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25
February 28, 2014

Franklin County Clerk of Court
ATTN: CRIMINAL SUPERIOR COURT DIVISION
Franklin County Courthouse
102 S. Main Street
Louisburg, NC 27549

Re: State v. Shannon Zach Nyamodi; 12 CRS 51877- 9; Franklin County Superior Court

Dear Sir or Madame:

Please find enclosed three copies of a Motion to Continue, which I am filing in the above-referenced matter. Please file stamp all of the copies. Place one copy in your office's file, a second copy in the box maintained in your office for the District Attorney, and return the other copy to me in the enclosed self-addressed stamped envelope.

Should you have any further questions or concerns, please do not hesitate to contact me.

With best wishes, I remain,

Sincerely,

CHESHIRE, PARKER, SCHNEIDER
& BRYAN, PLLC

Ma'tri "Mike" Klinkosum
Attorney at Law

Enclosure

bld
Filed in file 2-26-14
Mailed to Atty 2-26-14
Copy to DA 2-26-14

FILED
2014 FEB 26 PM 3:34
FRANKLIN COUNTY CLERK OF COURT
bld

STATE OF NORTH CAROLINA
COUNTY OF FRANKLIN

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
12 CRS 51877 - 9

STATE OF NORTH CAROLINA,
vs.
SHANNON ZACH NYAMODI,
Defendant.

MOTION TO CONTINUE

2014 FEB 26 PM 3:34
FRANKLIN COUNTY O.S.C.
BY: [Signature]

FILED

NOW COMES the Defendant, *Shannon Zach Nyamodi*, by and through the undersigned counsel, Maitri "Mike" Klinkosum, Attorney at Law, pursuant to the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution, Article 1 §§ 19 and 23 of the North Carolina Constitution, Article 48 of the North Carolina General Statutes, and N.C. Gen. Stat. §§ 15A-501(6), 15A-903(c) & (d), N.C.Gen.Stat. § 15A-1415(f), and hereby moves this Court to continue the above-referenced matters from the March 3, 2014 Criminal Superior Court Trial Calender. In support of for the foregoing objection, the Defendant would show unto the Court as follows:

1. The Defendant is charged in the above-referenced matters with one count each of Larceny of a Firearm, Assault with a Deadly Weapon with Intent to Kill Inflicting Serious Injury, Attempted First-Degree Murder, Robbery with a Dangerous Weapon, Conspiracy to Commit Robbery with a Dangerous Weapon, and Conspiracy to Commit Murder.
2. At the last administrative hearing on these matters, which occurred on January 21, 2014, these matters were continued to the March 3, 2014 term of Criminal Superior Court for Franklin County. The matters were continued because undersigned counsel began jury selection in a capital murder trial on January 6, 2014, which was still proceeding on January 21, 2014.
3. During a meeting on December 16, 2013 between the prosecution and the defense, undersigned counsel informed the prosecution that he anticipated that he would begin jury selection in a capital first-degree murder trial on January 6, 2014 and that the trial would last for several months.
4. Undersigned counsel would aver to the Court that he has, in fact, been in jury selection for a capital first-degree murder trial (State v. Jonathan Douglas Richardson; 10 CRS 3981 – 83; 54369, 54426; 11 CRS 3021 –

22; Johnston County Superior Court). Jury selection in the trial ended on February 18, 2014 and opening statements and the presentation of the State's case will commence on February 24, 2014.

5. Both the prosecution and the defense in State v. Richardson anticipate the actual trial of the matter will last between four to six weeks.
6. As such, undersigned counsel does not anticipate being finished with the State v. Richardson trial until the end of March or early April, 2014.
7. Due to the fact that undersigned counsel is currently involved in a capital first-degree murder trial, he will be unable to engage in a hearing or otherwise attend the calendar call for the charges in this matter during the March 3, 2014 term of Criminal Superior Court for Franklin County.
8. Further, as stated above, undersigned counsel and the prosecution have been involved in negotiations regarding a non-trial resolution to this matter, which negotiations are still on-going. Undersigned counsel can, at this time, state that he believes this matter will be resolved without a trial.

WHEREFORE, the Defendant respectfully prays unto this Honorable Court to continue this matter from the March 3, 2014 term of Criminal Superior Court for Franklin County

25th
This the 20th day of February, 2014.

By: 

Majiri Mike Klinkosum

Attorney for Shannon Zach Nyamodi

State Bar No.: 25052

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Certificate of Service

This shall certify that a copy of the foregoing *Motion to Continue* was this day served upon the District Attorney by the following method:

 X depositing a copy hereof in a postpaid wrapper in a post office or official depository under the exclusive care, custody, and control of the United States Postal Service, addressed to the following:

Ms. Annette K. Sellars
Assistant District Attorney
Franklin County Courthouse
102 S. Main Street
Louisburg, NC 27549

 by personally serving the Office of the District Attorney via hand delivery
();

 by transmitting a copy via facsimile transmittal to the Office of the District Attorney; and/or

2-26-14 bld by depositing a copy in the box for the Office of the District Attorney maintained by the Clerk of Superior Court.

25th
This the 20th day of February, 2014.

By: 

Maitri "Mike" Klinkosum

Attorney for Shannon Zach Nyamodi

State Bar No.: 25052

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