

Out of the Shadows

North Carolina Conference of District Attorneys

Volume 3, Issue 1
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“BEHIND CLOSED DOORS”: CHILD PHYSICAL ABUSE TRAINING *By: Laura Parker*

This past March, thirty prosecutors and law enforcement officers came together in the NC Conference of District Attorneys Training Courtroom for two days of training on the “Investigation and Prosecution of Child Physical Abuse and Homicide.” The training covered child death investigations and medical aspects of child physical abuse. In addition, students received trial advocacy and prosecution information related to the presentation of expert testimony, opening and closing statements, overcoming defenses in child physical abuse and homicide cases, and a legal update of the most recent case law related to child physical abuse, including an update of how the case of Crawford v. Washington has impacted the introduction of child witness statements in North Carolina. The Honorable Stuart Albright, Resident Superior Court Judge for Guilford County, presented a study of a child abuse homicide case that he prosecuted while District Attorney for Guilford County. The jury returned a guilty verdict in the case based on three separate theories of murder: premeditation and deliberation, torture, and felony murder based on the underlying felony child abuse inflicting serious bodily injury using the theory of the defendant’s hands as a deadly weapon. Judge Albright also presented this case study at the Summer Association Meeting at the Grove Park Inn in Asheville.

Prosecutors who were not able to attend can access the materials from the course at our website: <http://www.ncdistrictattorney.org> or by contacting Laura Parker at Laura.E.Parker@nccourts.org or at 919. 890.1500.

CHILD SEXUAL ABUSE RESOURCE MANUAL

The Conference of District Attorneys is pleased to announce the printing of the Child Sexual Abuse Resource Manual for prosecutors. This comprehensive manual covers information on topics ranging from victimization to sentencing. Beginning with an overview of victimization and characteristics of victims, the manual follows the course of a child sexual abuse case from beginning to end. The manual discusses investigative issues such as coordination of agencies, corroboration of the child’s statement, medical examinations, and computer crime legal issues. The remainder of the manual covers prosecution-related subjects such as sufficiency of the evidence, charging determinations, indictments, discovery, motions, trial preparation, working with victims in court, jury selection, opening statements, the child’s testimony, expert witnesses, common defenses, jury instructions, closing statements, and legal issues affecting child abuse cases such as the confrontation clause. The manual concludes with sentencing and post-verdict considerations. The manual also includes sample jury selection questions, sample examinations of expert witnesses, and sample motions. Prosecutors across the state have contributed their expertise and knowledge in this area of the law to compile this tremendous resource. The production of this manual is paid for through a grant from the Governor’s Crime Commission. The manual was distributed to each individual district attorney’s offices in mid-August.

Please contact Laura Parker at laura.e.parker@nccourts.org or at 919.890.1500 if you have any questions about the manual.

JOIN THE NC CHILD ABUSE PROSECUTORS ALLIANCE!

We would like to invite you to join this on-line forum created to provide a venue for prosecutors and their staff to discuss charging decisions, legal issues, trial strategy, witness preparation, discovery requirements, and other pertinent issues related to the prosecution of child abuse and neglect. The forum will also allow you to post useful files (motions, orders, notices, and memorandum) pertinent to child abuse and neglect.

If you are interested in becoming a member, please contact Laura Parker at Laura.E.Parker@nccourts.org or at 919.890.1500.

How to Contact the Child Abuse Resource Prosecutor

laura.e.parker@nccourts.org

Phone: 919.890.1500

Fax: 919.890.1931

Upcoming Child Abuse Trainings

National:

childPROOF: Advanced Trial Advocacy for Child Abuse Prosecutors

February 10-15, 2008
Columbia, SC

For more information on this training, please visit: www.ndaa-apri.org

State:

Thirteenth Annual Symposium on Child Abuse and Neglect
September 11-13, 2007
Lake Junaluska, NC

For more information on this training, please visit: www.cacnc.org

Predators from Within: Computer Facilitated Crimes Against Children

September 26-28, 2007
Raleigh, NC

For more information on this training, please visit: www.ncdistrictattorney.org or contact Laura Parker at 919.890.1500

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By: Laura Parker

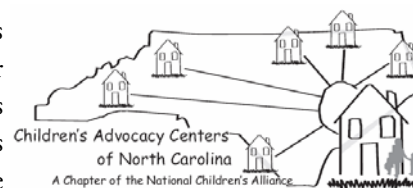
The North Carolina General Assembly has enacted legislation that imposes a new statutory duty upon film and photo print processors as well as computer technicians to report to the National Center for Missing and Exploited Children or an appropriate law enforcement officer any discovery of film or computer images containing photographs of a minor engaging in sexual activity. Effective September 1, 2007, Session Law 2007-263 (House Bill 27), as enacted in G.S. 66-67.4, requires a film or photographic print processor or a computer technician who, within the person's scope of employment, observes an image of a minor or a person who reasonably appears to be a minor engaging in sexual activity to report the name and address of the person requesting the processing of the film or photographs or the owner or person in possession of the computer or computer network or system.

For purposes of the statute, sexual activity is defined as any of the following: a) masturbation, whether done alone or with another human or animal, b) vaginal, anal, or oral intercourse, whether done with another human or with an animal, c) touching, in an act of apparent sexual stimulation or sexual abuse, of the clothed or unclothed genitals, pubic area, or buttocks of another person or the clothed or unclothed breasts of a human female, or d) an act or condition that depicts torture, physical restraint by being fettered or bound, or flagellation of or by a person clad in undergarments or in revealing or bizarre costume (definition of sexual activity as found in G.S. 14-190.13).

The new legislation also includes immunity from any civil or criminal liability that might be incurred as a result of the report when the report is made in good faith. There is also a presumption that the report is made in good faith.

THE THIRTEENTH ANNUAL SYMPOSIUM ON CHILD ABUSE AND NEGLECT

The Children's Advocacy Centers of North Carolina have announced "Reflections XIII: The Thirteenth Annual Symposium on Child Abuse and Neglect," September 11-13, 2007 at the Lake Junaluska Assembly in Haywood County. The Symposium is designed for all professionals who work with victims of child abuse and neglect. This year the Children's Advocacy Centers of North Carolina have worked with the Conference of District Attorneys to include topics at the Symposium to appeal to prosecutors across the state. CLE credits will be available. Michael Parker, elected district attorney for District 20A, will give the Keynote Address, as well as present "He said..., she said..." – The Importance of Corroboration." Other presentations designed for prosecutors will address expert testimony at trial and courtroom practices to enhance child testimony. Please visit www.cacnc.org for more information on how to register for this important gathering of child abuse professionals.



Call for Papers!

The NC Conference of District Attorneys is establishing a "brief bank" of motions, orders, notices, and memorandum of law relating to the prosecution of *child abuse and neglect* in NC for prosecutors across the state to share and access. If you would like to submit any such papers to aid and assist other prosecutors across the state, please email your submissions to Laura Parker at laura.e.parker@nccourts.org or send it on diskette or CD-Rom (Save as Microsoft Word or Excel file) to: Laura Parker, NC Conference of District Attorneys, PO Box 25546, Raleigh, NC 27611.

Submissions will be posted on the NC Child Abuse Prosecutors Alliance forum described above and kept on file at the Conference.

The NC Conference of District Attorneys has moved!!

New Address: PO BOX 3159, Cary, NC 27519

New Phone Number: 919.890.1500, New Fax Number: 919.890.1931

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"We encourage policy that promotes justice in the State of North Carolina"

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