

(TYPE OR PRINT IN BLACK INK)

In The General Court Of Justice

District  Superior Court Division

File No.

Additional File Nos.

# STATE OF NORTH CAROLINA

County

Name Of Defendant

## NOTICE AND DETERMINATION OF COUNSEL IN FIRST-DEGREE MURDER (OR UNDESIGNATED DEGREE OF MURDER) CASES AT THE TRIAL LEVEL

G.S. 7A-451(c), (d); 7A-452

**INSTRUCTIONS:** The Court completes this form at the defendant's first appearance in district court (or equivalent appearance in superior court) in any case in which the defendant is charged with first-degree murder or a charge of murder where the degree is undesignated, except in cases where the defendant was under 18 years of age at the time of the offense. The Court also completes this form when a case is declared capital at a Rule 24 hearing to notify IDS of the need to appoint second counsel, or if an attorney of record withdraws to notify IDS of the need to appoint substitute counsel. The Court also should complete this form for any other offenses brought contemporaneously with or subsequently joined with the principal offense. Do not use this form to appoint counsel for direct appeal of a sentence of death; use AOC-CR-350 to appoint the Office of Appellate Defender in such a case.

### I. TRIAL FINDINGS

**NOTE:** Upon receiving notice pursuant to Section II below that the defendant is an indigent adult and is charged with first-degree murder or an undesignated degree of murder, or with other related offenses, the Office of Indigent Defense Services/Office of the Capital Defender uses form AOC-CR-624 to appoint counsel for the defendant. See IDS rules for Providing Legal Representation in Capital Cases, Part 2A, Rule 2A.2 (2015).

Upon the defendant's affidavit and the inquiry made by the Court, the Court finds as follows:

- 1. The defendant is an adult charged with:
  - first-degree murder or
  - an undesignated degree of murder in this case.
- 2. The defendant is charged with the following other offenses, which were brought contemporaneously with or have been joined with the first-degree murder or undesignated degree of murder charge(s) in this case:
   
\_\_\_\_\_
   
\_\_\_\_\_
   
\_\_\_\_\_
- 3. The defendant is **not** financially able to provide the necessary expenses of legal representation and, therefore, is indigent and entitled to the services of counsel as contemplated by law.
- 4. The defendant **is** financially able to provide the necessary expenses of legal representation and, therefore, is not presently considered to be indigent.
- 5. The defendant waived appointed counsel at the first appearance and is, therefore, responsible for obtaining legal representation in this matter.
- 6. A Rule 24 hearing has been held and this case has been declared capital as defined by law. The Office of Indigent Defense Services/Office of the Capital Defender shall appoint a second attorney. The following attorney was previously appointed as counsel of record in this matter: \_\_\_\_\_
- 7. The following attorney has moved to withdraw from this case, and the undersigned Judge has granted that motion and released the attorney: \_\_\_\_\_  
The Office of Indigent Defense Services/Office of the Capital Defender shall appoint substitute counsel. The following attorney remains as counsel of record in this matter: \_\_\_\_\_

Date	Name Of Judge (type or print)	Signature Of Judge
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### II. NOTICE TO OFFICE OF INDIGENT DEFENSE SERVICES

**NOTE:** Because of the need for immediate action in such cases, this Section provides the Court with several ways of notifying the Office of Indigent Defense Services/Office of the Capital Defender of the Court's determination that a defendant is entitled to counsel in a first-degree murder case or undesignated degree of murder case. **The Court shall direct or otherwise ensure that notification is given immediately.**

The Court has notified the Office of Indigent Defense Services/Office of the Capital Defender, by one of the following methods, of the defendant's name, the file numbers of each of the cases for which the defendant needs appointed counsel, and the offenses charged.

email: capital.notice@nccourts.org     
  fax: (919) 354-7221     
  telephone: (name of contact) (919) 354-7220

Date	Signature	<input type="checkbox"/> Judge <input type="checkbox"/> Deputy Clerk <input type="checkbox"/> Asst. Clerk <input type="checkbox"/> Clerk Of Superior Court
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