

**Unpublished Juvenile Case Decided by the
North Carolina Court of Appeals**

October 16, 2012

Delinquency

Today's opinions from the Court of Appeals included only one juvenile case, and it is unpublished. However, *In re R.D.* serves as a good reminder of things the court has said before about dispositions in delinquency cases.

In re R.D., ___ N.C. App. ___, ___ S.E.2d ___ (Oct. 16, 2012) (unpublished).

<http://appellate.nccourts.org/opinions/?c=2&pdf=MjAxMi8xMi00MzctMS5wZGY>

Facts: After adjudicating the juvenile delinquent for possessing with intent to use drug paraphernalia, the trial court placed the juvenile on six months probation, ordered 30 hours of community service, ordered five days of detention, stayed three of those days pending the juvenile's appeal, and required the juvenile to go to detention immediately for the other two days. The disposition order found that the juvenile had a low delinquency history level and that the court "had considered and incorporated by reference the contents of Juvenile's predisposition report, risk assessment, and needs assessment in rendering its disposition."

Held: The court of appeals reversed and remanded the disposition portion of the order for two reasons:

1. The order did not include findings indicating that the trial court considered the dispositional factors set out in G.S. 7B-2501(c):
 - seriousness of the offense;
 - need to hold the juvenile accountable;
 - importance of protecting the public safety;
 - degree of culpability indicated by the circumstances of the case; and
 - juvenile's rehabilitative and treatment needs.

A court may not make findings of fact solely by incorporating reports and assessments into its order.

2. The trial court did not make findings of fact to support its order denying the juvenile's release from detention pending appeal. Although the juvenile had already spent the two days in detention, the court of appeals remanded for a determination of whether those days should have been stayed pursuant to G.S. 7B-2605, which requires the court to state "compelling reasons" for not releasing a juvenile pending an appeal.

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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