STATE OF NORT	H CAROLIN		File No.			
	Cou	nty	In The General Court Of Justice ☐ District ☑ Superior Court Division			
	TE VERSUS					
endant			DISMISSAL			
			NOTICE OF REINSTATEMENT			
			G.S. 15A-302(e), -931, -932, -10			
File Number	Count No.(s)	TRAFFICKING IN COCAINE	Offense(s)			
1. No crime is charge	utor enters a dismissed.	st in a dismissed case.  al to the above charge(s) and as  a prosecution for the following re				
3. Defendant has agr	reed to plead guilty t	the following charges:				
in exchange for a	dismissal of the follo	ring charges:				
4. Other: (specify) See attached.	See additiona	information on reverse.				
A jury has not been impa this sentence accordingly.)	ineled nor has evide	ce been introduced. (If a jury has	s been impaneled, or if evidence has been introduced, mod			
<ul> <li>1. The defendant fai prosecutor believe</li> <li>2. The defendant ha</li> <li>3. The defendant ha Article 82 of G.S.</li> </ul>	utor enters a dismissiled to appear for a cles that the defendar is been indicted and is entered into a defendant of the content of the conte	minal proceeding at which the cannot readily be found. cannot readily be found to be serred prosecution agreement with	e(s) and assigns the following reasons: defendant's attendance was required and the erved with an Order For Arrest. In the prosecutor in accordance with the provisions of			
5. Other: (specify)		nformation on reverse.	ng pursuant to Article 30 of G.S. Chapter 19A.			
OTE: This form must be com	pleted and signed by t	e prosecutor when the dismissal oc are orally dismissed in open court.	curs out of court. The better practice is for the prosecutor to			
complete and sign the Also, in accordance wi written dismissal of the record reflects that the custodial facility where	form when the charge, th G.S. 15A-931(a1), u charges against the o defendant is in custoo the defendant is in cu	are orally dismissed in open court. less the defendant or the defendan fendant must be served in the same the written dismissal shall also be ody.	curs out of court. The better practice is for the prosecutor to t's attorney has been otherwise notified by the prosecutor, as the manner prescribed for motions under G.S. 15A-951. If the served by the prosecutor on the chief officer of the			
complete and sign the Also, in accordance wi written dismissal of the record reflects that the custodial facility where	form when the charge. th G.S. 15A-931(a1), u charges against the d defendant is in custod	are orally dismissed in open court. less the defendant or the defendan fendant must be served in the same the written dismissal shall also be ody.	t's attorney has been otherwise notified by the prosecutor, e manner prescribed for motions under G.S. 15A-951. If the			
complete and sign the Also, in accordance wi written dismissal of the record reflects that the custodial facility where  Name	form when the charge, th G.S. 15A-931(a1), u charges against the o defendant is in custoo the defendant is in cu	are orally dismissed in open court. less the defendant or the defendan fendant must be served in the same the written dismissal shall also be ody.	t's attorney has been otherwise notified by the prosecutor, a manner prescribed for motions under G.S. 15A-951. If the served by the prosecutor on the chief officer of the			
complete and sign the Also, in accordance wi written dismissal of the record reflects that the custodial facility where  10-04-2013  REINSTATEMENT	form when the charge, th G.S. 15A-931(a1), u charges against the of defendant is in custoo the defendant is in cu Of Prosecutor (Type Or F	are orally dismissed in open court. less the defendant or the defendant fendant must be served in the same the written dismissal shall also be ody.  Int)	t's attorney has been otherwise notified by the prosecutor, a manner prescribed for motions under G.S. 15A-951. If the served by the prosecutor on the chief officer of the seture Of Prosecutor			
complete and sign the Also, in accordance wi written dismissal of the record reflects that the custodial facility where 10-04-2013  REINSTATEMENT This case, having previous	form when the charge, th G.S. 15A-931(a1), u charges against the of defendant is in custoo the defendant is in cu Of Prosecutor (Type Or F	are orally dismissed in open court.  less the defendant or the defendant fendant must be served in the same the written dismissal shall also be ody.  int)  sike	t's attorney has been otherwise notified by the prosecutor, as manner prescribed for motions under G.S. 15A-951. If the served by the prosecutor on the chief officer of the seture Of Prosecutor			

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STATE OF NORTH CAROLINA  County			In The General Court Of Justice ☐ District ☑ Superior Court Division				
							STA
Defendant			DISM	ISSAL			
			NOTICE OF REINSTATEMENT				
				G.S. 15A-302(e), -931, -932, -1009			
File Number	Count No.(s)		Offense(s)				
		CONSPIRACY TO	O TRAFFICK IN COCAINE				
1. No crime is charg	cutor enters a dismis jed.	sal to the above cha	case.  arge(s) and assigns the following reasons:	easons:			
	greed to plead guilty to	* **	rges:				
	10 00 10 1000	il information on rev		evidence has been introduced, modify			
this sentence accordingly.)  DISMISSAL WITH LE	- ^ \/ -						
The undersigned prosec  1. The defendant far prosecutor believ  2. The defendant h	cutor enters a dismissibiled to appear for a dives that the defendances been indicted and as entered into a def	criminal proceeding nt cannot readily be cannot readily be f	above charge(s) and assigns the at which the defendant's attendan found.  ound to be served with an Order F greement with the prosecutor in a	oce was required and the For Arrest.			
Manager 1	as been found by a c	court to be incapable I information on rev	e of proceeding pursuant to Article erse.	e 56 of G.S. Chapter 15A.			
complete and sign the Also, in accordance w written dismissal of th record reflects that the	e form when the charge vith G.S. 15A-931(a1), u e charges against the c	s are orally dismissed unless the defendant o defendant must be ser ly, the written dismiss	the dismissal occurs out of court. The bin open court.  For the defendant's attorney has been oved in the same manner prescribed for all shall also be served by the prosect	therwise notified by the prosecutor, a r motions under G.S. 15A-951. If the			
Date Nam	e Of Prosecutor (Type Or I		Signature of Prosecutor /	/			
10-04-2013			1				
REINSTATEMENT							
This case, having previo	ously been dismissed	with leave as indic	ated above, is now reinstated for t	rial.			
Date Nam	e Of Prosecutor (Type Or I	Print)	Signature Of Prosecutor				
AOC-CR-307, Rev. 4/11		(Ov	er)				

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STATE OF NORTH CAROLINA				File No.			
· <del></del>	County			In The General Court Of Justice ☐ District ☑ Superior Court Division			
STATE VERSUS			DISMISSAL NOTICE OF REINSTATEMENT				
File N	umber	Count No.(s)	<u> </u>		Offense(s	`	G.S. 15A-302(e), -931, -932, -1009
		Count No.(s)	TRAFFICKING II	N COCA		<i>)</i>	
The undersi	all all outstanding gned prosecutor me is charged.	enters a dismis	rest in a dismissed of sal to the above chain the resecution for the sale of t	arge(s) ar	nd assigns the following reasons:	ving r	easons:
3. Defer	dant has agreed	to plead guilty	to the following cha	rges:			
in exc	hange for a dism	issal of the follo	owing charges:				
	: (specify) ttached.	See additiona	al information on rev	erse.			4
A jury has n this sentence		d nor has evide	ence been introduce	ed. (If a jui	y has been impaneled	, or if	evidence has been introduced, modify
The undersi	defendant failed t	enters a dismis o appear for a d		at which	harge(s) and assign the defendant's atte		following reasons: ace was required and the
			\$ <del>\$</del> \$		e served with an Or		
Artic	e 82 of G.S. Cha	pter 15A. en found by a c		e of proce			ccordance with the provisions of a 56 of G.S. Chapter 15A.
			the prosecutor when t s are orally dismissed			The b	petter practice is for the prosecutor to
written o record re	ismissal of the chai	rges against the o ndant is in custoo	defendant must be ser dy, the written dismiss	ved in the	same manner prescrib	ed fo	therwise notified by the prosecutor, a r motions under G.S. 15A-951. If the utor on the chief officer of the
Date 10-04-201		rosecutor (Type Or I	Print)		Signature Of Prosecutor		
REINSTAT				i de la compania del compania del compania de la compania del compania de la compania del compania de la compania de la compania de la compania de la compania del comp	. (./		
This case, h	1676.7 AS	been dismissed		ated abo	ve, is now leinstated Signature Of Prosecutor		trial.
AOC-CR-307, Re	v. 4/11		(Ov	/er)			

This case is being dismissed due to an adverse ruling that was made after a hearing on a motion to suppress. After the Court entered its decision which had the result of suppressing the evidence, the State entered Notice of Appeal within the appropriate time as required by statute.

Given the system of perfecting appeals in the State, the District Attorney's Office contacted the Attorney General's Office to confer about the matter. The Attorney General's Office had access to the written Order, the transcript of the hearing and video evidence of the transaction in question. The prosecutor who handled the matter also spoke with members of the Attorney General's staff.

The Attorney General's Office was of the opinion that given the findings of fact entered by the Court, the State would not prevail. The Attorney General's Office indicated that they would not proceed on the matter. The Attorney General also suggested that the District Attorney's Office not attempt to perfect the appeal on its own.

The District Attorney's Office is aware that it is difficult, at best, to convince the Court of Appeals that there is insufficient evidence to support findings of fact made by the Court. This fact is particularly true when findings are based on the Court's findings of credibility of witnesses.

While the District Attorney's Office disagrees with the Court's findings of fact, particularly those that relate to the credibility of the State's witnesses, the State is not in a position to challenge those findings nor is there a reasonable possibility that should the District Attorney's Office continue the appeal that it would prevail. Without the evidence that was suppressed, the State cannot go forward with its prosecution of the case.

Since the dismissal is a matter of record, it needs to be stated that while the State strongly disagrees with the Court's findings of fact, particularly those that relate to the credibility of its witnesses, it also has no doubt that the Court took the action it felt was warranted under the evidence as it perceived it to be. This case is one in which reasonable parties differed in their beliefs and took the actions they felt were appropriate.