Attachment 11

A 0800833-7

In The General Court Of Justice District Court Division

NOTE: (If DVI use AOC-CR-342 (Jacket) or AOC-CR-341)

MAGISTRATE'S ORDER - MISDEMEANOR SITE

The named defendant has been arrested without a warrant and there is probable cause for the defendant's detention on the stated charges. This Magistrate's Order is issued upon information furnished under oath by the named officer. A copy of this Order has been delivered to the defendant.

Signature Of Magistrate/Deputy/Assistant/CSC

Date

COURT USE ONLY

District Attorney

Attorney For Defendant At Time Of Trial Or Plea

Appointed / Retained / Waived

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

MISD. CLASS: ☐ A1 ☐ 1 ☐ 2 ☐ 3

MISD. CLASS: ☐ A1 ☐ 1 ☐ 2 ☐ 3

☐ VID

PLEA: ☐ guilty/resp. ☐ no contest ____ VERDICT/ ☐ guilty/resp. ____

☐ guilty/resp. ☐ no contest ____ FINDING: ☐ guilty/resp. ____

☐ not guilty/resp. ____ ☐ not guilty/resp. ____

JUDGMENT: The defendant appeared in open court and freely, voluntarily and understandingly entered the above plea; on the above verdict/finding, it is ORDERED that the defendant: ☐ pay costs and a fine/penalty of $ ____ ☐ be imprisoned for a term of ____ days in custody of the sheriff. Pretrial credit ____ days served, ☐ The Court finds that a ☐ longer ☐ shorter period of probation than specified in G.S. 15A-1343.2(d), is necessary. ☐ Execution of sentence is suspended and the defendant is placed on unsupervised probation for ____ months, subject to the following conditions: ☐ (1) that he/she abide by all regular conditions of unsupervised probation; ☐ (2) pay costs and a fine/penalty of $ ____ ☐ (3) surrender his/her drivers license and not operate a motor vehicle for a period of ____ or until relicensed by DMV, whichever is later, except as may be permitted in a limited driving privilege; ☐ (4) Other: ____

☐ It is ORDERED that this: ☐ Judgment is continued upon payment of costs. ☐ case be consolidated for judgment with ____ sentence is to run at the expiration of the sentence in ____

☐ ☐ COMMITMENT: It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff and that the sheriff cause the defendant to be retained in custody to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.

☐ The presiding judge, in open court, orders any alcoholic beverages seized pursuant to this case destroyed as provided by law, after ten (10) days if no appeal is entered.

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

Signature Of Deputy/Assistant/CSC

Date

I certify that this Judgment is a true copy.

Signature Of District Court Judge

Date

AOC-CR-500M, 5/09M, Rev. 3/10, © 2010 Administrative Office of the Courts

File No. PD-140088

NORTH CAROLINA UNIFORM CITATION

Defendant Is To Appear In District Court ☑ Mandatory Appearance

Room # 200

Date Of Week	Month	Day	Year	Time
WED	4	9	14	0900 ☐ AM ☐ PM

N.C.

☑ D.L. ☐ D.C.I. ☐ Other No. Of Charges

THE STATE OF NORTH CAROLINA VS.

Name Of Defendant: JOHN NEWTON PENBERTHY

Address: [redacted]

City: [redacted] State: Zip:

Drivers License No.: [redacted] State: NC CDL: — Class: C

Race: [redacted] Sex: [redacted] Date Of Birth: [redacted] Age: 71

Hair: [redacted] Eyes: [redacted] Wt.: 165 Ht.: 510

Social Security No. Of Defendant: [redacted] Place Of Birth: PA

Home Phone: [redacted] Work Phone: —

Vehicle License No.: — State: — Make: — Type: — Year: —

Name/Address Of Defendant's Employer: Retired

Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card): —

DEPARTMENTAL USE ONLY

Agent/Officer: CF Sullivan Case No.: 207

District: ☐ N.C. ALE ☐ ABC ☐ NHSO ☐ Police/Sheriff

Offense Location/Address: 4610 Carolina Beach Road

Town/City: Wilmington County: NH

Wt. Chemical Analyst ☐ ____ AC ☐ Refused

ORIGINAL-COURT COPY

STATE OF NORTH CAROLINA 2014-01516 County

The undersigned agent/officer has probable cause to believe that on or about THUR. 1506 (a.) (p.) m., the 20 day of FEB 20 14 in the named county, the named defendant did unlawfully and willfully

☐ 1. Being (less than 21) (20) (19) years old (attempt to purchase) (purchase) (possess) (malt beverage) (unfortified wine) (fortified wine) (spirituous liquor) (mixed beverage). G.S. 18B-302(b).

☐ 2. (Sell) (malt beverage) (unfortified wine) (fortified wine) (spirituous liquor) (mixed beverage) to a person who at the time was less than 21 years old. G.S. 18B-302(a).

☐ 3. (Give) (malt beverage) (unfortified wine) (fortified wine) (spirituous liquor) (mixed beverage) to a person who at the time was less than 21 years old. G.S. 18B-302(a1).

☐ 4. Being less than 21 years old (obtain) (attempt to obtain) alcoholic beverages in violation of G.S. 18B-302(b) by using a (fraudulent) (altered) (drivers license) (identification document other than drivers license) (issued to another person). G.S. 18B-302(e).

☐ 5. Being (a permittee) (a permittee's employee) (an ABC store employee) (sell) (give) alcoholic beverages to a person known by him/her to be intoxicated. G.S. 18B-305(a).

☐ 6. (Consume) (Being a permittee allow consumption of) (malt beverage) (unfortified wine) on premises having only an on-premises permit for the kind of alcoholic beverage being consumed. G.S. 18B-300(b).

☐ 7. (Sell) (Possess for sale) alcoholic beverages without first obtaining the applicable ABC permit and revenue licenses. G.S. 18B-104(a).

☐ 8. (Possess) (Consume) (fortified wine) (spirituous liquor) (mixed beverage) upon premises where such possession or consumption is not authorized by the ABC law. G.S. 18B-301(f)(4).

☐ 9. (Sell) (Distribute) tobacco products or cigarette wrapping papers to a person under the age of 18 years old. G.S. 14-313.

☐ 10. Possess one-half ounce or less of marijuana, a controlled substance included within Schedule VI of the North Carolina Controlled Substances Act. G.S. 90-95(a).

☐ 11. Knowingly (use) and (possess with intent to use) drug paraphernalia to (plant) (propagate) (cultivate) (grow) (harvest) (manufacture) (compound) (convert) (produce) (process) (prepare) (test) (analyze) (package) (repackage) (store) (contain) (conceal) a controlled substance which it would be unlawful to possess, and to ingest, inhale, or otherwise introduce into the body a controlled substance which it would be unlawful to possess. G.S. 90-113.22(a).

☑ ☐ 12. Gambling NCGS-(14-292)

☐ ☐ 13. And on or about ____ (a.) (p.) m., the ____ day of ____, 20 ____, in the named county, the named defendant did unlawfully and willfully Operating a game of chance where as players must pay to play and receive something of value in return

Date: 2-20-14 Signature Of Agent/Officer: Det. CF Sullivan

ACKNOWLEDGMENT/NON/RESIDENT PERSONAL RECOGNIZANCE FOR APPEARANCE

I acknowledge receipt of this Citation ☐ and I promise to appear in the named court at the time and place designated herein to answer the charge(s). I understand that my failure to appear or to dispose of this Citation by other acceptable legal means, such as waiver, will result in my operator's license issued by my state of residence being suspended until I have done so. Also, I may go before a magistrate and make bail in lieu of my personal recognizance.

Date: 2-20-14 Signature Of Defendant: John N. Penberthy