STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE

\_\_\_\_\_\_\_ COUNTY DISTRICT COURT DIVISION

 FILE NO. \_\_CR\_\_\_\_

STATE OF NORTH CAROLINA )

 ) MOTION FOR APPROPRIATE

 ) RELIEF

 v. )

 )

 )

 NOW COMES the Defendant, by and through the undersigned attorney, and requests this Honorable Court to remove any record of these matters from the ACIS system. Pursuant to NCGS 15A-1415(b)(2), this Court did not have jurisdiction over the subject matter or the person of the defendant because the defendant was a juvenile at the time of these offenses.

1. On DATE, the juvenile was charged with OFFENSE on ## CR ##### and placed in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County Jail.
2. On DATE, it was discovered that the juvenile is only XX years old. The defendant’s date of birth is DOB.
3. On all of the above matters, the defendant was, and still is, a juvenile as defined by law and therefore should not have been charged in the adult criminal system.

THEREFORE the defendant prays this Court to order all records of these matters be erased from the ACIS system.

Respectfully submitted this the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Attorney for Juvenile

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Certificate of Service

I hereby certify that a copy of the foregoing motion was served on the District Attorney for the \_\_\_\_\_\_ Judicial District by deposit of said copy with \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Assistant District Attorney.

This the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Attorney for Juvenile

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE

WAKE COUNTY DISTRICT COURT DIVISION

 FILE NO. \_\_CR \_\_\_\_

STATE OF NORTH CAROLINA )

 )

 V. ) ORDER

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 )

 )

This matter being heard before the undersigned District Court Judge. The juvenile was represented by DEFENSE. The State was represented by ADA. The court makes the following

FINDINGS OF FACT

1. The listed defendant is a XX year old juvenile, date of birth:\_\_\_\_\_\_\_\_\_\_\_

CONCLUSIONS OF LAW

1. Pursuant to N.C.G.S. sec. 7B-1601, \_\_\_\_\_\_\_ County District Court does not have jurisdiction over this juvenile.

2. Pursuant to N.C.G.S. sec. 7B-1601, \_\_\_\_\_\_\_ County Juvenile Court does have exclusive, original jurisdiction over this juvenile.

IT IS HEREBY ORDERED that the \_\_\_\_\_\_\_\_\_\_ County Clerk of Court is to remove all identifying information from the ACIS system and destroy the “shucks” for case file ## CR #######.

This the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 District Court Judge