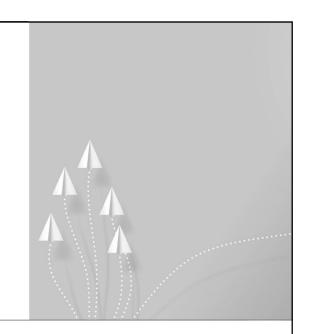
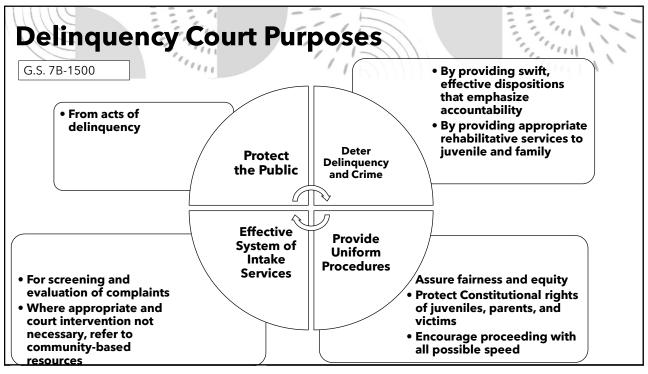
Pre-Adjudication - Getting Started in Court

Juvenile Delinquency: A Course for District Court Judges

November 8, 2021



1





Pre-petition: Nontestimonial Identification Orders

3

	at pollev.com/greenesog 22333 once to join, then A, B, C, D, or E
	dentification procedure does not e a court order?
fingerprinting a 12-year-old alleged to have committed breaking or entering a motor vehicle	A
Including a 15-year-old in a lineup	В
photographing a 14-year-old on admission to a juvenile detention facility	С
All of the above	D
None of the above	E
Start the presentation to see live content. Fo	or screen share software, share the entire screen. Get help at pollev.com/app

Nontestimonial Identification Procedures

G.S. 7B-2103

Identification by:

Fingerprints

Palm prints

Footprints

Measurements

Blood specimens

Urine specimens

Saliva samples

Hair samples

Other reasonable physical examination

Handwriting exemplars

Voice samples

photographs

Lineups or similar identification procedures

5

Nontestimonial Identification Defined G.S. 7B-2103. **Fingerprints** <u>Identification</u> Palm prints by: Footprints Measurements Blood specimens Urine specimens Saliva samples Hair samples Other reasonable physical examination Handwriting exemplars Voice samples photographs Lineups Similar identification procedures requiring the presence of a juvenile

No Court Order Needed

Show-up - Photograph Required

- Age 10+
- At time and place of show-up
- Nondivertible offense or common law robbery
- 15A-284.52(c1)(4)

Complaint prepared for Filing - Fingerprints and Photo Required

- Age 10+ at offense
- Nondivertible offense
- In custody of law enforcement or JJ
- G.S. 7B-2102(a)

Committed to Detention - Photograph Required

- Every juvenile committed to detention
- G.S. 7B-2102(a1)

Upon Felony Adjudication -Fingerprints and Photo Required

- If not previously printed or photographed or if those things were destroyed
- 10+ at offense
- G.S. 7B-2102(b)

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Nontestimonial Identification Order Procedures -

G.S. 7B-2103, -2104

- Must be requested by prosecutor
- Can be issued by any district court or superior court judge
- Request can be made prior to taking juvenile into custody or after custody and prior to adjudicatory hearing



Nontestimonial Identification Order Grounds - G.S. 7B-2105

Order can issue only on sworn affidavit or affidavits establishing grounds

Probable cause to believe a felony offense was committed

+

Reasonable grounds to suspect the named juvenile committed the offense*

+

The results of the specified procedures will be of material aid in determining that the named juvenile committed the offense*

*enhanced grounds for order to obtain a blood specimen

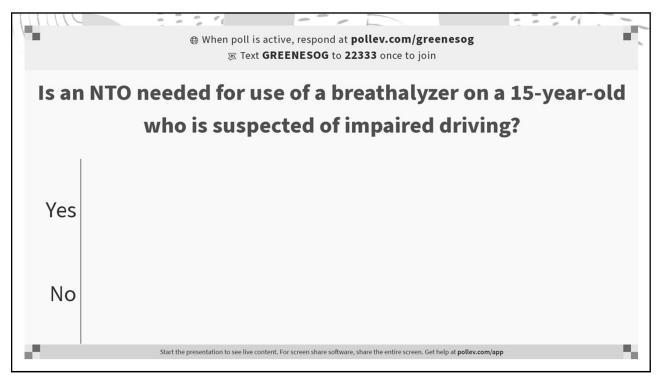
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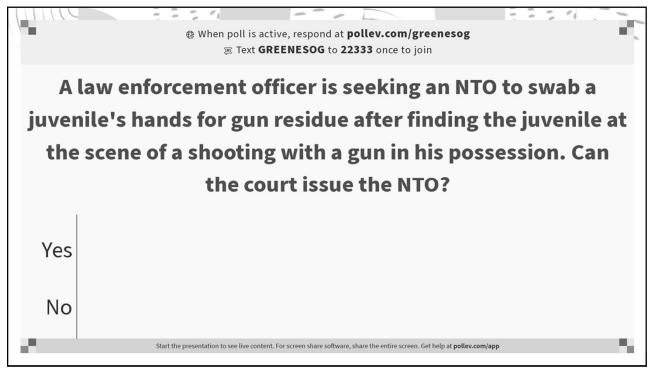
When the Court MUST Issue an NTO

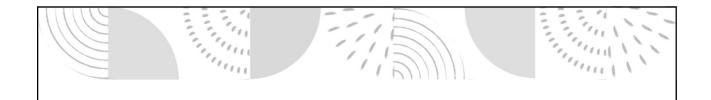
G.S. 7B-2107 Juvenile requests

In custody for or charged with a felony

Appears that results will be of material aid to the juvenile's defense







Delinquency Jurisdiction

13



Three Factors

Age at Offense

Offense

Previous Court History

15

Age Boundaries

Under 8 at time of offense

- Never delinquency jurisdiction
- Possible vulnerable juvenile

Over 17 at time of offense

• Criminal jurisdiction only

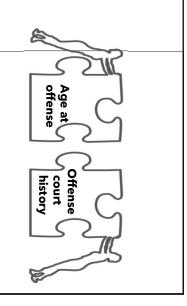
Delinquency jurisdiction for all offenses from ages 10 - 15

(a juvenile age 13 - 15 could have a disqualifying previous criminal conviction)

17

Now the Weird Rules - 8 & 9

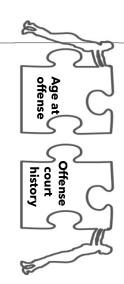
- Delinquency jurisdiction for offenses at ages 8 and 9, only if:
 - Class A G felony
 - Previous delinquency adjudication followed by a new offense
- G.S. 7B-1501(7)c. d.
- Effective for offenses committed on or after 12/1/21



Now the Weird Rules - 16 & 17

 Delinquency jurisdiction for all offenses at ages 16 & 17 for all offenses EXCEPT Chapter 20 motor vehicle offenses



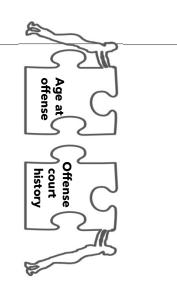


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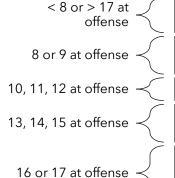
Now the Weird Rules - Once an Adult, Always an Adult

- Applies to anyone who would otherwise be subject to juvenile jurisdiction
- Any new offense <u>after a criminal conviction</u> is subject to criminal jurisdiction, UNLESS the previous conviction was a chapter 20 misdemeanor that did not involve impaired driving (G.S. 20-138.1, -138.2)

• G.S. 7B-1604(b)







- No delinquency jurisdiction
- delinquency jurisidction ONLY if Class A G felony or delinquency adjudication prior to current offense
- Always delinquency jurisdiction
- Delinquency jurisdiction unless disqualifying criminal conviction before current offense
- No delinquency jurisdiction for chapter 20 offenses
- Delinquency jurisdiction for other offenses unless disqualifying criminal conviction before current offense

* Disqualifying criminal conviction = all offenses except Chapter 20 misdemeanor offenses that do not involve impaired driving.



Filed by:

- Private citizen
- Law enforcement
- Prosecutor (In re Stowe)



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Case Initiation - The Petition

- G.S. 7B-1802
 - · Only valid pleading in juvenile court

It all begins with...

- Name, date of birth, and address of the juvenile
- Name and last known address of the juvenile's parent, guardian, or custodian
- Allege the facts that invoke jurisdiction over the juvenile
- Shall NOT contain information on more than one juvenile
- G.S. 7B-2400
 - Can amend if doesn't change nature of offense alleged
 - Juvenile must have reasonable opportunity to prepare defense

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