

File No. 20CR 054315		Law Enforcement Case No.	LID No.	SID No.	FBI No.
CRIMINAL SUMMONS		STATE OF NORTH CAROLINA In The General Court Of Justice District Court Division <u>ALAMANCE</u> County			
Offense I M-SIMPLE ASSAULT II M-DISORDERLY CONDUCT		To the defendant: 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. 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. <i>VD (PER PW; SEE REVERSE OF SHUCK)</i> <i>VD (PER PW; SEE REVERSE OF SHUCK)</i>			
THE STATE OF NORTH CAROLINA VS.					
Name And Address Of Defendant JUDY ELAINE STUART 6833 BEALE ROAD GIBSONVILLE NC 27249 GUILFORD COUNTY (336) 512-8170		<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>			
Race Sex Date Of Birth Age W F 06/07/1960					
Social Security No. Drivers License No. & State					
Name Of Defendant's Employer					
Offense Code(s) Offense In Violation Of G.S. I 1368 I 14-33(A) II 5330 II 14-288.4					
Date Of Offense 09/21/2020 through 09/21/2020					
Complainant (Name, Address Or Department) DANIEL SISK GRAHAM POLICE DEPARTMENT 216 S MAPLE ST GRAHAM NC 27253 ALAMANCE COUNTY (336) 570-6711					
Names & Addresses Of Witnesses (Including Counties & Telephone Nos.) AVERY MARKEL HARVEY 1510 S. MEBANE ST APT L BURLINGTON NC 27215 ALAMANCE COUNTY (336) 512-9943					
Date Issued 09/23/2020					
<input type="checkbox"/> Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan					
<input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court					
Signature AMELIA KNAUFF		Location Of Court Alamance County Courthouse; CRMA 212 W ELM ST GRAHAM, NC 27253		Court Date 11/30/2020 Court Time 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.C.L. A1 1 2 3
M.C.L. A1 1 2 3
M.C.L. 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

SEP 25 2020

Trial Date

11 / 30 / 20A

NO.

20CR54315

1 / 11 / 21A
3 / 31 / 21B
(X-WARR.)

4 / 7 / 21B
(W/X-WARRS)
5 / 26 / 21B

TRIAL (X-WARR)

MAY 26 2020
WAC

VD [KPM] (PER PW; SEE REVERSE OF SHUCK)

SCARLETTA

Called and Failed _____ / _____ / _____
OFA/WFA _____ / _____ / _____
20-Day FTA _____ / _____ / _____
Forfeiture _____ / _____ / _____
Waived _____ / _____ / _____

Stricken _____ / _____ / _____
40-Day FTC _____ / _____ / _____
Stricken _____ / _____ / _____

P/2

don't

go

forward

Over

May 26th 21