

REMAND TO DISTRICT COURT

- I. **Generally.** This section provides sample language to be used when ordering a remand to district court. The sample language comes from the old benchbook, which is now out of print. See NORTH CAROLINA TRIAL JUDGES' BENCH BOOK, SUPERIOR COURT, Vol. 1 (Criminal), Chap. 59 (3d. ed.) (Institute of Government 1999).

II. **Sample Language**

"In this case, calendared to be heard at the _(date)_ criminal session of the _____ County Superior Court, the defendant moves that the case be remanded to the _____ County District Court for compliance with the judgment entered by that court on __(date)___."

"The court finds as a fact that the defendant is personally in court; that (he) (she) understands (his) (her) right to be tried before a jury upon a plea of not guilty; and that (he) (she) waives those rights and desires to have the case remanded to the District Court for compliance with its judgment. Therefore, it is ordered that this case be remanded to the District Court of _____ County for immediate compliance with that court's judgment. The defendant shall pay costs of Superior Court."

NOTE: Once the presiding judge signs order of remand, judge has **no further jurisdiction** in case, including allowing delayed payment of fines or costs

NOTE: On remand, DWI cases are re-sentenced in district court. G.S. 20-38.7(c). So, in DWI cases — your job is to “remand for re-sentencing.”