Leveraging Pre-trial Release to Reduce Crime and Re-victimization

John Guard

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Special Thanks

Senator Don East

Pre-trial Release Violations in Pitt County

Investigative DV Reports CBA May 2012

Selected cases with an OCA number where the case was cleared by arrest from May 1, 2012 - May 31, 2012. The following data represents additional calls and/or arrest from May 1, 2012 - December 1, 2012 involving the original suspects from May 1, 2012 - May 31, 2012.

Investigative DV Reports CBA May 2012

60% of the offenders had additional contact with law enforcement in the form of another investigation and/or arrest.

Investigative Non-DV Reports CBA May 2012

49% of the offenders had additional contact with law enforcement in the form of another investigation and/or arrest.

History of Pre-trial Release in North Carolina

In 2004, almost one in five domestic homicide victims were murdered in North Carolina by defendants who were free on bond for other domestic violence charges. As a result, legislation was drafted and implemented (NCGS 15A-534.1).

Utilizing this legislation, the Pitt County Sheriff's Office implemented the electronic monitoring program. This program monitors a select group of domestic violence offenders during the pretrial phase.

NCGS 15A-534.1

- Provides law enforcement officers with powers of arrest for violation of pretrial release in the following misdemeanor cases:
  - Assaults
  - Communicating Threats
  - Domestic Criminal Trespass
  - Violation of a DVPO
  - Stalking

NCGS 15A-534.1

- Additionally, it provides law enforcement officers with powers of arrest for violation of pretrial release in the following felonies provided in Articles 7A, 8, 10, or 15 of Chapter 14:
  - Article 7A - Rape and other sex offenses
  - Article 8 - Assaults
  - Article 10 - Kidnapping and Abduction
  - Article 15 - Arson

Relationships per 15A-534.1

The victim and suspect must be...

- Spouse
- Former Spouse
- Person who one lives or has lived with as if married

But this statute did not address all crime

Recent Expansion of Pre-trial Release in North Carolina

In 2011, the North Carolina Legislature provided law enforcement officers with powers of arrest for violations of pre-trial release in ***all*** criminal cases (NCGS 15A-534).

There is ***no*** relationship requirement between the victim and suspect with this statute.

15A-534 and 15A-534.1
The Process Explained…

The Process

- After an arrest is made, the defendant is brought before a judicial official to have his or her bond set.
- This bond could be secured or unsecured based upon a number of factors.
- In addition to a monetary amount, the judicial official may set additional restrictions on the defendant pending the final disposition of the case.

N.C.G.S. 15A-534

…The judicial official authorizing pretrial release under this section must issue an appropriate order containing a statement of the conditions imposed, if any; inform the defendant in writing of the penalties applicable to violations of the conditions of his release; and advise him that his arrest will be ordered immediately upon any violation. The order of release must be filed with the clerk and a copy given the defendant.

N.C.G.S. 15A-534 continued…

…In imposing conditions of pretrial release and in modifying and revoking orders of release under this section, the judicial official must take into account all evidence available to him which he considers reliable and is not strictly bound by the rules of evidence applicable to criminal trials.

N.C.G.S. 15A-534.1

(2) A judge may impose the following conditions on pretrial release:

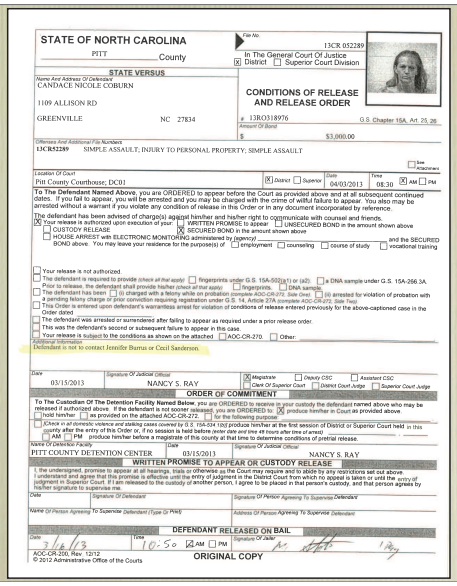
a. That the defendant stay away from the home, school, business or place of employment of the alleged victim.

b. That the defendant refrain from assaulting, beating, molesting, or wounding the alleged victim.

c. That the defendant refrain from removing, damaging or injuring specifically identified property.

d. That the defendant may visit his or her child or children at times and places provided by the terms of any existing order entered by a judge.

e. That the defendant abstain from alcohol consumption, as verified by the use of a continuous alcohol monitoring system, of a type approved by the Division of Adult Correction of the Department of Public Safety, and that any violation of this condition be reported by the monitoring provider to the district attorney.



STATE OF NORTH CAROLINA
PITT County
File No. 13CR 052289
In The General Court Of Justice
District Superior Court Division

STATE VERSUS
Name And Address Of Defendant
CANDACE NICOLE COBURN
1109 ALLISON RD
GREENVILLE NC 27834

CONDITIONS OF RELEASE AND RELEASE ORDER
13R0318976 G.S. Chapter 15A, Art. 25, 26
Amount Of Bond
$ $3,000.00

Offenses And Additional File Numbers
13CR052289 SIMPLE ASSAULT; INJURY TO PERSONAL PROPERTY; SIMPLE ASSAULT

Location Of Court: Pitt County Courthouse; DC01
Date: 04/03/2013 Time: 08:30 AM PM

To The Defendant Named Above, you are ORDERED to appear before the Court as provided above and at all subsequent continued dates. If you fail to appear, you will be arrested and you may be charged with the crime of willful failure to appear. You also may be arrested without a warrant if you violate any condition of release in this Order or in any document incorporated by reference.

The defendant has been advised of charge(s) against him/her and his/her right to communicate with counsel and friends.
Your release is authorized upon execution of your WRITTEN PROMISE to appear / UNSECURED BOND in the amount shown above / SECURED BOND in the amount shown above / CUSTODY RELEASE / HOUSE ARREST with ELECTRONIC MONITORING administered by (agency) _____ and the SECURED BOND above. You may leave your residence for the purposes(s) of employment / counseling / course of study / vocational training

Your release is not authorized.
The defendant is required to provide (check all that apply) fingerprints under G.S. 15A-502(a)(1) or (a)(2) / a DNA sample under G.S. 15A-266.3A.
Prior to release, the defendant shall provide his/her (check all that apply) fingerprints / DNA sample.
The defendant has been (i) charged with a felony while on probation (complete AOC-CR-272, Sale Order); (ii) arrested for violation of probation with a pending felony charge or prior conviction requiring registration under G.S. 14, Article 27A (complete AOC-CR-272, Sale Text)
This Order is entered upon defendant's warrantless arrest for violation of conditions of release entered previously for the above-captioned case in the Order dated
The defendant was arrested or surrendered after failing to appear as required under a prior release order.
This was the defendant's second or subsequent failure to appear in this case.
Your release is subject to the conditions as shown on the attached AOC-CR-270; Other: _____

Additional Information
Defendant is not to contact Jennifer Burns or Cecil Sanderson.

Date: 03/15/2013 Signature Of Judicial Official: NANCY S. RAY
Magistrate / Clerk Of Superior Court / Deputy CSC / District Court Judge / Assistant CSC / Superior Court Judge

ORDER OF COMMITMENT
To The Custodian Of The Detention Facility Named Below, you are ORDERED to receive in your custody the defendant named above who may be released if authorized above. If the defendant is not sooner released, you are ORDERED to: produce him/her in Court as provided above / hold him/her as provided on the attached AOC-CR-273 for the following purpose: _____
(Check in all domestic violence and stalking cases covered by G.S. 15A-534.1(b)) produce him/her at the first session of District or Superior Court held in this county after the entry of this Order or, if no session is held before the later date and time 48 hours after time of arrest: _____ AM PM produce him/her before a magistrate of this county at that time to determine conditions of pretrial release.
Name Of Detention Facility: PITT COUNTY DETENTION CENTER
Date: 03/15/2013 Signature Of Judicial Official: NANCY S. RAY

WRITTEN PROMISE TO APPEAR OR CUSTODY RELEASE
I, the undersigned, promise to appear at all hearings, trials or otherwise as the Court may require and to abide by any restrictions set out above. I understand and agree that this promise is effective until the entry of judgment in the District Court from which no appeal is taken or until the entry of judgment in Superior Court. If I am released to the custody of another person, I agree to be placed in that person's custody, and that person agrees by his/her signature to supervise me.
Date / Signature Of Defendant / Signature Of Person Agreeing To Supervise Defendant
Name Of Person Agreeing To Supervise Defendant (Type Or Print) / Address Of Person Agreeing To Supervise Defendant

DEFENDANT RELEASED ON BAIL
Date: 3/16/13 Time: 10:50 AM PM Signature Of Jailer

AOC-CR-200, Rev. 12/12
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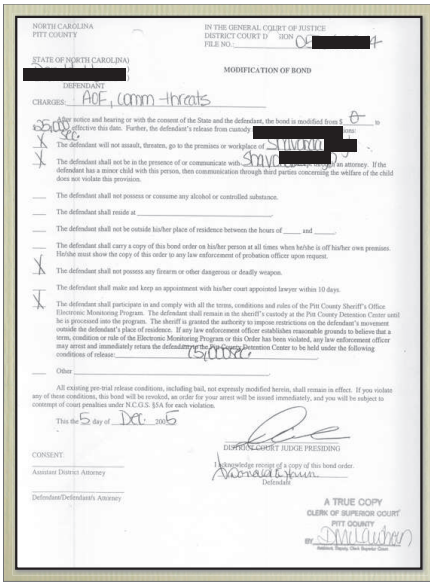


NORTH CAROLINA
PITT COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT D ION
FILE NO.: 0[redacted]

STATE OF NORTH CAROLINA
[redacted]
DEFENDANT

MODIFICATION OF BOND

CHARGES: AOF, comm threats

Upon notice and hearing or with the consent of the State and the defendant, the bond is modified from $ 0 to $500 effective this date. Further, the defendant's release from custody [redacted] order:

X The defendant will not assault, threaten, go to the premises or workplace of [redacted]

X The defendant shall not be in the presence of or communicate with [redacted] except through an attorney. If the defendant has a minor child with this person, then communication through third parties concerning the welfare of the child does not violate this provision.

___ The defendant shall not possess or consume any alcohol or controlled substance.

___ The defendant shall reside at _____

___ The defendant shall not be outside his/her place of residence between the hours of _____ and _____.

___ The defendant shall carry a copy of this bond order on his/her person at all times when he/she is off his/her own premises. He/she must show the copy of this order to any law enforcement of probation officer upon request.

X The defendant shall not possess any firearm or other dangerous or deadly weapon.

X The defendant shall make and keep an appointment with his/her court appointed lawyer within 10 days.

X The defendant shall participate in and comply with all the terms, conditions and rules of the Pitt County Sheriff's Office Electronic Monitoring Program. The defendant shall remain in the sheriff's custody at the Pitt County Detention Center until he is processed into the program. The sheriff is granted the authority to impose restrictions on the defendant's movement outside the defendant's place of residence. If any law enforcement officer establishes reasonable grounds to believe that a term, condition or rule of the Electronic Monitoring Program or this Order has been violated, any law enforcement officer may arrest and immediately return the defendant to the Pitt County Detention Center to be held under the following conditions of release: 150,000.

___ Other _____

All existing pre-trial release conditions, including bail, not expressly modified herein, shall remain in effect. If you violate any of these conditions, this bond will be revoked, an order for your arrest will be issued immediately, and you will be subject to contempt of court penalties under N.C.G.S. §5A for each violation.

This the 5 day of Dec 2015

DISTRICT COURT JUDGE PRESIDING

CONSENT:

Assistant District Attorney

Defendant/Defendant's Attorney

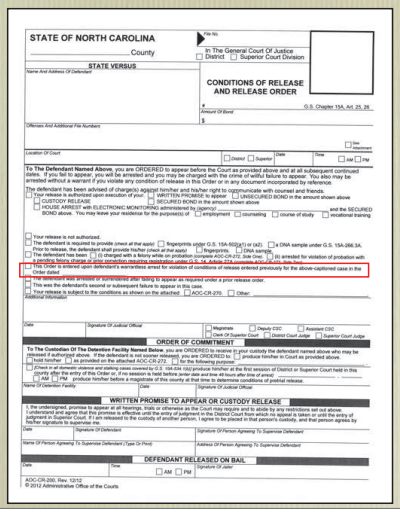
I acknowledge receipt of a copy of this bond order.

Defendant

A TRUE COPY
CLERK OF SUPERIOR COURT
PITT COUNTY
BY: Assistant, Deputy, Clerk Superior Court

Example of a Bond Modification used in Pitt County

AOC Form Update (12/01/12)



STATE OF NORTH CAROLINA
_____County

File No.
In The General Court Of Justice
☐ District ☐ Superior Court Division

STATE VERSUS

Name And Address Of Defendant

CONDITIONS OF RELEASE AND RELEASE ORDER

G.S. Chapter 15A, Art. 25, 26

Amount Of Bond
$

Offenses And Additional File Numbers

☐ See Attachment

Location Of Court

☐ District ☐ Superior

Date

Time
☐ AM ☐ PM

To The Defendant Named Above, you are ORDERED to appear before the Court as provided above and at all subsequent continued dates. The Court has authorized the following release conditions. You may be charged with the crime of willful failure to appear. You also may be arrested without a warrant if you violate any conditions of release in this Order or in any document incorporated by reference.

The defendant has been advised of charge(s) against him/her and has been given right to communicate with counsel and friends.

☐ Your release is authorized upon execution of your: ☐ WRITTEN PROMISE to appear ☐ UNSECURED BOND in the amount shown above
☐ CUSTODY RELEASE ☐ SECURED BOND in the amount shown above
☐ HOUSE ARREST with ELECTRONIC MONITORING administered by (agency) _____ and the SECURED BOND above. You may leave your residence for the purpose(s) of ☐ employment ☐ counseling ☐ course of study ☐ vocational training

☐ Your release is not authorized.
☐ The defendant is required to provide (*check all that apply*) ☐ fingerprints under G.S. 15A-502(a1) or (a2); ☐ a DNA sample under G.S. 15A-266.3A.
Prior to release, the defendant shall provide his/her (*check all that apply*) ☐ fingerprints; ☐ DNA sample.
☐ The defendant has been ☐ (i) charged with a felony while on probation (*complete AOC-CR-272, Side One*); ☐ (ii) arrested for violation of probation with a pending felony charge of prior conviction requiring registration under G.S. 14, Article 27A (*complete AOC-CR-272, side two*).
☐ This Order is entered upon defendant's warrantless arrest for violation of conditions of release entered previously for the above-captioned case in the Court's Order.
☐ The defendant **WAS PRESENT IN SUPERIOR COURT** after being to appear as required under a prior release order.
☐ This was the defendant's second or subsequent failure to appear in this case.
☐ Your release is subject to the conditions as shown on the attached ☐ AOC-CR-270 ☐ Other: _____

Additional Information

Date | Signature Of Judicial Official | ☐ Magistrate ☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court ☐ District Court Judge ☐ Superior Court Judge

ORDER OF COMMITMENT

To The Custodian Of The Detention Facility Named Below, you are ORDERED to receive in your custody the defendant named above who may be released if authorized above. If the defendant is not sooner released, you are ORDERED to ☐ produce him/her in Court as provided above. ☐ hold him/her ☐ as provided on the attached AOC-CR-272 ☐ for the following purpose: _____

☐ (*Check in all domestic violence and stalking cases covered by G.S. 15A-534.1(b)*) produce him/her at the first session of District or Superior Court held in this county after the entry of this Order or, if no session is held before *enter date and time 48 hours after time of arrest*: _____ ☐ AM ☐ PM produce him/her before a magistrate of this county at that time to determine conditions of pretrial release.

Name Of Detention Facility | Date | Signature Of Judicial Official

WRITTEN PROMISE TO APPEAR OR CUSTODY RELEASE

I, the undersigned, promise to appear at all hearings, trials or otherwise as the Court may require and to abide by any restrictions set out above. I understand that I will remain in custody or release under the entry of judgment in District Court from which no appeal is taken or until the entry of judgment in Superior Court. If I am released to the custody of another person, I agree to be placed in that person's custody, and that person agrees by his/her signature to supervise me.

Date | Signature Of Defendant

Signature Of Person Agreeing To Supervise Defendant

Name Of Person Agreeing To Supervise Defendant (*Type Or Print*)

Address Of Person Agreeing To Supervise Defendant

DEFENDANT RELEASED ON BAIL

Date | Time ☐ AM ☐ PM | Signature Of Jailer

AOC-CR-200, Rev. 12/12
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The Pre-trial Release Investigation

"Practically Applied"

The Pre-trial Release Investigation

- Allows law enforcement, prosecutors, victims, judicial officials, and the community to develop restrictions that are specific to the crime and/or the defendant that encourages behavior modification.
- No increase in funding is needed for new prisons as this is not a crime, merely a tool to effect an immediate bond revocation.

The Pre-trial Release Investigation

- Allows law enforcement agencies to focus efforts on known recidivists, thus reducing future victimization and increasing offender accountability.
- If embraced and utilized by local communities, crime rates can be driven down almost instantaneously.

Domestic/Family Violence

Nationally 14% of all homicides are in the context of Domestic Violence

But in North Carolina its…

DV homicides in NC 2008- 2012

Twenty Two Percent*

(23%*)

2008- 2012

Gunman kills 26 at school

Conn. rampage is 2nd deadliest in US

By JOHN CHRISTOFFERSEN
Associated Press

NEWTOWN, Conn. — A man killed his mother at home and then opened fire Friday inside the elementary school where she taught, massacring 26 people, including 20 children, as youngsters cowered in fear to the sound of gunshots reverberating through the building and screams echoing over the intercom.

The 20-year-old killer, carrying two handguns, committed suicide at the school, bringing the death toll to 28, authorities said.

The rampage, coming less than two weeks before Christmas, was the nation's second-deadliest

See SHOOTING, 3A

SHANNON HICKS/NEWTOWN BEE

Connecticut State Police lead children from the Sandy Hook Elementary School in Newtown, Conn., following a shooting at the school that left 27 dead, including the gunman, Friday.

N.Y. firefighters killed in ambush

Former convict used fires to set trap for responders, police say

By JOHN KEKIS
Associated Press

WEBSTER, N.Y. An ex-con gunned down firefighters after luring them to his neighborhood by setting a car and a house ablaze Monday, then took shots at police and committed suicide while several homes burned.

Authorities used an armored vehicle to help residents flee dozens of homes on the shore of Lake Ontario a day before Christmas. Police restricted access to the neighborhood, and officials said it was not clear whether there were other bodies in the seven houses that had been left to burn.

The sister of the gunman, who lived with him, was unaccounted for. The gunman's motive was unknown.

The gunman fired at the four firefighters when they arrived shortly after 5:30 a.m. at the blaze in Webster, a suburb of Rochester, town police Chief Gerald Pickering said. The first police officer who arrived chased the suspect and exchanged gunfire.

The gunman lay in wait outdoors for the firefighters' arrival, then opened fire – probably with a rifle and from atop an earthen berm, Pickering said.

"It does appear it was a trap," he said.

The gunman, William Spengler, had served more than 17 years in prison for beating his 92-year-old grandmother to death with a hammer in 1980 at the house next to where Monday's attack happened, Pickering said at afternoon news conference. Spengler, 62, was paroled in 1998 and had led a quiet life since, authorities said. Convicted felons are not allowed to possess weapons.

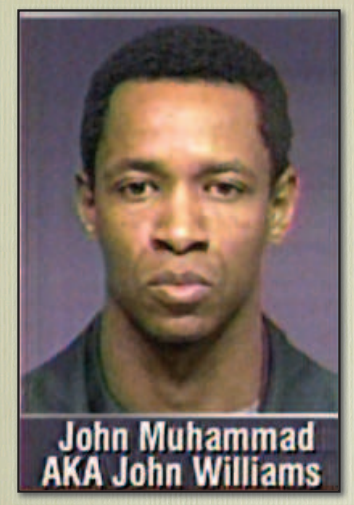
Two firefighters, one of whom was also a town police lieutenant, died at the scene, and two others were hospitalized. An off-duty officer who was passing by was also injured.

Another police officer, the one who exchanged gunfire with Spengler, "in all likelihood saved many lives," Pickering said.

Emergency radio communications capture someone saying he

SEE AMBUSH, PAGE 10A

» Online
Shooting: See more photos from the scene at **nando.com/nationpics**



Law enforcement learned that Muhammad's ex-wife, who had obtained a protective order against him, lived near the Capital Beltway in Clinton, a community in suburban Prince George's County, Maryland. Information was also developed about an automobile purchased in New Jersey by Muhammad.

Much to their shock, police discovered that the New Jersey license plates issued to Muhammad on the ***blue 1990 Chevrolet Caprice had been checked by radio patrol cars several times near shooting locations in various jurisdictions in several states, but the car had not been stopped because law enforcement computer networks did not indicate that it was connected to any criminal activity and they were focused exclusively on the "white van."***

On October 3, 2002, D.C. police stopped the Caprice for a "minor traffic infraction," two hours prior to the shooting of Pascal Charlot, after which witnesses reported seeing a Caprice near the scene.

On October 8, Baltimore city police investigated a dark blue Chevrolet Caprice with a person sleeping inside parked near the Jones Falls Expressway at 28th St. in Baltimore. The officers were concerned that the driver's license was from Washington state and the vehicle tag was from New Jersey. Despite the fact that the vehicle was suspicious enough for them to investigate, and the fact that the vehicle fit the description of a vehicle associated with the shooting in D.C. five days earlier, the officers did not question the occupants extensively, nor did they search the vehicle.

This statute can help with the federal law

Possession of a firearm while subject to a Protection Order - 18 U.S.C. § 922(g)(8)

It is illegal for a person to possess a firearm ***-while subject to a court order*** restraining such person from harassing, stalking, or threatening an intimate partner or the child of an intimate partner or from engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child. The protection order must have been issued following a hearing as to which the defendant had actual notice and an opportunity to participate. The protection order must also include a specific finding that the defendant represents a credible threat to the physical safety of the victim, or must include an explicit prohibition against the use of force that would reasonably be expected to cause injury.

Transfer of Firearm to Person Subject to Order of Protection - 18 U.S.C. §922(d)(8)

It is illegal to transfer a firearm to a person knowing ***or having reasonable cause to believe*** that such person is subject to a court order that restrains him/her from harassing, stalking, or threatening an intimate partner or the child of an intimate partner. A violation of Section 922(d)(8) must be knowing. Proof concerning knowledge on the part of the supplier may be difficult to establish unless the purchaser acknowledges in the firearm application that he/she is a prohibited person.

While it sounds great, we have...

Challenges

Challenges

Currently, pre-trial release conditions are retained in the clerks office of each county of issuance and are only accessible during normal business hours.

Is there anywhere these orders can be housed now and would allow the officer in the field 24/7 access?

Challenges

Although NCAWARE offers a centralized place to store the pre-trial release conditions so they are accessible 24 hours a day, only two Judicial Districts are utilizing it.

Pitt County's Pretrial Enforcement Program

The "Who" and the "How to"

Bond Modification Forms

Pitt County

Conditions of Release for Persons Charged with Domestic Violence

STATE OF NORTH CAROLINA

PITT County

File No.

In The General Court Of Justice
☐ District ☐ Superior Court Division

STATE VERSUS

Name Of Defendant

CONDITIONS OF RELEASE FOR PERSON CHARGED WITH A CRIME OF DOMESTIC VIOLENCE

G.S. 15A-534.1

FINDINGS

The undersigned judicial official finds that the defendant named above is charged with assault on, stalking, communicating a threat to, or committing a felony provided in Articles 7A, 8, 10, or 15 of Chapter 14 of the General Statutes upon a spouse or former spouse or a person with whom the defendant lives or has lived as if married, with domestic criminal trespass, or with violation of an order entered pursuant to Chapter 50B, Domestic Violence, of the General Statutes.

The undersigned judicial official ☐ has considered the defendant's criminal history as shown on a criminal history report provided by a law enforcement officer or a district attorney. ☐ has not considered the defendant's criminal history as shown on a criminal history report because no report could be obtained within a reasonable time.

ORDER

Based upon the foregoing findings, the undersigned judicial official ORDERS the following conditions of release IN ADDITION TO a bond of

_____.

☐1. The defendant shall participate in and comply with all terms, conditions and rules of the Pitt County Sheriff's Office Electronic Offender Monitoring Program. The Defendant must first be approved for participation by the Sheriff's program staff. The defendant shall remain in the Sheriff's custody at the Pitt County Detention Center until he/she is processed into the program. The Sheriff is granted the authority to impose restrictions on the defendant's movement outside the defendant's place of residence. If any law enforcement officer establishes reasonable grounds to believe that a term, condition or rule of the Electronic Offender Monitoring Program or this Order has been violated, any law enforcement officer may arrest and immediately return the defendant to the Pitt County Detention Center and the Court recommends a new bond of $_____ in lieu of EOMP and the bond set forth above, he/she may post bond of $_____.

☐2. The defendant shall stay away from the home (except in the company of law enforcement to get his personal clothing, toiletries, and tools of the trade), school, business or place of employment of the alleged victim.

☐3. The defendant shall refrain from assaulting, beating, molesting, or wounding the alleged victim.

☐4. The defendant shall refrain from removing, damaging or injuring the property listed below:

☐5. The defendant may visit his or her child or children at times and places provided by the terms of any existing order entered by a judge.

☐6. Other restrictions:

☐a. The defendant shall have no contact with the alleged victim.

☐b. The defendant shall comply with the terms of any valid domestic violence protective order in effect and these terms, whichever are more restrictive.

☐c. The defendant shall not possess any firearms.

☐d. The defendant shall not possess or consume any alcohol or other impairing substance unless prescribed by a physician.

☐e. The defendant shall be equipped with SCRAM device and comply with the conditions of that program.

☐f. Other:

☐7. The Defendant shall carry a copy of this Bond Order and any later Modification of Bond Order on his/her person at all times when he/she is off his/her own premises. He/she must show the copy of such order(s) to any law enforcement upon request.

☐8. If you violate any of these conditions, this Bond will be revoked, an order for your arrest will be issued immediately, and you will be subject to contempt of court penalties under N.C.G.S. §5A for each violation. For any violation the Court recommends a new bond be set at $_____ secured.

I acknowledge receipt of a copy of this Order. _____ (Defendant's Signature)

Date | Signature Of Judicial Official | ☐ Magistrate ☐ District Court Judge ☐ Superior Court Judge

NOTE TO JUDICIAL OFFICIAL: *The law enforcement officer or district attorney who provided the defendant's criminal history report shall dispose of the report in accordance with DOJ regulations. The report shall NOT be placed in the case file.*

AOC-CR-630, Rev. 10/10 (aoc-cr-630 REVISED June 2013.docx) ©2010 Administrative Office of the Courts

Conditions of Release for Persons Charged with other Crimes

NORTH CAROLINA
PITT COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

STATE OF NORTH CAROLINA

FILE NO: _____

vs.

MODIFICATION OF BOND ORDER

_____
DEFENDANT

CHARGES: _____

After notice and hearing or with the consent of the State and Defendant, the bond is modified from $_____ to $_____ effective this date. All existing pre-trial release conditions are superseded by this release order and are no longer in effect. The Defendant's release from custody is subject to the following conditions:

___ The Defendant shall participate in and comply with all the terms, conditions, and rules of the Pitt County Sheriff's Office Electronic Offender Monitoring Program. Defendant must first be approved for participation by the Sheriff's program staff. The Defendant shall remain in the Sheriff's custody at the Pitt County Detention Center until he/she is processed into the program. The Sheriff is granted the authority to impose restrictions on the Defendant's movement outside the Defendant's place of residence. If any law enforcement officer establishes reasonable grounds to believe that a term, condition, or rule of the Electronic Offender Monitoring Program or this Order has been violated, any law enforcement officer may arrest and immediately return the Defendant to the Pitt County Detention Center and the Court recommends a new bond of $_____ in lieu of EOMP and the bond set forth above, he/she may post bond of $_____.

___ If you are subject to a Domestic Violence Protective Order, you must comply with its terms and these, whichever are the most restrictive. If you violate any of these conditions, this Bond will be revoked, an order for your arrest will be issued immediately, and you will be subject to contempt of court penalties under N.C.G.S. § 5A for each violation. For any violation the Court recommends a new bond be set at $_____ secured.

___ The Defendant shall not assault, threaten, go to the premises of or workplace of _____.

___ The Defendant shall not be in the presence of or communicate with _____ except through an attorney. If the Defendant has a minor child with this person, the communication through third parties concerning the welfare of the child does not violate this provision.

___ The Defendant shall not possess or consume any alcohol or controlled substance.

___ The Defendant shall be equipped with SCRAM device and comply with conditions of the program.

___ The Defendant shall reside at _____.

___ The Defendant shall not be outside his/her place of residence Mon. – Sun. between the hours of _____ and _____.

___ The Defendant shall not possess any firearm or other dangerous or deadly weapon.

___ The Defendant shall carry a copy of this Bond Order and any later Bond Modification Order on his/her person at all times when he/she is off his/her own premises. He/she must show the copy of such order(s) to any law enforcement upon request.

___ The State represents that all witnesses entitled to be notified under the Victims Rights Act have been notified or reasonable notification efforts have been made and that these witnesses have been given time to object or request to be heard on this modification and either do not object or have not responded.

___ Other _____

This the _____ day of _____, 20____

Consent:

_____
District Court Judge Presiding

_____
Assistant District Attorney

I acknowledge receipt of a copy of this Bond Order.

_____
Defendant/Defendant's Attorney

_____
Defendant

Revised 6/13

James Hannan

"Review of Process"

NORTH CAROLINA
PITT COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

STATE OF NORTH CAROLINA

FILE NO: 13CR51435

v.

MODIFICATION OF BOND ORDER

James Hannan
DEFENDANT

CHARGES: AOF

After notice and hearing or with the consent of the State and Defendant, the bond is modified from $ 0 to $ 100.00 sec effective this date. Further, the Defendant's release from custody is subject to the following conditions:

X The Defendant shall participate in and comply with all the terms, conditions, and rules of the Pitt County Sheriff's Office Electronic Monitoring Program. The Defendant shall remain in the Sheriff's custody at the Pitt County Detention Center until he/she is processed into the program. The Sheriff is granted the authority to impose restrictions on the Defendant's movement outside the Defendant's place of residence. If any law enforcement officer establishes reasonable grounds to believe that a term, condition, or rule of the Electronic Monitoring Program or this Order has been violated, any law enforcement officer may arrest and immediately return the Defendant to the Pitt County Detention Center to be held under the following conditions of release: 25,000 sec in lieu of EMOP and the bond set forth above, he/she may post bond of $ 5,000 sec.

___ All existing pre-trial release conditions, including bail, not expressly modified herein shall remain in effect.

___ If you are subject to a Domestic Violence Protective Order, you must comply with its terms and these, whichever are the most restrictive. If you violate any of these conditions, this Bond will be revoked, an order for your arrest will be issued immediately, and you will be subject to contempt of court penalties under N.C.G.S. § 5A for each violation. For any violation the Court recommends a new bond be set at $_____ secured.

X The Defendant shall not assault, threaten, go to the premises of or workplace of Wendy Nenniger

X The Defendant shall not be in the presence of or communicate with Wendy Nenniger except through an attorney. If the Defendant has a minor child with this person, the communication through third parties concerning the welfare of the child does not violate this provision.

___ The Defendant shall not possess or consume any alcohol or controlled substance.

___ The Defendant shall reside at _____.

___ The Defendant shall not be outside his/her place of residence Mon. – Sun. between the hours of _____ and _____.

___ The Defendant shall carry a copy of this Bond Order on his/her person at all times when he/she is off his/her own premises. He/she must show the copy of this Order to any law enforcement or probation officer upon request.

X The Defendant shall not possess any firearm or other dangerous or deadly weapon.

___ The Defendant shall make and keep an appointment with his/her court appointed lawyer within 20 days.

___ The Defendant shall not operate a motor vehicle while license is suspended or revoked. If found operating a motor vehicle, the vehicle is to be confiscated and disposed of according to law. The Defendant shall notify all members of his/her household and immediate family of this provision.

___ The Defendant shall be equipped with SCRAM device and comply with conditions of the program.

X Other Not go on any part of Rams Horn Rd. This order does not prohibit him from residing on Tara Dell Lane

This the 14 day of Feb 2013

Consent:

_____
District Court Judge Presiding

_____
Assistant District Attorney

I acknowledge receipt of a copy of this Bond Order.

_____
Defendant/Defendant's Attorney

_____
Defendant

Revised 6/11

NCCIS NCAWARE - Release Order - PROD

Page 1 of 1

NORTH CAROLINA COURT INFORMATION SYSTEM

March 28, 2013 3:26 PM

NCAWARE Home > Process Search > Person Results > Process Results > Case Summary - Release Orders Tab > Release Order - Conditions Tab

Help About... Exit

File Number: PITT - 13CR 051485 (ISSUED) - RELEASE ORDER
Defendant Name: HANNAN , JAMES ERIC
Person True Name: HANNAN, JAMES, ERIC

Defendant | Offenses | Conditions | Additional Forms | Related Cases | Court Info

Release Authorization :	AUTHORIZED ON EXECUTION
Release Condition :	ELECTRONIC HOUSE ARREST(EHA)WITH SECURED BOND
Bond Amount :	100.00
Domestic Violence :	YES WITH HOLD
Warrantless Arrest for Conditions Violation :	NO
FTA under Prior Release Order :	NO
2nd & Subsequent FTA in Case :	NO
Arrestable Restrictions :	IF EMOP VIOLATED BOND WILL BE SET @ 25,000 SEC BOND/NOT ASSLT/THRTN/GO TO PREM/WKPLCE OF BE IN PRES OF OR COMM WITH WENDY NENNIGER NOT POSSES FIREARM OR DANG WEAPON/NOT GO ON ANY PART OF RAMS HORN ROAD,THIS ORDER DOES NOT PROHIBIT HIM FROM RESIDING ON
Additional Information :	TARA DELL LANE
Detention Facility :	PITT COUNTY DETENTION CENTER
Detention Date :	
Custodian Instructions :	PRODUCE DEFENDANT IN COURT AS PROVIDED
Jail Indicator :	NO

Edit Release Conditions

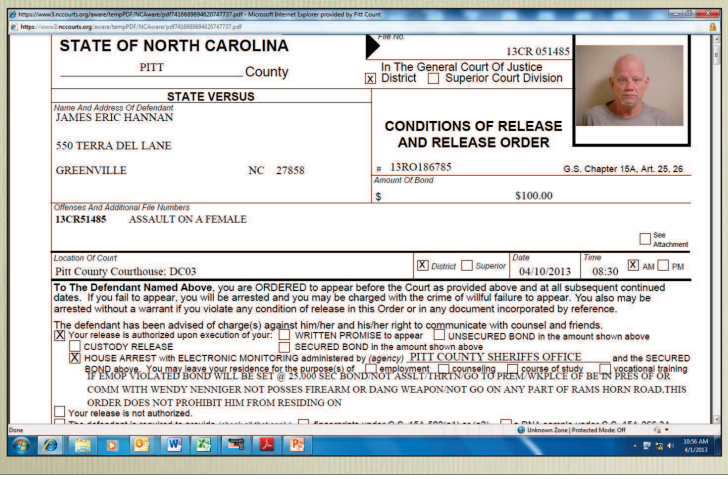
Print Process | Cancel | Case Summary

Pitt County's Pretrial Enforcement Program

The "How to"

NCAWARE

"Create Document"



STATE OF NORTH CAROLINA
PITT County
File No. 13CR 051485
In The General Court Of Justice
[X] District [ ] Superior Court Division

STATE VERSUS

Name And Address Of Defendant
JAMES ERIC HANNAN

550 TERRA DEL LANE

GREENVILLE NC 27858

CONDITIONS OF RELEASE AND RELEASE ORDER

13RO186785 G.S. Chapter 15A, Art. 25, 26

Amount Of Bond
$ $100.00

Offenses And Additional File Numbers
13CR51485 ASSAULT ON A FEMALE

[ ] See Attachment

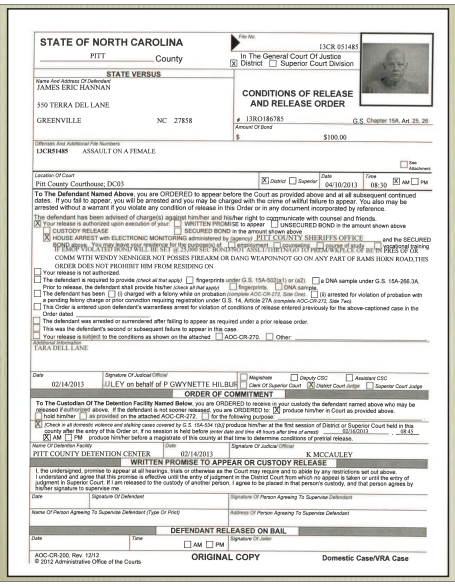
Location Of Court: Pitt County Courthouse; DC03
[X] District [ ] Superior
Date: 04/10/2013
Time: 08:30 [X] AM [ ] PM

To The Defendant Named Above, you are ORDERED to appear before the Court as provided above and at all subsequent continued dates. If you fail to appear, you will be arrested and you may be charged with the crime of willful failure to appear. You also may be arrested without a warrant if you violate any condition of release in this Order or in any document incorporated by reference.

The defendant has been advised of charge(s) against him/her and his/her right to communicate with counsel and friends.

[X] Your release is authorized upon execution of your: [ ] WRITTEN PROMISE to appear [ ] UNSECURED BOND in the amount shown above
[ ] CUSTODY RELEASE
[X] HOUSE ARREST with ELECTRONIC MONITORING administered by (agency): PITT COUNTY SHERIFFS OFFICE and the SECURED BOND above. You may leave your residence for the purpose(s) of: [ ] employment [ ] counseling [ ] course of study [ ] vocational training
IF EMOP VIOLATED BOND WILL BE SET @ 25,000 SEC BOND NOT ASSLT THRTN GO TO PREM/WKPLCE OF BE IN PRES OF OR COMM WITH WENDY NENNIGER NOT POSSES FIREARM OR DANG WEAPON/NOT GO ON ANY PART OF RAMS HORN ROAD,THIS ORDER DOES NOT PROHIBIT HIM FROM RESIDING ON
[ ] Your release is not authorized.

Conditions of Release



STATE OF NORTH CAROLINA
PITT County
File No. 13CR 051485
[X] In The General Court Of Justice District [ ] Superior Court Division

STATE VERSUS

Name And Address Of Defendant
JAMES ERIC HANNAN

550 TERRA DEL LANE

GREENVILLE NC 27858

CONDITIONS OF RELEASE AND RELEASE ORDER

13RO186785 G.S. Chapter 15A, Art. 25, 26

Amount Of Bond
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Offenses And Additional File Numbers
13CR51485 ASSAULT ON A FEMALE

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[ ] CUSTODY RELEASE
[X] HOUSE ARREST with ELECTRONIC MONITORING administered by (agency): PITT COUNTY SHERIFFS OFFICE and the SECURED BOND above. You may leave your residence for the purpose(s) of: [ ] employment [ ] counseling [ ] course of study [ ] vocational training
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[ ] Your release is not authorized.
[ ] The defendant is required to provide (*check all that apply*) [ ] fingerprints under G.S. 15A-502(a1) or (a2). [ ] a DNA sample under G.S. 15A-266.3A.
Prior to release, the defendant sent provide his/her (*check all that apply*) [ ] fingerprints. [ ] DNA sample.
[ ] The defendant has been charged with a felony while on probation (*complete AOC-CR-312, Side One*). [ ] is arrested for violation of probation with a pending felony charge or for a conviction requiring registration under G.S. 14A-208 (*complete AOC-CR-312, Side Two*).
[ ] This Order is entered upon defendant's warrantless arrest for violation of conditions of release entered previously for the above-captioned case in the Order dated _____.
[ ] The defendant was arrested or surrendered after failing to appear as required under a prior release order.
[ ] This was the defendant's second or subsequent failure to appear in this case.
[ ] Your release is subject to the conditions as shown on the attached [ ] AOC-CR-270. [ ] Other:

Name Of Person Agreeing To Supervise Defendant (Type Or Print): TARA DELL LANE

Date: 02/14/2013
Signature Of Judicial Officer: ULEY on behalf of P GWYNETTE HILBURN
[ ] Magistrate [ ] Deputy CSC [ ] Assistant CSC [ ] Clerk Of Superior Court [X] District Court Judge [ ] Superior Court Judge

ORDER OF COMMITMENT

To The Custodian Of The Detention Facility Named Below, you are ORDERED to receive in your custody the defendant named above who may be released if authorized above. If the defendant is not sooner released, you are ORDERED to: [X] produce him/her in Court as provided above. [ ] hold him/her [ ] as provided on the attached AOC-CR-272. [ ] for the following purpose:
[X] (*Check in all domestic violence and stalking cases covered by G.S. 15A-534.1(a)*) produce him/her at the first session of District or Superior Court held in this county after the entry of this Order or, if no session is held before (*enter date and time 48 hours after time of arrest*) 02/16/2013 , 08:45 [X] AM [ ] PM produce him/her before a magistrate of this county at that time to determine conditions of pretrial release.

Name Of Detention Facility: PITT COUNTY DETENTION CENTER
Date: 02/14/2013
Signature Of Judicial Officer: K MCCAULEY

WRITTEN PROMISE TO APPEAR OR CUSTODY RELEASE

I, the undersigned, promise to appear at all hearings, trials or otherwise as the Court may require and to abide by any restrictions set out above. I understand and agree that this promise is effective until the entry of judgment in the District Court from which no appeal is taken or until the entry of judgment in Superior Court. If I am released to the custody of another person, I agree to be placed in that person's custody, and that person agrees by his/her signature to supervise me.

Date | Signature Of Defendant | Signature Of Person Agreeing To Supervise Defendant

Name Of Person Agreeing To Supervise Defendant (Type Or Print) | Address Of Person Agreeing To Supervise Defendant

DEFENDANT RELEASED ON BAIL

Date | Time [ ] AM [ ] PM | Signature Of Judge

AOC-CR-200, Rev. 12/12
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Domestic Case/VRA Case

Hypothesis

The implementation of a pre-trial release enforcement program will reduce re-victimization and increase offender accountability in North Carolina.

Witness Tampering

Witness tampering is the most committed, yet under reported, under investigated, and under prosecuted crime there is that victims of domestic violence face post arrest.