

**Juvenile Case Decided by the
North Carolina Court of Appeals**
March 20, 2012
Delinquency

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- State's right to appeal. In a delinquency case, the State may appeal an order suppressing evidence only if the order terminates the prosecution.
- Relevant statute. G.S. 15A-979(c) (State's appeal of order suppressing evidence in a criminal case) does not apply in a delinquency case. The applicable statute is G.S. 7B-2604(b).

In re P.K.M., __ N.C. App. __, __ S.E.2d __ (March 20, 2012).

<http://appellate.nccourts.org/opinions/?c=2&pdf=MjAxMi8xMS0xMDk0LTEucGRm>

Facts: Police received word that 12-year-old P.K.M. was among a group of juveniles who vandalized a vacant building. At school, P.K.M. was taken from the principal's office to the school resource officer's (SRO's) office to meet with the SRO and the detective investigating the vandalism. During the meeting P.K.M. made incriminating statements. After a petition was filed alleging that P.K.M. was delinquent, the trial court granted the juvenile's motion to suppress those statements, based on *J.D.B. v. N.C.*, 141 S.Ct. 2394 (2011) (holding that a juvenile's age is a relevant factor in determining whether a juvenile is "in custody"). The State gave notice of appeal and certified under G.S. 15A-979(c) that the appeal was not for purposes of delay and that the suppressed evidence was essential to the State's case.

Held: Appeal dismissed.

1. The State's right to appeal in a delinquency case is governed by G.S. 7B-2604(b) and includes appeal of an order granting a motion to suppress only if the order terminated the prosecution of the petition.
2. Here, the trial court did not dismiss the petition, the State did not argue in its brief that it could not proceed with the prosecution, the record suggested there was other evidence of the juvenile's involvement, and the State did not petition for certiorari.

Appellate court opinions can be found at <http://www.aoc.state.nc.us/www/public/html/opinions.htm>

Earlier case summaries can be found at <http://www.sog.unc.edu/node/513>



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