

Rel: August 21, 2026

Notice: This opinion is subject to formal revision before publication in the advance sheets of Southern Reporter. Readers are requested to notify the **Reporter of Decisions**, Alabama Appellate Courts, 300 Dexter Avenue, Montgomery, Alabama 36104-3741 ((334) 229-0650), of any typographical or other errors, in order that corrections may be made before the opinion is published in Southern Reporter.

Alabama Court of Criminal Appeals

OCTOBER TERM, 2025-2026

CR-2025-0412

T.L.W.

v.

State of Alabama

Appeal from Mobile Juvenile Court
(JU-23-1374.09)

On Application for Rehearing

ANDERSON, Judge.

The Court's opinion of May 1, 2026, is withdrawn, and the following is substituted therefor.

T.L.W. appeals her delinquency adjudication in the Mobile Juvenile Court for the delinquent act of third-degree escape, § 13A-10-33, Ala.

Code 1975. She claims that the juvenile court erred when it denied her motion to dismiss the delinquency petition on double-jeopardy grounds. This argument fails, however, and the judgment of the juvenile court is affirmed.

Facts and Procedural History

In October 2023, the juvenile court adjudicated T.L.W. delinquent for committing the delinquent act of third-degree domestic violence, and, as part of T.L.W.'s sentence, the juvenile court placed her on probation. (C. 14-15.) Thereafter, T.L.W. escaped from juvenile-detention officers during a court-ordered mental-health appointment and remained at large for approximately one month. (R. 5-6; Supp. R. 4, 11.) Once she was captured, T.L.W.'s juvenile-probation officer filed a petition to revoke her probation, alleging that she had committed the new offense of escape. (C. 29, 54.) The State later filed a delinquency petition charging T.L.W. with second-degree escape.¹ (C. 5.)

The juvenile court addressed the revocation and delinquency petitions during an April 8, 2025, hearing. At that hearing, T.L.W.

¹The juvenile court later amended the charge against T.L.W. to third-degree escape, at the State's request. (R. 4; Supp. R. 2-3, 6.)

admitted to violating the conditions of her juvenile probation but denied the allegations in the delinquency petition.² (Supp. R. 2, 4-6.) The juvenile court accepted T.L.W.'s admission, found that she was "in violation of [her] probation," and committed her to the custody of the Alabama Department of Youth Services ("DYS") for mental-health treatment.³ (C. 22-23, 47; Supp. R. 6.) After admitting to the probation violation, and during the same hearing, T.L.W. moved to dismiss the delinquency petition under § 12-15-213(c), Ala. Code 1975, arguing that the petition violated her double-jeopardy rights because she had

²A copy of the revocation petition is not included in the record on appeal, but the reporter's transcripts indicate that both the revocation petition and the delinquency petition were based on T.L.W.'s escape from custody. (R. 5; Supp. R. 4-6.)

³The juvenile-court referee's written findings and recommendation concerning the April 8, 2025, hearing contains a checked box reading "adjudicated delinquent." (C. 22.) The hearing transcript, however, indicates that the referee concluded that T.L.W. had violated the conditions of her probation but did not adjudicate her delinquent of third-degree escape. (Supp. R. 6.) This Court observes that the form used by the referee did not contain any check-box option for a violation of probation. Additionally, a later order indicated that T.L.W. denied the allegations in case number JU-23-1374.09, the case in which she was charged with third-degree escape. See note 1, *supra*. The juvenile court did not adjudicate T.L.W. delinquent based on the third-degree escape until May 9, 2025, when T.L.W. admitted to the charge. (C. 22, 47-48; R. 1-5.)

admitted to violating her probation. (Supp. R. 6-7.) The juvenile court requested additional briefing on the issue. (Supp. R. 8-10.)

After considering the parties' legal arguments, the juvenile court entered an order denying T.L.W.'s motion to dismiss. (C. 44-46.) The juvenile court noted that "there are two simultaneously pending proceedings, one in which the State alleges there is a violation of probation terms ordered during a previous delinquency proceeding, and another based on a new charge of Escape." (C. 44-45.) A revocation proceeding, the juvenile court explained, "is 'not a stage of a criminal prosecution,'" whereas a delinquency proceeding "is a criminal prosecution." (C. 45.) For those reasons, the juvenile court concluded that double jeopardy "does not apply to simultaneous or subsequent probation revocation proceedings based on a new charge." (C. 45.)

During a May 2025 hearing, T.L.W. admitted to the delinquent act of third-degree escape, see note 1, *supra*, but reserved the double-jeopardy issue for appeal. (R. 1-5.) The juvenile court accepted T.L.W.'s admission, adjudicated her delinquent of third-degree escape, and committed her to DYS custody. (C. 48; R. 5.) This appeal followed.

Discussion

On appeal, T.L.W. argues that the juvenile court legally erred when it denied her motion to dismiss the delinquency petition on double-jeopardy grounds. She specifically argues that § 12-15-213(c)'s text, when considered in the context of other statutory provisions, expands double-jeopardy protections to bar subsequent prosecution for any offense that is used as the basis for a petition to revoke juvenile probation and that, in her case, jeopardy attached once she admitted to the probation-revocation petition that was based on the same act of escape for which she was also charged by way of a delinquency petition. The State disagrees, arguing that the same legal principles applicable to adult-probation-revocation proceedings apply in the juvenile context, i.e., that a probation-revocation proceeding is not a proceeding designed to punish a criminal offense. Moreover, the State contends that the statutes cited by T.L.W. do not indicate that the Legislature intended to expand double-jeopardy protections in juvenile matters in the manner suggested by T.L.W. and that, under settled precedent, jeopardy did not attach when T.L.W. admitted to violating her probation conditions by escaping from custody.

Given those arguments, the issues before us are (1) whether the statutory provisions T.L.W. relies upon expand double-jeopardy protections to prohibit subsequent juvenile-delinquency proceedings based upon the same conduct used to support the revocation of juvenile probation, and (2) whether our precedents concerning the applicability of the Double Jeopardy Clause to adult-probation-revocation proceedings also apply to juvenile-probation-revocation proceedings. As explained more fully below, we conclude that § 12-15-213(c) does not expand double-jeopardy protections to admissions made during juvenile-probation-revocation proceedings, that our precedents concerning the applicability of the Double Jeopardy Clause to adult-probation-revocation proceedings also apply to juvenile-probation-revocation proceedings, and that, therefore, the juvenile court did not err when it denied T.L.W.'s motion to dismiss the delinquency petition for third-degree escape on double-jeopardy grounds.

I.

T.L.W.'s argument on appeal has two parts. First, she contends that § 12-15-213(c) bars a subsequent juvenile-delinquency petition once a juvenile admits to a violation of juvenile probation based upon the same

conduct charged in the delinquency petition. (T.L.W.'s brief at 12-16.) To support that assertion, T.L.W. cites § 12-15-213(c)'s use of the phrase "the petition," contending that, because the Legislature did not specify the type of petition in that subsection, the term necessarily includes juvenile-probation-revocation petitions brought under § 12-15-132, Ala. Code 1975. (T.L.W.'s brief at 13-16.) Second, T.L.W. claims that § 12-15-213(c), when read in conjunction with § 12-15-132(c) and (e), establishes that the Legislature intended to treat juvenile-probation-revocation proceedings differently from their adult equivalent, i.e., that it intended to treat juvenile-probation-revocation proceedings as proceedings at which jeopardy "attaches." (T.L.W.'s brief at 17-21.) We disagree.

Initially, we find T.L.W.'s construction of § 12-15-213(c) to be incorrect. That provision reads:

"Criminal proceedings and other juvenile proceedings based upon the offense alleged in the petition or an offense based upon the same conduct are barred where the juvenile court has begun taking evidence or where the juvenile court has accepted from the child a plea of guilty to the petition."

""In determining the meaning of a statute, this Court looks to the plain meaning of the words as written by the legislature."" Craft v. McCoy, 312 So. 3d 32, 37 (Ala. 2020) (quoting Cockrell v. Pruitt, 214 So. 3d 324,

331-32 (Ala. 2016), quoting in turn DeKalb Cnty. LP Gas Co. v. Suburban Gas, Inc., 729 So. 2d 270, 275 (Ala. 1998)).

""Words used in a statute must be given their natural, plain, ordinary, and commonly understood meaning, and where plain language is used a court is bound to interpret that language to mean exactly what it says. If the language of the statute is unambiguous, then there is no room for judicial construction and the clearly expressed intent of the legislature must be given effect.""

Id. (quoting Cockrell, 214 So. 3d at 332, quoting in turn City of Prattville v. Corley, 892 So. 2d 845, 848 (Ala. 2003)). Appellate courts "review de novo a question of law involving statutory construction." Ex parte Sacred Heart Health Sys., Inc., 155 So. 3d 980, 985 (Ala. 2012).

"If the language of a statute is not 'plain' or is ambiguous, then -- and only then -- may a court construe or interpret it to determine the legislature's intent." Deutsche Bank Nat'l Tr. Co. v. Walker Cnty., 292 So. 3d 317, 326 (Ala. 2019). A portion of a statute "'is ambiguous when it is capable of being understood by reasonably well-informed persons in either of two or more senses.'" S&S Distrib. Co. v. Town of New Hope, 334 So. 2d 905, 907 (Ala. 1976) (quoting State ex rel. Neelen v. Lucas, 24 Wis. 2d 262, 267, 128 N.W.2d 425, 428 (1964)). However, "'[b]ecause the meaning of statutory language depends on context, a statute is to be read

as a whole ... [and s]ubsections of a statute are in pari materia.'" Mitchell v. State, 316 So. 3d 242, 247 (Ala. Crim. App. 2019) (quoting Ex parte Jackson, 614 So. 2d 405, 406 (Ala. 1993)).

We begin, therefore, by noting that, in § 12-15-213(a), the Legislature extended to certain juvenile proceedings some of the procedural safeguards available in adult criminal proceedings. Specifically, that subsection applies to cases involving a "child charged with a delinquent act or who is alleged to be in need of supervision" and requires that such children "shall be accorded the rights and privileges afforded by the Constitution of the United States and the Constitution of Alabama of 1901." (Emphasis added.) A "delinquent act" is defined as an "act committed by a child that is designated a violation, misdemeanor, or felony offense pursuant to the law of the municipality, county, or state in which the act was committed or pursuant to federal law." § 12-15-102(6), Ala. Code 1975. A "child in need of supervision" is one who has been adjudged to be in need of supervision for a non-criminal reason. § 12-15-102(4). "Probation" is defined as the "legal status created by order of the juvenile court following an adjudication of delinquency or in need of supervision whereby a child is permitted to remain in a community

subject to supervision and return to the juvenile court for violation of probation at any time during the period of probation." § 12-15-102(21) (emphasis added).

When a juvenile violates the terms of his or her probation, as did T.L.W., the juvenile's probation may be revoked by the filing of a petition to revoke the probation, pursuant to § 12-15-132(a). T.L.W.'s argument that the revocation of juvenile probation prohibits subsequent delinquency proceedings based "upon the same conduct" hinges on treating subsection (c) of § 12-15-213 as being wholly independent of subsections (a) and (b). T.L.W. maintains that references to "the petition" in subsection (c) refer to any type of juvenile petition -- including petitions to revoke juvenile probation -- rather than being limited to petitions initiating the two types of juvenile proceedings specifically referenced in subsection (a): those involving delinquency and children in need of supervision.

Yet, as stated previously, this Court must read and consider subsections of a statutory provision in pari materia. Mitchell, 316 So. 3d at 247 (quoting Ex parte Jackson, 614 So. 2d at 406). In other words, subsections of a statutory provision "'should be construed together to

ascertain the meaning and intent of each.'" Ex parte Jackson, 614 So. 2d at 406 (quoting McCausland v. Tide-Mayflower Moving & Storage, 499 So. 2d 1378, 1382 (Ala. 1986)).

"'"The fundamental rule of statutory construction is that this Court is to ascertain and effectuate the legislative intent as expressed in the statute. ... In this ascertainment, we must look to the entire Act instead of isolated phrases or clauses ... and words are given their plain and usual meaning. ... Moreover, just as statutes dealing with the same subject are in pari materia and should be construed together, ... parts of the same statute are in pari materia and each part is entitled to equal weight.'"

Craft, 312 So. 3d at 37 (quoting Cockrell, 214 So. 3d at 332, quoting in turn First Union Nat'l Bank of Fla. v. Lee Cnty. Comm'n, 75 So. 3d 105, 111-12 (Ala. 2011)). "'When interpreting a statute, this Court must read the statute as a whole because statutory language depends on context.'" Alabama Dep't of Revenue v. Greenetrack, Inc., 369 So. 3d 640, 650 (Ala. 2022) (quoting Bean Dredging, L.L.C. v. Alabama Dep't of Revenue, 855 So. 2d 513, 517 (Ala. 2003)). Indeed, "our rules of statutory construction direct us to look at the statute as a whole to determine the meaning of certain language that is, when viewed in isolation, susceptible to multiple reasonable interpretations." Ex parte Alfa Fin. Corp., 762 So. 2d 850, 853 (Ala. 1999).

At bottom, by latching on to the phrase "the petition" in § 12-15-213(c), T.L.W. asks this Court to find ambiguity where none exists. Construing § 12-15-213 as a whole, as we must, there is no ambiguity as to what the Legislature intended. While it is true that there are more than two types of "petitions" that may be brought in juvenile court, references to "the petition" in subsections (b) and (c) of § 12-15-213 must be informed by subsection (a)'s focus on proceedings initiated by petitions to adjudicate children delinquent or in need of supervision. We note, moreover, that this approach is consistent with the fact that the Legislature has long sought to "extend[] to juveniles charged with delinquency many of the procedural safeguards available to adult criminal defendants." Driskill v. State, 376 So. 2d 678, 679 (Ala. 1979). However, we see nothing in this text showing that the Legislature sought to extend greater protection to juveniles in the probation-revocation context than are available to adult defendants.

To be sure, "[d]elinquency, child in need of supervision, and dependency cases and proceedings" are all "initiated by the filing of a petition by the juvenile court intake officer." § 12-15-120(a), Ala. Code 1975. In addition, proceedings to revoke probation or aftercare are

initiated "by the filing of a petition entitled 'petition to revoke probation' or 'petition to revoke aftercare.'" § 12-15-132(b).⁴ But only by a strained or tortured reading of § 12-15-213 could this Court find that the Legislature intended to address two specific types of petitions in subsection (a), yet -- for an unknown reason -- intended to change course and reference all juvenile proceedings initiated by a petition simply by using the term "the petition" in subsection (c).

We also must give effect to ""the words as written by the legislature."" Craft, 312 So. 3d at 37 (quoting Cockrell, 214 So. 3d at 331, quoting in turn DeKalb Cnty. LP Gas Co., 729 So. 2d at 275). Notably, in subsection (c), the Legislature did not refer to "any" petition but used the definite article "the" to identify which petition it was referencing. The only sensible reading of the Legislature's reference to "the petition" in this context is as a reference to a petition previously referenced in the statute itself. Read in pari materia with subsection (a), this is plainly a reference to the delinquency or child-in-need-of-supervision petition initiating a proceeding governed by § 12-15-213(a). See Martin v. Martin,

⁴Other statutory provisions also reference various parties' ability to file a "motion" seeking revocation of a probation order. See, e.g., § 12-15-221(a), Ala. Code 1975.

329 So. 3d 1242, 1245 (Ala. 2020) (quoting Antonin Scalia & Bryan A. Garner, Reading Law: The Interpretation of Legal Texts 107-11 Thomson/West (2012)) ("It is a well-established principle of statutory interpretation that '[t]he expression of one thing implies the exclusion of others.'"). For these reasons, we reject T.L.W.'s argument

T.L.W. cites State v. S.-Q.K., 292 Or. App. 836, 426 P.3d 659 (2018), to support her interpretation of § 12-15-213(c), but that decision by the Oregon Court of Appeals is unpersuasive. The statute at issue there did not reference a particular type of juvenile proceeding but, instead, used the term "adjudicatory hearing" to identify when jeopardy attaches and specifically provided that

"proceedings in adult criminal court and other juvenile court adjudicatory proceedings based on an act alleged in a petition or citation to have been committed by a child, ward, youth or adjudicated youth or allegations arising out of the same conduct are barred when the juvenile court judge or referee has begun taking evidence in an adjudicatory hearing or has accepted a child[s] ... admission ... to the allegations of the petition or citation."

Or. Rev. Stat. § 419A.190. Unlike § 12-15-213, the Oregon statute contained no language limiting its scope to particular types of juvenile proceedings. Compare § 12-15-213(a), Ala. Code 1975, with Or. Rev. Stat. § 419A.190. Additionally, the court in S.-Q.K. did not find that the

meaning of the Oregon statute was clear from its text, relying instead upon legislative history. 292 Or. App. at 840-46, 426 P.3d at 661-65. Finally, probation-revocation proceedings in an Alabama juvenile court occur only after "adjudicatory proceedings" have concluded, as Alabama law defines "probation" as a "legal status created by order of the juvenile court following an adjudication of delinquency or in need of supervision," § 12-15-102(21), and it further restricts a juvenile court's authority to enter an order of probation to two types of adjudicatory proceedings, and only then when a child is determined to be in need of care or rehabilitation, see § 12-15-215(c), Ala. Code 1975.

T.L.W. also urges us to read subsections (c) and (e) of § 12-15-132 in pari materia with § 12-15-213(c). According to T.L.W., doing so demonstrates the Legislature's intent to expand double-jeopardy protections to juvenile proceedings so as to prohibit subsequent delinquency proceedings based on the same conduct that results in a revocation of juvenile probation. That is, T.L.W. asks us to hold that these statutes, acting together, treat juvenile-probation-revocation proceedings as proceedings at which jeopardy attaches and as barring subsequent prosecution or delinquency proceedings. We decline to do so.

The viability of T.L.W.'s argument hangs on her contention that a "juvenile adjudication for a violation of probation is an adjudication of delinquency." (T.L.W.'s brief at 18.) T.L.W. offers no citation to Alabama law defining an adjudication for a juvenile-probation violation as such, however. Nor have we found any. Instead, T.L.W. points to the text of § 12-15-132(e), which provides that an adjudication for a juvenile-probation violation "for a child in need of supervision is not an adjudication of delinquency." (T.L.W.'s brief at 18.) T.L.W. appears to read this subsection as evidence that an adjudication for a juvenile-probation violation for a delinquent child is intended as an adjudication of delinquency based on the new conduct alleged in the revocation petition -- thus making it logical to extend double-jeopardy protections to those juvenile proceedings. In T.L.W.'s view, because "no similar law exists for an adjudication in a revocation of probation petition where the underlying charge is not a [child-in-need-of-supervision] petition," then a "juvenile adjudication for a violation of probation is an adjudication of delinquency." (Id.)

But the revocation of probation is not an adjudication of delinquency. As we have explained before, a "juvenile court may find a

child delinquent 'on proof beyond a reasonable doubt, based upon competent, material, and relevant evidence[] that the child committed the acts by reason of which the child is alleged to be delinquent.'" J.M.A. v. State, 74 So. 3d 487, 492 (Ala. Crim. App. 2011) (citing § 12-15-212(a), Ala. Code 1975). By contrast, as in adult-probation-revocation proceedings, a lesser standard of proof applies in juvenile-probation-revocation proceedings. Section 12-15-132(c) provides that "[p]robation or aftercare proceedings shall require clear and convincing evidence. In all other respects, proceedings to revoke probation or aftercare shall be governed by the procedures, safeguards, and rights and duties applicable to delinquency and child in need of supervision cases contained in" Ala. Code 1975, Title 12, Chapter 15. (Emphasis added.)

Further, § 12-15-132(a) speaks to the nature of a probation-revocation proceeding in juvenile court. First, that subsection recognizes that any order of probation is entered "incident to an adjudication as a delinquent child or a child in need of supervision," the same two types of proceedings to which § 12-15-213 applies. § 12-15-132(a). Second, that subsection clearly frames the focus of a juvenile-probation-revocation petition on obtaining "a revocation of the order" of probation, not on

whether an adjudication of delinquency, or of a child in need of supervision, is warranted. § 12-15-132(a). At the conclusion of a juvenile-probation-revocation proceeding, if the child is found to have violated the conditions of his or her probation, "the juvenile court may extend the period of probation or aftercare or make any other order of disposition specified for a child adjudicated delinquent or in need of supervision." § 12-15-132(d).

As for § 12-15-132(e), that subsection makes clear that a child in need of supervision -- a form of juvenile adjudication that is not overtly criminal in nature⁵ -- does not become a delinquent child -- a form of adjudication for conduct that is overtly criminal in nature⁶ -- merely due to violations of the terms and conditions of an order of probation entered by a juvenile court. That is, because an order of probation may be entered following either type of adjudication, § 12-15-132(e) clarifies that the violation of an order of probation by a child adjudicated as being in need of supervision does not constitute a "delinquent act," making the child a "delinquent child" as those term are defined in § 12-15-102(6) and (7). Of

⁵See § 12-15-102(4), Ala. Code 1975.

⁶See § 12-15-102(6) and (7), Ala. Code 1975.

course, for children placed on juvenile probation following adjudications of delinquency, that provision is unnecessary and inapplicable. See Stiff v. Equivest Fin., LLC, 362 So. 3d 141, 147 (Ala. 2022) (quoting League of Women Voters v. Renfro, 290 So. 2d 167, 169 (Ala. 1974)) ("Where possible, statutes should be resolved in favor of each other to form one harmonious plan and give uniformity to the law.'").

Accordingly, despite T.L.W.'s arguments to the contrary, we conclude that § 12-15-213(c) does not extend double-jeopardy protections to juvenile-delinquency proceedings involving delinquent acts that were previously the subject of juvenile-probation-revocation proceedings.

II.

In its brief, the State argues that this Court's precedents regarding double jeopardy and adult-probation-revocation proceedings apply to juvenile-probation-revocation proceedings. (State's brief at 25-29.) This Court has not previously addressed whether our precedents concerning adult-probation-revocation proceedings and double jeopardy apply in the juvenile context.

The question whether jeopardy attaches in a juvenile-delinquency proceeding is well settled. In Breed v. Jones, 421 U.S. 519, 521-27 (1975),

the United States Supreme Court considered whether a juvenile's double-jeopardy rights were violated when he was tried as an adult for a crime for which a juvenile court had already found him delinquent. Holding that the juvenile had been subjected to double jeopardy, the Court explained that it could not "conclude ... that a juvenile is not put in jeopardy at a proceeding whose object is to determine whether he has committed acts that violate a criminal law." Id. at 528-29. It further clarified that "the risk to which the term jeopardy refers is that traditionally associated with 'actions intended to authorize criminal punishment to vindicate public justice.'" Id. at 529 (quoting United States ex rel. Marcus v. Hess, 317 U.S. 537, 548-49 (1943)).

In Smith v. State, 368 So. 2d 298, 301 (Ala. Crim. App. 1978), this Court synthesized the operative rule set out in the Breed decision: "Any adjudicatory finding of delinquency in the juvenile court that the juvenile had violated a criminal statute would cause jeopardy to attach." Since then, we have reaffirmed this rule on multiple occasions. See, e.g., M.L.W. v. State, 372 So. 3d 241, 244 (Ala. Crim. App. 2022); Cruse v. State, 489 So. 2d 694, 696 (Ala. Crim. App. 1986); Driver v. State, 456 So. 2d 1140, 1141-42 (Ala. Crim. App. 1984).

This Court has also established, at least in the adult context, that jeopardy does not attach in noncriminal actions. Namely, "Alabama has consistently held that the protection afforded by the Double Jeopardy Clause is not applicable to administrative proceedings." Ex parte K.H., 700 So. 2d 1201, 1205 (Ala. Crim. App. 1997). That is, "[t]he Double Jeopardy Clause does not apply to actions that are not essentially criminal. ... Nor does it apply to disciplinary, parole, probation, or bond revocation hearings, because they are administrative proceedings." Id. (quoting Coleman v. State, 642 So. 2d 532, 533-34 (Ala. Crim. App. 1994)).

We have not addressed, however, whether a juvenile court's determination that a juvenile has violated a condition of probation by committing a new delinquent act is the type of adjudicatory proceeding to which jeopardy attaches. In other words, we have not decided whether a juvenile-probation-revocation proceeding should be treated the same as an adult-probation-revocation proceeding for precedential purposes in determining whether jeopardy attaches at such a proceeding.

Other jurisdictions, however, have held that jeopardy does not attach during juvenile-probation-revocation proceedings. For example, in

In re O'neal, 160 N.C. App. 409, 585 S.E.2d 478 (2003), the North Carolina Court of Appeals considered whether double-jeopardy protections applied to juvenile-probation-revocation proceedings. There, the juvenile was placed on probation for one year after being adjudicated delinquent for committing a misdemeanor assault. 160 N.C. App. at 410, 595 S.E.2d at 479. A juvenile-court counselor filed the equivalent of a revocation petition alleging that the juvenile had committed several probation violations, including becoming "physically aggressive" with another child. 160 N.C. App. at 410-11, 585 S.E.2d at 479-80. The juvenile admitted to the allegations contained in the revocation petition, and the juvenile court concluded that he had willfully violated his probation conditions and placed him on probation for another year. 160 N.C. App. at 411, 585 S.E.2d at 480.

Thereafter, the State filed a delinquency petition alleging that the juvenile had committed misdemeanor assault based the same incident. Id. The juvenile moved to dismiss the petition, arguing that the prosecution violated his double-jeopardy rights. Id. The juvenile court denied his motion and ultimately entered an adjudication finding the juvenile delinquent of simple assault. Id.

The juvenile's sole contention on appeal was that the juvenile court had erred in denying his motion to dismiss because he had admitted to the same underlying conduct at his revocation hearing. 160 N.C. App. at 411-12, 585 S.E.2d at 480. The appellate court noted that the United States Supreme Court, in Breed, "only extended double jeopardy protection to adjudicatory or delinquency hearings," explained that a "'probation violation hearing is not a criminal prosecution,'" and recognized that "[i]t is well established that double jeopardy protections do not apply to probation revocation hearings." 160 N.C. App. at 412-13, 585 S.E.2d at 480-81 (quoting State v. Monk, 132 N.C. App. 248, 252, 511 S.E.2d 332, 334 (1999)). The court held that jeopardy did not attach when the juvenile admitted to the underlying conduct during his probation-revocation hearing. 160 N.C. App. at 413, 585 S.E.2d at 481. It reasoned that, in the juvenile's case, the juvenile court had found by a preponderance of the evidence only that the juvenile had violated his probation conditions, not that the juvenile was in fact delinquent. 160 N.C. App. at 413-14, 585 S.E.2d at 481.

The North Dakota Supreme Court reached a similar conclusion in In re O.F., 773 N.W.2d 206 (N.D. 2009). There, the juvenile was initially

adjudicated delinquent and placed under the supervision of the juvenile drug court. Id. at 207. Later, law-enforcement officers cited the juvenile for violating his curfew, and, upon returning home, he killed his family's pet kitten. Id. The drug court then recommended that the juvenile be sanctioned; a juvenile referee followed that recommendation and required the juvenile to complete six additional hours of community service. Id.

The State then filed a delinquency petition alleging that the juvenile had mistreated animals, in violation of N.D. Cent. Code § 36-21.1-02(1), and that he was an unruly child for violating his curfew. Id. The juvenile moved to dismiss the charges, arguing that the prosecution for mistreating an animal and for violating curfew -- the same conduct for which the juvenile drug court had sanctioned him -- violated his double-jeopardy rights. Id. The juvenile court denied the motion to dismiss, and the juvenile pleaded guilty to the charges while reserving his right to appeal the juvenile court's denial of his motion to dismiss. Id. On appeal, he raised the same argument asserted in his motion to dismiss. Id.

The North Dakota Supreme Court initially observed that there "is no substantive difference between a sanction imposed on a participant by a juvenile drug court for violation of the program's rules and revocation of probation by a district court for a defendant's violation of a condition of probation." Id. at 208. It then noted that "'probation revocation ... is not a stage of a criminal prosecution'" and that "courts have long held 'the fact that one act formed the basis for both [a] criminal conviction and [a] probation revocation does not violate double jeopardy.'" Id. (quoting State v. Olson, 656 N.W.2d 650, 654 (N.D. 2003), and Merry v. State, 752 P.2d 472, 475 (Alaska Ct. App. 1988)). The court further explained that a probation-revocation hearing "is considered a continuation of the original prosecution for which probation was imposed[,] ... [and] the sole purpose is to determine whether a criminal defendant has breached a condition of his existing probation, not to convict that individual of a new criminal offense." Id. at 209 (quoting State v. Gautier, 871 A.2d 347, 361 (R.I. 2005)). "'Consequently,'" it continued, "'jeopardy does not attach to probation-revocation proceedings, because 'these proceedings are not designed to punish [criminal defendants] for violation of a criminal law.'" Id. (citations omitted).

The court held that the juvenile's double-jeopardy rights were not violated by the juvenile court's delinquency adjudication, even though it was premised on the same conduct that had previously formed the basis of the drug court's sanction. Id. It reasoned that, rather than adjudicating the juvenile delinquent, the drug court and the juvenile referee had only sanctioned the juvenile for violating program rules. Id. Accordingly, jeopardy had not attached at the sanction proceedings. Id.

We find such reasoning persuasive and conclude that juvenile-probation-revocation proceedings are not the type of adjudicatory proceedings at which jeopardy attaches. In T.L.W.'s case, the probation-revocation proceedings concerned T.L.W.'s punishment for her previous delinquency adjudication for third-degree domestic violence -- i.e., the juvenile court's purpose was to determine whether T.L.W. had violated a condition of her probation, not to adjudicate the alleged delinquent act of third-degree escape. In fact, the juvenile court did not adjudicate T.L.W. delinquent of third-degree escape at the April 8, 2025, hearing; instead, it found by clear and convincing evidence, based on her admission, that T.L.W. was "in violation of [her] probation" when she escaped from custody. (Supp. R. 6.) Because the probation-revocation proceedings were

noncriminal in nature, relating to T.L.W.'s legal status as being "subject to supervision and return to the juvenile court for violation of probation at any time during the period of probation," § 12-15-102(21), jeopardy did not attach when T.L.W. admitted to violating the conditions of her probation by escaping from custody.

T.L.W. argues that, "[i]n contrast to a criminal case, where a revocation of probation implements an existing but suspended sentence, a juvenile probation adjudication can result in an extended period of probation, or 'any other disposition specified for a child adjudicated delinquent or in need of supervision.'" (T.L.W.'s brief at 19 (quoting § 12-15-132(d).) According to her, this "undetermined potential deprivation of liberty" "demonstrates being twice put in jeopardy when both petitions contain the same allegation, and supports the added protections the law grants juvenile revocation of probation proceedings that are not available in adult probation proceedings." (T.L.W.'s brief at 19.) This is not so.

Section 12-15-132(d) states that if "a child is found to have violated the terms of his or her probation ... pursuant to a revocation hearing, the juvenile court may extend the period of probation ... or make any other order of disposition specified for a child adjudicated delinquent or in need

of supervision." While that statute does grant juvenile courts broad discretion to determine the ramifications of a juvenile's probation violation, a juvenile court's exercising that discretion does not transform a juvenile-probation-revocation proceeding into the type of adjudicatory hearing for which Breed mandates double-jeopardy protections.

In In re O'Neal, the court addressed this very issue. There, the court acknowledged that, "in adult criminal cases[,] a violation of probation usually results in the activation of a previously imposed sentence," whereas "in juvenile cases a probation violation usually results in a new imposition of probation or even confinement, since there is generally no suspended term of confinement in juvenile cases imposing probation." 160 N.C. App. at 413, 585 S.E.2d at 481. Despite this difference, the court explained, "the better view is to treat a juvenile probation violation as analogous to the revocation of probation in the criminal justice system." Id. This is because the "imposition of a new term of probation, or possibly confinement, in juvenile cases is punishment for the original offense for which the juvenile was adjudicated delinquent" and does not punish "any of the offenses that form the basis of the trial court's determination that

a probation violation has occurred." Id. We agree with this reasoning and apply it here.

In sum, we conclude that there is no legitimate reason to view adult-probation-revocation proceedings differently than juvenile-probation-revocation proceedings for purposes of our prior decisions discussing whether the Double Jeopardy Clause applies to such proceedings. To that end, we conclude that a juvenile-probation-revocation proceeding should be treated the same as an adult-probation-revocation proceeding for precedential purposes when analyzing whether jeopardy attaches at such a proceeding.

In this case, the record on appeal reflects that the juvenile court adjudicated T.L.W. delinquent of third-degree domestic violence in October 2023 and placed her on juvenile probation. (C. 14-15.) Afterward, in March 2025, T.L.W. escaped from custody while she was still serving that probationary term for domestic violence. (R. 5-6; Supp. R. 4.) After admitting to the probation violation resulting from that escape, but before the juvenile court adjudicated her delinquent of third-degree escape, the juvenile court ordered that T.L.W. be confined to the custody of DYS for mental-health treatment. (C. 41; Supp. R. 4-6.) Only after the

probation-revocation hearing and initial commitment did the juvenile court adjudicate her delinquent of third-degree escape. (C. 48; R. 5.) In other words, the juvenile court's initial placement of T.L.W. into DYS custody was pursuant to her original domestic-violence adjudication, not as punishment for third-degree escape. Under those circumstances, the Double Jeopardy Clause was not implicated when T.L.W. admitted to the violation of her juvenile probation flowing from her actions constituting third-degree escape. See Ex parte K.H., 700 So. 2d at 1205 (quoting Coleman, 642 So. 2d at 533-34); Woodberry v. State, 625 So. 2d 1159 (Ala. Crim. App. 1993).

Conclusion

We conclude that the Legislature's enactment of § 12-15-213(c), as well as § 12-15-132(c) and (e), did not expand double-jeopardy protections to include juvenile-probation-revocation proceedings. Instead, we hold that such proceedings serve the same purposes as adult-probation-revocation proceedings, meaning the same double-jeopardy principles that apply to adult-probation-revocation proceedings apply in juvenile-probation-revocation proceedings. Accordingly, the judgment of the juvenile court is affirmed.

APPLICATION OVERRULED; OPINION OF MAY 1, 2026,
WITHDRAWN; OPINION SUBSTITUTED; AFFIRMED.

Windom, P.J., and Cole, J., concur. Minor, J., concurs in part and
concurs in the result, with opinion. Kellum, J., concurs in the result.

MINOR, Judge, concurring in part and concurring in the result.

For the reasons stated in Part I of the main opinion, I concur in the Court's judgment. I believe that, in light of this Court's holding in Part I of its opinion, this Court need not address the issue in Part II.