

NORTH CAROLINA
_____ COUNTY

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

STATE OF NORTH CAROLINA

vs.

**MOTION FOR
APPROPRIATE RELIEF**

_____,
Defendant.

NOW COMES the Defendant, by and through attorney, Marcus E. Hill, of Durham County, North Carolina, and moves the Court for an Order setting aside the judgement in this case which was entered on the _____. The defendant moves the Court under North Carolina General Statutes 15A-1415 and shows unto the Court the following:

1. That the defendant was charged in _____ County on _____ with the offense of _____
2. That the defendant did not show up for court.
3. That the defendant has submitted to the jurisdiction of this Court for trial and has entered a written Waiver of Appearance to allow defendant's attorney to negotiate a plea on defendant's behalf.
4. That the District Attorney does not oppose this motion.

WHEREFORE, THE DEFENDANT PRAYS THE COURT:

1. That the dismissal with leave in the instant case be set aside.
2. That the case be rescheduled for the _____ day of _____, 20____, for plea upon written waiver of the defendant by the defendant's attorney, Marcus E. Hill, of Durham, North Carolina.

This the ____ day of _____, 20 ____.

Marcus E. Hill
Attorney for Defendant
311 E. Main Street
Durham, North Carolina 27701
(919) 688-1941

I consent:

Assistant District Attorney

NORTH CAROLINA
_____ COUNTY

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

STATE OF NORTH CAROLINA

vs.

ORDER

_____,
Defendant.

THIS CAUSE coming on to be heard and being heard before the undersigned Judge Presiding over the District Court of Durham County, North Carolina, and the Court, upon the Motion of the Defendant, enters the following:

FINDINGS OF FACT

1. That the defendant was charged in _____ County on _____, 20____, with the offense of _____.
2. That the defendant paid this ticket off by waiver without understanding the effect that would have on the defendant's drivers license and insurance.
3. That the defendant did not consult an attorney before handling this ticket.
4. That on the ___ day of _____, 20____, a _____ was entered against the defendant by the Clerk of Court of _____ County, North Carolina.
5. That the defendant was not aware that the case had been classified as a twenty day failure.
6. That the defendant's case was entered into the twenty day failures by a clerical error.

7. That the defendant has submitted to the jurisdiction of this Court for trial and has entered a written Waiver of Appearance to allow defendant's attorney to negotiate a plea on defendant's behalf.
8. That the District Attorney does not oppose this Motion.

BASED ON THE FOREGOING FINDINGS OF FACT,

THE COURT FINDS THE FOLLOWING:

CONCLUSIONS OF LAW

1. That the Court has jurisdiction over the parties and the subject matter in this action.
2. That this Court has reviewed the findings of fact and finds the same reasonable and justified under the circumstances.

WHEREFORE IT IS ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. That the _____ in the instant case is set aside.
2. That the case be rescheduled for the ____ day of _____, 20 ____, for plea upon written waiver of the defendant by the defendant's attorney, Marcus E. Hill, of Durham County, North Carolina.

This the _____ day of _____, 20 __.

Judge Presiding