

8027

STATE OF NORTH CAROLINA

In The General Court of Justice

District Superior Court Division

File No.

83-CRS-608

Film No.

CHOWAN

County

Edenton

Seat of Court
(if applicable)

STATE VERSUS

JUDGMENT AND COMMITMENT

Defendant

JAMES DAVID SINGLETARY

Race

White

Sex

Male

Age

33

Misdemeanor

Fair Sentencing Act Felony

Pre-Fair Sentencing Act Felony

Attorney for State

Hon. Joan Byers and
Hon. Charles Hobgood

Def. found not indigent

Def. Waived attorney

Attorney for Defendant

Hon. Stephen R. Burch

Retained

Appointed

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

Count No# 6 - Fraudulently Burning a Building Designed or Intended as a Dwelling House - June 2, 1982.

(As to other Counts, see Attached Judgment and Commitment) as charged

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

Charge	G.S. No.	Felony/Misd.	Felony Class	Maximum Prison Term Allowed by Law	Presumptive Term
Count No# 6: Fraudulently Burning a Building Designed or Intended as a Dwelling House.	14-65	Felony	H	10 years	3 years

The above listed offenses are consolidated for the purpose of judgment.

The Court having considered evidence, arguments of counsel, and statement of the defendant ORDERS AND ADJUDGES that the defendant be imprisoned

For a term of:

THREE (3) YEARS, this being the presumptive sentence.

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 sentence imposed above shall begin at the expiration of all of sentences which the defendant is presently obligated to serve.

The sentence imposed above shall begin at the expiration of the sentence imposed in the case referenced below:

Case number, county & court in which prior sentence imposed, date sentence imposed.

(check all that apply)

The defendant shall serve as a committed youthful offender (CYO) pursuant to G.S. Chapter 148 Article 3B.

The defendant should not obtain the benefit of release under G.S. 148-49.15.

The defendant shall be given credit for 0 days spent in confinement prior to the date of this judgment.

The defendant shall pay the costs.

The defendant shall pay a fine of \$ _____

Work release is recommended.

Immediate work release is recommended.

The Court does not recommend restitution or reparation as a condition of attaining work release or parole (this condition of parole is not applicable to Fair Sentencing Act Felonies.)

The Court recommends that as a condition of attaining work release or parole (this condition of parole is not applicable to Fair Sentencing Act Felonies.), the defendant pay restitution as provided below.

The Court recommends that the defendant be required to pay from his work release earnings restitution as provided below.

SEE ATTACHED SCHEDULE "A" FOR SPECIAL CONDITIONS.

Restitution is to be paid to the Clerk of Superior Court to be disbursed as follows:

Fine	Costs	Reimbursement for Attorneys Fee	Restitution	Total
\$	\$	\$	\$	Amount \$
Name and Addresses of persons to receive restitution				

0939

The Court further recommends:

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 does not require such findings.
- makes written findings set forth on the Findings of Factors in Aggravation and Mitigation of Punishment (AOC-CR-303)

Defendant's Counsel Fee

A Fee (including expenses) of \$ _____ was awarded the defendant's counsel or public defender at a hearing in open court at which the defendant was present.

Order of Commitment

It is FURTHER 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 of the judgment to the custody of the agency named on the reverse to serve the sentence imposed or until he shall have complied with the conditions for release pending appeal.

Date	Name of Presiding Judge	Signature of Presiding Judge
3-26-84	Hon. Elbert S. Peel, Jr.	<i>[Signature]</i>

Appeal Entries

The defendant gives notice of appeal to the:

- N.C. Court of Appeals N.C. Supreme Court. The defendant is allowed 55 days to serve proposed record on appeal, and the State is allowed 30 days after such service to serve objections or proposed alternative record on appeal. Release of defendant pursuant to G.S. 15A-536 is authorized upon execution of \$4,000.00 Unsecured Appearance Bond. Appeal Bond is set at \$200.00. See Attached Schedule B for Special Conditions.

Date	Name of Presiding Judge	Signature of Presiding Judge
3-26-84	Hon. Elbert S. Peel, Jr.	<i>[Signature]</i>

Order of Commitment after Appellate Determination

Date withdrawal of appeal per G.S. 15A-1450 filed	Date Appellate Court Opinion finding no error filed.
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It is ORDERED that the Judgment herein be executed. It is further ORDERED that if there be need, the Sheriff arrest and recommit the defendant to the custody of the official named in the Judgment and furnish that official two certified copies of this Judgment and this Order as authority for the commitment and detention of the defendant.

Date	Signature of Clerk of Superior Court
	<input type="checkbox"/> Deputy <input type="checkbox"/> Assistant <input type="checkbox"/> Clerk of Superior Court

Certification

I certify that this Judgment and Commitment and attached Findings of Factors in Aggravation and Mitigation of Punishment (AOC-CR-303) is a true and complete copy of the original which is on file in this case.

Date of Certification	Date Certified Copies Delivered to Sheriff	Signature and Seal
		<input type="checkbox"/> Deputy <input type="checkbox"/> Assistant <input type="checkbox"/> Clerk of Superior Court

SCHEDULE "A"

SPECIAL CONDITIONS

The Court Orders the following Special Conditions:

- (1.) The Defendant is herewith disbarred from the practice of law in North Carolina.
- (2.) The Defendant shall forthwith forward his license, certificate and membership card to the North Carolina State Bar, P. O. Box 25908, 208 Fayetteville Street, Raleigh, North Carolina 27611.
- (3.) The Defendant shall not practice law in North Carolina until he is relicensed pursuant to the reinstatement procedure of the North Carolina State Bar.

March 26, 1954

Ellen G.
Quinn

SPECIAL CONDITIONS

The Court Orders the following Special Conditions:

(1.) The Defendant is herewith disbarred from the practice of law in North Carolina pending his appeal to the Appellate Court of North Carolina;

(2.) The Defendant shall forthwith forward his license, certificate and membership card to the North Carolina State Bar, P. O. Box 25908, 208 Fayetteville Street, Raleigh, North Carolina 27611, pending his appeal to the Appellate Court of this State;

(3.) The Defendant shall not practice law in North Carolina until he is relicensed pursuant to the reinstatement procedure of the North Carolina State Bar, pending his appeal to the Appellate Court of this State.

March 26, 1944

Elwood S.

Judge Presiding