

File No. 20CR 055725		Law Enforcement Case No. 2020120123 GRAHAM POLICE DEPARTMENT	LID No.	SID No.	FBI No. 636472MD1			
MAGISTRATE'S ORDER		STATE OF NORTH CAROLINA						
Offense I M-DISORDERLY CONDUCT		ALAMANCE County		In The General Court Of Justice District Court Division				
THE STATE OF NORTH CAROLINA VS.		<p>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 THOMAS MAY, ROBERT BUTLER, EDDIE MERCER and consisted of FUCK YOU, WHAT YOU GOING TO DO, POSED HIMSELF IN A MANNER INDICATING WILLINGNESS TO FIGHT.</p> <p>This act was in violation of the law referred to in this Magistrate's Order. This Magistrate's Order is issued upon information furnished under oath by the arresting officer(s) shown. A copy of this Order has been delivered to the defendant.</p>						
Name And Address Of Defendant AVERY MARKEL HARVEY								
314 FIELD ST								
GRAHAM NC 27253 ALAMANCE COUNTY (336) 512-9943 Alias I: AVERY M. HARVEY								
Race B	Sex M					Date Of Birth 07/08/1990	Age	
Social Security No. [REDACTED]						Drivers License No. & State 34153037 NC		
Name Of Defendant's Employer								
Offense Code(s) I 5330						Offense In Violation Of G.S. I 14-288.4		
Date Of Offense 12/13/2020								
Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card) 12/13/2020								
Arresting Officer (Name, Address Or Department) J PAYNE GRAHAM POLICE DEPARTMENT 216 S MAPLE ST GRAHAM NC 27253 ALAMANCE COUNTY (336) 570-6711								
Names & Addresses Of Witnesses (Including Counties & Telephone Nos.)								
<input type="checkbox"/> Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan		Date Issued 12/13/2020		<input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court				
		Signature BERTRAM F. HEATHCOTE III		Location Of Court Alamance County Courthouse; CRMA 212 W ELM ST GRAHAM, NC 27253				
				Court Date 02/01/2021				
				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	PRIOR CONVICTIONS: No./Level: 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)."			
<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		It is ORDERED that this: <input type="checkbox"/> Judgment is continued upon payment of costs. <input type="checkbox"/> case be consolidated for judgment with _____ <input type="checkbox"/> sentence is to run at the expiration of the sentence in _____	
<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:		<input checked="" type="checkbox"/> COMMITMENT: It is ORDERED that the Clerk deliver <u>two</u> 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: <input type="checkbox"/> Probable cause is found as to all Counts except _____, and the defendant is bound over to Superior Court for action by the grand jury. <input type="checkbox"/> No probable cause is found as to Count(s) _____ of this Magistrate's Order and the Count(s) is dismissed.		Date _____ Name Of District Court Judge Or Magistrate (Type Or Print) _____ Signature Of District Court Judge Or Magistrate _____	
WAIVER OF PROBABLE CAUSE HEARING		CERTIFICATION	
The undersigned defendant, with the consent of his/her attorney, waives the right to a probable cause hearing.		I certify that this Judgment is a true and complete copy of the original which is on file in this case.	
Date Waived _____	Signature Of Defendant _____	Date _____	Date Delivered To Sheriff _____
Signature Of Attorney _____		Signature _____	
		<input type="checkbox"/> Dep. CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> CSC	

*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.

ALAMANCE

NORTH CAROLINA - LAW ENFORCEMENT INCIDENT DATA SHEET

County Citation/Tracking No.

File No. 20CR 055725

Date Of Arrest 12/13/2020

Check Digit No. (as shown on fingerprint card) NOT FINGERPRINTED BY LAW ENFORCEMENT OFFICER

Date Of Offense on or about 12/13/2020

Time Of Offense on or about

DEFENDANT INFORMATION

Name Of Defendant HARVEY, AVERY MARKEL

Interpreter Needed

Drivers License No. 34153037 State NC CDL Class Race BLACK Sex MALE Date Of Birth 07/08/1990 Age 30

Hair BLACK Eyes BROWN Weight 175lbs Height 6ft 0in Place Of Birth NORTH CAROLINA, 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 PAYNE, J R No. 790

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

Table with 4 columns: #, Statute, Offense Short Description, Offense Type, Probable Cause. Row 1: 1, 14-288.4, DISORDERLY CONDUCT, M, YES

NOTES

THE NATIONAL BUREAU OF STANDARDS

Washington, D. C. 20541

STANDARD REFERENCE MATERIALS

SRM 1000

1975

MONOMER GRADE

1000-1000

LIQUID

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ADMINISTRATIVE INFORMATION

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STATE OF NORTH CAROLINA		File No. 20CR 055725
ALAMANCE County		In The General Court Of Justice <input checked="" type="checkbox"/> District <input type="checkbox"/> Superior Court Division
Name And Mailing Address Of Defendant AVERY MARKEL HARVEY 314 FIELD ST		APPEARANCE BOND FOR PRETRIAL RELEASE
GRAHAM NC 27253 Telephone No. Of Defendant (336) 512-9943		
Total Bond Required \$ 600.00	Amount Of This Bond \$ 600.00	
Offenses And Additional File Numbers 20CR55725 M-DISORDERLY CONDUCT		# 20AB1202867 G.S. 15A-531, 15A-534, 15A-544.2

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 12/13/2020	Signature Of Defendant
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See attached AOC-CR-201A for additional accommodation bondsmen executing this bond.

Name And Address Of Accommodation Bondsman ROWDEN, LISA KAY 218L WOODLAWN RD		Name And Address Of Accommodation Bondsman	
MEBANE NC 27302			
Telephone No. (336) 380-0527		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		SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME	
Date 12/13/2020	Signature BERTRAM F. HEATHCOTE III	Date	Signature

Magistrate Deputy CSC Assistant CSC Clerk Of Superior Court Magistrate Deputy CSC Assistant CSC Clerk Of Superior Court

Custodian Of Detention Facility [G.S. 15A-537(c)] Custodian Of Detention Facility [G.S. 15A-537(c)]

COMPLETE IF CASH DEPOSITED		
Signature Of Official Accepting Cash BERTRAM F. HEATHCOTE III	Name Of Official Accepting Cash (type or print) BERTRAM F. HEATHCOTE III	Receipt No. I-746069

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.

Payne / GPD

STATE OF NORTH CAROLINA		File No. 20CR 055725
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 AVERY MARKEL HARVEY 314 FIELD ST GRAHAM NC 27253		
		# 20RO1202693 G.S. Chapter 15A, Art. 25, 26
		Amount Of Bond \$ 600.00

Offenses And Additional File Numbers
20CR55725 MAG ORDR; M-DISORDERLY CONDUCT

See Attachment

Location Of Court Alamance County Courthouse; CRMA	<input checked="" type="checkbox"/> District <input type="checkbox"/> Superior	Date 02/01/2021	Time 09:00 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
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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.

Your release is authorized upon execution of your: WRITTEN PROMISE to appear UNSECURED BOND in the amount shown above
 CUSTODY RELEASE SECURED BOND in the amount shown above (NOTE: Give a copy of this order to any surety who posts bond.)
 HOUSE ARREST with ELECTRONIC MONITORING administered by (agency) _____ and the SECURED BOND above. You may leave your residence for the purpose(s) of employment counseling course of study vocational training

UNLESS YOU LIVE OR WORK IN THE CITY OF GRAHAM NC, OR HAVE ANY COURT APPEARANCE, YOU ARE ORDERED TO LEAVE THE CITY FOR A PERIOD OF 72 HOURS.

Your release is not authorized.
 The defendant is required to provide (check all that apply) fingerprints under G.S. 15A-502. a DNA sample under G.S. 15A-266.3A.
 Prior to release, the defendant shall provide his/her (check all that apply) fingerprints. DNA sample.
 The defendant has been (i) charged with a felony while on probation (complete AOC-CR-272, Side One). (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).
 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 _____.
 The defendant was arrested or surrendered after failing to appear as required under a prior release order.
 This was the defendant's second or subsequent failure to appear in this case.
 Your release is subject to the conditions as shown on the attached AOC-CR-270. Other: _____

Additional Information
SEE WRITTEN FINDINGS FORM 250.

Date 12/13/2020	Signature Of Judicial Official BERTRAM F. HEATHCOTE III	<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
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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: produce him/her in Court as provided above.
 hold him/her as provided on the attached AOC-CR-272. for the following purpose: _____

[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) _____
 AM PM produce him/her before a magistrate of this county at that time to determine conditions of pretrial release.

Name Of Detention Facility Alamance County Jail	Date 12/13/2020	Signature Of Judicial Official BERTRAM F. HEATHCOTE III
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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	Signature Of Defendant	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 12-13-20	Time 1649 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Signature Of Jailer <i>[Signature]</i>
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CONDITIONS OF RELEASE MODIFICATIONS

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

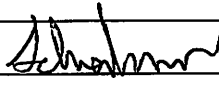
Modification	Date	Signature Of Judicial Official

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
12-13-20	15h1	

DEFENDANT RELEASED FOR COURT APPEARANCE

Date	Time	Signature Of Jailer

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

STATE OF NORTH CAROLINA
ALAMANCE COUNTY

File No. (list only lead file number on associated AOC-CR-200)
20CR 55725

IN THE GENERAL COURT OF JUSTICE
 DISTRICT SUPERIOR COURT DIVISION

STATE VERSUS

WRITTEN FINDINGS
FOR SECURED BOND

Name of Defendant

AVERY MARKEL HARVEY

Pretrial Release and Bond Policy for District 15A

NOTE: Do not impose conditions of release on this form. Use form AOC-CR-200 and related forms to impose conditions of release. Use this form only to record the court's findings supporting imposition of a secured bond and the defendant's ability to satisfy that condition. Do not use this form when imposing a written promise, custody release, or unsecured bond. Incorporate this form by reference on the related AOC-CR-200 as "SECURED bond written findings."

FINDINGS

The undersigned judicial official finds for the reasons stated below that it is appropriate to impose a secured bond for the defendant's release in the above-captioned case and related cases, as imposed on the attached form AOC-CR-200.

- 1. Secured Bond Mandatory. A secured bond is required, because:
 - a. the case is a fugitive proceeding under Chapter 15A, Article 37. G.S. 15A-736.
 - b. a secured bond is required by G.S. 15A-534(d1) pursuant to recommendation in an order for arrest or prior conditions imposed in this case(s).
 - c. defendant is charged with a felony while on probation, and the court further finds that defendant presents a danger to the public. G.S. 15A-534(d2).
 - d. the order listed below and entered previously in this proceeding directed the imposition of a secured bond:

Date of Order	Name of Entering Official	Title of Entering Official	Title/Description of Order

- e. Other: _____

NOTE: If No. 1 is found, no findings are required in No. 2. Proceed to No. 3.

- 2. Secured Bond Imposed Pursuant to G.S. 15A-534(b). A secured bond is necessary, pursuant to the undersigned official's determination that a written promise to appear, custody release, or unsecured bond: (check all that apply)

- a. will not reasonably assure the appearance of the defendant as required;
- b. will pose a danger of injury to any person; and/or
- c. is likely to result in destruction of evidence, subornation of perjury, or intimidation of potential witnesses.

Facts supporting, by clear and convincing evidence, that determination include: (NOTE: Give brief statements of fact supporting the court's conclusions. Extensive findings are not required but should be sufficiently clear to evaluate in relation to the three risks listed above.)

DEFENDANT HAS BEEN CHARGED WITH THIS SAME OFFENSE ON 09/26/2020 AS WELL AS A CHARGE OF RDO OUT OF A SIMILAR MATTER ON 10/31/2020. DEFENDANT IS DISPLAYING A INCREASING LACK OF RESPECT FOR THE RULE OF LAW AND HIS CONTINUED BEHAVIOR MAY BECOME A SAFETY ISSUE FOR THE RESIDENTS OF ALAMANCE COUNTY.

- 3. The undersigned further finds, based on all relevant and reliable evidence available concerning defendant's financial resources, that:

NOTE: Check only one. See Part IV.B.8 of the Pretrial Release and Bond Policy for District 15A for guidance when determining defendant's financial status.

- a. the defendant is presumptively indigent for one or more of the reasons listed on Side Two and therefore unable to satisfy any secured bond.
- b. the defendant (check only one) is not presumptively indigent for any of the reasons listed on Side Two, and has income or assets as follows: or is presumptively indigent, but that presumption is rebutted by evidence of defendant's income or assets, as follows: (Check all that apply.)
 - 1) Defendant's monthly income, which is greater than 200% of the poverty level, is \$ _____. Defendant is presumed able to pay a total secured bond in the amount of 2 percent of that monthly income, which is: (monthly income) x (0.02) = \$ _____.
 - 2) Defendant has liquid assets of at least \$3,000, in the amount of \$ _____. Defendant is able to pay a total secured bond of \$ _____ without unreasonable impairment of the defendant's ability to satisfy his/her other financial obligations.
 - 3) Defendant has ownership of real property with available equity in the amount of (A) \$ _____, of which defendant's ownership share is (B) _____%, for a value of (C) \$ _____ (A*B). Eighty percent (80%) of defendant's share \$ _____ (C* 0.80), is deemed available for the purpose of securing bond.
 - 4) Defendant has represented to a district or superior court judge that the defendant is able to satisfy a secured bond in the amount of \$ _____ without unreasonable impairment of his/her ability to satisfy his/her other financial obligations. (NOTE: Select this box only if the defendant makes an unsolicited offer to pay a certain amount.)
- c. there is no available evidence of the defendant's financial resources from which the court can determine the defendant's ability to satisfy a secured bond in any amount. (NOTE: Proceed to No. 4.b.)

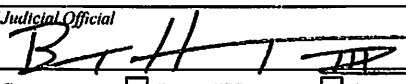
ORIGINAL

Following the ability to pay assessment in No. 3, determine the secured bond amount based on the number and weight of the factors in Part IV of this Policy that merited the imposition of a monetary bond as provided in Appendix B. Document the secured bond amount on the AOC-CR-200 form only if one of the options under No. 4 apply. If neither apply, do not enter the findings on this form and do not file the form with the clerk. Instead, impose conditions of release other than a secured bond.

4. After comparing the defendant's ability to pay in No. 3 to the secure bond amount, the undersigned finds that: (check one)

- a. the defendant is able to satisfy the secured bond imposed.
- b. the defendant is unable to, or the court is unable to determine that the defendant is able to, satisfy the bond imposed, but a secured bond in that amount is nonetheless necessary, because (check one) it is mandated statutorily. the undersigned finds by clear and convincing evidence the following facts that no other condition or combination of conditions of release will satisfy compelling State interest(s) of the defendant's appearance, preventing injury to persons, or preventing destruction of evidence, subornation of perjury, or intimidation of potential witnesses: (NOTE: Give brief statements of the facts supporting the court's conclusion.)

SEE (2)A ABOVE.

Date 12/13/2020	Name of Judicial Official BERT HEATHCOTE	Signature of Judicial Official 
<input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> District Court Judge <input type="checkbox"/> Superior Court Judge <input type="checkbox"/> Clerk of Superior Court <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC		

PRESUMPTIVE INDIGENCY/ABILITY TO PAY

Any person who meets any of the following criteria shall be presumed unable to afford any amount of secured bond, unless rebutted by evidence of ability to pay, as laid out in number 3(b) on Side One of this form. (NOTE: See Part IV.B.8.d.2 of the Pretrial Release and Bond Policy for District 15A.)

- Is eligible for appointment of counsel;
- Is, or within the past 6 months has been, homeless;
- Has income at or below 200% of the federal poverty guidelines (see table in Appendix B of the Pretrial Release and Bond Policy);
- Is a full-time student;
- Has been incarcerated pursuant to an active sentence within the past 6 months;
- Is residing in a mental health or other treatment program, or has resided in such a program in the past 6 months; or
- Is or has dependents eligible to receive SNAP benefits (food stamps), Medicaid, Temporary Assistance for Needy Families, Supplemental Security Income, Social Security Disability Income, public housing, or any other federal or state public assistance program based on financial hardship.