

## STATE OF NORTH CAROLINA

File No.

20 CR 55001

Alamance

County

In The General Court Of Justice  
District Court Division

## STATE VERSUS

Name Of Defendant

DEFENDANT'S PLEA OF GUILTY OR NO  
CONTEST IN DISTRICT COURT

Plea (GU=Guilty NC=No Contest GA=Alford plea)	Offense(s)	G.S. No.	Class	Maximum Punishment
Guilty	(m) weapon at parade, etc.	14-277.2	1	120 days

TOTAL MAXIMUM PUNISHMENT

120 days

MANDATORY MINIMUM FINES &amp; SENTENCES (if any)

Terms Of Plea Agreement (if any)

Defr Prosecution Agreement

## DEFENDANT'S STATEMENT WITH PLEA OF (GUILTY) (NO CONTEST)

I plead ☒ guilty (☐ pursuant to Alford) ☐ no contest to the charge(s) listed above. I understand that by entering this plea I am giving up the following constitutional rights, among others: (1) the right to plead not guilty and to be tried in district court by a judge, and to confront and to cross-examine the witnesses against me; and (2) the right to remain silent and not to be compelled to incriminate myself. I understand that I have the right to appeal to superior court and to be tried by a jury.

I am not now under the influence of any impairing substance. I understand the nature and elements of the charge(s) against me. I understand the maximum sentence(s) for the charge(s) against me and the minimum sentence(s), if applicable. I understand if I am not a citizen of the United States of America, my plea(s) of guilty or no contest may result in my deportation from this country, my exclusion from admission to this country, or the denial of my naturalization under federal law. Other than any plea agreement between the State and me, no one has made any promises or threats against me in any way to cause me to enter this plea. I enter this plea of my own free will, fully understanding what I am doing.

Date

3/3/21

Signature Of Defendant

Amari

Witnessed By (if not represented)

## CERTIFICATION BY LAWYER (if any) FOR DEFENDANT

I certify that I have explained to the defendant and the defendant has acknowledged to me that the defendant understands the constitutional rights that the defendant waives by entering the plea shown above, the nature and elements of the charge(s) shown above, and the maximum sentence(s) and any mandatory minimum sentence(s) that may be imposed for the charge(s) shown above. I certify that the defendant signed this document in my presence and has acknowledged to me that: (1) the defendant is not now under the influence of any impairing substance; (2) other than any plea agreement between the State and the defendant, the defendant has not been made any promise or threatened to enter this plea against the defendant's wishes; and (3) the defendant enters this plea of the defendant's own free will, fully understanding what the defendant is doing.

Date

3/3/21

Signature Of Lawyer For Defendant

## PLEA ADJUDICATION

Upon consideration of the statement of the defendant set out in this form, the certification set out in this form by the attorney (if any) for the defendant, evidence presented in court, and statements by the District Attorney, defendant, and the defendant's attorney (if any) in open court, the undersigned finds that there is a factual basis for the entry of the plea and that the plea is the informed choice of the defendant and is made freely, voluntarily, and understandingly. The defendant's plea is accepted by the Court and is ordered recorded.

Date

3/3/21

Name Of Presiding Judge (type or print)

L. LUNG

Signature Of Presiding Judge

L. LUNG

# STATE OF NORTH CAROLINA

File No.

20CR55001

ALAMANCE County

Seat Of Court

In The General Court Of Justice

☒ District ☐ Superior Court Division

## STATE VERSUS

Name Of Defendant

Cierra Tate

Race

B

Sex

F

Date Of Birth

9/19/1985

Drivers License No.

State

NC

Attorney For State

Kevin Harrison

☐ Def. Found  
Not Indigent

☐ Def. Waived  
Attorney

Attorney For Defendant

Daniel A. Harris

☐ Appointed  
☒ Retained

Ct Rptr Initials

## MOTION/AGREEMENT AND ORDER TO DEFER PROSECUTION (STRUCTURED SENTENCING)

(For Deferrals Entered On Or After Dec. 1, 2011)

*INFORMAL NON STATUTORY* G.S. 15A-1344(a1)

The defendant, attorney for the defendant, and undersigned Prosecutor, request the Court to approve this Agreement to defer prosecution and place the defendant on probation on the following offense(s):

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL.
20CR55001	1	(M) Weapon at Parade, etc.	10/31/2020	14-277.2	M	1

## CONDITIONS OF AGREEMENT TO DEFER PROSECUTION

- ☒ 1. With approval of the Court and consent of the defendant, prosecution will be deferred by the prosecutor for the purpose of allowing the defendant to demonstrate good conduct, and subject to the conditions set out below, the defendant is placed on:
- (check one) ☒ unsupervised probation. ☐ supervised probation for 3 months (max. of 2 years, G.S. 15A-1342(a)), as provided for a (check one) ☐ community punishment. ☐ intermediate punishment (NOTE: AOC-CR-603A, B, C, or D, Page Two, required; select the form appropriate to the date of offense for which prosecution is deferred.)
- ☐ 2. The Court finds that it is NOT appropriate to delegate to the Section of Community Corrections the authority to impose any of the requirements in G.S. 15A-1343.2(e) for community punishment or G.S. 15A-1343.2(f) for intermediate punishment.
- ☐ 3. The Court finds that a ☐ longer ☐ shorter period of probation is necessary than that which is specified in G.S. 15A-1343.2(d).
- ☐ 4. The defendant shall comply with the regular conditions of probation applicable to unsupervised or supervised probation, as imposed above, and which are set forth on the following form, incorporated herein by reference:  
(NOTE: Select judgment form appropriate to the type and date of offense for which prosecution is deferred.)
- Offense: Before 12/1/09 12/1/09-11/30/11 12/1/11-11/30/16 On/After 12/1/16  
Felony: ☐ AOC-CR-603A ☐ AOC-CR-603B ☐ AOC-CR-603C ☐ AOC-CR-603D  
Misd.: ☐ AOC-CR-604A ☐ AOC-CR-604B ☐ AOC-CR-604C ☐ AOC-CR-604D
- ☐ 5. The defendant shall comply with the following special conditions of probation that are set forth on the form cited in No. 4, above, and incorporated herein by reference: \_\_\_\_\_  
and/or other Special Conditions:

- ☒ 6. The defendant shall complete 48 hours of community service during the first 90 days of the deferral period, as directed by the judicial service coordinator. The fee prescribed by G.S. 143B-708 is: \_\_\_\_\_  
(for offenses committed on or after December 1, 2009) not due because it is assessed in a case adjudicated during the same term of court.  
☐ to be paid ☐ pursuant to the schedule set out below. ☐ within \_\_\_\_\_ days of this Order and before beginning service.
- ☐ 7. The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" below, plus the probation supervision fee if placed on supervised probation above, pursuant to a schedule ☐ determined by the probation officer. ☐ set out by the Court as follows:

Costs \$	Fine \$	Restitution* \$	Attorney's Fees \$	Community Service Fee \$	EHA Fee \$	Miscellaneous \$	Total Amount Due \$
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\*See attached "Restitution Worksheet, Notice And Order (Initial Sentencing)," AOC-CR-611, which is incorporated by reference.

- ☐ 8. The Court finds just cause to waive costs, as ordered on the attached ☐ AOC-CR-618. ☐ Other: \_\_\_\_\_
- ☒ 9. The admission of responsibility given by me and any stipulation of facts shall be used against me and admitted into evidence without objection in the State's prosecution against me for this offense should prosecution become necessary as a result of these terms and conditions of deferred prosecution.
- ☐ 10. Regular reports will be made on my progress to the prosecutor's office.
- ☒ 11. The prosecutor will
- ☐ a. take a voluntary dismissal with leave upon the Court's approval of this Agreement, and a voluntary dismissal upon the defendant's compliance with this Agreement.
- ☒ b. take a voluntary dismissal upon the defendant's compliance with this Agreement.

AOC-CR-610, Rev. 4/18

Material opposite unmarked squares is to be disregarded as surplusage.  
(Over)

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DEFENDANT'S OATH/AGREEMENT/MOTION			
<p>The defendant after being duly sworn, states under oath:</p> <ol style="list-style-type: none"> <li>1. I have not been previously convicted of any felony or of any misdemeanor involving moral turpitude.</li> <li><del>2. I have not been previously placed on probation.</del></li> <li>3. I hereby waive all of my rights to a speedy trial under the constitution and laws of the State of North Carolina and the United States of America with regard to the above listed charge(s).</li> <li>4. I have reviewed a copy of this Motion/Agreement And Order To Defer Prosecution and all of the conditions of my probation and I agree to them, and request the Court to approve the agreement.</li> <li>5. I understand that no person who supervises me or for whom I work while performing community or reparation service is liable to me for any loss or damage which I may sustain unless my injury is caused by that person's gross negligence or intentional wrongdoing.</li> </ol>			
<b>SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME</b>		Date <u>3/3/21</u>	
Date	Signature	Signature Of Defendant (under oath)	
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> District Court Judge	<input type="checkbox"/> Assistant CSC <input type="checkbox"/> Superior Court Judge		
<b>ATTORNEYS' CERTIFICATION/AGREEMENT/MOTION</b>			
<p>The undersigned attorneys certify to the Court that each known victim of the crime has been notified of the motion for probation by subpoena or certified mail and has been given an opportunity to be heard and the undersigned request the Court to approve the agreement.</p>			
Date <u>3/3/21</u>	Signature Of Lawyer For Defendant		Signature Of Prosecutor <u>Kevin Patrick Harrison</u>
		<b>FINDINGS</b>	
<p>Based upon the foregoing and a review of the record, the Court finds:</p> <ol style="list-style-type: none"> <li>1. Prosecution has been deferred by the prosecutor pursuant to written agreement with the defendant, with the approval of the Court, for the purpose of allowing the defendant to demonstrate good conduct.</li> <li>2. Each known victim of the crime has been notified of the motion to defer prosecution and place the defendant on probation and has been given an opportunity to be heard.</li> <li>3. The defendant has not been convicted of any felony or of any misdemeanor involving moral turpitude.</li> <li><del>4. The defendant has not been previously placed on probation and so states under oath.</del></li> <li>5. The defendant is unlikely to commit another offense other than a Class 3 misdemeanor.</li> </ol>			
<b>ORDER</b>			
<p>THE COURT HAVING CONSIDERED the Motion and Agreement to Defer Prosecution, related documents and statements of counsel, finds that the prosecutor and defendant have entered into a written agreement to defer prosecution in this case for a period not to exceed two years, and said Motion and Agreement is in compliance with the conditions set forth in G.S. 15A-1341 and specified in the motion.</p> <p>IT IS ORDERED that the Agreement to Defer Prosecution in this case is approved and all conditions of this Agreement as specified above adopted by the Court and made part of this Order. The defendant is to comply with all the regular conditions of probation and any special conditions as set forth above.</p> <p><input type="checkbox"/> Except as ordered to appear earlier for a hearing on alleged violation(s) or as otherwise ordered by the Court, the defendant shall return to this Court on (date) _____ for a hearing to determine fulfillment of the terms and conditions of probation.</p> <p><b>NOTE TO COURT:</b> Entry of this order terminates any bond currently securing the defendant's appearance, G.S. 15A-534(h)(5), and therefore may conflict with the terms of any release order still in effect. Unless the court intends that the defendant immediately post a new bond of the same type and amount to remain out of custody during the period of deferral, modification of the defendant's conditions of release may be appropriate.</p>			
<b>SIGNATURE OF JUDGE</b>			
Date	Name Of Presiding Judge (type or print)		Signature Of Presiding Judge
<b>CERTIFICATION</b>			
<p>I certify that this Motion/Agreement and Order and the attachment(s) marked below is a true and complete copy of the original which is on file in this case.</p> <ol style="list-style-type: none"> <li><input type="checkbox"/> 1. Restitution Worksheet, Notice And Order (Initial Sentencing) (AOC-CR-611)</li> <li><input type="checkbox"/> 2. Additional File No.(s) And Offense(s) (AOC-CR-626)</li> <li><input type="checkbox"/> 3. Other: _____</li> </ol>			
Date	Name (type or print)	Signature Of Clerk	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk Of Superior Court
<b>SEAL</b>			

Material opposite unmarked squares is to be disregarded as surplusage.