

# Will 17-year-old Defendant Facing Two Counts of Murder be Tried as a Juvenile or an Adult? Alissa D. Hascup Explains the Consequences to NJ.com and The New York Post

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Alissa D. Hascup, a former Morris County Assistant Prosecutor and a

Criminal Practice Group partner at Einhorn Barbarito, provided commentary to reporters at NJ.com and The New York Post regarding what may happen next to a 17-year-old facing two counts of murder after allegedly driving a Jeep into an e-bike ridden by two teenage girls in Cranford, NJ. Hascup has extensive prosecutorial experience and has been in private criminal defense practice in New Jersey since 2013.

The critical issue, Hascup explains, is whether the 17-year-old defendant will be tried as a juvenile or an adult. A juvenile 15 and older who is accused of serious crimes like homicide can be “waived up” to adult court, and if that happens, she said, “their case would be prosecuted as if they were an adult.” The difference is stark: in juvenile court the maximum penalty for murder is 20 years, or 10 depending on the subsection, but in adult court the defendant could face life in prison with a mandatory minimum of 30 years without parole.

Hascup, who is recognized by the New Jersey Supreme Court as a Certified Criminal Trial Attorney, emphasized how rarely waiver requests are denied. “Ultimately the court can really only deny a waiver motion if they are clearly convinced that the prosecutor has abused their discretion,” she said, adding that once the motion is filed, it is “very, very, very difficult to combat that.” While defense attorneys

fight to keep cases in juvenile court by citing factors such as lack of a prior record or mental health issues, the decision largely rests with the prosecutor.

She told the New York Post: “I would be shocked if the state didn’t apply for a waiver. As part of the waiver application, prosecutors provide a written statement of reason, setting forth the facts of the case with an explanation as to how the evaluation of those facts supports a waiver for the particular juvenile.”

She also noted in NJ.com that juvenile proceedings are confidential, which can leave families of victims frustrated. “Everything in juvenile court is confidential,” she said, including victim statements, meaning that families often feel silenced during the process unless the case is transferred to adult court, where all proceedings will then be open to the public.

Read the full NJ.com article, "Will driver, 17, charged with murder of 2 girls be tried as adult? Here are the rules in N.J.," [here](#). (Subscription may be required.)

Read the full New York Post article, “NJ teen motorist in deadly hit-and-run could be charged as an adult — after juvenile charges spark outrage,” [here](#).

Please also see Alissa Hascup’s Opinion piece in NJ.com, “Did the system fail the slain Cranford girl who was stalked?,” [here](#).