

STATE OF NORTH CAROLINA  
WILKES COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
10IfS 706153; 706154

State of North Carolina	)	
	)	
Vs.	)	Order Denying Defendant's
	)	Motion to Dismiss
Amanda Lea Rose	)	

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THIS MATTER COMING ON TO BE HEARD AND BEING HEARD before the Honorable Lindsay R. Davis, Jr., Superior Court Judge, present and presiding over the September 12<sup>th</sup> 2011 term of Superior Court in Wilkes County, North Carolina upon the defendant's Motion to Dismiss the above referenced cases for lack of jurisdiction.

The Court reviewed the defendant's motion, supporting documents and received sworn testimony from North Carolina State Highway Patrolman, Trooper S. A. Shouse. The Court makes the following FINDINGS OF FACT:

1. On October 21, 2010, S. A. Shouse, a duly sworn officer of the North Carolina State Highway Patrol, was on duty in Wilkes County, North Carolina;
2. Trooper Shouse stopped the defendant, Amanda Lea Rose, for failing to wear her seatbelt as required by North Carolina General Statute §20-135.2A;
3. The defendant was issued two separate citations for this offense because the defendant drove off from the first incident without wearing her seatbelt as required by N. C. G. S. §20-135.2A;
4. On each occasion the defendant was operating a motor vehicle on a street or highway as contemplated by N.C.G.S. §20-135.2A, US Highway 421 South ramp to NC 16/18 and ramp from NC 16/18 to north bound US Highway 421, respectfully;
5. The defendant presented a valid North Carolina Drivers License to Trooper Shouse;
6. Trooper Shouse presented the defendant with two citations, each citation met the requirements of North Carolina General Statute §15A-302(d).

Based upon the forementioned FINDINGS OF FACTS and the applicable law, the Court makes the following CONCLUSIONS OF LAW:

1. This Court has jurisdiction to hear these matters pursuant to N.C.G.S. §15A-1115;
2. Wilkes County is the county where venue lies pursuant to N.C.G.S. §15A-1112;

3. The North Carolina Court of Appeals has previously decided in, *State of North Carolina vs. Duard Stockton Swaim, Jr.* 92 N. C. App. 240 (1988), that N.C.G.S. §20-135.2A is constitutional, as a valid exercise of the North Carolina's police power.

THEREFORE, IT IS ORDERED, ADJUDGED and DECREED that the State of North Carolina has met its burden in proving that the State has subject matter in these cases and personal jurisdiction over the defendant, Amanda Lea Rose, in these actions.

This the \_\_\_\_\_ day of September 2011.

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Honorable Lindsay R. Davis, Jr.  
Superior Court Judge Presiding