

STATE OF NORTH CAROLINA
COUNTY OF MONTGOMERY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
99 CRS 3818 & 99 CRS 3920

STATE OF NORTH CAROLINA)

vs.)

DAVID SCOTT ALLEN,)
Defendant.)

ORDER

BY *DM*
MONTGOMERY CO., C.S.

2017 OCT 20 A 11:55

FILED


THIS ORDER was entered in chambers after consideration of the Defendant's Motion to Continue the October 30, 2017 hearing on the Motion for Appropriate Relief. The Court finds as follows:

1. The Court set an evidentiary hearing on certain claims of the Defendant's Motion for Appropriate Relief for October 30, 2017. This order was entered on June 23, 2017. The evidentiary hearing was set at the Defendant's request.
2. The Motion for Appropriate Relief was filed on July 2, 2007 and the Supplemental Motion for Appropriate Relief was filed on September 17, 2013.
3. The Defendant filed the Motion to Continue on October 18, 2017 citing a need for counsel to further confer with expert witnesses to prepare for the hearing.
4. The State of North Carolina objects to the continuance.
5. The Court does not find the reasons set forth constitute good cause for a continuance. But the Court notes the Defendant has the burden of production and was sentenced to Death.
6. The February 12, 2018 term of Montgomery County Civil Court will be cancelled to allow for the evidentiary hearing.

**THEREFORE IN THE COURT'S DISCRETION AND OVER THE OBJECTION OF
THE STATE OF NORTH CAROLINA IT IS HEREBY ORDERED:**

1. The October 30, 2017 evidentiary hearing on certain claims of the Defendant's Motion for Appropriate Relief is continued.
2. The evidentiary hearing is set for February 12, 2018 at the Montgomery County Courthouse, Troy, North Carolina.
3. The Court during an August 25, 2017 hearing ordered certain subpoenas remain in effect for the October 30th hearing. The Defendant shall be required to subpoena all witnesses for the February 12, 2018 hearing.
4. Absent death or hospitalization of the presiding judge, defendant or counsel this matter will not be continued again.
5. The February 12, 2018 term of Montgomery County Civil Court is cancelled.
6. All Motions for that term are to be reassigned a term of Randolph County Civil Court.
7. All trials set for February 12, 2018 shall be continued to the next term of Montgomery County Civil Court and shall be given first priority over trials later set.
8. This order shall be filed in the criminal matter above and as an Administrative Order for Montgomery County.

By order of the Court, this the 20th day of October, 2017.


Vance Bradford Long
Senior Resident Superior Court Judge
19-B Judicial District