

10992

STATE OF NORTH CAROLINA

File No. 90 CRS 5945

UNION County / MONROE Seat Of Court In The General Court Of Justice

NOTE: (This form is not to be used for multiple offenses unless they are consolidated for judgment.) ☐ District ☒ Superior Court Division

STATE VERSUS

Defendant DAVID RAY MARTIN

Race W Sex M DOB age 34 3-13-56 ☐ Pre-FSA ☐ Felony

Attorney For State SCOTT BREWER ☐ Def. Found ☐ Def. Waived ☐ Not Indigent ☐ Attorney

☐ DWI ☐ Offense Level Of Punishment (G.S. 20-179)

JUDGMENT AND COMMITMENT

G.S. 15A-1301

Attorney For Defendant EDDIE MEACHAM ☒ Appointed ☐ Retained

Driver's License No. (DWI Only) State (DWI Only)

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

File No.(s) And Offense(s)	Date Of Offense	G.S. No.	Fel./M.	Class	Max. Term	Presumptive
90-CRS-5945 SECOND DEGREE MURDER	1/27/90	14-17	FELONY	C	50yrs.	15yrs.

The above offenses are consolidated for the purpose of judgment.
The Court having considered evidence, arguments of counsel and statement of the defendant Orders that the defendant be imprisoned

for a term of (12) TWELVE YEARS in the custody of the ☒ N.C. Dept. of Correction ☐ Sheriff of _____ County

The defendant shall be given credit for -5- days spent in confinement prior to the date of this Judgment as a result of this charge.

☐ The sentence imposed above shall begin at the expiration of all sentences which the defendant is presently obligated to serve.
☐ The sentence imposed above shall begin at the expiration of the sentence imposed in the case referenced below:
(NOTE: List the Case Number, Date, County And Court In Which Prior Sentence Imposed.)

(check all that apply)

☐ The defendant shall serve as a committed youthful offender pursuant to G.S. Chapter 148, Article 3B.
☐ The defendant shall pay the costs.
☐ Immediate work release is recommended pursuant to G.S. 148-33.1.
☐ With the consent of the defendant, work release is ordered under the conditions set forth in the attached order (applies to misdemeanants only).
☐ The Court does not recommend that the defendant be required to pay restitution or reparation, as a condition of parole if parole is granted, or from his earnings if work release is granted.
☐ The Court recommends that the defendant be required to pay, as a condition of parole if parole is granted, or from his earnings if work release is granted, the items and amounts set out below.

☐ The defendant should not obtain the benefit of release pursuant to G.S. 148-49.15.
☐ The defendant shall pay a fine of \$ _____
☐ Work release is recommended. ☐ Work release is not recommended.

Fine	Costs	Restitution	Reimbursement For Counsel Fee(s) And Other Expenses	Total Amount Due
\$	\$ 460.00	\$	\$?	\$?

Names and address(es) of aggrieved party (parties) to receive restitution (specify amount if more than one aggrieved party)

True & correct copy
James W. Flannery
asst.

AOC-CR-301, Rev. 3/87 Material opposite unmarked squares is to be disregarded as surplusage.

The Court further recommends: DEFendant will be disbarred and defendant agrees not to practice law in N.C. unless and until a Resident Superior Court Judge in 20-A District gives written approval; The 22 rifle and mini-14 are to be destroyed The shotgun is to be released to the Defendant's father; Defendant is not to

FOR USE WITH FAIR SENTENCING ACT FELONIES ONLY

The Court has considered the aggravating and mitigating factors in G.S. 15A-1340.4(a) and

- ☐ makes no written findings because the prison term imposed does not require such findings.
☐ makes no written findings because the prison term imposed is pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A.
☐ makes written findings set forth on the attached Findings of Factors in Aggravation and Mitigation of Punishment (AOC-CR-303).

AWARD OF FEE TO COUNSEL FOR DEFENDANT

- ☐ 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

It is ORDERED that the Clerk deliver three 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 he shall have complied with the conditions of release pending appeal.

Date 8/27/90 Name Of Presiding Judge (Type Or Print) Samuel Currin Signature Of Presiding Judge

APPEAL ENTRIES

- ☐ The defendant gives notice of appeal from the judgment of the District Court to the Superior Court. The current pretrial release order shall remain in effect. ☐ except that:

** placed in any penal institution where Edwin "Bub" Parks may be incarcerated; the 38 pistol is to be destroyed unless proper ownership is determined.

- ☐ 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

ORDER OF COMMITMENT AFTER APPEAL

Date Remanded To District Court Date Appeal Dismissed Date Withdrawal Of Appeal Filed Date Appellate Opinion Certified

It is ORDERED that this Judgment be executed. It is FURTHER ORDERED that the Sheriff arrest the defendant, if necessary, and recommit the defendant to the custody of the official named in this Judgment and furnish that official three certified copies of this Judgment and this Order as authority for the commitment and detention of the defendant.

Date Signature Of Clerk

☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court

CERTIFICATION

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

- ☐ Findings Of Factors In Aggravation And Mitigation Of Punishment (AOC-CR-303)
☐ Determination Of Sentencing Factors In DWI Cases (AOC-CR-311)
☐ Appeal Entries (AOC-CR-350)

Date 8/27/90 Signature And Seal

Date Certified Copies Delivered To Sheriff 8/27/90

☐ Deputy CSC ☒ Assistant CSC ☐ Clerk Of Superior Court

AOC-CR-301, Side Two
Rev. 3/87

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