

**STATE OF NORTH CAROLINA**

File No.

In The General Court Of Justice  
Superior Court Division

\_\_\_\_\_ County

**STATE VERSUS**

**ORDER OF REMAND  
IN NON-IMPLIED-CONSENT  
OFFENSE CASES  
(For Appeals Filed On Or After Dec. 1, 2015)**

G.S. 15A-1431(h)

Name Of Defendant

Attorney For Defendant

The defendant has withdrawn his/her appeal after the calendaring of this case for trial de novo in superior court and the Court has consented to that withdrawal with the attachment of costs.

It is ORDERED that the case is remanded to the district court for immediate execution of its judgment with additional superior court costs that attached and

- have been waived, the undersigned having found just cause to waive the costs, as ordered on the attached
- AOC-CR-618.  Other: \_\_\_\_\_.
- have not been waived.

Date

Name Of Superior Court Judge (type or print)

Signature Of Superior Court Judge

# STATE OF NORTH CAROLINA

File No.

\_\_\_\_\_ County

In The General Court Of Justice  
Superior Court Division

(NOTE: Use for implied-consent offense(s) committed on or after December 1, 2006, where the appeal was filed on or after 1 December 2015.)

**STATE VERSUS**

Name Of Defendant

Attorney For Defendant

**WITHDRAWAL OF APPEAL  
ORDER OF REMAND  
IMPLIED-CONSENT OFFENSES  
(For Appeals Filed On Or After Dec. 1, 2015)**

G.S. 20-38.7

**WITHDRAWAL AND REMAND**

The defendant has withdrawn the appeal of this case for trial de novo in superior court (check one)

1. within ten (10) days of entry of judgment under G.S. 15A-1431(c), and the case is remanded to the district court. A new sentencing hearing shall be held in district court unless the State has executed certification no. 1, below.
2. prior to the calendaring of the case for trial de novo under G.S. 15A-1431(g), and the case is remanded to the district court. A new sentencing hearing shall be held in district court unless the State has executed certification no. 2, below.
3. after the calendaring of the case for trial de novo under G.S. 15A-1431(h), and the Court has consented to the withdrawal with the attachment of additional superior court costs. The case is remanded to the district court. A new sentencing hearing shall be held in district court unless the State has executed certification no. 3, below. The additional superior court costs that attached (check one)
- a. have been waived, the undersigned judge having found just cause to waive the costs as ordered on the attached
- AOC-CR-618  Other: \_\_\_\_\_
- b. have not been waived.

The defendant is ordered to appear in court at the date, time, and location indicated below. The defendant must appear even if the State enters the certification below.

Date \_\_\_\_\_ Time \_\_\_\_\_  AM  PM Location Of Court \_\_\_\_\_**SIGNATURE OF JUDGE**

Date \_\_\_\_\_ Name Of Superior Court Judge (type or print) \_\_\_\_\_ Signature Of Superior Court Judge \_\_\_\_\_

**CERTIFICATION OF PROSECUTOR THAT NEW  
SENTENCING HEARING IS UNNECESSARY (IF APPLICABLE)**

(NOTE TO PROSECUTOR: If there are new sentencing factors to be considered by the district court on remand, and therefore a new sentencing hearing is necessary, leave this section blank. If there are no new sentencing factors to be considered, and the case therefore may be remanded for execution of the district court judgment, select the appropriate certification and sign below.)

The defendant has withdrawn the appeal of this case for trial de novo in superior court (check one)

1. within ten (10) days of entry of judgment under G.S. 15A-1431(c), and the State certifies that it has no new sentencing factors to offer the court on remand.
2. prior to the calendaring of the case for trial de novo under G.S. 15A-1431(g), and the State certifies that it has no new sentencing factors to offer the court on remand.
3. after the calendaring of the case for trial de novo under G.S. 15A-1431(h), and the State certifies that it consents to the withdrawal and remand, and has no new sentencing factors to offer the court on remand.

**SIGNATURE OF PROSECUTOR**

Date \_\_\_\_\_ Name Of Prosecutor (type or print) \_\_\_\_\_ Signature Of Prosecutor \_\_\_\_\_

(NOTE: "Notwithstanding the provisions of G.S. 15A-1431, for any implied-consent offense that is first tried in district court and that is appealed to superior court by the defendant for a trial de novo as a result of a conviction, when an appeal is withdrawn or a case is remanded back to district court, the sentence imposed by the district court is vacated and the district court shall hold a new sentencing hearing and shall consider any new convictions unless one of the following conditions is met: (1) If the appeal is withdrawn pursuant to G.S. 15A-1431(c), the prosecutor has certified to the clerk, in writing, that the prosecutor has no new sentencing factors to offer the court. (2) If the appeal is withdrawn and remanded pursuant to G.S. 15A-1431(g), the prosecutor has certified to the clerk, in writing, that the prosecutor has no new sentencing factors to offer the court. (3) If the appeal is withdrawn and remanded pursuant to G.S. 15A-1431(h), the prosecutor has certified to the clerk, in writing, that the prosecutor consents to the withdrawal and remand and has no new sentencing factors to offer the court." G.S. 20-38.7(c). (Applies to implied-consent offenses committed on or after December 1, 2006, where the appeal was filed on or after December 1, 2015.)