NORTH CAROLINA COURT OF APPEALS

******************	********
STATE OF NORTH CAROLINA)
)
V.) <u>From Catawba County</u>
) 19-CRS-53701-02; 20-CRS-1227
JOSHUA JEZREEL DUNCAN)
)
*****************	*******
PETITION FOR	WRIT OF CERTIORARI
*****	****

TO THE HONORABLE NORTH CAROLINA COURT OF APPEALS:

Joshua Jezreel Duncan respectfully petitions this Court to issue its writ of certiorari, pursuant to Rule 21 of the North Carolina Rules of Appellate Procedure, to review the trial court's denial of his motion to suppress in case numbers 19-CRS-53701-02 and 20-CRS-1227. This Court should issue the writ because (1) given Mr. Duncan's unconditional guilty plea in this case, there is no appeal of right pursuant to *State v. Reynolds*, 298 N.C. 380, 397, 259 S.E.2d 843, 853 (1979), and (2) the trial court wrongly denied Mr. Duncan's motion to suppress evidence obtained as a result of substantial violations of North Carolina law governing knock-and-announce warrant executions.

STATEMENT OF PERTINENT FACTS

1. This petition for writ of certiorari is being filed with the Court simultaneously with the Defendant-Appellant's Brief in No. COA 22-906.

2. Mr. Duncan was indicted for possession with intent to manufacture, sell, or deliver cocaine; two counts of trafficking in heroin; maintaining a dwelling for controlled substances; and possession of a firearm by a convicted felon. (A^1 pp 1-3)

3. Mr. Duncan's pretrial motion to suppress all evidence came on for hearing at the 28 March 2022 Criminal Session of Superior Court in Catawba County. (T² p 1)

4. The trial court denied Mr. Duncan's motion to suppress orally on 28 March 2022, (T pp 98-99), in a ruling memorialized by a written order entered on 1 April 2022, (A pp 4-14).

Mr. Duncan pled guilty to all charges on 29 March 2022. (A pp 15-18) Mr. Duncan's plea agreement did not explicitly preserve Mr. Duncan's right to appeal the denial of his motion to suppress. (A pp 15-18)

6. On 29 March 2022, the trial court entered judgment and sentenced Mr. Duncan. (A pp 19-22)

7. Mr. Duncan's trial counsel filed a written notice of appeal on 7 April 2022. (A pp 23-24) The notice stated that Mr. Duncan was appealing from both the judgement following the guilty plea and from the written order denying Mr. Duncan's motion to suppress. (A pp 23-24)

¹ "A" refers to the Appendix filed with this Petition.

 $^{^2}$ "T" refers to the trial court transcript dating from 28 March 2022.

Appellate Entries were entered in this case on 11 April 2022.
 (A pp. 25-26)

9. The undersigned counsel was appointed to represent Mr. Duncan on his direct appeal on 21 June 2022. (A pp. p 27)

REASONS WHY THE WRIT OF CERTIORARI SHOULD ISSUE

This Court should issue a writ of certiorari in this case to permit appellate review of the trial court's denial of the motion to suppress because law enforcement substantially violated North Carolina's knock-and-announce requirements in executing the warrant at issue here.

When defendants plead guilty, their ability to appeal as a matter of right from the denial of a motion to suppress is limited. "[W]hen a defendant intends to appeal from a suppression motion denial pursuant to G.S. 15A-979(b), he must give notice of his intention to the prosecutor and the court before plea negotiations are finalized or he will waive the appeal of right provisions of the statute." *Reynolds*, 298 N.C. at 397, 259 S.E.2d at 853. As Mr. Duncan did not make his guilty plea contingent upon retaining the right to appeal the denial of the motion to suppress, he does not have an appeal as of right.

In such instances, however, a defendant "may petition the appellate division for review by writ of certiorari." N.C. Gen. Stat. § 15A-1444(e). Petitioner must do so "without unreasonable delay[.]" N.C. R. App. P. 21(c). As the Supreme Court recently reiterated, this Court has broad jurisdiction to issue writs of certiorari in its discretion. *State v. Killette*, 381 N.C. 686, 691, 873 S.E.2d 317, 320 (2022). This includes instances where a "defendant failed to notify the State of his intent to appeal prior to the entry of his plea agreement[.]" *Id.* at 688, 873 S.E.2d at 318. In exercising this discretion, our state appellate courts have looked to whether petitioner has made a "reasonable show of merit[]," as well as whether issuing a writ of certiorari will promote "the ends of justice[.]" *King v. Taylor*, 188 N.C. 450, 450, 124 S.E. 751, 751 (1924).

As a threshold matter, the Petitioner has expeditiously sought the writ, doing so contemporaneous with filing his merits brief at this Court. *See, e.g., State v. Patterson*, 269 N.C. App. 640, 642, 644, 839 S.E.2d 68, 71, 72 (2020) (issuing writ of certiorari when petition filed with appellant brief).

Turning to the merits, this Court should issue the writ because, as argued in the brief filed contemporaneously with this petition, the trial court erred in denying Mr. Duncan's motion to suppress. North Carolina General Statutes §§ 15A-249 and 15A-251, with an exception not applicable here, require law enforcement to clearly identify themselves and their purpose before forcibly entering a home to execute a warrant. Body worn camera footage makes plain law enforcement failed to abide by these requirements, in so doing obtaining evidence as a result of a no-knock warrant in substantial violation of the law. This requires suppression.

The warrant execution at issue violated North Carolina's statutory knock-and-announce requirements. The interests of justice thus require that this Court issue its writ of certiorari and hear Mr. Duncan's meritorious appeal.

CONCLUSION

For the foregoing reasons, Joshua Jezreel Duncan respectfully requests that this Court issue its writ of certiorari to allow merits review of the issue argued in his appellate brief filed contemporaneously with this petition.

Respectfully submitted this the 6th day of March, 2023.

PATTERSON HARKAVY LLP

<u>Electronically submitted</u> Christopher A. Brook N.C. Bar No. 33838 100 Europa Dr., Suite 420 Chapel Hill, NC 27517 Tel: 919-942-5200 Fax: 866-397-8671 Email: cbrook@pathlaw.com

Counsel for Defendant-Appellant

VERIFICATION

The undersigned, Christopher A. Brook, being duly sworn, deposes and says that he is the attorney for Petitioner, that he has read the foregoing petition and the same is true to his knowledge except upon matters therein alleged upon information and belief, and, as to those matters and things, he believes them to be true.

This the 28th day of February, 2023.

Christopher A. Brook

STATE OF NORTH CAROLINA COUNTY OF ORANGE

Sworn and subscribed before me, this the 28th day of February, 2023.

Beverly X. OLAN Notary Public Bevery L. DISON My Commission expires ON May 12, 2024.



CERTIFICATE OF FILING AND SERVICE

I hereby certify that the original Petition for Writ of Certiorari has been filed pursuant to Appellate Rule 26 with the Clerk of the North Carolina of Appeals by electronic submission.

I further certify that a copy of the above and foregoing Petition for Writ of Certiorari has been duly served pursuant to Appellate Rule 26 upon the following by email:

> Scott Stroud Special Deputy Attorney General Post Office Box 629 Raleigh, NC 27602 ststroud@ncdoj.gov

This the 6th day of March, 2023.

<u>Electronically submitted</u> Christopher A. Brook

DISTRICT 25B

NORTH CAROLINA COURT OF APPEALS

******	*****	*****
STATE OF NORTH CAROLINA)	
)	
v.)	<u>From Catawba County</u>
)	19-CRS-53701-02; 20-CRS-1227
JOSHUA JEZREEL DUNCAN)	
)	
************************	*****	******
APPENDIX TO PETITIO	N FO	R WRIT OF CERTIORARI

INDEX

Indictments	App. 1
Order Denying Defendant's Motion to Suppress	App. 4
Transcript of Plea	App. 15
Judgment and Commitments	App. 19
Notice of Appeal	App. 23
Appellate Entries	App. 25
Appointment of Appellate Counsel	App. 27

In addition to these attachments, Mr. Adams incorporates by reference the Record on Appeal and the transcripts which have previously been filed with the Court in this case, COA 22-906, and his appellate brief.

e	STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION	-	File No. 20 CD 0	0 1 2 2 7
76	CATAWBA COUNTY	<u></u>	Film No.	
<u>STA</u>	TEVERSUS			2
DEFENDANT				
	zreel Duncan 07/13/1989	2020 HAR !-		MENT
202 West	D St Apt A Newton NC 28658	TAMPA	co., c.s.c.	
OFFENSES		OFSENSE CODEC		OFFENSE IN VIOLATION OF G.S.
	Possession with the Intent to Manufacture, Sell, or Deliver Cocaine	BY 3556	07/26/2019	90-95(a)(1)

1. Possession with the Intent to Manufacture, Sell, or Deliver Cocaine

The jurors for the State upon their oath present that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully, and feloniously did possess with the intent to manufacture, sell, or deliver cocaine, a controlled substance classified in Schedule II of the North Carolina Controlled Substances Act. This act was in violation of the law referenced above.

WITNESSES

SIGNATURE OF PROSECUTOR

Witnesses marked with an "X" were sworn by the undersigned Foreperson of the Grand Jury. After hearing testimony, this bill:

Wes found to be A TRUE BILL by twelve or more grand jurors, and I, the undersigned Foreperson of the Grand Jury, attest the concurrence of twelve or more grand jurors in this Bill of Indictment.

□ Was found to be NOT A TRUE BILL.

🛛 Scism, CCSO

DATE	SIGNATURE OF GRAND JURY FOREPERSON	
3.16.2020	Stephen 6 M Jack	JAP – OCA #: 19-1477

- 2 - In the General Court of Justice Superior Court Division			File No.	19 CRS 53701	
STATE VER	CATAWBA COUNTY				
DEFENDANT					
Joshua Jezreel Duncan B / M 07/13/1989		2020 MAR 17 A	10: 58	INDICTMENT	
202 West D St Ap	t A Newton NC 28658		c.s.c.		
OFFENSES		OMINE DAY OFFENSE CODES	210101	DATE OF OFFENSE ON OR ABOUT	OFFENSE IN VIOLATION OF G.S.
I. Pos	session of a Firearm by a Convic	ted Felon 5224 153	11 (Personalities	07/26/2019	14-415.1

I. Possession of a Firearm by a Convicted Felon

The jurors for the State upon their oath present that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully, and feloniously did possess a Taurus .9 mm semi-automatic handgun, a firearm. The defendant had previously been convicted of the felony of Trafficking Opium by Sale, Class F felony with a maximum punishment of 84 months imprisonment. This felony was committed on September 13, 2011 and the defendant was convicted of the felony on July 23, 2012 in the Superior Court of Lincoln County, North Carolina in file number 11 CRS 2531 and was sentenced to 70 to 84 months confinement in the NC Department of Adult Corrections.

		/		
120	3.6 ¹⁰	SGNATURE OF PRO	secutor	
				· •
			-	
	WITNESSES	-		
Scism, CCSO			/	
Witnesses marked with an "X" we	ere sworn by the undersigned Foreperson	of the Gra	d Jury. After hearing tes	timony this hill.

witnesses marked with an "X" were sworn by the undersigned Foreperson of the Grand Jury. After hearing testimony, this bill:

Was found to be A TRUE BILL by twelve or more grand jurors, and I, the undersigned Foreperson of the Grand Jury, attest the concurrence of twelve or more grand jurors in this Bill of Indictment.

U Was found to be NOT A TRUE BILL.

÷.

DATE	SIGNATURE OF GRAND JURY FOR	EPERSON	1	
3-16-2020	Hart	m1 Cul	1	
	Majan 0	101.0010	\leq	 JAP – OCA #: 19-1477

STATE OF NORTH CAROLINA In the General Court of Justice Superior Court Division			- 3 -	File No. Film No.	19 CRS 53702	
* * * * * * * * * * * * * * * * * * *	CATAWBA COUNTY					
STATE	VERSUS		हिं ^क में है के क्षेत्र	a 1755		
DEFENDANT			t l Luca Lav	U		
Joshua Jezre B / M 07 202 West D		2020	НАЯ ГЛ	A 10:58	INDICTM	ENT
OFFENSES		DATA	OFFENSE CODE	<u> </u>	TE OF OFFENSE ON OR ABOUT	OFFENSE IN VIOLATION OF G.S.
II. Traffic	cking in Heroin by Possession cking in Heroin by Transportation caining a Dwelling for Controlled Substanc	Βγ	3531 3531 9968	, 0.0.0. UKn	07/26/2019	90-95(h)(4) 90-95(h)(4) 90-108(a)(7)

I. Trafficking in Heroin by Possession

The jurors for the State upon their oath present that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully, and feloniously did traffic by possessing between 14 to 28 grams of heroin, a controlled substance classified in Schedule I of the North Carolina Controlled Substances Act. This act was in violation of the law referenced above.

II. Trafficking in Heroin by Transportation

The jurces for the State upon their oath present that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully, and feloniously did traffic by transporting between 14 to 28 grams of heroin, a controlled substance classified in Schedule I of the North Carolina Controlled Substances Act. This act was in violation of the law referenced above.

III. Maintaining a Dwelling for Controlled Substances

The jurors for the State upon their oath present that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully, and feloniously did intentionally keep and maintain a dwelling, 202 West D Street Apartment A Newton NC, which was used for the keeping and selling of controlled substances, heroin and cocaine, in violation of the North Carolina Controlled Substances Act. This act was in violation of the law referenced above.

12	
	SKINATURE OF PROSECUTOR
	WITNESSES
Scism, CCSO	
1 1 1 1 1 1	

Witnesses marked with an "X" were sworn by the undersigned Foreperson of the Grand Jury. After hearing testimony, this bill:

Was found to be A TRUE BILL by twelve or more grand jurors, and I, the undersigned Foreperson of the Grand Jury, attest the concurrence of twelve or more grand jurors in this Bill of Indictment.

□ Was found to be NOT A TRUE BILL.

DATE	SIGNATURE OF GRAND JURY FOREPERSON	
3-16 2020	Stepter 6 11 July	JAP - OCA #: 19-1477

STATE OF NORTH CAROLINA

COUNTY OF CATAWBA

v.

FILE NO.: 19CRS53701-02, 20CRS1227

STATE OF NORTH CAROLINA

ORDER DENYING DEFENDANT'S MOTION TO SUPPRESS

. ເສ 🔛

2

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

	Joshua Jezrell Duncan, Defendant		122 763	5 I
	THIS MATTER COMING on to be heard on the 28th Day of March 2	2022,	before	the
	undersigned Judge Presiding pursuant to the Defendant's Motion to Suppress and a			
	the Defendant's Motion to Suppress, and the evidence presented at the hearing, the	e Cou	rt finds	the
à	following facts:			

- On July 25, 2019, on or about 4:03 PM, Investigator D. Scism (Affiant) of the Newton Police Department applied for and was properly granted a search warrant based upon ongoing narcotic sales activity involving co-Defendant Lacy Neil Smyre III (target) on or about the premises of 202 West D Street Apartment A, Newton, North Carolina in Catawba County (target residence), by the Honorable Superior Court Judge George Bell.
- 2. The specific facts establishing probable cause presented by Affiant to the Honorable Superior Court Judge George Bell included the following:

"Within the past month of the application of this search warrant at the above listed address (202 West D Street Apartment. A Newton, NC) a confidential source of information was able to purchased illegal narcotics, specifically cocaine, from Lacy Neil Smyre (target). I was able to observe Lacy Neil Smyre exit the pictured above residence utilizing the left door on the North side of the target location to sell cocaine to our confidential source of information who has proven trusted and reliable.

Within the past 72 (Seventy-Two) hours of the application of this search warrant an additional controlled purchase was conducted at the above listed address

On or about the date of June 19th, 2019 I received a phone call about a potential overdose victim that may have purchased heroin from a black male inside of the city limits of Newton. After meeting with the overdose victim at a neighboring counties hospital, I asked where in Newton, the victim purchased the heroin. The victim stated they had purchased heroin from a black male by the name of Neil Smyre (later identified as our suspect whose real name is Lacy Neil Smyre III). The victim stated that Neil Smyre lived in an apartment duplex near Lil Caesar's Pizza inside the city limits of Newton.

After further investigation I was able to locate Lacy Neil Smyre by using a confidential source of information.

On July 19th, 2019 I received a phone call from a Catawba County Sheriff's deputy who stated they had just cleared an overdose call where a victim overdosed told the deputy they had bought the heroin from Neil Smyre and was able to describe the listed above target location as being a brick ranch style duplex near Dixie's Fish and Chicken Restaurant in the city of Newton."

第二日に 記録の 一方子

3. On July 26, 2019, Investigator Scism lead a pre-search warrant execution meeting advising

those present of the target, the target residence location, and the operation plan.

4. The operation plans did not specifically mention exigent circumstances, but included safety

issues.

- 5. Investigator Scism requested the S.T.A.R team's assistance in the execution of the search warrant due to safety concerns, and because the Catawba County S.T.A.R team is a specialized unit trained in the entry of homes in the execution of search warrants such as the one issued in this case.
- 6. On or about 6:46 AM members of the Newton Police Department, the Catawba County S.T.A.R team, and various other law enforcement agencies arrived at the target residence for the execution of the search warrant.
- 7. The target residence is a brick duplex apartment or single story brick veneer ranch style duplex. The target residence is within blocks of a Little Caesar's Pizza and a Dixie's Fish

& Chicken.

- 8. Investigator Scism arrived at the target location with the search warrant in his possession.
- Investigator Scism did not know if anyone, including children, were inside the residence prior to arrival.
- 10. The Catawba County S.T.A.R team is a multi-agency tactical unit that is trained for and deployed in high-risk situations such as search warrant executions involving narcotics, assisting in searches or serving arrest warrants for dangerous, wanted individuals, and hostage situations.
- 11. S.T.A.R team member Deputy Hewitt was assigned to the use of a "halogen" for entry into the dwelling on July 26, 2019.
- 12. Deputy Hewitt was unaware if anyone was present inside the residence that morning prior to arriving at the target residence.
- 13. The S.T.A.R team upon arrival at the residence exited their truck and approached the North door (front door) of the residence.
- 14. Deputy Hewitt was at the front of the entry team line up. He opened the unlocked screen door, and then knocked on the door loudly three times, then announced in a loud voice, "Sheriff's Office, Search Warrant, Open the Door." Deputy Hewitt repeated the knock and announcement two (2) more times.
- 15. When no one answered, Deputy Hewitt reasonably believed entry was being denied, or reasonably delayed, and thus the door was then breached with a "Halogen" battering ram. Fifteen (15) seconds elapsed between the last knock and announcement, and the entry being made.
- 16. When executing search warrants involving narcotics the general concerns of Deputy

- 6 -

Hewitt are guns, because guns and illegal narcotics go hand-in-hand, and safety concerns for law enforcement and people inside as well as outside the residence.

- 17. S.T.A.R team member Investigator Stobbe was assigned as an entry team member on July 26, 2019 and was in the middle of the lineup.
- 18. Investigator Stobbe was also unaware if anyone was present inside the residence that morning prior to arriving at the target residence.
- 19. Investigator Stobbe has been a member of the S.T.A.R team for five (5) years and has been involved in somewhere between 40 to 50 search warrant executions.
- 20. Investigator Stobbe heard Deputy Hewitt knock and announce prior to the door being breached.
- 21. Investigator Stobbe, after entering the residence, first cleared the bathroom, then went to the rear bedroom where he encountered a black male with dreads at the South door (back door), and a black female in the bed. The male was later identified as the Defendant and the female as co-Defendant Misher.
- 22. When executing a search warrant involving narcotics Investigator Stobbe's general concerns are firearms, the possibility of evidence destruction, and the safety of everybody.
- 23. S.T.A.R team member Investigator Uribe was assigned as an entry team member on July 26, 2019 and was the last one out of the truck that day.
- 24. Investigator Uribe was unaware if anyone was present inside the residence that morning prior to arriving at the target residence.
- 25. Investigator Uribe has been a member of the S.T.A.R team for three (3) years.
- 26. Investigator Uribe also heard Deputy Hewitt knock and announce prior to the door being breached.

- 7 -

- 27. Upon entering the residence, Investigator Uribe heard another S.T.A.R team member request assistance in the back bedroom. When Investigator Uribe entered the bedroom he observed a black female in the bed (later identified as co-Defendant Misher) and a black male (later identified as Defendant) walking towards the South door (back door) with a clear baggy of brown powder substance. The black male was secured at that time.
- 28. When executing a search warrant involving narcotics Investigator Uribe's general concerns are safety and destruction of evidence.
- 29. Each S.T.A.R team member that testified did not recall the exact time they arrived, but that it was in the morning.
- 30. C. Reid was the S.T.A.R. team lead person.
- 31. Immediately prior to the S.T.A.R. team's entry into the residence using the North door (front door), Investigator Scism and Investigator Langer, who were positioned on the South side of the residence with a marked police car, observed a black male peer through a window toward them, and then the same black male (later identified as the Defendant) opened the door on the South side of the residence which led to a porch (back door), and threw out two (2) baggies of suspected narcotics into the yard, and opened up a third bag of suspected narcotics and dump it on the ground.
- 32. Investigator Scism, Investigator Langer, and other unidentified law enforcement officials yelled for the Defendant to stop, but he went back inside the residence. Scism and Langer ran to the back door and entered the residence where they then observed the Defendant and co-Defendant Misher being detained by S.T.A.R team members.
- 33. No officers collected the evidence thrown by the Defendant in the yard at this time.
- 34. Investigator Scism did not hear the knock and announce happening on the North side of

- 8 -

the residence due to the fact he was focused on the activity occurring with the Defendant on the South side of the residence.

- 35. Investigator Scism has almost 8 years of law enforcement experience, and he has been involved in at least 60 search warrant executions.
- 36. Investigator Scism's number one concern when executing a search warrant for narcotics is safety of every individual, and his number two concern is evidence destruction.
- 37. The narcotics mentioned in the search warrant was cocaine, and that cocaine comes in a powder form and is easy to destroy.
- 38. Investigator Scism did not contact the City of Newton to disconnect water prior to executing the search warrant. That was not something he did, nor a requirement for the Newton Police Department.
- 39. As law enforcement walked up the steps at the back door, they observed a white powder substance in the door way, on the door frame and on the screen door outside the South door (back door), where Investigator Scism observed the Defendant attempting to destroy evidence.
- 40. Upon an initial search and sweep of the target residence by the S.T.A.R team, all occupants were detained and taken outside. The house was then deemed secured for the search team.
- 41. Prior to the search team beginning, Investigator Scism read the search warrant out loud to the target. Also present for the reading was the Defendant and co-Defendant Misher.
- 42. Investigator Scism provided a copy of the search warrant to the target.
- 43. Law enforcement then began the search of the target residence.
- 44. During the search warrant execution the interior of the residence, individuals inside the residence, and the outside of the residence were searched.

- 9 -

- 45. Law enforcement collected two bags of evidence that Investigator Scism had observed the Defendant throw outside the residence.
- 46. Law enforcement searched the Defendant's room and found the following: men's clothing, men's shoes, the Defendant's cell phone and wallet, a vehicle title and registration with this Defendants name and the target residence address on them, a loaded Taurus .9mm semi-automatic handgun located on top of documents with this Defendant's name on them, cash, a bag of suspected cocaine, and a bottle of Benefiber commonly used as cut narcotics for larger volume sales.
- 47. Law enforcement searched the residence and found a digital scale in the kitchen area of the residence that they associated with this Defendant's narcotic activity.
- 48. Law enforcement was able to determine, and Defense agreed, that the Defendant was not legally entitled to possess a weapon due to prior felony convictions.
- 49. As a result of the search warrant execution on July 26, 2019, the Defendant in this case was charged with Felony Trafficking in Heroin by Possession, Felony Trafficking in Heroin by Transportation, Maintaining a Dwelling for Controlled Substances, Possession with the Intent to Manufacture, Sell, or Deliver Cocaine, and Possession of Firearm by Felon.
- 50. Defendant timely filed a Motion to Suppress accompanied with a brief in support of the motion on August 24, 2021.
- 51. Defendant claims the following legal arguments in his Motion to Suppress: (1) there was no probable cause to support the issuance of the search warrant, and (2) that statutory violations of N.C.G.S. 15A-249, 15A-251, and 15A-252 occurred, and as a result the evidence must be suppressed pursuant to N.C.G.S. 15A-974(2).

- 52. The State argued (1) the search warrant was valid and was based upon probable cause, and (2) there were no statutory violations, but if they were deemed violations, they were not to be considered substantial enough to require suppression due to exigent circumstances, a lack of nexus between the point of entry and evidence found, and the fact the evidence would have been inevitably discovered regardless of any violations.
- 53. The State called four (4) witnesses: Deputy Hewitt, Investigator Stobbe, Investigator Uribe, and Investigator Scism.
- 54. The Defense presented no witnesses.
- 55. The Defense played the body camera video of Investigator Langer in support of their argument of statutory violations. The contentions of the defense in regard to the body cam footage were taken from a distance and the contentions of the defendant as to what the body cam depicted were speculative and conclusory, and not reliable.
- 56. Narcotics investigators at the Newton Police Department are not required to wear body camera pursuant to Newton Police Department body camera policies.
- 57. The Defense presented no evidence that Defendant lived at the residence or helped financially with the residence. The Defense argued the Defendant was merely an overnight guest at the residence.
- 58. The State argued Defendant failed to show he had standing to contest the search warrant because the Defendant failed to show he had a reasonable expectation of privacy in the property or premise to be searched.

CONCLUSIONS OF LAW

Based upon the findings of fact and evidence presented to the court during the hearing held on March 28, 2022 the Court based on a totality of the circumstances further finds as fact and

- 11 -

concludes as a matter of law as follows:

- 1. Pursuant to State v. Arrington, 311 N.C. 633 (1984), the information in the affidavit was sufficient to establish probable cause and to support the issuance of the search warrant for the target and target residence. The information included in the search warrant and considered as a whole by the Honorable Judge Bell provided a substantial basis to conclude that there was probable cause to believe illegal narcotics would be found at the target residence, and upon the target himself.
- 2. The search warrant was properly issued to search the target premises on July 25, 2019 on the basis of on-going drug activity on or about the target premises and involving the target.
- 3. There was no violation of N.C.G.S. 15A-249, "Officer to give notice of identity and purpose." Members of the entry team properly provided the occupants of the target residence notice of their identity and purpose prior to entry. The Defendant's own actions as a result of the knock and announcement further support the conclusion that proper notice was given to the occupants.
- 4. There was no violation of N.C.G.S. 15A-252 "Service of search warrant." Investigator Scism read the search warrant to the target with the other occupants present. Investigator Scism left a copy of the search warrant with the target. Both of these events happened before any search or seizure of evidence occurred.
- 5. There was no violation of N.C.G.S. 15A-251 "Entry by force." A breaking and entering occurred by the entry team only after approximately 15 seconds form the last knock and announce and after an appropriate compliance with N.C.G.S. 15A-249. The Members of the entry team entered the target residence after they reasonably believed either their admittance was being denied or unreasonably delayed.

- 12 -

- 6. If, however, there was a violation of N.C.G.S. 15A 249 or N.C.G.S. 15A-251, the Court finds those violations to not be substantial and thus do not require suppression pursuant to N.C.G.S. 15A-974(2). Relying upon State v. Sumpter, 150 N.C. App. 431 (2002), the approximately 15 seconds of notice was sufficient based upon the circumstances of this case. There was no indication of anyone at the target premises objecting to the entry. The nature of the narcotic search warrant was inherently dangerous as there was a high likelihood of occupants being armed which causes safety concerns to not only law enforcement, but occupants of the target residence, and those in surrounding homes. There was also a concern for evidence destruction as narcotics are easily disposed of. The entry into the target residence in this incident did in fact prevent an attempted destruction of evidence by the Defendant. The actions of the Defendant on July 26, 2019 in his attempt to exit the residence and destroy evidence further support the short notice and reduce any substantiality of violations. As such, actual exigent circumstances developed early in the search warrants execution supporting the actions by law enforcement to secure the scene quickly.
- 7. Additionally, pursuant to State v. White, 184 N.C. 519 (2007), the Court finds the search warrant at issue was valid, that there is no causal relationship between the potential statutory violations and the evidence found, and that regardless of any violations the evidence would have been found due to the Defendant's own actions in response to the knock and announcement by coming out of the house throwing evidence and attempting to destroy evidence.

- 13 -

IT IS THEREFORE ORDERED that the Defendant's Motion to Suppress is denied.

Rendered the March 28, 2022, and signed this the 3/ day of March, 2022.

The Honorable J. Thomas Davis Superior Court Judge Presiding

.

			- 15 -		<u>. </u>	
TATE OF	NORTI	H CAROLINA		FILE NO. IACR5372	N, IACRS	370
CAT	FAWBA	County			al Court Of Justic Superior Court Div	
ne Of Defendant	STA	TE VERSUS		-		
Jos HVA	EZRE	EL DUNCAN Highest Level Of Education Completed		RANSCRIPT (OF PLEA	
7/13/89	8			v 1.9	G.S. 15A-1022,	15A-102
The plea arran	gement set	hen the Court is rejecting the plea an forth within this transcript is here on or after December 1, 2009.)		all place this form ir		
le (S	Name OI Pr	esiding Judge (type or print)	Signature Of Presiding Jud	ge		·
ne undersigned j) entered a plea sestions set out	of 🖵 gui	ig addressed the defendant personality guilty pursuant to <i>Alford</i>	onally in open court, finds the decision no contest, ar	at the defendant (1) nd (3) offered the fo) was duly sworn or Illowing answers to	affirme the
						swers
		nd understand me?			(1)	185
Do you und against you		t you have the right to remain sile	ent and that any statement y	ou make may be us	sed (2) <u> </u>	25
3. At what gra	de level car	vou read and write?			(3) <u> </u> [2	2-4
		or consuming alcohol, drugs, na		ny other substance	s? (4a)	No
0.001.1		time you used or consumed any			(NY/D
		I been using or consuming this m Ir mind is clear, and do you unde		= this hearing?	(4c) <u>^</u>	IES
20.00	-	-		-	(4d)	155
		explained to you by your lawyer every element of each charge?	, and do you understand the	inature of the chart	ges, (5)	
823	÷	lawyer discussed the possible d	efenses, if any, to the charge	es?	(6a) <u> </u>	IES
(b) Are you	satisfied w	ith your lawyer's legal services?			(6b) <u> </u>	65
2.0		I that you have the right to plead		÷	(7a)	155
(b) Do you · against		I that at such trial you have the rig	ght to confront and to cross (examine witnesses	(7b) <u> </u>	105
(c) Do you jury tria		I that by your plea(s) you give up	these and other important c	onstitutional rights	toa (7c)	105
no contest	may result i	t, if you are not a citizen of the U n your deportation from this coun sturalization under federal law?				<u>YE</u> 3
9. Do you und the event th	lerstand that your pro	t upon conviction of a felony you bation is revoked?	may forfeit any State licensi	ng privileges you h	ave in (9)	185
		t following a plea of guilty or no o	contest there are limitations of	on your right to app	eal? (10)	155
		t your plea of guilty may impact h ir, skin tissue) will be preserved?		related to your cas	ie (11) <u>k</u>	15
511 2007						
			24			

				_		- 16 -		~				5 X.
	12. 🛛)o you understand	that yo	u are pleading	guilty		uant te	o Alford	no contest to the		12) /1	<i>f</i> \$\$
tź.	C 一、利益	harges shown belo	WY (De	New Constant	ital maximum p	PLEAS	appilcar	ne manualory min	Sagado e Velo Sa			A seconda
32	Plea*	File Number	Count	2389 P	Offense(s			Date Of Offense OR Date Range	G.S.	FIM CL	‡Pun. CL.	Maximum
F		19-CR55370	No.(s)	Dur	· · · · · · · · · · · · · · · · · · ·	·	~	Of Offense	14-415.1	F	G	47
		19-CR5-5370		Trally	Firear	n by Fels	_		(a) (a) (1)		E	120
			3	Mainto	un Dwe	n by Field eroine- illing	ronsp	1/26/2017 With h	90-95(h)(90-108(a)(7)			-24
		Jocksizz	21	PWIME				7/26/20A	90.90(a))		H	35
		19CR5837	21	Traffic POSULSU	kingk	eroine	-		90·95(h)(#)		e	120
	l I See	attached AOC-C	L R-300	A. for addition	nal charges.					<u> </u>		1 [
F	•G = Gi		1	AL MAXIMUN	-	Y		350 N	NONMI			
	MAN	DATORY MINIM					140),000	90-1:2	12	20-	1-\$X
		E TO CLERK: If										
		Enter punishment cl		_/				· · · · · · · · · · · · · · · · ·	annan i a		(40)	Vas
		Do you now persor just described?	ally pl	ead I guilty	guilty p	oursuant to Alfo	ord (no contest	to the charges		(13)	
		(a) Are you in fa	act guil	ty?						(1	14a) _	YES
	[(b) (no contest pl guilty wheth	ea) Do er or n	you understan ot you admit th	d that, upon y at you are in	your plea of no fact guilty?	o conte	st, you will be	treated as being	(*	14b) <u></u>	<u> </u>
	[(c) <i>(</i> Alford <i>guilty)</i> (1) Do you r	o <i>lea)</i> now co:	nsider it to be i	n your best ir	nterest to plead	d guilty	to the charges	s I just described?	(1	4c1) _	Nr
		(2) Do you t or not yo	underst ou adm	and that, upon it that you are i	your "Alford in fact guilty?	guilty plea," yo	ou will I	be treated as b	eing guilty whethe	er (1	4c2) _	
	🗌 15. i	(Use if aggravating fa	ictors a	re listed below) \	lave you adn	nitted the existe	ence c	of the following	aggravating factor	s:	(15) _	No
				····	~	. <u> </u>			<u> </u>	-		
ļ					<u></u>					_		
		have you agreed th agreed that the Co are waiving any no agree that the S	urt ma tice re	y accept your a puirement that	admission to t the State ma	these factors, and the sectors are sectors and the sectors are sectors and the sectors are sectors are sectors are sectors are sectors are sectors are sectors and the sectors are sectors	and do gard to	you Uund these aggrav	erstand that you ating factors			
	16.	(Use if sentencina po	oints are	selected below)	Have you ad	imitted the exis	stence	of the followin	g sentencing poin	s	(16) _	Y555
		not related to prior parole, or post-rele offense commit evidence to suppo your admission to that the State may	ease su ted whi rt these these p	ipervision) offense con rom a correct d a reasonab /ou	nmitted while se tional institution le doubt, have lerstand that <u>yo</u>	erving n, hi you ag ou are	a sentence of ave you agreed greed that the waiving any n	imprisonment d that there is Court may accept	ſ	100 A 100	
e.	17.	with the appropriat (Use if No. 15 or 16) determine the exis convictions that ma constitutional right	selected tence d ay appl	<i>(above</i>) Do you of any aggravat ly to your case	understand ting factors a beyond a rea	that at a jury tri nd any additior	nal ser	ntencing points	not related to pric	er his	(17)	<u>135</u> <u>1es</u> Yos
	18.	Do you understand existence of any m	d that y	ou also have ti	he right durin) heari	ng to prove to	the Court the		(18) _	Yes
	19.	Do you understand your plea arranger	that t	- he courts have	approved the	e practice of plo	ea arra	angements and	d you can discuss		(19) _	Y35

AOC-CR-300, Side Two, Rev. 5/18, © 2018 Administrative Office of the Courts

19.5 4	(
+	<u> </u>	- 17 -	(
			File No.	
gelie of	STATE VERSUS		19 CR53701.	19CP5372
ame Of Defendant				<u> </u>
20. Have you agr		particular second se	contest as part of a plea	(20) 11.55 14
arrangement?	? (If so, review the terms of the plea	arrangement as listed in No. 21 be	low with the defendant.)	(20)
your plea:	or, your lawyer and you have inf	formed the Court that these are	all the terms and conditions of	
		PLEA ARRANGEMENT		
	10 5 Sec. 2007			
· · · · ·				
			1999 - A.	
- 19 C				
• 22	ses the charge(s) set out on Pag	-		
The defendant stip Sentencing)" (AO	pulates to restitution to the party	y(ies) in the amounts set out on	"Restitution Worksheet, Notice A	nd Order (Initial
	angement as set forth within thi I plea arrangement?	s transcript and as I have just d	escribed it to you correct as	(22) 15-5
	ersonally accept this arrangeme	ent?		(23) YES
	plea arrangement between you and		mised you anything or	
	u in any way to cause you to en			(24) <u> </u>
25. Do you enter l	this plea of your own free will, a	nd do you fully understand wha	t you are doing?	(25) Y 33
201	that there are facts to support y			(26) YES
1-Dand senten	cing points not related to prior of			(20)
summary of th	ie evidence?			N
27 Do you have a case?	any questions about what has ju	ist been said to you or about an	withing else connected to your	(27) / D
	- tornad		MDANT STREETS	
			NUANI	and the second second second second
			 A statements and a statement of a statement 	THE REPORT OF A PROPERTY OF A
have read or have have have and accurate	neard all of these questions and	I understand them. The answers alse answers in order to have the	s shown are the ones I gave in op e Court accept my plea in this cas	en court and they se. The terms and
have read or have h re true and accurate onditions of the plea	neard all of these questions and e. No one has told me to give fa a as stated within this transcript,	d understand them. The answers alse answers in order to have the , if any, are accurate.	s shown are the ones I gave in op	en court and they se. The terms and
have read or have have have read or have have have have have have have have	neard all of these questions and e. No one has told me to give fa a as stated within this transcript, ED AND SUBSCRIBED TO	d understand them. The answers alse answers in order to have the , if any, are accurate. BEFORE ME	s shown are the ones I gave in op e Court accept my plea in this cas	en court and they se. The terms and
have read or have have have read or have have have have have have have have	neard all of these questions and e. No one has told me to give fa a as stated within this transcript,	d understand them. The answers alse answers in order to have the , if any, are accurate.	s shown are the ones I gave in op e Court accept my plea in this cas	en court and they se. The terms and
have read or have have have read or have have have read or have have have have have have have have	neard all of these questions and e. No one has told me to give fa a as stated within this transcript, ED AND SUBSCRIBED TO Signature	d understand them. The answers alse answers in order to have the , if any, are accurate. BEFORE ME Signature Of Defenda	s shown are the ones I gave in op e Court accept my plea in this cas	en court and they se. The terms and
have read or have have have read or have have have have have have have have	neard all of these questions and e. No one has told me to give fa a as stated within this transcript, ED AND SUBSCRIBED TO Signature	d understand them. The answers alse answers in order to have the , if any, are accurate. BEFORE ME	s shown are the ones I gave in op e Court accept my plea in this cas 2022 ndant we Duncen nt (type or print)	cav
have read or have h re true and accurate onditions of the plea SWORN/AFFIRME	heard all of these questions and e. No one has told me to give fa a as stated within this transcript, ED AND SUBSCRIBED TO Signature	d understand them. The answers alse answers in order to have the , if any, are accurate. BEFORE ME Signature Of Defenda	s shown are the ones I gave in op e Court accept my plea in this cas 2022 ndant we Durite nt (type or print) a TEZYZEE Dwi	se. The terms and
have read or have h re true and accurate onditions of the plea SWORN/AFFIRME (e . 29. 25 Structure Deputy CSC	eard all of these questions and e. No one has told me to give fa a as stated within this transcript, ED AND SUBSCRIBED TO Signature Assistant CSC Clerk Of CERTIFIC	A understand them. The answers alse answers in order to have the , if any, are accurate. BEFORE ME Signature Of Defenda Superior Court ATION BY LAWYER FOR D	s shown are the ones I gave in op e Court accept my plea in this cas 2022 ndant We Durwen nt (type or print) DEFENDANT	CAN
have read or have h re true and accurate onditions of the plea WORN/AFFIRME (* . 29.25) (*) Deputy CSC (*) hereby certify that the nd they are agreed	eard all of these questions and e. No one has told me to give fa a as stated within this transcript, ED AND SUBSCRIBED TO Signature Assistant CSC Clerk Of CERTIFIC he terms and conditions stated to by the defendant and myself	d understand them. The answers alse answers in order to have the , if any, are accurate. BEFORE ME Superior Court ATION BY LAWYER FOR D within this transcript, if any, upc f. 1 further certify that I have fully	s shown are the ones I gave in op e Court accept my plea in this cas <u>Do2D</u> ndant <u>We Durten</u> nt (type or print) <u>DEFENDANT</u> on which the defendant's plea was explained to the defendant the n	CAN entered are correct ature and elements of
have read or have h re true and accurate onditions of the plea WORN/AFFIRME The Company of the plea MORN/AFFIRME The Deputy CSC Accurate Accurate hereby certify that the nd they are agreed he charges to which	heard all of these questions and e. No one has told me to give fa a as stated within this transcript, ED AND SUBSCRIBED TO Signature Assistant CSC Clerk of a CERTIFIC, he terms and conditions stated to by the defendant and myself the defendant is pleading, and	d understand them. The answers alse answers in order to have the , if any, are accurate. BEFORE ME Signature Of Defenda Superior Court ATION BY LAWYER FOR D within this transcript, if any, upc f. I further certify that I have fully the aggravating and mitigating	s shown are the ones I gave in op e Court accept my plea in this cas ndent mt (type or print) EFENDANT on which the defendant's plea was explained to the defendant the n factors and prior record points for	CAN entered are correct ature and elements of
have read or have have read or have have read or have have have have have have have have	e. No one has told me to give fa a as stated within this transcript, ED AND SUBSCRIBED TO Signature Assistant CSC Clerk Of CERTIFIC, he terms and conditions stated to by the defendant and myself the defendant is pleading, and Vame Of Lawyer For Defendant (type or	d understand them. The answers alse answers in order to have the , if any, are accurate. BEFORE ME Signature of Defenda Superior Court ATION BY LAWYER FOR D within this transcript, if any, upor 1 further certify that I have fully the aggravating and mitigating print)	s shown are the ones I gave in op e Court accept my plea in this cas ndent mt (type or print) EFENDANT on which the defendant's plea was explained to the defendant the n factors and prior record points for	CAN entered are correct ature and elements of
have read or have h re true and accurate onditions of the plea WORN/AFFIRME Te C C Deputy CSC Mereby certify that the nd they are agreed he charges to which	heard all of these questions and e. No one has told me to give fa a as stated within this transcript, ED AND SUBSCRIBED TO Signature Assistant CSC Clerk of CERTIFIC he terms and conditions stated to by the defendant and myself the defendant is pleading, and Name Of Lawyer For Defendant (type or CERTIFIC)	d understand them. The answers alse answers in order to have the , if any, are accurate. BEFORE ME Superior Court ATION BY LAWYER FOR D within this transcript, if any, upc . I further certify that I have fully the aggravating and mitigating print) Signature Of Lawy	s shown are the ones I gave in op e Court accept my plea in this cas ndant we Received int (type or print) EFENDANT on which the defendant's plea was explained to the defendant the n factors and prior record points for yer For Defendant	CAN entered are correct ature and elements of
have read or have have have read or have have have have have have have have	Assistant CSC CERTIFIC Assistant CSC CERTIFIC Assistant CSC CERTIFIC CERTIFIC the terms and conditions stated to by the defendant and myself the defendant is pleading, and Vame Of Lewyer For Defendant (type or CERTIFIC Assistant CSC CERTIFIC CERTIFIC CERTIFIC CERTIFIC CERTIFIC CERTIFIC CERTIFIC CERTIFIC CERTIFIC CERTIFIC CERTIFIC CERTIFIC CERTIFIC CERTIFIC CERTIFIC CERTIFIC CERTIFIC CERTIFIC	d understand them. The answers alse answers in order to have the , if any, are accurate. BEFORE ME Signature Of Defenda Superior Court ATION BY LAWYER FOR D within this transcript, if any, upc . I further certify that I have fully the aggravating and mitigating print) Signature Of Lawy CATL	s shown are the ones I gave in op e Court accept my plea in this cas ndent w Dutter int (type or print) EFENDANT on which the defendant's plea was explained to the defendant the n factors and prior record points for ver For Defendant	e. The terms and
have read or have have have read or have have have read or have have have have have have have have	Assistant CSC CERTIFIC Assistant CSC CERTIFIC CERTIFIC the defendant and myself the defendant is pleading, and CERTIFIC CEF S Prosecutorial District, I hereby	d understand them. The answers alse answers in order to have the , if any, are accurate. BEFORE ME Signature Of Defenda Superior Court ATION BY LAWYER FOR D within this transcript, if any, upc f. I further certify that I have fully the aggravating and mitigating print) Signature Of Lawy CATL	s shown are the ones I gave in op e Court accept my plea in this cas ndant we Received int (type or print) EFENDANT on which the defendant's plea was explained to the defendant the n factors and prior record points for yer For Defendant	CAN entered are correct ature and elements of sentencing, if any.
have read or have have read or have have read or have have have have have have have have	Assistant CSC CERTIFIC Assistant CSC CERTIFIC CERTIFIC the defendant and myself the defendant is pleading, and CERTIFIC CEF S Prosecutorial District, I hereby	d understand them. The answers alse answers in order to have the , if any, are accurate. BEFORE ME Signature Of Defenda Superior Court ATION BY LAWYER FOR D within this transcript, if any, upc f. I further certify that I have fully the aggravating and mitigating print) Signature Of Lawy CATL	s shown are the ones I gave in op e Court accept my plea in this cas 2022 ndant mu Duruen int (type or print) EFENDANT on which the defendant's plea was r explained to the defendant the nor factors and prior record points for ver For Defendant JTOR JTOR d within this transcript, if any, are f the plea by the defendant to the	CAN entered are correct ature and elements of sentencing, if any.
have read or have have read or have have read or have have have have have have have have	heard all of these questions and e. No one has told me to give fa a as stated within this transcript, ED AND SUBSCRIBED TO Signature Assistant CSC Clerk Of CERTIFIC, he terms and conditions stated to by the defendant and myself the defendant is pleading, and Name Of Lawyer For Defendant (type or CERTIFIC) by the defendant and myself the defendant is pleading, and Name Of Lawyer For Defendant (type or CERTIFIC) S Prosecutorial District, I hereby by the defendant and his/her la Name Of Prosecutor (type or print)), MILL[J]	d understand them. The answers alse answers in order to have the slise answers in order to have the slight of the terms of the second BEFORE ME Signature Of Defenda Superior Court ATION BY LAWYER FOR D within this transcript, if any, upc 1 further certify that I have fully the aggravating and mitigating print) Signature Of Lawy CA TIC RTIFICATION BY PROSECT y certify that the conditions state awyer and myself for the entry o Signature Of Pros	s shown are the ones I gave in op e Court accept my plea in this cas 2022 ndant mu Duruen int (type or print) EFENDANT on which the defendant's plea was r explained to the defendant the nor factors and prior record points for ver For Defendant JTOR JTOR d within this transcript, if any, are f the plea by the defendant to the	CAN entered are correct ature and elements of sentencing, if any.
have read or have have have read or have have have have have have have have	heard all of these questions and e. No one has told me to give fa a as stated within this transcript, ED AND SUBSCRIBED TO Signature Assistant CSC Clerk Of CERTIFIC, he terms and conditions stated to by the defendant and myself the defendant is pleading, and Vame Of Lewyer For Defendant (type or CEF s Prosecutorial District, I hereby by the defendant and his/her la Name Of Prosecutor (type or print) , M J wo, Rev. 5/18	d understand them. The answers alse answers in order to have the slige answers in order to have the slige answers in order to have the slige answers in order to have the BEFORE ME Signature of Date Signature of Defenda Superior Court ATION BY LAWYER FOR D within this transcript, if any, upor the aggravating and mitigating print) Signature Of Lawy CATIC RTIFICATION BY PROSECT y certify that the conditions state awyer and myself for the entry o	s shown are the ones I gave in op e Court accept my plea in this cas 2022 ndant mu Duruen int (type or print) EFENDANT on which the defendant's plea was r explained to the defendant the nor factors and prior record points for ver For Defendant JTOR JTOR d within this transcript, if any, are f the plea by the defendant to the	CAN entered are correct ature and elements of sentencing, if any.
have read or have h re true and accurate onditions of the plea SWORN/AFFIRME $(e^{-}, 2q^{-}, 2q^{-},$	heard all of these questions and e. No one has told me to give fa a as stated within this transcript, ED AND SUBSCRIBED TO Signature Assistant CSC Clerk Of CERTIFIC, he terms and conditions stated to by the defendant and myself the defendant is pleading, and Vame Of Lewyer For Defendant (type or CEF s Prosecutorial District, I hereby by the defendant and his/her la Name Of Prosecutor (type or print) , M J wo, Rev. 5/18	d understand them. The answers alse answers in order to have the slise answers in order to have the slight of the terms of the second BEFORE ME Signature Of Defenda Superior Court ATION BY LAWYER FOR D within this transcript, if any, upc 1 further certify that I have fully the aggravating and mitigating print) Signature Of Lawy CA TIC RTIFICATION BY PROSECT y certify that the conditions state awyer and myself for the entry o Signature Of Pros	s shown are the ones I gave in op e Court accept my plea in this cas 2022 ndant mu Duruen int (type or print) EFENDANT on which the defendant's plea was r explained to the defendant the nor factors and prior record points for ver For Defendant JTOR JTOR d within this transcript, if any, are f the plea by the defendant to the	CAN entered are correct ature and elements of sentencing, if any.
have read or have have read or have have read or have have have have have have have have	heard all of these questions and e. No one has told me to give fa a as stated within this transcript, ED AND SUBSCRIBED TO Signature Assistant CSC Clerk Of CERTIFIC, he terms and conditions stated to by the defendant and myself the defendant is pleading, and Vame Of Lewyer For Defendant (type or CEF s Prosecutorial District, I hereby by the defendant and his/her la Name Of Prosecutor (type or print) , M J wo, Rev. 5/18	d understand them. The answers alse answers in order to have the slise answers in order to have the slight of the terms of the second BEFORE ME Signature Of Defenda Superior Court ATION BY LAWYER FOR D within this transcript, if any, upc 1 further certify that I have fully the aggravating and mitigating print) Signature Of Lawy CA TIC RTIFICATION BY PROSECT y certify that the conditions state awyer and myself for the entry o Signature Of Pros	s shown are the ones I gave in op e Court accept my plea in this cas 2022 ndant mu Duruen int (type or print) EFENDANT on which the defendant's plea was r explained to the defendant the nor factors and prior record points for ver For Defendant JTOR JTOR d within this transcript, if any, are f the plea by the defendant to the	CAN entered are correct ature and elements of sentencing, if any.

PLEA ADJUDICATION

4

- 18 -

Upon consideration of the record proper, evidence or factual presentation offered, answers of the defendant, statements of the lawyer for the defendant, and statements of 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;

1.1

- 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.

3872

	me Of Presiding Judge (type or	print)	Signature Of	siding Judge	0	15
3-29-22	SUPERIOR COUR	T DISMISSALS PI			RANGEMENT	
File No.	Count No.(s)			Offens		<u></u>
20 URS 1226		Hazitval	Felon			
2				>		
9 - AS		=		12		
	2*					
	DISTRICT COUR	T DISMISSALS PL	JRSUANT TO	O PLEA AF	RRANGEMENT	動物的ななない。
File No.	Count No.(s)			Offen		
	8-				:	
	osecutor enters a dismiss			o a plea arra	ingement shown on	
3/29/22	J. J. M. I. M	Ø	- 1			

			(- 19			(
STATE O	FNC	ORTH	CAROL	NA				File No.	19CRS0	53701		51	
CATA NOTE: (Use AOC			ounty	NEWTON	s	Seat of Court			The Gene	ral Court		stice	
C46						1				Superior		Divisi	on
Name Of Defendant		STATE	E VERSUS		×			-	F AND CON				
DUNCAN, JOSH	UA,JEZ	REEL Sex		Date Of Birth		_	(ST	RUCTL	JRED SE	NTENCIN	IG)	4	
B	1.1	364	М	07/13/	/1989			si caon	5 011 01 A		5. 15A-1	301, -	1340.13
Attorney For State		PHILLI		Def. Found Not Indigent] Def. Waive Attorney	d Attorney For D		STEAD	Ш	Appoin		t Rptr li Di	nitials FF
The defendant wa						uant to Alford)			trial by		trial by		
File No.(s)	Off.	<u> </u>	Off	ense Descrip	tion		Offense	Date	G.S.	No.	F/M	CL.	*Pun. CL.
19CR\$053701 20CR\$001227	51 51		SION OF FIRE D COCAINE	CARM BY FE	LON		07/26/2 07/26/2		14-4 90-95(F	G H	IJ
The Court (NOTE The Court (NOTE G.S. 90-9 2. finds the f 3. adjudges (offense 4. adjudges 5. adjudges and with a 6. finds enhe	Any price issue by makes i drug tradin	or record I y the trier no prior re findings b ual felon, ((e) i nation of a endant to t itted on or a endant to t endant to t endant to t ont pursuar (gang mis	evel point under of fact beyond a cord level findin fenses.	G.S. 15A-134 reasonable d g because no d imposed is: d (d) for drug d range, purst mitigating fact on to be sente four classes i eaking and eni bitual felon to f no tess than 90-95(e)(3) (d Other:	40.14(b)(7) loubt or the ne is require (a) in g trafficking uant to G.S tors on the nced higher than tering statu be sentenc n 120 montil drugs).	is based on the defendant's ac red for Class A the presumptiv for whic . 20-141.4(b)(1 attached AOC- (offenses comm the principal fe s offender, to b ed as a Class (15.] G.S. 14-3(c)	e determin Imission to felony, viol e range, th the Cour a). CR-605. Itted before clony (no high e sentence C felon (un (hate crime	ation of the this issued of the this issued of the third of the third of the third of the	his e. ual felon, or or a Class A e defendant (1) as a Class Class C). lass E felon. enced herein G.S. 50B-4.1	ss C felon. n as a Clas (domestic	(c) for ubstanti	adjud al assis or B2 e).	□ VI ication stance,
or on the (Class (Class a. and b. but 9. finds the : (NOTE: //	d the fire defenda A-E felon F or G fel above-d therefol makes r above-d offen <u>se(</u> 4	earm or wint's admis y committe lony commi esignated re makes no finding esignated s) is not als	nmitted the felor eapon about his assion. Pursuant if <i>d prior to Oct. 1, 2</i> <i>itted on or after Oc</i> offense(s) is a r the additional fir or order concerr offense(s) invol o <i>a reportable</i> com nicle	or her persor to G.S. 15A-1 013) 60 month direction and the con- notings and orco- ning registratic ved the viction in No. 8	n. This findi 340.16A, th is nonths viction und ders on the on or satelli physical or above, this fi	ng is based on ne Court has in.] (Class A-E feli] (Class H or I /i er G.S. 14-208 attached AOC te-based monit mental s inding requires no	the jury's of creased the ony committe alony committe alony committe alony committe alony committe alony committe along committe creased the creased of creased of creased the creased the	determina e minimu ed on or al (tted on or nly ona) Side One. Side One. to a sente buse of a on by the o	Nition of this i m sentence for Oct. 1, 201 after Oct. 1, 2 ence of life ir minor. court.)	ssue beyon by (check of 13) 72 mont 013) 12 mon 013) 12 mon nprisonmer	d a reas aly one) hs. hths. hths.	sonabl ut paro	e doubl
☐ 11. finds this as define: as define: and th this is: 13. finds the (offens) 14. did not gr	is an off d by G.S committed at the de sue by the above-d es comm ant a co	ense invo 5. 50B-1(b f on or after efendant v he trier of esignated itted on or a nditional of	Iving assault, co) with the victim, Dec. 1, 2017, only vas a criminal gr fact beyond a re offense(s) invol after Dec. 1, 2017) discharge under	mmunicating y) finds that th ang leader or sasonable dou ved (check one criminal gang G.S. 90-96(a)	a threat, or e offense v organizer a (bt or on the a) [] (offe g activity. G) because (an act defined was committed is defined in G. e defendant's a enses committed .S. 14-50.25. check all that app	by G.S. 50 as part of o S. 14-50.1 dmission. Dec. 1, 2000	0B-1(a), a criminal g 6A(3). Th 8 - Nov. 30 e defenda	and the defer ang activity ils finding is , 2017) crimit ant refused 1	ndant had a as defined based on the nal street ga to consent.	n G.S. n G.S. ne deter ang acti	ial rela 14-50. minatio vity ffenses	tionship 16A(2). on of
discharge 15. finds that 16. finds that 17. imposes The Court, having	e for fact the defe the offe sentence g consid	ors related endant use nse involv e pursuan ered evide	ed child abuse of to G.S. 90-95(frence, arguments	a firearm while or assault or a n)(5a) and the s of counsel as	e committin in act define Court's fin nd stateme	g the felony. G ed in G.S. 50B dings on the at	.S. 15A-13 1(a) again lached [82.2. st a mino	r. G.S. 15A- CR-618.	1382.1(a1)] Other:			tional
consolidated for j				lass A Felony		n B1 Colony		in the cu	stody of:				
Violent Ha	bitual Fe	elon.		_	n ^v m _s =	ss B1 Felony.		<u>Х</u> N.C.	DACJJ.				
			e, pursuant to C		1		101	Othe	r:				
for a minimum ter 19		onths	nd a maximum te 32	erm of: months	ASR te	erm (Order No. 4	, Side Two) months	🔲 to De	alh <i>(see atte</i>	ched Death V	Varrant a	nd Cerl	lificates)
The defendant sh					onfinement	prior to the dat		udgment	as a result o	f this charg	e(s).		
The sentence			hall begin at the hall begin at the							o serve.			
File No.			Offense	County				Court			Date		
20190	CRS 537	102	<u>51</u>	laterial opposite u		ATAWBA es is to be disregare Over)	led as surplus	age.	SUPERI			03/29/:	2022

AOC-CR-601, Rev. 12/20, © 2020 Administrative Office of the Courts

.

		C		- 20 -	_		.0				
The Court further				<u> </u>							
1. The defendation Costs	ant shall pa	y to the Clerk of Supe Restitution		he "Total Amour Attomey's fees	nt Due" st	IOWN belov	N.	Ap	pt Fee/Misc	Total Amo	unt Due
\$ 0.00	\$	\$	0.00	\$ 0.00		\$	0.00	\$	0.00	\$	
2. The Court fi 3. The Court fi 4. Without obje the risk redu	nds that reands just car action by the action incer	orksheet, Notice and C stitution was recomme use to waive costs, as e State, the defendan tives as identified by Side One, G.S. 15A-1	ended as pa ordered or t shall be a the Division	art of the defendant the attached dmitted to the Ad	ant's plea	arrangen -CR-618. Supervise	tent. Othe d Release	er: (ASR) pr	ogram. If the	defendant com ased at the end	pletes of the
5. Other:	T ASSESS	ED IN THIS CASE								,	
	1 11000000										
but the C	abuse treat a condition Court does	n of post-release supe not recommend rest	rvision or fr	psychological co om work release aid as a co	e earning	s, if applic	Work relea able, of the ase super	e "Total A	mount Due" s	should not be set out above. release earning	•
The Court further	recomme	nds:									
82											
										2	
			23							Ŭ.	
							8				
										-11-	
1			_						and the second data and the second	Null of Mark and Advin States and the second	
		SANCEN COLOR BROAD ST		COMMITME				and the second		清朝]][[[]]][[]]][[]]][[]]][[]]][[]]][[]]	1 2
1. It is ORDEI	RED that the second s	e Clerk deliver <u>two</u> condant to be delivered	ertified copi with these o	es of this Judgm copies to the cus	nent and (stody of th	Commitme le agency	nt to the s named on	the reve	other qualified rse to serve ti	officer and that he sentence imp	the Josed or
until the de	fendant sha	all have complied with	the conditi	ons of release p	ending a	opeal.					
2. The defend	lant gives r release are	otice of appeal from t set forth on form AOC	he judgmer C-CR-350.	it of the trial cou	irt to the A	oppellate C	Division. Ap	ppeal ent	ries and any (conditions of pos	st
				SIGNATURE	OF JU	DGE	51176				
Date	1	me Of Presiding Judge (t				Signature	Presiding	Judge) –		
03/29/2022		IE HONORABLE J 7						1015	N-SALE OF STREAM		e ezenseren a
Date Appeal Dismisse				F COMMITM awal Of Appeal Fil				1.50%	e Opinion Certil	ied	
			3							9 7	
It is ORDERED the	et this Judg	ment be executed. It in named in this Judgme	is FURTHE	R ORDERED th	hat the she sh that an	eriff arrest	the defend certified co	dant, if ne	ecessary, and his Judgment	recommit the de and Commitme	efendant nt as
authority for the co		and detention of the d									
Date		Signature Of Clerk								ty CSC Assi Of Superior Cour	
	(D. A.S.S.			CERTIFI	CATION						
I certify that this Ju	idgment ar	d Commitment with th	ne attachme		e <u>low</u> is a t	rue and co	omplete co	py of the	original which	n is on file in this	s case.
Appellate Entr		R-350) Is Of Aggravating And	Mitigating	Factors		itution Wo C-CR-611)		otice And	I Order (Initial	Sentencing)	а. 10
(AOC-CR-605)						s And Oro		ex Offenders	- Active Punishr	nent
(AOC-CR-317)	orfeiture Of Licensing	Privileges		Addi	tional Find	lings (AOC	-CR-618		-	
Victim Notifica	tion Tracki		-626)				Offender I	Permane	nt No Contac	Order (AOC-CI	R-620)
Date		I Offense(s) (AOC-CR fied Copies Delivered To		Signature Of Clerk	Othe			1	C Deputy CSC	Asst. CSC	
		03/29/2022						[Clerk Of Sup	—	SEAL
		N	aterial opposite	a unmarked squares i	is lo be disre	garded as su	rplusage.				£

AOC-CR-601, Side Two, Rev. 12/20, © 2020 Administrative Office of the Courts

2			- 21	-	\cap					
STATE O	FN	ORTH CAR			File No.					
	<u>WBA</u>	County	NEWTON	Seat of Court		19CRS053			51	
NOTE: [USB AUC	-CR-342	for DWI offense(s).]		- · · · · ·		The Genera	perior C			ion
Name Of Defendant		STATE VERS	US		JUDGMEN	NT AND COM	MITME	NT	2/10/3	
DUNCAN, JOSH		ZREEL			ACTIVE PI	UNISHMENT	- FELO	NY		
Race	1	Sex	Date Of Birth		(STRUCT) For Convictio)	URED SENT	ENCINO	3) 2012)		
B Attomay For State		M	07/13/1989	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	2: I I I			15A-13		1340.13
and a second		E PHILLIPS	Def. Found Not Indigent Attomey	Attorney For De	fendant AR HALSTEA1		Appointe	d Crt	Rptr li	nitials
The defendant wa	is found	guilty/responsible,	pursuant to X plea purs	uant to Alford) (trial by jud	Retained	rial by j		FF
File No.(s)	Off.		Offense Description		Offense Date	G.S. No		F/M	CL.	Pun. Cl
I9CRS053702	51		OPIUM OR HEROIN		07/26/2019	90-95(H)		F	Е	
9CRS053702	52 53		OPIUM OR HEROIN WELL/PLACE CS (F)		07/26/2019	90-95(H)		F	E	ĺ
*NOTE: Enter puni	shment (class if different from u	well/PLACE CS (P) inderlying offense class (punishment o G.S. 15A-1340.14, the prior re- under G.S. 15A-140.14 (the prior re-		07/26/2019	90-108(A))(7)	F	1	
 2. finds the D 3. adjudges t (offense) 4. adjudges t adjudges t adjudges t adjudges t adjudges t adjudges t adjudges t and with a G.S. 14 This finding 7. finds that ti possessed or on the d (Class F G. finds the at a. and ti b. but m G. finds the at a defined 12. (offenses collection) and that this issues 14. did not grar committed or or discharge fi 15. finds that the finds	the defension of the second se	ation of aggravating ndant to be a habitu ndant to be an arme im term of imprisonr it pursuant to: [] (gang misdemeanou ed on the determina ndant committed the arm or weapon abo nt's admission. Purs <i>committed prior to Oc</i> signated offense(s) is not also a reportable notor vehicle [] of signated offense(s) is not also a reportable inste involving assau to on or after Dec. 1, 201 fendant was a crimite e trier of fact beyond signated offense(s) is not also a reportable notor vehicle [] of soB-1(b) with the v on or after Dec. 1, 201 fendant was a crimite e trier of fact beyond signated offense(s) led on or after Dec. 1, 201 fendant used or display se involved child abi	Other:	20-141.4(0)(1a) ittached AOC-Cl (offenses committed the principal felo offender, to be d as a Class C 1 s. (G.S. 14-3(c) (hi fact beyond a re threatening the g is based on the Court has increa (Class A-E felony) (Class H or I felor r G.S. 14-208.6 ittached AOC-Cl -based monitorin nental sex ding requires no fu s used in the court n act defined by s committed as defined in G.S. defendant's adm ses committed Dec 5, 14-50.25. eck all that apply) nt of the District the felony, G.S.	A R-605. Ad before Dec. 1, 20 any (no higher than sentenced as a C felon (unless sent ate crime). ate crime). assonable doubt of use or display of e jury's determine assed the minimury committed on or a my committed on or (check only one) R-615, Side One. ing due to a sent ual abuse of a anther action by the of mission of the of G.S. 50B-1(a), a part of criminal g 14-50.16A(3). The ission. c. 1, 2008 - Nov. 30 The defended Attorney, that the 15A-1382.2. against a minon	011) as a Class C Class C). Class E felon. tenced herein as G.S. 50B-4.1 (dc or on the defenda a firearm or dea ation of this issue im sentence by (fter Oct. 1, 2013) 7 after Oct. 1, 2013) 7 after Oct. 1, 2013) ence of life impris- minor. court.) offense and that is and the defendar is finding is base b, 2017) criminal s ant refused to co e offender is inag	c felon. a Class A pmestic vic ant's admii dly weapo e beyond a check only c 2 months. 12 month sonment w it shall be at had a pe efined in C ed on the c treet gang ppropriate	A, B1, o olence) ssion, on and a reaso one) s. vithout (reporte ersonal 3. S. 14 determi activity	r B2 f	elon) ly doubt e. DMV. onship SA(2). n of
mposes se	ntence	pursuant to G.S. 90	-95(h)(5a) and the Court's findir	ngs on the attacl	hed AOC-C	CR-618. 🗍 Oil	her:			102
he Court, having c	consider	red evidence, arourr	nents of counsel and statement e sentenced (check only one)	of defendant, O	rders that the abo	ove offenses, if n	nore than	one, be	•	
to Life Imprison	ment W lual Fel	ithout Parole for [Class A Felony. Class	B1 Felony.	in the cu					
to Life Imprison	ment W		to G.S. Chapter 15A, Article 81	B, Part 2A.	Other					
r a minimum term		and a maximu	Im term of: ASR term	n (Order No. 4, Sid	de Twoj			-		
90 he defendant shall	mor be aive	nths 1 120 an credit for 978	days spect in confinement or			ath (see attached l			Certific	cates)
The sentence im	posed a	above shall begin at	days spent in confinement pr the expiration of all sentences	which the defen	dant is presently	obligated to cap	charge(s)	•		
	posed a	above shall begin at	the expiration of the sentence i	imposed in the c	case referenced t	below:	ve.			
File No.		Offense	County		Court	1 D.,	10	Date		
d		<u> </u>	Material opposite unmarked squares I (Ove	s to be disregarded a	s surplusage.					

AOC-CR-601, Rev. 12/20, © 2020 Administrative Office of the Courts

									1
		C	- 22 -	-		(\cdot)			
The Court further C	orders: (check all that	t apply)							. C. S.
1. The defendan Costs	t shall pay to the C	terk of Superior Cour Restitution*	Attomey's fees		WIN DELOW		Appt F	ee/Misc	Total Amount Due
\$ 0.00	\$	\$ 0.00	\$ 0.00			0.00	\$	0.00	S
2. The Court find	that restitution w	Notice and Order (Ini as recommended as ive costs, as ordered	part of the defend: I on the attached	ant's plea a	rrangem R-618.	ent.	r:		
 ☐ 4. Without object the risk reduct ASR term spectrum ∑ 5. Other: \$355.50 (tion by the State, the state, the state of t	he defendant shall be	e admitted to the Ad ion of Adult Correc INE + \$20 IN:	dvanced Su tion and Ju STALL	ipervised venile Ju FEE +	i Release (istice, then	(ASR) progr	vill de rele:	defendent completes ased at the end of the LAB FEE +
		HILE IN DAC			·				19-19-20 19-19-20 19-19-20
The Court recomm 1. Substance at 4. Payment as a but the Co	ouse treatment. [2. Psychiatric and elease supervision o mmend restitution be	or from work release	e earnings,	if applica	Nork relea able, of the ase superv	"Total Amo	unt Due" s	should not be granted. set out above. release earnings.
The Court further r						1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -			2 6
									100
									1
									ġ.
									1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 -
									1 4 4 4 1 1 4 1 1 1 1 1 1 1 1 1 1 1 1 1
	A STATE OF A	ORDER	OF COMMITME	ENT/APP	EALE	NTRIES			
officer cause	the defendant to b	eliver <u>two</u> certified c be delivered with the	se copies to the cu	stody of the	agency	ent to the si named on	heriff or othe the reverse	er qualified to serve t	l officer and that the he sentence imposed or
2. The defenda	ant gives notice of a	omplied with the con oppeal from the judgr on form AOC-CR-35	ment of the trial cou	urt to the Ap	opellate (Division. Aj	ppeal entrie	s and any	
CONVICION		的的东部藏	SIGNATURE	OF JUD	GĘ	X	21		and a state of the second
Date 03/29/2022		iding Judge (type or pri DRABLE J THOMA		s	ighalure	Presiding	Judge	-	
	Sach Harris		OF COMMITM	ENT AF	TERA			de la	
Date Appeal Dismissed	ſ	Date Wi	ithdrawal Of Appeal F	iled	/	Dat	e Appellate C	pinion Certi	fied
to the custody of th	e agency named in	this Judgment on th	e reverse and furni	hat the shei sh that age	riff arrest incy <u>two</u>	the defend	dant, if nece opies of this	ssary, and Judgmen	I recommit the defendant tand Commitment as
authority for the con Date		ntion of the defendar ire Of Clerk	nt.						uty CSC Asst. CSC
			CERTIFI	CATION	1990 1990	is set	N.S. MARCH	Cier	k Of Superior Court
Appellate Entri	es (AOC-CR-350)	itment with the attack	hment(s) marked b	elow is a tro Restiti (AOC-	ue and co ution Wo -CR-611)	orksheet, N)	otice And C	rder (Initia	th is on file in this case. Il Sentencing)
(AOC-CR-605)	is As To Forfeiture	Of Licensing Privileg		(AOC	-CR-615, onal Find	, Side One lings (AOC) 2-CR-618)		- Active Punishment
	ion Tracking Form No.(s) And Offense	(s) (AOC-CR-626)		Convi		Offender	_		t Order (AOC-CR-620)
Date		s Delivered To Sheriff 29/2022	Signature Of Cler	rk				Deputy CSC Clerk Of Su	C Asst. CSC SEAL
		Material op	posile unmarked squares	is to be disreg	arded as su	urplusage.	AND A COUNTRY		

AOC-CR-601, Side Two, Rev. 12/20, © 2020 Administrative Office of the Courts

STATE OF NORTH CAROLINA COUNTY OF CATAWBA	FILFD IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 2022 APR - 7 CASE: NOS.: 19CRS53701-02, 20CRS1227
STATE OF NORTH CAROLINA,	CATAWBA CO., C.S.C. BY
ν.	NOTICE OF APPEAL
JOSHUA JEZREEL DUNCAN,	
Defendant	

- 23 -

COMES NOW, Joshua Jezreel Duncan, Defendant herein, and files this Notice of Appeal and gives notice of appeal from the Superior Court, Catawba County, to the North Carolina Court of Appeals from the judgment entered in the above-captioned case numbers based upon Defendant's plea of guilty and the written order of the Honorable J. Thomas Davis, Superior Court Judge Presiding, entered the 1st day of April, 2022, denying Defendant's Motion to Suppress Evidence.

This the 7th day of April, 2022.

Respectfully submitted 20

J. Edgar Halstead, III, N.C. State Bar # 53763 The Law Offices of J. Edgar Halstead, III, PLLC 14421 South Old Statesville Road Suite 103 Huntersville, North Carolina 28078 Telephone: (704) 464-1088 Fax: (980) 225-0218 jhalstead@ncarolinalaw.com Attorney for Defendant

CERTIFICATE OF SERVICE

The undersigned has this date served the foregoing **NOTICE OF APPEAL** upon the below by electronic mail in accordance with the North Carolina Rules of Civil Procedure:

Jessica A. Phillips Catawba County District Attorney's Office 100 Southwest Boulevard P.O. Box 566 Newton, NC 28658 Phone: (828) 695-6110 Fax: (828) 695-6111 jessica.a.phillips@nccourts.org Assistant District Attorney

This the 7th day of April, 2022.

IĄ.

J. Edgar Halstead, III (NC State Bar No.: 53763) The Law Offices of J. Edgar Halstead, III, PLLC 14421 South Old Statesville Road, Suite 103 Huntersville, North Carolina 28078 Phone: (704) 464-1088 Fax: (980) 225-0218 jhalstead@ncarolinalaw.com Attorney for Defendant

CATAWBA County Additional File No.(d) 20CRS001227; 19CRS 53702 In The General Court Of Justice District IS superior Court Divisio Mare Of Defendent DUNCAN, JOSHUA, JEZREEL Dakels of Trial fist al dates, from start to end) 03/28/2022-03/29/2022 O3/28/2022-03/29/2022 Rules 7, 9, 11, and 27 of the N.C. Rules of Appellate Proc Name And Address Of Trial Proseculor JAMES EDGAR HALSTEAD III I 4421 SOUTH OLD STATESVILLE ROAD SUITE 103 Name And Address Of Trial Proseculor HUNTERSVILLE, NC 28078 Telephone No. Emeil Address Rues of Of Viel Transcriptionist Filephone No. BINGHAM, DEBRA, F Telephone No. 131 S. HARBOR WATCH DRIVE Imame And Address Of Delendent's Trial Counsei Name And Address Of Trial Transcriptionist Stattes SOI Delendent's Appellate Counsei BINGHAM, DEBRA, F Telephone No. Emeil Address 131 S. HARBOR WATCH DRIVE Name And Address Of Delendent's Appellate Counsei Stattes VILLE, NC 28677 The Appellate Defender T: (919) 354-7210 F: (91	STATE O	F NORTH CAROLIN	Α	File No.(s)	19CRS053701	
Country In The General Court Of Justice District Superior Court Divisio Dunc An JOSHUA, JEZREEL APPELLATE ENTRIES Dunk of Jostiu A, JEZREEL Rules 7, 9, 11, and 27 of the N.C. Rules of Appellate Prov Name And Address Of Trial (Fiel all datas, from start to end) SUUTH OLD STATESVILLE ROAD SUUTH OLD STATESVILLE ROAD SUUTH OLD STATESVILLE ROAD SUUTH OLD STATESVILLE, NC 28078 Tempi Address Test SICA ANNE PHILLIPS Tempi Address 100 GOVERNMENT DR District Game And Address Of Defendant's Trial Counsel 100 GOVERNMENT DR Tempi Address 100 GOVERNMENT DR District Address 100 GOVERNMENT DR Tempi Address 101 SCH A, PHILLIPS@NCCOURTS.ORG Name And Address Of Defendant's Trial Counsel Name And Address Of Trial Transcriptionial Telephone No. 131 S. HARBOR WATCH DRIVE Email Address STATESVILLE, NC 28677 Telephone No. Telephone No. Email Address 131 S. HARBOR WATCH DRIVE States 51.510 JE STATESVILLE, NC 2877 Telephone No. Email Address Telephone No. Email Address Telephone No. Email Address <td< th=""><th>1 m</th><th></th><th>for the second</th><th>Additional File No.(s)</th><th></th><th></th></td<>	1 m		for the second	Additional File No.(s)		
Image: State versus Amme of Dukinsdami DUNCAN, JOSHUA, JEZREEL Diskloj Of mill fill sid adates, from start to endy Ox/28/2022-03/29/2022 Cadelenden(s) if Tried Jointly Cadelenden(s) if Tried Jointly Cadelenden(s) if Tried Jointly JAMES COTHALSTEAD III Versus Address Of Triel Prosecutor FIESSICA ANNE PHILLIPS Telephone No. State Versus Name And Address Of Triel Transcriptionist BINGHAM, DEBRA, F Tates Name And Address Of Triel Transcriptionist State States Of Triel Transcriptionist DEBRA, BINGHAM, MCCOURTS.ORG Name And Address Of Triel Transcriptionist BINGHAM, DEBRA, F Tates Name And Address Of Triel Transcriptionist BINGHAM, DEBRA, F Tates VILLE, NC 28677 State States Of Triel Transcriptionist State States Of Triel Transcriptionist BErnal Address Of Triel Transcriptionist State State State States State States State States Telephone No. Email Address State State State State States State States St	C/	ATAWBA Count	У			
STATE VERSUS, And Control Differentiant Date(a) Of Trial (ital all datas, from start to end) Di/2/3/2/02/2 Di/2/3/2/02/2 Di/2/3/2/02/2 Di/2/3/2/02/2 Di/2/3/2/02/2 Di/2/3/2/02/2 Di/2/3/2/02/2 Di/2/3/2/02/2 Codefendent(a) If Tried Joinity JAMES EDOAR HALSTEAD III Telephone No. Email Address States VII Len NC ASOT JEMEA ADT Tenscriptionist Telephone No.		n in de la compañía	066 - 40 - 14 - 14	1.3.2		
DUNCAN, JOSHUA, JEZREEL APPELLATE ENTRIES Diaglo OT friat (fiat all addets, from starf to end) Rules 7, 9, 11, and 27 of the N.C. Rules of Appellate Proc Name And Address Of Diafendant's Trial Coursed JAMES EDGAR HALSTEAD III I442 I SOUTH OLD STATESVILLE ROAD SUITE 103 Name And Address Of Trial Prosecular HUNTERSVILLE, NC 28078 Telephone No. Email Address 828-695-6190 JESSICA A.NPHILLIPS@NCCOURTS.ORG Name And Address Of Trial Transcriptionist Talephone No. BINGHAM, DEBRA, F Talephone No. 131 S. HARBOR WATCH DRIVE The Appellate Defendent's Trial Course! Name And Address Of Trial Transcriptionist The Appellate Defender's Trial Course! BINGHAM, DEBRA, F Talephone No. Email Address 131 S. HARBOR WATCH DRIVE State Soft Tail Transcriptionist The Appellate Defender's Trial Course! 828-295-26190 DEBRA BINGHAM@NCCOURTS.ORG Name And Address Of Defendent's Trial Course! Name And Address Of Trial Transcriptionist The Appellate Defender's Trial Course! Taleybone No. Email Address Patephone No. 828-295-26190 DEBRA BINGHAM@NCCOURTS.ORG Name And Address Of Transcriptionist Of Other Proceedings On The Following Dale(s) <t< td=""><td></td><td>STATE VERSUS</td><td></td><td>N Con</td><td>a i a inv</td><td>S1</td></t<>		STATE VERSUS		N Con	a i a inv	S1
03/28/2022-03/29/2022 Rules 7, 9, 11, and 27 of the N.C. Rules of Appellate Prof. Cadefendent(s) If Tried Joinity JAMES EDGAR HALSTEAD III 14421 SOUTH OLD STATESVILLE ROAD SUITE 103 Name And Address Of Trial Prosecutor Interpretation TESSICA ANNE PHILLIPS Email Address 100 GOVERNMENT DR Email Address New And Address Of Trial Prosecutor Email Address 704-464-1088 JHALSTEAD@NCAROLINALAW.COM Name And Address Of Trial Transcriptionist Email Address BINGHAM, DEBRA, F Telephone No. Email Address 131 S. HARBOR WATCH DRIVE Telephone No. Email Address STATESVILLE, NC 28677 Email Address DEBRA.BINGHAM@NCCOURTS.ORG Name And Address Of Trial Transcriptionist DEBRA.BINGHAM@NCCOURTS.ORG Name And Address Of Defendent's Appellate Counsel STATESVILLE, NC 28677 Email Address DEBRA.BINGHAM@NCCOURTS.ORG NoTE: All indigent appeals are assigned to the Appellate Defender. Name And Address Of Trial Transcriptionist DEBRA.BINGHAM@NCCOURTS.ORG Name And Address Of Trianscriptionist NoTE: All indigent appeals are assigned to the Appellate Defender. Name And Address Of Trial Transcriptionist Telephone No. Email Address Telephone No. Instruct And Address Of Trianscriptionist Of Other Proceedings On The Following Date(s) Name And Address Of	DUNCAN, JOSH			x" - "."	APPELLATE ENTRI	ES
Name And Address Of Trial Prosecutor JAMES EDGAR HALSTEAD III I4421 SOUTH OLD STATESVILLE ROAD III Vame And Address Of Trial Prosecutor HUNTERSVILLE, NC 28078 JESSICA ANNE PHILLIPS HUNTERSVILLE, NC 28078 100 GOVERNMENT DR Email Address New And Address Of Trial Prosecutor HUNTERSVILLE, NC 28078 100 GOVERNMENT DR Email Address New And Address Of Trial Transcriptionist ITALSTEAD@NCAROLINALAW.COM 828-695-6190 JESSICA A.PHILLIPS@NCCOURTS.ORG Name And Address Of Trial Transcriptionist Email Address BINGHAM, DEBRA, F Telephone No. 282-695-6190 JESSICA A.PHILLIPS@NCCOURTS.ORG Name And Address Of Trial Transcriptionist Name And Address Of Defendent T: (191) 354-7210 STATESVILLE, NC 28677 Telephone No. Email Address Defendent T: (191) 354-7210 States Sof Sol DEBRA.BINGHAM@NCCOURTS.ORG Name And Address Of Trial Transcriptionist Mathema And Address Of Trial Transcriptionist Name And Address Of Trial Transcriptionist Retained Appellate Counsel Name And Address Of Trial Transcriptionist Name And Address Of Transcriptionist Of Other Proceedings On The				Rule	es 7, 9, 11, and 27 of the N.C. Rules	of Appellate Proc
Id421 SOUTH OLD STATESVILLE ROAD Name And Address Of Triel Proseculor JESSICA ANNE PHILLIPS 100 GOVERNMENT DR New And Address Of Triel Proseculor. 100 GOVERNMENT DR New And Address Of Triel Transcriptionist 111 S. HARBOR WATCH DRIVE STATESVILLE, NC 28677 113 S. HARBOR WATCH DRIVE STATESVILLE, NC 28677 113 S. HARBOR WATCH DRIVE STATESVILLE, NC 28677 123 W. Main Street, Suite 500, Durham, NC 27701 Notes And Address Of Triel Transcriptionist 13 S. HARBOR WATCH DRIVE STATESVILLE, NC 28677 123 W. Main Street, Suite 500, Durham, NC 27701 New And Address Of Triel Transcriptionist 13 S. HARBOR WATCH DRIVE STATESVILLE, NC 28677 123 W. Main Street, Suite 500, Durham, NC 27701 Note: All indigent appeals are assigned to the Appellate Defender. Name And Address Of Triel Transcriptionist Telephone No. Email Address Name And Address Of Triel Transcriptionist Of Other Proceedings On The Following Date(s) Name And Address Of Transcriptionist Of Other Proceedings On The Following Date(s) Name And Address Of Transcriptionist Of Other Proceedings On The Following Date(s) Name And Address Of Transcriptionist Of Other Proceedings On The Following Date(s) Date(s) De	101 III:4	AL N (M); (4 10 1		Name And Address (Of Defendent's Trial Counsel	
SUITE 103 Name And Address Of Trial Proseculor JESSICA ANNE PHILLIPS TESSICA ANNE PHILLIPS 100 GOVERNMENT DR NEWTON, NC 28658 Telephone No. Emeil Address Of Defendent's Trial Counsel Name And Address Of Defendent's Trial Counsel Name And Address Of Defendent's Trial Counsel SUTTE SULLE, NC 28678 Telephone No. Emeil Address Of Defendent's Trial Counsel STATESVILLE, NC 28677 Telephone No. Emeil Address STATESVILLE, NC 28677 Telephone No. Emeil Address States Of Trial Frazeoptonist States Of Trial Frazeoptonist States States Of Trial Frazeoptonist Telephone No. Emeil Address Of Trial Address States 28-282.5082 DEBRA.BINGHAM@NCCOURTS.ORG Name And Address Of Trial Transcriptionist Name And Address Of Trial Transcriptionist Telephone No. Emeil Address Telephone No. Emeil Address Of Trianscriptionist Of Other Proceedings On The Following Date(s) Name And Address Of Transcriptionist Of Other Proceedings On The Following Date(s) Name And Address Of Transcriptionist Of Other Proceedings On The Following Date(s) Name And Address Dete(s) Telephone No.	Codefendant(s) If Trie	d Jointly				
Name And Address Of Trial Proseculor HUNTERSVILLE, NC 28078 JESSICA ANNE PHILLIPS Telephone No. Email Address 100 GOVERNMENT DR Marme And Address Of Delendant's Trial Counsel NEWTON, NC 28658 Telephone No. Email Address 7elephone No. Email Address Trial Counsel Name And Address Of Trial Transcriptionist Telephone No. Email Address STATESVILLE, NC 28677 Telephone No. Email Address Talephone No. Email Address Telephone No. Email Address STATESVILLE, NC 28677 Telephone No. Email Address Email Address Talephone No. Email Address Telephone No. Email Address STATESVILLE, NC 28677 Telephone No. Email Address Telephone No. Email Address StatesSov DEBRA.BINGHAM@NCCOURTS.ORG Note: All indigent appeals are assigned to the Appellate Defender. Name And Address Of Trial Transcriptionist Retained Appellate Counsel Note: All indigent appeals are assigned to the Appellate Defender. Name And Address Of Trial Transcriptionist Of Other Proceedings On The Following Date(s) Name And Address Of Transcriptionist Of Other Proceedings On The Following Date(s) Name And Address Telepho	ψ.		1 N 198		OLD STATESVILLE ROAD	
JESSICA ANNE PHILLIPS JESSICA ANNE PHILLIPS 100 GOVERNMENT DR NEWTON, NC 28658 Telephone No. Email Address 328-695-6190 JESSICA.A.PHILLIPS@NCCOURTS.ORG Name And Address Of Tail Transcriptionist BINGHAM,DEBRA,F 131 S. HARBOR WATCH DRIVE STATESVILLE, NC 28677 Telephone No. Email Address DEBRA.BINGHAM@NCCOURTS.ORG Name And Address Of Trial Transcriptionist Email Address Of Trial Transcriptionist Telephone No. Email Address DEBRA.BINGHAM@NCCOURTS.ORG Name And Address Of Trial Transcriptionist Telephone No. Email Address Telephone No. Email Address	Name And Address O	f Trial Prosecutor	a Dela		LE. NC 28078	
100 GOVERNMENT DR Name And Address Of Defendent's Trial Counsel NEWTON, NC 28658 Femil Address Telephone No. Email Address 31 S. HARBOR WATCH DRIVE Telephone No. STATESVILLE, NC 28677 Email Address Telephone No. Email Address BERGARAM, DEBRA, F Telephone No. Email Address Of Trial Transcriptionist Name And Address Of Defendent's Appellate Counsel STATESVILLE, NC 28677 The Appellate Defender T: (919) 354-7210 F: (919) 354-7210 F: (919) 354-7210 R: (919) 354-7210 F: (919) 354-7210 R: (919	JESSICA ANNE	PHILLIPS		Telephone No.	Email Address	
NEWTON, NC 28658 Telephone No. Email Address 828-695-6190 JESSICA.A.PHILLIPS@NCCOURTS.ORG Name And Address Of Trial mascriptionist Telephone No. Email Address Email Address 131 S. HARBOR WATCH DRIVE Name And Address Of Defendant's Appellate Counsel STATESVILLE, NC 28677 The Appellate Defender T: (919) 354-7210 F: (9	100 COURDER					IALAW.COM
Telephone No. Emeil Address 828-695-6190 JESSICA.A.PHILLIPS@NCCOURTS.ORG Name And Address Of Trial Transcriptionist Telephone No. EINGHAM,DEBRA,F Telephone No. 131 S. HARBOR WATCH DRIVE Name And Address Of Delendant's Appellate Counsel STATESVILLE, NC 28677 Xinte Angle Address Telephone No. Email Address 828-228-5082 DEBRA.BINGHAM@NCCOURTS.ORG Name And Address Of Trial Transcriptionist NOTE: All indigent appeals are assigned to the Appellate Defender. Name And Address Of Trial Transcriptionist Retained Appellate Counsel Telephone No. Email Address Name And Address Of Trial Transcriptionist Retained Appellate Counsel Telephone No. Email Address Name And Address Of Trial Transcriptionist Retained Appellate Counsel Telephone No. Email Address Name And Address Of Transcriptionist Of Other Proceedings On The Following Date(s) Name And Address Of Transcriptionist Of Other Proceedings On The Following Date(s) Name And Address Telephone No. Email Address Date(s) Telephone No. Email Address Email Address Email Address Email Address	1.22			Name And Address (Of Defendant's Trial Counsel	L DI C
828-695-6190 JESSICA.A.PHILLIPS@NCCOURTS.ORG Name And Address Of Trial Transcriptionist Telephone No. 131 S. HARBOR WATCH DRIVE Name And Address Of Defendent's Appellate Counsel STATESVILLE, NC 28677 The Appellate Defender T: (919) 354-7210 F: (919) 3						
BINGHAM,DEBRA,F Telephone No. Email Address 131 S. HARBOR WATCH DRIVE Name And Address Of Defendent's Appellate Counsel STATESVILLE, NC 28677 The Appellate Defender T: (919) 354-7210 F: (919) 354	-		OURTS.ORG	me		
131 S. HARBOR WATCH DRIVE STATESVILLE, NC 28677 Telephone No. Email Address DEBRA.BINGHAM@NCCOURTS.ORG Name And Address Of Trial Transcriptionist Telephone No. Email Address Name And Address Of Trial Transcriptionist Telephone No. Email Address Name And Address Of Trial Transcriptionist Telephone No. Email Address Name And Address Of Transcriptionist Of Other Proceedings On The Following Date(s) Name And Address Of Transcriptionist Of Other Proceedings On The Following Date(s) Date(s) Dele(s) Telephone No. Email Address Kattach additional sheet(s) if necessary)						
STATESVILLE, NC 28677 Imail Address Telephone No. Email Address 828-228-5082 DEBRA.BINGHAM@NCCOURTS.ORG Name And Address Of Trial Transcriptionist Imail Address Telephone No. Email Address Name And Address Of Trial Transcriptionist Imail Address Telephone No. Email Address Date(s) Telephone No. Date(s) Telephone No. Email Address Email Address Other Proceedings On The Following Date(s) Name And Address Of Transcriptionist Of Other Proceedings On The Following Date(s) Date(s) Telephone No. Telephone No. Email Address Email Address (Attach additionel sheet(s) if necessary) Email Address	BINGHAM,DEE	SKA,F		Telephone No.	Email Address	a Bille
STATESVILLE, NC 28677 Imail Address Telephone No. Email Address 828-228-5082 DEBRA.BINGHAM@NCCOURTS.ORG Name And Address Of Trial Transcriptionist Imail Address Telephone No. Email Address Name And Address Of Trial Transcriptionist Imail Address Telephone No. Email Address Date(s) Telephone No. Date(s) Telephone No. Email Address Email Address Other Proceedings On The Following Date(s) Name And Address Of Transcriptionist Of Other Proceedings On The Following Date(s) Date(s) Telephone No. Telephone No. Email Address Email Address (Attach additionel sheet(s) if necessary) Email Address	131 S. HARBOR	WATCH DRIVE		Name And Addmine ()f Defendent's Annellate Courset	
Telephone No. Email Address 123 W. Main Street, Suite 500, Durham, NC 27701 828-228-5082 DEBRA.BINGHAM@NCCOURTS.ORG NOTE: All indigent appeals are assigned to the Appellate Defender. Name And Address Of Trial Transcriptionist Retained Appellate Counsel Retained Appellate Counsel Telephone No. Email Address Telephone No. Email Address Name And Address Of Transcriptionist Of Other Proceedings On The Following Date(s) Name And Address Of Transcriptionist Of Other Proceedings On The Following Date(s) Name And Address Of Transcriptionist Of Other Proceedings On The Following Date(s) Date(s) Telephone No. Email Address (Attach additional sheet(s) if necessary) Email Address Email Address						F: (919) 354-7
Name And Address Of Trial Transcriptionist Retained Appellate Counsel Telephone No. Email Address Telephone No. Email Address Name And Address Of Transcriptionist Of Other Proceedings On The Following Date(s) Name And Address Of Transcriptionist Of Other Proceedings On The Following Date(s) Date(s) Telephone No. Date(s) Email Address Email Address (Attach additional sheet(s) if necessary) Email Address	- 1 (K-p-1)	Email Address		-		
Telephone No. Email Address Telephone No. Email Address Name And Address Of Transcriptionist Of Other Proceedings On The Following Date(s) Name And Address Of Transcriptionist Of Other Proceedings On The Following Date(s) Date(s) Telephone No. Dete(s) Email Address Telephone No. Telephone No. Image: Address Telephone No. Telephone No. (Attach additional sheet(s) if necessary) Image: Address Email Address					Street, Suite 500, Durham, NC	C 27701
Dale(s) Telephone No. Date(s) Telephone No. Email Address Email Address Email Address (Atlach additional sheet(s) if necessary) Email Address		DEBRA.BINGHAM@NCCO	URTS.ORG	NOTE: All indiger	Street, Suite 500, Durham, NC at appeals are assigned to the Appel	C 27701
Dale(s) Telephone No. Date(s) Telephone No. Email Address Email Address Email Address (Attach additional sheet(s) if necessary) Email Address Email Address	Name And Address O	DEBRA.BINGHAM@NCCO	URTS.ORG	NOTE: All indiger	Street, Suite 500, Durham, NC at appeals are assigned to the Appel bellate Counsel	C 27701
Email Address Email Address (Attach additional sheet(s) if necessary)	Name And Address Ol Telephone No.	DEBRA.BINGHAM@NCCO Trial Transcriptionist Email Address		NOTE: All indiger Retained App	Street, Suite 500, Durham, NC at appeals are assigned to the Appel bellate Counsel	C 27701 llate Defender.
Email Address Email Address (Attach additional sheet(s) if necessary)	Name And Address Ol Telephone No.	DEBRA.BINGHAM@NCCO Trial Transcriptionist Email Address		NOTE: All indiger Retained App	Street, Suite 500, Durham, NC at appeals are assigned to the Appel bellate Counsel	C 27701 llate Defender.
Email Address Email Address (Attach additional sheet(s) if necessary)	Name And Address Ol Telephone No.	DEBRA.BINGHAM@NCCO Trial Transcriptionist Email Address		NOTE: All indiger Retained App	Street, Suite 500, Durham, NC at appeals are assigned to the Appel bellate Counsel	C 27701 llate Defender.
Email Address Email Address (Attach additional sheet(s) if necessary)	Name And Address Ol Telephone No.	DEBRA.BINGHAM@NCCO Trial Transcriptionist Email Address		NOTE: All indiger Retained App	Street, Suite 500, Durham, NC at appeals are assigned to the Appel bellate Counsel	C 27701 llate Defender.
(Attach additional sheet(s) if necessary)	Name And Address Of Telephone No. Name And Address Of	DEBRA.BINGHAM@NCCO Trial Transcriptionist Email Address	n The Following Date(s)	NOTE: All indiger	Street, Suite 500, Durham, NC at appeals are assigned to the Appel bellate Counsel	C 27701 llate Defender.
	Name And Address Of Telephone No. Name And Address Of	DEBRA.BINGHAM@NCCO Trial Transcriptionist Email Address	n The Following Date(s)	NOTE: All indiger	Street, Suite 500, Durham, NC at appeals are assigned to the Appel bellate Counsel	C 27701 llate Defender. On The Following Da
	Name And Address Of Telephone No. Name And Address Of Dale(s)	DEBRA.BINGHAM@NCCO Trial Transcriptionist Email Address	n The Following Date(s)	NOTE: All indiger Retained App Telephone No.	Street, Suite 500, Durham, NC at appeals are assigned to the Appel bellate Counsel	C 27701 llate Defender. On The Following Da
	Name And Address Of Telephone No. Name And Address Of Dale(s) Email Address	DEBRA.BINGHAM@NCCO Trial Transcriptionist Email Address Transcriptionist Of Other Proceedings Or	n The Following Date(s)	NOTE: All indiger Retained App Telephone No.	Street, Suite 500, Durham, NC at appeals are assigned to the Appel bellate Counsel	C 27701 llate Defender. On The Following Da
	Name And Address Of Telephone No. Name Ansi Address Of Dale(s) Email Address (Atlach additional share	DEBRA.BINGHAM@NCCO Trial Transcriptionist Email Address Transcriptionist Of Other Proceedings Or at(s) if necessary)	The Following Date(s)	NOTE: All indiger Retained App Telephone No. Name And Address C Date(s) Email Address	Street, Suite 500, Durham, NC In appeals are assigned to the Appel bellate Counsel Emeil Address DI Transcriptionist Of Other Proceedings (C 27701 llate Defender. On The Following D
1. X a. The defendant has given Notice of Appeal to the N.C. Court of Appeals, or	Name And Address Of Telephone No. Name Ansi Address Of Dale(s) Email Address (Atlach additional shae 1. 🗶 a. T	DEBRA.BINGHAM@NCCO Trial Transcriptionist Email Address Transcriptionist Of Other Proceedings Or at(s) if necessary) Joint Content of State of	The Following Date(s) Telephone No. UDGE'S INITIAL	NOTE: All indiger Retained App Telephone No. Name And Address C Date(s) Email Address APPEAL ENTR . Court of Appeals	Street, Suite 500, Durham, NC Int appeals are assigned to the Appel bellate Counsel Emeil Address Of Transcriptionist Of Other Proceedings of Street Street St	C 27701 llate Defender. On The Following D
b. This is a capital case appealable as of right to the N.C. Supreme Court.	Name And Address Or Telephone No. Name And Address Or Dale(s) Email Address (Atlach additional shee (Atlach additional shee) 1. 🗶 a. T b. T	DEBRA.BINGHAM@NCCO Trial Transcriptionist Email Address Transcriptionist Of Other Proceedings Or at(s) if necessary) Juncols State Stat	The Following Date(s) Telephone No. UDGE'S INITIAL f Appeal to the N.C as of right to the N.	NOTE: All indiger. NOTE: All indiger. Retained App Telephone No. Name And Address C Date(s) Email Address APPEAL ENTR . Court of Appeals C. Supreme Court	Street, Suite 500, Durham, NC Int appeals are assigned to the Appel bellate Counsel Emeil Address DI Transcriptionist Of Other Proceedings (Street Street Str	C 27701 llate Defender.
 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 X denied. allowed upon execution of a secured bond in the amount of the defendant pursuant to G.S. 15A-536 is X denied. 	Name And Address Or Telephone No. Name And Address Or Date(s) Email Address (Attach additional sheet 1. X a. Ti D. Ti 2. Release of	DEBRA.BINGHAM@NCCO Trial Transcriptionist Email Address Transcriptionist Of Other Proceedings Or at(s) if necessary) Ji the defendant has given Notice of his is a capital case appealable a of the defendant pursuant to G.S.	The Following Date(s) Telephone No. UDGE'S INITIAL f Appeal to the N.C as of right to the N. 15A-536 is X da	NOTE: All indiger Retained App Telephone No. Name And Address C Date(s) Email Address APPEAL ENTR . Court of Appeals C. Supreme Court enied. allower	Street, Suite 500, Durham, NC at appeals are assigned to the Appel bellate Counsel Email Address Of Transcriptionist Of Other Proceedings O Street, or at upon execution of a secured bo	C 27701 llate Defender.
b. This is a capital case appealable as of right to the N.C. Supreme Court.	Name And Address Or Telephone No. Name And Address Or Date(s) Email Address (Attach additional sheet 1. X a. Ti D. Ti 2. Release of	DEBRA.BINGHAM@NCCO Trial Transcriptionist Email Address Transcriptionist Of Other Proceedings Or at(s) if necessary) Ji the defendant has given Notice of his is a capital case appealable a of the defendant pursuant to G.S.	The Following Date(s) Telephone No. UDGE'S INITIAL f Appeal to the N.C as of right to the N. 15A-536 is X da	NOTE: All indiger Retained App Telephone No. Name And Address C Date(s) Email Address APPEAL ENTR . Court of Appeals C. Supreme Court enied. allower	Street, Suite 500, Durham, NC at appeals are assigned to the Appel bellate Counsel Email Address Of Transcriptionist Of Other Proceedings O Street, or at upon execution of a secured bo	C 27701 llate Defender.
 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. If not found indigent in No. 4, below, the defendant shall be responsible for ordering a transcript of any proceeding that the defendant shall be responsible for ordering a transcript of any proceeding that the defendant shall be responsible for ordering a transcript of any proceeding that the defendant shall be responsible for ordering a transcript of any proceeding that the defendant shall be responsible for ordering a transcript of any proceeding that the defendant shall be responsible for ordering a transcript of any proceeding that the defendant shall be responsible for ordering a transcript of any proceeding that the defendant shall be responsible for ordering a transcript of any proceeding that the defendant shall be responsible for ordering a transcript of any proceeding that the defendant shall be responsible for ordering a transcript of any proceeding that the defendant shall be responsible for ordering a transcript of any proceeding that the defendant shall be responsible for ordering a transcript of any proceeding that the defendant shall be responsible for ordering a transcript of any proceeding that the defendant shall be responsible for ordering a transcript of any proceeding that the defendant shall be responsible for ordering a transcript of any proceeding that the defendant shall be responsible for ordering a transcript of any proceeding that the defendant shall be responsible for ordering a transcript of any proceeding that the defendant shall be responsible for ordering a transcript of any proceeding that the defendant shall be responsible for ordering a transcript of any proceeding that the defendant shall be responsible for ordering that the defendant shall be responsible for orde	Name And Address Or Telephone No. Name And Address Or Date(s) Email Address (Attach additional sheet 1. X a. Ti D. Ti 2. Release of of \$ 3. If not four	DEBRA.BINGHAM@NCCO Trial Transcriptionist Email Address Transcriptionist Of Other Proceedings Or (s) if necessary) (s) if n	The Following Date(s) Telephone No. UDGE'S INITIAL f Appeal to the N.C as of right to the N. 15A-536 is X du the following additi	NOTE: All indiger Retained App Telephone No. Name And Address C Date(s) Email Address APPEAL ENTR . Court of Appeals C. Supreme Court enied. allower ional conditions: sponsible for order	Street, Suite 500, Durham, NC at appeals are assigned to the Appel bellate Counsel Emeil Address Dr Transcriptionist Of Other Proceedings of RIES a upon execution of a secured be ing a transcript of any proceeding	C 27701 llate Defender.
 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. If not found indigent in No. 4, below, the defendant shall be responsible for ordering a transcript of any proceeding that the defendant considers necessary for the appeal, as provided in Rule 7(b) of the N.C. Rules of Appellate Procedure. 	Name And Address Or Telephone No. Name And Address Or Dale(s) Email Address (Attach additional shee 1. X a. T D. Release of of \$ 3. If not four considers	DEBRA.BINGHAM@NCCO I Trail Transcriptionist Email Address I Transcriptionist Of Other Proceedings Or at(s) if necessary) JI he defendant has given Notice of his is a capital case appealable a of the defendant pursuant to G.S. and compliance with nd indigent in No. 4, below, the dest necessary for the appeal, as pro	The Following Date(s) Telephone No. UDGE'S INITIAL f Appeal to the N.C as of right to the N.C 15A-536 is X du the following additi efendant shall be re- vided in Rule 7(b) of	NOTE: All indiger Retained App Telephone No. Name And Address C Date(s) Email Address APPEAL ENTR Court of Appeals C. Supreme Court enied. allower ional conditions: sponsible for order of the N.C. Rules o	Street, Suite 500, Durham, NC at appeals are assigned to the Appel bellate Counsel Emeil Address Dr Transcriptionist Of Other Proceedings of RIES d upon execution of a secured be ing a transcript of any proceedings f Appellate Procedure.	C 27701 llate Defender.
 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. If not found indigent in No. 4, below, the defendant shall be responsible for ordering a transcript of any proceeding that the defendant considers necessary for the appeal, as provided in Rule 7(b) of the N.C. Rules of Appellate Procedure. 4. (NOTE: Check in all cases where defendant is indigent.) The defendant is indigent and has requested a transcript and the appointment of the appeal as provided in the indigent. 	Name And Address Or Telephone No. Name And Address Or Date(s) Email Address (Attach additional sheet 1. X a. T D. Release of of \$ 3. If not four considers X 4. (NOTE: C	DEBRA.BINGHAM@NCCO I Trail Transcriptionist Email Address I Transcriptionist Of Other Proceedings Or at(s) if necessary) JI he defendant has given Notice of his is a capital case appealable a of the defendant pursuant to G.S and compliance with	The Following Date(s) Telephone No. UDGE'S INITIAL f Appeal to the N.C as of right to the N.C 15A-536 is X de the following additi efendant shall be re- ivided in Rule 7(b) of andigent.) The defend	NOTE: All indiger Retained App Telephone No. Name And Address C Dete(s) Email Address APPEAL ENTR . Court of Appeals C. Supreme Court enied. allowe ional conditions: sponsible for order of the N.C. Rules o ant is indigent and	Street, Suite 500, Durham, NC Int appeals are assigned to the Appell bellate Counsel Emeil Address DI Transcriptionist Of Other Proceedings (RIES , or d upon execution of a secured be ring a transcript of any proceeding f Appellate Procedure. has requested a transcript and th	C 27701 llate Defender.
 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. If not found indigent in No. 4, below, the defendant shall be responsible for ordering a transcript of any proceeding that the defendant considers necessary for the appeal, as provided in Rule 7(b) of the N.C. Rules of Appellate Procedure. X. (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 	Name And Address Of Telephone No. Name And Address Of Dale(s) Email Address (Atlach additional shee 1. X a. Tr D. Release of of \$ 3. If not four considers X 4. (NOTE: Counsel. f a. The Off	DEBRA.BINGHAM@NCCO I Trail Transcriptionist Email Address I Transcriptionist Of Other Proceedings Or at(s) if necessary) at(s) if necessary) JI he defendant has given Notice of his is a capital case appealable a of the defendant pursuant to G.S and compliance with and compliance with and compliance with to G.S and compliance with to G.S and compliance with to G.S	The Following Date(s) Telephone No. UDGE'S INITIAL f Appeal to the N.C as of right to the N.C 15A-536 is X de the following additi efendant shall be re- vided in Rule 7(b) of in allowed to appea	NOTE: All indiger Retained App Telephone No. Telephone No. Name And Address C Dete(s) Email Address APPEAL ENTR . Court of Appeals C. Supreme Court enied. allowe ional conditions: sponsible for order of the N.C. Rules o ant is indigent and as an indigent and	Street, Suite 500, Durham, NC appeals are assigned to the Appel bellate Counsel Emeil Address Dr Transcriptionist Of Other Proceedings O RIES d upon execution of a secured be ing a transcript of any proceedings f Appellate Procedure. has requested a transcript and th d:	C 27701 llate Defender.
 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. If not found indigent in No. 4, below, the defendant shall be responsible for ordering a transcript of any proceeding that the defendant considers necessary for the appeal, as provided in Rule 7(b) of the N.C. Rules of Appellate Procedure. X. (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. 	Name And Address Of Telephone No. Name And Address Of Dale(s) Email Address (Atlach additional shee 1. X a. Tr D. Release of of \$ 3. If not four considers X 4. (NOTE: Counsel. f a. The Off	DEBRA.BINGHAM@NCCO I Trail Transcriptionist Email Address I Transcriptionist Of Other Proceedings Or at(s) if necessary) at(s) if necessary) Junce	Telephone No. Telephone No. UDGE'S INITIAL f Appeal to the N.C as of right to the N.C 15A-536 is X de the following additi efendant shall be re- ivided in Rule 7(b) of ndigent.) The defend is allowed to appear shall pay the costs of	NOTE: All indiger Retained App Telephone No. Telephone No. Name And Address C Dete(s) Email Address APPEAL ENTR . Court of Appeals C. Supreme Court enied. allowe ional conditions: sponsible for order of the N.C. Rules o ant is indigent and as an indigent and of producing a trans	Street, Suite 500, Durham, NC appeals are assigned to the Appeal bellate Counsel Emeil Address Dr Transcriptionist Of Other Proceedings O RIES ing a transcript of any proceeding f Appellate Procedure. has requested a transcript and th d: cript, and of reproducing the reco	C 27701 Ilate Defender. Don The Following Da Telephone No. Telephone No. Telephone No. g that the defend e appointment o ord and the
 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. If not found indigent in No. 4, below, the defendant shall be responsible for ordering a transcript of any proceeding that the defendant considers necessary for the appeal, as provided in Rule 7(b) of the N.C. Rules of Appellate Procedure. X. (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 	Name And Address Of Telephone No. Name And Address Of Dale(s) Email Address (Atlach additional shee 1. X a. Tr D. Release of of \$ 3. If not four considers X 4. (NOTE: Counsel. f a. The Off	DEBRA.BINGHAM@NCCO I Trail Transcriptionist Email Address Transcriptionist Of Other Proceedings Or at(s) if necessary) JI he defendant has given Notice of his is a capital case appealable at of the defendant pursuant to G.S.	Telephone No. Telephone No. UDGE'S INITIAL f Appeal to the N.C as of right to the N.C as of right to the N. 15A-536 is X du the following additi efendant shall be re- vided in Rule 7(b) of indigent.) The defend is allowed to appea shall pay the costs of y-Defendant's Trial Couns ce (if Office is not appoint	NOTE: All indiger Retained App Telephone No. Telephone No. Name And Address C Date(s) Email Address APPEAL ENTR . Court of Appeals C. Supreme Court enied. allower ional conditions: sponsible for order of the N.C. Rules o ant is indigent and as an indigent and as an indigent and as an indigent and as a pella	Street, Suite 500, Durham, NG appeals are assigned to the Appel bellate Counsel Emeil Address Dr Transcriptionist Of Other Proceedings of Dr Transcriptionist Of Other Proceedings of IES ing a transcript of any proceeding f Appellate Procedure. has requested a transcript and th d: ccript, and of reproducing the reco pellate Counsel consel	C 27701 Ilate Defender. Don The Following Da Telephone No. Telephone No. Telephone No. g that the defend e appointment o ord and the

					- 2	6 -				: 4
	5.551 , 64.975		J	UDGE'S I			RIES (cont	inued)		
6.	the Office c. Upon required to provide the office of the last notice of the last notice the last notice. The State shift non-capital control of the indigent pendency of the settled re- interpretation. The Court fue education to off the defenda- parties, or the	of Indigent I lest, the Cler complete tr has been o all of the tra all serve a p to transcript e of appeal all serve its ase or 35 da t defendant t defendant f the appeal ecord on ap n of attorne urther Order perform the ant has bee e defendant	are is appoin Defense Ser k shall furn rial division rdered, the anscripts that roposed re- has been of is filed or give amendmen ays if this is does not re- for the pur- peal, appe y-client cor s that a lan- e above se n found indi if not repre	ted to perfe rvices. ish to the Ap file in the ca defendant i at have bee cord on app ordered, the ven. ts, objectior a capital ca ead or spea court ther poses of (1 llate briefs nmunication guage tran rvices shall gent in No.	ct the defendar opellate Defend ase and, upon r n a non-capitall n ordered are d leal on the State defendant shal ns or proposed lse, after service k the English I efore authorize) written transi filed by the def n at each critic slator or interp be selected a 4, above, the C	it's appeal er, or to all equest, an y tried cas lelivered. If e within 70 Il serve a p alternative e upon it of anguage, es the serv ation of at endant an al stage of reter with nd paid by clerk shall s	or assign other ternate couns y documenta e shall serve a transcript h days after all roposed reco record on ap f the defendat but reads an vices of a lan torney-client d the State, f the appellat the necessal the Adminis serve a copy	er appellate el designate ry exhibits. a proposed i as been ord of the transe rd on appeal peal on the c nt's proposed d/or speaks guage trans corresponde and appellat e proceedin y knowledg trative Office of these App	d by the Appel record on appe ered, the defe- cripts that have to the State with d record on ap his or her nat lator or interpl ence, assignme e opinion(s), a gs. e, skill, experi- e of the Courts ellate Entries of	tive language of reter during the nents of error in and/or (2) verbal lence, training and
	signature imi			to Entrine el	hould be delive	red to the l	Annellate Def	ander's Offic	۹	5 (S - 1)
9. Date	In an cases, a	Name Of Jud	ae (tvoe or pri	nf)			Signature Of Ju		1	
4/1	1/22_	HONORA	BLE	<u>Hanicl</u>	Tharly	1	MM	a yr	my	10/4/12/17
		14.6		ERK'S T	RANSCRIPT	ORDER	AND CERT	TIFICATE		
	Rule 7(e)(1) served on c was delivered the date(s) =) of the N.C counsel for a ed to the Ap shown belo ally. X by is <u>not</u> found befender's C rder Entered Ap	. Rules of A all parties, o pellate De w: / mail to the indigent in N Office on the	Appellate P fender's Of e listed reci to. 4) The un e date show	rocedure. The idant if not rep fice, if the Offic pients at the a indersigned cer	undersign resented b :e has not ddresses s	ed certifies they counsel, a been appoin shown on Sic	hat a copy o nd on each ted as the d le One. se Appellate	f these Appell transcriptionis efendant's ap	eadline set out in late Entries was st, and that a copy pellate counsel, on delivered to the
	Clerk (type or pr			Signatu	re Of Clerk	N			Deputy CSC	
KELL	Y SIGMON	Hr.			Kulte	2/m	non		Clerk Of Su	perior Court
1. Second	an de sant				TO DELIVE					AND ALL
2.	appellant an Extension upon motion appeal is ex	nd for good of time to so n of the app xtended for Rule 27(c)(1), d the deadlin ate court to w	cause sho serve prop ellant and 30 days. , N.C. Rules e for service thich appeal	wn, it is OF osed reco for good ca of Appellate of the propo has been ta	DERED that til rd on appeal: use shown, it Procedure, the osed record on a	ne time for Pursuant is ORDER trial court m	delivery of the to Rules 11 a ED that the the the the the the the the the th	ne transcripi and 27, N.C. ime for serv one extension additional extension	t is extended f Rules of App ice of the prop reach of the de	on motion of the for 30 days. ellate Procedure, posed record on eadline for delivery of a deadline must be made
Date		Name Of Jud	ige (type or pr	int)			Signature Of Ju	ıdge		
			TR	ANSCRIF	TIONIST'S	ERTIFIC	ATE OF DI	ELIVERY		
	ered the trans except as to t personally	script, made he following	j party(ies)	who are no	pages in _ ot able to recei	ve electror	volumes, elec nic delivery, v	vhere I have	instead deliv	ties described above rered the transcript ng transcript electronically)
Date Tra	nscript Delivered	To Parties	lame Of Trans	criptionist	<u>.</u>		Signature Of Ti	anscriptionist		2010 ₁₂
					CLERK'S C	ERTIFIC	L ATION :::			
I certif	y this Appella	ate Entries f	orm is a tru	e and com	plete copy of t			s case.		1
	.99	Signature An	d Seal						Deputy CSC	C Assistant CSC
ł			P	wateriai oppos	ite unmarked squa	162 12 10 06 0	isiegaloed as st	n hinaañar		

AOC-CR-350, Side Two, Rev. 1/21, © 2021 Administrative Office of the Courts

APPOINTMENT OF APPELLATE COUNSEL BY THE APPELLATE DEFENDER

STATE OF NORTH CAROLINA)
ν.)
۷.)
JOSHUA JEZREEL DUNCAN)
19 CRS 53701-02)
20 CRS 1227)
Catawba County)

Defendant having been convicted of a criminal offense in this action and having given notice of appeal to the North Carolina Court of Appeals, and the Trial Court having appointed the Appellate Defender as appellate counsel for the defendant, the Appellate Defender appoints the attorney named below as appellate counsel to perfect defendant's appeal, pursuant to IDS Rules, Part 3. A copy of the Court's Appellate Entries is attached to the copy of this Appointment Notice that has been transmitted to the appointed appellate counsel. The original of this Appointment Notice has been mailed to the Clerk of Superior Court for filing.

Appointed Appellate Counsel:

Christopher Brook Attorney at Law Patterson Harkavy, LLP 100 Europa Dr., Suite 420 Chapel Hill, NC 27517 Telephone (919)-942-5200 Email cbrook@pathlaw.com

This the 21st day of June, 2022.

Glenn Gerding Appellate Defender

In addition to the appointed appellate counsel named above, the Office of the Appellate Defender has provided a copy of this Appointment Notice to all parties as listed on the Appellate Entries, including the defendant and the court reporter(s).

ATTENTION CLERK OF COURT: File this Appointment Notice in your office. Please mail a copy of the complete court file(s), <u>including any documentary exhibits</u>, to Mr. Brook.