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NO. COA07-1414

NORTH CAROLINA COURT OF APPEALS

Filed: 15 July 2008

IN THE MATTER OF:
P.L.N.

Davidson County
No. 04 JB 30

Appeal by juvenile from a disposition order entered 20 March 2007 by Judge Mary F. Covington in Davidson County District Court. Heard in the Court of Appeals 30 June 2008.

Attorney General Roy Cooper, by Assistant Attorney General Amy L. Funderburk, for the State.

Mary M. Reece, for Juvenile-Appellant.

CALABRIA, Judge.

P.L.N. ("the juvenile") appeals from a disposition order entered upon an adjudication of delinquency following the juvenile's admission of guilt to second degree kidnapping. We reverse and remand for a new adjudication.

On 12 March 2007, the State charged the juvenile with second degree kidnapping, disorderly conduct, and common law robbery. The adjudication hearing was held on 20 March 2007 in Davidson County District Court. The following exchange occurred:

BY THE COURT: All right. Mr. [N.], you've gone over this form with your lawyer; is that correct?

BY THE JUVENILE: Yes, ma'am.

BY THE COURT: Your [sic] are [birth date]? You are 13

years old; right?

BY THE JUVENILE: Yes, ma'am.

BY THE COURT: In going over this, your lawyer has explained to you types of punishment and she's also explained to you about what the Court may be doing with your case today; is that right?

BY THE JUVENILE: Yes, ma'am.

BY THE COURT: Did she also talk with you about that the State is going to be dismissing common law robbery---

BY THE JUVENILE: Yes, ma'am.

BY THE COURT: -and disorderly conduct?

BY THE JUVENILE: Yes, ma'am.

BY THE COURT: All right. Are you satisfied that Ms. Beck has been of assistance to you in this case?

BY THE JUVENILE: Yes, ma'am.

BY THE COURT: Are you also-have you been threatened by any way to enter into this plea today?

BY THE JUVENILE: No, ma'am.

BY THE COURT: Do you have any questions for me about this plea or about this form that you've signed today?

BY THE JUVENILE: No, ma'am.

BY THE COURT: All right.

The court then heard the prosecutor summarize the evidence against the juvenile, accepted the juvenile's admission, and adjudicated the juvenile as delinquent. The court ordered that the juvenile be committed to a youth development center for an indefinite commitment not to exceed his eighteenth birthday. The juvenile appeals.

The juvenile assigns error to the trial court's failure to conduct the full inquiry required by N.C. Gen. Stat. § 7B-2407 in

order to accept a juvenile's admission. The State concedes that the court committed error and agrees that the matter must be remanded for a new adjudication. We agree.

N.C. Gen. Stat. § 7B-2407 states in pertinent part:

(a) The court may accept an admission from a juvenile only after first addressing the juvenile personally and:

- (1) Informing the juvenile that the juvenile has a right to remain silent and that any statement the juvenile makes may be used against the juvenile;
- (2) Determining that the juvenile understands the nature of the charge;
- (3) Informing the juvenile that the juvenile has a right to deny the allegations;
- (4) Informing the juvenile that by the juvenile's admissions the juvenile waives the juvenile's right to be confronted by witnesses against the juvenile;
- (5) Determining that the juvenile is satisfied with the juvenile's representation; and
- (6) Informing the juvenile of the most restrictive disposition on the charge.

N.C. Gen. Stat. § 7B-2407 (2007). "[A]ll of these six specific steps are paramount and necessary in accepting a juvenile's admission as to guilt during an adjudicatory hearing." *In re T.E.F.*, 359 N.C. 570, 574, 614 S.E.2d 296, 298 (2005). If the trial court fails to make the required inquiries, the adjudication of delinquency based on the admission must be set aside. *In re Kenyon N.*, 110 N.C. App. 294, 297, 429 S.E.2d 447, 449 (1993); see also *In re A.W.*, 182 N.C. App. 159, 641 S.E.2d 354 (2007) (reversing adjudication and disposition of a juvenile where there was no indication that the trial court informed the juvenile of his right to remain silent, the risk that any statements may be used against him, and his right to deny the allegations, two of the six steps listed in N.C. Gen. Stat. § 7B-2407(a)).

In the case *sub judice*, the trial court failed to personally address the juvenile regarding his rights as required by N.C. Gen. Stat. § 7B-2407 (a) (1), (3), (4), and (6). The trial court (1) failed to inform the juvenile of his right to remain silent; (2) failed to inform the juvenile of his right to deny the allegations; (3) failed to inform the juvenile that by his admissions, he waives the right to be confronted by witnesses against him; and (4) failed to inform the juvenile of the most restrictive disposition. Since the trial court's inquiry fell short of the statutory requirement, the adjudication and disposition must be set aside. *In re T.E.F.*, 359 N.C. at 574, 614 S.E.2d at 298.

Reversed and remanded.

Chief Judge MARTIN and Judge STROUD concur.

Report per Rule 30(e).