

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
25CR394562-590

COUNTY OF MECKLENBURG

STATE OF NORTH CAROLINA)
)
 V)
)
 DECARLOS BROWN)
 Defendant)

MOTION TO CONTINUE
RULE 24 HEARING

NOW COMES the defendant, by and through counsel, and moves the court to continue the Rule 24 Hearing that is currently scheduled in this case for April 30, 2026. In support of this motion the defendant shows the court the following:

1. That Defendant was charged on August 23, 2025, with (F) Murder.
2. That on August 29, 2025, the defendant appeared in court (virtually). At that time, the Court ordered that the Defendant be Evaluated at Central Regional Hospital for Capacity to Proceed.
3. That on September 15, 2025, the Defendant was indicted for (F) 1st Degree Murder in Superior Court.
4. That September 16, 2025, due to Capital eligible nature of the charge indicted, the State made application for a Rule 24 hearing.
5. That prior to the Rule 24 hearing scheduled for September, undersigned counsel filed a motion to continue the Rule 24 hearing “until such time as the Capacity Evaluation is completed, and the Court is able to consider and make appropriate rulings regarding the Defendant’s Capacity to proceed.”
6. That the Defendant has been evaluated at Central Regional Hospital, and a report generated on December 29, 2025, found the Defendant “incapable to proceed.”
7. That the Defendant was subsequently indicted in Federal Court in the Western District of North Carolina and taken into Federal custody.
8. That a capacity hearing is a “critical stage” hearing that cannot currently take place while the Defendant remains in Federal custody for the parallel Federal proceedings. Furthermore, should the court accept the findings of Central

Regional Hospital, any resulting orders to attempt to “restore capacity” to the Defendant cannot be effectuated while the Defendant is in Federal custody.

9. That undersigned counsel is requesting the Rule 24 hearing be continued for 180 days – unless there are further orders from the Court.
10. That the State has been notified of this motion and consents to the case being continued.

WHEREFORE, the defendant respectfully prays the Court for the following relief:

1. To grant the Defendant’s motion to continue the Rule 24 hearing for 180 days or further order from the Court.
2. Such other relief as the Court deems just and proper.

Respectfully submitted this the 7th day of April 2026.

s// Daniel P. Roberts

Daniel P. Roberts
Assistant Public Defender