



BENJAMIN R. DAVID  
DISTRICT ATTORNEY

*State of North Carolina*  
**General Court of Justice**  
**Fifth Prosecutorial District**  
Wilmington, NC 28402

Post Office Box 352  
PHONE: (910) 772-6900  
FAX: (910) 772-6611

**NOTICE TO THOSE INDIVIDUALS FILING CHARGES**

Today you have decided to initiate a criminal charge against another person. Before my office will proceed with your case, you must sign this document acknowledging receipt of this notice and stating that you agree to all terms required by the District Attorney's Office to prosecute this case.

By initiating this criminal charge, you acknowledge that you are solely responsible for providing the necessary evidence to prosecute the charge(s). My office does not investigate crimes, so providing proof beyond a reasonable doubt is your responsibility. Additionally, you will not be notified when the warrant or criminal summons is served on the defendant. It is your responsibility to keep up with upcoming court dates. You can determine information regarding court dates with the criminal clerk's office at the number list below.

Unlike a private attorney you may hire to represent you in other matters, the District Attorney's Office represents the State of North Carolina. Due to the volume of cases, my assistants only handle these matters in court, on the day they are set for trial. We would like to explain certain things to you before you begin this process:

1. Once you initiate a criminal charge, the case will not be dismissed or handled outside of court. Please do not call my office requesting a dismissal or continuance. You may express these concerns in court on your court date.
2. The defendant will have a first appearance before a judge and be advised of his or her rights. If they choose to apply for a court-appointed attorney or retain legal counsel, they have the right to continue the case to a new court date. Most self-initiated cases are not resolved at the first court date. You will most likely be subpoenaed for the following court date.
3. The court date that is set at the defendant's first appearance cannot be changed thereafter for any reason.
4. When you arrive under subpoena, you must be ready to proceed with all documents and witnesses present. Court begins at 9:00 A.M. During calendar call, defendants will answer when their name is called. You must pay close attention and note if the defendant is present and how they answer the calendar call.
5. A legal assistant from my office will call up all witnesses shortly after calendar call and speak to them individually. You must get in line to check in with the legal assistant. If the defendant in your case fails to appear by 10:30 A.M., the Assistant District Attorney will bring you before the judge and ask that an order for arrest be issued for the defendant so that you may be released from your subpoena for that court date. In that situation, the case will be reset to another date and you will receive another subpoena.
6. **If you are not present when the legal assistant calls out for victims and witnesses, your case will be dismissed, and my office will decline any further prosecution of the matter.** At no time will my office request a continuance of your case from the court, for any reason. As the prosecuting witness, you are expected to be present and set to proceed on the assigned court date.

Certain self-initiated charges are eligible for mediation. Mediation is a process where a licensed, trained mediator listens to all of the facts and details of the case and tries to come to a resolution outside the court process. If mediation is not successful, it results in no prejudice to your case and the case will be resolved through trial. **If the Assistant District Attorney recommends mediation to you, and you decline, your case will be dismissed.** If you abuse this process by initiating multiple frivolous criminal charges and/or refusing to prosecute charges that you have initiated, you may be prosecuted criminally and/or civilly.

Although you have initiated this criminal process, my office reserves the right to dismiss the case in the interest of justice. My office has an ethical duty not to proceed with prosecution should we believe there is not a good faith expectation of convicting the defendant. Your signature below acknowledges receipt of a copy of this notice.

Complainant Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\* You may call the Criminal Clerk's Office at 910-772-6602 to confirm your court date.