STATE OF NORTH CAROLINA	IN THE GENERAL COURT OF JUSTICE DISTRICT COURT DIVISION
COUNTY OF:	File No.(s) _____ _____
STATE OF NORTH CAROLINA) v.)) _____ ,) Defendant)	**MOTION AND ORDER TO** ☐ **STRIKE FTA** ☐ **STRIKE FTA FEE**

NOW COMES _____ , ☐ ADA ☐ Pro Se ☐ Attorney for the above-named Defendant, and respectfully shows the Court the following:

Pursuant to N.C.G.S. § 7A-304(a)(6), "For support of the General Court of Justice, the sum of two hundred dollars ($200.00) is payable by a defendant who fails to appear to answer the charge as scheduled, unless within 20 days after the scheduled appearance, the person either appears in court to answer the charge or disposes of the charge pursuant to G.S. 7A-146, and the sum of twenty-five dollars ($25.00) is payable by a defendant who fails to pay a fine, penalty, or costs within 20 days of the date specified in the court's judgment. Upon a showing to the court that the defendant failed to appear because of an error or omission of a judicial official, a prosecutor, or a law-enforcement officer, the court shall waive the fee for failure to appear. These fees shall be remitted to the State Treasurer." The FTA fee increase will apply to FTA fees assessed or collected on or after September 1, 2009.

Any error or omission on the part of an attorney or defendant is not legal grounds for striking FTA.

The Movant shows unto the court that the defendant failed to appear because of an error or omission of a ☐ judicial official, a ☐ prosecutor, or a ☐ law-enforcement officer; to wit _____.

WHEREFORE, the Movant prays that an order be entered striking the ☐ FTA ☐ FTA fee.

Date: _____ ☐ ADA ☐ Attorney ☐ Pro Se _____

The ADA ☐ DOES ☐ DOES NOT oppose the Motion.

Date: _____ ADA _____

ORDER

THIS CAUSE, coming on to be heard and being heard, before the undersigned Judge upon Motion of ☐ ADA ☐ Attorney ☐ Pro Se to strike ☐ FTA ☐ FTA fee based upon the defendant's failure to appear because of an error or omission of a judicial official, a prosecutor, or a law-enforcement officer is hereby ☐ GRANTED ☐ DENIED and the case(s) are rescheduled for _____ .

IT IS THEREFORE ORDERED that the ☐ FTA is hereby waived ☐ the FTA fee is hereby stricken because of an error of a ☐ judicial official, ☐ prosecutor or ☐ law enforcement officer.

_____
Date:

_____
☐ Chief District Court Judge ☐ District Court Judge

Revised 8/1/09 (in blue)