

STATE OF NORTH CAROLINA

File No.

Scan No. (Official Use Only)

County

In The General Court Of Justice

District Superior Court Division

NOTE: If a defendant is convicted under G.S. 14-269 or G.S. 14-269.7 or of any other offense involving the use of a deadly weapon, see Side Two. Do not use this form for disposition of weapons seized for wildlife violations pursuant to G.S. 113-137.

STATE VERSUS/IN THE MATTER OF

Name And Address Of Defendant/Possessor (from whom firearm seized)

PETITION AND ORDER DISPOSING OF FIREARM UPON PROSECUTOR'S PETITION

G.S. 15-11.1(b1)

Name And Address Of Owner Of Firearm (if different from above)

Description Of Firearm

Identifying Information/Description

Entity Currently In Possession

Make

Model

Serial Number

Spoken Language Court Interpreter Needed For Any Party, Victim, Or Witness? (If Yes, identify person(s) and language(s). Interpreters provided for all court proceedings at no cost.)

No Yes: (explain)

PETITION

Pursuant to G.S. 15-11.1(b1), the undersigned prosecutor hereby petitions the Court for an Order disposing of the firearm identified above, and in support of the petition shows to the Court that:

- 1. the firearm was seized by a law enforcement officer pursuant to G.S. 15-11.1 and is in the possession of the entity identified above;
2. the firearm is no longer necessary or useful as evidence in a criminal trial; and
3. notice has been given to all parties known or believed by the undersigned to have an ownership or possessory interest in the firearm.

Date Name Of Prosecutor (type or print) Signature Of Prosecutor District Attorney Asst DA

FINDINGS

After a hearing on the prosecutor's petition above, the Court finds that (check all that apply)

- 1. notice and an opportunity to be heard were provided to all parties known or believed to have an ownership or possessory interest in the firearm identified above.
2. the rightful owner of the firearm is (check only one) the person, firm or corporation identified above as "Owner Of Firearm"
3. the rightful owner of the firearm is the defendant/possessor named above, and (check all that apply)
4. after inquiry, no clear ownership or possessory interest in the firearm can be determined.
5. the firearm does not have a legible, unique identification number.
6. the firearm is unsafe for use because of wear, damage, age, or modification.

ORDER

Based upon the foregoing findings, the Court hereby Orders that the firearm identified above be

- 1. returned to the rightful owner identified in Finding No. 2, above. (NOTE: Requires the Court to find both a. and b. under Finding No. 2.)
2. returned to the defendant/possessor named above. (NOTE: Requires the Court to find both a. and b. under Finding No. 3.)
3. turned over to the Sheriff of County, the county in which the firearm was seized, or to his/her duly authorized representative, to be destroyed. (NOTE: Can be ordered only if the Court finds No. 5 or No. 6, above.)
4. turned over to a law enforcement agency in the above-captioned county, for (check only one)
a. official use of the agency.
b. sale, trade, or exchange to a federally licensed firearm dealer in accordance with all applicable State and federal firearm laws.
c. either official use or sale, trade, or exchange to a federally licensed firearm dealer in accordance with all applicable State and federal firearm laws, within the agency's discretion.

If the firearm is sold, the agency shall remit the proceeds of sale to the county finance officer, pursuant to G.S. 115C-452, to be used to maintain free public schools. The agency shall maintain a record and inventory of the firearm and its disposition. (NOTE: No. 4 may not be ordered if the Court finds No. 5, above.)

Date Name Of Judge (type or print) Signature Of Judge Dist Ct Judge Sup Ct Judge

RECEIPT OF ORDER

RECEIPT OF FIREARM

As the entity currently in possession of the firearm described above, I have received a copy of this Order and will comply with it.

As the entity to which this Order directs the firearm be returned or delivered, I hereby acknowledge receipt of the firearm.

Name (type or print) Date Name (type or print) Date

Signature Signature

Clerk Of Court Sheriff Owner Identified In Findings Sheriff Other: Other:

STATE OF NORTH CAROLINA

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In The General Court Of Justice

District Superior Court Division

STATE VERSUS/IN THE MATTER OF

PETITION AND ORDER DISPOSING OF DEADLY WEAPON UPON CONVICTION

G.S. 14-269.1

Name And Address Of Defendant

Name And Address Of Owner Of Weapon (if different from Defendant)

Description Of Weapon

Identifying Information/Description

Entity Currently In Possession

Make

Model

Serial Number

Spoken Language Court Interpreter Needed For Any Party, Victim, Or Witness? (If Yes, identify person(s) and language(s). Interpreters provided for all court proceedings at no cost.)

No Yes: (explain)

PETITION (OPTIONAL)

NOTE: If the defendant is convicted of an offense listed in Finding No. 1 below, the Court shall order disposition of the weapon at sentencing, regardless of whether or not a party has petitioned for its disposition. A petition for disposition is necessary at sentencing only if an owner other than the defendant is requesting return of the weapon. This petition also may be used to request an Order disposing of the weapon if the Court failed to address its disposition at sentencing.

The undersigned hereby petitions the Court for an order disposing of the weapon identified above, and in support of the petition shows to the Court the following: (check all that apply)

- 1. The defendant in the above-captioned case was convicted of a violation of G.S. 14-269, G.S. 14-269.7, or other offense involving the use of the weapon identified above, which is a deadly weapon of a type referred to in G.S. 14-269.
2. The petitioner is the weapon's rightful owner and a person other than the defendant, is entitled to possession of the weapon and not prohibited by law from possessing it, was unlawfully deprived of it without his/her consent, and requests that the Court order the weapon returned to him/her.
3. The Court did not address the disposition of the weapon at the defendant's sentencing, and the final disposition of the weapon by the entity currently in possession requires an order of the Court.

Date Name (type or print) Signature Owner Sheriff DA/ADA

FINDINGS

The Court finds that (check all that apply)

- 1. the defendant has been convicted in the above-captioned case of a violation of G.S. 14-269, G.S. 14-269.7, or other offense involving the use of the weapon identified above, which is a deadly weapon of a type referred to in G.S. 14-269.
2. the petitioner above: (check all that apply)
a. is a person other than the defendant in the above-captioned case;
b. is the rightful owner of the weapon identified above;
c. is entitled to possession of the weapon and not prohibited by law from its possession; and
d. was unlawfully deprived of the weapon without his/her consent.
3. after inquiry, no clear ownership or possessory interest in the weapon can be determined.
4. the weapon is a firearm, and the head or chief, or designee thereof, of a law enforcement agency in the county named above, has requested in writing that the firearm be turned over to the agency for use or sale.
5. the weapon is a firearm, and it does not have a legible, unique identification number.
6. the weapon is a firearm, and it is unsafe for use because of wear, damage, age, or modification.

ORDER

- Based upon the foregoing findings, the Court hereby Orders that the weapon be
1. returned to the petitioner above. (NOTE: Requires the Court to make all findings a. through d. under Finding No. 2.)
2. turned over to the Sheriff of the above-captioned county, or to his/her duly authorized representative, to be destroyed. (NOTE: Can be ordered for a firearm only if the Court finds No. 5 or No. 6, above.)
3. turned over to the agency identified in Finding No. 4, above, for (check only one)
a. official use of the agency.
b. sale, trade, or exchange to a federally licensed firearm dealer in accordance with all applicable State and federal firearm laws.
c. either official use or sale, trade, or exchange to a federally licensed firearm dealer in accordance with all applicable State and federal firearm laws, within the agency's discretion.
If the firearm is sold, the agency shall remit the proceeds of sale to the county finance officer, pursuant to G.S. 115C-452, to be used to maintain free public schools. The agency shall maintain a record and inventory of the firearm and its disposition. (NOTE: No. 3 may not be ordered if the Court finds No. 5, above.)
4. turned over to the North Carolina State Crime Laboratory's weapons reference library for official use. The Laboratory shall maintain a record and inventory of the weapon.
5. turned over to the North Carolina Justice Academy for official use. The Justice Academy shall maintain a record and inventory of the weapon.

Date Name Of Judge (type or print) Signature Of Judge Dist Ct Judge Sup Ct Judge

RECEIPT OF ORDER

RECEIPT OF WEAPON

As the entity currently in possession of the weapon described above, I have received a copy of this Order and will comply with it.

As the entity to which this Order directs the weapon be returned or delivered, I hereby acknowledge receipt of the weapon.

Name (type or print) Date Signature Clerk Of Court Sheriff Petitioner Sheriff Other: Other: