

In re Interest of Elainna R.

Caselaw No.

No. S-17-237

Filed on

Friday, December 15, 2017

Summary: Elainna R. appeals from an order by the separate juvenile court of Lancaster County which adjudicated her under Neb. Rev. Stat. § 43-247(1) for violating a city ordinance by disturbing the peace by engaging in fighting at high school and disturbing the peace of the security officer. The decision of the juvenile court was affirmed.

Elainna assigned error in that the security officer's peace was disturbed and that evidence was insufficient to sustain an adjudication under § 43-247(1).

An appellate court reviews juvenile cases de novo on the record and interpretation of a municipal ordinance is a question of law on which it makes an independent decision.

Under the first assignment of error, the Court considers whether a person can disturb the peace of a school security officer by fighting. Elainna argues that a school security officer should be treated the same as a police officer and not expect peace and tranquility. See *In re M.M.*, 54 Cal 4th 530 (2012). However, the Court finds that in Nebraska, a police officer can be a victim of disturbing the peace. See *State v. Moore*, 226 Neb. 347 (1987). In addition, the Lincoln ordinance is broad and uses the language "any person" to explain who can be a victim of disturbing the peace. Lincoln Mun. Code § 9.20.050(a). Therefore a school security officer may be a victim of disturbing the peace.

Now the Court moves to decide whether there was sufficient evidence provided to find Elainna within the meaning of the statute. The record shows that after being told by the officer to stop, Elainna hit the other student in the head, pulled out her hair, and knocked the student and officer to the ground. The evidence was sufficient to establish that Elainna's actions did disturb the officer's peace by engaging in fighting and therefore her adjudication was appropriate.
