

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

W.R. Jr.,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff

June 28, 2022

Court of Appeals Case No.
22A-JV-344

Appeal from the
Wells Circuit Court

The Honorable
Kenton W. Kiracofe, Judge

Trial Court Cause No.
90C01-2111-JD-29

Vaidik, Judge.

Case Summary

- [1] W.R. appeals his placement in the Indiana Department of Correction (DOC) following a juvenile-delinquency adjudication. We affirm.

Facts and Procedural History

- [2] W.R. was born in October 2004. His juvenile history started in September 2018, when he was thirteen years old. That month, W.R. was adjudicated a delinquent child for what would be, if committed by an adult, felony auto theft and misdemeanor operating a vehicle without ever receiving a license. The following month, W.R. was adjudicated a delinquent child for what would be, if committed by an adult, felony synthetic identity deception,¹ misdemeanor possession of marijuana, and misdemeanor possession of paraphernalia. For these adjudications, W.R. (1) was ordered to undergo counseling, (2) was placed on probation, (3) had his probation extended several times, (4) was placed on home detention, and (5) was placed in juvenile detention. W.R. was finally released from probation in July 2021.

- [3] One month later, in August 2021, W.R. left home without permission of his guardians and was adjudicated a delinquent child for this status offense. The juvenile court placed W.R. on probation for six months and home detention until November 1 and ordered him to participate in counseling. The court

¹ The synthetic-identity-deception statute was repealed in 2021.

emphasized that it had been dealing with W.R. “for a few years now” and that W.R. had “a lot of potential.” Tr. pp. 15, 18. That said, the court warned W.R. that he was “tying [the court’s] hands” and that they were “running out of options.” *Id.* at 16, 18. The court said W.R.’s next stop was the DOC. *Id.* at 16.

[4] On November 3, just two days after W.R. got off home detention and while he was still on probation, W.R. took his guardians’ car without their permission. The guardians called the police, and the police stopped W.R. Although W.R. initially pulled over, he sped off and led the police on a high-speed chase for about fifteen minutes, only stopping after stop sticks were deployed. The State filed a delinquency petition alleging W.R. committed the status offense of leaving home without permission of his guardians and what would be, if committed by an adult, felony auto theft, felony resisting law enforcement, misdemeanor possession of marijuana, and misdemeanor possession of paraphernalia. A detention hearing was held, and the State requested that W.R. be placed in juvenile detention pending disposition. W.R. did not object. *Id.* at 26.

[5] W.R. later admitted to leaving home without permission and committing what would be felony resisting law enforcement and misdemeanor possession of marijuana in the new case and to violating his probation in the other case. At the February 2022 dispositional hearing, W.R. argued he had been doing well in juvenile detention, where he was working toward his high-school diploma, and asked the juvenile court to continue his placement there for 120 more days.

The State asked the court to place W.R. in the DOC. The court ordered W.R. committed to the DOC:

1. The child has received nine (9) adjudications in Wells County, Indiana, for delinquent acts that include several misdemeanor offenses if committed by an adult, to-wit: resisting law enforcement,^[2] possession of marijuana, possession of paraphernalia, and knowingly or intentionally operating a motor vehicle without a license, and for the felony-level offenses of auto theft and synthetic identity deception. The child has received services through formal probation, counseling, home detention, and two residential placements.
2. Since September 11, 2018, the child has been on probation save the short period between July 7, 2021 and August 24, 2021.
3. Despite the efforts made by the probation department to rehabilitate the child, he continues to commit delinquent acts that pose a risk of harm to himself and the community.

Appellant's App. Vol. II p. 54.

[6] W.R. now appeals.

Discussion and Decision

[7] W.R. contends the juvenile court should not have placed him in the DOC. The disposition of a juvenile adjudicated a delinquent is within the discretion of the

² Earlier in the order, the court said resisting law enforcement was a felony. Appellant's App. Vol. II p. 53.

juvenile court and is reviewed on appeal for an abuse of discretion. *J.S. v. State*, 881 N.E.2d 26, 28 (Ind. Ct. App. 2008). “An abuse of discretion occurs when the juvenile court’s action is clearly erroneous and against the logic and effect of the facts and circumstances before the court or the reasonable, probable, and actual inferences that can be drawn therefrom.” *Id.* The court has “wide latitude” in dealing with juveniles. *Id.*

[8] The court’s discretion is subject to Indiana Code section 31-37-18-6:

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.

The statute favors the least harsh placement only if “consistent with the safety of the community and the best interest of the child.” *J.S.*, 881 N.E.2d at 29. The statute recognizes that a more restrictive placement is sometimes in the best interest of the child. *Id.*

- [9] W.R. argues that commitment to the DOC is not the least restrictive and most family-like environment for him. W.R., however, has been given multiple chances at less-restrictive environments. From September 2018 to July 2021, W.R. was placed on counseling, probation, home detention, and juvenile detention. Nevertheless, one month after being released from probation, W.R. left home without permission of his guardians. The juvenile court placed W.R. on home detention for about two months and probation for six months. The court warned W.R. that they were running out of options and that his next stop was the DOC. Despite this warning, just two days after being released from home detention and while still on probation, W.R. took his guardians’ car without their permission and led the police on a high-speed chase for about fifteen minutes. W.R. is demonstrating a pattern of offenses that is growing in severity and poses a risk to the community as well as himself. The juvenile court acted well within its discretion by placing W.R. in the DOC.

- [10] Affirmed.

Crone, J., and Altice, J., concur.