

File No. 20CR 054378		Law Enforcement Case No.		LID No.	SID No.	FBI No. 889594LC4							
WARRANT FOR ARREST		STATE OF NORTH CAROLINA In The General Court Of Justice District Court Division ALAMANCE County											
Offense I M-RESISTING PUBLIC OFFICER II M-INJURY TO PERSONAL PROPERTY III M-DISORDERLY CONDUCT THE STATE OF NORTH CAROLINA VS.													
Name And Address Of Defendant MAURICE WELLS JR. 10 ASPEN DR APT. A GREENSBORO NC 27409 GUILFORD COUNTY (336) 279-8339		To any officer with authority and jurisdiction to execute a warrant for arrest for the offense(s) charged below: 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 the defendant named above unlawfully and willfully did resist, delay and obstruct SYKES, a public officer holding the office of DEPUTY SHERIFF, by FAILED TO HEED COMMANDS. At the time, the officer was discharging and attempting to discharge a duty of his office by REMOVING THE DEFENDANT FROM THE ROADWAY.											
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;">Race B</td> <td style="width:15%;">Sex M</td> <td style="width:25%;">Date Of Birth 06/30/1986</td> <td style="width:15%;">Age</td> </tr> <tr> <td colspan="2">Social Security No./Tax ID No. [REDACTED]</td> <td colspan="2">Drivers License No. & State 22282557 NC</td> </tr> <tr> <td colspan="4">Name Of Defendant's Employer</td> </tr> </table>							Race B	Sex M	Date Of Birth 06/30/1986	Age	Social Security No./Tax ID No. [REDACTED]		Drivers License No. & State 22282557 NC
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Complainant (Name, Address Or Department) MARK A DOCKERY JR JR. ALAMANCE COUNTY SHERIFFS OFFICE 109 SOUTH MAPLE ST GRAHAM NC 27253 ALAMANCE COUNTY (336) 570-6300		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 the defendant named above unlawfully and willfully did intentionally cause a public disturbance at 1 NE COURT SQ, by engaging in fighting, violent conduct and conduct creating the threat of imminent fighting and violence. This conduct consisted of STRIKING A VEHICLE PASSING BY.											
Names & Addresses Of Witnesses (Including Counties & Telephone Nos.) DAVID SYKES ALAMANCE COUNTY SHERIFFS OFFICE 109 SOUTH MAPLE ST GRAHAM NC 27253 ALAMANCE COUNTY (336) 570-6300													
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:60%;"> <input type="checkbox"/> Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan </td> <td style="width:40%;">Date Issued 09/26/2020</td> </tr> </table>		<input type="checkbox"/> Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan	Date Issued 09/26/2020	Signature KELLY R COUNCILMAN		Location Of Court Alamance County Courthouse; CRMA 212 W ELM ST GRAHAM, NC 27253		Court Date 10/20/2020					
<input type="checkbox"/> Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan	Date Issued 09/26/2020												
		<input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Assistant CSC		<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Clerk Of Superior Court		Court Time 09:00							
						<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM							

(over)

ORIGINAL COPY

If this Warrant For Arrest is not served within one hundred and eighty (180) days, 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.

RETURN OF SERVICE

I certify that this Warrant was received and served as follows:

Date Received	Date Served	Time Served	Date Returned
09-26-20	09-26-20	2:57 PM	09-26-20

☒ By arresting the defendant and bringing the defendant before:

Name Of Judicial Official

☐ This Warrant 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	<input type="checkbox"/> Dep. CSC <input type="checkbox"/> Assst. CSC <input type="checkbox"/> CSC
------	-----------	--

RETURN FOLLOWING REDELIVERY/REISSUANCE

I certify that this Warrant was received and served as follows:

Date Received	Date Served	Time Served	Date Returned
		<input type="checkbox"/> AM <input type="checkbox"/> PM	

☐ By arresting the defendant and bringing the defendant before:

Name Of Judicial Official

☐ This Warrant 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

District Attorney

☐ Waived
☐ Not Indigent
☐ Denied

Attorney For Defendant

☐ Appointed
☐ Retained

PRIOR CONVICTIONS:

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

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 Warrant 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

STATE OF NORTH CAROLINA

File No.

20CR054378

ALAMANCE

County

☒ In The General Court Of Justice
☒ District ☐ Superior Court Division**STATE VERSUS**

Name And Address Of Defendant

MAURICE WELLS, JR.

10 ASPEN DRIVE

APT. A

GREENSBORO

NC 27403

Race

B

Sex

M

Date Of Birth

06/30/1986

DEC 22 A 11:37

**MISDEMEANOR
STATEMENT OF CHARGES**

TM

G.S. 15A-922

Offense(s)	Date Of Offense OR Date Range Of Offense	G.S. No.	CL.
RESISTING PUBLIC OFFICER	09/26/2020	14-223	2
INJURY TO PERSONAL PROPERTY	09/26/2020	14-160	2
DISORDERLY CONDUCT	09/26/2020	14-288.4	2

I, the undersigned, upon information and belief allege that on or about the date(s) of offense shown and in the county named above, the defendant named above did unlawfully and willfully

COUNT I:

resist, delay, and obstruct D. TEAGUE, a public officer holding the office of DEPUTY SHERIFF by FAILING TO HEED COMMANDS. At the time, the officer was discharging and attempting to discharge a duty of his office, to wit: REMOVING THE DEFENDANT FROM THE ROADWAY.

COUNT II:

did wantonly injure property, to wit: A VEHICLE PASSING BY, the property of HAMLETT AUTO REPAIR.

COUNT III:

did intentionally cause a public disturbance at 1 NW COURT SQUARE, by engaging in fighting, violent conduct, and conduct creating the threat of imminent fighting and violence. This conduct consisted of STRIKING A VEHICLE PASSING BY.

Date

12/21/2020

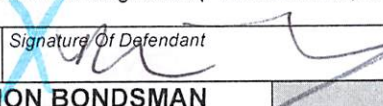
Name Of Prosecutor (type or print)

KEVIN PATRICK HARRISON

Signature Of Prosecutor

Kevin Patrick Harrison

Handwritten text at the bottom left corner, possibly a signature or date.

STATE OF NORTH CAROLINA		File No. 20CR 054378	
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 MAURICE WELLS JR. 10 ASPEN DR APT. A GREENSBORO NC 27409 Telephone No. Of Defendant (336) 279-8339		APPEARANCE BOND FOR PRETRIAL RELEASE	
Total Bond Required \$ 2,500.00	Amount Of This Bond \$ 2,500.00	# 20AB918376	G.S. 15A-531, 15A-534, 15A-544.2
Offenses And Additional File Numbers 20CR54378 M-RESISTING PUBLIC OFFICER; M-INJURY TO PERSONAL PROPERTY; M-DISORDERLY CONDUCT			
<input type="checkbox"/> See Attachment			
<input checked="" type="checkbox"/> 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. <input type="checkbox"/> 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. <input type="checkbox"/> 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. <input type="checkbox"/> 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 09/26/2020		Signature Of Defendant 	
ACCOMMODATION BONDSMAN			
<input type="checkbox"/> See attached AOC-CR-201A for additional accommodation bondsmen executing this bond.			
Name And Address Of Accommodation Bondsman		Name And Address Of Accommodation Bondsman	
Telephone No.		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 09/26/2020	Signature KELLY R COUNCILMAN	Date	Signature
<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"/> Custodian Of Detention Facility [G.S. 15A-537(c)]		<input type="checkbox"/> Magistrate <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court <input type="checkbox"/> Custodian Of Detention Facility [G.S. 15A-537(c)]	
COMPLETE IF CASH DEPOSITED			
Signature Of Official Accepting Cash		Name Of Official Accepting Cash (type or print)	Receipt No.

NOTE: If cash deposited, see note on reverse side.

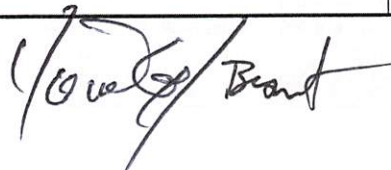
ORIGINAL COPY

(see AOC-CR-238 if release
after judgment in superior court)

Original - File
(Over)

AOC-CR-201, Rev. 4/18

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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.

Dockery (ACSO)

STATE OF NORTH CAROLINA		File No. 20CR 054378	
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 MAURICE WELLS JR. 10 ASPEN DR APT. A GREENSBORO NC 27409		# 20RO918346 G.S. Chapter 15A, Art. 25, 26 Amount Of Bond \$ \$2,500.00	
Offenses And Additional File Numbers 20CR54378 WFA; M-RESISTING PUBLIC OFFICER; M-INJURY TO PERSONAL PROPERTY; M-DISORDERLY CONDUCT			
<input type="checkbox"/> See Attachment			
Location Of Court Alamance County Courthouse; CRMA		<input checked="" type="checkbox"/> District <input type="checkbox"/> Superior	Date 10/20/2020 Time 09:00 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
<p>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.</p> <p>The defendant has been advised of charge(s) against him/her and his/her right to communicate with counsel and friends.</p> <p><input checked="" type="checkbox"/> Your release is authorized upon execution of your: <input type="checkbox"/> WRITTEN PROMISE to appear <input checked="" type="checkbox"/> UNSECURED BOND in the amount shown above</p> <p><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.)</p> <p><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</p> <p>DO NOT COME BACK INTO THE CITY LIMITS OF GRAHAM NC UNLESS IT IS FOR YOUR PENDING COURT DATES UNTIL BOTH OF YOUR CASES(20CR53112 & 20CR54378)ARE DISPOSED OF PER MAGISTARTE COUNCILMAN 09/26/2020</p> <p><input type="checkbox"/> Your release is not authorized.</p> <p><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.</p> <p><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).</p> <p><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 _____.</p> <p><input type="checkbox"/> The defendant was arrested or surrendered after failing to appear as required under a prior release order.</p> <p><input type="checkbox"/> This was the defendant's second or subsequent failure to appear in this case.</p> <p><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: _____.</p> <p>Additional Information NOW HAS TWO PENDING CASES WHICH HE HAS BEEN ARRESTED FOR DISORDERLY CONDUCT AT A DEMONSTRATION IN COURT SQUARE IN GRAHAM NC(20CR53112 & 20CR54378)</p>			
Date 09/26/2020	Signature Of Judicial Official KELLY R COUNCILMAN	<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			
<p>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 checked="" type="checkbox"/> produce him/her in Court as provided above.</p> <p><input type="checkbox"/> hold him/her <input type="checkbox"/> as provided on the attached AOC-CR-272. <input type="checkbox"/> for the following purpose: _____</p> <p><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.</p>			
Name Of Detention Facility ALAMANCE COUNTY JAIL	Date 09/26/2020	Signature Of Judicial Official KELLY R COUNCILMAN	
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 26 Sept 2020	Time 7230	<input type="checkbox"/> AM <input type="checkbox"/> PM	Signature Of Jailer [Signature]

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

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
COUNTY OF ALAMANCE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
20 CR 054378

2020 OCT -7 A 9:23

STATE OF NORTH CAROLINA)
ALAMANCE CO.) C.S.C.

v. BY RW

MAURICE WELLS,

Defendant.

MOTION FOR CHANGE OF
CONDITIONS OF PRE-TRIAL
RELEASE
[N.C.G.S. § 15A-534 (f)]

Maurice Wells, by and through his undersigned legal counsel, does hereby move the court for an order declaring void that portion of the Conditions of Release and Release Order issued by Magistrate Kelly R. Councilman on September 26, 2020, which states: "DO NOT COME BACK INTO THE CITY LIMITS OF GRAHAM NC UNLESS IT IS FOR YOUR PENDING COURT DATES UNTIL BOTH OF YOUR CASES (20 CR 53112 & 054378) ARE DISPOSED OF PER MAGISTARTE [sic] COUNCILMAN 9/26/20." In support of this Motion, Defendant shows the following:

1. Alamance County Sheriff Office arrested Mr. Wells on July 11, 2020 and again on September 26, 2020 while he was exercising his rights under the First Amendment of the United States Constitution to protest police brutality, white supremacy, and the Confederate monument located in Graham's public square. On July 11, Mr. Wells was charged with failure to disperse and disorderly conduct, and on September 26 he was charged with resisting a public officer, injury to public property and disorderly conduct.
2. The July 11 charges have been set for trial on November 9, 2020, and Defendant's first appearance for the September 26 charges is on October 20, 2020.

3. Magistrate Councilman's banishment of Mr. Wells from the City of Graham fails to comply with G.S. § 15A-534 and is also void under North Carolina law. "In North Carolina, a court has no power to pass a sentence of banishment; and if it does so, the sentence is void." *State v. Culp*, 30 N.C. App. 398, 399, 226 S.E.2d 841, 842 (1976). Banishment has been broadly defined to include orders compelling people "to quit a city, place, or country, for a specific period of time, or for life." *Id.*
4. Importantly, *State v. Culp* and its precedents involve banishment following a criminal conviction, whereas Mr. Wells' banishment is a pre-trial condition of release, and hence and even greater affront to public policy and his constitutional right to freedom of movement. *See, e.g., State v. Doughtie*, 237 N.C. 368, 369, 74 S.E.2d 922, 923, 1953 ("In the states of the United States, a sentence banishing one convicted of crime from the state is generally held to be beyond the power of the court. It is impliedly prohibited by public policy.").
5. As will be shown at a hearing on this motion, Mr. Wells poses no threat to persons or property in Graham, and Magistrate Councilman's banishment of Mr. Wells from the city limits of Graham as a condition of his release is motivated by unconstitutional viewpoint discrimination by local government officials and Alamance County Sheriff's Office.

In light of all of the above, the Conditions of Release and Release Order should be changed to revoke the banishment provision. The undersigned respectfully requests a hearing on this motion as soon as possible, as Mr. Wells intends to continue exercising his constitutional rights to expressive speech protected by the First Amendment and to move freely and lawfully in and around the City of Graham in the days and weeks ahead.

Respectfully submitted, this the 6th day of October 2020.



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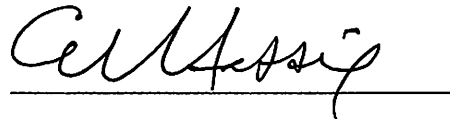
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CERTIFICATE OF SERVICE

The foregoing Motion for Change of Conditions of Pre-Trial Release was emailed to the Alamance County District Attorney Sean Boone on October 6, 2020 and served by personal hand delivery at 212 West Elm Street, Graham, North Carolina, 27253 on October 7, 2020.

Signed:



Elizabeth Haddix

July 1950

Chickadee

**IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
20 CR 054378**

V.

Defendant.

**MEMORANDUM OF LAW IN SUPPORT
OF MOTION FOR CHANGE OF
CONDITIONS OF PRE-TRIAL
RELEASE
[N.C.G.S. § 15A-534 (f)]**

ISSUE PRESENTED

STATEMENT OF FACTS

On August 14, 2020, the Middle District of North Carolina federal court ruled that the sidewalks, steps and landings and area surrounding the Historic Courthouse in Graham's public square are a traditional public forum, and that the County and ACSO's policy of barring protestors' access to those areas violated their First Amendment rights. See attached Exhibit A, Memorandum Opinion and Order in *NAACP et al v. Peterman et al*, 1:20-CV-613 (MDNC August 14, 2020).

On September 26, 2020, Mr. Wells was arrested while again exercising his First Amendment rights, protesting white supremacy, police brutality and the Confederate monument in Graham. He was charged with Resisting a Public Officer, Injury to Personal Property and Disorderly Conduct, and was released with an unsecured bond of \$2,500, along with the following condition of release by Magistrate Kelly R. Councilman: "DO NOT COME BACK INTO THE CITY LIMITS OF GRAHAM NC UNLESS IT IS FOR YOUR PENDING COURT DATES UNTIL BOTH OF YOUR CASES (20 CR 53112 & 054378) ARE DISPOSED OF PER MAGISTARTE [sic] COUNCILMAN 9/26/20." See attached Exhibit B, Charging Document and Conditions of Pre-trial Release.

The July 11 charges have been set for trial on November 9, 2020, and Defendant's first appearance for the September 26 charges is on October 20, 2020.

ARGUMENT

N.C.G.S. § 15A-534 describes the procedure for determining conditions of pretrial release. In this case, Magistrate Councilman released Mr. Wells with an unsecured bond pursuant to § 15A-534 (a)(2), which means that she necessarily determined Mr. Wells would appear in court as required and posed no danger of injury to any person or property. *See* N.C.G.S. § 15A-534 (b) (requiring imposition of conditions (4) or (5), execution of an appearance bond by cash deposit or house arrest, if the judicial official determines that the arrestee will not appear as required; will pose a danger of injury to any person; or is likely to result in destruction of evidence, subornation of perjury, or intimidation of potential witnesses). For that reason alone, the magistrate's added condition of release that Mr. Wells be banished from the city limits of Graham pending resolution of his pending misdemeanor charges cannot be justified by any legitimate concern that Mr. Wells poses a threat to persons or of any of the other provisions of

N.C.G.S. § 15A-534 (b). . Rather, the totality of the circumstances, including the basis for Mr. Wells' arrest, show that the magistrate intended to prevent Mr. Wells from continuing to exercise his First Amendment rights to demonstrate against police brutality and white supremacy anywhere in the City of Graham.

Magistrate Councilman's banishment of Mr. Wells from the City of Graham is void under North Carolina law. "In North Carolina, a court has no power to pass a sentence of banishment; and if it does so, the sentence is void." *State v. Culp*, 30 N.C. App. 398, 399, 226 S.E.2d 841, 842 (1976). Banishment has been broadly defined to include orders compelling people "to quit a city, place, or country, for a specific period of time, or for life." *Id.* Importantly, *State v. Culp* and its precedents involve banishment *following* a criminal conviction, whereas Mr. Wells' banishment is a pre-trial condition of release, and hence and even greater affront to public policy and his constitutional right to freedom of movement. *See, e.g., State v. Doughtie*, 237 N.C. 368, 369, 74 S.E.2d 922, 923, 1953 ("In the states of the United States, a sentence banishing one convicted of crime from the state is generally held to be beyond the power of the court. It is impliedly prohibited by public policy."). Given that Mr. Wells could not legally be banished from the city even if convicted on the pending charges against him, imposing such a restriction as a condition of release must also necessarily be void.

CONCLUSION

In light of all of the above, the Conditions of Release and Release Order should be changed to strike the banishment provision.

Respectfully submitted, this the ¹²~~12~~ day of October 2020.

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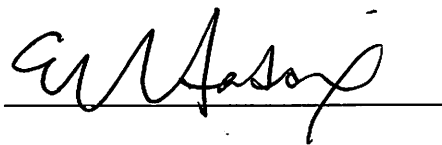
Tel. 919-914-6106

Attorneys for Defendant

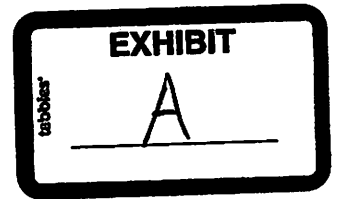
CERTIFICATE OF SERVICE

The foregoing Memorandum of Law in Support of Motion for Change of Conditions of Pre-Trial Release was hand delivered to the Alamance County Assistant District Attorney Morgan Whitney on October 12, 2020 at 212 West Elm Street, Graham, North Carolina, 27253.

Signed:



Elizabeth Haddix



IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

**NATIONAL ASSOCIATION FOR
THE ADVANCEMENT OF
COLORED PEOPLE ALAMANCE
COUNTY BRANCH, et al.,**

Plaintiffs,

V.

JERRY PETERMAN, et al.,

Defendants.

1:20-CV-613

MEMORANDUM OPINION AND ORDER

Catherine C. Eagles, District Judge.

The plaintiffs move for a preliminary injunction restraining the defendants from prohibiting protests in the immediate vicinity of the Alamance County Courthouse. The plaintiffs are likely to be successful on their claims that the County defendants are violating their First Amendment rights by prohibiting protests on the steps, grounds, and sidewalks surrounding the Historic Alamance County Courthouse, and they are likely to suffer irreparable harm absent preliminary relief.

PROCEDURAL HISTORY

This case began on July 2, 2020, when the plaintiffs filed a complaint and a motion for temporary restraining order and preliminary injunction directed towards enforcement of an ordinance enacted by the City of Graham that governed parade and protest permits. *See* Docs. 1, 2. The plaintiffs are the Alamance County Branch of the National Association for the Advancement of Colored People and several individuals

actively engaged in protesting against a monument outside the Alamance County Historic Courthouse in Graham, North Carolina. Doc. 27 at ¶¶ 14–22. The defendants fall into two groups: the City Defendants—the mayor, city council members, city manager, and police chief for the City of Graham—and the County Defendants—the Sheriff, county commissioners, and county manager for Alamance County. *Id.* at ¶¶ 23–36.

Shortly before a scheduled hearing, the parties agreed to a consent TRO enjoining enforcement of the contested City ordinance, *see* Doc. 11, which was entered. Doc. 15. Soon thereafter on July 14, the City repealed the ordinance at issue. Doc. 27-1. The plaintiffs withdrew their motion for preliminary injunction, Doc. 23, as it had become moot. *See* Doc. 24.

On July 17, 2020, the plaintiffs filed an amended complaint directed at what they allege are continued actions by the defendants to suppress their First Amendment rights, as well as the rights of other protestors, by prohibiting protests around the Alamance County Courthouse and by imposing restrictions on protests by the repeated issuance of “State of Emergency Declarations.” *See* Doc. 27 at ¶¶ 5–10. The pending motion for a Temporary Restraining Order was filed on July 28, 2020 and is directed towards both practices. Doc. 47. The City of Graham defendants filed a written response with evidence, Docs. 53, 53-1–53-4, as did the Alamance County defendants. Docs. 54, 54-1–54-9. A hearing was held on July 30, 2020. Minute Entry 07/30/2020. Following the hearing, the plaintiffs filed a reply brief, Doc. 55, and the County Defendants filed a sur-reply. Doc. 56.

At the conclusion of the hearing, the Court denied the motion to the extent it was directed against the City Defendants, based on facts found and reasons stated in open court; that aspect of the pending motion will not be addressed further here. *See* Minute Entry 07/30/2020. The Court took the motion under advisement to the extent it was directed against the County Defendants.

In a written order entered shortly thereafter, the Court found that the plaintiffs were likely to be successful on the merits in their claims against the County Defendants and were likely to suffer irreparable harm. *See generally* Doc. 57. The Court denied the motion for a temporary restraining order because of the need to evaluate the specific language for a preliminary injunction and to give the defendants a short time to plan for the end of their long-term prohibition. Doc. 57 at 17-18. The Court indicated it would likely grant the motion for preliminary injunction but allowed the parties to submit additional evidence and briefing; it also invited submissions on appropriate language for an injunction. *See id.*

The County Defendants filed a response, Doc. 58, establishing that they had a post-injunction plan for managing the space and providing a revised operating procedure for the Alamance County Courthouse grounds. Doc. 58-1. Despite the specific invitation from the Court, *see* Doc. 57 at 19, the defendants did not suggest any language for the preliminary injunction, *see* Doc. 58, nor did they suggest any language to cover emergency situations. *See id.*

The plaintiffs also filed a supplemental brief with evidence. Doc. 59; Docs. 59-1 to 59-19. They asked the Court to specifically enjoin the County Defendants from

prohibiting protests on: the steps on all sides of the courthouse; the lawns on the courthouse grounds; the sidewalk encircling the courthouse inside the traffic roundabout; the walkway from the courthouse steps to the sidewalk; the area between the monument and the courthouse marked “RESERVED”; and the red portion of the crosswalk that runs beside the monument. Doc. 59 at 1. In response to the defendants’ submission, the plaintiffs contended that the new policy, while an improvement, still violates their constitutional rights. *See* Doc. 60. The County Defendants argue otherwise. Doc. 61.

The motion for preliminary injunction is now ripe for review.

FINDINGS OF FACT

For purposes of this Order only, the Court makes the following findings of fact, after consideration of all the evidence submitted. As is necessary and in the context of specific issues, the Court will address and find other relevant facts throughout this Order.

The plaintiffs regularly attempt to exercise their First Amendment rights to protest, assemble, and associate in Graham, and recently they have organized, engaged in, or attempted to organize or engage in protests against institutionalized racism, police violence against Black people, and the continued presence of a Confederate monument in front of the Alamance County Historic Courthouse¹ in Graham. The Alamance NAACP has planned and organized such protests, Doc. 2-1 at ¶¶ 7–8, and many of the individual plaintiffs have participated in vigils, rallies, protests, and other expressive acts directed against systemic racism and the Confederate monument. *See, e.g.*, Doc. 2-2 at ¶ 3; Doc.

¹ All references in this opinion are to the Historic Courthouse, not to the other, newer courthouses in Alamance County.

2-3 at ¶ 6; Doc. 2-4 at ¶ 3; Doc. 47-8 at ¶ 2; Doc. 50-1 at ¶¶ 2–6. On some of these occasions, counter-protesters who favor keeping the monument in place have also appeared. Doc. 2-6 at ¶¶ 20–21; Doc. 53-3; Doc. 52 at ¶¶ 26, 44; Doc. 54-9 at ¶ 8.

The Historic Alamance County Courthouse is located in the center of downtown Graham. *See* Doc. 50-1 at ¶ 7; Doc. 48 at 2; Doc. 53 at 2. It is a working courthouse that is open Monday through Friday. Doc. 52 at ¶ 17. The courthouse sits in the middle of a square, on a relatively small piece of land. Doc. 50-1 at ¶ 7. There are small open spaces on each corner with what appear to be grass and trees, which the Court will refer to as the courthouse grounds. *Id.*; Doc. 52 at ¶ 17 (characterizing the space as “small ‘lawns’”). The courthouse and these grounds are surrounded by a sidewalk and parking spaces, which are themselves surrounded by what is essentially a vehicular roundabout. Doc. 50-1 at ¶ 7.

Highway 87, also known as Main Street, enters and exits the square from the south and north, and Elm Street enters and exits the square from the west and the east. Doc. 50-1 at ¶ 7. There are businesses and sidewalks around the outside of the square with on-street parking, and vehicular traffic circles the courthouse inside the square. *Id.*; Doc. 52 at ¶ 19. There is a small park, known as Sesquicentennial Park, on the northwest corner of the square, caddy-cornered from the courthouse. Doc. 50-1 at ¶¶ 2, 6–7.

There are four pedestrian crosswalks providing access from the outer rim of sidewalks to the sidewalks surrounding the courthouse, one on each side of the building. Doc. 50-1 at ¶ 7; Doc. 52 at ¶ 17. The crosswalks are parts of the roadway accessible to motor vehicles. While the crosswalk space beside the monument cannot be “driven

through” because of the monument, it is part of the roadway, as the evidence shows it is very close to a parking space and could be used by a vehicle to back out of the parking space. *See* Doc. 59-14.

The only functioning entrance to the courthouse is on the northern side of the building; this entrance has a wide flat area between the “RESERVED” space, *see infra*, and several very wide steps that ascend to the entrance. *See, e.g.*, Doc. 54-9 at ¶ 5; Doc. 59-6.

Outside of the northern entrance to the courthouse is a large Confederate monument. Doc. 50-1 at ¶ 7. One of the crosswalks runs level with the street beside the monument, connecting the sidewalk around the courthouse with the northwestern and northeastern corners of the town square. *Id.*; Doc. 59-15. The monument itself is surrounded by low concrete posts with links of chain running between them and a raised curb which encloses small landscaped flower beds at the base of the statue. *Id.* at ¶¶ 7–8, Doc. 59-12. This is in turn surrounded by temporary, movable barriers that are about waist-high. *See* Doc. 59-12.

Between the flower bed and the sidewalk outside the courthouse steps, there is a paved area level and in line with the parking space marked as “RESERVED” that is considered part of the courthouse grounds. *See* Doc. 59-15. Vehicles do not drive through this space, Doc. 59-1 at ¶ 9, which functions like a sidewalk.² *See, e.g.*, Doc. 54-

² The Court’s order denying the temporary restraining order found as a fact that “no vehicles travel” through this space and that “it is not used as a parking space.” Doc. 57 at 5. In their submission afterwards, the defendants did not contest or address this fact. In their new policy, the County Defendants say that this area is used as a parking space, Doc. 58-1 at 2, but there is no

9 at ¶ 6 (characterizing the entire area between the North entrance and the monument as a sidewalk.)

Highway 87 is a state highway. Doc. 54-9 at ¶ 3. Elm Street is a city street. The courthouse, the grounds inside the sidewalks, the monument itself, and the small piece of land currently planted with flowers which surrounds the monument are owned and controlled by Alamance County. *Id.* at ¶ 6; *see* Doc. 52 at ¶¶ 14–15. The Alamance County Sheriff’s Office is responsible for law enforcement on courthouse grounds and other county property, Doc. 54-9 at ¶ 4, and the Sheriff and his deputies routinely police and manage access to the public sidewalks immediately adjacent to the courthouse. Doc. 52 at ¶ 15.

Demonstrations and protests have historically been held on the courthouse steps and in the spaces immediately outside and around the courthouse. Doc. 2-9 at ¶ 7; Doc. 50-1 at ¶ 18; Doc. 52 at ¶ 14; Doc. 54-9 at ¶ 7. The courthouse steps and grounds and the sidewalks immediately surrounding the courthouse are a traditional public forum. *See* Doc. 48 at 14; Doc. 53 at 9–10; Doc. 54 at 6.

After the death of George Floyd at the hands of a police officer in May, protests near the courthouse increased. Doc. 52 at ¶¶ 6, 9–10. In late May and early June, law enforcement in Graham and Alamance County became aware of news reports of violence and property damage during protests in Fayetteville, Greensboro, and Raleigh, larger

affidavit or declaration on this point, nor did the County Defendants address this in their supplemental briefing. *See* Doc. 58. Therefore, the Court has not changed this finding of fact.

cities not far from Graham. *Id.* at ¶¶ 32–34; Doc. 54-9 at ¶ 9. According to news reports, these incidents included a fire that damaged the Guilford County Courthouse in Greensboro, Doc. 54-9 at ¶ 9; vandalism and rock throwing in Greensboro, Doc. 52 at ¶ 33; property damage and looting in Raleigh, *id.* at ¶ 32; and unspecified violence and looting in Fayetteville. *Id.* at ¶ 34. There is some evidence that there were a few threats of property damage in Graham, *see id.* at ¶ 49; Doc. 54-9 at ¶ 10; Doc. 52-1 at 5, but there is no evidence of actual property damage in or around the courthouse square.

At some point around this time, the Alamance County Sheriff’s Office decided to deny access to the grounds immediately surrounding the courthouse to all protest groups. Doc. 54-9 at ¶ 11. The Sheriff’s Office considers this to be a “temporary policy” intended to stay in place “during this time of heightened tension” and “while the political process plays out.” *Id.* The Sheriff’s Office considers this total prohibition to be necessary in light of the violence and property damage in other North Carolina cities, the difficulty in ensuring the safety of protestors and the public given the limited space on the courthouse grounds inside the roundabout if two competing groups both wish to have access to the location at the same time, and the need to prevent conflict on the courthouse grounds from escalating into violence or destruction of property. *Id.* at ¶¶ 9–11.

While the scope of the prohibition is not entirely clear, as best the Court can tell, the Sheriff prohibits any protestors on the courthouse steps, the sidewalks immediately adjacent to and surrounding the courthouse, the space between the sidewalk and the monument, the crosswalk beside the monument, and on or beside the monument itself. *See* Doc. 54-9 at ¶¶ 11, 13. The prohibition remained in place for approximately two

months, though since the Court indicated a preliminary injunction was likely the prohibition has been somewhat relaxed. *See* Doc. 59-1.

Despite the prohibition, individual plaintiffs engaged in protests or attempted to engage in protests. *See, e.g.*, Doc. 2-2; Doc. 2-9. The protestors regularly gather in Sesquicentennial Park, on the northwest corner of the square, Doc. 50-1 at ¶¶ 2, 6–7; Doc. 54-9 at ¶ 13, and, while not completely clear, the Court infers that protestors are allowed on the sidewalks on the outer rim of the square. *See* Doc. 2-4 at ¶¶ 13–14.

Protestors have attempted to protest on the courthouse grounds but have been prevented from doing so on multiple occasions by Sheriff's deputies and physical impediments such as barricades put up by the County Defendants. Doc. 2-4 at ¶¶ 3–13; Doc. 47-8 at 2–3; Doc. 59-19 at ¶ 2-3. On multiple occasions throughout June and July and into August, the plaintiffs and other protestors have been explicitly threatened with arrest, *see, e.g.*, Doc. 2-5 at ¶¶ 2-10, or had access restricted, often upon implicit threat of arrest. Docs. 47-8 at ¶ 3; 59-18 at ¶¶ 6-7, 10; 59-19 at ¶¶ 5, 8. Others have been arrested for coming too close to, but not on, the monument or flower bed, or coming onto the courthouse sidewalks or steps. Doc. 52 at ¶ 46; Doc. 47-8 at ¶ 6; Doc. 54-9 at ¶ 14. Doc. 50-1 at ¶¶ 10–12.

Despite tensions between protestors and counter-protestors, the protests have been overwhelmingly peaceful. Doc. 52 at ¶ 44. Two pro-monument protestors were arrested for simple assault and disorderly conduct on June 2, *see id.*, two people were arrested following a physical altercation on June 21, Doc. 54-9 at ¶ 8, and one person was arrested for carrying a weapon at a protest. *Id.* at ¶ 10. Otherwise, there is no evidence of actual

violence. *See* Doc. 59-19 at ¶ 8. There is also no evidence that any property has been defaced or destroyed during any of the protests. There have, however, been a few threats of violence, including the use of weapons, and a few threats to damage the monument on social media. *See, e.g.,* Doc. 52-1; *see also* 54-9 at ¶¶ 9–10.

After the Court indicated a preliminary injunction was likely and, *inter alia*, gave the County Defendants time to plan, the County Defendants enacted a new policy governing the use of the courthouse grounds. *See* Doc. 58-1. There is no affirmative evidence in the form of an affidavit or declaration that the County Defendants will not return to a total prohibition on protests if the injunction does not issue, and the County Defendants have not contended that the motion for preliminary injunction is moot.

The plaintiffs contend this new policy remains overly broad and otherwise is constitutionally infirm. Doc. 60. The defendants contend the new policy imposes reasonable time, place, and manner restrictions that are narrowly tailored. But the only question raised in the pending motion is whether the total prohibition on protests should be enjoined. Whether the new policy violates the plaintiffs' First Amendment rights is not ripe for review; if the plaintiffs wish to challenge it, they will need to amend their pleadings and file a new motion for preliminary injunction. The Court expresses no opinion on the new policy.

ANALYSIS AND CONCLUSIONS OF LAW

To obtain a preliminary injunction, the plaintiffs must demonstrate that they are likely to succeed on the merits; they are likely to suffer irreparable harm absent preliminary relief; the equities favor a temporary restraining order; and a temporary

restraining order serves the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

I. Likelihood of Success on the Merits

The First Amendment prohibits the enactment of laws “abridging the freedom of speech . . . or the right of the people to peaceably assemble” U.S. CONST. amend. 1; *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015). Under long-established First Amendment law, governmental entities are “strictly limited” in their ability to regulate private speech in public fora. *Pleasant Grove City v. Summum*, 555 U.S. 460, 469 (2009); *Davison v. Randall*, 912 F.3d 666, 681 (4th Cir. 2019), *as amended* (Jan. 9, 2019). When the government maintains property which has been used as a traditional public forum for the expression of opinions, the government is required to accommodate all speakers and may only restrict the time, manner, and place of speech. *See, e.g., Am. Civil Liberties Union v. Mote*, 423 F.3d 438, 443 (4th Cir. 2005). Such restrictions must be content-neutral, narrowly drawn to serve a significant state interest, and leave open ample channels of communication of the information. *Id.* “Additional restrictions such as an absolute prohibition on a particular type of expression will be upheld only if narrowly drawn to accomplish a compelling governmental interest.” *United States v. Grace*, 461 U.S. 171, 177, (1983).

“Sidewalks, of course, are among those areas of public property that traditionally have been held open to the public for expressive activities and are clearly within those areas of public property that may be considered, generally without further inquiry, to be public forum property.” *Grace*, 461 U.S. at 179; *accord Occupy Columbia v. Haley*, 738

F.3d 107, 121 (4th Cir. 2013) (treating area outside South Carolina State House as a public forum for First Amendment purposes); *see also O'Connell v. Town of Burgaw*, 262 F. Supp. 3d 316, 320 (E.D.N.C. 2017) (finding the Pender County Courthouse Square and its surrounding public streets and sidewalks was a public forum). For purposes of this motion, it is undisputed that the courthouse steps, the sidewalks surrounding it, including the paved “reserved” space between the sidewalk and the monument, and the lawns at the courthouse corners are a traditional public forum. *See* Doc. 54 at ¶ 18.

The Sheriff’s long-term policy prohibits all protests on the courthouse steps, grounds, and sidewalks, regardless of content, and in this sense it is content-neutral. *See generally Ross v. Early*, 746 F.3d 546, 550, 552 (4th Cir. 2014) (finding a city policy that applied to all protestors was content-neutral). The plaintiffs have not contended otherwise for purposes of this motion. *See* Doc. 48.

It is highly doubtful that the Sheriff’s total prohibition on protests on the sidewalks, grounds, and steps of the courthouse, should it continue or resume, will survive scrutiny. The Supreme Court has held that a total prohibition against protests on the sidewalks surrounding a courthouse is unconstitutional where the prohibition does not sufficiently serve those public interests that are urged as its justification. *Grace*, 461 U.S. at 181. The Supreme Court acknowledged “the necessity to protect persons and property or to maintain proper order and decorum” within a courthouse’s grounds but noted that a “total ban” on protests which do not “obstruct[] the sidewalks or access to the Building, threaten[] injury to any person or property, or in any way interfere[] with the orderly

administration of the building or other parts of the grounds” is “no more necessary for the maintenance of peace and tranquility on the public sidewalks surrounding the [courthouse] than on any other sidewalks in the city.” *Id.* at 182.

The County Defendants contend that the need to prevent damage to the courthouse and to protect the public justify the total prohibition. Doc. 54-9 at ¶11. The County Defendants must show that the proffered harms are “real, not merely conjectural,” and that the policy “alleviate[s] these harms in a direct and material way.” *Satellite Broad. & Comm’ns Ass’n v. F.C.C.*, 275 F.3d 337, 356 (4th Cir. 2001) (quoting *Turner Broad. Sys. v. F.C.C.*, 512 U.S. 622, 664 (1994)).³ But here, just as in *Grace*, there is no evidence of any obstruction of the sidewalks or access to the courthouse. There is no evidence that protests have ever disrupted the ordinary functions at the courthouse or even that protests have ever taken place at times when the courthouse is open for operation. Like *Grace*, there is no evidence that the plaintiffs here have threatened injury to any person or have interfered with the orderly administration of the building. There is limited evidence of a very small number of vague threats of property damage, *see* Doc. 54-9 at ¶ 10; Doc. 52 at ¶ 49, but it is not recent. Likewise, the evidence of property damage in other cities and counties is now many weeks old. A total prohibition on protests on the courthouse grounds is an extreme remedy, it is not narrowly tailored, and it does not sufficiently serve these proposed justifications. *Grace*, 461 U.S. at 182.

³ The Court omits internal citations, alterations, and quotation marks throughout this opinion, unless otherwise noted. *See United States v. Marshall*, 872 F.3d 213, 217 n.6 (4th Cir. 2017).

The County Defendants also point out that the space around the monument, which is the focus of the protests, is small and that conflict is likely to result from allowing protestors and counter-protestors access to the space between the monument and the courthouse. If that is so, and it appears to be, the County is free to impose reasonable time, place, and manner restrictions on protests in this small space. But a total, long-term prohibition is not a reasonable time, place, and manner restriction. See *Ward v. Rock Against Racism*, 491 U.S. 781, 800 (1989). The plaintiffs are likely to prevail on the merits of their claim that the Sheriff's total long-term prohibition on protests on the steps, grounds, and sidewalks surrounding the courthouse is unconstitutional.

To the extent the plaintiffs contend that the narrow curb separating the monument flower beds from the street on the north, a parking space on the east, the area between the monument and the sidewalk on the north, and the crosswalk on the west is a traditional public forum, the present record does not support that conclusion. There is no evidence that the government has historically "made the space available—either by designation or long-standing custom—for 'expressive public conduct' or 'expressive activity,' and the space is compatible with such activity." *Davison*, 912 F.3d at 681 (quoting *Am. Civil Liberties Union v. Mote*, 422 F.3d 438, 443 (4th Cir. 2005)). As to the crosswalk space beside the monument, that is part of the roadway. The evidence shows it is very close to a parking space and could be used by a vehicle to back out of the parking space.⁴ As to

⁴The evidence does disclose that Sheriff's deputies prohibited access to the crosswalk by the monument during a protest when the streets were closed to vehicular traffic. See Doc. 47-8 at 2-3. The plaintiffs contend that the crosswalk should always be available for protest and have not

the narrow curb separating the monument flower beds from the street and reserved space and as to the crosswalk beside the monument, the plaintiffs have not established that they are likely to prevail on the merits.

II. Irreparable Injury

“[L]oss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373–74 (1976). The plaintiffs here have already been denied their First Amendment free speech rights for some weeks by the total prohibition of protests on the courthouse grounds. The issues are matters of intense public interest and discussion in the here and now. The plaintiffs are thus likely to suffer irreparable injury. This injury is imminent and immediate as the plaintiffs have ongoing plans for protests about and near the monument, they have been blocked from accessing the courthouse grounds, and they have been threatened with arrest if they attempt to pass through the Sheriff’s barricades. There have been shifting enforcement practices recently as to the prohibition, but the total prohibition was in place for weeks and there is no evidence it will not be resumed.

III. Balance of Equities and the Public Interest

An injunction of a likely unconstitutional governmental practice ordinarily does not harm the government, *see Giovanni Carandola, Ltd. v. Bason*, 303 F.3d 507, 521 (4th Cir. 2002), and upholding constitutional rights “surely serves” the public interest. *Id.* These factors favor a preliminary injunction against the total prohibition of protests.

suggested the County Defendants should be enjoined from restricting access to the crosswalk when the street was closed.

No party took advantage of the Court's invitation to submit language for an emergency exception. The Court nonetheless concludes an exception is appropriate and in the public interest. For example, if someone on the sidewalk had a heart attack and was unresponsive, prohibiting access so emergency personnel could reach the person is a good idea; one can imagine any number of exigent situations, however unlikely or rare, where a very short total prohibition would be necessary. An injunction which enjoined the defendants from acting in the face of such an emergency would be overbroad. Therefore, the Court will include an explicit provision that the injunction does not prohibit the defendants from "temporarily restricting access" to the outdoor Courthouse spaces "during short-term emergency situations." For clarity, even though it seems obvious, a protest, even a large protest, does not constitute a short-term emergency situation; if it did, the injunction would be meaningless in the context of this case.

CONCLUSION

The County Defendants imposed a total prohibition on protests in the traditional public forum of outdoor areas surrounding the Alamance County Historic Courthouse. The total prohibition is not a time, place, and manner restriction, and however strong the governmental interests are, the total prohibition is not narrowly tailored. The plaintiffs are entitled to a preliminary injunction, which will issue by separate order.

This the 14th day of August, 2020.


UNITED STATES DISTRICT JUDGE

EXHIBIT

Tables

File No

20CR 054378

WARRANT FOR ARREST

Offense

I M-RESISTING PUBLIC OFFICER
II M-INJURY TO PERSONAL PROPERTY
III M-DISORDERLY CONDUCT

THE STATE OF NORTH CAROLINA VS.

Name And Address Of Defendant

MAURICE WELLS JR.
10 ASPEN DR
APT. A
GREENSBORO NC 27409
GUILFORD COUNTY (336) 279-8339

Race

B

Sex

M

Date Of Birth

06/30/1986

Age

Social Security No./Tax ID No.

459-81-0467

Drivers License No. & State

22282557 NC

Name Of Defendant's Employer

Offense Code(s)

I 5310

II 2912

III 5330

Offense In Violation Of G.S.

I 14-223

II 14-160

III 14-288.4

Date Of Offense

09/26/2020

Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card)

Complainant (Name, Address Or Department)

MARK A DOCKERY JR JR.
ALAMANCE COUNTY SHERIFFS OFFICE

Names & Addresses Of Witnesses (Including Counties & Telephone Nos.)

DAVID SYKES
ALAMANCE COUNTY SHERIFFS OFFICE

Law Enforcement Case No.

LID No.

SID No.

FBI No.

889594LC4

STATE OF NORTH CAROLINA

In The General Court Of Justice
District Court Division

ALAMANCE

County

To any officer with authority and jurisdiction to execute a warrant for arrest for the offense(s) charged below:
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 the defendant named above unlawfully and willfully did resist, delay and obstruct SYKES, a public officer holding the office of DEPUTY SHERIFF, by FAILED TO HEED COMMANDS. At the time, the officer was discharging and attempting to discharge a duty of his office by REMOVING THE DEFENDANT FROM THE ROADWAY.

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 the defendant named above unlawfully and willfully did wantonly injure personal property, VEHICLE PASSING BY, the property of HAMLETT AUTO REPAIR.

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 the defendant named above unlawfully and willfully did intentionally cause a public disturbance at 1 NE COURT SQ, by engaging in fighting, violent conduct and conduct creating the threat of imminent fighting and violence. This conduct consisted of STRIKING A VEHICLE PASSING BY.

This act(s) was in violation of the law(s) referred to in this Warrant. This Warrant is issued upon information furnished under oath by the complainant listed. You are DIRECTED to arrest the defendant and bring the defendant before a judicial official without unnecessary delay to answer the charge(s) above.

Signature

KELLY R COUNCILMAN

Location Of Court

Alamance County Courthouse; CRMA

Court Date

10/20/2020

☐ Misdemeanor Offense Which Requires
Fingerprinting Per Fingerprint Plan

Date Issued

09/26/2020

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

212 W ELM ST

GRAHAM, NC 27253

Court Time

09:00

☒ A☐ I

STATE OF NORTH CAROLINA

ALAMANCE

County

File No.

20CR 054378

Name And Mailing Address Of Defendant
MAURICE WELLS JR.

10 ASPEN DR

APT. A

GREENSBORO

Telephone No. Of Defendant

NC

27409

In The General Court Of Justice
☒ District ☐ Superior Court Division

APPEARANCE BOND FOR PRETRIAL RELEASE

Total Bond Required

(336) 279-8339

\$2,500.00

Amount Of This Bond

\$2,500.00

Offenses And Additional File Numbers

20CR54378

20AB918376

G.S. 15A-531, 15A-534, 15A-544.2

M-RESISTING PUBLIC OFFICER; M-INJURY TO PERSONAL PROPERTY; M-DISORDERLY CONDUCT

☐ 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

09/26/2020

Signature Of Defendant

ACCOMMODATION BONDSMAN

☐ See attached AOC-CR-201A for additional accommodation bondsmen executing this bond.

Name And Address Of Accommodation Bondsman

Name And Address Of Accommodation Bondsman

Telephone No.

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

Date

09/26/2020

Signature

KELLY R COUNCILMAN

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

Name Of Official Accepting Cash (type or print)

Receipt No.

NOTE: If cash deposited, see note on reverse side.

OTHER AGENCY COPY

(see AOC-CR-238 if release
after judgment in superior court)

Original - File
(Over)

AOC-CR-201, Rev. 4/18

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STATE OF NORTH CAROLINA

ALAMANCE

County

File No

20CR 054378

In The General Court Of Justice

☒ District ☐ Superior Court Division

STATE VERSUS

Name And Address Of Defendant

MAURICE WELLS JR.

10 ASPEN DR

APT. A

GREENSBORO

NC

27409

CONDITIONS OF RELEASE
AND RELEASE ORDER

20RO918346

G.S. Chapter 15A, Art. 25, 26

Amount Of Bond

\$ 2,500.00

Offenses And Additional File Numbers

20CR54378

WFA; M-RESISTING PUBLIC OFFICER; M-INJURY TO PERSONAL PROPERTY; M-DISORDERLY CONDUCT

Location Of Court

Alamance County Courthouse; CRMA

☐ See Attachment☒ District ☐ Superior

Date

10/20/2020

Time

09:00

☒ AM☐ 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.

☒ 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

DO NOT COME BACK INTO THE CITY LIMITS OF GRAHAM NC UNLESS IT IS FOR YOUR PENDING

COURT DATES UNTIL BOTH OF YOUR CASES(20CR53112 & 20CR54378) ARE DISPOSED OF PER
MAGISTARTE COUNCILMAN 09/26/2020

☐ 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

NOW HAS TWO PENDING CASES WHICH HE HAS BEEN ARRESTED FOR DISORDERLY CONDUCT AT A DEMONSTRATION IN COURT SQUARE IN GRAHAM NC(20CR53112 & 20CR54378)

Date

09/26/2020

Signature Of Judicial Official

KELLY R COUNCILMAN

☒ Magistrate ☐ Deputy CSC ☐ Assistant CSC☐ Clerk Of Superior Court ☐ District Court Judge ☐ 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: ☒ 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

09/26/2020

Signature Of Judicial Official

KELLY R COUNCILMAN

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

Time

☐ AM☐ PM

Signature Of Jailer

AOC-CR-200, Rev. 12/18

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DEFENDANT COPY

MODIFIED JUDGMENT/HEARING ON PROBATION VIOLATION

☐ MOTION FOR APPROPRIATE RELIEF
☐ CHARGE OF CONTEMPT

☐ FAILURE TO COMPLY
☐ VIOLATION OF GS 90-96

☐ PROBATION VIOLATION
☐ SHOW CAUSE

STATE VS. Maurice Wells Jr PROSECUTOR NMW

FILE # 20 CR 54378 DEFENSE ATTY Haddix

PLEA: ☐ GUILTY/RESPONSIBLE VERDICT: ☐ GUILTY/RESPONSIBLE CLASS _____
☐ NOT GUILTY/NOT RESPONSIBLE ☐ NOT GUILTY/NOT RESPONSIBLE
☐ NO CONTEST

LEVEL _____

JUDGMENT: IT IS ORDERED THAT THE DEFENDANT:

☐ PAY COURT COST ☐ PAY A FINE OF \$ _____

☐ BE IMPRISONED IN THE _____ COUNTY JAIL FOR _____
TO BE ASSIGNED TO THE NORTH CAROLINA DEPT OF CORRECTIONS

WITH THE CONSENT OF THE DEFENDANT, THIS SENTENCE IS SUSPENDED FOR _____ MONTHS UPON THE FOLLOWING TERMS AND CONDITIONS:

☐ PAY COURT COST ☐ PAY A FINE OF \$ _____

☐ BE PLACED ON SUPERVISED PROBATION FOR _____ MONTHS UNDER THE USUAL TERMS AND CONDITIONS OF PROBATION.

☐ OTHER: restriction on banishment from Graham, w/out
objection from the state, will be lifted.
from pre-trial release condition

(SEE BACK FOR ADDITIONAL CONDS)

PROB. VIOLATION: ☐ ADMITS VIOLATION ☐ DENIES VIOLATION PROB OFFICER: _____

☐ THE DEFENDANT'S PROBATION IS REVOKED AND HE/SHE IS TO BE IMPRISONED FOR A TERM OF _____

☐ THE DEFENDANT IS CONTINUED ON PROBATION W/THE FOLLOWING MODIFICATIONS

☐ THE DEFENDANT GIVES NOTICE OF APPEAL TO THE ALAMANCE COUNTY SUPERIOR COURT.

☐ NEW BOND SET AT \$ _____ ☐ DEFENDANT WILL REMAIN UNDER SAME BOND

THIS THE 12 DAY OF October, 2020.

Hf
DISTRICT COURT JUDGE

WMM
XMOONT

14 ELLW WMM
38822 SWS

take pictures with lightmeter to determine
light level at that spot and make
corrections for light meter

05-50

15

10

STATE OF NORTH CAROLINA

ALAMANCE County

File No.

20 CR 54378

In The General Court Of Justice

☒ District ☐ Superior Court Division

STATE VERSUS

Name Of Defendant

Maurice Wells

WAIVER OF COUNSEL

G.S. 7A-457; 15A-12

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

RDU / IPP - 200 / DC

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

10-12-20

Date

10/12/20

Signature

Deputy CSC

Signature Of Defendant

X

Yin 2

☒ Deputy CSC

☐ Assistant CSC

☐ Clerk Of Superior Court

CERTIFICATE OF JUDGE

I certify that the above named defendant has been fully informed in open court 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

12 Oct 2020

Signature Of Judge

Name Of Judge (Type Or Print)

KW Overby

10.20

1915-16

1915-16

1915-16

1915-16

1915-16