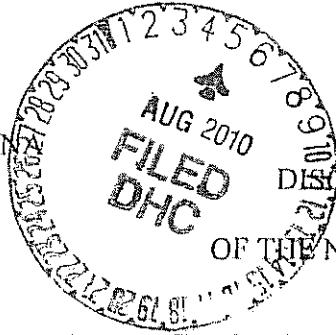


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING
COMMISSION
OF THE NORTH CAROLINA STATE
BAR
10 DHC 30

THE NORTH CAROLINA STATE BAR,

Plaintiff,

v.

JOEL BREWER, Attorney,

Defendant.

CONSENT ORDER OF
INTERIM SUSPENSION

THIS CAUSE came before the undersigned Chair of the Disciplinary Hearing Commission pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, Rule .0115(d) of the Discipline & Disability Rules of the North Carolina State Bar on petition for an order of interim suspension of the license to practice law in North Carolina of Joel H. Brewer based upon his plea of guilty to crimes showing professional unfitness. Defendant was represented by Douglas J. Brocker. Plaintiff, the North Carolina State Bar, was represented by Katherine E. Jean. Based upon the certified copy of the transcript of Brewer's plea and based upon the consent of the parties, the undersigned makes the following

FINDINGS OF FACT

1. Defendant Joel H. Brewer was licensed to practice law in North Carolina on August 24, 1975 and is, and was at all times referred to herein, an attorney at law subject to the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar and the laws of North Carolina.
2. On January 25, 2010, defendant pled guilty to seven counts of misdemeanor assault on a female in violation of N.C. Gen Stat. §14-33(c)(2), one count of misdemeanor impersonating a law enforcement officer in violation of N.C. Gen Stat. §14-277(a)(2), and one count of misdemeanor willful failure to discharge duties in violation of N.C. Gen Stat. §14-230 in the District Court of Person County, files nos. 10 CR 0717 through 10 CR 0725. Certified copies of the transcript of plea and of the judgment entered in those actions are attached hereto as Exhibit 1.

Based upon the foregoing FINDINGS OF FACT, the undersigned makes the following

CONCLUSIONS OF LAW

1. The offenses to which defendant pled guilty are crimes showing professional unfitness as defined by Rule .0103(17) of the State Bar Discipline & Disbarment Rules and N.C. Gen. Stat. § 84-28(b).
2. Rule .0115(d) of Subchapter B of the Discipline & Disability Rules authorizes the Chair of the Disciplinary Hearing Commission to enter an order suspending an attorney's license upon receipt of a certified copy of a plea of guilty to a crime showing professional unfitness.

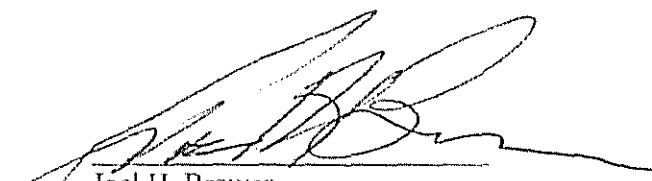
Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned Chair of the Disciplinary Hearing Commission enters the following


ORDER


1. The license to practice law in North Carolina of defendant Joel H. Brewer is hereby **SUSPENDED** until the conclusion of all disciplinary matters pending before the North Carolina State Bar relating to his plea of guilty in the Person County District Court, files nos. 10 CR 0717 through 10 CR 0725, of crimes showing professional unfitness.
2. Defendant can withdraw his consent to this order but only upon a showing by defendant that the State Bar has failed to file the complaint for discipline within a reasonable time after entry of this order of interim suspension. In the event defendant withdraws his consent, defendant shall have the burden of demonstrating by clear, cogent and convincing evidence that the State Bar is delaying or has delayed filing the complaint for discipline without reasonable cause or for an improper purpose. If defendant does withdraw his consent to this order, the Chair of the Disciplinary Hearing Commission will hold a hearing to determine whether defendant has met his burden of establishing grounds to dissolve this order. This order shall remain in full force and effect unless and until it is dissolved by further order of the Chair of the Disciplinary Hearing Commission.
3. It is unknown at this time whether professional discipline will ultimately be imposed in this case. Possible disciplines the Disciplinary Hearing Commission is empowered to impose in any case include suspension and disbarment. If the DHC ultimately should impose any period of suspension or should impose disbarment in this case, defendant will receive credit equal to the amount of time he has been suspended under this interim suspension toward service of any period of disciplinary suspension or disbarment that might be imposed.
4. This suspension shall go into effect immediately upon service of the order upon
Brewer.

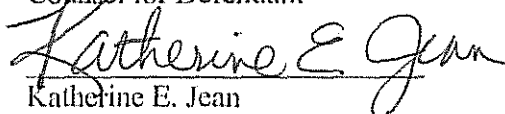
5. Joel H. Brewer will comply with all requirements of 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0124 of the North Carolina State Bar Discipline & Disability Rules for winding down his law practice no later than thirty days after service of this order upon him.

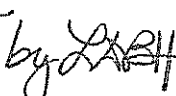
This the 4 day of August, 2010.


Joel H. Brewer
Defendant


Sharon Alexander, Chair
Disciplinary Hearing Commission


Douglas J. Brocker
Counsel for Defendant


Katherine E. Jean
Counsel for Plaintiff

by 

A TRUE COPY

STATE OF NORTH CAROLINA

File No.

10CR717-725

PERSON

County

In The General Court Of Justice

☒ District ☐ Superior Court Division

STATE VERSUS

Name Of Defendant

JOEL HENRY BREWER

DOB

11/19/1950

Age

59

Highest Level Of Education Completed

LAW SCHOOL

TRANSCRIPT OF PLEA

G.S. 15A-1022, 15A-1022.1

NOTE: Use this section ONLY when the Court is rejecting the plea arrangement.

☐ The plea arrangement set forth within this transcript is hereby rejected and the clerk shall place this form in the case file. (Applies to plea arrangements disclosed on or after December 1, 2009.)

Date

Name Of Presiding Judge (Type Or Print)

Signature Of Presiding Judge

The undersigned judge, having addressed the defendant personally in open court, finds that the defendant (1) was duly sworn or affirmed, (2) entered a plea of ☒ guilty ☐ guilty pursuant to Alford decision ☐ no contest, and (3) offered the following answers to the questions set out below:

- Answers
1. Are you able to hear and understand me? (1) yes
 2. Do you understand that you have the right to remain silent and that any statement you make may be used against you? (2) yes
 3. At what grade level can you read and write? (3) 7 yrs post high school
 4. (a). Are you now under the influence of alcohol, drugs, narcotics, medicines, pills, or any other substances? (4a) NO
(b). When was the last time you used or consumed any such substance? This A.M. prescribed (4b) clear mind
 5. Have the charges been explained to you by your lawyer, and do you understand the nature of the charges, and do you understand every element of each charge? (5) yes
 6. (a). Have you and your lawyer discussed the possible defenses, if any, to the charges? (6a) yes
(b). Are you satisfied with your lawyer's legal services? (6b) yes
 7. (a). Do you understand that you have the right to plead not guilty and be tried by a jury? (7a) yes
(b). Do you understand that at such trial you have the right to confront and to cross examine witnesses against you? (7b) yes
(c). Do you understand that at a jury trial you have the right to have a jury determine the existence of any aggravating factors that may apply to your case (and, if applicable, additional sentencing points not related to prior convictions) beyond a reasonable doubt? (7c) yes
(d). Do you understand that by your plea(s) you give up these and other valuable constitutional rights to a jury trial (and, if applicable, rights related to sentencing)? (7d) yes
 8. Do you understand that, if you are not a citizen of the United States of America, your plea(s) of guilty or no contest may result in your deportation from this country, your exclusion from admission to this country, or the denial of your naturalization under federal law? (8) N/A
 - ☒ 9. Do you understand that upon conviction of a felony you may forfeit any State licensing privileges you have in the event that you refuse probation or that your probation is revoked? (9) N/A
 10. Do you understand that following a plea of guilty or no contest there are limitations on your right to appeal? (10) yes
 11. Do you understand that your plea of guilty may impact how long biological evidence related to your case (for example, blood, hair, skin tissue) will be preserved? (11) yes

EXHIBIT

tabbies

1

North Carolina - Person County:

This is to certify that the foregoing is a true copy of the original on file in this office.

This

7-13

2010

William G. Moore Dep CSC

A TRUE COPY

12. Do you understand that you are pleading ☒ guilty ☐ no contest to the charges shown below? (12) _____
(Describe charges, total maximum punishments, and applicable mandatory minimums for those charges.)

PLEAS									
✓	Plea*	File Number	Count No.(s)	Offense(s)	Date Of Offense	G.S. No.	F/M	CL.	Maximum Punishment
	G	100 CR 0717	1	ASSAULT ON A FEMALE	09/01/2009	14-33(c)(2)	M	A1	150 DAYS
	G	100 CR 0718	1	ASSAULT ON A FEMALE	07/10/2008	14-33(c)(2)	M	A1	150 DAYS
	G	100 CR 0719	1	ASSAULT ON A FEMALE	06/30/2008	14-33(c)(2)	M	A1	150 DAYS
	G	100 CR 0720	1	ASSAULT ON A FEMALE	02/28/2009	14-33(c)(2)	M	A1	150 DAYS
	G	100 CR 0721	1	ASSAULT ON A FEMALE	06/30/2008	14-33(c)(2)	M	A1	150 DAYS
	G	100 CR 0722	1	ASSAULT ON A FEMALE	07/19/2008	14-33(c)(2)	M	A1	150 DAYS
	G	100 CR 0723	1	ASSAULT ON A FEMALE	02/06/2009	14-33(c)(2)	M	A1	150 DAYS
	G	100 CR 0724	1	IMPERSONATING A LAW ENF. OFFICER	09/09/2009	14-277(a)(2)	M	1	120 DAYS
	G	100 CR 0725	1	WILFUL FAILURE TO DISCHARGE DUTIES	07/15/2008	14-230	M	1	120 DAYS

☐ See attached AOC-CR-300A, for additional charges.

*G = Guilty
NC = No Contest

TOTAL MAXIMUM PUNISHMENT

1290 DAYS

*EXPOSURE LIMITED TO 120 days - G.S. 15A-1340.

MANDATORY MINIMUM FINES & SENTENCES (if any)

✓ **NOTE TO CLERK:** If this column is checked this is an added offense or reduced charge.

‡ **NOTE:** Enter punishment class if different from underlying offense class (punishment class represents a status or enhancement).

13. Do you now personally plead ☒ guilty ☐ no contest to the charges I just described? (13) YES

14. ☒ (a) Are you in fact guilty? (14a) YES

☐ (b) (no contest plea) Do you understand that, upon your plea of no contest, you will be treated as being guilty whether or not you admit that you are in fact guilty? (14b) _____

☐ (c) (Alford guilty plea)

(1) Do you now consider it to be in your best interest to plead guilty to the charges I just described? (14c1) _____

(2) Do you understand that, upon your "Alford guilty plea," you will be treated as being guilty whether (14c2) _____ or not you admit that you are in fact guilty?

☐ 15. (Use if aggravating factors are listed below) Have you admitted the existence of the aggravating factors shown below, have you agreed that there is evidence to support these factors beyond a reasonable doubt, have you agreed that the Court may accept your admission to these factors, and do you ☐ understand that you are waiving any notice requirement that the State may have with regard to these aggravating factors ☐ agree that the State has provided you with appropriate notice about these aggravating factors? (If so, review the aggravating factors with the defendant.) (15) N/A

☐ 16. (Use if sentencing points are listed below) Have you admitted the existence of the sentencing points not related to prior convictions shown below, have you agreed that there is evidence to support these points beyond a reasonable doubt, have you agreed that the Court may accept your admission to these points, and do you ☐ understand that you are waiving any notice requirement that the State may have with regard to these sentencing points ☐ agree that the State has provided you with appropriate notice about these sentencing points? (If so, review the sentencing points with the defendant.) (16) N/A

17. Do you understand that you also have the right during a sentencing hearing to prove to the Court the existence of any mitigating factors that may apply to your case? (17) YES

18. Do you understand that the courts have approved the practice of plea arrangements and you can discuss your plea arrangement with me without fearing my disapproval? (18) YES
This is to certify that the foregoing is a true copy of the original on file in this office.

This 7-13 20 10
Alvin Brown CSC

STATE VERSUS

10CR717-725

Name Of Defendant

JOEL HENRY BREWER

19. Have you agreed to plead ☒ guilty ☐ no contest as part of a plea arrangement? (If so, review the terms of the plea arrangement as listed in No. 20 below with the defendant.)

(19) yes

20. The prosecutor, your lawyer and you have informed the Court that these are all the terms and conditions of your plea:

PLEA ARRANGEMENT

Sentencing in Court's Discretion.

North Carolina - Person County:
This is to certify that the foregoing is a true copy of the original on file in this office.

This 7-13, 2010
John A. Brewer DSC

☐ The State dismisses the charge(s) set out on Page Two, Side Two, of this transcript.

☐ The defendant stipulates to restitution to the party(ies) in the amounts set out on "Restitution Worksheet, Notice And Order (Initial Sentencing)" (AOC-CR-611).

21. Is the plea arrangement as set forth within this transcript and as I have just described it to you correct as being your full plea arrangement?

(21) yes

22. Do you now personally accept this arrangement?

(22) yes

23. (Other than the plea arrangement between you and the prosecutor) has anyone promised you anything or threatened you in any way to cause you to enter this plea against your wishes?

(23) yes/no

24. Do you enter this plea of your own free will, fully understanding what you are doing?

(24) yes

25. Do you agree that there are facts to support your plea ☐ and admission to aggravating factors ☒ and sentencing points not related to prior convictions, and do you consent to the Court hearing a summary of the evidence?

(25) yes

26. Do you have any questions about what has just been said to you or about anything else connected to your case?

(26) no

ACKNOWLEDGEMENT BY DEFENDANT

I have read or have heard all of these questions and understand them. The answers shown are the ones I gave in open court and they are true and accurate. No one has told me to give false answers in order to have the Court accept my plea in this case. The terms and conditions of the plea as stated within this transcript, if any, are accurate.

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date

Signature Of Defendant

Date

Signature

Name Of Defendant (Type Or Print)

☒ Deputy CSC☐ Assistant CSC☐ Clerk Of Superior Court

CERTIFICATION BY LAWYER FOR DEFENDANT

I hereby certify that the terms and conditions stated within this transcript, if any, upon which the defendant's plea was entered are correct and they are agreed to by the defendant and myself. I further certify that I have fully explained to the defendant the nature and elements of the charges to which the defendant is pleading, and the aggravating and mitigating factors and prior record points for sentencing, if any.

Date

Name Of Lawyer For Defendant (Type Or Print)

Signature Of Lawyer For Defendant

7/8/2010

J.D. Williams, George Daniels, Jin P. Parnell

CERTIFICATION BY PROSECUTOR

As prosecutor for this Prosecutorial District, I hereby certify that the conditions stated within this transcript, if any, are the terms and conditions agreed to by the defendant and his/her lawyer and myself for the entry of the plea by the defendant to the charges in this case.

Date

Name Of Prosecutor (Type Or Print)

Signature Of Prosecutor

07/08/2010

JAMES J. COMAN / MARY D. WINSTEAD

James J. Coman / Mary D. Winstead

A TRUE COPY

PLEA ADJUDICATION

Upon consideration of the record proper, evidence or factual presentation offered, answers of the defendant, statements of the lawyer for the defendant, and statements of the prosecutor, the undersigned finds that:

1. There is a factual basis for the entry of the plea (and for the admission as to aggravating factors and/or sentencing points);
2. The defendant is satisfied with his/her lawyer's legal services;
3. The defendant is competent to stand trial;
4. ☐ The State has provided the defendant with appropriate notice as to the aggravating factors and/or points; ☐ The defendant has waived notice as to the aggravating factors and/or points; and
5. The plea (and admission) is the informed choice of the defendant and is made freely, voluntarily and understandingly.

The defendant's plea (and admission) is hereby accepted by the Court and is ordered recorded.

Date 7/8/10	Name Of Presiding Judge (Type Or Print) William G. Hamby, Jr.	Signature Of Presiding Judge <i>William G. Hamby, Jr.</i>
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SUPERIOR COURT DISMISSALS PURSUANT TO PLEA ARRANGEMENT

File No.	Count No.(s)	Offense(s)

DISTRICT COURT DISMISSALS PURSUANT TO PLEA ARRANGEMENT

File No.	Count No.(s)	Offense(s)

North Carolina - Person County:
This is to certify that the foregoing is a true copy of the original on file in this office.

This 7-13 2010
Walter E. Moore dep
csc

CERTIFICATION BY PROSECUTOR

The undersigned prosecutor enters a dismissal to the above charges pursuant to a plea arrangement shown on this Transcript Of Plea.

Date 7/8/10	Name Of Prosecutor (Type Or Print) JAMES J. COMAN / MARY D. WINSTEAD	Signature Of Prosecutor <i>James J. Coman</i> <i>Mary D. Winstead</i>
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A TRUE COPY

STATE OF NORTH CAROLINA

File No.

10CR 717-725

Person

County

In The General Court Of Justice
☒ District ☐ Superior Court Division**STATE VERSUS**

Name And Address Of Defendant

JOEL HENRY BREWER

Social Security No.

SID No.

Race

W

Sex

M

DOB

11-19-1950

**WORKSHEET
PRIOR RECORD LEVEL FOR
FELONY SENTENCING AND
PRIOR CONVICTION LEVEL FOR
MISDEMEANOR SENTENCING
(STRUCTURED SENTENCING)**

G.S. 15A-1340.14, 15A-1340.21

I. SCORING PRIOR RECORD/FELONY SENTENCING

NUMBER	TYPE	FACTORS	POINTS
	Prior Felony Class A Conviction	X10	0
	Prior Felony Class B1 Conviction	X 9	0
	Prior Felony Class B2 or C or D Conviction	X 6	0
	Prior Felony Class E or F or G Conviction	X 4	0
	Prior Felony Class H or I Conviction	X 2	0
	Prior Class A1 or 1 Misdemeanor Conviction (see note on reverse)	X 1	0
SUBTOTAL			0

Defendant's Current Charge(s):

If all the elements of the present offense are included in any prior offense whether or not the prior offenses were used in determining prior record level.

+ 1

If the offense was committed:

- (a) while on supervised or unsupervised probation, parole, or post-release supervision; or
(b) while serving a sentence of imprisonment; or
(c) while on escape.

+ 1

TOTAL**0****II. CLASSIFYING PRIOR RECORD/CONVICTION LEVEL****MISDEMEANOR****NOTE:** If sentencing for a misdemeanor, total the number of prior conviction(s) listed on the reverse and select the corresponding prior conviction level.

No. Of Prior Convictions	Level
0	I
1 - 4	II
5+	III

**PRIOR
CONVICTION
LEVEL****I**☐ The Court has determined the number of prior convictions to be _____ and the level to be as shown above.☐ In making this determination, the Court has relied upon the State's evidence of the defendant's prior convictions from a computer printout of DCI-CCH.**FELONY****NOTE:** If sentencing for a felony, locate the prior record level which corresponds to the total points determined in Section I above.

Points	Level
0	I
1 - 4	II
5 - 8	III
9 - 14	IV
15 - 18	V
19+	VI

**PRIOR
RECORD
LEVEL**☐ The Court finds the prior convictions, prior record points and the prior record level of the defendant to be as shown herein.☐ In making this determination, the Court has relied upon the State's evidence of the defendant's prior convictions from a computer printout of DCI-CCH.☐ In finding a prior record level point under G.S. 15A-1340.14(b)(7), the Court has relied on the jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.☐ The Court finds that the State and the defendant have stipulated in open court to the prior convictions, points and record level as noted in Section III on the reverse.

Date

07-08-2010

Name Of Presiding Judge (Type Or Print)

William G. Hamby, Jr.

Signature Of Presiding Judge

William G. Hamby, Jr.

(Over)

This is to certify that the foregoing is a true copy of the original on file in this office.

This

7-13

2010

J. L. Hamby, Jr.
CSC

STATE OF NORTH CAROLINA						File No.		10CR 000717		1	
PERSON		County		ROXBORO		Seat Of Court		In The General Court Of Justice			
NOTE: (This form is to be used for misdemeanor offense(s). Use AOC-CR-342 or AOC-CR-310 for DWI offense(s).)						<input checked="" type="checkbox"/> District <input type="checkbox"/> Superior Court Division					
STATE VERSUS						JUDGMENT SUSPENDING SENTENCE - MISDEMEANOR(S)					
Name Of Defendant BREWER, JOEL, HENRY						<input type="checkbox"/> IMPOSING AN INTERMEDIATE PUNISHMENT <input checked="" type="checkbox"/> IMPOSING A COMMUNITY PUNISHMENT (STRUCTURED SENTENCING)					
Race		Sex		DOB		G.S. 15A-1341, -1342, -1343, -1343.2, -1346					
W		M		11/19/1950							
Attorney For State COMAN, J. WINSTEAD, M				<input type="checkbox"/> Def. Found Not Indigent <input type="checkbox"/> Def. Waived Attorney		Attorney For Defendant DANIEL / WILLIAMS/RAMSEY				<input type="checkbox"/> Appointed Crt Rptr Initials <input checked="" type="checkbox"/> Retained	
The defendant <input checked="" type="checkbox"/> pled guilty to: <input type="checkbox"/> was found guilty/responsible by the Court of: <input type="checkbox"/> was found guilty by a jury of: <input type="checkbox"/> pled no contest											
File No.(s)	Off.	Offense Description				Offense Date	G.S. No.	CL.	Pun. CL.		
10CR 000717	1	ASSAULT ON A FEMALE				9/1/2008	14-33(C)(2)	A1			
10CR 000718	1	ASSAULT ON A FEMALE				7/10/2008	14-33(C)(2)	A1			
*NOTE: Enter punishment class if different from underlying offense class (punishment class represents a status or enhancement).											
The Court has determined, pursuant to G.S. 15A-1340.20, the number of prior convictions to be _____ Level: <input checked="" type="checkbox"/> I (0) <input type="checkbox"/> II (1-4) <input type="checkbox"/> III (5+)											
<input type="checkbox"/> 1. The Court imposes the punishment term pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A. <input type="checkbox"/> 2. The Court finds: <input type="checkbox"/> (a) enhancement for: <input type="checkbox"/> G.S. 90-95(e)(4) (drugs). <input type="checkbox"/> G.S. 14-3(c) (hate crime). <input type="checkbox"/> G.S. 14-50.22 (gang). <input type="checkbox"/> (b) enhancement from required suspended sentence to Class 2 misdemeanor. G.S. 90-95(e)(7). If in District Court, the Court found this issue beyond a reasonable doubt or the defendant pled guilty or not contest to this issue. If in Superior Court, this finding is based on the jury's determination of this issue beyond a reasonable doubt or the defendant's plea of guilty or no contest to this issue. <input type="checkbox"/> 3. The Court imposes mandatory punishment. G.S. 14-33(d) (assault in the presence of a minor). <input type="checkbox"/> 4. The Court finds the above designated offense(s) is a reportable conviction under G.S. 14-208.6 and therefore a. imposes the special conditions of probation set forth on the attached AOC-CR-603, Page Two, Side Two, and b. makes the additional findings and orders on the attached AOC-CR-615, Side Two. <input type="checkbox"/> 5. The Court finds the above-captioned offense(s) involved the (check all that apply) <input type="checkbox"/> physical or mental <input type="checkbox"/> sexual abuse of a minor <input type="checkbox"/> (If No. 4 not found) and therefore imposes the special conditions of probation set forth on the attached AOC-CR-603, Page Two, Side Two. <input type="checkbox"/> 6. The Court finds this is an offense involving assault or communicating a threat, and the defendant had a personal relationship as defined by G.S. 50B-1(b) with the victim. <input type="checkbox"/> 7. The Court finds that the above designated offense(s) involved criminal street gang activity. G.S. 14-50.25.											
The Court, having considered evidence, arguments of counsel and statement of defendant, Orders that the above offenses, if more than one, be consolidated for judgment and the defendant be imprisoned											
for a term of <u>60</u> days in the custody of the:						<input checked="" type="checkbox"/> N.C. DOC. <input type="checkbox"/> Sheriff of _____ County. <input type="checkbox"/> Other _____					
<input type="checkbox"/> This sentence shall run at the expiration of sentence imposed in file number _____											
The defendant shall be given credit for _____ days spent in confinement prior to the date of this Judgment as a result of this charge(s), to be applied toward the <input checked="" type="checkbox"/> sentence imposed above. <input type="checkbox"/> imprisonment required for special probation below.											
SUSPENSION OF SENTENCE											
Subject to the conditions set out below, the execution of this sentence is suspended and the defendant is placed on <input checked="" type="checkbox"/> supervised <input type="checkbox"/> unsupervised probation for <u>36</u> months.											
<input checked="" type="checkbox"/> 1. The Court finds that a <input checked="" type="checkbox"/> longer <input type="checkbox"/> shorter period of probation is necessary than that which is specified in G.S. 15A-1343.2(d). <input type="checkbox"/> 2. The Court finds that it is NOT appropriate to delegate to the Division of Community Corrections in the Department of Correction the authority to impose any of the requirements in G.S. 15A-1343.2(e) if the offender is sentenced to a community punishment, or G.S. 15A-1343.2(f) if the offender is sentenced to an intermediate punishment. <input type="checkbox"/> 3. The above period of probation shall begin when the defendant is released from incarceration in the case referred to below. <input type="checkbox"/> 4. The above period of probation shall begin at the expiration of the sentence in the case referred to below.											
File Number		Offense		County		Court		Date			
<input type="checkbox"/> 5. The defendant shall comply with the conditions set forth in file number _____ <input type="checkbox"/> 6. The defendant shall provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319 required)											
MONETARY CONDITIONS											
The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below, plus the probation supervision fee, pursuant to a schedule <input checked="" type="checkbox"/> determined by the probation officer. <input type="checkbox"/> set out by the court as follows:											
Court Costs	Miscellaneous	Fine	Restitution*	Attorney's Fee	Comm. Service Fee	EHA Fee	SBM Fee	Total Amount Due			
\$ 126.00	\$ 756.00	\$ 35,000.00	\$ 0.00	\$ 0.00	\$ 225.00	\$ 0.00	\$ 0.00	\$ 36,107.00			
*See attached "Restitution Worksheet, Notice And Order (Initial Sentencing)," AOC-CR-611, which is incorporated by reference.											
<input type="checkbox"/> All payments received by the Clerk shall be distributed pro rata among the persons entitled to restitution in this priority: first among all G.S. 7A-304(d) priorities <input type="checkbox"/> and before payment of community service and probation supervision fees. <input type="checkbox"/> Upon payment of the "Total Amount Due," the probation officer may transfer the defendant to unsupervised probation.											

REGULAR CONDITIONS OF PROBATION - G.S. 15A-1343(b)

NOTE: Any probationary judgment may be extended pursuant to G.S. 15A-1342. The defendant shall: (1) Commit no criminal offense in any jurisdiction. (2) Possess no firearm, explosive device or other deadly weapon listed in G.S. 14-269. (3) Remain gainfully and suitably employed or faithfully pursue a course of study or vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) Satisfy child support and family obligations, as required by the Court.

If the defendant is on supervised probation, the defendant shall also: (5) Remain within the jurisdiction of the Court unless granted written permission to leave by the Court or the probation officer. (6) Report as directed by the Court or the probation officer to the officer at reasonable times and places and in a reasonable manner, permit the officer to visit at reasonable times, answer all reasonable inquiries by the officer and obtain prior approval from the officer for, and notify the officer of, any change in address or employment. (7) Notify the probation officer if the defendant fails to obtain or retain satisfactory employment. (8) At a time to be designated by the probation officer, visit with the probation officer a facility maintained by the Division of Prisons.

If the defendant is to serve an active sentence as a condition of special probation, the defendant shall also: (9) Obey the rules and regulations of the Department of Correction governing the conduct of inmates while imprisoned. (10) Report to a probation officer in the State of North Carolina within seventy-two (72) hours of the defendant's discharge from the active term of imprisonment.

- ☐ 11. The court finds that the defendant is responsible for acts of domestic violence and ☐ there is an abuser treatment program, approved by the Domestic Violence Commission, reasonably available to the defendant, and the defendant shall attend and complete that program. ☐ there is not an approved abuser treatment program reasonably available. ☐ it would not be in the best interests of justice to order the defendant to complete an abuser treatment program because _____

NOTE: See AOC-CR-603, Page Two, Side Two for Additional Conditions For Persons Convicted Of Domestic Violence.

SPECIAL CONDITIONS OF PROBATION - G.S. 15A-1343(b1), 143B-262(c)

The defendant shall also comply with the following special conditions which the Court finds are reasonably related to the defendant's rehabilitation:

- ☐ 12. Surrender the defendant's drivers license to the Clerk of Superior Court for transmittal/notification to the Division of Motor Vehicles and not operate a motor vehicle for a period of _____ or until relicensed by the Division of Motor Vehicles, whichever is later.
- ☐ 13. Submit at reasonable times to warrantless searches by a probation officer of the defendant's person, and of the defendant's vehicle and premises while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision: ☐ stolen goods ☐ controlled substances ☐ contraband ☐ child pornography ☐
- ☐ 14. Not use, possess or control any illegal drug or controlled substance unless it has been prescribed for the defendant by a licensed physician and is in the original container with the prescription number affixed on it; not knowingly associate with any known or previously convicted users, possessors or sellers of any illegal drugs or controlled substances; and not knowingly be present at or frequent any place where illegal drugs or controlled substances are sold, kept or used.
- ☐ 15. Supply a breath, urine and/or blood specimen for analysis of the possible presence of a prohibited drug or alcohol, when instructed by the defendant's probation officer.
- ☐ 16. Successfully pass the General Education Development Test (G.E.D.) during the first _____ months of the period of probation.
- ☒ 17. Complete 100 hours of community or reparation service during the first 1080 days of the period of probation, as directed by the community service coordinator and pay the fee prescribed by G.S. 143B-262.4(b). ☐ pursuant to the schedule set out under monetary conditions above. ☐ within _____ days of this Judgment and before beginning service.
- ☐ 18. Report for initial evaluation by _____ participate in all further evaluation, counseling, treatment or education programs recommended as a result of that evaluation, and comply with all other therapeutic requirements of those programs until discharged.
- ☐ 19. Not assault, threaten, harass, be found in or on the premises or workplace of, or have any contact with _____ "Contact" includes any defendant-initiated contact, direct or indirect, by any means including but not limited to telephone, personal contact, e-mail, pager, gift-giving, telefacsimile machine or through any other person, except _____
- ☒ 20. Other: SEE ATTACHED FURTHER CONDITION

- ☐ 21. Comply with the Special Conditions Of Probation - Intermediate Punishments - Contempt which are set forth on AOC-CR-603, Page Two.

- ☐ A hearing was held in open court in the presence of the defendant at which time a fee, including expenses, was awarded the defendant's appointed counsel or assigned public defender.

ORDER OF COMMITMENT/APEAL ENTRIES

- ☐ 1. It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.
- ☐ 2. The defendant gives notice of appeal from the judgment of the District Court to the Superior Court.
- ☐ 3. The current pretrial release order is modified as follows: _____
- ☐ 4. The defendant gives notice of appeal from the judgment of the trial court to the appellate division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350.

SIGNATURE OF JUDGE

Date <u>7/8/2010</u>	Name Of Presiding Judge (Type Or Print) <u>WILLIAM G HAMBY, JR</u>	Signature Of Presiding Judge <u>William G. Hamby, Jr.</u>
-------------------------	---	--

CERTIFICATION

I certify that this Judgment and the attachment(s) marked below is a true and complete copy of the original which is on file in this case.

- | | |
|--|--|
| <input type="checkbox"/> 1. Appellate Entries (AOC-CR-350) | <input type="checkbox"/> 4. Judicial Findings As To Required DNA Sample (AOC-CR-319) |
| <input type="checkbox"/> 2. Judgment Suspending Sentence, Page Two (Special Conditions Of Probation (AOC-CR-603, Page Two) | <input type="checkbox"/> 5. Judicial Findings And Order As For Sex Offenders - Suspended Sentence (AOC-CR-615, Side Two) |
| <input type="checkbox"/> 3. Restitution Worksheet, Notice And Order (Initial Sentencing) (AOC-CR-611) | |

Date Of Certification <u>7-13-10</u>	Signature <u>Kellie Ann</u>	SEAL
---	--------------------------------	------

Date Certified Copies Delivered To Sheriff	<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court
--	--

File No.

10CR 000717

BREWER,JOEL,HENRY

ADDITIONAL FILE NO.(S) AND OFFENSE(S)

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL	*Pun. CL.
10CR 000719	1	ASSAULT ON A FEMALE	6/28/2008	14-33(C)(2)	M	A1	
10CR 000720	1	ASSAULT ON A FEMALE	2/22/2009	14-33(C)(2)	M	A1	
10CR 000721	1	ASSAULT ON A FEMALE	6/28/2008	14-33(C)(2)	M	A1	
10CR 000722	1	ASSAULT ON A FEMALE	7/19/2008	14-33(C)(2)	M	A1	
10CR 000723	1	ASSAULT ON A FEMALE	2/6/2009	14-33(C)(2)	M	A1	

This is to certify that the foregoing is a true copy of the original on file in this office.

This 7-13 2010
Kelly A Moore Dep
CSC

AOC-CR-603, Page Three, Rev. 3/09, © 2009 Administrative Office of the Courts

STATE OF NORTH CAROLINA

File No.

10CR 000717

1

PERSON County

In The General Court Of Justice
☒ District ☐ Superior Court Division

STATE VERSUS

Name Of Defendant

BREWER, JOEL, HENRY

JUDGMENT/ORDER OR
OTHER DISPOSITION

Race W	Sex M	Date Of Birth 11/19/1950	Social Security No.
-----------	----------	-----------------------------	---------------------

Attorney For State

COMAN, J, WINSTEAD, M

☐ Def. Found-
Not Indigent
 ☐ Def. Waived
Attorney

Attorney For Defendant

DANIEL/ WILLIAMS/ RAMSEY

☐ Appointed ☒ Retained

Offense

ASSAULT ON A FEMALE

NOTE: (For use in recording
Misdemeanor conviction levels
under S.S.A.)

PLEA

VERDICT

PRIOR CONVICTIONS:

No./Level ☐ I (0) ☐ II (1-4) ☐ III (5+)☒ Guilty/Responsible ☐ No Contest☒ Guilty/ResponsibleMISD. CLASS: ☐ 1 ☐ 2 ☐ 3☐ Guilty/Responsible ☐ No Contest☐ Guilty/ResponsibleMISD. CLASS: ☐ 1 ☐ 2 ☐ 3☐ Not Guilty/Not Responsible☐ Not Guilty/Not Responsible

FURTHER CONDITIONS ARE AS FOLLOWS:

IF HIS BAR LICENSE IS SUSPENDED FOR MORE THAN 90 DAYS, THEN ONE HALF OF THE FINE WILL BE REMITTED.

ASSIGN PROBATION TO AN OUT OF COUNTY DISTRICT PROBATION OFFICER

UNDERGO ASSESSMENT AND TREATMENT, IF RECOMMENDED, SPECIFIC TO SEXUAL ABUSE BY SOMEONE CERTIFIED OR GENERALLY RECOGNIZED IN THE AREA OF SEXUAL ABUSE. PROVIDE PROGRESS REPORTS TO PROBATION OFFICER AND ATTORNEY GENERAL'S OFFICE.
CONTINUE

CONTINUE WITH COUNSELING FOR HIMSELF

COOPERATE WITH ANY DISCIPLINARY PROCEEDINGS OF THE NC STATE BAR

NOT VIOLATE LAWS OF THE STATE OF NORTH CAROLINA

NOT BE COURT APPOINTED TO ANY FEMALE DEFENDANTS

NO CONTACT WITH ANY OF THE VICTIMS LISTED IN THE CHARGES

ONCE HE HAS COMPLETED THE PAYMENT OF FINES, FEES AND COSTS, COMPLETED COMMUNITY SERVICE, SEXUAL ABUSE ASSESSMENT AND MADE SATISFACTORY PROGRESS IN ANY RECOMMENDED TREATMENT, AND COMPLETED THE BAR DISCIPLINARY PROCESS, HE MAY BE TRANSFERRED TO UNSUPERVISED PROBATION.

North Carolina - Person County.
This is to certify that the foregoing is a true
copy of the original on file in this office.This 7-13 2010
William G. Hamby Jr. CSCDate
7/8/2010Name Of Presiding Judge (Type Or Print)
WILLIAM G HAMBY, JRSignature Of Presiding Judge
William G. Hamby Jr.

APPEAL ENTRIES

☐ The defendant gives notice of appeal from the judgment of the District Court to the Superior Court.☐ The current pretrial release order is modified as follows:☐ The defendant gives notice of appeal from the judgment of the Superior Court to the Appellate Division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350.

Date

Name Of Presiding Judge (Type Or Print)

Signature Of Presiding Judge

STATE OF NORTH CAROLINA

File No.

10CR 000724

1

PERSON County

In The General Court Of Justice
☒ District ☐ Superior Court Division

STATE VERSUS

Name Of Defendant

BREWER, JOEL, HENRY

Race

W

Sex

M

Date Of Birth

11/19/1950

Social Security No.

JUDGMENT/ORDER OR
OTHER DISPOSITION

Attorney For State

COMAN, J, WINSTEAD, M

☐ Def. Found
Not Indigent☐ Def. Waived
Attorney

Attorney For Defendant

DANIEL/ WILLIAMS/RAMSEY

☐ Appointed ☒ Retained

Offense

IMPERSONATE LAW ENFORCEMENT (M)

NOTE: (For use in recording
Misdemeanor conviction levels
under S.S.A.)

PLEA

VERDICT

PRIOR CONVICTIONS:

No./Level ☐ I (0) ☐ II (1-4) ☐ III (5+)☒ Guilty/Responsible ☐ No Contest☐ Guilty/Responsible ☐ No Contest☐ Not Guilty/Not Responsible☒ Guilty/Responsible☐ Guilty/Responsible☐ Not Guilty/Not ResponsibleMISD. CLASS: ☐ 1 ☐ 2 ☐ 3MISD. CLASS: ☐ 1 ☐ 2 ☐ 3

FURTHER CONDITIONS ARE AS FOLLOWS:

IF HIS BAR LICENSE IS SUSPENDED FOR MORE THAN 90 DAYS, THEN ONE HALF OF THE FINE WILL BE REMITTED.

ASSIGN PROBATION TO AN OUT OF COUNTY DISTRICT PROBATION OFFICER

UNDERGO ASSESSMENT AND TREATMENT, IF RECOMMENDED, SPECIFIC TO SEXUAL ABUSE BY SOMEONE CERTIFIED OR GENERALLY RECOGNIZED IN THE AREA OF SEXUAL ABUSE. PROVIDE PROGRESS REPORTS TO PROBATION OFFICER AND ATTORNEY GENERAL'S OFFICE.
CONTINUE

CONTINUE WITH COUNSELING FOR HIMSELF

COOPERATE WITH ANY DISCIPLINARY PROCEEDINGS OF THE NC STATE BAR

NOT VIOLATE LAWS OF THE STATE OF NORTH CAROLINA

NOT BE COURT APPOINTED TO ANY FEMALE DEFENDANTS

NO CONTACT WITH ANY OF THE VICTIMS LISTED IN THE CHARGES

North Carolina - Person County:
This is to certify that the foregoing is a true
copy of the original on file in this office.This 7-13 2010
William G. Hamby, Jr.
CSC

ONCE HE HAS COMPLETED THE PAYMENT OF FINES, FEES AND COSTS, COMPLETED COMMUNITY SERVICE, SEXUAL ABUSE ASSESSMENT AND MADE SATISFACTORY PROGRESS IN ANY RECOMMENDED TREATMENT, AND COMPLETED THE BAR DISCIPLINARY PROCESS, HE MAY BE TRANSFERRED TO UNSUPERVISED PROBATION.

Date

7/8/2010

Name Of Presiding Judge (Type Or Print)

WILLIAM G HAMBY, JR

Signature Of Presiding Judge

William G. Hamby, Jr.

APPEAL ENTRIES

- ☐
- The defendant gives notice of appeal from the judgment of the District Court to the Superior Court.
-
- ☐
- The current pretrial release order is modified as follows:

- ☐
- The defendant gives notice of appeal from the judgment of the Superior Court to the Appellate Division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350.

Date

Name Of Presiding Judge (Type Or Print)

Signature Of Presiding Judge

A TRUE COPY

STATE OF NORTH CAROLINA		File No. 10CR 724
_____ PERSON _____ County		In The General Court Of Justice <input checked="" type="checkbox"/> District <input type="checkbox"/> Superior Court Division
<input type="checkbox"/> Civil: Plaintiff: _____ <input checked="" type="checkbox"/> Criminal	Additional File Numbers _____	
STATE VERSUS		ORDER FOR DISPOSITION OF PHYSICAL EVIDENCE (OTHER THAN DEADLY WEAPONS AND ALCOHOLIC BEVERAGES)
Name Of Defendant JOEL HENRY BREWER		

The Court finds that this case has been concluded.

It is ORDERED that the evidence listed below be:

- ☐ 1. returned to the rightful owner, _____
- ☐ 2. returned to the offering party or the attorney.
- ☐ 3. delivered to the sheriff ☒ Other law enforcement agency (specify): SBI
 - ☐ a. to be destroyed.
 - ☒ b. to be disposed of according to law.
 - ☐ c. to be used by _____
- ☐ 4. disposed of according to Rule 14 of General Rules of Practice for the Superior and District Courts.
- ☐ 5. Other: (specify) _____

Description (List items or attach exhibits/evidence log)

GOLD BADGE ENGRAVED WITH "DISTRICT ATTORNEY" AND JOEL BREWER'S NAME

North Carolina - Person County:
This is to certify that the foregoing is a true
copy of the original on file in this office.

This 7-13 2010
William A. Hamby Jr. Dep
 CSC

Date 07-08-2010	Name Of Judge (Type Or Print) HON. WILLIAM HAMBY, JR	Signature Of Judge <u>William A. Hamby Jr.</u>
--------------------	---	---

TO BE COMPLETED WHEN EVIDENCE TURNED OVER TO SOMEONE ELSE		
Date	Name Of Recipient (Type Or Print)	Signature Of Recipient

TO BE COMPLETED IF CLERK DISPOSES OF EVIDENCE		
Date Of Disposition	Signature	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> CSC
Signature Of Witness		

NOTE: For firearms and other deadly weapons, see G.S. 14-269.1 and form AOC-CR-218. For alcoholic beverages, see G.S. 18B-503 and form AOC-CR-920M.

(NOTE: This form may be used in both civil and criminal cases.)

AOC-G-152, New 3/98

© 1998 Administrative Office of the Courts

A TRUE COPY

STATE OF NORTH CAROLINA

File No.

10CR 000724

1

PERSON

County

ROXBORO

Seat Of Court

In The General Court Of Justice

NOTE: (This form is to be used for misdemeanor offense(s). Use AOC-CR-342 or AOC-CR-310 for DWI offense(s).)

☒ District ☐ Superior Court Division

STATE VERSUS

Name Of Defendant

BREWER, JOEL, HENRY

Race

W

Sex

M

DOB

11/19/1950

Attorney For State

COMAN, J, WINSTEAD, M

☐ Def. Found
Not Indigent☐ Def. Waived
Attorney

JUDGMENT SUSPENDING SENTENCE - MISDEMEANOR(S)

☐ IMPOSING AN INTERMEDIATE PUNISHMENT☒ IMPOSING A COMMUNITY PUNISHMENT
(STRUCTURED SENTENCING)

G.S. 15A-1341, -1342, -1343, -1343.2, -1346

Attorney For Defendant

DANIEL/ WILLIAMS/RAMSEY

☐ Appointed

Crt Rptr Initials

☒ RetainedThe defendant ☒ pled guilty to: ☐ was found guilty/responsible by the Court of: ☐ was found guilty by a jury of: ☐ pled no contest

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	CL.	*Pun. CL.
10CR 000724	1	IMPERSONATE LAW ENFORCEMENT (M)	9/9/2009	14-277	1	
10CR 000725	1	WILLFUL FAIL DISCHARGE DUTIES	7/15/2008	14-230	1	

*NOTE: Enter punishment class if different from underlying offense class (punishment class represents a status or enhancement).

The Court has determined, pursuant to G.S. 15A-1340.20, the number of prior convictions to be 0. Level: ☒ I (0) ☐ II (1-4) ☐ III (5+)☐ 1. The Court imposes the punishment term pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A.☐ 2. The Court finds: ☐ (a) enhancement for:☐ G.S. 90-95(e)(4) (drugs).☐ G.S. 14-3(c) (hate crime).☐ G.S. 14-50.22 (gang).☐ (b) enhancement from required suspended sentence to Class 2 misdemeanor, G.S. 90-95(e)(7).

If in District Court, the Court found this issue beyond a reasonable doubt or the defendant pled guilty or not contest to this issue. If in Superior Court, this finding is based on the jury's determination of this issue beyond a reasonable doubt or the defendant's plea of guilty or no contest to this issue.

☐ 3. The Court imposes mandatory punishment, G.S. 14-33(d) (assault in the presence of a minor).☐ 4. The Court finds the above designated offense(s) is a reportable conviction under G.S. 14-208.6 and therefore

a. imposes the special conditions of probation set forth on the attached AOC-CR-603, Page Two, Side Two, and

b. makes the additional findings and orders on the attached AOC-CR-615, Side Two.

☐ 5. The Court finds the above-captioned offense(s) involved the (check all that apply) ☐ physical or mental ☐ sexual abuse of a minor☐ (If No. 4 not found) and therefore imposes the special conditions of probation set forth on the attached AOC-CR-603, Page Two, Side Two.☐ 6. The Court finds this is an offense involving assault or communicating a threat, and the defendant had a personal relationship as defined by G.S. 50B-1(b) with the victim.☐ 7. The Court finds that the above designated offense(s) involved criminal street gang activity, G.S. 14-50.25.

The Court, having considered evidence, arguments of counsel and statement of defendant, Orders that the above offenses, if more than one, be consolidated for judgment and the defendant be imprisoned

for a term of 45 days in the custody of the: ☒ N.C. DOC.☐ Sheriff of _____

County.

☐ Other _____☒ This sentence shall run at the expiration of sentence imposed in file number 10CR 000717 1.The defendant shall be given credit for _____ days spent in confinement prior to the date of this Judgment as a result of this charge(s), to be applied toward the ☒ sentence imposed above. ☐ imprisonment required for special probation below.

SUSPENSION OF SENTENCE

Subject to the conditions set out below, the execution of this sentence is suspended and the defendant is placed on ☒ supervised ☐ unsupervised probation for 36 months.☒ 1. The Court finds that a ☒ longer ☐ shorter period of probation is necessary than that which is specified in G.S. 15A-1343.2(d).☐ 2. The Court finds that it is NOT appropriate to delegate to the Division of Community Corrections in the Department of Correction the authority to impose any of the requirements in G.S. 15A-1343.2(e) if the offender is sentenced to a community punishment, or G.S. 15A-1343.2(f) if the offender is sentenced to an intermediate punishment.☐ 3. The above period of probation shall begin when the defendant is released from incarceration in the case referred to below.☐ 4. The above period of probation shall begin at the expiration of the sentence in the case referred to below.

File Number	Offense	County	Court	Date
-------------	---------	--------	-------	------

☐ 5. The defendant shall comply with the conditions set forth in file number _____☐ 6. The defendant shall provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319 required)

MONETARY CONDITIONS

The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below, plus the probation supervision fee, pursuant to a schedule ☒ determined by the probation officer. ☐ set out by the court as follows: _____

Court Costs

Court Costs	Miscellaneous	Fine	Restitution*	Attorney's Fee	Comm. Service Fee	EHA Fee	SBM Fee	Total Amount Due
\$ 126.00	\$ 126.00	\$ 15,000.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 15,252.00

*See attached "Restitution Worksheet, Notice And Order (Initial Sentencing)," AOC-CR-611, which is incorporated by reference.

☐ All payments received by the Clerk shall be distributed pro rata among the persons entitled to restitution in this priority: first among all G.S. 7A-304(d) priorities ☐ and before payment of community service and probation supervision fees.☐ Upon payment of the "Total Amount Due," the probation officer may transfer the defendant to unsupervised probation.

REGULAR CONDITIONS OF PROBATION - G.S. 15A-1343(b)

NOTE: Any probationary judgment may be extended pursuant to G.S. 15A-1342. The defendant shall: (1) Commit no criminal offense in any jurisdiction. (2) Possess no firearm, explosive device or other deadly weapon listed in G.S. 14-269. (3) Remain gainfully and suitably employed or faithfully pursue a course of study or vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) Satisfy child support and family obligations, as required by the Court.

If the defendant is on supervised probation, the defendant shall also: (5) Remain within the jurisdiction of the Court unless granted written permission to leave by the Court or the probation officer. (6) Report as directed by the Court or the probation officer to the officer at reasonable times and places and in a reasonable manner, permit the officer to visit at reasonable times, answer all reasonable inquiries by the officer and obtain prior approval from the officer for, and notify the officer of, any change in address or employment. (7) Notify the probation officer if the defendant fails to obtain or retain satisfactory employment. (8) At a time to be designated by the probation officer, visit with the probation officer a facility maintained by the Division of Prisons.

If the defendant is to serve an active sentence as a condition of special probation, the defendant shall also: (9) Obey the rules and regulations of the Department of Correction governing the conduct of inmates while imprisoned. (10) Report to a probation officer in the State of North Carolina within seventy-two (72) hours of the defendant's discharge from the active term of imprisonment.

- ☐ 11. The court finds that the defendant is responsible for acts of domestic violence and ☐ there is an abuser treatment program, approved by the Domestic Violence Commission, reasonably available to the defendant, and the defendant shall attend and complete that program. ☐ there is not an approved abuser treatment program reasonably available. ☐ it would not be in the best interests of justice to order the defendant to complete an abuser treatment program because _____

NOTE: See AOC-CR-603, Page Two, Side Two for Additional Conditions For Persons Convicted Of Domestic Violence.

SPECIAL CONDITIONS OF PROBATION - G.S. 15A-1343(b1), 143B-262(c)

The defendant shall also comply with the following special conditions which the Court finds are reasonably related to the defendant's rehabilitation:

- ☐ 12. Surrender the defendant's drivers license to the Clerk of Superior Court for transmittal/notification to the Division of Motor Vehicles and not operate a motor vehicle for a period of _____ or until relicensed by the Division of Motor Vehicles, whichever is later.
- ☐ 13. Submit at reasonable times to warrantless searches by a probation officer of the defendant's person, and of the defendant's vehicle and premises while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision: ☐ stolen goods ☐ controlled substances ☐ contraband ☐ child pornography
- ☐ 14. Not use, possess or control any illegal drug or controlled substance unless it has been prescribed for the defendant by a licensed physician and is in the original container with the prescription number affixed on it; not knowingly associate with any known or previously convicted users, possessors or sellers of any illegal drugs or controlled substances; and not knowingly be present at or frequent any place where illegal drugs or controlled substances are sold, kept or used.
- ☐ 15. Supply a breath, urine and/or blood specimen for analysis of the possible presence of a prohibited drug or alcohol, when instructed by the defendant's probation officer.
- ☐ 16. Successfully pass the General Education Development Test (G.E.D.) during the first _____ months of the period of probation.
- ☒ 17. Complete 100 hours of community or reparation service during the first 1080 days of the period of probation, as directed by the community service coordinator and pay the fee prescribed by G.S. 143B-262.4(b). ☐ pursuant to the schedule set out under monetary conditions above. ☐ within _____ days of this Judgment and before beginning service.
- ☐ 18. Report for initial evaluation by _____ participate in all further evaluation, counseling, treatment or education programs recommended as a result of that evaluation, and comply with all other therapeutic requirements of those programs until discharged.
- ☐ 19. Not assault, threaten, harass, be found in or on the premises or workplace of, or have any contact with _____ "Contact" includes any defendant-initiated contact, direct or indirect, by any means including but not limited to telephone, personal contact, e-mail, pager, gift-giving, telefacsimile machine or through any other person, except _____
- ☒ 20. Other: _____

RUN AT THE EXPIRATION OF PRIOR SENTENCE. SEE ATTACHED ORDER FOR FURTHER CONDITIONS

(SF remitted (pay in other case))

- ☐ 21. Comply with the Special Conditions Of Probation - Intermediate Punishments - Contempt which are set forth on AOC-CR-603, Page Two.
- ☐ A hearing was held in open court in the presence of the defendant at which time a fee, including expenses, was awarded the defendant's appointed counsel or assigned public defender.

ORDER OF COMMITMENT/APPEAL ENTRIES

- ☐ 1. It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.
- ☐ 2. The defendant gives notice of appeal from the judgment of the District Court to the Superior Court.
- ☐ 3. The current pretrial release order is modified as follows: _____
- ☐ 4. The defendant gives notice of appeal from the judgment of the trial court to the appellate division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350.

SIGNATURE OF JUDGE

Date	Name Of Presiding Judge (Type Or Print)	Signature Of Presiding Judge
7/8/2010	WILLIAM G HAMBY, JR	<i>William G. Hamby Jr</i>

CERTIFICATION

I certify that this Judgment and the attachment(s) marked below is a true and complete copy of the original which is on file in this case.

- | | |
|--|--|
| <input type="checkbox"/> 1. Appellate Entries (AOC-CR-350) | <input type="checkbox"/> 4. Judicial Findings As To Required DNA Sample (AOC-CR-319) |
| <input type="checkbox"/> 2. Judgment Suspending Sentence, Page Two (Special Conditions Of Probation (AOC-CR-603, Page Two) | <input type="checkbox"/> 5. Judicial Findings And Order As For Sex Offenders - Suspended Sentence (AOC-CR-615, Side Two) |
| <input type="checkbox"/> 3. Restitution Worksheet, Notice And Order (Initial Sentencing) (AOC-CR-611) | |

Date Of Certification	Signature	SEAL
7-13-10	<i>Kelly W. Brice</i>	
Date Certified Copies Delivered To Sheriff	<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	