

STATE OF NORTH CAROLINA

File No.

10CRS000005

51

BUNCOMBE

County

ASHEVILLE

Seat of Court

In The General Court Of Justice

District Superior Court Division

NOTE: (This form is to be used for (1) felony offense(s), and (2) misdemeanor offense(s), which are consolidated for judgment with any felony offense(s). Use AOC-CR-342 for DWI offense(s).)

STATE VERSUS

JUDGMENT AND COMMITMENT ACTIVE PUNISHMENT FELONY (STRUCTURED SENTENCING)

Name Of Defendant WILSON, LEWIS, KYLE

Race W Sex M DOB 5/9/1977

Attorney For State DREHER, KATE

Def. Found Not Indigent Def. Waived Attorney

Attorney For Defendant MCGLOHON, HOWARD

G.S. 15A-1301, 15A-1340.13

Appointed CrI Rptr Initials

Retained DC

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

Table with columns: File No.(s), Off., Offense Description, Offense Date, G.S. No., F/M, CL, Pun. CL. Rows include offenses like ASSAULT SERIOUS BODILY INJURY, MAINTN VEH/DWELL/PLACE CS (F), POSSESS DRUG PARAPHERNALIA, PWIMSD SCH I CS.

*NOTE: Enter punishment class if different from underlying offense class (punishment class represents a status or enhancement).

The Court: PRIOR RECORD LEVEL: I II III IV V VI. 1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be 1. Any prior record level point under G.S. 15A-1340.14(b)(7) is based on the jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.

The Court: (NOTE: Block 1 or 2 MUST be checked.): 1. makes no written findings because the prison term imposed is: (a) within the presumptive range of sentences authorized under G.S. 15A-1340.17(c). (b) for a Class A felony. (c) for an adjudication as a violent habitual felon. G.S. 14-7.12. (d) for drug trafficking offenses.

The Court, having considered evidence, arguments of counsel and statement of defendant, Orders that the above offenses, if more than one, be consolidated for judgment and the defendant be imprisoned

to Death for a Class A felony (see attached Death Warrant and Certificates) to Life Imprisonment Without Parole for Class A Felony. Class B1 Felony. Violent Habitual Felon G.S. 14-27.2A or G.S. 14-27.4A with egregious aggravation. in the custody of: N.C. DOC Sheriff pursuant to G.S. 15A-1352(b) Other

The defendant shall be given credit for 411 days spent in confinement prior to the date of this Judgment as a result of this charge(s). The sentence imposed above shall begin at the expiration of all sentences which the defendant is presently obligated to serve. The sentence imposed above shall begin at the expiration of the sentence imposed in the case referenced below:

Table with columns: File Number, Offense, County, Court, Date

STATE OF NORTH CAROLINA

File No.

08CRS064246

BUNCOMBE County

In The General Court Of Justice
District Superior Court Division

STATE VERSUS

Defendant

LEWIS KYLE WILSON

DISMISSAL
NOTICE OF REINSTATEMENT

G.S. 15A-302(e), -931, -932, -1009

Table with 3 columns: File Number (08CRS064246), Count No.(s), Offense(s) (AWDWIKISI)

DISMISSAL

NOTE: Recall all outstanding Orders For Arrest in a dismissed case.

The undersigned prosecutor enters a dismissal to the above charge(s) and assigns the following reasons:

- 1. No crime is charged.
2. There is insufficient evidence to warrant prosecution for the following reasons:
3. Defendant has agreed to plead guilty to the following charges:

in exchange for a dismissal of the following charges:

4. Other: (specify)

A jury has not been impaneled nor has evidence been introduced. (If a jury has been impaneled, or if evidence has been introduced, modify this sentence accordingly.)

DISMISSAL WITH LEAVE

The undersigned prosecutor enters a dismissal with leave to the above charge(s) and assigns the following reasons:

- 1. The defendant failed to appear for a criminal proceeding at which the defendant's attendance was required and the prosecutor believes that the defendant cannot readily be found.
2. The defendant has been indicted and cannot readily be found to be served with an Order For Arrest.
3. The defendant has entered into a deferred prosecution agreement with the prosecutor in accordance with the provisions of Article 82 of G.S. Chapter 15A.
4. The defendant has been found by a court to be incapable of proceeding pursuant to Article 56 of G.S. Chapter 15A.
5. Other: (specify)

NOTE: This form must be completed and signed by the prosecutor when the dismissal occurs out of court. The better practice is for the prosecutor to complete and sign the form when the charges are orally dismissed in open court.

Also, in accordance with G.S. 15A-931(a1), unless the defendant or the defendant's attorney has been otherwise notified by the prosecutor, a written dismissal of the charges against the defendant must be served in the same manner prescribed for motions under G.S. 15A-951. If the record reflects that the defendant is in custody, the written dismissal shall also be served by the prosecutor on the chief officer of the custodial facility where the defendant is in custody.

Table with 3 columns: Date (01-11-2010), Name Of Prosecutor (Type Or Print) (KATE DREHER), Signature Of Prosecutor (Kate Dreher)

REINSTATEMENT

This case, having previously been dismissed with leave as indicated above, is now reinstated for trial.

Table with 3 columns: Date, Name Of Prosecutor (Type Or Print), Signature Of Prosecutor