

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
11 CR 228533, 34, 35

STATE OF NORTH CAROLINA)
)
versus)
)
HENRY S. HORNE)

FILED
2012 FEB -2 PM 3:10
WAKE COUNTY, C.S.C.
BY _____

CONSENT ORDER TO VACATE JUDGMENT

The State and Defendant through counsel agree that the Judgment in case number 11 CR 228533, entered January 20, 2012, be vacated and set aside; the parties further agree that the plea entered by the Defendant in the case be stricken.

Case numbers 11 CR 228534 and 11 CR 228535 were dismissed pursuant to an agreement reached in 11 CR 228533.

The parties stipulate and agree that the above-numbered cases had not been calendared by the District Attorney's Office for January 20, 2012, but rather the cases were brought forward on that date for disposition in a way which was not in compliance with the normal practice and procedure followed in the Tenth Judicial District, i.e., no "gold sheet" written request signed by an assistant district attorney documenting the call-up for the case files was employed.

That the State and Defendant hereby withdraw as moot their corresponding Motions for Appropriate Relief and other requests for relief filed in case number 11 CR 228533.


For the foregoing reason, and with the consent of the State and counsel for the defendant, it is hereby **ORDERED**:

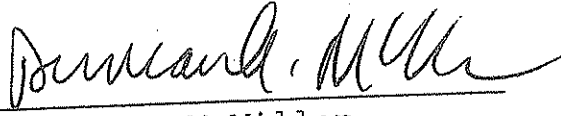
1. That the Judgment in 11 CR 228533 of January 20, 2012 be, and the same is hereby set aside;
2. That the plea entered by the Defendant in 11 CR 228533 on January 20, 2012, be stricken;
3. That the Voluntary Dismissals filed in case numbers 11 CR 228534 and 11 CR 228535 are hereby stricken and set aside.
3. That the three cases are hereby returned to the Wake District Court trial docket, and are Ordered to be placed on the District Court Calendar for February 13, 2012 at 9:00 A.M.


This, the 2ND day of February, 2012.


District Court Judge

Consented to:


C. Colon Willoughby
District Attorney


Duncan A. McMillan
Counsel for Defendant


Thomas C. Manning
Counsel for Defendant