juveniles do not enter pleas.

OPPONENTS
SAY:

HB 251 would continue to erode the separation between the juvenile and adult justice systems. Juveniles more often fail to understand the meaning and potential consequences of a guilty plea or an agreement about evidence. Allowing juveniles unrestricted appeals on plea agreements is appropriate because of this potential for misunderstanding. Allowing appeals of plea agreements is one of the many aspects of the juvenile justice system that rightfully gives youths more safeguards than adult criminal defendants receive.

HB 251's exceptions to the ban on appeals would be too limited. Requiring that a court give permission to appeal a decision that the court itself had accepted would create an inherent conflict of interest. Although these exceptions are found in the adult criminal system, the state should not import a flawed appeals system into juvenile law.