

In the General Court of Justice District Court Division STATE OF NORTH CAROLINA COUNTY OF MECKLENBURG	<i>File No.(s)</i> <hr/> <i>Additional File Notes:</i>
STATE VERSUS	MOTION AND ORDER FOR CONTINUANCE
<i>Name of Defendant</i>	
<i>Name of Co-Defendant(s), if any</i>	

The undersigned attorney and/or self-represented defendant requests a continuance or extension of time in the above-captioned matter and offer(s) the following information.

The MOTION is for:	<input type="checkbox"/> Track 1 Case <input type="checkbox"/> Track 2 Case
The EVENT for which a continuance or extension of time is requested is:	<input type="checkbox"/> Plea <input type="checkbox"/> Trial
Date the above EVENT is presently calendared:	_____(month) / ____ (day) / ____ (year)
Previous number of continuances for this matter:	_____

<p><u>For Track 1 Trial:</u></p> <p>This motion is made for GOOD CAUSE for the following reason(s):</p> <ul style="list-style-type: none"> <input type="checkbox"/> Reasonable scheduling conflicts for the defendant; <input type="checkbox"/> Religious holidays for the defendant or necessary witnesses, with affidavit; <input type="checkbox"/> Lack of notice to defendant within three days of an event, absent court documentation of notice being provided to counsel; <input type="checkbox"/> Reasonable scheduling conflicts for counsel, except the DA and defense counsel shall be requested, when known in advance, to assign associate counsel for non-trial events, where required by the court, and for the associate counsel to meet the requirements for preparation for each non-trial event; <input type="checkbox"/> Unavailability of a witness for trial or other dispositive event; <input type="checkbox"/> Unavailability of a victim for trial or other event for which the victim has a right to be present and/or heard; and <input type="checkbox"/> Any other good cause. _____ <hr/> <hr/> <hr/> <hr/>	<p><u>For Track 2 Trial:</u></p> <p>This request is being made after the Pretrial Readiness Conference (PTRC) or Case Management Conference (CMCR) for GOOD CAUSE, <input type="checkbox"/> <u>less than 30 days</u> OR <input type="checkbox"/> <u>30 days or more prior</u> to TRIAL for the following reason(s):</p> <ul style="list-style-type: none"> <input type="checkbox"/> The party is absent, and counsel are present to substantiate a good cause for their absence, including, but not limited to, illness or injury; <input type="checkbox"/> Absence or serious illness of counsel; <input type="checkbox"/> Absence of witness more than 100 miles from the court; <input type="checkbox"/> Party, leading attorney, or material witness in attendance is on active duty as a member of National Guard or component of armed forces of the United States, with or without motion of the parties. <input type="checkbox"/> Any other good cause. _____ <hr/> <hr/> <hr/> <hr/> <hr/>
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(Over)

<i>Name of Moving Party/Attorney (type or print)</i>	<i>Signature of Moving Party/Attorney</i>	<i>Date</i> ____(month) / ____ (day) / ____ (year)
<input type="checkbox"/> ADA <input type="checkbox"/> Attorney for Defendant <input type="checkbox"/> Defendant		

Copy to (Note: Opposing Party/Attorney must be noticed prior to submission to the Court):

<i>Name of Opposing Party/Attorney</i>	<i>Date</i> ____(month) / ____ (day) / ____ (year)	<i>By:</i> <input type="checkbox"/> FAX <input type="checkbox"/> EMAIL <input type="checkbox"/> HAND-DELIVERY <input type="checkbox"/> US MAIL
<input type="checkbox"/> ADA <input type="checkbox"/> Attorney for Defendant <input type="checkbox"/> Defendant		

Opposing Party/Attorney <input type="checkbox"/> consents <input type="checkbox"/> objects to the continuance.		
<i>Name of Opposing Party/Attorney (type or print)</i>	<i>Signature of Opposing Party/Attorney</i>	<i>Date</i> ____(month) / ____ (day) / ____ (year)
<input type="checkbox"/> ADA <input type="checkbox"/> Attorney for Defendant <input type="checkbox"/> Defendant		

ATTENTION Opposing Party/Attorney: You may submit any response to this motion no later than two days after the date that the motion for continuance was submitted to the court.

ORDER		
On the above-captioned Motion to Continue by the <input type="checkbox"/> State <input type="checkbox"/> Defendant, it is hereby ORDERED that the motion is:		
<input type="checkbox"/> Granted. The <input type="checkbox"/> Plea <input type="checkbox"/> Trial scheduled on ____ (month) / ____ (day) / ____ (year) will be rescheduled for		
<i>Date of Hearing</i> ____(month) / ____ (day) / ____ (year)	<i>Time of Hearing</i> <input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Location of Hearing</i>
<input type="checkbox"/> Denied. The <input type="checkbox"/> Plea <input type="checkbox"/> Trial will be heard on the date and time presently calendared.		
<i>Name of Presiding Judge (type or print)</i>	<i>Signature of Presiding Judge</i>	<i>Date</i> ____(month) / ____ (day) / ____ (year)

INSTRUCTIONS FOR MOTION AND ORDER TO CONTINUE CRF-16 FORM

Track 1 Cases:

Misdemeanors

Infractions

Misdemeanor Offenses Not Listed as Complex

Track 2 Cases:

Misdemeanors

Impaired Driving Offenses

Death by Vehicle

Assault with a Deadly Weapon

Assault Inflicting Serious Injury

Assault on a Female

Domestic Violence Protection Order Violation

Stalking (Cyber)

Contributing to Delinquency of Minor

Assault on Child Under 12

This form condenses Local Forms CRF-13 Motion to Continue (District Court) and CRF-14 Order to Continue (District Court) into a single form. This form is intended to replace CRF-13 and CRF-14 when used for in-person submissions of motions to continue Track 1 and Track 2 cases (see descriptions above). CRF-13 and CRF-14 should be used for electronic (email) submissions of motions to continue Track 1 and Track 2 cases. Please note that this form is only to be used for motions to continue Pleas or Trials; Local Form CRF-11 District Pretrial Readiness Conference Scheduling Order shall be used for motions to continue Pretrial Readiness Conferences (PTRC) and Case Management Conferences (CMCR).

1. The Moving Party/Attorney shall seek the position of the Opposing Party/Attorney before filing the motion. The Opposing Party/Attorney must consent or object to the motion by signing and dating in the appropriate section on Side Two of the form.
2. Once the Opposing Party/Attorney completes their section, the Moving Attorney/Party will submit the motion to the judge presiding over the matter.
3. If the presiding judge grants the motion, they will ask the Clerk to contact the Trial Court Administrator (i.e., Caseflow Management) to obtain a new date for the Plea or Trial. The new date for the Plea or Trial will be included in the section for the order and the presiding judge will sign and date the form.
4. Once signed and dated by the presiding judge, the Moving Attorney/Party will file an original plus three (3) copies of the form to the Clerk in the courtroom or to the Clerk of Superior Court's Criminal Suite 2132 located on the second floor of the Mecklenburg County Courthouse.
5. The Clerk will file-stamp the original and the three (3) copies. The original will be retained by the Clerk. The Clerk will place one (1) file-stamped copy in a basket for retrieval by the TCA (i.e., Caseflow Management). The Moving Attorney/Party will receive two (2) file-stamped copies: one (1) for the Moving Attorney/Party to retain and one (1) that the Moving Party/Attorney must send to the Opposing Party/Attorney.

If the Opposing Party/Attorney consents to the motion to continue, then an add-on is not needed as the Order takes the place of the add-on for purposes of the new hearing date. If the Opposing Party/Attorney does not respond or objects to the motion to continue, then the Moving Party/Attorney shall take the motion and an add-on slip to the Clerk to schedule it for hearing on the motion.