

III. Adjudication Scenarios

A. **Jewel.** After the transfer hearing in Jewel’s case, you deny the motion for transfer and retain the case in juvenile court.

1. When you start to schedule an adjudication hearing for two weeks later, Jewel’s attorney makes a motion asking that you recuse yourself from any further hearings in the case, arguing that his client will be prejudiced by your having heard so much evidence at the secure custody hearings and the probable cause and transfer hearings. The prosecutor opposes the motion. What do you do?
2. There is no motion to recuse and the parties agree to proceed immediately with the adjudication hearing. The prosecutor begins by moving that all of the evidence presented at the probable cause and transfer hearings be considered as having also been offered into evidence, arguing that it would be ridiculous to basically conduct those hearings all over again. The defense opposes the motion. What do you do?

G.S. §§ 7B- _____

B. **Pete.** At the adjudication hearing for Pete, a group of juveniles is sitting near the front of the courtroom behind Pete, wearing what you suspect are their “gang colors.” Two are flashing gang signs and others are repeatedly whispering loud comments in support of Pete. During the testimony of one of the three younger boys, the alleged victims, one of the juveniles stares intently at the witness, makes a “shooting” motion with his hand and finger, and mouths “Pow, you’re dead.” What can you do, assuming each of the juveniles is younger than 16?

G.S. §§ 7B- _____

C. **Jewel.** The prosecution and defense have reached an agreement that includes Jewel’s admission to felony assault with a deadly weapon inflicting serious injury, under G.S. 14-32(b), and dismissal of all other charges. They hand up a transcript of admission that Jewel has signed. Demonstrate what you would do next.

G.S. §§ 7B- _____

D. **Ralph.** The petition alleged that Ralph was delinquent for committing a first-degree sexual offense under G.S. 14-27.4, based on Ralph's having anal intercourse with his 7-year-old cousin Lester, when Ralph was 13. Specific allegations were that on May 3, 2011, when Lester was visiting Ralph, the boys were alone in a bedroom and Ralph placed duct tape over Lester's mouth, held him down on a bed, and had anal sex; and that Ralph told Lester he would kill Lester's dog if he told anyone what happened. At the adjudication hearing:

1. Lester, looking very uncomfortable, begins testifying on direct examination but becomes upset, starts crying, and quits answering questions. Ralph's attorney moves to strike the testimony Lester has given on the grounds that he is "clearly not competent to testify."
 - What do you do?
2. Two days after the incident, Lester's mother takes him to his pediatrician after he complains about pain and itching "down there." Dr. Clark, the physician who examined Lester, testifies that the exam revealed redness around the anus. She testifies that the condition is consistent with sexual abuse, but also could have been caused by the insertion of some object or by excessive scratching.
3. Ralph's father testifies that he was the only adult in the home when the alleged offense occurred; that the boys stayed in Ralph's bedroom while he watched a football game; that he thought he heard normal roughhousing but it didn't occur to him to check on them; that when the game ended after 10:30 p.m. he didn't check on the boys because all was quiet and he assumed they were asleep; and the next morning Lester did not look upset and did not say anything except that he had to call his mother to come get him.
4. Lester's mother testifies that in the car on the way home from Ralph's, Lester cried and said, "I'm never going back there. I wish I had a gun so I could kill Ralph." When she begins to testify about what Lester told her had happened, on the way home from the doctor's office two days later, Ralph's attorney objects.
 - How do you rule on the objection?
5. Ralph testifies and vehemently denies the allegations; states that Lester was angry and made the story up because Ralph would not let him play with a new video game and because Ralph had teased him about "scratching his butt" all the time.
 - Can Ralph's prior adjudication for making obscene phone calls be introduced to impeach him?

G.S. §§ 7B- _____

6. Assume that you adjudicate Ralph delinquent. Write an adjudication order.

G.S. §§ 7B- _____