STATE OF NORTH CAROLINA

_____ County

File No.

Additional File No.(s)

In The General Court Of Justice
Superior Court Division

STATE VERSUS

Name Of Defendant

Name Of Co-Defendant(s), If Any

MOTION AND ORDER FOR CONTINUANCE (CRIMINAL SUPERIOR COURT CASES)

Offense(s)

NOTE: *This form is designed for use in districts which have adopted the model continuance policy. The **MOVING PARTY** must complete all the information required below. A copy of the completed form must be distributed to all counsel of record and unrepresented parties before presenting it to the appropriate judicial official. Before opening of court for the session at which this case is calendared, the appropriate judicial official is the **Senior Resident Superior Court Judge or designee**. Following the opening of court, the appropriate judicial official is the presiding judge. Distribution may be made by U.S. mail, fax, hand delivery or placement in a distribution box maintained in the courthouse facility. Upon receipt, the **OPPOSING PARTY** must immediately communicate any objections to the **appropriate judicial official**.*

Date Of Indictment Or Appeal From District Court	No. Of Previous Continuances	No. Of Times Designated For Trial And Not Reached
Calendared Trial Date	Requested Rescheduled Date	Pretrial Detention Status Of Defendant ☐ Incarcerated ☐ Released

MOTION

Pursuant to the local rules for motions for continuance in effect in this superior court district, the party named below moves that the above criminal case be continued from the calendared date shown above to the requested rescheduled date shown above, for the following compelling reasons which would affect the fundamental fairness of the trial process or because the continuance is clearly in the interest of justice in that: *(State facts constituting compelling reasons or interest of justice.)*

I have distributed a copy of this Motion to all counsel of record and unrepresented parties by U.S. mail, facsimile transmission, hand delivery or placement in a distribution box maintained in the courthouse facility.

☐ This Motion has been considered by another judge *(name judge)* _____ on the same grounds.

☐ This Motion has not been considered by another judge on the same grounds.

Date	Signature
Name Of Moving Party (type or print)	☐ Prosecutor ☐ Defense Attorney ☐ Defendant

CERTIFICATE OF SERVICE BY MOVING PARTY

I certify that a copy of this Motion was served by:

☐ delivering a copy personally to the
☐ defendant's attorney. ☐ prosecutor. ☐ defendant.

☐ depositing a copy, enclosed in a postpaid properly addressed envelope, in a post office or official depository under the exclusive care and custody of the U.S. Postal Service directed to the
☐ defendant's attorney. ☐ prosecutor. ☐ defendant.

☐ leaving a copy at the office of the
☐ defendant's attorney with an associate or employee. ☐ prosecutor with an associate or employee.

Name And Title Of Person With Whom Copy Left

Service accepted by:
☐ defendant's attorney. ☐ prosecutor. ☐ defendant.

Signature Of Person Accepting Service	Date Served
Signature Of Person Serving	Title

CONSENT TO CONTINUANCE

☐ The consenting party named below consents to the above requested continuance.

Date	*Signature*
Name Of Party (type or print)	☐ *Prosecutor* ☐ *Defense Attorney* ☐ *Defendant*

OTHER FACTORS

NOTE: *Designee of Senior Resident Superior Court Judge should complete this portion before the motion is presented to the appropriate court official.*

Date Motion Received	*Objections Received* ☐ *No* ☐ *Yes (attach)*	*Case Age* ☐ *Less Than 12 Months* ☐ *12 To 18 Months* ☐ *More Than 18 Months*	
Date Case Set On This Trial Calendar		*Attorney Input Into This Setting* ☐ *No* ☐ *Yes*	
Total No. Of Cases On Trial Calendar		*Current Ranking Of This Case On Trial Calendar*	*Priority Designation* ☐ *No* ☐ *Yes*

ORDER

☐ 1. Upon the motion of the defendant and the consent of the district attorney, it is **ORDERED** that the above motion is allowed and the case is continued and shall be held on the rescheduled date set forth below.

☐ 2. Upon consideration of the Motion For Continuance on the reverse side and the Other Factors set forth above, the Court: *(select one option)*

☐ a. finds that there are compelling reasons for a continuance which would affect the fundamental fairness of the trial process.

☐ b. finds that the requested continuance is clearly in the interest of justice.

☐ c. does not find that there are compelling reasons for a continuance which would affect the fundamental fairness of the trial process and does not find that the requested continuance is clearly in the interest of justice.

It is ORDERED that: *(select one option)*

☐ 1. The motion is allowed and the case is continued and shall be held on the rescheduled date shown below.

☐ 2. The motion is denied and the case shall be held on the rescheduled date shown below.

Court Rescheduled Date, If Different	*Date Of Order*
	Signature
Name (type or print)	☐ *Senior Resident Superior Court Judge* ☐ *Designee Of Senior Resident Superior Court Judge* ☐ *Presiding Judge*

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