

STATE OF NORTH CAROLINA  
[ ] COUNTY

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
FILE NO. [ ]

STATE OF NORTH CAROLINA

v.

[JS, A JUVENILE]

)  
)  
) MOTION TO SUPPRESS SEIZED  
) EVIDENCE AND REQUEST FOR  
) HEARING

NOW COMES the Juvenile, by and through his attorney, and requests this Honorable Court to suppress evidence seized from the Juvenile on or about the [DATE], during a search conducted by [LEO] of the [LE AGENCY] at the [SCHOOL] which the Juvenile is informed, believes and, therefore, alleges, the State intends to use at the adjudicatory hearing of this case.

The Juvenile contends that the exclusion of the statements is required by the Fourth and Fourteenth Amendments to the United States Constitution and Article 1, Section 20 of the North Carolina Constitution.

As grounds therefore, the juvenile states that:

1. On or about [DATE], the juvenile who was then a student at the [SCHOOL] in [CITY] arrived late for class.
2. The juvenile was stopped by [LEO] as he entered the school and directed to the office for an administrative search.
3. Entering the school at the same time as the juvenile was one [NAME], also a student at the [SCHOOL].
4. [LEO] directed [NAME] to the school office also.

5. Once at the office, [LEO] directed [NAME] and the juvenile to empty their pockets and started to frisk the juvenile.
6. Upon being frisked, the juvenile attempted to leave the office, he was pursued into the hall by [LEO], stopped and frisked. During this search, a handgun was found.
7. As a result of this incident, the juvenile is before the court on petitions charging him with underage possession of a firearm, G.S. 14-169.7; possession of a weapon on school property, G.S. 14-269.2; and resisting a law enforcement officer, G.S. 14-223.
8. The detention, seizures, and searches of the juvenile were conducted in violation of his rights as secured by the Fourth and Fourteenth Amendments to the United States Constitution and Article 1 Section 20 of the North Carolina Constitution in that they were not conducted pursuant to a warrant or lawfully obtained consent and were not supported by probable cause or reasonable suspicion.
9. The detention and search of the juvenile were conducted for law enforcement purposes.
10. To the extent that there is probable cause to believe that the juvenile "resisted" the efforts of [LEO], such resistance occurred during the initial threshold inquiry and prior to the arrest of the juvenile or to any attempt to arrest the juvenile. For this reason, the juvenile cannot be charged with resisting a law enforcement officer under G.S. 14-223.

Wherefore, the juvenile requests that this Court enter an order suppressing the physical evidence seized from him on or about [DATE] during a search conducted by [LEO] of the [LE AGENCY] at the [SCHOOL].

WHEREFORE, the Juvenile requests that the Court hold an evidentiary hearing on this matter.

This the [ ] day of [ ], [ ].

---

[Attorney]  
[Address]  
[City, State, Zip Code]  
[Telephone Number]

\* \* \* \* \*

Certificate of Service

I hereby certify that a copy of the foregoing motion was served on the District Attorney for the [NUMBER], Judicial District by deposit of said copy with [NAME], Assistant District Attorney.

This the [ ] day of [ ], [ ].

---

[ATTORNEY]