

SCHOOLS

Male Juvenile's Entry into School's Female Locker Room With Door Marked "Girl's Locker Room" Was Sufficient Evidence to Support Adjudication of Second-Degree Trespass

In re S.M.S., ___ N.C. App. ___, 675 S.E.2d 44 (7 April 2009).

The court ruled that a male juvenile's entry into a school's female locker room with the door marked "Girl's Locker Room" was sufficient evidence to support the juvenile's adjudication of second-degree trespass. The court noted that the door's sign was reasonably likely to give the juvenile notice that he was not authorized to go into the girls' locker room [see G.S. 14-159.13(a)(2)].

Insufficient Evidence to Support Delinquency Adjudication of Disorderly Conduct in School, G.S. 14-288.4(a)(6)

In re S.M., ___ N.C. App. ___, 660 S.E.2d 653 (20 May 2008).

The court ruled that there was insufficient evidence to support the juvenile's delinquency adjudication of disorderly conduct in a school, G.S. 14-288.4(a)(6). The state's evidence showed that: (1) the juvenile and a friend were walking in the hall when they should have been in class; (2) when asked to stop, they instead grinned, giggled, and ran down the hall; (3) the juvenile was stopped by the school resource officer after a brief chase down the hall; and (4) a few students and teachers looked into the hall while the resource officer escorted the juvenile to the school office. The court concluded there was no evidence that the school or classroom instruction was substantially disrupted, the juvenile was aggressive or violent, or the juvenile used disturbing or vulgar language.

Possession of Closed Pocketknife on Educational Property Violates G.S. 14-269.2(d) (Weapon on Educational Property); Operability of Pocketknife Is Irrelevant

In re B.N.S., 182 N.C. App. 155, 641 S.E.2d 411 (6 March 2007).

A juvenile had a closed pocket knife in his coat pocket at a high school. The pocketknife's blade was 2.5 inches long. The court ruled that this evidence was sufficient to support the juvenile's adjudication of delinquency for a violation of G.S. 14-269.2(d) (weapon on educational property). The court also stated that the operability of the pocketknife was irrelevant. The court noted that none of the statutory exemptions to this offense in G.S. 14-269.2(g) and (h) applied in this case. [Author's note: As a result of this ruling, disregard a contrary view on this issue set out on

page 412 of the Institute of Government's publication, North Carolina Crimes: A Guidebook on the Elements of Crime (5th ed. 2001).]

(3) Court Rules on Validity of Various Conditions of Juvenile Probation

In re S.R.S., 180 N.C. App. 151, 636 S.E.2d 277 (7 November 2006).

The juvenile was adjudicated delinquent of communicating threats. As the juvenile was being restrained in an elementary school from going into a hallway, he shouted at a teacher in the hallway that he was going to bring a gun to school the next day and kill the teacher's daughter. The teacher's daughter was a student in the school whom the juvenile had previously assaulted. (3) The court ruled on the validity of the following conditions of special probation: (i) the juvenile must abide by rules set out by the court counselor and the juvenile's parents, including, but not limited to, curfew rules and rules concerning those with whom he may or may not associate (ruled valid); (ii) the juvenile must cooperate with any out-of-home placement if deemed necessary, or if arranged by the court counselor, including, but not limited to, a wilderness program (ruled invalid, an impermissible delegation to the court counselor of the judge's authority; the court noted that the record did not show any statement by the court counselor indicating that an out-of-home placement was recommended or necessary); and (iii) two conditions, the juvenile must cooperate with any counseling recommended by the court counselor and comply with any assessment recommended by the court counselor (ruled invalid, an impermissible delegation to the court counselor of the judge's authority without a more specific statement by the judge concerning what type of counseling or assessment).

Court Applies Reasonableness Standard of New Jersey v. T.L.O. to School Resource Officer's Detention of Student

In re J.F.M. 168 N.C. App. 143 (2005)

T.B. and J.F.M. were adjudicated delinquent for resisting, delaying, and obstructing a public officer and assault on a public officer. A deputy sheriff, who was also a school resource officer, investigated an affray involving T.B. and another student. The affray occurred about 2:00 p.m., and while not seeing the affray, the officer observed a group of students gathered outside on the school campus. He saw T.B. leaving the grounds and gave her three commands to stop, which she ignored. Continuing his investigation, he spoke with a school administrator who told him that T.B. had been in the affray and was leaving the school campus. At approximately 3:00 p.m., the officer approached T.B. at a bus stop on the school campus and told her that she needed to come back to the school to

talk to the school administrator about the affray. She refused to go with the officer, who responded by grabbing her arm and telling her she needed to come with him. J.F.M. then pushed the officer and told T.B. to run. T.B. later returned and struck the officer with an umbrella. The court ruled, relying on *Wofford v. Evans*, 390 F.3d 318 (4th Cir. 2004) (extending reasonableness standard of *New Jersey v. T.L.O.*, 469 U.S. 325 (1985), to detentions of (students), and *In re D.D.*, 146 N.C. App. 309, 554 S.E.2d 346 (2001) (extending T.L.O. to searches by resource officers working in conjunction with school officials), that the reasonableness standard of T.L.O. applied to a resource officer's detention of a student when acting in conjunction with a school official. The court examined the facts in this case and found that the resource officer was acting in conjunction with the school administration and his detention of the student was reasonable under T.L.O.