

Office of the Juvenile Defender Appointment of Counsel for 13 – 17 Youth Charged with First Degree Murder

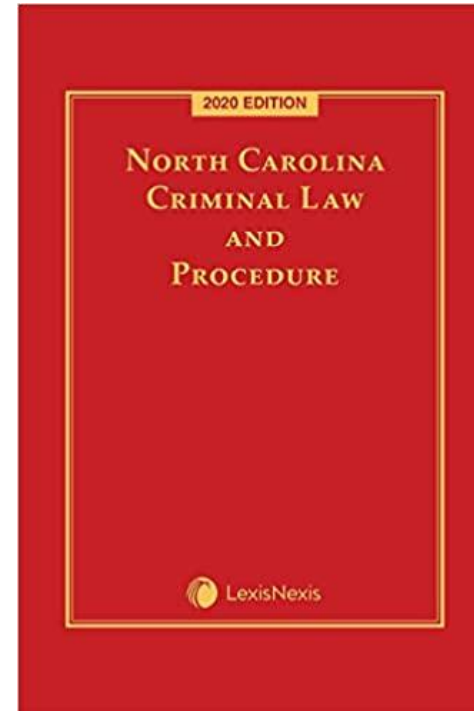
Office of the Juvenile Defender
2025

Roadmap

- Basic laws on youth charged with First Degree Murder
- How these youth are currently being appointed counsel
- OJD future appointment of counsel for certain counties (phased in)

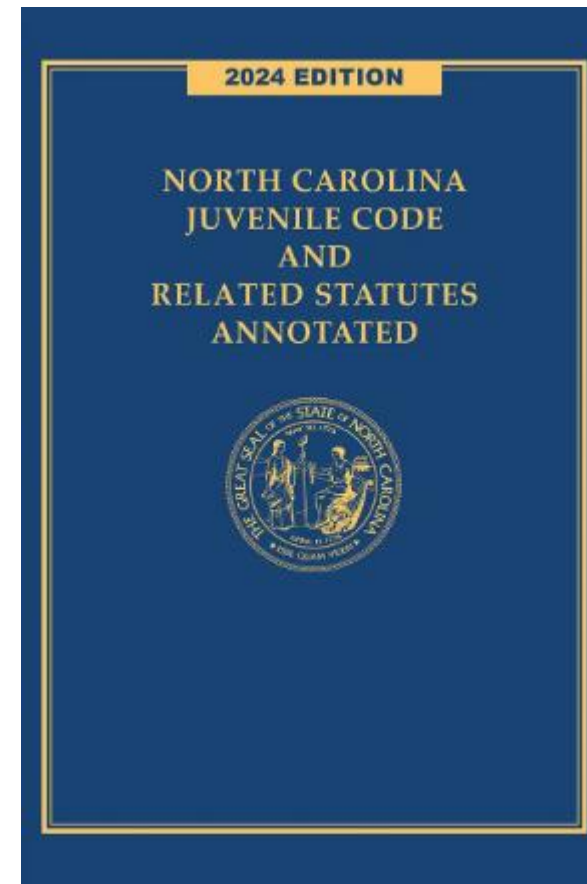
Basic Laws

- First-degree murder is either:
 - Premeditation and deliberation OR
 - Murder committed during the commission of another felony



Basic Laws

- Roper v. Simmons, U.S. Supreme Court (2005)
- NC Juvenile Code and Criminal Code



- 8 – 9: minimum age exception, Juvenile Court, not eligible for transfer
- 10, 11, 12: Juvenile Court, not eligible for transfer
- 13, 14, 15: Juvenile Court, eligible for transfer via probable cause, mandatory transfer
- 16, 17: Adult Criminal Court, removal to Juvenile Court

Basic Laws: Impact of Age

LOCALLY!

**NOT the Office of the Capital
Defender*

How These
Youth Are
Appointed
Counsel
Currently

List 4B: Juvenile Class A-G Felonies

Attorneys on List 4B will represent juveniles alleged to be delinquent of class A-G felonies in the juvenile courts. An attorney on this list may continue to represent a juvenile if the juvenile's case is transferred to Superior Court if the attorney is qualified by the Committee to represent adults in that class of felony case in Superior Court, subject to the second-chair requirements for that list. If the attorney is not qualified by the Committee to represent adults in that class of felony case in Superior Court or wishes not to represent the juvenile in Superior Court, another qualified attorney will be appointed by the court as soon as practicable, but no later than prior to the probable cause hearing.

Requirements: To qualify for List 4B, the applicant must have recently practiced in juvenile delinquency or adult criminal superior court on a consistent basis for at least three (3) years and must certify that he or she has successfully completed all of the requirements of List 4A. To remain on the list, an attorney must complete at least three (3) hours of approved juvenile delinquency training as defined above in List 4A, or other comparable training, every two (2) years of practice on this list.

How These Youth Are Appointed Counsel: Eligibility

List 3: Felonies A to E

Attorneys on List 3 will represent defendants charged with felonies from class B1 to E and with class A felonies subject to these regulations, as described in Article I.B., above. A lawyer on List 3 will also be appointed to represent the client on misdemeanor or non-capital felony charges of any class that are pending at the time of the original appointment on the felony case. The attorney will also be expected to represent any misdemeanor client who exercises the right to trial de novo in Superior Court after conviction of a misdemeanor in District Court. An attorney on List 3 who has not tried before a jury a case involving a charge covered by this list must have previously served as second chair on a jury trial of such a charge or have a second chair, if reasonably available, appointed by the Court to assist with the attorney's first trial of such a charge.

Requirements: To qualify for List 3, the applicant must have been licensed to practice law and have recently practiced adult criminal law on a consistent basis for at least three (3) years and must demonstrate that he or she has the required legal knowledge and skill necessary for representation in serious felony cases in Superior Court and will apply that knowledge and skill with appropriate thoroughness and preparation. The applicant must certify that he or she has tried at least three (3) jury trials to verdict. To remain on List 3, the applicant must certify every three (3) years that he or she has attended at least nine (9) hours of continuing legal education relevant to representation of high-level felonies.

How These Youth Are Appointed Counsel: Eligibility

STATE OF NORTH CAROLINA In The General Court Of Justice <input type="checkbox"/> District <input type="checkbox"/> Superior Court Division _____ County <input type="checkbox"/> Check Here If This Fee Application Covers Multiple Charges		File No. _____ Additional File No(s). _____	Provide all case numbers resolved on the same day in the same court before the same judge.
Name And Address Of Indigent Client _____ _____ _____		NON-CAPITAL CRIMINAL CASE TRIAL LEVEL FEE APPLICATION ORDER FOR PAYMENT JUDGMENT AGAINST INDIGENT	
Date Attorney Appointed _____ Full Social Security No. (required by G.S. 7A-455(d)) _____ <input type="checkbox"/> Has No Social Security No.		G.S. Ch. 7A, Art. 36; G.S. 122C-268(d), -286(d)	
NOTE: Use this form ONLY for non-capital criminal cases at the trial level. INSTRUCTIONS: Applicant completes and signs all applicable portions of Section I. The trial judge completes Sections II and III and signs Section IV to award payment or fix value of services and enter the appropriate judgments. If no judgments are to be entered, the trial judge must so indicate in Section III. Clerk mails private appointed counsel fee applications to: IDS Financial Services Office, Courter Box 56-10-50, Raleigh, NC, OR if courier is not available, mail to PO Box 2448, Raleigh, NC 27602.			
I. APPLICATION			
I, the undersigned <input type="checkbox"/> assigned counsel, <input type="checkbox"/> public defender, <input type="checkbox"/> IDS contract counsel, make application for payment and reimbursement of necessary expenses incurred, or for determination of value of services rendered for the indigent. I certify that this information is correct to the best of my knowledge. MOST SERIOUS ORIGINAL CHARGE AND MOST SERIOUS DISPOSITION: Check ONE box in each of the three following columns.			
1. Original Charge (most serious offense) <input type="checkbox"/> Felony Offense Must Indicate Felony Class: _____ Name Of Offense: _____ <input type="checkbox"/> Felony Probation Violation <input type="checkbox"/> Misdemeanor Offense (Non-Traffic) Must Indicate Misd. Class: _____ (If Class 3, attach Order Of Assignment) <input type="checkbox"/> Misdemeanor Probation Violation <input type="checkbox"/> DWI <input type="checkbox"/> Other Traffic Must Indicate Misd. Class: _____ (If Class 3, attach Order Of Assignment) <input type="checkbox"/> Criminal Contempt <input type="checkbox"/> Treatment Court (in columns 2 and 3, check Other) <input type="checkbox"/> Satellite-Based Monitoring Hearing (in columns 2 and 3, check Other) <input type="checkbox"/> Non-Capital Motion For Appropriate Relief (in columns 2 and 3, check Other) <input type="checkbox"/> Other*: _____ *(Check only if none of the above)	2. Disposition (most serious disposition) <input type="checkbox"/> Guilty Plea Before Trial: Most Serious Original Charge <input type="checkbox"/> Guilty Plea Before Trial: Other Offense Name Of Offense: _____ <input type="checkbox"/> Guilty Plea During Trial: Other Offense Name Of Offense: _____ <input type="checkbox"/> Trial: Guilty Most Serious Original Charge <input type="checkbox"/> Trial: Guilty Other Offense Name Of Offense: _____ <input type="checkbox"/> Trial: Acquitted <input type="checkbox"/> Probation Violation Found <input type="checkbox"/> Dismissed <u>With</u> Leave <input type="checkbox"/> Dismissed <u>Without</u> Leave <input type="checkbox"/> FTA/OFA <u>Without</u> Dismissal <input type="checkbox"/> Deferred/Diverted <input type="checkbox"/> Held In Criminal Contempt <input type="checkbox"/> No Probable Cause <input type="checkbox"/> Attorney Withdraw (reason): _____ <input type="checkbox"/> None (Interim Fee) <input type="checkbox"/> Other*: _____ *(Check only if none of the above)	3. Judgment & Sentencing (most serious) <input type="checkbox"/> Active Sentence Length of Sentence: _____ <input type="checkbox"/> Split Sentence <input type="checkbox"/> Supervised Probation <input type="checkbox"/> Unsupervised Probation <input type="checkbox"/> Probation Terminated <input type="checkbox"/> PJC <input type="checkbox"/> Fines And Costs Only <input type="checkbox"/> None (Acquitted/Dismissed) <input type="checkbox"/> None (Deferred/Diverted) <input type="checkbox"/> None (Attorney Withdraw) <input type="checkbox"/> None (Interim Fee) <input type="checkbox"/> Other*: _____ *(Check only if none of the above)	
FINAL FEES ONLY: COMPLETE FOR THIS FEE: <input type="checkbox"/> Check here if judge required time sheet. See Note on Side Two. (Time must be reported in decimals, not minutes.)	Disposition Date <input type="checkbox"/> Check here if you were appointed to represent this defendant in another case(s) at the time of the appointment to this case(s) and you already submitted a fee application for that case(s) in which the attorney appointment fee was charged. Beginning Date <u>This Fee Request</u> Ending Date <u>This Fee Request</u> Date First Substantive Client Interview _____ Prior Total Fees And Expenses Allowed \$ _____ Name Of Judge Setting Fee _____ Time In Court _____ Time In Court Waiting _____ Time Out Of Court _____ Total Time Claimed This Fee _____ Travel \$ _____ (no. of miles) Copying \$ _____ (if in-house, no. of copies) Other (attach receipts if > \$ 25) _____ Total Expenses \$ _____		
NOTE: In assigned counsel cases, the applicant is always the individual attorney. If payment is to be made to individual applicant, write "same" under Payee and give applicant's taxpayer ID No. (Federal Employer ID No. or, if no Federal Employer ID, SSN). If payment is to be made to applicant's firm, give firm name as Payee and firm's taxpayer ID No.			
Name Of Applicant _____ Address _____ Payee (see Note) _____ Taxpayer ID No. (see Note) _____ Telephone No. _____ Email Address _____ Date _____ Signature Of Applicant _____		_____ _____ _____	
II. ORDER TO PAY OR FIX VALUE OF SERVICES			
Based on the Findings of Fact set out in Section III, the Court ORDERS that the "Total Amount" stated on Line 4 below be: <input type="checkbox"/> (Assigned Counsel) paid by the State of North Carolina to the payee named above. <input type="checkbox"/> (Public Defender/IDS Contractor) fixed as the value of legal services and other expenses of representation rendered by the applicant named above.			
1. Hours Approved By The Court _____ 2. Fees Allowed/Value Of Services Rendered (Hours Approved x IDS Rate) = \$ _____ 3. Other Necessary Expenses Allowed By The Court \$ _____ 4. TOTAL AMOUNT \$ _____			
(Over)			

- 13 – 17:
- \$100/hour
- Paid the same if in juvenile or adult court

How These Youth Are Appointed Counsel: Rate

Resources OJD is providing

- Trainings in 2023, 2024, 2025
 - Focusing on juvenile transfer procedures, Miller hearings, adolescent development issues, experts
- Quick Guide
- Blog posts
- IOLTA assistant counsel project

The logo for the Office of the Juvenile Defender (OJD) features the letters "OJD" in a large, white, serif font. A horizontal blue line is positioned directly beneath the letters.

OFFICE OF
THE JUVENILE
DEFENDER

PROVIDING TRAINING, TECHNICAL ASSISTANCE, AND POLICY GUIDANCE

FIRST DEGREE MURDER QUICK GUIDE

THIS GUIDE IS INTENDED AS A REFERENCE.

DOES NOT REPLACE THE NEED TO READ STATUTES AND RELEVANT CASE LAW.

NCJUVENILEDEFENDER.COM



FDM Training PowerPoints

- [Juvenile Justice System Overview](#)
- [Getting Expert Assistance](#)
- [The Young Brain](#)
- [FDM in Delinquency Court](#)
- [FDM in Superior Court](#)
- [Preparing the Youth for the Courtroom](#)
- [Sentencing](#)

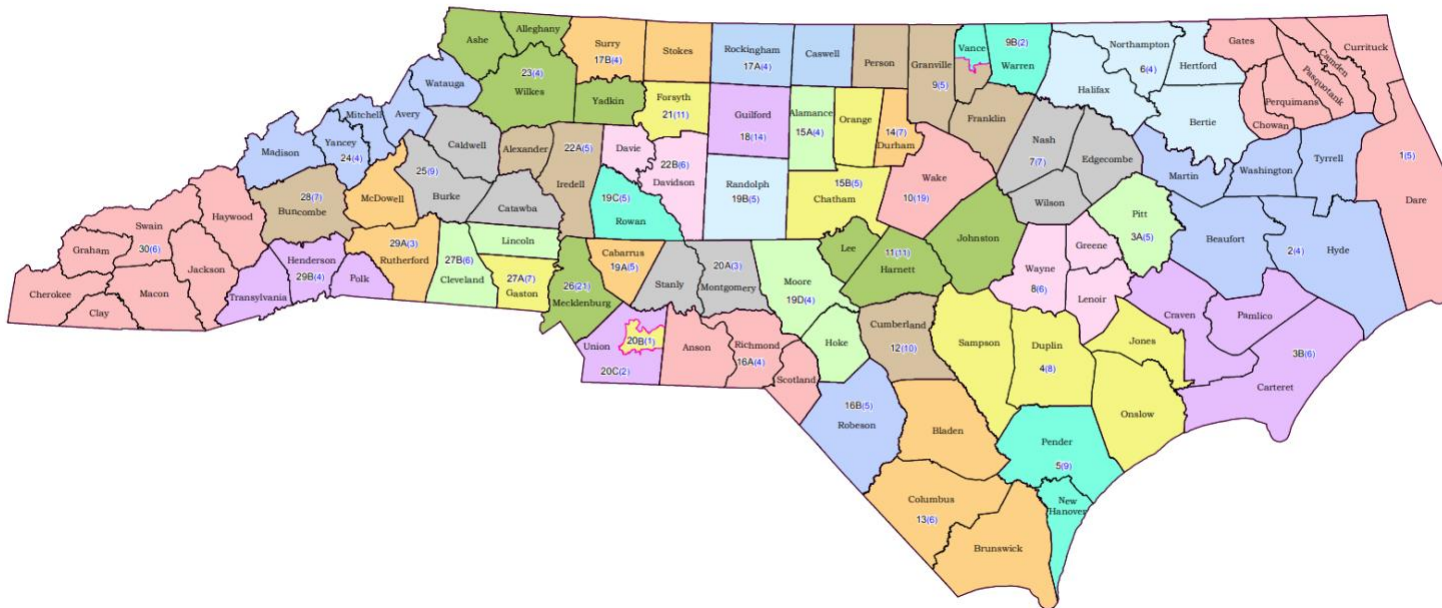
FDM Training PowerPoint Resources

- [Adolescent Brain Development](#)
- [2021 Sample NC Intent Instruction](#)
- [Juvenile Specific Jury Instructions](#)

Resources OJD is
providing now:
website

Helping jurisdictions find attorneys

Resources OJD is
Providing Now



Problem



- Cases are complex – involving both juvenile court and superior court
- Multiple attorneys representing youth
- Quality of representation
- Fewer qualified attorneys handling high level felonies

Proposed Solution

- Roster of attorneys qualified to handle this type of case
- Appointment of qualified attorneys by OJD
- Not re-inventing the wheel
 - Fortunate to have the model used by the Office of the Capital Defender



- Attorney approved
- Attorney appointed
- Attorney paid
- Expert funds approved
- Expert paid

Main Activities: Internal Processes



EN



Search...



DEFENDERS PORTAL

HOME

WHO WE ARE

MATERIALS FOR DEFENDERS

TRAINING CALENDAR

BLOG

JFDM ROSTER

NORTH CAROLINA OFFICE OF THE
JUVENILE DEFENDER

Application
Process



Juvenile First Degree Murder Roster

The Office of the Juvenile Defender maintains a roster of attorneys qualified to represent youth ages 13 through 17 charged with First Degree Murder.

We have many resources available for defenders in representing these youth in the [Defender Portal](#). [Contact us](#) for the password to the portal if you do not already have it.

Please contact our office with any questions about these types of charges or about the application process to be placed on the Juvenile First Degree Murder Defender Roster.

Application

Defenders who are qualified and interested may apply to be placed on the Juvenile First Degree Murder Roster. Please review the application below and contact our office with any questions.

Completed applications and additional materials/documents may be emailed to JFDM-Roster@nccourts.org

[CLICK HERE TO ACCESS JFDM Roster Application](#)

[FAQ's](#)

Application Process



**NORTH CAROLINA OFFICE
OF THE JUVENILE DEFENDER
OFFICE OF INDIGENT DEFENSE SERVICES**

**APPLICATION FOR THE
JUVENILE FIRST DEGREE MURDER ROSTER**

Section 1: Applicant Information			
Name of Applicant	Last	First	Middle Initial
NC State Bar Number			
Firm Name			
Physical Office Address	Street Address		
	Suite		
	City	State	Zip Code
Home County			
Please indicate your primary county of business or operations or the county in which you live. This will be your "Home County" for appointment purposes.			
Phone	Office	Cell	
Email Address			
Are you or your staff fluent in foreign language(s)?			<input type="checkbox"/> Yes <input type="checkbox"/> No
If "yes," please list the language(s)			
Have you ever been disciplined by the N.C. State Bar or any other jurisdiction's Bar?			<input type="checkbox"/> Yes <input type="checkbox"/> No
If you answered "yes" to the above question, then please submit a copy of the document(s) alleging misconduct, responsive documents (if any), and the judgement (censure, warning, disbarment, etc.).			

For NC OJD use only

Date Received:
Reviewed By:
Date Decision Communicated:
Decision: ☐ Approved ☐ Contingent ☐ Denied
If Contingent, requirements:



Application process

Surry	Wilkes	Davie
Stokes	Yadkin	Davidson
Rockingham	Forsyth	Rowan
Caswell	Nash	Cabarrus
Person	Edgecombe	Stanly
Granville	Wilson	Montgomery
Vance	Lee	Iredell
Warren	Harnett	Alexander
Franklin	Catawba	Randolph

Which counties
will be
participating in
the JFDM
appointment
process?

- The number of JFDM cases that go through our courts is relatively low, and OJD is likely to only ask to assign one case to any attorney at any time
- Attorneys can turn cases down if don't have the capacity

Appointment Process

- Payment for JFDM cases will be paid by OJD/IDS and will not go through the judge
- Attorneys will submit their hours to OJD worked by fee application
- Encouraging interim payments

Attorney Payment

- Requests for funds for experts will be sent directly to OJD
- Experts will then bill through IDS

Expert Approval and Payments



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