

August 2007: *Juvenile receives two Stays of Adjudication!*

Carlton County (Mn.) District Court Judge Dale Wolf turned aside recommendations of the probation office to Stay the Adjudication of one charge and Stay the Execution of a second pending against a juvenile litigant. Instead, the judge, moved by the arguments of defense counsel Mark Stanziano, ordered the adjudications stayed on both charges for a period of six months providing the juvenile comply with certain other conditions including community service.

The juvenile (whose name will not be mentioned because his record will be expunged if he completes his probationary period successfully) was charged in separate complaints with Criminal Damage to Property after having been charged with Assault in the Third Degree. After hiring Mark Stanziano, the charges were amended down to a misdemeanor assault and a gross misdemeanor criminal damage to property.

Stanziano explained the cases, “The assault case was simply my client standing up for younger kids who were being bullied. The guy who got hit made a move toward my client and my client popped him.” “The unfortunate part of this is that my kid broke the guy’s jaw. That is what made the original charge a felony. But, as we were able to show the prosecution what the eyewitnesses to the event had to say, they agreed it was no more than a misdemeanor.”

“As for the criminal damaging,” Stanziano followed-up, “my kid and a bunch of his friends went out to the dam and engaged in the timeless act of petty vandalism by spray painting to concrete facing of the dam.” “Entirely stupid, when you think that he already had one case pending against him, but that is the nature of being a kid.”

At the disposition, Stanziano delivered a moving elocution to Judge Wolf pleading that the assault was “the right thing to do, to stand up to a bully on behalf of those who were weaker.” But, as the prosecution had recommended a Stay of Adjudication on this charge, the harder argument to make was to persuade the judge to Stay the Adjudication on the second charge, criminal mischief.

Stanziano, moved his speech into the history of graffiti, taking Judge Wolf all the way back to Lascaux caves of prehistory, the walls of ancient Rome and a graffiti artist who signed his work, “Emilius the Speedy.” Bringing the judge forward in time to the graffiti artists of New York and Philadelphia, Stanziano sought to show that his client’s acts were not random acts of destruction but, while wrong, were a common form of self-expression. He asked for a punishment that fit the crime, and sought a form of restorative justice by asking for his client to clean up the area he had defaced.

In the end, Judge Wolf saw things Stanziano’s way, rejecting the prosecution’s and probation officer’s recommendation, and staying the adjudication of both cases and ordering conditions of probation along the lines suggested by Stanziano.