

STATE OF NORTH CAROLINA

048

CATAWBA

County

NEWTON

Seat of Court

16CRS050126

51

NOTE: [Use AOC-CR-342 for DWI offense(s).]

In The General Court Of Justice

☐ District ☒ Superior Court Division

STATE VERSUS

Name Of Defendant
MIZE, JESSE, LEE

Race W Sex M Date Of Birth 05/02/1951

JUDGMENT AND COMMITMENT
ACTIVE PUNISHMENT - FELONY
(STRUCTURED SENTENCING)

(For Convictions On Or After Jan. 1, 2012)

G.S. 15A-1301, -1340.13

Attorney For State
JAMIE TENNILLE ADAMS☐ Def. Found
Not Indigent ☐ Def. Waived
AttorneyAttorney For Defendant
SCOTT A MATTHEWS☒ Appointed ☐ Retained
Crt Rptr Initials
CBThe defendant was found guilty/responsible, pursuant to ☐ plea ☐ pursuant to Alford ☐ of no contest ☐ trial by judge ☒ trial by jury, of

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL.	*Pun. CL.
16CRS050126	51	RAPE OF A CHILD	12/15/2013	14-27.2A	F	B1	

*NOTE: Enter punishment class if different from underlying offense class (punishment class represents a status or enhancement).

The Court: ☒ 1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be 00.
Any prior record level point under G.S. 15A-1340.14(b)(7) is based on the determination of this issue by the trier of fact beyond a reasonable doubt or the defendant's admission to this issue.
☐ 2. makes no prior record level finding because none is required for Class A felony, violent habitual felon, or drug trafficking offenses.

PRIOR
RECORD ☒ I ☐ III ☐ V
LEVEL: ☐ II ☐ IV ☐ VI

The Court (NOTE: Block 1 or 2 MUST be checked.):

- ☒ 1. makes no written findings because the term imposed is: ☒ (a) in the presumptive range. ☐ (b) for a Class A felony. ☐ (c) for adjudication as a violent habitual felon, G.S. 14-7.12. ☐ (d) for drug trafficking. ☐ for which the Court finds the defendant provided substantial assistance, G.S. 90-95(h)(5). ☐ (e) in the aggravated range, pursuant to G.S. 20-141.4(b)(1a).
- ☐ 2. finds ☐ the Determination of aggravating and mitigating factors on the attached AOC-CR-605. ☐ egregious aggravation under G.S. 14-27.2A, 14-27.4A, 14-27.23, or 14-27.28, on the attached AOC-CR-618, which requires a sentence in excess of that authorized by G.S. 15A-1340.17.
- ☐ 3. adjudges the defendant to be a habitual felon to be sentenced ☐ (offenses committed before Dec. 1, 2011) as a Class C felon. ☐ (offenses committed on or after Dec. 1, 2011) four classes higher than the principal felony (no higher than Class C).
- ☐ 4. adjudges the defendant to be a habitual breaking and entering status offender, to be sentenced as a Class E felon.
- ☐ 5. adjudges the defendant to be an armed habitual felon to be sentenced as a Class C felon (unless sentenced herein as a Class A, B1, or B2 felon) and with a minimum term of imprisonment of no less than 120 months.
- ☐ 6. finds enhancement pursuant to: ☐ G.S. 90-95(e)(3) (drugs). ☐ G.S. 14-3(c) (hate crime). ☐ G.S. 50B-4.1 (domestic violence). ☐ G.S. 14-50.22 (gang misdemeanor). ☐ Other: _____
- This finding is based on the determination of this issue by the trier of fact beyond a reasonable doubt or on the defendant's admission.
- ☐ 7. finds that the defendant committed the felony by using, displaying, or threatening the use or display of a firearm or deadly weapon and actually possessed the firearm or weapon about his or her person. This finding is based on the jury's determination of this issue beyond a reasonable doubt or on the defendant's admission. Pursuant to G.S. 15A-1340.16A, the Court has increased the minimum sentence by (check only one)
☐ (Class A-E felony committed prior to Oct. 1, 2013) 60 months. ☐ (Class A-E felony committed on or after Oct. 1, 2013) 72 months.
☐ (Class F or G felony committed on or after Oct. 1, 2013) 36 months. ☐ (Class H or I felony committed on or after Oct. 1, 2013) 12 months.
- ☒ 8. finds the above-designated offense(s) is a reportable conviction under G.S. 14-208.6 (check only one)
☒ a. and therefore makes the additional findings and orders on the attached AOC-CR-615, Side One.
☐ b. but makes no finding or order concerning registration or satellite-based monitoring due to a sentence of life imprisonment without parole.
- ☒ 9. finds the above-designated offense(s) involved the ☒ physical or mental ☒ sexual abuse of a minor.
(NOTE: If offense(s) is not also a reportable conviction in No. 8 above, this finding requires no further action by the court.)
- ☐ 10. finds that a ☐ motor vehicle ☐ commercial motor vehicle was used in the commission of the offense and that it shall be reported to DMV.
- ☐ 11. finds this is an offense involving assault, communicating a threat, or an act defined by G.S. 50B-1(a), and the defendant had a personal relationship as defined by G.S. 50B-1(b) with the victim.
- ☐ 12. (offenses committed on or after Dec. 1, 2017, only) finds that the offense was committed as part of criminal gang activity as defined in G.S. 14-50.16A(2). ☐ and that the defendant was a criminal gang leader or organizer as defined in G.S. 14-50.16A(3). This finding is based on the determination of this issue by the trier of fact beyond a reasonable doubt or on the defendant's admission.
- ☐ 13. finds the above-designated offense(s) involved (check one) ☐ (offenses committed Dec. 1, 2008 - Nov. 30, 2017) criminal street gang activity ☐ (offenses committed on or after Dec. 1, 2017) criminal gang activity. G.S. 14-50.25.
- ☐ 14. did not grant a conditional discharge under G.S. 90-96(a) because (check all that apply) ☐ the defendant refused to consent. ☐ (offenses committed on or after Dec. 1, 2013, only) the Court finds, with the agreement of the District Attorney, that the offender is inappropriate for a conditional discharge for factors related to the offense.
- ☐ 15. finds that the defendant used or displayed a firearm while committing the felony. G.S. 15A-1382.2.
- ☐ 16. finds that this was an offense involving child abuse or an offense involving assault or any of the acts as defined in G.S. 50B-1(a) committed against a minor. G.S. 15A-1382.1(a1).

The Court, having considered evidence, arguments of counsel and statement of defendant, Orders that the above offenses, if more than one, be consolidated for judgment and the defendant be sentenced (check only one)

☐ to Life Imprisonment Without Parole for ☐ Class A Felony. ☒ Class B1 Felony.
☐ Violent Habitual Felon. ☐ egregious aggravation under No. 2, above.

in the custody of:

☒ N.C. DACJJ.☐ to Life Imprisonment With Parole, pursuant to G.S. Chapter 15A, Article 81B, Part 2A.☐ Other: _____

for a minimum term of:

and a maximum term of:

☐ ASR term (Order No. 4, Side Two)

300

months

420

months

months

☐ to Death (see attached Death Warrant and Certificates)The defendant shall be given credit for 12 days spent in confinement prior to the date of this Judgment as a result of this charge(s).☐ The sentence imposed above shall begin at the expiration of all sentences which the defendant is presently obligated to serve.☐ The sentence imposed above shall begin at the expiration of the sentence imposed in the case referenced below:

File No.	Offense	County	Court	Date
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Material opposite unmarked squares is to be disregarded as surplusage.

(Over)

The Court further Orders: (check all that apply)

1. The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below.

Costs	Fine	Restitution*	Attorney's fees	SBM Fee	Appt Fee/Misc	Total Amount Due
\$ 0.00	\$	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$

*See attached "Restitution Worksheet, Notice and Order (Initial Sentencing)," AOC-CR-611, which is incorporated by reference.

- ☐ 2. The Court finds that restitution was recommended as part of the defendant's plea arrangement.
- ☐ 3. The Court finds just cause to waive costs, as ordered on the attached ☐ AOC-CR-618. ☐ Other: _____
- ☐ 4. Without objection by the State, the defendant shall be admitted to the Advanced Supervised Release (ASR) program. If the defendant completes the risk reduction incentives as identified by the Division of Adult Correction and Juvenile Justice, then he or she will be released at the end of the ASR term specified on Side One. G.S. 15A-1340.18.

- ☒ 5. Other:
**\$352.50 COURT COST + \$120 CCJ + \$35 CCSD + \$9,139.98 C.A. ATTY FEES SHALL BE ENTERED AS A CIVIL JUDGMENT;
 SOAR PROGRAM ORDERED;
 SHALL HAVE NO CONTACT, DIRECT/INDIRECT, WITH VICTIMS**

The Court recommends:

- ☐ 1. Substance abuse treatment. ☒ 2. Psychiatric and/or psychological counseling. ☐ 3. Work release ☐ should ☐ should not be granted.
- ☐ 4. Payment as a condition of post-release supervision or from work release earnings, if applicable, of the "Total Amount Due" set out above.
☐ but the Court does not recommend restitution be paid ☐ as a condition of post-release supervision. ☐ from work release earnings.

The Court further recommends:

ORDER OF COMMITMENT/Appeal ENTRIES

- ☒ 1. It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.
- ☒ 2. The defendant gives notice of appeal from the judgment of the trial court to the Appellate Division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350.

SIGNATURE OF JUDGE

Date	Name Of Presiding Judge (type or print)	Signature Of Presiding Judge
05/15/2018	THE HONORABLE CARLA ARCHIE	<i>Carla Archie</i>

ORDER OF COMMITMENT AFTER APPEAL

Date Appeal Dismissed	Date Withdrawal Of Appeal Filed	Date Appellate Opinion Certified

It is ORDERED that this Judgment be executed. It is FURTHER ORDERED that the sheriff arrest the defendant, if necessary, and recommit the defendant to the custody of the agency named in this Judgment on the reverse and furnish that agency two certified copies of this Judgment and Commitment as authority for the commitment and detention of the defendant.

Date	Signature Of Clerk	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk Of Superior Court

CERTIFICATION

I certify that this Judgment and Commitment with the attachment(s) marked below is a true and complete copy of the original which is on file in this case.

- ☒ Appellate Entries (AOC-CR-350) ☐ Restitution Worksheet, Notice And Order (Initial Sentencing) (AOC-CR-611)
- ☐ Felony Judgment Findings Of Aggravating And Mitigating Factors (AOC-CR-605) ☒ Judicial Findings And Order For Sex Offenders - Active Punishment (AOC-CR-615, Side One)
- ☐ Judicial Findings As To Forfeiture Of Licensing Privileges (AOC-CR-317) ☐ Additional Findings (AOC-CR-618)
- ☐ Victim Notification Tracking Form ☐ Convicted Sex Offender Permanent No Contact Order (AOC-CR-620)
- ☐ Additional File No.(s) And Offense(s) (AOC-CR-626) ☐ Other: _____

Date	Date Certified Copies Delivered To Sheriff	Signature Of Clerk	<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk Of Superior Court	SEAL
5.15.18	05/15/2018	<i>Kelly Simon</i>		

Material opposite unmarked squares is to be disregarded as surplusage.

STATE OF NORTH CAROLINA

050

16CRS050126

52

CATAWBA

County

NEWTON

Seat of Court

NOTE: [Use AOC-CR-342 for DWI offense(s).]

In The General Court Of Justice

☐ District ☒ Superior Court Division

STATE VERSUS

Name Of Defendant
MIZE, JESSE, LEE

Race W Sex M Date Of Birth 05/02/1951

JUDGMENT AND COMMITMENT
ACTIVE PUNISHMENT - FELONY
(STRUCTURED SENTENCING)

(For Convictions On Or After Jan. 1, 2012)

G.S. 15A-1301, -1340.13

Attorney For State

JAMIE TENNILLE ADAMS

☐ Def. Found
Not Indigent☐ Def. Waived
Attorney

Attorney For Defendant

SCOTT A MATTHEWS

☒ Appointed
☐ RetainedCrt Rptr Initials
CBThe defendant was found guilty/responsible, pursuant to ☐ plea ☐ pursuant to Alford ☐ of no contest ☐ trial by judge ☒ trial by jury, of

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL.	*Pun. CL.
16CRS050126	52	SEX OFFENSE W/ CHILD BY ADULT	12/15/2013	14-27.4A	F	B1	
16CRS050126	53	INDECENT LIBERTIES WITH CHILD	12/15/2013	14-202.1	F	F	
16CRS050127	52	INDECENT LIBERTIES WITH CHILD	12/18/2015	14-202.1	F	F	

*NOTE: Enter punishment class if different from underlying offense class (punishment class represents a status or enhancement).

- The Court: ☒ 1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be 00.
Any prior record level point under G.S. 15A-1340.14(b)(7) is based on the determination of this issue by the trier of fact beyond a reasonable doubt or the defendant's admission to this issue.
☐ 2. makes no prior record level finding because none is required for Class A felony, violent habitual felon, or drug trafficking offenses.

PRIOR

RECORD

LEVEL:

☒ I ☐ III ☐ V
☐ II ☐ IV ☐ VI

The Court (NOTE: Block 1 or 2 MUST be checked.):

- ☒ 1. makes no written findings because the term imposed is: ☒ (a) in the presumptive range. ☐ (b) for a Class A felony. ☐ (c) for adjudication as a violent habitual felon, G.S. 14-7.12. ☐ (d) for drug trafficking. ☐ for which the Court finds the defendant provided substantial assistance, G.S. 90-95(h)(5). ☐ (e) in the aggravated range, pursuant to G.S. 20-141.4(b)(1a).
- ☐ 2. finds ☐ the Determination of aggravating and mitigating factors on the attached AOC-CR-605. ☐ egregious aggravation under G.S. 14-27.2A, 14-27.4A, 14-27.23, or 14-27.28, on the attached AOC-CR-618, which requires a sentence in excess of that authorized by G.S. 15A-1340.17.
- ☐ 3. adjudges the defendant to be a habitual felon to be sentenced ☐ (offenses committed before Dec. 1, 2011) as a Class C felon. ☐ (offenses committed on or after Dec. 1, 2011) four classes higher than the principal felony (no higher than Class C).
- ☐ 4. adjudges the defendant to be a habitual breaking and entering status offender, to be sentenced as a Class E felon.
- ☐ 5. adjudges the defendant to be an armed habitual felon to be sentenced as a Class C felon (unless sentenced herein as a Class A, B1, or B2 felon) and with a minimum term of imprisonment of no less than 120 months.
- ☐ 6. finds enhancement pursuant to: ☐ G.S. 90-95(e)(3) (drugs). ☐ G.S. 14-3(c) (hate crime). ☐ G.S. 50B-4.1 (domestic violence). ☐ G.S. 14-50.22 (gang misdemeanor). ☐ Other: _____
- This finding is based on the determination of this issue by the trier of fact beyond a reasonable doubt or on the defendant's admission.
- ☐ 7. finds that the defendant committed the felony by using, displaying, or threatening the use or display of a firearm or deadly weapon and actually possessed the firearm or weapon about his or her person. This finding is based on the jury's determination of this issue beyond a reasonable doubt or on the defendant's admission. Pursuant to G.S. 15A-1340.16A, the Court has increased the minimum sentence by (check only one)
☐ (Class A-E felony committed prior to Oct. 1, 2013) 60 months. ☐ (Class A-E felony committed on or after Oct. 1, 2013) 72 months.
☐ (Class F or G felony committed on or after Oct. 1, 2013) 36 months. ☐ (Class H or I felony committed on or after Oct. 1, 2013) 12 months.
- ☒ 8. finds the above-designated offense(s) is a reportable conviction under G.S. 14-208.6 (check only one)
☒ a. and therefore makes the additional findings and orders on the attached AOC-CR-615, Side One.
☐ b. but makes no finding or order concerning registration or satellite-based monitoring due to a sentence of life imprisonment without parole.
- ☒ 9. finds the above-designated offense(s) involved the ☒ physical or mental ☒ sexual abuse of a minor.
(NOTE: If offense(s) is not also a reportable conviction in No. 8 above, this finding requires no further action by the court.)
- ☐ 10. finds that a ☐ motor vehicle ☐ commercial motor vehicle was used in the commission of the offense and that it shall be reported to DMV.
- ☐ 11. finds this is an offense involving assault, communicating a threat, or an act defined by G.S. 50B-1(a), and the defendant had a personal relationship as defined by G.S. 50B-1(b) with the victim.
- ☐ 12. (offenses committed on or after Dec. 1, 2017, only) finds that the offense was committed as part of criminal gang activity as defined in G.S. 14-50.16A(2). ☐ and that the defendant was a criminal gang leader or organizer as defined in G.S. 14-50.16A(3). This finding is based on the determination of this issue by the trier of fact beyond a reasonable doubt or on the defendant's admission.
- ☐ 13. finds the above-designated offense(s) involved (check one) ☐ (offenses committed Dec. 1, 2008 - Nov. 30, 2017) criminal street gang activity ☐ (offenses committed on or after Dec. 1, 2017) criminal gang activity. G.S. 14-50.25.
- ☐ 14. did not grant a conditional discharge under G.S. 90-96(a) because (check all that apply) ☐ the defendant refused to consent. ☐ (offenses committed on or after Dec. 1, 2013, only) the Court finds, with the agreement of the District Attorney, that the offender is inappropriate for a conditional discharge for factors related to the offense.
- ☐ 15. finds that the defendant used or displayed a firearm while committing the felony. G.S. 15A-1382.2.
- ☐ 16. finds that this was an offense involving child abuse or an offense involving assault or any of the acts as defined in G.S. 50B-1(a) committed against a minor. G.S. 15A-1382.1(a1).

The Court, having considered evidence, arguments of counsel and statement of defendant, Orders that the above offenses, if more than one, be consolidated for judgment and the defendant be sentenced (check only one)

☐ to Life Imprisonment Without Parole for ☐ Class A Felony. ☒ Class B1 Felony.
☐ Violent Habitual Felon. ☐ egregious aggravation under No. 2, above.

in the custody of:

☒ N.C. DACJJ.☐ to Life Imprisonment With Parole, pursuant to G.S. Chapter 15A, Article 81B, Part 2A.☐ Other: _____

for a minimum term of:

300

months

and a maximum term of:

420

months

☐ ASR term (Order No. 4, Side Two)

months

☐ to Death (see attached Death Warrant and Certificates)The defendant shall be given credit for 0 days spent in confinement prior to the date of this Judgment as a result of this charge(s).☐ The sentence imposed above shall begin at the expiration of all sentences which the defendant is presently obligated to serve.☒ The sentence imposed above shall begin at the expiration of the sentence imposed in the case referenced below:

File No.	Offense	County	Court	Date
2016CRS 50126	51	CATAWBA	SUPERIOR	05/15/2018

Material opposite unmarked squares is to be disregarded as surplusage.
(Over)

The Court further Orders: (check all that apply)

1. The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below.

Costs	Fine	Restitution*	Attorney's fees	SBM Fee	Appl Fee/Misc	Total Amount Due
\$ 0.00	\$	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$

*See attached "Restitution Worksheet, Notice and Order (Initial Sentencing)," AOC-CR-611, which is incorporated by reference.

- ☐ 2. The Court finds that restitution was recommended as part of the defendant's plea arrangement.
- ☒ 3. The Court finds just cause to waive costs, as ordered on the attached ☐ AOC-CR-616, ☐ Other: _____
- ☐ 4. Without objection by the State, the defendant shall be admitted to the Advanced Supervised Release (ASR) program. If the defendant completes the risk reduction incentives as identified by the Division of Adult Correction and Juvenile Justice, then he or she will be released at the end of the ASR term specified on Side One. G.S. 15A-1340.18.
- ☒ 5. Other:
SOAR PROGRAM ORDERED;
SHALL HAVE NO CONTACT, DIRECT/INDIRECT, WITH VICTIMS [REDACTED]

The Court recommends:

- ☐ 1. Substance abuse treatment. ☒ 2. Psychiatric and/or psychological counseling. ☐ 3. Work release ☐ should ☐ should not be granted.
- ☐ 4. Payment as a condition of post-release supervision or from work release earnings, if applicable, of the "Total Amount Due" set out above.
☐ but the Court does not recommend restitution be paid ☐ as a condition of post-release supervision. ☐ from work release earnings.

The Court further recommends:

ORDER OF COMMITMENT/APEAL ENTRIES

- ☒ 1. It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.
- ☒ 2. The defendant gives notice of appeal from the judgment of the trial court to the Appellate Division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350.

SIGNATURE OF JUDGE

Date 05/15/2018	Name Of Presiding Judge (type or print) THE HONORABLE CARLA ARCHIE	Signature Of Presiding Judge <i>Carla Archie</i>
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ORDER OF COMMITMENT AFTER APPEAL

Date Appeal Dismissed	Date Withdrawal Of Appeal Filed	Date Appellate Opinion Certified
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It is ORDERED that this Judgment be executed. It is FURTHER ORDERED that the sheriff arrest the defendant, if necessary, and recommit the defendant to the custody of the agency named in this Judgment on the reverse and furnish that agency two certified copies of this Judgment and Commitment as authority for the commitment and detention of the defendant.

Date	Signature Of Clerk	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk Of Superior Court
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CERTIFICATION

I certify that this Judgment and Commitment with the attachment(s) marked below is a true and complete copy of the original which is on file in this case.

- | | |
|--|--|
| <input checked="" type="checkbox"/> Appellate Entries (AOC-CR-350) | <input type="checkbox"/> Restitution Worksheet, Notice And Order (Initial Sentencing) (AOC-CR-611) |
| <input type="checkbox"/> Felony Judgment Findings Of Aggravating And Mitigating Factors (AOC-CR-605) | <input checked="" type="checkbox"/> Judicial Findings And Order For Sex Offenders - Active Punishment (AOC-CR-615, Side One) |
| <input type="checkbox"/> Judicial Findings As To Forfeiture Of Licensing Privileges (AOC-CR-317) | <input type="checkbox"/> Additional Findings (AOC-CR-618) |
| <input type="checkbox"/> Victim Notification Tracking Form | <input type="checkbox"/> Convicted Sex Offender Permanent No Contact Order (AOC-CR-620) |
| <input type="checkbox"/> Additional File No.(s) And Offense(s) (AOC-CR-626) | <input type="checkbox"/> Other: _____ |

Date 5.15.18	Date Certified Copies Delivered To Sheriff 05/15/2018	Signature Of Clerk <i>Kelly Simon</i>	<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk Of Superior Court	SEAL
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Material opposite unmarked squares is to be disregarded as surplusage.

CATAWBA

County

In The General Court Of Justice

☐ District ☒ Superior Court Division

STATE VERSUS

Name Of Defendant

MIZE, JESSE, LEE

ADDITIONAL FILE NO.(S) AND OFFENSE(S)

NOTE: Use this page in conjunction with all NCAOC judgment or probationary forms, to list additional offenses of conviction, deferred prosecution, or conditional discharge addressed in the court's order. There are no A, B, C, D, or other variations of this form, so this page can be used to continue an offense list from any of the related forms, for any date(s) of offense or conviction.

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL.	*Pun. CL.
16CRS050127	53	INDECENT LIBERTIES WITH CHILD	11/01/2015	14-202.1	F	F	

***NOTE:** Enter punishment class if different from underlying offense class (punishment class represents a status or enhancement).

(Over)

ADDITIONAL FILE NO.(S) AND OFFENSE(S)

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL.	*Pun. CL.

*NOTE: Enter punishment class if different from underlying offense class (punishment class represents a status or enhancement).

CATAWBA

County

Additional File No.(s)

16CRS 50127

In The General Court Of Justice
☐ District ☒ Superior Court Division

STATE VERSUS

MAY 18 2018

Name Of Defendant
JESSE LEE MIZE

APPELLATE DEFENDER

APPELLATE ENTRIES

Date(s) Of Trial
05/07/2018-05/15/2018

DURHAM, NC

Rules 7, 9, 11, and 27 of the N.C. Rules of Appellate Procedure

Codefendant(s) If Tried Jointly

Name And Address Of Defendant's Trial Counsel
SCOTT A. MATTHEWSName And Address Of Trial Prosecutor
JAMIE T. ADAMS321 4TH ST SW
HICKORY, NC 28602100 GOVERNMENT DR
NEWTON, NC 28658

Telephone No. 828-695-6110 Email Address JAMIE.T.ADAMS@NCCOURTS.ORG

Telephone No. 828 322-1688 Email Address SCOTT4MATTHEWSLAWFIRM@GMAIL.COM

Name And Address Of Trial Transcriptionist
CHRISTINA BYRD PEARCE

Name And Address Of Defendant's Trial Counsel

2303 EWING DR
HICKORY, NC 28602

Telephone No. 828-773-6162 Email Address BESTVOICEWRITER@YAHOO.COM

Telephone No. Email Address

Name And Address Of Trial Transcriptionist

Name And Address Of Defendant's Appellate Counsel

☒ The Appellate Defender (919) 354-7210
123 W. Main Street, Suite 500, Durham, NC 27701

NOTE: All indigent appeals are assigned to the Appellate Defender.

☐ Retained Appellate Counsel

Telephone No. Email Address

Telephone No. Email Address

Name And Address Of Transcriptionist Of Other Proceedings On The Following Date(s)

Name And Address Of Transcriptionist Of Other Proceedings On The Following Date(s)

Date(s)

Telephone No.

Date(s)

Telephone No.

Email Address

Email Address

(Attach additional sheet(s) if necessary)

JUDGE'S INITIAL APPEAL ENTRIES

- ☒ a. The defendant has given Notice of Appeal to the N.C. Court of Appeals, or
☐ b. This is a capital case appealable as of right to the N.C. Supreme Court.
- Release of the defendant pursuant to G.S. 15A-536 is ☐ denied. ☒ allowed upon execution of a secured bond in the amount of \$ 100,000.00 and compliance with the following additional conditions:
no contact with prosecutories witnesses
- Unless indigent, the defendant shall arrange for the transcription of the proceedings as provided in the Rules of Appellate Procedure.
- ☒ (NOTE: Check in all cases where defendant is indigent.) The defendant is indigent and has requested a transcript and the appointment of counsel. It is ORDERED that the defendant is allowed to appeal as an indigent and:
 - The Office of Indigent Defense Services shall pay the costs of producing a transcript, and of reproducing the record and the defendant's brief.
 - The Appellate Defender is appointed to perfect the defendant's appeal or assign other appellate counsel pursuant to rules issued by the Office of Indigent Defense Services.
 - Upon request, the Clerk shall furnish to the Appellate Defender, or to alternate counsel designated by the Appellate Defender, a copy of the complete trial division file in the case and, upon request, any documentary exhibits.
 - Unless the parties stipulate that parts of the proceedings shall not be transcribed, the Clerk shall order from the transcriptionist(s) a transcript of all parts of the proceedings except:

Original-File Copy-Transcriptionist(s) Copy-Defendant's Trial Counsel Copy-Defendant's Appellate Counsel (or Defendant if unrepresented) Copy-District Attorney

Material opposite unmarked squares is to be disregarded as surplusage.

JUDGE'S INITIAL APPEAL ENTRIES (continued)

5. If a transcript has been ordered, the defendant in a non-capital case shall serve a proposed record on appeal on the State within 35 days after the reporter's or transcriptionist's certification of delivery of the transcript. If a transcript has been ordered, the defendant in a capital case shall serve a proposed record on appeal on the State within 70 days after the reporter's or transcriptionist's certification of delivery of the transcript. If no transcript has been ordered, the defendant shall serve a proposed record on appeal on the State within 35 days after filing notice of appeal.
6. The State shall serve its amendments, objections or proposed alternative record on appeal on the defendant within 30 days if this is a non-capital case or 35 days if this is a capital case, after service upon it of the defendant's proposed record on appeal.
7. The indigent defendant does not read or speak the English language, but reads and/or speaks his or her native language of _____. The Court therefore authorizes the services of a language translator or interpreter during the pendency of the appeal for the purposes of (1) written translation of attorney-client correspondence, assignments of error in the settled record on appeal, appellate briefs filed by the defendant and the State, and appellate opinion(s), and/or (2) verbal interpretation of attorney-client communication at each critical stage of the appellate proceedings.
The Court further Orders that a language translator or interpreter with the necessary knowledge, skill, experience, training and education to perform the above services shall be selected and paid by the Administrative Office of the Courts.
8. The Clerk shall deliver a copy of these Appellate Entries to the Appellate Defender, counsel for all parties, or the defendant, if not represented by counsel.

Date 05/15/2018	Name Of Presiding Judge (type or print) HONORABLE CARLA ARCHIE	Signature Of Presiding Judge 
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CLERK'S TRANSCRIPT ORDER AND CERTIFICATE

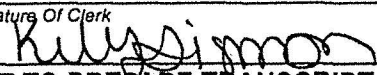
(NOTE: To be completed ONLY when defendant is indigent.)

To The Transcriptionist(s) Named On The Reverse:

Prepare and deliver to the parties a transcript of all portions of the proceedings in the above-captioned case except:
(Specify any portions of the proceedings which need not be transcribed pursuant to a stipulation filed by the parties under Rule 7(a)(2), or pursuant to No. 4.d. on reverse side.)

I certify that I delivered a copy of this Transcript Order to the transcriptionist(s) on the date shown below:

- ☒ personally.
☐ by mailing it to the transcriptionist(s) at the address(es) shown on the reverse.

Date Clerk's Transcript Order Entered And Filed 05/15/2018	Date Order Delivered To Transcriptionist(s), If Different 05/15/2018
Name Of Clerk (type or print) KELLY SIGMON	Signature Of Clerk 
<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	

EXTENSION OF TIME TO PREPARE TRANSCRIPT OR SERVE RECORD

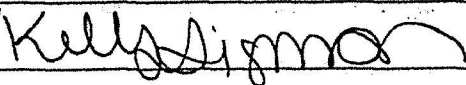
- ☐ 1. Extension of time to file transcript: Pursuant to Rule 7, N.C. Rules of Appellate Procedure, upon motion of the appellant and for good cause shown, the Court finds that this is a criminal case that did not result in a sentence of death and it is ORDERED that the time for preparation of the transcript is extended for 30 days.
- ☐ 2. Extension of time to serve proposed record on appeal: Pursuant to Rules 11 and 27, N.C. Rules of Appellate Procedure, upon motion of the appellant and for good cause shown, it is ORDERED that the time for service of the proposed record on appeal is extended for 30 days.

NOTE: The trial court may grant only one extension of time to serve the proposed record on appeal. Any additional motion for an extension of time to serve the proposed record on appeal must be made to the appellate court where the appeal is to be heard. In a case in which a sentence of death was not entered, the trial court may grant one motion for an extension of time to prepare the transcript. Any subsequent motions for an extension of time to prepare the transcript must be made to the appellate court where the appeal is to be heard. In capital cases that resulted in the imposition of the death penalty, motions for an extension of time to prepare the transcript must be made directly to the Supreme Court. Rules 7 and 27, N.C. Rules of Appellate Procedure.

Date	Name Of Judge (type or print)	Signature Of Judge
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CERTIFICATION

I certify this Appellate Entries form is a true and complete copy of the original on file in this case.

Date 05/15/2018	Signature And Seal 	<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court
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Material opposite unmarked squares is to be disregarded as surplusage.