

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

STATE OF NORTH CAROLINA
Plaintiff,

MOTION TO DISMISS:

v.

Violation of Due Process Clause; and
N.C.G.S. § 15A-954

Defendant

Now comes Defendant by and through the undersigned counsel and moves the Court to dismiss with prejudice the charge of Driving While Impaired currently pending against the Defendant pursuant to the Due Process Clause of the 14th Amendment to the Constitution.

Although this Motion to dismiss is preserved because it was properly made in writing and filed in District Court and properly served on the District Attorney, out of an abundance of caution, the Defendant shall again now move the Superior Court to dismiss the charges based on his denial of due process.

Specifically, Defendant respectfully requests the Court to consider such arguments of Counsel, and briefs which may be submitted at the appropriate time.

In Further support the Defendant respectfully requests the Court to take Judicial Notice of all of the Pleading and Docket minutes in the above mentioned case which was dismissed after the Court refused to allow the State additional time to gather evidence and witnesses to prosecute the Defendant.

Respectfully submitted this the _____ day of _____, 20_____.

Marcus E. Hill
Attorney for Defendant
311 East Main Street
Durham, North Carolina 27701
(919) 688-1941

I hereby certify that on, I have personally served a true copy of the Defendant's foregoing Motion upon the following person(s) listed below by hand delivering a copy of the same to them at the address listed below:

Respectfully submitted this the _____ day of _____ 20_____.

Marcus E. Hill