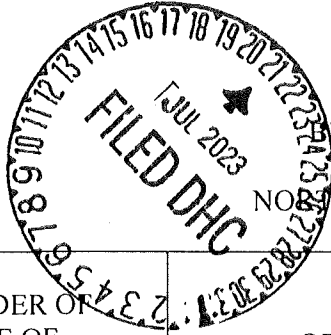


NORTH CAROLINA  
WAKE COUNTY



BEFORE THE COUNCIL  
OF THE  
NORTH CAROLINA STATE BAR  
23 BCS 6

IN THE MATTER OF THE TENDER OF  
SURRENDER OF LAW LICENSE OF  
  
REBECCA ASHLEY NELSON

ORDER OF DISBARMENT

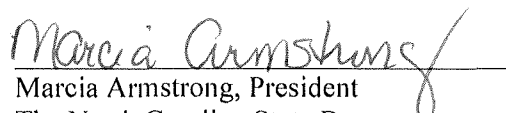
THIS MATTER came before the Council of the North Carolina State Bar pursuant to 27 N.C. Admin. Code 1B.0121(a) upon tender of an affidavit of surrender of law license executed by Rebecca Ashley Nelson (“Nelson”). The North Carolina State Bar (“State Bar”) was represented by Alex G. Nicely and Elizabeth S. Foley. Nelson represented herself *pro se*.

Based upon the affidavit of surrender, the Council finds that on April 8, 2022, Nelson pled guilty to and was convicted of one count of Second-Degree Murder in violation of N.C. Gen. Stat. § 14-17(b) and two counts of Assault with a Deadly Weapon with Intent to Kill Inflicting Serious Injury in violation of N.C. Gen. Stat. § 14-32(a), in *State of North Carolina v. Rebecca Ashley Nelson*, Wake County Superior Court file nos. 20 CRS 202374-76. Nelson committed criminal acts that reflect adversely on her honesty, trustworthiness or fitness as a lawyer in violation of Rule 8.4(b) of the Rules of Professional Conduct, and the crimes for which Nelson was convicted are felony criminal offenses showing professional unfitness as defined in 27 N.C. Admin. Code 1B.0103(17). Nelson’s misconduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. §84-28(b)(1) and (2).

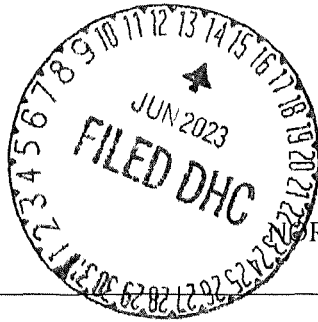
WHEREFORE, upon motion made and duly seconded, the Counsel enters the following Order:

1. The tender of surrender of law license of Rebecca Ashley Nelson is hereby accepted.
2. Rebecca Ashley Nelson is hereby DISBARRED from the practice of law in North Carolina.
3. Nelson shall comply with the provisions of 27 N.C. Admin. Code 1B.0121 and 27 N.C. Admin. Code 1B.0128. Nelson shall surrender her law license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by 27 N.C. Admin. Code 1B.0128(d).
4. The effective date of the disbarment is the date the Council accepted the surrender pursuant to 27 N.C. Admin. Code 1B.0121(b) as dated by the President below.
5. The costs of this action and any administrative fees assessed by the State Bar are taxed against Nelson.

DONE AND ORDERED, this the 21<sup>st</sup> day of July, 2023.

  
\_\_\_\_\_  
Marcia Armstrong, President  
The North Carolina State Bar

STATE OF NORTH CAROLINA  
WAKE COUNTY



BEFORE THE COUNCIL  
OF THE  
NORTH CAROLINA STATE BAR  
23 BCS 6

**AFFIDAVIT TENDERING THE SURRENDER OF THE LAW LICENSE OF  
REBECCA A. NELSON**

I, REBECCA A. NELSON, N.C. Bar No. 38772, being first duly sworn, say:

1. I desire to resign and hereby tender my license to practice law in North Carolina pursuant to 27 N.C. Admin. Code 1B.0121(a).
2. My resignation is freely and voluntarily rendered and is not the result of coercion or duress. I am fully aware of the implications of submitting my resignation.
3. I am aware that there is a pending investigation by the North Carolina State Bar based on allegations that I committed the criminal acts of Second-Degree Murder in violation of N.C. Gen. Stat. § 14-17(b) and Assault with a Deadly Weapon with Intent to Kill Inflicting Serious Injury in violation of N.C. Gen. Stat. § 14-32(a), and that I was convicted of felony criminal offenses showing professional unfitness.
4. I acknowledge that the material facts upon which the State Bar's investigation is predicated are true.
5. On April 8, 2022, I pled guilty to and was convicted of one count of Second-Degree Murder in violation of N.C. Gen. Stat. § 14-17(b) and two counts of Assault with a Deadly Weapon with Intent to Kill Inflicting Serious Injury in violation of N.C. Gen. Stat. § 14-32(a), in *State of North Carolina v. Rebecca Ashley Nelson*, Wake County Superior Court file nos. 20 CRS 202374-76. Certified copies of the Judgments and Commitments in Wake County Superior Court file nos. 20 CRS 202374-76 are attached and incorporated herein as Affidavit Exhibit 1.
6. In pleading guilty to one count of Second-Degree Murder in violation of N.C. Gen. Stat. § 14-17(b) and two counts of Assault with a Deadly Weapon with Intent to Kill Inflicting Serious Injury in violation of N.C. Gen. Stat. § 14-32(a), I admitted to engaging in criminal acts that reflect adversely on my honesty, trustworthiness or fitness as a lawyer.
7. The crimes for which I was convicted are felony criminal offenses showing professional unfitness.
8. I am submitting my resignation because I know that if disciplinary charges were predicated upon the misconduct under investigation, I could not successfully defend against them.
9. I understand that the hearing by the Council of the North Carolina State Bar with regard to the acceptance of the tender of surrender of my law license will occur at the regularly scheduled meeting of the Council of the North Carolina State Bar on Friday, July 21, 2023.
10. I hereby waive any further notice of the hearing before the Council on my affidavit of surrender. I waive any claim, argument or assertion that I have not received proper or timely notice of the hearing before the Council on my affidavit of surrender or any other defect in notice. I further waive any and all right or privilege to appear before the Council at that hearing.

11. I affirm that I have had a full opportunity to seek the advice and counsel of an attorney in making the decision to file this affidavit of surrender and in waiving any rights set forth herein.

Respectfully submitted, this the 6<sup>th</sup> day of June 2023.

Rebecca Ashley Nelson  
Rebecca Ashley Nelson

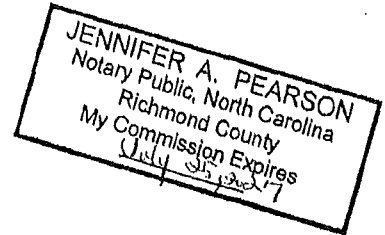
I, Jennifer Pearson, Notary Public of the County of Anson, State of North Carolina, certify that Rebecca Ashley Nelson personally appeared before me this day, was sworn, attested that the foregoing Affidavit is true and accurate of her own personal knowledge, and executed the foregoing Affidavit.

This the 6<sup>th</sup> day of June, 2023

Jennifer Pearson  
Notary Public

Printed Name: Jennifer Pearson

My commission expires: July 25, 2027



**STATE OF NORTH CAROLINA**  
 WAKE County RALBIGH Seat of Court  
 NOTE: [Use AOC-CR-342 for DWI offense(s).]  
 File No. 20CRS202375 51  
 In The General Court Of Justice  
 District  Superior Court Division

**STATE VERSUS**  
 Name Of Defendant: NELSON, RBBECCA, ASHLEY  
 Race: W Sex: F Date Of Birth: 03/13/1981  
**JUDGMENT AND COMMITMENT**  
**ACTIVE PUNISHMENT - FELONY**  
**(STRUCTURED SENTENCING)**  
 (For Convictions On Or After Jan. 1, 2012)  
 G.S. 15A-1301, -1340.13

Attorney For State: STACY WELLS NEWTON; JOSEPH PATRICK LATOUR  
 Def. Found Not Indigent  Def. Waived Attorney  
 Attorney For Defendant: EDD ROBERTS III; RENEE STAR JORDAN  
 Appointed  Retained  
 Cr Rptr Initials: TLJ

The defendant was found guilty/responsible, pursuant to  plea ( pursuant to Alford) ( of no contest)  trial by judge  trial by jury, of

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL.	*Pun. Cl.
20CRS202375	51	SECOND DEGREE MURDER	02/04/2020	14-17(B)	F	B1	

\*NOTE: Enter punishment class if different from underlying offense class (punishment class represents a status or enhancement).  
 The Court:  1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be 00.  
 Any prior record level point under G.S. 15A-1340.14(b)(7) is based on the determination of this issue by the trier of fact beyond a reasonable doubt or the defendant's admission to this issue.  
 2. makes no prior record level finding because none is required for Class A felony, violent habitual felon, or drug trafficking offenses.  
 PRIOR RECORD LEVEL:  I  III  V  
 II  IV  VI

- The Court (NOTE: Block 1 or 2 MUST be checked.):
- 1. makes no written findings because the term imposed is:  (a) in the presumptive range.  (b) for a Class A felony.  (c) for adjudication as a violent habitual felon, G.S. 14-7.12.  (d) for drug trafficking.  for which the Court finds the defendant provided substantial assistance, G.S. 90-95(h)(5).  (e) in the aggravated range, pursuant to G.S. 20-141.4(b)(1a).
  - 2. finds the Determination of aggravating and mitigating factors on the attached AOC-CR-605,
  - 3. adjudges the defendant to be a habitual felon to be sentenced  (offenses committed before Dec. 1, 2011) as a Class C felon.  (offenses committed on or after Dec. 1, 2011) four classes higher than the principal felony (no higher than Class C).
  - 4. adjudges the defendant to be a habitual breaking and entering status offender, to be sentenced as a Class E felon.
  - 5. adjudges the defendant to be an armed habitual felon to be sentenced as a Class C felon (unless sentenced herein as a Class A, B1, or B2 felon) and with a minimum term of imprisonment of no less than 120 months.
  - 6. finds enhancement pursuant to:  G.S. 90-95(e)(3) (drugs).  G.S. 14-3(c) (hate crime).  G.S. 60B-4.1 (domestic violence).  G.S. 14-50.22 (gang misdemeanor).  Other: \_\_\_\_\_
  - 7. finds that the defendant committed the felony by using, displaying, or threatening the use or display of a firearm or deadly weapon and actually possessed the firearm or weapon about his or her person. This finding is based on the jury's determination of this issue beyond a reasonable doubt or on the defendant's admission. Pursuant to G.S. 15A-1340.16A, the Court has increased the minimum sentence by (check only one)  (Class A-E felony committed prior to Oct. 1, 2013) 60 months.  (Class A-E felony committed on or after Oct. 1, 2013) 72 months.  (Class F or G felony committed on or after Oct. 1, 2013) 36 months.  (Class H or I felony committed on or after Oct. 1, 2013) 12 months.
  - 8. finds the above-designated offense(s) is a reportable conviction under G.S. 14-208.6 (check only one)  a. and therefore makes the additional findings and orders on the attached AOC-CR-615, Slide One.  b. but makes no finding or order concerning registration or satellite-based monitoring due to a sentence of life imprisonment without parole.
  - 9. finds the above-designated offense(s) involved the  physical or mental  sexual abuse of a minor. (NOTE: If offense(s) is not also a reportable conviction in No. 8 above, this finding requires no further action by the court.)
  - 10. finds that a  motor vehicle  commercial motor vehicle was used in the commission of the offense and that it shall be reported to DMV.
  - 11. finds this is an offense involving assault, communicating a threat, or an act defined by G.S. 50B-1(a), and the defendant had a personal relationship as defined by G.S. 50B-1(b) with the victim.
  - 12. (offenses committed on or after Dec. 1, 2017, only) finds that the offense was committed as part of criminal gang activity as defined in G.S. 14-50.16A(2),  and that the defendant was a criminal gang leader or organizer as defined in G.S. 14-50.16A(3). This finding is based on the determination of this issue by the trier of fact beyond a reasonable doubt or on the defendant's admission.
  - 13. finds the above-designated offense(s) involved (check one)  (offenses committed Dec. 1, 2008 - Nov. 30, 2017) criminal street gang activity  (offenses committed on or after Dec. 1, 2017) criminal gang activity, G.S. 14-50.25.
  - 14. did not grant a conditional discharge under G.S. 90-96(a) because (check all that apply)  the defendant refused to consent.  (offenses committed on or after Dec. 1, 2013, only) the Court finds, with the agreement of the District Attorney, that the offender is inappropriate for a conditional discharge for factors related to the offense.
  - 15. finds that the defendant used or displayed a firearm while committing the felony, G.S. 15A-1382.2.
  - 16. finds that the offense involved child abuse or assault or an act defined in G.S. 50B-1(e) against a minor, G.S. 15A-1382.1(a1).
  - 17. imposes sentence pursuant to G.S. 90-95(h)(5a) and the Court's findings on the attached  AOC-CR-618,  Other: \_\_\_\_\_

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 sentenced (check only one)

to Life Imprisonment Without Parole for  Class A Felony.  Class B1 Felony,  Violent Habitual Felon.  
 to Life Imprisonment With Parole, pursuant to G.S. Chapter 15A, Article 81B, Part 2A.  
 for a minimum term of: 300 months and a maximum term of: 372 months  ASR term (Order No. 4, Slide Two)  to Death (see attached Death Warrant and Certificates)  
 In the custody of:  N.C. DACJJ.  Other: \_\_\_\_\_

The defendant shall be given credit for 792 days spent in confinement prior to the date of this Judgment as a result of his charge(s).  
 The sentence imposed above shall begin at the expiration of all 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.

File No.	Offense	County	Court

WAKE COUNTY  
 Superior Court  
 11-16-22

The Court further Orders: (check all that apply)

1. The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below.

Costs	Fine	Restitution*	Attorney's fees	SBM Fee	Appl Fee/Misc	Total Amount Due
\$ 0.00	\$	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$

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

- 2. The Court finds that restitution was recommended as part of the defendant's plea arrangement.
- 3. The Court finds just cause to waive costs, as ordered on the attached  AOC-CR-618,  Other: \_\_\_\_\_
- 4. Without objection by the State, the defendant shall be admitted to the Advanced Supervised Release (ASR) program. If the defendant completes the risk reduction incentives as identified by the Division of Adult Correction and Juvenile Justice, then he or she will be released at the end of the ASR term specified on Side One, G.S. 16A-1340.18.
- 5. Other:  
ALL SC COST \$355.50 AND FEES TO BE CIVIL

The Court recommends:

- 1. Substance abuse treatment.  2. Psychiatric and/or psychological counseling.  3. Work release  should  should not be granted.
- 4. Payment as a condition of post-release supervision or from work release earnings, if applicable, of the "Total Amount Due" set out above.  
 but the Court does not recommend restitution be paid  as a condition of post-release supervision.  from work release earnings.

The Court further recommends:

**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 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	Name Of Presiding Judge (type or print)	Signature Of Presiding Judge
04/08/2022	THE HONORABLE REBECCA W HOLT	

**ORDER OF COMMITMENT AFTER APPEAL**

Date Appeal Dismissed	Date Withdrawal Of Appeal Filed	Date Appellate Opinion Certified

It is ORDERED that this Judgment be executed. It is FURTHER ORDERED that the sheriff arrest the defendant, if necessary, and recommit the defendant to the custody of the agency named in this Judgment on the reverse and furnish that agency two certified copies of this Judgment and Commitment as authority for the commitment and detention of the defendant.

Date	Signature Of Clerk	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk Of Superior Court

**CERTIFICATION**

I certify that this Judgment and Commitment with the attachment(s) marked below is a true and complete copy of the original which is on file in this case.

- |   |  |
|---|--|
| <input type="checkbox"/> Appellate Entries (AOC-CR-350)<br><input checked="" type="checkbox"/> Felony Judgment Findings Of Aggravating And Mitigating Factors (AOC-CR-605)<br><input type="checkbox"/> Judicial Findings As To Forfeiture Of Licensing Privileges (AOC-CR-317)<br><input type="checkbox"/> Victim Notification Tracking Form<br><input type="checkbox"/> Additional File No.(s) And Offense(s) (AOC-CR-626) | <input type="checkbox"/> Restitution Worksheet, Notice And Order (Initial Sentencing) (AOC-CR-611)<br><input type="checkbox"/> Judicial Findings And Order For Sex Offenders - Active Punishment (AOC-CR-615, Side One)<br><input type="checkbox"/> Additional Findings (AOC-CR-618)<br><input type="checkbox"/> Convicted Sex Offender Permanent No Contact Order (AOC-CR-620)<br><input type="checkbox"/> Other: _____ |
|---|--|

Date	Date Certified Copies Delivered To Sheriff	Signature Of Clerk	<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk Of Superior Court	<b>SEAL</b>
04/08/2020				

Material opposite unmarked squares is to be disregarded as surplusage.

<b>STATE OF NORTH CAROLINA</b>	File No. 20CRS202375 51
WAKE County	In The General Court Of Justice <input type="checkbox"/> District <input checked="" type="checkbox"/> Superior Court Division
<b>STATE VERSUS</b>	<b>FELONY JUDGMENT FINDINGS OF AGGRAVATING AND MITIGATING FACTORS. (STRUCTURED SENTENCING)</b>
Name Of Defendant NELSON, REBECCA, ASHLBY	G.S. 15A-1340.16
Offense SECOND DEGREE MURDER	

NOTE: When consolidating offenses for judgment, findings of aggravating factors and mitigating factors should be made only for the most serious offense. Separate findings of aggravating factors and mitigating factors should be made for each offense that is not consolidated.

**AGGRAVATING FACTORS**

- 1. The Defendant:  a. Induced others to participate in the commission of the offense.  
 b. occupied a position of leadership or dominance of other participants in the commission of the offense.
- 2. The defendant joined with more than one other person in committing the offense and was not charged with committing a conspiracy.
- 2a. The offense was committed for the benefit of, or at the direction of, any (check one)  (offenses committed Dec. 1, 1997 - Nov. 30, 2017) criminal street gang,  (offenses committed on or after Dec. 1, 2017) criminal gang as defined by G.S. 14-50.16A(1), with the specific intent to promote, further, or assist in any criminal conduct by gang members, and the defendant was not charged with committing a conspiracy.
- 3. The offense was committed for the purpose of:  a. avoiding or preventing a lawful arrest.  b. effecting an escape from custody.
- 4. The defendant was:  a. hired to commit the offense.  b. paid to commit the offense.
- 5. The offense was committed to:  a. disrupt  b. hinder the lawful exercise of a governmental function or the enforcement of laws.
- 6. The offense was committed against or proximately caused serious injury to a present or former law enforcement officer, employee of the Division of Adult Correction and Juvenile Justice, jailer, fireman, emergency medical technician, ambulance attendant, social worker, justice or judge, clerk or assistant or deputy clerk of court, magistrate, prosecutor, juror, or witness against the defendant, while engaged in the performance of that person's official duties or because of the exercise of that person's official duties.
- 6a. The offense was committed against or proximately caused serious harm as defined in G.S. 14-103.1 or death to a law enforcement agency animal, an assistance animal, or a search and rescue animal (Applies to offenses committed on or after December 1, 2009.) as defined in G.S. 14-163.1, while engaged in the performance of the animal's official duties.
- 7. The offense was especially heinous, atrocious or cruel.
- 8. The defendant knowingly created a great risk of death to more than one person by means of a weapon or device which would normally be hazardous to the lives of more than one person.
- 9. (select appropriate option depending on date of offense)  
 a. (use for offenses committed prior to December 1, 2012) The defendant held public office at the time of the offense and the offense related to the conduct of the office.  
 b. (use for offenses committed on or after December 1, 2012) The defendant held public elected or appointed office or public employment at the time of the offense and the offense directly related to the conduct of the office or employment. (NOTE: The court must notify the State Treasurer as required by G.S. 15A-1340.16(f).)
- 9a. The defendant is a firefighter or rescue squad worker, and the offense is directly related to service as a firefighter or rescue squad worker. (Applies to offenses committed on or after December 1, 2013.)
- 10. The defendant:  a. was armed with a deadly weapon at the time of the crime.  b. used a deadly weapon at the time of the crime.
- 11. The victim was:  a. very young.  b. very old.  c. mentally infirm.  d. physically infirm.  e. handicapped.
- 12. The defendant committed the offense while on pretrial release on another charge.
- 12a. The defendant has, during the 10-year period prior to the commission of the offense for which the defendant is being sentenced, been found by a court of this State to be in willful violation of the conditions of probation imposed pursuant to a suspended sentence or been found by the Post-Release Supervision and Parole Commission to be in willful violation of a condition of parole or post-release supervision imposed pursuant to release from incarceration. The Court finds this aggravating factor beyond a reasonable doubt. (Applies to offenses committed on or after December 1, 2009.)
- 13. The defendant involved a person under the age of 16 in the commission of the crime.
- 13a. (for offenses committed on or after December 1, 2018) The defendant committed an offense and knew or reasonably should have known that a person under the age of 18 who was not involved in the commission of the offense was in a position to see or hear the offense.
- 14. The offense involved:  a. an attempted taking of property of great monetary value.  b. the actual taking of property of great monetary value.  c. damage causing great monetary loss.  d. an unusually large quantity of contraband.
- 15. The defendant took advantage of a position of trust or confidence, including a domestic relationship, to commit the offense.
- 16. The offense involved the sale or delivery of a controlled substance to a minor.
- 16a. The offense is the manufacture of methamphetamine and was committed where a person under the age of 18 lives, was present, or was otherwise endangered by exposure to the drug, its ingredients, its by-products, or its waste.
- 16b. The offense is the manufacture of methamphetamine and was committed in a dwelling that is one of four or more contiguous dwellings.
- 17. The offense was committed against a victim because of the victim's race, color, religion, nationality, or country of origin.
- 18. The defendant does not support the defendant's family.
- 18a. The defendant has previously been adjudicated delinquent for an offense that would be a Class A, B, C, D, or E felony if committed by an adult.  The Court finds this aggravating factor beyond a reasonable doubt.
- 19. The victim of this offense suffered serious injury that is permanent and debilitating.
- 19a. The offense is a violation of G.S. 14-43.11, G.S. 14-43.12, or G.S. 14-43.13, and involved multiple victims. (Applies to offenses committed on or after October 1, 2013.)
- 19b. The offense is a violation of G.S. 14-43.11, G.S. 14-43.12, or G.S. 14-43.13, and the victim suffered serious injury as a result of the offense. (Applies to offenses committed on or after October 1, 2013.)
- 20. Additional written findings of factors in aggravation:

The Court accepts the defendant's admission to the aggravating factor(s) noted above and finds the supporting evidence to be beyond a reasonable doubt.  
 The trier of fact finds these aggravating factors beyond a reasonable doubt.  
 There are no findings of any aggravating factors.

A TRUE COPY

CLERK OF SUPERIOR COURT

WAKE COUNTY

By: *[Signature]*  
 Clerk Superior Court  
 11-14-22

**MITIGATING FACTORS**

- 1. The defendant committed the offense under:
  - a. duress which was insufficient to constitute a defense but significantly reduced the defendant's culpability.
  - b. coercion which was insufficient to constitute a defense but significantly reduced the defendant's culpability.
  - c. threat which was insufficient to constitute a defense but significantly reduced the defendant's culpability.
  - d. compulsion which was insufficient to constitute a defense but significantly reduced the defendant's culpability.
- 2. The defendant:
  - a. was a passive participant in the commission of the offense.
  - b. played a minor role in the commission of the offense.
- 3. The defendant was suffering from a:
  - a. mental condition that was insufficient to constitute a defense but significantly reduced the defendant's culpability for the offense.
  - b. physical condition that was insufficient to constitute a defense but significantly reduced the defendant's culpability for the offense.
- 4. The defendant's:
  - a. age, or immaturity, at the time of the commission of the offense significantly reduced the defendant's culpability for the offense.
  - b. limited mental capacity at the time of the commission of the offense significantly reduced the defendant's culpability for the offense.
- 5. The defendant has made:
  - a. substantial restitution to the victim.     b. full restitution to the victim.
- 6. The victim was more than 16 years of age and:
  - a. was a voluntary participant in the defendant's conduct.     b. consented to the defendant's conduct.
- 7. The defendant:
  - a. aided in the apprehension of another felon.
  - b. testified truthfully on behalf of the State in another prosecution of a felony.
- 8.  a. The defendant acted under strong provocation.  
 b. The relationship between the defendant and the victim was otherwise extenuating.
- 9. The defendant:
  - a. could not reasonably foresee that the defendant's conduct would cause or threaten serious bodily harm or fear.
  - b. exercised caution to avoid serious bodily harm or fear to other persons.
- 10. The defendant reasonably believed that the defendant's conduct was legal.
- 11. The defendant voluntarily acknowledged wrongdoing in connection with the offense to a law enforcement officer:
  - a. at an early stage of the criminal process.     b. prior to arrest.
- 12. The defendant has been a person of good character or has had a good reputation in the community in which the defendant lives.
- 13. The defendant is a minor and has reliable supervision available.
- 14. The defendant has been honorably discharged from the United States Armed Services.
- 15. The defendant has accepted responsibility for the defendant's criminal conduct.
- 16. The defendant has entered and is currently involved in or has successfully completed a drug treatment program or an alcohol treatment program subsequent to arrest and prior to trial.
- 17. The defendant supports the defendant's family.
- 18. The defendant has a support system in the community.
- 19. The defendant has a positive employment history or is gainfully employed.
- 20. The defendant has a good treatment prognosis and a workable treatment plan is available.
- 21. Additional written findings of factors in mitigation:

The Court makes no findings of any mitigating factors.

**DETERMINATION**

- 1. The Court finds that:
  - the State provided the defendant with appropriate notice of the aggravating factor(s) in this case.
  - the defendant waived any notice requirements as to the aggravating factor(s) in this case.
- 2. The Court finds that the State included in its criminal pleading the statement required by G.S. 16A-924(a)(7), if necessary.
- 3. The Court, having considered the evidence and arguments presented at the trial and sentencing hearing, and based on the admission(s) and findings of aggravating and mitigating factors as noted above,
  - finds that the factors in aggravation outweigh the factors in mitigation and that an aggravated sentence is justified.
  - finds that the factors in mitigation outweigh the factors in aggravation and that a mitigated sentence is justified.
  - makes no determination as to the relative weights of the factors found above, because the sentence imposed is in the presumptive range.

Date 04/08/2022	Name Of Presiding Judge (Type Or Print) THE HONORABLE REBECCA W HOLT	Signature Of Presiding Judge <i>Rebecca W. Holt</i>
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Material opposite unmarked squares is to be disregarded as surplusage.

STATE OF NORTH CAROLINA  
WAKE County RALEIGH Seal of Court  
File No. 20CRS202374 51  
NOTE: [Use AOC-CR-342 for DWI offense(s.)]  
In The General Court Of Justice  
 District  Superior Court Division

STATE VERSUS  
Name Of Defendant  
NRI,SON,RBBECCA,ASHLEY  
Race W Sex F Date Of Birth 03/13/1981  
Attorney For State STACY WELLS NEWTON  Def. Found Not Indigent  Def. Waived Attorney  Appointed  Retained  
Attorney For Defendant RENEE STAR JORDAN  Appointed  Retained  
G.S. 16A-1301, -1340.13  
Crl Rptr Initials TLJ

The defendant was found guilty/responsible, pursuant to  plea ( pursuant to Alford) ( of no contest)  trial by judge  trial by jury, of

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL.	'Pun. CL.
20CRS202374	51	AWDWIKISI	02/04/2020	14-32(A)	F	C	
20CRS202376	51	AWDWIKISI	02/04/2020	14-32(A)	F	C	

\*NOTE: Enter punishment class if different from underlying offense class (punishment class represents a status or enhancement).  
The Court:  1. has determined, pursuant to G.S. 16A-1340.14, the prior record points of the defendant to be 00.  
Any prior record level point under G.S. 16A-1340.14(b)(7) is based on the determination of this issue by the trier of fact beyond a reasonable doubt or the defendant's admission to this issue.  
 2. makes no prior record level finding because none is required for Class A felony, violent habitual felon, or drug trafficking offenses.  
PRIOR RECORD LEVEL:  I  III  V  
 II  IV  VI

The Court (NOTE: Block 1 or 2 MUST be checked.):  
 1. makes no written findings because the term imposed is:  (a) in the presumptive range.  (b) for a Class A felony.  (c) for adjudication as a violent habitual felon, G.S. 14-7.12.  (d) for drug trafficking.  for which the Court finds the defendant provided substantial assistance, G.S. 90-95(h)(5).  (e) in the aggravated range, pursuant to G.S. 20-141.4(b)(1a).  
 2. finds the Determination of aggravating and mitigating factors on the attached AOC-CR-605.  
 3. adjudges the defendant to be a habitual felon to be sentenced  (offenses committed before Dec. 1, 2011) as a Class C felon.  (offenses committed on or after Dec. 1, 2011) four classes higher than the principal felony (no higher than Class C).  
 4. adjudges the defendant to be a habitual breaking and entering status offender, to be sentenced as a Class E felon.  
 5. adjudges the defendant to be an armed habitual felon to be sentenced as a Class C felon (unless sentenced herein as a Class A, B1, or B2 felon) and with a minimum term of imprisonment of no less than 120 months.  
 6. finds enhancement pursuant to:  G.S. 90-95(e)(3) (drugs).  G.S. 14-3(c) (hate crime).  G.S. 50B-4.1 (domestic violence).  G.S. 14-60.22 (gang misdemeanor).  Other:  
This finding is based on the determination of this issue by the trier of fact beyond a reasonable doubt or on the defendant's admission.  
 7. finds that the defendant committed the felony by using, displaying, or threatening the use or display of a firearm or deadly weapon and actually possessed the firearm or weapon about his or her person. This finding is based on the jury's determination of this issue beyond a reasonable doubt or on the defendant's admission. Pursuant to G.S. 16A-1340.16A, the Court has increased the minimum sentence by (check only one)  (Class A-E felony committed prior to Oct. 1, 2013) 60 months.  (Class A-E felony committed on or after Oct. 1, 2013) 72 months.  (Class F or G felony committed on or after Oct. 1, 2013) 36 months.  (Class H or I felony committed on or after Oct. 1, 2013) 12 months.  
 8. finds the above-designated offense(s) is a reportable conviction under G.S. 14-208.6 (check only one)  a. and therefore makes the additional findings and orders on the attached AOC-CR-616, Side One.  b. but makes no finding or order concerning registration or satellite-based monitoring due to a sentence of life imprisonment without parole.  
 9. finds the above-designated offense(s) involved the  physical or mental  sexual abuse of a minor.  
(NOTE: If offense(s) is not also a reportable conviction in No. 8 above, this finding requires no further action by the court.)  
 10. finds that a  motor vehicle  commercial motor vehicle was used in the commission of the offense and that it shall be reported to DMV.  
 11. finds this is an offense involving assault, communicating a threat, or an act defined by G.S. 50B-1(a), and the defendant had a personal relationship as defined by G.S. 50B-1(b) with the victim.  
 12. (offenses committed on or after Dec. 1, 2017, only) finds that the offense was committed as part of criminal gang activity as defined in G.S. 14-50.16A(2).  and that the defendant was a criminal gang leader or organizer as defined in G.S. 14-50.16A(3). This finding is based on the determination of this issue by the trier of fact beyond a reasonable doubt or on the defendant's admission.  
 13. finds the above-designated offense(s) involved (check one)  (offenses committed Dec. 1, 2008 - Nov. 30, 2017) criminal street gang activity  (offenses committed on or after Dec. 1, 2017) criminal gang activity, G.S. 14-50.25.  
 14. did not grant a conditional discharge under G.S. 90-96(a) because (check all that apply)  the defendant refused to consent.  (offenses committed on or after Dec. 1, 2013, only) the Court finds, with the agreement of the District Attorney, that the offender is inappropriate for a conditional discharge for factors related to the offense.  
 15. finds that the defendant used or displayed a firearm while committing the felony, G.S. 16A-1382.2.  
 16. finds that the offense involved child abuse or assault or an act defined in G.S. 50B-1(a) against a minor, G.S. 16A-1382.1(a).  
 17. imposes sentence pursuant to G.S. 90-95(h)(5a) and the Court's findings on the attached  AOC-CR-61A.  Other:

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 sentenced (check only one)

to Life Imprisonment Without Parole for  Class A Felony.  Class B1 Felony.  Violent Habitual Felon.  
 to Life Imprisonment With Parole, pursuant to G.S. Chapter 15A, Article 81B, Part 2A.  
for a minimum term of: 60 months and a maximum term of: 84 months  ASR term (Order No. 4, Slide Two) months  
In the custody of:  N.C. DACJJ.  Other: WAKE COUNTY  
 to Death (see attached Death Warrant and Certificates)

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).  
 The sentence imposed above shall begin at the expiration of all 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:

File No.	Offense	County	Court	Date
2020CRS 202375	51	WAKE	SUPERIOR	04/08/2022

