

GRAND JURY QUESTIONNAIRE

The presiding judge is required to select a foreperson for the Grand Jury. Please complete this Questionnaire. Your answers will be sealed and can only be opened by order of the Court.

1. Name (please print) _____; Age _____
2. Number of years completed in school. _____
3. Have you ever served on a Grand Jury before (including the past six months)? _____
4. Have you ever served as foreperson of a Grand Jury?
If so, when? _____
5. Have you ever been convicted of a criminal offense (other than minor traffic convictions)? _____
6. Where are you employed? _____
7. How long have you worked there? _____
8. What position do you hold and/or what are your work duties?

9. Do you supervise other employees at work? _____
10. List any professional, religious, or civic organizations to which you belong. _____
11. List any offices or positions of leadership you have held in the above organizations. _____
12. Whom do you recommend (including yourself) to be the foreperson of this Grand Jury? _____
13. If chosen, would you be willing to serve as foreperson for the next six months? _____

Signature

NORTH CAROLINA
_____ COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

IN RE: GRAND JURY FOREPERSON
APPOINTMENT

ORDER

This matter coming on to be heard before the undersigned Judge assigned to preside over the Superior Court of the above-captioned county. This is a session at which this court is required to impanel a new grand jury and to appoint a new foreperson of the grand jury.

It appears to the court and the court finds as facts the following:

That ____ new jurors were randomly selected by the clerk from the jurors regularly summoned from this session of court.

Upon selection and composition of the new grand jury as described above, the undersigned judge proceeded to explain to the grand jury the responsibilities of the foreperson and assistant foreperson of the grand jury. The court further informed the grand jurors that it is the responsibility of the court to appoint a foreperson and assistant foreperson, and that in order to assist the court in making this selection, each grand juror would be required to complete a written questionnaire, such questionnaires being used for purposes of gaining information as to the qualities and characteristics of each grand juror. Upon completion of the questionnaires, each questionnaire was reviewed by the court, paying particular attention to qualities of leadership ability, fairness, education, prior grand jury experience and ability to follow instructions. In selecting a grand jury foreperson, all members of the grand jury were considered as possible candidates and the court specifically made the selection of the foreperson and assistant foreperson in a racially neutral manner.

Considering information received from the grand jurors, this court in its discretion determines that based on the criteria of leadership ability, fairness, education, prior grand jury experience, and ability to follow instructions, _____ is a fit and proper person to serve as foreperson of this grand jury and _____ is a fit and proper person to serve as assistant foreperson.

Based on the foregoing facts, the court concludes as matters of law:

That the presiding Judge must appoint a member of the grand jury as foreperson.

That this selection was made through a racially neutral procedure.

THEREFORE, the court in the exercise of its informed discretion hereby appoints _____ as foreperson of the grand jury of this county, and _____ as assistant foreperson.

It is further ORDERED that the clerk shall keep a copy of this Order with the permanent minutes of this Court.

It is further ORDERED that the Clerk place the eighteen completed questionnaires in a sealed envelope, not to be opened except by court order, and that it be kept with the permanent minutes of this court.

This the _____ day of _____, 19____.

Forrest Donald Bridges
Superior Court Judge

NORTH CAROLINA
_____ COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

IN RE: GRAND JURY FOREPERSON
APPOINTMENT

ORDER

This matter coming on to be heard before the undersigned Judge assigned to preside over the Superior Court of the above-captioned county. This is a session at which this court is required to impanel a new grand jury and to appoint a new foreperson of the grand jury.

It appears to the court and the court finds as facts the following:

That ____ new jurors were randomly selected by the clerk from the jurors regularly summoned from this session of court.

Upon selection and composition of the new grand jury as described above, the undersigned judge proceeded to explain to the grand jury the responsibilities of the foreperson and assistant foreperson of the grand jury. The court further informed the grand jurors that it is the responsibility of the court to appoint a foreperson and assistant foreperson, but that the court would entertain recommendations from the grand jury for the positions of foreperson and assistant foreperson. The grand jury also was informed by the court that, in making such recommendations, all members of the grand jury should be considered as possible candidates, that any recommendations should be based upon the leadership ability, fairness, education, prior grand jury experience and ability to follow instructions and that the persons recommended must be selected in a racially neutral manner. After receiving the recommendations of the grand jurors, the Court again inquired and was assured that the recommendations had been made in a racially neutral manner.

Considering the recommendations and other information received from the grand jurors, this court in its discretion determines that based on the criteria of leadership ability, fairness, education, prior grand jury experience, and ability to follow instructions, _____ is a fit and proper person to serve as foreperson of this grand jury and _____ is a fit and proper person to serve as assistant foreperson.

Based on the foregoing facts, the court concludes as matters of law:

That the presiding Judge must appoint a member of the grand jury as foreperson.

That this selection was made through a racially neutral procedure.

THEREFORE, the court in the exercise of its informed discretion hereby appoints
_____ as foreperson of the grand jury of this county, and
_____ as assistant foreperson.

It is further ORDERED that the clerk shall keep a copy of this Order with the permanent minutes of this Court.

This the _____ day of _____, 19__.

Forrest Donald Bridges
Superior Court Judge

STATE OF NORTH CAROLINA
COUNTY OF LINCOLN

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

TO THE HONORABLE JUDGE PRESIDING:

GRAND JURY REPORT

We, the Grand Jury for the May 16, 2022
Session of Criminal Superior Court of Lincoln County, North Carolina, respectfully submit the following report:

We were presented with 177 bills of indictment.

We found 162 True bills.

We found 4 not True bills.

We continued 11 for lack of witnesses.

14 members of the Grand Jury were present.

Respectfully submitted,

Donna Buss

Foreman of the Grand Jury

STATE OF NORTH CAROLINA
COUNTY OF LINCOLN

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

TO THE HONORABLE JUDGE PRESIDING:

GRAND JURY REPORT

We, the Grand Jury for the _____

Session of Criminal Superior Court of Lincoln County, North Carolina, respectfully submit the following report:

We were presented with _____ bills of indictment.

We found _____ True bills.

We found _____ not True bills.

We continued _____ for lack of witnesses.

_____ members of the Grand Jury were present.

Respectfully submitted,

Foreman of the Grand Jury

STATE OF NORTH CAROLINA File No.

_____ County In The General Court Of Justice
 District Superior Court Division

STATE VERSUS			INFORMATION
<i>Name And Address Of Defendant</i>			
<i>Race</i>	<i>Sex</i>	<i>Date Of Birth</i>	

G.S. 15A-644

	Offense(s)	Date Of Offense OR Date Range Of Offense	G.S. No.	CL.
I.				
II.				
III.				
IV.				
V.				
VI.				
VII.				
VIII.				
IX.				
X.				

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

(Over)

STATE VERSUS

File No.

Name Of Defendant

SIGNATURE OF PROSECUTOR

Signature Of Prosecutor

WAIVER

I, the undersigned defendant, waive the finding and return of a Bill of Indictment into Court and agree that the case may be tried upon the above information.

Date

Signature Of Defendant

Signature Of Attorney For Defendant

STATE OF NORTH CAROLINA

File No.

22 CRS 284302

LINCOLN

County

In The General Court Of Justice

District Superior Court Division

STATE VERSUS

INFORMATION

Name And Address Of Defendant

DAQUAN WHITTENBURG

1610 W. FRANKLIN STREET

MONROE NC 28112

Race	Sex	Date Of Birth
B	M	09/10/1995

G.S. 15A-644

Offense(s)	Date Of Offense OR Date Range Of Offense	G.S. No.	CL.
I. INTERFERE WITH ELECTRONIC MONITORING DEVICE	8/27/2022	14-226.3(B)	
II.			
III.			

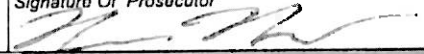
I. I, the undersigned prosecutor, upon information and belief allege that on or about the date(s) of offense shown above and in the county indicated above, the defendant named above unlawfully, willfully and feloniously did knowingly and without authority circumvent the operation of an electronic monitoring device that is being used for the purpose of monitoring a person as a condition of probation. The electronic monitoring was imposed on the above Defendant in Lincoln County Superior Court case 22 CRS 000481.

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

(Over)

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

Signature Of Prosecutor



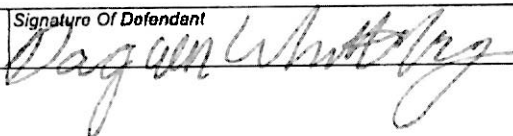
WAIVER

I, the undersigned defendant, waive the finding and return of a Bill of Indictment into Court and agree that the case may be tried upon the above information.

Date

1/11/20 23

Signature Of Defendant



Signature Of Attorney For Defendant



The named defendant has been arrested without a warrant and there is probable cause for the defendant's detention on the stated charges. This Magistrate's Order is issued upon information furnished under oath by the named officer. A copy of this Order has been delivered to the defendant.

COURT USE ONLY

District Attorney Attorney For Defendant At Time Of Trial Or Plea Appointed Retained Waived PRIOR CONVICTIONS: No./Level: 0 I (0) II (1-4) III (5+)

PLEA: guilty/resp. no contest guilty/resp. no contest not guilty/resp. VERDICT/ FINDING: guilty/resp. guilty/resp. not guilty/resp. MISD. CLASS: A1 1 2 3 MISD. CLASS: A1 1 2 3 W/D

JUDGMENT: The defendant appeared in open court and freely, voluntarily and understandingly entered the above plea; on the above verdict/finding, it is ORDERED that the defendant: pay costs and a fine/penalty of \$... be imprisoned for a term of... days in custody of the sheriff. Probation credit... days served. The Court finds that a longer shorter period of probation than specified in G.S. 15A-1343.2(d) is necessary. Execution of sentence is suspended and the defendant is placed on unsupervised probation for... months, subject to the regular conditions of probation and the following: (1) pay costs and a fine/penalty of \$...; (2) not operate a motor vehicle until properly licensed by DMV; (3) complete... hours of community service within... days and pay the fee; (4) Other:...

It is ORDERED that this: Judgment is continued upon payment of costs. case be consolidated for judgment with... sentence is to run at expiration of sentence in... The Court finds just cause to waive costs as ordered on attached AOC-CR-618. Other:...

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. The defendant in open court, gives notice of appeal to the Superior Court. The current pretrial release order is modified as follows:...

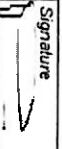
Date Signature Of District Court Judge I certify that this Judgment is a true copy. Date Signature Of Deputy/Assistant/CSC

Form with fields for Name of Defendant (Stowers, Serry Allen), Address (3940 Teaberry Ln), City (Newton), State (NC), Zip (28658), Race (W), Sex (M), Date of Birth (5-28-82), Age (40), Vehicle License No. (FFB-2HAD), Vehicle Type (Trailer Type), Make (CMV), Year (2012), Name and Telephone No. of Defendant's Employer, Date of Arrest & Check Digit No. (As Shown On Fingerprint Card), and various checkboxes for charges and other details.

STATE OF NORTH CAROLINA Lincoln County. The undersigned officer has probable cause to believe that on or about... day of... 2019, the named county, the named defendant and unlawfully and willfully operate... vehicle on a (street or public highway) (public vehicular area) (MPH) zone G.S. 20-141.1. 1. At a speed of... 2. In a forward motion without having the provided seat belt properly fastened about the defendant's body, G.S. 20-135.2A. 3. By transporting a passenger of less than 16 years of age without having the passenger in a (weight appropriate child passenger restraint system) (seat belt), G.S. 20-137.1. 4. By transporting a child of less than five years of age and less than 40 pounds in weight without the child being secured in the rear seat, when the vehicle was equipped with an active passenger-side front air bag and the vehicle had a rear seat, G.S. 20-137.1(a)1. 5. ... 6. ... 7. ... 8. ... 9. Without displaying thereon a current approved inspection certificate (having a current electronic inspection authorization for the vehicle), such vehicle requiring inspection in North Carolina, G.S. 20-183.8. Month Employer: ... 10. By failing to see before starting (stopping) (turning from a direct line) that such movement could be made in safety, G.S. 20-154. 11. By failing to stop at a duly erected (stop sign) (flashing red light), G.S. 20-158(b)(1), (b)(3). 12. By emitting an intermittent white traffic signal was emitting a steady red circular light for traffic in defendant's direction of travel, G.S. 20-158(b)(2). 13. ... 14. Possess an open container of (consume) an alcoholic beverage in the passenger area of a motor vehicle, G.S. 20-138.7(a)1. NOTE: State "operate a motor vehicle" and "public vehicular area" above. 15. Without decreasing speed as necessary to avoid colliding with a (vehicle) (person), G.S. 20-141(n). 16. Display a registration number plate identifying the same to be ... 17. And on or about the ... and time shown above in the named county, the named defendant did unlawfully and willfully operate a (motor) vehicle on a (street or highway) (public vehicular area).

C 534057977

STATE OF NORTH CAROLINA Lincoln County

File No. 22CR309439-540		Law Enforcement Case No. 2022-05261		LID No.		SID No.		FBI No.	
WARRANT FOR ARREST									
THE STATE OF NORTH CAROLINA VS.									
Name And Address Of Defendant JAQUAVION MARQUIS ABRAMS 3176 KEISLER DAIRY RD					STATE OF NORTH CAROLINA In The General Court Of Justice District Court Division LINCORN _____ County				
CONOVER NC 28613-9141 170 COUNTY (704) 678-1291									
Race	Sex	Date Of Birth	Age	OFFENSE(S) (see AOC-CR-100 Continuation(s) for charging text)					
B	M	11/22/2002	19						
Social Security No./Tex ID No.	Drivers License No. & State								
684-01-5756	41720058 NC								
Name Of Defendant's Employer									
Date Of Offense									
<input type="checkbox"/> Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan									
Date Of Arrest & Check Digit No. (as shown on fingerprint card)									
10/22/2022									
Complainant (name, address or department)									
Willie Armstrong									
LINCORN COUNTY SHERIFFS OFFICE									
PO BOX 506									
LINCORN NC 28093									
LINCORN									
Names & Addresses Of Witnesses (including counties & telephone nos.)									
TO ANY OFFICER WITH AUTHORITY AND JURISDICTION TO EXECUTE A WARRANT FOR ARREST FOR THE OFFENSE(S) CHARGED IN THIS WARRANT: 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, willfully, and feloniously did commit the offense(s) set forth above and on the attached AOC-CR-100 Continuation(s), which is (are) incorporated by reference. This act(s) was in violation of the law referred to in this Warrant For Arrest. This Warrant For Arrest 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.									
Date Issued	Name Of Issuing Official	Signature							
10/22/2022	Paige Beal								
Location Of Court	Court Date								
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	Name Of Attorney							
<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									
AOC-CR-100, Rev. 2/21, © 2021 Administrative Office of the Courts									

(Over)
Original

VRA

STATE VERSUS

LINCOLN

County

File No.

22CR309439-540

Name Of Defendant
JAOUAYMON MARQUIS ABRAMS

Date Of Issuance Of Warrant For Arrest
10/2/2022

NOTE: Use this page to set forth the charging text for each offense listed on the AOC-CR-100. G. S. 15A-924(b)(5).

OFFENSES (continued)

Count 1. Offense: FLEE/ELUDE ARREST W/MV (F)

Charging Text For This Count
On or about the date of offense shown and in the county named above the defendant unlawfully, willfully, and feloniously did operate a motor vehicle on a highway, N New NC 16 Hwy, while fleeing a law enforcement officer, W. Armstrong, in the lawful performance of the officer's duties Traffic Stop. At the time of the violation, the defendant was driving recklessly in violation of G.S./ 20-140, the defendant was speeding in excess of 15 miles per hour over the legal speed limit, the defendant was driving negligently leading to an accident causing property damage in excess of \$1,000.

Count 2. Offense: INJURING UTILITY WIRES/FIXTURE

Charging Text For This Count
On or about the date of offense shown and in the county named above the defendant unlawfully, willfully, and feloniously did INJURING WIRES AND FIXTURES OF UTILITY COMPANIES G.S 14-154.

STATE VERSUS	LINCOLN	File No.	22CR309439-54
Name Of Defendant JAQUAVION MARQUIS ABRAMS	County	NOTE: Use this page to set forth the charging text for each offense listed on the AOC-CR-100. G.S. 15A	
Date Of Issuance Of Warrant For Arrest 10/2/2022		OFFENSES (continued)	

Count 3. Offense: CARRYING CONCEALED GUN(M)

Changing Text For This Court
On or about the date of offense shown and in the county named above the defendant unlawfully and willfully did carry concealed about the defendant's person while in the defendant's own premises a gun, Glock 26 Gen 5 9mm SN:AGGA200 .

Count 4. Offense: RESISTING PUBLIC OFFICER

Changing Text For This Court
On or about the date of offense shown and in the county named above the defendant unlawfully and willfully did resist, delay, and obstruct W. Armstrong , a public officer of Lincoln County Sheriff's Office , by running from vehicle after fleeing Law Enforcement . At the time, the officer was discharging and attempting to discharge his official duty by conducting a traffic stop .

STATE VERSUS

LINCOLN

County

File No.

22CR309439-540

Name Of Defendant

JAQUAVION MARQUIS ABRAMS

Date Of Issuance Of Warrant For Arrest

10/2/2022

NOTE: Use this page to set forth the charging text for each offense listed on the AOC-CR-100. G.S. 15A-924(e)(5).

OFFENSES (continued)

Count 5. Offense: RECKLESS DRIVING TO ENDANGER

Charging Text For This Court

On or about the date of offense shown and in the county named above the defendant unlawfully and willfully did operate a motor vehicle on a street or highway without due caution and circumspection and at a speed or in a manner so as to endanger persons or property. G.S. 20-140(b).

Count 6. Offense: HIT/RUN LEAVE SCENE PROP DAM

Charging Text For This Court

On or about the date of offense shown and in the county named above the defendant unlawfully and willfully did at the scene of an accident and collision occurring 3490 N OLIVERS RD NEWTON NC 28658 , in which the vehicle driven by the defendant was involved, fail to give the defendant's name, address, driver's license number, and license plate number to the driver and occupants of the vehicle involved in the accident and collision . The defendant knew and reasonably should have known that the vehicle the defendant was operating was involved in the accident and collision. The accident and collision had resulted in property damage POWER POLE, ENERGY WIRES, AND RESIDENTIAL FENCE.

STATE VERSUS	LINCOLN	County	File No 22CR309439-540
Name Of Defendant JAQUAVION MARQUIS ABRAMS			
Date Of Issuance Of Warrant For Arrest 10/22/2022			

NOTE: Use this page to set forth the charging text for each offense listed on the AOC-CR-100. G.S. 15A-924(a)(5).

Count 7. Offense:

Charging Text For This Count

Count 8. Offense:

Charging Text For This Count

STATE VERSUS

LINCOLN

County

File No.

22CR309439-540

Name Of Defendant

JAQUAVION MARQUIS ABRAMS

Date Of Issuance Of Warrant For Arrest

10/2/2022

NOTE: Use this page to set forth the charging text for each offense listed on the AOC-CR-100, G.S. 15A-924(e)(5).

OFFENSES (continued)

Count 9. Offense:

Charging Text For This Count

Count 10. Offense:

Charging Text For This Count

STATE VERSUS

LINCOLN County

File No. 22CR309439-540

Name Of Defendant

JAOUAVION MARQUIS ABRAMS

Date Of Issuance Of Warrant For Arrest

10/27/2022

If the 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 the Warrant For Arrest issued in this case on the date noted above for the defendant named above, was received and served as follows:

Date Received	Date Served	Time Served	Date Returned
12/15/2022	12/15/2022	12:48 AM	12/15/2022

By arresting the defendant and bringing the defendant before:

Magistrate - Tylene Turner

The Warrant WAS NOT served for the following reason:

Signature Of Officer Making Return

TB Harkin

Department Of Agency Of Officer

Greenstons Police Department

Name Of Officer (Type or Print)

TB Harkin

REDELIVERY/REISSUANCE

Date

Signature Of Clerk

RETURN FOLLOWING REDELIVERY/REISSUANCE

I certify that the Warrant For Arrest issued in this case on the date noted above for the defendant named above, was received and served as follows:

Date Received	Date Served	Time Served	Date Returned

By arresting the defendant and bringing the defendant before:

Name Of Judicial Official

The Warrant WAS NOT served for the following reason:

Signature Of Officer Making Return

Name Of Officer (Type or Print)

Department Of Agency Of Officer

Original

STATE VERSUS

LINCOLN

County

File No.

22CR309439-540

Name Of Defendant:

JAQUAVION MARQUIS ABRAMS

Date Of Issuance Of Warrant For Arrest

10/2/2022

NOTE: Use this page to enter judgment on a Warrant For Arrest. Use this Judgment page only if imposing a single, consolidated judgment for all offenses of conviction charged under this file number. Do not use this Judgment page to impose sentence: (i) if imposing separate judgments for separate offenses of conviction charged under this file number; (ii) to impose supervised probation; or (iii) for DWI sentences under G.S. 20-179. For DWI, use AOC-CR-342 (active) or AOC-CR-310 (probation). For structured sentencing offenses, use AOC-CR-802 (active) or AOC-CR-604 (probation).

JUDGMENT

District Attorney

Def. Waived Attorney
 Def. Denied Appointed Counsel

Attorney For Defendant

Appointed
 Retained

PRIOR CONVICTIONS:

No./Level: 0 1 (0) 2 (1-4) 3 (5+)

OFFENSES: The following offenses, which are set forth by Count No. in the Warrant For Arrest issued in this case on the date noted above for the defendant named above, are the subject of this Judgment:

Count 1	PLEA: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty <input type="checkbox"/> no contest	VERDICT: <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
Count 2	PLEA: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty <input type="checkbox"/> no contest	VERDICT: <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
Count 3	PLEA: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty <input type="checkbox"/> no contest	VERDICT: <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
Count 4	PLEA: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty <input type="checkbox"/> no contest	VERDICT: <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
Count 5	PLEA: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty <input type="checkbox"/> no contest	VERDICT: <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
Count 6	PLEA: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty <input type="checkbox"/> no contest	VERDICT: <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
Count 7	PLEA: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty <input type="checkbox"/> no contest	VERDICT: <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
Count 8	PLEA: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty <input type="checkbox"/> no contest	VERDICT: <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
Count 9	PLEA: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty <input type="checkbox"/> no contest	VERDICT: <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
Count 10	PLEA: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty <input type="checkbox"/> no contest	VERDICT: <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

(Over)

Original

Name Of Defendant
STATE VERSUS
JAQUAVION MARQUIS ABRAMS

Lincoln County
 File No. 22CR309439-540

***NOTE:** Use this Judgment page only if imposing a single, consolidated judgment for all offenses of conviction charged under this file number. Do not use this Judgment page to impose sentence. (f) If imposing separate judgments for separate offenses of conviction charged under this file number, (g) to impose supervised probation, or (g) for DWI sentence under G.S. 20-179. For DWI, use AOC-CR-362 (active) or AOC-CR-310 (probation). For structured sentencing offenses, use AOC-CR-602 (active) or AOC-CR-604 (probation).

JUDGMENT (continued)

JUDGMENT: The defendant appeared in open court and freely, voluntarily and understandingly entered the plea(s) on Side One. On the verdict(s) from Side One, it is **ORDERED** that all offenses of conviction, if more than one, be consolidated for judgment with Court No. _____ (list court of lead offense) and that the defendant:

pay the following fine/penalty and costs: \$ _____
 Amount Of Fine/Penalty \$ _____ Costs \$ _____
 Pretrial credit _____ days served.

be imprisoned for a term of _____ days in custody of the sheriff, MCP, Other* _____
 Work release is recommended. is not recommended. (NOTE: To order work release, use form AOC-CR-602 to impose judgment.)
 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. Submit to the taking of digitized photographs, including photographs of the defendant's face, scars, marks, and tattoos, to be included in the defendant's records. 6. pay to the Clerk the costs of court and any additional sums shown below.

Costs	Fine	Restitution**	Attorney's Fee	Community Service Fee	Other	Total Amount Due
\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

**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' Restitutory Certification Of Identity (Witness Attendance)).")

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

The Court finds just cause to waive costs as ordered on attached AOC-CR-415. AOC-CR-618. 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 Court(s) is dismissed.

Date _____ Signature Of District Court Judge Or Magistrate _____

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 _____ 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.

_____ County

In The General Court Of Justice
 District Superior Court Division

STATE VERSUS		
Name And Address Of Defendant		
Race	Sex	Date Of Birth

**MISDEMEANOR
STATEMENT OF CHARGES**

G.S. 15A-922

Count No.	Offense(s)	Date Of Offense OR Date Range Of Offense	G.S. No.	CL.

CHARGING LANGUAGE

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

See additional information on reverse.

Date	Name Of Prosecutor (type or print)	Signature Of Prosecutor
------	------------------------------------	-------------------------

NOTE TO PROSECUTOR: For a multi-page statement of charges, complete the signature line on the last page.
 (Over - See Side Two for Prosecutor's continuation, if applicable, of CHARGING LANGUAGE section)

STATE VERSUS

File No.

Name Of Defendant

CHARGING LANGUAGE (continued)

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

Date

Name Of Prosecutor (type or print)

Signature Of Prosecutor

N.C.P.I -Crim 100.22
 INTRODUCTORY REMARKS.
 JUNE 2015
 N.C. Gen. Stat. §§ 15A-622(h), 15A-623(h)

100.22 INTRODUCTORY REMARKS.

NOTE WELL: This is a suggestive model and the judge can modify as deemed appropriate

Adapted From: NORTH CAROLINA TRIAL JUDGES' BENCH BOOK, SUPERIOR COURT, VOL 1 (Criminal), Appendix, Pretrial Section at pp. 38-40 (3rd ed.) (Institute of Government 1999) (out of print)

I want to welcome those of you who have been selected to serve as jurors for this criminal session of Superior Court in _____ County.

Let me introduce myself. I am _____. I am a Judge of the Superior Court. I live in _____ in _____ County and I have been assigned to preside at this session of Superior Court in your county by the Chief Justice of the Supreme Court of North Carolina.

In order that you will know the court personnel with whom you will be working, and their respective duties. I will introduce them to you at this time.

The Deputy (Assistant) Clerk of Superior Court is _____. She (He) administers oaths to witnesses and keeps the court's records.

The Court Reporter is _____. She (He) takes down and transcribes everything that is said in the courtroom during a trial and upon hearing of the various motions.

The Bailiff is _____. She (He) enforces the court's orders and is in charge of the jury while it is away from the courtroom. If you desire

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at any time to inquire of any matters touching on your personal welfare apart from the case that is being tried, you should address your inquiries to the bailiff who will, if necessary, arrange for me to hear you on such matters.

In order to minimize noise and confusion in the courtroom, I am going to ask that all jurors, witnesses, defendants, and spectators remain seated while court is in session.

This call upon your time does not come frequently and may never be repeated in your lifetime. It is one of the obligations of citizenship. It represents your contribution to our democratic way of life. It is an assurance of your guarantee that if chance or design brings you to a court of law in any civil or criminal entanglement, your rights and liberties will be regarded by the same standards of justice and protected by the same considerations that you discharge here in your duties as jurors.

You are being asked to perform one of the highest duties that can be imposed on any citizen, and that is to sit in judgment on the facts which will determine and settle disputes among your fellow citizens. Trial by jury is a right guaranteed to every citizen.

After you have been selected as a juror and have qualified by taking the oaths, you become the sole judges of the weight to be given any evidence and the credibility of each witness. Any decision agreed to by all twelve jurors which is free of partiality, unbiased and unprejudiced, reached in sound and conscientious judgment, based on credible evidence, and in accord with the court's instructions, becomes a final result in a case.

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N.C. Gen. Stat. §§ 15A-622(h), 15A-623(h)

You will become, in effect, officers of the court. It is my duty to see that the trial is conducted in accord with the rules of law that prescribe trial procedure, to rule on points of evidence, to maintain order, to preserve decorum, and to instruct you on the law that you are to apply to the facts as you find the facts to be.

You must understand that neither the court, nor the parties, nor the witnesses, nor the lawyers, may have any private contact or conversation with you during this week.

Your entry upon this service will impose upon you important duties and grave responsibilities. It requires that you be prompt in attendance, attentive to your duties, faithful to your oaths, considerate and tolerant of your fellow jurors, sound and deliberate in your evaluations, and firm but not stubborn in your convictions.

It is the public policy of North Carolina that all qualified citizens, without exception, serve as jurors. To be eligible to serve as a juror you must be a citizen of North Carolina and resident of _____ County, at least 18 years of age, physically and mentally competent, able to understand the English language, and not have been convicted of a felony nor have pleaded guilty (unless your citizenship has been restored), not have been adjudged incompetent, not have served on a trial jury in the state courts during the last two years, and not have served a full term of service on a grand jury during the last six years.

I recognize that each of you will be inconvenienced by serving on the jury for this week, and every effort will be made to see that your time is not wasted. When it can be foreseen that you will not be needed in the

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courtroom for an extended period, you will be released and given a definite time to return. Please return promptly at the specified time.

I realize that there may be instances when service as a juror would be more than merely inconvenient and would constitute a great hardship. Under these circumstances you may have your service as a juror deferred to a later time by the court.

You have previously had the opportunity to present to a judge of the District Court any reason you feel you should not serve. I realize, however, that situations may have arisen since then that you feel entitle you to defer your service. Before hearing any requests for deferring service because of hardship, however, I would remind you, first, that your services are needed at this session of court; second, that jury service is a duty of citizenship and for that reason no qualified persons are exempt from jury service; and third, that if the court excuses you at this time, you will be required to serve at a later session.

If any of you who has been summoned for jury service would now like to request that your jury service be deferred until a later court session, please raise your hand/stand at this time.

Please approach the bench (one at a time) OR Please state your reason for request for deferral. (*Note: It is a good idea to have these deferrals done on the record and not at the bench.*)

Rule on the deferment, then have clerk swear remaining jurors.

N.C.P.I -Crim 100.21
REMARKS TO PROSPECTIVE JURORS AFTER EXCUSES HEARD.
JUNE 2015
N.C. Gen. Stat. §§ 15A-622(h), 15A-623(h)

100.21 REMARKS TO PROSPECTIVE JURORS AFTER EXCUSES HEARD.

NOTE WELL: This is a suggestive model and the judge can modify as deemed appropriate

Source: NORTH CAROLINA TRIAL JUDGE'S BENCH BOOK, SUPERIOR COURT. VOL. 1 (Criminal), Appendix, Pretrial Section at pp. 41-42 (3rd ed.) (Institute of Government 1999)

Ladies and Gentlemen, because of your special status as jurors, it is important that you remember that during this week of court it is your duty not to talk among yourselves about the proceedings in this court or about the cases here for trial and not to talk with any of the parties, any of the witnesses or any of the lawyers about the cases set for trial, or to engage in any type of conversation with them even if it is only to pass the time of day.

The State of North Carolina and the parties in the cases to be tried this week are entitled to jurors who approach their cases with open minds and who agree to keep their minds open until a verdict is reached. Jurors must be as free as humanly possible from bias, prejudice or sympathy, and must not be influenced by preconceived ideas either as to facts or as to the law. You must not form an opinion or express an opinion about any of the cases until you are deliberating in the jury room.

During jury selection, the court and the lawyers will ask you questions. These questions are not designed to pry into your personal affairs, or to cause you any personal discomfort. The questions are designed to discover if you have any knowledge of the case to be tried, if you have any preconceived opinion that you cannot lay aside, or if you have any experience that might cause you to identify yourself with either party in a

N.C.P.I -Crim 100.21

REMARKS TO PROSPECTIVE JURORS AFTER EXCUSES HEARD.

JUNE 2015

N.C. Gen. Stat. §§ 15A-622(h), 15A-623(h)

case. These questions are necessary to assure each party an impartial jury.

There may have been some publicity in a case at the time it happened or since then. You must not permit anything you have read or heard or seen to influence your verdict, because what you have read, heard or seen was not under oath at this trial. It is not evidence. None of you would want to be tried based on what was reported by others outside the courtroom. Being fair-minded persons, certainly none of us would rely on that kind of information in the trial of a case. You must exclude all that you have seen, heard or read and render a verdict based solely on the evidence brought out in court and the law I give you in my charge or instructions.

You may not let your present opinion or information influence your decision in a case or let it prevent you from rendering any proper verdict required by the facts and the law. The test for qualification for jury service is not the private feelings of a juror; rather, it is whether the juror can honestly set aside any such feelings, fairly consider the law and evidence, and impartially determine the issues.

In the process of selecting a jury, jurors may be excused by the court for cause if there is a valid reason why he or she cannot serve. In addition, counsel on each side may excuse a limited number without giving a reason for doing so.

If you are excused by one of the lawyers from serving on the jury, you should not be concerned about that or be upset with the lawyer who excused you. The fact that a lawyer may excuse you in one case does not mean that the same lawyer will object to your serving as a juror in another case which is called for trial.

N.C.P.I -Crim 100.21

REMARKS TO PROSPECTIVE JURORS AFTER EXCUSES HEARD.

JUNE 2015

N.C. Gen. Stat. §§ 15A-622(h), 15A-623(h)

I hope you will enjoy your week of jury service. You should not be scared or afraid of serving as a juror. We ask no more of you this week than that you use the same good judgment and common sense that you used in handling your own affairs last week and that you will use in the handling of your own affairs in the weeks to come.

I also hope that these introductory remarks will serve to make you feel at ease here and that they will impress upon you the importance of jury service, acquaint you with what will be expected of you, and strengthen your will and desire to enter upon your duties with the determination to discharge them honorably.

Optional additional topics:

- Court will try to be efficient in its work and in use of jurors' time.
- Court is no assembly line; it does not deal with inanimate objects, but with people.
- Certain seats are set aside for jury use.
- Jurors' badges should be worn at all times.
- Jury telephone call-back service.
- Recesses.
- Chambers matters (*i.e.*, judge is working even when not on bench).
- When jurors excused (certain proceedings must take place out of jurors' presence).

STANDARD REMARKS TO JURORS (CRIMINAL)**Remarks to Jurors Before Selection of Jury in a Specific Case**

Source: NORTH CAROLINA TRIAL JUDGES' BENCH BOOK, SUPERIOR COURT, VOL. 1 (Criminal), Appendix, Pretrial Section at pp. 35-36 (3rd ed.) (Institute of Government 1999)

I address myself now to all of you who have been selected and sworn to serve as jurors at this session of Superior Court in _____ County.

The District Attorney has now called for trial the case(s) entitled "The State of North Carolina versus _____ (name of defendant) _____.

I inform you that the defendant(s) in this case is(are) _____.

With the defendant(s) is (are) his (her) (their) attorney(s), _____.

At the other table is the (Assistant) District Attorney, _____, the lawyer for the State of North Carolina.

The defendant(s) has/have been charged with _____ . The offense is alleged to have occurred on or about _____.

The alleged victim of the offense is _____.

The defendant(s) has/have entered a plea of not guilty (and has/have given notice of the affirmative defense of _____).

After a jury has been selected and impaneled in this case, you will hear the evidence. The evidence is presented according to certain rules of law. The judge enforces those rules and determines what evidence may be admitted.

After all of the evidence has been presented and after you have listened to the arguments of counsel, I will instruct you as to all of the law that you are to apply to the evidence in this case. It is your duty to apply the law as I will give it to you, and not as you think the law is, or as you might like it to be. This is important because justice requires that everyone tried for the same crime be treated in the same way and have the same law applied in each such case.

At this point you are not expected to know the law. Counsel should not question you about the law except to ask whether you will accept and follow the law as given by the court.

I now want to tell you a few preliminary things about the law in a criminal case.

The defendant(s) has/have entered a plea of "not guilty." Under our system of justice, a defendant who pleads "not guilty" is not required to prove his (her) innocence but is presumed to be innocent. This presumption remains with a defendant throughout the trial until the jury selected to hear the case is convinced, from the facts and the law, beyond a reasonable doubt of the guilt of the defendant.

The burden of proof is on the State to prove to you that the defendant(s) is/are guilty beyond a reasonable doubt. [A reasonable doubt is not a vain or fanciful doubt. It is a doubt based on reason and common sense arising out of some or all of the evidence that has been presented, or the lack or insufficiency of the evidence, as the case may be. Proof beyond a reasonable doubt is proof that fully satisfies or entirely convinces you of the defendant's guilt.]

[There is no burden or duty of any kind on the defendant. The mere fact that the defendant has been charged with a crime is no evidence of guilt. A charge is merely the mechanical or administrative way by which any person is brought to a trial.]

If the State proves guilt beyond a reasonable doubt, then the function of this jury by its verdict is to say "guilty." If the State fails to prove guilt, or you have a reasonable doubt, then, of course, you must say "not guilty."

(At this point the court may wish to initiate questioning of the jurors concerning their fitness and competency to serve.)

Now, ladies and gentlemen, the (Assistant) District Attorney and counsel for the defendant(s) will have the opportunity to ask you certain questions. I would ask them that whenever possible questions be asked to the group collectively and that they be discreet and reasonable in their questions.

NOTICE TO ATTORNEYS CONCERNING JURY SELECTION

Counsel are expected to familiarize themselves prior to trial with the provisions of G.S. 15A-1214 and related case law pertaining to jury selection. During the course of jury selection, counsel should anticipate that those provisions will be enforced, including, but not limited to the following:

1. The purpose of the jury selection process is to provide reasonable opportunity for counsel to satisfy themselves and the people they represent that prospective jurors meet the qualifications required by law, can and will serve as fair and impartial jurors throughout the trial of the matter, decide the case based upon the evidence presented in the courtroom and follow the law as instructed by the court.
2. Counsel should not attempt to use the jury selection process for purposes of:
 - (a) Visiting with or seeking to establish rapport with the jurors;
 - (b) Indoctrinating the jurors to a particular view;
 - (c) Arguing the case during questioning; or
 - (d) Asking what kind of verdict they would render under certain circumstances.
3. General questions should be addressed to the jury panel as a whole and counsel should seek to avoid undue repetition arising from asking the same questions to each individual juror. Counsel may address jurors individually when asking questions that apply only to that person, questions prompted by affirmative answers to general questions, or questions relating to unique personal experiences of that juror. *State v. Phillips*, 300 N.C. 678, 268 S.E.2d 452 (1980).
4. Examples of *improper* questions from counsel during jury selection that will not be permitted include:
 - (a) Hypothetical questions tending to “stake out” the juror or elicit in advance what a juror’s decision will be, given certain facts. *State v. Vinson*, 287 N.C. 326, 215 S.E.2d 60 (1975); *State v. Hunt*, 37 N.C. App. 315, 246 S.E.2d 159 (1978). Examples of improper hypotheticals include:
 - (1) Asking a juror how he would weight a particular mitigating or aggravating circumstance. *State v. Walls*, 342 N.C. 1, 463 S.E.2d 738 (1995);
 - (2) “If you were to find that the defendant had previously been convicted of a murder, could you still follow the judge’s instructions...” *State v. Robinson*, 339 N.C. 263, 451 S.E.2d 196 (1994);
 - (3) “If I choose not to put on a defense, would you hold that against me...” *State v. Blankenship*, 337 N.C. 543, 447 S.E. 727 (1994) as distinguished from “If the defendant chooses not to testify...”

- (b) Questions that include an incorrect statement of law. *State v. Hedgepeth*, 66 N.C. App. 390, ___ S.E.2d ___ (1984)
 - (c) Questions of law posed to a juror (the jurors are not expected to know the law until receiving instructions from the court).
 - (d) Questions about parole eligibility. *State v. Payne*, 337 N.C. 505, 448 S.E.2d 93 (1994); *State v. Smith*, 347 N.C. App. 453, 496 S.E.2d 841 (1995)
 - (e) Questions about capital punishment as a deterrent to crime or other legislative policy issues. *State v. Ali*, 329 N.C. 394, 407 S.E.2d 183 (1991)
 - (f) Questions concerning juror perceptions of the meaning of life imprisonment.
5. Counsel are properly permitted to ask questions reasonably directed toward determining that the juror has formed no opinion as to the guilt or innocence of the defendant, can fairly and impartially discharge the duties of a juror and can follow the law as instructed by the court. Such questions include, for example:
- (a) Asking jurors if they can follow the law as provided by the court regarding particular trial issues. *State v. Hedgepeth*, 66 N.C. App. 390, ___ S.E.2d ___ (1984);
 - (b) "Death qualifying" questions, asking whether a juror's views about the death penalty would "prevent or substantially impair the performance of his duties as a juror in accordance with his instructions and his oath." *Wainwright v. Witt*, 469 U.S. 412 (1985); *State v. Brown*, 327 N.C. 1, ___ S.E.2d ___ (1990);
 - (c) "Non-death qualifying" questions, asking prospective jurors as to whether they would automatically vote for the death penalty following conviction of first degree murder, without regard to the existence of mitigating circumstances. *Morgan v. Illinois*, 504 U.S. 719 (1992); *State v. Fletcher*, 348 N.C. 292, ___ S.E.2d ___ (1998)
6. The Court shall determine, in the exercise of discretion, whether to require that *voir dire* be conducted solely by one of defendant's two co-counsel, or to permit alternation of questions between counsel at appropriate intervals. *State v. Fullwood*, 343 N.C. 725, ___ S.E.2d ___ (1996).

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NUMBER 00 CR 10369

STATE OF NORTH CAROLINA

VS

JUROR RESPONSIBILITIES

KOVA DUAN WRIGHT

As a juror selected in the above captioned case, I understand that I have these duties and responsibilities:

1. I will serve for the duration of the case. During the trial of this case, I will pay attention to the evidence and I will base my verdict on the evidence as presented in court and on the law as instructed by the presiding judge.
2. I will not talk with any fellow juror about the case until instructed by the judge. I understand that the only place this case may be talked about is in the jury room, and then only after the jury has begun deliberations, after hearing all of the evidence, closing arguments by the attorneys and instructions on the law from the Judge.
3. I will not talk about this case with anyone else, or allow anyone else to talk with me or say anything in my presence about this case, until the case has concluded. If anyone communicates or attempts to communicate with me or in my presence about this case, I will notify the presiding Judge of that fact immediately.
4. I will not form an opinion about the case, nor will I express to anyone any opinion about the case, until the presiding Judge has to the jury to begin its deliberations.
5. I will not read, watch, or listen to any media accounts of the jury selection or the trial.
6. I will not go to the scene where the events of this trial are alleged to have taken place, nor will I attempt to personally investigate any aspect of the case.

In the event anyone seeks to talk to me about the case or if I have a personal emergency, I will bring that matter to the attention of the courtroom baliff as soon as possible. The bailiff will bring it to the attention of the judge.

Juror's signature: _____

Printed name of juror: _____

Telephone: *Home:* _____ *Office:* _____

BATSON CHECKLIST

INFORMATION NEEDED TO MAKE A BATSON DETERMINATION

1. Take note of the apparent race and sex of each juror as each juror is called into the jury box.
2. Take note of the apparent race and sex of each attorney in the case, the defendant, the judge and as many of the potential witnesses as possible.
3. Keep track of each peremptory challenge exercised by each side, noting apparent race and sex of the jurors excused.
4. Keep track of each challenge for cause allowed, noting the apparent race and sex of the jurors excused.
5. Keep track of the apparent race and sex of the jurors for which no challenge has been exercised.
6. Pay attention to the answers given by potential jurors to questions asked by the attorneys so as to form an impression as to the legitimacy of any racially neutral reasons for exercising peremptory challenges.
7. Take note of any questions posed by the attorneys tending to indicate any pattern of racial motivation for exercise of peremptory challenges.
8. Taking into consideration each of the factors listed above, look for any pattern that might point toward purposeful discrimination.
9. During any *Batson* hearing, make note of the reasons given by Prosecutor (or Defense Attorney) for the exercise of a peremptory challenge.

PROCEDURE FOR DETERMINING *BATSON* OBJECTION

1. Ask objecting party to state the basis for *Batson* objection
2. Allow opposing counsel to respond to the objection
3. Initial ruling must determine:
 - a. Whether objecting party has established a *Batson*-issue (is there sufficient evidence of a "protected class"? *Do not take judicial notice of race of individuals in question, do not rely on court reporter to note race of individuals*).
 - b. Whether objecting party has established a prima facie case that the peremptory challenge was exercised on the basis of race or gender.
4. If there is a prima facie showing, allow opposing counsel an opportunity to provide racially neutral reasons for the exercise of the peremptory challenge. ***YOU WILL NOT SWEAR WITNESSES OR RECEIVE EVIDENCE ON THESE POINTS, BUT YOU WILL MAKE DETERMINATIONS OF CREDIBILITY OF COUNSEL AS THEY MAKE THEIR STATEMENTS.***
5. Allow an opportunity for rebuttal by objecting party.
6. Make your determination, using the attached Sample *Batson* order.

SAMPLE BATSON ORDER

NORTH CAROLINA
_____ COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. ____ CRS _____

STATE OF NORTH CAROLINA

VS.

Defendant

This matter was heard in open Court upon the State's attempt to exercise a peremptory challenge as to potential juror number ____, Mr./Ms. _____, and an objection made thereto by the Defendant pursuant to the decision of *Batson v. Kentucky* and related cases. The hearing was conducted in open court and at all times the Defendant was present and represented by counsel.

Upon indication by counsel of the *Batson* issue, all further proceedings on this issue were conducted in open court but outside the presence of all jurors.

Under the procedure followed, the Defendant first was allowed to articulate the reasons for the *Batson* objection for purposes of determining whether or not a prima facie showing of racial discrimination had been made. The State then was given an opportunity to express any racially neutral reasons for its exercise of the peremptory challenge. The Defendant then was given an opportunity rebut any or all of the reasons enunciated by the State for the exercise of the challenge.

Based upon the presentations of counsel as described above, the Court makes the following **FINDINGS OF FACT**:

1. The Court has observed the manner and appearance of counsel and jurors during voir dire and has made all relevant determinations of credibility for purposes of this Order.

2. In making these Findings of Fact, the undersigned has made determinations as to the race of various individuals. As to jurors, any findings of race are based upon statements provided by the jurors themselves in questionnaires. As to the parties, lawyers and witnesses, findings of race are based upon statements of counsel, stipulations of counsel and the lack of objections to observations of the undersigned noted at the time of announcement of this Order.

3. The Defendant in this case is (black/white) _____; the alleged victim in this case is/was (black/white) _____; the key witnesses in this case are (black/white) _____.

4. As of the time that the State attempted to exercise this peremptory challenge, _____ jurors had been accepted by the State, of which _____ are white and _____ are black.

5. As of the time that the State attempted to exercise this peremptory challenge, the State has exercised _____ prior peremptory challenges, of which _____ were of persons of the African American race.

6. Statements and questions of the State which tend to support an inference of discrimination in the jury selection process are:

7. Statements and questions of the State which tend to refute an inference of discrimination in the jury selection process are:

8. The State **has/has not** repeatedly used peremptory challenges against blacks so as to tend to establish a pattern of strikes against blacks in the venire.

9. The State **has/has not** used a disproportionate number of peremptory challenges to strike black jurors in this case.

10. The State's acceptance rate of potential black jurors does/does not indicate the likelihood of discrimination in the jury selection process.

11. The Defendant **has/has not** made a prima facie showing of discrimination in the jury selection process.

12. Because the Defendant has not made a prima facie showing of discrimination, no further findings are necessary.

OR

12. Upon the establishment of a prima facie showing of discrimination, the Court proceeded with consideration of the racially neutral reasons offered by the State for the attempt to exercise a peremptory challenge. The reasons offered by the State were as follows:

OR

12. In the exercise of discretion, the Court proceeds with consideration of racially neutral reasons for exercise of the peremptory challenge without first determining whether or not a prima facie case of discrimination has been shown. The reasons offered by the State were as follows:

13. The Defendant then was offered an opportunity to rebut the reasons offered by the State and, in such rebuttal, stated:

14. This Court ~~finds/does not find~~ the prosecutor to be credible in stating racially neutral reasons for the exercise of the peremptory challenge.

15. In response to such reasons stated by the prosecutor, Defense counsel ~~has/has not~~ shown that the prosecutor's explanations are pretextual.

16. Based upon consideration of presentations made by both sides and taking into account the various arguments presented, the Defendant ~~has/has not~~ proven purposeful discrimination in the jury selection process in this case.

Based upon the foregoing findings of fact, the Court concludes as Matters of Law:

1. No determination has been made as to the presence or absence of sufficient racially neutral reasons for the State's exercise of a peremptory challenge as to this juror, as the Defendant has failed to make out a prima facie showing of discrimination in the jury selection process.

OR

1. Notwithstanding the fact that the Defendant has failed to make out a prima facie showing of racial discrimination in the jury selection process, the Court has, in the exercise of discretion, elected to proceed with consideration of racially neutral reasons provided by the State in connection with its attempt to exercise of this peremptory challenge.

OR

1. Because the Defendant has made out a prima facie showing of racial discrimination in this jury selection process, the Court next proceeds with consideration of the racially neutral reasons offered by the State for the exercise of this peremptory challenge.

2. The racially neutral reasons stated by the prosecutor for the exercise of this peremptory challenge are:

3. The above stated reasons, taken in their totality and in connection with all of the Findings of Fact hereinbefore stated, ~~do/do not~~ constitute a sufficient racially neutral basis for the exercise of a peremptory challenge as to this juror.

IT IS THEREFORE ORDERED that the Defendant's objection to the State's exercise of a peremptory challenge as to potential juror number ____, Mr./Ms. _____, is **overruled/sustained** and the peremptory challenge is **allowed/denied**.

This Order is entered in open court, this the ____ day of _____, 199_.

Superior Court Judge

NORTH CAROLINA
MECKLENBURG COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 99 CVS 3239

ALFRED E. FORD, ADMINISTRATOR)
Of the Estate of GERALDINE LORETTA)
FORD, deceased,)
Plaintiff)

vs.)

ROBERT C. RUPPENTHAL, M.D.)
And THE NALLE CLINIC, INC.,)
Defendants)

Batson Order

This matter was heard in open Court upon the Plaintiff's attempt to exercise a peremptory challenge as to potential juror number 11, Mr. William Bellamy, and an objection made thereto by the Defendant pursuant to the decision of *Batson v. Kentucky* and related cases. The hearing was conducted in open court and at all times both parties were present and represented by counsel.

Upon indication by counsel of the *Batson* issue, all further proceedings on this issue were conducted in open court but outside the presence of all jurors.

Under the procedure followed, the Defendant first was allowed to articulate the reasons for the *Batson* objection for purposes of determining whether or not a prima facie showing of racial discrimination had been made. The Plaintiff then was given an opportunity to express any racially neutral reasons for its exercise of the peremptory challenge. The Defendant then was given an opportunity rebut any or all of the reasons enunciated by the Plaintiff for the exercise of the challenge.

Based upon the presentations of counsel as described above, the Court makes the following **FINDINGS OF FACT**:

1. The Court has observed the manner and appearance of counsel and jurors during voir dire and has made all relevant determinations of credibility for purposes of this Order.
2. In making these Findings of Fact, the undersigned has made determinations as to the race of various individuals. As to jurors, any findings of race are based upon statements provided by the jurors themselves in questionnaires. As to the parties, lawyers and witnesses, findings of race are based upon statements of counsel, stipulations of counsel and the lack of objections to observations of the undersigned noted at the time of announcement of this Order.
3. The Defendant in this case is white; the Plaintiff in this case is black. Plaintiff is represented by two counsel, one of which is white and one of which is black. Defendant's counsel is white.
4. As of the time that the Plaintiff attempted to exercise this peremptory challenge, 10 jurors had been accepted by both parties, of which 8 are white and 2 are black.

5. As of the time that the Plaintiff attempted to exercise this peremptory challenge, the Plaintiff had exercised 7 prior peremptory challenges, all of which were of persons of the white race.

6. Statements and questions of the Plaintiff which tend to refute an inference of discrimination in the jury selection process are:

- a. The potential juror expressed some concern over the number of lawsuits he considered to be filed frivolously.
- b. The potential juror, who works for Microsoft, stated that his company had been sued hundreds of times and that 99.9% of those lawsuits were frivolous.
- c. The potential juror commented that physicians could not be expected to be perfect in their treatment of patients.

7. The Plaintiff has repeatedly used peremptory challenges against whites so as to tend to establish a pattern of strikes against whites in the venire.

9. The Plaintiff has used a disproportionate number of peremptory challenges to strike white jurors in this case.

10. The Plaintiff acceptance rate of potential white jurors does not indicate the likelihood of discrimination in the jury selection process.

11. The Defendant has made a prima facie showing of discrimination in the jury selection process.

12. Upon the establishment of a prima facie showing of discrimination, the Court proceeded with consideration of the racially neutral reasons offered by the State for the attempt to exercise a peremptory challenge. The reasons offered by the State were as follows:

- a. The potential juror expressed some concern over the number of lawsuits he considered to be filed frivolously.
- b. The potential juror, who works for Microsoft, stated that his company had been sued hundreds of times and that 99.9% of those lawsuits were frivolous.
- c. The potential juror commented that physicians could not be expected to be perfect in their treatment of patients.

13. The Defendant then was offered an opportunity to rebut the reasons offered by the State and, in such rebuttal, stated:

Defendant contended that the reasons given by Plaintiff's counsel were pretextual, saying that responses given by this potential juror were no different in substance than those given by many of the other jurors who were accepted by both parties.

14. This Court finds the Plaintiff's counsel to be credible in stating racially neutral reasons for the exercise of the peremptory challenge.

15. In response to such reasons stated by Plaintiff's counsel, Defendant has not shown that Plaintiff's counsel's explanations are pretextual.

16. Based upon consideration of presentations made by both sides and taking into account the various arguments presented, the Defendant has not proven purposeful discrimination in the jury selection process in this case.

Based upon the foregoing findings of fact, the Court concludes as Matters of Law:

1. Because the Defendant has made out a prima facie showing of racial discrimination in this jury selection process, the Court next proceeds with consideration of the racially neutral reasons offered by the Plaintiff for the exercise of this peremptory challenge.

2. The racially neutral reasons stated by the prosecutor for the exercise of this peremptory challenge are:

- a. The potential juror expressed some concern over the number of lawsuits he considered to be filed frivolously.
- b. The potential juror, who works for Microsoft, stated that his company had been sued hundreds of times and that 99.9% of those lawsuits were frivolous.
- c. The potential juror commented that physicians could not be expected to be perfect in their treatment of patients.

3. The above stated reasons, taken in their totality and in connection with all of the Findings of Fact hereinbefore stated, do constitute a sufficient racially neutral basis for the exercise of a peremptory challenge as to this juror.

IT IS THEREFORE ORDERED that the Defendant's objection to the State's exercise of a peremptory challenge as to potential juror number 11, Mr. William Bellamy, is overruled and the peremptory challenge is allowed.

This Order is entered in open court, this the 19th day of September, 2001.

Superior Court Judge

N.C.P.I.-Crim 100.30
MAKING NOTES BY JURORS.
JUNE 2008
N.C. Gen. Stat. § 15A-1228

100.30 MAKING NOTES BY JURORS.

NOTE WELL: N.C. Gen. Stat. § 15A-1228 permits a jury in a criminal case to make notes and take them into the jury room (except where the judge on his own motion or the motion of a party rules otherwise in his discretion).¹

[In my discretion, members of the jury, you will not be allowed to take notes in this case.]

[In this case, you will be allowed to take notes.

When you begin your deliberations, you may use your notes to help refresh your memory as to what was said in court. I caution you, however, not to give your notes or the notes of any of the other jurors undue significance. While taking notes, a juror may fail to hear important portions of testimony.

Any notes taken by you are not to be considered evidence in this case. Your notes are not an official transcript of the trial. For that reason, you must remember that in your jury deliberations notes are not entitled to any greater weight than the individual recollections of other jurors.

If you take notes, you may disclose them only to your fellow jurors during your deliberations. You are not to show them to anyone else. While I will permit you to take notes, I instruct you to listen intently at all times to the testimony.]

N.C.P.I.-Crim 100.30
MAKING NOTES BY JURORS.
JUNE 2008
N.C. Gen. Stat. § 15A-1228

1. Absent a statute permitting or prohibiting note-taking by jurors, the majority of federal circuits have held that the decision lies in the discretion of the trial judge. That the decision should lie within the trial judge's discretion is supported by the fact that neither arguments for or against this issue are so dispositive and outweighing that note-taking should or should not be allowed as a matter of law. Those arguments favoring note-taking are that it is, "when done properly, . . . a valuable method of refreshing memory. In addition, note-taking may help focus jurors' concentration on the proceedings and help prevent their attention from wandering." *United States v. Maclean*, 578 F.2d 64, 66 (3rd Cir. 1978). Arguments against note-taking contend that too much significance will be placed on all matters "arbitrarily" excluded from the notes by the note-taker. Similarly, the few note-takers might dominate jury deliberations and even falsify testimony deliberately. Additionally, by busying themselves with note-taking, some believe that these jurors will miss important testimony. Finally, some simply believe that the "average" juror cannot take notes well and will therefore take notes of inconsequential and irrelevant matters while excluding the substantial issues of the case. *Id.*

EXHIBIT LIST

EXHIBIT #	DESCRIPTION	PURPOSE	AUTHENTICATED	OFFERED	ADMITTED	BIOLOGICAL?	WHO COLLECTED?	PRESERVE?
S-1	Photo- victim- alive	Illustrative	Sadler	Y	Y			
S-2	Photo - victim- dead	Illustrative	Stip	Y	Y			
S-3	Photo Robt Howard	Illustrative						
S-4	Statement to police fr Darlene White	Corroborative	White					
S-5	Photo- front porch of 926 Druid Cir	Illustrative	Burke	Y	Y			
S-6	Photo- view of crime scene from next door	Illustrative	Burke	Y	Y			
S-7	Photo- above w/ police cars	Illustrative	Burke	Y	Y			
S-9	Drawing of Druid & Edison	Illustrative	Oteka	Y	Y			
S-10	Photo of house where victim	Illustrative	Oteka	Y	Y			
S-11	Photo of Druid & Edison Sis	Illustrative	Oteka	Y	Y			
S-12	Photo of 922 Druid Cir	Illustrative	Hardin	Y	Y			
S-13	Photo - another view of 922	Illustrative	Hardin	Y	Y			
S-14	Photo- closeup of porch of	Illustrative	Hardin	Y	Y			

NOTICE TO ATTORNEYS CONCERNING CLOSING ARGUMENTS

Counsel are reminded of the provisions of G.S. 15A-1230 setting parameters for closing arguments, as well as the cases cited below. Jury arguments that violate these parameters will not be permitted in the trial of this case, with or without objection from opposing counsel. In the event of any doubt as to the propriety of a planned argument, counsel should address those concerns during the charge conference.

In closing arguments to the jury, an attorney shall not:

- (1) become abusive,
- (2) express his personal belief as to the truth or falsity of the evidence,
- (3) express his personal belief as to which party should prevail, or
- (4) make arguments premised on matters outside the record.

The trial court will monitor vigilantly the course of such arguments, intervene as warranted, entertain objections, and impose remedies pertaining to those objections. Such remedies include, but are not necessarily limited to, requiring counsel to retract portions of an argument deemed improper or issuing instructions to the jury to disregard such arguments. *State v. Jones*, 355 N.C. 117, ___ S.E.2d ___ (1998).

EXAMPLES OF IMPROPER ARGUMENTS:

1. *Reference to notorious crimes; personally degrading remarks.* A prosecutor's reference to the "Columbine [school] shootings" and the "Oklahoma City bombing" as examples of national tragedies; degrading remarks against the defendant, saying "You got this quitter, this loser, this worthless piece of — who's mean. . . . He's as mean as they come. He's lower than the dirt on a snake's belly..." An argument containing these remarks was improper for three reasons: (1) it referred to events and circumstances outside the record; (2) by implication, it urged jurors to compare defendant's acts with the infamous acts of others; and (3) it attempted to lead jurors away from the evidence by appealing instead to their sense of passion and prejudice. *State v. Jones*, 355 N.C. 117, ___ S.E.2d ___ (1998).

2. *Expressing an opinion that a witness is lying.* "He can argue to the jury that they should not believe a witness, but he should not call him a liar." *State v. Golphin*, 352 N.C. 364, ___ S.E.2d ___ ().

3. *Reference to Defendant's failure to testify.* The prosecutor may comment on a defendant's failure to produce witnesses or exculpatory evidence to contradict or refute evidence presented by the State, but it is error for the prosecutor to comment directly on a defendant's right not to testify by stating, "'The defendant has not taken the stand in this case.'" *State v. Barden*, 356 N.C. 316, ___ S.E.2d ___ (2002).

4. *Urging jury to make an example of this defendant.* It is error for counsel for the state, in argument to the jury, to comment on the frequent occurrence of murder in the community and the formation of vigilance committees and mobs, and to state that the same are caused by laxity in the administration of the law, and that they should make an example of the defendant. *State v. Phifer*, 197 N.C. 729, 150 S.E. 353 (1929).

5. *Urging the jury to follow community sentiment.* It is proper to tell the jury that they are the voice and conscience of the community, but it is improper to demand punishment because of community sentiment, asking the jury to lend an *ear* to the community rather than a *voice*. *State v. Scott*, 314 N.C. 309, 333 S.E.2d 296 (1985).

6. *Argument conveying perceived accountability of jury to the victim, the witnesses, the community, or society in general.* *State v. Boyd*, 311 N.C. 408, 319 S.E.2d 189 (1984).

EXAMPLES OF PROPER ARGUMENTS:

1. *Urging jury to disbelieve certain testimony.* Counsel are entitled to comment during closing argument on any contradictory evidence as the basis for the jury's disbelief of a witness' story. Where the record includes evidence contradicting the witness' statement, counsel may comment on the untruthfulness of that statement. *State v. Golphin*, 352 N.C. 364, ___ S.E.2d ___ ().

2. *Reminding jury of their duty to make a decision.* It is permissible for a prosecutor to argue that "the buck stops here" or that jurors had become "judges" or had become the "they" as in "they ought to do something". These statements correctly inform the jury that for purposes of the trial they have become representatives of the community and it is proper for them to act as the voice and conscience of the community, so as to temper the harshness of the law with the common sense judgment of the community. *State v. Scott*, 314 N.C. 309, 333 S.E.2d 296 (1985).