

File No. 20CR 055725		Law Enforcement Case No. 2020120123 GRAHAM POLICE DEPARTMENT		LID No.	SID No.	FBI No. 636472MD1		
MAGISTRATE'S ORDER		STATE OF NORTH CAROLINA <div style="display: flex; justify-content: space-between;"> ALAMANCE County In The General Court Of Justice District Court Division </div>						
Offense I M-DISORDERLY CONDUCT		<p>I, the undersigned, find that the defendant named above has been arrested without a warrant and the defendant's detention is justified because there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully and willfully did intentionally cause a public disturbance at NORTHWEST COURT SQUARE GRAHAM, NC, by making utterances and using abusive language, intended and plainly likely to provoke immediate violent retaliation and thereby cause a breach of the peace. The acts of the defendant were directed toward THOMAS MAY, ROBERT BUTLER, EDDIE MERCER and consisted of FUCK YOU, WHAT YOU GOING TO DO, POSED HIMSELF IN A MANNER INDICATING WILLINGESS TO FIGHT.</p> <p style="color: blue; font-size: 1.2em; margin-top: 20px;">VD (PER VICTIMS; SEE SHUCK)</p>						
THE STATE OF NORTH CAROLINA VS. Name And Address Of Defendant AVERY MARKEL HARVEY 314 FIELD ST GRAHAM NC 27253 ALAMANCE COUNTY (336) 512-9943 Alias I: AVERY M. HARVEY								
Race B	Sex M						Date Of Birth 07/08/1990	Age
Social Security No. 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 12/13/2020								
Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card) 12/13/2020								
Arresting Officer (Name, Address Or Department) J PAYNE GRAHAM POLICE DEPARTMENT 216 S MAPLE ST GRAHAM NC 27253 ALAMANCE COUNTY (336) 570-6711								
Names & Addresses Of Witnesses (Including Counties & Telephone Nos.)								
<input type="checkbox"/> Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan		Date Issued 12/13/2020						
<input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Assistant CSC		<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Clerk Of Superior Court						
Signature BERTRAM F. HEATHCOTE III		Location Of Court Alamance County Courthouse; CRMA 212 W ELM ST GRAHAM, NC 27253						
		Court Date 02/01/2021 Court Time 09:00 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM						

District Attorney		<input type="checkbox"/> Waived <input type="checkbox"/> Not Indigent <input type="checkbox"/> Denied		Attorney For Defendant		<input type="checkbox"/> Appointed <input type="checkbox"/> Retained		PRIOR CONVICTIONS: No./Level: <input type="checkbox"/> 0 <input type="checkbox"/> I (0) <input type="checkbox"/> II (1-4) <input type="checkbox"/> III (5+)	
PLEA: <input type="checkbox"/> guilty <input type="checkbox"/> no contest _____ <input type="checkbox"/> guilty <input type="checkbox"/> no contest _____ <input type="checkbox"/> guilty <input type="checkbox"/> no contest _____ <input type="checkbox"/> not guilty _____		VERDICT: <input type="checkbox"/> guilty _____ M.CL. <input type="checkbox"/> A1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> guilty _____ M.CL. <input type="checkbox"/> A1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> guilty _____ M.CL. <input type="checkbox"/> A1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> not guilty _____		JUDGMENT: The defendant appeared in open court and freely, voluntarily and understandingly entered the above plea; on the above verdict, it is ORDERED that the defendant: <input type="checkbox"/> pay costs and a fine of \$ _____. <input type="checkbox"/> be imprisoned for a term of _____ days in the custody of the <input type="checkbox"/> sheriff. <input type="checkbox"/> MCP. <input type="checkbox"/> DAC.* Pretrial credit _____ days served. <input type="checkbox"/> Work release <input type="checkbox"/> is recommended. <input type="checkbox"/> is not recommended. [<input type="checkbox"/> is ordered. (use form AOC-CR-602)] <input type="checkbox"/> The Court finds that a <input type="checkbox"/> longer <input type="checkbox"/> shorter period of probation, than that which is specified in G.S. 15A-1343.2(d), is necessary. <input type="checkbox"/> Execution of the sentence is suspended and the defendant is placed on unsupervised probation* for _____ months, subject to the following conditions: 1. commit no criminal offense in any jurisdiction. 2. possess no firearm, explosive or other deadly weapon listed in G.S. 14-269. 3. remain gainfully and suitably employed or faithfully pursue a course of study or of vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. 4. satisfy child support and family obligations, as required by the Court. 5. pay to the Clerk the costs of court and any additional sums shown below.					
Fine \$ _____		Restitution** \$ _____		Attorney's Fee \$ _____		Community Service Fee \$ _____		Other \$ _____	
**Name(s), address(es), and amount(s) for aggrieved party(ies) to receive restitution: NOTE TO CLERK: Record SSN or Tax ID No. of aggrieved party(ies) on AOC-CR-382, "Certification Of Identity (Victims' Restitution)/Certification Of Identity (Witness Attendance)."									
<input type="checkbox"/> 6. complete _____ hours of community service during the first _____ days of probation, as directed by the judicial services coordinator, and pay the fee prescribed by G.S. 143B-708 within _____ days. <input type="checkbox"/> 7. not be found in or on the premises of the complainant or _____. <input type="checkbox"/> 8. not assault, communicate with or be in the presence of the complainant or _____. <input type="checkbox"/> 9. provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319) <input type="checkbox"/> 10. Other: _____ _____ _____ _____ _____									
APPEAL ENTRIES									
<input type="checkbox"/> The defendant, in open court, gives notice of appeal to the <input type="checkbox"/> District <input type="checkbox"/> Superior Court. <input type="checkbox"/> The current pretrial release order is modified as follows: _____									
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							
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				<input type="checkbox"/> Dep. CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> CSC	

DEC 15 2020
Trial Date 12 / 13 / 20 NO. 20CR 55725

2 / 1 / 21A _____ / _____ / _____
4 / 7 / 21B _____ / _____ / _____
5 / 26 / 21B _____ / _____ / _____

TRIAL

MAY 26 2021



VD[KPH] (PER VICS.; SEE REVERSE OF SHUCK)

Called and Failed 2 / 1 / 21 RUD

OFA/WFA _____ / _____ / _____

20-Day FTA _____ / _____ / _____

Forfeiture _____ / _____ / _____

Waived _____ / _____ / _____

Stricken _____ / _____ / _____

40-Day FTC _____ / _____ / _____

Stricken _____ / _____ / _____

4.26.21.A

Do not want to
PERSUE

Judy E. Stuart
Alan Stuart
Eddie ~~Stuart~~
~~Stuart~~