



## Teenage Choices and Legal Consequences

35<sup>th</sup> District Court  
09/07/2018



**A mistake is a misunderstanding or misconception.  
Know the difference between bad choices and mistakes**

**A choice is when you think about something, have options, and then choose to act in a certain way.**

**Ignorance of the law is not a defense.**

## **CHOICES**

We live in a free society which means we get to make choices. We all make bad choices from time to time. Court is where you go to learn the consequences for bad choices you make that violate civil or criminal laws. Choices you make each day can limit your options later in life. It is good to have more options.

There are 168 hours in a week. You get to choose how you use them. You also choose how to spend your money.

## **CONSEQUENCES**

Minors as well as adults can be held civilly responsible for bad choices they make that violate civil laws or found criminally guilty for bad choices they make that violate criminal laws. At age 17 you will be charged as an adult for criminal offenses and any resulting criminal convictions will appear on your permanent adult criminal record. Criminal convictions can cost you significant quantities of your time and money.

It is always prudent, especially in this electronic age, to assume that you may get caught if you make bad choices that violate the law.

## **CRIMES**

There are two types of crimes, misdemeanors and felonies. Misdemeanors can be punishable by up to one year in jail. Most misdemeanors have a maximum penalty of 93 days in jail and \$500 fine (plus other fees). Any crime punishable by 93 days or more in jail requires you to be fingerprinted.

Felonies are more serious crimes punishable by a year in prison up to life in prison.

Consequences of criminal offenses may include, but are not limited to:

1. Jail or prison time;
2. Permanent criminal record;
3. Fines, costs, judgment fee, victim's rights fee, restitution, alcohol or drug testing, monitoring or counseling fees, probation fees;
4. Probation terms and conditions;
5. Work detail or Community Service;

Additionally, criminal convictions can preclude you from entering many careers or being admitted to colleges. Drug convictions make you ineligible for federally guaranteed student loans. A bad driving record can limit career choices that require driving.

## **BAIL/BOND**

Defendants have a Constitutional Right to be released before trial on bail except in capital cases, treason, etc. The Judge who determines bail or bond conditions at the arraignment looks at two factors in determining bail/bond conditions:

1. What is required to protect the public from further crimes?
2. What is required to ensure the defendant will arrive at court when they are supposed to be there?

It's important to remember that if you do post bail that does not mean that you no longer have to appear on a court date. If you fail to appear you will forfeit your bail and a bench warrant will be issued.

## **SENTENCING**

The purposes of sentencing a defendant convicted of a crime include:

1. Punishment (jail, work detail, fines and costs);
2. Rehabilitation (counseling, testing, etc.) so the defendant will make better choices going forward; and
3. Giving something back to the community whose laws have been violated (community service)

Every criminal offense carries the possibility of jail time.

## **PROBATION**

Justice often requires a sentence of probation as opposed to immediate jail. Probation is essentially a second chance contingent upon committing no further crimes, not leaving the state without the court's permission, and fully complying with all the terms and conditions. Violation of probation increases the risk of jail time, additional probation requirements or punishment, extension of probation, and entry of convictions on your public record (on pleas that initially may have given you an opportunity to keep the conviction off your public record or get the conviction removed after successful completion of probation).

## **DRIVING**

Driving is a tremendous responsibility as operating a vehicle unsafely poses a risk to the lives and health of many, including the driver, passengers, occupants of other vehicles, pedestrians, and bicyclists. Traffic laws are enforced to promote public safety. Most traffic violations are civil infractions. Only the most serious offenses, e.g. Reckless Driving, Intoxicated Driving, Driving with a Suspended or Revoked License, and Leaving the Scene of an Accident are criminal.

Driving too fast, following too close, being distracted (by texting or otherwise), being impaired or intoxicated, not wearing a seat belt are the biggest risks to public safety.

If you are involved in a crash you must stop and identify yourself to the other driver or police, exchange insurance information, and render assistance to injured parties.

## **ALCOHOL and DRUGS**

Many of the offenses we see in our court involve the use of alcohol, illegal drugs or prescription medications not prescribed to the defendant. Alcohol can be legally consumed by persons 21 or older. Consumption of alcohol by minors is illegal. Possession under Michigan law includes consumption. Use, possession or delivery of illegal drugs or drugs prescribed to someone else is a crime.

The aforementioned can all cause intoxication, poor judgment, health risks, including addiction.

## **TOBACCO and VAPING**

It is illegal for minors to smoke tobacco or vape tobacco products which are highly addictive. The laws are enforced to protect the health of the user.

## **LOITERING**

Loitering in a place where drugs are illegally used or possessed is a crime and violation of probation if you are on probation.

## **RELATIONSHIPS**

Seeing someone, dating, or being in a boyfriend/girlfriend relationship involves choices. Sexual contact of any sort requires consent. Persons under 16 years of age cannot legally consent to sex in Michigan. Intoxicated, unconscious, and developmentally disabled persons cannot consent to sexual activity. Non-consensual sexual contact is a felony.

## **SOCIAL MEDIA and ELECTRONIC COMMUNICATIONS**

In today's society we have access to a vast array of information and instant communication that is both rewarding and risky.

Cautions regarding use of social media/electronic communications:

1. Anything you send or post can be retrieved by someone, forever. It never is completely deleted.
2. Because you are not face to face with another person, it is easy to transmit impersonal or easily misconstrue messages without fully understanding the repercussions of the transmissions or who may ultimately view your transmission.
3. It is a felony to send or possess naked/nude photos of minors or of adults without their consent.
4. Because electronic transmissions exist forever and the sender cannot guarantee who will ultimately view the transmission, it is highly inadvisable to send, receive or forward transmissions that include naked people, consumption or possession of alcohol, drugs, tobacco, depicts any illegal activity, makes threatening, bullying, or offensive comments, or false statements about others.

Improper use of electronic devices/social media can result in:

1. Criminal charges;
2. Civil lawsuits for defamation;
3. Damage to your reputation that can cost you your career or educational opportunities;
4. Embarrassment by the release of information you believe is personal.

## **THEFT and PROPERTY CRIMES**

Taking property (money, property, someone's identity or credit) is a criminal offense. Intentionally damaging property belonging to another is a criminal offense. Theft crimes are crimes of dishonesty and convictions can have a devastating effect on one's education and career paths. No one wants to hire or be affiliated with dishonest people.

## **ASSAULTIVE CRIMES**

Assault is a physical threat as perceived by the victim.

Battery is an offensive touching of another.

Domestic Violence is an assault and battery with a defined relationship.

## WHAT YOU CAN DO

The choices you make daily largely determine future options and whether you will achieve goals. Choices include who you associate with and what activities you participate in.

**Make Better Choices:** Assume that everything you do can be proven in a court of law. Realize that any civil or criminal infraction will have fines and other punishment associated with it.

**Consider the Long-term Consequences:** Think about your life in the long run and remember that you are not invincible and can always get caught. Protect your reputation by avoiding a criminal record. Always protect your reputation.

**Prevent Others from Committing Offenses:** Try to convince others that subjects outlined in this booklet are wrong and against the law. Make sure they know they could be in a lot of trouble if they commit an infraction outlined here. Be a good friend.

**Create a Youth Crime Watch at your School:** Help make others aware of these offenses and the consequences of them through Crime Watch. Spread the information you know.

**Do the Right Thing:** Some choices may not be illegal, but are still poor decisions. Even if it is legal, think about the possible consequences. For example, is it really necessary to have a medical marijuana card? Think if it is going to affect your ability to get your dream job as employers may refuse to hire individuals who use marijuana.

### **Online Tips:**

- Don't lie about your age to get on a site.
- Don't post personal information such as your phone number, school, or home address.
- Make your social media accounts private. Only "friend" people you know.
- If you see something that makes you uncomfortable or you think may be wrong, tell an adult you trust.
- Report indecent posts to the site manager.
- Don't post things you wouldn't want everyone to know about you.
- Don't post your specific whereabouts during the day.
- Think about your privacy and security when posting comments and pictures.
- Look out for and protect others who are in a vulnerable position.
- Create an online presence that would reflect the ideals you believe in and would mirror how you conduct yourself in person.