

STATE OF NORTH CAROLINA
COUNTY OF _____

IN THE GENERAL COURT OF JUSTICE
SUPREME COURT DIVISION
FILE NO. _____

STATE OF NORTH CAROLINA

MOTION TO COMPEL DISTRICT
ATTORNEY TO SUBMIT BILL OF
INDICTMENT OR DISMISS OFFENSES

V.

,

Defendant.

NOW COMES the Defendant, _____, by and through his listed attorney, _____, and moves this Court pursuant to N.C.G.S. §15A-627, to compel the District Attorney's office to submit a bill of indictment charging one offense of felony conspiracy and two offenses of larceny of a motor vehicle, or dismissing the charges listed above. In support of this motion, the Defendant respectfully shows the Court the following:

1. That the Defendant was charged with one offense of felony conspiracy and two offenses of larceny of a motor vehicle on May 27, 2011.
2. That a probable cause hearing in this matter was heard in the District Court on July 21, 2011 before the Honorable Judge _____.
3. That pursuant to N.C.G.S. §15A-612(a)(1), if the District Court Judge finds that the Defendant probably committed the offenses charged, which are within the original jurisdiction of the superior court, then the District Court Judge must bind the Defendant over to the superior court for further proceedings in accordance with Chapter 15A of the North Carolina general statutes.
4. That the Honorable Judge _____ found that probable cause to arrest exists in this matter.
5. That pursuant to N.C.G.S. §15A-627 when a Defendant has been bound over for trial in the superior court upon any charges in the original jurisdiction of such court, the prosecutor must proceed upon a bill of indictment charging the offenses to the grand jury for its consideration, or dismiss the charges either voluntarily or under the terms of Article 50 of Chapter 15A.
6. That as of this date, November 9, 2011, the District Attorney's office has not taken any action pursuant to N.C.G.S. §15A-627.
7. That good cause exists in the interests of judicial efficiency and to prevent undue delay and hardship to the Defendant to compel the District Attorney's office to promptly take action pursuant to N.C.G.S. §15A-627.

WHEREFORE, the Defendant prays the Court to compel the District Attorney's office to submit a bill of indictment charging one offense of felony conspiracy and two offenses of larceny of a motor vehicle, or dismissing the charges listed above.

Respectively submitted, this the ___ day of _____, 2011.

Attorney for Defendant

Certificate of Service

I hereby certify that I have served the foregoing Motion to Compel District Attorney to Indict or Dismiss on _____, to _____, Assistant District Attorney, Thirteenth Judicial District, by hand delivery, this the _____ day of _____ 20 ____.

Attorney for Defendant