

Juvenile Delinquency Case Decided by the North Carolina Court of Appeals
November 19, 2013

Release Pending Appeal; Disposition Order Findings; Juvenile Hearing Procedures

In the Matter of G.C., ___ N.C. App. ___, ___ S.E.2d ___ (November 19, 2013).

<http://appellate.nccourts.org/opinions/?c=2&pdf=MjAxMy8xMy0xNTItMS5wZGY=>

Facts: The 13-year-old juvenile was charged in juvenile petitions with two counts of first-degree sexual offense under G.S. 14-27.4(a)(2) and two counts of indecent liberties between children under G.S. 14-202.2, alleging sex acts against the juvenile's 6-year-old neighbor. During a three-day probable cause hearing, the court heard testimony from the 6-year-old victim, the juvenile's stepfather, the investigating officer, and three medical professionals, who examined the victim, including a forensic interviewer, pediatrician, and licensed clinical social worker. Immediately following this hearing, the court found probable cause for the first-degree sexual offense and adjudicated the juvenile delinquent for indecent liberties between children. One month later, a transfer hearing was held, and the court retained its jurisdiction and adjudicated the juvenile delinquent for first-degree sexual offense, without holding a separate hearing. The court immediately proceeded to disposition and entered a Level III disposition order, committing the juvenile to a youth development center ("YDC"). The court denied the juvenile's release pending his appeal without stating any reasons for the denial in the Appellate Entries form.

Held:

- The trial court erred by denying the juvenile's release pending appeal without providing written "compelling reasons," as required by G.S. 7B-2605. Here, the notation "N/A" was written in the applicable space on the Appellate Entries form where the court could have provided its compelling reasons. Also, a subsequent order entered by a different judge stated only that a previous order had committed the juvenile to a YDC and that his release "was not appropriate." Therefore, the court vacated the order denying the juvenile's release pending appeal and remanded the matter to the trial court to set forth its compelling reasons.
- The trial court did not err by entering a disposition order without making written findings demonstrating that it considered the factors listed in G.S. 7B-2501(c). Although the initial disposition order did not contain any such findings, the Chief District Court Judge filed an amended disposition order with written findings that closely tracked the oral findings of the presiding judge and sufficiently addressed these factors.
- The trial court did not err by adjudicating the juvenile delinquent and entering a disposition order without first holding separate adjudicatory and dispositional hearings. Relying upon the holding of *In the Matter of J.J., Jr.*, ___ N.C. App. ___, 717 S.E.2d 59, 62 (2011), the court found no error in the trial court's failure to hold separate hearings because the juvenile's constitutional and statutory rights were not adversely impacted by the trial court's actions.



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

Earlier case summaries: <http://www.sog.unc.edu/node/513>.

Other juvenile law resources: <http://www.sog.unc.edu/node/1689>.