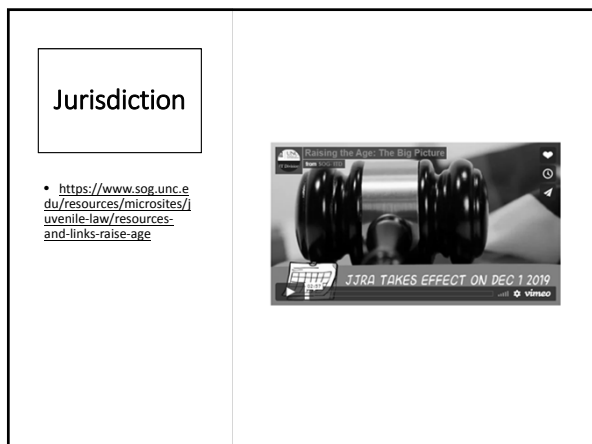




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2



3

Expanded Juvenile Jurisdiction

All crimes and infractions, and indirect contempt, committed at ages 16 and 17 (G.S. 7B-1501(7)b.)

+

Except:

1. Motor vehicle offenses under G.S. Chapter 20
2. Youth falls under once an adult, always an adult

X

4

Once an Adult, Always an Adult

No subsequent juvenile court jurisdiction after conviction for ANY

Felony

Non-chapter 20 misdemeanor

Impaired driving offense

G.S. 7B-1604(b)

5

What is a conviction?

“under the traditional definition, “conviction” refers to the jury’s or factfinder’s guilty verdict.”

State v. McGee, 175 N.C. App. 586 (2006)

6

What is a conviction?

“the word ‘conviction’ may mean a verdict or may refer to a verdict upon which judgment has been entered depending upon the context in which it is used”

State v. Bandy, 15 N.C.App. 188 (1972)

7

Deferred Prosecution

No Verdict =
No
Conviction

8

Conditional Discharge

“the imposition of probation as part of a conditional discharge is done ‘without entering a judgment of guilt’ and instead ‘defer[s] further proceedings.’ [citation omitted] This procedure permits the court to impose consequences in the form of conditions and fines as part of the conditional-discharge probation while leaving open the possibility of punishment.”

“the governing statute tells us that a conditional discharge is not a ‘judgment.’”

United States v. Smith, 939 F.3d 612 (September 27, 2019)

9

PJC

<p>Conviction</p> <ul style="list-style-type: none"> • Impeachment under Rule 609 (<i>State v. Sidberry</i>, 337 N.C. 779 (1994)) • Structured Sentencing Act prior record level calculation (<i>State v. Canellas</i>, 164 N.C. App. 775 (2004)) • Exclude a “convicted felon” from buying a handgun (<i>Friend v. State</i>, 169 N.C. App. 99 (2005)) 	<p>Not Conviction</p> <ul style="list-style-type: none"> • Right to appeal (<i>State v. Broom</i>, 225 N.C. App. 137 (2013)) • Sex offender registration obligation (<i>Walters v. Cooper</i>, 226 N.C. App. 166, <i>aff’d per curiam</i>, 367 N.C. 117 (2013))
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10

Jurisdiction – Age Limits

Offense committed under age 16	Offense committed at age 16	Offense committed at age 17
Terminated by order of the court OR	Terminated by order of the court OR	Terminated by order of the court OR
Youth reaches age 18*	Youth reaches age 19	Youth reaches age 20

* In some limited circumstances, jurisdiction for very serious felonies committed under age 16 and resulting in a commitment to a YDC can extend to age 19 or 21





11

Jurisdiction - Outside of Limits

<p>Proceedings <u>not concluded</u> before jurisdiction runs out?</p> <ul style="list-style-type: none"> • Court retains jurisdiction solely for the purpose of Article 22 proceeding to either transfer case to superior court for trial as an adult or dismissal 	<p>Jurisdiction <u>not obtained</u> before it runs out?</p> <ul style="list-style-type: none"> • For a <u>felony and related misdemeanors only</u> - jurisdiction solely for the purpose of Article 22 proceeding to either transfer case to superior court for trial as an adult or dismissal
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12

Custodial Interrogation Under 18

 Right to remain silent	These rights can be waived only by juveniles age 16 or 17. (G.S. 7B-2101(b))
 Any statement can and may be used against the juvenile	
 Right to have a parent, guardian, or custodian present during questioning	State v. Fincher, 309 N.C. 1 (1983)
 Right to consult an attorney and that one will be appointed if want and do not have representation	

13

In Custody?

Age matters for juveniles!

Reasonable child of that age believed under arrest or restrained from movement to the degree of arrest?

J.D.B. v. North Carolina, 564 U.S. 261 (2011)

14

Interrogation?

Express questioning by law enforcement or


Law enforcement words or actions reasonably likely to elicit an incriminating response

Rhode Island v. Innis, 446 U.S. 291 (1980)

15

Interrogation?

Police officer accuses a juvenile of having marijuana, takes her into custody, and tells her that she will face additional charges if she takes the drugs to jail



16

Interrogation?

Teacher finds marijuana on classroom floor and calls the SRO. SRO frisks the suspected student and walks him to the principal's office. Principal questions the student for several hours and the SRO remains in the room. SRO never asks a question.

17

Waiver –
16 and 17
only

Knowingly

Willingly

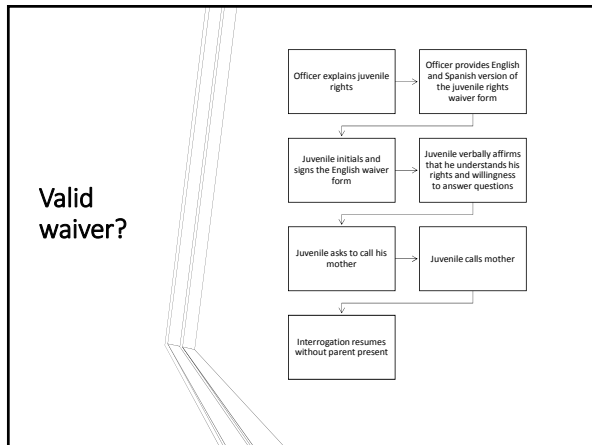
Understandingly

18

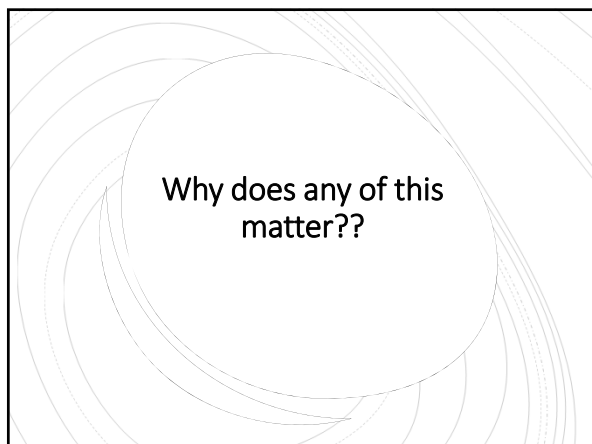
Waiver – Relevant Circumstances

- 🕒 age
- 🏠 experience
- 🎓 education
- 🌐 background
- 🧠 intelligence
- ⚠️ Capacity to understand warnings, nature of the rights, and waiver consequences

19



20



21

Nontestimonial Identification Procedures – Juvenile Restrictions

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			

22

G.S. 7B-2103

Nontestimonial Identification Procedures – Juvenile Restrictions

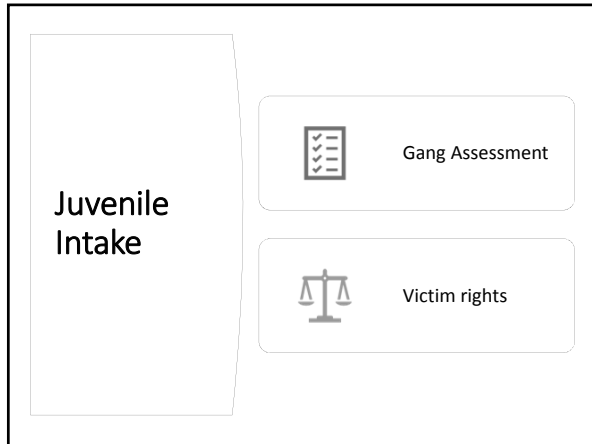
A court order is required for almost all nontestimonial identification procedures conducted in relation to an offense under juvenile jurisdiction

23

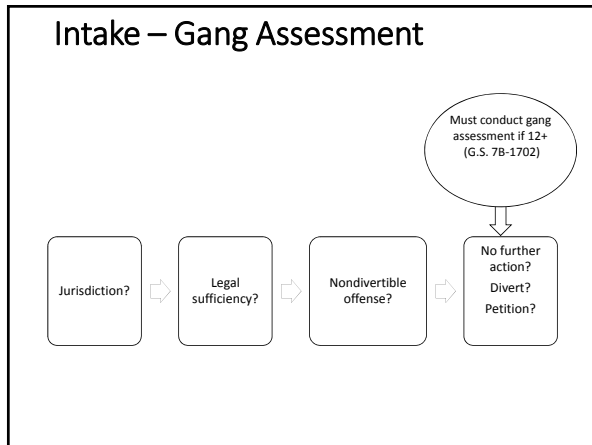
Nontestimonial Identification Procedures – Juvenile Restrictions

<p>Fingerprints and photograph required (no court order) G.S. 7B-2102</p> <ul style="list-style-type: none"> • 10+ • Alleged to have committed murder, rape in the first or second degree, sexual offense in the first or second degree, arson, any felony drug offense, first degree burglary, crime against nature, or any felony which involves the willful infliction of serious bodily injury upon another or which was committed by use of a deadly weapon • In physical custody of law enforcement or DACJ • Complaint is prepared for filing 	<p>Photograph required (no court order) G.S. 15A-284.52(c1)</p> <ul style="list-style-type: none"> • 10+ • Alleged to have committed murder, rape in the first or second degree, sexual offense in the first or second degree, arson, any felony drug offense, first degree burglary, crime against nature, and any felony which involves the willful infliction of serious bodily injury upon another or which was committed by use of a deadly weapon, or common law robbery • Attendant to show-up
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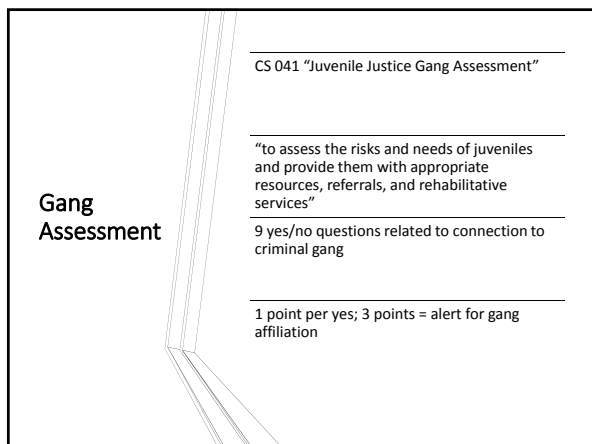
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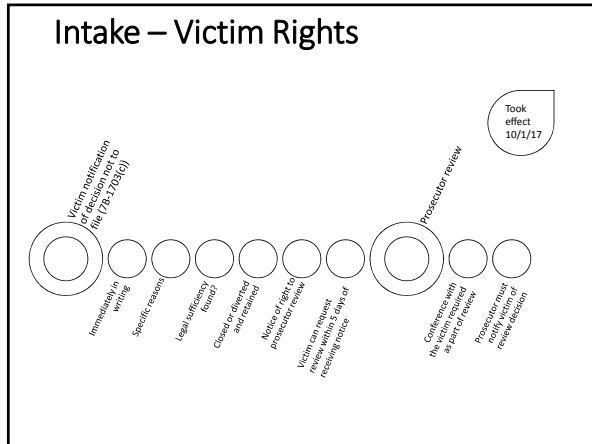
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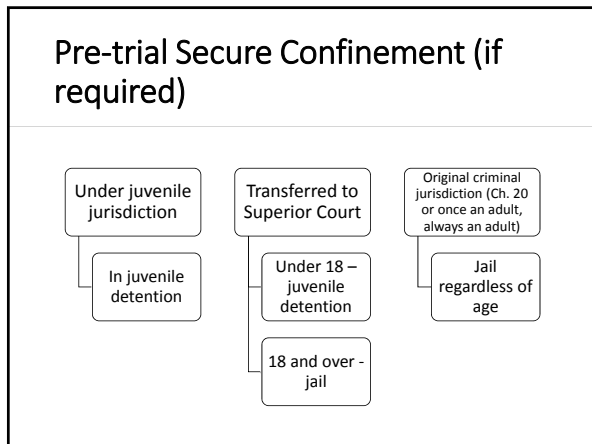


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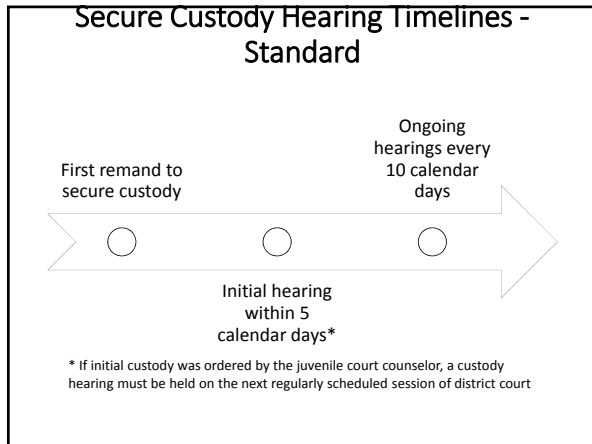
Secure Custody

Where will youth who are alleged to have committed offenses at ages 16 and 17 be held?

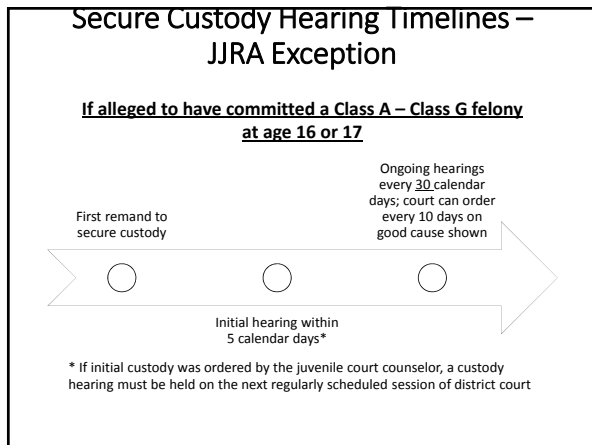
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