An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

IN THE COURT OF APPEALS OF NORTH CAROLINA

2021-NCCOA-247

No. COA21-56

Filed 1 June 2021

Alexander County, No. 20 JB 04

IN THE MATTER OF: N.L.G.

Appeal by juvenile from orders entered 30 December 2019 and 26 August 2020 by Judge Micah J. Sanderson in Lincoln County District Court and Judge Deborah Brown in Alexander County District Court, respectively. Heard in the Court of Appeals 27 April 2021.

Attorney General Joshua H. Stein, by Assistant Attorney General Robert C. Ennis, for the State.

Appellate Defender Glenn Gerding, by Assistant Appellate Defender David W. Andrews, for Defendant-Appellant.

INMAN, Judge.

¶ 1 Nathan,[1] a juvenile, appeals from orders adjudicating him delinquent and placing him on probation. Because the trial court accepted Nathan's admission without following statutory requirements, we reverse the orders and remand for further proceedings.

[1] We refer to the juvenile by pseudonym.

I. FACTS & PROCEDURAL HISTORY

¶ 2 The record tends to show the following:

¶ 3 After an altercation at school, a petition was filed against Nathan on 31 October 2019, alleging that he engaged in disorderly conduct and resisted arrest. Nathan agreed to an arrangement under which he would admit to delinquency based on the allegation of disorderly conduct and the State would dismiss the resisting arrest allegation.

¶ 4 At the adjudication hearing, after the school resource officers introduced themselves, the trial court addressed Nathan, asking, "Do you want to add anything?" But before Nathan answered, the trial court judge said, "I see why we're here." The trial court then gave defense counsel an opportunity to be heard. The trial court did not ask Nathan any further questions.

¶ 5 The record also does not contain a completed "Transcript of Admission by Juvenile Form" from the Administrative Office of the Courts.

¶ 6 The trial court accepted Nathan's admission to disorderly conduct and adjudicated him delinquent. The case was continued for disposition and transferred to Alexander County, where Nathan had moved to be with his mother. On 26 August 2020, the trial court entered a level two disposition and placed Nathan on probation for six months. Nathan filed written notice of appeal from the adjudication and disposition orders pursuant to N.C. Gen. Stat. § 7B-2602.

II. ANALYSIS

¶ 7 Nathan's sole assignment of error on appeal is that the trial court failed to engage with him personally or ask him any of the mandated inquiries required under N.C. Gen. Stat. § 7B-2407 before it adjudicated him delinquent. The State concedes, and we agree, that the trial court erred in this respect.

¶ 8 A trial court may accept a juvenile's admission and adjudicate him delinquent only after addressing the juvenile personally and:

> (1) Informing the juvenile that the juvenile has a right to remain silent and that any statement the juvenile makes may be used against the juvenile;
>
> (2) Determining that the juvenile understands the nature of the charge;
>
> (3) Informing the juvenile that the juvenile has a right to deny the allegations;
>
> (4) Informing the juvenile that by the juvenile's admissions the juvenile waives the juvenile's right to be confronted by the witnesses against the juvenile;
>
> (5) Determining that the juvenile is satisfied with the juvenile's representation; and
>
> (6) Informing the juvenile of the most restrictive disposition on the charge.

N.C. Gen. Stat. § 7B-2407(a) (2019). This procedure is "more protective and careful than that afforded adults to ensure a fully informed choice and voluntary decision by all juveniles." *In re T.E.F.*, 359 N.C. 570, 574, 614 S.E.2d 296, 299 (2005). Failure to

address even one of the six steps precludes the trial court from accepting a juvenile's admission as the product of informed choice. *In re A.W.*, 182 N.C. App. 159, 161, 641 S.E.2d 354, 356 (2007) (quotation marks omitted) (citing *In re T.E.F.*, 359 N.C. at 575, 614 S.E.2d at 299).

¶ 9 The record reveals the trial court made none of the mandated inquiries or statements before accepting Nathan's admission. The trial court's acceptance of his admission, without addressing the inquiries and statements required by Section 7B-2407(a), constituted reversible error. *See In re T.E.F.*, 167 N.C. App. 1, 8, 604 S.E.2d 348, 352-53 (2004) (reversing the trial court and setting aside the juvenile's adjudication because the trial court failed to inquire about the juvenile's satisfaction with his representation per Section 7B-2407(a)(5)). Therefore, we reverse the trial court's adjudication and disposition orders and remand this matter for further proceedings.

III. CONCLUSION

¶ 10 For the above reasons, we reverse the orders of the trial court and remand the case for further proceedings.

REVERSED AND REMANDED.

Judges GORE and GRIFFIN concur.

Report per Rule 30(e).