

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
20CR205395

STATE OF NORTH CAROLINA,)
)
 v.)
)
 WILLIAM BLACKWELL)
 Defendant.)
)

CONSENT MOTION FOR
APPROPRIATE RELIEF

NOW COMES the Defendant, by and through his undersigned counsel, and moves the Court for an Order vacating his convictions in the above referenced matters. The Defendant moves this Court pursuant to N.C. Gen. Stat. 15A-1411, et. seq., and with the consent of the undersigned District Attorney, Lorrin Freeman.

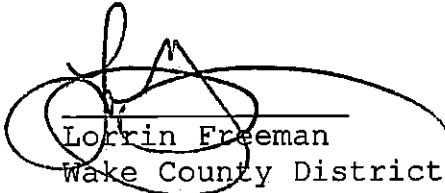
1. On 03/26/2020, the Defendant was arrested pursuant to arrest warrants in which he was charged with Possession of Marijuana up to 1/2 oz. These charges were based on the allegations of a controlled by involving a confidential informant that occurred prior to his arrest.
2. On 08/24/2020, the Defendant pled guilty to Possession of Marijuana up to 1/2 oz and was ordered to pay court costs of \$230.00.
3. Following the prosecution of Mr. Blackwell, the Confidential Informant relied on by the State and law enforcement in prosecuting this matter has been determined to not be reliable.
4. Given the States determination following the entry of a guilty plea and that the confidential informant cannot be relied upon and without additional corroborating evidence that a sale took place on 03/26/2020, the State believes it is in the interest of justice to vacate the judgements against Mr. Blackwell.
5. Had the State and Defendant known at the time of the Defendant's plea that the Confidential Informant was not a reliable source, the Defendant would not have pled guilty and the State would have dismissed the charges.

6. The State and the Defendant consent and agree that this Court should vacate the Defendant's convictions in the above references matters.

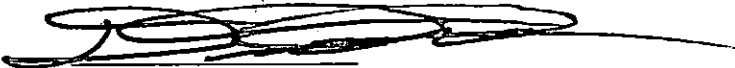
WHEREFORE, the Defendant prays;

7. That this Court issue and Order granting this Motion for Appropriate Relief, and that the judgment and sentence entered by the Court in the above referenced matters be vacated.

Respectfully,



Lorrin Freeman
Wake County District Attorney
300 S. Salisbury St.
Rlaeigh, NC 27601
(919)792-5000
Lorrin.Freeman@nccourts.org

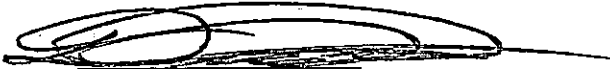


Deonte' L. Thomas
Wake County Public Defender
300 S. Salisbury St.
Ste. 500
(919) 792-5474
Deonte.L.Thomas@nccourts.org

Statement in Compliance with N.C. Gen. Stat. §15A-1420(a)(1)(c1)

There is a sound legal basis for this motion. This motion is being filed in good faith. The District Attorney consents to this motion.

Signed this the 6th day of May, 2022.



Deonte' L. Thomas
Wake County Public Defender
300 S. Salisbury St.
Ste. 500
(919) 792-5474
Deonte.L.Thomas@nccourts.org

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
~~DISTRICT~~ SUPERIOR COURT DIVISION
FILE NO.: 20CR205395

STATE OF NORTH CAROLINA,
v.
WILLIAM BLACKWELL

)
)
)
)
)
)

ORDER ON DEFENDANT'S
CONSENT MOTION FOR
APPROPRIATE RELIEF

THIS MATTER, having come on to be heard before the undersigned, Presiding ~~Superior~~ District Court Judge, upon the Defendant's *Consent Motion for Appropriate Relief*; and

IT APPEARING TO THE COURT that the Defendant's convictions and sentence in the above referenced matters should be vacated for the reasons stated in the Consent Motion for Appropriate Relief.

IT IS, THEREFORE, ORDERED, ADJUDGED, and DECREED, that ~~any~~ the Defendant's convictions and sentence in the above referenced matters (20CR205395) are vacated.

This, the ^{27th} day of June, 2022.


The Honorable ~~Superior~~ District Court Judge Presiding
District

STATE OF NORTH CAROLINA

File No.

20CR205395

WAKE County

In The General Court Of Justice

[X] District [] Superior Court Division

NOTE: Do not use this form for cases covered by G.S. 20-138.4. Use form AOC-CR-339 instead.

STATE VERSUS

Defendant Name

WILLIAM DAVID BLACKWELL, JR

FILED 2022 JUL 20 P 1: 12

DISMISSAL

NOTICE OF REINSTATEMENT

(For Offenses Committed On Or After Dec.1, 2013)

WAKE COUNTY, C.S.G.

G.S. 15A-302(e), -931, -932

File Number	Count No.(s)	Offense(s)
20CR205395	I	M Poss Marijuana Up to 1/2 oz

[] See Additional File Numbers And Offenses on Side Two.

[X] DISMISSAL

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:

- [] 1. No crime is charged.
- [] 2. There is insufficient evidence to warrant prosecution for the following reasons:
- [] 3. Defendant has agreed to plead guilty to the following charges:

in exchange for a dismissal of the following charges:

- [] 4. The defendant was charged as the result of [] defendant's identity being used without permission. [] mistaken identity. (NOTE TO PROSECUTOR: You must notify the Court of this dismissal. The Court should use AOC-CR-283, Order Of Expunction Under G.S. 15A-147(a1) (Identity Theft Or Mistaken Identification) to expunge charges.)
- [X] 5. Other: (specify) [] See additional information on reverse.

MAR granted. Confidential Informant unreliable

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.)

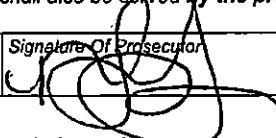
[] DISMISSAL WITH LEAVE

The undersigned prosecutor enters a dismissal with leave to the above charge(s) and assigns the following reasons:

- [] 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.
- [] 2. The defendant has been indicted and cannot readily be found to be served with an Order For Arrest.
- [] 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.

NOTE: Pursuant to the repeal of G.S. 15A-1009, the prosecutor can no longer dismiss charges with leave for defendants found incapable to proceed.

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 07/20/2022	Name Of Prosecutor (type or print) N. Lorrin Freeman	Signature Of Prosecutor 
--------------------	---	---

[] REINSTATEMENT

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
------	------------------------------------	-------------------------