

File No. <div style="text-align: center; font-weight: bold; font-size: 1.2em;">20CR 055006</div>		Law Enforcement Case No.		LID No.	SID No.	FBI No.		
MAGISTRATE'S ORDER		STATE OF NORTH CAROLINA						
Offense I M-FAIL TO DISPERSE ON COMMAND		In The General Court Of Justice District Court Division <div style="text-align: center; font-weight: bold; font-size: 1.2em;">ALAMANCE County</div>						
THE STATE OF NORTH CAROLINA VS.		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 FAILED TO VACATE THE PREMISES AFTER VIOLATING THE PERMITTING PROCESS AND FAILING TO HEED COMMANDS. GIVEN 3 WARNINGS WITH 5 MINUTES IN BETWEEN THE WARNINGS						
Name And Address Of Defendant TIMOTHY JAMES OLSON 724 WEST ROLLINGS RD SPRINGFIELD PA DELAWARE COUNTY								
Race	Sex						Date Of Birth	Age
W	M						08/15/2000	
Social Security No.							Drivers License No. & State	
Name Of Defendant's Employer								
Offense Code(s)							Offense In Violation Of G.S.	
I 5312							I 14-288.5	
Date Of Offense								
10/31/2020								
Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card)								
Arresting Officer (Name, Address Or Department)								
B KILMER ALAMANCE COUNTY SHERIFFS OFFICE 109 SOUTH MAPLE ST GRAHAM NC 27253 ALAMANCE COUNTY (336) 570-6300								
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 10/31/2020		Signature H B RODGERS		Location Of Court Alamance County Courthouse; CRMB 212 W ELM ST GRAHAM, NC 27253		
		<input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court		Court Date 11/12/2020 Court Time 09:00 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM				

AOC-CR-116, Side Two, Rev. 4/14
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*NOTE: If DWI, use AOC-CR-342 (active) or AOC-CR-310 (probation). If active sentence to DAC, use AOC-CR-602. If supervised probation, use AOC-CR-604.

NORTH CAROLINA - LAW ENFORCEMENT INCIDENT DATA SHEET

ALAMANCE

County

Citation/Tracking No.

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File No.

20CR 055006

Date Of Arrest 10/31/2020	Check Digit No. (as shown on fingerprint card)
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Date Of Offense on or about 10/31/2020	Time Of Offense on or about 1:17 PM
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DEFENDANT INFORMATION

Name Of Defendant OLSON, TIMOTHY JAMES					Interpreter Needed				
Drivers License No.	State	CDL	Class	Race WHITE	Sex MALE	Date Of Birth 08/15/2000	Age 20		
Hair	Eyes	Weight	Height	Place Of Birth					

VEHICLE INFORMATION

Vehicle License No.	State	Make		Year	<input type="checkbox"/> Haz. Mat. <input type="checkbox"/> CMV
Trailer Type			Vehicle Type		

INCIDENT INFORMATION

Area	Weather	Visibility
Traffic	Accident	Speed Zone
Offense Location		<input type="checkbox"/> Injury Or Serious Injury <input type="checkbox"/> Passenger(s) Under 18 <input type="checkbox"/> Business Route <input type="checkbox"/> Unpaved
In Vicinity/City Of		At/Near Intersection

OFFICER INFORMATION

Agent/Officer KILMER, BERNARD W	No. 641
Law Enforcement Agency ALAMANCE COUNTY SHERIFFS OFFICE	SHP Code
Assisting Agent(s)/Officer(s) And ID Number(s)	Assistance

Wit.	Chemical Analyst	<input type="checkbox"/> _____ AC <input type="checkbox"/> Refused <input type="checkbox"/> Blood
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OFFENSE INFORMATION

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

NOTES

STATE OF NORTH CAROLINA		File No. 20CR 055006	
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	
Name And Address Of Defendant TIMOTHY JAMES OLSON 724 WEST ROLLINGS RD SPRINGFIELD PA		# 20RO1050963 Amount Of Bond \$ G.S. Chapter 15A, Art. 25, 26	
Offenses And Additional File Numbers 20CR55006 MAG ORDR; M-FAIL TO DISPERSE ON COMMAND			
<input type="checkbox"/> See Attachment			
Location Of Court Alamance County Courthouse; CRMB		<input checked="" type="checkbox"/> District <input type="checkbox"/> Superior	Date 11/12/2020 Time 09:00 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
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.			
The defendant has been advised of charge(s) against him/her and his/her right to communicate with counsel and friends.			
<input checked="" type="checkbox"/> Your release is authorized upon execution of your: <input checked="" type="checkbox"/> WRITTEN PROMISE to appear <input type="checkbox"/> UNSECURED BOND in the amount shown above			
<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.)			
<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			
NOT BE IN THE CITY OF GRAHAM FOR THE NEXT 72 HOURS UNLESS FOR COURT OR WORK PURPOSES. NOT KNOWING VIOLATE ANY CURFEW OR OTHER RESTRICTIONS OF ASSEMBLY IMPOSED BY ANY STATE OF EMERGENCY.			
<input type="checkbox"/> Your release is not authorized.			
<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.			
<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).			
<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 _____.			
<input type="checkbox"/> The defendant was arrested or surrendered after failing to appear as required under a prior release order.			
<input type="checkbox"/> This was the defendant's second or subsequent failure to appear in this case.			
<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: _____.			
Additional Information			
Date 10/31/2020	Signature Of Judicial Official H B RODGERS		<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			
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.			
<input type="checkbox"/> hold him/her <input type="checkbox"/> as provided on the attached AOC-CR-272. <input type="checkbox"/> for the following purpose: _____.			
<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) _____.			
<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.			
Name Of Detention Facility	Date	Signature Of Judicial Official H B RODGERS	
WRITTEN PROMISE TO APPEAR OR CUSTODY RELEASE			
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.			
Date 10/31/2020	Signature Of Defendant <i>[Signature]</i>		Signature Of Person Agreeing To Supervise Defendant
Name Of Person Agreeing To Supervise Defendant (type or print)		Address Of Person Agreeing To Supervise Defendant	
DEFENDANT RELEASED ON BAIL			
Date 10/31/2020	Time 1515	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Signature Of Jailer Whitsett / CPL. Wise
AOC-CR-200, Rev. 12/18 © 2018 Administrative Office of the Courts			

ORIGINAL COPY

CONDITIONS OF RELEASE MODIFICATIONS

The Conditions of Release on the reverse are modified as follows:

Modification	Date	Signature Of Judicial Official

SUPPLEMENTAL ORDERS FOR COMMITMENT

The defendant is next Ordered produced in Court as follows:

Date	Time	Place	Purpose	Signature Of Judicial Official

DEFENDANT RECEIVED BY DETENTION FACILITY

Date	Time	Signature Of Jailer
10-31-20	1500	CPC. Wise

DEFENDANT RELEASED FOR COURT APPEARANCE

Date	Time	Signature Of Jailer

NOTE TO CUSTODIAN: This form shall accompany the defendant to court for all appearances.

AOC-CR-200, Side Two, Rev. 12/18

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STATE OF NORTH CAROLINA

File No.

20 CR 55 006

ALAMANCE

County

In The General Court Of Justice

☒ District ☐ Superior Court Division

STATE VERSUS

Name Of Defendant

X Timothy Olson

WAIVER OF COUNSEL

G.S. 7A-457; 15A-1242

Additional File No.(s) And/Or Offense(s)

ACKNOWLEDGMENT OF RIGHTS AND WAIVER

As the undersigned party in this action, I freely and voluntarily declare that I have been fully informed of the charges against me, the nature of and the statutory punishment for each such charge, and the nature of the proceedings against me; that I have been advised of my right to have counsel assigned to assist me and my right to have the assistance of counsel in defending against these charges or in handling these proceedings, and that I fully understand and appreciate the consequences of my decision to waive the right to assigned counsel and the right to assistance of counsel.

I freely, voluntarily and knowingly declare that:

(check only one)

- ☒ 1. I waive my right to assigned counsel and that I, hereby, expressly waive that right.
- ☐ 2. I waive my right to all assistance of counsel which includes my right to assigned counsel and my right to the assistance of counsel. In all respects, I desire to appear in my own behalf, which I understand I have the right to do.

SWORN AND SUBSCRIBED TO BEFORE ME

Date

11/12/2020

Date

11/12/20

Signature

J M

Signature Of Defendant

Timothy Olson

☐ Judge☐ Clerk Of Superior Court☐ Asst. CSC☒ Deputy CSC☐ Magistrate

CERTIFICATE OF JUDICIAL OFFICIAL

I certify that the above named defendant has been fully informed of the charges against him/her, the nature of and the statutory punishment for each charge, and the nature of the proceeding against the defendant and his/her right to have counsel assigned by the court and his/her right to have the assistance of counsel to represent him/her in this action; that the defendant comprehends the nature of the charges and proceedings and the range of punishments; that he/she understands and appreciates the consequences of his/her decision and that the defendant has voluntarily, knowingly and intelligently elected in open court to be tried in this action:

(check only one)

- ☒ 1. without the assignment of counsel.
- ☐ 2. without the assistance of counsel, which includes the right to assigned counsel and the right to assistance of counsel.

NOTE: For a waiver of assigned counsel only, both blocks numbered "1" must be checked. For a waiver of all assistance of counsel, both blocks numbered "2" must be checked.

Date

11-12-2020

Signature Of Judicial Official

Name Of Judicial Official (Type Or Print)

NOTE: A magistrate may accept waivers of counsel if designated to do so by the Chief District Court Judge. See G.S. 7A-146(11) and G.S. 7A-292(15).

STATE OF NORTH CAROLINA

COUNTY OF ALAMANCE

**IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION**

FILE NO.: 20CR055006

ALLENANCE CO., C.S.C.

STATE OF NORTH CAROLINA

V.

TIMOTHY JAMES OLSON,
Defendant.

BY MRB

**MOTION FOR PRODUCTION
OF *BRADY* MATERIAL**

THE DEFENDANT, by and through counsel and pursuant to the Due Process Clause of the Fourteenth Amendment to the United States Constitution as interpreted in Brady v. Maryland, 373 U.S. 83 (1963) and its progeny, hereby requests that this Honorable Court direct the State to furnish to the Court any evidence, material, or information within the possession, custody, or control of the State, or that by the exercise of reasonable diligence may be obtained by the State, that is favorable to or exculpates in any way the Defendant or tends to establish a defense in whole or in part to the allegations in the charge or may help the Defendant avoid conviction or mitigate punishment or relates to the credibility of any of the State's witnesses. In support of this motion the Defendant respectfully shows the Court the following:

1. Defendant is charged with misdemeanor Fail to Disperse on Command with an alleged offense date of 10/31/2020. The specific allegations against Defendant are that he “failed to vacate the premises after violating the permitting process and failing to heed commands. given 3 warning with 5 minutes in between the warnings..” Deputy B. Kilmer of the Alamance County Sheriff’s Office was the arresting officer, and Deputy Mrak A Dockery Jr. of the Alamance County Sheriff’s Office is listed as a witness.

2. The Defendant believes there are investigative reports, communications by and between law enforcement officers, including but not limited to the Graham Police Department, the

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Burlington Police Department, and the Alamance County Sherriff's Office ("LEOs"), communications between LEOs and the District Attorney's Office, and bodycam or dashcam video that would show the events leading to the charges against the Defendant and would provide impeachment or exculpatory information. These items specifically include:

- a. Emails concerning Defendant and the incidents related to his arrest;
- b. Text messages and instant messages to and from officers regarding the events surrounding Defendant's arrest;
- c. Two-way dispatch messages;
- d. 911 calls;
- e. Audio and/or videotapes (including those captured via body cameras or cell phone cameras);
- f. Any records stored, sent, or received via Dropbox or similar cloud computing or FTP (file transfer protocol) websites;
- g. All electronic devices including but not limited to computers, laptops, iPads, cellular phones, and smart phones that may contain discoverable material relative to the above investigation and prosecution;
- h. All social media accounts that may bear upon the above prosecution including but not limited to Facebook, Google, AOL, Yahoo, Twitter, Instagram, SnapChat, TikTok, and any online cloud backups which may contain information related to this prosecution and related investigation;
- i. All handwritten notes of LEOs;
- j. All handwritten or memorialized notes of the prosecutor concerning witness interviews of law enforcement officers, experts, and lay witnesses involved in the

above prosecution where questionable Brady material may be located as determined by the Court after *in camera* review. Such notes are intended to include but are not limited to investigations and trial preparation of witnesses;

- k. Any and all electronic devices including cell phones and computers belonging to witnesses listed by the State, which may contain Brady material;
- l. The name and address of any witness known to the prosecution that has given a statement to the prosecution or LEOs that is contrary to the prosecution's theory of the case as well as any witness or evidence that would support a valid defense;
- m. Any favorable treatment of any kind given or offered to any government witness in return for cooperation as well as any favorable treatment, money or anything of value requested by a state witness in return for cooperation;
- n. All contents of investigative files (to include all agencies that contributed to the prosecution) that include notes, memorandum, and reports. This also applies to the notes of any witness coordinator.

3. Decisions interpreting Brady have held that "Brady" information includes the following items:

- a. Exculpatory statements or statements of an exculpatory nature the Defendant made to LEOs at any time;
- b. Evidence that is inconsistent with the State's theory of prosecution;
- c. Names and addresses of eyewitnesses whom the prosecution does not intend to call at trial; and

d. Impeachment material regarding the State's witnesses. United States v. Bagley, 473 U.S. 667 (1985); Giglio v. United States, 405 U.S. 150 (1972). Impeachment materials include, among other things:

- i. prior convictions of witnesses;
- ii. prior material acts of misconduct of a witness;
- iii. pending criminal charges against a witness;
- iv. evidence that a witness has a character trait for dishonesty;
- v. evidence that a witness has a motive to fabricate testimony;
- vi. that a witness is suffering from, or has suffered from any type of mental health problem; and
- vii. any prior inconsistent statements of a witness.

4. Although there is limited statutory authority for the production of discovery in District Court in North Carolina, the United States Constitution applies in District Court and mandates the disclosure of Brady material by prosecutors a reasonable time prior to trial pursuant to the Due Process clause of the Fourteenth Amendment. State v. Cornett, 177 N.C. App. 452, 629 S.E.2d 857 (2006); State v. Marino, 747 S.E.2d 633 (2013).

5. The Defendant requests that the Court order the production of the complete investigation of this incident, including investigative reports, communications by and between LEOs, communications between LEOs and the District Attorney's Office, and bodycam or dashcam video.

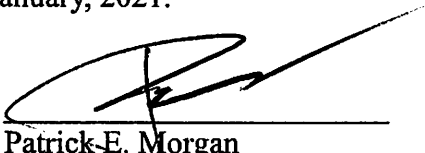
6. The defendant will be denied the opportunity for a fair trial in the event that he is unable to have access to the information referenced in this motion. Such denial would constitute a

violation of Defendant's constitutional rights under the United States and North Carolina constitutions.

WHEREFORE, the Defendant requests that the Honorable Court grant the following relief:

1. Grant this Motion for disclosure of Brady materials, and issue an Order requiring the State to turn over the requested materials,
2. Dismiss the charges against Defendant if the State fails to produce the requested materials, and
3. For any other relief the Court deems just and necessary

Respectfully submitted, this the 11 day of January, 2021.



Patrick E. Morgan
Attorney for Defendant
N. C. State Bar # 38379
Morgan & Cesanelli Law, PLLC
209 Lloyd St., Suite 120
Carrboro, N.C. 27510
Tel: 919-923-1577
Fax: 919-928-5149
patrick@morgancesanelli.com

CERTIFICATE OF SERVICE

I, Patrick E. Morgan, hereby certify that I did serve a true copy of this motion upon the office of the District Attorney in and for Alamance County by emailing a copy to the District Attorney or an agent of the same.

This the 11 day of January, 2021,

A handwritten signature in black ink, appearing to be 'P. Morgan', written over a horizontal line.

Patrick E. Morgan
Attorney for Defendant
N. C. State Bar # 38379
Morgan & Cesanelli Law, PLLC
209 Lloyd St., Suite 120
Carrboro, N.C. 27510
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STATE OF NORTH CAROLINA
COUNTY OF ALAMANCE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO.: 20CR055006

STATE OF NORTH CAROLINA

V.

TIMOTHY JAMES OLSON,
Defendant.

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ORDER FOR PRODUCTION
OF *BRADY* MATERIAL

THIS MATTER HAVING come before the undersigned Presiding District Court Judge on the Defendant's motion pursuant to Brady v. Maryland, 373 U.S. 83 (1963); United States v. Bagley, 473 U.S. 667, 676-77 (1985); and Pennsylvania v. Ritchie, 480 U.S. 39 (1987), it is hereby ORDERED AND DECREED that the Graham Police Department, the Burlington Police Department, the Alamance County Sheriff's Office, and the Alamance County District Attorney's Office shall produce all investigative materials related to the incident giving rise to this criminal prosecution, including all internal affairs investigative material, to Counsel for the Defense Patrick E. Morgan at 209 Lloyd St., Suite 120, Carrboro, NC 27510 on or before _____. Any disputed Records shall be reviewed for exculpatory impeachment material relevant to the Defense by the Court. Any material that is disclosed to the Defense shall be disclosed to the State. All material that is not disclosed shall be sealed, marked, and made part of the record in this case for appeal.

So Ordered this _____ day of _____, 2021.

District Court Judge Presiding

CERTIFICATE OF SERVICE

I, Patrick E. Morgan, hereby certify that I did serve a true copy of this Order upon the office of the District Attorney in and for Alamance County by emailing a copy to the District Attorney or an agent of the same.

This the __ day of January, 2021.

Patrick E. Morgan
Attorney for Defendant
N. C. State Bar # 38379
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