

STATE OF NORTH CAROLINA  
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE  
\_\_\_\_\_ COURT DIVISION  
FILE NO. \_\_\_\_\_

STATE OF NORTH CAROLINA, )  
 )  
 vs. )  
 )  
 )  
 )  
 \_\_\_\_\_ )

**DEFENDANT’S MOTION AND ORDER  
TO SET ASIDE FAILURE TO APPEAR  
AND FORFEITURE, RECALL ORDER  
FOR ARREST, AND RESET CASE ON  
TRIAL DOCKET**

**NOW COMES** the Defendant, \_\_\_\_\_, by and through his/her undersigned counsel, and hereby moves the court pursuant to North Carolina General Statutes §§15A-301 and 15A 544.5, and respectfully moves to strike the called and failed, set aside the forfeiture, recall the order for arrest, and rest the case on the trial docket following the Defendant’s failure to appear before the \_\_\_\_\_ Court in the above case on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. The Defendant failed to appear for the following goods cause:

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

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

By: \_\_\_\_\_

Chris G. B. Dozier  
Dozier Law Firm, P.L.L.C.  
Attorney for Defendant

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District Attorney’s Office: Consents \_\_\_\_\_ Objects \_\_\_\_\_ No Position \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**ORDER**

The attorney for the defendant having shown good cause, IT IS NOW ORDERED that the failure to appear and forfeiture be set aside, the order for arrest recalled, and the case be rescheduled on the District Court trial docket for: \_\_\_\_\_.

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

\_\_\_\_\_  
Judge Presiding

STATE OF NORTH CAROLINA  
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
FILE NO. 14CR745825

STATE OF NORTH CAROLINA, )  
 )  
 vs. )  
 )  
 ANTONIO D. TONEY, II )  
 \_\_\_\_\_ )

**CERTIFICATE OF SERVICE**

This is to certify that I have served a copy of the foregoing Motion upon the State by depositing a copy of the same by and delivery to the District Attorney's Office.

This the 4<sup>th</sup> day of November, 2014.

DOZIER LAW FIRM, P.L.L.C.

By: \_\_\_\_\_

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