

# Attachment 8

<b>STATE OF NORTH CAROLINA</b>		File No. <u>1362 1242</u>
LEE County		In The General Court Of Justice <input checked="" type="checkbox"/> District <input type="checkbox"/> Superior Court Division
<b>STATE VERSUS</b>		FILED
Defendant <u>Tommy Gene East</u>		2014 JAN 8 PM 3:16 LEE COUNTY, C.S.C.
<b>DISMISSAL</b>		<b>NOTICE OF REINSTATEMENT</b>
File Number	Count No.(s)	Offense(s)
		BY <u>Pos/Keep Illegal Hot Machine</u> G.S. 14-304
<input checked="" type="checkbox"/> <b>DISMISSAL</b> NOTE: Recall all outstanding Orders For Arrest in a dismissed case. The undersigned prosecutor enters a dismissal to the above charge(s) and assigns the following reasons: <input type="checkbox"/> 1. No crime is charged. <input checked="" type="checkbox"/> 2. There is insufficient evidence to warrant prosecution for the following reasons: <u>Insufficient evidence at this time</u> <input type="checkbox"/> 3. Defendant has agreed to plead guilty to the following charges: in exchange for a dismissal of the following charges: <input type="checkbox"/> 4. Other: (specify) <input type="checkbox"/> See additional information on reverse.		
A jury has not been impaneled nor has evidence been introduced. (If a jury has been impaneled, or if evidence has been introduced, modify this sentence accordingly.)		
<input type="checkbox"/> <b>DISMISSAL WITH LEAVE</b> The undersigned prosecutor enters a dismissal with leave to the above charge(s) and assigns the following reasons: <input type="checkbox"/> 1. The defendant failed to appear for a criminal proceeding at which the defendant's attendance was required and the prosecutor believes that the defendant cannot readily be found. <input type="checkbox"/> 2. The defendant has been indicted and cannot readily be found to be served with an Order For Arrest. <input type="checkbox"/> 3. The defendant has entered into a deferred prosecution agreement with the prosecutor in accordance with the provisions of Article 82 of G.S. Chapter 15A. <input type="checkbox"/> 4. The defendant has been found by a court to be incapable of proceeding pursuant to Article 56 of G.S. Chapter 15A. <input type="checkbox"/> 5. Other: (specify) <input type="checkbox"/> See additional information on reverse.		
NOTE: This form must be completed and signed by the prosecutor when the dismissal occurs out of court. The better practice is for the prosecutor to complete and sign the form when the charges are orally dismissed in open court. Also, in accordance with G.S. 15A-931(a1), unless the defendant or the defendant's attorney has been otherwise notified by the prosecutor, a written dismissal of the charges against the defendant must be served in the same manner prescribed for motions under G.S. 15A-951. If the record reflects that the defendant is in custody, the written dismissal shall also be served by the prosecutor on the chief officer of the custodial facility where the defendant is in custody.		
Date <u>1-8-14</u>	Name Of Prosecutor (Type Or Print) <u>Ms. Bevin, per R.K. Pleasant</u>	Signature Of Prosecutor <u>[Signature] per R.K. Pleasant</u>
<input type="checkbox"/> <b>REINSTATEMENT</b> This case, having previously been dismissed with leave as indicated above, is now reinstated for trial.		
Date	Name Of Prosecutor (Type Or Print)	Signature Of Prosecutor