

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

FILE NO. 07 CRS 63799
IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION.

STATE OF NORTH CAROLINA)
VS)
MARIO ANDRETTE MCNEILL)

INDICTMENT
FELONY SPEEDING TO ELUDE ARREST/
MISDEMEANORS: ASSAULT ON A GOVERNMENT
OFFICER/CARELESS AND RECKLESS DRIVING/
INFRACTIONS: FAILURE TO STOP FOR STEADY
RED LIGHT/DESIGNATED LANE VIOLATION

THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that on or about the 21st day of September, 2007, in the County named above the defendant named above unlawfully, willfully and feloniously did operate a motor vehicle on a street in Cumberland County, North Carolina, to wit: Ames Street and Bragg Boulevard, while fleeing a law enforcement officer, Officer R. Grimm of the Fayetteville Police Department, in the lawful performance of the officer's duties, conducting a traffic stop. At the time of the violation, the defendant was driving recklessly in violation of North Carolina General Statutes Section 20-140 and the defendant was driving negligently leading to an accident causing personal injury. This act was in violation of North Carolina General Statutes Section 20-141.5.

AND THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that on or about the 21st day of September, 2007, in the County named above the defendant named above unlawfully and willfully did assault and strike R. Grimm, a government officer of the Fayetteville Police Department, by striking Officer Grimm with the vehicle the defendant was operating. At the time of the offense, the officer was discharging the following duty of that office: conducting a traffic stop. This act was in violation of North Carolina General Statutes Section 14-33(c) (4).

AND THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that on or about the 21st day of September, 2007, in the County named above the defendant named above unlawfully and willfully did drive a vehicle on a street or highway or public vehicular area in Cumberland County, North Carolina, without due caution and circumspection and at a speed and in a manner so as to endanger and be likely to endanger persons and property. This act was in violation of North Carolina General Statutes Section 20-140(b).

AND THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that on or about the 21st day of September, 2007, in the County named above the defendant named above unlawfully and willfully did operate a vehicle

-Over-

A TRUE COPY
CLERK OF SUPERIOR COURT
CUMBERLAND COUNTY
BY [Signature]
ASSISTANT, DEPUTY

1

29

on a street or highway in Cumberland County, North Carolina, by entering an intersection while a stop light was emitting a steady red light for traffic in defendant's direction of travel. This act was in violation of North Carolina General Statutes Section 20-158.

AND THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that on or about the 21st day of September, 2007, in the County named above the defendant named above unlawfully and willfully did operate a motor vehicle on a street in Cumberland County, North Carolina, divided into two or more clearly marked lanes for traffic by failing to drive as nearly as practicable entirely within a single lane. This act was in violation of North Carolina General Statutes Section 20-146(a).

Clare Hill

Assistant District Attorney

WITNESSES:

to R. Grimm, FPD

The witnesses marked "X" were sworn by the undersigned Foreman and examined before the Grand Jury, and this Bill was found to be X, a True Bill with twelve or more jurors concurring, _____ Not a True Bill.

This the 7 day of JAN, 2008.

James E. Brown

Grand Jury Foreman

File No. 07CR 063799

MAGISTRATE'S ORDER

- I ASSAULT GOVT OFFICIAL/EMPLOY
- II FLEE/ELUDE ARREST W/INV (F)

THE STATE OF NORTH CAROLINA VS.

Name, Address & Telephone No. of Defendant

MARIO ANDREITE MCNEILL

FAYETTEVILLE NC 28306

CUMBERLAND County

Race Sex Date of Birth Age

B M 27

Social Security No. Drivers License No. & State

Name of Defendant's Employer

Offense Code Offense in Violation of G.S.

I 1391 I 14-33(C)(4)

II 5641 II 20-141.5(B)

Date of Offense

Date of Arrest & Check Digit No. (As Shown On Fingerprint Card)

09/21/2007 UV6323L

Arresting Officer (Name, Address or Department, Phone No.)

R GRIMM (FAYETTEVILLE PD)

FAYETTEVILLE NC 28301

Witnesses (Names, Addresses, Phone Numbers)

Offense Which Requires Fingerprinting Per Fingerprint Plan

Date Issued

09/21/2007

STATE OF NORTH CAROLINA
CUMBERLAND County

In The General Court of Justice
District Court Division

I, the undersigned, find that the defendant named above has been arrested without a warrant and the defendant's detention is justified because there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully and willfully did assault and strike R. GRIMM, a government officer of the FAYETTEVILLE POLICE DEPARTMENT by STRIKING OFFICER GRIMM WITH THE VEHICLE THE DEFENDANT WAS OPERATING. At the time of the offense the officer was discharging the following duty of that employment: CONDUCTING A TRAFFIC STOP FOR A LANE VIOLATION.(07-32711)

I, the undersigned, find that the defendant named above has been arrested without a warrant and the defendant's detention is justified because there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did operate a motor vehicle on a street, AMES STREET NEAR FILTER PLANT ROAD, while fleeing a law enforcement officer, R. GRIMM, in the lawful performance of the officer's duties ARRESTING THE DEFENDANT FOR ASSAULT ON A GOVERNMENT OFFICIAL. At the time of the violation, the defendant was driving recklessly in violation of G.S./20-140 and the defendant was driving negligently leading to an accident causing personal injury.

This act was in violation of the law referred to in this Magistrate's Order. This Magistrate's Order is issued upon information furnished under oath by the arresting officer(s) shown. A copy of this Order has been delivered to the defendant.

Signature

M L JOHNSON

Location of Court

FAYETTEVILLE Room 002B

Magistrate

Court Date

09/24/2007

Court Time

09:00 AM

ORIGINAL COPY

ORIGINAL COPY

33
 9000-CR-176, Row 897 (Structured Sentencing)
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District Attorney

Attorney For Defendant At Time of Trial or Plea

Appointed
 Retainer Waiver

PRIOR CONVICTIONS

Not Level: 0 (1) (1-4) (5+)

PLEA: guilty no contest VERDICT: guilty M.C.L. A1 1 2 3
 not guilty no contest not guilty M.C.L. A1 1 2 3

JUDGMENT: The defendant appeared in open court and freely, voluntarily and understandingly entered the above plea. on the above verdict it is ORDERED that the defendant pay costs and a fine of \$ _____

be imprisoned for a term of _____ days in the custody of the sheriff. DOC. Pretrial credit _____ days served.

Work release is recommended is NOT recommended is ordered. *Use form AOC-CR-602*

The court finds that a longer shorter period of probation, than that which is specified in G.S. 15A-1343.2(d), is necessary.

With defendant's consent, 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. 14-259, (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 child care obligations as ordered by the Court. (5) comply with the Clerk's office of court record and additional or more stringent conditions.

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

* Name(s), address(es), amount(s) & social security number(s) of aggrieved party(ies) to receive restitution:

- 6. complete _____ hours of community service during the first _____ days of probation, as directed by the community service coordinator, and pay the fee prescribed by G.S. 143B-475.1(b) within _____ days.
- 7. not be found in or on the premises of the complainant or _____
- 8. not assault, communicate with or be in the presence of the complainant or _____
- 9. 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. _____ 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 _____ Signature _____ Dep. CSC _____ Asst. CSC _____ CSC _____

APPEAL ENTRIES

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

Signature of District Court Judge or Magistrate

WAIVER OF PROBABLE CAUSE HEARING

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

Signature Of Defendant

Signature Of Attorney

Date Waived

NOTE: If DWI, use AOC-CR-301 (active) or AOC-CR-310 (probation). If active sentence to DOC, use AOC-CR-602. If supervised probation, use AOC-CR-604.

STATE OF NORTH CAROLINA

CUMBERLAND County FAYETTEVILLE Seat Of Court

File No. Co. Of Hearing 07CRS 63799

In The General Court Of Justice
 District Superior Court Division

STATE VERSUS

Defendant
MARIO MCNEILL

Race **BLACK** Sex **MALE** DOB [REDACTED]

Defendant's Drivers License No. State

Attorney For State Def. Found Not Indigent Def. Waived Attorney

ORDER ON VIOLATION OF PROBATION OR ON MOTION TO MODIFY (STRUCTURED SENTENCING)

G.S. 15A-1344, 15A-1345

Attorney For Defendant Appointed Retained

The defendant was placed on probation pursuant to the following Judgment Suspending Sentence:

Date Of Judgment Suspending Sentence 04/09/2008 Name Of County And File No. (County Of Original Conviction) SAME

This matter is before the Court upon: (check one option)

1. review under G.S. 15A-1342(b) or (d). After reasonable notice to the defendant, the Court finds does not find that termination of probation is warranted by the defendant's conduct and the ends of justice.

2. a motion to modify the conditions of the defendant's probation for good cause without charge of violation. After notice and hearing, or upon the consent of the State and the defendant, the Court finds does not find that good cause has been shown to modify the original Judgment Suspending Sentence.

3. charge(s) of violation. After considering the record contained in the file(s) numbered above, together with the evidence presented by the parties and the statements made on behalf of the State and the defendant, the Court finds that the defendant is charged with having violated specified conditions of the defendant's probation community punishment intermediate punishment as alleged in the Violation Report or Notice of Hearing which is incorporated by reference.

Upon due notice or waiver of notice, a hearing was held before the Court and:

1. the defendant admitted or the Court is reasonably satisfied in the exercise of its discretion that the defendant has violated each of the conditions of probation community punishment intermediate punishment set forth in:
 a. paragraphs _____ in the Violation Report or Notice of Hearing dated _____
 b. the attached sheet.

The defendant violated each condition willfully and without valid excuse; and each violation occurred at a time prior to the expiration or termination of the period of the defendant's probation.

2. the defendant is found guilty of contempt beyond a reasonable doubt.

3. by the evidence presented, the Court is not reasonably satisfied that the defendant has violated any of the conditions of the defendant's probation except those found above, if any.

ORDER

It is ORDERED that:

1. the original Judgment is modified as set forth below and, except as specifically so modified, shall remain in full force and effect.

2. the original Judgment is not modified, but remains in full force and effect.

3. the defendant's limited driving privilege is REVOKED; the defendant shall surrender all copies of that privilege to the Clerk of Superior Court for transmittal/notification to the Division of Motor Vehicles.

4. the defendant's probation is terminated. **NOTE: When this option is checked, the "Restitution Update Worksheet, Notice And Findings (Revocation Or Termination Of Probation)," AOC-CR-612, must be completed in every case in which the defendant was ordered to pay restitution or an attorney's fee as a condition of probation for an offense committed on or after December 1, 1998.**

5. all charges of probation violation in this case, which are not specifically found above, are dismissed.

6. the disposition of this matter is continued until _____

7. the defendant for willful contempt:
 a. be imprisoned for _____ days in the custody of the sheriff. as provided in AOC-CR-603, Page Two, attached.
 b. pay a fine of \$ _____, c. Other: _____

8. (offenses committed on or after October 31, 1998) the defendant's drivers license is revoked whether the defendant is present or not. G.S. 143B-262.4(f).

MODIFIED MONETARY CONDITIONS

The "Monetary Conditions" in the Judgment Suspending Sentence are modified to read as follows: The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below, plus the probation supervision fee, pursuant to a schedule determined by the probation officer. set out by the court as follows: _____

Balance/Obligation Due*	Amalgam/Probation Fee	Atty's Fee This Proceeding	Other Modifications	Comm. Svc. Fee	EHA Fee	SBM Fee...	Modified Amount Due
\$	\$	\$	\$	\$	\$	\$	\$ 0.00

*Equals "Total Amount Due" as shown on original Judgment, less all payments made to date.

A TRUE COPY
CLERK OF SUPERIOR COURT
CUMBERLAND COUNTY
 BY [Signature]
 ASSISTANT DEPUTY 5

OTHER MODIFICATIONS OF PROBATION

- 1. The defendant's term of probation is extended for a period of _____, from _____ to _____.
- 2. The defendant's assignment to the Intensive Probation Supervision Program is terminated and the defendant is continued on supervised probation.
- 3. The defendant is transferred to unsupervised supervised probation.
- 4. The defendant is allowed until _____ to comply with the following condition(s): _____
- 5. The special conditions of probation identified below, as numbered and set out in the Judgment Suspending Sentence, are modified as follows: (State number of each condition to be modified and set out modification.)
- 6. The defendant shall also comply with the following additional special conditions of probation which the Court finds are related to the defendant's rehabilitation:
 - complete _____ hours of community service during the first _____ days of the period of probation, as directed by the community service coordinator, and pay the fee prescribed by G.S. 143B-262.4(b). pursuant to the schedule set out under Monetary Conditions above. within _____ days of this Judgment and before beginning service
 - Other: (set out conditions)
- 7. The Court has not previously delegated the authority contained in G.S. 15A-1343.2(e) or G.S. 15A-1343.2(f) and elects to do so by this Order.
- 8. The previous sentence of intermediate punishment is modified, (or) pursuant to G.S. 15A-1344(a), the previous sentence of community punishment is modified, as follows: comply with the additional conditions of intermediate punishment which are set forth on AOC-CR-603, Page Two, attached.
- 9. The defendant shall submit to satellite-based monitoring as required by G.S. 15A-1344(e2). (AOC-CR-615 required)

AWARD OF FEE TO COUNSEL FOR DEFENDANT

- A hearing was held in open court in the presence of the defendant at which time a fee, including expenses, was awarded the defendant's appointed counsel or assigned public defender in this proceeding.

ORDER OF COMMITMENT/APEAL ENTRIES

- It is ORDERED that the Clerk deliver two certified copies of this Order 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.
- The defendant gives notice of appeal from the Judgment of the District Court to the Superior Court.
- The current pretrial release order is modified as follows: _____
- The defendant gives notice of appeal from the Judgment of the Superior 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: 10/20/09 Name of the Signer: E. Lynn Johnson Signature of Probation Judge: [Signature]

CERTIFICATION

- I certify that this Order with the attachment(s) marked below is a true and complete copy of the original which is on file in this case.
- Special Conditions Of Probation (AOC-CR-603, Page Two).
 - Judgment Suspending Sentence (AOC-CR-603 or CR-604). (Check only if a term of Imprisonment is imposed as a new condition of Special Probation)
 - Restitution Update Worksheet, Notice And Findings (Revocation Or Termination Of Probation) (AOC-CR-612).
 - Judicial Findings And Order For Sex Offenders - Suspended Sentence (AOC-CR-615, Side Two).

Date: _____ Date Certified Copies Delivered To Sheriff: _____ Signature: _____

Deputy CSC Assistant CSC Clerk Of Superior Court

(NOTE: Check option 8 under the Order whenever the court finds a willful violation of a condition of probation. If option 8 is checked, Clerk should notify DMV.)

(NOTE: Defendant signs the following statement in all cases of supervised probation except where probation is terminated or not modified.)

I have received a copy of this Order which contains modifications of my probation and I agree to them. I understand that no person who supervises me or for whom I work while performing community or reparation service is liable to me for any loss or damage which I may sustain unless my injury is caused by that person's gross negligence or intentional wrongdoing. I understand that my probation may be extended pursuant to G.S. 15A-1342(a) or 15A-1343.2(d).

Date: 10/20/09 Signature of Defendant: [Signature] Witnessed By: [Signature]

NOTE: Send a Certified Copy to the Clerk of Superior Court of the County of Original Conviction, if Different.

[Signature] 10.20.09

STATE OF NORTH CAROLINA
 CUMBERLAND County **FAYETTEVILLE** Seat of Court
 NOTE: (This form is to be used for (1) felony offense(s), and (2) misdemeanor offense(s), which are consolidated for judgment with any felony offense(s). Use AOC-CR-310 for DWI offense(s))
 In The General Court Of Justice
 District Superior Court Division

STATE VERSUS
 Name Of Defendant: **MCNEILL, MARIO, ANDRETTE**
 Race: **B** Sex: **M** DOB: **04/30/1980**
 Attorney For State: **ROTHSTEIN, NITZA** Def. Found Not Indigent Def. Waived Attorney
 Attorney For Defendant: **RODGERS, ALLEN** Appointed Retained
 The defendant pled guilty to was found guilty by a jury of pled no contest to

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL.
07CRS063799	51	ELUDE ARRST MV 2 AGRVTG FCTRS	9/21/2007	20-141.5(B)	F	H
07CRS063616	51	FELONY POSSESSION OF COCAINE	4/30/2007	90-95(D)(2)	F	I

The Court:
 1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be 5. Any prior record level point under G.S. 15A-1340.14(b)(7) is based on the jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.
 2. makes no prior record level finding because none is required.
 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 prison term imposed is within the presumptive range of sentences authorized under G.S. 15A-1340.17(c).
 2. makes the aggravating and mitigating factors Determination as set forth on the attached AOC-CR-605.
 3. makes the Findings of Extraordinary Mitigation set forth on the attached AOC-CR-606.
 4. finds the defendant has provided substantial assistance pursuant to G.S. 90-95(h)(5).
 5. finds enhanced punishment pursuant to: G.S. 90-95(e)(3) (drugs). G.S. 14-3(c) (hate crime). G.S. 50B-4.1 (domestic violence).
 Other: _____ . This finding is based on the jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.
 6. imposes the punishment pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A.
 7. finds the above designated offense(s) is a reportable conviction. G.S. 14-208.6.
 a. and finds the defendant has has not been classified as a sexually violent predator. G.S. 14-208.6.
 b. and finds the defendant is is not a recidivist. G.S. 14-208.6.
 c. and finds the above designated offense(s) is is not an aggravated offense. G.S. 14-208.6.
 d. and finds the above designated offense(s) is is not an offense against a minor. G.S. 14-208.6.
 8. finds that a motor vehicle commercial motor vehicle was used in the commission of the offense and this conviction shall be reported to DMV.
 9. finds this is an offense involving assault or communicating a threat, and the defendant had a personal relationship as defined by G.S. 50B-1(b) with the victim.

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 imprisoned for a minimum term of 10 months for a maximum term of 12 months in the custody of N.C. DOC.
 This sentence shall run at the expiration of sentence imposed in file number _____

The defendant shall be given credit for _____ days spent in confinement prior to the date of this judgment as a result of this charge(s) to be applied toward the sentence imposed above. imprisonment required for special probation set forth on AOC-CR-603, Page Two.

SUSPENSION OF SENTENCE

Subject to the conditions set out below, the execution of this sentence is suspended and the defendant is placed on supervised unsupervised probation for 24 months.
 1. The Court finds that a longer shorter period of probation is necessary than that which is specified in G.S. 15A-1343.2(d).
 2. The Court finds that it is NOT appropriate to delegate to the Division of Community Corrections in the Department of Correction the authority to impose any of the requirements in G.S. 15A-1343.2(e) if the offender is sentenced to a community punishment, or G.S. 15A-1343.2(f) if the offender is sentenced to an intermediate punishment.
 3. The above period of probation shall begin when the defendant is released from incarceration in the case referred to below.
 4. The above period of probation shall begin at the expiration of the sentence in the case referred to below.

File Number	Offense	County	Court	Date

5. The defendant shall comply with the conditions set forth in file number _____
 6. The defendant shall provide a DNA sample pursuant to G.S. 15A-268.4. (AOC-CR-319 required)
 7. The defendant is not required to submit to satellite-based monitoring. shall submit to satellite-based monitoring as indicated on the attached AOC-CR-615.

MONETARY CONDITIONS

The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below; plus the probation supervision fee, pursuant to a schedule determined by the probation officer. set out by the court as follows:

Court Costs	Miscellaneous	Fines	Restitution*	Attorney's Fee	Comm. Service Fee	EHA Fee	GPS Fee	Total Amount Due
\$ 540.50	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 200.00	\$ 0.00	0.00	\$ 740.50

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

All payments received by the Clerk shall be distributed pro rata among the persons entitled to restitution in this priority order among all G.S. 7A-304(d) priorities and before payment of community service and probation supervision fees.
 Upon payment of the "Total Amount Due", the probation officer may transfer the defendant to the _____ SUPERIOR COURT
 AOC-CR-603, Rev. 12/07
 © 2007 Administrative Office of the Courts
 Material opposite unmarked squares is to be disregarded as surplusage.
 (Over)

BY [Signature]
 ASSISTANT DEPUTY

REC R CONDITIONS OF PROBATION - G.S. 15A-1343(b)

NOTE: Any probationary judgment may be extended pursuant to G.S. 15A-1342. The defendant shall: (1) Commit no criminal offense in any jurisdiction. (2) Possess no firearm, explosive device or other deadly weapon listed in G.S. 14-269. (3) Remain gainfully and suitably employed or faithfully pursue a course of study or 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. If the defendant is on supervised probation, the defendant shall also: (5) Remain within the jurisdiction of the Court unless granted written permission to leave by the Court or the probation officer. (6) Report as directed by the Court or the probation officer to the officer at reasonable times and places and in a reasonable manner, permit the officer to visit at reasonable times, answer all reasonable inquiries by the officer and obtain prior approval from the officer for, and notify the officer of, any change in address or employment. (7) Notify the probation officer if the defendant fails to obtain or retain satisfactory employment. (8) At a time to be designated by the probation officer, visit with the probation officer a facility maintained by the Division of Prisons. If the defendant is to serve an active sentence as a condition of special probation, the defendant shall also: (9) Obey the rules and regulations of the Department of Correction governing the conduct of inmates while imprisoned. (10) Report to a probation officer in the State of North Carolina within seventy-two (72) hours of the defendant's discharge from the active term of imprisonment.

11. The Court finds that the defendant is responsible for acts of domestic violence and there is an abuser treatment program, approved by the Domestic Violence Commission, reasonably available to the defendant, and the defendant shall attend and complete that program. there is not an approved abuser treatment program reasonably available. it would not be in the best interests of justice to order the defendant to complete an abuser treatment program because.

NOTE: See Page Two, Side Two, for Additional Conditions For Persons Convicted Of Domestic Violence.

SPECIAL CONDITIONS OF PROBATION - G.S. 15A-1343(b1), 143B-262(c)

- 12. Surrender the defendant's drivers license to the Clerk of Superior Court for transmittal/notification to the Division of Motor Vehicles and not operate a motor vehicle for a period of or until relicensed by the Division of Motor Vehicles, whichever is later.
13. Submit at reasonable times to warrantless searches by a probation officer of the defendant's person, and of the defendant's vehicle and premises while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision: stolen goods controlled substances contraband child pornography
14. Not use, possess or control any illegal drug or controlled substance unless it has been prescribed for the defendant by a licensed physician and is in the original container with the prescription number affixed on it; not knowingly associate with any known or previously convicted users, possessors or sellers of any illegal drugs or controlled substances; and not knowingly be present at or frequent any place where illegal drugs or controlled substances are sold, kept or used.
15. Supply a breath, urine and/or blood specimen for analysis of the possible presence of a prohibited drug or alcohol, when instructed by the defendant's probation officer.
16. Successfully pass the General Education Development Test (G.E.D.) during the first months of the period of probation.
17. Complete hours of community or reparation service during the first days of the period of probation, as directed by the community service coordinator and pay the fee prescribed by G.S. 143B-262.4(b). pursuant to the schedule set out under monetary conditions above. within days of this Judgment and before beginning service.
18. Report for initial evaluation by participate in all further evaluation, counselling, treatment or education programs recommended as a result of that evaluation, and comply with all other therapeutic requirements of those programs until discharged.
19. Not assault, threaten, harass, be found in or on the premises or workplace of, or have any contact with "Contact" includes any defendant-initiated contact, direct or indirect, by any means including but not limited to telephone, personal contact, e-mail, pager, gift-giving, telefacsimile machine or through any other person, except
20. Other:
21. Comply with the Special Conditions Of Probation - Intermediate Punishments - Contempt which are set forth on AOC-CR-603, Page Two.
A hearing was held in open court in the presence of the defendant at which time a fee, including expenses, was awarded the defendant's appointed counsel or assigned public defender.

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 4/9/2008 Name Of Presiding Judge (Type Or Print) JACK A THOMPSON Signature Of Presiding Judge [Signature]

CERTIFICATION

- I certify that this Judgment and the attachment(s) marked below is a true and complete copy of the original which is on file in this case.
1. Appellate Entries (AOC-CR-350)
2. Judgment Suspending Sentence, Page Two (Special Conditions Of Probation) (AOC-CR-603, Page Two)
3. Felony Judgment Findings Of Aggravating And Mitigating Factors (AOC-CR-605)
4. Extraordinary Mitigation Findings (AOC-CR-606)
5. Restitution Worksheet, Notice And Order (Initial Sentencing) (AOC-CR-611)
6. Judicial Findings As To Required DNA Sample (AOC-CR-319)
7. Judicial Findings And Order As To Satellite-Based Monitoring For Sex Offenders - Lifetime Monitoring/Judicial Findings And Order As To Satellite-Based Monitoring For Sex Offenders - Court-Determined Monitoring Period (AOC-CR-615)

Date Of Certification Signature SEAL
Date Certified Copies Delivered To Sheriff Deputy CSC Assistant CSC Clerk Of Superior Court



STATE VERSUS

File No.

07CRS063799 51

Name Of Defendant

MCNEILL, MARIO, ANDRETTE

INTERMEDIATE PUNISHMENTS - CONTEMPT

NOTE: Use this page in conjunction with AOC-CR-310, "Impaired Driving - Judgment Suspending Sentence"; AOC-CR-603, "Judgment Suspending Sentence - Felony"; or AOC-CR-604, "Judgment Suspending Sentence - Misdemeanor(s)"; or AOC-CR-809, "Order On Violation Of Probation Or On Motion To Modify."

In addition to complying with the regular and any special conditions of probation set forth in the "Judgment Suspending Sentence" entered in the above case(s), the defendant shall also comply with the following special conditions of probation and conditions of special probation, which are defined as intermediate punishments by G.S. 15A-1340.11(b).

- 1. Special Probation - G.S. 15A-1351 Contempt - G.S. 15A-1344(e1) and 5A-11(a)
A. Serve an active term of ... days ... months ... hours in the custody of ... N.C. DOC. ... Sheriff of this County.
B. The defendant shall report in a sober condition to begin serving his/her term on:
C. The defendant shall again report in a sober condition to continue serving this term on the same day of the week for the next ... consecutive weeks, and shall remain in custody during the same hours each week until completion of the active sentence ordered.
D. This sentence shall be served at the direction of the probation officer within ... days ... months of this judgment.
E. Pay jail fees.
F. Work release is recommended.
G. A DOC substance abuse treatment unit is recommended G.S. 15A-1351(h) (applies only to offenses committed before December 1, 2003).
H. Other:

- 2. Residential Program - G.S. 15A-1340.11(8); 15A-1343(b1)(2)
Attend or reside in ... (name program) residential program for a period of ... days, ... months, and abide by all rules and after care regulations of that program.
Other:

- 3. House Arrest With Electronic Monitoring - G.S. 15A-1340.11(4a); 15A-1343(b1)(3c)
Be assigned to house arrest with electronic monitoring for a period of ... days ... months, and submit to electronic monitoring and abide by all rules, regulations and directions of the probation officer, regarding electronic monitoring, and pay the fee prescribed under G.S. 15A-1343.(c2) pursuant to the schedule set out under Monetary Conditions.
Other:

- 4. Intensive Supervision Program - G.S. 15A-1340.11(5); 15A-1343(b1)(3b); 143B-262(c)
Submit to supervision by officers assigned to the Intensive Probation Program established pursuant to G.S. 143B-262(c), for a period of 6 months, (6 to 9 months recommended by the Division of Community Corrections), and comply with the rules adopted by that program.
Other:

- 5. Day-Reporting Center - G.S. 15A-1340.11(3); 15A-1343(b1)(10); 15A-1340.11(6)
Report as directed by the probation officer to the Day Reporting Center for a period of ... days, ... months, and abide by all rules and regulations of that program.
Other:

- 6. Drug Treatment Court - G.S. 15A-1340.11(3a); 15A-1340.11(6)
Comply with the rules adopted for the program as provided for in Article 62 of Chapter 7A of the General Statutes and report on a regular basis for a specified time to participate in court supervision, drug screening or testing, and drug or alcohol treatment programs.
Other:

A TRUE COPY
CLERK OF SUPERIOR COURT
CUMBERLAND COUNTY
BY [Signature] ASSISTANT DEPUTY

9

MANDATORY SPECIAL CONDITIONS FOR SEX OFFENDERS AND PERSONS CONVICTED OF OFFENSES INVOLVING PHYSICAL, MENTAL, OR SEXUAL ABUSE OF A MINOR - G.S. 15A-1343(b2)

NOTE: For sex offenders and persons convicted of offenses involving the physical, mental, or sexual abuse of a minor, one of the following must be selected.
NOTE: The following are not defined as intermediate punishments under G.S. 15A-1340.11(b).

7. Special Conditions For Reportable Offenses - G.S. 15A-1343(b2)

The defendant has been convicted of an offense which is a reportable conviction as defined in G.S. 14-208.6(4), and must

- 1. Register as required by G.S. 14-208.7.
- 2. Participate in such evaluation and treatment as is necessary to complete a prescribed course of psychiatric, psychological, or other rehabilitative treatment as ordered by the court.
- 3. Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.
- 4. Submit at reasonable times to warrantless searches by a probation officer of the defendant's person, of the defendant's vehicle and premises, and of the defendant's computer or other electronic mechanism which may contain electronic data, while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision: child pornography

- 5. Submit to satellite-based monitoring for the defendant's natural life. (AOC-CR-615 required)
- 6. Other: _____

8. Special Conditions For Offenses Involving The Sexual Abuse Of A Minor - G.S. 15A-1343(b2)

NOTE: If the offense is one in which there is evidence of sexual abuse of a minor, the defendant may not reside in a household with any minor child. G.S. 15A-1343(b2)(4).

The defendant has been convicted of an offense which involves the sexual abuse of a minor and must

- 1. Register as required by G.S. 14-208.7 if the offense is a reportable conviction as defined by G.S. 14-208.6(4).
- 2. Participate in such evaluation and treatment as is necessary to complete a prescribed course of psychiatric, psychological, or other rehabilitative treatment as ordered by the court.
- 3. Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.
- 4. Not reside in a household with any minor child.
- 5. Submit at reasonable times to warrantless searches by a probation officer of the defendant's person, of the defendant's vehicle and premises, and of the defendant's computer or other electronic mechanism which may contain electronic data, while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision: child pornography

- 6. Submit to satellite-based monitoring for the defendant's natural life. (AOC-CR-615 required)
- 7. Submit to satellite-based monitoring for (specify length of time) _____ (AOC-CR-615 required)
- 8. Other: _____

9. Special Conditions For Offenses Involving The Physical Or Mental Abuse Of A Minor - G.S. 15A-1343(b2)

NOTE: If the offense is one in which there is evidence of physical or mental abuse of a minor, the defendant may not reside in a household with any minor child unless the court expressly finds (1) that it is unlikely that the defendant's harmful or abusive conduct will recur and (2) that it would be in the minor child's best interest to allow the defendant to reside in the same household with a minor child. G.S. 15A-1343(b2)(5).

The defendant has been convicted of an offense which involves the physical or mental abuse of a minor and must

- 1. Register as required by G.S. 14-208.7 if the offense is a reportable conviction as defined by G.S. 14-208.6(4).
- 2. Participate in such evaluation and treatment as is necessary to complete a prescribed course of psychiatric, psychological, or other rehabilitative treatment as ordered by the court.
- 3. Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.
- 4. Not reside in a household with any minor child other than the child(ren) named below. If there is a child(ren) named below, the court expressly finds that it is unlikely that the defendant's harmful or abusive conduct will recur and that it would be in the best interest of the child(ren) named below to reside in the same household with the probationer. (Name minor child(ren) with whom the probationer may reside in the same household.)
- 5. Submit at reasonable times to warrantless searches by a probation officer of the defendant's person, of the defendant's vehicle and premises, and of the defendant's computer or other electronic mechanism which may contain electronic data, while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision: child pornography

- 6. Submit to satellite-based monitoring for the defendant's natural life. (AOC-CR-615 required)
- 7. Submit to satellite-based monitoring for (specify length of time) _____ (AOC-CR-615 required)
- 8. Other: _____

OTHER SPECIAL CONDITIONS

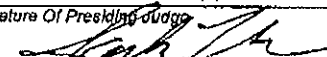
10. Other Special Conditions:

ADDITIONAL CONDITIONS FOR PERSONS CONVICTED OF A DOMESTIC VIOLENCE OFFENSE

The defendant shall

- A. not come within _____ feet of _____ at any time.
- B. fully comply with any 50B Domestic Violence Protective Order in effect.

The above conditions are incorporated in the "Judgment Suspending Sentence" in the above case(s) and made a part thereof.

Date	Name Of Presiding Judge (Type Or Print)	Signature Of Presiding Judge
04/09/08	JACK A THOMPSON	

10

STATE VERSUS

File No.

07CRS063799

51

Name Of Defendant

MCNEILL, MARIO, ANDRETTE

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

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL.
07CRS063799	52	ASSAULT GOVT OFFICIAL/EMPLY	9/21/2007	14-33(C)(4)	M	A1

A TRUE COPY
CLERK OF SUPERIOR COUR.
CUMBERLAND COUNTY

BY

[Signature]
ASSISTANT DEPUTY

11

250 CUMBERLAND ICA INQUIRY 01 08CR 060302 FILM:
 DISPOSED R S DOB/AGE CR FILING DATE: 071308
 CITATION B M [REDACTED] DL#: [REDACTED] NC
 MCNEILL, MARIO, ANDRETTE CIT#: C9313773 TRIAL DATE: 091609
 [REDACTED] CSLR: CSLRC: AM
 FAYETTEVILLE NC 28306 DEF ATTY: TYP: VRA:
 CHG/ARRN OFFN: T FLEE/ELUDE ARREST W/MV (M) 20-141.5(A)
 COMPLAINANT: COCHRAN, C, W CPD ISSUED: 071308 SERVED: 071308
 OFFN DATE: 071308 ARRN DATE: MOTIONS DATE: DISP DATE: 091609
 CONT. D: 00 S: 00 C: 00 NR: 00 DV CV: N

PLEA	VER	MOD	FINE	COSTS	REST	JUDGE	PAID	TO-BE-PAID
	VD		\$	\$	\$			
CONV OFFN:								
SENT LEN:			--	SENT TYPE:		CONS F/JGMT:		
PROB:				WITHDRAWN:		APPEALED TO SUPERIOR:		
AREA CD:	ACCD:	N HWY:	OT	V LIC:	XNW9217	TRANS TO SUPERIOR:		
CDL: N	CMV: N	HAZ: N	TRP/DIST:	V ST: NC	V TYP: P	APPELLATE:		
VD PER NO PW ADA STRANGE								

ARREST DATE: CHECK DIGIT: SID: LID: MMBM2825A-250
 NEXT#: PF2 - NAME INQUIRY ADDL CHARGES: Y

MAGISTRATE'S ORDER - MISDEMEANOR ONLY

The named defendant has been arrested without a warrant and there is information furnished under oath by the named officer. A copy of this Order has been delivered to the defendant.

COURT USE ONLY

Signature of Magistrate/Assistant: *[Signature]* Date: *7-13-08*

Signature of Deputy/Assistant: _____ Date: _____

PRELIMINARY FINDINGS: guilty/resp. no contest not guilty/resp.

VERDICT: guilty/resp. not guilty/resp.

NO. LEVEL: I (1) II (1-4) III (5+)

PRIOR CONVICTIONS: None I (1) II (1-4) III (5+)

APPOINTED: Appointed Retained Waived

IN THE GENERAL COURT OF JUSTICE DISTRICT COURT DIVISION

JUDGMENT: The defendant appeared in open court and truthfully, voluntarily and understandingly entered the above plea; on the above verdict/finding, it is ORDERED that the defendant be: pay a fine of \$ _____ be imprisoned for a term of _____ days in custody of the sheriff. Pretrial credit shall be applied on unexpired portion of sentence. Execution of sentence is suspended and the defendant is placed on unexpired portion of sentence. The defendant is placed on probation for _____ months, subject to the regular conditions of probation and the following: (1) pay costs and a fine of \$ _____ (2) _____ (3) complete _____ hours of community service within _____ days and pay the fee; (4) 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.

DATE: _____ **SIGNATURE OF DISTRICT COURT JUDGE:** _____

SCR 60302

NORTH CAROLINA UNIFORM CITATION

Defendant is to appear in District Court
FAYETTEVILLE RM 2A N.C.

Day Of Week: **WEDNESDAY** Month: **08** Day: **30** Year: **08** Time: **9:00** AM PM

D.L. D.C.I. Other

THE STATE OF NORTH CAROLINA VS.

Name Of Defendant: **MARIO A. McNEILL**

Address: _____

City: **FAYETTEVILLE** State: **NC** Zip: **28306**

Drivers License No.: _____ State: **NC** No: _____ Class: **C**

Sex: **M** Date Of Birth: **4/30/80** Age: **28**

Social Security No. Of Defendant: _____ Telephone No.: _____

Vehicle License No.: _____ State: **NC**

Vehicle Type: **P** Year: **98**

Make: **CHE** Make: **CHE** Year: **98**

Model: **98**

Name And Telephone No. Of Defendant's Employer: **NONE**

Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card): **7/13/08**

ACKNOWLEDGMENT/RESIDENT PERSONAL RECOGNIZANCE FOR APPEARANCE

I acknowledge receipt of this Citation and promise to appear in the named court at the time and place designated herein. I understand that my failure to appear or to appear at the time and place designated herein, without a valid excuse, may result in my operator's license being suspended until I have done so. Also, I may go before a magistrate and make bail in lieu of my personal recognizance.

Date: **7/13/08** Signature Of Defendant: _____

DEPARTMENTAL USE ONLY

Officer: **COCHRAN** No. **177** Troop **CSB 3** District **3**

SHP Code: N.C. Rate: **FAYETTEVILLE** Police/Chief

Area: **6** Weigh. **C** vs. **C** Traffic: **L** Accident: **NO** Speed: **65A**

On Highway: **MURKINSON RD** Injury Or Serious Injury Passenger(s) Under 16

In Vicinity/City Of: **FAYETTEVILLE** **BLUE ST** Near Intersection

W/A: _____ Chemical Analyst AC Refused

ORIGINAL-COURT COPY

STATE OF NORTH CAROLINA CUMBERLAND County

SUNDAY 23 (A) m. the 13 day of **JULY** 2008

Officer has probable cause to believe that on or about _____ in the named county, the named defendant did unlawfully and wilfully operate a motor vehicle on a street or highway in violation of _____

1. At a speed of _____ MPH in a _____ work zone. G.S. 20-141(g), 8B. school zone. G.S. 20-141.1.

2. In excess of _____ mph 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 15 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).

5. While subject to an impeding substance. G.S. 20-138.1.

6. Without being licensed as a driver by the Division of Motor Vehicles of North Carolina. G.S. 20-7(b).

7. While the defendant's driver's license was revoked. G.S. 20-22.

8. While displaying an expired registration plate on the vehicle knowing the same to be expired. G.S. 20-112(c).

9. Without displaying a current approved inspection certificate, such as a vehicle requiring registration in North Carolina. G.S. 20-183.2.

Month Expired: _____

10. By failing to see before (stopping) (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)(2).

12. By entering an intersection while a steady-beam traffic signal was eroding a red light for traffic in defendant's direction of travel. G.S. 20-159(b)(2).

13. Without being in full force and effect the financial responsibility required by G.S. 20-311. The defendant was the owner of the motor vehicle that was (registered) (required to be registered) in this State. G.S. 20-313.

14. (Possess an open container of) (Consumed) an alcoholic beverage in the passenger area of a motor vehicle. G.S. 20-136.7(a). (NOTE: State operate a motor vehicle and public vehicular area) above.)

15. Without possessing a valid driver's license as necessary to avoid conflict with a (vehicle) (person). G.S. 20-141.

16. **RESIST DELAY OR OBSTRUCT A PUBLIC OFFICER IN DISCHARGING OR ATTEMPTING TO DISCHARGE A DUTY OF HIS OFFICE TO WIT: REFUSED TO EXIT HIS VEHICLE AND LATER REFUSED TO OBEY COMMANDS AFTER FLEEING A TRAFFIC STOP.**

GS. 14-223

17. And on or about the date and time shown above in the named county, the named defendant did unlawfully and wilfully operate a (motor) vehicle on a (street) **DID OPERATE WHILE FLEEING OR ATTEMPTING TO FLEE A LAW ENFORCEMENT OFFICER WHO IS IN THE LAWFUL PERFORMANCE OF HIS DUTIES TO WIT: FLED A TRAFFIC STOP IN HIS VEHICLE AND EVENTUALLY STOPPING ON BLUE ST. GS. 20-141.**

Date: **7/13/08** Signature Of Officer: **Chris Cochran**

250 CUMBERLAND ICA INQUIRY 02 08CR 060302 FILM:
 DISPOSED R S DOB/AGE CR FILING DATE: 071308
 CITATION B M [REDACTED] DL#: [REDACTED] NC
 MCNEILL, MARIO, ANDRETTE CIT#: C9313773 TRIAL DATE: 091609
 [REDACTED] CSLR: CSLRC: AM
 FAYETTEVILLE NC 28306 DEF ATTY: TYP: VRA:
 CHG/ARRN OFFN: M RESISTING PUBLIC OFFICER 14-223
 COMPLAINANT: COCHRAN, C, W CPD ISSUED: 071308 SERVED: 071308
 OFFN DATE: 071308 ARRN DATE: MOTIONS DATE: DISP DATE: 091609
 CONT. D: 00 S: 00 C: 00 NR: 00 DV CV: N

PLEA	VER	MOD	FINE	COSTS	REST	JUDGE	PAID	TO-BE-PAID
	VD	\$	\$	\$				
CONV OFFN:								
SENT LEN: -			SENT TYPE:			CONS F/JCMT:		
PROB:			WITHDRAWN:			APPEALED TO SUPERIOR:		
AREA CD:	ACCD:	N HWY:	OT	V LIC:	XNW9217	TRANS TO SUPERIOR:		
CDL:	N CMV:	N HAZ:	N TRP/DIST:	V ST:	NC V TYP:	P	APPELLATE:	
VD PER NO PW ADA STRANGE								

ARREST DATE: CHECK DIGIT: SID: LID: MMBM2825A-250
 NEXT#: PF2 - NAME INQUIRY ADDL CHARGES:

ORIGINAL COPY

File No. 08CR 064421	
MAGISTRATE'S ORDER	
Offense 1 ASSAULT ON A FEMALE	
THE STATE OF NORTH CAROLINA VS.	
Name, Address & Telephone No. of Defendant MARIO ANDRETTE MCNEILL FAYETTEVILLE NC 28306 CUMBERLAND County	
Race B	Sex M
Date of Birth	Age 28
Social Security No.	Driver's License No. & State
Name of Defendant's Employer	
Offense Code 1 1389	Offense in Violation of G.S. 1 14-33(c)(2)
Date of Arrest & Check Digit No. (As Shown On Fingerprint Card)	Date of Offense
09/23/2008	09/23/2008
Arresting Officer (Name, Address or Department, Phone No.) JEFFREY SHEPHERD (FAYETTEVILLE PD) FAYETTEVILLE NC 28301	
Witnesses (Names, Addresses, Phone Numbers) APRIL AUTRY	
<input type="checkbox"/> Offense Which Requires Fingerprinting Per Fingerprint Plan	Date Issued 09/23/2008

STATE OF NORTH CAROLINA		In The General Court of Justice	
CUMBERLAND County		District Court Division	
<p>I, the undersigned, find that the defendant named above has been arrested without a warrant and the defendant's detention is justified because there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully and willfully did assault and strike APRIL AUTRY, a female person, by SLAPPING HER ABOUT THE FACE WITH AN OPEN HAND AND SHOWING DIRT IN HER MOUTH. The defendant is a male person and was at least 18 years of age when the assault and striking occurred.</p> <p><i>V.D. - No witness present by 10:43am states motion to continue denied.</i></p> <p><i>C.V. Carroll</i></p> <p>DOMESTIC VIOLENCE 7 Oct '08</p>			
Signature JOHN A WILLIAMS	Location of Court FAYETTEVILLE Room 003A	Court Date 10/07/2008	Court Time 09:00 AM
<p>This act was in violation of the law referred to in this Magistrate's Order. This Magistrate's Order is issued upon information furnished under oath by the arresting officer(s) shown. A copy of this Order has been delivered to the defendant.</p>			

ORIGINAL COPY

Domestic Case / VRA Case

Domestic Case VRA Case

District Attorney Attorney For Defendant At Time of Trial or Plea <input type="checkbox"/> Appointed <input type="checkbox"/> Retained <input type="checkbox"/> Waived	PLEA: <input type="checkbox"/> guilty <input type="checkbox"/> no contest <input type="checkbox"/> guilty <input type="checkbox"/> no contest <input type="checkbox"/> not guilty	VERDICT: <input type="checkbox"/> guilty <input type="checkbox"/> guilty <input type="checkbox"/> not guilty	M.C.L. <input type="checkbox"/> A1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 M.C.L. <input type="checkbox"/> A1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	PRIOR CONVICTIONS Not Level: 0 <input type="checkbox"/> (0) <input type="checkbox"/> III(1-4) <input type="checkbox"/> III(5+)
JUDGMENT: The defendant appeared in open court and freely, voluntarily and understandingly entered the above plea; on the above verdict it is ORDERED that the defendant: <input type="checkbox"/> pay costs and a fine of \$ _____ <input type="checkbox"/> be imprisoned for a term of _____ days in the custody of the sheriff. <input type="checkbox"/> DOC. Pretrial credit _____ days served. <input type="checkbox"/> Work release <input type="checkbox"/> is recommended <input type="checkbox"/> is NOT recommended <input type="checkbox"/> is ordered. (use form AOC-CR-602) <input type="checkbox"/> The court finds that a <input type="checkbox"/> longer <input type="checkbox"/> shorter period of probation, than that which is specified in G.S. 15A-1343.2(d), is necessary. <input type="checkbox"/> With defendant's consent, 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 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) _____ Restitution * \$ _____ Attorney's Fee \$ _____ Community Service Fee \$ _____ Other \$ _____				
* Name(s), address(es), amount(s) & social security number(s) of aggrieved party(ies) to receive restitution: <input type="checkbox"/> complete _____ hours of community service during the first _____ days of probation, as directed by the community service supervisor, and pay the fee prescribed by G.S. 143B-475.1(b) within _____ days. <input type="checkbox"/> not be found in or on the premises of the complainant or _____ <input type="checkbox"/> not assault, communicate with or be in the presence of the complainant or _____ <input type="checkbox"/> Other: _____				
It is ORDERED that this: <input type="checkbox"/> Judgment is continued upon payment of costs. <input type="checkbox"/> case be consolidated for judgment with _____ <input type="checkbox"/> sentence is to run at the expiration of the sentence in _____ <input type="checkbox"/> 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: <input type="checkbox"/> Probable cause is found as to all counts except _____ and the defendant is bound over to Superior Court for action by the grand jury. <input type="checkbox"/> No probable cause is found as to Count(s) _____ of this Warrant, and the Court(s) is dismissed.				
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 _____ Name of District Court Judge or Magistrate (Type or Print) _____ Signature of District Court Judge or Magistrate _____				
CERTIFICATION				
WAIVER OF PROBABLE CAUSE HEARING The undersigned defendant, with the consent of his/her attorney, waives the right to a probable cause hearing. Date Waived _____ Signature Of Defendant _____ Signature Of Attorney _____				
APPEAL ENTRIES <input type="checkbox"/> The defendant, in open court, gives notice of appeal to the Superior Court. <input type="checkbox"/> The current pretrial release order is modified as follows: Date _____ Signature of District Court Judge or Magistrate _____				

NOTE: If DWI, use AOC-CR-301 (active) or AOC-CR-310 (probation). If active sentence to DOC, use AOC-CR-602. If supervised probation use AOC-CR-614.

17

250 CUMBERLAND ICA INQUIRY 01 08CR 064421 FILM:
 DISPOSED R S DOB/AGE CR FILING DATE: 092308
 MAGISTRATE ORDER B M [REDACTED] DL#: [REDACTED] NC
 MCNEILL, MARTO, ANDRETTE CIT#: TRIAL DATE: 100708
 [REDACTED] CSLR: CSLRC: AM
 FAYETTEVILLE NC 28306 DEF ATTY: TYP: VRA: Y
 CHG/ARRN OFFN: M ASSAULT ON A FEMALE 14-33(C) (2)
 COMPLAINANT: SHEPHERD, JEFFREY CPD ISSUED: 092308 SERVED: 092308
 OFFN DATE: 092308 ARRN DATE: MOTIONS DATE: DISP DATE: 100708
 CONT. D: 00 S: 00 C: 00 NR: 00 DV CV: N

PLEA VER MOD FINE COSTS REST JUDGE PAID TO-BE-PAID
 VD \$ \$ \$

CONV OFFN:
 SENT LEN: - SENT TYPE: CONS F/JGMT:
 PROB: WITHDRAWN: APPEALED TO SUPERIOR:
 AREA CD: ACCD: HWY: V LIC: TRANS TO SUPERIOR:
 CDL: N CMV: N HAZ: N TRP/DIST: V ST: V TYP: APPELLATE:
 VD PER NO WITNESS PRESENT BY 10:43AM; STATE'S MOTION TO CONT
 DENIED. ADA CARROLL.

ARREST DATE: 092308 CHECK DIGIT: UW9238E SID: NC0943707A LID: MMBM2825A-250
 NEXT#: PF2 - NAME INQUIRY ADDL CHARGES:

14

250 CUMBERLAND
DISPOSED
INDICTMENT
MCNEIL, MARIO, ANDRETTE

ICA INQUIRY 51 01CRS057451 FILM: 0400050126
R S DOB/AGE CRS FILING DATE: 013002
B M [REDACTED] DL#: [REDACTED] NC
CIT#: [REDACTED] TRIAL DATE: 012703

[REDACTED] CSLR: CSLRC: AM
FAYETTEVILLE NC 28304 DEF ATTY: KING.TONI TYP: A VRA:
CHG/ARRN OFFN: F AWDWIKISI 14-32(A)
COMPLAINANT: SOMERINDYKE, JOHN CPD ISSUED: 061901 SERVED: 101401
OFFN DATE: 061701 ARRN DATE: 060502 MOTIONS DATE: 010603 DISP DATE: 011003
CONT. D: 00 S: 00 C: 00 NR: 00 DV CV: N

PLEA	VER	MOD	FINE	COSTS	REST	JUDGE	PAID	TO-BE-PAID	
	VD	\$	\$	\$		ELJ			
CONV	OFFN:								
SENT	LEN:	-	SENT	TYPE:		CONS	F/JGMT:		
PROB:			WITHDRAWN:			APPEALED	TO SUPERIOR:		
AREA	CD:	ACCD:	HWY:	V LIC:		TRANS	TO SUPERIOR:	012802	
CDL:	N	CMV:	N	HAZ:	N	TRP/DIST:	V ST:	V TYP:	APPELLATE:

ARREST DATE: 101401 CHECK DIGIT: BH7219L SID: NC0943707A LID: MMBM2825A-250
NEXT#: PF2 - NAME INQUIRY ADDL CHARGES: Y

18

250 CUMBERLAND
DISPOSED
INDICTMENT
MCNEIL, MARIO, ANDRETTE

ICA INQUIRY 52 01CRS057451 FILM: 0400050126
R S DOB/AGE CRS FILING DATE: 013002
B M [REDACTED] DL#: [REDACTED] NC
CIT#: [REDACTED] TRIAL DATE: 012703

[REDACTED] CSLR: CSLRC: AM
FAYETTEVILLE NC 28304 DEF ATTY: KING.TONI TYP: A VRA:
CHG/ARRN OFFN: F ASSAULT SERIOUS BODILY INJURY 14-32.4
COMPLAINANT: SOMERINDYKE, JOHN CPD ISSUED: 061901 SERVED: 101401
OFFN DATE: 061701 ARRN DATE: 060502 MOTIONS DATE: 010603 DISP DATE: 011003
CONT. D: 00 S: 00 C: 00 NR: 00 DV CV: N

PLEA VER MOD FINE COSTS REST JUDGE PAID TO-BE-PAID
GU GU JU \$ \$ \$ ELJ
CONV OFFN: F ASSAULT SERIOUS BODILY INJURY 14-32.4
SENT LEN: 016 M - 020 M SENT TYPE: I CONS F/JGMT:
PROB: 036 M SUPERVISED WITHDRAWN: APPEALED TO SUPERIOR:
AREA CD: ACCD: HWY: V LIC: TRANS TO SUPERIOR:
CDL: N CMV: N HAZ: N TRP/DIST: V ST: V TYP: APPELLATE:
JUDGE E. LYNN JOHNSON

ARREST DATE: 101401 CHECK DIGIT: BH7219L SID: NC0943707A LID: MMBM2825A-250
NEXT#: PF2 - NAME INQUIRY ADDL CHARGES: Y

(19)

250 CUMBERLAND
DISPOSED
INDICTMENT
MCNEIL, MARIO, ANDRETTE

ICA INQUIRY 53 01CRS057451 FILM: 0400050126
R S DOB/AGE CRS FILING DATE: 013002
B M [REDACTED] DL#: [REDACTED] NC
CIT#: TRIAL DATE: 012703

FAYETTEVILLE NC 28304 DEF ATTY: KING.TONI TYP: A VRA:
CHG/ARRN OFFN: F FELONY PROBATION VIOLATION 15A-1345
COMPLAINANT: SOMERINDYKE, JOHN CPD ISSUED: 061901 SERVED: 101401
OFFN DATE: 061701 ARRN DATE: 060502 MOTIONS DATE: 010603 DISP DATE: 092903
CONT. D: 00 S: 00 C: 00 NR: 00 DV CV: N

PLEA VER MOD FINE COSTS RST JUDGE PAID TO-BE-PAID
PR \$ \$ \$ RFF

CONV OFFN:
SENT LEN: 016 M - 020 M SENT TYPE: CONS F/JGMT:
PROB; WITHDRAWN: APPEALED TO SUPERIOR:
AREA CD: ACCD: HWY: V LIC: TRANS TO SUPERIOR:
CDL: N CMV: N HAZ: N TRP/DIST: V ST: V TYP: APPELLATE:
JUDGE FLOYD, ADA OLIVERA, PD BLACK,

ARREST DATE: 101401 CHECK DIGIT: BH7219L SID: NC0943707A LID: MMBM2825A-250
NEXT#: PF2 - NAME INQUIRY ADDL CHARGES:

20