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STATE OF NORTH CAROLINA  
In The General Court of Justice

Mecklenburg County

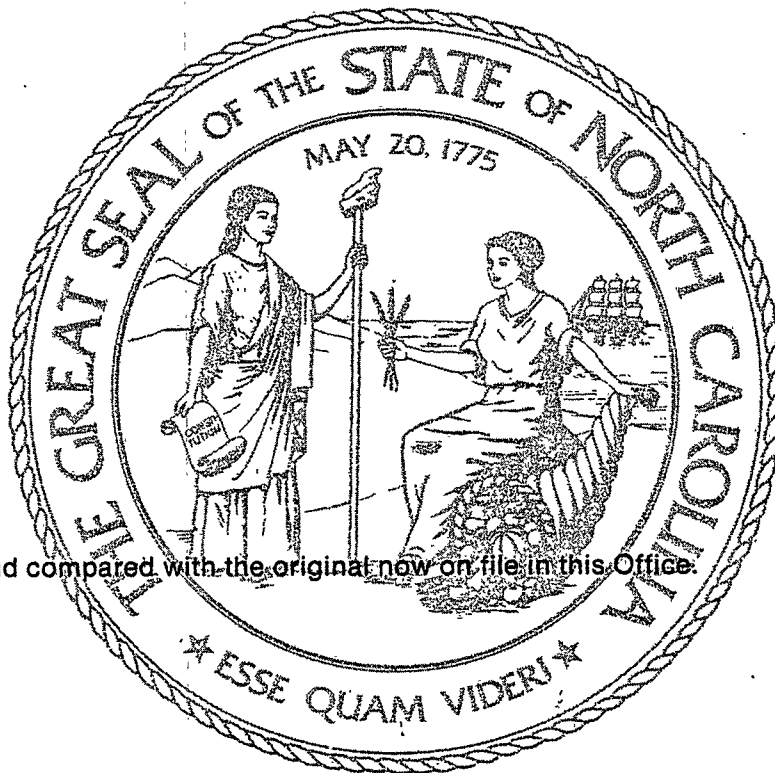
CERTIFICATE OF  
TRUE COPY

1983 SEP 16 AM 8:44

B. E. 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*

☒ Deputy CSC ☐ Assistant CSC ☐ Clerk of Superior Court

## STATE OF NORTH CAROLINA

In The General Court of Justice

☐ District ☒ Superior Court DivisionFile No. 83 CRS 12670, 12671,  
83 CRS 12672, 12673,  
83 CRS 13373, 13403

Film No.

Mecklenburg County

## STATE VERSUS

Defendant

Bernice Rodric Batts

Race

White

Sex

Male

Age

51

Attorney for State

Barry Cook

## JUDGMENT SUSPENDING SENTENCE

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

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)

EMBEZZLEMENT - five counts  
Worthless Check

G.S. No.

14-090  
14-107

Felony/Misd.

felony  
misde.

Felony Class

H

Maximum Prison  
Term Allowed by Law

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

Five (5) Years

Period of Supervised Probation

Five (5) Years

Period of Unsupervised Probation

☐ 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:

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

SEE ATTACHED SHEET

Bernice Beattie Bates

JUDGMENT SUSPENDED

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

☒ 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.

Three (3) Years

**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

☐ (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 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

Total Period of Suspended Sentence Active Prison Term 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

Signature of Probation Officer Nancy Beattie Bates Address of Probationer

RESTITUTION

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