



Juvenile Delinquency Law Update
2013 Summer Conference


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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).*

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))*
 - Admission not product of coercion by LEO.
 - Cannot invoke 5th Amendment to avoid compliance with regulatory statute.



Miranda Custody Test

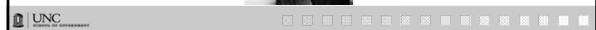
D.A.C.

Noncustodial factors

- LEO requested interview
- Arm's length conversation
- Outside in broad daylight
- Parents nearby in house
- No restraints or touching
- Lasted 5 minutes

Custodial factors

- Primary suspect in shooting
- Parents said talk to LEO's & "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")

Adjudication Orders K.C.

- Adjudication order must contain 4 findings:
 1. 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

Disposition Orders K.C.

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