STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE

\_\_\_\_\_\_ COUNTY DISTRICT COURT DIVISION File No.: ­­\_\_ JB \_\_\_\_

)

In the Matter of ) MOTION FOR

) DISCLOSURE OF

) EVIDENCE

\_\_\_\_\_\_\_\_\_\_, Juvenile )

Juvenile, pursuant to N.C.G.S § 7B-2300, and the 14th Amendment to the United States Constitution, moves the Court for an order requiring disclosure of evidence by Petitioner. In support of this motion, Juvenile shows the Court:

1. Juvenile has been alleged to be delinquent by petition filed by petitioner;

2. The Court has the authority to order disclosure pursuant to N.C.G.S. § 7B-2300;

3. Juvenile needs certain information subject to discovery to adequately defend himself.

WHEREFORE, Juvenile respectfully prays the Court order the Petitioner:

I. Statements(s) of the Juvenile

A. To permit the juvenile to inspect and copy any relevant written or recorded statements within the possession, custody, or control of the Petitioner made by the juvenile or any other party charged in the same action; and

B. To divulge, in written or recorded form, the substance of any oral statement made by the juvenile or any other party charged in the same action.

II. Names of Witnesses

A. To furnish the names of persons to be called as witnesses.

B. To furnish a copy of the record of witnesses under the age of 16 if accessible to the Petitioner.

III. Documents and Tangible Objects

A. To permit the juvenile to inspect and copy books, papers, documents, photographs, motion pictures, mechanical or electronic recordings, tangible objects or portions thereof:

(i) Which are in the possession, custody, or control of the petitioner, the prosecutor, or any law-enforcement officer conducting an investigation of the matter alleged; and

(ii) Which are material to the preparation of his defense, are intended for use by the Petitioner as evidence, and were obtained from or belong to the juvenile.

IV. Reports of Examinations and Tests

A. To permit Juvenile to inspect and copy results of physical or mental examinations or of tests, measurements or experiments made in connection with the case, within the possession, custody, or control of the Petitioner.

B. To permit Juvenile to inspect, examine, and test, subject to appropriate safeguards, any physical evidence or a sample of it or tests or experiments made in connection with the evidence in the case if it is available to the Petitioner, the prosecutor, or any law-enforcement officer conducting an investigation of the matter alleged and if the Petitioner intends to offer the evidence at trial.

V. Brady Material

To disclose any exculpatory information, or information which may lead to the discovery of exculpatory information.

This \_\_\_\_\_\_\_\_\_ day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , 20\_\_\_\_\_.

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Kim Howes

NC Office of the Juvenile Defender

P.O. Box 2448

Raleigh, North Carolina 27602

(919) 890-1650

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the attached document upon all parties in this cause by personally delivering a copy to the Assistant District Attorney, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ .

This \_\_\_\_\_\_\_\_\_ day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , 20\_\_\_\_\_.

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STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE

\_\_\_\_\_COUNTY DISTRICT COURT DIVISION

FILE NO.: \_\_ JB \_\_\_

IN THE MATTER OF: )

) ORDER FOR

) DISCLOSURE

\_\_\_\_\_\_\_, Juvenile )

This Motion being heard before the undersigned District Court Judge that the matters and things requested for disclosure are proper for disclosure, to wit:

1. To permit the inspection and copying of any relevant written or recorded statements within the possession, custody, or control of the petitioner made by the juvenile or any other party charged in the same action;
2. To divulge, in written or recorded form, the substance of any oral statement made by the juvenile or any other party charged in the same action;
3. To furnish the names of persons to be called as witnesses.
4. To provide a copy of the record of witnesses under the age of 16.
5. To permit inspection and copying of books, papers, documents, photographs, motion pictures, mechanical or electronic recordings, tangible objects, or portions thereof:
   1. Which are within the possession, custody, or control of the petitioner, the prosecutor, or any law-enforcement officer conducting an investigation of the matter alleged; and
   2. Which are material to the preparation of his defense, are intended for use by the petitioner as evidence, and were obtained from or belong to the juvenile.
6. To permit inspection and copying of results of physical or mental examinations or of tests, measurements or experiments made in connection with the case, within the possession, custody, or control of the petitioner; and
7. To permit the inspection, examination and testing, subject to appropriate safeguards, any physical evidence in the case if it is available to the petitioner, the prosecutor, or any law-enforcement officer conducting an investigation of the matter alleged and if the petitioner intends to offer the evidence at trial.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT the Defendant be allowed to inquire of the prosecutor, Petitioner, all law-enforcement officers, witnesses and other State representatives as to the existence of said information and that the defense counsel be provided any and all such information prior to trial.

This \_\_\_\_\_\_\_\_\_ day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , 20\_\_\_\_\_.

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District Court Judge