

STATE OF NORTH CAROLINA

File No.

\_\_\_\_\_ County

In The General Court Of Justice  
 District  Superior Court Division

STATE VERSUS

MOTION FOR HUMAN TRAFFICKING,  
INVOLUNTARY SERVITUDE, OR SEXUAL  
SERVITUDE VICTIM CONFIDENTIALITY  
AND ORDER ON MOTION

G.S. 14-43.17(e)

Name Of Defendant

**INSTRUCTIONS TO VICTIM, ALLEGED VICTIM, OR OTHER PERSON FILING MOTION:** Carefully review the NOTE at the bottom of this page, then complete Side One of this form and file it with the Clerk of Superior Court in the county in which the criminal proceeding is pending or was most recently pending. The clerk will not assess you any fees for filing this motion. After the clerk completes the NOTICE OF HEARING section on Side Two of this form and provides you with a copy of the form, you are to notify both the State and the defendant of the motion and the hearing. You may make copies of the copy you received from the clerk and you may use those copies in notifying the prosecutor and the defendant or the defendant's attorney of the motion and the hearing. See the CERTIFICATE OF SERVICE section on Side Two for the different ways to perform this notification. After you have done so, you should complete the CERTIFICATE OF SERVICE section of the copy you received from the clerk and file that copy with the clerk.

MOTION FOR VICTIM CONFIDENTIALITY

The undersigned hereby moves the Court to grant to the victim or alleged victim named below the protections afforded to victims and alleged victims under G.S. 14-43.17(a). The victim or alleged victim named below was a victim or alleged victim of human trafficking (including unlawful sale, surrender, or purchase of a minor), involuntary servitude, or sexual servitude crime(s) occurring on or after October 1, 2024. In support of this motion, the undersigned provides the following information:

Name Of Victim/Alleged Victim

Victim's/Alleged Victim's Date Of Birth

Date

Name Of Person Filing Motion

- Victim  Victim's Parent
- Victim's Legal Guardian
- Victim's Legal Counsel

Signature Of Person Filing Motion

**NOTE TO CLERK:** Place the original in the case file, and provide a copy in accordance with "PROVISION OF COPY BY CLERK" on Side Two. Do not assess any fees for this motion.

NOTE TO VICTIM/ALLEGED VICTIM OR OTHER PERSON FILING MOTION

**NOTE:** In order for the confidentiality protections afforded to victims and alleged victims of human trafficking, involuntary servitude, and sexual servitude offenses under G.S. 14-43.17(a) to be extended to court records, a victim or alleged victim in a criminal case, or the victim or alleged victim's parent, legal guardian, or legal counsel if the victim or alleged victim is under 18 years of age, may at any time file a motion for victim confidentiality in the criminal case with the trial court in which the case is pending or was most recently pending. If the court grants the motion, then the victim or alleged victim shall retain all protections afforded to victims and alleged victims under G.S. 14-43.17(a), provided that nothing shall restrict the court, the State, or the defendant from accessing this information during the pendency of the case or for purposes of appeal following a disposition in the case.

(Over)

**PROVISION OF COPY BY CLERK**

The undersigned certifies that the Office of the Clerk of Superior Court, on the date listed below, provided a copy of this motion to the presiding judge in this case, or, if the case was previously disposed, to a judge of the trial court division in which the case was disposed.

Date Name (type or print) Signature  Deputy CSC  Asst. CSC  Clerk Of Superior Court

**ORDER SETTING HEARING FOR MOTION**

A motion for victim confidentiality having been filed in this case, the undersigned hereby ORDERS that this motion be set for hearing (if case not yet disposed)  within 10 business days (if case previously disposed)  within 20 business days of the filing of the motion, and that the clerk complete and provide the NOTICE OF HEARING below to the person filing the motion. The person filing the motion shall notify both the State and the defendant of the motion and the hearing.

Date Name Of Presiding Judge (type or print) Signature Of Presiding Judge

**NOTICE OF HEARING**

Date Of Hearing Time Of Hearing  AM  PM Location Of Hearing

Date Name (type or print) Signature  Deputy CSC  Asst. CSC  Clerk Of Superior Court

**CERTIFICATE OF SERVICE**

I certify that a copy of this motion and notice of hearing was served on the date below by: (check all that apply)

- delivering a copy personally to the  defendant's attorney(s).  prosecutor.  defendant.
 depositing a copy enclosed in a postpaid properly addressed envelope in a post office or official depository under the exclusive care and custody of the U.S. Postal Service directed to the  defendant's attorney(s).  prosecutor.  defendant.
 leaving a copy at the office of the  defendant's attorney(s) with an associate or employee.  prosecutor with an associate or employee.

Name And Title Of Person With Whom Defendant's Attorney Copy Left Name And Title Of Person With Whom Prosecutor Copy Left

sending it to the  defendant's attorney  prosecutor at an email of record with this court in the case for that person, specifically:

Email Of Record For Defendant's Attorney Email Of Record For Prosecutor

Date Service Accepted Signature Of Person Accepting Service  Prosecutor  Attorney For Defendant  Defendant

Date Service Accepted Signature Of Person Accepting Service  Prosecutor  Attorney For Defendant  Defendant

Date Name Of Person Serving (type or print) Signature Of Person Serving

**ORDER OF JUDGE FOLLOWING HEARING ON MOTION**

This matter is before the Court on the motion of the person named  on the reverse.  in the attached motion, which was filed with the court on (date) \_\_\_\_\_. A hearing was held before the Court on the date below. On the basis of the information presented and the entire record in this case, the Court enters the following ORDER:

- NOTE: In ruling on a motion for victim confidentiality, the court shall at a minimum consider each of the following:
(1) All information provided in writing or oral testimony by the victim or alleged victim, the State, or the defendant.
(2) The negative impacts, if any, upon the victim or alleged victim if the motion is denied.
(3) The negative impacts, if any, to the rights of the State or defendant if the motion is granted.
(4) Any impact prejudicial to justice that may result if the motion is granted or denied.
(5) The press' and the public's right of access to criminal case files.

The Motion is granted. The name, address, and other information that reasonably could be expected to lead directly to the identity of the victim, alleged victim, and/or immediate family member of victim or alleged victim, is confidential and shall not be considered a public record, provided that nothing shall restrict the court, the State, or the defendant from accessing this information during the pendency of the case or for purposes of appeal following a disposition in the case. Information that reasonably could be expected to lead directly to the identity of the victim, alleged victim, and/or immediate family member of victim or alleged victim includes:

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

Only information specified in this order shall be confidential. This order shall only apply to information within the file of the criminal case.

- The Motion is denied.
 The Court enters its ORDER on form AOC-CR-305 ("Judgment/Order Or Other Disposition"), which is attached and incorporated herein by reference.

Date Name Of Presiding Judge (type or print) Signature Of Judge