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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA17-534

Filed: 3 October 2017

Wilson County, No. 15 CRS 053920

STATE OF NORTH CAROLINA,

v.

WARREN H. MITCHELL, Defendant

and

TERRENCE C. RUSHING, Bail Agent,

and

AGENT ASSOCIATES INSURANCE, L.L.C., Surety.

Appeal by Wilson County Board of Education from order entered 23 February 2017 by Judge Milton F. Fitch, Jr. in Superior Court, Wilson County. Heard in the Court of Appeals 7 August 2017.

Schwartz & Shaw, P.L.L.C., by Kristopher L. Caudle and Rebecca M. Williams, for Wilson County Board of Education, Plaintiff-Appellant.

No brief for Warren H. Mitchell, Defendant-Appellee.

No brief for Terrence C. Rushing, Bail Agent.

No brief for Agent Associates Insurance, L.L.C., Defendant-Appellee Surety.

STATE V. KNIGHT

Opinion of the Court

McGEE, Chief Judge.

Warren H. Mitchell (“Defendant”) failed to appear in Wilson County District Court in an underlying criminal matter on 1 March 2016. The Wilson County Clerk of Court issued a bond forfeiture notice in the amount of \$1,500.00 to Defendant Agent Associates Insurance, L.L.C. (“Surety”), and Surety’s bail agent, Terrence C. Rushing (“Bail Agent”), on 7 March 2016.

Bail Agent filed a motion to set aside the bond forfeiture on 8 August 2016, but did not indicate the reason for setting aside the forfeiture. The Board of Education objected to the motion to set aside the forfeiture on 8 August 2016.

Following a hearing on 23 February 2017, the trial court denied Surety’s motion to set aside the bond forfeiture. Despite denying the motion, the trial court then verbally reduced the amount of the bond forfeiture from \$1,5000.00 to \$750.00 and the trial court signed an order to that effect on 23 February 2017. The Board of Education appeals.

This case is a companion case to COA17-19, *State v. Knight*, filed contemporaneously with this opinion. *Knight* contains the facts and analysis relevant to this case. For the reasons stated in *Knight*, we vacate and remand the order.

VACATED AND REMANDED.

Judges TYSON and INMAN concur.

Report per Rule 30(e).