

Charging juveniles as adults no light matter for county prosecutor



Lake County Prosecutor Bernard Carter. (Jim Karczewski/Post-Tribune)

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Deciding whether to criminally charge a juvenile as an adult is something that Lake County Prosecutor Bernard Carter says he doesn't take lightly.

"We don't try to waive a juvenile just to be waived," he said.

At least four teenagers in Northwest Indiana currently or potentially face being tried as adults in state court.

Chastinea Reeves turned 16 earlier this month while in custody after being waived to adult court. She is

charged with murder and accused of "repeatedly stabbing" her mother, Jamie Garnett, on Feb. 13 in Gary, Lake County court records show.

Two other teens, Matthew Martin, 16, and Virgil King, 17, were charged as adults with assisting a criminal in connection with the Reeves case, according to court records. All three have pleaded not guilty.

Last month, a 15-year-old boy was arrested in connection with two rapes in Hammond's Hessville section this summer and the Aug. 22 stabbing death of Lucia Gonzales, 25, in her Hessville home. At a press conference last month, Carter said he planned to ask for the teen, who has not been identified, to be moved to adult court. No decision has been reached in that case.

Carter said the nature of the crime, previous criminal activity, how to best rehabilitate the child and what's best for the public are among the factors he considers before asking for a waiver.

With juveniles, "there's always been an emphasis on rehabilitation," ever since the first U.S. juvenile court was established in Cook County, Ill., in 1899, said Dawn Jeglum Bartusch, associate professor of sociology and criminology at [Valparaiso University](#).

"One of the driving factors in the creation of that court is that children are different than adults and they should be treated different than adults," said Jeglum Bartusch.

In the late 1980s, there was push to charge juveniles as adults to take a "tough approach" and crack down on violent crime, she said.

"Really, it was about punishment and that some kids' behavior are so severe and so serious that they deserve punishment in the adult system," she said.

Indiana Code says the child has to be at least 14 years old when the alleged crime occurred and, like in any criminal case, there has to be probable cause to believe the child committed the act, the statute states.

The child is charged with a felony "that is heinous or aggravated," according to the code, that is also "part of a repetitive pattern of delinquent acts."

There is also the consideration of whether "the child is beyond rehabilitation under the juvenile justice system" and if "it is in the best interests of the safety and welfare of the community that the child stand trial as an adult," the statute states.

Some crimes can be automatically transferred out of juvenile court if the child is at least 16 years old,

according to the code, such as murder, attempted murder, kidnapping and rape, among others.

Society has moved away from that idea with more research on adolescent development and decision-making in children versus adults, she said.

Nationwide, about 100,000 juvenile offenders are transferred annually, she said, and tend to be older males and African-Americans and American Indians.

"Certainly, younger juveniles are less likely to be transferred," she said.

Paula Cooper became the youngest person on Indiana's Death Row after murdering 78-year-old Gary Bible teacher Ruth Pelke in 1985 when Cooper was just 15. A 1987 Indiana law raised the minimum age a defendant could be sentenced to death from 10 to 16, retroactively applying to Cooper.

Charging a juvenile as an adult in federal court is "really rare," partly because the penalties are "very serious" in federal court, said Ken Hays, branch chief of the U.S. Attorney's office in South Bend.

"We're not fond of trying to put a juvenile in prison for a long time. We try to avoid doing that," he said.

Investigators previously said they are pursuing charging a teen as an adult in federal court along with Deshalone Damien Davis and Vondell Henry Jr., both 20, in connection with an armed robbery at a Munster cellphone store last month that resulted in an officer-involved shooting in Gary and the death of a 15-year-old boy.

In the last couple of decades, Hays estimates his office has had only a handful of cases. Carter said at his office, "it's more than a few a year, unfortunately."

A few teens who have been waived to adult state court include:

- Alyssa Barrett was sentenced to 50 years in prison last year after being charged when she was 17 years old with the 2014 murder of her mother, 54-year-old DeCarol Deloney-Cain, in Crown Point.
- Aarion Mosley was sentenced to 18 years in prison and pleaded guilty to robbery after he was initially charged with the 2011 rape of a 68-year-old homeless woman at the South Shore Station in Gary when Mosley was 16 years old.
- April Kuchta was sentenced to four years in prison and pleaded guilty to criminal confinement, among other charges, after she held a juvenile boy at knifepoint in 2011 and threatened him at a party at her Valparaiso

home.

There are legal options to address these juveniles cases, but Carter said, "I really hold parents responsible to stop this conduct."

"When these juveniles are at a very young age, we really have to look at the parents, not from a criminal standpoint, but what are parents doing to help law enforcement to keep these children in line?" he said.

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