

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
) VIDEOTAPE AND
) WRITTEN REPORTS BY STATE'S
) EXPERT WITNESS

NOW COMES, a juvenile, through undersigned counsel, and respectfully moves this Honorable Court pursuant to the Sixth and Fourteenth Amendments to the United States Constitution Article I §§ 19 and 23 of the North Carolina Constitution. N.C. Gen. Stat. § 15A-903(e). *State v. Bacon*, 337 N.C. 66, 446 S.E.2d 542 (1994), *State v. Lee*, 335 N.C. 244, 439 S.E.2d 547 (1994), *State v. Cunningham*, 108 N.C. App. 185, 423 S.E.2d 802 (1992) and its inherent authority to issue an order requiring Assistant District Attorney Rachel Botts to provide defense counsel prior to trial with any videotape or written reports prepared by any expert witnesses the State intends to call at trial.

In support of this Motion, the undersigned shows unto the court the following:

1. The juvenile is an indigent charged with first Degree Statutory Rape and First Degree Sex Offense allegedly occurring [DATE].

2. The prosecuting [WITNESS], has accused the Juvenile of "messing" with her.
3. Prior to this allegation being reported to the [COUNTY DEPARMTENT OF SOCIAL SERVICES] and the [POLICE DEPARTMENT], [VICTIM] taken to [HOSPITAL FACILITY] where she underwent a physical exam by Dr. Sandra Moreira who reported that her genital area "appeared to be normal . . . without any obvious notches or tears," and "examination of the anus appeared to be normal."
4. On [DATES],[VICTIM] was taken to The Center for Child and Family Health, [ADDRESS OF FACILITY], where she underwent another physical exam and a videotaped interview regarding the alleged incident by [DOCTOR]. [DOCTOR]'S impression of [VICTIM] was that, "despite alternative hypothesis which can be developed, [VICTIM]'s clear and consistent statements about sexual abuse by [VICTIM] and her apparent shame and fears about disclosure, appear to be confirmatory for sexual abuse."
5. That if the State intends to offer [DOCTOR] or any other witness as an expert in child sexual abuse to explain the characteristics of sexually

abused children, syndrome testimony, piece meal reporting, delay in reporting or any other symptom or criteria associated with child sexual abuse, defense counsel is in need of any videotape prepared of the interview and any other written report not already provided through discovery prior to trial.

WHEREFORE, counsel respectfully requests the court to:

1. Order the State to provide defense counsel with any videotape or written report prepared but the expert witness the State intends to call at trial. The report must include test results, data, records, reports and/or articles that the expert reviewed and/or utilized in formulating his or her opinion.
2. That in the alternative, deny the admission of the State's expert testimony.
3. For such other and future relief as the Court deems just and appropriate.

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

[ATTORNEY'S NAME]
[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]