

STATE OF NORTH CAROLINA

HAYWOOD

County

WAYNESVILLE

Seat of Court

File No.

16CRS000620

51

NOTE: [Use AOC-CR-310 for DWI offense(s).]

In The General Court Of Justice

District Superior Court Division

STATE VERSUS

JUDGMENT SUSPENDING SENTENCE - FELONY PUNISHMENT: COMMUNITY INTERMEDIATE (STRUCTURED SENTENCING)

(For Offenses Committed Dec. 1, 2011 - Nov. 30, 2016)

G.S. 15A-1341, -1342, -1343, -1343.2, -1346

Name Of Defendant

GIDCUMB, DEWEY, GEORGE, JR

Race

W

Sex

M

Date Of Birth

07/18/1964

Attorney For State

JEFF DOUGLAS JONES

Def. Found Not Indigent

Def. Waived Attorney

Attorney For Defendant

JOSHUA DAVID NIELSEN

Appointed

Retained

Crt Rptr Initials

DAC

The defendant was found guilty/responsible, pursuant to plea of no contest trial by judge trial by jury, of

Table with columns: 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).

The Court 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 jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.

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 Determination of aggravating and mitigating factors 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. adjudges the defendant to be (check only one) a habitual felon to be sentenced four classes higher than the principal felony (no higher than Class C).
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).
7. finds the above-designated offense(s) is a reportable conviction under G.S. 14-208.6 and therefore imposes the special conditions of probation set forth on the attached AOC-CR-603C, Page Two, Side Two, and makes the additional findings and orders on the attached AOC-CR-615, Side Two.
8. finds the above-captioned offense(s) involve the (check all that apply) physical or mental sexual abuse of a minor.
9. finds that a motor vehicle commercial motor vehicle was used in the commission of the offense and that it shall be reported to DMV.
10. finds this is an offense involving assault, communicating a threat, or an act defined in G.S. 50B-1(a), and the defendant had a personal relationship as defined by G.S. 50B-1(b) with the victim.
11. finds the above-designated offense(s) involved criminal street gang activity. G.S. 14-50.25.
12. did not grant a conditional discharge under G.S. 90-96(a) because (check all that apply) the defendant refused to consent.
13. finds that the defendant used or displayed a firearm while committing the felony. G.S. 15A-1382.2.
14. 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 imprisoned

for a minimum term of 5 months for a maximum term of 15 months in the custody of the N.C. DAC.

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-603C, 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 probation for 12 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 Section of Community Corrections the authority to impose any of the requirements in G.S. 15A-1343.2(e) for community punishment or G.S. 15A-1343.2(f) for intermediate punishment.
3. This period of probation shall begin when the defendant is released from incarceration at the expiration of the sentence in the case below.

Table with columns: File No., Offense, County, Court, Date

- 4. The defendant shall comply with the conditions set forth in file number
5. The defendant shall provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319 required)

MONETARY CONDITIONS

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

Table with columns: Costs, Fine, Restitution\*, Attorney's Fees, Comm Serv Fee, EHA Fee, SBM Fee, Appt Fee/Misc, Total Amount Due

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

- The Court finds just cause to waive costs, as ordered on the attached AOC-CR-618. Other:
Upon payment of the "Total Amount Due," the probation officer may transfer the defendant to unsupervised probation.

**REGULAR 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) Not abscond, by willfully avoiding supervision or by willfully making the defendant's whereabouts unknown to the supervising probation officer. (6) Remain within the jurisdiction of the Court unless granted written permission to leave by the Court or the probation officer. (7) 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. (8) Notify the probation officer if the defendant fails to obtain or retain satisfactory employment. (9) 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 purposes directly related to the probation supervision, but the defendant may not be required to submit to any other search that would otherwise be unlawful. (10) Submit to warrantless searches by a law enforcement officer of the defendant's person and of the defendant's vehicle, upon a reasonable suspicion that the defendant is engaged in criminal activity or is in possession of a firearm, explosive device, or other deadly weapon listed in G.S. 14-269 without written permission of the court. (11) 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 such illegal drugs or controlled substances; and not knowingly be present at or frequent any place where such illegal drugs or controlled substances are sold, kept, or used. (12) Supply a breath, urine, or blood specimen for analysis of the possible presence of prohibited drugs or alcohol when instructed by the defendant's probation officer for purposes directly related to the probation supervision. If the results of the analysis are positive, the probationer may be required to reimburse the Division of Adult Correction for the actual costs of drug or alcohol screening and testing.

13. The Court finds that the defendant is responsible for acts of domestic violence and therefore makes the additional findings and orders on the attached AOC-CR-603C, Page Two, Side Two.

**SPECIAL CONDITIONS OF PROBATION - G.S. 15A-1343(b1)**

The defendant shall also comply with the following special conditions which the Court finds are reasonably related to the defendant's rehabilitation:

- 14. 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.
- 15. Successfully pass the General Education Development Test (G.E.D.) during the first \_\_\_\_\_ months of the period of probation.
- 16. Complete 0024 hours of community service during the first \_\_\_\_\_ days of the period of probation, as directed by the judicial services coordinator. The fee prescribed by G.S. 143B-708 is  not due because it is assessed in a case adjudicated during the same term of court.  to be paid  pursuant to the schedule set out under Monetary Conditions on the reverse.  within \_\_\_\_\_ days of this Judgment and before beginning service.
- 17. Report for initial evaluation by \_\_\_\_\_, participate in all further evaluation, counseling, treatment, or education programs recommended as a result of that evaluation, and comply with all other therapeutic requirements of those programs until discharged.
- 18. 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 \_\_\_\_\_.
- 19. (for offenses committed on or after December 1, 2012) Abstain from alcohol consumption and submit to continuous alcohol monitoring for a period of \_\_\_\_\_ days.  months, the Court having found that a substance abuse assessment has identified defendant's alcohol dependency or chronic abuse.
- 20. Other: **NOT HAVE USE OR POSSESS ALCOHOL,**
- 21. Comply with the Special Conditions Of Probation which are set forth on AOC-CR-603C, Page Two.

**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	Name Of Presiding Judge (type or print)	Signature Of Presiding Judge
02/09/2017	THE HONORABLE BRADLEY B LETTS	

**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.

<input type="checkbox"/> 1. Appellate Entries (AOC-CR-350) <input type="checkbox"/> 2. Judgment Suspending Sentence (AOC-CR-603C, Page Two) (additional conditions of probation) <input type="checkbox"/> 3. Felony Judgment Findings Of Aggravating And Mitigating Factors (AOC-CR-605) <input type="checkbox"/> 4. Extraordinary Mitigation Findings (AOC-CR-606) <input type="checkbox"/> 5. Restitution Worksheet, Notice And Order (Initial Sentencing) (AOC-CR-611)	<input type="checkbox"/> 6. Judicial Findings As To Required DNA Sample (AOC-CR-319) <input type="checkbox"/> 7. Judicial Findings And Order For Sex Offenders - Suspended Sentence (AOC-CR-615, Side Two) <input type="checkbox"/> 8. Convicted Sex Offender Permanent No Contact Order (AOC-CR-620) <input type="checkbox"/> 9. Additional File No.(s) And Offense(s) (AOC-CR-626) <input type="checkbox"/> 10. Other: _____
---	--

Date	Date Certified Copies Delivered To Sheriff	Signature Of Clerk	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk Of Superior Court
------	--	--------------------	--

**SEAL**

Material opposite unmarked squares is to be disregarded as surplusage.