

Juvenile Search, Seizure, and Interrogation Law

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Introduction

- The Importance of Suppression Motions, Objections, and Preservation
- A quick summary of the juvenile search, seizure, and interrogation case law in North Carolina
- Some questions to ask when you might have a suppression issue: ie, the State has seized physical evidence or is planning to use a client's statement

Preservation

- Appellate courts love procedural bars
- The best-case scenario:
 - File a written motion to suppress, stating a specific (correct) legal reason why the evidence is inadmissible. The reason does matter.
 - Have a hearing, on the record, about the admissibility of the evidence.
 - If the motion is denied, object to the introduction of the evidence at every opportunity, restating the grounds for the objection

Search and Seizure Cases

New Jersey v. T.L.O., 469 U.S. 325 (1985)

- The pivotal question in any search and seizure case involving a student in school is now: was the search conducted by a **police officer** or a **school official**?
- For **school officials**, “the legality of the search of a student should depend simply on the **reasonableness**, under all the circumstances, of the search”
- Police Officer still need probable cause

In re D.D., 146 N.C. App. 309 (2001)

- The *T.L.O.* “reasonableness” standard applied, not only to searches by school officials, but also to searches where police officers work “in conjunction with” school officials, so long as they do so “to maintain a safe and educational environment.”

In re S.W., 171 N.C. App. 335 (2005)

- The SRO was “not an outside officer conducting an investigation” into a non-school crime. The Court applied the *T.L.O.* “reasonableness” standard.

Search Questions

- Where is the search taking place?
 - School or not school?
- Who is conducting the search?
 - Police officer, SRO, teacher, other?
- Does the searcher have “consent”?
 - Is the juvenile capable of giving consent under the circumstances?

School Resource Officers

Who pays them?

Who tells them when and where to work?

Where do they normally work?

What kind of assignments do they typically perform?

Do they wear a uniform? Carry a gun?

Seizures

State v. Bunnell, 340 N.C. 74 (1995)

- Look at the “totality of the circumstances” in evaluating the voluntariness of juvenile statements, including: (1) custody; (2) mental capacity; (3) physical environment; and (4), manner of interrogation.

State v. Johnson, 136 N.C. App. 683 (2000)

- “The crucial issue is who initiated the conversation in which the defendant made the incriminating statement.”

In re: I.R.T., 647 S.E.2d 129 (2007)

- Attempts to apply a “reasonable juvenile” standard
- Finds a seizure where:
 - two officers present, both of whom arrived in marked police cars.
 - the guns they were carrying were visible
 - the officers had a gang unit emblem on their shirt.
 - juvenile was fifteen years old at the time of the alleged offense.

Seizure Questions

- Totality of the circumstances:
 - Custody?
 - Mental capacity?
 - Physical environment?
 - Manner of interrogation?
 - Age of juvenile?

Interrogations



N.C. Gen. Stat. 7B-2101

- Requires that juveniles receive *Miranda*-like warnings when they are subject to custodial interrogation.
- If the juvenile is < 14, no custodial statement can be admitted unless made in the presence of guardian or attorney.
- Officer must cease questioning if juvenile asks.
- Court must find that juvenile knowingly, willingly, and intentionally waived his right

State v. Jones, 147 N.C. App. 527 (2001)

- A guardian is someone “who legally has responsibility for the care and management of the person, or the estate, or both, of a child during its minority.”
- Jones’ aunt was responsible for his room, board, education and clothing. Also, both DSS and the school system gave the aunt authority over him.

State v. Oglesby, 361 N.C. 550 (2007)

- No “government entity” had conferred legal authority on the aunt as Oglesby’s guardian.
- NCSC says the aunt here was not responsible for Oglesby’s room, board, education and clothing – a narrow definition of guardian.
- Helpful dissent from Justice Timmons-Goodson

State v. Branham, 153 N.C. App. 91 (2002)

- Branham's mother did "not have the ability to, in effect, waive his right to have her present during interrogation."

In re W.R., 634 S.E.2d 923 (2006)

- Stayed; Currently pending review in the North Carolina Supreme Court
- “[T]he juvenile was questioned not only by the Principal and an Assistant Principal of the school, but also by Officer Warren, the School Resource Officer, an officer of the Greensboro Police Department.”

Interrogations

- Was the juvenile in custody at the time of the statement?
- Was the statement voluntary?
- How old was the juvenile?
 - Was a parent present?
 - If someone other than a parent was present, does he/she qualify as a guardian?

Guardians

- Does the person have legal responsibility for the juvenile?
 - DSS, school system, or some government body has recognized authority
- Has the person provided the essentials of life for the juvenile?
 - Food, board, clothes, the obvious

Some tips and trends

- In many, many cases, the State's evidence is going to largely consist of a statement or evidence seized from the juvenile.
- The facts are everything: You must know the facts of your case better than the prosecutor and be ready to compare them to (and contrast them with) the facts of the prior cases on the issue.
- File motions and preserve issues with objections. State the grounds as specifically as you can.