

Printed on 03/23/2021 02:15:03 PM

<i>File No.</i> <b>20CR 055740</b>		<i>Law Enforcement Case No.</i>		<i>LID No.</i>	<i>SID No.</i>	<i>FBI No.</i>				
<b>CRIMINAL SUMMONS</b>		<b>STATE OF NORTH CAROLINA</b>								
<i>Offense</i> I M-SIMPLE ASSAULT		ALAMANCE County			In The General Court Of Justice District Court Division					
<b>THE STATE OF NORTH CAROLINA VS.</b>		<p><b>To the defendant:</b> I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above you unlawfully and willfully did assault AVERY HARVEY by PICKING UP A CHAIR AND ATTEMPTING TO THROW IT AT HIM THEN TRYING TO KICK HIM IN THE LEGS.</p> <p style="color: blue; font-size: 1.2em;">VD (PER PW; SEE REVERSE OF SHUCK)</p> <p>This act was in violation of the law referred to in this Criminal Summons. This Summons is issued upon information furnished under oath by the complainant listed. You are ORDERED to appear before the Court at the location, date and time indicated below to answer to the charge. If you fail to appear, an order for your arrest may be issued and you may be held in CONTEMPT OF COURT. Arrest and/or contempt for failure to appear is in addition to any sentence which may be imposed for the crime charged.</p> <p><input checked="" type="checkbox"/> The undersigned finds the following cause to set a court date more than one month from the issue of this summons: COVID 19</p>								
<i>Name And Address Of Defendant</i> EDDIE MOORE MERCER JR. 830 MONROE HOLT RD  GRAHAM NC 27253 ALAMANCE COUNTY										
<i>Race</i> W	<i>Sex</i> M						<i>Date Of Birth</i> 06/19/1949	<i>Age</i>		
<i>Social Security No.</i>							<i>Drivers License No. &amp; State</i>			
<i>Name Of Defendant's Employer</i>										
<i>Offense Code(s)</i> I 1368							<i>Offense In Violation Of G.S.</i> I 14-33(A)			
<i>Date Of Offense</i> 12/13/2020										
<i>Complainant (Name, Address Or Department)</i> AVERY MARKEL HARVEY 314 FIELD ST  GRAHAM NC 27253 ALAMANCE COUNTY (336) 512-9943										
<i>Names &amp; Addresses Of Witnesses (Including Counties &amp; Telephone Nos.)</i>										
<i>Signature</i> WENDY HUNTER							<i>Location Of Court</i> Alamance County Courthouse; CRMA 212 W ELM ST GRAHAM, NC 27253		<i>Court Date</i> 05/14/2021	
<input type="checkbox"/> Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan	<i>Date Issued</i> 12/14/2020	<input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Clerk Of Superior Court	<i>Court Time</i> 09:00 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM						

(over)

**ORIGINAL COPY**

**VRA Case**

If this Criminal Summons is not served within ninety (90) days or by the date the defendant is directed to appear, whichever is earlier, it must be returned to the Clerk of Court in the county in which it was issued with the reason for the failure of service noted thereon.

District Attorney

- Waived
 Not Indigent
 Denied

Attorney For Defendant

- Appointed
 Retained

PRIOR CONVICTIONS:

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

RETURN OF SERVICE

I certify that this Criminal Summons was received and served as follows:

Date Received 3/23/21 Date Served 3/23/21 Time Served 1:11 AM/PM

By personally serving this Criminal Summons on the defendant.

This Criminal Summons WAS NOT served for the following reason:

Signature Of Officer Making Return Name Of Officer (type or print)

Department/Or Agency Of Officer

Graham Police

REDELIVERY/REISSUANCE

Date Signature Dep. CSC Assist. CSC CSC

The above clerk finds the following cause to set a court date more than one month from reissue:

RETURN FOLLOWING REDELIVERY/REISSUANCE

I certify that this Criminal Summons was received and served as follows:

Date Received Date Served Time Served AM/PM Date Returned

By personally serving this Criminal Summons on the defendant.

This Criminal Summons WAS NOT served for the following reason:

Signature Of Officer Making Return Name Of Officer (type or print)

Department Or Agency Of Officer

APPEAL ENTRIES

The defendant, in open court, gives notice of appeal to the District Superior Court.

The current pretrial release order is modified as follows:

Date Signature Of District Court Judge Or Magistrate

WAIVER OF PROBABLE CAUSE HEARING

The undersigned defendant, with the consent of his/her attorney, waives the right to a probable cause hearing.

Date Waived Signature Of Defendant

Signature Of Attorney

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

PLEA: guilty no contest

VERDICT: guilty M.CL. 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)]

Fine Restitution\*\* Attorney's Fee Community Service Fee Other

\*\*Name(s), address(es), and amount(s) for aggrieved party(ies) to receive restitution: (NOTE TO CLERK: Record SSN or Tax ID No. of aggrieved party(ies) on AOC-CR-382, "Certification Of Identity (Victims' Restitution)/Certification Of Identity (Witness Attendance).")

- 6. complete hours of community service during the first days of probation, as directed by the judicial services coordinator, and pay the fee prescribed by G.S. 143B-708 within days.
7. not be found in or on the premises of the complainant or
8. not assault, communicate with or be in the presence of the complainant or
9. provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319)
10. Other:

It is ORDERED that this: Judgment is continued upon payment of costs. case be consolidated for judgment with sentence is to run at the expiration of the sentence in

COMMITMENT: It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff and that the sheriff cause the defendant to be retained in custody to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.

PROBABLE CAUSE:

Probable cause is found as to all Counts except and the defendant is bound over to Superior Court for action by the grand jury. No probable cause is found as to Count(s) of this Criminal Summons and the Count(s) is dismissed.

Date Name Of District Court Judge Or Magistrate (type or print) Signature Of District Court Judge Or Magistrate

MAR 24 2021

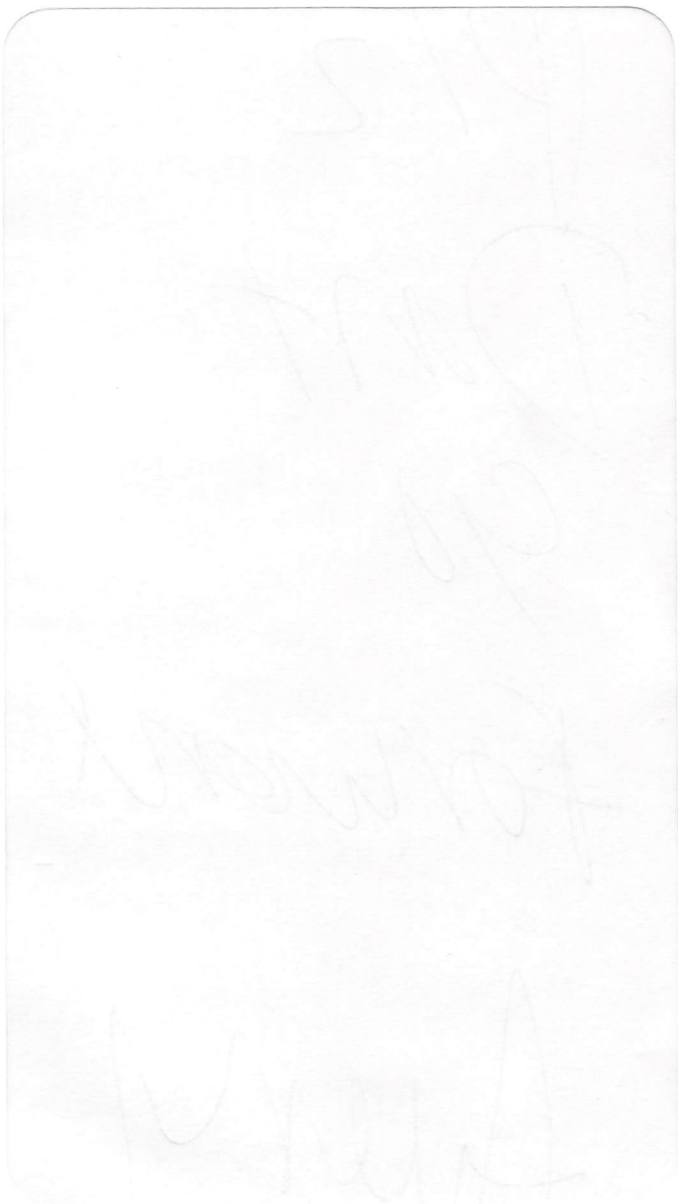
Trial Date ~~2/1/21~~

NO. 20CR55740

5/14/21B	_____	_____	_____	_____	_____
5/26/21B	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

MAY 26 2021

VD **KPH** (PER PW; SEE REVERSE OF SHUCK)



SLIAX

Called and Failed	_____ / _____ / _____	Stricken	_____ / _____ / _____
OFA/WFA	_____ / _____ / _____	40-Day FTC	_____ / _____ / _____
20-Day FTA	_____ / _____ / _____	Stricken	_____ / _____ / _____
Forfeiture	_____ / _____ / _____		
Waived	_____ / _____ / _____		

Plz  
Don't  
go

forward

Avery

Mar  
26<sup>th</sup> 21