

STATE OF NORTH CAROLINA

File No.

_____ County

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

Name Of Defendant

ORDER STRIKING FAILURE TO APPEAR

G.S. 7A-304(a)(6), 15A-301(g), 15A-544.5, 20-24.2

Offense(s)

FINDINGS OF FACTUpon motion of the ☐ State ☐ defendant ☐ Court, the undersigned finds that:

1. The defendant was called in open court and failed to appear on (date) _____ at a scheduled setting of the above-captioned proceeding at which the defendant's attendance was required.
- ☐ 2. As a result of the failure to appear, an order for arrest was issued by (judicial official) _____ on (date) _____.
- ☐ 3. As a result of the failure to appear, a forfeiture was entered and notice of forfeiture issued on (date) _____ for the following appearance bond(s):

Date Bond Executed	(S)ecured (U)nsecured (C)ash	Amount	Sureties (if any)

- ☐ 4. Upon notice and opportunity to be heard, the district attorney ☐ consents below ☐ does not consent to the failure to appear in this case being stricken.

Date	Name Of District Attorney	Signature Of District Attorney	☐ District Attorney ☐ Assistant DA
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5. Other:

ORDER

Pursuant to the Findings of Fact above, IT IS HEREBY ORDERED:

1. The failure to appear identified in Finding No. 1 shall be stricken and any order for arrest identified in Finding No. 2, if still unserved, shall be recalled by the Clerk of Superior Court.
2. Further, pursuant to G.S. 15A-544.5(c) and the strike of the failure to appear and recall of any resulting order for arrest above, all bond forfeitures identified in Finding No. 3 are set aside.
- ☐ 3. Notwithstanding the Court's order setting aside the bond forfeiture(s) above, the defendant's further appearances in this criminal proceeding shall not continue to be secured by the bail bond(s) that was the subject of the forfeiture(s), for the following reasons: (indicate basis for release of obligor(s), e.g., if superseding conditions of release and bond were executed since the failure to appear)

To The Defendant Named Above, you are ORDERED to appear before the Court as provided below, for a hearing on the charge(s) against you.

Location Of Court	☐ District ☐ Superior	Date	Time ☐ AM ☐ PM
Date	Name Of Judge (type or print)	Signature Of Judge	