

STATE OF NORTH CAROLINA

WAYNE

County

GOLDSBORO

Seat Of Court

File No.

11CRS004607

51

In The General Court Of Justice

District Superior Court Division

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

STATE VERSUS

JUDGMENT SUSPENDING SENTENCE - MISDEMEANOR(S)

Name Of Defendant

SMITH,ROBERT,MORGAN

- IMPOSING AN INTERMEDIATE PUNISHMENT
IMPOSING A COMMUNITY PUNISHMENT (STRUCTURED SENTENCING)

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

Race

W

Sex

M

DOB

11/3/1969

Attorney For State

MURPHY, PATRICK

Def. Found Not Indigent

Def. Waived Attorney

Attorney For Defendant

WAIVED

Appointed Retained

Crit Rplr Initials KG

The defendant pled guilty to was found guilty/responsible by the Court of was found guilty by a jury of pled no contest to

Table with columns: File No.(s), Off., Offense Description, Offense Date, G.S. No., CL., *Pun. cl. Row 1: 11CRS004607, 51, CRIMINAL CONTEMPT, 8/4/2011, 5A-11, ,

*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).
3. The Court imposes mandatory punishment pursuant to G.S. 14-33(d) (assault in the presence of a minor).
4. The Court finds this is an offense designated offense(s) is a reportable conviction under G.S. 14-208.6 and therefore imposes the special conditions of probation set forth on the attached AOC-CR-603, Page Two, Side Two, and 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 30 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

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(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 12 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.

Table with columns: 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: TO BE PAID IN FULL FRIDAY, 10-01-11 BY 5:00 PM

Table with columns: Court Costs, Miscellaneous, Fine, Restitution*, Attorney's Fee, Comm. Service Fee, EHA Fee, SBM Fee, Total Amount Due. Row 1: \$ 382.50, \$, \$, \$, \$, \$, \$, \$ 382.50

*See attached "Restitution Worksheet, Notice And Order (Initial Sentencing)" AOC-CR-614, which is incorporated by reference.

Upon payment of the "Total Amount Due," the probation officer may transfer the defendant to unsupervised probation.

CERTIFIED TRUE COPY
Sandra D. Dornes
CLERK SUPERIOR COURT

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. (9) 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 purposes directly related to the probation supervision, but the defendant may not be required to submit to any other search that would otherwise be unlawful. Whenever the warrantless search consists of testing for the presence of illegal drugs, the defendant may be required to reimburse the Department of Correction for the actual cost of drug screening and drug testing, if the results are positive. (10) Submit to warrantless searches by a law enforcement officer of the defendant's person and of the defendant's vehicle, upon a reasonable suspicion that the defendant is engaged in criminal activity or is in possession of a firearm, explosive device, or other deadly weapon listed in G.S. 14-269 without written permission of the court. (11) 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 such illegal drugs or controlled substances; and not knowingly be present at or frequent any place where such illegal drugs or controlled substances are sold, kept, or used.

12. 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:

13. 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.
14. Successfully pass the General Education Development Test (G.E.D.) during the first _____ months of the period of probation.
15. Complete _____ hours of community service during the first _____ days of the period of probation, as directed by the judicial service coordinator. The fee prescribed by G.S. 143B-262.4 is (for offenses committed on or after December 1, 2009) not due because it is assessed in a case adjudicated during the same term of court. to be paid pursuant to the schedule set out under Monetary Conditions above within _____ days of this Judgment and before beginning service.
16. 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.
17. 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 _____
18. Other: DEFENDANT SHALL PROVIDE A LIST TO THE COURT OF ALL OF HIS PENDING CASES, WHETHER DEFENDANT WAS APPOINTED OR RETAINED, BY 09-29-2011.

DEFENDANT SHALL NOT ACCEPT ANY NEW CLIENTS, EFFECTIVE IMMEDIATELY.

DEFENDANT SHALL REFUND ALL FEES TO HIS CLIENTS AND TRANSFER ALL CASES TO APPROPRIATE SUBSTITUTE CONUSEL FOR ANY CASES NOT FULLY COMPLETED AND RESOLVED BY 10-14-2011 AT 5:00 P.M. SEE ADDITIONAL CONDITIONS ATTACHED HERETO.

19. Comply with the Special Conditions Of Probation 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 9/29/2011	Name Of Presiding Judge (Type Or Print) R. STUART ALBRIGHT	Signature Of Presiding Judge 
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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 For Sex Offenders - Suspended Sentence (AOC-CR-615, Side Two) |
| <input type="checkbox"/> 3. Restitution Worksheet, Notice And Order [Initial Sentencing] (AOC-CR-611) | <input type="checkbox"/> 6. Convicted Sex Offender Permanent No Contact Order (AOC-CR-620) |

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

11CRS4607

SMITH, ROBERT, MORGAN

CONTINUED FROM PAGE 2 NUMBER 18 OF JUDGMENT.

DEFENDANT SHALL SURRENDER HIS N.C. LAW LICENSE TODAY (09-29-11).

EFFECTIVE AS OF 10-14-2011 AT 5:01 P.M., DEFENDANT IS PERMANENTLY BARRED FROM PRACTICING LAW IN THE STATE OF N.C. AND DEFENDANT IS NEVER TO REAPPLY FOR ADMISSION TO PRACTICE LAW IN THE STATE OF N.C.

PLEASE SEE "FINDINGS OF FACT IN SUPPORT OF JUDGMENT OF CONTEMPT" WHICH IS INCORPORATED HEREIN BY REFERENCE AS IF FULLY SET FORTH FOR ADDITIONAL FINDINGS.

A CERTIFIED COPY OF THIS JUDGMENT AND THE PLEA TRANSCRIPT SHALL BE MAILED TO THE NORTH CAROLINA STATE BAR TO ALLOW THE STATE BAR TO TAKE ANY ACTION IT DEEMS APPROPRIATE AS A RESULT OF THIS JUDGMENT.

A. Stuart Allen
9-29-11

CERTIFIED A TRUE COPY
Dandra D Barnes
CLERK SUPERIOR COURT

STATE OF NORTH CAROLINA

WAYNE County GOLDSBORO

File No.

11CRS004726

51

Seat Of Court

In The General Court Of Justice

District Superior Court Division

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

STATE VERSUS

JUDGMENT SUSPENDING SENTENCE - MISDEMEANOR(S)

Name Of Defendant

SMITH,ROBERT,MORGAN

Race

W

Sex

M

DOB

11/3/1969

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

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

Attorney For State

MURPHY, PATRICK

Def. Found Not Indigent Def. Waived Attorney

Attorney For Defendant

WAIVED

Appointed Retained

Crt Rptr Initials
KG

The defendant pled guilty to was found guilty/responsible by the Court of was found guilty by a jury of pled no contest to

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	CL.	*Pun. Cl.
11CRS004726	51	CRIMINAL CONTEMPT	4/14/2011	5A-11		

*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: 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 no 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 pursuant to 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 30 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 11CRS004607 51

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(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 12 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-603 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	Miscellaneous	Fine	Restitution*	Attorney's Fee	Comm. Service Fee	EHA Fee	SBM Fee	Total Amount Due
\$	\$	\$	\$	\$	\$	\$	\$	\$

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

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. (9) 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 purposes directly related to the probation supervision, but the defendant may not be required to submit to any other search that would otherwise be unlawful. Whenever the warrantless search consists of testing for the presence of illegal drugs, the defendant may be required to reimburse the Department of Correction for the actual cost of drug screening and drug testing, if the results are positive. (10) Submit to warrantless searches by a law enforcement officer of the defendant's person and of the defendant's vehicle, upon a reasonable suspicion that the defendant is engaged in criminal activity or is in possession of a firearm, explosive device, or other deadly weapon listed in G.S. 14-269 without written permission of the court. (11) 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 such illegal drugs or controlled substances; and not knowingly be present at or frequent any place where such illegal drugs or controlled substances are sold, kept, or used.

12. 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:

13. 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.
14. Successfully pass the General Education Development Test (G.E.D.) during the first _____ months of the period of probation.
15. Complete _____ hours of community service during the first _____ days of the period of probation, as directed by the judicial service coordinator. The fee prescribed by G.S. 143B-262.4 is (for offenses committed on or after December 1, 2009) not due because it is assessed in a case adjudicated during the same term of court. to be paid pursuant to the schedule set out under Monetary Conditions above within _____ days of this Judgment and before beginning service.
16. 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.
17. 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 _____
18. Other: _____

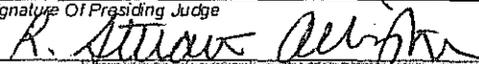
SEE CONDITIONS IN JUDGMENT 11CR54607.

19. Comply with the Special Conditions Of Probation 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 9/29/2011	Name Of Presiding Judge (Type Or Print) R. STUART ALBRIGHT	Signature Of Presiding Judge 
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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.
1. Appellate Entries (AOC-CR-350) 4. Judicial Findings As To Required DNA Sample (AOC-CR-319)
2. Judgment Suspending Sentence, Page Two [Special Conditions Of Probation] (AOC-CR-603, Page Two) 5. Judicial Findings And Order For Sex Offenders - Suspended Sentence (AOC-CR-615, Side Two)
3. Restitution Worksheet, Notice And Order [Initial Sentencing] (AOC-CR-611) 6. Convicted Sex Offender Permanent No Contact Order (AOC-CR-620)

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