

WAKE

County

RALEIGH

Seat Of Court

In The General Court Of Justice
Superior Court Division

NOTE: (This form is to be used for (1) felony offense(s), and (2) misdemeanor offense(s), which are consolidated for judgment with any felony offense(s). Use AOC-CR-310 for DWI offense(s).)

STATE VERSUS

JUDGMENT SUSPENDING SENTENCE - FELONY

Defendant
TERRY LEE COLLINS
Race W Sex M DOB 12-13-47

IMPOSING AN INTERMEDIATE PUNISHMENT
 IMPOSING A COMMUNITY PUNISHMENT
(STRUCTURED SENTENCING)
G.S. 15A-1341, -1342, -1343, -1343.2, -1346

Attorney For State
BILL FERRELL
Def. Found Not Indigent Def. Waived Attorney

Attorney For Defendant
GEORGE HUGHES
 Appointed Retained

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

| File No.(s) And Offense(s) | Date Of Offense | G.S. No. | F./M. | CL. |
|--|-----------------|------------------------------------|-------|-----|
| 98CRS21063 COMMON LAW FORGERY | 10-23-96 | CERTIFIED COMMON LAW FROM ORIGINAL | | |
| Clerk of Superior Court, Wake County | | | | |
| By: <i>Jonathan Pate</i> Assistant Deputy Clerk of Superior Court | | | | |
| Date: 10-10-98 | | | | |

The Court:
 1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be 0. PRIOR RECORD LEVEL: I III V
 2. makes no prior record level finding because none is required.

The Court:
 1. makes no written findings because the prison term imposed is within the presumptive range of sentences authorized under G.S. 15A-1340.17(c).
 2. makes the Findings of Aggravating and Mitigating Factors set forth on the attached AOC-CR-605.
 3. makes the Findings of Extraordinary Mitigation set forth on the attached AOC-CR-606.
 4. finds the defendant has provided substantial assistance pursuant to G.S. 90-95(h)(5).
 5. finds enhanced punishment from a Class 1 misdemeanor to a Class I felony. G.S. 90-95(e)(3) (drugs); G.S. 14-3(c) (race).
 6. imposes the punishment pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A.

The Court, having considered evidence, arguments of counsel and statement of defendant, finds that the defendant's plea was freely, voluntarily, and understandingly entered, and Orders the above offenses be consolidated for judgment and the defendant be imprisoned for a minimum term of: 6 months for a maximum term of: 8 months in the custody of the N.C. DOC.

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

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 unsupervised probation for 40 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 delegates to the Division of Adult Probation and Parole 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.
(NOTE: List case number, date, county and court in which prior sentence imposed.)

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. at the rate of \$ 20.00 per MONTH beginning on 06-29-98 and continuing on the same day of each MONTH thereafter until paid in full.
 Other: SUPERVISION FEES OF \$20.00 PER MONTH

| Fine | Costs | Restitution * | Attorney's Fee | Community Service Fee | Total Amount Due |
|------|-----------|---------------|----------------|-----------------------|------------------|
| \$ | \$ 172.00 | \$ | \$ | \$ 100.00 | \$ 272.00 |

* Name(s), address(es), amounts & social security no.(s) of aggrieved party(ies) to receive restitution:

After payment of community service fee and probation supervision fee, all payments received by the Clerk shall first be disbursed pro rata among the persons entitled to restitution. [G.S. 7A-304(d)]
 Upon payment of the "Total Amount Due", the probation officer may transfer the defendant to unsupervised probation.

Material opposite unmarked squares is to be disregarded as surplusage.
(Over)

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 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. If the defendant is to serve an active sentence as a condition of special probation, the defendant 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 the defendant's discharge from the active term of imprisonment.

SPECIAL CONDITIONS OF PROBATION - G.S. 15A-1343(b1), 143B-262(c)

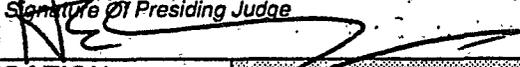
The defendant shall also comply with the following special conditions which the Court finds are reasonably related to the defendant's rehabilitation:

- 11. 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.
 - 12. 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 the following purposes which are reasonably related to the defendant's 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 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 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 the defendant's probation officer.
 - 15. Successfully pass the General Education Development Test (G.E.D.) during the first _____ months of the period of probation.
 - 16. Complete 300 hours of community or reparation service during the first 18 MONTHS 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. Not assault, communicate with, be in the presence of, or be found in or on the premises of _____
 - 19. Other: **DISBARRED FROM PRACTICING LAW IN NORTH CAROLINA AND IMMEDIATELY SURRENDER HIS CERTIFICATE AND MEMBERSHIP CARD TO NORTH CAROLINA BAR. ATTORNEY TO DO SO. NOT PRACTICE UNTIL LICENSED PURSUANT TO RE-INSTATEMENT PROCEDURES OF THE NORTH CAROLINA STATE BAR. TRANSFER PROBATION TO SURRY COUNTY.**
 - 20. Comply with the Special Conditions Of Probation - Intermediate Punishments - Contempt 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

- 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.
- 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

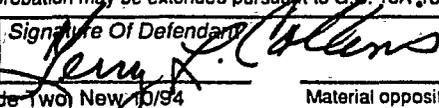
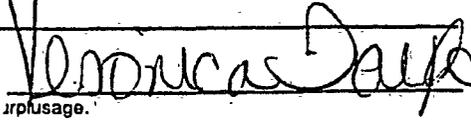
| | | |
|-------------------------|---|--|
| Date 05-29-98 | Name Of Presiding Judge (Type Or Print) HOWARD E. MANNING JR. | Signature Of Presiding Judge  |
|-------------------------|---|--|

CERTIFICATION

- I certify that this Judgment with the attachment marked below is a true and complete copy of the original which is on file in this case.
- Appeal Entries (AOC-CR-350)
 - Judgment Suspending Sentence, Page Two [Special Conditions Of Probation - Intermediate Punishments - Contempt (AOC-CR-603, Page Two)]
 - Felony Judgment Findings Of Aggravating And Mitigating Factors (AOC-CR-605)
 - Extraordinary Mitigation Findings (AOC-CR-606)

| | | |
|-----------------------|---|--|
| Date of Certification | Date Certified Copies Delivered To Sheriff 6-3-98 | Signature And Seal <input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court |
|-----------------------|---|--|

NOTE: (Defendant signs below 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. I understand that my probation may be extended pursuant to G.S. 15A-1342(a) or 15A-1343.2(d).

| | | |
|-------------------------------|---|--|
| Date Signed 5-29-98 | Signature Of Defendant  | Witnessed By:  |
|-------------------------------|---|--|

AOC-CR-603, Side Two New 10/94 Material opposite unmarked squares is to be disregarded if plusage.

Name Of Defendant

TERRY LEE COLLINS

SPECIAL CONDITIONS OF PROBATION - INTERMEDIATE PUNISHMENTS - CONTEMPT

NOTE: Use this page in conjunction with AOC-CR-603, "Judgment Suspending Sentence - Felony"; or AOC-CR-604, "Judgment Suspending Sentence - Misdemeanor(s)"; or AOC-CR-609, "Order On Violation Of Probation Or On Motion To Modify".

In addition to complying with the regular and any special conditions of probation set forth in the "Judgment Suspending Sentence" entered in the above case(s), the defendant shall also comply with the following special conditions of probation and conditions of special probation, which are defined as intermediate punishments by G.S. 15A-1340.11(6).

1. [X] Special Probation - G.S. 15A-1351, 24 [] Contempt - G.S. 15A-1344(e1) and 5A-11(a)

[X] a. Serve an active term of 24 [X] days [] months in the custody of the [] N.C. DOC. [X] Sheriff of this County.

[X] (1) The defendant shall report in a sober condition to begin serving his term on:

| | | | |
|-----|----------|------|--|
| Day | Date | Hour | <input type="checkbox"/> AM |
| FRI | 06-12-98 | 7:00 | <input checked="" type="checkbox"/> PM |

and shall remain in custody until:

| | | | |
|-----|----------|------|--|
| Day | Date | Hour | <input type="checkbox"/> AM |
| SUN | 06-14-98 | 7:00 | <input checked="" type="checkbox"/> PM |

[X] (2) The defendant shall again report in a sober condition to continue serving this term on the same day of the week for the next 12 consecutive weeks, and shall remain in custody during the same hours each week.

[] (3) The defendant shall serve the active term above as an inpatient in _____ and shall follow the rules of that facility until discharged and not leave its premises except as authorized under those rules.

[] (4) This sentence shall be served at the direction of the probation officer within _____ [] days [] months of this Judgment.

[] (5) Pay jail fees.

[] (6) Work release is recommended.

[] (7) Substance Abuse Treatment Unit is recommended. G.S. 15A-1351(h).

[X] (8) Other: ACTIVE TIME IS TO BE SERVED IN SURRY COUNTY JAIL.

CERTIFIED TRUE COPY FROM ORIGINAL
Clerk of Superior Court, Wake County

By: Jonathan [Signature]
Assistant Deputy Clerk of Superior Court

Date: 6-10-98

[] b. IMPACT - Submit as directed by the probation officer to a medical evaluation by a physician approved by the officer and, if certified to be medically fit for participation in the Intensive Motivation Program of Alternative Correctional Treatment (IMPACT), further submit, as ordered by the officer, on the date and at the place specified, to imprisonment in a facility for youthful offenders for a minimum of 90 days or a maximum of 120 days from that date, and abide by all rules and regulations as provided in conjunction with the IMPACT program; provided, if, within _____ days from the date of this Judgment, the defendant is not certified to be medically fit for program participation or for any other reason is not ordered to submit to imprisonment as provided above then [] the defendant shall reappear before the Court as directed by the probation officer for a hearing to determine what modifications, if any, should be made to this Judgment.

[] Other:

[X] 2. Electronic Monitoring/Electronic House Arrest

[X] a. Be assigned to the Electronic House Arrest Program for a period of 6 [] days, [X] months, submit to electronic monitoring and abide by all rules, regulations and directions of the program until discharged.

[] b. Other conditions:

00400

3. Intensive Probation Supervision Program

Be assigned to the Intensive Probation Supervision Program for a period of _____ months (not less than six months), obey all rules, regulations and directions of the program until discharged, and

- a. Submit at reasonable times to warrantless searches by a probation officer of the defendant, and of the defendant's vehicle and premises while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision:
 stolen goods controlled substances contraband _____
- b. 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 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.
- c. Supply a breath, urine and/or blood specimen for analysis of the possible presence of a prohibited drug or alcohol, when instructed by the probation officer.
- d. Complete not less than _____ hours or more than _____ hours of community or reparation service, as determined by the probation officer, and under the direction of the community service coordinator and pay the fee prescribed by G.S. 143B-475.1(b) within _____ days of this Judgment and before beginning service.
- e. Participate in any evaluation, counseling, treatment or education program as directed by the probation officer, faithfully keep all scheduled appointments, and abide by all rules, regulations and directions of each program.
- f. Not be away from the defendant's place of residence between the hours of _____ p.m. and _____ a.m. unless authorized in writing by the probation officer.
- g. Not leave the defendant's county of residence without prior approval of the probation officer.
- h. Other:

4. Residential Program

Attend or reside in _____ residential program for a period of _____ days, _____ months, and abide by all rules and regulations of that program.

5. Day-Reporting Center

Report as directed by the probation officer to _____ for a period of _____ days, _____ months, and abide by all rules and regulations of that program. The Court finds that this condition is reasonably related to the defendant's rehabilitation.

6. Community Penalties Plan

The defendant is placed on supervised probation as set forth on the attached ACO-CR-603 or CR-604 pursuant to a community penalties plan.

7. Other special conditions of probation which the Court finds are reasonably related to the defendant's rehabilitation.

The above conditions are incorporated in the "Judgment Suspending Sentence" in the above case(s) and made a part thereof.

| | | |
|------------------|--|----------------------------------|
| Date 05-29-98 | Name Of Presiding Judge (Type Or Print) HOWARD E. MANNING JR. | Signature Of Presiding Judge |
|------------------|--|----------------------------------|

I have received a copy of this Page Two of this Judgment which contains additional 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 5-29-98 | Signature Of Defendant | Witnessed By |
|-----------------|----------------------------|------------------|

AOC-CR-603, Page Two, Side Two
Rev. 7/95

Material opposite unmarked squares to be disregarded as surplus.
(Over)

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