

**Juvenile Cases Decided by the  
North Carolina Court of Appeals**

October 19, 2010

*Delinquency*

**Motion to Suppress**

1. Twelve-year-old who was interrogated by principal at school, largely in presence of school resource officer, was in custody for purposes of the Miranda warning.
2. Even though officer asked no questions, Miranda warning was required when officer transported the juvenile to principal's office and was present through most of the lengthy interrogation.
3. Trial court erred in denying juvenile's motion to suppress his confession resulting from the custodial interrogation.

***In Re K.D.L.*, \_\_ N.C. App. \_\_, \_\_ S.E.2d \_\_ (Oct. 19, 2010).**

The trial court erred by denying a juvenile's motion to suppress when the juvenile's confession was made in the course of custodial interrogation but without the warnings required by *Miranda* and G.S. 7B-2101(a), and without being apprised of and afforded his right to have a parent present. Following *In re J.D.B.*, 363 N.C. 664 (2009), the court concluded that when determining whether in-school questioning amounted to a custodial interrogation, the juvenile's age was not relevant. The court found that that the juvenile was in custody, noting that he knew that he was suspected of a crime, he was questioned by a school official for about six hours, mostly in the presence of an armed police officer, and he was frisked by the officer and transported in the officer's vehicle to the principal's office where he remained alone with the officer until the principal arrived. Although the officer was not with the juvenile at all times, the juvenile was never told that he was free to leave. Furthermore, the court held that although the principal, not the officer, asked the questions, an interrogation occurred, noting that the officer's conduct significantly increased the likelihood that the juvenile would produce an incriminating response to the principal's questioning. The court concluded that the officer's near-constant supervision of the juvenile's interrogation and "active listening" could cause a reasonable person to believe that the principal's interrogation was done in concert with the officer or that the person would endure harsher criminal punishment for failing to answer.

*[Note: this summary was written by faculty member Jessica Smith.]*

Appellate court opinions can be found at <http://www.aoc.state.nc.us/www/public/html/opinions.htm>

Earlier case summaries can be found at [http://www.sog.unc.edu/programs/dss/case\\_summaries.html](http://www.sog.unc.edu/programs/dss/case_summaries.html)



**Janet Mason**

School of Government  
The University of North Carolina at Chapel Hill  
Campus Box 3330, Knapp-Sanders Building  
Chapel Hill, NC 27599-3330  
T: 919.966.4246 F: 919.962.2706  
[www.sog.unc.edu](http://www.sog.unc.edu)