

DEC 1 2014

STATE OF NORTH CAROLINA

File No.

14CRS1251

HAYWOOD County

In The General Court Of Justice
District Superior Court Division

STATE VERSUS

TRANSCRIPT OF PLEA

Name Of Defendant

JENNIFER ELIZABETH GREEN ELLIOTT

DOB

04/10/1977

Age

37

Highest Level Of Education Completed

B.S. - Elementary Educ.

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

Oct 31, 2014

Name Of Presiding Judge (Type Or Print)

HONORABLE WILLIAM H. COWARD

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:

- 1. Are you able to hear and understand me? YES
2. Do you understand that you have the right to remain silent... YES
3. At what grade level can you read and write? College graduate
4. (a) Are you now under the influence of alcohol... NO
(b) When was the last time you used or consumed any such substance? 3 months
5. Have the charges been explained to you by your lawyer... YES
6. (a) Have you and your lawyer discussed the possible defenses... YES
(b) Are you satisfied with your lawyer's legal services? YES
7. (a) Do you understand that you have the right to plead not guilty... YES
(b) Do you understand that at such trial you have the right to confront... YES
(c) Do you understand that at a jury trial you have the right to have a jury determine... YES
(d) Do you understand that by your plea(s) you give up these and other valuable constitutional rights... YES
8. Do you understand that, if you are not a citizen of the United States of America... YES
9. Do you understand that upon conviction of a felony you may forfeit any State licensing privileges... YES
10. Do you understand that following a plea of guilty or no contest there are limitations on your right to appeal? YES
11. Do you understand that your plea of guilty may impact how long biological evidence related to your case... YES

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

PLEAS										
✓	Plea*	File Number	Count No.(s)	Offense(s)	Date Of Offense	G.S. No.	F/M	CL.	#Pun. Cl.	Maximum Punishment
X	G	14CRS1252	I	FELONY BREAKING OR ENTERING	04/14/2014	14-54(a)	F	H		39 MOS
X	G	14CRS1252	II	LARCENY AFTER BREAK OR ENTER	04/14/2014	14-72(b)	F	H		39 MOS
X	G	14CRS1252	III	FELONY POSSESS STOLEN GOODS	04/14/2014	14-71.1	F	H		39 MOS
X	G	14CRS52988	I	OBTAIN PROP BY FALSE PRETENSE	04/15/2014	14-100	F	H		39 MOS
X	G	14CRS52990	I	OBTAIN PROP BY FALSE PRETENSE	04/21/2014	14-100	F	H		39 MOS
X	G	14CRS1255	I	2ND DEGREE BURGLARY	05/17/2014	14-51	F	G		47 MOS
X	G	14CRS1255	II	LARCENY AFTER BURGLARY	05/17/2014	14-72(b)	F	H		39 MOS
X	G	14CRS1255	III	FELONY POSSESS STOLEN GOODS	05/17/2014	14-71.1	F	H		39 MOS
X	G	14CRS1253	I	2ND DEGREE BURGLARY	05/17/2014	14-51	F	G		47 MOS
X	G	14CRS1253	II	LARCENY AFTER BURGLARY	05/17/2014	14-72(b)	F	H		39 MOS
X	G	14CRS1253	III	FELONY POSSESS STOLEN GOODS	05/17/2014	14-71.1	F	H		39 MOS
X	G	14CRS52989	I	OBTAIN PROP BY FALSE PRETENSE	05/22/2014	14-100	F	H		39 MOS
X	G	14CRS1260	I	FELONY LARCENY	07/19/2014	14-72(b)	F	H		39 MOS
X	G	14CRS1260	II	FELONY POSSESS STOLEN GOODS	07/19/2014	14-71.1	F	H		39 MOS
X	G	14CRS1251	I	FELONY LARCENY	06/28/2014	14-72(b)	F	H		39 MOS
X	G	14CRS1251	II	FELONY POSSESS STOLEN GOODS	06/28/2014	14-71.1	F	H		39 MOS

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

*G = Guilty
 NC = No Contest

TOTAL MAXIMUM PUNISHMENT

1,147 MONTHS

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) N/A

(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) N/A

(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) N/A

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) YES ✓

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

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Name Of Defendant

JENNIFER ELIZABETH GREEN ELLIOTT

- 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) YES
- 20. The prosecutor, your lawyer and you have informed the Court that these are all the terms and conditions of your plea:

PLEA ARRANGEMENT

The Defendant shall plead guilty to two (2) counts of Second Degree Burglary, four (4) counts of Felony Breaking or Entering, ten (10) counts of Felony Larceny, ten (10) counts of Felony Possession of Stolen Goods, and three (3) counts of Obtaining Property by False Pretenses. The State agrees to dismiss the remaining charges delineated hereafter in this transcript. Parties stipulate Defendant is a Level I for felony sentencing with zero points.

Parties further stipulate that all of the charges shall be consolidated down to nine (9) file numbers for sentencing, specifically as follows: (1) Count II & III of 14 CRS 1252, 14 CRS 52988, and 14 CRS 52990 shall be consolidated into Count I of 14 CRS 1252 Felony Breaking or Entering; (2) Count II & III of 14 CRS 1255, Count I, II, & III of 14 CRS 1253, and 14 CRS 52989 shall be consolidated into Count I of 14 CRS 1255 Second Degree Burglary; (3) Count II of 14 CRS 1260 shall be consolidated into Count I of 14 CRS 1260 Felony Larceny; (4) Count II of 14 CRS 1251 shall be consolidated into Count I of 14 CRS 1251; (5) Count II & III of 14 CRS 1257 shall be consolidated into Count I of 14 CRS 1257 Felony Breaking or Entering; (6) Count II of 14 CRS 1258 shall be consolidated into Count I of 14 CRS 1258 Felony Larceny; (7) Count II & III of 14 CRS 1261 shall be consolidated into Count I of 14 CRS 1261 Felony Breaking or Entering; (8) Count II of 14 CRS 1256 shall be consolidated into Count I of 14 CRS 1256 Felony Larceny; and (9) Count II of 14 CRS 1254 shall be consolidated into Count I of 14 CRS 1254 Felony Larceny. The remaining sentencing shall be in the discretion of the Court. Defendant stipulates to a factual basis and judicial finding of restitution as set forth on the restitution worksheets.

- 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) YES
- 22. Do you now personally accept this arrangement? (22) YES
- 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) NO
- 24. Do you enter this plea of your own free will, fully understanding what you are doing? (24) YES
- 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) YES
- 26. Do you have any questions about what has just been said to you or about anything else connected to your case? (26) NO

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 Oct 31, 2014

Date 10/31/14

Signature Melissa Boyd

Signature Of Defendant Jennifer Elizabeth Green Elliott

- Deputy CSC
- Assistant CSC
- Clerk Of Superior Court

Name Of Defendant (Type Or Print) JENNIFER ELIZABETH GREEN ELLIOTT

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 Oct 31, 2014

Name Of Lawyer For Defendant (Type Or Print) GEORGE HYLER

Signature Of Lawyer For Defendant George B. Hyler

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 10/31/2014

Name Of Prosecutor (Type Or Print) RACHAEL M. GROFFSKY

Signature Of Prosecutor Rachael M. Groffsky

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: 10.31.14 Name Of Presiding Judge (Type Or Print): HONORABLE WILLIAM H. COWARD Signature Of Presiding Judge: 

SUPERIOR COURT DISMISSALS PURSUANT TO PLEA ARRANGEMENT

File No.	Count No.(s)	Offense(s)
14CRS1259	1	MISDEMEANOR CHILD ABUSE

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: 10/31/14 Name Of Prosecutor (Type Or Print): RACHAEL M. GROFFSKY Signature Of Prosecutor: 

STATE VERSUS

File No.

14CRS1251

Name Of Defendant

JENNIFER ELIZABETH GREEN ELLIOTT

PLEAS

✓	Plea*	File Number	Count No.(s)	Offense(s)	Date Of Offense	G.S. No.	F/M	CL.	Pun. Ct.	Maximum Punishment
X	G	14CRS1257	I	FELONY BREAKING OR ENTERING	07/25/2014	14-54(a)	F	H		39 MOS
X	G	14CRS1257	II	LARCENY AFTER BREAK OR ENTER	07/25/2014	14-72(b)	F	H		39 MOS
X	G	14CRS1257	III	FELONY POSSESS STOLEN GOODS	07/25/2014	14-71.1	F	H		39 MOS
X	G	14CRS1258	I	FELONY LARCENY	10/26/2013	14-72(b)	F	H		39 MOS
X	G	14CRS1258	II	FELONY POSSESS STOLEN GOODS	10/26/2013	14-71.1	F	H		39 MOS
X	G	14CRS1261	I	FELONY BREAKING OR ENTERING	07/09/2014	14-54(a)	F	H		39 MOS
X	G	14CRS1261	II	LARCENY AFTER BREAK OR ENTER	07/09/2014	14-72(b)	F	H		39 MOS
X	G	14CRS1261	III	FELONY POSSESS STOLEN GOODS	07/09/2014	14-71.1	F	H		39 MOS
X	G	14CRS1256	I	FELONY BREAKING OR ENTERING	01/01/2014	14-54(a)	F	H		39 MOS
X	G	14CRS1256	II	LARCENY AFTER BREAK OR ENTER	01/01/2014	14-72(b)	F	H		39 MOS
X	G	14CRS1256	III	FELONY POSSESS STOLEN GOODS	01/01/2014	14-71.1	F	H		39 MOS
X	G	14CRS1254	I	FELONY LARCENY	07/19/2014	14-72(b)	F	H		39 MOS
X	G	14CRS1254	II	FELONY POSSESS STOLEN GOODS	07/19/2014	14-72(b)	F	H		39 MOS

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