

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
 District Superior Court Division Civil: Plaintiff: _____
 Criminal**STATE
VERSUS****APPLICATION AND
WRIT OF HABEAS CORPUS
AD TESTIFICANDUM**

G.S. 17-41 through 17-46

Name Of Defendant

Name Of Witness (Detainee)

Nature Of Proceeding

Race Sex Date Of Birth

Offender ID (if any)

Name Of Agency In Whose Custody Witness Confined Or Committed

 N.C. DAC Sheriff of _____ County Division Of Juvenile Justice

NOTE: Use this form to obtain the presence of a witness in a civil or criminal case. Use the "Prosecutor's Request For Temporary Custody Of Defendant For Trial," AOC-CR-900, or the "Application And Writ Of Habeas Corpus Ad Prosequendum," AOC-CR-223, to obtain the presence of a defendant for the trial of criminal charges pending against the defendant.

APPLICATION

The undersigned party to this proceeding has been advised by counsel and verily believes that the detainee named above is a witness whose testimony is material and necessary to the party in the trial or hearing of this proceeding. The detainee is detained in a jail, prison or detention center in the custody of the agency named above, and the undersigned requests that the court issue a Writ of Habeas Corpus ad Testificandum to bring the detainee before the court to be examined as a witness on behalf of the party.

Name Of Party For Whom Witness To Testify: _____**SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME**

Date

Date Signature Of Person Authorized To Administer Oaths

Signature

 Deputy CSC Assistant CSC Clerk Of Superior Court Magistrate

Name (Type Or Print)

 Notary

Date My Commission Expires

 Party Attorney For Party**SEAL**

County Where Notarized

WRIT**To The Agency Named Above:**

The witness named above is confined or committed in your custody. Upon the above verified application, you are ORDERED to deliver the detainee to the custody of the person named below so that the detainee may be brought before this Court to be examined as a witness in this proceeding.

TO: The Sheriff Of This County Other _____

You are ORDERED to serve this Writ upon the agency named above, to take the detainee into custody and bring the detainee before this Court on the date and at the time and place shown below and, when the trial of this case has been completed and the detainee is released by the Court, to return the detainee to the custody of that agency.

Court Date Court Time AM PM Date Name (Type Or Print)

Location Of Court

Signature

 District Court Judge Clerk Of Superior Court
 Superior Court Judge MagistrateOriginal-Sheriff Copy-Applicant Copy-File
(Over)

RETURN OF SERVICE

I certify that this Writ was received and served as follows.

Date Writ Received	Date Writ Served On Custodian	Date Of Return Of Service
Name Of Person Served		Signature Of Person Making Return Of Service
Date Detainee Received From Custodian	Date Detainee Returned To Custodian	<input type="checkbox"/> Deputy Sheriff <input type="checkbox"/> Other _____
Fees And Expenses Of Bringing Detainee To Court* \$ _____		<input type="checkbox"/> Paid <input type="checkbox"/> Due
Fees And Expenses For Carrying Detainee Back To Custodian \$ _____		<input type="checkbox"/> Paid <input type="checkbox"/> Due

***NOTE:** G.S. 17-44 provides "The service of the writ shall not be complete, however, unless the applicant for the same tenders to the person in whose custody the prisoner may be, if such person is a sheriff, coroner, or marshal, the fees and expenses allowed by law for bringing such prisoner, nor unless he also gives bond, with sufficient security, to such sheriff, coroner, or marshal, as the case may be, conditioned that such applicant will pay the charges of carrying back such prisoner."

G.S. 7A-311(a)(5) provides "(a) In a civil action or special proceeding, except for actions brought under Chapter 50B of the General Statutes, the following fees and commissions shall be assessed, collected, and remitted to the county:... (5) For necessary transportation of individuals to or from State institutions or another state, the same mileage and subsistence allowances as are provided for State employees."