

Juvenile Justice - Where is it?

*Melvina Reid
McNaugher School*

Overview

The curriculum unit is to be taught as a supplementary tool in a Social Studies, U.S. History, or Civics class. The curriculum unit will address issues students face from the age of ten until they become legally adults according to United States law. It provides facts regarding teens' growth and developmental stages, the juvenile delinquency law system, the "Miranda Rights," firearm facts, crime statistics, the role of counsel, and post-conviction remedies. It was written to be taught in the middle and high school grades but depending upon the comprehension level of students, it can be adapted for individualized instruction on an as needed basis for students.

Rationale

The reason for creating this curriculum unit was to give teens and others important background information about our justice system in the United States. The initial target population is students with exceptionalities. However, it can benefit anyone who wants to know facts about the justice system and the laws that govern it. It plans to meet the instructional needs of students by their sharing and engaging in a variety of activities that will enhance such skills as oral reading, reading comprehension, checking for understanding, discussions, hands-on, independent-homebound assignment, written response, research, cooperative learning, whole group instruction, one to one instruction, and interviewing. The document can be used as a supplementary tool.

Objectives

The student will be able to:

1. read the text and question the author as a group activity
2. recall factual information in text and comprehend literature
3. define vocabulary words, write each word in a complete sentence, and interpret its meaning
4. when needed, follow written directions and seek assistance when needed
5. work collectively in small groups with peers to research information
6. write, proofread, edit, and participate in a teacher conference and write an essay about a personal experience in which they have had an

- encounter with the law or an experience in which they witnessed law enforcement on duty.
7. interview a person who works in the law enforcement area

Strategies

The students will be able to read the text and discuss its contents with comprehension in a whole group activity. To increase their comprehension skills students will engage in such activities as: questioning the author, whole group discussions, one to one instruction, checking for understanding, repetition, individual and small group instruction, hands-on experiences, research, adapted curriculum and assignments, and extra time to complete assignments. They will recall literature facts and research information for clarity. The students will demonstrate the writing process in its fullness.

Classroom Activities

In the presentation of the unit the teacher will provide background information on the following topics after which the students will engage in the activities that are indicated:

Topic One A History of Pennsylvania's Courts (See Appendix I)

Activity #1 - Reading for Comprehension. On the line beside each statement, write T for true or F for false.

- _____ 1. The courts were mostly local, mostly part-time and controlled by appellate governors.
- _____ 2. Lawyers ran the courts.
- _____ 3. All final appeals were taken to New York.
- _____ 4. One attempt was made in the eighteenth century to set up a court of final appeal in Pennsylvania.
- _____ 5. In 1722, the Judiciary Act was the colony's first bill.
- _____ 6. The Court of Common Pleas was created in three counties, Philadelphia, Bucks and Chester.
- _____ 7. Lawyers were placed at the top of the Common Pleas Courts.
- _____ 8. The court system of Pennsylvania was not changed until the PA constitution of 1776.
- _____ 9. The Supreme Court by constitutional definition is Pennsylvania's highest court.
- _____ 10. The Constitution of 1968, started the most sweeping changes in Pennsylvania's judiciary in nearly a year.
- _____ 11. In 1895, the General Assembly created the Superior Court to ease the

Topic 4 Inside the Juvenile Justice System (See Appendix IV)

Activity #4 - Research Project: The students will work collaboratively in small groups with peers and research the Pennsylvania Penal Code (adult court system). The students will write a report explaining how the adult system works. For example, they will research Booking & Bail, Bail FAQ, Potential Post-Conviction remedies, etc.

Topic 5 Court Records – How to Clear Them (See Appendix V)

Activity #5 Using the information given in the appendix, complete a sample copy of the Motion to clear one's juvenile or criminal record.

Works cited

Alison, Brownlie. Crime and Punishment Changing Attitudes. N.p.: Raintree Steck-Vaughn, 2000, n.d.

This book states how the criminal justice system should be reformed. It talks about what factors causes crime and how can crime be reduces.

Dershowitz, Alan M. America on Trial. New York, Press: Warner Books, 2001. The spotlight was on many of the most significant cases in our nation's history, that directly influenced the development of American law. It went from the Salem witch trials to the "witch-hunting" trials of the McCarthy era and more.

findlaw.com. <<http://library.lp.findlaw.com>>.

Home Page. <<http://criminal.findlaw.com>>.

Home Page. <<http://www.etr.org>>.

Home Page. <<http://www.hyperionteens.com>>.

Mackenzie, G. C. American Government Politics and Public Policy. New York: Random House, 1986.

This text deals with public policy, government, and politics. The special problems of governing the United States and the evaluating of democratic procedures used to make analysis.

Rinehart, William A. How To Clear Your Adult And Juvenile Criminal Records. Loompanics Unlimited: Loompanics Enterprises, Inc., 1997

This book is sold for informational purposes only. It provides clear step by step information to take to clear your criminal record. Whether you are an adult or a

juvenile.

Sugarmann, Josh. Every Handgun Is Aimed At You. New York, Press: The New York P, 2001.

This book demonstrates that banning handguns is the only effective way to reduce gun violence in our society. It also gives leading research and statistics on handguns and handgun violence in America using graphs and tables.

Winter, Paul A. Crime. Greenhaven: Greenhaven P, Inc., 1998.

This book discusses how controlling guns control crime, poverty causes crime, media violence causes violent crime, and how drug abuse causes crime.

yahoo.com, <http://www.michigan.gov/>>.

Appendix I

A History of Pennsylvania's Courts

Pennsylvania's judiciary system began as a different collection of courts, some inherited from the reign of the Duke of York and some recognized by William Penn. They were mostly local, mostly part time, and mostly under the control of the appellate governor. Non-lawyers ran all of them. And while the Provincial Court was established in 1684, no court could be called the court of final appeal. Final appeals had to be taken to England. Many attempts were made in the early years of the eighteenth century to set up a court of final appeal in Pennsylvania and to further improve and unify the colonies' judicial system, but because the crown had final veto power over all colonial legislation, these attempts proved futile. Finally, in 1727 the crown authorized a bill that had been passed five years earlier.

The Judiciary Act of 1722 was the colony's first judicial bill with far-reaching impact. It created the Pennsylvania Supreme Court, providing for a chief justice and two justices who would sit twice yearly in Philadelphia and ride the circuit at other times; and it created the Court of Common Pleas in Philadelphia, Bucks and Chester counties. The court system in Pennsylvania did not change again until the Pennsylvania Constitution of 1776. By beginning the Courts of Sessions, Courts of Common Pleas and Orphans' Courts in each county, the constitution allowed Pennsylvania to see the beginning of a statewide agreement on the development of its judiciary system.

A new constitution in 1790 encouraged further development in the Commonwealth's judicial system by grouping counties into judicial districts and placing president judges at the top of the Common Pleas Courts. This was meant to ease the Supreme Court's fast increasing workload. Constitutional changes in 1838 and 1874 and a constitutional amendment in 1850 made changes in the jurisdiction, tenure, and election or appointment of members of the judiciary. In 1895, the General Assembly created the Superior Court to further ease the work of the Supreme Court, giving each appellate court separate jurisdictions.

The Constitution of 1968 started the most sweeping changes in Pennsylvania's judiciary in nearly a century, creating the Commonwealth Court to reduce the workload of the Superior and Supreme courts by hearing cases brought against and by the Commonwealth; largely altering the minor court system; and reorganizing the judiciary into the Unified Judicial System, consisting of the Supreme, Superior and Commonwealth courts; Common Pleas Courts; Philadelphia Municipal Court; Pittsburgh Magistrates Court; Philadelphia Traffic Court; and district justice courts, with authority for any future courts the law might establish.

Both judicially and administratively, the Supreme Court is, by constitutional definition, Pennsylvania's highest court. In matters of law, it is the Commonwealth's court of last resort. In matters of administration, the Supreme Court is responsible for maintaining a single, integrated judicial system and thus has supervisory authority over all other state courts.

In 1980, the legislature approved a decrease in the Supreme Court's mandated jurisdiction by expanding that of the Superior Court. Therefore, the Pennsylvania Supreme Court, like the United States Supreme Court, can now exercise care in accepting or rejecting most appeals, allowing it to devote greater attention to cases of far-reaching impact, as well as to its constitutional responsibility to administer the whole judicial system.

Appendix II

The Juvenile Justice system

Although the juvenile court process can differ somewhat from state to state, the following information identifies some important characteristics of the laws.

To possess, use or buy alcoholic drinks or to serve on a jury an individual must be twenty-one years of age. To get married without one's parents' permission the individual must be 18; if under fifteen, one must receive permission from a judge. At eighteen an individual may sue someone in court and be sued, make a will, sign a contract and sign a lease, and if a male, must register for military service. A person must be at least age eighteen to consent to one's own medical treatment.

Individuals under eighteen years of age, must have their parents' permission for any kind of medical treatment, including an abortion. There are a few exceptions to this law. Some hospitals or clinics allow an individual to consent to one's own testing and treatment for pregnancy, sexually transmitted diseases, drug and alcohol abuse or AIDS at any age. Others allow a person to consent to one's own treatment only at age thirteen. If younger than eighteen, but married or in the military, an individual is considered emancipated and eligible to seek medical treatment without parental permission. One may be tried as an adult for any crime for which the individual charged with a crime is age seventeen or older. If one commits an offense at age sixteen or younger, the police will refer the case to the juvenile court system. At any age, if a person alleged to have (5) committed a serious offense such as murder, selling drugs, robbery, rape or assault, or of repeated crimes, the juvenile court may treat an individual as an adult and transferred to the adult criminal system. The juvenile court can also certify a twelve year old individual as an adult for other serious crimes, such as stealing a car, drug possession and carrying a weapon. At age sixteen, one may get a driver's license; at fifteen and a half, one may get a special license to drive with the parent or guardian. At any age, if one is the victim of a crime, the individual has the right to be paid for damages done to one and to attend any hearings and trials about a case that is related to the crime. If the person who committed the crime is a juvenile, the victim may attend the hearings in juvenile court. If the person who committed the crime is an adult or will be tried as an adult, the victim may go to the hearings and the trial in circuit court.

Juvenile Delinquency Definitions

Juvenile delinquency events can commonly be thought of as those involving a minor child who is believed to have committed a crime. In the juvenile law, the word "delinquent act" is used rather than the word "crime." Moreover, because a

juvenile is involved, the case is handled by special proceedings designed for juvenile matters rather than through the adult criminal court. Juveniles who have been found to commit a delinquent act are not sent to prison. If appropriate, a juvenile may be sent to a juvenile detention facility such as Shuman Center. Delinquent children with a prior history are often sent to more serious detention facilities such as New Castle Youth Development Center (YUCK) which is considered to be a maximum security facility for juveniles. Other juveniles who have been found to have committed less serious delinquent acts may be allowed to remain in their homes under the supervision of a juvenile court probation officer.

Many people whether young or old do not know what the Juvenile Justice System actually is. They do not know or even understand the emotions parents face when their child is arrested or referred to the juvenile court. Although the juvenile court process can vary somewhat from state to state or even country to country, my paper is here to identify the basic principles, which govern the juvenile justice system. Why am I writing this paper on the juvenile justice system you are wondering in the back of your mind? It is simple, I would like to inform the American society of a justice system does not put forth a one hundred percent effort to protect the thousands of adolescents who are merely thrown into the juvenile justice system everyday.

The phrase “juvenile delinquent” is heard in many family films such as *Free Willy* in which this phrase is used at least three times through out the film regarding a teenage boy who is adopted by a couple. The boy who is adopted by the couple is merely known as a “juvenile delinquent” because he came from a troubled background, a distraught family with no father figure. He had numerous encounters with the police because he had his mind set that the only ways to get through life were to destroy property, steal money, and cheat his way through life. Does this sound familiar to any one? Though this young boy is considered a “juvenile delinquent” in a fictional film, the characteristics which make this boy a juvenile delinquent can easily characterize most of the young males and females in the juvenile justice system today.

A juvenile criminal matter can arise when the police arrest a minor for violating a statute. In most cases, a juvenile criminal matter begins when a school official, parent, or guardian refers a problem with a juvenile to the court. The court intake officer then evaluates the case, which is known as a “juvenile delinquency” case, to determine whether further action is necessary, whether the child should be referred to a social (6) service agency, or whether the case should be formally heard in juvenile court. When criminal actions are serious enough, the juvenile may be held in a juvenile correction facility and decisions made whether to send the juvenile to an alternative placement, such as a shelter, group home, or foster

home. Juveniles do not have the option to pay bail or post a bond to get their freedom.

If the intake officer decides that a formal hearing in juvenile court is not necessary, planning may be made from school counselors, mental health services, or other youth service agencies to support the child. The intake officer will think about a number of factors in deciding whether informal measures are appropriate, including the seriousness of the alleged crimes, the minor's delinquency and social history, and the level of remorse expressed by the minor.

If the intake officer decides that the case should be heard in juvenile court, a petition is filed with the court setting forth the statutes that the child is supposed to have violated. This means that every offense that the juvenile has committed will be noted before a person in authority. The petition is the same as a criminal complaint in the adult criminal justice system.

Examples of delinquent behavior

1. Arson - starting a fire or causing an explosion which damages property, including empty buildings or property that nobody uses.
2. Assault - hitting or striking a person or saying you will do so.
3. Burglary - breaking into and entering a house or building with the intentions of committing a crime.
4. Driving While Intoxicated - operating any motor vehicle, including a motorcycle or motorized bike, under the influence of drugs or alcohol.
5. Drug and Alcohol Offenses - possession of, use of, and sale of illegal drugs or alcoholic beverages.
6. False Identification - altering a driver's license or other form of identification in such a way that it contains false information or pretending that someone else's identification is yours.
7. Rape - sex with another person of any age without that person's consent. Sex with a person less than 14 years of age is rape even if the person has consented to having sex.
8. Receiving Stolen Property - accepting property that you know is stolen.
9. Robbery - taking a purse, money or other property from a person by force or threat of injury.
10. Sexual Abuse - forcing another person to have sexual contact with you.
11. Stealing - taking something without the owner's permission. This includes shoplifting. Acting with, helping or assisting another person to steal even if you do not keep the stolen goods is still considered the crime of stealing.
12. Tampering - driving or riding in a car or vehicle without the owner's permission; "joyriding."
13. Traffic laws - if you have a driver's license, you are expected to know and obey traffic laws.

14. Trespassing - going on property without the owner's permission or going on property where there is a fence or a "Keep Out" or "No Trespassing" sign.
15. Truancy - skipping school.
16. Vandalism - damaging another person's property, such as breaking windows, spray painting and letting the air out of tires.
17. Violating Curfew - staying out past a certain hour that has been set as a time that all juveniles must be off the streets and in their homes.
18. Weapons Violations - carrying guns, razors, knives or metal knuckles on you or having such things readily available in your car, such as under your car seat, in the glove box or similar storage in your car. Bringing a gun to school is a serious weapons violation.

Appendix III

Rules for Encounters with the Juvenile Justice System

1. What should you do if you are taken into custody?

If a police officer takes you to the police station or the juvenile court and plans to keep you there for some time, you are “being taken into custody.” If this happens to you, give your name, address, age, and your parents’ names and phone numbers.

“Miranda” Rights and the Fifth Amendment

In 1966 the United States Supreme Court decided the historic case of *Miranda v. Arizona*, ruling that whenever a person is taken into police custody, before being questioned he or she must be told four things:

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to an attorney.
4. If you cannot afford an attorney, one will be appointed for you.

2. What if the police fail to advise you of your Miranda Rights?

When police officers question a suspect in custody without first giving the Miranda warning, any statement or confession of the crime made is supposed to be unintentional, and cannot be used against the suspect in any criminal case. Any evidence revealed as a result of that statement or confession will likely also be thrown out of the court. For example, suppose Joshua is arrested and, without being read his Miranda rights, is questioned by police officers about a bank robbery. Unaware that he has the right to remain silent, Joshua confesses to committing the robbery and tells the police officers that the money is buried in his backyard in a metal box underneath the doghouse. Acting on this information, the police officers dig up the money. When Joshua’s attorney challenges the confession in court, the judge will likely find it unlawful. This means that, not only will the confession be thrown out of the case against Joshua, but so will the money itself, because it was discovered solely as a result of the unlawful confession made by Joshua during questioning by the police officers.

3. What are your rights if you are stopped by a police officer?

If you are under seventeen years of age and you break the law, you are taken into custody and turned over to the juvenile court system. You do not have to say anything (8) until you talk to a lawyer, but as mentioned above you are obligated to give your name, address and age. The police officer will take your picture and fingerprints if you have committed a serious crime. If you are taken into custody for a minor crime, then your fingerprints may be taken only if a judge orders it. You may be put in detention. Detention is the act of keeping a person restricted or locked up. You must be told of the reason for your detention,

your right to a detention hearing (within 3 days) and your rights during detention. You can be held up to twenty-four hours without a court order. You can be held longer by court order. Your parents must be notified by telephone or in writing as soon as possible. The juvenile officer assigned to your case decides how to handle your case. A juvenile court judge hears the evidence against you. Cases are handled by having a meeting at juvenile court with you and your parents or by filing a petition in juvenile court. If you are held more than 24 hours, a petition, a paper which states the charges against you, must be filed. A petition is usually filed when you are charged with a serious crime, when you have been held more than 24 hours or when you have been in trouble before.

Appendix IV Inside the Juvenile Justice System

1. Who decides if you can be tried as an adult?

A juvenile court judge will decide whether you will be tried as an adult after reading the charges brought against you, looking at your record, and holding a hearing. So it is very important for students to attend school everyday, and not just be there physically but to do well in all your classes. This means participating in classroom assignments, bringing in homework on time, and controlling your behavior. You must learn to discipline yourself to be successful. Your school record is mainly how adults in authority identify you as good, bad or other. The judge will think about the seriousness of the charges, whether your community needs to be protected from you, whether the crime involved force or violence, whether you hurt another person, whether you have a record of breaking the law and your age. If you are tried as an adult and found guilty, there are several things that may happen to you. First, you may be sent directly to an adult prison. Secondly, you may spend some time at a juvenile detention center (Shuman) and then be sent later to an adult prison. Thirdly, you may be put on probation and given a second chance to stay out of trouble. If you are convicted of first degree murder and you were 16 years old at the time you committed the murder, you could receive the death penalty in some states. If you are tried as an adult and found guilty of a crime, you will thereafter be tried as an adult for any crime.

Fifth Amendment Right Against Self-Incrimination

The fifth amendment to the United States Constitution gives a person the right to refuse to answer any questions or make any statements, when to do so would indicate that you have committed a crime or are linked to the criminal activity, which you are being charged. This right is also known as the Fifth Amendment privilege against self-incrimination, and is referred to as “pleading the fifth”.

Can a criminal Defendant be forced to testify at trial?

At the trial, the Fifth Amendment gives a criminal defendant the right not to testify. This means that the prosecutor, judge, and even the defendant’s lawyer cannot force the defendant to take the witness stand at the trial if he or she does not want to. When a defendant does this, the jury is not allowed to take the refusal into consideration when deciding whether the defendant is guilty of the crime charged. It is important to know that, once a defendant does take the stand and testifies at the trial, he or she must answer all questions. During this time, the defendant’s Fifth Amendment right is ignored because he or she testified.

Does the Privilege Apply to Fingerprints and Blood Test?

The Fifth Amendment right against self-incrimination does guarantee that a defendant in a criminal case cannot be forced to testify and “be a witness against himself or herself”. But it does not apply when a defendant is fingerprinted, or made to provide a DNA sample in connection with a criminal case. In other words, a defendant does have the right to refuse to cooperate with these procedures by claiming the Fifth Amendment privilege.

What Happens if You are Not Tried as an Adult?

You will attend a hearing in juvenile court. You have the right to a lawyer paid by your parents, grandparents, relatives, or legal guardians. If your parents cannot pay a lawyer, the court will hire a lawyer (public defender) for you. You have a right to plead “not guilty” and have a trial in front of the judge in juvenile court. If you say you are guilty or you are found guilty after the trial, the judge will make a decision about what to do with you. The hearing and trial in the juvenile court system will be open to the public. This means any one will be allowed to hear your case, related to you or not. This only happens if you are accused of committing a serious crime.

What Might the Court Decide to Do With You?

You might become a ward of the court. That means the court will supervise you. You might be returned home in the custody of your parents, with court ordered visits with the juvenile officer. You might be sent to a foster home, a group home or other institution. You might be ordered to perform community service (work in the neighborhood for no money) or pay restitution to the victim. If you cause damage to property or injure a person, your parents may also have to pay up to \$4,000.00 for damages and injuries.

What Helps the Court Decide Placement for You?

They take a close look at your attitude. How do you feel about what you did? Are you sorry for what happened or not? They look at the number of times you have been in trouble. Is this your first time, or your fifteenth time losing control. They certainly look at the seriousness of the crime. Did you shoplift something or did you take someone’s life? This cannot be stressed enough; your school record is so important to your young life. This includes attendance, grades, office referrals, and suspensions out of school. Education is one of the most valuable tools you have to be successful in life. The word says, people perish because of a lack of knowledge. Judges also consider what help the family is willing to give. They ask such questions as: Do you obey the rules at home? Are you doing your chores daily, making your curfew, and listening to and following adult directions? This truly helps parents to decide if you are worth the aggravation or not. Did

you know that who ever you rub up against is who you become? Who ever you hang out with will have either a negative or positive effect on you. Do you receive good or bad advice from your friends? Is what they are saying to you making your life a little better? If not, you need to run away from them as fast and far as you can and never look back in that direction. By law, the court can keep you in custody until you are 21 years of age.

Appendix V

How to Request Clearance of a Delinquency or Criminal Record

There are methods by which to appeal actions of a court or to clear a record. First the appellate must get a copy of the court minutes from the court that has the arrest record. This is an official document that has the docket number, charge(s), name, the date of the arrest, and the sentence received. It also has the judge's name, the prosecutor's name, and the court reporter's name. A copy of this document will be needed to file with the motion(s).

Steps to take to clear your criminal juvenile or adult record

Prior to beginning to clear your criminal record, it is very crucial that you know exactly what is on your record. You may think you know, but this is not the time for surprises. You will need (1) a current copy of your FBI record, and (2) a copy of the court minutes of each case you are clearing.

To get a copy of your FBI record:

1. From any local police station, get a set of your fingerprints.
2. Write a letter asking for a copy of your FBI Criminal Record. Be sure to include your full name, date of birth, Social Security number, place of birth, any and all other names you have ever used. Be sure to sign it in black ink.
3. Buy a money order in the amount of \$18.00, made out to the United States Treasury Department.
4. Place your fingerprint card, your letter of request for the record, and the \$18.00 money order in a large envelope and mail it, First Class, to:
Federal Bureau of Investigation
Identification Division
Washington, D.C. 20537-9700.
(If you do not have the \$18.00, request a Fee Waiver.)

Wait until you have your FBI Record before going any further.

On your FBI record, you will find the places (city and state) where you were charged with a crime, the date, and the charge(s). You will need to contact each of those places' Clerks of Court, Criminal Division, to get a copy of your court minutes. Usually a telephone call will work. When phoning, be sure that you get the court's address, to mail your Motion to Expunge/Seal to.

From the information you got from your court minutes, in each case, fill in the blank motion with the correct information - step-by-step, number by number.

Instructions for filling in and filing your Motion.

Directions: Using the Court Minutes (obtained from the Clerk of Court

where your record is), fill in the blanks of the motion as follows:

1. In blank space #1, fill in the name of the STATE exactly as it is on your Court Minutes.
2. In blank space #2, write the NAME or number of the District Court, exactly as it is on your Court Minutes.
3. In blank space #3, fill in the DOCKET NUMBER as is on your Court Minutes.
4. In blank space #4, write the name of the COUNTY/Parish where you were arrested.
5. In blank space #5, write your NAME as it is on your Court Minutes.
6. In blank space #6, write the NAME of the CITY where the Court is located.
7. In blank space #7, write exactly what the Motion is you are filing, i.e., Expungement, Sealing of Record, Purging of Record, etc. (Look up your State, Statutes/Laws necessary for Post-Conviction Relief:)
8. In blank space #8, write the exact laws or statutes you need to cite in order to accomplish what you want - using your State Laws guideline.
9. In blank space #9, write your street address.
10. In blank space #10, write your City, State and Zip code.

Make three copies of it after it's filled out.

- Send the *Original* Motion to the Clerk of Court where your record is on file. Attach a *copy* of the court minutes to the Motion. Be sure that you have put your telephone number on the form so that the clerk can see it so that you may be contacted for the Hearing or Notice of Trial.
- Send a *copy* of your motion to the prosecutor (find his/her name in your Court Minutes) in your case. With the copy to the prosecutor, write a letter asking for "Concurrence" - in other words asking him/her to allow you to clear your record.
- ***Keep a copy of everything for yourself.***

Filing Fees: There may be a charge from the Clerk of Court to file your motion. If you do not have the money for fees, ask the Clerk for the papers to proceed *in forma pauperis*, which allows you to file for free.

When sending your motion to the court, write a note asking that a copy of your Motion stamped "FILED" be sent back to you. It's important that you know it got there and that it will be given to your judge.

After that, all you can do is wait until the court has made its decision on your case. It is very important that when you send your motion you also send an order along with it. If you don't, the Clerk will send the motion back to you and ask for one.

What you're looking for is the signed order to come back to you. If it's signed, your record is cleared. If it's denied, the Court has to tell you why.

There are methods of appeal. Don't give up. It can be done. Many have accomplished it.

References to the Pennsylvania Criminal Code

Right to Inspect & Obtain a Copy of Record: 18-9151, 9152; & Reg. 195.4

Purging Conviction Information; 18-9122

Purging Nonconviction Information: Same as above

Sealing Nonconviction Information: None

Sealing Conviction Information: None

STATE OF(1.) *(2.) JUDICIAL DISTRICT
VERSUS *DOCKET NO.(3.)
(5.) *COUNTY OF (4.)
*CRIMINAL DIVISION
*CITY OF (6.)

MOTION TO (7.)

NOW COMES (5.), Defendant in the above captioned matter, who avers that under the laws and statutes of this state, namely (8.), all requirements stipulated have been met on said charges, and he/she is eligible for the above captioned Post Conviction Relief.

THEREFORE, Defendant (5.) now comes to this Honorable Court with said Motion and prays that a Hearing date be set on said matter, or judgment be made and disclosed to Defendant.

Defendant states that a copy of the Court Minutes with the results of trial, sentencing, or dismissal of the above captioned case is filed with this Motion, and that all stipulations by the State Court according to sentence have been met.

RESPECTFULLY SUBMITTED,
(SIGN HERE _____)
(_____)
(_____)

BE SURE THAT YOU SIGN YOUR MOTION!!

When you have finished filling out the form, take it or mail it to the Clerk of Court, Criminal Division, where your record is, and file it into your record. There may be a filing fee. If you do not have the money, ask the clerk for the forms to *file in forma pauperis* (for free). BE SURE that you have attached a copy of your Court Minutes to your Motion. Be sure that you have put your address or telephone number somewhere where the clerk can see it so you can be contacted for a Hearing, or Notice of Trial.

Appendix VI
Laws Regarding the Possession of Weapons

Beginning July 1, 2001, individuals licensed to carry a concealed pistol by states will not be allowed to carry these weapons in the following areas:

1. Schools or school property but may carry while in a vehicle on school property while dropping off or picking up a parent or legal guardian.
2. Public or private day care center, public or private child caring agency, or public or private child placing agency.
3. Sports arena or stadium
4. A tavern where the primary source of income is the sale of alcoholic liquor by the glass consumed on the premises.
5. Any property or facility owned or operated by a church, synagogue, mosque, temple, or other place of worship, unless the presiding official allows concealed weapons.
6. An entertainment facility that the individual knows or should know has a seating capacity of 2,500 or more.
7. A hospital
8. A dormitory or classroom of a community college, college, or university
9. A casino
10. Premises do not include the parking areas of the above places
A pistol is subject to be taken away if the CCW permit holder is carrying a pistol in a "pistol free" area. The following penalties may also be imposed:
 - *First offense: State Civil Infraction, \$500.00 fine, CCW permit suspended 6 months
 - *Second offense: 90-day misdemeanor, \$1,000.00 fine, CCW permit taken away
 - *Third and following offenses: 4-year felony, \$5,000.00 fine, CCW permit taken away. Furthermore, weapons are not permitted in any courtroom, office or other space used for official court business or by judicial employees unless the chief judge or other person designated by the chief judge has given prior approval consistent with the court's written policy. Firearms are so widespread in America that sometimes we forget the price we pay for a too-easy access to guns.

Appendix VII Crime Statistics

Deaths by Firearms - 1999 Reporting Year: Total of 1,176

428 Homicides (1.2 per day)

- *19 shootings were ruled justified by law enforcement (11) and private citizens
- *Of the 409 remaining, 372 (91%) were committed with handguns, 9 with rifles, 22 with shotguns and 6 unknown
- *120 victims (28%) were 20-24 years old and 69 victims (16%) were 15-19 years old
- *8 were children under 14
- *257 victims (60%) were black males and 98 victims (23%) were white males
- *In 2000, 52 victims died as the result of shootings in domestic abuse cases
- *Pennsylvania's firearm homicide total was 6th highest in the nation
- *Pennsylvania ranked 2nd in the nation for the percentage (91%) of handgun homicides

703 Suicides (1.9 per day)

- *Suicides account for 60% of the firearm deaths in Pennsylvania.
- *At least 50 suicides by gun occurred in every age group from 20-24 through 50-54
- *Of the total, 584 (83%) were white males and 37 (5%) were black males
- *35 were under the age of 19
- *45 were listed as unintentional or intent unknown

2,122 Injuries (5.8 per day) - 1996 Reporting Year taken from hospital discharge data

- *418 were unintentional, 143 were self-inflicted, 1,561 were from assaults
- *1,268 victims were black males and 467 victims were white males
- *Firearms injury ranks 2nd among black males out of all injury causes
- *Firearms injury ranks 15th among white males out of all injury causes
- *Firearm injury is the 7th leading cause of hospitalization in Pennsylvania

Hospitalization cost - 1996 reporting year

- *\$70,422,403 in total hospital costs for firearm injuries
- *Medicaid and Medicare and Government resources paid \$43, 162,871 (62%)
- *Commercial insurances, employers and other sources paid \$20,145,689 (29%)
- *Individuals direct billing paid \$6,081,616 (9%)
- *Firearms injuries ranked 5th in total charges among all injury types
- *Firearms injuries were the most expensive injury to treat among all injury types
- *Firearms injuries were the 7th leading cause of hospitalization.

Children and Guns - 1996 reporting year

- *An average of three six-year-old children are left behind for each homicide
- *6 children under the age of 14 (4 white males and 2 white females) died in homicides
- *4 children under the age of 14 (all males) committed suicide using a gun

Robberies - 1996

*Pennsylvania ranked 4th in the nation in robberies involving a firearm - 6,906 robberies were committed involving a firearm

*Firearms were used in 75% of 9,215 total robberies involving weapons

Aggravated Assaults - 1996

*Pennsylvania ranked 7th in the nation in aggravated assaults involving firearms

*4,705 aggravated assaults were committed involving a firearm

*152 assaults with a firearm occurred on police officers

***NOTE: all figures are taken from governmental reports using the latest years available.**

Appendix VIII

Facts about Puberty

Puberty Facts

1. The first signs of puberty are breast “buds” or pubic hair for girls, and pubic hair or growth of the testicles for boys.
2. Legally, puberty is considered to begin at age 12 for girls and age 14 for boys.
3. Puberty usually includes a period of rapid growth for several months to a year. In this time, boys grow up to 4 inches, girls up to 3 inches.
4. During puberty, boys lose fat and gain muscle, (40 pounds) which brings them closer to the media’s “ideal” male figure. Girls usually gain body fat, (25 pounds) which (4) doesn’t fit the media “ideal.”
5. Puberty starts in the brain. Hormones are formed by the pituitary glands that cause the body to change.
6. During puberty, feet may seem quite big, but then they stop growing and the rest of the body catches up with them.
7. Usually the boys’ voice changes which includes cracking because of the increased hormones caused by the vocal cords getting bigger.
8. The increase of testosterone causes sweat glands and produces body odor.
9. During puberty, the eyeballs get longer and that leads to teens having to get eyeglasses.
10. Girls usually start menstruation between the ages of 12 or 13, but may start as late as age 17.
11. A boy’s capability to ejaculate may start between the ages of 12 through 13.
12. It symbolizes that he is able to parent a child.
13. In puberty, testosterone affects both boys and girls resulting in their having oil glands in the skin causing acne.
14. A worldwide survey revealed that boys usually increase self-confidence through this time of puberty?
15. On the other hand, girls often lose self-confidence.

Appendix IX
Effects of Delinquent/Criminal conduct (for Students)

How does trouble with the law affect you?

1. You can lose your driver's license or have it suspended.
 2. Your school can find out that you have been in trouble with juvenile court and you could possibly be suspended from school for up to one year.
 3. Your juvenile court record will be open to juvenile court, adult prosecutors and adult judges. If the juvenile court finds you to be a juvenile delinquent because you committed a serious crime, then your juvenile court record will be a public record.
 4. Your juvenile record can be used to show that you should not be believed as a witness in other court hearings.
 5. Your juvenile record can follow you forever.
 6. Your juvenile record makes it harder to get a job.
 7. Your juvenile record makes it harder to get into military service.
 8. You risk losing the respect and trust of other people.
 9. Your juvenile record can produce low self-esteem, lack of confidence, and a bondage mentality.
- (11)
10. Although you may ask the court system to destroy your juvenile court record at age 17, the court does not have to destroy it.