

STATE OF NORTH CAROLINA
15th JUDICIAL DISTRICT
___ BLADEN COUNTY
___ BRUNSWICK COUNTY
___ COLUMBUS COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
___ CR _____
___ CR _____
___ IF _____
(List **ALL** file numbers associated with the OFA/FTA)

STATE OF N.C.

VS.

**MOTION AND ORDER TO RECALL
ORDER FOR ARREST (OFA);
FAILURE TO APPEAR (FTA);
STRIKE CALLED AND FAILED
AND SET ASIDE BOND FORFEITURE (15A-544.5)**

DEFENDANT NAME

Defendant is charged with the following: (list **ALL** charges as they appear on the OFA)

Now comes the Defendant, respectfully moving this Court to strike the Failure to Appear (FTA), Called and Failed, set aside/strike the Forfeiture of Bond and to recall the Order For Arrest (OFA), that occurred on _____ (date), with Judge _____, presiding, and further requests that this matter be rescheduled for Court. In support of this motion, the defendant shows unto the Court, the following:

1. That the Defendant has provided the Court with a **copy** of the **front** of the court file (shuck).
2. ___ This motion is being made by the defendant's attorney, who is making a ___ general appearance or a ___ limited appearance pursuant to G.S. 15A-141(2)&(3).
3. That the defendant failed to appear for the following **compelling** reason: (attach any supporting documents)

Date: _____ Signature: _____
___ Defendant ___ Attorney _____ (printed name)

Notice to DA/ADA

Now comes the District Attorney's Office, acknowledging that it has been notified of this Motion and request the following:

___ Consent to the Motion and **do not** wish to be heard further.

___ Opposes the Motion and **do not** request to be heard.

___ Opposes the Motion and requests to be heard.

Date: _____ Signature: _____ (DA/ADA printed name)
District Attorney/Assistant District Attorney

ORDER OF THE COURT

For good cause shown and upon a hearing in open court, or if in chambers, upon the State's indication of its consent or wavier of its right to be heard, and based upon any arguments of the parties, the Court hereby ORDERS the following:

1. ___ The Motion is **DENIED**.

2. ___ The Motion is **GRANTED**, and it is hereby ordered that any Called and Failed, any OFA and any FTA, along with any FTA fee/costs or other administrative fee, are recalled/stricken. Pursuant to N.C.G.S. 15A-301(g), the Clerk of Superior Court is hereby ordered to notify the proper authorities that the OFA/FTA has been stricken/recalled AND to notify the North Carolina DMV that the OFA/FTA has been stricken and/or recalled. It is further Ordered, that any bond forfeiture entered as a result of the FTA, be set aside pursuant to N.C.G.S 15A-544.5. The Clerk of Superior Court shall calendar this matter on the appropriate criminal or traffic calendar; ___ AND set this matter **FINAL** for the Defendant on the next scheduled Court date.

Date: _____

Signature: _____
____ Presiding District Court Judge on date Defendant failed to appear
____ District Court Judge hearing Motion
____ Chief District Court Judge

NEW COURT DATE: _____

- ***It is the movants responsibility to attach a copy of the shuck to this Motion
- ***Faxed recalls are not accepted. All signature lines must be original
- ***The motion MUST be filled out entirely and completely or it will be denied
- ***Any false or inaccurate information provided on this form will subject the movant to sanctions