

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

June 21, 2011

Delinquency

- The trial court's "dismissal" of the case at disposition did not result in a dismissal of the underlying adjudication.
- Anonymous tip was insufficient to justify the investigatory stop of the juvenile, and the petition alleging resisting an officer should have been dismissed.

In re A.J. M.-B., __ N.C. App. __, __ S.E.2d __ (June 21, 2011).

<http://appellate.nccourts.org/opinions/?c=2&pdf=MjAxMS8xMC0xMzUwLTEucGRm>

Facts: After an adjudication of delinquency for resisting an officer, the juvenile was in court for disposition on that charge and for a hearing on a motion to revoke his post-release supervision from a youth development center. The court revoked post-release supervision and, "as a disposition" in the resisting an officer case, dismissed that case. The juvenile appealed.

Held: Affirmed in part; reversed in part.

1. The trial court's dismissal of the case at disposition did not have the effect of erasing the underlying adjudication. Therefore, the juvenile's appeal was properly before the court, because appealing the disposition of dismissal was the only way for the juvenile to appeal the adjudication. The juvenile had an interest in appealing the adjudication because it could affect his "delinquency history" in a subsequent proceeding.
2. The trial court should have granted the juvenile's motion to dismiss the petition alleging resisting an officer. The anonymous tip that led to the investigatory stop of the juvenile was not sufficient to support a reasonable suspicion to justify the stop. The anonymous call was "'two juveniles in Charlie district . . . walking, supposedly with a shotgun or a rifle' in 'an open field behind a residence.'" An officer who went to the field to investigate saw two juveniles, neither carrying firearms, who ran when he called out to them. The court of appeals held that the juvenile's detention and arrest were not justified.
3. The court affirmed the order revoking the juvenile's post-release supervision. Although the new adjudication was reversed, the revocation was based on other violations as well – missing school and being suspended for the remainder of the year – and was proper.

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



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