

STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice
Superior Court Division

_____ County

STATE VERSUS

Name And Address Of Defendant (type or print full name)

Drivers License No.

State

Race

Sex

Date Of Birth

Full Social Security No.

Age At Time Of Offense

**MOTION AND ORDER TO REMAND CASE
FROM SUPERIOR COURT TO
DISTRICT COURT AND ORDER OF
EXPUNCTION UNDER G.S. 15A-145.8(a)
(CHARGES REMANDED TO DISTRICT COURT FOR
JUVENILE ADJUDICATION)**

G.S. 7B-2200.5(d), 15A-145.8

| File Number | Count No.(s) | Offense(s) | Offense Date(s) |
|-------------|--------------|------------|-----------------|
| | | | |

NOTE TO COURT: This form is used to remand a case to juvenile court upon the joint motion of the prosecutor and the juvenile's attorney and to expunge the superior court record pursuant to G.S. 15A-145.8(a). To order the expunction of DNA records pursuant to G.S. 15A-145.8(b), use form AOC-CR-292. To issue a secure custody order for the juvenile on remand, upon request of the prosecutor, use form AOC-J-440.

NOTE TO DEFENDANT: Inform the Court of any State or local government agency that has a record of your superior court case that you want expunged. The clerk of superior court will send you a certified copy of the final order for your records at the address listed above. If you move, you must notify the clerk in writing of your change of address in order to receive a certified copy. After the case is expunged, the clerk of superior court will have no record of the case, other than those records maintained pursuant to G.S. 7B-3000 as confidential records as part of the juvenile proceedings, and will be unable to provide you with any documentation of the superior court case. This includes the expunction order; it will be destroyed with the case file.

MOTION

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|------|---|----------------------------------|
| Date | Name Of Prosecutor (type or print) | Signature Of Prosecutor |
| Date | Name Of Juvenile's Attorney (type or print) | Signature Of Juvenile's Attorney |

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| | FINDINGS OF FACT | |
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The Court makes the following findings of fact:

- ☐ 1. There is a joint motion of the prosecutor and the juvenile's attorney to remand this case to district court for juvenile adjudication.
- ☐ 2. Other:

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| | ORDER | |
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Therefore, the Court hereby ORDERS:

- ☐ The above-captioned case is remanded from the Superior Court Division to the District Court Division and the superior court record of the remanded charge(s) is expunged. The purpose of this expunction is to remove from all public records any information regarding this case but to preserve any information related to the juvenile petition as a confidential juvenile record.
- a. Any and all entries relating to the defendant's **superior court** charges shall be expunged from all official records of the court.
- b. All law enforcement agencies, the Department of Adult Correction, the Division of Motor Vehicles, and any other State or local government agency identified on Side Two and on any AOC-CR-285 form that is attached are hereby directed to expunge from all official records any public records made as a result of the **superior court** charges ordered expunged. **Any records made as a result of the juvenile petition shall not be expunged, but shall be maintained as confidential records pursuant to Article 30 of Chapter 7B of the North Carolina General Statutes.**

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| Date | Name Of Presiding Judge (type or print) | Signature Of Presiding Judge |
|------|---|------------------------------|

NOTE TO RECIPIENT AGENCY: See below for more information about the types of records to expunge and the types of records to maintain.

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| | AGENCY INFORMATION | |
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NOTE TO COURT: List the arresting agency and any State or local government agency that has a record of the defendant's superior court case. The clerk of superior court will send a copy of this order, if granted, to the agency name(s) and address(es) provided below. Do not list the courts, the State Bureau of Investigation, the Department of Adult Correction, or the Division of Motor Vehicles; if the order is granted, those agencies will be notified automatically. Do not list any private entity, like a company that provides criminal background checks. The clerk will not send a copy of this order to any entity that is not an agency of the State of North Carolina or one of its local governments. A private entity required to expunge records will be notified directly by the State or local agencies that distribute criminal justice information to that entity.

| Name of Agency | Address of Agency |
|----------------|-------------------|
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NOTE TO RECIPIENT AGENCY: Records to be expunged. Upon receipt of this order, purge any public records made as a result of the superior court charges, which have been expunged. Public records made as a result of the superior court charges include, but are not limited to, the bill of indictment, information, or other criminal process; an order for arrest, release order, appearance bond, and order of commitment; other motions and orders filed in the superior court proceeding; and any and all entries, paper records, or files associated with these documents.

Records to be maintained. Any records related to the juvenile petition, which has been remanded to district court, must be maintained as confidential juvenile records pursuant to Article 30 of Chapter 7B of the North Carolina General Statutes. Confidential juvenile records include, but are not limited to, any entries related to the filing of the juvenile petition; an order of secure or nonsecure custody; a juvenile probable cause or transfer order; other motions and orders filed in the juvenile court proceeding; and any and all entries, paper records, or files associated with these documents.

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| | CERTIFICATION BY CLERK | |
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I hereby certify that this form is a true and complete copy of the original in this case. A certified copy of this Order was sent on the date shown below to the defendant, the State Bureau of Investigation, the Department of Adult Correction, the Division of Motor Vehicles, and to the arresting agency and any other State or local government agency identified on Side Two and on any attachment to this Order.

| | | | | |
|------|----------------------|-----------|--|-------------|
| Date | Name (type or print) | Signature | <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk Of Superior Court | SEAL |
|------|----------------------|-----------|--|-------------|

NOTE TO CLERK: If granted, **always** send a certified copy of this Order under seal to the defendant, to **all** the agencies listed in Certification By Clerk above, and to the NCAOC. Send copies for the arresting agency and additional agencies to the addresses provided by the Court. Send SBI, DAC, DMV, and NCAOC copies to:

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| State Bureau of Investigation Attn: Expunction Unit PO Box 29500 Raleigh, NC 27626 | NC Department of Adult Correction Attn: Combined Records Section 4226 Mail Service Center Raleigh, NC 27699-4226 | NC Division of Motor Vehicles, Driver and Vehicle Services, Driver Assistance Branch Attn: Hearings/Adjudication Unit 3118 Mail Service Center Raleigh, NC 27699-3118 | NC Administrative Office of the Courts Attn: Records Officer PO Box 2448 Raleigh, NC 27602 |
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AOC-CR-291, Side Two, Rev. 1/23

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