

**UPDATE ON THE FEDERAL
JUVENILE DELINQUENCY
ACT
18 U.S.C. § 5033**

Former Legal Division Intern, Joey Caccaro, wrote an article for the October 2001 *The Quarterly Review* on Juvenile *Miranda* Rights under the Federal Juvenile Delinquency Act. There is another recent circuit court case which found a violation of the Act, resulting in the suppression of a confession.

In *U.S. v. Female Juvenile (Wendy G.)*, 255 F.3d 761 (9th Cir. 2001), the agent called the juvenile's mother within one hour of the arrest on drug charges. The agent informed the mother of the charges and her daughter's *Miranda* rights. When the mother asked where and when she could speak to her daughter, the agent gave her directions to the Federal Building and the time the next day when her daughter would be there. The mother was not told she could talk with her daughter before questioning. The agent got the juvenile's *Miranda* waiver and her confession to drug smuggling. Trial testimony indicated that if the mother had been allowed to speak to her daughter before the interview, she would have advised her not to talk to the agent.

The court held that the agent's failure to inform the mother that she could confer with her daughter before any interrogation violated the Act's requirement to give juveniles "access to meaningful support and counsel." The court concluded that the violation of the Act caused the confession, which was highly prejudicial. The confession was suppressed.