**AFFIDAVIT**

THE AFFIANT, an attorney licensed to practice law in North Carolina, having been first duly sworn now deposes and, based on information and belief, says the following:

1. I am a licensed attorney practicing in Mecklenburg County.
2. I have been practicing law in Mecklenburg County since [YEAR].
3. I represent [indigent clients appointed to me by the Office of the Public Defender as well as] clients who have retained my services.
4. My practice includes representation of clients charged with felony property crimes.
5. Said crimes are prosecuted by the Property Team, a specialized group of attorneys within the District Attorney’s Office.
6. Through my practice, I am familiar with the policies and practices of the Property Team.
7. For the crimes of felony larceny, larceny by employee, and embezzlement, the Property Team routinely offers defendants deferred prosecution pursuant to N.C.G.S. § 15A-1341(a1).
8. For a defendant charged with the above-mentioned crimes to receive an offer of deferred prosecution from the Property Team, a defendant must meet the statutory requirements and must owe no more than $1000 of restitution at the time s/he enters deferred prosecution.
9. If the restitution amount is greater than $1000, the defendant must make restitution payments by a date determined by the District Attorney’s Office.
10. If the defendant is unable to meet this deadline for payment, the Assistant District Attorney revokes the offer of deferred prosecution.
11. Those defendants who are able to pay what the District Attorney’s Office determines to be a sufficient amount of restitution enter deferred prosecution for an opportunity to have the case discharged without conviction.
12. Those defendants who are unable to pay what the District Attorney’s Office determines to be a sufficient amount of restitution are denied this same opportunity.
13. I have personally represented clients who were unable to make sufficient payment of restitution and as a result were denied the opportunity to enter deferred prosecution; these clients instead were convicted of a crime and sentenced accordingly.
14. From representations by members of the Property Team and from the outcomes in my own practice, I understand the $1000 threshold to qualify for deferred prosecution to be a consistent and uniform policy of the Property Team.

Respectfully submitted, this the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 2017.

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Attorney at Law

Sworn to and subscribed before me

this the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_, 2017.

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Notary Public

My Commission expires:\_\_\_\_\_\_\_\_\_\_\_\_\_\_