



PRESS RELEASE

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Oregon Supreme Court Reverses Lower Court's Decision to Charge 13 Year-old as Adult

Philadelphia, PA (May 26, 2016) – In an important win for children who may face transfer to adult court, the Oregon State Supreme Court today interpreted the state's transfer statute to require juvenile courts to consider juveniles' unique emotional and intellectual capacities before they may be transferred to adult court. In doing so, the Supreme Court reversed the judgment of the Court of Appeals and remanded the case of [State v. J.C.N.-V.](#) back to the juvenile court for consideration under the proper interpretation of the standard.

When he was 13-years-old, J.C.N.-V. was charged with aggravated murder along with a 20-year-old adult. Oregon state law gives the juvenile court discretion to waive its jurisdiction and transfer a youth to the jurisdiction of the circuit court of criminal prosecution if it finds a youth to be of "sufficient sophistication and maturity to appreciate the nature and quality of the conduct involved." J.C.N.-V.'s case was transferred from juvenile court to the circuit court. Upon appeal, the intermediate court affirmed the transfer. [Juvenile Law Center](#) joined with the [Holland & Knight](#) law firm to file an amicus brief in the Oregon Supreme Court supporting J.C.N.-V.'s appeal of his transfer to adult court.

Today, the Oregon State Supreme Court ruled in J.C.N.-V.'s favor, stating that the legislature did not intend for a child's "sophistication and maturity" to be a simplistic test of adult criminal capacity. Instead, the court must have a more nuanced and individualized approach and "take measure of a youth and reach an overall determination as to whether the youth's capacities are, on the whole, sufficiently adult-like to justify a conclusion that the youth was capable of appreciating, on an intellectual and emotional level, the significance and consequences of his conduct."

"The U.S. Supreme Court has repeatedly affirmed that children are not miniature adults and should not be treated as adults. The Oregon State Supreme Court today provided a stellar example for other states to follow," said Marsha Levick, Deputy Director and Chief Counsel at Juvenile Law Center. "This case provides significant guidance for lower courts on the appropriate interpretation of transfer standards."

The Court concluded, "In short, the juvenile court's findings do not support a conclusion that youth possessed 'sufficient sophistication and maturity to appreciate the nature and quality of the

conduct involved,’ as we have interpreted that requirement. It follows that the case must be reversed and remanded to the juvenile court for further consideration under the proper standard.”

Juvenile Law Center and Holland & Knight LLP filed the brief for *amici curiae*: Juvenile Law Center, American Probation and Parole Association, The Barton Child Law and Policy Center, The Campaign for the Fair Sentencing of Youth, Campaign for Youth Justice, Center on Children and Families, Michele Deitch, Fight for Lifers West, Inc., Kristin Henning, Justice Policy Institute, Louisiana Center for Children’s Rights, Mental Health America of Oregon, National Association of Criminal Defense Lawyers, National Center for Youth Law, National Juvenile Defender Center, National Juvenile Justice Network, Pacific Juvenile Defender Center, Rutgers-Camden School of Law Children’s Justice Clinic, Southern Poverty Law Center, Youth Law Center, Youth M.O.V.E. Oregon.

Celebrating 40 years of successful advocacy, Juvenile Law Center is the oldest non-profit, public interest law firm for children in the nation. Juvenile Law Center uses an array of legal strategies and legislative advocacy to promote fairness, prevent harm, ensure access to appropriate services, and create opportunities for success for youth in the foster care and juvenile justice systems. Widely published and internationally recognized as thought leaders in the field, Juvenile Law Center’s impact on the development of law and policy on behalf of children is substantial. For more information about Juvenile Law Center’s work, visit www.JLC.org.

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