

FILED

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

COUNTY OF BUNCOMBE

SUPERIOR COURT DIVISION

CASE NOS. 15 CRS 432-433

STATE OF NORTH CAROLINA,

Plaintiff,

v.

MICHAEL MAYO MACKE,

Defendant.

**DEFENDANT'S MOTION TO DISMISS
Arbitrary and Capricious Action
in Violation of Due Process**

NOW COMES the defendant, Michael Mayo Macke, and respectfully moves to dismiss the criminal charges brought against him in these matters on the ground that the actions of the Buncombe County Sheriff and the District Attorney of the 28th Judicial District have been arbitrary and capricious and, therefore, in violation of the defendant's due process rights under the state and federal constitutions. Specifically, their actions have violated the defendant's right to due process guaranteed by the Fifth and Fourteenth Amendments of the United States Constitution and the Law of the Land Clause of Article I, Section 19 of the North Carolina Constitution.

WHEREFORE, the defendant moves that all of the charges against him be dismissed based on violation of the defendant's due process rights under the state and federal constitutions.

THIS the 6th day of July, 2015.

GRACE, TISDALE, CLIFTON, P.A.

HYLER & LOPEZ, P.A.

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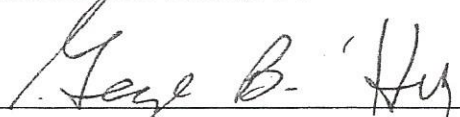
CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that the undersigned has on this date served a copy of the foregoing **DEFENDANT'S MOTION TO DISMISS** on counsel for the State of North Carolina by hand delivery to the office of:

Alex Bass
Assistant District Attorney
28th Prosecutorial District
60 Court Plaza
Asheville, NC 28801
(828) 259-3411 - fax

THIS the 10th day of July, 2015.

HYLER & LOPEZ, P.A.


George B. Hyler, Jr.