

A TEENAGER'S GUIDE TO...

JUVENILE COURT

A Teenager's Guide to Juvenile Court

By Thomas A. Jacobs

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Introduction*

Whether you're an adult or a teenager, going to court is scary and intimidating – especially for the first time. You don't know what to expect – whether you'll have to speak with the judge, who else will be there, how to dress and whether you go to jail are common concerns.

This guide is an overview of the juvenile justice system in America. Every state has its own laws and rules about minors and their rights and responsibilities. The rights of teens and children are based on the U.S. Constitution, the Bill of Rights and state and federal laws. This eBook is limited to teens that have been charged with breaking the law.

There are other reasons for going to court that are called civil actions. You may be asking a court to change your name, for permission to obtain an abortion, to be emancipated, to protect your civil rights, to live apart from your parents or to be adopted. These subjects are discussed on AsktheJudge.info and will be addressed in future eBooks.

*All words in **bold** are defined in the Glossary on page 24.

What follows is a general review of the steps involved in a delinquency case. **Delinquency** is the process from initial investigation of a crime to sentencing and ultimately release from jail, probation or parole.

Juveniles in the juvenile justice system are referred to as [delinquents](#) while adults are called criminals. The language in juvenile court differs so that harsh labels don't follow a teenager into adulthood. But the underlying criminal offenses are the same. Each state has one set of criminal laws that apply to everyone. How they are applied to juveniles and the penalties for violating the laws differ because the goal in juvenile court is rehabilitation while the adult system emphasizes punishment and community protection.

Terminology

Juveniles

advisory hearing

adjudication hearing

delinquent

department of juvenile corrections

detention

Adults

arraignment

trial

criminal defendant

prison

jail

disposition hearing

sentencing

Jurisdiction



Juvenile court jurisdiction is based on the age of the juvenile and the nature of the alleged crime. Some juveniles may remain under juvenile court jurisdiction until they age out at 18 or older

depending on state laws. In some states a minor under a certain age, for example 8 years old, is by law not capable of committing a crime and therefore cannot be charged with any offense. That child may need the assistance of child protective services. On the other hand, juveniles charged with violent or habitual crimes, if over a certain age in some states and at any age in others, may be considered as adults and handled in the adult criminal system rather than [juvenile court](#) (see Transfer/Waiver below).

Police Investigation

Law enforcement has the authority and duty to investigate criminal activity. The police may interview you at school or at a school event. They may also conduct [searches of your locker](#), backpack, car or room at home in the course of their investigation. However, depending on your state's laws and

the circumstances of the investigation, the police or school official need either **probable cause** or **reasonable suspicion** that a crime is being committed or a school rule violated before conducting a search of your property.

School resource officers, who are oftentimes police officers, also have authority to conduct investigations. Depending on the circumstances, they may or may not need a search warrant. If you're taken into custody by the police, they must read your Miranda rights to you before questioning begins. Contrary to popular belief, the police are only required to read your Miranda rights if they intend to question you while you're in custody.

In many states they must also tell you that you can have a parent present during the questioning. Your Miranda rights include the right to remain silent, that any statement you make may be used in court against you, and that you have a right to a lawyer.

If the police have "probable cause" to believe that you broke the law, they can either release you to your parent or guardian or they can turn you over to the juvenile authorities. You can

*Did you know?
You must clearly express your decision to remain silent or to have your parent or attorney present during the questioning. Otherwise, the police may be able to question you and use your statements against you in court.*

be held in custody (juvenile detention) for 24 to 48 hours while the case is processed and a formal petition is filed with the court. If the police release you, you may be given a date to appear in court, or you may be notified of your court date at a later time by a process server or by mail.

Pre-Petition Hearing

If you have been taken to detention, there will be a hearing within 48 hours. Your parents will be notified of the hearing and are expected to appear. This is a hearing limited to the question regarding your continued **detention** or release. The judge will decide if you are going to be released and to whom as well as any terms you'll be expected to follow. The judge may require that you return to school without any unexcused absences, have no contact with the alleged victim, and submit to random drug tests.



The court can also release you into house arrest or a home detention program. That means you're required to remain at home at all times except for the hours you're in school, at work or attending counseling. Home detention may include wearing a monitor (ankle bracelet) that keeps track of your whereabouts. A violation of any release term may result in your return to detention until your next hearing.

If the decision is to keep you locked up, the judge must make a finding that a crime has been committed and that there is probable cause to believe you committed it. This decision is based on the court's review of the police reports filed in the case. If the court cannot find probable cause, you will be released from detention and given your next court date.

A few states authorize the posting of bail in juvenile cases. If you're out on bail and you miss a court hearing, the bail (money) is forfeited and whoever paid the bail for you loses their money. That's in addition to an arrest warrant the court may issue for your non-appearance.

Petition for Delinquency

A petition or complaint is the formal document charging you with an offense. It is prepared by the prosecutor and filed with the court. It sets forth your name, date of birth, case number and name of the alleged crime. It must include a statement regarding the offense, the name of the victim, and date and location of the offense.

The petition must also include what are called the "elements" of the offense. In other words it must spell out what you did that amounts to a violation of the law. For example, if you're charged with shoplifting, the petition must state that you took an item that was for sale, that it cost a certain amount, and that you didn't pay for it. **Due process** requires that you be given

notice of the offense you're charged with so that you are able to defend yourself in court.

Status Offenses and Diversion

You may have received a ticket or citation to appear in court because you missed school or violated curfew. These violations are called status offenses. Because you are under 18, your "status" as a minor brings you within this category of offenses. They are offenses that an adult cannot commit or be charged with. Some adults may want to 'runaway' but it's not against the law if they do.



In addition to truancy and curfew, [status offenses](#) include alcohol charges for all those under 21, possession of tobacco, and runaway cases. You have to look to state and local laws for the specifics regarding each of these offenses.

Status offenses are usually handled by payment of a fine or through a single court appearance. When you go to court, you'll meet with a court officer or probation officer who will explain the process to you. If this is your first or second offense and not a major crime, you can expect to be offered a chance to complete a **diversion** program. This is a program where, upon completion of the terms of diversion, the case is closed and you don't have an official record to worry

about in the future. In other words, your case has been diverted away from the formal juvenile justice system. The court maintains its own record of your case in the event you return on another charge.

A [diversion program](#) includes the completion of community service, payment of a fine, restitution to the victim, an educational class about the offense you committed (it may be an online class), or counseling if appropriate. It could also include random drug testing if substance abuse is an issue in your life.

You are not required to accept or participate in diversion. The program requires that you admit the offense. If you didn't violate curfew or you have an explanation regarding the runaway or curfew incident, you can plead not guilty and proceed to trial.



“He who opens a school door, closes a prison.” –Victor Hugo, French novelist and author of *Les Misérables* (1862) and *Hunchback of Notre Dame* (1831)



Teen Court

Many jurisdictions around the country have teen courts. These are voluntary, alternative programs that keep the first-time offender out of juvenile court and from establishing a record. Teen Court is staffed by teenagers who are volunteers from the community. They act as the jury, prosecutor, defense attorney

and bailiff. The judge is an adult volunteer and may be a local attorney or judge.

States differ in the requirements of teen court but generally persons between 10 and 18 may appear before the court. It is voluntary and the person must be willing to admit what he or she is accused of doing. Teen courts only deal with low level [misdemeanors](#) such as shoplifting, traffic violations, alcohol and tobacco offenses, disorderly conduct and minor criminal damage.

Usually a teen may only appear before a teen court one time. A major benefit of a teen court program is that it keeps the teen from getting a record for their first minor brush with the law. To find out if Teen Court exists where you live and if you're eligible to participate in the program, talk to your school counselor or Google the name of your state and "Teen Court."

The teen jury is responsible for deciding the penalty. The teen prosecutor argues for a certain penalty while the teen defense attorney pushes for a lesser consequence. The jury discusses the case and arrives at a decision that is announced by the judge. Consequences usually include **community service**, education classes and an order to serve as a juror in teen court. Completion of all sentencing terms results in dismissal of the case. If the teenager fails to complete his or her sentence, the case may result in the filing of formal charges in juvenile court.

Advisory Hearing

The purpose of an advisory hearing (in some states called a preliminary or plea hearing) is just that – to advise you and your parents about the charges that have been filed. The judge will go over the petition with you to make sure you understand what the prosecutor has charged you with doing.

You may have your own lawyer present at this hearing if your parents hire an attorney to represent you. The court may appoint a public defender to represent you depending on the type of charges filed against you. Some states require a public defender to be appointed when the person charged is facing any jail time for the offense that was committed.

The court will ask if you want to admit or deny the charge. If, after discussing this with your parents and/or lawyer, you decide to admit what you did, the judge will question you about what happened. If the judge finds you responsible for the crime, you'll be adjudicated delinquent -- in others words declared guilty of the offense. Then the judge will either go straight to disposition (sentencing) or set a disposition hearing at a later date. Sometimes the judge wants more information about you and your family before deciding an appropriate sentence. If you decide to deny the charge, the case will be set for trial at a future date.



If you come to the advisory hearing from detention, the judge can either release you to your parents or guardian or keep you locked up until the next hearing. If you are allowed to go home, there will likely be some terms you'll have to follow. You may be required to submit to drug tests, attend school, work or attend counseling, or stay away from the victim.

There may be a question regarding your ability to understand the charge filed against you or your ability to help your lawyer with your defense. If your **mental competency** is an issue, a psychological evaluation will be scheduled. You must be competent in order to either plead guilty or proceed to trial. If you are determined to be incompetent, you may be ordered to participate in a competency restoration program. That doesn't mean you'll be locked up or removed from home. It means you'll have to attend weekly counseling and education sessions about the criminal process and juvenile justice system.

Plea Agreement

The prosecutor may offer to reduce the charge filed against you or dismiss one or more of the charges if you agree to admit one of the charges. This is called a **plea bargain** and is a necessary part of the criminal and juvenile justice system. There are too many cases filed for each to go to trial. Also rehabilitation and

treatment can begin sooner if a plea bargain is accepted. If the court approves the plea agreement, a disposition hearing will be set.

Trial

In juvenile court a trial is commonly called an adjudication hearing. This is where the state must prove the charges filed against you. They do so by calling witnesses and through physical evidence such as the gun used in the crime, or photographs of the scene or injuries to the victim. The state must prove its case by a standard called “beyond a reasonable doubt.” You will also have the opportunity to present witnesses in your defense. Juvenile delinquency trials are open to the public in many states. The judge usually has the option, however, of deciding that a closed hearing is in the best interests of the juvenile.



In most states a juvenile is not entitled to a [jury trial](#). The judge acts as both judge and jury in determining the facts of the case and applying the law to the facts. In a few states juries are used in felony cases or when the juvenile is subject to the extended jurisdiction of the court – to age 21 for example.

You have a right to testify or you may decide, after speaking with your lawyer, against taking the stand. If you testify, the

prosecutor will have an opportunity to cross-examine you. If you choose to remain silent and not testify in your own defense, your silence is not held against you.

Once both sides finish presenting their evidence, the lawyers make their closing statements to the judge and/or jury. Either the judge decides whether you're guilty or not, or the jury leaves the courtroom to deliberate and decide the case. The jury's decision must be unanimous – all members of the jury must agree on your guilt. If they can't reach a **verdict** it becomes a hung jury and the case ends. The state may choose to retry you on the same charge. If you're found not guilty, the case ends and you're free to go home.

Victim's Bill of Rights

States recognize the role victims play in the prosecution of crimes. Many have passed legislation referred to as a Victim's Bill of Rights. These set forth requirements prosecutors and others involved in the case must honor in dealing with victims and their families.

A victim's rights include the right to notice of all proceedings and the right to be present, the right to decline interviews by the defense, and the right to be heard in court at significant times such as at sentencing. A victim is also to be notified of the juvenile's release back to the community.

Disposition Hearing

This is the hearing you're probably dreading the most. The judge has to decide an appropriate penalty for your actions. In most cases, an assigned probation officer has filed with the judge a report making recommendations regarding the sentence. You will have the chance at this hearing to address the judge. You can also take the opportunity to say something to the victim and victim's family. The victim must also be allowed to address the court. The attorneys will also make their statements and your parents will be invited to speak if they wish.

The laws of your state authorize the judge to impose a variety of penalties. You can be placed on probation for a designated time including years.

Standard probation may include regular meetings with your probation officer, random drug testing, no contact with the victim, a curfew, community service work, a fine, and a letter of apology or **restitution** to the victim.

Each disposition hearing is unique to the individual juvenile. Judges often attempt to create an appropriate sentence based on the juvenile's needs and facts of the case. The judge could



“My heroes are the ones who survived doing it wrong, who made mistakes, but recovered from them.”

- Bono



also close the case with no further consequences or 'time served' if you were locked up for a few days or weeks.

Some cases call for increased supervision of the juvenile. Intensive probation allows the juvenile to go home but under strict guidelines. Sometimes the juvenile is placed on house arrest and allowed to leave home only for school, work or counseling sessions. After a period of full compliance with the terms of intensive probation, the juvenile can work his way back to standard probation.



Depending on your history of offenses, the court could also send you to the [department of juvenile corrections](#) or a residential treatment program. You could remain there for a specified period of time or until you reach the age of majority.

In many states the juvenile court has some authority over the parents of juveniles. The court can order parents to cooperate with the probation terms given their son or daughter. Parents may also be ordered to pay restitution to the victims up to a certain amount for personal injuries or property loss. Monthly probation service fees may also be assessed to the parents to offset the cost of supervising their child.

Violation of Probation

If you break any of your probation terms your probation officer can file a petition with the court charging you with what is called a “VOP” - violation of probation. If you committed another offense you will be charged with the new crime [theft, burglary, etc.] and a violation of probation. That is because all probation terms require that you remain law-abiding without further criminal acts.

Once the new petition is filed, you’ll be back in court, possibly before the same judge that put you on probation. If you admit or are found guilty of violating your probation the judge may increase the consequences. Extended probation is likely including intensive probation which means more restrictions and supervision. You may also be given some time in detention.

If you continue to commit crimes you may be sent to the state department of juvenile corrections. If you’re released from the department on parole, you’re expected to follow your parole terms or face return to the department of juvenile corrections until you age out at 18 or older.

Appeal

One of your rights as a juvenile is the right to [appeal](#) the decision of the trial court. If you disagree with being found

guilty or the sentence imposed by the judge, talk it over with your parents and lawyer. The court of appeals and supreme court in your state function as reviewing courts over the decisions of trial courts and juries.

Appellate courts have the authority to agree, disagree or modify the decision of the trial court. Appellate courts do not consider new evidence or take testimony from witnesses. They only consider what happened in the trial court by reviewing the hearing transcripts and considering the written arguments of the lawyers. They may also set a hearing and allow the lawyers time to argue their positions.

Transfer or Waiver

Most states allow by law some teenagers to be placed in the [adult criminal system](#) for prosecution. The decision whether your case is handled in juvenile court or adult court is based on a number of factors including your age, criminal history, nature of the offense, family life, psychological evaluation and protection of the community.

Some states authorize a child as young as 8 years old to be tried as an adult. Others treat teenagers as young as 14 as adults if

*Did you know?
In 2008, an estimated 2.11 million arrests were made of persons younger than 18. Each year in the U.S., hundreds of juveniles are tried as adults for offenses including murder, sexual assault, burglary, robbery and other serious crimes.*

charged with violent crimes including sexual assault, armed robbery or murder. In those states “automatic transfer” to adult court is exercised. The court may also be authorized to review the case of an automatic transfer to determine if the teenager may be rehabilitated if he or she remains in the juvenile system. If rehabilitation is a reasonable possibility, the juvenile may be returned to juvenile court.

The consequences of being prosecuted in the adult system are serious. A minor who is found guilty in adult court is eligible for adult sentences including decades in prison. A person who commits a crime as a minor cannot be given the [death penalty](#). However, a minor who commits murder may be sentenced to [life in prison without the possibility of parole](#). That means the minor will spend the remaining years of his or her life in prison. All other minors who commit violent crimes, other than murder, may be sentenced to a set number of years in prison but with the possibility of parole at some point.



Minors who are tried and sentenced in the adult system are kept separate from adults. Only after they turn 18 are they eligible for placement with the adult population in jail or prison.

Juvenile Records

Your record with the juvenile court does not automatically self-destruct when you turn a certain age -- 18 or 21 for example. Each state has its own laws regarding [juvenile records](#) and how to clear your name. Terms such as expungement, destruction and sealing of records are used to describe this process. Some states separate juvenile misdemeanors from felonies. For example, in Arizona you cannot apply for destruction of a misdemeanor until age 18 and for certain felonies until age 25. You don't need a lawyer to apply to clear your record. Many courts have self-help centers and online forms you can file. When you file the petition with the court, a copy is sent to the prosecutor's office for their response. If they object they will notify you and the court of their reasons and you may be given a chance to contest the issue.

For current information about clearing your record, you can Google the name of your state and the words "destruction or expungement of juvenile records." Be patient – the volume of



You have brains in
your head.

You have feet in your
shoes.

You can steer yourself
in any direction you
choose.

You're on your own.

And you know what
you know.

You are the guy who'll
decide where to go.

-Dr. Seuss



court cases where you live may result in a waiting period of several weeks or months.

Restoration of Civil Rights



If a juvenile has been tried and convicted as an adult, he or she may have certain civil rights suspended. The right to vote, to sit on a jury, to run for public office and possess firearms are normally suspended if convicted of a felony. After a period of time and depending on the state and federal laws that apply to you, you may be eligible to apply to the court for restoration of your civil rights. Again, it is not automatic and may be denied by the court.

Dos and Don'ts for Appearing in Court

The expression about making a first impression holds true for judges as well. If you shuffle into the courtroom, slump in your seat and mumble your answers, this sends a message to the judge. Either you could care less about the proceeding and don't take it seriously or you haven't been given any advice about courtroom demeanor.

Most defense attorneys give their clients tips about [how to dress](#) and conduct themselves in the courtroom. It may seem like common sense but you'd be surprised how people come to court dressed or acting inappropriately for a hearing that may

affect their lives. The following suggestions are meant to help you put your best foot forward.

- Dress as though you were going out to an expensive restaurant or to church, not the beach or to a picnic.
- Flip-flops, tank or tube tops, strapless dresses and hats should be left at home. Many courts provide oversize T-shirts to wear if you attend showing too much skin – and you don't get to keep the shirts.
- Leave gum, cigarettes, chewing tobacco, all food and drinks outside the courtroom. You shouldn't be smoking/dipping anyway and the judge may confiscate what he/she sees in your possession.
- Come to court early so you can talk with your lawyer before the hearing begins.
- Once in the courtroom, don't speak out of turn, interrupt or swear. Speak respectfully and answer yes or no rather than "uh huh" or "uh uh."



- Hold all facial expressions such as hand gestures and rolling your eyes until you leave the building.
- If you're afraid that you're going to forget what you want to tell the judge, write it down beforehand and bring your notes with you.

Glossary

Community Service: is unpaid work for a set number of hours or days usually completed at a nearby park, library, animal shelter, food kitchen or homeless shelter. In addition to being a common penalty for juveniles and adults, community service is also required by high schools as a graduation requirement.

Delinquent: is a minor who violates a criminal law. If you're found guilty of a crime, you're referred to as a juvenile delinquent.

Detention: is a secure facility that houses juveniles between court hearings or after sentencing.

Diversion: is a program usually for first-time offenders and for lesser offenses such as trespassing, truancy, or shoplifting under a certain amount (i.e. \$100). Diversion may include community service, classes, a fine or restitution to the victim. Upon completion of the program the case is closed and the juvenile does not have a record.

Due Process: is your constitutional right under the 14th Amendment to be notified of any charge filed against you by the government and an opportunity to respond. Due process applies in both civil and criminal cases.

Mental Competency: is your ability to understand the crime that you are charged with and your ability to help your lawyer defend you in court.

Probable Cause: exists when the facts and circumstances within a police officer's knowledge are sufficient in themselves to cause a person of reasonable caution to believe an offense has been or is being committed.

Reasonable Suspicion: is a test that means more than a hunch that someone is breaking the law or a school rule. It is based on a totality of circumstances including time, place, age of suspect, the activity underway, the juvenile's criminal and school record and the source of information.

Restitution: is paying the victim back for any loss suffered due to the minor's acts including personal injury and property damage. Parents of minors may be ordered to pay restitution.

Status Offense: is a crime that only a minor can commit. This includes truancy, curfew, disobedience, runaway and tobacco charges. A juvenile found guilty of a status offense is referred to as an incorrigible child.

Verdict: is the final decision of the court or jury. Verdicts may be set aside by the judge and appealed to higher courts.

Resources

Child Abuse

Childhelp National Child Abuse Hotline: crisis intervention and referrals for children at risk of abuse and distressed parents.

www.childhelp.org 1-800-422-4453

Cyberbullying

That's Not Cool: advice from other teens on how to deal with textual harassment, photo pressure, constant messaging and more.

www.thatsnotcool.com

Bully Police USA: state-by-state laws about bullying and cyberbullying.

www.bullypolice.org

Netsmartz.org: an Internet-safety resource for kids 5 to 17, parents, guardians, educators, and law enforcement.

www.netsmartz.org

1-800-843-5678

Wired Safety: an online safety and help group for children, teens and parents.

www.stopcyberbullying.org

Dating

National Teen Dating Abuse Hotline: a real-time, one-on-one support resource from trained peer advocates.

www.loveisrespect.org

1-866-331-9474

Drugs

Alcoholics Anonymous

www.aa.org

(212) 870-3400

Alateen and Al-Anon: support for family members and friends affected by someone else's drinking.

www.al-anon.alateen.org

Cocaine Anonymous

www.ca.org

1-800-347-8998

Narcotics Anonymous

www.wsoinc.com

1-818-773-9999

Domestic Violence

National Domestic Abuse Hotline

1-800-799-7233

LGBTQ – Bullying and Cyberbullying

GLSEN: Gay, Lesbian and Straight Education Network provides resources and support for students to help create a more welcoming climate at school and reduce bullying.

www.glsen.org

Pacer Center: a website created by and for middle and high school students to address bullying, take action and be heard.

www.pacerteensagainstbullying.org

The Trevor Project: a 24/7 lifeline for lesbian, gay, bisexual, transgender and questioning youth and suicide prevention support.

www.thetrevorproject.org

1-866-488-7386

Runaways

National Runaway Switchboard: a confidential 24/7 crisis line for support and referral service for youth in crisis.

www.nrscrisisline.org

1-800-786-2929

Sexual Assault

National Sexual Assault Hotline: a confidential 24/7 helpline.

www.rainn.org - Rape, Assault and Incest National

Network 1-800-656-4673

Suicide

National Suicide Prevention Hotline: a confidential 24/7 helpline if you or a friend are feeling desperate, alone or hopeless.

www.suicidepreventionlifeline.org

1-800-273-8255 (English); 1-888-628-9454 (Spanish)

We, at **AsktheJudge.info** hope you have learned something about the juvenile justice system. Look for additional eBooks on subjects of concern to you and your family. Truancy, juvenile records, custody, visitation and shoplifting will be discussed in future eBooks.

If you have any questions, please contact us at:

www.askthejudge.info.

Sign up for our free [Newsletter](#) and join in the discussion.

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