

Strategies for Defending Higher-Level and More Complex Cases

Practical Considerations

20 August 2025



Pittman Agner

YOUR CASE, OUR MISSION.

Roadmap

Who I am

Relationships are Key

Use Your Resources

Don't be Afraid to Try



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Who I am



- 2010 Graduate of Norman Adrian Wiggins School of Law at Campbell University
- Wanted to be a prosecutor or an insurance defense lawyer
- Now practices criminal and juvenile defense and plaintiff's personal injury



Relationships are Key



Absent your client, who is the most important person in delinquency court?

- Clerk?
- Judge?
- Juvenile Court Counselor?
- Parent?
- Prosecutor?

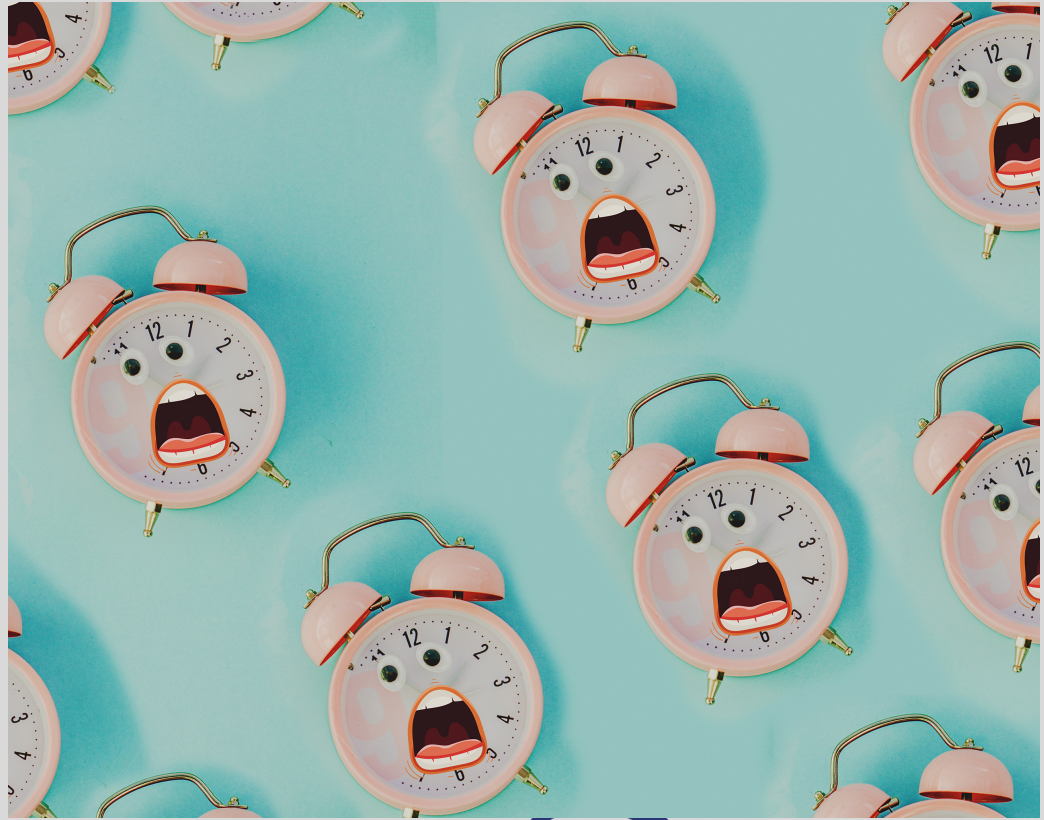


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Find out what
makes them tick

- This is people
work – not the
stuff you learned
in law school
- Do your job and
earn their trust



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- Clerk
 - Be on time, be prepared, do paperwork if you can.
- Judge
 - Be knowledgeable and trustworthy – use your resources!
- Juvenile Court Counselor
 - Why do they do what they do?
- Prosecutor
 - Make sure they know you are prepared and they'll never outwork you.
- Parents
 - Believe in their children, even when they don't.

Use Your Resources



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Juvenile Defender Manual

- <https://defendermanuals.sog.unc.edu/defender-manual/7>

UNC SCHOOL of GOVERNMENT

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Pretrial Vol. 1 | Trial Vol. 2 | Race | Commitment | Guardianship | Immigration | Juvenile | Practice Guides | Other Manuals | Home

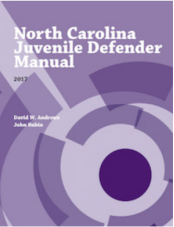
Indigent Defense Manual Series

John Rubin, Editor

Juvenile

David W. Andrews and John Rubin

The 2017 edition of the *North Carolina Juvenile Defender Manual* reviews relevant law and provides practice pointers for attorneys representing juveniles in delinquency proceedings, from intake to disposition. Topics include: petition and summons, custody hearings, probable cause and transfer hearings, discovery, motions to suppress, plea negotiations, adjudicatory hearings, dispositional hearings, probation, commitment, appeals, and expunction. This is the second edition of the manual. It is available for purchase as a soft-bound book [here](#).



2017

About the Authors

David W. Andrews

David W. Andrews is an assistant appellate defender and the Director of Non-Jury Dispositions at the Office of the Appellate Defender in Durham, North Carolina. There, he represents indigent appellants in criminal, juvenile delinquency, and involuntary commitment appeals in the North Carolina Court of Appeals and the Supreme Court of North Carolina. David has worked extensively on cases involving juvenile defendants subject to sentences of life without parole and serves as the liaison between the Office of the Appellate Defender and attorneys who handle juvenile delinquency and involuntary commitment cases. He earned a B.B.A. from the University of Georgia and J.D. from North Carolina Central University.

John Rubin

John Rubin joined the School of Government faculty in 1991. He specializes in criminal law and procedure and indigent defense education. Before joining the School, he practiced law for nine years in Washington, D.C., and Los Angeles, California. He has written extensively on criminal law and procedure and teaches and consults with indigent defenders, judges, magistrates, prosecutors, and others who work in the court system. He earned a B.A. from the University of California at Berkeley and a J.D. from UNC-Chapel Hill. In 2008, he received the Albert and Gladys Coates Term Award for Faculty Excellence. In 2012, he was named Albert Coates Professor of Public Law and Government.

Indigent Defense Manuals Search

Enter a term below (use quotations for phrases); or search a specific manual.

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Juvenile

- ▶ Contents and Preface
- ▶ 1 Overview of Manual and Juvenile Delinquency Proceedings
- ▶ 2 Rights and Protections Afforded to Juveniles
- ▶ 3 Juvenile Court Jurisdiction and Parties to Juvenile Proceedings
- ▶ 4 Communicating with the Juvenile Client
- ▶ 5 Intake and Diversion
- ▶ 6 Petition and Summons
- ▶ 7 Capacity to Proceed
- ▶ 8 Custody and Custody Hearings
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Office of the Juvenile Defender

- www.ncjuveniledefender.org

[DEFENDERS PORTAL](#)

HOMEWHO WE AREMATERIALS FOR DEFENDERSTRAINING CALENDARBLOGJFDM ROSTERMore

TRAINING MATERIAL – LISTED BY SUBJECT

Adolescent Brain Development

- [Moving Forward: Advanced Concepts in Adolescent Brain Development](#), by Cindy Cottle, Ph.D., from 2018 Advocating for Youth Charged with First Degree Murder, March 2018
- [Adolescent Brain Development: The Science](#), by Cindy Cottle, Ph.D., from 2012 Juvenile Defender Conference, August 2012
- [Assessments 101](#), by Katrina Kuzyszyn-Jones, from 2012 Juvenile Defender Conference, August 2012
- [Developmental Framework](#), by Simmie Baer, from 2011 Annual Juvenile Defender Conference
- [Developmental Framework for Miranda Issues](#), by Simmie Baer, from 2011 Annual Juvenile Defender Conference

Adolescents

- [Supreme Court Jurisprudence on Adolescence](#), by Jessica Feierman, from 2012 Juvenile Defender Conference, August 2012

Collateral Consequences

- [The Collateral Consequences of Adjudication](#), by Lisa Campbell, from 2011 Annual Juvenile Defender Conference
- [The Collateral Consequences of Adjudication \(Slides\)](#), by Lisa Campbell, from 2011 Annual Juvenile Defender Conference
- [Juvenile Adjudications, Selected Collateral Consequences and Expungement](#), by Brandi Clemmons, from 2010 Juvenile Defender Conference, August 2010
- [SB 920 SB 984 Fact Sheet: How My Juvenile Record May Affect Me if I Am Charged as an Adult](#), by Brandi Clemmons, from 2010 Juvenile Defender Conference, August 2010

Capacity

- [Evaluating the Case for Capacity/Motion to Suppress](#), by Valerie Pearce
- [Practical Tips for Attorney on Using Capacity](#), by Valerie Pearce, from 2007 Annual Juvenile Defender



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www.forensicsresources.org

Browse All Experts

This database includes **state and defense experts** searchable by name or area of expertise. The list was compiled based upon the experts' work in prior cases or requests to be added, and is not based on any assessment of whether an expert is qualified or is the appropriate expert for a specific case. If you are searching for an expert to retain you must do your own due diligence to evaluate the expert.

Search within Experts



Select Expert Type



Select Expert State



Have you met?



**Mina Ratkalkar, Ph.D.,
LCSW**

IDS – Private Investigator Directory

• www.ncids.org/private-investigator-directory

IDS OFFICE OF INDIGENT
DEFENSE SERVICES
SAFEGUARDING JUSTICE

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Private Investigator Directory

This database includes contact information for NC private investigators available to work on criminal cases. The list was compiled based upon the investigator's work on prior cases or request to be added, and is not based on any assessment of whether an investigator is qualified or is the appropriate investigator for a specific case. If you are searching for an investigator for your case, you must do your own due diligence to evaluate the investigator. If you need additional information about an investigator in the directory, please contact Beth Winston (bwinstonpi@gmail.com).

Select NC County ▼

Select Expertise ▼

Available to work statewide? ▼

Select Language ▼

Enter your search term

Reset Your Search



Story Time



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The DNA profile obtained from fraction 1 of the swabbing from the underpants (Item 2-4) is being interpreted as a mixture of 2 contributors. [REDACTED], the donor of the known sample (Item 2-1) is assumed as being a contributor of DNA from this profile. The DNA profile obtained from [REDACTED] (Item 1) is included as a possible contributor to this mixture.

Given the evidence, the following propositions were considered for the statistical calculation:

Hypothesis 1 (H1): The evidence originated from [REDACTED] (Item 2-1) and [REDACTED] (Item 1) OR

Hypothesis 2 (H2): The evidence originated from [REDACTED] (Item 2-1) and an unknown, unrelated individual.

The statistical calculations best fit the DNA profile obtained from [REDACTED] (Item 1) as contributor 2 to this mixture profile.

The DNA profile obtained from fraction 1 of the swabbing from the underpants (Item 2-4) is at least 1.59 octillion ($1.59E+27$) times more likely if it originated from [REDACTED] (Item 2-1) and [REDACTED] (Item 1) (H1) than if it originated from [REDACTED] (Item 2-1) and an unknown, unrelated individual (H2).

Based on quantification results from fraction 2 of Item 2-4 an insufficient amount of DNA was detected, therefore this sample is not being amplified. No further analysis was performed on this sample.



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Search within Experts



Select Expert Type



Select Expert State



Have you met?



**Mina Ratkalkar, Ph.D.,
LCSW**

AOC-G-309

STATE OF NORTH CAROLINA		File No.(s)
_____ County		In The General Court Of Justice ☐ District ☐ Superior Court Division
Name Of Indigent Defendant Or Respondent	APPLICATION AND ORDER FOR DEFENSE EXPERT WITNESS FUNDING IN NON-CAPITAL CRIMINAL AND NON-CRIMINAL CASES AT THE TRIAL LEVEL G.S. 7A-314(d), 7A-454, 7A-498.5(f), 15A-905(c)(2)	
Highest Original Charge (Criminal) Or Nature Of Proceeding (Civil)		
INSTRUCTIONS: Use this form only if you are representing an indigent person at state expense, or if you have been retained but the Court has entered an Order finding your client indigent for purposes of obtaining expert assistance, and then only in a case in which the Court is responsible for approving funds for experts, i.e., non-capital and non-criminal cases at the trial level. Do NOT use this form in case types where counsel must seek prior approval for expert funding from the Office of Indigent Defense Services (IDS) (e.g., potentially capital cases). Do NOT use this form for non-expert flat fee services, such as polygraph examinations, medical procedures, lab testing, or defense-requested sentencing plans; to seek prior approval for such services, the attorney should submit a motion and proposed Order to the Court. The attorney for the defendant or respondent completes <u>Section I</u> and submits the form and a supporting motion justifying the requested expert services to the Court. If permitted by case law, the attorney for the defendant or respondent may submit this form and the supporting motion ex parte. If funding is approved, the Court completes <u>Section II</u> and the attorney provides a copy of the form to the approved expert. The expert completes <u>Section III</u> and <u>Section IV</u> after services are rendered to apply for payment. The expert then submits the completed form, along with an itemized invoice and any required receipts, to IDS Financial Services, PO Box 2448, Raleigh, NC 27602. The expert also submits a copy to the requesting attorney.		
I. DEFENSE REQUEST		
Based on the factual showing in the attached supporting motion as required by <i>Ake v. Oklahoma</i> and its progeny, the undersigned attorney for the defendant or respondent named above requests funding for the following expert services. The attorney certifies that the information provided below is true and accurate.		



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STATE OF NORTH CAROLINA

County

File No.(s)

In The General Court Of Justice

☐ District

☐ Superior Court Division

Name Of Indigent Defendant Or Respondent

Highest Original Charge (Criminal) Or Nature Of Proceeding (Civil)

APPLICATION AND ORDER FOR DEFENSE EXPERT WITNESS FUNDING IN NON-CAPITAL CRIMINAL AND NON-CRIMINAL CASES AT THE TRIAL LEVEL

G.S. 7A-314(d), 7A-454, 7A-498.5(f), 15A-905(c)(2)

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I. DEFENSE REQUEST

Based on the factual showing in the attached supporting motion as required by *Ake v. Oklahoma* and its progeny, the undersigned attorney for the defendant or respondent named above requests funding for the following expert services. The attorney certifies that the information provided below is true and accurate.

Make Sure it is Ex Parte

II. COURT ORDER

☒ The Court finds that the expert identified in Section I would materially assist in the preparation of the defense in this case and that the denial of such expert assistance would deprive the defendant or respondent of a fair trial or other case resolution. Therefore, it is ORDERED that the defendant or respondent named above is entitled to \$ 3,000.00 in funds appropriated to the Office of Indigent Defense Services (IDS) to employ the expert witness named in Section I; that the expert's fees and expenses shall not exceed this amount except by further Order of the Court; and that the expert witness named in Section I shall be compensated at the hourly rate specified in Section III and the applicable IDS policy.

☐ The Court finds that the expert identified in Section I would not materially assist in the preparation of the defense in this case. Therefore, it is ORDERED that this motion is denied.

It is ORDERED that: *(check one only)*

☐ The motion submitted by counsel and this Order shall be sealed in the court file and only opened upon further order of the Court.

☒ The motion submitted by counsel and this Order shall be sealed, and counsel shall retain the sealed motion and Order while this case is pending and file both in the court file within 30 days of final disposition at the trial level.

The motion and Order shall not be distributed beyond the defense team and IDS.

Date	Name Of Judge	Signature Of Judge

The DNA profile obtained from **fraction 1** of the swabbing from the underpants (Item 2-4) is being interpreted as a mixture of 2 contributors. [REDACTED], the donor of the known sample (Item 2-1) is assumed as being a contributor of DNA from this profile. The DNA profile obtained from [REDACTED] (Item 1) is included as a possible contributor to this mixture.

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Fact Investigators are Priceless

- Find a good one.
- Set the ground rules.
- Let them work.
- Examples
 - 15 year old charged with First Degree Murder in Goldsboro
 - 17 year old charged with First Degree Murder in Kinston



The Case



G.S. 7B-3001(c)

- All records and files maintained by the Division pursuant to this Chapter shall be withheld from public inspection. The following persons may examine and obtain copies of the Division records and files concerning a juvenile without an order of the court:

- (1) The juvenile and the juvenile's attorney;



TO: Kristie Howell, Chief Court Counselor

FR: Dustin B. Pittman, Attorney for the Juvenile

RE: A.C., a Juvenile

Case: 24-JB-115

Chief Court Counsellor Howell,

As you are aware, the above-referenced juvenile has been charged with criminal offenses to include Attempted First Degree Murder. I am his attorney of record in the above-referenced juvenile file. Pursuant to North Carolina General Statute § 7B-3001(c), please make available the above-referenced juvenile's file maintained by the Division of Juvenile Justice so that the undersigned attorney may review and/or copy the file in order to provide legal representation for the juvenile. The file should include the following documents and information:

- Family background information;
- Any report made by any individual or group involving the juvenile or the juvenile's family's social, medical, psychological, psychiatric, or education status;
- Any interviews made by the court counselor;
- Any information regarding the juvenile's prior record in any and all districts in the State of North Carolina, including but not limited to a print out of the juvenile's NC Join File;
- Any and all records of communication regarding the juvenile including case notes, electronic mail messages, letters, faxes, or other forms of communication;



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1734506	3/8/2022 20:42	3/8/2022 20:45	35.396628	-77.995038	9	0	1102 N George St, Goldsboro, NC 27530, USA
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1734506	3/8/2022 23:07	3/8/2022 23:34	35.397297	-77.994237	6	0	209 Fussell St, Goldsboro, NC 27530, USA
1734506	3/8/2022 23:08	3/8/2022 23:34	35.397343	-77.994228	7	0	209 Fussell St, Goldsboro, NC 27530, USA
1734506	3/8/2022 23:09	3/8/2022 23:34	35.397353	-77.99425	7	0	209 Fussell St, Goldsboro, NC 27530, USA



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1734506	3/8/2022 23:09	3/8/2022 23:34	35.397353	-77.99425	7	0	209 Fussell St, Goldsboro, NC 27530, USA

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1734506	Event	Beacon Leave - (ID: 4919033)	N/A	03/08/2022 20:10	03/08/2022 20:16
1734506	Event	Tracker Battery Level - 100%	N/A	03/08/2022 19:46	03/08/2022 19:46
1734506	Event	Charger Disconnected	N/A	03/08/2022 19:46	03/08/2022 19:46
1734506	Event	External Battery Installed - 89%	N/A	03/08/2022 19:46	03/08/2022 19:46
1734506	Event	Tracker Battery Level - 100%	N/A	03/08/2022 19:46	03/08/2022 19:46
1734506	Event	Charger Disconnected	N/A	03/08/2022 19:46	03/08/2022 19:46
1734506	Event	Tracker Battery Charged	N/A	03/08/2022 19:45	03/08/2022 19:46



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Device	Status	Alert Type	Paired With	Event Date	Rec Date
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1734506	Event	Beacon Leave - (ID: 4919033)	N/A	03/08/2022 22:59	03/08/2022 23:05
1734506	Event	Beacon Enter - (ID: 4919033)	N/A	03/08/2022 20:39	03/08/2022 20:40
1734506	Event	Position Fix Available	N/A	03/08/2022 20:12	03/08/2022 20:16
1734506	Event	Seeking Location	N/A	03/08/2022 20:11	03/08/2022 20:16
1734506	Event	Beacon Leave - (ID: 4919033)	N/A	03/08/2022 20:10	03/08/2022 20:16
1734506	Event	Tracker Battery Level - 100%	N/A	03/08/2022 19:46	03/08/2022 19:46
1734506	Event	Charger Disconnected	N/A	03/08/2022 19:46	03/08/2022 19:46
1734506	Event	External Battery Installed - 89%	N/A	03/08/2022 19:46	03/08/2022 19:46
1734506	Event	Tracker Battery Level - 100%	N/A	03/08/2022 19:46	03/08/2022 19:46
1734506	Event	Charger Disconnected	N/A	03/08/2022 19:46	03/08/2022 19:46
1734506	Event	Tracker Battery Charged	N/A	03/08/2022 19:45	03/08/2022 19:46

Performing an address proximity analysis for March 8 2022, using location 252 S Wysteria Rd, Goldsboro NC from 00:00 through 23:59 and a range of 200' radius, client is not in this vicinity during this time.

Regards,

Michelle C. Wilson

Michelle C. Wilson

Account Manager

BI, Inc.

Office: 910-968-9223

Mobile: 919-909-0209



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☒ **DISMISSAL**

The undersigned prosecutor enters a dismissal to the above offenses and assigns the following reasons:

- ☐ 1. No crime is charged.
- ☐ 2. There is insufficient evidence to warrant an adjudication of delinquency for the following reasons:

- ☐ 3. Juvenile has agreed to admit to the following offenses:

in exchange for a dismissal of the following offenses:

- ☒ 4. Other: *(specify)* ☐ See additional information on reverse.

There exists a conflict within the evidence as it is presently known by law enforcement that jeopardizes the ability of the state to successfully proceed with the probable cause hearing court ordered to be held this day. Therefore, this petition is dismissed with the intention to request a new one should further investigation support such an action.



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03-08-2022 21:13:25

Seymour
Sioux

TSUNAMI 3



Questions?

