

**PROCEDURES FOR REQUESTING EXTENSIONS OF TIME
TO PAY FINES & COSTS AND MOTIONS FOR REMISSION OF FINES &
COSTS APPLICABLE TO THE DISTRICT COURT FOR THE 16B
JUDICIAL DISTRICT**

1. Motions for Extensions of Time to Pay

(a) All motions requesting extensions of time to pay fines, court costs and other financial obligations imposed by the court must be made in writing on the local form as attached hereto and must be signed by the attorney submitting the request or by the defendant if unrepresented by an attorney. All information on the local form must be completed in full and the original form placed in the court file.

(b) Any motion not presented in writing on the appropriate local form and signed by either the movant or the movant's attorney shall be summarily denied.

2. Motions to Be Filed With the Clerk of Court

(a) Motions requesting extensions of time to pay fines, court costs and other financial obligations imposed by the court must be filed in the office of the Clerk of Court. A copy of the motion shall be furnished by the movant to the office of the District Attorney in all cases.

(b) The Clerk of Court shall not accept for filing any unsigned motion.

(c) Upon filing, the Clerk of Court shall cause the motion to be added to the supplemental court calendar for a regular criminal session of District Court in courtroom 3C so that any judge considering the motion shall have access to the court file, may review the history of the case and ensure that the State is afforded an opportunity to be heard on the motion.

(d) Motions filed by 1:00 PM on any business day shall be added to the supplemental calendar for the next regular criminal session of District Court in courtroom 3C except that no such motions shall be scheduled for any Monday session. Motions filed after 1:00 PM shall be added to the supplemental calendar for the regular criminal session on the second day following the filing of the motion, excluding Monday sessions.

3. Motions to be Heard in Open Court

(a) All motions requesting extensions of time to pay fines, court costs and other financial obligations imposed by the court must be made and heard in open court.

(b) The defendant must be present in court when the motion is heard or an attorney appearing for the defendant must provide written verification of the defendant's physical unavailability or infirmity, such as medical statements or military orders.

(c) Any motion heard in open court for which the defendant is not present or for which there is not credible, supporting written documentation of the defendant's physical unavailability or infirmity shall be summarily denied.

(d) A presiding judge has the inherent authority to determine the credibility of any written verification or other offered explanation tendered in support of the motion.

(f) The District Court judge assigned to preside over the regular criminal session of District Court in courtroom 3C shall hear all such motions that the Clerk has added to the supplemental calendar per the scheduling rules set out above.

4. Remissions of Fines, Costs and Other Financial Obligations

(a) No fines, court costs or other financial obligations previously imposed by order or judgment of a presiding judge entered in open court may thereafter be remitted out of session except upon motion made in writing on the local form as attached hereto and must be signed by the attorney submitting the request or by the defendant if unrepresented by an attorney. All information on the local form must be completed in full and the original form placed in the court file.

(b) Any motion not presented in writing on the appropriate local form and signed by either the movant or the movant's attorney shall be summarily denied.

(c) Such motions shall be subject to the same procedural and scheduling requirements set out in paragraphs 2 and 3 above for requests for extensions of time to pay fines and costs.

(d) Orders remitting fines, court costs or other financial obligations imposed at the time judgment was entered by a presiding judge shall not include any language finding that the prior court order or judgment was "*entered in error*" unless the matter has been heard by the court in response to a written motion for appropriate relief that has been filed in accordance with and considered by the court in compliance with the provisions of Session Law S.L. 2012-168.

4. Effective Date

(a) These rules shall be effective January 1, 2013.

Entered this 10th day of December 2012.

/s/ J. Stanley Carmical

Hon. J. Stanley Carmical
Chief District Court Judge

**STATE OF NORTH CAROLINA
ROBESON COUNTY**

**IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION**

MOTION FOR EXTENSION OF TIME TO PAY	
Defendant Name:	File No(s):
Charge(s):	Conviction date:
Reason(s) for motion: _____ _____ _____	
Monetary amounts: Total Amount Ordered \$ _____ Amount I Have Paid \$ _____ Unpaid Balance I Owe \$ _____	Signature of Movant: _____ [] Defense Counsel [] Defendant
Defendant must be present in open court at time motion heard or written proof of unavailability must be attached to this motion.	Clerk to complete and schedule court date: Your Motion will be heard in Court on _____, 201__ in Courtroom 3C.
ORDER GRANTING/DENYING MOTION FOR EXTENSION OF TIME TO PAY	
The motion set out above is hereby: [] Granted [] Denied If granted, the defendant is allowed until _____, 201__ to pay in full all money that is still due and unpaid under the judgment entered in this case.	
Date Order Entered:	Signature of Presiding Judge:

Movant must distribute as follows: Original – Clerk of Court Copy – DA’s Office