

## AOC-CR-415: Request Relief from Traffic and Criminal Fines and Fees

If you have been found **guilty or responsible for a traffic violation and have unpaid traffic court fines and fees**, you may have a **suspension of your driver's license**. Your license will stay suspended until you pay the court fines and fees or the Court cancels them.

**If you cannot afford to pay those fines and fees, you can ask the Court to cancel them.**

**A Motion for Relief from Fines, Fees and Other Monetary Obligations** is a way to ask the Court to reduce or cancel fines, fees, or other monies you are ordered to pay because you were found guilty or responsible for a crime or traffic violation.

### Legal Information – not Legal Advice

#### Disclaimers

**Important!** This form is for you:

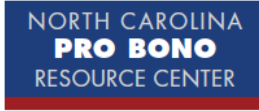
- If you have been found guilty or responsible in a criminal or traffic case; **AND**
- If you want to ask the Court to waive or reduce fees or other debts in your case.

**Use these forms at your own risk!** These forms and instructions are designed to help you. Because you do not have a lawyer, it is *your* job to present your case. If you do not read and follow these directions, it may hurt your case.

If you have **questions** about filing this motion or need **legal advice**, you may want to talk to **a lawyer**.

To find a lawyer:

- Call the North Carolina Lawyer Referral Service: **1-800-662-7660**.
- Check the Internet for Lawyers in your area.
- If you cannot afford a lawyer, you may apply for a free nonprofit legal aid provider. Find out more at: <https://ncequaljusticealliance.org/members-name/>.



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### AOC-CR-415: Request Relief from Traffic and Criminal Fines and Fees

#### Side One

1. List the **county** where you are filing the motion.

|  |                                 |  |
|--|---------------------------------|--|
| STATE OF NORTH CAROLINA  |                                 | File No. _____   |
| _____ County   |                                 | In The General Court Of Justice<br><input type="checkbox"/> District <input type="checkbox"/> Superior Court Division  |
| STATE VERSUS   |                                 | <b>REQUEST FOR RELIEF FROM FINES, FEES AND OTHER MONETARY OBLIGATIONS, AND ORDER ON REQUEST</b><br><br>Rule 28 of the General Rules of Practice for the Superior and District Courts<br>Name And Address Of Attorney <input type="checkbox"/> I am self-represented. |
| Name Of Defendant _____  |                                 |  |
| Defendant's Telephone No. _____  | Defendant's Date Of Birth _____ |  |
| Defendant's Street Address _____ <input type="checkbox"/> I am homeless. |                                 |  |
| Attorney's Telephone No. _____   |                                 |  |

2. List the **case #** also called **AOC #** (ex. 16CR123456 or 16CR123456-910).

3. Select **District** or **Superior Division**. This can be found on your case summary.

|  |                                 |  |
|--|---------------------------------|--|
| STATE OF NORTH CAROLINA  |                                 | File No. _____   |
| _____ County   |                                 | In The General Court Of Justice<br><input type="checkbox"/> District <input type="checkbox"/> Superior Court Division  |
| STATE VERSUS   |                                 | <b>REQUEST FOR RELIEF FROM FINES, FEES AND OTHER MONETARY OBLIGATIONS, AND ORDER ON REQUEST</b><br><br>Rule 28 of the General Rules of Practice for the Superior and District Courts<br>Name And Address Of Attorney <input type="checkbox"/> I am self-represented. |
| Name Of Defendant _____  |                                 |  |
| Defendant's Telephone No. _____  | Defendant's Date Of Birth _____ |  |
| Defendant's Street Address _____ <input type="checkbox"/> I am homeless. |                                 |  |
| Attorney's Telephone No. _____   |                                 |  |

4. List your **name**, **date of birth**, and **contact information**.

|  |                                 |  |
|--|---------------------------------|--|
| STATE OF NORTH CAROLINA  |                                 | File No. _____   |
| _____ County   |                                 | In The General Court Of Justice<br><input type="checkbox"/> District <input type="checkbox"/> Superior Court Division  |
| STATE VERSUS   |                                 | <b>REQUEST FOR RELIEF FROM FINES, FEES AND OTHER MONETARY OBLIGATIONS, AND ORDER ON REQUEST</b><br><br>Rule 28 of the General Rules of Practice for the Superior and District Courts<br>Name And Address Of Attorney <input type="checkbox"/> I am self-represented. |
| Name Of Defendant _____  |                                 |  |
| Defendant's Telephone No. _____  | Defendant's Date Of Birth _____ |  |
| Defendant's Street Address _____ <input type="checkbox"/> I am homeless. |                                 |  |
| Attorney's Telephone No. _____   |                                 |  |

**AOC-CR-415: Request Relief from Traffic and Criminal Fines and Fees**

5. Check "I am self-represented."

|  |                                 |   |
|--|---------------------------------|---|
| STATE OF NORTH CAROLINA  |                                 | File No. _____  |
| _____ County   |                                 | In The General Court Of Justice<br><input type="checkbox"/> District <input type="checkbox"/> Superior Court Division   |
| <b>STATE VERSUS</b>  |                                 | <b>REQUEST FOR RELIEF FROM FINES, FEES<br/>AND OTHER MONETARY OBLIGATIONS,<br/>AND ORDER ON REQUEST</b>   |
| Name Of Defendant _____  |                                 |   |
| Defendant's Telephone No. _____  | Defendant's Date Of Birth _____ |   |
| Defendant's Street Address _____ <input type="checkbox"/> I am homeless. |                                 |   |
| _____  |                                 |   |
| _____  |                                 | Rule 28 of the General Rules of Practice for the Superior and District Courts<br>Name And Address Of Attorney _____ <input type="checkbox"/> I am self-represented.<br>_____<br>_____<br>Attorney's Telephone No. _____ |

6. Complete the **Ability to Pay Worksheet**.

Keep in mind:

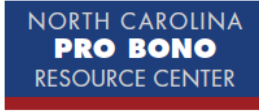
\*The total VALUE of your property is what YOU would receive if you sold that property. It is not necessarily what you paid. *For example, Johnny buys a \$10,000 car with a loan and has paid \$2,000 towards the loan. The total value of the car for Johnny is \$2,000 and not \$10,000.*

| ABILITY TO PAY WORKSHEET   |  |
|--|--|
| Employment Income (per month) <input type="checkbox"/> I am unemployed.<br><i>List employer(s):</i>  | \$ _____   |
| Other Income (per month)<br><i>Specify, including for example rental income, investment income, pension, spouse's income, and gifts and financial support from family.</i> | \$ _____   |
| How many people, including yourself, does this income support?   | _____  |
| What is the total value of your cash on hand and in bank accounts?   | \$ _____   |
| What is the total value of all real property you own?  | \$ _____   |
| What is the total value of all major personal property you own (vehicles, jewelry)?  | \$ _____   |
| Rent/mortgage you pay monthly  | \$ _____   |
| Childcare/child support payments you pay monthly   | \$ _____   |
| <i>(check all that apply)</i>  |  |
| <input type="checkbox"/> I receive the following public assistance:  | <input type="checkbox"/> I have been homeless in the past 6 months                           |
| <input type="checkbox"/> TANF (Temporary Assistance for Needy Families)  | <input type="checkbox"/> I have been incarcerated on an active sentence in the past 6 months |
| <input type="checkbox"/> Supplemental Security Income (SSI)  | <input type="checkbox"/> I am under 18   |
| <input type="checkbox"/> Social Security Disability Insurance (SSDI)   | <input type="checkbox"/> I am a full-time student  |
| <input type="checkbox"/> SNAP/Food Stamps  |  |
| <input type="checkbox"/> Veterans' Benefits  |  |

7. Please list anything else you want the court to consider when deciding if you are unable to pay including if you are *experiencing homelessness; have any disability or illness, medical debt, or student debt; financial or caregiver support that you pay that wasn't previously covered in this form; if you are under eighteen years of age; or if you have had a change in your earnings or ability to make a living.*

You can also tell the court how having this debt forgiven would change your life.

Use the space below to provide any additional information about other circumstances the court should consider when evaluating your ability to pay, such as a disability or illness, a change in work hours, or other support obligations or significant expenses.



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#### Side Two

8. Select the box that best describes what you want the judge to do. If you cannot afford to pay anything, you will select the first box to request "That the Court allow relief from all costs, fines, fees, restitution, to the extent allowed by law."

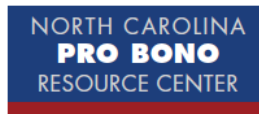
| REQUEST/MOTION   |   |
|--|---|
| Based on the information presented above, I make the following request(s): (check all that apply)                      |   |
| <input checked="" type="checkbox"/>  | That the Court allow relief from all costs, fines, fees, and restitution, to the extent allowed by law. |
| <input type="checkbox"/>   | That I be given until at least _____ (enter date) to pay any imposed monetary obligation.               |
| <input type="checkbox"/>   | A payment plan requiring a total money payment of no more than \$ _____ per month.                      |
| Under penalty of perjury, I declare that the information on this form is true and correct to the best of my knowledge. |   |

9. You must either sign and date the form in front of a clerk, judge, or magistrate at the time of filing OR if you are mailing the form in, you can also sign and date in front of a notary.

| SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME    |   |  |
|---|---|--|
| Date  | Name (type or print)                          | Name Of Defendant (type or print)                |
| Signature                                     |   | Signature Of Defendant                           |
| <input type="checkbox"/> Notary               |   |  |
| <b>SEAL</b>                                   | Date Commission Expires                       | County Where Notarized                           |
| <input type="checkbox"/> Deputy CSC           | <input type="checkbox"/> Assistant CSC        | <input type="checkbox"/> Clerk Of Superior Court |
| <input type="checkbox"/> District Court Judge | <input type="checkbox"/> Superior Court Judge | <input type="checkbox"/> Magistrate              |

10. Service is the way you officially tell someone that a court document has been filed. You can pick any of the options listed on the form for letting the District Attorney (prosecutor) know that you have filed this document.

| CERTIFICATE OF SERVICE   |  |                             |   |
|--|--|-----------------------------|---|
| The undersigned hereby certifies that a copy of this Request was served on the date below upon the District Attorney for the above-captioned county by:  |  |                             |   |
| <input type="checkbox"/>   | hand delivery to (name) _____  |                             |   |
| <input type="checkbox"/>   | leaving a copy with an employee of the District Attorney.  |                             |   |
| Name Of Person With Whom Copy Left (type or print) _____   |  |                             |   |
| <input type="checkbox"/>   | by depositing a copy in a post-paid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the U.S. Postal Service, addressed to the District Attorney's office.  |                             |   |
| <input type="checkbox"/>   | by email to the District Attorney at _____ (email address).  |                             |   |
| <b>NOTE:</b> Service by email upon counsel must be to an email address of record with the court. Service by email upon a party is permitted only if the party has consented to receive email service at a particular address, and that consent is filed with the court. Service by email sent after 5:00 PM Eastern Time on a regular business day will be deemed sent on the next business day. |  |                             |   |
| <input type="checkbox"/>   | by telefacsimile (fax) to the District Attorney's office at _____ (fax number), as evidenced by fax receipt confirmation, attached. <b>NOTE:</b> Service by fax received after 5:00 PM Eastern Time on a regular business day will be deemed completed on the next business day. |                             |   |
| <input type="checkbox"/>   | acceptance of service.   |                             |   |
| Date Service Accepted  | Name Of Person Accepting Service (type or print)   | Signature                   | Title   |
| Date   | Name Of Person Serving (type or print)   | Signature Of Person Serving | <input type="checkbox"/> Defendant <input type="checkbox"/> Defendant's Attorney <input type="checkbox"/> Other |



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Next

11. Call the clerk's office in the county where you are filing the motion.

**Tell** the clerk you want to file a Motion for Relief from Fines and Fees in your traffic or criminal case.

**Ask** the clerk if there are any local rules or other practices you should know about when filing the motion.

12. Take **your original form and at least 2 copies** to the Clerk of Superior Court's office.

**Tell** the clerk you want to file a Motion for Relief from Fines and Fees in your traffic or criminal case.

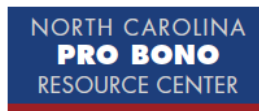
**\*\*There is NO filing fee to file this form Motion.**

**Serve** the DA (give the DA a copy) using the method you checked on page 2 of the form.

**Keep** a file stamped copy for your records.

13. When you file this form, the Clerk will give you a date to come to court for a hearing. Unless the clerk tells you otherwise, **you MUST appear at the hearing** or your motion will be dismissed.

*Continue to the next page for information about going to court*



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## AOC-CR-415: Request Relief from Traffic and Criminal Fines and Fees

### Next Steps: Going to Court

**Read** below to know what to do next to ask the court to reduce or cancel fines, fees, and other debt.

#### Legal Information – not Legal Advice

#### Disclaimers

**Important!** This “Next Steps” is **only** for you:

- If you have been found guilty or responsible in a criminal or traffic case; **AND**
- If you want to ask the Court to waive or reduce fees or other debts in your case.

### Step 1: Get Ready for Court

Do I have to go to court?

**Yes, you must attend the hearing.** If you have questions about where to go, ask the Clerk’s office.

How do I get ready for court?

**Review your copy** of your filed Motion for Relief from Fines, Fees and Other Monetary Obligations.

**Organize** your proof that shows you need the Court to waive/cancel or reduce the fees, fines and other monetary obligations. You are not required to show proof of your financial situation, but it may help your case.

What should I take to court?

**Take** your copy of your filed Motion.

**Take** whatever proof you have of your financial situation. You are not required to show proof of your financial situation, but it may help your case.

The judge may **also** consider other life circumstances that create a financial burden and impact your ability to earn a living.

Proof may include:

- Documents showing **government benefits** (SNAP/food stamps, Work First/TANF, SSI); and/or
- Documents showing monthly income **and** expenses, including pay stubs, utility bills, and student loan payments.
- Documents showing hardship, illness, disability, childcare issues, or any other situation you want the court to consider.

#### Tips for Court

- Arrive at least 15 minutes early. You need extra time to park and go through court security.
- Dress like you are going to a job interview.
- Do **NOT** wear:
  - Shorts, tank tops, or tight, clingy, sheer or low-cut clothes
  - Dangly jewelry
  - Too much make-up
  - Hair in your face
  - Hat

#### Courtroom Rules

- **No** drugs or alcohol before your hearing.
- **No** food or drinks in the courtroom.
- **No** cameras or recordings.
- Turn **off** your cell **phone** and put it away. If you have evidence on your phone, ask for permission from the judge before you show it.
- Be quiet and respectful to everyone in court.

### Step 2: Go to Court

#### What happens at my hearing?

The judge will review your Motion for Relief from Fines, Fees and Monetary Obligations.

Be prepared to answer the Judge's questions about your Motion.

\*Tell the judge if you have any proof of your finances and ask if the Judge would like to see them. (*Remember*- this is optional but may help your case.)

Important Things to Keep in Mind:

- Speak clearly and loud enough so that everyone can hear you. Keep your answers short and to the point. Call the Judge of the case, “Your Honor.”
- Tell the truth. Do not exaggerate.
- Stay calm. Getting angry does not help your case.
- Listen to the questions carefully and think before you answer.
- Do not interrupt anyone who is talking.
- If you do not understand something, ask for them to repeat it or explain. The Judge will try to explain but cannot give you legal advice. If you still do not understand, the Judge may ask you to talk to a lawyer.
- If you do not know an answer or cannot remember, just say so.
- For more tips, read: [nccourts.gov/going-to-court/going-to-court-basic-information](https://nccourts.gov/going-to-court/going-to-court-basic-information).

**What may the Judge decide about your Motion for Relief?**

1. The Judge may decide to waive **all** monies you owe;  
This means:
  - You do not owe any money.

OR

2. The Judge may decide to **partially** waive or reduce the amount of money that you owe to the court;  
This means:
  - You will owe some money to the court.
  - The Judge will tell you the amount and type of costs that you owe. Listen carefully.
  - Review Side 2 of your final form to remind you of the amount that you owe and the deadline to pay that money.

OR


3. The Judge may deny the motion. This means:
  - You will owe money to the court.
  - The Judge will tell you the amount and type of costs that you owe. Listen carefully.
  - You may, at any time, file another motion asking the court for relief from your fines and fees. You may use the *Guide and File* interview to fill out another motion.



- The Judge may also issue additional orders or convert your court debt to a civil judgment.
- Review Side 2 of the final form to remind you of the amount that you owe.

### **Remember: You are representing yourself**

That means you are your own lawyer. It's up to you to handle things correctly. *You* must make sure your forms and information are correct and current.

 If you have questions about your case or need legal advice, you may want to talk to a lawyer.

To find a lawyer:



- Call the North Carolina Lawyer Referral Service: **1-800-662-7660**.
- Check the Internet for Lawyers in your area.
- If you cannot afford a lawyer, you may apply with a free nonprofit legal aid provider.

Find out more at: <https://ncequaljusticealliance.org/members-name/>.

### **This Packet is Legal Information – Not Legal Advice**

- This Information Packet **cannot** tell you if or what you should file.
- The North Carolina Judicial Branch, Clerk of Superior Court's office, a Judge's office, or court staff can *only* provide legal information.
- You may **want to talk to a lawyer** for legal advice about your case.