Juvenile Delinquency Law Update 2013 Summer Conference	
LaToya B. Powell June 18, 2013	
UNC MICHOGE OF GOVERNMENT WWW.SOG.unc.edu	

Questioning at Scene of Accident *A.N.C.*

- · Not "in custody"
 - Brief roadside questioning of juvenile at accident scene ≠ custodial interrogation.
 - even though driver must remain at scene (G.S. 20-166(c))



- "Non-coercive aspect of ordinary traffic stops" does not subject person to restraint necessary for Miranda.
 - Berkemer v. McCarty, 468 U.S. 420, 440 (1984).

UNC

5th Amendment Privilege *A.N.C.*

- Voluntary admission
 - No violation of 5th Amendment.
 - even though driver must give name, address, & license # to nearest LEO, if wreck damages public property (G.S. 20-166(c))
 - $-\operatorname{\mathsf{Admission}}$ not product of coercion by LEO.
 - Cannot invoke 5th Amendment to avoid compliance with regulatory statute.



UNC



Miranda Custody Test D.A.C.

Noncustodial factors

- · LEO requested interview
- · Outside in broad daylight
- · Parents nearby in house
- · No restraints or touching
- · Lasted 5 minutes

Custodial factors

- · Primary suspect in shooting
- "tell the truth"
 - · Both LEO's armed
 - One LEO in uniform



Miranda Custody Test D.A.C.

- Suspicion by police does not render all questioning of a juvenile by LEO custodial interrogation.
- · Parents' statement to "tell the truth" insufficient to render statement inadmissible.



- unless parents acting as agents of police

School Searches T.A.S.

- · Can school officials conduct a school-wide search for drugs absent individual suspicion?
 - COA said no if search extends to "intimate places" (e.g., a bra). In re T.A.S., 713 S.E.2d 211 (N.C. Ct. App. 2011).
- · NC Sup. Ct. reversed & remanded
- Case still undecided





Reasonable Suspicion	/	Mistake	of	Law
V.C.R.				



- Mistake of law by LEO will not invalidate stop, if reasonable.
 - Possession of cigarettes by minors not a crime
 - But see G.S. 14-313(c) (unlawful for minor to "accept receipt")

n UNC

Adjudication Orders *K.C.*

- Adjudication order must contain 4 findings:
 - that allegations in the petition have been proven beyond a reasonable doubt
 - 2. date of the offense
 - 3. misdemeanor or felony classification of offense
 - 4. date of the adjudication
 - G.S. 7B-2411

UNC

Disposition Orders K.C.

 Orders which do not contain <u>any</u> written findings as to the §7B-2501(c) factors will be reversed.



UNC



I				1	
I		- 5			
I	STATE OF NORTH CARO		D In The Gener	Court Of Justice	*
I	ONSLOW	County	Disease I	Dourt Division	
1	NOT HE WATTER O	NHMC 10			
	A	CHESTON CONT	DISPOSITION AND COMM	TMENT ORDER	
1		BrMW)	(WHEN DELINQUENT OF IS THE BASIS OF THE CO.		
1	10-04-1995 14	13-10-2009		6.8.79-89-0	
	The following persons were present at the	e hearing			
1	- MIL	NELA TONNO STATE		ATTORNEY	
		MOTHER	PHIA CASTLE EIRN MAYON	COUNT COUNSELON	
1		-			
I		FINE	and a		I
I	The most serious offeres before the Con-		the basis for commitment, ix		1
I	Adjustication Sales	Officer (with six	no meter	C	1
I	Saved on the evidence presented the Co	SACE SEX OFFERSE	Index of Park		1
1	C 1. When the offeree lated above w	es committed, the juvenil	was on probation pursuant to an order or	thread on	
	2. The junction was adjustment on	Inquest on the dates and	for the offerme(x) fielded below:		
1	Adjustication Date Bior	d Serious (Cheese Adjusts	and july make restort	- C	1
1				_	
1					ui.
1	3. s. The Josephi's delinquency his	management 0			ľ
1			low. Dreduk DNA		
	The Court received and consider and incorporates the consider	of the Openinguetic	most Edit sessenant Enseit majort Edit sessenant Ense of MEE to electric the galls :	of assessment	
	by refusion. (Fine epoch in	reported a capy of the re-	or MEET to attended to the paths?	-	
1	protecting the justice the degree of it	to Javande's culpatelly, its,		compare and electronics	
	1 576		13/ 4		١.
			S NA	TRUE COPY	· 1
			10,000	OF SUPERIOR COURT	16.
	1.	~ ~	- ST20	7 771	
I	The juverile has received a Level The juverile has four or more price	d 3 disposition previously or offenses of delineater	1 to 0 from 2 G.S. 78.2000(c)	Deputy Clark Super-Vision	T.
1	[5. The boards is former years of a	man or obtain, has been or	extually adjudented delinquent for his or a	non biony offerent, and	
1		d for a violent or serious	offices and Level III is authorized by G.S.	79-2606.	
	ACC-J-RES, Flori, MSR © 2008 Agreements of the Charles		(Net)		1
I					I
I					I
1					
I					
_ ,					
UNC					

Risk and Needs Assessments *E.K.H.*

- Disposition Order must also either:
 - show that the court "received and considered" risk and needs assessments; or
 - 2. include a written finding that such reports were not needed.
 - G.S. 7B-2413

UNC

Ineffective Assistance of Counsel C.W.N.

 Counsel's failure to give closing argument at a delinquency hearing not per se violation of 6th Amendment.



UNC

