

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
 District Superior Court Division**STATE VERSUS**

Name Of Defendant

Name Of Surety(ies)

Date Of Appearance Bond

Amount Of Bond

\$

County Where Defendant To Appear If Different

All File Nos. And Offenses

**SURRENDER OF DEFENDANT
BY SURETY**

G.S. 15A-540, -534

I, the undersigned surety for the named defendant, request that the Court release me from the defendant's Appearance Bond which I signed as indicated above. A certified copy of the bail bond is attached.

(You must complete both I. and II. below.)

I. Form Of Surrender (check only one)

- (a) I arrested the defendant and now surrender the defendant to the jail in this county where the defendant
 is to appear on these charges. was bonded on these charges.
- (b) I surrender the defendant who is currently in the jail in this county where the defendant
 is to appear on these charges. was bonded on these charges. Other: _____.

II. Status Of Order Of Forfeiture (check only one)

- (a) The surrender of the defendant has occurred **after** an Order of Forfeiture was entered for the appearance bond for the offense(s) listed above, and after an order for arrest was issued.
- (b) The surrender of the defendant has occurred **before** an Order of Forfeiture was entered for the appearance bond for the offense(s) listed above.

I understand that this Surrender does not relieve me from my responsibility if an Order of Forfeiture has been entered before this Surrender. I also understand that I must apply to the Court for relief in that matter.

Date

Name Of Surety (Type Or Print)

Signature Of Surety

RECEIPT OR ACKNOWLEDGMENT OF CUSTODIAN

I, the undersigned custodian, acknowledge that the defendant is in custody as indicated.

Date

Name Of Custodian/Jailer (Type Or Print)

Signature Of Custodian/Jailer

NOTES TO CUSTODIAN:

- (1) Only an actual surety may surrender the defendant. If the person offering the defendant for surrender presents an appearance bond form (AOC-CR-201) with the box checked for a "Cash Appearance Bond," then the person is not the surety for the defendant's appearance. Do not accept the surrender of the defendant. If the boxes for "Surety Appearance Bond" and "Cash Deposited By Surety" are checked, and the person attempting to surrender the defendant is the same person who signed the bond as surety, then that person is the surety and you may accept the surrender.
- (2) G.S. 15A-540(b) requires that a defendant surrendered by a surety must have an immediate hearing on whether the defendant is again entitled to release and, if so, upon what conditions. Take the defendant, with this form, to a judicial official for this hearing. When the above Receipt is completed, provide surety with a copy of this form.

(See **NOTES TO MAGISTRATE** on reverse)

Original-Clerk Copy-Surety Copy-Custodian

NOTES TO MAGISTRATE:

- (1) *If the defendant was surrendered **before** a breach of the conditions of release, the original conditions of release should be reentered. The defendant remains in custody until conditions of original release order are again satisfied. The court date remains the same.*
- (2) *If the defendant was surrendered **after** a breach of the conditions of release, G.S. 15A-540(c) requires that a judicial official determine whether the defendant is again entitled to pretrial release and, if so, upon what conditions. If the breach was a failure to appear for any charge(s) covered by the appearance bond provided at the time of surrender, G.S. 15A-534(d1) provides that the official shall at a minimum impose the conditions of release recommended in an order for arrest issued for that failure to appear. If no conditions were recommended, the judicial official shall require a secured bond at least double the amount of the most recent secured or unsecured bond, or at least \$500 if there was no monetary bond previously required. On the new release order, check the appropriate box(es) indicating the failure to appear.*
- (3) *If an order for arrest was issued for the defendant's failure to appear, the court date in the new release order should be the same as the court date, if any, in the order for arrest. The order for arrest should be served on the defendant, if possible, without detaining the defendant beyond the time when he or she should be released under the new release order. If the order for arrest cannot be served in that time, use the court's records to learn the court date in the order for arrest, and arrange to have order for arrest recalled.*
- (4) *If the defendant was surrendered in a county other than the county where the defendant is to appear, return original order for arrest, if any, with return of service completed, along with this form and a copy of the new release order, to the county where the defendant is to appear. When conditions of pretrial release are satisfied, return original of the new release order with any custodian's entries completed, together with the original appearance bond, if any, to the county where the defendant is to appear.*