Criminal Procedure

State v. Oates, __ N.C. __, __ S.E.2d __ (Oct. 5, 2012) (http://appellate.nccourts.org/opinions/?c=1&pdf=MjAxMi8zOTdQQTExLTEucGRm). The court reversed *State v. Oates*, __ N.C. App. __, 715 S.E.2d 616 (Sept. 6, 2011), and held that the State's notice of appeal of a trial court ruling on a suppression motion was timely. The State's notice of appeal was filed seven days after the trial judge in open court orally granted the defendant's pretrial motion to suppress but three months before the trial judge issued his corresponding written order of suppression. The court held that the window for filing a written notice of appeal in a criminal case opens on the date of rendition of the judgment or order and closes fourteen days after entry of the judgment or order. The court clarified that rendering a judgment or an order means to pronounce, state, declare, or announce the judgment or order and is "the judicial act of the court in pronouncing the sentence of the law upon the facts in controversy." Entering a judgment or an order is "a ministerial act which consists in spreading it upon the record." It continued:

> For the purposes of entering notice of appeal in a criminal case . . . a judgment or an order is rendered when the judge decides the issue before him or her and advises the necessary individuals of the decision; a judgment or an order is entered under that Rule when the clerk of court records or files the judge's decision regarding the judgment or order.

Arrest, Search & Investigation

In re T.A.S., __ N.C. __, __ S.E.2d __ (Oct. 5, 2012) (http://appellate.nccourts.org/opinions/?c=1&pdf=MjAxMi8zMzJBMTEtMS5wZGY=). The court vacated and remanded *In re T.A.S.*, __ N.C. App. __, 713 S.E.2d 211 (July 19, 2011) (holding that a search of a juvenile student's bra was constitutionally unreasonable), ordering further findings of fact. The court ordered the trial court to

> make additional findings of fact, including but not necessarily limited to: the names, occupations, genders, and involvement of all the individuals physically present at the "bra lift" search of T.A.S.; whether T.A.S. was advised before the search of the Academy's "no penalty" policy; and whether the "bra lift" search of T.A.S. qualified as a "more intrusive" search under the Academy's Safe School Plan.

It provided that "[i]f, after entry of an amended judgment or order by the trial court, either party enters notice of appeal, counsel are instructed to ensure that a copy of the Safe School Plan, discussed at the suppression hearing and apparently introduced into evidence, is included in the record on appeal."