

STATE OF NORTH CAROLINA  
[ ] COUNTY

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

STATE OF NORTH CAROLINA

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MOTION AND ORDER FOR  
DISCOVERY AND  
EXCULPATORY MATERIAL

v.

[JS, A JUVENILE]

NOW COMES the Juvenile, by and through his attorney, and requests this Honorable Court, pursuant to N.C. Gen. Stat. §§ 7B-2300-2303, to require the District Attorney for Judicial District 35 to produce, divulge and permit counsel for the Juvenile to inspect, copy or photograph the following:

1. Any written or recorded statements made by the Juvenile within the possession, custody or control of the State or any of its law enforcement officials and any form reflecting the waiver of the Juvenile's rights.

2. The substance of any oral statement relevant to the subject matter of the case made by the Juvenile, regardless of to whom the statement was made, within the possession, custody or control of the State, indicating to whom each such statement was made and the date each such statement was made.

3. All prior criminal records of the Juvenile, from any source as are available to the Office of the District Attorney.

4. The names of persons to be called as witnesses, including but not limited to a copy of the record of witnesses under the age of 16, if accessible to the State.

5. All books, papers, documents, photographs, motion pictures, mechanical or electronic recordings, tangible objects, or copies or portions thereof which are within the possession, custody, or control of the State which are intended for use by the State as evidence of any kind at the trial of the Juvenile, which may be material to the preparation to the Juvenile's defense, or which were obtained from or belong to the Juvenile.

6. All results or reports of physical or mental examinations or of tests, measurements, or experiments, made in connection with the case, or copies thereof, within the possession, custody, or control of the State, and any physical evidence, which may be offered as an exhibit or evidence in the case, including, but not limited to, any fingerprint or handwriting analysis made in connection with this case.

7. The Juvenile, through counsel, further requests that the District Attorney or his agents, pursuant to *United States v. Agurs* and *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed. 2d 215 (1963), disclose to, and permit counsel for the Juvenile to inspect, copy or photograph all evidence, of whatever kind within the possession or control of the State of North Carolina, or any of its law enforcement officials, which

is favorable to, may be favorable to, or tends to be favorable to the Juvenile in this cause, or which may be material and relevant to the Juvenile's defense. This request for voluntary discovery of evidence favorable or tending to be favorable to the Juvenile includes, but is not necessarily limited to, the following items:

a. A copy of any prior criminal record available to the State or any of its law enforcement agencies of witnesses whom the State intends to or will offer as a witness on behalf of the State of the trial of the Juvenile.

b. A disclosure of all criminal charges known to the State of North Carolina or any of its law enforcement agencies pending against any person whom the State intends to or will offer as a witness on behalf of the State at the trial of the Juvenile.

c. All written, recorded, or oral statements made by any person who is a witness or an alleged witness to any of the transactions involving the offenses with which the Juvenile is charged, which statements written, recorded, or oral -- are inconsistent with the Juvenile's guilt of any of the charges against him, or which are or may tend to be favorable to the Juvenile on the issue of mitigation or punishment. This request for disclosure concerns witnesses or alleged witnesses to any of the transactions described in the petition(s) filed against the

Juvenile, whether the State intends to call such person or persons as witnesses or not.

WHEREFORE, the Juvenile requests the Court to issue an Order compelling the State to provide the foregoing items of discovery pursuant to N.C. Gen. Stat. §§ 7B-2300-2303.

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

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[ATTORNEY]  
[ADDRESS]  
[CITY, STATE, ZIP]  
[TELEPHONE NUMBER]

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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 [ ], [ ].

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[ATTORNEY]