

Key North Carolina Decisions Citing *In re Gault*

***In re Burrus*, 275 N.C. 517, 169 S.E.2d 879 (1969).** The seminal case in which the North Carolina Supreme Court addressed several challenges to the Juvenile Code in light of the *Gault* decision, including the right to jury trials, the right to a public trial, whether or not the Juvenile Code was unconstitutionally vague and lacked appropriate procedural safeguards, and whether the trial court erred by preventing an appeal *in forma pauperis*.

***In re Jones*, 11 N.C. App. 437, 181 S.E.2d 162 (1971).** A juvenile charged in juvenile court is entitled to the constitutional safeguards of due process and fairness, but the trial court did not err when it allowed the state to amend the petition when it did not change the nature of the offense.

***In re Walker*, 282 N.C. 28, 191 S.E.2d 702 (1972).** The right to counsel in an adult proceeding does not extend to an undisciplined proceeding, and the trial court need not find that a juvenile violated the conditions of probation “beyond a reasonable doubt.”

***In re Drakeford*, 32 N.C. App. 113, 230 S.E.2d 779 (1977).** Juvenile proceedings are sufficiently similar to adult criminal proceedings to afford the same protection against double jeopardy.

***In re Arthur*, 291 N.C. 640, 232 S.E.2d 614 (1977).** The right to confront and cross-examine witnesses in juvenile court should be protected with the same force and vigor as in adult criminal court.

***In re Byers*, 295 N.C. 256, 244 S.E.2d 665 (1978).** The court failed to protect the juvenile’s right of cross-examination when the judge questioned a co-juvenile not brought to the stand and sworn to testify.

***In re Vinson*, 298 N.C. 640, 260 S.E.2d 591 (1979).** Because a juvenile proceeding is comparable in seriousness to a criminal proceeding, the court must safeguard the rights of juveniles as much as the court would protect the rights of criminal defendants. The trial court erred in allowing an illegal out of court identification of the juvenile, not granting the juvenile’s motion to dismiss when the state’s evidence created only a suspicion that the juvenile had committed the offense, and allowing evidence at disposition that included allegations of criminal acts.

***In re Thomas*, 45 N.C. App. 525, 263 S.E.2d 355 (1980).** The right to due process and fair treatment prohibits the judge in juvenile court from assuming the role of the prosecution by questioning witnesses when no prosecutor was present.