

MEMORANDUM DECISION

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ATTORNEY FOR APPELLANT

Anna Onaitis Holden
Zionsville, Indiana

ATTORNEYS FOR APPELLEE

Theodore E. Rokita
Indiana Attorney General
Indianapolis, Indiana

J.T. Whitehead
Deputy Attorney General
Indianapolis, Indiana

IN THE COURT OF APPEALS OF INDIANA

D.C.,
Appellant-Respondent,

v.

State of Indiana,
Appellee-Petitioner

February 23, 2024

Court of Appeals Case No.
23A-JV-1880

Appeal from the Marion Superior
Court

The Honorable Stephen Creason,
Judge
The Honorable Pauline Beeson,
Magistrate

Trial Court Cause No.
49D16-2303-JD-002339

Memorandum Decision by Judge May
Judges Vaidik and Kenworthy concur.

May, Judge.

- [1] D.C. appeals his placement in the Department of Correction (“DOC”) following his adjudication as a juvenile delinquent for committing acts that, if committed by an adult, would be Level 3 felony aggravated battery¹ and Class C misdemeanor dangerous possession of a firearm.² D.C. argues the trial court abused its discretion when it placed him in the DOC instead of in an available placement at a residential facility. We cannot hold the trial court abused its discretion when the record indicates: (1) D.C. shot another teenager, firing more than a dozen rounds in total, without any provocation whatsoever; (2) D.C. was on probation for one delinquent act and had a second delinquency petition pending when this third delinquent act occurred; and (3) D.C. had already experienced less restrictive treatment options through juvenile court engagement. We accordingly affirm.

Facts and Procedural History

- [2] On March 19, 2023, fifteen-year-old D.C. was at a friend’s house with several other juveniles. One of those juveniles was T.E., a sixteen-year-old male. T.E. and his best friend, J.C., a fifteen-year-old male who lived down the street, exchanged argumentative social media messages related to a disagreement

¹ Ind. Code § 35-42-2-1.5.

² Ind. Code § 35-47-10-5(a).

between their respective girlfriends. At some point, T.E. and J.C. decided they would engage in a physical fight to resolve their dispute, and J.C. left his house to walk to T.E.'s location. Some of the teens in the house with T.E., including D.C., went outside to wait for J.C. to arrive for the fight, while T.E. and a few others remained inside. T.E. was watching from an upstairs window, and D.C. was standing alone by a basketball goal. When J.C. arrived, D.C. pulled a gun from his waistband and shot at J.C. at least a dozen times. One of the bullets hit J.C. in the leg as he was running away. J.C. was able to make it home, and an ambulance took him to the hospital.

- [3] On March 23, 2023, the State filed a petition alleging D.C. was a delinquent child for committing acts that, if committed by an adult, would be Level 3 felony aggravated battery, Level 6 felony criminal recklessness,³ and Class C misdemeanor dangerous possession of a firearm. On June 12, 2023, the juvenile court heard evidence on the petition. The juvenile court found the State “met their burden on all three counts” but merged the criminal recklessness into the aggravated battery. (Tr. Vol. 2 at 92.) The juvenile court then adjudicated D.C. a delinquent child for committing acts that, if committed by an adult, would be aggravated battery and dangerous possession of a firearm.

³ Ind. Code § 35-42-2-2(a).

[4] Following completion of a psychological evaluation and a predisposition report, the juvenile court held a dispositional hearing on July 24, 2023. J.C.’s mother gave a statement about the toll that the shooting has taken on his family. The probation department recommended D.C. be placed in the DOC because his adjudication resulted from “his decisions and not related to mental health needs.” (*Id.* at 122.) The State opined that placement in the DOC would be in the best interest of D.C. and the “safety and welfare of the community[.]” (*Id.* at 102.) D.C. presented evidence of an available placement at Transitions Academy, which was a locked secure residential program in Indianapolis that provided educational support and various modalities of therapy. D.C. also presented evidence about the progress he had made while at the Marion County Juvenile Detention Center for 100 days. After hearing all the evidence, the juvenile court determined it was in D.C.’s “best interest to be committed to the [DOC].” (*Id.* at 128.)

Discussion and Decision

[5] D.C. challenges his placement in the DOC. The juvenile court system is founded on the notion of *parens patriae*, which allows the juvenile court to step into the shoes of the parents. *In re K.G.*, 808 N.E.2d 631, 635 (Ind. 2004). The *parens patriae* doctrine gives juvenile courts power to further the best interests of the child “which implies a broad discretion unknown in the adult court system.” *Id.* Accordingly, juvenile courts have “wide latitude and great flexibility” in fashioning dispositions for delinquents, and we review a juvenile

court's decision for an abuse of discretion. *K.S. v. State*, 114 N.E.3d 849, 854 (Ind. Ct. App. 2018), *trans. denied*. A decision is an abuse of discretion if it is clearly against the logic and effect of the facts and circumstances before the trial court or against “the reasonable, probable, and actual deductions to be drawn” from those facts and circumstances. *Id.*

[6] While juvenile courts have “wide latitude and great flexibility” in fashioning dispositions for delinquents, *id.* (quoting *C.T.S. v. State*, 781 N.E.2d 1193, 1203 (Ind. Ct. App. 2003), *trans. denied*), our legislature also delineated factors the trial court should consider as it makes its decision:

If consistent with the safety of the community and the best interest of the child, the juvenile court shall enter a dispositional decree that:

(1) is:

(A) in the least restrictive (most family like) and most appropriate setting available; and

(B) close to the parents' home, consistent with the best interest and special needs of the child;

(2) least interferes with family autonomy;

(3) is least disruptive of family life;

(4) imposes the least restraint on the freedom of the child and the child's parent, guardian, or custodian; and

(5) provides a reasonable opportunity for participation by the child's parent, guardian, or custodian.

Ind. Code § 31-37-18-6.

[7] D.C. argues the juvenile court should have placed him in Transitions Academy, because it is closer to where D.C.’s mother lives and it offers family therapy that is unavailable through the DOC. While proximity to a parent’s home and the opportunity for parents to participate are statutorily-prescribed matters a juvenile court should consider when determining a child’s disposition, *see id.*, those matters do not override considerations of “the safety of the community and the best interest of the child[.]” *Id.* Here, the juvenile court explicitly found “it’s . . . in your best interest to be committed to the [DOC].” (Tr. Vol. 2 at 128.) In its written dispositional order, the juvenile court also found: “Respondent’s increased behavior poses a threat to his safety as well as the safety of the Community.” (Appellant’s App. Vol. 2 at 20.)

[8] When D.C. committed the shooting underlying this adjudication, he was serving probation for a 2022 delinquency adjudication based on an act that would be auto theft if committed by an adult,⁴ and he was facing a January 2023 allegation that he was a delinquent child for committing an act that would be criminal mischief if committed by an adult.⁵ During his past engagements with the juvenile justice system, D.C. had already been provided evening reporting, home-based therapy, and probation, but these services did not deter D.C. from additional acts of delinquency. The Indiana Youth Assessment System – Disposition Tool assessed D.C. to be at a “Moderate” risk to reoffend,

⁴ Trial court cause number 22-JD-4923.

⁵ Trial court cause number 23-JD-0177.

(*id.* at 88), and the Structured Assessment of Violence Risk in Youth assessment tool assessed D.C. in a “Moderate to High Risk for Violence” category. (*Id.* at 110.)

[9] On March 19, 2023, J.C. arrived at T.E.’s location to fight T.E. physically. The two boys were best friends, and some in attendance believed they might not even fight. The disagreement between J.C. and T.E. had nothing to do with D.C. He was just another of the teens present. Nevertheless, when J.C. walked onto the property, without any provocation whatsoever, D.C. pulled out a handgun and shot at J.C. more than a dozen times, hitting J.C. once. Before leaving the scene of the shooting, D.C. told another teen that J.C. “got what he deserved.” (Tr. Vol. 2 at 62.) Even after the juvenile court entered a true finding on the delinquency allegations stemming from these events, D.C. submitted a statement for the predisposition report that placed the blame for these events on another juvenile. (Appellant’s App. Vol. 2 at 93.) In light of all these circumstances, we cannot say the trial court abused its broad discretion when it decided to place D.C. in the DOC. *See M.M. v. State*, 189 N.E.3d 1163, 1167 (Ind. Ct. App. 2022) (holding juvenile court did not abuse its discretion by granting wardship to DOC when “numerous and intensive efforts and lesser restrictive placements” had failed).

Conclusion

[10] D.C.’s history of delinquent behavior and lack of success with prior services, combined with his unprovoked firing of more than a dozen shots at another

teen, lead us to determine the trial court did not abuse its discretion when it determined placement of D.C. in the DOC was in D.C.'s best interest and necessary to protect the community. Accordingly, we affirm.

[11] Affirmed.

[12] Vaidik, J., and Kenworthy, J., concur.