

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
District Court Division

IN THE MATTER OF

Name And Address Of Petitioner

**REQUEST FOR HEARING TO CONTEST
PROVISIONAL LICENSE REVOCATION**

Home Telephone No.

Work Telephone No.

G.S. 20-13.3(d2)

REQUEST FOR HEARING

I, the undersigned petitioner, request a hearing pursuant to G.S. 20-13.3(d2) to contest the validity of the revocation of my limited learner's permit, limited provisional license, or full provisional license.

The revocation of my limited learner's permit, limited provisional license, or full provisional license took effect on the Date Of Revocation shown below.

I challenge the validity of the revocation on the following specific grounds: **(NOTE: List the finding(s) for probable cause, as set forth on the revocation order, that you believe to be wrong.)**

I specifically request that the hearing be conducted by a District Court Judge.

I understand that the hearing will be limited to the grounds I have specified in this request and that the revocation of my limited learner's permit, limited provisional license, or full provisional license remains in effect pending the hearing. I further understand that the hearing must be held and completed within three (3) working days following the date of this request if the hearing is before a magistrate, or within ten (10) working days of the date of this request if I have requested a hearing before a District Court Judge. I also understand that my failure to appear at the hearing or any rescheduling of the hearing after having been properly notified will result in the forfeiture of my right to a hearing. Finally, I understand that the decision of the magistrate or judge at the hearing is final, and that there is no right to appeal from the decision.

Date Of Revocation

Date Of Request For Hearing

Signature Of Petitioner

ORDER SETTING HEARING

The defendant having requested a hearing in accordance with G.S. 20-13.3(d2), the undersigned hereby sets a date, time and location of hearing as shown below.

Date Of Hearing

Time Of Hearing

AM PM

Location Of Hearing

Date

Name (Type Or Print)

Signature

Deputy CSC CSC

Assistant CSC Magistrate

FILING INSTRUCTIONS

The petitioner must file this request within ten (10) days of the effective date of the revocation order with (i) the judicial official conducting the initial appearance, (ii) the Clerk of Superior Court in the county in which the charge is pending, or (iii) a magistrate designated by the clerk to receive such requests.

Original - CVR File Copy - Petitioner

STATE OF NORTH CAROLINA

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FINDINGS AND ORDER IN CONTESTED
PROVISIONAL LICENSE REVOCATION

G.S. 20-13.3(d2)

FINDINGS OF FACT

The Court finds that the petitioner filed a timely Request For Hearing To Contest Provisional License Revocation setting forth the specific grounds upon which the validity of the revocation is challenged.

The Court, having considered the evidence and arguments presented at the hearing, finds by the greater weight of the evidence the following:

- 1. The hearing
a. was held and completed within the time limits required by G.S. 20-13.3(d2).
b. was not held and completed within the time limits required by G.S. 20-13.3(d2).
2. As to each condition alleged by the law enforcement officer in the Affidavit And Revocation Report Of Law Enforcement Officer For Provisional License Revocation in this matter,
a. all were met.
b. at least one was not met (specify condition(s) not met)

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the Court concludes that the revocation of the petitioner's limited learner's permit, limited provisional license, or full provisional license must be

- a. sustained.
b. rescinded.

ORDER

Based upon the foregoing findings of fact and conclusions of law, the Court ORDERS that the revocation of the petitioner's limited learner's permit, limited provisional license, or full provisional license be

- a. sustained, and the revocation shall remain in effect for the period specified in the revocation order.
b. rescinded.

Date Name Of Judicial Official (Type Or Print Signature Of Judicial Official
District Court Judge
Magistrate

NOTE: "The decision of the judicial official is final and may not be appealed in the General Court of Justice." G.S. 20-13.3(d2).

Original - CVR File Copy - Petitioner