



CHAPTER 7B

ARTICLE 24 - HEARING PROCEDURES

N.C.G.S. § 7B-2408.5.

Motion to suppress evidence in adjudicatory hearings; procedure; appeal.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	No amendment history on record	21 September 2026, 05:39 UTC	42f6a18593c6b0b2791dde1f - ba83c5d47ab783a28d638830 - 3ab00a6c644a6b23

§ 7B-2408.5(a) A motion to suppress evidence in court made before the adjudicatory hearing must be in writing and a copy of the motion must be served upon the State. The motion must state the grounds upon which it is made. The motion must be accompanied by an affidavit containing facts supporting the motion. The affidavit may be based upon personal knowledge, or upon information and belief, if the source of the information and the basis for the belief are stated. The State may file an answer denying or admitting any of the allegations. A copy of the answer must be served on the juvenile's counsel or the juvenile's parent, guardian, or custodian, if the juvenile has no counsel.

§ 7B-2408.5(b) The judge must summarily grant the motion to suppress evidence if:

- (1) The motion complies with the requirements of subsection (a) of this section, it states grounds which require exclusion of the evidence, and the State concedes the truth of allegations of fact which support the motion; or
- (2) The State stipulates that the evidence sought to be suppressed will not be offered in evidence in any juvenile proceeding.

§ 7B-2408.5(c) The judge may summarily deny the motion to suppress evidence if:

- (1) The motion does not allege a legal basis for the motion; or
- (2) The affidavit does not as a matter of law support the ground alleged.

§ 7B-2408.5(d)

If the motion is not determined summarily, the judge must make the determination after a hearing and finding of facts. Testimony at the hearing must be under oath.

§ 7B-2408.5(e) A motion to suppress made during the adjudicatory hearing may be made in writing or orally and may be determined in the same manner as when made before the adjudicatory hearing.

§ 7B-2408.5(f) The judge must set forth in the record his or her findings of facts and conclusions of law.

§ 7B-2408.5(g) An order finally denying a motion to suppress evidence may be reviewed upon an appeal of a final order of the court in a juvenile matter.

§ 7B-2408.5(h) The provisions of G.S. 15A-974 shall apply to this section. (2015-58, s. 1.4.)

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS II
1 AUTHORITY

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 15A-974	(h)	"The provisions of"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 7B-2408.5 (2026).

PINPOINT

N.C. Gen. Stat. § 7B-2408.5(a) (2026).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

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