NORTH CAROLINA COURT OF APPEALS

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STATE OF NORTH CAROLINA vs. TREVOR WILKS FORTE, Defendant.)) From Pitt County) 12-CRS-60601
RECO	**************************************
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COA	No.	

3A JUDICIAL DISTRICT

	SA CODICIAL
*********	********
NORTH CAROI	LINA COURT OF APPEALS
**********	********
STATE OF NORTH CAROLINA)
Vs.) <u>From Pitt County</u>
TREVOR WILKS FORTE,) 13-CRS-62622)

Defendant.

ORGANIZATION OF THE COURT

These matters came on before the Honorable Wayland J.

Sermons, Superior Court Judge Presiding, and a jury, at the

August 10, 2015 criminal session of Pitt County Superior Court.

The Defendant-Appellant was charged with trafficking more than 14 grams, but less than 28 grams of heroin by possession and trafficking more than 14 grams, but less than 28 grams of heroin by transportation. The Defendant-Appellant pled not guilty to the charges against him.

Prior to a jury being impaneled, the trail court heard pretrial motions. The trial court granted the Defendant-Appellant's motions to reveal all deals or plea offers made to the co-defendants, Omeekaah Willis and Michael Oliver, and granted the Defendant-Appellant's motion to sequester the witnesses in this case. However, the trial court denied Defendant-Appellant's motions to suppress the application and order authorizing a pen register/trap and trace in this case,

and all evidence arising therefrom. In addition, the trial court also denied the Defendant-Appellant's motion to suppress the stop of the vehicle in which he was riding on November 12, 2012.

On August 11, 2015, the State rested its case. The Defendant-Appellant moved to dismiss the charges against him. This motion was denied. The Defendant-Appellant elected not to testify or present any evidence.

On August 12, 2015, the Defendant-Appellant was found guilty by a jury of trafficking more than 14 grams, but less than 28 grams of heroin by possession and trafficking more than 14 grams, but less than 28 grams of heroin by transportation. The Defendant-Appellant was a prior record level II for purposes of sentencing.

The trial court ordered the Defendant-Appellant to serve a minimum of 90 and a maximum of 126 months in the North Carolina Division of Adult Correction for his conviction of trafficking more than 14 grams, but less than 28 grams of heroin by possession. The court also order the Defendant-Appellant to serve a minimum of 90 and a maximum of 126 months in the North Carolina Division of Adult Correction for his conviction of trafficking more than 14 grams, but less than 28 grams of heroin by transportation. The trial court ordered these two judgments to run concurrently. Subsequently, an amended or corrected judgment for the conviction of trafficking more than 14 grams, but less than 28 grams of heroin by transportation was entered by

the trial court, in order to give the Defendant-Appellant credit for the time he had served in the Pitt County jail on these charges.

After the judgments were announced, the Defendant-Appellant gave notice of appeal from the final judgments herein to the North Carolina Court of Appeals in open court. Accordingly, the trial court made appropriate appellate entries.

The record on appeal was filed with the North Carolina Court of Appeals on 5-23-16 and docketed on 5-24-16.

Stipulations

It is stipulated and agreed by and between counsel for the State and counsel for the Defendant-Appellant that:

- 1. The August 10, 2015 criminal session of Pitt County Superior Court was duly organized and held with the Honorable Wayland J. Sermons, Jr., Superior Court Judge presiding.
- 2. This court has jurisdiction of this matter.
- 3. The Defendant-Appellant entered pleas of not guilty to all of the charges against him.
- 4. All photographs and documents entered into evidence have been included in this Record on Appeal.
- 5. All of the other exhibits admitted into evidence at the trial of this matter, are currently in the custody of the Pitt County Clerk of Superior Court. Either party may request the Pitt County Clerk of Superior Court to transmit or deliver any or all of said exhibits to the Clerk for the North Carolina Court of Appeals for the Court of Appeals' consideration in this matter.
- 6. The Defendant-Appellant gave notice of appeal from the final judgments entered herein to the North Carolina Court of Appeals in open court.
- 8. All documents were timely and properly filed and all notices were timely and properly given in this case.

AOC-CR-116, Rev. 3/09 (Structured Sentencing) © 2009 Administrative Office of the Courts

ORIGINAL COPY

	<u>_</u>
(TYPE OR PRINT IN BLACK INK)	Mie M (OC OC)
STATE OF NORTH CAROLINA	Additional File Nos.
PITTCounty	f
Odding	γ In The General Court Of Justice
	District 🗌 Superior Court Division
Name of Beldhiant, Relitioner, Respandight	N
Street Address Of Defendant, Petitioner, Respondent	
	ORDER OF ASSIGNMENT
	OR
Permanent Mailing Address Of Defendant, Petitioner, Respondent (If Different Than Above)	DENIAL OF COUNSEL
Telephone Number of Defendant, Petitioner, Respondent	
☐ Check here if defendant is in jail Full Social Security No.	
Has No Social Security No.	G.S. 7A-146(11), 7A-292(15), 7A-450, 7A-451(a)
Offense(s) (List Offense(s) Only If File No. Has Not Been Assigned)	
	•
INSTRUCTIONS: Do not use this form for first-degree murder cases where the defendant was under 18 years of age at the time of Court of Appeals or Supreme Court. For adult first-degree murder ca level, the Office of Indigent Defense Services will use form AOC-CR-Defense Services will use form AOC-CR-625. For appellate cases, t	the offense, or for capital post-conviction cases or appeals to the ses or murder cases where the degree is undesignated at the trial 624. For capital post-conviction cases, the Office of Indigent
I. ASSIGNMENT OR D	ENIAL OF COUNSEL
From the petition heard in this matter, it appears to the Court taction listed in G.S. 7A-451(a);	that the applicant named above is party to a proceeding or
and, from the affidavit made by the applicant, and from the inc is determined that the applicant:	
 will not receive an active or suspended term of imprisor is charged; it is ORDERED that the defendant's petition 	nment if he/she is convicted of the offense(s) for which he/she is denied.
 2. will not receive an active or suspended term of imprisor defendant's petition is denied. 	nment if he/she is found in contempt; it is ORDERED that the
3. is financially able to provide the necessary expenses of is not an indigent and his/her petition is denied.	legal representation; it is ORDERED that the applicant
4. is not financially able to provide the necessary expense applicant is an indigent and is entitled to the services of	es of legal representation; it is ORDERED that the counsel as contemplated by law, and that he/she shall be
represented by:	fender in this judicial district.
☐ the attorney named below. ☑ the public de	render in this judicial district.
Name Of Appointed Attomey (If Applicable)	Next Court Date
	OLEDIA OD MACIOTO ATE
//II. SIGNATURE OF JUDGE, (<u></u>
11300	ludge Clerk Of Superior Court Asst. CSC Deputy CSC Magistrate
NOTE: A magistrate who is a duly licensed attorney may appoint on See G.S. 7A-146(11) and G.S. 7A-292(15).	ounsel if designated to do so by the Chief District Court Judge.

Material opposite unmarked squares is to be disregarded as surplusage.

AOC-CR-224, Rev. 6/12 © 2012 Administrative Office of the Courts

STATE OF NORTH CAROLINA	[[[] FILE NO: 12CR 060601
PITT COUNTY	FILM NO:
2012 NOV	26 PH 3: 39
	IN THE GENERAL COURT OF JUSTICE
PITT (CUNTY, DISTRICT COURT DIVISION
STATE OF NORTH CAROLINA	STW
)
VS.) NOTICE OF ASSERTION OF
) FIFTH AND SIXTH AMENDMENT
TREVOR WILKS FORTE,) RIGHTS
Defendant.)

NOW COMES Defendant, Trevor Wilks Forte, pursuant to the Fifth and Sixth Amendments to the United States Constitution, made applicable to the State of North Carolina through the Fourteenth Amendment, and Article I, Sections 19 and 23 of the North Carolina Constitution and asserts his/her right to remain silent and to have counsel present in any and all of his/her interactions with the State of North Carolina, by and through the District Attorney's Office, law enforcement and investigating officers, or any other party acting on behalf of the State of North Carolina.

Defendant does not wish to and will not, waive any of his constitutional rights except in the presence of counsel. Defendant does not want the State of North Carolina by and through the District Attorney's Office, by and through any Assistant District Attorney, any staff of the District Attorney's Office, law enforcement and investigating officers, or any other party acting on behalf of the State of North Carolina to question him/her or to contact him/her for any purpose including but not limited to seeking any waiver of any constitutional right unless counsel is present at the time. The exercise of these rights is asserted pursuant to Miranda v. Arizona, 396 U.S. 868 (1969), Maine v. Maulton, 474 U.S. 159 (1985), Edwards v. Arizona, 451 U.S. 477 (1981), Minnick v. Mississippi, 498 U.S. 146 (1990), State v. Buchanan, 353 N.C. 332 (2000) the Fifth,

Sixth and Fourteenth Amendments to the United States Constitution, Article I, Section 19 and 23 of the North Carolina Constitution, and North Carolina Rules of Professional Conduct 4.2 and 4.3.

This the day of North 2012.

Pitt County Public Defender's Office (3A)

Attorney for Defendant 212 S. Greene Street

Greenville, NC 27834

Telephone: (252) 695-7300

By: Todd Amundson

Defendant:

Trever Wilks Fort

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Notice of Assertion of Fifth and

Sixth Amendment Rights has been duly served by hand-delivery to the following:

Honorable Clark Everett District Attorney Prosecutorial District 3A Pitt County Courthouse Greenville, NC 27835

November

This the 26 day of

OFFICE OF THE PUBLIC DEFENDER 3A

Todd Amundson P.O. Box 8047

Greenville, NC 27835

(252) 695-7300

N.C. Bar Number:

STATE OF NORTH CAROLINA	File No.
In the General Court of Justice Superior Court Division	12CRS 60601
PITT County	Film No.
STATE VERSUS	
Defendant	INDICTMENT
TREVOR WILKS FORTE	
County named above the defendant named above ur traffick heroin by possession of in grams of a mixture containing heroin	, , , , , , , , , , , , , , , , , , ,
County named above the defendant named above ur traffick heroin by transportation of 28 grams of a mixture containing her	hat on or about the 12 TH day of November, 2012, in the lawfully, willfully and feloniously did in excess of 14 grams but less than oin, a controlled substance, included Controlled Substance Act, in violation
	Signature of Prosecutor With W. Fitol
/ WITI	NESSES
CE ESPINOZA-GPD	
The witnesses marked "X" were sworn by the undersigned bill was found to be: A TRUE BILL by twelve or more grand jurors, and I the concurrence of twelve or more grand jurors in this Bill o	Foreman of the Grand Jury and, after hearing testi- mony, this a undersigned Foreman of the Grand Jury, attest the findictment.
NOT A TRUE BILL	•
Date 4/29/14	Signature of Grand Jury Foreman

FILE NO.: 12CRS60601 FILM NO.

NORTH CAROLINA PITT COUNTY

IN THE GENERAL COURT OF JUSTICE 2011 OCT -2 All 9:SUPERIOR COURT DIVISION

STATE OF NORTH CAROLINA

DISCOVERY REQUEST

VS.

AND OBJECTION

TREVOR WILKS FORTE,

Pursuant to G.S. 15A-902, the defendant asks the State to comply voluntarily with this request for discovery of the following:

- A copy of any written statement made by the defendant.
- A written summary of any oral statement made by the defendant which the State intends to use as evidence at the trial.
- A copy of any prior criminal record of the defendant available to the District Attorney.
- That defendant's attorney be allowed to view any photographs the State intends to use as evidence at the trial.
- That the defendant's attorney be allowed to inspect 5. any tangible objects the State intends to use as evidence at the trial.
- "[C] omplete files of all prosecutorial and law enforcement agencies involved. . . ," as defined in N.C.G.S. 15A-903(a)(1).
- Notice of any expert witnesses along with a report of the results 7. of examination and tests of the expert and other information required by N.C.G.S. 15A-903(a)(2).
- 8. Witness list, as required by N.C.G.S. 15A-903(3).
- Copies of any audio and/or visual recordings of defendant.
- 10. If applicable, pursuant to N.C.G.S. 90-95(g) and (g1), 8-58.20, and 20-139.1, Defendant objects to chain of custody statement and report of analysis submitted by or on behalf of the State.
- 11. Pursuant to Evidence Rule 609, Defendant gives notice of intent to ask all State's witnesses about convictions over 10 years old.

This the \mathbb{Z} day of \mathbb{Z}

TODD S. AMUNDSON

ASSISTANT PUBLIC DEFENDER

DEFENDER

P.O. BOX 8047

GREENVILLE, NC 27835

TELEPHONE: 252-695-7300

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been handdelivered to the District Attorney's office and left with an employee therein.

This the \mathbb{Z} day of \mathcal{D}

ASSISTANT PUBLIC DEFENDER

#79

NORTH CAROLINA PITT COUNTY IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION

FILE NO.: 12CRS060601

STATE OF NORTH CAROLINA)	
)	MOTION TO ALLOW
VS.)	PUBLIC DEFENDER TO WITHDRAW
)	AS ATTORNEY OF RECORD
TREVOR WILKS FORTE.)	

Pursuant to G.S. 15A-144, the undersigned moves the Court to allow the Public Defender to withdraw as defendant's attorney of records for the following reason:

1. Attorney John F. Criscitiello has entered a general appearance in the case.

This the _____ day of January, 2015.

Assistant Public Defender

ORDER

Based upon the reason set out in the above MOTION, the Court concludes that good cause exists to allow the relief requested.

It is therefore, ORDERED that the Public Defender is allowed to withdraw as attorney for the defendant. Attorney John F. Criscitiello having entered a general appearance in the above-referenced case, is ordered to continue representation of the Defendant until the conclusion of the case at the trial level, either District or Superior.

This the _____ day of January, 2015.

Superior Court Judge

OFFICE OF THE DISTRICT ATTORNEY PROSECUTORIAL DISTRICT THREE-A Greenville, North Carolina 27835

Date:3-33-15
RE: Defendant Forte Treupr
Last First Middle
File No(s): 12 CKS 60601
Charge(s):
Dear Attorney Criscitie 110
In response to your written request dated for Voluntary Discovery Pursuant to G.S. 15A-903, this office submits the attached/ CV pages.
MOTION FOR RECIPROCAL DISCOVERY
NOW COMES the State of North Carolina, by and through the undersigned and moves the Court to order the defendant to disclose the following evidence pursuant to NCGS 15A-905 and shows unto the Court that the State voluntarily complied with the defendant's request for discovery pursuant to NCGS 15A-903:
 Information as to the existence of any an opportunity to inspect and copy books, papers, documents, photographs, motion pictures, mechanical or electric recordings, tangible objects or portions thereof which are within the possession, custody or control of the defendant and which the defendant intends to introduce into evidence pursuant to NCGS 15A-905(a). Information as to the existence of any an opportunity to inspect and copy results of physical or mental examinations or of tests, measurements, or experiments as provided in NCGS 15A-905(b), and an opportunity to inspect, examine, and test subject to appropriate referenced.
to inspect, examine, and test subject to appropriate safeguards, any physical evidence or a sample thereof pursuant to NCGS 15A-905(b).
 Notice of the defendant's intent to offer at trial a defense of alibi, duress, entrapment, insanity, mental infirmity, diminished capacity, self-defense, accident, automatism, involuntary intoxication, or voluntary intoxication pursuant to NCGS 15A-905(c) (1).
 Disclosure of the identity of alibi witnesses pursuant to NCGS 15A-905(c)(1)(a) and specific information as to the nature and the extent of the defenses of duress, entrapment, insanity, automatism, or involuntary intoxication pursuant to NCGS 15A-905((c) (1)(b).
5. Notice of any expert witness the defendant reasonably expects to call as a witness at trial, a report of the results of the examinations or tests conducted by the expert, the underlying basis for the expert's opinion, and the expert's curriculum vitae pursuant to NCGS 15A-905(c)(2).
 A written list of the names of all other witnesses whom the defendant reasonably expects to call during the trial pursuant to NCGS 15A-905(c)(3).
Respectfully submitted,
Vy Roles
Kimberly S. Robb, District Attorney
Prosecutorial District 3-A
I certify that a copy of this Motion and Discovery was served on the defendant by personal service on the defendant's attorney or an employee of the defendant's attorney on this the 27 day of manch, 20/5.
Assistant to District Attorney
I certify that I received a coy of this Motion and Discovery on behalf of the defendant on this the

Employee of Defendant's Attorney

Defendant's Attorney

	GENERAL COURT OF JUSTICE.
	ICE OF THE DISTRICT ATTORNEY
_	PROSECUTORIAL DISTRICT THREE-A
	PROSECUTORIAL DISTRICT THREE-A Greenville, North Carolina 27835 Date: 7-27-15 RE: Defendant Forte to b.;
•	Date: 7-27-15
	RE: Defendant totte . Trevor Letter from Forte to is;
	Last 1200 First Middle Notes from Interva up
٠.	File No(s): 10CLS 60601 Sa Manulton
•	
	Charge(s):
	Dear Attorney Crisciticale :
	In response to your written request dated for Voluntary Discovery
	Pursuant to G.S. 15A-903, this office submits the attached
.•	A CONTOUR DOD PROPRIOGALE DISCONTENTAL
	MOTION FOR RECIPROCAL DISCOVERY
	NOW COMES the State of North Carolina, by and through the undersigned and moves the Court to order
·	the defendant to disclose the following evidence pursuant to NCGS 15A-905 and shows unto the Court that the State
٠.	voluntarily complied with the defendant's request for discovery pursuant to NCGS 15A-903:
•	 Information as to the existence of any an opportunity to inspect and copy books, papers, documents, photographs, motion pictures, mechanical or electric recordings, tangible objects or portions thereof which are within the possession, custody or control of the defendant and which the defendant intends to introduce into evidence pursuant to NCGS 15A-905(a). Information as to the existence of any an opportunity to inspect and copy results of physical or mental examinations or of tests, measurements, or experiments as provided in NCGS 15A-905(b), and an opportunity to inspect, examine, and test subject to appropriate safeguards, any physical evidence or a sample thereof pursuant to NCGS 15A-905(b). Notice of the defendant's intent to offer at trial a defense of alibi, duress, entrapment, insanity, mental infirmity, diminished capacity, self-defense, accident, automatism, involuntary intoxication, or voluntary intoxication pursuant to NCGS 15A-905(c) (1). Disclosure of the identity of alibi witnesses pursuant to NCGS 15A-905(c)(1)(a) and specific information as to the nature and the extent of the defenses of duress, entrapment, insanity, automatism, or involuntary intoxication pursuant to NCGS 15A-905(c) (1)(b). Notice of any expert witness the defendant reasonably expects to call as a witness at trial, a report of the results of the examinations or tests conducted by the expert, the underlying basis for the expert's opinion, and the expert's curriculum vitae pursuant to NCGS 15A-905(c)(2). A written list of the names of all other witnesses whom the defendant reasonably expects to call during the trial pursuant to NCGS 15A-905(c)(3).
	$\nu \cdot \nu \cdot$
	KI ROLL
	Kimberly S. Robb, District Attorney
	Prosecutorial District 3-A
	•
•	I certify that a copy of this Motion and Discovery was served on the defendant by personal service on the defendant's attorney or an employee of the defendant's attorney on this the
	Weather Tenaer
	Assistant to District Attorney

I certify that I received a coy of this Motion and Discovery on behalf of the defendant on this the

Defendant's Attorney

FILE NO(S): 12 CRS 060601

NORTH CAROLINA CLERK OF SUPERI PITT COUNTY

IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION

MOTION TO SUPRESS

THE STATE OF NORTH CAROLINA
)

V.
)
TREVOR FORTE
Defendant.
)

NOW COMES THE DEFENDANT, by and through undersigned counsel, and moves the Court for the following motion set forth below:

1. The state shall be ordered to suppress any seizures, arrest, detentions, and wire taps of Trevor Forte based on information provided by Michael Oliver.

WHEREFORE, Defendant request the Court grant the Pretrial Motion to:

1. The state shall suppress any seizures, arrest, detentions, and wire taps of Trevor Forte based on information provided by Michael Oliver.

This the / day of August, 2015.

John F. Criscitiello

Attorney for Defendant

108 S. Pitt Street

Greenville, NC 27834

(252)752-5505 (phone)

(252)752-4191 (fax)

FILE NO(S): 12 CRS 060601

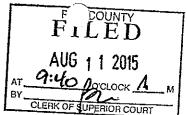
NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION	
THE STATE OF NORTH CAROLINA)	
V. AFFIDAVIT V.)	
TREVOR FORTE, Defendant.	
 I, JOHN F. CRISCITIELLO, being first duly sworn, depose and say as follows: That I am the Attorney of Record for the Defendant in the above captioned matter. That Officer D. S. Cottingham and C. Espinoza, Greenville Police Department interviewed Michael Oliver on November 8, 2012 after arresting Oliver for possession of crack cocaine. The officers in the discovery provided to the defendant in this case (Trevor Forte) detail that NO promises were made for Oliver's assistance. The officers provide there was only one meeting on November 8, 2012 with Oliver 5. Oliver never provides an actual name of anyone. Oliver only uses a nickname for someone. Oliver has only known the person for 2 or 3 months. Oliver states he is unsure of when this person will arrive in North Carolina. The information provided by Oliver is insufficient to allow the issuance of a search warrant. The information is not proven reliable. The information is not shown to be specific. The information is not shown to be credible. 	
FURTHER AFFIANT SAYETH NAUGHT This the 10th day of August, 2015.	
John F. Criscitiello	
Attorney for Defendant 108 S. Pitt Street	
Greenville, NC 27834	
(252)752-5505 (phone) (252)752-4191 (fax)	
Sworn to and subscribed before me This the 10th day of August 2015 This the 10th day of August 2015	
MINTHAUPE ES LOTARI	
Notary Public My Commission Expires: 3/16/19	

CERTIFICATE OF SERVICE

I, John F. Criscitiello, certify that on the date indicated herein, a copy of this motion was served on the office of the District Attorney for the 3rd Judicial District by hand delivery to said office in the Pitt County Courthouse, Greenville, NC on the date indicated below.

This the 1141 day of August, 2015.

John F. Criscitiello Attorney for Defendant 108 S. Pitt Street Greenville, NC 27834 (252)752-5505 (phone) (252)752-4191 (fax)



-18-

FILE NO(S): 12 CRS 060601

NORTH CAROLINA PITT COUNTY	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION
THE STATE OF NORTH CAROLINA)
V.)) PRETRIAL MOTION PURSUANT) TO) N.C.G.S. § 15A-904
TREVOR FORTE Defendant.))

NOW COMES THE DEFENDANT, by and through undersigned counsel, and moves the Court for the following motion set forth below:

1. The state shall be ordered to provide to the defendant the full name, address, date of birth, and complete criminal record of Omeekaah Willis.

WHEREFORE, Defendant request the Court grant the Pretrial Motion to:

1. Provide to the defendant the full name, address, date of birth, and complete criminal record of Omeekaah Willis.

This the _____ day of August, 2015.

John F. Criscitiello

Attorney for Defendant

108 S. Pitt Street

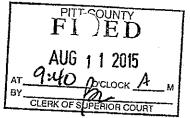
Greenville, NC 27834

(252)752-5505 (phone)

(252)752-4191 (fax)

FILE NO(S): 12 CRS 060601

NORTH CAROLINA PITT COUNTY	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION
THE STATE OF NORTH CAROLINA))) AFFIDAVIT
V.)))
TREVOR FORTE, Defendant.)
 I, JOHN F. CRISCITIELLO, being first duly s That I am the Attorney of Record f The rules of the North Carolina Ge case is entitled to the information r 	or the Defendant in the above captioned matter. neral Statutes provide that the Defendant in this
FURTHER AFFIANT SAYETH NAUGHT	
This the 10 ^{1/1} day of August, 2015.	
	John F. Criscitiello Attorney for Defendant
	108 S. Pitt Street
	Greenville, NC 27834 (252)752-5505 (phone)
Const. I I I II II I	(252)752 4101 (for)
Sworn to and subscribed before me This the 10 th day of August 2015	
Notary Public	PUBLIC PHARAL
My Commission Expires: 3 16 19	TARION S
	PUBLIC SE



-20-

FILE NO(S): 12 CRS 060601

NORTH CAROLINA PITT COUNTY	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION
THE STATE OF NORTH CAROLINA V.)) PRETRIAL MOTION)
TREVOR FORTE Defendant))

NOW COMES THE DEFENDANT, by and through undersigned counsel, and moves the Court for the following motion set forth below:

1. The state shall be ordered to provide to the defendant any and all plea offers extended to Omeekaah Willis.

WHEREFORE, Defendant request the Court grant the Pretrial Motion to:

1. Provide to the defendant any and all plea offers extended to Omeekaah Willis.

This the _____ day of August, 2015.

John F. Criscitiello

Attorney for Defendant

108 S. Pitt Street

Greenville, NC 27834

(252)752-5505 (phone)

(252)752-4191 (fax)

FILE NO(S): 12 CRS 060601

John F. Criscitiello Attorney for Defendant 108 S. Pitt Street Greenville, NC 27834 (252)752-5505 (phone) (252)752-4191 (fax)

NORTH CAROLINA PITT COUNTY	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION
THE STATE OF NORTH CAROLINA)
V.) AFFIDAVIT
TREVOR FORTE, Defendant.)
	or the Defendant in the above captioned matter. neral Statutes provide that the Defendant in this
FURTHER AFFIANT SAYETH NAUGHT	

This the 10¹/₁ day of August, 2015.

Sworn to and subscribed before me This the 10th day of August 2015

Notary Public
My Commission Expires: 3 |16 | 19

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FILED	
AUG 1 1 2015 AT A: MO A O'CLOCK A M	FILE NO(S): 12 CRS 060601
NORTH CAROCIPERA EUPERIOR COURT	IN THE GENERAL COURT OF JUSTICE
PITT COUNTY	SUPERIOR COURT DIVISION
THE STATE OF NORTH CAROLINA)
V .) PRETRIAL MOTION PURSUANT) TO) N.C.G.S. § 15A-904
TREVOR FORTE)
Defendant.)

NOW COMES THE DEFENDANT, by and through undersigned counsel, and moves the Court for the following motion set forth below:

1. The state shall be ordered to provide to the defendant the full name, address, date of birth, and complete criminal record of Michael Oliver.

WHEREFORE, Defendant request the Court grant the Pretrial Motion to:

1. Provide to the defendant the full name, address, date of birth, and complete criminal record of Michael Oliver.

This the _____ day of August, 2015.

John F. Criscitiello

Attorney for Defendant

108 S. Pitt Street

Greenville, NC 27834

(252)752-5505 (phone)

(252)752-4191 (fax)

FILE NO(S): 12 CRS 060601

NORTH CAROLINA PITT COUNTY	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION
THE STATE OF NORTH CAROLINA	}
V.	AFFIDAVIT)
TREVOR FORTE, Defendant.)· ·
 I, JOHN F. CRISCITIELLO, being first duly s 1. That I am the Attorney of Record for 2. The rules of the North Carolina Generate is entitled to the information re 	or the Defendant in the above captioned matter. neral Statutes provide that the Defendant in this
FURTHER AFFIANT SAYETH NAUGHT	
This the 10^{10} day of August, 2015.	
	John F. Criscitiello Attorney for Defendant
	108 S. Pitt.Street Greenville, NC 27834
	(252)752-5505 (phone) (252)752-4191 (fax)
Sworn to and subscribed before me This the 10 th day of August 2015	
Notary Public	(252)/52-4191 (fax) LINIE P HAROGOLIA PUBLIC PUBLIC A COMMENT OF THE PUBLIC COMMENT
My Commission Expires: 3 16 19	NAPL STARL
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FILED	
AUG 1 1 2015 AT 4:40 PCLOCK A M	FILE NO(S): 12 CRS 060601
NORTH CAROLIN CLERK OF SUPERIOR COURT	IN THE GENERAL COURT OF JUSTICE
PITT COUNTY	SUPERIOR COURT DIVISION
THE STATE OF NORTH CAROLINA)
) MOTION TO SUPRESS
V.) MOTION TO BUILDED
) · · · · · ·
) .
TREVOR FORTE	
Defendant.)

NOW COMES THE DEFENDANT, by and through undersigned counsel, and moves the Court for the following motion set forth below:

1. The state shall be ordered to suppress any seizures, arrest, detentions, and wire taps of Trevor Forte based on information provided by Michael Oliver.

WHEREFORE, Defendant request the Court grant the Pretrial Motion to:

1. The state shall suppress any seizures, arrest, detentions, and wire taps of Trevor Forte based on information provided by Michael Oliver.

This the 10 day of August, 2015.

John F. Criscitiello

Attorney for Defendant

108 S. Pitt Street

Greenville, NC 27834

(252)7.52-5505 (phone)

(252)752-4191 (fax)

FILE NO(S): 12 CRS 060601

NORTH CAROLINA PITT COUNTY	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION
THE STATE OF NORTH CAROLINA)
V.) AFFIDAVIT))
TREVOR FORTE, Defendant.)
 That Officer D. S. Cottingham and interviewed Michael Oliver on Nov possession of crack cocaine. The officers in the discovery provide detail that NO promises were made The officers provide there was only Oliver never provides an actual nan Oliver only uses a nickname for sor Oliver has only known the person f Oliver states he is unsure of when t 	or the Defendant in the above captioned matter. C. Espinoza, Greenville Police Department vember 8, 2012 after arresting Oliver for led to the defendant in this case (Trevor Forte) for Oliver's assistance. To one meeting on November 8, 2012 with Oliver. The of anyone. The meone. For 2 or 3 months. This person will arrive in North Carolina. This insufficient to allow the issuance of a search ble. Specific.
FURTHER AFFIANT SAYETH NAUGHT	
This the 10th day of August, 2015.	A)
	John F. Criscitiello Attorney for Defendant 108 S. Pitt Street Greenville, NC 27834 (252)752-5505 (phone) (252)752-4191 (fax)
Sworn to and subscribed before me This the 10 ¹⁰ day of August 2015	
Sworn to and subscribed before me This the 10th day of August 2015 Notary Public My Commission Expires: 3 16 19	HEP HARORDILL
My Commission Expires: 3/16/19	NBLIC OF

CERTIFICATE OF SERVICE

I, John F. Criscitiello, certify that on the date indicated herein, a copy of this motion was served on the office of the District Attorney for the 3rd Judicial District by hand delivery to said office in the Pitt County Courthouse, Greenville, NC on the date indicated below.

This the 1140 day of August, 2015.

John F. Criscitiello Attorney for Defendant 108 S. Pitt Street Greenville, NC 27834 (252)752-5505 (phone) (252)752-4191 (fax) ***************

TRANSCRIPT METHOD

Pursuant to Appellate Rule 9(c)(2), the complete stenographic transcript of the proceedings in this matter are designated in this Record on Appeal.

The complete trial transcript consists of three hundred twenty-three (323) pages, taken over three (3) days by Ms.

Miriam G. Dutton, Official Court Reporter. For purposes of this appeal, when citing from the trial transcript, the parties will specifically identify the page number being referenced, as follows: Tp. 1 - Tpp. 323.

Pursuant to Appellate Rule 7(b)(2), counsel for the Defendant-Appellant will promptly notify the court reporter, Ms. Miriam G. Dutton, when the Record on Appeal has been settled and docketed with the North Carolina Court of Appeals. Upon receipt of the assigned docket number by the Court of Appeals, counsel for the Defendant-Appellant will provide said docket number to the court reporter, and request the court reporter to electronically file said trial transcript with the North Carolina Court of Appeals using the docket number assigned.

STATE OF NORTH CAROLINA COUNTY OF PITT 2015 AUG 25 AH 7: 26

FILE NO.: 12 CRS 060601

PITT COUNTY, C.S.C.

STATE OF NORTH CAROLINA

VS.

ORDER STOP OF VEHICLE

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

TREVOR WILKS FORTE,
Defendant

This matter coming on to be heard before the undersigned Superior Court Judge presiding at the August 10, 2015 criminal session of Superior Court of Pitt County, Judicial District 3A, upon the Defendant's Motion to Suppress a pen register order and evidence seized as a result of a stop and search of a vehicle the defendant was a passenger in on November 12, 2012. The matter having been called for trial and this motion having been heard outside the presence of the jury, the Court having heard the evidence, considered the credibility of the witnesses and the weight to be given to the evidence finds:

FINDINGS OF FACT

- 1. On November 8th, 2012, Officer Charles Espinoza came in contact with Kesonga Michael Oliver, hereinafter "Mr. Oliver" for drug possession.
- 2. At that time, Mr. Oliver informed Officer Espinoza that he had information about the transportation of heroin from New York to North Carolina.
- 3. Officer Espinoza called Detective Steven Cottingham, a veteran of the Greenville Police Department and member of the Greenville Regional Drug Task Force for over six years.
- 4. Mr. Oliver met with Detective S. Cottingham on November 8th, 2012 at approximately 9:30 p.m.
- 5. At this time, Mr. Oliver told Detective Cottingham he had been selling bundles of heroin in the New Town housing projects for two to three months.
- 6. Mr. Oliver went on to say he purchased heroin from a shorter brown skinned male from New York that he knew as "Roam," continuing to incriminate himself with his involvement in drug sales and possession with his statements.

- 7. Mr. Oliver stated he purchased the heroin from "Roam" every two days for about two to three months by the brick.
- 8. He stated the phone number that belonged to "Roam" was 347-633-8337 and "Roam" would always call Mr. Oliver from this number.
- 9. Mr. Oliver told Detective Cottingham that he usually would give "Roam" \$2500 to put in on the heroin and sometimes helps "Roam" purchase a rental car for the trip.
- 10. Mr. Oliver stated that "Roam" went to New York for one day and the beginning of November and came back with approximately 400 bundles of heroin.
- 11. Mr. Oliver told Detective Cottingham "Roam" would come down with the heroin, they would meet at a local hotel on Memorial Drive and he would purchase the heroin from him there to distribute.
- 12. On November 10th, 2012, Mr. Oliver called Detective Cottingham, informing him that "Roam" called from 347-633-8337, the number he always called from, and stated he was in New York and would be returning soon with heroin.
- 13. Mr. Oliver then told Detective Cottingham that "Roam" told him he would be driving a car that belonged to a local white heroin user named Hamilton.
- 14. Mr. Oliver informed Detective Cottingham that Hamilton was currently locked up in the Pitt County Detention Center.
- 15. Mr. Oliver stated "Roam" would be driving a small black Hyundai or Honda hatchback vehicle.
- 16. Mr. Oliver stated the small black hatchback would have a rope holding the hood down and "Roam" would be the passenger and a black female would be driving.
- 17. Mr. Oliver stated "Roam" owed Oliver \$1,000 worth of heroin, so part of what is on him would be Oliver's.
- 18. Mr. Oliver stated that "Roam always calls him right before he gets on the road traveling back to North Carolina.
- 19. Mr. Oliver stated that "Roam" would get suspicious if he calls too much.
- 20. Mr. Oliver state that "Roam" would be coming in the early morning hours and would be distributing the heroin from a local Hotel room and would be calling before arrive at the hotel.
- 21. With this information, Detective Cottingham applied for a pen register for GPS location on phone number 347-633-8337.

- 22. The late Judge Clifton W. Everett, Jr., Superior Court Judge, signed the order authorizing the pen register for phone number 347-633-8337.
- 23. That officer Espinoza observed the black Hyundai vehicle following another vehicle too closely in violation of Chapter 20 of the North Carolina General Statutes.

CONCLUSIONS OF LAW

- 1. That the Court has jurisdiction of the parties and subject matter of this case.
- 2. That Officer Espinoza had reasonable suspicion based on articulable facts that the vehicle was carrying a controlled substance, and further that the vehicle was following another vehicle too closely in violation of Chapter 20 of North Carolina General Statutes.
- 3. That pursuant to N.C.G.S. 15A-263, the Order authorizing the pen register was properly issued.

<u>ORDER</u>

THEREFORE, IT IS HEREBY ORDERED that the defendant's Motion to Suppress the stop is denied.

This the 18th day of August, 2015.

Wayland J. Sermons, Jr.

Superior Court Judge Presiding

STATE OF NORTH CAROLINA **COUNTY OF PITT**

FILED

IN THE GENERAL COURT OF JUSTICE 2015 AUG 25 AH 7: SUPERIOR COURT DIVISION FILE NO.: 12 CRS 060601

PITT COUNTY, C.S.C.

STATE OF NORTH CAROLINA

VS.

ORDER SEARCH OF VEHICLE

TREVOR WILKS FORTE, Defendant

This matter coming on to be heard before the undersigned Superior Court Judge presiding at the August 10, 2015 Criminal Session of Superior Court of Pitt County, Judicial District 3A, upon the Defendant's Motion to Suppress evidence seized pursuant to a traffic stop and search of the vehicle the defendant was a passenger in on November 12, 2015. The matter having been called for trial and this motion having been heard outside the presence of the jury, and the Court having heard the evidence, considered the credibility of the witnesses and the weight to be given to the evidence finds:

FINDINGS OF FACT

- 1. On November 8th, 2012, Officer Charles Espinoza came in contact with Kesonga Oliver, hereinafter "Mr. Oliver" for drug possession.
- 2. At that time, Mr. Oliver informed Officer Espinoza that he had information about the transportation of heroin from New York to North Carolina.
- 3. Officer Espinoza called Detective Steven Cottingham, a veteran of the Greenville Police Department of over seven years, a member of the Greenville Regional Drug Task Force.
- 4. Mr. Oliver met with Detective S. Cottingham on November 8th, 2012 at approximately 9:30 p.m.
- 5. At this time, Mr. Oliver told Detective Cottingham he had been selling bundles of heroin in the New Town housing projects for two to three months.
- 6. Mr. Oliver went on to say he purchased heroin from a shorter brown skinned male from New York that he knew as "Roam," continuing to incriminate himself with his involvement in drug sales and possession with his statements.

- 7. Mr. Oliver stated he purchased the heroin from "Roam" every two days for about two to three months by the brick.
- 8. He stated the phone number that belonged to "Roam" was 347-633-8337 and "Roam" would always call Mr. Oliver from this number.
- 9. Mr. Oliver told Detective Cottingham that he usually would give "Roam" \$2500 to put in on the heroin and sometimes helps "Roam" purchase a rental car for the trip.
- 10. Mr. Oliver stated that "Roam" went to New York for one day and the beginning of November and came back with approximately 400 bundles of heroin.
- 11. Mr. Oliver told Detective Cottingham "Roam" would come down with the heroin, they would meet at a local hotel on Memorial Drive and he would purchase the heroin from him there to distribute.
- 12. On November 10th, 2012, Mr. Oliver called Detective Cottingham, informing him that "Roam" called from 347-633-8337, the number he always called from, and stated he was in New York and would be returning soon with heroin.
- 13. Mr. Oliver then told Detective Cottingham that "Roam" told him he would be driving a car that belonged to a local white heroin user named Hamilton.
- 14. Mr. Oliver informed Detective Cottingham that Hamilton was currently locked up in the Pitt County Detention Center.
- 15. Mr. Oliver stated "Roam" would be driving a small black Hyundai or Honda hatchback vehicle.
- 16. Mr. Oliver stated the small black hatchback would have a rope holding the hood down and "Roam" would be the passenger and a black female would be driving.
- 17. Mr. Oliver stated "Roam" owed Oliver \$1,000 worth of heroin, so part of what is on him would be Oliver's.
- 18. Mr. Oliver stated that "Roam always calls him right before he gets on the road traveling back to North Carolina.
- 19. Mr. Oliver stated that "Roam" would get suspicious if he calls too much.
- 20. Mr. Oliver state that "Roam" would be coming in the early morning hours and would be distributing the heroin from a local Hotel room and would be calling before arrive at the hotel.
- 21. With this information, Detective Cottingham obtained a search warrant for GPS location on 347-633-8337.

- 22. The late Judge Clifton W. Everett, Jr., Superior Court Judge, signed the search warrant for Detective Cottingham.
- 23. GPS location showed the phone leaving New York on early morning of November 12, 2012.
- 24. At 6:01 a.m., Detective Cottingham was notified that GPS location of 347-633-8337 was in Virginia traveling towards North Carolina.
- 25. At 6:45 a.m., Mr. Oliver called Detective Cottingham informing him that "Roam" just called from 347-633-8337 advising he was thirty minutes from Greenville.
- At 7:50 a.m., a black Hyundai hatchback, matching the description of the vehicle described by Mr. Oliver, with a black female driving and black male in the passenger area, was located on Highway 11 North near Highway 264.
- 27. At 7:57 a.m., Officer Espinoza and K-9 Handler Detective Mclaughlin conducted a traffic stop for following too closely on North Memorial Drive. The vehicle continued in a forward motion for "a while" prior to stopping for the marked patrol unit.
- 28. Officers approached the car and spoke with the female driver, Omeekah Willis. The defendant was the passenger in the car.
- 29. The officers requested permission to search the car from the driver, which was initially granted by the driver Omeekah Willis. She later revoked her oral consent by refusing to sign a written consent to search form.
- 30. That Detective Mclaughlin led his K-9 around the vehicle, the K-9 was properly trained and certified to detect the controlled substance of heroin, and other controlled substances.
- 31. That upon passing the driver's side of the vehicle, the K-9 alerted and jumped completely inside the vehicle, and began pawing on the rear driver's side passenger seat.
- 32. That upon examination, Detective Mclaughlin located a quantity of heroin packaged in 1000 bundles.
- That there was not any substantial delay of the defendant or the driver prior to the use of the K-9.
- 34. The defendant has not asserted an ownership nor a possessory interest in the vehicle.
- 35. The defendant has not asserted an ownership nor a possessory interest in the items of evidence seized.

CONCLUSIONS OF LAW

- 1. That the Court has jurisdiction of the parties and subject matter of this case.
- 2. That there existed probable cause to search the vehicle without a warrant.
- 3. That the Defendant lacked standing to challenge the search of the vehicle in which he was a passenger.

ORDER

THEREFORE, IT IS HEREBY ORDERED that the defendant's Motion to Suppress is denied.

This the 18th day of August, 2015.

Wayland J. Sermons, Jr.

Superior Court Judge Presiding

STA	TE OF	NORT	d CAROLI	NA			•	≒ile No.			12CRS06060		
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☐ Plair	ntiff's Attorney	$\overline{\mathbb{X}}$	Prosecutor	Party		Defendan	t's Attorney		Party				
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STATE OF NORTH CAROLINA COUNTY OF PITT

IN THE GENERAL COURT JUSTICE - SUPERIOR COURT DIVISION

APPLICATION FOR PEN REGISTER/TRAP AND TRACE AND DISCLOSURE OF RECORDS AND OTHER INFORMATION PURSUANT TO 18 USC § 3123 AND 2703(d)

NOW COMES Detective Steven Cottingham of the Greenville Police Department, and duly assigned as a deputized Task Force Officer with the U.S. Drug Enforcement Administration (DEA), petitions the Court to authorize the installation and use of a pen register / trap and trace, to include Global Positioning Location (GPS) information, by personnel of the Greenville Police Department, the North Carolina State Bureau of Investigation, and the U.S. Drug Enforcement Administration (DEA), and obtain "records and other information sought" on the TARGET TELEPHONE(S)/INTERNET DEVICE(S) assigned T- MOBILE USA phone number 347-633-8337, which hereafter referred to as the TARGET TELEPHONE(S)/INTERNET DEVICE(S), pursuant to N.C.G.S. § 15A-260-263.

The "records and other information sought" pursuant to 18 U.S.C. § 2703(d) for the TARGET TELEPHONE(S)/INTERNET DEVICE(S) and other devices, of whatever type, with which the TARGET TELEPHONE(S)/INTERNET DEVICE(S) communicates includes records such as all published and non published subscriber records, call detail records, data detail records, internet protocol (IP) addresses, media access control (MAC) addresses, text or short message service records, telephone toll records, direct connect records, cellular tower and originating, handover and terminating cell site and sector information to include towers, switches, Global Positioning Location (GPS) without geographical limitations within the United States, timing advance, geolocation service, triangulation, real time call detail records with coordinating real time cell site location information, historical call detail records to include cell site location information, historical IP address information, per call measurement data (PCMD), evolution data optimized (EVDO) and any other relevant information pertaining to telephone numbers associated with telephones, digital display devices, internet devices and mobile telephones utilized.

In support of this application, the following facts are presented:

- 1. That FNU LNU AKA ROAM and members of his drug trafficking organization (DTO) are the subjects of an ongoing criminal investigation being conducted by the Greenville Police Department, the North Carolina State Bureau of Investigation, and the U.S. Drug Enforcement Administration (DEA).
- 2. That there is probable cause to believe that FNU LNU AKA ROAM uses and/or possesses the TARGET TELEPHONE(S)/INTERNET DEVICE(S), to aid in the commission of a criminal offense, and in a manner which would provide evidence of a criminal offense, in Violations of the North Carolina Controlled Substance Laws which is/are set forth in N.C.G.S. 90-95, and is punishable by more than one (1) year in the State's prison.

3. The facts that establish probable cause are:

Probable cause exists to believe that the pen register / trap and trace device and "records and other information sought", to include GPS information, for the TARGET TELEPHONE(S)/INTERNET DEVICE(S) will lead to evidence of offenses involving FNU LNU AKA ROAM and that FNU LNU AKA ROAM is in violation of state and federal drug laws (TARGET OFFENSES).

For the reasons set out in this affidavit, there is probable cause to believe that the TARGET OFFENSES have been committed, are being committed, and/or will continue to be committed by FNU LNU AKA ROAM and members of his DTO. Furthermore, there is probable cause to believe that FNU LNU AKA ROAM is using the TARGET TELEPHONE(S)/INTERNET DEVICE(S) to commit the TARGET OFFENSES.

DEA Raleigh, in conjunction with numerous state and local agencies, continues to investigate individuals and drug trafficking organizations (DTOs) involved in the smuggling, manufacturing, and distribution of controlled substances within the Eastern District of North Carolina, New York and elsewhere. To investigate DTOs, law enforcement frequently utilize techniques such pen register/trap and trace orders which authorize the use of GPS information (like the instant request), court-authorized wire intercepts, undercover operations, consensually-recorded conversations, and physical surveillance. In your affiant's training and experience, I am aware that DTO members commonly communicate with each other via cellular telephones to coordinate the transportation and distribution of controlled substances.

On November 8, 2012 Greenville Regional Drug Task Force and the Pitt County Sheriff's Office along with the State Bureau of Investigation received information from a cooperating witness about FNU LNU AKA ROAM a black male from New York who goes by the nick name ROAM. This subject has been supplying this cooperating witness with large amounts of heroin for several months. The cooperating witness stated that FNU LNU AKA ROAM contacts him via TARGET TELEPHONE advising when he wants him to come and purchase a heroin. The cooperating witness also stated that FNU LNU AKA ROMA has been traveling up to New York every 8 to 10 days and returning to Greenville, North Carolina with large quantities of heroin.

Also on November 10, 2012 agents / officers received information from this cooperating witness that FNU LNU AKA ROAM left Greenville traveling to New York in order to purchase a large quantity of heroin. FNU LNU AKA ROAM advised the cooperating witness he would be returning in 1 or 2 days with heroin for the cooperating witness to purchase.

Additionally, all of the TARGET TELEPHONE(S)/INTERNET DEVICE(S) are being used by or in direct control by FNU LNU AKA ROAM.

Agents / officers believe that FNU LNU AKA ROAM is a probable source of supply for several drug traffickers in the Greenville, North Carolina area. Agents / officers also believe that FNU LNU AKA ROAM is selling heroin from several Hotels in the Greenville, North Carolina area.

GPS information and other information obtained pursuant to this court authorized pen register/trap and trace order will assist law enforcement with this investigation.

- 4. THAT IN THE INTEREST OF JUSTICE and the enforcement of the laws of the state of North Carolina, it is necessary to establish a pen register/trap and trace and obtain "records and other information sought" on the TARGET TELEPHONE(S)/INTERNET DEVICE(S), in furtherance of this investigation. Such installation and use of a pen register/trap and trace by law enforcement is pursuant to 18 U.S.C. § 3123 and N.C.G.S. § 15A-263, and the information likely to be obtained is relevant to an ongoing criminal investigation being conducted by the Greenville Police Department, the North Carolina State Bureau of Investigation, and the U.S. Drug Enforcement Administration (DEA).
- 5. That should the existence of this investigation, application, or any subsequent orders of the Court become known by the subscriber or any other persons, it could jeopardize this investigation and obstruct the enforcement of the laws of the state of North Carolina.

For the reasons stated above, it is respectfully requested, that the Greenville Police Department, the North Carolina State Bureau of Investigation, and the U.S. Drug Enforcement Administration (DEA) and/or any other agency designated by the Greenville Police Department, the North Carolina State Bureau of Investigation, and the U.S. Drug Enforcement Administration (DEA), to include the FBI and U.S. Secret Service, be authorized to install a pen register/trap and trace and obtain "records and other information sought" related to the telephone, data, internet and/or short message service of TARGET TELEPHONE(S)/INTERNET DEVICE(S).

Respectfully submitted, this the // day of November, 2012.
Applicant's Signature
Det. Steven Cottingham
Applicant's Title and Printed Name
Sworn to and subscribed before me this the day of November, 2012.
Cliffer W. Zueren
Superior Court Judge's Signature
CLIFRON W. Everett, Jr.

Superior Court Judge's Printed Name

STATE OF NORTH CAROLINA COUNTY OF PITT

IN THE GENERAL COURT OF JUSTICE - SUPERIOR COURT DIVISION

ORDER AUTHORIZING PEN REGISTER/TRAP AND TRACE AND DISCLOSURE OF RECORDS AND OTHER INFORMATION PURSUANT TO 18 USC § 3123 and 2703(d)

THIS MATTER coming before the court on November 11, 2012, before the undersigned Judge of the Superior Court of North Carolina, pursuant to N.C.G.S. § 15A-263 and supported by the sworn affidavit of Detective Steven Cottingham of the Greenville Police Department and duly assigned as a deputized Task Force Officer with the U.S. Drug Enforcement Administration (DEA). Based on the foregoing there is probable cause to believe:

- 1. That FNU LNU AKA ROAM is utilizing phone number 347-633-8337, issued by T-MOBILE USA, hereafter referred to as the TARGET TELEPHONE(S)/INTERNET DEVICE(S), and is the subject of a criminal investigation being conducted by the Greenville Police Department, the North Carolina State Bureau of Investigation, and the U.S. Drug Enforcement Administration (DEA), and there is probable cause to believe that FNU LNU AKA ROAM has committed, is committing, and/or will continue to commit in the future the crime(s) of Violations of the North Carolina Controlled Substance Laws which is/are set forth in N.C.G.S. 90-95 which are predicate offenses for the installation and use of a pen register/trap and trace pursuant to North Carolina law; and
- 2. That the results of the installation and use of a pen register/trap and trace and "records and other information sought" will provide corroborating and collateral evidence which will be of material aid in determining whether FNU LNU AKA ROAM committed the offense(s) listed in ¶ 1; and
- 3. That FNU LNU AKA ROAM is using the TARGET TELEPHONE(S)/INTERNET DEVICE(S) to further the crime(s) of Violations of the North Carolina Controlled Substance Laws which is/are set forth in N.C.G.S. 90-95; and
- 4. That pursuant to the aforementioned sworn affidavit an ORDER AUTHORIZING A PEN REGISTER/TRAP and TRACE has been issued by the undersigned judge authorizing the installation and use of a pen register/trap and trace for the TARGET TELEPHONE(S)/INTERNET DEVICE(S), this the 11th day of November, 2012; and
- 5. That, in addition to the installation and use of a pen register/trap and trace for the cellular telephone mentioned in ¶1, there are reasonable grounds and probable cause to believe that "records and other information sought" related to the TARGET TELEPHONE(S)/INTERNET DEVICE(S) and other devices, of whatever type, with which the TARGET TELEPHONE(S)/INTERNET DEVICE(S) communicates are relevant and material to this ongoing criminal investigation; and

- 6. That the "records and other information sought" pursuant to 18 U.S.C. § 2703(d) for the TARGET TELEPHONE(S)/INTERNET DEVICE(S) and other devices, of whatever type, with which the TARGET TELEPHONE(S)/INTERNET DEVICE(S) communicates includes records such as all published and non published subscriber records, call detail records, data detail records, internet protocol (IP) addresses, media access control (MAC) addresses, text or short message service records, telephone toll records, direct connect records, cellular tower and originating, handover and terminating cell site and sector information to include towers, switches, Global Positioning Location (GPS) without geographical limitations within the United States, timing advance, geolocation service, triangulation, real time call detail records with coordinating real time cell site location information, historical call detail records to include cell site location information, historical IP address information, per call measurement data (PCMD), evolution data optimized (EVDO) and any other relevant information pertaining to telephone numbers associated with telephones, digital display devices, internet devices and mobile telephones utilized; and
- 7. That a court order, such as this, is not prohibited by state law, as set forth in 18 U.S.C. § 2703(d).

IT IS HEREBY ORDERED, PURSUANT TO 18 U.S.C. § 2703(d), 3122 - 3127 and N.C.G.S. § 15A 260 - 264:

- 1. That the Greenville Police Department, the North Carolina State Bureau of Investigation, and the U.S. Drug Enforcement Administration (DEA), are authorized to install and use a pen register/trap and trace on the phone, data, message and/or internet service of the TARGET TELEPHONE(S)/INTERNET DEVICE(S).
- 2. That the authorization apply not only to the TARGET TELEPHONE(S)/INTERNET DEVICE(S) listed above, but also to any changed telephone number subsequently assigned to the same user or cellular / wireless telephone, and that should the cellular / wireless electronic serial number (ESN), International Mobile Equipment Identity (IMEI), International Mobile Subscriber Identity (IMSI), Mobile Subscriber Identifier (MSID), Mobile Equipment Identifier (MEID), Mobile Identification Number (MIN), Mobile Dialed Number (MDN), MAC address or any other unique identification assigned or associated with the TARGET TELEPHONE(S)/INTERNET DEVICE(S), be changed during the course of this order, that this order shall apply to any new ESN, IMEI, IMSI, MSID, MEID, MIN, MDN, MAC address or any other unique identification assigned or associated with the TARGET TELEPHONE(S)/INTERNET DEVICE(S), as well if the TARGET TELEPHONE(S)/INTERNET DEVICE(S) roams and/or receives service on another electronic communications providers network.
- 3. That any and all providers of electronic communications services as defined pursuant to N.C.G.S. § 15A-286(9) or 18 U.S.C. § 2519(15) shall disclose to the Greenville Police Department, the North Carolina State Bureau of Investigation, and the U.S. Drug Enforcement Administration (DEA) or other officer as directed by the Greenville Police Department, the North Carolina State Bureau of Investigation, and the U.S. Drug Enforcement Administration

- (DEA), to include the FBI and the U.S. Secret Service, all published and non published subscriber records, call detail and data detail records, text or short message service records, IP addresses, telephone toll records, direct connect records, cellular tower and originating, handover and terminating cell site and sector information to include towers, switches, Global Positioning Location (GPS) without geographical limitations within the United States, timing advance, geolocation service, triangulation, E911, real time call detail records with coordinating real time cell site location information, historical call detail records to include cell site location information, IP address history, per call measurement data (PCMD), evolution data optimized (EVDO), and other information relevant to the TARGET TELEPHONE(S)/INTERNET DEVICE(S) and other devices of whatever type with which the TARGET TELEPHONE(S)/INTERNET DEVICE(S) communicates, which may be requested in furtherance of this investigation.
- 4. That any and all providers of electronic communications services as defined pursuant to N.C.G.S. § 15A-286(9) or 18 U.S.C. § 2519(15), provide to the Greenville Police Department, the North Carolina State Bureau of Investigation, and the U.S. Drug Enforcement Administration (DEA) or other officer as directed by the Greenville Police Department, the North Carolina State Bureau of Investigation, and the U.S. Drug Enforcement Administration (DEA), to include the FBI and U.S. Secret Service, call, data, internet and text detail records with cell site information (including towers, sectors, IP addresses, PCMD, EVDO data and timing advance) for the TARGET TELEPHONE and other devices of whatever type with which TARGET TELEPHONE communicates, which may be requested in furtherance of this investigation dating back to 30 days prior to the signing of this order to the expiration of this order.
- 5. That the service provider provide information consistent with, but not limited to, CALEA standards concerning numbers dialed, incoming numbers, call durations, speed dial memory numbers, special calling services, signaling information, and cell site activation.
- 6. That the service provider provide information concerning cell site tower location by latitude and longitude and the directional orientation of the tower faces in an electronic Microsoft Excel spreadsheet format.
- 7. That any and all providers of electronic communications services as defined pursuant to N.C.G.S. § 15A-286(9) or 18 U.S.C. § 2519(15) shall provide to the Greenville Police Department, the North Carolina State Bureau of Investigation, and the U.S. Drug Enforcement Administration (DEA) or other officer as directed by the Greenville Police Department, the North Carolina State Bureau of Investigation, and the U.S. Drug Enforcement Administration (DEA), any and all information, facilities, and technical assistance necessary to accomplish this installation unobtrusively and with minimum interference to the subscriber's service, and that the normal operation of the subscriber's service shall not be interrupted, pursuant to 18 U.S.C. § 3124 and N.C.G.S. § 15A-264.
- 8. That the service provider is to be compensated by the requesting party for reasonable expenses incurred in securing such records and/or information.
- 9. That the service provider provide uninterrupted service to the TARGET

TELEPHONE(S)/INTERNET DEVICE(S) and not disconnect service to the TARGET TELEPHONE(S)/INTERNET DEVICE(S) for any reason to include failure to pay on account by the account holder unless approved by the Greenville Police Department, the North Carolina State Bureau of Investigation, and the U.S. Drug Enforcement Administration (DEA).

- That this ORDER authorizing the installation and use of the pen register/trap and trace and the furnishing of said records / and or information shall become effective on the date of installation and shall terminate sixty (60) days from the installation of the pen register/trap and trace on the TARGET TELEPHONE.
- 10. That this ORDER is to be sealed except for service upon members that have a need to know of the Greenville Police Department, the North Carolina State Bureau of Investigation, and the U.S. Drug Enforcement Administration (DEA), the District Attorney's Office and the U.S. Attorney's Office, and the electronic communications service provider being requested to provide "records and other information sought", and, to avoid prejudice to the criminal investigation, that the electronic service provider and its agents, employees, contractors, or subcontractors shall not disclose or cause to be disclosed the existence of this ORDER or the request for assistance or the existence of this investigation to any person other than those of its agents, employees, contractors, or subcontractors who require this information to accomplish the services, records, or information hereby ordered, unless and until otherwise ordered by the judge. In particular, no such disclosure shall be made to a lessee, telephone subscriber, or any party owning, leasing or utilizing the line to which the pen register/trap and trace is attached.

This the 11² day of November, 2012.

Superior Court Judge' Signature
CLIFFON W. EVerett, Jr.

Superior Court Judge's Name

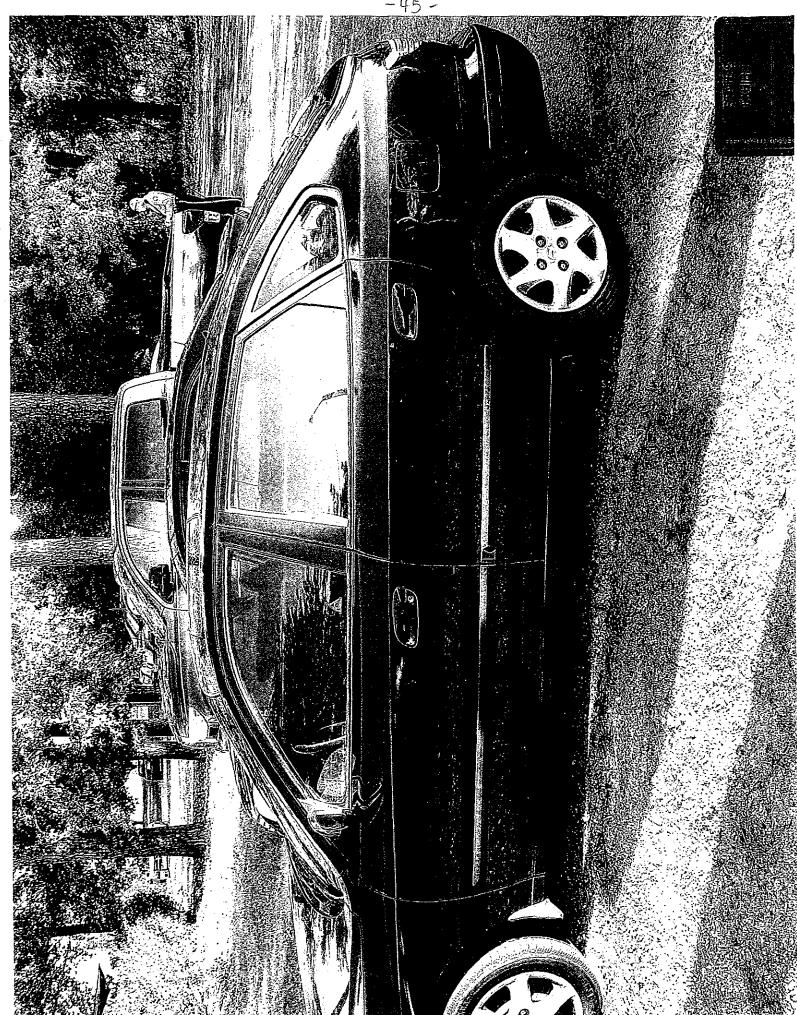
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AOC-G-150, Rev. 6/12 © 2012 Administrative Office of the Courts

Exhibit No.	Description And Notes, If Applicable	Date Offered (1)	Date Admitted	Biological (2) (√)	Collecting Agency (3)	Item Received Or Retained By (4)
S-9A	Bindles shredded by Kuzemko to get heroin out for testing	08/11/15	08/11/15			
S-9B	15.68g of heroin not analyzed by Kuzemko	08/11/15	08/11/15	-		
S-9C	.25g of heroin analyzed by Kuzemko	08/11/15	08/11/15			
S-10	Envelope containing cell phone of Defendant	08/11/15	08/11/15			
S-10A	Cell phone of Defendant	08/11/15	08/1-1/15			
S-11	Form used to advise Defendant of his rights prior to questioning	08/11/15	08/11/15			
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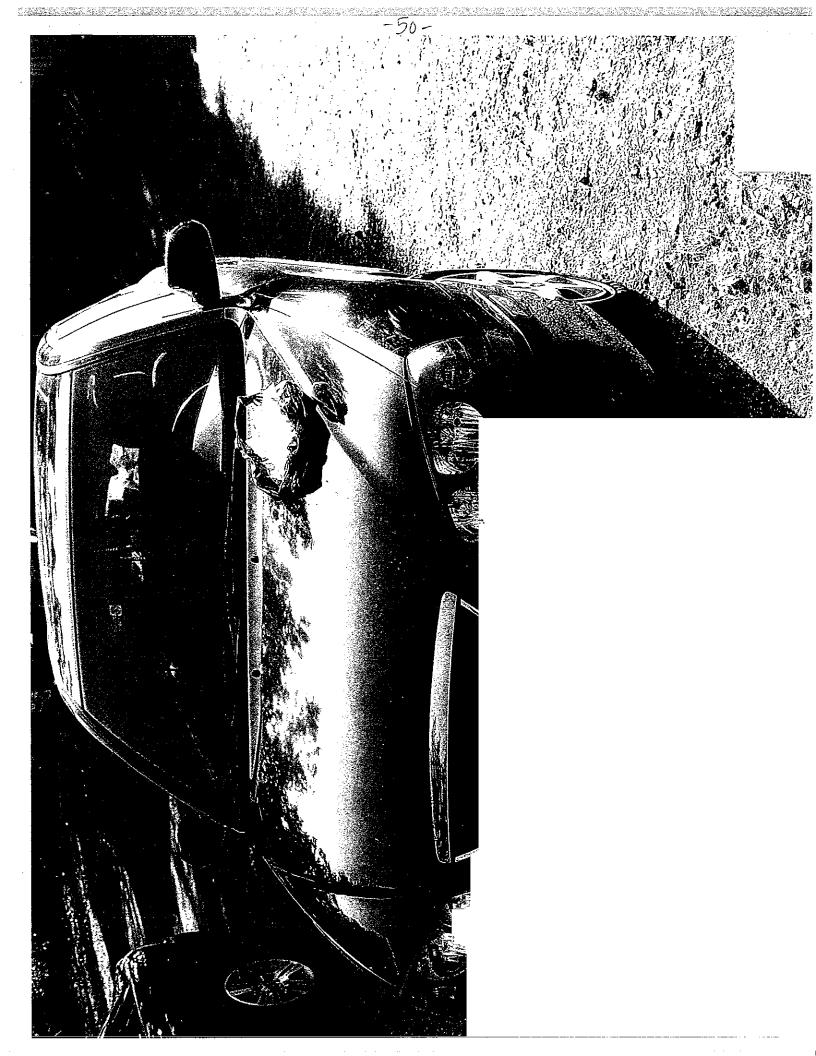
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If item not admitted or retained by counsel or party, Clerk may add any relevant information as a note.
 If exhibit is found "reasonably likely to contain biological evidence," as provided in G.S. 15A-268(a3), indicate it here.
 Indicate here the agency identified by the court as the "collecting agency" for biological evidence.
 Clerk's initials go in this column, or name of counsel or party.









GREENVILLE POLICE DEPARTMENT

MIRANDA WARNING

Time 94 am Pate	<u>/</u> 2
 Anything you say can be used against you in court Do you understand these rights? Yes No	
• Do you understand these rights? Yes _ No	
· ·	
Do you want to speak to me? Yes No No	
• IF NO, DO NOT GO ANY FURTHER. SIGN AT THE BOTTOM.	
 You have the right to talk to a lawyer and to have one present during question 	ing
 If you want a lawyer, before during questioning but cannot afford to hire a law one will be appointed to represent you at no cost before any questioning. 	yer,
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TROUGH FORSO Officer Officer	
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Members of the jury, you have heard the evidence and the arguments of counsel. If your recollection of the evidence differs from that of the district attorney, or of the defense attorney, you are to rely solely upon your recollection. Your duty is to remember the evidence whether called to your attention or not.

You should consider all the evidence, arguments, contentions and positions urged by the attorneys and any other contention that arises from the evidence; and using your common sense you must determine the truth in this case.

The law requires the presiding judge to be impartial. You should not infer from any statement I have made or question I have asked that any of the evidence is to be believed or disbelieved, that a fact has been proved or what your findings ought to be. It is your duty to find the facts and to render a verdict reflecting the truth. You must be unanimous in your decision. All twelve jurors must agree.

After reaching the jury room your first order of business is to select your foreperson. You may begin your deliberations when the bailiff delivers the verdict forms to you. Your foreperson should lead the deliberations. When you have unanimously agreed upon a verdict as to each charge and are ready to announce them your foreperson should record your

verdicts, sign and date the verdict forms, and notify the bailiff by knocking on the jury room door. You will be returned to the courtroom and your verdict will be announced.

Thank you. You may retire and select your foreperson.

Members of the jury: All of the evidence has been presented. It is now your duty to decide from this evidence what the facts are. You must then apply the law which I am about to give you to those facts. It is absolutely necessary that you understand and apply the law as I give it to you, and not as you think it is, or as you might like it to be. This is important because justice requires that everyone tried for the same crime be treated in the same way, and have the same law applied to him.

The defendant has entered a plea of "not guilty. "The fact that the defendant has been indicted is no evidence of guilt. Under our system of justice, when a defendant pleads "not guilty," the defendant is not required to prove the defendant's innocence; the defendant is presumed to be innocent. The State must prove to you that the defendant is guilty beyond a reasonable doubt.

A reasonable doubt is a doubt based on reason and common sense, arising out of some or all of the evidence that has been presented, or lack or insufficiency of the evidence, as the case may be. Proof beyond a reasonable doubt is proof that fully satisfies or entirely convinces you of the defendant's guilt.

You are the sole judges of the credibility, that is, the believability, of each witness.

You must decide for yourselves whether to believe the testimony of any witness. You may believe all, or any part, or none of what a witness has said on the stand. In determining whether to believe any witness you should apply the same tests of truthfulness which you apply in your everyday affairs. These tests may include, among other things: the opportunity of the witness to see, hear, know, or remember the facts or occurrences about which he testified; the manner and appearance of the witness; any interest, bias, or prejudice the witness may have; the apparent understanding and fairness of the witness; whether the testimony is reasonable; and whether the testimony is consistent with other believable evidence in the case.

You are the sole judges of the weight to be given any evidence. By this I mean, if you decide that certain evidence is believable you must then determine the importance of that evidence in light of all other believable evidence in the case.

There are two types of evidence from which you may find the truth as to the facts of a case--direct and circumstantial evidence. Direct evidence is the testimony of one who asserts actual knowledge of a fact, such as an eyewitness; circumstantial evidence is proof of a chain or group of facts and circumstances indicating the guilt or innocence of a defendant. The law makes no distinction between the weight to be given to either direct or circumstantial evidence. Nor is

a greater degree of certainty required of circumstantial evidence than of direct evidence. You should weigh all the evidence in the case. After weighing all the evidence, if you are not convinced of the guilt of the defendant beyond a reasonable doubt, you must find the defendant not guilty.

Photographs were introduced into evidence in this case for the purpose of illustrating and explaining the testimony of a witness. These photographs may not be considered by you for any other purpose.

In this case you have heard evidence from a witness who has testified as an expert witness. An expert witness is permitted to testify in the form of an opinion in a field where he purports to have specialized skill or knowledge.

As I have instructed you, you are the sole judges of the credibility of each witness and the weight to be given to the testimony of each witness. In making this determination as to the testimony of an expert witness, you should consider, in addition to the other tests of credibility and weight about which I have already instructed you, the evidence with respect to the witness's training, qualifications, and experience or the lack thereof; the reasons, if any, given for the opinion; whether or not the opinion is supported by facts that you find from the evidence; whether or not the opinion is reasonable; and whether or not it is consistent with the

other believable evidence in the case.

You should consider the opinion of an expert witness, but you are not bound by it. In other words, you are not required to accept an expert witness's opinion to the exclusion of the facts and circumstances disclosed by other testimony.

I instruct you that the State has the burden of proving the identity of the perpetrator of the crime charged beyond a reasonable doubt. This means that you, the jury, must be satisfied beyond a reasonable doubt that the defendant was the perpetrator of the crime charged before you may return a verdict of guilty.

The defendant in this case has not testified. The law gives the defendant this privilege. This same law also assures the defendant that this decision not to testify creates no presumption against the defendant. Therefore, the silence of the defendant is not to influence your decision in any way.

The defendant has been charged with trafficking in heroin by possession.

For you to find the defendant guilty of this offense the State must prove two things beyond a reasonable doubt: First, that the defendant knowingly possessed heroin. A person possesses heroin if he is aware of its presence and has either by himself or together with others both the power

and intent to control the disposition or use of that substance.

Possession of an article may be either actual or constructive. A person has actual possession of an article if the person has it on the person, is aware of its presence, and either alone or together with others, has both the power and intent to control its disposition or use.

A person has constructive possession of an article if the person does not have it on the person but is aware of its presence, and has either alone or together with others, both the power and intent to control its disposition or use. A person's awareness of the presence of the article and the person's power and intent to control its disposition or use may be shown by direct evidence or may be inferred from the circumstances.

If you find beyond a reasonable doubt that heroin was found in close physical proximity to the defendant, that would be a circumstance from which, together with other circumstances, you may infer that the defendant was aware of the presence of the heroin and had the power and intent to control its disposition or use. However, the defendant's physical proximity, if any, to the heroin does not by itself permit an inference that the defendant was aware of its presence or had the power or intent to control its disposition or use. Such an inference may be drawn only from this and

other circumstances which you find from the evidence beyond a reasonable doubt.

And Second, that the amount of heroin which the defendant possessed was at least 14 grams but less than 28 grams.

For a person to be guilty of a crime, it is not necessary that he personally do all of the acts necessary to constitute the crime. If two or more persons join in a common purpose to commit a crime, each of them, if actually or constructively present, is not only guilty of that crime if the other person commits the crime and but also guilty of any other crime committed by the other in pursuance of the common purpose to commit that crime, or as a natural or probable consequence thereof.

So if you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant, acting by himself or in concert with one or more others, knowingly possessed heroin and that the amount which he possessed was at least 14 grams but less than 28 grams, it would be your duty to return a verdict of guilty. If you do not so find, or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty, but would consider whether the defendant is guilty of trafficking by possession of at least 4 but less than 14 grams of heroin.

For you to find the defendant guilty of this offense the State must prove two things beyond a reasonable doubt: First, that the defendant knowingly possessed heroin. A person possesses heroin if he is aware of its presence and has either by himself or together with others both the power and intent to control the disposition or use of that substance.

A person has constructive possession of an article if the person does not have it on the person but is aware of its presence, and has either alone or together with others, both the power and intent to control its disposition or use. A person's awareness of the presence of the article and the person's power and intent to control its disposition or use may be shown by direct evidence or may be inferred from the circumstances.

If you find beyond a reasonable doubt that heroin was found in close physical proximity to the defendant, that would be a circumstance from which, together with other circumstances, you may infer that the defendant was aware of the presence of the heroin and had the power and intent to control its disposition or use. However, the defendant's physical proximity, if any, to the heroin does not by itself permit an inference that the defendant was aware of its presence or had the power or intent to control its disposition or use. Such an inference may be drawn only from this and

other circumstances which you find from the evidence beyond a reasonable doubt.

And Second, that the amount of heroin which the defendant possessed was at least 4 grams but less than 14 grams.

For a person to be guilty of a crime, it is not necessary that he personally do all of the acts necessary to constitute the crime. If two or more persons join in a common purpose to commit a crime, each of them, if actually or constructively present, is not only guilty of that crime if the other person commits the crime and but also guilty of any other crime committed by the other in pursuance of the common purpose to commit that crime, or as a natural or probable consequence thereof.

So if you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant, acting by himself or in concert with one or more others, knowingly possessed heroin and that the amount which he possessed was at least 4 grams but less than 14 grams, it would be your duty to return a verdict of guilty. If you do not so find, or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty, but would consider whether the defendant is guilty of felonious possession of heroin with the intent to sell or deliver.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant knowingly possessed heroin. Heroin is a controlled substance. A person possesses heroin when he is aware of its presence and has, either by himself or together with others, both the power and intent to control the disposition or use of that substance.

A person has constructive possession of an article if the person does not have it on the person but is aware of its presence, and has either alone or together with others, both the power and intent to control its disposition or use. A person's awareness of the presence of the article and the person's power and intent to control its disposition or use may be shown by direct evidence or may be inferred from the circumstances.

If you find beyond a reasonable doubt that heroin was found in close physical proximity to the defendant, that would be a circumstance from which, together with other circumstances, you may infer that the defendant was aware of the presence of the heroin and had the power and intent to control its disposition or use. However, the defendant's physical proximity, if any, to the heroin does not by itself permit an inference that the defendant was aware of its presence or had the power or intent to control its disposition or use. Such an inference may be drawn only from this and

other circumstances which you find from the evidence beyond a reasonable doubt.

And Second, that the defendant intended to sell or deliver the heroin. Intent is seldom, if ever, provable by direct evidence. It must ordinarily be proved by circumstances from which it may be inferred.

For a person to be guilty of a crime, it is not necessary that he personally do all of the acts necessary to constitute the crime. If two or more persons join in a common purpose to commit a crime, each of them, if actually or constructively present, is not only guilty of that crime if the other person commits the crime and but also guilty of any other crime committed by the other in pursuance of the common purpose to commit that crime, or as a natural or probable consequence thereof.

If you find the evidence beyond a reasonable doubt that on or about the alleged date the defendant, acting by himself or in concert with one or more others, knowingly possessed heroin, and intended to sell or deliver it, it would be your duty to return a verdict of guilty of possession of heroin with the intent to sell or deliver. If you do not so find or if you have a reasonable doubt as to one or both of these things, you would not return a verdict of guilty of possessing heroin with the intent to sell or deliver it, but would consider

whether he is guilty of possession of heroin. Possessing heroin does not require proof that the defendant intended to sell or deliver it. A person possesses heroin when he is aware of its presence and has, either by himself or together with others, both the power and intent to control the disposition or use of that substance.

A person has constructive possession of an article if the person does not have it on the person but is aware of its presence, and has either alone or together with others, both the power and intent to control its disposition or use. A person's awareness of the presence of the article and the person's power and intent to control its disposition or use may be shown by direct evidence or may be inferred from the circumstances.

If you find beyond a reasonable doubt that heroin was found in close physical proximity to the defendant, that would be a circumstance from which, together with other circumstances, you may infer that the defendant was aware of the presence of the heroin and had the power and intent to control its disposition or use. However, the defendant's physical proximity, if any, to the heroin does not by itself permit an inference that the defendant was aware of its presence or had the power or intent to control its disposition or use. Such an inference may be drawn only from this and

other circumstances which you find from the evidence beyond a reasonable doubt.

For a person to be guilty of a crime, it is not necessary that he personally do all of the acts necessary to constitute the crime. If two or more persons join in a common purpose to commit a crime, each of them, if actually or constructively present, is not only guilty of that crime if the other person commits the crime and but also guilty of any other crime committed by the other in pursuance of the common purpose to commit that crime, or as a natural or probable consequence thereof.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant, acting by himself or in concert with one or more others, knowingly possessed heroin, it would be your duty to return a verdict of guilty of possessing heroin. If you do not so find or if you have a reasonable doubt, it would be your duty to return a verdict of not guilty.

The defendant has been charged with trafficking in heroin by transportation.

For you to find the defendant guilty of this offense the State must prove two things beyond a reasonable doubt:

<u>First</u>, that the defendant knowingly transported heroin from one place to another.

And Second, that the amount of heroin which the defendant transported was at least 14 grams but less than 28 grams.

For a person to be guilty of a crime, it is not necessary that he personally do all of the acts necessary to constitute the crime. If two or more persons join in a common purpose to commit a crime, each of them, if actually or constructively present, is not only guilty of that crime if the other person commits the crime and but also guilty of any other crime committed by the other in pursuance of the common purpose to commit that crime, or as a natural or probable consequence thereof.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant, acting by himself or in concert with one or more others, knowingly transported heroin, from one place to another and that the amount which he transported was at least 14 but less than 28 grams, it would be your duty to return a verdict of guilty. If you do not so find, or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty, but would consider whether the defendant is guilty of trafficking by transportation of at least 4 but less than 14 grams of heroin.

For you to find the defendant guilty of this offense the State must prove two things beyond a reasonable doubt: First, that the defendant knowingly transported heroin from one place to another.

And Second, that the amount of heroin which the defendant transported was at least 4 grams but less than 14 grams.

For a person to be guilty of a crime, it is not necessary that he personally do all of the acts necessary to constitute the crime. If two or more persons join in a common purpose to commit a crime, each of them, if actually or constructively present, is not only guilty of that crime if the other person commits the crime and but also guilty of any other crime committed by the other in pursuance of the common purpose to commit that crime, or as a natural or probable consequence thereof.

So if you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant, acting by himself or in concert with one or more others, knowingly transported heroin, from one place to another and that the amount which he transported was at least 4 but less than 14 grams, it would be your duty to return a verdict of guilty. If you do not so find, or have a reasonable doubt as to one or more of these things, you would return a verdict of not guilty.

Members of the jury, you have heard the evidence and the arguments of counsel. If your recollection of the evidence differs from that of the district attorney, or of the defense attorney, you are to rely solely upon your recollection. Your duty is to remember the evidence whether called to your attention or not.

You should consider all the evidence, arguments, contentions and positions urged by the attorneys and any other contention that arises from the evidence; and using your common sense you must determine the truth in this case.

The law requires the presiding judge to be impartial. You should not infer from any statement I have made or question I have asked that any of the evidence is to be believed or disbelieved, that a fact has been proved or what your findings ought to be. It is your duty to find the facts and to render a verdict reflecting the truth. You must be unanimous in your decision. All twelve jurors must agree.

After reaching the jury room your first order of business is to select your foreperson. You may begin your deliberations when the bailiff delivers the verdict forms to you. Your foreperson should lead the deliberations. When you have unanimously agreed upon a verdict as to each charge and are ready to announce them your foreperson should record your

verdicts, sign and date the verdict forms, and notify the bailiff by knocking on the jury room door. You will be returned to the courtroom and your verdict will be announced.

Thank you. You may retire and select your foreperson.

NORTH CAROLINA	IN THE GENERAL COURT OF JUSTICE
PITT COUNTY	SUPERIOR COURT DIVISION FILE NO. 12CRS060601
STATE OF NORTH CAROLINA)
<i>V</i>) VERDICT
TREVOR WILKS FORTE.)
We, the jury, return as our unanimous Forte, is:	verdict, that the defendant, Trevor Wilks
COUNT ONE:	
Guilty of trafficking in heroin of excess of 14 grams and less that	on November 12, 2012 by possession in an 28 grams of heroin;
OR	en e
Guilty of trafficking in heroin of excess of 4 grams and less than	on November 12, 2012 by possession in 14 grams of heroin;
OR	
Guilty of Felonious possession	of heroin with the intent to sell and deliver;
OR	
Guilty Felonious possession of	heroin;
OR	
Not Guilty	

COUNT TWO	<u>):</u>
	of trafficking in heroin on November 12, 2012 by transportation in of 14 grams and less than 28 grams of heroin;
	OR
	of trafficking in heroin on November 12, 2012 by transportation in of 4 grams and less than 14 grams of heroin;
(OR^{-1}
Not Gu	ilty.
This the 12	day of August, 2015. Signature of the Foreman

STATE	OF NO	RTH C	CAROLINA		rile IVO.		
B-176	PITT		County		In T	he General Cour rict ☐ Superior	t Of Justice Court Division
Name And Addres			VERSUS		LEVEL FOR F AND PRIOR	CONVICTION	ENCING LEVEL
Social Security No 091 Race	5. B-64-6775 [Sex		NC1636375A		[EANOR SENT IRED SENTENC hitted On Or After	ING)
В	0.000.000.000	M	10/18/1980	~~	DD/EEL ONLY SENTENCING	G.S. 15A-13	340.14, 15A-1340.21
NUMBE	:R		I. SCORING PRIOR RE	COI	RD/FELONY SENTENCING	FACTORS	POINTS
1101125		Prior Felor	ny Class A Conviction			X10	101110
			ny Class B1 Conviction			X 9	
			ny Class B2 or C or D Conviction			X 6	
,			ny Class E or F or G Conviction			X 4	4
			ny Class H or I Conviction	•		X 2	<u> </u>
	/		s A1 or 1 Misdemeanor Convic		/ana mata na rawa1	X 1	∠
		PHOI Class	S A FOLL MISGEMEANOR CONVIC	HOH	(see note on reverse)	SUBTOTAL	62
			•				
If all the elem- were used in			se are included in any prior offense	whet	her or not the prior offenses	+ 1	
on supe	rvised or u	nsupervise	ile the offender was: ed probation, parole, or post-re comment; or on escape from File No.	ac		+1	
						TOTAL	6
			II. CLASSIFYING PRIOR	RE	CORD/CONVICTION LEVEL		建定程的程序
MOTE 4		MSDEME		 		ONY	
No. Of Pri Conviction O 1 - 4	or Love	reverse and	PRIOR NVICTION LEVEL	co	OTE: If sentencing for a felony, local presponds to the total points determined by the felone of the	PRIOR RECORD LEVEL	e.
to be In makir State's e compute	ng this dete evidence of er printout (and the rmination, f the defen of DCI-CC	e number of prior convictions e level to be as shown above. the Court has relied upon the dant's prior convictions from a H.		The Court finds the prior convice prior record level of the defended. In making this determination, the evidence of the defendant's priprintout of DCI-CCH. In finding a prior record level pot the Court has relied on the jury a reasonable doubt or the defendence.	ant to be as shown ne Court has relied or convictions from	herein. upon the State's a computer
			ents of the present offense are included		•		
to a North (Carolina offe	nse and that	the North Carolina classification as	signe	finds by a preponderance of the evide ed to this offense in Section V is corre- ort to the prior convictions, points and it	ct.	substantially simila
Date /12/			ding Judge (Type Or Print)		Signature Of Presiding Judge	Sermon,	J.
AOC-CR-600			ourts	(O	ver)		

				III. STIP		(4.54)			
and V of the information	this form, a	defense couns and agree with	el, or the defendar the defendant's pri	it, if not represe or record level	ented by counse or prior conviction	el, stipt on leve	el as set out in	rmation set out in Section Section II based on the	s I
Date //2	115	Signature Of Pros	ecutor Julies		Date		Signature Of Defe	nse Counsel Or Defendant	
			I (For Offense	V. DNA CEF es Committe	RTIFICATION d On Or After	Feb.	1, 2011)		
A review or rap sheet	of the case) indicates	record (the for that (check one	m required by G.S	. 15A-266.3A(c	c)) and the recor	ds of t	he State Burea	u of Investigation (the DC	I-CCH
1. The	defendant	t is NOT require	ed to provide a DN	A sample for th	nis conviction be	cause	(i) the offense	is not covered by idant's DNA record is curr	ently
stor	ed in the S	tate DNA data	oase.	-	-			vered by G.S. 15A-266.4	
asa	emple of th	e defendant's l	NA has not previo	justy been obta	ined and the de	fenda	nt's DNA record	d has not previously been ecord have been expunge	stored
Date			utor (Type Or Print)		Signature Of P				
				V. PRIOR C	ONVICTION				
		•	aking computer pri				•		
misdemeai 20-138.1] a	nor death by	v vehicle (G.S. 20	0-141.4(a2)1 and, for	sentencina for fe	lony offenses com	nmitted	on or after Dece	el for felony sentencing are mber 1, 1997, impaired drivir ictions prior to October 1, 199	ng [G.S. 94, are
Source Code			Offenses		File No.		Date Of Conviction	County (Name of State if not NC)	Class
	(F) CRIM	INAL SALE	CS-3RD DEGREE				04/24/2000	NY	I
	(F) CRIM		CS-3RD DEGREE				05/19/2000	NY	I
	relon	10 Posse	ssion of Fire	com)			7/1/05	Federal	<u></u>
	PWAS	1					3/1/05	17000	<u> </u>
	7		J. × ×						
									<u></u>
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						<u> </u> .			
		<u> </u>		<u> </u>					
	-								
									
☐ See A	\OC-CR-6(00 Continuation	for additional prior	r convictions.	L				1
,	Code: 1-D	OCI 3 -	AOC/Local	5 - ID Bureau	Date	e Prep	ared:		-
AOC-CR-60	2 - N 00B, Side Two	•	AOC/Statewide	6 - Other	Pre	pared	Ву:		

AOC-CR-600B, Side Two, Rev. 6/12 © 2012 Administrative Office of the Courts

STATE O		ORTH CAI		INA GREENVILLI	r.	_		File No	12CRS06	50601	- "	51	.
		County			_	eat of Court s), which are	E	_	n The Gener				_
consolidate	ed for jud	dgment with any felor STATE VER		se(s). Use AOC-	CR-342 for DV	/i offense(s).]	11 17		District ⊠S NT AND CO	Superior (Divis	ion
Name Of Defendant			000			1			UNISHMEN				
FORTE,TREVOR	t,WILK	Sex		Date Of Birth					TURED SEN ons On Or Af				
В		M			/1980		(FOI GO	MAICH	ons on of Ai				1340.13
Attorney For State	. 337.437	NIC ELITEDEL		Def. Found	Def. Waived	Attorney For E				Appoint	ed C	rt Rptr li	nitials
The defendant		NE FUTRELL I guilty (at to Al		- Attorney	JOHN F CR		_	ound guilty by a	Retains		M no con	
File No.(s)	Off.	guity (pursuar		fense Descrip		ity by the Cot	Offense		G.S, N		F/M	CL.	Pun. CL.
12CRS060601	51	TRAFFICK HEI	ROIN	BY POSSESS	ION		11/12/	2012	90-95(H)	F	E	
]											
MOTEL C.C.		the state of the s											
*NOTE: Enter puni. The Court: 11	has det	termined, pursuant	to G.S	S. 15A-1340.14	, the prior re	cord points of	the defer	ndant to	be	PRIOR			$\Box \mathbf{v}$
		or record level poi: eyond a reasonab						etermina	MON OF BUILD	RECORD LEVEL:		ቯιν	
	makes	no prior record lev	el findi	ing because no	ne is require	d for Class A	felony, vic	lent hal		,			
The Court (NOTE		afficking offenses.	lead I:						· · · · · · · · · · · · · · · · · · ·				
		findings because t		n_imposed is:	(a) in th	e presumptive	e range.	☐ (b)	for a Class A fe	lony.	(c) for	adjudi	cation
as a violen	t habitu	ial <u>fel</u> on, G.S. 14-7	.12.	(d) for drug	g trafficking.	for which	h the Cou	rt finds	the defendant p	rovided sub	stantia	ıl assis	tance,
		e) in the agg termination of agg						605.	l egregious ag	gravation (ınder C	3.S. 14	-27.2A
or G.S. 14-	27.4A,	on the attached A	OC-CF	R-618, which re	equires a sen	tence in exce:	ss of that	authoriz	ed by G.S. 15A	-1340.17			
		ndant to be a habi itted on or after Dec.								C telon.			
4. adjudges t	he defe	ndant to be a habi	tual br	eaking and ent	ering status	offender, to be	sentenc	ed as a	Class E felon.	٠.			
		ndant to be an arn im term of imprisoi					felon (un	iless sei	ntenced herein a	as a Class	A, B1,	or B2 f	elon)
6. finds enha	ncemer	nt pursuant to:] G.S.				hate crime	e). 🗌	G.S. 50B-4.1 (
		(gang). [] Other lation of this issue		d a reasonable	doubt or on	the defendan	t's admiss	sion		Thi	s findin	ıg is ba	sed on
7. finds that t	he defe	ndant committed t	he felo	ny by using, di	splaying, or t	hreatening the	e use or d	iisplay c					
		earm or weapon at nt's admission. Pu										onable	doubt
(Class A	-E felony	y committed prior to (Oct. 1, 2	2013) 60 month	s. 🔲	(Class A-E felo	ny committ	led on or	after Oct. 1, 2013)	72 months	5.		
[] (Class F 8. finds the al		ony committed on or							or after Oct. 1, 201	3) 12 mont	ns.		
a. and t	herefor	e makes the addit	onal fi	ndings and ord	ers on the at	tached AOC-0	CR-615, S	Side One					
∐b. but m	nakes n	o finding or order esignated offense(concer	ning registration	n or satellite	-based monito	oring due t	to a sen	tence of life imp	risonment	without	t parole	Э.
48.8.4.5.4.4.		signated onertse(s) is not also a reporta											
10. finds that a		motor vehicle ense involving ass											
		. 50B-1(b) with the			a tilleat, of al	i act delined t	by G.S. 50	υ - -ι(a),	and the delend	ani nau a p	ersona	ai reiau	ousuh
		on or after Dec. 1, 2											
13. did not gra committed o		r Dec. 1, 2013, only)											onal
		ors related to the o				las falsas o f	2 454 40	00.0					
14. finds that ti		ndant used or disp ed on or after Dec. 1,			_				an offense invo	lving assau	ılt or ar	ny of th	e acts
as defined	in G.S.	50B-1(a) committe	ed aga	inst a minor. G	I.S. 15A-1382	2.1(a1).							
The Court, having consolidated for ju						or detendant,	Orders tr	nat ine a	ibove offenses,	if more that	n one,	be	
		Nithout Parole for		Class A Felony		B1 Felony.		l	custody of:				
Violent Hab	itual Fe	elon.	-27.2A	or G.S. 14-27	.4A with egre	gious aggrav	ation.	łΞ	, DAC.				
		With Parole, pursu			1 1			Oth	er:				<u> </u>
for a minimum terr 90		and a max onths	1mum 1 26	term or: months	LLI ASR terr	n (Order No. 4,	Side Two) months	to E	eath (see attach	ed Death Wa	rrant ar	d Certi	ficates)
The defendant sha					nfinement p	ior to the date		udgmen	t as a result of t	his charge(s).		
		f above shall begin								erve.			
	mposed	above shall begin				imposed in th	e case re		d below:		10-4-		
File No.		Offens	,	County	<u> </u>			Court			Date		
				Material opposite ur	marked squares	is to be disregarde	ed as surplus	sage.					

The Court further		•	<i>apply)</i> erk of Superior C	oud the	"Total Amor	int Due" «	shown helov	W					
Costs	Fine		Restitution*		Attorney's fees		SBM Fee		1	Fee/Misc		al Amount L	
\$ 4124.50 *See attached "Re		100000.00 Workshoot N	\$ 0.00	(Initial S			\$ -611 which	0.00	\$	0.00	\$	104,124	1.50
2. The Court fi 3. The Court fi 4. Without objuthe risk redu	inds that inds just o ection by uction inc	restitution wa cause to waiv the State, the	s recommended re costs, as orde e defendant shall entified by the D	as part red on th I be adm	of the defend ne attached nitted to the A	dant's ple Advanced	a arrangem C-CR-618. Supervised	ient. Other: i Release (AS	R) prog	ram. If the			
TOTAL A	MOUNT	DUE IS TO	BE ENTERED	AGAIN	IST DEFEN	DANT A	S A CIVIL	JUDGMENT	Γ.				
					·								
but the C	abuse tre a conditi Court d oe	ion of post-re es not recom] 2. Psychiatric a lease supervisio mend restitution	n or from	work releas	se earning	s, if applica	Vork release able, of the "To ase supervision			et outjabo		anted.
The Court further	recomm	iends:											
]													
									•				
			ORDER	OF C	OMMITME	ENT/AP	PEAL EN	ITRIES					
officer caus until the def	e the def fendant s ant gives	endant to be hall have con notice of app	iver two certified delivered with the open delivered with the content from the jude form AOC-CR-	ese copi onditions gment o	ies to the cu	stody of the	he agency r ppeal.	named on the i	reverse	to serve th	e sentenc	e impose	
					SNATURE	OF JU	DGE		1.		Ariston		
Date			ng Judge (type or		~~~~~~~~~~	t t	Signature Of	Presiding Judge	e	/	7		
08/12/2015	T	HE HONOR	ABLE WAYLA					1/1/			Telstansv		in a second
Date Appeal Dismisse	<i>∴</i>	216.4 <u>.69.62</u>	·		OMMITN at Of Appeal Fi		FIERAP		rellate O	pinion Certifi	/ <u>******</u>	nga et al	100.00
Date Appeal Distrisse	u		Date	vinanava	зі Оі Арреаі і і	nea		Date 75p	renote O	pinion coam	- C		
It is ORDERED that to the custody of the authority for the co	ne agency	y named in th	is Judgment on	the rever									
Date		Signature	Of Clerk								y CSC [Of Superior	Asst. CSC Court	c -
					CERTIFI				aster r				
I certify that this Ju			ent with the atta	chment(s) marked be	\neg							e.
Appellate Entri			ating And Mitiga	eting Fac	tors		itution Worl C-CR-611)	ksheet, Notice	And Oi	rder (Initial	Sentencin	9)	
(AOC-CR-605)						☐ Judi	cial Findings	s And Order Fo	or Sex	Offenders -	Active Pu	nishment	Ł
L_J Judicial Finding (AOC-CR-317)		Forfeiture Of	Licensing Privile	eges			C-CR-615, 8 tional Findir	side One) ngs (AOC-CR-	618)				
Victim Notificat	ion Track	-	ለለበር ርፀ ደንፅነ		_	Con	victed Sex C	Offender Perm		lo Contact	Order (AC	C-CR-62	.0)
Date Additional File			(AOC-CR-626) relivered To Sheriff		nature Of Clea	U Othe	er:			longthy CSC			<u></u> :
08/12/2015	Date Ce	08/12			me	Jen M	1		1 ===	eputy CSC Terk Of Supe	Asst. (SE.	AL
			Material o	poposite	marked squares	is to be disre) egarded as sure	iusage.					

AOC-CR-601, Side Two, Rev. 12/14, © 2014 Administrative Office of the Courts

STATE O	FNO	ORT	H CAR						File No.	12CRS0	60601		52	
PIT	1		County		REENVIL		Seat of Court	· E _		n The Gene		Of Ju		
NOTE: [This form consolidate	is to be t ed for jud	isea tor (Igment wi	1) felony offen: ith any felony c	se(s) ar offense(id (2) misde s). Use AO(meanor offense C-CR-342 for D	(s), which are Wi offense(s).]				Superior (ion
		STA	TE VERSU	JS						NT AND CO				
Name Of Defendant FORTE, TREVOR	33/11 1/	· c								UNISHMEN				
Race	, WILL	Sex			Date Of Birti		-{			TURED SEN			Α	
В		001	M			18/1980		(10100	HI A LC CL	ons on or A				1340.13
Attomey For State	1				ef. Found	Def. Waive	Attorney For t	Defendant			Appoint		rt Rptr I	
ANTHONY	WAY	NE FUT		N	ot Indigent	Attorney	JOHN F CF	USCITIE	LO		X Retaine	d	M	D
The defendant	 _	guilty (pursuant t				uilty by the Co			und guilty by a			no con	
File No.(s)	Off.	TTD 4 D	DIOUX TIED O		nse Desci		<u></u>	Offense		G.S. I		F/M	CL.	'Pun. CL.
12CRS060601	52	IKAF	FICK HERC	IIN B I	(IKANSI	PORTATION		11/12/	2012	90-95	(H)	F	E	
														İ
*NOTE: Enter puni	chmont.	ologo is eti		elout, ém	- offense ele	no fourishmen	t alogo roprocan	to a status a	rochone					l
The Court: 1.											PRIOR		III	$\Box \mathbf{v}$
_	Any pri	or record	l level point	under (G.S. 15A-1	340.14(b)(7)	is based on th	e jury's de			RECORD	ПпП	ΠIV	Π̈́VI
							ssion to this is:		lent hal	oitual felon, or	LEVEL:	- '	_	
			offenses.	แนนเกษ	pecause i	none io requii	ca ioj Olassiri	iciony, vio	ioni na	ondar resert, er				-
The Court (NOTE														
1. makes no										for a Class A fe		(c) for		
as a violer	it nabitt KhV5)	iai reion	, G.S. 14-7.1 Vin the annra	2. (2 avated	rspue pur 21 (a) tot ar	ug tramcking. suant to G.S.		a) a)	rt iinas	the defendant p	novided sur	ostanua	a assis	starice,
2. finds	the De	رف terminal	ion of aggra	vating :	and mitiga	ting factors of	the attached	AOC-CR-	305. I	egregious a	ggravation (ınder (3.S. 14	1-27.2A
or G.S. 14	-27.4A,	on the a	attached AOC	C-CR-6	318, which	requires a se	ntence in exce	ess of that	authoriz	zed by G.S. 15/	A-1340.17.			
							(offenses comm the principal fe			2011) as a Class	C felon.			
										Class E felon.				
										ntenced herein	as a Class	A, B1,	or B2 f	felon)
						an 120 month]				
6. finds enha			ant to: [Other:		0-95(e)(3)	(drugs)	G.S. 14-3(c)	(hate crime	€). ∟	G.S. 50B-4.1	•		-	ased on
the iury's o	i-50.22 letermir	(gang). nation of	this issue be	evond :	a reasonal	ole doubt or o	n the defenda	nt's admiss	sion.		, , , , , , , , , , , , , , , , ,	o mian	ig is be	3300 011
7. finds that t	he defe	ndant c	ommitted the	felony	by using,	displaying, or	threatening th	ne use or d	lisplay o	of a firearm or d				
										nation of this is			onable	doubt
			nission. Purst ted prior to Oci							ium sentence b after Oct. 1, 201:				
										or after Oct. 1, 20				
8. finds the a	bove-de	esignate	d offense(s)	is a reg	portable co	onviction unde	er G.S. 14-208	.6 (check o	nly one)					
a. and	therefor	e make:	s the additior	nal find	ings and o	rders on the	ettached AOC-	-CR-615, S	side On	e. Stoneo of life im	priconmost	ببمطائع	t nazal	
9. finds the a	nakes n hove-de	io finginį esionate	g or order co d offense(s)	ncemii	ng registra	ion or sateilit Inhysical or	e-based momo mental - Tis	onng oue exual al	io a ser ouse of	ntence of life im a minor.	pusorimen	WIGHTOO	ı paron	€.
	offense(s	i) is not a	iso a reportabl	le convi	ction in No.	8 above, this fir	iding requires no	o further acti	on by the	e court.)				
10. finds that a		motor ve	ehicle 🔲 c	omme	rcial motor	vehicle wa	is used in the	commissio	n of the	offense and th	iat it shall b	erepor	ted to I	DMV.
11. finds this is			olving assau (b) with the v		municating	g a threat, or	an act defined	by G.S. 50	JB-1(a)	, and the deten	dant nad a	erson	ai reiat	diusuoi
12. (offenses co	onmitted ommitted	on or aft	er Dec. 1. 200	8. only)	finds the a	bove-designa	ated offense(s)	involved o	criminal	street gang ac	tivity. G.S. 1	4-50.2	5.	
13. did not ora	nt a coi	nditional	discharge u	nder G	.S. 90-96(a) because (c	heck all that app	oly) I th	e defen	dant refused to	consent.	U (of	fenses	
					rt finds, wit	h the agreem	ent of the Dist	rict Attome	y, that	the offender is i	inappropriat	e for a	conditi	ional
discharge			ed to the offe		firearm wh	ile committing	the felony G	S 15A-13	82.2.					
15. (for judgme	nts enter	ed on or	after Dec. 1, 2	уса а 013. опі	(y) finds tha	at this was an	offense involv	ing child a	buse or	an offense inv	olving assa	ult or a	ny of th	ne acts
as defined	in G.S.	50B-1(a) committed	l again	st a minor.	G.S. 15A-13	82.1(a1).							
The Court, having	consid	ered evi	dence, argur	nents (of counsel	and statemer	nt of defendant	t, Orders th	nat the a	above offenses	, if more tha	n one,	be	
consolidated for ju	_ <u>-v</u>		_		ss A Felor		s B1 Felony.		in the	custody of:		·	· · · · · · · · · · · · · · · · · · ·	
Violent Ha							regious aggra	vation.	l	C. DAC.				
to Life Impriso								· · · · · · · · · · · · · · · · · · ·		ner:				
for a minimum ter		~	and a maxim				rm (Order No. 4	4. Side Two)			·			· -
90		onths	120		month	ļ	(0.000 110.	months	to l	Death (see attac	hed Death W	arrant a	nd Certi	ificates)
The defendant sh							prior to the da		udgmer	nt as a result of	this charge	(s).		
The sentence	impose	d above	shall begin a	at the e	expiration of	of all sentence	s which the de	efendant is	preser	itly obligated to	serve.			
The sentence	impose	d above	shall begin a	at the e	expiration of	of the sentence	e imposed in t	he case re	ference	d below:				
File No.			Offense		Соил	ity'			Court			Date		
<u></u>				Ma	terial opposite	unmarked squap	es is to be disregar	ded as surplus	age.					

AOC-CR-601, Rev. 12/14, @ 2014 Administrative Office of the Courts

The Court further	r Orders: (check a lant shall pay to ti		perior Court	the "Tota! A	\mount Due"	shown belov	w.			
Costs	Fine	Restitu	tion*	Attorney's	tees	SBM Fee		Appt Fee/Misc	Total Ame	ount Due
\$ 0.00 *See attached "Re	\$ estitution Worksha	set Notice an	d Order (Initis	\$ Sentencir	0.00	\$ 2-611 which	0.00	\$ 0.00	\$	
2. The Court if 3. The Court if 4. Without obj the risk red on Side On	inds that restitution inds just cause to ection by the Sta	on was recome waive costs, the defendance as identified in the costs.	mended as p as ordered o lant shall be a by the Division	art of the de n the attack idmitted to	efendant's pl ned	ea arrangem C-CR-618. d Supervised	ient. Other: d Release (AS	R) program. If the		
								·		
4. Payment as	abuse treatment.	ost-release su		rom w <u>ork</u> re	elease earnir	gs, if applica		otal Amount Due" s		Ū
The Court further	recommends:			-		•			,	
								٠		
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										-
			RDER OF	COMMI	ΓΜΕΝΤ/ΔΙ	PPFAL FI	ITRIES			
1. It is ORDE	RED that the Clei	0000000						f or other qualified	officer and that	the
officer caus	se the defendant	to be delivere	d with these o	copies to th	e custody of	the agency r		reverse to serve the		
Į 	fendant shall hav	•				• •	ivicion Annea	l entries and any co	anditions of no	et
	release are set fo			it Of the tha	ii codit to the	Appenate D	·	rentities and any co	manadis or po	J.
				SIGNATU	JRE OF J		127	6 ₁	4 3 3 3 3	
Date 00110/2015	1	Presiding Judge		1 000 A	JC ID	Signature O	Presiding Judg			
08/12/2015	THE HO		WAYLAND			ETED AD	DIVAL	N To		
Date Appeal Dismisse				rawal Of App	eal Filed		Date Apr	ellate Opinion Certifie		
to the custody of to authority for the co	he agency named mmitment and de	I in this Judgr etention of the	ment on the re e defendant.	R ORDERE everse and	ED that the s furnish that a	neriff arrest t gency <u>two</u> c	he defendant, ertified copies	if necessary, and r of this Judgment a	nd Commitme	nt as
Date	Sigi	nature Of Clerk						Deputy Clerk	/ CSC Assi Of Superior Cour	t osc f
		e personal		CER.	TIFICATIO	N S				
Appellate Entr	udgment and Con ies (AOC-CR-350 ent Findings Of A))			Res			fthe original which And Order (Initial S		s case.
(AOC-CR-605)				☐ Jud			or Sex Offenders -	Active Punishr	ment
(AOC-CR-317			ily Frivileges	-	Add	litional Findi	ngs (AOC-CR-			
	ition Tracking For No.(s) And Offer		CR-626)			nvicted Sex (er:	Offender Perm	anent No Contact (Order (AOC-CI	R-620)
Date 08/12/2015	Date Certified Co			Sidnature Of		2_		Deputy CSC Clerk Of Super	Asst. CSC	SEAL
AOC-CR-601, Si	de Two, Rev. 12/	14, © 2014 A	Material opposit Iministrative (regarded as sur	olusage.			

				Cilo Nie				
STATE OF N	NORTH CARO	ODDERNIKET I IZ	eat of Court	File No	12CRS060601		52	
NOTE: [This form is to b		se(s) and (2) misdemeanor offense(offense(s). Use AOC-CR-342 for DV			n The General Co)istrict ⊠ Superi			ion
consolidated for	STATE VERSL		vi onense(s).j		NT AND COMMIT		DIVIS	OH
Name Of Defendent	OTATE VENUE		1		UNISHMENT - FE	-		
FORTE,TREVOR,WII	LKS			(STRUC	TURED SENTENC	CING)		
Race B	Sex	Date Of Birth 10/18/1980		(For Convicti	ons On Or After Jai			
Attorney For State	M	 	Attorney For L	Tefendant		G.S. 15A-1 pointed Cri	301, - t Rptr II	
ANTHONY WA	YNE FUTRELL	Def. Found Def. Waived		RISCITIELLO	□ App		M	
The defendant pl	ed guilty (pursuant to	o Alford) to Was found gu	<u></u>		ound guilty by a jury of			
File No.(s) Of	f.	Offense Description		Offense Date		F/M	CL.	'Pun, CL
12CRS060601 52	TRAFFICK HERO	IN BY TRANSPORTATION		11/12/2012	90-95(H)	F	E	ĺ
		•						
*NOTE: Enter punishme	nt class if different from un	derlying offense class (punishment	class represent	's a status or enhan	cement ¹ PRIO	── ┤── ┺		
The Court: 1. has o	letermined, pursuant to	G.S. 15A-1340.14, the prior re	cord points of	f the defendant to	be	RD []		□ v
issue	beyond a reasonable o	under G.S. 15A-1340.14(b)(7) i doubt or the defendant's admis	sion to this is:	e jury s determina sue.	LEVE	1 (11)		∐VI
		finding because none is require	d for Class A	felony, violent ha	bitual felon, or			
	trafficking offenses. k 1 or 2 MUST be checked		·					
		term imposed is: (a) in the	e presumptiv	e range. 🗍 (b)	for a Class A felony.	(c) for	adiudio	cation
as a violent hab	itual felon, G.S. 14-7.1	(d) for drug trafficking.	for which	h the Court finds	the defendant provided	i substantia	l assis	tance,
G.S. 90-95(h)(5). (e) in the aggra	vated range, pursuant to G.S.:	20-141.4(b)(1	a).	Correctous secretor	ion under C		07.04
or G.S. 14-27.4	⊃etermination of aggrav A. on the attached AOC	ating and mitigating factors on C-CR-618, which requires a ser	tne attacneo itence in exce	AOC-CR-605. ess of that authori	egregious aggravat zed bv G.S. 15A-1340.	ion unaer G 17.	.5. 14	-21.2H
		ol felon to be sentenced 🔲 (
		2011) four classes higher than the						•
		al breaking and entering status d habitual felon to be sentence				ass A. R1. d	or B2 f	elon)
and with a mini	mum term of imprisonm	ent of no less than 120 months	5.	-				5.01.7
		G.S. 90-95(e)(3) (drugs).	G.S. 14-3(c)	(hate crime).				
☐ G.S. 14-50.2	22 (gang)Other:	eyond a reasonable doubt or or	the defendar	nt's admission		. This finding	g is ba	isea on
		felony by using, displaying, or			of a firearm or deadly w	eapon and	actual	ly
possessed the	firearm or weapon abou	it his or her person. This finding	j is based on	tne jury's determ	nation of this issue bey	ond a reaso	nable	doubt
	dant's admission. Pursu Iony committed prior to Oct	uant to G.S. 15A-1340.16A, the			num sentence by <i>(chec)</i> r <i>after</i> Oct. 1, 2013) 72 m			
(Class F or G	felony committed on or aft	er Oct. 1, 2013) 36 months.						
8. finds the above	-designated offense(s)	is a reportable conviction unde	r G.S. 14-208	.6 (check only one)				
a. and there	fore makes the addition	nal findings and orders on the a ncerning registration or satellite	ttached AOC-	-CR-615, Side Or	le. ntence of life imprisonn	ent without	narole	2
9 finds the above	s no mong or order cor -designated offense(s) i	involved the physical or n	nental s	exual abuse of	a minor.	iont without	paron	•
(NOTE: If offens	e(s) is not also a reportable	e conviction in No. 8 above, this fine	ding requires no	further action by th	e court.)			
10. finds that a	motor vehiclec	ommercial motor vehicle wa it, communicating a threat, or a	s used in the	commission of th	e offense and that it sha	ali be report d a persona	ed to f	OMV. Ionehin
	S.S. 50B-1(b) with the vi		iii aci delined	by G.G. 505-1(a)	, and the describant ha	a a persona	1 10121	diamp
12. (offenses commit	ted on or after Dec. 1, 2000	g, only) finds the above-designa	ted offense(s)	involved crimina	I street gang activity. G	.S. 14-50.25	5.	
13. did not grant a	conditional discharge u	nder G.S. 90-96(a) because (c) e Court finds, with the agreeme	neck all that app not of the Dist	oly)the deter	idant refused to conset the offender is inappro	1ι. ∐ (offe priate for a ε	enses conditi	onal
	ectors related to the offe		ant or the Dist	not Adomoj, and	the olicitaes to mapping	priate for a	00110111	Ond
14. finds that the de	efendant used or displa	ved a firearm while committing	the felony. G.	.S. 15A-1382.2.				
15. (for judgments en	tered on or after Dec. 1, 20	013, only) finds that this was an against a minor. G.S. 15A-138	offense involv	ring child abuse o	r an offense involving a	issault or an	ly of th	e acts
The Court, having cons	sidered evidence, argun	nents of counsel and statemen	of defendant	, Orders that the	above offenses, if more	than one, l	oe	
		oe sentenced (check only one)						
	nt Without Parole for	Class A Felony. Class	B1 Felony.	1	custody of:			
Violent Habitual		7.2A or G.S. 14-27.4A with egr			C. DAC.			
=		t to G.S. Chapter 15A, Article 8			her:			
for a minimum term of:		. المارية	m (Order No. 4	l Ito	Death (see altached Dea	th Wanant an	d Certii	ficates)
90	months 126	months days spent in confinement	nior to the de	monus				
The defendant shall be		at the expiration of all sentence				- 3 - (0).		
The sentence import	sed above snall begin a sed above shall begin a	at the expiration of the sentence	imposed in t	he case reference	ed below:			
File No.	Offense	County .		Соиг		Date		
L				dad as a 1 1 11				
AOC-CR-601, Rev. 1:	2/14, © 2014 Administra	Material opposite unmarked square (O ative Office of the Courts	net) Reference distegate	ueo as surpiusage.				*

-79-

1	r Orders: (check all tha lant shall pay to the C	,	t the "Total Amor	uni Dua" sh	oun helow				
Costs	Fine	Restitution*	Attorney's fees		SBM Fee		Appt Fee/Misc	Total Amo	ount Due
\$ 0.00	\$ 	\$ 0.00		00	·	0.00	\$ 0.00	\$	
2. The Court 3. The Court 4. Without ob the risk red on Side On	estitution Worksheet, Ninds that restitution wa finds just cause to wai jection by the State, th uction incentives as id e. G.S. 15A-1340.18. CONCURRENT WIT	as recommended as ve costs, as ordered e defendant shall be entified by the Division	part of the defen on the attached admitted to the a on of Adult Corre	dant's plea AOC Advanced S	arrangemei -CR-618. Supervised I	nt. Other: Release (ASR) program. If the		
			•						
4. Payment as			from work releas	se earnings	s, if applicab	le, of the "Tot	al Amount Due"	should not be set out above. k release earning	•
The Court further	recommends:								
••									
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	•								
			COMMITM						
officer caus	RED that the Clerk de se the defendant to be fendant shall have co	delivered with these	copies to the cu	stody of the	e agency na				
	lant gives notice of ap release are set forth o			urt to the A	ppellate Divi	ision. Appeal	entries and any	conditions of pos	șt
			SIGNATURE			7	(
Date	1	ing Judge (type or print)			Signature Of P	residing Judge	VI		
08/12/2015	THE HONOI	RABLE WAYLAND			TED ADD	VEAL (
Date Appeal Dismisse	ed .	21	OF COMMITM drawal Of Appeal F		TERAPP		llate Opinion Certi	lied	
to the custody of the	at this Judgment be ex ne agency named in the nomitment and detent	is Judgment on the i	ER ORDERED (I everse and furni	hat the she ish that age	riff arrest the ency <u>two</u> cei	e defendant, it rtified copies o	necessary, and of this Judgment	recommit the de and Commitmen	efendant nt as
Date		Of Clerk						ity CSC Asst.	. csc
			CERTIF		1 , , , , , , ,				
Appellate Entr Felony Judgm (AOC-CR-605 Judicial Findin (AOC-CR-317 Victim Notifica	gs As To Forfeiture Oi	vating And Mitigating	Factors	Restitution (AOC-	ution Works -CR-611) al Findings / -CR-615, Sional Finding cted Sex Of	heet, Notice A And Order For de One) Is (AOC-CR-6	and Order (Initial	Sentencing) - Active Punishn	nent
Date 08/12/2015	Date Certified Copies t 08/12	Delivered To Sheriff 2/2015	Signature Of Cler	lef A))		➤ Deputy CSC ☐ Clerk Of Sup	Asst. CSC erior Court	SEAL
AOC-CR-601, Si	de Two, Rev. 12/14, ©		ite unmarked squares Office of the Cou		arded as surplu	sage.			

STATE OF	NORTH CARO	LINA	File No.	12CRS060601	51
-	PITT		Additional File No.(s)	1201100000	
	1111	ounty		In The Genera	al Court Of Justice
				☐ District ☒ Su	perior Court Division
Name Of Defendant	STATE VERSUS		_		
FORTE, TREVOR, V	WILKS		A	PPELLATE EN	RIES
Date(s) Of Trial	08/11/2015 - 08/12/20	15	7	Dulas 7 0 11	27. N.O. Dulas Of Ass. Dec.
Codefendant(s) If Tried .		15	Name And Address Of	Rules 7, 9, 11, Defendant's Trial Counsel	27; N.C. Rules Of App. Proc
	•		JOHN F CRISCITI	ELLO	
			LANIER, KING &	•	
Name And Address Of				ORTH CAROLINA 27834	
ANTHONY WAYN	IE FUTRELL STRICT ATTORNEYS OFF	SICE	Telephone No. 252-752-5505	Email Address	
POST OFFICE BOX		icb		Defendant's Trial Counsel	
	RTH CAROLINA 27858				
Telephone No. 252-695-7200	Email Address ANTHONY.W.FUTRELI	L@NCCOURTS.ORG			
Name And Address Of 1	Trial Transcriptionist	36,10000113,0110	-		
DUTTON,MIRIAM POST OFFICE BOX			Telephone No.	Email Address	
	NORTH CAROLINA 2780	4	Name And Address Of	Defendant's Appellate Counsel	
				te Defender (919) 3	54-7210
Telephone No. 252-937-7394	Email Address MIRIAM G DUTTO	N@NCCOURTS.ORG	NOTE: All indigent	St., Suite 500, Durhar appeals are assigned to the	n, NC 27701 Appellate Defender
Name And Address Of 1		MERICECON IBLORG	Retained Appe	ellate Counsel	pp that was a second of
					· ·
					•
Telephone No.	Email Address		Telephone No.	Email Address	,
Name And Address Of	 ranscriptionist Of Other Proceed	ings On The Following Date(s)	Name And Address Of	 Transcriptionist Of Other Proceed	lings On The Following Date(s)
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Date(s)		Telephone No.	Date(s)		Telephone No.
Email Address			Email Address		
(Attach additional sheet	(s) if necessary)	er-Park-syd-Bardens of			
		JUDGE'S INITIAL		S S	
	defendant has given Notic is a capital case appealab				•
_	the defendant pursuant to		-	ed upon execution of a sec	cured bond in the
amount of \$	B	and compliance w			Sales Bolls III alo
	gent, the defendant shall	arrange for the transcrip	tion of the proceedin	gs as provided in the Rule	s of Appellate
Procedure.				et to a a manufact of a feature of	int and the annaintment
of counsel.	heck in all cases where defen It is ORDERED that the d	lefendant is allowed to a	ppeal as an indigent	and:	pt and the appointment
	ffice of Indigent Defense S	·	• •		ng the record and the
	dant's brief.			ring ather areallote entrop	nal aurament to rulas
b. The Al	ppellate Defender is appo I by the Office of Indigent	inted to periect the deler Defense Services.	loant's appear or as:	sign offer appellate courts	er pursuant to rules
c. Upon i	request, the Clerk shall fur	rnish to the Appellate De	fender, or to alterna	te counsel designated by	the Appellate Defender,
d Unless	of the complete trial divis the parties stipulate that	sion tile in the case and, parts of the proceedings	upon request, any de s shall not be transcr	ocumentary exhibits. ibed, the Clerk shall order	from the
transc	riptionist(s) a transcript of	all parts of the proceeding	ngs except:	,	
<u></u>					
_					
Original-File Cop	oy-Transcriptionist(s) Copy-Defe Mat	ndant's Trial Counsel Copy-Do	etendant's Appellate Coun es is to be disregarded as	sei (or detendant if unrepresente sumlusade.	Copy-District Attorney

-		ASSESSMENT OF COLUMN	<u>NITIAL APPEAL EN</u>	ILIEO (coumuneo)	
5.	within 35 days after defendant in a capita transcriptionist's ceri	the reporter's or transcriptionally tried case shall serve a	onist's certification of de proposed record on appraiseript. If no transcript	livery of the transcrip peal on the State with t has been ordered, t	posed record on appeal on the State t. If a transcript has been ordered, the hin 70 days after the reporter's or the defendant shall serve a proposed
6.					on the defendant within 30 days if this is proposed record on appeal.
7.	The indigent defenda				ks his or her native language of
	in the settled record	of the appeal for the purpo	ses of (1) written transle filed by the defendant a	ation of attorney-clier and the State, and ap	guage translator or interpreter t correspondence, assignments of error pellate opinion(s), and/or (2) verbal tings.
		ders that a language transl the above services shall b			dge, skill, experience, training and fice of the Courts.
8.	represented by coun	isel.			for all parties, or the defendant, if not
Date		lame Of Presiding Judge (Type Or	·	Signature Of Presiding Jyd	de /
	08/12/2015	WAYLAND J. SERMONS	<u> </u>	VAID OFFICE TO	
(NOT	E. To be seemed at a C		ANSCRIPT ORDER	AND CERTIFICATI	
-		NLY when defendant is indige	-		
	= *	 Named On The Reverse parties a transcript of all po 		in the chair conti	and and signals
(Speci					rities under Rule 7(a)(2), or pursuent to
I certi	fy that I delivered a c	opy of this Transcript Orde	r to the transcriptionist(s) on the date shown	below:
	fy that I delivered a c ersonally.	opy of this Transcript Orde	r to the transcriptionist(s) on the date shown	below:
X p	ersonally.	opy of this Transcript Ordenscriptionist(s) at the addre			bełow:
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⊠ p □ b	ersonally. y mailing it to the tran rk's Transcript Order Enter	nscriptionist(s) at the addre ad And Filed 08/12/2015	ss(es) shown on the rev		below:
⊠ p □ b	ersonally. y mailing it to the tran rk's Transcript Order Enter der Delivered To Transcripti	nscriptionist(s) at the addre ed And Filed 08/12/2015 ionist(s), If Different	ss(es) shown on the rev	rerse. Jouln Or uty CSC Assistar	nt CSC Clerk Of Superior Court
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⊠ p □ b	ersonally. y mailing it to the training it to the training it to the training it to the training it is a training in the content of the content in the cont	nscriptionist(s) at the addre ed And Filed 08/12/2015 ionist(s), If Different EXTENSION OF TIME T me to file transcript: Po	ss(es) shown on the rev Signature X Dep O PREPARE TRANS Insuant to Rule 7, N.C. Fat this is a criminal case	orse. January CSC Assistary SCRIPT OR SERV Rules of Appellate Properties that did not result in	nt CSC Clerk Of Superior Court
Date Cro	ersonally. by mailing it to the transk's Transcript Order Enternative Delivered To Transcript Extension of till and for good caus ORDERED that the Procedure, upon the procedure, upon the procedure.	nscriptionist(s) at the addressed And Filed 08/12/2015 ionist(s), If Different EXTENSION OF TIME To the to file transcript: Pute shown, the court finds the time for preparation of the time to serve proposed	Signature Signature Signature Dep O PREPARE TRANS Irsuant to Rule 7, N.C. If at this is a criminal case transcript is extended record on appeal: Pu	uty CSC Assistar CCRIPT OR SERV Rules of Appellate Properties that did not result in for 30 days. Dursuant to Rules 11 a	of CSC Clerk Of Superior Court E RECORD
Date Ord	ersonally. y mailing it to the transcript order Enteroder Delivered To Transcript Extension of till and for good caus ORDERED that the Procedure, upon record on appeal The trial court may go serve the proposed to was not entered, the of time to prepare the imposition of the dea	nscriptionist(s) at the address of the appellant and is extended for 30 days. The address of the appellant and is extended for 30 days. The address of the appellant and is extended for 30 days. The address of the appellant and is extended for 30 days. The address of the appellant and is extended for 30 days. The address of the appellant and is extended for 30 days.	Signature Signature Signature No PREPARE TRANS Aursuant to Rule 7, N.C. If at this is a criminal case the transcript is extended record on appeal: Put for good cause shown, at the appellate court when for an extension of time the appellate court where the	wity CSC Assistant Assista	E RECORD Superior Court cocedure, upon motion of the appellant a sentence of death and it is and 27, N.C. Rules of Appellate
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Material opposite unmarked squares is to be disregarded as surplusage.

APPOINTMENT OF APPELLATE COUNSEL BY THE APPELLATE DEFENDER

STATE OF NORTH CAROLINA)
	-)
v.)
)
TREVOR WILKS FORTE)
12 CRS 60601)
Pitt 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 Rule 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:

Kirby H. Smith, III

Post Office Box 893 New Bern, North Carolina 28563

Telephone 252 636 3511

Facsimile 252 636 0142 Email kirbysmith@

kirbysmith@suddenlinkmail.com

This is the 31st day of August 2015.

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 defendant and the court reporter.

ATTENTION CLERK OF COURT. File this Appointment Notice in your office. Please mail a photocopy of the complete court file, including documentary exhibits, to Mr. Smith.

STATE OF NORTH CAROL	INA FIL	IN THE GENERAL COURT OF JUSTICE
COUNTY OF PITT	2015 OCT 23	SUPERIOR COURT DIVISION AM II FILE NO. 12-CRS-60601
	PITT COUN	TY, C.S.C.
STATE OF NORTH CAROL v.	$_{\text{INA}}^{\text{BY}} - \frac{h}{h}$	MOTION FOR EXTENSION OF
TREVOR WILKS FORTE,	Defendant)	TIME FOR COURT REPORTER TO PREPARE TRANSCRIPT
		

NOW COMES the Defendant, Trevor Wilks Forte, by and through the undersigned appointed counsel, and respectfully moves for an extension of time for the Court Reporter to prepare the transcript in the above-referenced matter. In support of this motion, the Defendant shows unto the court as follows:

- 1. On August 12, 2015, the Defendant was convicted of trafficking heroin in excess of 14 grams and less than 28 grams by possession and trafficking heroin in excess of 14 grams and less than 28 grams by transportation.
 - 2. The Defendant gave notice of appeal.
- 3. On August 12, 2015, appellate entries were made in this case, ordering the court reporter in these matters to prepare and deliver to the parties a transcript of the proceedings.
 - 4. That said transcript is due to be delivered on or before October 16, 2015.
- 5. The court reporter has contacted undersigned counsel and requested a thirty (30) day extension of time to complete said transcript, due to a backlog of work.
 - 6. This request is made in good faith and not for the purposes of delay.
- 7. That 30 days from October 16, 2015 would make the transcript due on or before November 15, 2015.

WHEREFORE, the Defendant, by and through the undersigned counsel of record, prays unto this Honorable Court for an Order extending time for the court reporter to prepare and deliver the transcript of the above-referenced proceedings for an additional 30 days, up to and including November 15, 2015.

This the 16th day of October, 2015.

WARD, SMITH & NORRIS, P.A.

Attorneys for Trevor Wilks, Forte

BY:

KIRBYH. SMITH, III

N.C. State Bar No. 19271

Post Office Box 897

314 New Street

New Bern, NC 28563

Telephone: (252)636-3511 Facsimile: (252) 636-0142

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Extension of

Time for Court Reporter to Prepare Transcript was served upon counsel of record by

depositing the same in a postpaid wrapper in an official depository under the exclusive care and
custody of the United States Postal Service, New Bern, North Carolina, and addressed to:

Mr. Anthony Wayne Futrell Assistant District Attorney P.O. Box 8185 Greenville, NC 27858

Ms. Miriam Dutton Court Reporter P.O. Box 7234 Rocky Mount, NC 27804

This the 16^{th} day of October, 2015.

WARD, SMITH & NORRIS, P.A.

Attorneys for Trevor Wilks Forte

KIRBY H. SMITH, III

N.C. State Bar No. 19271

Post Office Box 897

314 New Street

New Bern, NC 28563

Telephone: (252)636-3511 Facsimile: (252) 636-0142

FILED

STATE OF NORTH CARO	LINAS OCT 30	PH 4:1NB	THE GENE	RAL COURT	OF JUSTICE
	_			OURT DIVISION	
COUNTY OF PITT	PITT COU	viy, c. fil i	E NO. 12-C	RS-60601	
	Λ.				
	BY	<u>~</u>			
STATE OF NORTH CAROI	LINA)			
	•)			
v.) .	(ORDER	
•)			
TREVOR WILKS FORTE,)			
	Defendant)			
)			
v.	LINA)))))	(ORDER	

THIS CAUSE came before the undersigned Superior Court Judge on motion of

Defendant for an extension of time for the court reporter to complete and deliver the transcript in
this case to all parties. For good cause shown this motion is allowed.

Now therefore it is HEREBY ORDERED that the Defendant's motion for an extension of time is ALLOWED, and the Defendant is allowed an additional thirty (30) days up to and including November 15, 2015, for the court reporter, Miriam Dutton, to complete and deliver the transcript in this case to all parties.

This the 30 day of Actober, 2015.

SUPERIOR COURT JUDGE

NORTH	CAROLINA	COURT OF APPEA	LS	
*****	*****	*****	*****	
STATE OF NORTH CAROLIN	A)	From Pitt (File No. 12		g3 N
Vs.)			
TREVOR WILKS FORTE, Defenda	nt.)) 14 (12) (13)
*****	*****	*****	****	43
		NSION OF TIME I		. 0

NOW COMES the Defendant-Appellant, Trevor Wilks Forte, by and through the undersigned appointed counsel and respectfully moves this Honorable Court for an extension of time for the Court Reporter to prepare the transcript in the above-referenced matter. In support of this motion, the Defendant-Appellant shows unto the Court as follows:

- On August 12, 2015, the Defendant was convicted of trafficking heroin in excess of 14 grams and less than 28 grams by possession and trafficking heroin in excess of 14 grams and less than 28 grams by transportation.
- The Defendant gave notice of appeal in open court to the North Carolina Court of Appeals.
- 3. On August 12, 2015, appellate entries were made in this case, ordering the court reporter in these matters to

- prepare and deliver to the parties a transcript of the proceedings.
- 5. That said transcript was due to be delivered on or before October 16, 2015.
- 6. The court reporter contacted undersigned counsel and requested a thirty (30) day extension of time to prepare the transcripts, due to a backlog of work.
- 7. On October 16, 2015, undersigned counsel did request an extension of time to complete the trial transcripts from the Trial Court. A copy of said Motion is attached hereto.
- 8. On October 30, 2015, the Trial Court granted the Defendant's motion for an extension of time for the court reporter to complete said transcript up to and including November 15, 2015. A copy of said Order is attached hereto.
- 9. That undersigned counsel contacted the court reporter for these matters, and she needs an additional thirty (30) days from this Honorable Court to complete said transcript due to a backlog of work preparing other transcripts.
- 10. That undersigned counsel has contacted the Pitt County
 District Attorney's office and spoken with the
 Assistant District Attorney who prosecuted this case
 and he consents to this extension of time.

WHEREFORE, the Defendant-Appellant, Trevor Wilks Forte, does respectfully pray unto this Honorable Court that the court reporter be granted an additional thirty (30) days within which to complete the transcript of the proceedings in these matters, up to and including December 15, 2015.

This the 13^{th} day of November, 2015.

WARD, SMITH & NORRIS, P.A. Attorneys for Trevor Wilks Forte

BY:

KIRBY H. SMITH III

N. State Bar No. 19271

Post Office Box 897

314 New Street

New Bern, NC 28563

Telephone:

(252)636-3511

Facsimile:

(252) 636-0142

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the MOTION FOR EXTENSION OF TIME FOR COURT REPORTER TO COMPLETE TRANSCRIPT was served upon counsel of record by depositing the same in a postpaid wrapper in an official depository under the exclusive care and custody of the United States Postal Service, New Bern, North Carolina, and addressed to:

Mr. Anthony Wayne Futrell Assistant District Attorney P.O. Box 8185 Greenville, NC 27858

Ms. Miriam Dutton Official Court Reporter P.O. Box 7234 Rocky Mount, NC 27804

This the 13^{th} day of November, 2015.

WARD, SMITH & NORRIS, P.A. Attorneys for Trevor Wilks, Forte

BY:

KIRDY H. SMITH, III

N.C. State Bar No. 19271

Post Office Box 897

314 New Street

New Bern, NC 28563

Telephone:

(252) 636-3511

Facsimile:

(252) 636-0142

STATE OF NORTH CARO	LINA FIL	ED IN THE GENERAL COURT OF JUSTICE
COUNTY OF PITT		SUPERIOR COURT DIVISION AMUFTLE NO. 12-CRS-60601
	PITTOOUN	TY, C.S.C.
STATE OF NORTH CARO	LINABY by	
v.)	MOTION FOR EXTENSION OF
TREVOR WILKS FORTE,	Defendant)	TIME FOR COURT REPORTER TO PREPARE TRANSCRIPT

NOW COMES the Defendant, Trevor Wilks Forte, by and through the undersigned appointed counsel, and respectfully moves for an extension of time for the Court Reporter to prepare the transcript in the above-referenced matter. In support of this motion, the Defendant shows unto the court as follows:

- 1. On August 12, 2015, the Defendant was convicted of trafficking heroin in excess of 14 grams and less than 28 grams by possession and trafficking heroin in excess of 14 grams and less than 28 grams by transportation.
 - 2. The Defendant gave notice of appeal.
- 3. On August 12, 2015, appellate entries were made in this case, ordering the court reporter in these matters to prepare and deliver to the parties a transcript of the proceedings.
 - 4. That said transcript is due to be delivered on or before October 16, 2015.
- 5. The court reporter has contacted undersigned counsel and requested a thirty (30) day extension of time to complete said transcript, due to a backlog of work.
 - 6. This request is made in good faith and not for the purposes of delay.
- 7. That 30 days from October 16, 2015 would make the transcript due on or before November 15, 2015.

WHEREFORE, the Defendant, by and through the undersigned counsel of record, prays unto this Honorable Court for an Order extending time for the court reporter to prepare and deliver the transcript of the above-referenced proceedings for an additional 30 days, up to and including November 15, 2015.

This the 16th day of October, 2015.

WARD, SMITH & NORRIS, P.A.

Attorneys for Trevor Wilks Forte

BY:

KIRBYH. SMITH, III

N.C. State Bar No. 19271

Post Office Box 897

314 New Street

New Bern, NC 28563

Telephone: (252)636-3511 Facsimile: (252) 636-0142

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Extension of

Time for Court Reporter to Prepare Transcript was served upon counsel of record by

depositing the same in a postpaid wrapper in an official depository under the exclusive care and
custody of the United States Postal Service, New Bern, North Carolina, and addressed to:

Mr. Anthony Wayne Futrell
Assistant District Attorney
P.O. Box 8185
Greenville, NC 27858

Ms. Miriam Dutton Court Reporter P.O. Box 7234 Rocky Mount, NC 27804

This the 16th day of October, 2015.

WARD, SMITH & NORRIS, P.A.

Attorneys for Trevor Wilks Forte

RV

KIRBY H. SMITH, III

N.C. State Bar No. 19271 Post Office Box 897

314 New Street

New Bern, NC 28563

Telephone: (252)636-3511 Facsimile: (252) 636-0142

FILED

STATE OF NORTH CARO	LINAS OCT 3	O PH	L:INGHE GENERAL COURT OF JUSTIC	Έ
COUNTY OF PITT	PITT CO	UNTY,	SUPERIOR COURT DIVISION C.FILE NO. 12-CRS-60601	
STATE OF NORTH CARO	$_{\text{LINA}}^{\text{BY}} - \beta$	m)	·	
v.)	ORDER	
TREVOR WILKS FORTE,	Defendant)		
		_)		

THIS CAUSE came before the undersigned Superior Court Judge on motion of

Defendant for an extension of time for the court reporter to complete and deliver the transcript in
this case to all parties. For good cause shown this motion is allowed.

Now therefore it is HEREBY ORDERED that the Defendant's motion for an extension of time is ALLOWED, and the Defendant is allowed an additional thirty (30) days up to and including November 15, 2015, for the court reporter, Miriam Dutton, to complete and deliver the transcript in this case to all parties.

This the 30 day of October, 2015.

SUPERIOR COURT JUDGE



Porth Carolina Court of Appeals DANIEL M. HORNE JR., Clerk Court of Appeals Building

Fax: (919) 831-3615 Web: http://www.nccourts.org Court of Appeals Building
One West Morgan Street
Raleigh, NC 27601
(919) 831-3600
From Pitt

(12-CRS-60601)

Mailing Address: P. O. Box 2779 Raleigh, NC 27602

No. P15-870

STATE OF NORTH CAROLINA

VS.

TREVOR WILKS FORTE,

DEFENDANT.

ORDER

The following order was entered:

The motion filed in this cause on the 18th of November 2015 and designated 'Motion for Extension of Time for Court [Report] to Complete Transcript' is allowed. Transcript shall be produced and delivered on or before 15 December 2015.

By order of the Court this the 20th of November 2015.

WITNESS my hand and official seal this the 20th day of November 2015.

Daniel M. Horne Jr.

Clerk, North Carolina Court of Appeals

Copy to:
Mr. Kirby H. Smith, III, Attorney at Law, For Forte, Trevor Wilks
Attorney General, For State of North Carolina
Mr. Anthony Wayne Futrell, Assistant District Attorney
Ms. Miriam Dutton
Hon. Sarah Beth Rhodes, Clerk of Superior Court

No.

NORTH CAROLINA COURT OF APPEALS

*********	********
STATE OF NORTH CAROLINA) From Pitt County) File No. 12-CRS-60601
Vs.)
TREVOR WILKS FORTE, Defendant.))
**********	********
	EXTENSION OF TIME FOR TO COMPLETE TRANSCRIPT
*********	*******

NOW COMES the Defendant-Appellant, Trevor Wilks Forte, by and through the undersigned appointed counsel and respectfully moves this Honorable Court for an extension of time for the Court Reporter to prepare the transcript in the above-referenced matter. In support of this motion, the Defendant-Appellant shows unto the Court as follows:

- On August 12, 2015, the Defendant was convicted of trafficking heroin in excess of 14 grams and less than 28 grams by possession and trafficking heroin in excess of 14 grams and less than 28 grams by transportation.
- 2. The Defendant gave notice of appeal in open court to the North Carolina Court of Appeals.
- 3. On August 12, 2015, appellate entries were made in this case, ordering the court reporter in these matters to prepare and deliver to the parties a transcript of the proceedings.

- 5. That said transcript was due to be delivered on or before October 16, 2015.
- 6. The court reporter contacted undersigned counsel and requested a thirty (30) day extension of time to prepare the transcripts, due to a backlog of work.
- 7. On October 16, 2015, undersigned counsel did request an extension of time to complete the trial transcripts from the Trial Court. A copy of said Motion is attached hereto.
- 8. On October 30, 2015, the Trial Court granted the Defendant's motion for an extension of time for the court reporter to complete said transcript up to and including November 15, 2015. A copy of said Order is attached hereto.
- 9. On November 13, 2015, undersigned counsel contacted the court reporter for these matters, and she indicated she needed an additional thirty (30) days from this Honorable Court to complete said transcript due to a backlog of work preparing other transcripts.
- 10. That undersigned counsel requested an extension of time for the court reporter to complete the trial transcripts from this honorable court up to and including December 15, 2015.
- 11. On November 20, 2015, this honorable court granted a thirty (30) day extension of time for the court

reporter to complete the transcripts in this matter, up to and including December 15, 2015.

- 12. That undersigned counsel has not received the transcripts from the court reporter and has tried to contact the court reporter to check the status of the transcripts but has been unable to reach her.
- 13. As a result, undersigned counsel is requesting another thirty (30) day extension of time for the court reporter to provide the transcripts in this matter, up to and including January 14, 2016.
- 14. The undersigned has tried to contact the Pitt County
 District Attorney's office to speak with the Assistant
 District Attorney who prosecuted this case to ask for
 his consent to this extension, but was unable to reach
 him.

WHEREFORE, the Defendant-Appellant, Trevor Wilks Forte, does respectfully pray unto this Honorable Court that the court reporter be granted an additional thirty (30) days within which to complete the transcript of the proceedings in these matters, up to and including January 14, 2016.

This the 15^{th} day of December, 2015.

WARD, SMITH & NORRIS, P.A.

Attorneys for Trevor Wilks Forte

BY:

KIRBY H. SMITH, (III

N.S. State Bar No. 19271

Post Office Box 897

314 New Street

New Bern, NC 28563

Telephone:

(252)636-3511

Facsimile:

(252) 636-0142

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the MOTION FOR EXTENSION OF TIME FOR COURT REPORTER TO COMPLETE TRANSCRIPT was served upon counsel of record by depositing the same in a postpaid wrapper in an official depository under the exclusive care and custody of the United States Postal Service, New Bern, North Carolina, and addressed to:

> Mr. Anthony Wayne Futrell Assistant District Attorney P.O. Box 8185 Greenville, NC 27858

Ms. Miriam Dutton Official Court Reporter P.O. Box 7234 Rocky Mount, NC 27804

This the 15^{th} day of December, 2015.

WARD, SMITH & NORRIS, P.A. Attorneys for Trevor Wilks Fort

BY:

KŁKBY H./SMITH, ILI

N.C. State Bar No. 19271

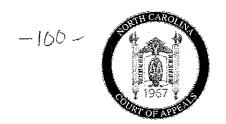
Post Office Box 897

314 New Street

New Bern, NC 28563

Telephone: (252) 636-3511 Facsimile:

(252) 636-0142



DANIEL M. HORNE JR., Clerk Court of Appeals Building One West Morgan Street Raleigh, NC 27601 (919) 831-3600

Fax: (919) 831-3615 Web: http://www.nccourts.org

Mailing Address: P. O. Box 2779 Raleigh, NC 27602

From Pitt (12-CRS-60601)

No. P15-870

STATE OF NORTH CAROLINA

VS.

TREVOR WILKS FORTE,

DEFENDANT.

ORDER

The following order was entered:

The motion filed in this cause on the 21st of December 2015 and designated 'Motion for Extension of Time for Court Report to Complete Transcript' is allowed. Transcript shall be produced and delivered on or before 14 January 2016.

By order of the Court this the 22nd of December 2015.

WITNESS my hand and official seal this the 22nd day of December 2015.

Daniel M. Horne Jr.

Clerk, North Carolina Court of Appeals

Som A.

Mr. Kirby H. Smith, III, Attorney at Law, For Forte, Trevor Wilks Attorney General, For State of North Carolina Mr. Anthony Wayne Futrell, Assistant District Attorney Ms. Miriam Dutton Hon. Sarah Beth Rhodes, Clerk of Superior Court

STATE OF NORTH CAROLINA
COUNTY OF PITT

IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 12 CRS 60601

STATE OF NORTH CAROLINA)	
VS.)	CERTIFICATE OF
TREVOR WILKS FORTE,)	DELIVERY
Defendant)	

This is to certify that the transcript of the jury trial held during the August 10, 2015, session of Superior Court of Pitt County, in the above-entitled case was requested of Miriam Dutton on the 12th day of August, 2015, and was delivered and/or mailed to the parties as indicated below on the 8th day of January, 2016.

The transcript consists of 327 pages.

Miliam D. Dutton

Miriam G. Dutton, CVR-CM-M Official Court Reporter 252-937-7394 miriam.g.dutton@nccourts.org

Kirby H. Smith, III

kirbysmith@suddenlinkmail.com

Anthony J. Futrell

anthony.w.futrell@nccourts.org

North Carolina Department of Justice
crimtranscripts@ncdoj.gov

STATE OF NORTH CAROLINA	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION
COUNTY OF PITT	FILE NO. 12-CRS-6060 PRIS FEB 19 ANTI: 09
STATE OF NORTH CAROLINA	PHILOGUNIY, C.S.C. BY
v.) MOTION FOR EXTENSION OF) TIME TO SERVE PROPOSED
TREVOR WILKS FORTE,) RECORD ON APPEAL
Defendant)
	_)

NOW COMES the Defendant, Trevor Wilks Forte, by and through the undersigned counsel, and respectfully moves for an extension of time to serve the proposed Record on Appeal. In support of this motion, undersigned counsel shows as follows:

- 1. On August 12, 2015, the Defendant was convicted of trafficking heroin in excess of 14 grams and less than 28 grams by possession and trafficking heroin in excess of 14 grams and less than 28 grams by transportation.
 - 2. That the Defendant gave notice of appeal.
- 3. On August 12, 2015, appellate entries were made in this case, ordering the court reporter in these matters to prepare and deliver to the parties a transcript of the proceedings.
- 4. The trial transcripts were delivered to the undersigned counsel by the court reporter on January 8, 2016. Therefore the proposed Record on Appeal is due on or before February 12, 2016.
- 5. Appellate counsel has been unable to complete a review of the pleadings and the transcripts in this matter due to a heavy case load, including, but not limited to preparing and filing Briefs with the Court of Appeals in State v. Brewster Lewis (Brunswick County File No. 15-CRS-50950-952), State v. C.D. Hunt (Durham County File No. 13-CRS-55296) and State v.

Demetrius Bowser (Camden County File No. 13-CRS-50019 & 50026). Undersigned has also prepared and filed Records on Appeal with the Court of Appeals in State v. Brenda Lanclos (Jones County File No. 14-CRS-50017) and State v. Steven McCann (Vance County File No. 14-CRS-52728).

- 6. This motion is being made in good faith and not for the purpose of delay.
- 7. Undersigned counsel tried to speak with the prosecutor in this matter to ask for his consent to this motion, but was unable to reach him by phone.
- 8. For these reasons, appellate counsel would request an additional thirty (30) day extension of time, up to and including March 13, 2016, to serve his proposed Record on Appeal on the State in this matter.

WHEREFORE, the Defendant respectfully prays unto this honorable court that it grant him a thirty (30) day extension of time within which to serve his proposed Record on Appeal on the State in this matter, up to and including March 13, 2016.

This the 12th day of February, 2016.

WARD, SMITH & NORRIS, P.A.

ATTORNEYS FOR TREVOR WILKS FORTE

By

Karby H. Smith, III

N.C. STATE BAR No. 19271

314 New Street

P.O. Box 893

NEW BERN, NC 28563

TELEPHONE: (252) 636-3511 FACSIMILE: (252) 636-0142

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Extension of

Time to Serve Proposed Record on Appeal was served upon counsel of record by depositing
the same in a postpaid wrapper in an official depository under the exclusive care and custody of
the United States Postal Service, New Bern, North Carolina, and addressed to:

Mr. Anthony Wayne Futrell Assistant District Attorney P.O. Box 8185 Greenville, NC 27858

This the 12th day of February, 2016.

WARD, SMITH & NORRIS, P.A.

ATTORNEYS FOR TREVOR WILKS FORTE

By: __

KIBBY H. SMITH, III

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SUPERIOR COURT DIVISION FILE NO. 12-CRS-60601 , C.S.C.
)
ORDER
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THIS CAUSE came before the undersigned Superior Court Judge on motion of

Defendant for an extension of time within which to serve the proposed Record on Appeal. For
good cause shown this motion is allowed.

Now therefore it is HEREBY ORDERED that the defendant's motion for an extension of time is ALLOWED, and the Defendant is allowed an additional thirty (30) days up to and including March 13, 2016, within which to serve his proposed Record on Appeal in this matter.

This the 19th day of February, 2016.

SUPERIOR COURT JUDGE

No.	3A JUDICIAL DISTRICT
	LINA COURT OF APPEALS
*******	******
STATE OF NORTH CAROLINA) <u>From Pitt County</u>) 12-CRS-60601 우号
VS.	12-CRS-60601 P
TREVOR WILKS FORTE, Defendant.	
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	EXTENSION OF TIME TO

NOW COMES the Defendant-Appellant, Trevor Wilks Forte, by and through the undersigned counsel and respectfully moves for an extension of time to serve his proposed record on appeal on the State. In support of this motion undersigned counsel shows as follows:

- On August 12, 2015, the Defendant was convicted and sentenced for trafficking heroin in excess of 14 grams and less than 28 grams by possession and trafficking heroin in excess of 14 grams and less than 28 grams by transportation.
- 2. That the Defendant gave notice of appeal in open court.
- 3. On January 8, 2016, undersigned counsel received the transcripts from the court reporter of the trial of these matters.

- 4. On February 12, 2016, appellate counsel requested an extension of time to serve his proposed Record on Appeal from the trial court up to and through March 13, 2016. This Motion was filed on February 19, 2016, with the Pitt County Clerk of Superior Court, and the Order granting this motion was filed on February 23, 2016. Copies of said motion and order are attached hereto.
- 5. Undersigned counsel was on secured leave the week of February 22, 2016. Undersigned counsel was also out of the office on February 29, 2016 for a personal family medical appointment.
- 6. Undersigned counsel has not been able to fully review the transcript and pleadings in these matters, and needs additional time to do so.
- 7. For these reasons, counsel for the Defendant-Appellant does hereby request an additional thirty (30) day extension of time from this Honorable Court to serve his proposed Record on Appeal on the State in this matter.
- 8. This motion is being made in good faith and not for the purpose of delay.
- 9. That counsel for the Defendant-Appellant has spoken with the Assistant District Attorney who prosecuted this case and he does not object to this motion.

WHEREFORE, the Defendant-Appellant, Trevor Wilks Forte, respectfully moves that he be given an additional thirty (30) days within which to serve his proposed record on appeal on the District Attorney in this matter up to and including April 12, 2016.

This the 11th day of March, 2016.

WARD, SMITH & NORRIS, P.A. Attorneys for Trevor Wilks Forte

BY:

CIRBY H. SMITH, IXI

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the MOTION FOR EXTENSION OF TIME TO SERVE PROPOSED RECORD ON APPEAL Was served upon counsel of record by depositing the same in a postpaid wrapper in an official depository under the exclusive care and custody of the United States Postal Service, New Bern, North Carolina, and addressed to:

> Mr. Anthony Wayne Futrell Assistant District Attorney P.O. Box 8185 Greenville, NC 27858

This the 11th day of March, 2016.

WARD, SMITH & NORRIS, P.A. Attorneys for Trevor Wilks, Forte

By:

KARBY H. SMITH/ III N.C. State Bar No. 19271

314 New Street

Post Office Box 897 New Bern, NC 28563

Telephone: (252) 636-3511 Facsimile: (252) 636-0142 Demetrius Bowser (Camden County File No. 13-CRS-50019 & 50026). Undersigned has also prepared and filed Records on Appeal with the Court of Appeals in State v. Brenda Lanclos (Jones County File No. 14-CRS-50017) and State v. Steven McCann (Vance County File No. 14-CRS-52728).

- This motion is being made in good faith and not for the purpose of delay. 6.
- Undersigned counsel'tried to speak with the prosecutor in this matter to ask for his 7. consent to this motion, but was unable to reach him by phone.
- For these reasons, appellate counsel would request an additional thirty (30) day 8. extension of time, up to and including March 13, 2016, to serve his proposed Record on Appeal on the State in this matter.

WHEREFORE, the Defendant respectfully prays unto this honorable court that it grant him a thirty (30) day extension of time within which to serve his proposed Record on Appeal on the State in this matter, up to and including March 13, 2016.

This the 12th day of February, 2016.

WARD, SMITH & NORRIS, P.A.

ATTORNEYS FOR TREVOR WILKS FORTE

KIRBY H. SMITH III

N. C. State Bar No. 19271

314 New Street

P.O. Box 893

New Bern, NC 28563

TELEPHONE: (252) 636-3511 FACSIMILE: (252) 636-0142

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Extension of

Time to Serve Proposed Record on Appeal was served upon counsel of record by depositing
the same in a postpaid wrapper in an official depository under the exclusive care and custody of
the United States Postal Service, New Bern, North Carolina, and addressed to:

Mr. Anthony Wayne Futrell Assistant District Attorney P.O. Box 8185 Greenville, NC 27858

This the 12th day of February, 2016.

WARD, SMITH & NORRIS, P.A. ATTORNEYS FOR TREVOR WILKS FORTE

By:

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STATE OF NORTH CAROI	LINA	IN THE GENERAL C	OURT OF JUSTICE
COUNTY OF PITT	MA FEB 23 AM	SURERIOR COURT I FILE NO. 12-CRS-606	DIVISION 501
	37 _ fm		
STATE OF NORTH CAROI	LINA)	
v.)	ORDER
TREVOR WILKS FORTE,	D.C. 1. /)	
	Defendant))	· .

THIS CAUSE came before the undersigned Superior Court Judge on motion of Defendant for an extension of time within which to serve the proposed Record on Appeal. For good cause shown this motion is allowed.

Now therefore it is HEREBY ORDERED that the defendant's motion for an extension of time is ALLOWED, and the Defendant is allowed an additional thirty (30) days up to and including March 13, 2016, within which to serve his proposed Record on Appeal in this matter.

This the 19th day of February, 2016.

SUPERIOR COURT JUDGE



Porth Carolina Court of Appeals DANIEL M. HORNE JR., Clerk Court of Appeals Building One West Morgan Street Raleigh, NC 27601 (919) 831-3600

Fax: (919) 831-3615 Web: http://www.nccourts.org

From Pitt (12-CRS-60601)

Mailing Address: P. O. Box 2779 Raleigh, NC 27602

No. P15-870

STATE OF NORTH CAROLINA

VS.

TREVOR WILKS FORTE,

DEFENDANT.

ORDER

The following order was entered:

The motion filed in this cause on the 15th of March 2016 and designated 'Motion for Extension of Time to Serve Proposed Record on Appeal' is allowed. Proposed record on appeal shall be served on or before 12 April 2016.

By order of the Court this the 15th of March 2016.

WITNESS my hand and official seal this the 15th day of March 2016.

Daniel M. Horne Jr.

Clerk, North Carolina Court of Appeals

Mr. Kirby H. Smith, III, Attorney at Law, For Forte, Trevor Wilks Attorney General, For State of North Carolina Mr. Anthony Wayne Futrell, Assistant District Attorney Ms. Miriam Dutton Hon. Sarah Beth Rhodes, Clerk of Superior Court

SERVICE OF DEFENDANT-APPELLANT'S PROPOSED RECORD ON APPEAL

The undersigned hereby certifies that a copy of the Defendant-Appellant's Proposed Record on Appeal was served upon counsel of record for the State-Appellee by depositing the same in a postpaid wrapper in an official depository under the exclusive care and custody of the United States Postal Service, New Bern, North Carolina, and addressed to:

Mr. Anthony Wayne Futrell Assistant District Attorney P.O. Box 8185 Greenville, NC 27858

This the 12th day of April, 2016.

WARD, SMITH & NORRIS, P.A. Attorneys for Defendant-Appellant

By:

KIBBY M. SMITH, LYII

Ward Smith & Norris, P.A.

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STIPULATION OF AGREED RECORD ON APPEAL

It is hereby stipulated and agreed that the foregoing shall constitute the agreed upon Record on Appeal to the North Carolina Court of Appeals. Further, it is agreed and stipulated that said Record on Appeal is served in apt time upon all parties.

This the $12^{+/1}$ day of May, 2016.

WARD, SMITH & NORRIS, P.A. Attorneys for Defendant-Appellant

By:

KIRBY H. SMITH, III

Ward, Smith & Norris, P.A.

North Carolina State Bar No. 19271

Post Office Box 893

New Bern, North Carolina 28563

Telephone: (252) 636-3511

Attorney for the State of North Carolina

By:

Mr. Anthony Wayne Futrell

Assistant District Attorney

P.O. Box 8185

Greenville, NC 27858

The Defendant-Appellant, Trevor Wilks Forte, respectfully requests the following issues be addressed on appeal:

- 1. The trial court erred by denying the Defendant-Appellant's Motion to Suppress the Stop and/or Search of the car in which the Defendant-Appellant was riding, based upon information provided by a confidential informant whose reliability had not been established. (Rpp. 15-17, 28-30; Tpp. 103-142).
- 2. The trial court erred by denying the Defendant-Appellant's Motion to Suppress the Application and Order for a Pen Register Trap/Trace, and all evidence arising therefrom, based upon information provided by a confidential informant whose reliability had not been established.

 (Rpp. 24-26, 31-34; Tpp. 103-142).
- 3. The trial court erred by allowing hearsay and conclusory statements into evidence. (Tpp. 153-158).
- 4. The trial court erred by allowing Investigator Cottingham to state his beliefs about the Defendant-Appellant and to speculate about the Defendant-Appellant.

 (Tpp. 216-218).
- 5. The trial court erred in its instructions to the jury on acting in concert.
 (Rpp. 59, 66; Tpp. 249, 262)

COUNSEL FOR PLAINTIFF-STATE OF NORTH CAROLINA

Mr. Anthony Wayne Futrell Assistant District Attorney P.O. Box 8185 Greenville, NC 27858

North Carolina Department of Justice Post Office Box 629 Raleigh, North Carolina 27602

COUNSEL FOR DEFENDANT-APPELLANT - TREVOR WILKS FORTE

Kirby H. Smith, III Ward, Smith & Norris, P.A. Post Office Box 893 New Bern, North Carolina 28563