

EXHIBIT A

STATE OF NORTH CAROLINA

File No.
Co. Of Hearing

07CR 62451

NEW HANOVER County WILMINGTON

Seat Of Court

In The General Court Of Justice

District Superior Court Division

(NOTE: There must be a separate revocation judgment for each sentence which is activated, but one revocation judgment is sufficient where the original sentence was imposed on offenses consolidated for purposes of judgment. This form is to be used in conjunction with AOC-CR-604.)

STATE VERSUS

Defendant
MARK D LYTTLE

**JUDGMENT AND COMMITMENT
UPON REVOCATION OF PROBATION OR
ELECTION TO SERVE SENTENCE - MISDEMEANOR(S)
(STRUCTURED SENTENCING)**

Race H Sex MALE DOB [REDACTED] 1977

G.S. 15A-1341(c), 15A-1344, 15A-1345

Attorney For State

DRAUGHN

Def. Found Not Indigent Def. Waived Attorney

Attorney For Defendant At Revocation Hearing

Appointed Retained

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

County of Origin File No.(s)	Off. No.	Offense Description	Offense Date	G.S. No.	CL.
07CR 62451		ASSAULT ON A FEMALE	09/25/2007	14-33C2	A1

In the original Judgment Suspending Sentence, the Court determined, pursuant to G.S. 15A-1340.20, the number of prior convictions to be 5+ LEVEL: I (0) II (1-4) III (5+)

- In the original Judgment Suspending Sentence, the Court sentenced the defendant:
- 1. pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A.
 - 2. based upon a finding of:
 - (a) enhanced punishment from a Class 2 or Class 3 misdemeanor to a Class 1 misdemeanor.
 - G.S. 90-95(e)(4) (drugs). G.S. 14-3(c) (hate crime).
 - (b) enhanced punishment from a required suspended sentence to a Class 2 misdemeanor. G.S. 90-95(e)(7).

CONCLUSION AND ORDER

Based upon the Findings of Fact set out on the reverse side, the Court concludes that the defendant has violated a valid condition of probation upon which the execution of the active sentence was suspended, and that continuation, modification or special probation or criminal contempt is not appropriate, and the Court ORDERS that the defendant's probation be revoked, that the suspended sentence be activated, and the defendant be imprisoned:

(Offenses committed before January 1, 1997) The defendant has freely, voluntarily and understandingly elected to serve the defendant's suspended sentence of imprisonment in lieu of the remainder of the defendant's probation. Therefore, by virtue of G.S. 15A-1341(c) the Court ORDERS that the suspended sentence be activated, and the defendant be imprisoned:

for a term of 100 days in the custody of the: N.C. DOC. Sheriff of _____ County. Other: _____

The defendant shall be given credit for 22 days spent in the confinement prior to the date of this Judgment as a result of this charge(s).

- The sentence imposed above shall begin at the expiration of all sentences which the defendant is presently obligated to serve.
- The sentence imposed above shall begin at the expiration of the sentence imposed in the case referenced below:

File Number	Offense	County	Court	Date

Material opposite unmarked squares is to be disregarded as surplusage (Over)

(check all that apply)

- 1. The Clerk, under G.S. 7A-304(d), shall immediately disburse any undisbursed monies paid by the defendant under the Judgment Suspending Sentence as provided in that Judgment.
- 2. The Court finds that the defendant is is not suitable for placement in a county satellite jail/work release unit. G.S. 15A-1352(a).
- 3. With the consent of the defendant, work release is ordered and the defendant, after any required processing, shall be committed to: [check (a) or (b)]
 - (a) _____ (specify prison facility within this county/out of county)
 - (b) _____ (specify local confinement facility or satellite jail/work release unit within this county/out of county)

The sheriff, Board of County Commissioners or Department of Correction has consented to the commitment to the above described facility, that is not within this county. G.S. 15A-1352(d).

The Court Recommends:

- 4. Assignment to a Substance Abuse Treatment Unit pursuant to G.S. 15A-1351(h) (applies only to offenses committed before December 1, 2003).
- 5. Psychiatric and/or psychological counseling. 6. Work release.
- 7. Payment from work release earnings, if applicable, the items and amounts set out below.

Restitution*	All Prior Attorney Fees In This Case	Attorney's Fee For This Proceeding	All Other	Total Amount Due
\$	\$	\$	\$	\$ 0.00

*See attached "Restitution Update Worksheet, Notice and Findings (Revocation Or Termination Of Probation)," AOC-CR-612, which is incorporated by reference. NOTE: AOC-CR-612 must be completed whenever Recommendation No. 7 above is checked. Even if Recommendation No. 7 is not checked, AOC-CR-612 must be completed in EVERY CASE in which the defendant was ordered in the original judgment suspending sentence, as a condition of probation, to pay restitution in an amount in excess of \$250.00 to a Victims Rights Act victim

The Court further recommends:

SENTENCE MODIFIED TO 100 DAYS PER JUDGE NOECKER

The Court does not recommend: 1. Restitution as a condition of work release. 2. Work release.

FINDINGS

After considering the record contained in the files numbered above, together with the evidence presented by the parties and the statements made on behalf of the State and the defendant, the Court finds:

- 1. The defendant is charged with having violated specified conditions of the defendant's probation as alleged in:
 - a. the Violation Report(s) on file herein, which is incorporated by reference.
 - b. the Notice of Hearing on Violation Of Unsupervised Probation on file herein, which is incorporated by reference.
- 2. Upon due notice or waiver of notice (check a. or b.)
 - a. a hearing was held before the Court and, by the evidence presented, the Court is reasonably satisfied in its discretion that the defendant violated each of the conditions of the defendant's probation as set forth below.
 - b. the defendant waived a violation hearing and admitted that the defendant violated each of the conditions of the defendant's probation as set forth below.
- 3. The condition(s) violated and the facts of each violation are as set forth (check a. and/or b.)
 - a. in paragraph(s) _____ in the Violation Report or Notice dated _____
 - b. on the attached sheet.
- 4. Any allegation of a violation stated in the Violation Report, Notice, or otherwise, which is not set forth above is dismissed.
- 5. Each of the conditions violated as set forth above is valid; the defendant violated each condition willfully and without valid excuse; and each violation occurred at a time prior to the expiration or termination of the period of the defendant's probation.
 - Each violation is, in and of itself, a sufficient basis upon which this Court should revoke probation and activate the suspended sentence.
- 6. The judgment for attorney's fees previously entered in this case shall be docketed, if it has not already been docketed.
- 7. Beyond a reasonable doubt that before the expiration of the period of probation, the State filed a written motion with the clerk indicating its intent to conduct a revocation hearing and the State made a reasonable effort to notify the probationer and to conduct the hearing during the period of probation set out in the judgment and commitment.

AWARD OF FEE TO COUNSEL FOR DEFENDANT


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

ORDER OF COMMITMENT/APEAL ENTRIES

It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.

- The defendant gives notice of appeal from the Judgment of the district court to the superior court
- The current pretrial release order is modified as follows: _____
- The defendant gives notice of appeal from the Judgment of the superior court to the appellate division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350.

SIGNATURE OF JUDGE

Date	Name Of Presiding Judge (Type Or Print)	Signature Of Presiding Judge
08/14/2008	JEFFREY NOECKER	

ORDER OF COMMITMENT AFTER APPEAL

Date Remanded To District Court	Date Appeal Dismissed	Date Withdrawal Of Appeal Filed	Date Appellate Opinion Certified

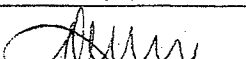
It is ORDERED that this Judgment be executed. It is FURTHER ORDERED that the sheriff arrest the defendant, if necessary, and recommit the defendant to the custody of the official named in this Judgment and furnish that official two certified copies of this Judgment and Commitment as authority for the commitment and detention of the defendant.

Date	Signature	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC
		<input type="checkbox"/> Clerk of Superior Court

CERTIFICATION

I certify that this Judgment and Commitment with the attachment(s) marked below is a true and complete copy of the original which is on file in this case.

- Appeal Entries (AOC-CR-350) Restitution Update Worksheet, Notice And Findings (Revocation Or Termination Of Probation) (AOC-CR-612)

Date	Date Certified Copies Delivered To Sheriff	Signature	<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC
08/15/2008	08/15/2008		<input type="checkbox"/> Clerk of Superior Court

STATE OF NORTH CAROLINA

File No.

07CR02451

NEW HANOVER County

In The General Court Of Justice
 District Superior Court Division

STATE VERSUS

Name Of Defendant

Mark Lytle

JUDGMENT/ORDER OR
OTHER DISPOSITION

Race Sex Date Of Birth Social Security No.

Attorney For State

Def. Found Not Indigent Def. Waived Attorney

Attorney For Defendant

Appointed Retained

Offense

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

PLEA

VERDICT

PRIOR CONVICTIONS:

No./Level 0, 1 (0), 1 (1-4), 11 (5+)

Guilty/Responsible No Contest

Guilty/Responsible

MISD. CLASS: 1 2 3

Guilty/Responsible No Contest

Guilty/Responsible

MISD. CLASS: 1 2 3

Not Guilty/Not Responsible

Not Guilty/Not Responsible

~~\$ not paid was not willful~~
prob w- 100 days actur - (modified at 2)
from 150 days to 100 days, 22 day credit

Date

8/14/8

Name Of Presiding Judge (Type Or Print)

Signature Of Presiding Judge

[Signature]

APPEAL ENTRIES

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Date

Name Of Presiding Judge (Type Or Print)

Signature Of Presiding Judge