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What Parents Should Know: Common Criminal Charges & Consequences for Minors



About the Author:

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Attorney Mark Mandell has extensive experience in representing children and young adults that find themselves in trouble as a result of committing a crime. As an attorney focusing in family law, prosecution, and criminal defense he clearly understands the variety of problems minors face in today's society. Mr. Mandell is a husband and father to two children and coaches high school football in his local community. His experience as a lawyer, father, and coach gives him a well rounded and unique insight into the underlying issues that land many minors in trouble.

As a criminal defense attorney and lifelong resident of the tri-county area, Mark Mandell has an excellent working relationship with prosecutors and courts throughout southeastern Michigan. His knowledge of the opposition and familiarity with the court system allows him to seek the best results possible for his clients. When hiring Mr. Mandell as your attorney you are putting integrity, credibility and experience on your side of the criminal process. Mark Mandell is ready to fight for you.

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Chapter 1: Potential Consequences

K-12 Schooling:

- A crime committed on or near school property usually carries higher criminal penalties and for a student may result in suspension or even expulsion.
- Even if the crime is committed outside of school, Michigan law requires the prosecuting attorney to notify the school officials of any juvenile adjudication or conviction. The school can then take further disciplinary action at their discretion.



Driving:

- Many offenses relating to drug or alcohol can result in your child's license being revoked, suspended or restricted.

College:

- Many universities, whether public or private, require applicants to disclose any past criminal convictions or pending matters. This could set your child apart, in a bad way, from other applicants.
- Federal Student Aid requires that the student disclose any criminal record when applying for student loans.

Future Employment:

- Employers often look at criminal records when making the decision to hire you.
- Obtaining professional licenses requires the licensing board to examine your criminal history prior to licensing you.

Chapter 2: Alcohol offense – Minor in Possession (MIP)

The “Minor in Possession” (MIP) statute in Michigan makes it a misdemeanor for a person under the age of 21 to **purchase, consume, or possess** alcoholic liquor or even attempt to do any of the aforementioned.



Offense:	Fine:	Jail:	Other:
1st	≤\$100	None	Court may order participation in substance abuse prevention services and/or community service.
2 nd	≤\$200	Up to 30 days in jail if probation, community service or participation in a substance abuse program was violated from 1 st offense.	Court may order participation in substance abuse prevention services and/or community service.
3 rd +	≤\$500	Up to 60 days in jail if probation, community service or participation in a substance abuse program was violated from 1 st offense.	Court may order participation in substance abuse prevention services and/or community service.

Chapter 2 Cont: Alcohol offense – Operating While Impaired (OWI)

Michigan has adopted a “Zero Tolerance Law” which states that if a person under the age of 21 operates a motor vehicle while under *any* influence of alcohol (>0.00% BAC), they are guilty of an OWI.

Offense:	Fine:	Jail:	Other:
1st	\$100-\$500	Up to 93 days in jail.	-Up to 360 hours of community service. -Driver’s license suspension for 30 days, followed by restricted license for 150 days. -Possible ignition interlock device. -Six points added to driving record. -Driver Responsibility Fee of \$1000/year for two years.
2 nd (within 7 years)	\$200-\$1000	5 days to 1 year in jail.	-30 to 90 days of community service. -Driver’s license revocation and denial for minimum of 1 year (5 years if previously revoked). -License plate confiscation -Four points added to driving record. -Driver Responsibility Fee of \$500/year for two years.
3 rd (within lifetime)	\$500-\$5,000	1 to 5 years in jail.	-60 to 180 days community service. -Driver’s license revocation and denial for minimum of 1 year (5 years if previously revoked). -Vehicle immobilization for 1 to 3 years. -Six points added to driving record. -Driver Responsibility Fee of \$1000/year for two years.

Chapter 3: Drug offenses

Apart from alcohol, drug offenses can also severely affect the future of a minor. Michigan realizes that Illegal or "street" drugs are sold without a prescription, and are particularly dangerous. Users do not always know the contents, purity, or possible effects of these drugs.



Various drug offenses:

Offense:	Fine:	Jail:	Other:
Possession of Schedule 1 or 2 Narcotic	≤25 grams =\$25,000	Felony punishable by up to 4 years in prison.	Court may order participation in substance abuse prevention services and/or community service.
Possession of Marijuana	≤\$2000 depending on amount	Up to a year in jail.	Court may order participation in substance abuse prevention services and/or community service.
Marijuana Cultivation or Distribution (of any kind)	\$20,000	Felony punishable by up to 4 years in prison.	Court may order participation in substance abuse prevention services and/or community service.

Chapter 4: Other offenses



Although alcohol and drug offenses are the major categories in which minors find themselves facing criminal charges, there are other actions that will result in unwanted consequences.

Offense:	Fine:	Jail:	Other:
Disturbing the Peace	≤\$500	Up to a year in jail.	Court may order participation in a community service program.
Possession of Tobacco Under 18	≤\$50	No jail time.	Court may order participation in substance abuse prevention services and/or community service.
Open Alcohol Container (Public & In-Vehicle)	≤\$100	Up to 93 days in jail.	Court may order participation in substance abuse prevention services and/or community service.
Retail Fraud AKA: “Shoplifting”	≤\$500	Up to 93 days in jail.	

Chapter 5: Your child's been charged, now what?

- Getting an attorney
- The Holmes Youthful Trainee Act (HYTA)
 - Under HYTA, if you are charged with a criminal offense, committed on or after your 17th birthday, but before your 21st birthday, a judge may assign you to the status of "youthful trainee", after pleading guilty to your offense. Once this title has been assigned the minor will need to comply with the judges orders and stay out of trouble for a probationary period. If this is completed successfully, the charge will not be permanently added to the minor's record.
 - You cannot be eligible for HYTA if you are charged with a felony for which the maximum punishment is life imprisonment, a major controlled substance offense or a traffic offense.
- Michigan 7411 sentencing
 - Differing from HYTA, 7411 only applies to specific drug crimes and can only be used once in a lifetime. After pleading or being found guilty of their first drug crime the defendant must follow court ordered instructions, such as paying a fine and community service. If the defendant abides by the court order they are never actually charged with the drug crime and nothing is added to their criminal record.
- Delayed sentencing
 - After pleading or being found guilty of a crime, a judge may grant the minor a delayed sentence if: (1) the minor is not likely to commit another crime, and (2) that the public good would not require the minor be immediately sentenced. A delayed sentence allows the judge to hold off sentencing the minor for up to one year. During this delay, the minor can prove to the judge that a different (typically less severe) punishment is warranted.
- Probation
 - In many cases the court will impose terms or conditions that the minor will have to abide by for a period of time after his/her conviction. The maximum allowable time for probation for misdemeanors is two years, going up to five years for felonies. Probation usually requires some semblance of community service and/or rehabilitation program and prohibits the offender from leaving the state.

About the Firm:

At the Northville, Michigan, law firm of Fausone Bohn, LLP, our lawyers take care of legal needs that small to mid-sized businesses, individuals and families require. We assist with everything from business formation, to divorces, to criminal defense. Our current client base includes Michigan families; Fortune 500 companies; municipal governments; industrial, commercial and residential developers and individuals needing legal assistance. To find out how we can help you, contact our Michigan attorneys for a consultation.

When you hire Fausone Bohn, LLP, you will receive legal counsel from lawyers who understand that an innovative and progressive approach is necessary to fully resolve your legal matter. We help develop solutions that are tailored to your individual needs and that solve problems in creative and effective ways.

Our firm is respected by its peers for providing quality advice and service to clients. We have individual attorneys included in this years Michigan Super Lawyers list. Both the firm and individual attorneys are included in the Best Lawyers in America list and rated “AV®” by Martindale-Hubbell Law Directory*. This is the highest rating awarded by Martindale-Hubbell, the most respected, peer-review authority in the country. Business, Litigation, Veterans and Family Legal Services Our firm started more than 10 years ago, helping business clients with environmental issues. We then grew to provide any and all counsel the business community needs to be successful.

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