

10.10 State's Statutory Right to Discovery

- A. Names of Witnesses
 - B. Right Based on Juvenile's Order for Discovery Following State's Motion and Order for Discovery
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A. Names of Witnesses

The juvenile must provide, on motion and order, the names of all people to be called as witnesses. G.S. 7B-2301(a).

B. Right Based on Juvenile's Order for Discovery Following State's Motion and Order for Discovery

If a juvenile has obtained an order for discovery of *any* information under G.S. 7B-2300, the State has the right to discover the evidence or information listed below. G.S. 7B-2301(b), (c). The juvenile has no obligation to disclose evidence or information unless the State has filed a discovery motion and obtained an order compelling disclosure. Further, the categories apply only when the juvenile intends to make use of the evidence at trial, as described below.

Documents and tangible objects. On motion of the State, the court must order the juvenile to allow the State to inspect and copy books, papers, documents, photographs, motion pictures, mechanical or electronic recordings, and tangible objects *if* the materials are

- within the possession, custody, or control of the juvenile; *and*
- intended to be introduced as evidence by the juvenile.

G.S. 7B-2301(b).

Reports of examinations and tests. On motion of the State, the court must order the juvenile to allow the State to inspect and copy the results of certain tests and examinations. Results of physical or mental examinations, tests, measurements, or experiments made in connection with the case must be disclosed *if* the information is

- within the possession and control of the juvenile; *and*
- intended to be introduced as evidence or prepared by a witness whom the juvenile intends to call to testify about the result of the examination or test.

G.S. 7B-2301(c).

Physical evidence. On motion of the State, the court must order the juvenile to allow the State to inspect, examine, and test physical evidence that the juvenile intends to offer as evidence to the court. G.S. 7B-2301(c). The statute also permits the State to examine and test a sample of the physical evidence instead of the entire object. *Id.* Any examination or testing of the evidence by the State must be completed under “appropriate safeguards.” *Id.* The juvenile must also permit the State to inspect and examine any tests or experiments made in connection with physical evidence that the juvenile intends to offer as evidence to the court. *Id.*