

NORTH CAROLINA)
)
FORSYTH COUNTY)

N THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
CASE#

STATE OF NORTH CAROLINA)
)
v.)
)
DEFENDANT)
Defendant)

MOTION FOR COMPLETE RECORDATION
AND TRANSCRIPTION AT THE EXPENSE
OF THE STATE

Now comes the defendant through counsel and moves this Court for an order directing that trial of this matter and any related hearings in the District Court be recorded and transcribed at the expense of the State. In support of this motion defendant shows unto the Court as follows.

1. Pursuant to N.C.G.S. §15A-1241(b) any party may require that all proceedings be transcribed or recorded. N.C.G.S. §15A-1101(2) does not negate this procedure but merely states that such recording is not automatically required. N.C.G.S. §15A-1114(g), the procedure for hearing infractions, affirmatively allows a party to record any proceeding with the approval of the Court at the party's expense.
2. Pursuant to the Sixth Amendment of the United States Constitution of the United States a defendant is entitled to confront and cross-examine all witnesses against them, including under effective cross-examination the right to impeach or confront a witness with prior statements.
3. The CCW charge in this case relates directly to a felony charge of possession of a handgun by a felon now pending against the defendant and as such the testimony of the officers involved will be relevant to the effective defense of that case.
4. Defendant has previously been determined to be indigent by the District Court.
5. As Defendant has been found to be indigent by the Court, pursuant to Ake v. Oklahoma, defendant is entitled to the furnishing of services in defense of his case at the expense of the State.

Accordingly, defendant requests that this Court enter an order requiring all proceedings in the District Court relating to this proceeding be recorded and thereafter transcribed at the expense of the State with the Court Reporter/Transcriptionist directed to provide copies of the transcript to both defense counsel and the State.

This the ____ day of _____, 2005.

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STATE OF NORTH CAROLINA)
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 V.)
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 DEFENDANT 'S NAME)

ORDER FOR COMPLETE RECORDATION
AND TRANSCRIPTION AT THE EXPENSE
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This matter came on for hearing before the undersigned District Court Judge presiding upon Defendant's Motion for complete recordation and the creation of a transcript of the recorded proceedings of the hearing and trial of this matter in the District Court. Defendant has demonstrated and the file reflects that Defendant is proceeding as an indigent in this case and Defendant has need of the testimony to be transcribed from the hearing and trial of this matter for use in a related felony proceeding as the anticipated testimony is expected from persons also anticipated to be witnesses at the trial in that matter.

WHEREFORE, the Court orders that a court reporter be designated by the Trial Court Administrator of this county to transcribe and prepare a certified copy of the transcript of the recorded hearing and trial in the District Court of this matter and that the same be recorded by the Clerk. Said transcript is to be produced at State's expense under the ordinary and normal rates for court-appointed transcription services. A copy of the transcript is to be provided to defense counsel and also to the State.

It is so Ordered this the 23rd day of April, 2003.

District Court Judge