

SUPREME COURT OF NORTH CAROLINA

In re T.T.E., 372 N.C. 413

831 S.E.2d 293 (2019) · No. No. 238A18 · Decided August 16, 2019

SUMMARY

The North Carolina Supreme Court held that sufficient evidence supported a juvenile's adjudication for disorderly conduct based on throwing a chair toward another student in a school cafeteria and the resulting disturbance. The Court also held that the delinquency petition sufficiently alleged a violation of North Carolina General Statutes § 14-288.4 despite not specifying the statutory subsection. The Court reversed the Court of Appeals as to the disorderly conduct adjudication, while leaving undisturbed its ruling vacating the resisting-a-public-officer adjudication.

CASE DETAILS

COURT	Supreme Court of North Carolina
WRITING FOR THE COURT	Justice Morgan; Justice Earls
JURISDICTION	North Carolina
DECIDED	August 16, 2019
DOCKET	No. 238A18
DISPOSITION	reversed
PROCEDURAL POSTURE	The State appealed as of right from a divided Court of Appeals decision that vacated the juvenile's adjudication and disposition for disorderly conduct. The Supreme Court reviewed the sufficiency of the disorderly-conduct petition and the sufficiency of the evidence supporting that adjudication. The Court of Appeals' ruling vacating the separate resisting-a-public-officer adjudication was not before the Supreme Court.
STANDARD OF REVIEW	De novo review applies to denial of a motion to dismiss for insufficiency of the evidence. The court determines whether substantial evidence supports each essential element of the charged offense and the defendant's identity as the perpetrator, viewing the evidence in the light most favorable to the State and resolving contradictions and conflicts in the State's favor.
PRECEDENTIAL VALUE	Published opinion; precedential decision of the Supreme Court of North Carolina

PARTIES

State v. T.T.E., juvenile

TOPICS

criminal procedure

evidence

statutory interpretation

standard of review

appellate procedure

PRACTICE AREAS

juvenile delinquency

criminal procedure

appellate procedure

evidence

statutory interpretation

QUESTIONS PRESENTED

1. Whether the juvenile delinquency petition sufficiently alleged a violation of N.C.G.S. § 14-288.4 despite not specifying subsection (a)(1).
2. Whether substantial evidence supported denying the juvenile's motion to dismiss the disorderly-conduct charge based on intentionally causing a public disturbance through violent conduct.
3. Whether the Court of Appeals erred in vacating the disorderly-conduct adjudication and related disposition.

HOLDINGS

1. A juvenile delinquency petition sufficiently alleges disorderly conduct when it tracks the statutory language and specifically describes the charged conduct, even if it does not identify the precise statutory subsection.
2. The State presented substantial evidence sufficient to withstand the juvenile's motion to dismiss the disorderly-conduct charge.

KEY QUOTATIONS

“Because the petition averred the offense of disorderly conduct with sufficient specificity to clearly apprise the juvenile here of the offense with which he was charged, the district court was properly cloaked with subject-matter jurisdiction over this alleged offense.” (831 S.E.2d at 298)

“Upon viewing this evidence in the light most favorable to the State and giving the State the benefit of every reasonable inference as required by Miller, we conclude that substantial evidence was presented at the adjudication hearing” (831 S.E.2d at 300)

FACTUAL BACKGROUND

During a nonclass period at Clyde A. Erwin High School, T.T.E. picked up and threw a chair across the cafeteria toward another student, whom he later identified as his brother, and then left the cafeteria. A school resource officer pursued and detained T.T.E.; the ensuing encounter attracted other students, involved profanity and physical intervention, and disrupted students' movement to class. The State's witnesses testified that the incident created a significant safety issue and disturbed the school's normal operations.

PROCEDURAL HISTORY

The Buncombe County District Court adjudicated T.T.E. delinquent for disorderly conduct and resisting a public officer and imposed a Level 1 disposition. The Court of Appeals unanimously vacated the resisting-a-public-officer adjudication and, in a divided decision, vacated the disorderly-conduct adjudication and related disposition for insufficient evidence. The State appealed based on the dissent, and the Supreme Court reversed as to disorderly conduct while leaving the resisting-a-public-officer ruling undisturbed.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The Court reversed the Court of Appeals' decision vacating the disorderly-conduct adjudication and related disposition. The Court of Appeals' decision vacating the resisting-a-public-officer adjudication remained undisturbed.

CASES CITED

- In re Griffin, 162 N.C. App. 487, 493, 592 S.E.2d 12, 16 (2004)
- In re Burrus, 275 N.C. 517, 530, 169 S.E.2d 879, 887 (1969)
- McKeiver v. Pennsylvania, 403 U.S. 528 (1971)
- State v. Sturdivant, 304 N.C. 293, 310-11, 283 S.E.2d 719, 731 (1981)
- State v. Turnage, 362 N.C. 491, 493-94, 666 S.E.2d 753, 755 (2008)
- State v. Crawford, 344 N.C. 65, 73, 472 S.E.2d 920, 925 (1996)
- State v. Hunt, 365 N.C. 432, 436, 722 S.E.2d 484, 488 (2012)
- State v. Miller, 363 N.C. 96, 98-99, 678 S.E.2d 592, 594 (2009)
- State v. Butler, 356 N.C. 141, 145, 567 S.E.2d 137, 140 (2002)
- In re T.T.E., 818 S.E.2d 324 (N.C. Ct. App. 2018)
- State v. Simpson, 235 N.C. App. 398, 402-03, 763 S.E.2d 1, 4-5 (2014)