

STATE OF NORTH CAROLINA

File No.

11CRS 50940

51

JACKSON

County

SYLVA

Seal 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

Name Of Defendant

MATTHEW WAYNE MOORE

Race

W

Sex

M

Date Of Birth

02/19/1988

JUDGMENT AND COMMITMENT
ACTIVE PUNISHMENT - FELONY
(STRUCTURED SENTENCING)
(For Convictions On Or After Jan. 1, 2012)

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

Attorney For State

J.JONES & J.MOORE

☐ Del. Found
Not Indigent☐ Del. Waived
Attorney

Attorney For Defendant

M.MELROSE & V.JAYNES

☒ Appointed
☐ RetainedCrt Rptr Initials
SRThe defendant ☒ pled guilty (☐ pursuant to Alford) to ☐ was found guilty by a jury of ☐ pled no contest to

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL.	*Pun. CL.
11CRS 50940	51	FIRST DEGREE MURDER	05/13/2011	14-17	F	A	

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

PRIOR

RECORD LEVEL: ☒ I ☐ III ☐ V☐ II ☐ IV ☐ VI

The Court:

- ☒ 1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be 0. 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.
- ☐ 2. makes no prior record level finding because none is required for Class A felony, violent habitual felon, or drug trafficking offenses.

The Court: (NOTE: Block 1 or 2 MUST be checked.):

- ☐ 1. makes no written findings because the term imposed is: ☐ (a) in the presumptive range, ☐ (b) for a Class A felony, ☐ (c) for adjudication as a violent habitual felon, G.S. 14-7.12, ☐ (d) for drug trafficking, ☐ for which the Court finds the defendant provided substantial assistance, G.S. 90-95(h)(5), ☐ (e) in the aggravated range, pursuant to G.S. 20-141.4(b)(1a).
- ☐ 2. finds ☐ the Determination of aggravating and mitigating factors on the attached AOC-CR-605, ☐ egregious aggravation under G.S. 14-27.2A or G.S. 14-27.4A, on the attached AOC-CR-618, which requires a sentence in excess of that authorized by G.S. 15A-1340.17.
- ☐ 3. adjudges the defendant to be an habitual felon to be sentenced ☐ (offenses committed before Dec. 1, 2011) as a Class C felon, ☐ (offenses committed on or after Dec. 1, 2011) four classes higher than the principal felony (no higher than Class C).
- ☐ 4. adjudges the defendant to be an habitual breaking and entering status offender, to be sentenced as a Class E felon.
- ☐ 5. adjudges the defendant to be an armed habitual felon to be sentenced as a Class C felon (unless sentenced herein as a Class A, B1, or B2 felon) and with a minimum term of imprisonment of no less than 120 months.
- ☐ 6. finds enhancement pursuant to: ☐ G.S. 90-95(e)(3) (drugs), ☐ G.S. 14-3(c) (hate crime), ☐ G.S. 50B-4.1 (domestic violence), ☐ G.S. 14-50.22 (gang), ☐ Other: _____ This finding is based on the jury's determination of this issue beyond a reasonable doubt or on the defendant's admission.
- ☐ 7. finds that the defendant committed the felony by using, displaying, or threatening the use or display of a firearm or deadly weapon and actually possessed the firearm or weapon about his or her person. This finding is based on the jury's determination of this issue beyond a reasonable doubt or on the defendant's admission. Pursuant to G.S. 15A-1340.16A, the Court has increased the minimum sentence by (check only one)
- ☐ (Class A-E felony committed prior to Oct. 1, 2013) 60 months, ☐ (Class A-E felony committed on or after Oct. 1, 2013) 72 months.
- ☐ (Class F or G felony committed on or after Oct. 1, 2013) 36 months, ☐ (Class H or I felony committed on or after Oct. 1, 2013) 12 months.
- ☐ 8. finds the above designated offense(s) is a reportable conviction under G.S. 14-208.6 (check only one)
- ☐ a. and therefore makes the additional findings and orders on the attached AOC-CR-615, Slide One.
- ☐ b. but makes no finding or order concerning registration or satellite-based monitoring due to a sentence of life imprisonment without parole.
- ☐ 9. finds the above designated offense(s) involved the ☐ physical or mental ☐ sexual abuse of a minor.
- (NOTE: If offense(s) is not also a reportable conviction in No. 8 above, this finding requires no further action by the court.)
- ☐ 10. finds that a ☐ motor vehicle ☐ commercial motor vehicle was used in the commission of the offense and that it shall be reported to DMV.
- ☐ 11. finds this is an offense involving assault, communicating a threat, or an act defined by G.S. 50B-1(a), and the defendant had a personal relationship as defined by G.S. 50B-1(b) with the victim.
- ☐ 12. (offenses committed on or after Dec. 1, 2008, only) finds the above designated offense(s) involved criminal street gang activity, G.S. 14-50.25.
- ☐ 13. did not grant a conditional discharge under G.S. 90-96(a) because (check all that apply) ☐ the defendant refused to consent, ☐ (offenses committed on or after Dec. 1, 2013, only) the Court finds, with the agreement of the District Attorney, that the offender is inappropriate for a conditional discharge for factors related to the offense.
- ☐ 14. finds that the defendant used or displayed a firearm while committing the felony, G.S. 15A-1382.2.
- ☐ 15. (for judgments entered on or after Dec. 1, 2013, only) finds that this was an offense involving child abuse or an offense involving assault or any of the acts as defined in G.S. 50B-1(a) committed against a minor, G.S. 15A-1382.1(a1).

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 sentenced (check only one)

- ☒ to Life Imprisonment Without Parole for ☒ Class A Felony, ☐ Class B1 Felony, in the custody of: ☒ N.C. DAC.
- ☐ Violent Habitual Felon, ☐ G.S. 14-27.2A or G.S. 14-27.4A with egregious aggravation, ☐ Other: _____
- ☐ to Life Imprisonment With Parole, pursuant to G.S. Chapter 15A, Article 81B, Part 2A, ☐ to Death (see attached Death Warrant and Certificates)
- for a minimum term of: _____ months and a maximum term of: _____ months ☐ ASR term (Order No. 4, Side Two) _____ months

The defendant shall be given credit for 0 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:

File No.	Offense	County	Court	Date
11CRS 50939	51	JACKSON	SUPERIOR	10/31/2013

The Court further Orders: (check all that apply)

1. The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below.

Costs	Fine	Restitution	Attorney's Fees	SBM Fee	Appt Fee/Misc	Total Amount Due
\$ 334.50	\$	\$ 3,951.74	\$	\$	\$	\$ 4,286.24

*See attached "Restitution Worksheet, Notice and Order (Initial Sentencing)," AOC-CR-611, which is incorporated by reference.

☐ 2. The Court finds that restitution was recommended as part of the defendant's plea arrangement.☐ 3. The Court finds just cause to waive costs, as ordered on the attached ☐ AOC-CR-618. ☐ Other: _____☐ 4. Without objection by the State, the defendant shall be admitted to the Advanced Supervised Release (ASR) program. If the defendant completes the risk reduction incentives as identified by the Division of Adult Correction, then he or she will be released at the end of the ASR term specified on Side One, G.S. 15A-1340.18.☐ 5. Other: _____**The Court recommends:**☒ 1. Substance abuse treatment. ☒ 2. Psychiatric and/or psychological counseling. ☐ 3. Work release ☐ should ☐ should not be granted.☒ 4. Payment as a condition of post-release supervision or from work release earnings, if applicable, of the "Total Amount Due" set out above.☐ but the Court does not recommend restitution be paid ☐ as a condition of post-release supervision. ☐ from work release earnings.**The Court further recommends:**

ANY JOB OR EDUCATIONAL TRAINING AVAILABLE.

ORDER OF COMMITMENT/APPEAL ENTRIES☒ It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.☐ The defendant gives notice of appeal from the judgment of the trial court to the appellate division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350.**SIGNATURE OF JUDGE**

Date	Name Of Presiding Judge (Type Or Print)	Signature Of Presiding Judge
10/31/2013	HONORABLE BRADLEY B. LETTS	<i>[Signature]</i>

ORDER OF COMMITMENT AFTER APPEAL

Date Appeal Dismissed	Date Withdrawal Of Appeal Filed	Date Appellate Opinion Certified

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

Date	Signature Of Clerk	☐ Deputy CSC ☐ Assistant CSC
		☐ Clerk Of Superior Court

CERTIFICATION

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

☐ Appeal Entries (AOC-CR-350)☐ Felony Judgment Findings Of Aggravating And Mitigating Factors (AOC-CR-605)☐ Judicial Findings As To Forfeiture Of Licensing Privileges (AOC-CR-317)☐ Victim Notification Tracking Form☐ Additional File No.(s) And Offense(s) (AOC-CR-626)☐ Restitution Worksheet, Notice And Order (Initial Sentencing) (AOC-CR-611)☐ Judicial Findings And Order For Sex Offenders - Active Punishment (AOC-CR-615, Side One)☐ Additional Findings (AOC-CR-618)☐ Convicted Sex Offender Permanent No Contact Order (AOC-CR-620)☐ Other: _____

Date	Date Certified Copies Delivered To Sheriff	Signature Of Clerk	☐ Deputy CSC ☐ Assistant CSC ☐ CSC
	10-31-13		SEAL

Material opposite unmarked squares is to be disregarded as surplusage.

STATE OF NORTH CAROLINA				File No. 11CRS 50939		51	
JACKSON County		SYLVA		Seat of Court			
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			
Name Of Defendant MATTHEW WAYNE MOORE				ACTIVE PUNISHMENT - FELONY			
Race W Sex M Date Of Birth 02/19/1988				(STRUCTURED SENTENCING)			
				(For Convictions On Or After Jan. 1, 2012)			
Attorney For State J.JONES & J.MOORE				Attorney For Defendant ☒ Appointed ☐ Retained M.MELROSE & V.JAYNES SR			
☐ Def. Found Not Indigent ☐ Def. Waived Attorney							
The defendant ☒ pled guilty (☐ pursuant to Alford) to ☐ was found guilty by a jury of ☐ pled no contest to							
File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL.	*Pun. CL.
11CRS 50939	51	FIRST DEGREE MURDER	05/13/2011	14-17	F	A	
*NOTE: Enter punishment class if different from underlying offense class (punishment class represents a status or enhancement).							
The Court: ☒ 1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be <u>0</u> . 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.							
☐ 2. makes no prior record level finding because none is required for Class A felony, violent habitual felon, or drug trafficking offenses.							
The Court: (NOTE: Block 1 or 2 MUST be checked.):							
☐ 1. makes no written findings because the term imposed is: ☐ (a) in the presumptive range, ☐ (b) for a Class A felony, ☐ (c) for adjudication as a violent habitual felon, G.S. 14-7.12, ☐ (d) for drug trafficking, ☐ for which the Court finds the defendant provided substantial assistance, G.S. 90-95(h)(5), ☐ (e) in the aggravated range, pursuant to G.S. 20-141.4(b)(1a).							
☐ 2. finds ☐ the determination of aggravating and mitigating factors on the attached AOC-CR-605, ☐ egregious aggravation under G.S. 14-27.2A or G.S. 14-27.4A, on the attached AOC-CR-618, which requires a sentence in excess of that authorized by G.S. 15A-1340.17.							
☐ 3. adjudges the defendant to be an habitual felon to be sentenced ☐ (offenses committed before Dec. 1, 2011) as a Class C felon, ☐ (offenses committed on or after Dec. 1, 2011) four classes higher than the principal felony (no higher than Class C).							
☐ 4. adjudges the defendant to be an habitual breaking and entering status offender, to be sentenced as a Class E felon.							
☐ 5. adjudges the defendant to be an armed habitual felon to be sentenced as a Class C felon (unless sentenced herein as a Class A, B1, or B2 felon) and with a minimum term of imprisonment of no less than 120 months.							
☐ 6. finds enhancement pursuant to: ☐ G.S. 90-95(e)(3) (drugs), ☐ G.S. 14-3(c) (hate crime), ☐ G.S. 50B-4.1 (domestic violence), ☐ G.S. 14-50.22 (gang), ☐ Other: _____ This finding is based on the jury's determination of this issue beyond a reasonable doubt or on the defendant's admission.							
☐ 7. finds that the defendant committed the felony by using, displaying, or threatening the use or display of a firearm or deadly weapon and actually possessed the firearm or weapon about his or her person. This finding is based on the jury's determination of this issue beyond a reasonable doubt or on the defendant's admission. Pursuant to G.S. 15A-1340.16A, the Court has increased the minimum sentence by (check only one)							
☐ (Class A-E felony committed prior to Oct. 1, 2013) 80 months, ☐ (Class A-E felony committed on or after Oct. 1, 2013) 72 months,							
☐ (Class F or G felony committed on or after Oct. 1, 2013) 36 months, ☐ (Class H or I felony committed on or after Oct. 1, 2013) 12 months.							
☐ 8. finds the above designated offense(s) is a reportable conviction under G.S. 14-208.6 (check only one)							
☐ a. and therefore makes the additional findings and orders on the attached AOC-CR-615, Side One.							
☐ b. but makes no finding or order concerning registration or satellite-based monitoring due to a sentence of life imprisonment without parole.							
☐ 9. finds the above designated offense(s) involved the ☐ physical or mental ☐ sexual abuse of a minor. (NOTE: If offense(s) is not also a reportable conviction in No. 8 above, this finding requires no further action by the court.)							
☐ 10. finds that a ☐ motor vehicle ☐ commercial motor vehicle was used in the commission of the offense and that it shall be reported to DMV.							
☐ 11. finds this is an offense involving assault, communicating a threat, or an act defined by G.S. 50B-1(a), and the defendant had a personal relationship as defined by G.S. 50B-1(b) with the victim.							
☐ 12. (offenses committed on or after Dec. 1, 2008, only) finds the above designated offense(s) involved criminal street gang activity, G.S. 14-50.25.							
☐ 13. did not grant a conditional discharge under G.S. 90-96(a) because (check all that apply) ☐ the defendant refused to consent, ☐ (offenses committed on or after Dec. 1, 2013, only) the Court finds, with the agreement of the District Attorney, that the offender is inappropriate for a conditional discharge for factors related to the offense.							
☐ 14. finds that the defendant used or displayed a firearm while committing the felony, G.S. 15A-1382.2.							
☐ 15. (for judgments entered on or after Dec. 1, 2013, only) finds that this was an offense involving child abuse or an offense involving assault or any of the acts as defined in G.S. 50B-1(a) committed against a minor, G.S. 15A-1382.1(a1).							
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 sentenced (check only one)							
☒ to Life Imprisonment Without Parole for ☒ Class A Felony, ☐ Class B1 Felony.				In the custody of:			
☐ Violent Habitual Felon, ☐ G.S. 14-27.2A or G.S. 14-27.4A with egregious aggravation.				☒ N.C. DAC.			
☐ to Life Imprisonment With Parole, pursuant to G.S. Chapter 15A, Article 81B, Part 2A.				☐ Other: _____			
for a minimum term of: months		and a maximum term of: months		☐ ASR term (Order No. 4, Side Two) months		☐ to Death (see attached Death Warrant and Certificates)	
The defendant shall be given credit for <u>901</u> 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:							
File No.	Offense	County	Court	Date			
AOC-CR-601, Rev. 10/13 © 2013 Administrative Office of the Courts							

The Court further Orders: (check all that apply)

1. The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below.

Costs	Fine	Restitution*	Attorney's Fees	SBM Fee	Appt Fee/Misc	Total Amount Due
\$ 9,369.50	\$	\$ 3,951.74	\$	\$	\$	\$ 13,321.24

*See attached "Restitution Worksheet, Notice and Order (Initial Sentencing)," AOC-CR-611, which is incorporated by reference.

- ☐ 2. The Court finds that restitution was recommended as part of the defendant's plea arrangement.
- ☐ 3. The Court finds just cause to waive costs, as ordered on the attached ☐ AOC-CR-618. ☐ Other: _____
- ☐ 4. Without objection by the State, the defendant shall be admitted to the Advanced Supervised Release (ASR) program. If the defendant completes the risk reduction incentives as identified by the Division of Adult Correction, then he or she will be released at the end of the ASR term specified on Side One. G.S. 15A-1340.18.
- ☐ 5. Other: _____

The Court recommends:

- ☒ 1. Substance abuse treatment. ☒ 2. Psychiatric and/or psychological counseling. ☐ 3. Work release ☐ should ☐ should not be granted.
- ☒ 4. Payment as a condition of post-release supervision or from work release earnings, if applicable, of the "Total Amount Due" set out above.
☐ but the Court does not recommend restitution be paid ☐ as a condition of post-release supervision. ☐ from work release earnings.

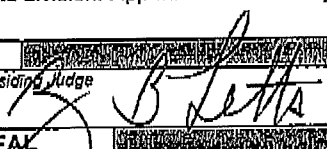
The Court further recommends:

ANY JOB OR EDUCATIONAL TRAINING AVAILABLE.

ORDER OF COMMITMENT/APEAL ENTRIES

- ☒ It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.
- ☐ The defendant gives notice of appeal from the judgment of the trial court to the appellate division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350.

SIGNATURE OF JUDGE

Date 10/31/2013	Name Of Presiding Judge (Type Or Print) HONORABLE BRADLEY B. LETTS	Signature Of Presiding Judge 
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ORDER OF COMMITMENT AFTER APPEAL

Date Appeal Dismissed	Date Withdrawal Of Appeal Filed	Date Appellate Opinion Certified
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It is ORDERED that this Judgment be executed. It is FURTHER ORDERED that the sheriff arrest the defendant, if necessary, and recommit the defendant to the custody of the agency named in this Judgment on the reverse and furnish that agency two certified copies of this Judgment and Commitment as authority for the commitment and detention of the defendant.

Date	Signature Of Clerk	☐ Deputy CSC ☐ Assistant CSC
		☐ Clerk Of Superior Court

CERTIFICATION

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

- | | |
|--|---|
| ☐ Appeal Entries (AOC-CR-350) | ☐ Restitution Worksheet, Notice And Order (Initial Sentencing) (AOC-CR-611) |
| ☐ Felony Judgment Findings Of Aggravating And Mitigating Factors (AOC-CR-605) | ☐ Judicial Findings And Order For Sex Offenders - Active Punishment (AOC-CR-615, Side One) |
| ☐ Judicial Findings As To Forfeiture Of Licensing Privileges (AOC-CR-317) | ☐ Additional Findings (AOC-CR-618) |
| ☐ Victim Notification Tracking Form | ☐ Convicted Sex Offender Permanent No Contact Order (AOC-CR-620) |
| ☐ Additional File No.(s) And Offense(s) (AOC-CR-626) | ☐ Other: _____ |

Date	Date Certified Copies Delivered To Sheriff 10-31-13	Signature Of Clerk	☐ Deputy CSC ☐ Assistant CSC ☐ CSC
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Material opposite unmarked squares is to be disregarded as surplusage.

STATE OF NORTH CAROLINA

File No.

11CRS50939, 940

Jackson

County

In The General Court Of Justice

☐ District ☒ Superior Court Division

STATE VERSUS

Name Of Defendant

Matthew Wayne Moore

DOB

02/19/1988

Age

25

Highest Level Of Education Completed

10th

TRANSCRIPT OF PLEA

G.S. 15A-1022, 15A-1022.1

NOTE: Use this section ONLY when the Court is rejecting the plea arrangement.☐ The plea arrangement set forth within this transcript is hereby rejected and the clerk shall place this form in the case file. (Applies to plea arrangements disclosed on or after December 1, 2009.)

Date

Name Of Presiding Judge (Type Or Print)

Signature Of Presiding Judge

The undersigned judge, having addressed the defendant personally in open court, finds that the defendant (1) was duly sworn or affirmed, (2) entered a plea of ☒ guilty ☐ guilty pursuant to *Alford* decision ☐ no contest, and (3) offered the following answers to the questions set out below:

Answers

1. Are you able to hear and understand me? (1) Yes ☒
2. Do you understand that you have the right to remain silent and that any statement you make may be used against you? (2) Yes ☒
3. At what grade level can you read and write? (3) College ☒
4. (a). Are you now under the influence of alcohol, drugs, narcotics, medicines, pills, or any other substances? (4a) No ☒
- (b). When was the last time you used or consumed any such substance? (4b) 9/21/13 ☒
5. Have the charges been explained to you by your lawyer, and do you understand the nature of the charges, and do you understand every element of each charge? (5) Yes ☒
6. (a). Have you and your lawyer discussed the possible defenses, if any, to the charges? (6a) Yes ☒
- (b). Are you satisfied with your lawyer's legal services? (6b) Yes ☒
7. (a). Do you understand that you have the right to plead not guilty and be tried by a jury? (7a) Yes ☒
- (b). Do you understand that at such trial you have the right to confront and to cross examine witnesses against you? (7b) Yes ☒
- (c). Do you understand that at a jury trial you have the right to have a jury determine the existence of any aggravating factors that may apply to your case (and, if applicable, additional sentencing points not related to prior convictions) beyond a reasonable doubt? (7c) Yes ☒
- (d). Do you understand that by your plea(s) you give up these and other valuable constitutional rights to a jury trial (and, if applicable, rights related to sentencing)? (7d) Yes ☒
8. Do you understand that, if you are not a citizen of the United States of America, your plea(s) of guilty or no contest may result in your deportation from this country, your exclusion from admission to this country, or the denial of your naturalization under federal law? (8) YES ☒
- ☒ 9. Do you understand that upon conviction of a felony you may forfeit any State licensing privileges you have in the event that you refuse probation or that your probation is revoked? (9) Yes ☒
10. Do you understand that following a plea of guilty or no contest there are limitations on your right to appeal? (10) Yes ☒
11. Do you understand that your plea of guilty may impact how long biological evidence related to your case (for example, blood, hair, skin tissue) will be preserved? (11) Yes ☒

12. Do you understand that you are pleading ☒ guilty ☐ no contest to the charges shown below?
(Describe charges, total maximum punishments, and applicable mandatory minimums for those charges.)

(12) Yes ☒

PLEAS									
✓	Plea*	File Number	Count No.(s)	Offense(s)	Date Of Offense	G.S. No.	F/M	CL	#Pun. CL
	G	11CRS50939	1	First Degree Murder	05/13/2011		F	A	Death
	G	11CRS50940	1	First Degree Murder	05/13/2011		F	A	Death

☐ See attached AOC-CR-300A, for additional charges.

*G = Guilty

NC = No Contest

TOTAL MAXIMUM PUNISHMENT

Death ☒

MANDATORY MINIMUM FINES & SENTENCES (if any)

✓ NOTE TO CLERK: If this column is checked this is an added offense or reduced charge.

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

13. Do you now personally plead ☒ guilty ☐ no contest to the charges I just described?

(13) Yes ☒

14. ☐ (a) Are you in fact guilty?

(14a) Yes ☒

☐ (b) (no contest plea) Do you understand that, upon your plea of no contest, you will be treated as being guilty whether or not you admit that you are in fact guilty?

(14b) _____

☐ (c) (Alford guilty plea)

(1) Do you now consider it to be in your best interest to plead guilty to the charges I just described? (14c1) _____

(2) Do you understand that, upon your "Alford guilty plea," you will be treated as being guilty whether or not you admit that you are in fact guilty? (14c2) _____

☐ 15. (Use if aggravating factors are listed below) Have you admitted the existence of the aggravating factors shown below, have you agreed that there is evidence to support these factors beyond a reasonable doubt, have you agreed that the Court may accept your admission to these factors, and do you ☐ understand that you are waiving any notice requirement that the State may have with regard to these aggravating factors ☐ agree that the State has provided you with appropriate notice about these aggravating factors? (If so, review the aggravating factors with the defendant.)

(15) N/A

☐ 16. (Use if sentencing points are listed below) Have you admitted the existence of the sentencing points not related to prior convictions shown below, have you agreed that there is evidence to support these points beyond a reasonable doubt, have you agreed that the Court may accept your admission to these points, and do you ☐ understand that you are waiving any notice requirement that the State may have with regard to these sentencing points ☐ agree that the State has provided you with appropriate notice about these sentencing points? (If so, review the sentencing points with the defendant.)

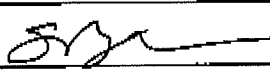
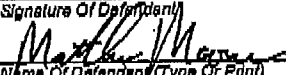
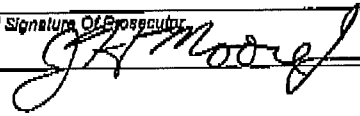
(16) N/A

17. Do you understand that you also have the right during a sentencing hearing to prove to the Court the existence of any mitigating factors that may apply to your case?

(17) N/A

18. Do you understand that the courts have approved the practice of plea arrangements and you can discuss your plea arrangement with me without fearing my disapproval?

(18) Yes ☒

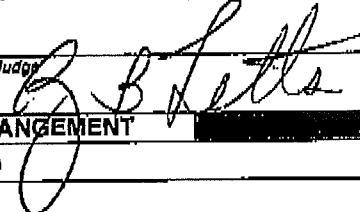
STATE VERSUS		File No. 11CR50939
Name Of Defendant Matthew Wayne Moore		
19. Have you agreed to plead ☒ guilty ☐ no contest as part of a plea arrangement? (If so, review the terms of the plea arrangement as listed in No. 20 below with the defendant.)		(19) <u>Yes</u> ✓
20. The prosecutor, your lawyer and you have informed the Court that these are all the terms and conditions of your plea:		
PLEA ARRANGEMENT		
In exchange for the guilty pleas herein, the State will not pursue the death penalty and the Defendant shall be sentenced to two terms of life without the possibility of parole. ✓		
☐ The State dismisses the charge(s) set out on Page Two, Side Two, of this transcript.		
☒ The defendant stipulates to restitution to the party(ies) in the amounts set out on "Restitution Worksheet, Notice And Order (Initial Sentencing)" (AOC-CR-611). ✓		
21. Is the plea arrangement as set forth within this transcript and as I have just described it to you correct as being your full plea arrangement?		(21) <u>Yes</u> ✓
22. Do you now personally accept this arrangement?		(22) <u>Yes</u> ✓
23. (Other than the plea arrangement between you and the prosecutor) has anyone promised you anything or threatened you in any way to cause you to enter this plea against your wishes?		(23) <u>No</u> ✓
24. Do you enter this plea of your own free will, fully understanding what you are doing?		(24) <u>Yes</u> ✓
25. Do you agree that there are facts to support your plea ☐ and admission to aggravating factors ☐ and sentencing points not related to prior convictions, and do you consent to the Court hearing a summary of the evidence?		(25) <u>Yes</u> ✓
26. Do you have any questions about what has just been said to you or about anything else connected to your case?		(26) <u>No</u> ✓
ACKNOWLEDGEMENT BY DEFENDANT		
I have read or have heard all of these questions and understand them. The answers shown are the ones I gave in open court and they are true and accurate. No one has told me to give false answers in order to have the Court accept my plea in this case. The terms and conditions of the plea as stated within this transcript, if any, are accurate.		
SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME		Date 10/31/2013
Date 10-31-13	Signature 	Signature Of Defendant 
☐ Deputy CSC ☒ Assistant CSC ☐ Clerk Of Superior Court		Name Of Defendant (Type Or Print) Matthew Wayne Moore
CERTIFICATION BY LAWYER FOR DEFENDANT		
I hereby certify that the terms and conditions stated within this transcript, if any, upon which the defendant's plea was entered are correct and they are agreed to by the defendant and myself. I further certify that I have fully explained to the defendant the nature and elements of the charges to which the defendant is pleading, and the aggravating and mitigating factors and prior record points for sentencing, if any.		
Date 10/31/2013	Name Of Lawyer For Defendant (Type Or Print) Mark R. Melrose/Victoria Jayne	Signature Of Lawyer For Defendant 
CERTIFICATION BY PROSECUTOR		
As prosecutor for this Prosecutorial District, I hereby certify that the conditions stated within this transcript, if any, are the terms and conditions agreed to by the defendant and his/her lawyer and myself for the entry of the plea by the defendant to the charges in this case.		
Date 10/31/13	Name Of Prosecutor (Type Or Print) James H. Moore Jr.	Signature Of Prosecutor 

PLEA ADJUDICATION

Upon consideration of the record proper, evidence or factual presentation offered, answers of the defendant, statements of the lawyer for the defendant, and statements of the prosecutor, the undersigned finds that:

1. There is a factual basis for the entry of the plea (and for the admission as to aggravating factors and/or sentencing points);
2. The defendant is satisfied with his/her lawyer's legal services;
3. The defendant is competent to stand trial;
4. ☐ The State has provided the defendant with appropriate notice as to the aggravating factors and/or points; ☐ The defendant has waived notice as to the aggravating factors and/or points; and
5. The plea (and admission) is the informed choice of the defendant and is made freely, voluntarily and understandingly.

The defendant's plea (and admission) is hereby accepted by the Court and is ordered recorded.

Date 10/31/2013	Name Of Presiding Judge (Type Or Print) Honorable Bradley B. Letts	Signature Of Presiding Judge 
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SUPERIOR COURT DISMISSALS PURSUANT TO PLEA ARRANGEMENT

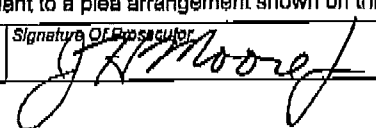
File No.	Count No.(s)	Offense(s)

DISTRICT COURT DISMISSALS PURSUANT TO PLEA ARRANGEMENT

File No.	Count No.(s)	Offense(s)

CERTIFICATION BY PROSECUTOR

The undersigned prosecutor enters a dismissal to the above charges pursuant to a plea arrangement shown on this Transcript Of Plea.

Date 10/31/13	Name Of Prosecutor (Type Or Print) James H. Moore Jr.	Signature Of Prosecutor 
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