

STATE OF NORTH CAROLINA

Criminal File No.

Special Proceeding File No.

_____ County

In The General Court Of Justice
 District Superior Court Division

STATE VERSUS

Name Of Defendant/Respondent

NOTIFICATION BY CLERK FOR DEFENDANT PREVIOUSLY FOUND INCAPABLE TO PROCEED

G.S. 15A-1002 to -1008; Chapter 122C

NOTIFICATION BY CLERK OF SUPERIOR COURT

The clerk of superior court has received notice via AOC-SP-310 that the above-named defendant, who previously was found by the court to be incapable to proceed to trial pursuant to G.S. 15A-1002, requires review by the court under G.S. 15A-1007 because (check one)

- the defendant may be capable to stand trial under G.S. 15A-1006 and G.S. 15A-1007.
 the defendant's case may be eligible for dismissal under G.S. 15A-1007(c) and G.S. 15A-1008.

Pursuant to G.S. 15A-1006 and G.S. 15A-1007, the undersigned clerk has provided a copy of this completed form to the district attorney of the district that includes the county named above, the sheriff of the county named above, and the defendant's attorney, on the date shown below.

NOTE TO THE DISTRICT ATTORNEY: Pursuant to G.S. 15A-1007, the court shall hold a supplemental hearing if it has been reported to the court that the defendant/respondent has gained capacity to proceed OR if it appears that any of the criteria for dismissal have been met. If it has been reported that the defendant/respondent has gained capacity to proceed, the district attorney shall calendar the matter for hearing at the next available term of court but no later than 30 days from receipt of this notification.

NOTE TO THE SHERIFF: Pursuant to G.S. 15A-1004, when a defendant/respondent accused of a violent crime is placed in the custody of a hospital or other institution in a proceeding for involuntary commitment, the trial court must order that if the defendant is released from that hospital or institution, that he/she is to be released only to the custody of a specified law enforcement agency. If such a defendant/respondent is to be released from a state mental health facility, that facility will notify the specified law enforcement agency so that it may take custody of the defendant/respondent. The agency should take custody of the defendant/respondent as soon as practicable and without unreasonable delay.

NOTE TO THE CLERK: Place the original of this form in the defendant/respondent's criminal case file. Place a certified copy in the defendant/respondent's special proceedings case file.

CERTIFICATE OF SERVICE

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

- delivering a copy personally to the district attorney. sheriff. defendant's attorney.
 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 district attorney at the address shown below. sheriff at the address show below. defendant's attorney at the address shown below.

District Attorney Address

Sheriff Address

Defendant's Attorney Address

- leaving a copy at the office of the district attorney with an associate or employee. sheriff with an officer or employee.
 defendant's attorney with an associate or employee.

Name And Title Of Person With Whom District Attorney Copy Left

Name And Title Of Person With Whom Sheriff Copy Left

Name And Title Of Person With Whom Defendant's Attorney Copy Left

- service accepted on the date show below by: district attorney. sheriff. defendant's attorney.

Signature Of Person Accepting Service (District Attorney)

Signature Of Person Accepting Service (Sheriff)

Signature Of Person Accepting Service (Defendant's Attorney)

Date

Name Of Clerk (type or print)

Signature Of Clerk

Deputy CSC Assistant CSC
 Clerk Of Superior Court

Original - Criminal Case File Copy - Special Proceedings Case File Copy - District Attorney Copy - Sheriff Copy - Defendant's Attorney