

9308

STATE OF NORTH CAROLINA

File No. 88 CrS 2261-2262-2263

Lee County Sanford Seat Of Court In The General Court Of Justice

District Superior Court Division

NOTE: (This form is not to be used for multiple offenses unless they are consolidated for judgment.)

STATE VERSUS

JUDGMENT SUSPENDING SENTENCE AND

Defendant Bruce E. Kinnaman

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 Not Indigent Def. Waived Attorney

Attorney For Defendant K.R. Hoyle & Jimmy Appointed Retained

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

Table with columns: File No.(s) And Offense(s), Date Of Offense, G.S. No., Fel./M., Class, Max. Term, Presumptive. Rows include offenses like Forgery & Uttering.

A TRUE COPY

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.

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 N. C. Dept. of Correction 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 sentence imposed above.

SUSPENSION OF SENTENCE

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 supervised probation for 3 years.

The above period of probation shall begin: when the defendant is paroled or otherwise released from incarceration in the case referred to below.

(NOTE: List Case Number, Date, County And Court In Which Prior Sentence Imposed.)

SPECIAL PROBATION - G.S. 15A-1351

As a condition of special probation, the defendant shall serve an active term of days months in the custody of the N.C. Dept. of Correction 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 AM/PM and shall remain in custody until: Day Date Hour AM/PM

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.

MONETARY CONDITIONS

The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below, plus the probation supervision fee set by law pursuant to a schedule determined by the probation officer.

The name(s) and address(es) and amount(s) due the person(s) to receive this restitution are: Roderick & Danita Barker, 503 Colonial Dr., Broadway, NC 27505

All payments received by the Clerk shall first be disbursed pro rata among the persons entitled to restitution. 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. ~~At a time to be designated by his probation officer, visit with his probation officer a 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/APPEAL 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

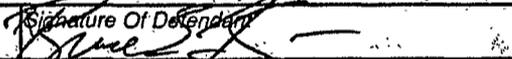
Date 1-9-89	Name Of Presiding Judge (Type Or Print) Samuel T. Currin	Signature Of Presiding Judge 
----------------	---	--

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
		<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> 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 1-15-89	Signature Of Defendant 	Witnessed By... 
------------------------	---	---