

STATE OF NORTH CAROLINA
JUDICIAL DISTRICT
COUNTY OF _____

IN THE GENERAL COURT OF JUSTICE
(X) DISTRICT COURT DIVISION

FILE NUMBER: _____

THE STATE OF NORTH CAROLINA)
VS.)
_____)

**MOTION AND ORDER TO STRIKE
CALLED AND FAILED AND RECALL
ORDER FOR ARREST AND
TO RESET THE CASE ON A TRIAL
CALENDAR**

NOW COMES the defendant who respectfully moves the Court to strike the called and failed entered because the defendant's failure to appear before the District Criminal Court on the ____ day of _____, 2009, in the above case. In support of the motion, the defendant asserts that his absence was not willful but occurred because:

DATED: _____

Defendant

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. That the called and failed is stricken and the order for arrest is recalled.

2. That the case is rescheduled and placed on the trail docket on the ____ day of _____, 2009.

This is the ____ day of _____, 2009

Judge Presiding