

File No. <div style="text-align: center; font-weight: bold; font-size: 1.2em;">21CR 052137</div>		Law Enforcement Case No. 2021-05-068 ALAMANCE COUNTY SHERIFFS OFFICE		LID No.	SID No.	FBI No. 636472MD1	
MAGISTRATE'S ORDER		STATE OF NORTH CAROLINA					
Offense I M-DEFACING PUBLIC BUILDING		In The General Court Of Justice District Court Division <div style="text-align: center; font-weight: bold; font-size: 1.1em;">ALAMANCE County</div>					
THE STATE OF NORTH CAROLINA VS.							
Name And Address Of Defendant AVERY MARKEL HARVEY 314 FIELD ST GRAHAM NC 27253 ALAMANCE COUNTY (336) 457-0805		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 did deface THE FENCE SURROUNDING THE MONUMENT, a public building located at 1 NE COURT SQ GRAHAM, NC by AFFIXING A FLAG TO THE FENCE SURROUNDING THE MONUMENT.					
Race B	Sex M	Date Of Birth 07/08/1990	Age				
Social Security No. [REDACTED]		Drivers License No. & State 34153037 NC					
Name Of Defendant's Employer							
Offense Code(s) I 2916		Offense In Violation Of G.S. I 14-132(A)(2)					
Date Of Offense 05/05/2021 through 05/05/2021							
Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card) 05/05/2021 3950 UCY							
Arresting Officer (Name, Address Or Department) C BUYTAS ALAMANCE COUNTY SHERIFFS OFFICE 109 SOUTH MAPLE ST GRAHAM NC 27253 ALAMANCE COUNTY (336) 570-6300							
Names & Addresses Of Witnesses (Including Counties & Telephone Nos.)							
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.							
<input type="checkbox"/> Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan		Date Issued 05/05/2021		Signature JEFFREY HOLLAN		Location Of Court Alamance County Courthouse; CRMA 212 W ELM ST GRAHAM, NC 27253	Court Date 06/15/2021 Court Time 09:00 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
		<input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court					

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		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="6" style="text-align: center; padding: 2px;">PRIOR CONVICTIONS:</th> </tr> <tr> <td style="padding: 2px;">No./Level:</td> <td style="padding: 2px;">0</td> <td style="padding: 2px;"><input type="checkbox"/> I (0)</td> <td style="padding: 2px;"><input type="checkbox"/> II (1-4)</td> <td style="padding: 2px;"><input type="checkbox"/> III (5+)</td> <td style="padding: 2px;"></td> </tr> </table>		PRIOR CONVICTIONS:						No./Level:	0	<input type="checkbox"/> I (0)	<input type="checkbox"/> II (1-4)	<input type="checkbox"/> III (5+)	
PRIOR CONVICTIONS:																	
No./Level:	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"/> guilty <input type="checkbox"/> guilty <input type="checkbox"/> not guilty		<input type="checkbox"/> no contest <input type="checkbox"/> no contest <input type="checkbox"/> no contest <input type="checkbox"/> no contest		VERDICT: <input type="checkbox"/> guilty <input type="checkbox"/> guilty <input type="checkbox"/> guilty <input type="checkbox"/> not guilty													
M.C.L. <input type="checkbox"/> A1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 M.C.L. <input type="checkbox"/> A1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 M.C.L. <input type="checkbox"/> A1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 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: <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															

STATE OF NORTH CAROLINA		File No. 21CR 052137	
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 AVERY MARKEL HARVEY 314 FIELD ST		APPEARANCE BOND FOR PRETRIAL RELEASE	
GRAHAM NC 27253			
Telephone No. Of Defendant (336) 457-0805			
Total Bond Required \$ 1,000.00	Amount Of This Bond \$ 1,000.00	# 21AB437186	G.S. 15A-531, 15A-534, 15A-544.2
Offenses And Additional File Numbers 21CR52137 M-DEFACING PUBLIC BUILDING			
<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 05/05/2021		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 05/05/2021	Signature JEFFREY HOLLAN	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

muller / Maye

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.

STATE OF NORTH CAROLINA		File No. 21CR 052137	
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 AVERY MARKEL HARVEY 314 FIELD ST GRAHAM NC 27253		# 21RO437162 Amount Of Bond \$1,000.00 G.S. Chapter 15A, Art.	
Offenses And Additional File Numbers 21CR52137 MAG ORDR; M-DEFACING PUBLIC BUILDING			
Location Of Court Alamance County Courthouse; CRMA		<input checked="" type="checkbox"/> District <input type="checkbox"/> Superior	Date 06/15/2021 Time 09:00 <input checked="" type="checkbox"/> AM
<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 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 <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 RETURN TO THE AREA OF THE HISTORIC COURTHOUSE LOCATED AT THE CORNER OF 1ST STREET AND 1ST AVENUE, GRAHAM, NC UNLESS ON OFFICIAL BUSINESS.</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.</p> <p><input type="checkbox"/> 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 this Court.</p> <p><input type="checkbox"/> 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 NUMEROUS ARRESTS IN THE AREA OF HISTORIC COURTHOUSE.</p>			
Date 05/05/2021	Signature Of Judicial Official JEFFREY HOLLAN		<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 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	Date	Signature Of Judicial Official JEFFREY HOLLAN	
WRITTEN PROMISE TO APPEAR OR CUSTODY RELEASE			
<p>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 to supervise me.</p>			
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 5/5/21	Time 2012	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Signature Of Jailer M. [Signature]
AOC-CR-200, Rev. 12/18 ORIGINAL COPY			

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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