

**The Drug Store
Court Scene Script – 2016**

Profile of Minor: First Offence
School: poor grades/attendance, some behavioral problems
History of poly substance abuse

Charges: H/S 11351 (possession controlled substance/for sale), felony
H/S 11350 (possession of controlled substance), misdemeanor
PC 484 (petty theft of exhibit items), misdemeanor
Substances: Oxycontin/Hx: Triple C + alcohol

Roles: Judge: Hon. Suzanne Kingsbury
Bailiff: _____
DDA: _____
Public Defender: _____
Minor: 1/ _____
2/ _____
3/ _____
4/ _____
5/ _____
6/ _____
7/ _____
8/ _____
9/ _____
10/ _____

DIALOG

Bailiff: "Remain seated and come to order!" The El Dorado County Superior Court is hereby in session, the Honorable Judge Suzanne Kingsbury presiding.

Judge: The Court calls the case of _____ (minor's name). "Counsel: state your appearances."

DA: _____, for the People of the State of California.

PD: _____, for the minor, who is present with, as required, a parent or guardian.

Judge:

You (the minor) are charged with one count of violating Health and Safety Code section 11351, possession of Oxycontin for sale, a felony, and additional misdemeanor counts of possession of Oxycontin, and petty theft, for theft of the exhibit items. If those charges are found true, you face up to 4 years and 6 months in custody, which could be served in a ranch or boot camp program, group home or in the El Dorado County Juvenile Treatment Center. You should know that many of these places are not in the South Lake Tahoe area.

Concerning these charges, you have a right to a trial, at which a judge would determine whether or not you committed these offenses. At trial, you would have a right to, through your attorney, question any witnesses called and you could bring your own witnesses and evidence to tell your side of the story. You would have the right to remain silent, so you cannot be forced to testify at any trial, but you could also choose to testify on your behalf. You have the right to an attorney, and one has been appointed to represent you. At the conclusion of these proceedings, the court will order your parents to pay for the cost of your attorney and for any expense to the county or state of housing you in custody.

Do you understand your rights?

Minor: "Yes"

Judge: What is the status of this matter?

Public Defender: Your honor, we have received the police and lab reports and I have met with the minor and his parents to go over them and to discuss the case. I've also spoken with the DA and I believe we are ready to go forward today.

Judge: Is there an offer from the District Attorney?

DA: Yes your honor. We've agreed to allow the minor to admit to one count of possession of a controlled substance and to the petty theft.

Judge (addressing minor): Is that what you are prepared to do today?

Minor: Yes your honor.

Judge: Mr. DA, please state the proposed factual basis for the plea.

DA: Your honor, this occurred at the community college while on a field trip. The minor and other students were participating in the Drug Store project. During that event, the minor stole Oxycontin that was on display. When caught, the minor admitted that he/she was planning to share the drug with friends at an up-coming party. Also, when arrested, the minor had been drinking alcohol, which was confirmed by testing. Also, although not ill, the minor had an open bottle of over-the-counter cold medication clearly intended for Triple-C abuse that was found when he/she was searched after arrest.

Judge: Does your client agree with that as a factual basis for the admission?

PD: Yes, your honor, and we've specifically discussed that, in the eyes of the law, giving away a controlled substance is the same as selling it. My client also has been informed that, even under this plea agreement, his potential time in custody is still well over one year.

Judge: " _____ (minor's name), do you admit that you were in possession of Oxycontin , and that you also stole that drug.

Minor: "Yes"

Judge: Does counsel concur in the admission?

PD: Yes your honor. And we have also received and reviewed with the minor and his parents the probation department's written report and recommendation for this case, and we are prepared to proceed to disposition.

Judge: Very well, the District Attorney's position?

DA: Yes your honor. We also received Probation's report, which considered the circumstances of the offense, the minor's history of drug abuse and his behavior at school, at home and in the community. Although this is the minor's first case, at the time he/she was arrested, there was clear evidence of prior involvement with drug abuse. Specifically, the minor was using alcohol, despite it being in the morning, and was in possession of a Triple-C medication, plus he/she admitted that they planned to share the drugs that were stolen at a later party. The parents also report issues with drug and alcohol abuse which, so far, have not been treated. All this suggests a larger, and very serious, problem, especially when considering that the minor's attendance at school and grades are terrible. This whole problem of kids getting alcohol, drugs or over-the-counter drugs such as Triple-C meds, sometimes even stealing them from their parents, and then using and sharing them is becoming extremely serious locally, and it is putting these kids at risk of causing themselves very serious and permanent harm if not death. Some time away from friends and family will no doubt get the minor's attention, and the services he/she will receive while in locked up away from these substances should be helpful. We recommend the 60-day in custody substance abuse treatment program at the Juvenile Treatment Center, and the usual terms of probation for these cases, including testing, continuing counseling and search and seizure. Submitted your honor.

Judge: Mr. /Ms. _____ (PD), your position?

PD: After discussing this situation with the minor and his parents, I believe we have the minor's attention. More time in the Juvenile Treatment Center or anywhere else is not necessary. The minor and his parents would like to see him/her involved in outpatient counseling. As you know, he/she is interested in sports and any custody will disrupt that. The minor has promised to attend school regularly and to get his/her grades back on track and to work hard to successfully complete probation. Matter is submitted your honor.

Judge:

The court notes the positions of the parties. I have also reviewed the same probation report. I am prepared to proceed. Please have the minor stand.

It is the order of this Court that the minor is to be a ward of the court, with primary responsibility for the custody and care of the minor to be transferred from the parents to the El Dorado County Probation Department, although the minor will be allowed to live in the home of the parents except as I will otherwise order now.

You are placed on formal probation for a period to be determined by the Court, but which is typically at least one year. Your probation terms are as follows:

1. You will obey all laws and the directions of this Court, your probation officers, your parents and school authorities.

2. You are to go into custody forthwith, meaning immediately, and to complete the 60-day substance abuse program at the Juvenile Treatment Program. You are to follow all of the rules and directions of the program and of the facility while in custody.
3. You are to attend school, complying with all school rules of conduct, with no unexcused absences or tardies.
4. You are subject to search and seizure of your person, residence and possessions at any time of the day or night, with or without warrant or cause, by any peace or probation officer.
5. You are to submit to testing of your blood, breath or urine at any time at the request of any peace or probation officer.
6. You will continue with drug abuse counseling after you have finished the in-custody program.
7. You must be in your residence, unless with a parent or guardian, between the hours of 8 PM and 6 AM every day.
8. You will not knowingly associate with any person on probation or parole.
9. You will not possess or use alcohol, marijuana, or any controlled substance. You may not use or have any over-the-counter medication without the permission of your probation officer or physician.

Deputy, please take the minor into custody for delivery to the Juvenile Treatment Center.

(Bailiff takes minor into custody and leaves room)