[Name of the Writer]

[Name of Instructor]

[Subject]

[Date]

**US Supreme Court Case Schall v. Martin, 467 U.S. 253 (1984)**

**Facts**

 On 13th of December’ 1977, Gregory Martin was arrested and charged with criminal possession of a weapon, second-degree assault, and first-degree robbery. He was charged due to his action where he stole the sneakers and jacket of a guy and hit on his head with gun. Martin was with two other friends and the incident occurred at 11:30 PM. When he was arrested, he had a gun with him. When he came within the jurisdiction of New York's Family court, his age was just fourteen. When police investigated the issue, Martin lied about the family and place he was living in. Martin was arrested overnight, consequently. On 14th of December, Martin appeared in Family Court after a petition of delinquency was filed against him. Martin grandmother accompanied him in the court. Court detained him under § 320.5(3)(b) because of various reasons such as possession of gun, he lied about the address, the time when he was arrested, and evidence of lacking supervision. The fact-finding hearing remained pending till 21st December 1977. Afterwards, in the U.S district court for the southern district of New York, Martin brought a habeas corpus class action. He argued that § 320.5(3)(b) declared by the judge violates the equal protection clauses of the fourteenth amendment and it is not constitutional under the due process (“Schall v. Martin”).

 **Procedural History**

 The case remained pending due to which Martin claimed that violation of due process clause has occurred. In addition, it also violates the fourteenth amendment. The equal protection argument was rejected by the district court but the court held that violation of due process clause occurred. Court also held that under the statute, the release of members from every class should be detained. Therefore, the U.S state court of appeals for the second circuit asserted (*Viewcontent.Pdf*).

**Issue**

 In the constitution whether § 320.5(3)(b) violated the due process clause?

**Rule**

 In Juvenile proceedings, the due process clause is applicable.

**Analysis**

 The answer was "No". Writing for a 6-3 majority, Justice William H. Rehnquist held that no violation of the right of due process occurred because of detention of juveniles before trial. While, the state has the responsibility of safety for civilians, therefore, pretrial detention plays a role in helping the state to protect people from potential psychological and physical harm along with the potential crime. The issue was dissented by Justice Thurgood Marshall and he held that the standard of "genuine hazard" was excessively unclear and effectively satisfied given the restricted information to the lawyer as well as judges during the initial hearing. Also, the circumstances of juvenile detention focus on the psychological damages of oppressing an adolescent who has not been seen as guilty to that condition exceed the benefits to the civilians (Steverson). Given the close difficulty of anticipating whether an adolescent will be involved in any criminal activity or not, Justice Marshall found that radical estimates, for example, pretrial detention couldn't be advocated and considered as the Due Process violation. John Paul Stevens, Brennan, Jr., and Judges William J., therefore, joined in the dissent.

**Conclusion**

 Constitutionality of § 320.5(3)(b) was upheld by U.S supreme court. § 320.5(3)(b) holds that the detention practice before the trial of the ruling developed the interest of the juvenile and society both. § 320.5(3)(b) served a legitimate regulatory function linked with the primary justice required by the due process clause in the proceedings of a juvenile. The decision also held that reasons, statement of facts, hearing and notice were issued before detention under § 320.5(3)(b). Therefore, in the statute, those who are outlined and procedures came under the due process clause and the fourth amendment.

**Reflection**

The case of U.S. Supreme case Schall v. Martin, 467 U.S. 253 (1984) highlights the issue of pretrial detention. This is the case that brought changes for various other adolescents who were facing the same issue. I believe that the reasoning highlighted in the case can be justified as it detention before the trial can cause psychological health issues in adolescence. For instance, the case indicates that police keep juvenile in possession to keep people safe from any potential crime or potential psychological and criminal activity. However, the case also shows the fact that juvenile has to be in detention without finding him guilty. Therefore, after the trial, if the juvenile is not found guilty and the court held that he is innocent then the time he remained in detention can affect his psychological health. Due to this reason, I believe that judges who joined in the dissent is right.

However, it does not mean that the police should stop the arrest and pretrial detention. Though, proper investigation or reasoning is required this can be proved in front of judges. In this case, Martin told a lie about his address due to which police believe that he is irresponsible and can give harm to other people. In addition, he had a gun when he was arrested and stolen item which is enough for the police to go for pretrial detention. Therefore, it does not violate the fourteenth amendment and in fact, it is the duty of the police to keep in eye on the person performing an inappropriate act so that other people can be saved from any criminal activity. Both opposition and holding had strong points to prove their side. However, facts and case history made Martin suspicious and therefore detention was right to step by the police. Further, due to the case, various other juveniles who were facing the same issue got free after the decision of the case. For future also, pretrial detention decreased based on the reasoning of this case.

**Work Cited:**

“Schall v. Martin.” *Oyez*, https://www.oyez.org/cases/1983/82-1248. Accessed 1 Dec. 2019.

Steverson, Janet W. *Child vs. State: Children and the Law*. Routledge, 2013.

*Viewcontent.Pdf*. https://scholarlycommons.law.wlu.edu/cgi/viewcontent.cgi?article=1661&context=casefiles. Accessed 1 Dec. 2019.