# CAPTION: IN RE S.J., A MINOR CHILD

**09-27-23**

APPEAL NOS.: C-220221

C-220222

C-220223

C-220224

TRIAL NOS.: 20-3335Z

20-3336Z

20-3337Z

20-3338Z

KEY WORDS: OBSTRUCTION OF OFFICIAL BUSINESS – CONSTITUTIONAL LAW/CRIMINAL – FIRST AMENDMENT – RESISTING ARREST – DISORDERLY CONDUCT – ESCAPE – EVIDENCE – SUFFICIENCY

SUMMARY:

The juvenile court erred in adjudicating the juvenile delinquent for obstruction of justice, resisting arrest, disorderly conduct, and escape, where the adjudications were based on insufficient evidence. [*But see* DISSENT: The adjudications for obstruction of official business, resisting arrest, and disorderly conduct were supported by sufficient evidence.]

Where the evidence was insufficient to demonstrate the elements of an affirmative act, purpose, or hampering or impeding an officer’s official duties, there was insufficient evidence to support the juvenile’s delinquency adjudication for obstruction of official business. [*But see* DISSENT: The juvenile’s adjudication for obstruction of official business was supported by sufficient evidence where the evidence established the juvenile was instructed by the officer to get out of the street and failed to comply with the instruction by continuing to walk in the street and exhibiting uncooperative behavior, impeding the officer from further assisting the other officers.]

Where there was no lawful arrest and where the juvenile could not have understood she was being placed under arrest, her adjudication of delinquency for resisting arrest is not supported by sufficient evidence. [*But see* DISSENT: The juvenile’s adjudication for resisting arrest was supported by sufficient evidence where the evidence established that while the juvenile was being arrested for obstructing official business, the juvenile struggled with the officers, refused requests to place her hands behind her back, and the officer was required to spray a chemical irritant to effectuate the arrest.]

The juvenile’s adjudication of delinquency for disorderly conduct was not supported by sufficient evidence, where she was not hindering or preventing movement on a public street, her conduct served a lawful and reasonable purpose, and her conduct did not create a condition that was physically offensive to persons or create a risk of physical harm to persons or property. [*But see* DISSENT: The juvenile’s adjudication for disorderly conduct was supported by sufficient evidence where the evidence established that the juvenile was standing in the middle of the street impeding and hindering traffic.]

Where the juvenile did not purposely break her detention, her adjudication of delinquency for escape was not supported by sufficient evidence. [*See* CONCURRENCE: The adjudication for escape was not supported by sufficient evidence where the officer had not established control over the juvenile.]

JUDGMENT: REVERSED AND APPELLANT DISCHARGED

JUDGES: OPINION by KINSLEY, J.; BOCK, J., CONCURS and ZAYAS, P.J., CONCURS IN PART AND DISSENTS IN PART.