

File No. 20CR 053112		Law Enforcement Case No. 2020070134 GRAHAM POLICE DEPARTMENT		LID No.	SID No.	FBI No. 889594LC4			
MAGISTRATE'S ORDER		STATE OF NORTH CAROLINA In The General Court Of Justice District Court Division ALAMANCE County							
Offense I M-FAIL TO DISPERSE ON COMMAND II M-DISORDERLY CONDUCT									
THE STATE OF NORTH CAROLINA VS.									
Name And Address Of Defendant MAURICE WELLS JR. 10 ASPEN DR APT. A GREENSBORO NC 27409 GUILFORD COUNTY (336) 279-8339		I, the undersigned, find that the defendant named above has been arrested without a warrant and the defendant's detention is justified because there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully and willfully did DISOBEY THE COMMANDS OF DEPUTY DOCKERY WHEN TOLD TO LEAVE BY STATING "I AINT GOING NOWHERE" AND REFUSING TO LEAVE THE AREA.							
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;">Race B</td> <td style="width:15%;">Sex M</td> <td style="width:25%;">Date Of Birth 06/30/1986</td> <td style="width:15%;">Age</td> </tr> <tr> <td colspan="2">Social Security No. [REDACTED]</td> <td colspan="2">Drivers License No. & State 22282557 NC</td> </tr> </table>							Race B	Sex M	Date Of Birth 06/30/1986
Race B	Sex M	Date Of Birth 06/30/1986	Age						
Social Security No. [REDACTED]		Drivers License No. & State 22282557 NC							
Name Of Defendant's Employer		I, the undersigned, find that the defendant named above has been arrested without a warrant and the defendant's detention is justified because there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully and willfully did intentionally cause a public disturbance at NORTHWEST COURT SQUARE GRAHAM, NC, by making utterances and using abusive language, intended and plainly likely to provoke immediate violent retaliation and thereby cause a breach of the peace. The acts of the defendant were directed toward OTHER PATRONS OF THE AREA and consisted of STATING "I'LL RING THAT MOTHER FUCKING BELL".							
Offense Code(s) I 5312 II 5330									
Offense In Violation Of G.S. I 14-288.5 II 14-288.4									
Date Of Offense 07/11/2020 through 07/11/2020									
Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card) 07/11/2020									
Arresting Officer (Name, Address Or Department) K BELK GRAHAM POLICE DEPARTMENT 216 S MAPLE ST GRAHAM NC 27253 ALAMANCE COUNTY (336) 570-6711									
Names & Addresses Of Witnesses (Including Counties & Telephone Nos.) MARK A DOCKERY JR JR. ALAMANCE COUNTY SHERIFFS OFFICE 109 SOUTH MAPLE ST GRAHAM NC 27253 ALAMANCE COUNTY (336) 570-6300									
<input type="checkbox"/> Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan		Date Issued 07/11/2020		Signature JEFFREY HOLLAN					
		<input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court		Location Of Court Alamance County Courthouse; CRMB 212 W ELM ST GRAHAM, NC 27253		Court Date 08/04/2020			
				Court Time 09:00 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM					

District Attorney <input type="checkbox"/> Waived <input type="checkbox"/> Not Indigent <input type="checkbox"/> Denied		Attorney For Defendant <input type="checkbox"/> Appointed <input type="checkbox"/> Retained		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="3">PRIOR CONVICTIONS:</th> </tr> <tr> <td>No./Level:</td> <td><input type="checkbox"/> 0 <input type="checkbox"/> I (0)</td> <td><input type="checkbox"/> II (1-4) <input type="checkbox"/> III (5+)</td> </tr> </table>		PRIOR CONVICTIONS:			No./Level:	<input type="checkbox"/> 0 <input type="checkbox"/> I (0)	<input type="checkbox"/> II (1-4) <input type="checkbox"/> III (5+)
PRIOR CONVICTIONS:											
No./Level:	<input type="checkbox"/> 0 <input type="checkbox"/> I (0)	<input type="checkbox"/> II (1-4) <input type="checkbox"/> III (5+)									
PLEA: <input type="checkbox"/> guilty <input type="checkbox"/> no contest <input type="checkbox"/> guilty <input type="checkbox"/> no contest <input type="checkbox"/> guilty <input type="checkbox"/> no contest <input type="checkbox"/> not guilty		VERDICT: <input type="checkbox"/> guilty M.CL. <input type="checkbox"/> A1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> guilty M.CL. <input type="checkbox"/> A1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> guilty M.CL. <input type="checkbox"/> A1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> not guilty									
JUDGMENT: The defendant appeared in open court and freely, voluntarily and understandingly entered the above plea; on the above verdict, it is ORDERED that the defendant: <input type="checkbox"/> pay costs and a fine of \$ _____. <input type="checkbox"/> be imprisoned for a term of _____ days in the custody of the <input type="checkbox"/> sheriff. <input type="checkbox"/> MCP. <input type="checkbox"/> DAC.* Pretrial credit _____ days served. <input type="checkbox"/> Work release <input type="checkbox"/> is recommended. <input type="checkbox"/> is not recommended. [<input type="checkbox"/> is ordered. (use form AOC-CR-602)] <input type="checkbox"/> The Court finds that a <input type="checkbox"/> longer <input type="checkbox"/> shorter period of probation, than that which is specified in G.S. 15A-1343.2(d), is necessary. <input type="checkbox"/> Execution of the sentence is suspended and the defendant is placed on unsupervised probation* for _____ months, subject to the following conditions: 1. commit no criminal offense in any jurisdiction. 2. possess no firearm, explosive 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. 5. pay to the Clerk the costs of court and any additional sums shown below.											
Fine \$		Restitution** \$		Attorney's Fee \$							
Community Service Fee \$		Other \$									
**Name(s), address(es), and amount(s) for aggrieved party(ies) to receive restitution: NOTE TO CLERK: Record SSN or Tax ID No. of aggrieved party(ies) on AOC-CR-382, "Certification Of Identity (Victims' Restitution)/Certification Of Identity (Witness Attendance)." <div style="border: 1px solid black; height: 150px; margin-top: 10px;"></div>											
<input type="checkbox"/> 6. complete _____ hours of community service during the first _____ days of probation, as directed by the judicial services coordinator, and pay the fee prescribed by G.S. 143B-708 within _____ days. <input type="checkbox"/> 7. not be found in or on the premises of the complainant or _____. <input type="checkbox"/> 8. not assault, communicate with or be in the presence of the complainant or _____. <input type="checkbox"/> 9. provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319) <input type="checkbox"/> 10. Other: _____ _____ _____ _____ _____											
APPEAL ENTRIES											
<input type="checkbox"/> The defendant, in open court, gives notice of appeal to the <input type="checkbox"/> District <input type="checkbox"/> Superior Court. <input type="checkbox"/> The current pretrial release order is modified as follows:											
Date		Signature Of District Court Judge Or Magistrate									
WAIVER OF PROBABLE CAUSE HEARING											
The undersigned defendant, with the consent of his/her attorney, waives the right to a probable cause hearing.											
Date Waived		Signature Of Defendant									
Signature Of Attorney		Signature Of District Court Judge Or Magistrate									
CERTIFICATION											
I certify that this Judgment is a true and complete copy of the original which is on file in this case.											
Date		Date Delivered To Sheriff		Signature							
<input type="checkbox"/> Dep. CSC <input type="checkbox"/> Asst. CSC		<input type="checkbox"/> CSC									

STATE OF NORTH CAROLINA

ALAMANCE

County

FILED

File No.

20CR053112

In The General Court Of Justice

☐ District ☐ Superior Court Division**STATE VERSUS**

2020 JUL 31 AM 8:56

Name And Address Of Defendant

MAURICE WELLS, JR

10 ASPEN DRIVE

APT. A

GREENSBORO

NC

27409

Race

B

Sex

M

Date Of Birth

06/30/1986

**MISDEMEANOR
STATEMENT OF CHARGES**

G.S. 15A-922

Offense(s)	Date Of Offense OR Date Range Of Offense	G.S. No.	CL.
FAIL TO DISPERSE ON COMMAND	07/11/2020	14-288.5	2
DISORDERLY CONDUCT	07/11/2020	14-288.4	2

I, the undersigned, upon information and belief allege that on or about the date(s) of offense shown and in the county named above, the defendant named above did unlawfully and willfully

I. did disobey a command to disperse, issued by Sheriff Terry Johnson of the Alamance County Sheriff's Office, who reasonably believed that a riot, or disorderly conduct by an assemblage of three or more persons was occurring, by stating "I ain't going nowhere". The command to disperse was given in a manner reasonably calculated to be communicated to the assemblage.

II. did intentionally cause a public disturbance at Northwest Court Square, Graham, Alamance County, NC, by making utterances and using abusive language, intended and plainly likely to provoke immediate violent retaliation and thereby causing a breach of peace. The acts of the defendant were directed toward other patrons of the area and consisted of stating, "I'll ring that mother fucking bell".

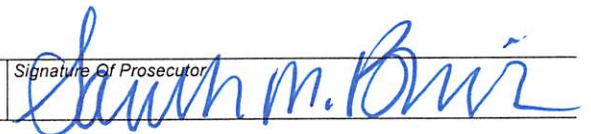
Date

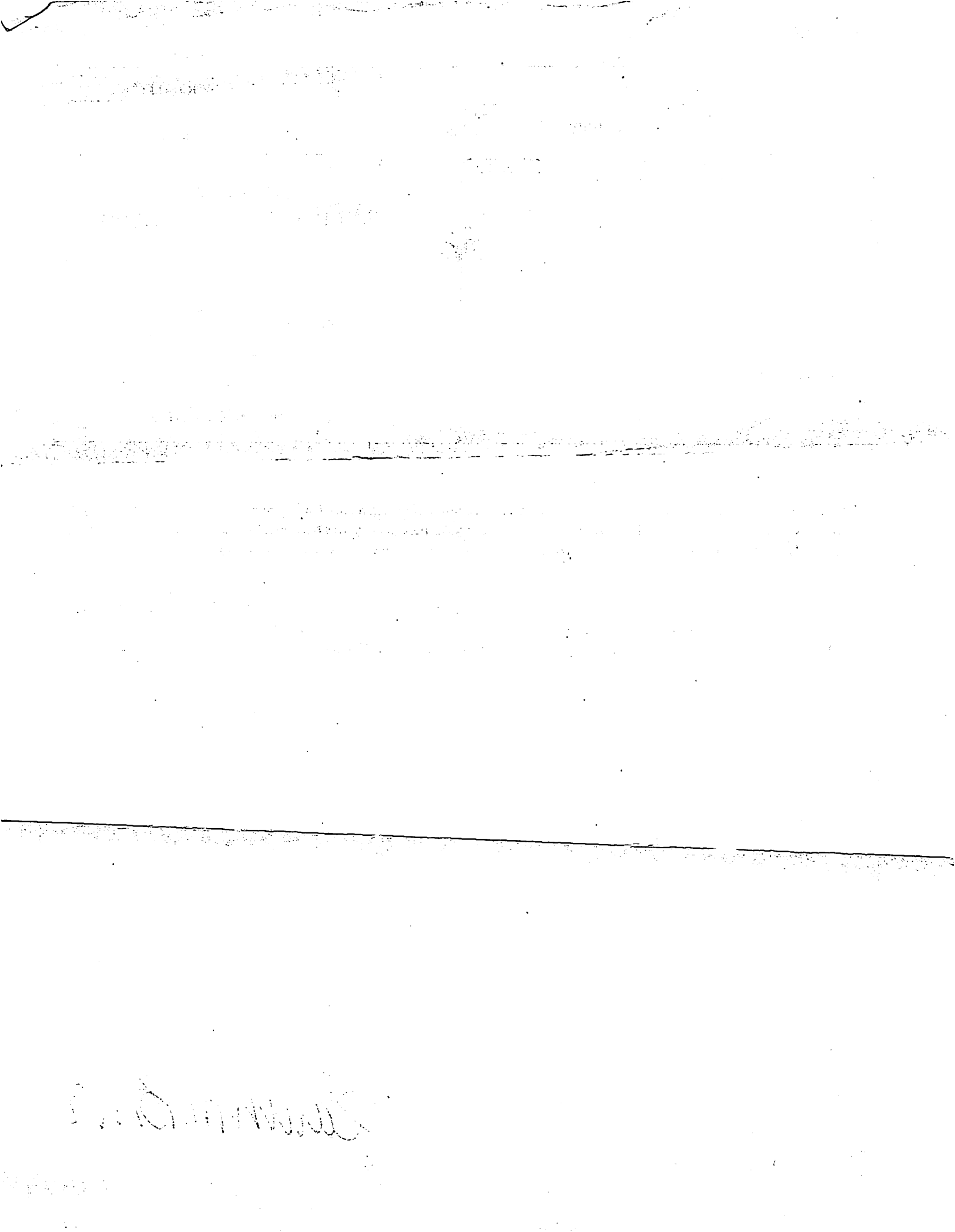
07/29/2020

Name Of Prosecutor (Print Or Type)

Sarah M. Burnick

Signature Of Prosecutor





NORTH CAROLINA - LAW ENFORCEMENT INCIDENT DATA SHEET

ALAMANCE

County

Citation/Tracking No.

-

File No.

20CR 053112

Date Of Arrest

07/11/2020

Check Digit No. (as shown on fingerprint card)

NOT FINGERPRINTED BY LAW ENFORCEMENT OFFICER

Date Of Offense

on or about

07/11/2020

through

07/11/2020

Time Of Offense

on or about

3:05 PM

DEFENDANT INFORMATION

Name Of Defendant

WELLS, MAURICE JR.

Interpreter Needed

Drivers License No.

22282557

State

NC

CDL

Class

Race

BLACK

Sex

MALE

Date Of Birth

06/30/1986

Age

34

Hair

Eyes

Weight

Height

Place Of Birth

TEXAS, UNITED STATES OF AMERICA

VEHICLE INFORMATION

Vehicle License No.

State

Make

Year

☐ Haz. Mat.

☐ CMV

Trailer Type

Vehicle Type

INCIDENT INFORMATION

Area

Weather

Visibility

Traffic

Accident

Speed

Zone

☐ Injury Or Serious Injury

☐ Passenger(s) Under 18

Offense Location

☐ Business Route

☐ Unpaved

In Vicinity/City Of

At/Near Intersection

OFFICER INFORMATION

Agent/Officer

BELK, KAYLA M

No.

1013

Law Enforcement Agency

GRAHAM POLICE DEPARTMENT

SHP Code

Assisting Agent(s)/Officer(s) And ID Number(s)

Assistance

Wit.

Chemical Analyst

☐ _____ AC

☐ Refused ☐ Blood

OFFENSE INFORMATION

#	Statute	Offense Short Description	Offense Type	Probable Cause
1	14-288.5	FAIL TO DISPERSE ON COMMAND	M	YES
2	14-288.4	DISORDERLY CONDUCT	M	YES
3				

NOTES

STATE OF NORTH CAROLINA		File No. 20CR 053112	
ALAMANCE County		In The General Court Of Justice <input checked="" type="checkbox"/> District <input type="checkbox"/> Superior Court Division	
STATE VERSUS		CONDITIONS OF RELEASE AND RELEASE ORDER	
<small>Name And Address Of Defendant</small> MAURICE WELLS JR. 10 ASPEN DR APT. A GREENSBORO NC 27409			
<small>Offenses And Additional File Numbers</small> 20CR53112 MAG ORDR; M-FAIL TO DISPERSE ON COMMAND; M-DISORDERLY CONDUCT			
<small>Location Of Court</small> Alamance County Courthouse; CRMB		<small>#</small> 20RO624659 <small>G.S. Chapter 15A, Art. 25, 26</small> <small>Amount Of Bond</small> \$ 350.00	
<input type="checkbox"/> See Attachment			
<small>Location Of Court</small> Alamance County Courthouse; CRMB		<input checked="" type="checkbox"/> District <input type="checkbox"/> Superior	<small>Date</small> 08/04/2020 <small>Time</small> 09:00 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
<p>To The Defendant Named Above, you are ORDERED to appear before the Court as provided above and at all subsequent continued dates. If you fail to appear, you will be arrested and you may be charged with the crime of willful failure to appear. You also may be arrested without a warrant if you violate any condition of release in this Order or in any document incorporated by reference.</p> <p>The defendant has been advised of charge(s) against him/her and his/her right to communicate with counsel and friends.</p> <p><input checked="" type="checkbox"/> Your release is authorized upon execution of your: <input type="checkbox"/> WRITTEN PROMISE to appear <input checked="" type="checkbox"/> UNSECURED BOND in the amount shown above</p> <p><input type="checkbox"/> CUSTODY RELEASE <input type="checkbox"/> SECURED BOND in the amount shown above (NOTE: Give a copy of this order to any surety who posts bond.)</p> <p><input type="checkbox"/> HOUSE ARREST with ELECTRONIC MONITORING administered by (agency) _____ and the SECURED BOND above. You may leave your residence for the purpose(s) of <input type="checkbox"/> employment <input type="checkbox"/> counseling <input type="checkbox"/> course of study <input type="checkbox"/> vocational training</p> <p>UNLESS YOU LIVE OR WORK IN THE CITY OF GRAHAM, NC YOU ARE ORDERED TO LEAVE FOR 72 HOURS.</p> <p><input type="checkbox"/> Your release is not authorized.</p> <p><input type="checkbox"/> The defendant is required to provide (check all that apply) <input type="checkbox"/> fingerprints under G.S. 15A-502. <input type="checkbox"/> a DNA sample under G.S. 15A-266.3A. Prior to release, the defendant shall provide his/her (check all that apply) <input type="checkbox"/> fingerprints. <input type="checkbox"/> DNA sample.</p> <p><input type="checkbox"/> The defendant has been <input type="checkbox"/> (i) charged with a felony while on probation (complete AOC-CR-272, Side One). <input type="checkbox"/> (ii) arrested for violation of probation with a pending felony charge or prior conviction requiring registration under G.S. 14, Article 27A (complete AOC-CR-272, Side Two).</p> <p><input type="checkbox"/> This Order is entered upon defendant's warrantless arrest for violation of conditions of release entered previously for the above-captioned case in the Order dated _____.</p> <p><input type="checkbox"/> The defendant was arrested or surrendered after failing to appear as required under a prior release order.</p> <p><input type="checkbox"/> This was the defendant's second or subsequent failure to appear in this case.</p> <p><input type="checkbox"/> Your release is subject to the conditions as shown on the attached <input type="checkbox"/> AOC-CR-270. <input type="checkbox"/> Other: _____</p>			
<small>Additional Information</small> YOU MUST NOT KNOWINGLY VIOLATE AND CURFEW OR OTHER RESTRICTIONS ON ASSEMBLY OR MOVEMENT IMPOSED BY A DECLARED STATE OF EMERGENCY W/O PERMISSION OF MAYOR OR DESIGNEE.			
<small>Date</small> 07/11/2020	<small>Signature Of Judicial Official</small> JEFFREY HOLLAN	<input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court <input type="checkbox"/> District Court Judge <input type="checkbox"/> Superior Court Judge	
ORDER OF COMMITMENT			
<p>To The Custodian Of The Detention Facility Named Below, you are ORDERED to receive in your custody the defendant named above who may be released if authorized above. If the defendant is not sooner released, you are ORDERED to: <input type="checkbox"/> produce him/her in Court as provided above.</p> <p><input type="checkbox"/> hold him/her <input type="checkbox"/> as provided on the attached AOC-CR-272. <input type="checkbox"/> for the following purpose: _____</p> <p><input type="checkbox"/> [for charges covered by G.S. 15A-534.1 (domestic violence) or 15A-534.7 (threat of mass violence)] produce him/her at the first session of District or Superior Court held in this county after the entry of this Order or, if no session is held before (enter date and time 48 hours after time of arrest) _____, _____</p> <p><input type="checkbox"/> AM <input type="checkbox"/> PM produce him/her before a magistrate of this county at that time to determine conditions of pretrial release.</p>			
<small>Name Of Detention Facility</small>	<small>Date</small>	<small>Signature Of Judicial Official</small> JEFFREY HOLLAN	
WRITTEN PROMISE TO APPEAR OR CUSTODY RELEASE			
<p>I, the undersigned, promise to appear at all hearings, trials or otherwise as the Court may require and to abide by any restrictions set out above. I understand and agree that this promise is effective until the entry of judgment in the District Court from which no appeal is taken or until the entry of judgment in Superior Court. If I am released to the custody of another person, I agree to be placed in that person's custody, and that person agrees by his/her signature to supervise me.</p>			
<small>Date</small>	<small>Signature Of Defendant</small>	<small>Signature Of Person Agreeing To Supervise Defendant</small>	
<small>Name Of Person Agreeing to Supervise Defendant (type or print)</small>		<small>Address Of Person Agreeing To Supervise Defendant</small>	
DEFENDANT RELEASED ON BAIL			
<small>Date</small> 7-11-20	<small>Time</small> 1633	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	<small>Signature Of Jailer</small> 
AOC-CR-200, Rev. 12/18 © 2018 Administrative Office of the Courts			

ORIGINAL COPY

STATE OF NORTH CAROLINA

File No.

20CR 053112

ALAMANCE County

In The General Court Of Justice

☒ District ☐ Superior Court Division

Name And Mailing Address Of Defendant

MAURICE WELLS JR.

10 ASPEN DR

APT. A

GREENSBORO

NC

27409

Telephone No. Of Defendant

(336) 279-8339

APPEARANCE BOND FOR PRETRIAL RELEASE

Total Bond Required

\$ \$350.00

Amount Of This Bond

\$ \$350.00

#

20AB624672

G.S. 15A-531, 15A-534, 15A-544.2

Offenses And Additional File Numbers

20CR53112 M-FAIL TO DISPERSE ON COMMAND; M-DISORDERLY CONDUCT

☐ See Attachment

☒ **Unsecured Appearance Bond** - I, the undersigned defendant, acknowledge that my personal representatives and I are bound to pay the State of North Carolina the sum shown above, subject to the conditions of this Bond stated on the reverse side.

☐ **Cash Appearance Bond By Defendant (See note on reverse side.)** - I, the undersigned defendant, acknowledge that I am bound to pay the State of North Carolina the sum shown above, and hereby deposit the cash identified below as security with the understanding that the deposit will be returned upon the Court's determination that the conditions of release have been performed, subject to the conditions of this Bond stated on the reverse side, and that it will be available to satisfy my obligations.

☐ **Defendant's Property Appearance Bond** - I, the undersigned defendant, acknowledge that I am bound to pay the State of North Carolina the sum shown above, subject to the conditions of this Bond stated on the reverse side, and as security for said Bond have executed a mortgage or deed of trust to real or personal property, payable to the State of North Carolina and with power of sale conditioned upon the breach of any condition of this Bond.

☐ **Surety Appearance Bond** - We, the undersigned, jointly and severally acknowledge that we and our personal representatives are bound to pay the State of North Carolina the sum shown above, subject to the conditions of this Bond stated on the reverse side. Any undersigned professional bondsman, bail agent, or runner attests that the AFFIDAVIT on the reverse side is complete and true. If a cash deposit is indicated below, surety(ies) has deposited the cash to secure the obligation as surety(ies) on this bond with the understanding that the deposit will be returned to the surety(ies) upon termination of that obligation as provided by law, and that it will NOT be available to satisfy defendant's obligations. (For cash bond, see note on reverse side.)

Date Of Execution Of Bond

07/11/2020

Signature Of Defendant

Maurice Wells

ACCOMMODATION BONDSMAN

☐ See attached AOC-CR-201A for additional accommodation bondsmen executing this bond.

Name And Address Of Accommodation Bondsman

Name And Address Of Accommodation Bondsman

Telephone No.

Telephone No.

PROFESSIONAL BONDSMAN

Name Of Bondsman

Name Of Runner, If Applicable

License No. Of Bondsman

Telephone No.

License No. Of Runner

Telephone No.

INSURANCE COMPANY

Name Of Insurance Company

Name Of Bail Agent

Power Of Appointment No. Of Bail Agent

License No. Of Bail Agent

Telephone No.

SIGNATURE

Signature Of Surety

Signature Of Surety

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date
07/11/2020

Signature
JEFFREY HOLLAN

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date

Signature

☒ Magistrate ☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court
☐ Custodian Of Detention Facility [G.S. 15A-537(c)]

☐ Magistrate ☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court
☐ Custodian Of Detention Facility [G.S. 15A-537(c)]

COMPLETE IF CASH DEPOSITED

Signature Of Official Accepting Cash

Name Of Official Accepting Cash (type or print)

Receipt No.

NOTE: If cash deposited, see note on reverse side.

ORIGINAL COPY

AOC-CR-201, Rev. 4/18

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(see AOC-CR-238 if release
after judgment in superior court)

Original - File
(Over)

[Handwritten Signature]

CONDITIONS

The conditions of this Bond are that the above named defendant shall appear in the above entitled action(s) whenever required. It is agreed and understood that this Bond is effective and binding upon the defendant and each surety throughout all stages of the proceedings in the trial divisions of the General Court of Justice until the entry of judgment in the district court from which no appeal is taken or until the entry of judgment in the superior court, unless terminated earlier by operation of law or order of the court. If the defendant appears as ordered until termination of the Bond, then the bond is to be void, but if the defendant fails to appear as required, the Court will forfeit the bond pursuant to Part 2 of Article 26 of Chapter 15A of the General Statutes.

Each accommodation bondsman, by signing on the reverse or on the attached AOC-CR-201A, states: "I have reached the age of 18 years and am a bona fide resident of North Carolina. Aside from love and affection and release of the above named defendant, I have received no consideration for acting as surety. I own sufficient property over and above all liabilities, homestead and other exemptions allowed me by law to enable me to pay this Bond should it be ordered forfeited. I understand that if I sign this Bond without sufficient property, I am guilty of a crime."

AFFIDAVIT

NOTE: "Professional bondsmen, surety bondsmen [bail agents], and runners shall file with the clerk of court having jurisdiction over the principal an affidavit on a form furnished by the Administrative Office of the Courts." G.S. 58-71-140(d). Check all options that apply.

- ☐ 1. I have not, nor has anyone for my use, been promised or received any collateral, security or premium for executing this Bond.
- ☐ 2. I have been promised a premium in the amount shown below, which is due on the date shown below.
- ☐ 3. I have received a premium in the amount shown below.
- ☐ 4. I have been given collateral security by the person named below, of the nature and in the amount shown below.

Amount Of Premium Promised	Date Due	Amount Of Premium Received
\$		\$
Name Of Person From Whom Collateral Received	Nature Of Collateral	Value

**AFFIX STAMP OR
POWER OF ATTORNEY
HERE**

RETURN OF CUSTODIAN OF DETENTION FACILITY

The defendant named on the reverse was released from my custody on the date shown below upon the execution of this Appearance Bond.

Date Defendant Released	Name Of Custodian (type or print)	Signature Of Custodian	<input type="checkbox"/> Sheriff <input type="checkbox"/> Deputy Sheriff
			<input type="checkbox"/> Other _____

NOTES ON CASH BONDS:

(1) **To Official Taking The Bond.** Use this form for all cash bonds. Complete this form as follows:

When Cash Deposited By Defendant Or By Another Person Who Intends For The Cash To Be Used To Satisfy The Defendant's Obligations.
Enter defendant's name, address and telephone number at the top of Side One. Check "Cash Appearance Bond By Defendant." Have defendant sign. Do no more. No other person's name should appear on this form. Enter your name, sign and enter receipt number under "Complete If Cash Deposited." Make receipt out to DEFENDANT, not to any other person.

When Cash Deposited By Another Person Who Does NOT Intend For The Cash To Be Used To Satisfy The Defendant's Obligations.
Enter defendant's name, address and telephone number at the top of Side One. Check "Surety Appearance Bond." Have defendant sign. Enter name, address and telephone number of person depositing cash under "Accommodation Bondsman." Have that person sign under "Signature Of Surety." Complete notarization for that person. Enter your name, sign and enter receipt number under "Complete If Cash Deposited." Make receipt out to person depositing the cash.

(2) **To Bookkeeper.** If case disposed without forfeiture, disburse cash as follows: (1) If "Cash Appearance Bond By Defendant" checked on Side One, disburse to defendant or apply to defendant's obligations if court so orders. (2) If "Surety Appearance Bond" is checked on Side One, disburse only to the person(s) named under "Accommodation Bondsman."

(3) **Bond By Insurance Company Or Professional Bondsman As Surety Is Same As Cash Except In Child Support.** G.S. 15A-531(4) provides that an appearance bond executed by an insurance company or a professional bondsman (or a bail agent or runner on behalf of one of those sureties) is considered the same as a cash deposit, except in child support contempt proceedings for which only cash may satisfy a cash bond requirement.

2020 NOV -6 P 2: 37

MOTION TO DISMISS

1

REC 11-11

11/11

which the court found to be a traditional public forum. *See id.* First Amendment rights are at their zenith in traditional public forums—that is, “public places historically associated with the free exercise of expressive activities, such as streets, sidewalks, and parks[.]” *United States v. Grace*, 461 U.S. 171, 177 (1983) (citations and internal quotation marks omitted).

4. Towards the end of the rally on July 11, Defendant joined other rally participants at Sesquicentennial Park, a public park surrounded by public sidewalks at the corner of North Main and Court Square. There is a large bell in the center of the park, which counter-demonstrators wearing Confederate symbols and carrying Confederate battle flags had been ringing during the speeches of rally participants. *See* Ex. B attached video. The counter-demonstrators were yelling at Defendant and others to leave, and demanding that Sheriff Terry Johnson, who was present at the park, make Defendant and the other rally participants leave. *See id.*
5. Sheriff Terry Johnson gave a verbal order to arrest Defendant. According to the charging documents, Graham Police officer K. Belk arrested Defendant, witnessed by ACSO’s Mark Dockery, and charged him with Failure to Disperse on Command and Disorderly Conduct.
6. Immediately following Defendant’s arrest, an observer asked Sheriff Johnson why Defendant had been arrested. A masked ACSO deputy standing next to Sheriff Johnson answered: “He was told numerous times to watch his language.” Ex. C at 0:51-57. Sheriff Johnson added that Defendant had “refused to leave” and was “using indecent language.” Ex. C at 1:11 – 1:18.
7. N.C.G.S. § 14-288.4 provides, in part:

(a) Disorderly conduct is a public disturbance intentionally caused by any person who does any of the following:

(1) Engages in fighting or other violent conduct or in conduct creating the threat of imminent fighting or other violence.

(2) Makes or uses any utterance, gesture, display or abusive language which is intended and plainly likely to provoke violent retaliation and thereby cause a breach of the peace.

8. N.C.G.S. § 14-288.4 provides:

Failure to disperse when commanded a misdemeanor; prima facie evidence.

(a) Any law-enforcement officer or public official responsible for keeping the peace may issue a command to disperse in accordance with this section if he reasonably believes that a riot, or disorderly conduct by an assemblage of three or more persons, is occurring. The command to disperse shall be given in a manner reasonably calculated to be communicated to the assemblage.

(b) Any person who fails to comply with a lawful command to disperse is guilty of a Class 2 misdemeanor.

(c) If any person remains at the scene of any riot, or disorderly conduct by an assemblage of three or more persons, **following a command to disperse and after a reasonable time for dispersal has elapsed**, it is prima facie evidence that the person so remaining is willfully engaging in the riot or disorderly conduct, as the case may be. (1969, c. 869, s. 1; 1993, c. 539, s. 190; 1994, Ex. Sess., c. 24, s. 14(c).)

9. The charging document in this matter fails to set forth prima facie evidence of violation of either N.C.G.S. § 14-288.5 or N.C.G.S. § 14-288.4. The State cannot carry its burden of proving, beyond a reasonable doubt, that Defendant intentionally caused any public disturbance on July 11, 2020.

10. Rather, the allegations in the charging document show that Defendant was arrested for allegedly saying “I’LL RING THAT FUCKING BELL.” Even if the State can prove beyond a reasonable doubt that Defendant said those words, the State cannot show that they rise to the level of language not protected under the First Amendment. In *Terminiello v. Chicago*, 337 U.S. 1, 4, 93 L. Ed. 1131, 69 S. Ct. 894 (1949), the Supreme Court observed:

Speech is often provocative and challenging. It may strike at prejudices and preconceptions and have profound unsettling effects as it presses for acceptance of an idea. That is why freedom of speech, though not absolute, *Chaplinsky v. New Hampshire*, [315 U.S. 568, 86 L. Ed. 1031, 62 S. Ct. 766 (1942)], is nevertheless protected against censorship or punishment, unless shown likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance, or unrest.

11. In *Cohen v. California*, 403 U.S. 15, 91 S. Ct. 1780, 29 L. Ed. 2d 284 (1971), the Supreme Court considered the criminal conviction of a protester of the Vietnam War for breaching the peace by wearing a jacket bearing the words "Fuck the Draft" in a courthouse. Justice Harlan, writing for the Court, expressed concern about a government attempt to "excise . . . one particular scurrilous epithet from the public discourse," 403 U.S. at 22, 91 S. Ct. at 1787, warning that forbidding particular words runs "a substantial risk of suppressing ideas" or at least lessening the "emotive . . . force . . . of the overall message sought to be communicated." *Id.* at 26, 91 S. Ct. at 1788.

12. Defendant's alleged speech on July 11, 2020 is protected under the First Amendment of the United State Constitution, and the State cannot carry its burden to prove that Defendant violated either N.C.G.S. § 14-288.5 or N.C.G.S. § 14-288.4.

WHEREFORE, in light of all of the above, this Court should DISMISS the charges against Defendant.

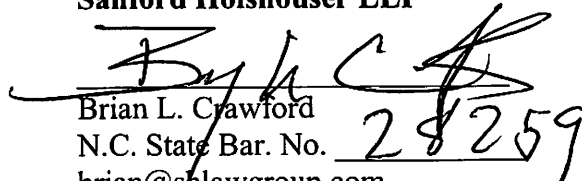
This the 6th day of November, 2020.

Lawyers' Committee for Civil Rights Under Law



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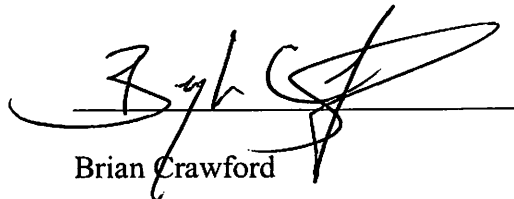


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CERTIFICATE OF SERVICE

The foregoing Motion to Dismiss was served on the State by personal hand delivery to District Attorney Sean Boone at 212 West Elm Street, Graham, North Carolina, 27253 on November 6, 2020.

Signed:



Brian Crawford

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

NATIONAL ASSOCIATION FOR)
THE ADVANCEMENT OF)
COLORED PEOPLE ALAMANCE)
COUNTY BRANCH, et al.,)

Plaintiffs,)

v.)

1:20-CV-613

JERRY PETERMAN, et al.,)

Defendants.)

PRELIMINARY INJUNCTION

The plaintiffs Alamance County Branch of the National Association for the Advancement of Colored People, Tamara O. Kersey, Colleen Tenae Turner, Terence Colin Dodd, Destiny Clarke, Annie Simpson, Nerissa Rivera, Adam Rose, and Gregory Drumwright, move pursuant to Fed. R. Civ. P. 65 and LR 65.1 for a preliminary injunction prohibiting the defendants from prohibiting protests on outdoor spaces around the Alamance County Historic Courthouse grounds. After review of the evidence and upon consideration of arguments of counsel, and as found in more detail in the opinion and order filed concomitantly herewith, the Court finds and concludes:

1. The plaintiffs are likely to be successful on their claims that the County Defendants' total prohibition of protests on the steps of, sidewalks surrounding, and grounds of the Alamance County Historic Courthouse violates their First Amendment rights. The long-term total prohibition of protests on these traditional public forums is not a time, place and manner

restriction of speech, nor is it narrowly tailored to protect legitimate governmental interests.

2. The plaintiffs regularly protest and currently plan to protest in the imminent future in the public spaces around the Square in Graham and want to protest in the traditional public forum where the County Defendants have prohibited protests. They are likely to suffer irreparable harm absent preliminary relief.
3. The equities favor a preliminary injunction.
4. A preliminary injunction restraining unconstitutional prohibitions on First Amendment rights serves the public interest.

Based on these findings and conclusions, and for reasons explained in more detail in an Order entered concomitantly herewith, it is **ORDERED** that:

1. The plaintiffs' motion for a preliminary injunction, Doc. 47, is **GRANTED** to the extent stated herein.
2. The defendants **Terry S. Johnson**, in his official capacity as the Sheriff of Alamance County; **Eddie Boswell**, in his official capacity as Alamance County Commissioner; **Steve Carter**, in his official capacity as Alamance County Commissioner; **Bill Lashley**, in his official capacity as Alamance County Commissioner; **Amy Scott Galey**, in her official capacity as Alamance County Commissioner; **Tim Sutton**, in his official capacity as Alamance County Commissioner; and **Bryan Hagood**, in his official capacity as Alamance County Manager, and their officers, attorneys, agents, and employees and other persons who are in active concert or participation with them are hereby **RESTRAINED AND ENJOINED** from prohibiting all protests on the

following spaces in and around the Alamance County Historic Courthouse in Graham, North Carolina:

- a. the steps on the north, east, south, and west sides of the Courthouse steps;
- b. the lawns between the sidewalks and the Courthouse;
- c. the sidewalk encircling the Courthouse and the shorter walkways connecting the steps on each side to that encircling sidewalk; and
- d. the area marked “reserved” between the Courthouse sidewalk and the Confederate monument, where cars do not drive or park.

3. Nothing in this Order prohibits the defendants from imposing reasonable time, place, and manner restrictions for use of Courthouse spaces. Nothing in this Order prohibits the defendants from temporarily restricting access to the outdoor Courthouse spaces set forth in Paragraph 2 during short-term emergency situations.

4. In the Court’s discretion, the bond requirement under Rule 65(c) is waived.

5. Upon receipt, the defendants Johnson and Hagood shall immediately provide Notice of this Injunction to their officers, attorneys, agents, employees, and other persons who are in active concert or participation with them.

This the 14th day of August, 2020, at 4:45 PM.


UNITED STATES DISTRICT JUDGE

