

STATE OF NORTH CAROLINA )  
 )  
 Vs. ) FROM ONSLOW COUNTY  
 ) 06 CRS 53923,25,27,29 31  
 THERON INMAN, )  
 Defendant. )  
 )  
 )

FILED  
 2009 SEP -3 A 8:05  
 COURT OF APPEALS  
 OF NORTH CAROLINA

\*\*\*\*\*  
RECORD ON APPEAL  
 \*\*\*\*\*

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ORGANIZATION OF THE COURT

The case of *State of North Carolina v. Theron Inman*, 06 CRS 53923,25,27,39,31 came on for plea, in Superior Court Division, County of Onslow, at the 2 March 2007 Criminal Session before the Honorable John W. Smith, Judge presiding. Defendant-appellant entered a plea of guilty pursuant to ten counts indecent liberties with a child, class F felonies. Judgment was ultimately suspended for purposes of sentencing to the Superior Court's 29 August 2007 session before the Honorable Judge Charles Henry. At the 29 August 2009 hearing, Defendant-appellant was ordered to a term of 60 months of supervised probation pursuant to five judgments with suspended active sentences of 16 to 20 months. Defendant was ordered to register as a sex offender.

On 23 March 2009, Defendant-appellant was ordered back to court for a hearing pursuant to N.C.G.S. § 14-208.40B to determine whether Defendant was subject to lifetime satellite monitoring requirements pursuant to N.C.G.S. § 14-208.40. Presiding over the hearing was the Honorable Judge Charles H. Henry. Defendant-appellant was order to lifetime satellite monitoring under the program. Defendant appealed in open court.

Appeal Docketed: \_\_\_\_\_

9.11.09

Record on Appeal Filed: \_\_\_\_\_

9.3.09

File No. **06CR 053923** (JLM)

Law Enforcement Case No. **06-2629**

LID No. SID No. FBI No.

**WARRANT FOR ARREST**

Offense  
 I FIRST DEGREE SEX OFFENSE CHILD  
 II INDECENT LIBERTIES WITH CHILD  
 III CRIME AGAINST NATURE

**STATE OF NORTH CAROLINA VS.**

Name And Address Of Defendant  
**THERON RUSSELL INMAN  
 301 PROVIDENCE DRIVE  
 JACKSONVILLE NC 28546  
 910-577-6260 ONSLOW County**

Race **W** Sex **M** Date Of Birth **09/13/1988** Age **17**

Social Security No. **595-74-2790** Drivers License No. & State

Name Of Defendant's Employer

Offense Code(s)  
 I 1116  
 II 1118  
 III 3620

Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card)  
**5-2-6 5C6252V**  
**10/15/2004 to 12/15/2004**

Complainant (Name, Address Or Department)  
**H J EVANS (JACKSONVILLE PD)  
 206 MARINE BLVD  
 JACKSONVILLE NC 28541  
 910-455-1472 ONSLOW County**

Witnesses (Names, Addresses, Telephone Nos., Counties)

No Image Available

To any officer with authority and jurisdiction to execute a warrant for arrest for the offense(s) charged below.

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did engage in a sex offense with **UN-NAMED JUVENILE**, a child under the age of 13 years.

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did take and attempt to take immoral, improper, and indecent liberties with **UN-NAMED JUVENILE**, who was under the age of 16 years at the time, for the purpose of arousing and gratifying sexual desire. At the time, the defendant was over 16 years of age and at least five years older than that child. In violation of G.S. 14-202.1(a)(1).

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did commit the abominable and detestable crime against nature with **UN-NAMED JUVENILE**.

This act(s) was in violation of the law(s) referred to in this Warrant. This Warrant is issued upon information furnished under oath by the complainant listed. You are DIRECTED to arrest the defendant and bring the defendant before a judicial official without unnecessary delay to answer the charge(s) above.

Signature **HAROLD HALL** Location Of Court **JACKSONVILLE Room 0001**

**MAGISTRATE** Court Date **08:00 AM**

Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan Date Issued **05/02/2006**

ORIGINAL COPY

Law Enforcement Case No. 06-2631 LID No. SID No. FBI No.

**STATE OF NORTH CAROLINA** In The General Court Of Justice  
District Court Division

**ONSLOW** County

No Image Available

File No. **06CR 053925**

**WARRANT FOR ARREST**

Offense  
 I FIRST DEGREE SEX OFFENSE CHILD  
 II INDECENT LIBERTIES WITH CHILD  
 III CRIME AGAINST NATURE

**THE STATE OF NORTH CAROLINA VS.**

Name And Address Of Defendant  
**THON RUSSELL INMAN**  
**301 PROVIDENCE DRIVE**  
**JACKSONVILLE NC 28546**  
**910-577-6260 ONSLOW County**

Race <b>W</b>	Sex <b>M</b>	Date Of Birth <b>09/13/1988</b>	Age <b>17</b>
Social Security No. <b>595-74-2790</b>		Drivers License No. & State	
Name Of Defendant's Employer			

Offense Code(s) I 1116 II 1118 III 3620	Offense In Violation Of G.S. I 14-27.4(A)(1) II 14-202.1 III 14-177	Date Of Offense <b>03/15/2005 to 03/15/2005</b>
Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card) <b>5-2-6 SC 6252 ✓</b>		

Complainant (Name, Address Or Department)  
**H J EVANS (JACKSONVILLE PD)**  
**206 MARINE BLVD**  
**JACKSONVILLE NC 28541**  
**910-455-1472 ONSLOW County**

Witnesses (Names, Addresses, Telephone Nos., Counties)

Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan

Date Issued **05/02/2006**

To any officer with authority and jurisdiction to execute a warrant for arrest for the offense(s) charged below:

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did engage in a sex offense with UN-NAMED JUVENILE, a child under the age of 13 years.

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did take and attempt to take immoral, improper, and indecent liberties with UN-NAMED JUVENILE, who was under the age of 16 years at the time, for the purpose of arousing and gratifying sexual desire. At the time, the defendant was over 16 years of age and at least five years older than that child. In violation of G.S. 14-202.1(a)(1).

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did commit the abominable and detestable crime against nature with UN-NAMED JUVENILE.

This act(s) was in violation of the law(s) referred to in this Warrant. This Warrant is issued upon information furnished under oath by the complainant listed. You are DIRECTED to arrest the defendant and bring the defendant before a judicial official without unnecessary delay to answer the charge(s) above.

Signature **HAROLD HALL** Location Of Court **JACKSONVILLE Room 0001**

**MAGISTRATE** Court Date **08:00** Court Time **AM**

ORIGINAL COPY

ORIGINAL COPY

If this Warrant For Arrest is not served within one hundred and eighty (180) days, it must be returned to the Clerk of Court in the county in which it was issued with the reason for the failure of service noted thereon. The officer must state all steps taken by the department in attempting to execute the Warrant and any information obtained about the whereabouts of the defendant

**RETURN OF SERVICE**  
 I certify that this Warrant was received and served as follows:  
 Date Received 5-2-06 Date Served 5-2-06 Date Returned 5-8-06  
 By arresting the defendant and bringing the defendant before:  
 Name Of Judicial Official 1146 JS franc

This Warrant WAS NOT served for the following reason:  
 Signature Of Officer Making Return A J Swan  
 Department Or Agency Of Officer IPP

**REDELIVERY/REISSUANCE**  
 Date \_\_\_\_\_ Signature \_\_\_\_\_  
 Dep. CSC   
 Assist. CSC   
 CSC

**RETURN FOLLOWING REDELIVERY/REISSUANCE**  
 I certify that this Warrant was received and served as follows:  
 Date Received \_\_\_\_\_ Date Served \_\_\_\_\_ Date Returned \_\_\_\_\_

By arresting the defendant and bringing the defendant before:  
 Name Of Judicial Official \_\_\_\_\_

This Warrant WAS NOT served for the following reason:  
 Signature Of Officer Making Return \_\_\_\_\_  
 Department Or Agency Of Officer \_\_\_\_\_

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

Date \_\_\_\_\_ Signature Of District Court Judge \_\_\_\_\_

**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 \_\_\_\_\_

**District Attorney**  
 Waived  
 Not Indigent  
 no contest  
 guilty  
 guilty  
 not guilty

**Atorney For Defendant**  
 Appointed  
 Retained  
 VERDICT:  guilty  
 guilty  
 not guilty

**PLEA:**  
 guilty  
 guilty  
 not guilty  
 no contest  
 no contest

**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. Execution of the sentence is suspended and the defendant is placed on unsupervised probation\* for \_\_\_\_\_ months, subject to the following conditions: (1) commit no criminal offense in any jurisdiction. (2) possess no firearm, explosive or other deadly weapon listed in G.S. 14-269. (3) remain gainfully and suitably employed or faithfully pursue a course of study or of vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) satisfy child support and family obligations, as required by the Court. (5) pay to the Clerk the costs of court and any additional sums shown below.

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

\*Name(s), address(es), 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. provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319)  
 10 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 for action by the grand jury.  No probable cause is found as to Count(s) \_\_\_\_\_ of this Warrant, and the Count(s) is dismissed.

Date \_\_\_\_\_ Name Of District Court Judge (Type Or Print) \_\_\_\_\_ Signature Of District Court Judge \_\_\_\_\_  
**CERTIFICATION**  
 I certify that this Judgment is a true and complete copy of the original which is on file in this case.  
 Date \_\_\_\_\_ Date Delivered To Sheriff \_\_\_\_\_ Signature \_\_\_\_\_  
 Deputy CSC  
 Asst. CSC  
 CSC

File No. <b>06CR 053927</b>	Law Enforcement Case No. <i>06-2633</i>	LID No.	SID No.	FBI No.	No Image Available
<b>WARRANT FOR ARREST</b>					
Offense I FIRST DEGREE SEX OFFENSE CHILD II INDECENT LIBERTIES WITH CHILD III CRIME AGAINST NATURE					
<b>THE STATE OF NORTH CAROLINA VS.</b>					
Name And Address Of Defendant <b>THERON RUSSELL INMAN</b> <b>301 PROVIDENCE DRIVE</b> <b>JACKSONVILLE NC 28546</b> <b>910-577-6260 ONSLOW County</b>					
Race <b>W</b>	Sex <b>M</b>	Date Of Birth <b>09/13/1988</b>	Age <b>17</b>		
Social Security No. <b>595-74-2790</b>		Drivers License No. & State			
Name Of Defendant's Employer					
Offense Code(s) I 1116 II 1118 III 3620					
Offense in Violation Of G.S. I 14-27.4(A)(1) II 14-202.1 III 14-177					
Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card) <b>05/15/2005 to 07/15/2005</b> <i>5-2-6 5C6252V</i>					
Complainant (Name, Address Or Department) <b>H J EVANS (JACKSONVILLE PD)</b> <b>206 MARINE BLVD</b> <b>JACKSONVILLE NC 28541</b> <b>910-455-1472 ONSLOW County</b>					
Witnesses (Names, Addresses, Telephone Nos., Counties)					
This act(s) was in violation of the law(s) referred to in this Warrant. This Warrant is issued upon information furnished under oath by the complainant listed. You are DIRECTED to arrest the defendant and bring the defendant before a judicial official without unnecessary delay to answer the charge(s) above.					
Signature			Location Of Court		
<b>HAROLD HALL</b>			<b>JACKSONVILLE Room 0001</b>		
MAGISTRATE			Court Date		
			<b>08:00 AM</b>		

To any officer with authority and jurisdiction to execute a warrant for arrest for the offense(s) charged below:

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did engage in a sex offense with **UN-NAMED JUVENILE**, a child under the age of 13 years.

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did take and attempt to take immoral, improper, and indecent liberties with **UN-NAMED JUVENILE**, who was under the age of 16 years at the time, for the purpose of arousing and gratifying sexual desire. At the time, the defendant was over 16 years of age and at least five years older than that child. In violation of G.S. 14-202.1(a)(1).

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did commit the abominable and detestable crime against nature with **UN-NAMED JUVENILE**.

This act(s) was in violation of the law(s) referred to in this Warrant. This Warrant is issued upon information furnished under oath by the complainant listed. You are DIRECTED to arrest the defendant and bring the defendant before a judicial official without unnecessary delay to answer the charge(s) above.

Signature	Location Of Court
<b>HAROLD HALL</b>	<b>JACKSONVILLE Room 0001</b>
MAGISTRATE	Court Date
	<b>08:00 AM</b>

ORIGINAL COPY

ORIGINAL COPY

If this Warrant For Arrest is not served within one hundred and eighty (180) days, it must be returned to the Clerk of Court in the county in which it was issued with the reason for the failure of service noted thereon. The officer must state all steps taken by the department in attempting to execute the Warrant and any information obtained about the whereabouts of the defendant.

**RETURN OF SERVICE**

I certify that this Warrant was received and served as follows:

Date Received 5-2-06 Date Served 5-2-06 Date Returned 5-2-06

By arresting the defendant and bringing the defendant before:

Name Of Judicial Official MAGISTRATE

This Warrant WAS NOT served for the following reason:

Signature Of Officer Making Return A. J. Moore

Department Or Agency Of Officer 7-25

**REDELIVERY/REISSUANCE**

Date Received \_\_\_\_\_ Date Served \_\_\_\_\_ Date Returned \_\_\_\_\_

I certify that this Warrant was received and served as follows:

By arresting the defendant and bringing the defendant before:

Name Of Judicial Official \_\_\_\_\_

This Warrant WAS NOT served for the following reason:

Signature Of Officer Making Return \_\_\_\_\_

Department Or Agency Of Officer \_\_\_\_\_

**APPEAL ENTRIES**

The defendant, in open court, gives notice of appeal to the Superior Court.

The current pretrial release order is modified as follows:

Date \_\_\_\_\_ Signature Of District Court Judge \_\_\_\_\_

**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 \_\_\_\_\_

District Attorney

Waived  Not Indigent

Attorney For Defendant

Appointed  Retained

PRIOR CONVICTIONS:

No./Level: 0  I (0)  II (1-4)  III (5+)

PLEA:  guilty  no contest  not guilty

VERDICT:  guilty  not guilty

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 \$ \_\_\_\_\_ 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. Execution of the sentence is suspended and the defendant is placed on unsupervised probation\* for \_\_\_\_\_ months, subject to the following conditions: (1) commit no criminal offense in any jurisdiction. (2) possess no firearm, explosive or other deadly weapon listed in G.S. 14-269. (3) remain gainfully and suitably employed or faithfully pursue a course of study or of vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) satisfy child support and family obligations, as required by the Court. (5) pay to the Clerk the costs of court and any additional sums shown below.

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-475.4(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. provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319)

10 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 for action by the grand jury.  No probable cause is found as to Count(s) \_\_\_\_\_ of this Warrant, and the Count(s) is dismissed.

Date \_\_\_\_\_ Name Of District Court Judge (Type Or Print) \_\_\_\_\_ Signature Of District Court Judge \_\_\_\_\_

**CERTIFICATION**

I certify that this Judgment is a true and complete copy of the original which is on file in this case.

Date \_\_\_\_\_ Date Delivered To Sheriff \_\_\_\_\_ Signature \_\_\_\_\_

Deputy CSC  Assist. CSC  CSC



File No. <b>06CR 053929</b>	Law Enforcement Case No. <i>06-2635</i>	LID No.	SID No.	FBI No.	No Image Available
<b>WARRANT FOR ARREST</b>					
Offense I FIRST DEGREE SEX OFFENSE CHILD II INDECENT LIBERTIES WITH CHILD III CRIME AGAINST NATURE					
<b>THE STATE OF NORTH CAROLINA VS.</b>					
Name And Address Of Defendant THERON RUSSELL INMAN 301 PROVIDENCE DRIVE JACKSONVILLE NC 28546 910-577-6250 ONSLOW County					
Race W	Sex M	Date Of Birth 09/13/1988	Age 17		
Social Security No. 595-74-2790		Drivers License No. & State			
Name Of Defendant's Employer					
Offense Code(s) I 1116 II 1118 III 3620	Offense In Violation Of G.S. I 14-27.4(A)(1) II 14-202.1 III 14-177				
Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card) <i>5-2-6 SC 6252V</i>		Date Of Offense 09/15/2005 to 11/15/2005			
Complainant (Name, Address Or Department) H J EVANS (JACKSONVILLE PD) 206 MARINE BLVD JACKSONVILLE NC 28541 910-455-1472 ONSLOW County					
Witnesses (Names, Addresses, Telephone Nos., Counties)					
<input checked="" type="checkbox"/> Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan				Date Issued 05/02/2006	
Signature HAROLD HALL			Location Of Court JACKSONVILLE Room 0001		
MAGISTRATE			Court Date 08:00 AM		

To any officer with authority and jurisdiction to execute a warrant for arrest for the offense(s) charged below:

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, wilfully and feloniously did engage in a sex offense with UN-NAMED JUVENILE, a child under the age of 13 years.

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, wilfully and feloniously did take and attempt to take immoral, improper, and indecent liberties with UN-NAMED JUVENILE, who was under the age of 16 years at the time, for the purpose of arousing and gratifying sexual desire. At the time, the defendant was over 16 years of age and at least five years older than that child. In violation of G.S. 14-202.1(a)(1).

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, wilfully and feloniously did commit the abominable and detestable crime against nature with UN-NAMED JUVENILE.

This act(s) was in violation of the law(s) referred to in this Warrant. This Warrant is issued upon information furnished under oath by the complainant listed. You are DIRECTED to arrest the defendant and bring the defendant before a judicial official without unnecessary delay to answer the charge(s) above.

ORIGINAL COPY

ORIGINAL COPY

If this Warrant For Arrest is not served within one hundred and eighty (180) days, it must be returned to the Clerk of Court in the county in which it was issued with the reason for the failure of service noted thereon. The officer must state all steps taken by the department in attempting to execute the Warrant and any information obtained about the whereabouts of the defendant

**RETURN OF SERVICE**  
 I certify that this Warrant was received and served as follows:  
 Date Received 5-2-06 Date Returned 5-2-06

By arresting the defendant and bringing the defendant before:  
 Name Of Judicial Official  
Maheshwari

This Warrant WAS NOT served for the following reason:  
 Signature Of Officer-Making Return  
A. J. [unclear]

Department Or Agency Of Officer  
SPP

**REDELIVERY/REISSUANCE**  
 Date \_\_\_\_\_ Signature \_\_\_\_\_  
 Dep. CSC  
 Assist. CSC  
 CSC

**RETURN FOLLOWING REDELIVERY/REISSUANCE**  
 I certify that this Warrant was received and served as follows:  
 Date Received \_\_\_\_\_ Date Returned \_\_\_\_\_

By arresting the defendant and bringing the defendant before:  
 Name Of Judicial Official \_\_\_\_\_

This Warrant WAS NOT served for the following reason:  
 Signature Of Officer Making Return \_\_\_\_\_

Department Or Agency Of Officer \_\_\_\_\_

**APPEAL ENTRIES**  
 The defendant, in open court, gives notice of appeal to the Superior Court.  
 The current pretrial release order is modified as follows:  
 Date \_\_\_\_\_ Signature Of District Court Judge \_\_\_\_\_

**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 \_\_\_\_\_

**District Attorney**  
 Waived  
 Not Indigent  
 PLEA:  guilty  no contest  
 guilty  no contest  
 not guilty

**Attorney For Defendant**  
 Appointed  
 Retained  
 VERDICT:  guilty  
 guilty  
 not guilty

**PRIOR CONVICTIONS:**  
 No Level: 0  I (0)  II (1-4)  III (\$+)  
 M.C.L.  A1  1  2  3  
 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.  
 Execution of the sentence is suspended and the defendant is placed on unsupervised probation\* for \_\_\_\_\_ months, subject to the following conditions: (1) commit no criminal offense in any jurisdiction. (2) possess no firearm, explosive or other deadly weapon listed in G.S. 14-269. (3) remain gainfully and suitably employed or faithfully pursue a course of study or of vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) satisfy child support and family obligations, as required by the Court. (5) pay to the Clerk of court and any additional sums shown below.

Fine \$ \_\_\_\_\_ Resitution\* \$ \_\_\_\_\_ 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. provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319)
- 10. 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 for action by the grand jury.  No probable cause is found as to Count(s) \_\_\_\_\_ of this Warrant, and the Count(s) is dismissed.

Date \_\_\_\_\_ Name Of District Court Judge (Type Or Print) \_\_\_\_\_ Signature Of District Court Judge \_\_\_\_\_

**CERTIFICATION**  
 I certify that this Judgment is a true and complete copy of the original which is on file in this case.

Date \_\_\_\_\_ Date Delivered To Sheriff \_\_\_\_\_ Signature \_\_\_\_\_  
 Deputy CSC  
 Assist. CSC  
 CSC

File No. <b>06CR 053931</b>	Law Enforcement Case No. <b>06-2637</b>	LID No.	SID No.	FBI No.	No Image Available
<b>WARRANT FOR ARREST</b>					
Offense I FIRST DEGREE SEX OFFENSE CHILD II INDECENT LIBERTIES WITH CHILD III CRIME AGAINST NATURE					
<b>THE STATE OF NORTH CAROLINA VS.</b>					
Name And Address Of Defendant <b>THERON RUSSELL INMAN          301 PROVIDENCE DRIVE          JACKSONVILLE NC 28546          910-577-6260 ONSLOW County</b>					
Race <b>W</b>	Sex <b>M</b>	Date Of Birth <b>09/13/1988</b>	Age <b>17</b>		
Social Security No. <b>595-74-2790</b>		Drivers License No. & State			
Name Of Defendant's Employer					
Offense Code(s) <b>I 1116</b>	Offense In Violation Of G.S. <b>I 14-27.4(A)(1)</b>				
<b>II 1118</b>	<b>II 14-202.1</b>				
<b>III 3620</b>	<b>III 14-177</b>				
Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card) <b>5-2-06 5062521</b>		Date Of Offense <b>01/15/2006 to 03/11/2006</b>			
Complainant (Name, Address Or Department) <b>H J EVANS (JACKSONVILLE PD) 206 MARINE BLVD JACKSONVILLE NC 28541 910-455-1472 ONSLOW County</b>					
Witnesses (Names, Addresses, Telephone Nos., Counties)					
Signature <b>HAROLD HALL</b>				Location Of Court <b>JACKSONVILLE Room 0001</b>	
Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan <input checked="" type="checkbox"/>				Court Date <b>08:00 AM</b>	

To any officer with authority and jurisdiction to execute a warrant for arrest for the offense(s) charged below:

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did engage in a sex offense with UN-NAMED JUVENILE, a child under the age of 13 years.

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did take and attempt to take immoral, improper, and indecent liberties with UN-NAMED JUVENILE, who was under the age of 16 years at the time, for the purpose of arousing and gratifying sexual desire. At the time, the defendant was over 16 years of age and at least five years older than that child. In violation of G.S. 14-202.1(a)(1).

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did commit the abominable and detestable crime against nature with UN-NAMED JUVENILE.

This act(s) was in violation of the law(s) referred to in this Warrant. This Warrant is issued upon information furnished under oath by the complainant listed. You are DIRECTED to arrest the defendant and bring the defendant before a judicial official without unnecessary delay to answer the charge(s) above.

ORIGINAL COPY

ORIGINAL COPY

If this Warrant For Arrest is not served within one hundred and eighty (180) days, it must be returned to the Clerk of Court in the county in which it was issued with the reason for the failure of service noted thereon. The officer must state all steps taken by the department in attempting to execute the Warrant and any information obtained about the whereabouts of the defendant

**RETURN OF SERVICE**  
 I certify that this Warrant was received and served as follows:  
 Date Received 5-2-06 Date Served 5-2-06 Date Returned 5-2-06  
 By arresting the defendant and bringing the defendant before:  
 Name Of Judicial Official M. J. [Signature]

This Warrant WAS NOT served for the following reason:  
 Signature Of Officer Making Return [Signature]  
 Department Or Agency Of Officer [Signature]

**REDELIVERY/REISSUANCE**  
 Date            Signature             
 Dep. CSC  
 Assist. CSC  
 CSC

**RETURN FOLLOWING REDELIVERY/REISSUANCE**  
 I certify that this Warrant was received and served as follows:  
 Date Received            Date Served            Date Returned             
 By arresting the defendant and bringing the defendant before:  
 Name Of Judicial Official           

This Warrant WAS NOT served for the following reason:  
 Signature Of Officer Making Return             
 Department Or Agency Of Officer           

**APPEAL ENTRIES**  
 The defendant, in open court, gives notice of appeal to the Superior Court.  
 The current pretrial release order is modified as follows:  
 Date            Signature Of District Court Judge           

**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           

District Attorney  Waived  Not Indigent  Attorney For Defendant  Appointed  Retained  
 PLEA:  guilty  no contest  no contest  guilty  not guilty  
 VERDICT:  guilty  guilty  not guilty  
 M.C.L.  A1  A1  A1  A1  
 No./Level: 0  I (0)  II (1-4)  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:  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.  
 Execution of the sentence is suspended and the defendant is placed on unsupervised probation\* for            months, subject to the following conditions: (1) commit no criminal offense in any jurisdiction. (2) possess no firearm, explosive or other deadly weapon listed in G.S. 14-269. (3) remain gainfully and suitably employed or faithfully pursue a course of study or of vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) satisfy child support and family obligations, as required by the Court. (5) pay to the Clerk the costs of court and any additional sums shown below.

Fine \$            Resitution\* \$            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. provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319)
- 10. 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 for action by the grand jury.  No probable cause is found as to Count(s)            of this Warrant, and the Count(s) is dismissed.

Date            Name Of District Court Judge (Type Or Print)            Signature Of District Court Judge             
**CERTIFICATION**  
 I certify that this Judgment is a true and complete copy of the original which is on file in this case.  
 Date            Date Delivered To Sheriff            Signature             
 Deputy CSC  Assist. CSC  CSC

**STATE OF NORTH CAROLINA**

In the General Court of Justice  
Superior Court Division

Onslow County

File No. **06-CrS-53923**

Film No.

STATE OF NORTH CAROLINA VERSUS

Defendant:

**THERON RUSSELL INMAN**

Date of Offense

10/15/2004 to 12/15/2004

Offense in Violation of G.S.

§ 14-27.4 (A)(1); 14-202; 14-177

**INDICTMENT**

- I. FIRST DEGREE SEXUAL OFFENSE CHILD**
- II. INDECENT LIBERTIES WITH CHILD**
- III. CRIME AGAINST NATURE**

I. The jurors for the State upon their oath present that on or about the date of offense shown and in Onslow County the defendant named above unlawfully, willfully and feloniously did engage in a sex offense with Isabell Patton, a child under the age of 13 years. G.S. 14-27.4(A)(1)

II. And the jurors for the State upon their oath present that on or about the date of offense shown and in Onslow County the defendant named above unlawfully, willfully and feloniously did take and attempt to take immoral, improper and indecent liberties with the child named below for the purpose of arousing and gratifying sexual desire and did commit and attempt to commit a lewd and lascivious act upon the body of the child named below. At the time of this offense, the child named below was under the age of 16 years and the defendant named above was over 16 years of age and at least five years older than the child. The name of the child is Isabell Patton. G.S. 14-202

III. And the jurors for the State upon their oath present that on or about the date of offense shown and in Onslow County the defendant named above unlawfully, willfully and feloniously did commit the abominable and detestable crime against nature with Isabell Patton. G.S. 14-177

Signature of Prosecutor

WITNESSES

<input type="checkbox"/> H.J. Evans, JPD	<input checked="" type="checkbox"/> D. Kaderbek, JPD
<input type="checkbox"/> G. Dixon, JPD	<input type="checkbox"/>
<input type="checkbox"/> Isabell Patton	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

The witnesses marked "X" were sworn by the undersigned Foreman of the Grand Jury and, after hearing testimony, this bill was found to be:

A TRUE BILL by twelve or more grand jurors, and I the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in the Bill of Indictment.

NOT A TRUE BILL

Date

10-17-06

Signature of Grand Jury Foreman

**STATE OF NORTH CAROLINA**

In the General Court of Justice  
Superior Court Division

Onslow County

File No. **06-CrS-53925**

Film No.

STATE OF NORTH CAROLINA VERSUS

Defendant

**THERON RUSSELL INMAN**

**INDICTMENT**

- I. FIRST DEGREE SEXUAL OFFENSE CHILD**
- II. INDECENT LIBERTIES WITH CHILD**
- III. CRIME AGAINST NATURE**

Date of Offense

Offense in Violation of G.S.

01/15/2005 to 03/15/2005

§ 14-27.4 (A)(1); 14-202; 14-177

I. The jurors for the State upon their oath present that on or about the date of offense shown and in Onslow County the defendant named above unlawfully, willfully and feloniously did engage in a sex offense with Isabell Patton, a child under the age of 13 years. G.S. 14-27.4(A)(1)

II. And the jurors for the State upon their oath present that on or about the date of offense shown and in Onslow County the defendant named above unlawfully, willfully and feloniously did take and attempt to take immoral, improper and indecent liberties with the child named below for the purpose of arousing and gratifying sexual desire and did commit and attempt to commit a lewd and lascivious act upon the body of the child named below. At the time of this offense, the child named below was under the age of 16 years and the defendant named above was over 16 years of age and at least five years older than the child. The name of the child is Isabell Patton. G.S. 14-202

III. And the jurors for the State upon their oath present that on or about the date of offense shown and in Onslow County the defendant named above unlawfully, willfully and feloniously did commit the abominable and detestable crime against nature with Isabell Patton. G.S. 14-177

Signature of Prosecutor

WITNESSES

H.J. Evans, JPD

D. Kaderbek, JPD

G. Dixon, JPD

Isabell Patton

The witnesses marked "X" were sworn by the undersigned Foreman of the Grand Jury and, after hearing testimony, this bill was found to be:

A TRUE BILL by twelve or more grand jurors, and I the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in the Bill of Indictment.

NOT A TRUE BILL

Date

10-17-06

Signature of Grand Jury Foreman

**STATE OF NORTH CAROLINA**

In the General Court of Justice  
Superior Court Division

Onslow County

File No. **06-CrS-53927**

Film No.

STATE OF NORTH CAROLINA VERSUS

Defendant

**THERON RUSSELL INMAN**

Date of Offense

05/15/2005 to 07/15/2005

Offense in Violation of G.S.

§ 14-27.4 (A)(1), 14-202; 14-177

**INDICTMENT**

- I. FIRST DEGREE SEXUAL OFFENSE CHILD**
- II. INDECENT LIBERTIES WITH CHILD**
- III. CRIME AGAINST NATURE**

I. The jurors for the State upon their oath present that on or about the date of offense shown and in Onslow County the defendant named above unlawfully, willfully and feloniously did engage in a sex offense with Isabell Patton, a child under the age of 13 years. G.S. 14-27.4(A)(1)

II. And the jurors for the State upon their oath present that on or about the date of offense shown and in Onslow County the defendant named above unlawfully, willfully and feloniously did take and attempt to take immoral, improper and indecent liberties with the child named below for the purpose of arousing and gratifying sexual desire and did commit and attempt to commit a lewd and lascivious act upon the body of the child named below. At the time of this offense, the child named below was under the age of 16 years and the defendant named above was over 16 years of age and at least five years older than the child. The name of the child is Isabell Patton. G.S. 14-202

III. And the jurors for the State upon their oath present that on or about the date of offense shown and in Onslow County the defendant named above unlawfully, willfully and feloniously did commit the abominable and detestable crime against nature with Isabell Patton. G.S. 14-177

Signature of Prosecutor

WITNESSES

<input type="checkbox"/> <b>H.J. Evans, JPD</b>	<input checked="" type="checkbox"/> <b>D. Kaderbek, JPD</b>
<input type="checkbox"/> <b>G. Dixon, JPD</b>	<input type="checkbox"/>
<input type="checkbox"/> <b>Isabell Patton</b>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

The witnesses marked "X" were sworn by the undersigned Foreman of the Grand Jury and, after hearing testimony, this bill was found to be:

A TRUE BILL by twelve or more grand jurors, and I the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in the Bill of Indictment.

NOT A TRUE BILL

Date

10-17-06

Signature of Grand Jury Foreman

**STATE OF NORTH CAROLINA**

In the General Court of Justice  
Superior Court Division

Onslow County

File No. **06-CrS-53929**

Film No.

STATE OF NORTH CAROLINA VERSUS

Defendant

**THERON RUSSELL INMAN**

**INDICTMENT**

- I. FIRST DEGREE SEXUAL OFFENSE CHILD**
- II. INDECENT LIBERTIES WITH CHILD**
- III. CRIME AGAINST NATURE**

Date of Offense

09/15/2005 to 11/15/2005

Offense in Violation of G.S.

§ 14-27.4 (A)(1), 14-202; 14-177

I. The jurors for the State upon their oath present that on or about the date of offense shown and in Onslow County the defendant named above unlawfully, willfully and feloniously did engage in a sex offense with Isabell Patton, a child under the age of 13 years. G.S. 14-27.4(A)(1)

II. And the jurors for the State upon their oath present that on or about the date of offense shown and in Onslow County the defendant named above unlawfully, willfully and feloniously did take and attempt to take immoral, improper and indecent liberties with the child named below for the purpose of arousing and gratifying sexual desire and did commit and attempt to commit a lewd and lascivious act upon the body of the child named below. At the time of this offense, the child named below was under the age of 16 years and the defendant named above was over 16 years of age and at least five years older than the child. The name of the child is Isabell Patton. G.S. 14-202

III. And the jurors for the State upon their oath present that on or about the date of offense shown and in Onslow County the defendant named above unlawfully, willfully and feloniously did commit the abominable and detestable crime against nature with Isabell Patton. G.S. 14-177

Signature of Prosecutor

WITNESSES

H.J. Evans, JPD

D. Kaderbek, JPD

G. Dixon, JPD

Isabell Patton

The witnesses marked "X" were sworn by the undersigned Foreman of the Grand Jury and, after hearing testimony, this bill was found to be:

A TRUE BILL by twelve or more grand jurors, and I the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in the Bill of Indictment.

NOT A TRUE BILL

Date

10-17-06

Signature of Grand Jury Foreman



**STATE OF NORTH CAROLINA**

In the General Court of Justice  
Superior Court Division

Onslow County

File No. 06-CrS-53931

Film No.

STATE OF NORTH CAROLINA VERSUS

Defendant

**THERON RUSSELL INMAN**

Date of Offense

01/15/2006 to 03/11/2006

Offense in Violation of G.S.

§ 14-27.4 (A)(1); 14-202; 14-177

**INDICTMENT**

- I. FIRST DEGREE SEXUAL OFFENSE CHILD**
- II. INDECENT LIBERTIES WITH CHILD**
- III. CRIME AGAINST NATURE**

I. The jurors for the State upon their oath present that on or about the date of offense shown and in Onslow County the defendant named above unlawfully, willfully and feloniously did engage in a sex offense with Isabell Patton, a child under the age of 13 years. G.S. 14-27.4(A)(1)

II. And the jurors for the State upon their oath present that on or about the date of offense shown and in Onslow County the defendant named above unlawfully, willfully and feloniously did take and attempt to take immoral, improper and indecent liberties with the child named below for the purpose of arousing and gratifying sexual desire and did commit and attempt to commit a lewd and lascivious act upon the body of the child named below. At the time of this offense, the child named below was under the age of 16 years and the defendant named above was over 16 years of age and at least five years older than the child. The name of the child is Isabell Patton. G.S. 14-202

III. And the jurors for the State upon their oath present that on or about the date of offense shown and in Onslow County the defendant named above unlawfully, willfully and feloniously did commit the abominable and detestable crime against nature with Isabell Patton. G.S. 14-177

Signature of Prosecutor

WITNESSES

<input type="checkbox"/> H.J. Evans, JPD	<input checked="" type="checkbox"/> D. Kaderbek, JPD
<input type="checkbox"/> G. Dixon, JPD	<input type="checkbox"/>
<input type="checkbox"/> Isabell Patton	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

The witnesses marked "X" were sworn by the undersigned Foreman of the Grand Jury and, after hearing testimony, this bill was found to be:

A TRUE BILL by twelve or more grand jurors, and I the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in the Bill of Indictment.

NOT A TRUE BILL

Date

10-17-06

Signature of Grand Jury Foreman

TRIAL TESTIMONY

Pursuant to Rule 9(c) of the North Carolina Rules of Appellate Procedure, the complete stenographic transcript of the proceedings in this case, taken by Peggy C. Garvin at the hearing heard during the 2 March 2007 (entry of the plea) and the 29 August 2007 (sentencing) Criminal Sessions of Superior Court in Onslow County, the Honorable Judges John W. Smith and Charles Henry, judges respectively presiding, are filed contemporaneously with this record, and shall be part of the Record on Appeal. Additionally, the complete stenographic transcript of the proceedings in this case, taken by Patricia Yaeger at the hearing heard during the 23 March 2009 (Satellite Monitoring Hearing or "SMH"), Criminal Session of Superior Court in Onslow County, the Honorable Judge Charles Henry, judge presiding, is filed contemporaneously with this record, and shall be part of the Record on Appeal.

The transcripts are bound in four separate instances, cited as "(Plea T. pg. #)"; "(Sentencing1 T.p. )"; "(Sentencing2 T.p. )"; and "(SMH T. p. )".

It is also stipulated and agreed that all hearing exhibits presented to the judge during the motions hearings, any in camera hearing, and trial are part of the Record on Appeal, and, upon request, will be transmitted to the Clerk of Court of the North Carolina Court of Appeals, after the Record on Appeal is Docketed.

STATE OF NORTH CAROLINA

File No.

16CRS 53923-53932

Onslow County

In The General Court Of Justice
District Superior Court Division

STATE VERSUS

Name Of Defendant

Theron Inman

TRANSCRIPT OF PLEA

DOB Age Highest Level Of Education Completed

9-13-88

18

HS

G.S. 15A-1022, 15A-1022.1

The undersigned judge, having addressed the defendant personally in open court, finds that the defendant (1) was duly sworn or affirmed, (2) entered a plea of guilty guilty pursuant to Alford decision no contest, and (3) offered the following answers to the questions set out below.

- 1. Are you able to hear and understand me? (1) yes
2. Do you understand that you have the right to remain silent... (2) yes
3. At what grade level can you read and write? (3) 10
4. (a) Are you now under the influence of alcohol... (4a) no
(b) When was the last time you used or consumed any such substance? (4b) never
5. Have the charges been explained to you... (5) yes
6. (a) Have you and your lawyer discussed the possible defenses... (6a) yes
(b) Are you satisfied with your lawyer's legal services? (6b) yes
7. (a) Do you understand that you have the right to plead not guilty... (7a) yes
(b) Do you understand that at such trial you have the right to confront... (7b) yes
(c) Do you understand that at a jury trial you have the right to have a jury determine... (7c) yes
(d) Do you understand that by your plea(s) you give up these and other valuable constitutional rights... (7d) yes
8. Do you understand that, if you are not a citizen of the United States of America... (8) yes
9. Do you understand that upon conviction of a felony that you may forfeit any State licensing privileges... (9) yes
10. (Victims Rights Act cases only) Do you understand that upon your conviction of... (10)
11. Do you understand that you are pleading guilty no contest to the charges shown on Page Two... (11) yes
12. Do you now personally plead guilty no contest to the charges I just described? (12) yes
13. (a) Are you in fact guilty? (13a) yes
(b) (no contest plea) Do you understand, that upon your plea of no contest, you will be treated as being guilty whether or not you admit that you are in fact guilty? (13b)
(c) (Alford guilty plea) (1) Do you now consider it to be in your best interest to plead guilty to the charge(s) I just (13c1)
(2) Do you understand that, upon your "Alford plea" you will be treated as being guilty whether or not you admit that you are in fact guilty? (13c2)
14. Do you understand that the courts have approved the practice of plea arrangements? (14) yes
15. Have you agreed to guilty no contest as part of a plea arrangement? (If so, review terms of plea arrangement as listed on Page Two with the defendant.) (15) yes

Answers

- 16. Do you understand that you also are admitting the existence of the following  aggravating factors  sentencing points not related to prior convictions, and agreeing that there is evidence to support the following facts and/or points beyond a reasonable doubt, and agreeing that the court may accept your (16) \_\_\_\_\_

---

- 17. Do you  understand that you are waiving any notice requirement that the State may have with regard to these aggravating factors and/or sentencing points?  agree that the State has provided you with appropriate notice about the aggravating factors and/or sentencing points in your case? (17) \_\_\_\_\_
- 18. Do you understand that you also have the right during a sentencing hearing to prove to the judge the existence of any mitigating factors that may apply to your case? (18) yes
- 19. Is the plea arrangement as set forth within this transcript and as I have just described it to you correct as being your full plea arrangement? (19) yes
- 20. (Other than the plea arrangement between you and the prosecutor) has anyone promised you anything or threatened you in any way to cause you to enter this plea against your wishes? (20) NO
- 21. Do you enter this plea of your own free will, fully understanding what you are doing? (21) yes
- 22. Do you agree that there are facts to support your plea  and admission to aggravating factors  and sentencing points), and consent to the prosecutor summarizing the evidence related to this (22) yes
- 23. Do you have any questions about what has just been said to you or about anything else connected to your case? (23) NO

**ACKNOWLEDGEMENT BY DEFENDANT**

I have read or have heard all of these questions and understand them. The answers shown are the ones I gave in open court and they are true and accurate. No one has told me to give false answers in order to have the Court accept my plea in this case. The terms and conditions of the plea as stated within this transcript, if any, are accurate.

**SWORN AND SUBSCRIBED TO BEFORE ME**

Date 3-2-07

Date 3-2-07 Signature [Signature]  
 Deputy CSC  Assistant CSC  Clerk Of Superior Court

Signature Of Defendant [Signature]  
Name Of Defendant (Type Or Print) Theron Inman

**CERTIFICATION BY LAWYER FOR DEFENDANT**

I hereby certify that the terms and conditions stated within, if any, upon which the defendant's plea was entered are correct and they are agreed to by the defendant and myself. I further certify that I have fully explained to the defendant the nature and elements of the charge(s) to which the defendant is pleading, and the aggravating and mitigating factors and prior record points for sentencing, if any.

Date \_\_\_\_\_ Name Of Lawyer For Defendant (Type Or Print) [Signature]

Signature Of Lawyer For Defendant [Signature]

**CERTIFICATION BY PROSECUTOR**

As prosecutor for this Prosecutorial District, I hereby certify that the conditions stated above, if any, are the terms and conditions agreed to by the defendant and his/her lawyer and myself for the entry of the plea by the defendant to the charge(s) in this case.

Date 3-2-07 Name Of Prosecutor (Type Or Print) \_\_\_\_\_

Signature Of Prosecutor [Signature]

**PLEA ADJUDICATION**

Upon consideration of the record proper, evidence or factual presentation offered, answers of defendant, and statements of the lawyer for the defendant and the prosecutor, the undersigned finds that:

1. There is a factual basis for the entry of the plea (and for the admission as to aggravating factors and/or sentencing points);
2. The defendant is satisfied with his/her lawyer's legal services;
3. The defendant is competent to stand trial;
4.  The State has provided the defendant with appropriate notice as to the aggravating factors and/or points.  The defendant has waived notice as to the aggravating factors and/or points; and
5. The plea (and admission) is the informed choice of the defendant and is made freely, voluntarily and understandingly.

The defendant's plea (and admission) is hereby accepted by the Court and is ordered recorded.

Date 3/2/07 Name Of Presiding Judge (Type Or Print) John W Smith

Signature Of Presiding Judge [Signature]

STATE VERSUS

File No.

06CRS 53923 - 53932

Name Of Defendant

Thurmon Enman

15. (If applicable) The prosecutor, your lawyer, and you have informed me that the following contains all the terms and conditions of your plea.

Defendant will plead guilty to the charges of 10 Counts of Indecent Liberties with a child state will dismiss 10 cts of Crime Against Nature and 10 Counts of 1<sup>st</sup> degree sexual offense with child - State not opposed to probationary ~~sentence~~ sentence to cover time in treatment center in for inpatient treatment center in South Carolina

Prosecutor's Initials:

KBN

Defense Counsel's Initials:

[Signature]

Defendant's Initials:

TE

PLEAS

✓	Plea*	File Number	Count No.(s)	Offense(s)	Date Of Offense	G.S. No.	F/M	CL	‡Pun. CL.	Maximum Punishment
	6	06CRS53923	"	Indecent Liberty w/ child	10-15-06	19C27	F	F		59m
		06CRS53924	"	"	to	14-202-1	F	F		59m
		06CRS53925	"	"	12-15-06		F	F		59m
		06CRS53926	"	"			F	F		59m
		06CRS53927	"	"			F	F		59m
		06CRS53928	"	"			F	F		59m
		06CRS53929	"	"			F	F		59m
		06CRS53930	"	"			F	F		59m
		06CRS53931	"	"			F	F		59m
		06CRS53932	"	"			F	F		59m

\*G = Guilty  
NC = No Contest

TOTAL MAXIMUM PUNISHMENT

590 m

MANDATORY MINIMUM FINES & SENTENCES (if any)

NOTE TO CLERK: If this column is checked this is an added offense or reduced charge.

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


PLEAS (continued from Side One)										
✓	Plea*	File Number	Count No.(s)	Offense(s)	Date Of Offense	G.S. No.	F/M	CL	\$ Pun. CL.	Maximum Punishment

SUPERIOR COURT DISMISSALS PURSUANT TO PLEA ARRANGEMENT		
File No.	Count No.(s)	Offense(s)
06CR553923	1, 111	1 <sup>st</sup> degree sex off w/child, CAW against woman
53924	1, 111	1 <sup>st</sup> - CAW
53925	1, 111	1 <sup>st</sup> - CAW
53926	1, 111	1 <sup>st</sup> - CAW
53927	1, 111	1 <sup>st</sup> - CAW
53928	1, 111	1 <sup>st</sup> - CAW
53929	1, 111	1 <sup>st</sup> - CAW
53930	1, 111	1 <sup>st</sup> - CAW
53931	1, 111	1 <sup>st</sup> - CAW
53932	1, 111	1 <sup>st</sup> - CAW

DISTRICT COURT DISMISSALS PURSUANT TO PLEA ARRANGEMENT		
File No.	Count No.(s)	Offense(s)

**CERTIFICATION BY PROSECUTOR**

The undersigned prosecutor enters a dismissal to the above charges pursuant to a plea arrangement shown on this Transcript Of Plea

Date 3-2-07	Name Of Prosecutor (Type Or Print)	Signature Of Prosecutor 
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STATE OF NORTH CAROLINA

File No.

06 CR 53923

Onslow County

In The General Court Of Justice
District Superior Court Division

STATE VERSUS

Name And Address Of Defendant

Theron Emma aka
Cory R. Patton

Social Security No

595-74-2790

SID No.

#01 67255 mcl6
NC 1176988A

Race

W

Sex

M

DOB

9-13-88

WORKSHEET
PRIOR RECORD LEVEL FOR
FELONY SENTENCING AND
PRIOR CONVICTION LEVEL FOR
MISDEMEANOR SENTENCING
(STRUCTURED SENTENCING)

G.S. 15A-1340.14, 15A-1340.21

I. SCORING PRIOR RECORD/FELONY SENTENCING

Table with 4 columns: NUMBER, TYPE, FACTORS, POINTS. Rows include Prior Felony Class A Conviction (X10), Prior Felony Class B1 Conviction (X 9), Prior Felony Class B2 or C or D Conviction (X 6), Prior Felony Class E or F or G Conviction (X 4), Prior Felony Class H or I Conviction (X 2), Prior Class A1 or 1 Misdemeanor Conviction (see note above) (X 1). Subtotal points: 6.

Defendant's Current Charges:

Table with 2 columns: Description, Points. Rows include: If all the elements of the present offense are included in any prior offense... (+ 1), If the offense was committed: (a) while on supervised or unsupervised probation... (+ 1). Total points: 6.

II. CLASSIFYING PRIOR RECORD/CONVICTION LEVEL

MISDEMEANOR

NOTE: If sentencing for a misdemeanor, total the number of prior conviction(s) listed on the reverse and select the corresponding prior conviction level.

Table with 2 columns: No. Of Prior Convictions, Level. Rows: 0 (I), 1-4 (II), 5+ (III).

PRIOR CONVICTION LEVEL [ ]

- The Court has determined the number of prior convictions to be [ ] and the level to be as shown above.
In making this determination, the Court has relied upon the state's evidence of the defendant's prior convictions from a computer printout of DCI-CCH.

FELONY

NOTE: If sentencing for a felony, locate the prior record level which corresponds to the total points determined in section I above.

Table with 2 columns: Points, Level. Rows: 0 (I), 1-4 (II), 5-8 (III), 9-14 (IV), 15-18 (V), 19+ (VI).

PRIOR RECORD LEVEL [ I ]

- The Court finds the prior convictions, prior record points and the prior record level of the defendant to be as shown herein.
In making this determination, the Court has relied upon the state's evidence of the defendant's prior convictions from a computer printout of DCI-CCH.
In finding a prior record level point under G.S. 15A-1340.14(b)(7), the Court has relied on the jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.

The Court finds that the State and the defendant have stipulated in open court to the points and record level set out above.

Date

3/2/07

Name Of Presiding Judge (Type Or Print)

Signature Of Presiding Judge

III. STIPULATION

The prosecutor and defense counsel, or the defendant, if not represented by counsel, stipulate to the accuracy of the information set out in Sections I. and IV. of this form, including the classification and points assigned to any out-of-state convictions, and agree with the defendant's prior record level  prior conviction level as set out in Section II.

Date 3-2-07 Signature Of Prosecutor [Signature] Date 3-2-07 Signature Of Defense Counsel Or Defendant [Signature]

IV. PRIOR CONVICTION

NOTE: Federal law precludes making computer printout of DCI-CCH (rap sheet) part of permanent public court record.

NOTE: The only Class 1 misdemeanor offenses under Chapter 20 that are assigned points for determining prior record level for felony sentencing are misdemeanor death by vehicle [G.S. 20-141.4(a2)] and, for sentencing for felony offenses committed on or after December 1, 1997, impaired driving [G.S. 20-138.1] and commercial impaired driving [G.S. 20-138.2]. First Degree Rape and First Degree Sexual offense convictions prior to October 1, 1994, are Class B1 convictions.

Table with 6 columns: Source Code, Offenses, File No., Date Of Conviction, County (Name of State If not NC), Class. The table is currently empty.

Source Code: 1 - DCI 2 - NCIC 3 - AOC/Local 4 - AOC/Statewide 5 - ID Bureau 6 - Other

Date Prepared: \_\_\_\_\_

Prepared By: \_\_\_\_\_



STATE OF NORTH CAROLINA

File No.

06CRS53923

ONslow County

In The General Court Of Justice  
 District  Superior Court Division

STATE VERSUS

Name Of Defendant

Theron Inman

JUDGMENT/ORDER OR  
OTHER DISPOSITION

Race

Sex

Date Of Birth

Social Security No.

Attorney For State

KELLY NEAL

Def. Found  
Not Indigent

Def. Waived  
Attorney

Attorney For Defendant

K. GLOVER

Appointed  Retained

Offense

06CRS53923-53932 INDECENT LIBERTIES 10 COUNTS

NOTE: (For use in recording  
Misdemeanor conviction levels  
under S.S.A.)

PLEA

VERDICT

PRIOR CONVICTIONS:

No./Level  I (0)  II (1-4)  III (5+)

Guilty/Responsible  No Contest

Guilty/Responsible

MISD. CLASS:  1  2  3

Guilty/Responsible  No Contest

Guilty/Responsible

MISD. CLASS:  1  2  3

Not Guilty/Not Responsible

Not Guilty/Not Responsible

PRAYER FOR JUDGMENT IS CONTINUED UNTIL 4-23-2007 OR SUCH OTHER TIME AS THE STATE MAY PRAY  
JUDGMENT.

DEFENDANT IS RELEASED PENDING SENTENCING. ALL PRETRIAL RELEASE CONDITIONS REMAIN IN FULL FORCE  
AND EFFECT.

ANY VIOLATION OF CONDITIONS OF PRE-TRIAL RELEASE CONSTITUTES GROUNDS TO TAKE DEFENDANT INTO  
IMMEDIATE CUSTODY WITHOUT BOND PENDING SENTENCING.

Date

03-02-2007

Name Of Presiding Judge (Type Or Print)

JOHN W. SMITH

Signature Of Presiding Judge

APPEAL ENTRIES

- 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.

Date

Name Of Presiding Judge (Type Or Print)

Signature Of Presiding Judge

STATE OF NORTH CAROLINA  
COUNTY OF ONSLOW

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. 06 CRS 53923-53932

STATE OF NORTH CAROLINA

v.

THURON INMAN,

Defendant.

**MOTION FOR DEFENDANT TO  
WITHDRAW PLEA BEFORE SENTENCING**

COMES NOW THE DEFENDANT, by and through the undersigned counsel, and makes this motion for the defendant to withdraw his plea before sentencing, pursuant to North Carolina case law, to wit: State v. Handy 326 N.C. 532; 391 S.E. 2d 159. In support of the motion, counsel for the defendant shows the following:

1. The defendant is a 19 year old man who is charged with 10 counts of First Degree Sexual Offense, 10 counts Crimes Against Nature, and 10 counts Indecent Liberties with a Child.
2. Defendant attended school up until the tenth grade.
3. Defendant has been diagnosed with Bi-Polar Disorder and Post Traumatic Stress Disorder. Defendant's medications include Depacote, Respiradol, Welbutrin XL, and Cymbalta.
4. An investigation was started by the Jacksonville Police Department, when they received information from Department of Social Services that the defendant had divulged to his therapist that he was touching his twelve (12) year old sister inappropriately.
5. Detective Evans interviewed the Defendant's sister, Isabell Patton, on 29 March 2006.
6. The charges arise from allegations made by Defendant's sister.
7. Defendant's sister reported inappropriate touching when she was eight or nine years old. Defendant was around fourteen at the time.
8. Since the allegations arose, Defendant has been committed to Brynn-Marr Hospital, attempted suicide and was incarcerated at the Onslow County Jail.
9. The defendant's mother retained the services of Jim Moore, Esq., an attorney affiliated with the Law Firm of Collins and Moore, to represent Defendant.
10. On or about 2 May 2006, after being released from Brynn-Marr Hospital a few days prior, Defendant was interviewed by Detective Evans at the Jacksonville Police Department.
11. Defendant's mother contacted Mr. Moore, who advised that the Defendant could be interviewed without counsel present.
12. Defendant gave an incriminating statement.

13. There is no physical evidence that supports the alleged victim's allegations or Defendant's statement.
14. Defendant was offered plea agreement through the Onslow County District Attorney's office.
15. Defendant has felt immense pressure throughout the proceedings not to assert his Constitutional right to a trial and thereby confront his accuser; because the accuser is his sister and he did not wish to subject her or his family to the consequences of a trial.
16. Defendant has resided in the home under house arrest for a period approaching fifteen (15) months, which has increased the pressure being brought upon him to a level approaching or exceeding coercion.
17. On or about 2 March 2007, Defendant entered a plea of guilty, pursuant to an agreement with the Onslow County District Attorney's office. Judgment was continued.
18. On or about 29 June 2007, Defendant seeks to withdraw his plea, pursuant to State v. Handy 326 N.C. 532; 391 S.E. 2d 159, claiming legal innocence, lack of competent counsel at all relevant times, confusion, and coercion.
19. Hereto because of the psychological condition of the defendant, the prescribed medications Defendant is using, and the fact Defendant has been residing in the home of the mother and father of the alleged victim, Defendant has been confused and unable to fully understand the consequences of his previous actions.
20. Upon information and belief the State would not be prejudiced in its case.

WHEREFORE DEFENDANT prays that the Court:

1. Allow Defendant to withdraw his plea,
2. Return the proceedings back to the point of indictment being handed down

Respectfully submitted, this the 9 day of July, 2007.

THE LAW OFFICES OF STUART POPKIN

By: 

Stuart Popkin  
1007 Hargett Street, Ste. 1  
Jacksonville, NC 28540

THE LAW OFFICES OF KENNETH N. GLOVER, PLLC.

By: 

Kenneth N. Glover  
Attorney at Law  
NC State Bar #33941  
Post Office Box 1567

Swansboro, NC 28584  
(910) 326-5557

STATE OF NORTH CAROLINA  
COUNTY OF ONSLOW

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. 06 CRS 53923-53932

STATE OF NORTH CAROLINA

v.

THURON INMAN,

Defendant.

**MEMORANDUM IN SUPPORT OF  
MOTION FOR DEFENDANT TO  
WITHDRAW PLEA BEFORE SENTENCING**

NOW COMES DEFENDANT, Thuron Inman, through counsel, and submits the following memorandum in support of Defendant's motion to withdraw his previous plea. In support thereof Counsel offers the following:

State v. Handy 326 N.C. 532, 391 S.E.2d 159 (1990) provides that a case in which the Defendant seeks to withdraw his guilty plea before sentencing is generally accorded that right if he can show any fair and just reason. While there is no absolute right to withdrawal of a guilty plea, withdrawal motions made prior to sentencing, and at a very early stage of the proceedings should be granted with liberality. Although this is a state case the Court can look to guidance from the Federal Rules of Criminal Procedure which permit a defendant to withdraw a guilty plea prior to sentencing for any fair and just reason. Federal Rules of Criminal Procedure 32(d)

The standard for judging the movant's reasons for withdrawal remains low where the motion comes only a day or so after the plea was entered. This defendant waited almost ninety days. However this does not preclude the granting of a motion to withdraw the plea. In Handy, the Court opined that if there has been a long delay, and the Court does not define long, and if the defendant has had the benefit of competent counsel at all times, the reasons given to support withdrawal must have considerably more force. The Court listed some of these factors which favor withdrawal, as follows: (i) whether the defendant has asserted legal innocence, (ii) the strength of the State's proffer of evidence, (iii) the length of time between entry of the guilty plea and the desire to change it, (iiii) and whether the accused has had competent counsel at all relevant times. Misunderstanding of the consequences of a guilty plea, hasty entry, confusion, and coercion are also factors for consideration.

In the case at bar, defendant is asserting legal innocence if not actual innocence. He has no recollection of any of the incidents. In addressing the State's proffer of evidence, counsel questions the ability of the State to meet its necessary burden of proof. The State can not provide any physical evidence of any sexual assault occurring in this case. The State's case consists of

the alleged victim's statement, which she has since recanted. Moreover, the victim relates incidences that may have occurred five or six years ago. Defendant is entitled to question the methods of interrogation used to jog the alleged victim's memory.

The State also relies on defendant's purported confession. There are several issues to address with this confession. Should the defendant's attorney been present?

Second, was the defendant able to give a confession knowingly, voluntarily, and intelligently after recently being released from a hospital? This is especially relevant considering the medications he was taking and the physiological condition he was in? The fact that a defendant has made a confession is not conclusive of the question whether the confession was voluntary. Instead, the "totality of the circumstances" must be considered and these circumstances must demonstrate that the confession was voluntary. The burden is upon the State to demonstrate voluntariness by a preponderance of the evidence. Appellate courts commonly consider several factors in determining whether a confession was freely given, including: (1) whether defendant was given his Miranda warnings; (2) whether defendant was threatened; (3) whether defendant was promised some reward for confessing; and (4) whether defendant appeared to understand the questions and to answer logically. These factors are neither exclusive nor exhaustive, and other circumstances may be important in a particular case. *State v. Moore*, 64 N.C. App. 686 (N.C. Ct. App. 1983) This defendant was under immense pressure from his family. He did not wish to subject his family, particularly his sister, to further anxiety and scandal. This undue familial influence overrides the exercise of his free will in entering the plea.

Third, is there corroborative evidence to support defendant's confession. The North Carolina Court of Appeals stated in *State v. Macon*, 6 N.C. App. 245, 253, 170 S.E. 2d 144 (1969), and then reaffirmed in *State v. Dewalt* 16 N.C. App. 546; 192 S.E.2d 665; 1972 that 'the proof of every crime consists of: (1) proof that the crime charged has been committed by someone; and (2) proof that the defendant is the perpetrator of the crime. The first element is the body of the crime, or the corpus delicti; the second is the proof of defendant's connection with the crime, i.e., his guilty participation or agency therein.' Wharton's Criminal Evidence (12th Ed.), Vol. 2, § 393, p. 130. In North Carolina it is required that ' . . . the confession be "corroborated" by independent evidence of the corpus delicti. By this is meant, evidence that the offense charged was committed by someone, not necessarily by the defendant himself. The corroborative evidence need not be direct; it may be circumstantial, and it is sufficient (if) the circumstances are such "as will, when taken in connection with the confession, establish the prisoner's guilt in the minds of the jury beyond a reasonable doubt.'" Stansbury, N.C. Evidence 2d, § 182." There is no evidence to corroborate this confession except a statement made by the victim that has since been recanted.

Defendant has sought to withdraw his plea in a timely manner. The courts have not established a presumptive amount of time when a plea withdrawal should not be allowed. In *United States v. Ortega-Ascanio* 376 F. 3d 879 (9th Cir. 2004) the Court allowed a defendant to withdraw a plea made nine months after entry.

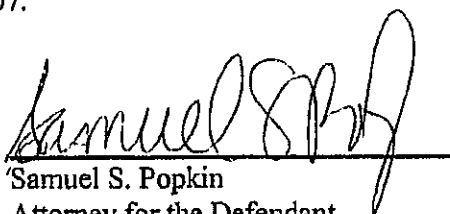
The state may refute the movants showing by evidence of concrete prejudice to its case by reason of the withdrawal of the plea. Prejudice to the State is a germane factor against granting a motion

to withdraw. In the present case and based on the State's evidence as noticed here above, there appears to be no legitimate grounds for the State to oppose. The victim resides in the area, no physical evidence exists much less in a state of deterioration and the time frames.

CERTIFICATE OF SERVICE

The undersigned certifies that this day he has placed in the United States Mail, first class postage, or by personal delivery to the Assistant District Attorney the Motion to Withdraw plea before Sentencing and Supporting Memorandum for service upon the party named below.

This the      day of July , 2007.

A handwritten signature in black ink, appearing to read "Samuel S. Popkin", written over a horizontal line.

Samuel S. Popkin  
Attorney for the Defendant  
1007 Hargett Street  
Suite 1  
Jacksonville, NC 28540  
Telephone: (910) 347-0100

Party or Attorney:  
K.B. Neal  
Assistant District Attorney  
632 Court Street  
Jacksonville, NC 28540

STATE OF NORTH CAROLINA  
COUNTY OF ONSLOW

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
06 CRS 53923 - 53932

STATE OF NORTH CAROLINA

v.

**STATE'S BRIEF IN RESPONSE  
TO DEFENDANT'S MOTION  
TO WITHDRAW PLEA**

THERON RUSSELL INMAN,  
Defendant.

NOW COMES the State of North Carolina, by and through the undersigned Assistant District Attorney, and submits the following memorandum in support of the State's request to deny the defendant's request to withdraw the plea of guilty previously made on March 2, 2007. In support thereof, the State offers the following:

**FACTS**

The defendant was arrested for ten counts of the B1 Felony of First Degree Sex Offense with a minor Child, ten counts of indecent Liberties with a minor Child and ten counts of Crime Against Nature. The victim in the above cited cases is the defendant's sister. The allegations arose from a Department of Social Services referral about sexual allegations concerning the defendant and his sister. The defendant disclosed to his therapist at Brynn Marr hospital that he had touched his sister inappropriately. The defendant's mother was interviewed by Detective Harry Evans and disclosed that her daughter had told her that the defendant had been touching her for a long time and that the defendant admitted to her that he had been touching his sister. The victim was interviewed and told Detective Evans that the defendant would touch her breast and vagina, insert his finger into her vagina and have him perform oral sex on him. She described bodily fluids she saw the defendant emit and told the detective the two of them never had vaginal intercourse.

The defendant was interviewed by Detective Evans with his mother present on May 2, 2006 at the Jacksonville Police Department. The defendant was advised he was not under arrest and was free to leave at any time and could stop answering questions at any time. The defendant was seventeen years old at the time he was interviewed. The defendant told the detective he used to touch his sister in a very bad way. He admitted he put his penis in her mouth and touched her breasts and buttocks. He denied having vaginal intercourse with the victim and admitted to ejaculating in front of her on the floor. He told the officer this happened at least ten times. The defendant provided a written statement prior to leaving the station that day. Later that day, the defendant was arrested for the above mentioned charges.

On October 17, 2006, the defendant was indicted by the Grand jury and entered a plea on March 2, 2007. The State filed discovery with the defendant's attorney, Mr. Glover, prior to the first Administrative setting in Superior Court in October 2007. The



plea was entered after sentencing services found a placement for the defendant at a sexual offender treatment facility in South Carolina. The defendant pled guilty to ten counts of Indecent Liberties with a minor Child and his sentencing was continued to allow for the defendant to obtain his own insurance to pay for the treatment at the facility. The week of August 11, 2007, the State received word the defendant received his insurance and the case was set for sentencing during the Administrative Term of August 25, 2007. On August 30, 2007 the State was prepared to pray judgment, however, the defendant entered an oral motion to withdraw his plea.

#### ARGUMENT

The defendant has cited State v. Handy, 326 NC 532, 1990 to support his motion to withdraw his guilty plea prior to sentencing. In Handy, the defendant entered a plea at the close of court and the next morning before court reconvened, the defendant moved to strike the plea he entered the day before. The Supreme Court recognized there is no absolute right to withdraw a guilty plea, however if a just and fair reason can be shown and the motion is made prior to sentencing at a very early stage of the proceedings, then the motion should be granted with liberality. The Court also recognized, “[T]he standard for judging the movant’s reasons for delay remains low where the motion comes only a day or so after the plea was entered.” United States v. Barker, 514 F.2d 208, 222 (D.C. Cir.) (en banc), cert. denied, 421 U.S. 1013 (1975). Further, “By contrast, if the defendant has long delayed his withdrawal motion, and has had the full benefit of competent counsel at all times, the reasons given to support withdrawal must have considerably more force.” United States v. Barker, 514 F.2d at 222. The court will look at factors such as “. . . whether the defendant has asserted legal innocence, the strength of the State’s proffer of evidence, the length of time between entry of the guilty plea and the desire to change it, and whether the accused has had competent counsel at all relevant times.” Handy at 539.

In this case, the defendant has alleged the motion for withdrawal of the plea was made in timely manner. The case cited by the defendant is persuasive authority that allowed a plea withdrawal nine months after it’s entry. The North Carolina courts have directly addressed circumstances of when a motion was made in a timely manner. In State v. Meyer, 330 NC 738, 1992, the Court found that the defendant’s motion was made three and one half months after entry of the plea and that under Handy, this length of time was a factor against the defendant and allowing his motion to withdraw his plea. In State v. Graham, 122 NC App. 635, 1996, the Court found the defendant made his motion five weeks after entry of his plea and made no concrete assertion of innocence. In State v. Belton, 2006 NC App. Lexis 1889, 2006, the defendant moved to withdraw his plea seven months after entry of the plea and only claimed the State’s case was weak and not legal innocence. In State v. Paige, 2006 NC App. Lexis 2472, 2006, the defendant moved to withdraw his plea a month after he entered it. The Court recognized, “[D]efendant’s motion to withdraw made several weeks after entry of the guilty plea is not indicative of a “swift change of heart,” and fails to provide a fair and just reason for withdrawal of defendant’s plea.” State v. Graham, 122 NC App. at 637-38. In State v. Marshburn, 109 NC App. 105, 1993, the defendant moved to withdraw his plea eight

months after it was entered by the court. The Court of Appeals recognized, “. . . this context [referring to the eight month period] requires the reasons given by a defendant “must have considerably more force” than would be the case if the “motion comes only a day or so after the plea was entered” or if the defendant did not have competent counsel at the time he entered the plea.” Marshburn at 109. In each of these cases, the Court denied the defendant’s motion to withdraw a guilty plea entered prior to sentencing.

In this case, the defendant was represented by competent counsel at all stages of the criminal process once he had a first appearance, and has not alleged he was denied competent counsel. The defendant entered his plea on March 2, 2007 in Onslow County Superior Court. The terms of the plea agreement were discussed several months prior to entering the plea. The terms of the agreement were able to be fully complied with by the State on August 30, 2007 when the State attempted to pray judgment. The sentencing had to be continued to allow the defendant an opportunity to obtain health insurance to pay for his counseling. The defendant and his mother took all necessary steps at that time to get the insurance and any mental health assessments needed for acceptance into the program. The defendant made his motion to withdraw his plea six full months after the entry of his guilty plea and after all the steps he needed to complete had been completed. The defendant has not shown any reason that carries considerable force to allow the withdrawal of his guilty plea.

Further, at the time of the entry of the guilty plea, Superior Court Judge John Smith conducted an inquiry of the defendant using a Transcript of Plea. The defendant indicated he was satisfied with lawyer’s legal services and he was aware of the plea and the plea agreement. The court found a knowing, intelligent and voluntary plea and recorded the plea as such. In State v. Paige, 2006 NC App. Lexis 2472, the Court addressed the issue of confusion at the time of the plea and the use of a transcript. “The trial court’s acceptance of a defendant’s guilty plea will not be disturbed on appeal “[w]here it appears that the trial judge made careful inquiry of the accused as to the voluntariness of his pleas, and there is ample evidence to support the judge’s finding that defendant freely, understandingly, and voluntarily pleaded guilty to the charges.” Paige at 11, citing State v. Ellis, 13 NC App. 163, 1971. The defendant’s plea was voluntarily entered after receiving the discovery in this case at the time of indictment in October 2006. The defendant came into court five months later and entered his plea. The defendant executed a signed transcript indicating he was pleading guilty to his charges and understood what he was doing. The defendant should not be allowed to withdraw a knowing, understanding, and voluntary plea.

The defendant has alleged his legal innocence based on no physical evidence and the lack of a voluntary confession. The facts of this case do not present a circumstance of physical evidence. The sexual abuse the victim suffered was over a period of years and was of a nature where physical evidence is not left behind. The sexual contact was touching, some digital penetration and oral sex performed on the defendant by the victim. A medical exam of the victim would reveal no signs of abuse. However, the state does have corroboration of the victim’s allegations. The defendant and the victim told police the defendant ejaculated after the oral sex. The victim described the fluids emitted by the

defendant. Further, both the defendant and the victim told the detective the defendant ejaculated in the room and not in the victim's mouth. The victim has also indicated these acts last occurred within two weeks of being reported to the police department. Both the defendant and the victim told their mother what happened and this was consistent with what was told the police detective by both the defendant and the victim. The State has a strong case against the defendant and the defendant has made no showing demonstrating he is legally innocent of these charges.

Finally, the State would be prejudiced by the withdrawal of this plea. The victim has been removed from her home by her mother since the charges were filed in May of 2006. She has had to live on Camp Lejeune with friends and drive thirty minutes to school each day. Since March she has been under the impression she would be returning to her home as soon as the defendant was sentenced by the court. She will be forced to live separate and apart from her parents for an indeterminate time. These issues could lead to a reluctance on the part of the victim to cooperate in the trial of this case. Since the Crawford decision, all victims are required to testify in court and this victim has been under the impression that she would not need to come to court and testify against her brother. She will now be faced with looking at her brother in court and telling the jury everything he did to her. This will put undue and unnecessary pressure on her and can have a detrimental and prejudicial effect on the State's case that far exceeds the allegations the defendant has made in his motion to withdraw his guilty plea. The defendant should not be allowed to withdraw his plea due to the prejudicial effect it will have on the State's case.

This the 10 day of July, 2007.



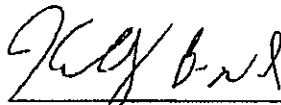
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Kelly B. Neal  
Assistant District Attorney

**CERTIFICATE OF SERVICE**

The undersigned assistant district attorney hereby certifies that a copy of the foregoing Motion was delivered to Samuel S. Popkin and Ken Glover, the defendant's attorneys of record, by delivering a copy of said Motion to each attorney's box located in the Onslow County Superior Courthouse, Jacksonville, NC.

Served this the 10 day of July, 2007.



\_\_\_\_\_  
Kelly B. Neal  
Assistant District Attorney

STATE OF NORTH CAROLINA

File No.

06CRS53923

ONslow County

In The General Court Of Justice  
 District  Superior Court Division

STATE VERSUS

JUDGMENT/ORDER OR  
OTHER DISPOSITION

Name Of Defendant

THERON INMAN

Race

Sex

Date Of Birth

Social Security No.

Attorney For State

KELLY NEAL

Def. Found  
Not Indigent

Def. Waived  
Attorney

Attorney For Defendant

S. S. POPKIN & KEN GLOVER

Appointed  Retained

Offense

06CRS53924 THROUGH 06CRS53932 (10 CTS) INDECENT LIBERTIES

NOTE: (For use in recording  
Misdemeanor conviction levels  
under S.S.A.)

PLEA

VERDICT

PRIOR CONVICTIONS:

No./Level  I (0)  II (1-4)  III (5+)

Guilty/Responsible  No Contest

Guilty/Responsible

MISD. CLASS:  1  2  3

Guilty/Responsible  No Contest

Guilty/Responsible

MISD. CLASS:  1  2  3

Not Guilty/Not Responsible

Not Guilty/Not Responsible

DEFENDANT THROUGH HIS COUNSELS TENDERED A MOTION TO WITHDRAW AND SET ASIDE HIS PLEA OF GUILTY.

MOTION TO SET ASIDE THIS PLEA IS DENIED.

SEE COURT REPORTER'S NOTES, VICKY SCHLEY.

Date

07-13-2007

Name Of Presiding Judge (Type Or Print)

KENNETH F. CROW

Signature Of Presiding Judge

APPEAL ENTRIES

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.

Date

Name Of Presiding Judge (Type Or Print)

Signature Of Presiding Judge

**STATE OF NORTH CAROLINA** Case No. 06CRS053923 52  
ONslow County JACKSONVILLE 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  
INMAN, THERON, RUSSELL  
 Race W Sex M DOB 09/13/1988  
 Attorney For State NEAL, KELLY, B  Def. Found Not Indigent  Def. Waived Attorney Attorney For Defendant POPKIN, SAMUEL, S  Appointed  Retained  
 The defendant  pled guilty to:  was found guilty by a jury of:  pled no contest to:

**JUDGMENT SUSPENDING SENTENCE - FELONY**  
 IMPOSING AN INTERMEDIATE PUNISHMENT  
 IMPOSING A COMMUNITY PUNISHMENT (STRUCTURED SENTENCING)  
 G.S. 15A-1341, -1342, -1343, -1343.2, -1346

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL.
06CRS053923	52	INDECENT LIBERTIES WITH CHILD	10/15/2004	14-202.1	F	F
06CRS053924	52	INDECENT LIBERTIES WITH CHILD	12/15/2004	14-202.1	F	F

The Court:  
 1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be 0. 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 offenses(s) is a reportable conviction involving a minor. G.S. 14-208.6. (AOC-CR-261 required)  
 8. finds the defendant is classified as a sexually violent predator. G.S. 14-208.20. (AOC-CR-261 required)  
 9. finds the defendant is classified as a recidivist. G.S. 14-208.6. (AOC-CR-261 required)  
 10. finds this is an aggravated offense. G.S. 14-208.6. (AOC-CR-261 required)  
 11. finds that a  motor vehicle  commercial motor vehicle was used in the commission of the offense and this conviction shall be reported to DMV.  
 12. 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 16 months for a maximum term of 20 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 31 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 60 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-286.4. (AOC-CR-319 required)  
 7. The defendant shall submit to satellite-based monitoring. (AOC-CR-261 and AOC-CR-615 required)

**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: SUSPEND PYMTS UNTIL HE REPORTS BACK TO NC  
**TOTAL AMOUNT DUE SHOWN W/OUT ATTORNEY FEES FOR S. POPKIN & K. GLOVER**

Court Costs	Miscellaneous	Fine	Restitution*	Attorney's Fee	Comm. Service Fee	EHA Fee	GPS Fee	Total Amount Due
\$ 300.00	\$ 50.00	\$ 200.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 90.00	0.00	\$ 640.00

\*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: first 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 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) 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 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)**

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

- 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, counseling, 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: \_\_\_\_\_

COURT IS GOING TO SUSPEND THE PROBATIONARY SUPERVISION DURING PERIOD OF TIME DEF IS HOUSED IN THE NEW HOPE FACILITY, SUMMERVILLE, SC. REG COND OF PROB. UPON SUCCESSFULL COMPLETION OF NEW HOPE FACILITY DEF IS TO REPORT TO PROB OFF W/IN 48 HRS. COMPLY WITH THE ATTACHED CONDITIONS OF THE SEX OFFENDER CONTROL PROGRAM. A COPY WILL BE PROVIDED TO THE DEF PRIOR TO HIS LEAVING NC.

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	Name Of Presiding Judge (Type Or Print)	Signature Of Presiding Judge
8/29/2007	CHARLES H. HENRY	

**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"/> 5. Restitution Worksheet, Notice And Order [Initial Sentencing] (AOC-CR-611)
<input type="checkbox"/> 2. Judgment Suspending Sentence, Page Two (Special Conditions Of Probation) (AOC-CR-603, Page Two)	<input type="checkbox"/> 6. Judicial Findings As To Required DNA Sample (AOC-CR-319)
<input type="checkbox"/> 3. Felony Judgment Findings Of Aggravating And Mitigating Factors (AOC-CR-605)	<input type="checkbox"/> 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)
<input type="checkbox"/> 4. Extraordinary Mitigation Findings (AOC-CR-606)	

Date Of Certification	Signature	<b>SEAL</b>
Date Certified Copies Delivered To Sheriff	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	

STATE VERSUS

File No.

06CRS053923 52

Name Of Defendant

INMAN, THERON, RUSSELL

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(6).

- 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, 200).
H. Other:

- 2. Residential Program - G.S. 15A-1340.11(8); 15A-1343(b1)(2)
Attend or reside in NEW HOPE FACILITY (name program) residential program for a period of 13 days, 12 months, and abide by all rules and after care regulations of that program.
Other: SHOULD THE DEF BE EXPELLED FROM THAT PROGRAM OR VOLUNTARILY LEAVE THAT PROGRAM W/OUT CONSENT OF THAT PROGRAM IT IS REC DEF BE ARRESTED & PLACED IN THE OCI UNDER \$100,000.00 SECURED BOND. ORDER SENT SERVICES PLAN BE FORWARDED BY MAIL TO NEW HOPE FACILITY FOR THEIR USE & BENEFIT

- 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 12 days, 12 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: THIS WILL BE THE FIRST 12 MOS OF SUPERVISION BY NC & PAY FEE

- 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 ... 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:



**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(6).

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

SHOULD THE DEF FAIL TO SUBMIT TO THAT INPATIENT FACILITY WHEN ORDERED THAT WILL BE A VIO OF PROB & IT IS REC HE BE ARRESTED & PLACED IN THE OCJ UNDER A \$100,000.00 SEC BOND. DEF REPORT TO THE FACILITY AS DIRECTED BY PO.ONCE HE LEAVES NC THE COURT WILL SUSPEND PROB

**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 interests 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 to satellite-based monitoring for the defendant's natural life. (AOC-CR-615 required)
- 6. Submit to satellite-based monitoring for (specify length of time) \_\_\_\_\_ (AOC-CR-615 required)
- 5. Other:

**OTHER SPECIAL CONDITIONS**

**10. Other Special Conditions:**

DEF ORDERED TO EXECUTE ANY RELEASES. DEF IS TO BE TRANSPORTED BY HIS MOTHER TO THAT FACILITY DEF TO AUTHORIZE PERSONNEL FROM NEW HOPE FACILITY TO CONTACT PROB TO INDICATE DEF'S ARRIVAL AT THAT FACILITY. RELEASE ORDER SHALL REMAIN IN EFFECT UNTIL HE REPORTS TO THAT FACILITY

**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
08/29/07	CHARLES H. HENRY	

STATE OF NORTH CAROLINA

ONSLOW County JACKSONVILLE Seat of Court

File No.

06CRS053925 52

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

INMAN, THERON, RUSSELL

Race

W

Sex

M

DOB

09/13/1988

JUDGMENT SUSPENDING SENTENCE - FELONY
IMPOSING AN INTERMEDIATE PUNISHMENT
IMPOSING A COMMUNITY PUNISHMENT (STRUCTURED SENTENCING)
G.S. 15A-1341, -1342, -1343, -1343.2, -1343.3

Attorney For State

NEAL, KELLY, B

Def. Found Not Indigent

Def. Waived Attorney

Attorney For Defendant

POPKIN, SAMUEL, S

Appointed Retained

The defendant pled guilty to: was found guilty by a jury of: pled no contest to:

Table with columns: File No.(s), Off., Offense Description, Offense Date, G.S. No., F/M, CL. Rows include 06CRS053925 and 06CRS053926.

The Court:

- 1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be 0. 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 IV II

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) (hale crime). G.S. 50B-4.1 (domestic violence) Other: This finding is based on the jury's determination on 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 offenses(s) is a reportable conviction involving a minor. G.S. 14-208.6. (AOC-CR-261 required)
8. finds the defendant is classified as a sexually violent predator. G.S. 14-208.20. (AOC-CR-261 required)
9. finds the defendant is classified as a recidivist. G.S. 14-208.6. (AOC-CR-261 required)
10. finds this is an aggravated offense. G.S. 14-208.6. (AOC-CR-261 required)
11. finds that a motor vehicle commercial motor vehicle was used in the commission of the offense and this conviction shall be reported to DMV.
12. 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 16 months for a maximum term of 20 months in the custody of N.C. DOC.

This sentence shall run at the expiration of sentence imposed in file number 06CRS053923 52

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) 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 probation for 60 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.

Table with columns: File Number, Offense, County, Court, Date

- 5. The defendant shall comply with the conditions set forth in file number 06CRS53923 52
6. The defendant shall provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319 required)
7. The defendant shall submit to satellite-based monitoring. (AOC-CR-261 and AOC-CR-615 required)

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:

Table with columns: Court Costs, Miscellaneous, Fine, Restitution, Attorney's Fee, Comm. Service Fee, EHA Fee, GPS Fee, Total Amount Due

\*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: first 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 unsupervised probation.

AOC-CR-603, Rev. 1/07

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Material opposite unmarked squares is to be disregarded as surplusage.

(Over)

**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) 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)**

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

- 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, counseling, 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/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 8/29/2007	Name Of Presiding Judge (Type Or Print) CHARLES H. HENRY	Signature Of Presiding Judge 
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**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	<b>SEAL</b>
Date Certified Copies Delivered To Sheriff	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	

# STATE OF NORTH CAROLINA

ONSLOW County JACKSONVILLE Seat of Court

File No. 06CRS053927 52

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  
**INMAN, THERON, RUSSELL**  
Race **W** Sex **M** DOB **09/13/1988**

JUDGMENT SUSPENDING SENTENCE - FELONY  
 IMPOSING AN INTERMEDIATE PUNISHMENT  
 IMPOSING A COMMUNITY PUNISHMENT (STRUCTURED SENTENCING)  
G.S. 15A-1341, -1342, -1343, -1343.2, -1343.3

Attorney For State **NEAL, KELLY, B**  
 Def. Found Not Indigent  Def. Waived Attorney

Attorney For Defendant **POPKIN, SAMUEL, S**  
 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
06CRS053927	52	INDECENT LIBERTIES WITH CHILD	5/15/2005	14-202.1	F	F
06CRS053928	52	INDECENT LIBERTIES WITH CHILD	7/15/2005	14-202.1	F	F

The Court:  
 1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be 0. 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  V

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 involving a minor. G.S. 14-208.6. (AOC-CR-261 required)  
 8. finds the defendant is classified as a sexually violent predator. G.S. 14-208.20. (AOC-CR-261 required)  
 9. finds the defendant is classified as a recidivist. G.S. 14-208.6. (AOC-CR-261 required)  
 10. finds this is an aggravated offense. G.S. 14-208.6. (AOC-CR-261 required)  
 11. finds that a  motor vehicle  commercial motor vehicle was used in the commission of the offense and this conviction shall be reported to DMV.  
 12. 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 16 months for a maximum term of 20 months in the custody of N.C. DOC.

This sentence shall run at the expiration of sentence imposed in file number 06CRS053925 52

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) 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 60 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 06CRS53923 52
- 6. The defendant shall provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319 required)
- 7. The defendant shall submit to satellite-based monitoring. (AOC-CR-261 and AOC-CR-615 required)

### 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	Fine	Restitution*	Attorney's Fee	Comm. Service Fee	EHA Fee	GPS Fee	Total Amount Due
\$	\$	\$	\$	\$	\$	\$	\$	\$

\*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: first 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 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) 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)**

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

- 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, counseling, 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 8/29/2007	Name Of Presiding Judge (Type Or Print) CHARLES H. HENRY	Signature Of Presiding Judge 
-------------------	---	---

**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	<b>SEAL</b>
Date Certified Copies Delivered To Sheriff	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	

**STATE OF NORTH CAROLINA**  
 ONSLOW County JACKSONVILLE Seat of Court  
 File No. 06CRS053929 52  
 In The General Court Of Justice  
 District  Superior Court Division

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).]

**STATE VERSUS**  
 Name Of Defendant: INMAN, THERON, RUSSELL  
 Race: W Sex: M DOB: 09/13/1988  
**JUDGMENT SUSPENDING SENTENCE - FELONY**  
 IMPOSING AN INTERMEDIATE PUNISHMENT  
 IMPOSING A COMMUNITY PUNISHMENT (STRUCTURED SENTENCING)  
 G.S. 15A-1341, -1342, -1343, -1343.2, -1343.3

Attorney For State: NEAL, KELLY, B  
 Def. Found Not Indigent  Def. Waived Attorney  
 Attorney For Defendant: POPKIN, SAMUEL, S  
 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
06CRS053929	52	INDECENT LIBERTIES WITH CHILD	9/15/2005	14-202.1	F	F
06CRS053930	52	INDECENT LIBERTIES WITH CHILD	11/15/2005	14-202.1	F	F

The Court:  
 1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be 0. 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  II  III  IV

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 involving a minor. G.S. 14-208.6. (AOC-CR-261 required)  
 8. finds the defendant is classified as a sexually violent predator. G.S. 14-208.20. (AOC-CR-261 required)  
 9. finds the defendant is classified as a recidivist. G.S. 14-208.6. (AOC-CR-261 required)  
 10. finds this is an aggravated offense. G.S. 14-208.6. (AOC-CR-261 required)  
 11. finds that a  motor vehicle  commercial motor vehicle was used in the commission of the offense and this conviction shall be reported to DMV.  
 12. 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 16 months for a maximum term of 20 months in the custody of N.C. DOC.

This sentence shall run at the expiration of sentence imposed in file number 06CRS053927 52

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) 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 60 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 06CRS053923 52
- 6. The defendant shall provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319 required)
- 7. The defendant shall submit to satellite-based monitoring. (AOC-CR-261 and AOC-CR-615 required)

**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	Fine	Restitution*	Attorney's Fee	Comm. Service Fee	EHA Fee	GPS Fee	Total Amount Due
\$	\$	\$	\$	\$	\$	\$	\$	\$

\*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: first 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 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) 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)**

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

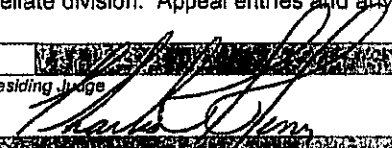
- 12. Surrender the defendant's drivers license to the Clerk of Superior Court for transmittal/notification to the Division of Motor Vehicles and not operate a motor vehicle for a period of \_\_\_\_\_ or until relicensed by the Division of Motor Vehicles, whichever is later.
- 13. Submit at reasonable 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, counseling, 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/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 8/29/2007	Name Of Presiding Judge (Type Or Print) CHARLES H. HENRY	Signature Of Presiding Judge 
-------------------	---	---

**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"/> 5. Restitution Worksheet, Notice And Order [Initial Sentencing] (AOC-CR-611)
<input type="checkbox"/> 2. Judgment Suspending Sentence, Page Two (Special Conditions Of Probation) (AOC-CR-603, Page Two)	<input type="checkbox"/> 6. Judicial Findings As To Required DNA Sample (AOC-CR-319)
<input type="checkbox"/> 3. Felony Judgment Findings Of Aggravating And Mitigating Factors (AOC-CR-605)	<input type="checkbox"/> 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)
<input type="checkbox"/> 4. Extraordinary Mitigation Findings (AOC-CR-606)	

Date Of Certification	Signature	<b>SEAL</b>
Date Certified Copies Delivered To Sheriff	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	

**STATE OF NORTH CAROLINA** File No. 06CRS053931 52  
ON SLOW County JACKSONVILLE 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** **JUDGMENT SUSPENDING SENTENCE - FELONY**  
 **IMPOSING AN INTERMEDIATE PUNISHMENT**  
 **IMPOSING A COMMUNITY PUNISHMENT (STRUCTURED SENTENCING)**  
 G.S. 15A-1341, -1342, -1343, -1343.2, -13

Name Of Defendant: INMAN, THERON, RUSSELL  
 Race: W Sex: M DOB: 09/13/1988  
 Attorney For State: NEAL, KELLY, B  Def. Found Not Indigent  Def. Waived Attorney  
 Attorney For Defendant: POPKIN, SAMUEL, S  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	CI
06CRS053931	52	INDECENT LIBERTIES WITH CHILD	1/15/2006	14-202.1	F	F
06CRS053932	52	INDECENT LIBERTIES WITH CHILD	3/11/2006	14-202.1	F	F

The Court:  
 1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be 0. 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  II  IV   
 2. makes no prior record level finding because none is required.

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 offenses(s) is a reportable conviction involving a minor. G.S. 14-208.6. (AOC-CR-261 required)  
 8. finds the defendant is classified as a sexually violent predator. G.S. 14-208.20. (AOC-CR-261 required)  
 9. finds the defendant is classified as a recidivist. G.S. 14-208.6. (AOC-CR-261 required)  
 10. finds this is an aggravated offense. G.S. 14-208.6. (AOC-CR-261 required)  
 11. finds that a  motor vehicle  commercial motor vehicle was used in the commission of the offense and this conviction shall be reported to DMV.  
 12. 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 16 months for a maximum term of 20 months in the custody of N.C. DOC.

This sentence shall run at the expiration of sentence imposed in file number 06CRS053929 52  
 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) 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 60 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 06CRS53923 52
- 6. The defendant shall provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319 required)
- 7. The defendant shall submit to satellite-based monitoring. (AOC-CR-261 and AOC-CR-615 required)

**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	Fine	Restitution*	Attorney's Fee	Comm. Service Fee	EHA Fee	GPS Fee	Total Amount Due
\$	\$	\$	\$	\$	\$	\$	\$	\$

\*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: first 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 unsupervised probation.  
 AOC-CR-603, Rev. 1/07  
 © 2007 Administrative Office of the Courts Material opposite unmarked squares is to be disregarded as surplusage. (Over)



**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) 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)**

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

- 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, counseling, 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/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
8/29/2007	CHARLES H. HENRY	

**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	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	

Name of Defendant Theron Inman Docket No. 06CrS 53923

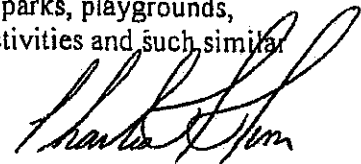
thru 53932

SEX OFFENDER CONTROL PROGRAM

A person convicted of an offense that is a reportable conviction under G. S. 14-208.6(4) or that involves physical, mental or sexual abuse of a minor must: (1) Register if the offense is a reportable conviction under G.S. 14-208.6(4), (2) Participate in such evaluation and treatment as ordered by the court and complete a prescribed course of treatment, (3) Not communicate with, be in the presence of or found on the premises of the victim, (4) Not reside in a household with any minor child if the offense is one in which there is evidence of sexual abuse of a minor, (5) Not reside in a household with any minor child if the offense is one in which there is evidence of physical or mental abuse of a minor, unless the court expressly finds and allows the probationer to reside in the household with the minor child.

The court further imposes the following special conditions:

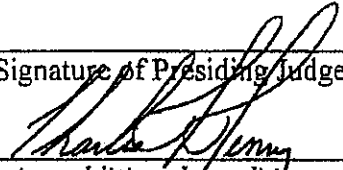
1. Reside at a residence to be approved by the supervising officer.
2. Not have contact with the victim including, but not limited to: letters, phone calls, tapes, videos, computer, internet, or visits. This includes any form of direct contact, or any form of contact through a third party.
3. Not socialize or communicate with individuals under the age of eighteen (18) in work or social activities unless accompanied by a responsible adult who is aware of the abusive patterns and is approved in writing by the supervising officer.
4. Submit to psychological and/or psycho physiological assessment at the direction of the supervising officer to assist in treatment planning and case monitoring.
5. Participate in a sexual abuse treatment program approved by the supervising officer and complete the same to the full satisfaction of the supervising officer and treatment provider. Comply with all programs, including the polygraph examinations, to be used as a tool in conjunction with the treatment plan developed by the treatment provider. Program participation is defined as attendance at all meetings, prompt payment of fees, admission of responsibility for his/her offense and progress towards reasonable treatment goals.
6. Pay for the victims' mental health counseling expenses which are incurred as a result of the crime/offense as ordered by the court.
7. Not possess any sexually stimulating or sexually oriented materials as deemed inappropriate by the supervising officer, nor patronize any place where such material or entertainment is the primary business.
8. Not use, possess, control, distribute, sell, exchange or collect pornography and/or child erotica, including any obtained through internet access or telephonic communications.
9. Submit at reasonable times to warrantless searches and seizures by the supervising officer of his person, vehicle, premises, computer equipment and telephone records while he is present for the purpose of detecting or discovering pornography and /or erotica, which are reasonably related to his supervision.
10. Not linger, loiter nor spend time at locations where persons under eighteen (18) years of age are likely to be present, including but not limited to: parks, playgrounds, school yards, arcades or places frequented by children(s) activities and such similar.

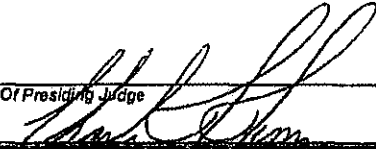


places whose purpose is the care, entertainment or education of such persons under eighteen (18) years of age.

- 11. Not work or volunteer for any business or organization(s) that provide services to or employs persons under 18 years of age. This includes, but is not limited to arcades, baby-sitting, daycare agencies, schools, churches, playgrounds and youth sporting activities or groups. The supervising officer must approve employment.
- 12. Not associate with or have any contact with convicted sex offenders unless in a counseling group.
- 13. When given authorization to visit another jurisdiction you will present a travel letter to the local police department, have it signed and return it to your supervising officer.
- 14. Not purchase, possess or consume alcoholic beverages or controlled substances. Submit to blood, breath, and urine testing for analysis for the presence of prohibited drugs or alcohol as requested by the supervising officer and pay any fees associated with testing.
- 15. The offender shall not be alone with any minor child below the age of eighteen (18) years unless approved by his supervising officer in writing.
- 16. Not engage in any sexual behavior with any minor child below the age of eighteen (18) years of age.
- 17. Not possess any children's videos, games, books, toys, or any other such materials typically used by children.
- 18. Abide by a curfew at the discretion of the supervising officer.
- 19. Other:

Report to Onslow County Sheriff's Department for DNA testing.

Date: 8-29-07	Name of Presiding Judge Charles H. Henry	Signature of Presiding Judge 
<i>I have received a copy of this additional page, which contains additional conditions 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 services is liable to me for any loss or damage which I may sustain unless my inquiry is caused by that person's gross negligence or intentional wrongdoing.</i>		
Date:	Signature of Defendant	Witness:

<b>STATE OF NORTH CAROLINA</b>				File No. <b>06CR553923</b>
_____ <b>ONSLOW</b> _____ County		In The General Court Of Justice <input type="checkbox"/> District <input checked="" type="checkbox"/> Superior Court Division		
<b>STATE VERSUS</b>				<b>JUDGMENT/ORDER OR OTHER DISPOSITION</b>
Name Of Defendant <b>THERON INMAN</b>				
Race	Sex	Date Of Birth	Social Security No.	
Attorney For State <b>RENE REILLY</b>		<input type="checkbox"/> Def. Found Not Indigent	<input type="checkbox"/> Def. Waived Attorney	
		Attorney For Defendant <b>TIM OSWALT</b>		<input type="checkbox"/> Appointed <input checked="" type="checkbox"/> Retained
Offense <b>06CR553925, 53927, 53929, 53931</b>				NOTE: (For use in recording Misdemeanor conviction levels under S.S.A.)
<b>PLEA</b>		<b>VERDICT</b>		<b>PRIOR CONVICTIONS:</b>
<input type="checkbox"/> Guilty/Responsible <input type="checkbox"/> No Contest		<input type="checkbox"/> Guilty/Responsible		No /Level <input type="checkbox"/> 0 <input type="checkbox"/> 1 (0) <input type="checkbox"/> 11 (1-4) <input type="checkbox"/> 111 (5+)
<input type="checkbox"/> Guilty/Responsible <input type="checkbox"/> No Contest		<input type="checkbox"/> Guilty/Responsible		MISD. CLASS: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3
<input type="checkbox"/> Not Guilty/Not Responsible		<input type="checkbox"/> Not Guilty/Not Responsible		MISD. CLASS: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3
<p>HEARING WAS HELD TO DETERMINE FACTUAL BASIS AS TO WHAT LEVEL OF SURVEILLANCE WOULD BE APPROPRIATE IN THIS CASE.</p> <p>SEE JUDICIAL FINDINGS AND ORDER FOR SEX OFFENDERS SUSPENDED SENTENCE.</p> <p>NOTICE OF APPEAL.</p>				
Date <b>03/26/2009</b>	Name Of Presiding Judge (Type Or Print) <b>CHARLES H. HENRY</b>		Signature Of Presiding Judge 	
<b>APPEAL ENTRIES</b>				
<input type="checkbox"/> The defendant gives notice of appeal from the judgment of the District Court to the Superior Court. <input type="checkbox"/> The current pretrial release order is modified as follows:  <input type="checkbox"/> 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.				
Date	Name Of Presiding Judge (Type Or Print)		Signature Of Presiding Judge	

STATE OF NORTH CAROLINA File No. 06CR553923

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

**STATE VERSUS**  
Name Of Defendant  
THERON INMAN

**JUDICIAL FINDINGS AND ORDER  
FOR SEX OFFENDERS -  
SUSPENDED SENTENCE**  
G.S. Ch. 14, Art. 27A

**NOTE:** Use this form to make additional findings and orders concerning sex offender registration and satellite-based monitoring for a defendant who is convicted of a reportable conviction as defined by G.S. 14-208.6(4) and sentenced to a community or intermediate punishment. Finding No. 7, AOC-CR-603, Page One, Side One, or No. 4, AOC-CR-604, Side One, should be marked to incorporate the additional findings and orders on this form.

**FINDINGS**

The Court, having entered judgment in the above-captioned action, which judgment is incorporated by reference herein, finds in addition that:

- the defendant has been convicted of a reportable conviction under G.S. 14-208.6, specifically (check all that apply)
  - a. an offense against a minor under G.S. 14-208.6(1), or an attempt, solicitation, or conspiracy to commit such offense, and defendant is not the parent of the victim.
  - b. a sexually violent offense under G.S. 14-208.6(5), or an attempt, solicitation, or conspiracy to commit such offense.
  - c. aiding and abetting an offense against a minor or a sexually violent offense, and registration of the defendant as a sex offender will further the purposes of G.S. 14-208.5.
  - d. a violation of G.S. 14-202(d), (e), (f), (g) or (h), or a second or subsequent violation of subsection (a), (a1) or (c) of that section, the defendant is a danger to the community, and his/her registration as a sex offender will further the purposes of G.S. 14-208.5.
- the defendant  has  has not been classified as a sexually violent predator (sexually violent offenses only, G.S. 14-208.6(5)). G.S. 14-208.20.
- the defendant  is  is not a recidivist. G.S. 14-208.6(2b).
- the offense(s) of conviction  is  is not an aggravated offense. G.S. 14-208.6(1a).
- the offense(s) of conviction (check either a. or b.)
  - a. did not involve the physical, mental, or sexual abuse of a minor.
  - b. did involve the physical, mental, or sexual abuse of a minor, and based on the risk assessment of the Department of Correction, the defendant
    - i. requires the highest possible level of supervision and monitoring.
    - ii. does not require the highest possible level of supervision and monitoring.

(NOTE: See finding No. 8 on AOC-CR-603, Page One, Side One, or finding No. 5 on AOC-CR-604, Side One.)

**ORDER**

1. **Registration.** Pursuant to the above findings, it is hereby ordered that the defendant shall register as a sex offender (check either a. or b.)

- a. (if any of Nos. 2 - 4 above found in the affirmative) pursuant to Part 3 of Article 27A of Chapter 14 of the General Statutes, for his/her natural life.
- b. (if Nos. 2 - 4 above all found in the negative) pursuant to Part 2 of Article 27A of Chapter 14 of the General Statutes, for a period of 30 years. Defendant may petition for termination of the requirement to register after 10 years of registration, pursuant to G.S. 14-208.12A.

2. **Satellite-Based Monitoring (SBM).** It is further ordered that the defendant shall (check either a. or b.)

- a. be enrolled in a satellite-based monitoring program (check one)
  - i. (if any of Nos. 2 - 4 above found in the affirmative) for his/her natural life, unless the monitoring program is terminated pursuant to G.S. 14-208.43.
  - ii. (if Nos. 2 - 4 above all found in the negative and No. 5.b.i. found) for a period of (specify time period) \_\_\_\_\_.

The defendant shall also pay the fee as prescribed by G.S. 14-208.45 and set out in the judgment incorporated herein by reference

- b. (if No. 5.b.i. not found, and Nos. 2 - 4 all found in the negative) not be required to enroll in satellite-based monitoring.

**NOTE:** Complete AOC-CR-261 in addition to this Order. For an offender with a reportable conviction but not sentenced to active imprisonment, the court must conduct the notification procedures of G.S. 14-208.8 at the time of sentencing.

**SIGNATURE OF JUDGE**

Date 03/26/2009	Name Of Judge (Type Or Print) CHARLES H. HENRY	Signature Of Judge 
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APR 9 2009

STATE OF NORTH CAROLINA APR 9 2009 File No. D6CR553923

ONslow County APPELLATE DEFERENCE BUREAU, INC. Additional File No.(s) 53925,53927,53929,53931

In The General Court Of Justice
District Superior Court Division

STATE VERSUS

Name Of Defendant
THERON INMAN

Social Security No.
595-74-2790

Codefendant(s) if Tried Jointly

Name And Address Of Trial Prosecutor
RENE REILLY
632 COURT ST., JACKSONVILLE, NC 28540
Telephone No. 910-455-8008

Name And Address Of Trial Transcriptionist(s)
PATRICIA JAEGER
PO BOX 519
HAMPSTEAD, NC 28443
Telephone No. 336-558-3140

Date(s) Of Trial
3-2-07, 8-29-2007, 3-26-2009

Name And Address Of Transcriptionist Of Other Proceedings On The Following Date(s)
PEGGY GARVIN
2599-E THACKERY RD.
GREENVILLE, NC 27858
Date(s) 3-2-07; 8-29-07
Telephone No. 252-714-8252

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

APPELLATE ENTRIES

Rules 7, 9, 11, 27; N.C. Rules Of App. Proc.

Name And Address Of Defendant's Trial Counsel
TIMOTHY OSWALT
300 WESTERN BLVD
JACKSONVILLE, NC 28546
Telephone No. 910-347-9300

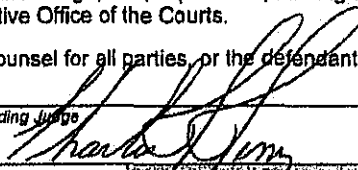
Name And Address Of Defendant's Appellate Counsel
The Appellate Defender (919) 560-3334
123 W. Main St., Suite 500, Durham, NC 27701

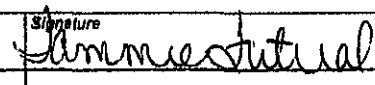
NOTE: All indigent appeals are assigned to the Appellate Defender.
Retained Appellate Counsel

JUDGE'S INITIAL APPEAL ENTRIES

- 1. [X] 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.
2. Release of the defendant pursuant to G.S. 15A-536 is [ ] denied. [ ] allowed upon execution of a secured bond in the amount of \$ \_\_\_\_\_ and compliance with the following additional conditions:
3. Unless indigent, the defendant shall arrange for the transcription of the proceedings as provided in the Rules of Appellate Procedure.
[X] 4. (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:
a. The Office of Indigent Defense Services shall pay the costs of producing a transcript, and of reproducing the record and the defendant's brief.
b. 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.
c. 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.
d. 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. (Over)

JUDGE'S INITIAL APPEAL ENTRIES (continued)		
<p>5. If a transcript has been ordered, the defendant in a non-capitally tried 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 capitally tried 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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>		
Date	Name Of Presiding Judge (Type Or Print)	Signature Of Presiding Judge
03-26-2009	CHARLES H. HENRY	

CLERK'S TRANSCRIPT ORDER AND CERTIFICATE		
<p>(NOTE: To be completed <u>ONLY</u> when defendant is indigent.)</p> <p><b>To The Transcriptionist(s) Named On The Reverse:</b></p> <p>Prepare and deliver to the parties a transcript of all portions of the proceedings in the above-captioned case <u>except</u>:          (Specify any portions of the proceedings which need not be transcribed pursuant to a stipulation filed by the parties under Rule 7(e)(2), or pursuant to No. 4. d. on reverse side.)</p> <p>I certify that I delivered a copy of this Transcript Order to the transcriptionist(s) on the date shown below:</p> <p><input type="checkbox"/> personally.</p> <p><input checked="" type="checkbox"/> by mailing it to the transcriptionist(s) at the address(es) shown on the reverse.</p>		
Date Clerk's Transcript Order Entered And Filed	Signature	
3-26-09		
Date Order Delivered To Transcriptionist(s), if Different	<input type="checkbox"/> Deputy CSC <input checked="" type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	
4-1-09		

EXTENSION OF TIME TO PREPARE TRANSCRIPT OR SERVE RECORD		
<p><input type="checkbox"/> 1. <b>Extension of time to file transcript:</b> 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.</p> <p><input type="checkbox"/> 2. <b>Extension of time to serve proposed record on appeal:</b> 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.</p> <p><b>NOTE:</b> 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 <u>not</u> 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 capitally tried 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.</p>		
Date	Name Of Judge (Type Or Print)	Signature Of Judge

CERTIFICATION		
I certify this Appellate Entries form is a true and complete copy of the original on file in this case.		
Date	Signature And Seal	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Clerk Of Superior Court <input type="checkbox"/> Assistant CSC

State vs. Inman

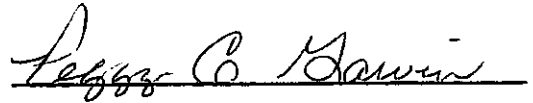
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06-CRS-53923 - 53932

STATE OF NORTH CAROLINA	IN THE GENERAL COURT OF JUSTICE
	SUPERIOR COURT DIVISION
COUNTY OF ONSLOW	FILE NUMBER: 06-CRS-53923
	-- 53932

THE STATE OF NORTH CAROLINA	)	
	)	
VS.	)	CERTIFICATE OF DELIVERY
	)	
THERON INMAN,	)	
<u>DEFENDANT.</u>	)	

This is to certify that the above-entitled case was requested of Peggy C. Garvin on th 1st day of April, 2009, and was emailed to the Attorney of record and to the appointed Appellate Defender as indicated below on the 2nd day of May, 2009.



Peggy C. Garvin, CVR  
Official Court Reporter

FOR THE STATE:

Kelly Neal, Esquire  
Assistant District Attorney  
632 Court Street  
Jacksonville, NC 28540

FOR THE DEFENDANT:

Thomas Reston Wilson, Esquire  
Greene & Wilson  
Post Office Box 1676  
New Bern, NC 28563

cc: Clerk of Court - Onslow County  
John H. Connell, Court of Appeals



NORTH CAROLINA  
ONslow COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NOS. 06 CrS 53923,  
53925, 53927, 53929, 53931

STATE OF NORTH CAROLINA )  
v. )  
THERON INMAN, )  
Defendant. )

COURT REPORTER'S CERTIFICATE

This is to certify that the transcript in the  
above-entitled action was delivered and/or mailed to the  
attorneys of record as indicated below on the 3rd  
day of June, 2009.

Patricia Jaeger  
OFFICIAL COURT REPORTER

Mr. Thomas R. Wilson, ESQ  
PO Box 1676  
New Bern, NC 28563

Ms. Rene Reilly  
Assistant District Attorney  
632 Court Street  
Jacksonville, NC 28540

NORTH CAROLINA  
ON SLOW COUNTY

FILED IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
2009 JUL 7 FILE NO: 06 CRS 53923,25,27,29,31  
ON SLOW COUNTY, N.C.

STATE OF NORTH CAROLINA

Vs.

THERON INMAN.  
Defendant.

BY   Jef    
)  
)  
)  
)  
)  
)  
)

ORDER: Extension to Serve  
Proposed Record on Appeal

Pursuant to Rule 11 and 27 of the N. C. R. App. P., 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 service of the proposed record on appeal be extended by 30 days.

Ordered this day, 7<sup>th</sup> July, 2009.

  Charles Henry    
The Honorable Charles Henry  
Senior Resident Superior Court Judge

Clerk has orig. copy! Jef

NORTH CAROLINA  
ONslow COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. 06 CRS 53923-32

STATE OF NORTH CAROLINA, )  
 )  
 Vs. )  
 )  
 THERON INMAN, )  
 Defendant. )  
 )  
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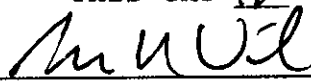
STIPULATION AND SETTLEMENT OF THE RECORD ON APPEAL

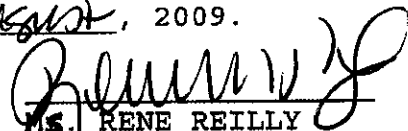
It is hereby stipulated and agreed by all parties to this appeal that the preceding constitutes the agreed Record on Appeal and the State was served with the proposed record on appeal on 8 August 2009.

It is further agreed and stipulated that the complete stenographic transcript in the case, as referenced herein, is an accurate transcript and shall be apart of the record on appeal and be filed with the Clerk of the North Carolina Court of Appeals when this appeal is docketed.

It is further agreed and stipulated that all exhibits, not included in this printed record, shall be part of the record on appeal, and, upon request, shall be transmitted to the Clerk of the North Carolina Court of Appeals after this appeal is docketed.

This the 12 day of August, 2009.

  
THOMAS RESTON WILSON  
Greene & Wilson, P.A.  
P.O. Box 1676  
409 Pollock Street

  
MS. RENE REILLY  
Assistant District Attorney  
632 Court Street  
Jacksonville, NC 28546

ATTORNEY FOR DEFENDANT

ATTORNEY FOR THE STATE

NORTH CAROLINA  
ONSLow COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. 06 CRS 53923-32

STATE OF NORTH CAROLINA, )  
 )  
 Vs. )  
 )  
 THERON INMAN, )  
 Defendant. )  
 )  
 )  
 )  
 )  
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CERTIFICATE OF SETTLEMENT

Counsel for the Defendant-Appellant certifies that he timely served the proposed Record on Appeal by U.S. Mail upon the State-Appellee on 15 June 2009, Counsel for the State, assistant district attorney MS. RENE REILLY. MS. REILLY has stipulated to the contents of the Record on Appeal to be docketed in the Court of Appeals.

Based upon the proceeding, the Defendant-Appellant's Proposed Record on Appeal constitutes the Record on Appeal in this case as a matter of law. N.C. App. R. 11(b).

A copy of this Certificate has been timely served this day by U.S. mail on MS. REILLY, assistant district attorney, representing the state in this case.

This 1 day of September 2009.

  
THOMAS RESTON WILSON  
Greene & Wilson, PA  
P.O Box 1676  
409 Pollock Street  
New Bern, NC 28563  
N.C. Bar # 31876

ASSIGNMENTS OF ERROR

1. Defendant-appellant's individual rights in the state of North Carolina, specifically under § 16 the North Carolina Constitution prohibiting *ex post facto* laws, was violated when N.C.G.S. § 14-208.40A and § 14-208.40B was applied to Defendant-appellant's sentence requiring his satellite-based monitoring.

(T.p. ) (R. p.)<sup>51</sup>

2. N.C.G.S. § 14-208.40A and § 14-208.40B are facially unconstitutional where these statutes violate individual rights protected under § 16 the North Carolina Constitution prohibiting *ex post facto* laws.

(T.p. ) (R. p.)<sup>51</sup>

3. Defendant-appellant's right to trial by jury, set forth in the Sixth Amendment of the United States Constitution and §§ 22 and 24 in the North Carolina Constitution, was violated where he entered a plea pursuant to a Plea Agreement, judgment was entered pursuant to that Plea Agreement, and the State later asserted new allegation against Defendant-appellant materially altering his sentence and abridging his right to trial.

(T.p. ) (R. p.)<sup>51</sup>

4. Defendant-appellant's Fifth Amendment protections against being twice put in jeopardy of life and limb, set forth in the United States Constitution, was violated where he was sentenced twice for the same offense, where no intervening action from the first sentence had been the cause of the second sentence, where he had not violated the terms of his first sentence, and where the state had failed to appeal the first sentence.

(T.p. ) (R. p.)<sup>51</sup>

5. N.C.G.S. § 14-208.40A and § 14-208.40B are facially unconstitutional where these statutes violate individual Fifth Amendment protections against being twice put in jeopardy of life and limb, set forth in the United States Constitution, where a defendant is sentenced twice

for the same offense, where no intervening action from the first sentence had been the cause of the second sentence, where a defendant has not violated the terms of his first sentence, and where the state has failed to appeal the first sentence.

(T.p. ) (R. p.<sup>51</sup>)

6. Defendant-appellant's individual rights in the state of North Carolina, specifically under § 19 the North Carolina Constitution prohibiting deprivation of his life, liberty, property, "but by law of the land", was violated when N.C.G.S. § 14-208.40A and § 14-208.40B was applied to Defendant-appellant's sentence requiring his satellite-based monitoring.

(T.p. ) (R. p.<sup>51</sup>)

7. There was insufficient evidence that Defendant-appellant committed an "aggravated offense" subjecting him to lifetime monitoring pursuant to N.C.G.S. § 14-208.40.

(T.p. ) (R. p.<sup>51</sup>)

**NAMES, OFFICE ADDRESSES, AND TELEPHONE NUMBERS OF COUNSEL  
FOR ALL PARTIES TO THE APPEAL**

THOMAS RESTON WILSON  
Greene & Wilson, PA  
P.O Box 1676  
New Bern, N.C. 28563  
N.C. Bar # 31876  
Ph: 252-634-9400  
Fax: 252-634-3464  
[twilson@greenewilson.com](mailto:twilson@greenewilson.com)

ATTORNEY FOR DEFENDANT-APPELLANT

Ms. Rene Reilly  
Onslow COUNTY- ADA  
632 Court Street  
Jacksonville, NC 28540


ATTORNEY FOR STATE-APPELLEE

Certificate of Service

This is to certify that a true and accurate copy of the above and foregoing RECORD ON APPEAL has been duly served on counsel for the State of North Carolina by depositing in the United States Mail a copy of the same in a properly addressed and postage-paid envelope to the following address:

Ms. Rene Reilly  
Onslow COUNTY- ADA  
632 Court Street  
Jacksonville, NC 28540

This the 1 day of <sup>September</sup>~~August~~, 2009.

  
\_\_\_\_\_  
THOMAS RESTON WILSON  
Greene & Wilson, PA  
P.O Box 1676  
409 Pollock Street  
New Bern, NC 28563  
N.C. Bar # 31876