

6954

STATE OF NORTH CAROLINA  
In The General Court of Justice

CERTIFICATE OF  
TRUE COPY

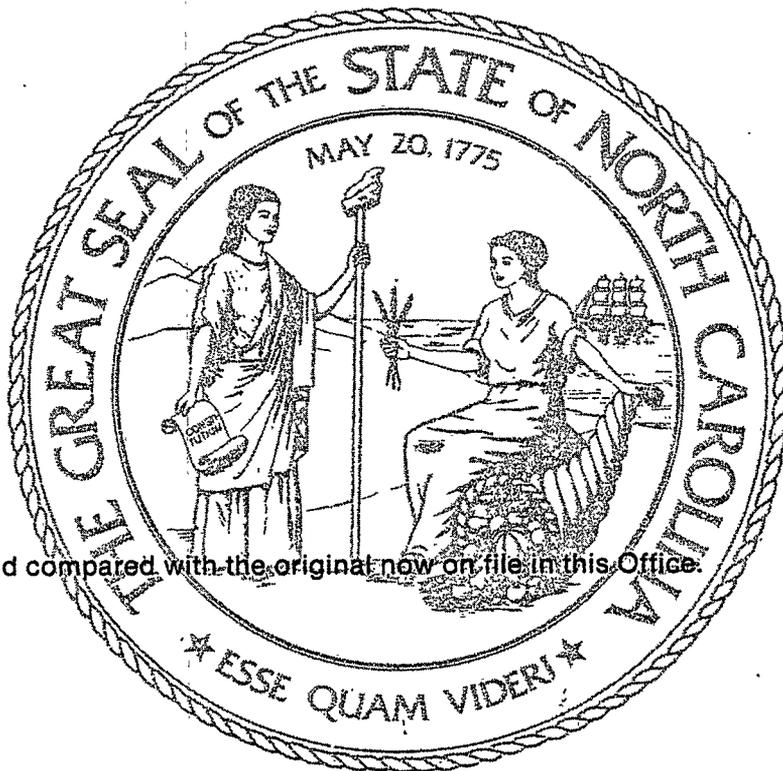
1983 SEP 16 AM 8:44

Mecklenburg County

B. J. GAMES, 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 (. 3) sheets) to be a True Copy of Judgment Suspending Sentence and restitution sheet in State of North Carolina--VS--Bernice Rodric Batts.



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



Witness my hand and the seal of the Superior Court

Date	September 15, 1983
Signature	Carolyn B. Platts
<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk of Superior Court	

**STATE OF NORTH CAROLINA**

In The General Court of Justice

District  Superior Court Division

File No. 83 CRS 12670, 12671,  
83 CRS 12672, 12673,  
83 CRS 13373, 13403

Film No.

Mecklenburg County

STATE VERSUS

**JUDGMENT SUSPENDING SENTENCE**

Defendant Bernice Rodric Batts

Misdemeanor  Special Probation ("Split sentence")  
 Fair Sentencing Act Felony  
 Pre-Fair Sentencing Act Felony

Race White Sex Male Age 51

Attorney for State Barry Cook

Attorney for Defendant  Waived attorney Keith Stroud

In open court the defendant appeared for trial on the following File No(s), and Charge(s) (include dates of offenses):

83-CRS-12670 - EMBEZZLEMENT      83-CRS-12673 - EMBEZZLEMENT  
83-CRS-12671 - EMBEZZLEMENT      83-CRS-13373 - EMBEZZLEMENT  
83-CRS-12672 - EMBEZZLEMENT      83-CRS-13403 - WORTHLESS CHECKS

The defendant  pled guilty to:  was found guilty of:  pled no contest to:

Offense(s)	G.S. No.	Felony/Misd.	Felony Class	Maximum Prison Term Allowed by Law
EMBEZZLEMENT - five counts Worthless Check	14-090 14-107	felony misde.	H	10 years ea

The above listed offenses are consolidated for the purpose of judgment, yes under 83 CRS 12670. The Court having considered evidence, arguments of counsel, and statement of the defendant **ORDERS AND ADJUDGES** that the defendant be imprisoned

term of:  
Three (3) Years

In the custody of the  
 N.C. Dept. of Correction  
 Sheriff of \_\_\_\_\_ County

NOTE: For Fair Sentencing Act Felonies, Judge may not impose a minimum and maximum prison term.

The defendant shall be given credit against the suspended sentence of NA days for time spent in confinement prior to judgment.

With the consent of the defendant, the execution of this sentence is suspended for the period and under the terms and conditions set out below.

Total Period of Suspension <u>Five (5) Years</u>	Period of Supervised Probation <u>Five (5) Years</u>	Period of Unsupervised Probation
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Under the conditions of probation set out below, the entry of judgment of guilty is withheld pursuant to G.S. 90-96.  
 (SPECIAL PROBATION) With the consent of the defendant, the execution of this sentence is suspended, and the defendant is placed on special probation (G.S. 15A-1351(a)) for the period and under the conditions set out below. As further conditions, the defendant shall serve an active period of imprisonment as specified below and shall obey the Rules and Regulations of the N.C. Department of Correction governing the conduct of inmates.

Total Period of Suspension	Active Prison Term	Period of Supervised Probation	Period of Unsupervised Probation:
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In the custody of the  
 N.C. Dept. of Correction  Sheriff of \_\_\_\_\_ County.

During the period of suspension the defendant shall:

1. Commit no criminal offense.
2. Remain within the jurisdiction of the court and not move or change his place of residence without the written permission of his probation officer.
3. Report as directed by his probation officer to such officer at reasonable times and places and in a reasonable manner, and permit such officer to visit him at reasonable times and answer all reasonable inquiries by the officer.

- 4. Submit at reasonable times to warrantless searches by his probation officer of his person, his vehicle or premises while he is present, for purposes reasonably related to his probation supervision.
- 5. Support his dependents and meet other family responsibilities.
- 6. Pay into the Office of the Clerk of Superior Court the following sums:

Fine	Cost	As restitution for his court appointed attorney or public defender.	Restitution
\$	\$	\$	\$ 43,018.32

Name(s) and Addresses of Person(s) to Receive Restitution  
 STATE PERSONS  
**SEE ATTACHED SHEET**  
 Bernice Beattie Battie

Total Amount Due: \$43,018.32  
 Payment Schedule: Pay \$800 per month to begin on or before October 15, 1983, and month thereafter until the total amount has been paid in full.

Support For: \_\_\_\_\_ In The Amount Of: \$ \_\_\_\_\_ Payment Schedule: \_\_\_\_\_

- 7. Upon payment of the "Total Amount Due" as shown above, the Probation Department may transfer the defendant to Unsupervised Probation.
- 8. Surrender his driver's license to the Clerk of Superior Court for a period of \_\_\_\_\_ and not operate a motor vehicle until he has in his possession a valid North Carolina license or a limited driving privilege.
- 9. With the approval of his probation officer, attend a school or training program, and submit each month a written statement from the school program to his probation officer showing his faithful participation.
- 10. Remain gainfully employed and immediately notify his probation officer if he fails to obtain suitable employment or changes employment.
- 11. Possess no firearm, destructive device or other dangerous weapon.
- 12. Successfully complete the Alcohol and Drug Education Traffic School within 90 days of this date and pay a fee of \$100.00 for such school within 14 days from the date of this judgment.
- 13. Other conditions of probation.

**SPECIAL CONDITIONS:**

1. The defendant shall immediately be disbarred and surrender his law license to the N.C. State Bar and not engage in the practice of law until the N.C. State Bar said such license to be reissued.
2. The defendant shall at the discretion of the assigned Probation/Parole Officer attend and complete psychiatric treatment for his obsessive compulsive gambling.
3. Judge Kenneth Griffin, the Presiding Judge, at this sentencing shall be kept advised of the status of this case by the assigned Probation/Parole Officer.

*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 is pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A.
  - makes no written findings because the prison term imposed is the presumptive term or is the mandatory minimum term required by law.
  - makes written findings set forth on the Findings of Factors in Aggravation and Mitigation of Punishment (AOC-CR-303)

The defendant shall be given credit against the suspended sentence of \_\_\_\_\_ years for time spent in prison.

(ORDER OF COMMITMENT ON SPECIAL PROBATION) IT IS ORDERED that the clerk deliver three certified copies of this Special Probation Judgment to the Sheriff or other qualified officer and that the officer cause the defendant to be delivered, with these copies of the judgment, to the custody of the agency named on the reverse to serve the active portion of the prison term or until he shall have complied with the condition for release pending appeal.

Date August 30, 1983	Name of Presiding Judge Kenneth Griffin	Signature of Presiding Judge <i>[Signature]</i>
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I certify that this Judgment and Commitment  and attached, Findings of Factors in Aggravation and Mitigation of Punishment (AOC-CR 303) is true and complete copy of the original Judgment which is on file in this case.

Date of Certification	Date Certified Copies Delivered to Sheriff	Signature and Seal
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Total Period of Suspended Sentence: \_\_\_\_\_  
 Deputy  Assistant  Clerk of Superior Court

I certify that a copy of these Terms and Conditions of Probation have been given to me and each of the conditions explained to me by a Probation Officer, and I agree to them. I understand that if I violate any of these conditions, I will be subject to arrest, revocation of probation and execution of the suspended sentence.

Date Received Sept. 13, 83	Signature of Probationer <i>[Signature]</i>
Signature of Probation Officer Nancy Battie	Address of Probationer

RESTITUTION

83-CR-12670	- Leon McKim 3312 High Ridge Road Matthews, N.C. 28105	<u>\$1,300.00</u>
83-CR-12671	- First Union National Bank 1616 Central Avenue Charlotte, N.C. 28205	<u>\$5,250.00</u>
83-CR-12672	- Mary Elizabeth Shaffer 2536 Kenmore Avenue Charlotte, N.C. 28204	<u>\$ 717.00</u>
83-CR-12673	- Leon McKim 3312 High Ridge Rd. Matthews, N.C. 28105	<u>\$7,400.00</u>
83-CR-13373	- Huntersville Hospital Acct. of Evelyn Preston Route #1, Box 390 Huntersville, N.C.	<u>\$10,278.63</u>
83-CR-13403	- Martha Scott 729 Sunnyside Ave. Charlotte, N.C.	<u>\$3,000.00</u>
83-CR-6169	- Tom McLeod 5011 Cherrycrest Lane Apt. M Charlotte, N.C.	<u>\$3,000.00</u>
83-CR-10340	- Dan Caldwell 4708 Gilmore Drive Charlotte, N.C.	<u>\$3,000.00</u>
	- Ed Overcash 1419 T-1 Eastcrest Dr. Charlotte, N.C.	<u>\$5,000.00</u>
	- Joyce Hatly	<u>\$ 700.00</u>
	- Barbara Martin c/o William Wagoner Eng. 123 Law Bldg. Charlotte, NC 28202	<u>\$1,872.69</u>
	- Larry Hensley c/o L. J. Ely Attorney at Law 121 Glen Oaks Charlotte, N.C. 28211	<u>\$1,500.00</u>