

File No. 20CR 054381	Law Enforcement Case No. ALAMANCE COUNTY SHERIFFS OFFICE	LID No.	SID No.	FBI No. 636472MD1		
MAGISTRATE'S ORDER		STATE OF NORTH CAROLINA				
Offense I M-DISORDERLY CONDUCT		In The General Court Of Justice District Court Division				
THE STATE OF NORTH CAROLINA VS.		ALAMANCE County				
Name And Address Of Defendant AVERY MARKEL HARVEY 1510 S. MEBANE ST APT L BURLINGTON NC 27215 ALAMANCE COUNTY (336) 512-9943		<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 1 NW CT SQUARE, 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 COUNTER-PROTESTORS and consisted of SHOUTED "FUCK Y'ALL".</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>				
Race B	Sex M				Date Of Birth 07/08/1990	Age
Social Security No. 245-67-6479					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 09/26/2020						
Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card) 09/26/2020 160944CM						
Arresting Officer (Name, Address Or Department) MARK A DOCKERY JR. ALAMANCE COUNTY SHERIFFS OFFICE 109 SOUTH MAPLE ST GRAHAM NC 27253 ALAMANCE COUNTY (336) 570-6300						
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						
<input type="checkbox"/> Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan	Date Issued 09/26/2020				<input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	Location Of Court Alamance County Courthouse; CRMA 212 W ELM ST GRAHAM, NC 27253

(over)

ORIGINAL COPY

S274703 05/26/21 16:29:00

PAYOR: HARVEY, AVERY, MARKEL
 PAYEE:
 CASE#: 20CR 054381 VCAP:N
 CITAH:

22210 CO FAC FEE D CR 12.00
 22500 CO OFFICER FEES 5.00
 22700 FINES 50.00
 21210 DC-CRIM FEES 146.55
 21214 DC-CR LAA FEES .95
 21700 LEOB & RF - ST 7.50
 21705 LEO TRNG & CERT 3.00
 24617 IND DEFENSE FEE 2.00
 24681 JUD TECH & FAC 4.00
 24322 STATE DNA FEE 2.00

TOTAL PAID 233.00
 CC TENDERED 233.00
 CHANGE .00

5764 ID COORRJ

CREDIT CARD FEES NOT INCLUDED.
 *SEE CREDIT CARD RECEIPT FOR FEES.***

District Attorney KPH	<input type="checkbox"/> Waived <input type="checkbox"/> Not Indigent <input type="checkbox"/> Denied	Attorney For Defendant J. Paulen	<input type="checkbox"/> Appointed <input type="checkbox"/> Retained	PRIOR CONVICTIONS: No./Level: <input type="checkbox"/> 0 <input type="checkbox"/> I (0) <input type="checkbox"/> II (1-4) <input type="checkbox"/> III (5+)
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PLEA: guilty no contest _____ VERDICT: guilty **imp traf sft** M.CL. A1 1 2 3
 guilty no contest _____ guilty **stand lie** M.CL. A1 1 2 3
 guilty no contest _____ guilty _____ M.CL. A1 1 2 3
 not guilty _____ 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: pay costs and a fine of \$ _____.
 be imprisoned for a term of _____ days in the custody of the sheriff. MCP. DAC.* 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 \$ 50	Restitution** \$ _____	Attorney's Fee \$ _____	Community Service Fee \$ _____	Other \$ _____
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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: **CT 1-DC**

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:

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 Magistrate's Order and the Count(s) is dismissed.

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 **5/26/21** Name Of District Court Judge Or Magistrate (Type Or Print) **WLL** Signature Of District Court Judge Or Magistrate _____

Date Waived _____ Signature Of Defendant _____
 Signature Of Attorney _____

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 _____	<input type="checkbox"/> Dep. CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> CSC
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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. Avery Markel Harvey
FILE # 20CR54381

PROSECUTOR KPH
DEFENSE ATTY Jamie Pavlen

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: Defense motion to dismiss at the close of the state's evidence is allowed on count 1. On count 2 it is denied.

(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 21st DAY OF May, 2021.

[Signature]
DISTRICT COURT JUDGE

HYA ... 19707 ... USA
... ...

... Defense ...
... ...

... ...

STATE OF NORTH CAROLINA

File No.

20CR054381

County

In The General Court Of Justice
 District Superior Court Division

STATE VERSUS

Name And Address Of Defendant

AVERY MARKEL HARVEY
1510 SOUTH MEBANE STREET
APT. L
BURLINGTON NC 27215

2020 DEC 22 A 11:35 MISDEMEANOR
STATEMENT OF CHARGES

Race

B

Sex

M

Date Of Birth

07/08/1990

G.S. 15A-922

Offense(s)	Date Of Offense OR Date Range Of Offense	G.S. No.	CL.
DISORDERLY CONDUCT	09/26/2020	14-288.4	2
IMPEDE TRAFFIC SIT/STAND/LIE	09/26/2020	20-174.1	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:

did intentionally cause a public disturbance at 1 NW COURT SQUARE, 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 COUNTER-PROTESTERS and consisted of SHOUTING 'FUCK Y'ALL'.

COUNT II:

did SIT, STAND, OR LIE IN THE ROADWAY, to wit: 1 NW COURT SQUARE, thereby impeding the regular flow of traffic.

Date

12/21/2020

Name Of Prosecutor (type or print)

KEVIN PATRICK HARRISON

Signature Of Prosecutor

Kevin Patrick Harrison