# CAPTION: In re: J.P.

**12-29-23**

APPEAL NOS.: C-220647

C-220648

TRIAL NOS.: 21-1175X

21-1195X

KEY WORDS: Self-Defense – Expert Testimony – Other-Acts Evidence – Refreshing Recollection

SUMMARY:

The juvenile court did not lose its way when it rejected defendant’s self-defense claim where the evidence supported the conclusion that deadly force was not necessary for the 13-year-old defendant to defend herself from an unarmed group of teenagers where defendant was also accompanied by a group of friends.

Although the juvenile court erred by excluding relevant expert testimony that would help explain defendant’s actions, including the subjective belief in the need to use deadly force in self-defense, that error was harmless because the court adjudicated defendant not guilty on the charge of purposeful murder and the court is familiar with the sort of material contained in the expert’s report.

The juvenile court erred when it admitted a video showing defendant encouraging a fight on a previous occasion to the charged conduct because the video was not close enough in time to the charged conduct to be relevant for a nonpropensity purpose.

The juvenile court did not err when it permitted the prosecuting attorney to refresh a witness’s recollection when the witness did not state there was something she could not recall, but it was apparent through the course of testimony that the witness lacked a present recollection of the events in question and the witness agreed that viewing her statement to police would refresh her recollection.

JUDGMENTS: Affirmed

JUDGES: Opinion by Crouse, P.J.; Bergeron and Winkler, JJ., concur.