

STATE OF NORTH CAROLINA  
[ ] COUNTY

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

STATE OF NORTH CAROLINA )  
 )  
 v. )  
 )  
 [JS, A JUVENILE] )

MOTION AND ORDER FOR  
PRODUCTION OF TRANSCRIPT OF  
PROBABLE CAUSE HEARING

NOW COMES the Juvenile, by and through his attorney, and requests this Honorable Court to authorize the production of a transcript of Juvenile's probable cause hearing and to make a copy of the transcript available to Juvenile's counsel. In support of this motion, Juvenile states the following:

1. On [DATE], the State conducted a probable cause hearing.
2. The probable cause hearing took place in a court of record. Accordingly, a recording was made of the hearing.
3. In order for Juvenile's counsel to effectively represent Juvenile and prepare for his adjudication, Juvenile's counsel needs working access to an accurate and written copy of the probable cause testimony.
4. In *Griffin v. Illinois*, 76 S.Ct. 585, 590-91 (1956), the U.S. Supreme Court held that the State is constitutionally required to provide indigent prisoners with the tools for an adequate defense or appeal when

those tools are available to other prisoners who can pay for their costs.

5. In *State v. Britt*, 92 S. Ct. 431, 433 (N.C. 1971), the U.S. Supreme Court held that, “[w]hile the outer limits of [the *Griffin v. Illinois*] principle are not clear, there can be no doubt that the State must provide an indigent defendant with a transcript of prior proceedings when that transcript is needed for an effective defense or appeal.” (holding that the state court properly determined that the transcript of a first trial requested in that particular case was not needed for an effective defense because there was an adequate alternative to a transcript available to defendant).
6. The Britt Court also held that “[o]ur cases have consistently recognized the value to a defendant of a transcript of prior proceedings, without requiring a showing of need tailored to the facts of the particular case.” Id. at 434 (citations omitted).
7. A written transcript of the probable cause testimony will be invaluable to Juvenile in investigation, trial preparation, and for impeachment purposes at his adjudication.

8. Juvenile does not have access to any other means, formal or informal, of obtaining an accurate record of his probable cause testimony.
9. Accordingly, Juvenile is entitled to receive a written transcript of his probable cause hearing for use by Juvenile's counsel.

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

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

\* \* \* \* \*

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]

ORDER FOR WRITTEN TRANSCRIPT

This Court hereby orders the production of a written transcript of the Juvenile's probable cause hearing, a copy of which will be made available to Juvenile's counsel. Because Juvenile is indigent, the State will provide the funds necessary to produce a transcript of the probable cause hearing.

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

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[JUDGE]  
District Court Judge