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NO. COA05-1224

NORTH CAROLINA COURT OF APPEALS

Filed: 16 May 2006

In re: A.M.P.

Alamance County  
No. 04 J 97

Appeal by Juvenile from judgment entered 13 January 2005 by Judge G. Wayne Abernathy in District Court, Alamance County. Heard in the Court of Appeals 11 April 2006.

*Attorney General Roy Cooper, by Assistant Attorney General Joyce S. Rutledge, for the State.*

*Michael J. Reece for defendant-appellant.*

WYNN, Judge.

In this appeal, Juvenile makes one argument:

THE TRIAL COURT ERRED BY DENYING APPELLANT'S MOTION TO SUPPRESS (sic) HIS STATEMENT AND PRODUCTION OF THE KNIFE TO PRINCIPAL FOX, AS IT WAS CUSTODIAL AND APPELLANT WAS NOT PROPERLY ADVISED OF HIS JUVENILE RIGHTS.

For the reasons given in *In re Phillips*, 128 N.C. App. 732, 497 S.E.2d 292, *disc. review denied*, 348 N.C. 283, 501 S.E.2d 919 (1998), we affirm.

In *Phillips*, a juvenile contended the trial court should have suppressed her inculpatory statements obtained during questioning by an assistant principal. We held that since the juvenile "was not questioned by a law enforcement officer or its agent, the trial

court did not err by admitting the juvenile's statements[.]” *Id.*  
at 735, 497 S.E.2d at 294.

Likewise, in this case, the record shows that Principal Fox was not acting as an agent of law enforcement at the time he questioned Juvenile, but as an agent of the school. Accordingly, the trial court did not err in denying Juvenile's motion to suppress.

Affirmed.

Judges ELMORE and LEVINSON concur.

Report per Rule 30(e).