

STATE OF NORTH CAROLINA
[] COUNTY

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

IN THE MATTER OF)
[JS, A JUVENILE]) EX PARTE MOTION AND ORDER FOR
) FUNDS TO HIRE AN INVESTIGATOR
)

NOW COMES the Juvenile, [JUVENILE], *ex parte*, through counsel, and respectfully moves that the Court order that the juvenile be provided funds to him to employ an investigator to be paid by the State of North Carolina for the following purposes: (1) to investigate the circumstances of the incident which gave rise to the petitions against the juvenile; (2) to investigate the juvenile's personal history, which necessitates inquiry into [BRIEF STATEMENT OF REASONS FOR DISPOSITION INFORMATION]. Juvenile requests a hearing *ex parte* because it will be necessary to reveal to the court information which is potentially damaging to the defense in order to make an adequate showing for the necessary funds.

The requested funds are required to assist counsel in discovering, documenting, and presenting (1) the defenses to the crimes as charged in the petitions, and (2) disposition defenses based on the juvenile's social, mental health, and educational status at the time of the incident. The juvenile will employ an experienced investigator who can perform the necessary investigation at an hourly rate generally provided for counsel representing a juvenile, who can testify if necessary to impeach witnesses called by the state, and who are trained to discuss with potential witnesses the sensitive issues necessary to an adequate

investigation of juvenile court issues. This motion is made pursuant to the Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution, Article 1, §§ 19, 23, and 27 of the North Carolina Constitution, and N.C. Gen. Stat. § 7A-454.

In support of this motion, the Juvenile shows the following:

1. [BRIEF FACTS DESCRIBING JUVENILE'S ARREST AND PETITIONS FILED]

2. On [DATE], Juvenile was appointed counsel per N.C. Gen. Stat. § 7B-2000.

3. [FURTHER PROCEEDURAL INFORMATION]

4. [REASONS WHY INVESTIGATOR IS NECESSARY, LIST AS NEEDED]

5. Undersigned counsel, therefore, desires to retain the services of [INVESTIGATOR NAME], an experienced investigator.

6. Counsel requests authorization to spend up to [AMOUNT] for the services of [INVESTIGATOR NAME] whose rate is [AMOUNT] an hour.

7. Counsel reserves the right to seek additional funds upon documentation to the Court that it is warranted under the circumstances.

8. The requested expert assistance is essential to the preparation of Juvenile's adjudicatory hearing and potential disposition hearing. The services of an investigator are necessary to enable Juvenile's counsel to prepare effectively and to present evidence on his behalf.

9. If the Juvenile is not provided with this expert assistance, he will be deprived of due process of law, the equal

protection of the laws, the effective assistance of counsel, his right to confront the witnesses against him, his right to a fair trial, and his right to present evidence on his own behalf. Under these circumstances, the Constitution of the United States and North Carolina require that funds for expert assistance be provided.

ACCORDINGLY, Juvenile requests that this court order that he be allowed to expend up to [AMOUNT] to retain [INVESTIGATOR NAME] as an investigator, without prejudice to the Juvenile to renew application for funds if this amount is exhausted.

Respectfully submitted, this the [] day of [], [].

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

* * * * *

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 [], [].

[ATTORNEY]

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) ORDER FOR EX PARTE MOTION FOR
) FUNDS FOR INVESTIGATOR
)

This motion came on to be heard upon motion of the attorney for the Juvenile and was heard by the undersigned District Court Judge and for good cause shown and detailed in the Juvenile's Motion, it is ORDERED, ADJUDGED and DECREED as follows:

1. Counsel for the Juvenile is authorized to retain [INVESTIGATOR NAME] as investigator to assist him and that the State of North Carolina shall pay for such services and expenses in the amount of [AMOUNT] an hour, not to exceed [AMOUNT].

2. If counsel demonstrates need for further services of the investigator, he shall seek leave of this court.

3. The Order and accompanying Motion and Affidavit are to be sealed and placed in the record.

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

[JUDGE]
District Court Judge Presiding