

<i>File No.</i> <b>20CR 054315</b>	<i>Law Enforcement Case No.</i>	<i>LID No.</i>	<i>SID No.</i>	<i>FBI No.</i>		
<b>CRIMINAL SUMMONS</b>	<b>STATE OF NORTH CAROLINA</b>					
<i>Offense</i> I M-SIMPLE ASSAULT II M-DISORDERLY CONDUCT	In The General Court Of Justice District Court Division					
<u>ALAMANCE</u> County						
<b>THE STATE OF NORTH CAROLINA VS.</b>						
<i>Name And Address Of Defendant</i> JUDY ELAINE STUART 6833 BEALE ROAD  GIBSONVILLE NC 27249 GUILFORD COUNTY (336) 512-8170					<p><b>To the defendant:</b> I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above you unlawfully and willfully did assault and strike AVERY HARVEY by STRIKING HIM IN THE CHEST WITH HER ELBOW.</p> <p>I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above you unlawfully and willfully did intentionally cause a public disturbance at NW COURTSQUARE, by 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 AVERY HARVEY and consisted of CALLING HIM A NIGGER.</p> <p>This act was in violation of the law referred to in this Criminal Summons. This Summons is issued upon information furnished under oath by the complainant listed. You are ORDERED to appear before the Court at the location, date and time indicated below to answer to the charge. If you fail to appear, an order for your arrest may be issued and you may be held in CONTEMPT OF COURT. Arrest and/or contempt for failure to appear is in addition to any sentence which may be imposed for the crime charged.</p> <p><input checked="" type="checkbox"/> The undersigned finds the following cause to set a court date more than one month from the issue of this summons: NONE</p>	
<i>Race</i> W	<i>Sex</i> F	<i>Date Of Birth</i> 06/07/1960	<i>Age</i>			
<i>Social Security No.</i>		<i>Drivers License No. &amp; State</i>				
<i>Name Of Defendant's Employer</i>						
<i>Offense Code(s)</i> I 1368 II 5330		<i>Offense In Violation Of G.S.</i> I 14-33(A) II 14-288.4				
<i>Date Of Offense</i> 09/21/2020 through 09/21/2020						
<i>Complainant (Name, Address Or Department)</i> DANIEL SISK GRAHAM POLICE DEPARTMENT 216 S MAPLE ST GRAHAM NC 27253 ALAMANCE COUNTY (336) 570-6711						
<i>Names &amp; Addresses Of Witnesses (Including Counties &amp; Telephone Nos)</i> AVERY MARKEL HARVEY <del>1510 S. MEBANE ST</del> <del>APT L</del> <del>BURLINGTON NC 27215</del> ALAMANCE COUNTY (336) 512-9943						
<input type="checkbox"/> Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan		<i>Date Issued</i> 09/23/2020				
		<input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court		<i>Signature</i> AMELIA KNAUFF  <i>Location Of Court</i> Alamance County Courthouse; CRMA 212 W ELM ST GRAHAM, NC 27253		<i>Court Date</i> 11/30/2020  <i>Court Time</i> 09:00 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM

(over)  
**COURT COPY**

**VRA Case**

If this Criminal Summons is not served within ninety (90) days or by the date the defendant is directed to appear, whichever is earlier, it must be returned to the Clerk of Court in the county in which it was issued with the reason for the failure of service noted thereon.

District Attorney  Waived  Not Indigent  Denied

Attorney For Defendant  Appointed  Retained

PRIOR CONVICTIONS: No./Level: 0  I (0)  II (1-4)  III (5+)

**RETURN OF SERVICE**

I certify that this Criminal Summons was received and served as follows:

Date Received Date Served Time Served  AM  PM Date Returned

By personally serving this Criminal Summons on the defendant.

This Criminal Summons WAS NOT served for the following reason:

Signature Of Officer Making Return Name Of Officer (type or print)

Department Or Agency Of Officer

**REDELIVERY/REISSUANCE**

Date Signature  Dep. CSC  Assist. CSC  CSC

The above clerk finds the following cause to set a court date more than one month from reissue:

**RETURN FOLLOWING REDELIVERY/REISSUANCE**

I certify that this Criminal Summons was received and served as follows:

Date Received Date Served Time Served  AM  PM Date Returned

By personally serving this Criminal Summons on the defendant.

This Criminal Summons WAS NOT served for the following reason:

Signature Of Officer Making Return Name Of Officer (type or print)

Department Or Agency Of Officer

**APPEAL ENTRIES**

The defendant, in open court, gives notice of appeal to the  District  Superior Court.

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

PLEA:  guilty  no contest  guilty  no contest  guilty  no contest  not guilty

VERDICT:  guilty  guilty  guilty  not guilty

M.CL.  A1  1  2  3 M.CL.  A1  1  2  3 M.CL.  A1  1  2  3

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:  pay costs and a fine of \$ \_\_\_\_\_  be imprisoned for a term of \_\_\_\_\_ days in the custody of the  sheriff.  MCP.  DACJJ.\* Pretrial credit \_\_\_\_\_ days served.  Work release  is recommended.  is not recommended. [ is ordered. (use form AOC-CR-602) ]  The Court finds that a  longer  shorter period of probation than that which is specified in G.S. 15A-1343.2(d) is necessary.  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).")

- 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.
- 7. not be found in or on the premises of the complainant or \_\_\_\_\_
- 8. not assault, communicate with or be in the presence of the complainant or \_\_\_\_\_
- 9. provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319)
- 10. Other: \_\_\_\_\_

It is ORDERED that this:  Judgment is continued upon payment of costs.  case be consolidated for judgment with \_\_\_\_\_  sentence is to run at the expiration of the sentence in \_\_\_\_\_

COMMITMENT: It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff and that the sheriff cause the defendant to be retained in custody to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.

PROBABLE CAUSE:  Probable cause is found as to all Counts except \_\_\_\_\_, and the defendant is bound over to Superior Court for action by the grand jury.  No probable cause is found as to Count(s) \_\_\_\_\_ of this Criminal Summons and the Count(s) is dismissed.

Date Name Of District Court Judge Or Magistrate (type or print) 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

Dep. CSC  Asst. CSC  Clerk Of Superior Court