

STATE OF NORTH CAROLINA

File No.

88 CrS 22782

Buncombe County Asheville Seat Of Court

In The General Court Of Justice

NOTE:

(This form is not to be used for multiple offenses unless they are consolidated for judgment.)

District Superior Court Division

STATE VERSUS

Defendant Andre Corbin

JUDGMENT SUSPENDING SENTENCE AND

COMMITMENT ON SPECIAL PROBATION

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

Race W Sex M DOB Age: 59

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

Attorney For Defendant Robert McClure Appointed Retained

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

File No.(s) And Offense(s)	Date Of Offense	G.S. No.	Fel./M.	Class	Max. Term	Presumptive
88 CrS 22782-Taking Indecent Liberties With a Minor Child	April 1966	14-202.1	F	PRE-FAIR	SENTENCING	

- The Court has considered the aggravating and mitigating factors in G.S. 15A-1340.4(a) and
- makes no written findings because the prison term imposed does not require such findings.
 - makes no written findings because the prison term imposed is pursuant to a plea arrangement as to sentence.
 - makes the Findings Of Factors In Aggravation And Mitigation Of Punishment set forth on the attached AOC-CR-303.

The Court, having considered evidence, arguments of counsel and statement of defendant, ORDERS that the above offenses be consolidated for judgment and that the defendant be imprisoned

for a term of three(3) years in the custody of the N. C. Dept. of Correction Sheriff of _____ County

The defendant shall be given credit for _____ days spent in confinement prior to the date of this Judgment as a result of this charge, to be applied toward the sentence imposed above. imprisonment required for special probation below.

SUSPENSION OF SENTENCE

With the consent of the defendant and subject to the conditions set out below, the execution of this sentence is suspended and the defendant is placed on supervised probation for 5 years. unsupervised probation for _____ years.

The above period of probation shall begin: when the defendant is paroled or otherwise released from incarceration in the case referred to below. at the expiration of the sentence in the case referred to below.

(NOTE: List Case Number, Date, County And Court In Which Prior Sentence Imposed.)

SPECIAL PROBATION - G.S. 15A-1351

As a condition of special probation, the defendant shall serve an active term of 60 days months in the custody of the N.C. Dept. of Correction. Sheriff of Buncombe County. work release is recommended.

(NOTE: This term shall NOT be reduced by good time, gain time or parole, or, unless provided above, by time in jail awaiting trial.)

The defendant shall report in a sober condition to begin serving his term on: Day Date Hour AM PM and shall remain in custody until: Day Date Hour AM PM

The defendant shall again report in a sober condition to continue serving this term on the same day of the week for the next _____ consecutive weeks, and shall remain in custody during the same hours each week.

MONETARY CONDITIONS

The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below, plus the probation supervision fee set by law pursuant to a schedule determined by the probation officer. at the rate of \$ 201.00 per MONTH beginning on 4-28-89 and continuing on the same day of each MONTH thereafter until paid in full. other: **PAY \$15.00 PER MONTH SUPERVISION FEE BEGINNING SAME DATE UNTIL RELEASED FROM SUPERVISION.**

Fine	Costs pay	Restitution* not to Attorney's Fee	Community Service Fee	Total Amount Due
\$	\$ 65.00	\$ exceed \$10,000\$	\$	\$ 10,065.00

*The name(s) and address(es) and amount(s) due the person(s) to receive this restitution are:

Pay restitution to _____, P.O. Box _____, Asheville, NC 28814 in an amount NOT TO EXCEED \$10,000 for counseling incurred as a result of this offense. Probation officer is to determine the exact amount of restitution due

- All payments received by the Clerk shall first be disbursed pro rata among the persons entitled to restitution.
- Upon payment of the "Total Amount Due", the probation officer may transfer the defendant to unsupervised probation.

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

The defendant shall: 1. Commit no criminal offense in any jurisdiction. 2. Possess no firearm, explosive device or other deadly weapon listed in G.S. 14-269. 3. Remain gainfully and suitably employed or faithfully pursue a course of study or of vocational training that will equip him for suitable employment. 4. Satisfy child support and family obligations, as required by the Court. If the defendant is on supervised probation, he shall also: 5. Remain within the jurisdiction of the Court unless granted written permission to leave by the Court or his probation officer. 6. Report as directed by the Court or his probation officer to the officer at reasonable times and places and in a reasonable manner, permit the officer to visit him at reasonable times, answer all reasonable inquiries by the officer and obtain prior approval from the officer for, and notify the officer of, any change in address or employment. 7. Notify the probation officer if he fails to obtain or retain satisfactory employment. 8. At a time to be designated by his probation officer, visit with his probation officer a facility maintained by the Division of Prisons. If the defendant is to serve an active sentence as a condition of special probation, he shall also: 9. Obey the rules and regulations of the Department of Correction governing the conduct of inmates while imprisoned. 10. Report to a probation officer in the State of North Carolina within 72 hours of his discharge from the active term of imprisonment.

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

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

- 11. Surrender his driver's license to the Clerk of Superior Court for transmittal to the Division of Motor Vehicles and not operate a motor vehicle for a period of _____ or until relicensed by the Division of Motor Vehicles, whichever is later.
- 12. Submit at reasonable times to warrantless searches by a probation officer of his person, and of his vehicle and premises while he is present, for the following purposes which are reasonably related to his probation supervision:
 stolen goods controlled substances contraband _____
- 13. Not use, possess or control any illegal drug or controlled substance unless it has been prescribed for him by a licensed physician and is in the original container with the prescription number affixed on it; not knowingly associate with any known or previously convicted users, possessors or sellers of any illegal drugs or controlled substances; and not knowingly be present at or frequent any place where illegal drugs or controlled substances are sold, kept or used.
- 14. Supply a breath, urine and/or blood specimen for analysis of the possible presence of a prohibited drug or alcohol, when instructed by his probation officer, and pay the cost of that analysis.
- 15. Successfully pass the General Education Development Test (G.E.D.) during the first _____ months of the period of probation.
- 16. Complete _____ hours of community or reparation service during the first _____ days of the period of probation, as directed by the community service coordinator and pay the fee prescribed by G.S. 143B-475.1(b) pursuant to the schedule set out under monetary conditions above. within _____ days of this Judgment and before beginning service.
- 17. Report for initial evaluation by _____ participate in all further evaluation, counseling, treatment or education programs recommended as a result of that evaluation; and comply with all other therapeutic requirements of those programs until discharged. Be of good behavior, Violate no laws.
- 18. Other: Within 72 hours of his release from Bucombe County jail, defendant is to report to his probation officer; Defendant is to continue counseling and therapy at St. Lukes Hospital in Suitland, Maryland. Defendant not to be in the company of minor children without being accompanied.
- 19. Comply with the Additional Special Conditions Of Probation which are set forth on AOC-CR-302, Page Two, by another adult.
- A hearing was held in open court in the presence of the defendant at which time a fee, including expenses, was awarded the defendant's appointed counsel or assigned public defender.

ORDER OF COMMITMENT/APEAL ENTRIES

- It is ORDERED that the Clerk deliver three certified copies of this Judgment and Commitment to the Sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until he shall have complied with the conditions of release pending appeal.
- The defendant gives notice of appeal from the judgment of the District Court to the Superior Court. The current pretrial release order shall remain in effect. except that:
- The defendant gives notice of appeal from the judgment of the Superior Court to the Appellate Division. Appeal entries and any conditions of post conviction release are set forth on Form AOC-CR-350.

SIGNATURE OF JUDGE

Date 1/30/89	Name Of Presiding Judge (Type Or Print) Hollis M. Owens, Jr.	Signature Of Presiding Judge <i>Hollis M. Owens, Jr.</i>
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CERTIFICATION

I certify that this Judgment Suspending Sentence and Commitment with the attachment(s) marked below is a true copy of the original.

- Judgment Suspending Sentence, Page Two [Additional Special Conditions Of Probation (AOC-CR-302, Page Two)]
- Findings Of Factors In Aggravation And Mitigation Of Punishment (AOC-CR-303)

Date of Certification 10/28/94	Date Certified Copies Delivered To Sheriff	Signature And Seal <i>[Signature]</i>
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court		

NOTE: Defendant signs the following statement in all cases except unsupervised probation without community or reparation service. I have received a copy of this Judgment which contains all of the conditions of my probation and I agree to them. I understand that no person who supervises me or for whom I work while performing community or reparation service is liable to me for any loss or damage which I may sustain unless my injury is caused by that person's gross negligence or intentional wrongdoing.

Date Signed 2-21-89	Signature Of Defendant <i>[Signature]</i>	Witnessed By: <i>[Signature]</i>
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STATE OF NORTH CAROLINA

In the General Court of Justice
Superior Court Division
Buncombe

County

File No.

88-CRS-22782

Film No.

STATE VERSUS

Defendant ANDRE ANTHONY CORBIN, JR.

INDICTMENT

Date of Offense On or about April, 1966
Offense in Violation of G.S. 14-202.1

TAKING INDECENT LIBERTIES WITH A CHILD

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 take and attempt to take immoral, improper, and indecent liberties with _____, date of birth: 11/29/59, who was under the age of 16 years at the time, for the purpose of arousing and gratifying sexual desire. At the time, the defendant was over sixteen years of age and at least five years older than that child.

Signature of Prosecutor

Robert D. Butler

WITNESSES

<input checked="" type="checkbox"/>	Judy Hensley/APD
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

CERTIFIED A TRUE COPY
M. W. Hart
Deputy Clerk of Superior Court

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

- A TRUE BILL by twelve or more grand jurors, and I the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in this Bill of Indictment.
- NOT A TRUE BILL

Date Jan 3, 1989

Signature of Grand Jury Foreman
F. W. Hart

