

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 (Prisoner)

Nature Of Proceeding

Race Sex Date of Birth

Social Security No.

Name Of Agency In Whose Custody Defendant Confined

N.C. DOC Sheriff of County

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-900M 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 prisoner named above is a witness whose testimony is material and necessary to the party in the trial or hearing of this proceeding. The prisoner is detained in a jail or prison 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 prisoner before the court to be examined as a witness on behalf of the party.

Name Of Party For Whom Witness To Testify:

SWORN AND SUBSCRIBED TO BEFORE ME

Date

Date Signature Of Person Authorized To Administer Oaths

Signature

Title

Name (Type Or Print)

Date Commission Expires

SEAL

Party Attorney For Party

WRIT

To The Agency Named Above:

The prisoner named above is confined in your custody. Upon the above verified application, you are ORDERED to deliver the prisoner to the custody of the person named below so that the prisoner 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 prisoner into custody and bring the prisoner 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 prisoner is released by the Court to return the prisoner to the custody of that agency.

Court Date Court Time AM PM

Date

Location Of Court

Name (Type Or Print)

Signature

District Court Judge Superior Court Judge Clerk Of Superior Court

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 Prisoner Received From Custodian	Date Prisoner Returned To Custodian	<input type="checkbox"/> Deputy Sheriff <input type="checkbox"/> Other
Fees And Expenses Of Bringing Prisoner To Court*	<input type="checkbox"/> Paid <input type="checkbox"/> Due	
\$		
Fees And Expenses For Carrying Prisoner 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, 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."