

In re Interest of Antonio J. et. al.

Caselaw No.

No. A-15-417, A-15-694

Filed on

Friday, October 28, 2016

SUMMARY: The State appealed an order from the Juvenile Court of Douglas County where the Judge dismissed allegations in the petition with prejudice. The State contends they should have been dismissed without prejudice.

In August 2015, the State filed an amended petition to seek adjudication for five children under 43-247(a). The adjudication hearing was held six months later. At that time, the State sought to dismiss without prejudice two of the paragraphs in the petition.

When reviewing questions of law, an appellate court reaches its own conclusions.

In *In re Interest of Moore*, 186 Neb. 67 (1970), the Court found that the State may dismiss a count of a petition in juvenile court as a matter of right prior to trial. In this case, using the reasoning of *Moore*, the Court finds that the State was entitled to dismiss the allegations without prejudice and that the Juvenile Court erred.

The Supreme Court modified the adjudication order to reflect the two allegations that were dismissed.
