

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice
District Court Division

STATE VERSUS

Name Of Defendant

Offense

- DWI. G.S. 20-138.1
Commercial DWI. G.S. 20-138.2
Misdemeanor Death By Vehicle, G.S. 20-141.4(a2), based on impaired driving
Habitual Impaired Driving. G.S. 20-138.5

MOTION FOR CONTINUANCE
AND ORDER
(DWI OR COMMERCIAL DWI
INVOLVING MOTOR VEHICLE FORFEITURE)

G.S. 20-28.3(m)

Original Trial Date

No. Of Previous Continuances

Scheduled Trial Date

Proposed Rescheduled Trial Date

Court Rescheduled Trial Date (If Different)

MOTION

The offense listed above is an impaired driving offense involving the forfeiture of a motor vehicle pursuant to G.S. 20-28.2, and is currently scheduled to be heard on the scheduled trial date shown above. The trial of this action was originally scheduled for the original trial date shown above and
has not previously been continued. has previously been continued the number of times shown above.

The State defendant moves that the trial of the above criminal action be continued from the scheduled trial date shown above to the proposed rescheduled date shown above for the following compelling reason: (state facts constituting compelling reason)

I certify that I gave notice of this Motion to the opposing party prior to this Motion being heard.

Date

Signature

Name (Type Or Print)

- Assistant District Attorney
Defense Attorney
Defendant

ORDER

After a hearing on the above Motion For Continuance of the trial of the above impaired driving offenses involving the forfeiture of a motor vehicle pursuant to G.S. 20-28.2, the Court finds does not find that the facts set forth in the motion constitute a "compelling reason" for the continuance requested. It is ORDERED that

1. The motion is allowed and the trial of the above action is continued to and shall be held on the:

- a. proposed rescheduled trial date shown above.
b. court rescheduled trial date shown above.

2. The motion is denied and the trial of the above action shall be held on the scheduled trial date shown above, without further continuance.

Date

Name Of District Court Judge (Type Or Print)

Signature Of District Court Judge

NOTE: G.S. 20-28.3(m) provides, "District court trials of impaired driving offenses involving forfeitures of motor vehicles pursuant to G.S. 20-28.2 shall be scheduled on the arresting officer's next court date or within thirty (30) days, whichever comes first. Once scheduled, the case shall not be continued unless all of the following conditions are met: (1) A written motion for continuance is filed with notice given to the opposing party prior to the motion being heard. (2) The judge makes a finding of a 'compelling reason' for the continuance. (3) The motion and finding are attached to the court case record."