



2325

Orange County

Office of the Clerk of the Superior Court

I, Mary D. Walters, Asst., Clerk of the Superior Court of Orange County, State of North Carolina, said Court being a Court of Record, having an official seal, which is hereto affixed, do hereby certify the foregoing and attached (two sheets) to be a true copy of

Transcript of negotiated plea ; Judgment suspending sentence State -vs- Charles Lawrence James. Case: no. 74CR9749.

as the same is taken from and compared with the original now on file in this office.

In Witness Whereof, I hereunto subscribe my name and affix the seal of the Superior Court of Orange County, at my office in Hillsborough, North Carolina, this 8th. day of November, 1974.

Mary D Walters
Assistant Clerk Superior Court
Ex Officio Judge of Probate

SEAL

-00369

STATE OF NORTH CAROLINA

County of Orange

File # 74CR 9749

Film # _____

In The General Court of Justice

Superior Court Division

STATE OF NORTH CAROLINA

vs.

Charles Lawrence Jama

TRANSCRIPT OF NEGOTIATED PLEA

The defendant, being first duly sworn, makes the following answers to the questions asked by the Presiding Judge:

1. Are you able to hear and understand my statements and questions? Answer yes CSJ
2. Are you now under the influence of any alcohol, drugs, narcotics, medicines, or other pills? Answer no CSJ
3. Do you understand that you are charged with the (~~felony~~) (misdemeanor) of a conspiracy to possess a controlled substance to wit: amphetamine? Answer yes CSJ
4. Has the charge been explained to you? Answer yes CSJ
5. Do you understand that upon your plea of (guilty) (~~nolo contendere~~) you could be imprisoned for as much as 2 (~~months~~) (years)? Answer yes CSJ
6. Do you understand that you have the right to plead not guilty and to be tried by a Jury? Answer yes CSJ
7. Have you had time to talk and confer with and have you conferred with your lawyer about this case and are you satisfied with his services? Answer yes CSJ
8. I now inquire of the district attorney and of the prisoner and his counsel whether or not there have been plea negotiations. Before permitting you to respond, I advise you that the courts have specifically approved plea bargaining and have said that it is an essential component of the administration of justice to be encouraged. You should, therefore, advise me truthfully of any plea negotiations without the slightest fear of incurring disapproval of the court. Now therefore, have you agreed to plead (guilty) (~~nolo contendere~~) upon conditions? Answer yes CSJ
9. Are these the conditions and all of them?
the State agrees to accept no criminal plea in lieu of all felony indictment. The State recommends that Mr. Jama not receive an active sentence. That he surrender his license to practice law to the Court for transmittal to the State Bar. That he not be licensed until the Bar see fit to do so. That he not practice law in this State for 3 years. Answer yes CSJ
10. Except for the promises set out above (paragraph 9), have any promises or threats been made to you to induce you to plead (guilty) (~~nolo contendere~~) upon these conditions? Answer no CSJ
11. Do you now freely, voluntarily and understandingly authorize and instruct your lawyer to enter on your behalf a plea of (guilty) (~~nolo contendere~~) upon the conditions above set out? Answer yes CSJ
12. Do you have any questions or any statement to make at this time about what I have just said to you? Answer no CSJ

[OVER]

I have read or heard read all of the questions and answers on the reverse hereof and understand them, and the answers shown are the ones I gave in open Court, and they are true and correct, and the basis for the negotiated plea of (guilty) (~~nolo contendere~~) as stated on the reverse hereof is accurate and is the basis upon which I entered this plea of (guilty) (~~nolo contendere~~).

Nov. 1, 1974
Date

Charles Lawrence Jones
Defendant

Sworn to and subscribed before me this 1st day of Nov., 1974.

Mary D. Hillier, Esq.
Clerk of Superior Court

As attorney for the defendant, Charles Lawrence Jones, I hereby certify that the conditions stated on the reverse hereof (paragraph 9) upon which the defendant's plea of (guilty) (~~nolo contendere~~) was entered are correct and they are the conditions agreed to by the defendant and myself as his attorney upon which the defendant's plea of (guilty) (~~nolo contendere~~) was entered.

Nov. 1, 1974
Date

James V. Howa
Attorney for Defendant

As district attorney for the 15th Judicial District, I hereby certify that the conditions stated on the reverse hereof (paragraph 9) are the conditions agreed to by the defendant and his counsel and myself for the entry of the plea of (guilty) (~~nolo contendere~~) by the defendant to the charge in this case.

Nov. 1, 1974
Date

W. Bradford Fry
District Attorney

ADJUDICATION

The undersigned Presiding Judge upon examination of the record proper and hearing statement of counsel for the defendant and the district attorney, and upon considering the evidence offered, makes the following findings:

1. That the conditions of the negotiated plea of (guilty) (~~nolo contendere~~) are reasonable and the acceptance and approval of the plea of (guilty) (~~nolo contendere~~) by the court would be to the best interest of the defendant and society and the administration of justice.
2. That substantial evidence has been produced to support the charge.
3. That the negotiated plea of (guilty) (~~nolo contendere~~) was entered into by the defendant after consultation with counsel and with advice of counsel and that he did so freely, voluntarily and with full knowledge of the consequences.

Upon the foregoing findings, the defendant's plea of (guilty) (~~nolo contendere~~) is hereby accepted by the Court.

This 1st day of November, 1974.

C. E. Brown
Judge Presiding

File # 74CR9749

Film # _____

STATE OF NORTH CAROLINA
County of Orange

In The General Court of Justice
Superior Court Division

The State of North Carolina

vs.

JUDGMENT SUSPENDING SENTENCE

Charles Lawrence James

Name, Age, Sex, and Race of Defendant

In open court, the defendant appeared for trial upon the charge or charges of

Conspiracy to manufacture, distribute, sell and deliver controlled substances to wit: amphetamine, MDA, BDMA

and thereupon entered a plea of guilty ^{to written information} to a conspiracy to possess a controlled substance to wit: amphetamines which was then and is now set out in schedule 2 of the North Carolina Controlled Substance Act

Having plead guilty of the offense of conspiracy to possess a controlled substance to wit: amphetamines as set out in schedule 2 of the North Carolina Controlled substance act

which is a violation of the law and of the grade of misdemeanor

It is ADJUDGED that the defendant be imprisoned for the term of two years

in the county jail of Orange County to be assigned to work under the supervision of the North Carolina Department of Correction.

The execution of this sentence is suspended, however, for three years upon compliance with the following conditions, to which the defendant gave assent:

- That the defendant not have in his possession at any time any form of narcotics except those narcotics prescribed by a duly licensed physician and contained in a druggist labeled container.
- 2. That the defendant not violate any penal law of any State or the Federal Government during the next 3 years.
- 3. That the defendant surrender his license to practice law in the State of North Carolina to the North Carolina State Bar. License of the Defendant has been submitted to the Court in order that same may be forwarded by the Court to the North Carolina State Bar.
- 4. That the defendant not engage in the practice of law in State of North Carolina for a period of three years.
- 5. That ~~in lieu of a fine the Court has determined that Mr. James has represented a number of indigent defendants of which he has not submitted a fee schedule to be submitted to the Administrative Office of the Court in order that he be paid. Defendant will not and shall not submit a schedule of fees to the Administrative office of the Courts. These fees are forfeited.~~ 7. That defendant pay the costs of this action.

Attorney for Defendant: James Rowan

November 1, 1974.

Attorney for the State: Lunsford Long

[Signature]

Coy E. Brewer

STATE OF NORTH CAROLINA
In The General Court of Justice

Orange County

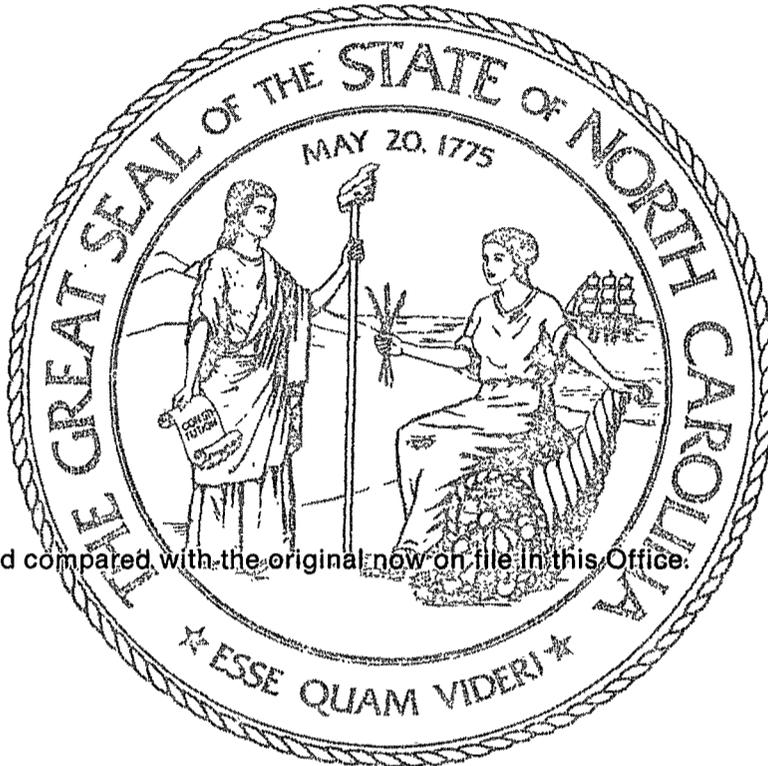
FILED
CERTIFICATE OF
TRUE COPY

1983 SEP 12 AM 9:12

B.E. JAMES, SEC.
THE N. C. STATE BAR

Office of the Clerk of the Superior Court

As Clerk of the Superior Court of this County, which is a Court of Record, having an official seal, which is affixed, do certify the attached (two (2) sheets) to be a True Copy of Order in case no. 74CR9749 State of North Carolina vs. Charles Lawrence James.



as the same is taken from and compared with the original now on file in this Office.

SEAL

Witness my hand and the seal of the Superior Court

Date

September 8, 1983

Signature

Mary D. Walker

Deputy CSC Assistant CSC Clerk of Superior Court

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

ORANGE COUNTY

SUPERIOR COURT DIVISION

74 CR 9749

STATE OF NORTH CAROLINA)
)
 v.)
)
 CHARLES LAWRENCE JAMES)

ORDER

*filed
8-15-83
m*

This matter having come on to be heard before the undersigned Judge Presiding upon motion of the defendant herein praying this Court that an Order issue, directing the return to him of his license and privilege to engage in the practice of law, the Court finds as fact the following:

1. That on November 1, 1974 Defendant was convicted upon his plea of guilty of the misdemeanor of conspiracy to possess a controlled substance, The execution of sentence imposed thereupon was suspended for three years upon Defendant's compliance with certain conditions more specifically enumerated therein and set out in full in Defendant's Motion in the Cause heretofore filed on May 19, 1983.

2. The Defendant has executed an affidavit bearing date of April 19, 1983 which sets out in detail Defendant's assertion under oath that he has complied with each and every one of the conditions set out in the hereinabove described judgment.

3. The North Carolina State Bar has, in a letter from its secretary, B. E. James, to the Defendant, bearing date of March 28, 1983 set out its position in this matter and stated

WINSTON, BLUE,
 & ROOKS
 ATTORNEYS AT LAW
 CHAPEL HILL, N. C.

that "I am of the opinion that the procedure for petitioning for the reinstatement of this license to practice law lies to the Superior Court of Orange County....there was no jurisdiction conferred by the Court to the State Bar as to reinstatement..."

4. The District Attorney for Judicial District Fifteen-B, Wade Barber, Jr., has been timely noticed of the pendency of this motion and does not oppose the granting of the same.

Based upon the within and foregoing findings of fact, the Court concludes as a matter of law that the Motion in the Cause of the Defendant herein should be allowed and that his license and privilege to engage in the practice of law in the State of North Carolina should be returned to him forthwith.

NOW, THEREFORE, IT IS HEREBY ORDERED that the license to practice law in the State of North Carolina of the Defendant, Charles Lawrence James, be returned to him forthwith and that his privilege to engage in the practice of law in the State of North Carolina be, and the same hereby is, restored to him.

This the 15th day of August, 1983.


Judge Presiding