

Melissa Beato Fact Pattern (1)

Logan is charged with felony theft for allegedly stealing his mother's ring which she has valued at \$5,000 (F5). The court appoints a GAL due to the victim being Logan's mother. Logan is in detention because his mother initially refuses to have him come home. This is Logan's first criminal charge. He previously lived with his father in the State of Virginia but moved back to Colorado because his father is an alcoholic. His mother states that Logan is using marijuana, not attending school and stealing from her in the home. She also states that he has an eating disorder. She cannot say one positive thing about Logan and that she wants him to go back to his father's home.

The GAL meets with Logan in detention the day after she is appointed and finds out that Logan has a difficult relationship with his mother and step-father and there is a lot of conflict in the home. Logan also indicates that his mother and step-father drink a lot of alcohol and smoke marijuana in the home. Logan keeps his head down and does not make eye contact during the initial visit in detention. Logan states that school has been difficult for him but that he does not have an IEP. He states he has not had an individual therapist or family therapist in the past.

1. Did the GAL meet with Logan within the timeframes required by the CJD? What are the requirements?
2. How should the GAL explain her role vs. the role of the defense attorney? Does the attorney-client privilege exist? Why or why not?
3. Does the GAL need to ensure that a Preliminary Hearing is set within a certain timeframe in this case?
4. Legally, what should the GAL explain to Logan?
5. Who else can the GAL interview to determine if the information provided by Logan and his mother is accurate?
6. Are there any orders the GAL can request related to mother and step-father's alcohol and marijuana use?
7. Are there any evaluations the GAL can request related to Logan's perceived demeanor/depression?
8. If mother refuses to have Logan home, what orders can the GAL request?
9. If mother decides to have Logan home, what services can the GAL request the court order?
10. In terms of a plea agreement, what does the GAL need to evaluate and make sure Logan understands?