

NORTH CAROLINA

WAKE COUNTY

3959  
BEFORE THE SECRETARY  
OF THE  
NORTH CAROLINA STATE BAR  
89 BSR 1

IN RE: REINSTATEMENT OF

WILLIAM M. SHEFFIELD  
Defendant

ORDER OF REINSTATEMENT

This matter is before the Secretary of the North Carolina State Bar pursuant to a petition for reinstatement filed on March 27, 1989 by William M. Sheffield.

It appears from a review of the ORDER OF DISCIPLINE entered on October 17, 1983 that the Petitioner was ordered suspended from the practice of law for three years. Due to a stay while an appeal was pending, the suspension did not become effective until sometime in 1985.

It further appears that the Petitioner has complied with:


1. Section 24 of Article IX of the Rules and Regulations of the North Carolina State Bar;
2. All applicable orders of the hearing committee of the Disciplinary Hearing Commission as found in the Order of Discipline in 83 DHC 4; and
3. The requirement of abstention from the unauthorized practice of law during the period of suspension, except as to initial misunderstanding as to when the suspension became effective.

After conducting necessary investigation regarding the Petitioner's compliance with the requirements set forth in Section 25(B)(3) of Article IX of the Rules and Regulations of the North Carolina State Bar, Counsel for the North Carolina State Bar filed no objection to the petition within the time required by Section 25(B)(4) of Article IX.

Therefore, pursuant to Section 25(B)(5) of Article IX of the Rules and Regulations of the North Carolina State Bar, it is hereby ORDERED:

William M. Sheffield is reinstated to the active practice of law in North Carolina on this date.

This the 2nd day of May, 1989.

  
B. E. James, Secretary  
The North Carolina State Bar

#25

00392

<b>STATE OF NORTH CAROLINA</b>				File No. 88 CrS 2261-2262-2263	
Lee		County		Sanford	
NOTE:		Seat Of Court		In The General Court Of Justice	
(This form is not to be used for multiple offenses unless they are consolidated for judgment.)		<input checked="" type="checkbox"/> District		<input type="checkbox"/> Superior Court Division	
<b>STATE VERSUS</b>				<b>JUDGMENT SUSPENDING SENTENCE AND</b>	
Defendant Bruce E. Kinnaman				<input type="checkbox"/> COMMITMENT ON SPECIAL PROBATION G.S. 15A-1341, 15A-1342, 15A-1343, 15A-1346	
Race W	Sex M	DOB 3-13-49			
Attorney For State William Hart		Def. Found <input type="checkbox"/> Not Indigent		Attorney For Defendant K.R. Hoyle & Jimmy <input type="checkbox"/> Appointed <input checked="" type="checkbox"/> Retained	
The defendant <input checked="" type="checkbox"/> pled guilty to:		<input type="checkbox"/> was found guilty by the Court of:		<input type="checkbox"/> was found guilty by a jury of:	
2 counts Forgery; 3 counts Uttering				Love <input checked="" type="checkbox"/> pled no contest to:	
File No(s) And Offense(s)		Date Of Offense	G.S. No.	Fel./M.	Class
88CrS2261-Forgery & Uttering		8-9-84	14-120	F	I
88CrS2262-Forgery & Uttering		8-9-84	14-120	F	I
88CrS2263-Forgery & Uttering		8-9-84	14-120	F	I
					Max. Term
					Presumptive
					10
					4
					10
					4
					10
					4
A TRUE COPY					
The Court has considered the aggravating and mitigating factors in G.S. 15A-1340.4(a) and <input checked="" type="checkbox"/> makes no written findings because the prison term imposed does not require such findings.					
<input type="checkbox"/> makes no written findings because the prison term imposed is pursuant to a plea arrangement as to sentence.					
<input type="checkbox"/> makes the Findings Of Factors In Aggravation And Mitigation Of Punishment set forth on the attached AOC-CR-303.					
The Court, having considered evidence, arguments of counsel and statement of defendant, ORDERS that the above offenses be consolidated for judgment and that the defendant be imprisoned					
for a term of		five years		in the custody of the <input checked="" type="checkbox"/> N. C. Dept. of Correction	
				<input type="checkbox"/> Sheriff of _____ County	
The defendant shall be given credit for 0 days spent in confinement prior to the date of this Judgment as a result of this charge, to be applied toward the <input type="checkbox"/> sentence imposed above. <input type="checkbox"/> imprisonment required for special probation below.					
<b>SUSPENSION OF SENTENCE</b>					
With the consent of the defendant and 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 probation for 3 years. <input type="checkbox"/> unsupervised probation for _____ years.					
<input type="checkbox"/> The above period of probation shall begin: <input type="checkbox"/> when the defendant is paroled or otherwise released from incarceration in the case referred to below. <input type="checkbox"/> at the expiration of the sentence in the case referred to below.					
(NOTE: List Case Number, Date, County And Court In Which Prior Sentence Imposed.)					
<b>SPECIAL PROBATION - G.S. 15A-1351</b>					
<input type="checkbox"/> As a condition of special probation, the defendant shall serve an active term of _____ days <input type="checkbox"/> months in the custody of the <input type="checkbox"/> N.C. Dept. of Correction. <input type="checkbox"/> Sheriff of _____ County.					
(NOTE: This term shall NOT be reduced by good time, gain time or parole, or, unless provided above, by time in jail awaiting trial.)					
The defendant shall report in a sober condition to begin serving his term on: Day _____ Date _____ Hour _____ <input type="checkbox"/> AM <input type="checkbox"/> PM and shall remain in custody until: Day _____ Date _____ Hour _____ <input type="checkbox"/> AM <input type="checkbox"/> PM					
<input type="checkbox"/> The defendant shall again report in a sober condition to continue serving this term on the same day of the week for the next _____ consecutive weeks, and shall remain in custody during the same hours each week.					
<b>MONETARY CONDITIONS</b>					
The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below, plus the probation supervision fee set by law <input checked="" type="checkbox"/> pursuant to a schedule determined by the probation officer. <input type="checkbox"/> at the rate of \$ _____ per _____ Pay the beginning on _____ and continuing on the same day of each _____ thereafter until paid in full. <input checked="" type="checkbox"/> other: sum of \$4273.83 by 1-5-90; same amt. again by 1-5-91 and again by 1-5-92; \$15/mo. sup.					
Fine	Costs	Restitution *	Attorney's Fee	Community Service Fee	Total Amount Due fee
\$ 0	\$ 65	\$ 12,756.50	\$ 0	\$ 0	\$ 12,821.50 to
*The name(s) and address(es) and amount(s) due the person(s) to receive restitution are:					
Roderick & Danita Barker, 503 Colonial Dr., Broadview NC 27505					
<input type="checkbox"/> All payments received by the Clerk shall first be disbursed pro rata among the persons entitled to restitution.					
<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)

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 of vocational training that will equip him for suitable employment. 4. Satisfy child support and family obligations, as required by the Court. If the defendant is on supervised probation, he shall also: 5. Remain within the jurisdiction of the Court unless granted written permission to leave by the Court or his probation officer. 6. Report as directed by the Court or his probation officer to the officer at reasonable times and places and in a reasonable manner, permit the officer to visit him 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 he fails to obtain or retain satisfactory employment. 8. ~~Reside at a residence designated by his probation officer with his probation officer's facility maintained by the Division of Prisons.~~ If the defendant is to serve an active sentence as a condition of special probation, he 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 72 hours of his discharge from the active term of imprisonment.

## 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 his rehabilitation:

- ☐ 11. Surrender his driver's license to the Clerk of Superior Court for transmittal 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.
- ☐ 12. Submit at reasonable times to warrantless searches by a probation officer of his person, and of his vehicle and premises while he is present, for the following purposes which are reasonably related to his probation supervision:
  - ☐ stolen goods ☐ controlled substances ☐ contraband ☐ \_\_\_\_\_
- ☐ 13. Not use, possess or control any illegal drug or controlled substance unless it has been prescribed for him 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.
- ☐ 14. Supply a breath, urine and/or blood specimen for analysis of the possible presence of a prohibited drug or alcohol, when instructed by his probation officer, and pay the cost of that analysis.
- ☐ 15. Successfully pass the General Education Development Test (G.E.D.) during the first \_\_\_\_\_ months of the period of probation.
- ☐ 16. Complete \_\_\_\_\_ hours of community or reparation service during the first \_\_\_\_\_ days of the period of probation, as directed by the community service coordinator and pay the fee prescribed by G.S. 143B-475.1(b) ☐ pursuant to the schedule set out under monetary conditions above. ☐ within \_\_\_\_\_ days of this Judgment and before beginning service.
- ☐ 17. 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.
- ☒ 18. Other: **Surrender licenses to State Bar during probation period.**

- ☐ 19. Comply with the Additional Special Conditions Of Probation which are set forth on AOC-CR-302, 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

- ☐ 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.
- ☐ 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:
- ☐ 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.

## SIGNATURE OF JUDGE

Date: 1-9-89 Name Of Presiding Judge (Type Or Print): Samuel T. Currin Signature Of Presiding Judge: *[Signature]*

## CERTIFICATION

- I certify that this Judgment Suspending Sentence and Commitment with the attachment(s) marked below is a true copy of the original.
- ☐ Judgment Suspending Sentence, Page Two [Additional Special Conditions Of Probation (AOC-CR-302, Page Two)]
- ☐ Findings Of Factors In Aggravation And Mitigation Of Punishment (AOC-CR-303)

Date of Certification: \_\_\_\_\_ Date Certified Copies Delivered To Sheriff: \_\_\_\_\_ Signature And Seal: \_\_\_\_\_  
☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court

NOTE: Defendant signs the following statement in all cases except unsupervised probation without community or reparation service. I have received a copy of this Judgment which contains all of the conditions of my probation and I agree to them. I understand that no person who supervises me or for whom I work while performing community or reparation service is liable to me for any loss or damage which I may sustain unless my injury is caused by that person's gross negligence or intentional wrongdoing.

Date Signed: 1-19-89 Signature Of Defendant: *[Signature]* Witnessed By: *[Signature]*