

STATE OF NORTH CAROLINA

File No.

15 CRS 054674

HAYWOOD County

In The General Court Of Justice  
Superior Court Division

STATE VERSUS

Name And Address Of Defendant

BROWN, JACKEE, FRAZIER  
935 EAGLES NEST RD

WAYNESVILLE NC 28786

NOTICE OF RETURN OF  
BILL OF INDICTMENT

G.S. 15A-630, 15A-941(d)

To The Defendant Named Above:

Take notice that the grand jury of the county named above has returned the attached True Bill(s) of Indictment charging you with the offense(s) specified.

You are informed that there are important time limitations on your right to discovery of the evidence against you. (See G.S. 15A-902, which is printed on the reverse.)

This Notice is issued upon the order of the presiding judge.

You will be arraigned on the charges contained in this Indictment only if you file a written request for arraignment with the Clerk of Superior Court not later than twenty-one (21) days after the Indictment is served on you. If you do not file a written request for arraignment within that time, the court will enter a not guilty plea on your behalf.

You must appear in Superior Court at the date, time and place shown below to answer the charges in this Indictment.

NOTE: If an earlier court date is set in a release order, you must appear at that time also.

Date Of Hearing 3/7/16	Time Of Hearing 10:00 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Place Of Hearing Haywood County Justice Center
NOTE: Attach True Bill(s) of Indictment and a copy of the Order of Arrest, if appropriate.		Date Issued 20160127
		Signature Melissa Boyd
		<input type="checkbox"/> Deputy CSC <input checked="" type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court

CERTIFICATE OF NOTICE

I certify that I issued a copy of this Notice to the defendant named above at the address shown by:

- 1. Mailing it through the U.S. Postal Service.
- 2. Attaching it to an Order for Arrest to be served on the defendant.
- 3. Other: (specify)

Date 1/28/16	Signature Melissa Boyd	<input type="checkbox"/> Deputy CSC <input checked="" type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court
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STATE OF NORTH CAROLINA

HAYWOOD

County

File No.

15CRS54674

In The General Court Of Justice  
Superior Court Division

STATE VERSUS

Name And Address Of Defendant

JACKEE FRAZIER BROWN

INDICTMENT  
(RELATED MISDEMEANOR)

This is a superseding indictment.

Race

W

Sex

F

Date Of Birth

03/06/1957

Offense(s)

Date Of Offense  
OR  
Date Range Of Offense

G.S. No.

CL.

I. (M) DRIVING WHILE IMPAIRED

12/24/2015

20-138.1

II.

I. The jurors for the State upon their oath present that on or about the date(s) of offense shown and in the county named above the defendant named above unlawfully and willfully did

KNOWINGLY OPERATE A 2011 TOYOTA SCION XB, WHICH IS A MOTOR VEHICLE, ON HIGHWAY 23/74 AND RUSS AVENUE, WHICH ARE PUBLIC HIGHWAYS AND STREETS, WHILE SUBJECT TO AN IMPAIRING SUBSTANCE, TO WIT: ALCOHOL.

II. And the jurors for the State upon their oath present that on or about the date(s) of offense shown and in the county named above the defendant named above unlawfully and willfully did

OCA # WPD1502852

Signature Of Prosecutor

WITNESSES

Officer Tim Carver, Waynesville Police Department

The Witnesses marked "X" were sworn by the undersigned Foreperson of the Grand Jury and, after hearing testimony, this Bill was found to be:

A TRUE BILL by twelve or more grand jurors, and I the undersigned Foreperson of the Grand Jury, attest the concurrence of twelve or more grand jurors in this Bill of Indictment.

NOT A TRUE BILL.

Date

01/25/16

Signature Of Grand Jury Foreperson

STATE OF NORTH CAROLINA  
COUNTY OF HAYWOOD

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
FILE NO. 2015 CR 54674

STATE OF NORTH CAROLINA  
PLAINTIFF

vs.

JACKEE FRAZIER BROWN,  
DEFENDANT

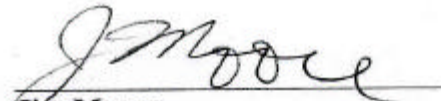
NOTICE OF APPEARANCE

The undersigned attorneys hereby give Notice of General Appearance in the above-captioned matter as Counsel for the Defendant.

This the 12 day of January, 2016.



David C Brown  
HYDE & BROWN, PA,  
168 Tate Street, Suite B  
Waynesville, NC 28786  
828.452.2556  
828.452.2590 fax



Jim Moore  
Jim Moore Attorney at Law, PLLC  
160 North Main Street, Suite 4  
Waynesville, NC 28786  
828-246-6373  
888-761-6109 fax

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served counsel of record of the opposing party/parties in the foregoing matter with a copy of this NOTICE:

— Depositing it in the United States Postal Service in a properly addressed envelope with adequate postage attached thereto.

OR

— Sending by telefacsimile transmittal for receipt by 5:00 p.m. Eastern Time on a regular business day, as evidenced by a telefacsimile receipt confirmation.

OR

X Leaving it at his or her office with a responsible partner or employee.

OR


— Depositing a copy hereof with a nationally recognized overnight courier service, for overnight delivery, addressed to the attorney for each.

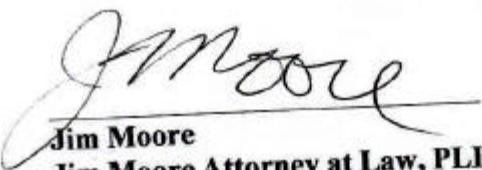
OR

— Service by personal delivery in conformity with the North Carolina Rules of Civil Procedure, Rule 5.

TO:  
District Attorney Ashley Welch  
285 N Main St  
Suite 1500  
Waynesville, NC 28786

This the 12 day of January, 2016.

  
David C Brown  
HYDE & BROWN, PA,  
168 Tate Street, Suite B  
Waynesville, NC 28786  
828.452.2556  
828.452.2590 fax

  
Jim Moore  
Jim Moore Attorney at Law, PLLC  
160 North Main Street, Suite 4  
Waynesville, NC 28786  
828-246-6373  
888-761-6109 fax

FILED  
JAN 12 PM 2:51  
WAYNESVILLE, N.C.

HAYWOOD COUNTY, C.S.C.

In re: Medical Records of )  
Jackee Frazier Brown, ) **ORDER GRANTING**  
Gary Wayne Ramsey, ) **STATE'S VERIFIED PETITION**  
& Cynthia Goodson Ramsey ) **FOR MEDICAL RECORDS**

UPON PETITION by the State of North Carolina, and these matters having been heard, the Court hereby makes the following:

**FINDINGS OF FACTS**

1. That, on December 24, 2015, Jackee Frazier Brown was operating her motor vehicle at the intersection of U.S. Highway 23/74 and Russ Avenue in the Town of Waynesville, North Carolina. She collided with another vehicle being operated by Gary Wayne Ramsey and which vehicle was also occupied by Cynthia Goodson Ramsey. Thereafter, investigators with the Waynesville Police Department commenced an investigation into this crash.

2. That, as a result of this collision, Jackee Frazier Brown, Gary Wayne Ramsey, and Cynthia Goodson Ramsey were injured. Jackee Frazier Brown and Gary Wayne Ramsey were transported to Mission Hospital in Asheville, North Carolina. Cynthia Goodson Ramsey was transported to Haywood Regional Medical Center in Clyde, North Carolina.

3. That, upon information and belief, Jackee Frazier Brown and Gary Wayne Ramsey suffered serious injuries. Cynthia Goodson Ramsey suffered minor injuries and was released after treatment. Evidence about the nature and extent of the injuries suffered by all participants should be in the medical records, including imaging, of each hospital, respectively.

4. That, upon information and belief, Mission Hospital conducted a testing of the blood alcohol concentration of Jackee Frazier Brown, and the result was approximately 0.17 grams of alcohol per deciliter. This information should be available in the hospital records of Jackee Frazier Brown. Further, there may be evidence of other controlled substances in her system.

5. That there are reasonable grounds to believe that Jackee Frazier Brown has violated North Carolina law by committing the offense of Driving While Impaired in violation of N.C. Gen. Stat. § 20-138.1. Further, there are reasonable grounds to believe that Jackee Frazier Brown may have further violated North Carolina law by committing the crime of Serious Injury by Vehicle if the injuries suffered by Gary Wayne Ramsey are, in fact, serious in nature. See, N.C. Gen. Stat. § 20-141.4.

6. That it would be necessary for the proper administration of justice to order Mission Hospital to turn over a copy of the various medical records of Jackee Frazier Brown and Gary Wayne Ramsey to the investigating officers, Sergeant Keith Moore and Officer Tim Carver with the Waynesville Police Department, pursuant to N.C. Gen. Stat. § 8-53. Further, the federal Health Insurance Portability and Accountability Act does not prohibit the production of the information sought herein. See, 42 U.S.C. § 1320d *et seq.* and 45 C.F.R. § 164.512(f).

7. That that it would also be necessary for the proper administration of justice to order Haywood Regional Medical Center to turn over a copy of the various medical records of Cynthia Goodson Ramsey to the investigating officers, Sergeant Keith Moore and Officer Tim Carver with the Waynesville Police Department, pursuant to N.C. Gen. Stat. § 8-53. Further, the federal Health Insurance Portability and Accountability Act does not prohibit the production of the information sought herein. See, 42 U.S.C. § 1320d *et seq.* and 45 C.F.R. § 164.512(f).

8. That Jackee Frazier Brown is a white female with a date of birth of March 6, 1957. Gary Wayne Ramsey is a white male with a date of birth of June 30, 1972, and Cynthia Goodson Ramsey is a white female with a date of birth of August 27, 1971.

BASED UPON the foregoing Findings of Facts, the Court hereby makes the following:

#### **CONCLUSIONS OF LAW**

1. That the Court has subject matter jurisdiction over this matter and personal jurisdiction over both Mission Hospital in Asheville, North Carolina and Haywood Regional Medical Center in Clyde, North Carolina.

2. That it is necessary for the proper administration of justice that Mission Hospital deliver a copy of the medical records of Jackee Frazier Brown

and Gary Wayne Ramsey to investigators with the Waynesville Police Department, pursuant to N.C. Gen. Stat. § 8-53.

3. That it is necessary for the proper administration of justice that Haywood Regional Medical Center deliver a copy of the medical records of Cynthia Goodson Ramsey to investigators with the Waynesville Police Department, pursuant to N.C. Gen. Stat. § 8-53.

4. That the production of such medical records is not prohibited by the federal Health Insurance Portability and Accountability Act, 42 U.S.C. 1320d *et seq.*, because the production meets the law enforcement exception as provided by 45 C.F.R. § 164.512(f).

### ORDER

BASED UPON the foregoing Findings of Facts and Conclusions of Law, the Court HEREBY ORDERS, ADJUDGES, and DECREES as follows:

1. That **Mission Hospital** shall forthwith produce a copy of the medical records of **Jackee Frazier Brown**, a white female with the date of birth of March 6, 1957, including any imaging such as x-rays, CT scans, and/or MRIs, with respect to the date of service commencing on or about December 24, 2015, to Sergeant Keith Moore and/or Officer Tim Carver with the Waynesville Police Department; and

2. That **Mission Hospital** shall forthwith produce a copy of the medical records of **Gary Wayne Ramsey**, a white male with the date of birth of June 30, 1972, including any imaging such as x-rays, CT scans, and/or MRIs, with respect to the date of service commencing on or about December 24, 2015, to Sergeant Keith Moore and/or Officer Tim Carver with the Waynesville Police Department; and

3. That **Haywood Regional Medical Center** shall forthwith produce a copy of the medical records of **Cynthia Goodson Ramsey**, a white female with the date of birth of August 27, 1971, including any imaging such as x-rays, CT scans, and/or MRIs, with respect to the date of service commencing on or about December 24, 2015, to Sergeant Keith Moore and/or Officer Tim Carver with the Waynesville Police Department; and

4. That if any of the aforementioned persons are still hospitalized at the date and time of his Order, then this Order shall be continuing in nature and each hospital shall provide additional records upon request by the investigating officers.

SO ORDERED this the 28<sup>th</sup> day of December, 2015.



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BRADLEY B. LETTS  
Senior Resident Superior Court Judge  
Judicial District 30B



FILED

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

2015 DEC 28 PM 12:00

SUPERIOR COURT DIVISION

COUNTY OF HAYWOOD

HAYWOOD COUNTY, C.S.C.

In re: Medical Records of  
Jackee Frazier Brown,  
Gary Wayne Ramsey,  
& Cynthia Goodson Ramsey

**VERIFIED PETITION  
FOR MEDICAL RECORDS**

NOW COMES the State of North Carolina, by and through the undersigned assistant district attorney, and hereby petitions the Court to order the production of certain medical records and, in support thereof, states as follows:

1. That, on December 24, 2015, Jackee Frazier Brown was operating her motor vehicle at the intersection of U.S. Highway 23/74 and Russ Avenue in the Town of Waynesville, North Carolina. She collided with another vehicle being operated by Gary Wayne Ramsey and which vehicle was also occupied by Cynthia Goodson Ramsey. Thereafter, investigators with the Waynesville Police Department commenced an investigation into this crash.

2. That, as a result of this collision, Jackee Frazier Brown, Gary Wayne Ramsey, and Cynthia Goodson Ramsey were injured. Jackee Frazier Brown and Gary Wayne Ramsey were transported to Mission Hospital in Asheville, North Carolina. Cynthia Goodson Ramsey was transported to Haywood Regional Medical Center in Clyde, North Carolina.

3. That, upon information and belief, Jackee Frazier Brown and Gary Wayne Ramsey suffered serious injuries. Cynthia Goodson Ramsey suffered minor injuries and was released after treatment. Evidence about the nature and extent of the injuries suffered by all participants should be in the medical records, including imaging, of each hospital, respectively.

4. That, upon information and belief, Mission Hospital conducted a testing of the blood alcohol concentration of Jackee Frazier Brown, and the result was approximately 0.17 grams of alcohol per deciliter. This information should be available in the hospital records of Jackee Frazier Brown. Further, there may be evidence of other controlled substances in her system.

5. That there are reasonable grounds to believe that Jackee Frazier Brown has violated North Carolina law by committing the offense of Driving While Impaired in violation of N.C. Gen. Stat. § 20-138.1. Further, there are reasonable grounds to believe that Jackee Frazier Brown may have further violated North Carolina law by committing the crime of Serious Injury by Vehicle if the injuries suffered by Gary Wayne Ramsey are, in fact, serious in nature. See, N.C. Gen. Stat. § 20-141.4.


6. That the State alleges that it would be necessary for the proper administration of justice to order Mission Hospital to turn over a copy of the various medical records of Jackee Frazier Brown and Gary Wayne Ramsey to the investigating officers, Sergeant Keith Moore and Officer Tim Carver with the Waynesville Police Department, pursuant to N.C. Gen. Stat. § 8-53. Further, the federal Health Insurance Portability and Accountability Act does not prohibit the production of the information sought herein. See, 42 U.S.C. § 1320d *et seq.* and 45 C.F.R. § 164.512(f).

7. That the State further alleges that it would be necessary for the proper administration of justice to order Haywood Regional Medical Center to turn over a copy of the various medical records of Cynthia Goodson Ramsey to the investigating officers, Sergeant Keith Moore and Officer Tim Carver with the Waynesville Police Department, pursuant to N.C. Gen. Stat. § 8-53. Further, the federal Health Insurance Portability and Accountability Act does not prohibit the production of the information sought herein. See, 42 U.S.C. § 1320d *et seq.* and 45 C.F.R. § 164.512(f).

8. That Jackee Frazier Brown is a white female with a date of birth of March 6, 1957. Gary Wayne Ramsey is a white male with a date of birth of June 30, 1972, and Cynthia Goodson Ramsey is a white female with a date of birth of August 27, 1971.

WHEREFORE, the State respectfully requests that the Court enter an order for the production of the medical records of Jackee Frazier Brown, Gary Wayne Ramsey, and Cynthia Goodson Ramsey, including any imaging such as x-rays, CT scans, and MRIs, to each hospital as described herein.

DATED this the 28<sup>th</sup> day of December, 2015.

  
\_\_\_\_\_  
JEFF D. JONES  
Assistant District Attorney  
285 North Main Street, Suite 3200  
Waynesville, North Carolina 28786  
Tel: (828) 454-6510  
Fax: (828) 454-6410

**VERIFICATION**

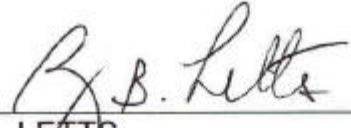
STATE OF NORTH CAROLINA

COUNTY OF HAYWOOD

I, Sgt. Keith Moore, being duly sworn, do hereby state that I have read the foregoing **Verified Petition for Medical Records** and that the allegations contained therein are true and correct to the extent that I have personal knowledge of the same and are true and correct upon information and belief to the extent that I do not have such personal knowledge.

  
\_\_\_\_\_  
SGT. KEITH MOORE  
Waynesville Police Department

SWORN and SUBSCRIBED before me this the 28<sup>th</sup> day of December, 2015.

  
\_\_\_\_\_  
BRADLEY B. LETTS  
Senior Resident Superior Court Judge  
Judicial District 30B



STATE OF NORTH CAROLINA

File No.

15CR 054674

HAYWOOD County

In The General Court Of Justice
[X] District [ ] Superior Court Division

Name And Mailing Address Of Defendant

JACKEE FRAZIER BROWN

935 EAGLES NEST RD

WAYNESVILLE NC 28786

Social Security No. 257-02-6898 Telephone No. Of Defendant

Total Bond Required \$ 2,500.00 Amount Of This Bond \$ 2,500.00

APPEARANCE BOND FOR PRETRIAL RELEASE

# 15AB1552909

G.S. 15A-531, 15A-534, 15A-544.2

Offenses And Additional File Numbers

15CR54674 T-DRIVING WHILE IMPAIRED

[ ] See Attachment

- [X] Unsecured Appearance Bond - I, the undersigned defendant, acknowledge that my personal representatives and I are bound to pay the State of North Carolina the sum shown above, subject to the conditions of this Bond stated on the reverse side.
[ ] Cash Appearance Bond (See note on reverse side.) - I, the undersigned defendant, acknowledge that I am bound to pay the State of North Carolina the sum shown above, and hereby deposit the cash identified below as security with the understanding that the deposit will be returned upon the Court's determination that the conditions of release have been performed, subject to the conditions of this Bond stated on the reverse side, and that it will be available to satisfy my obligations.
[ ] Defendant's Property Appearance Bond - I, the undersigned defendant, acknowledge that I am bound to pay the State of North Carolina the sum shown above, subject to the conditions of this Bond stated on the reverse side, and as security for said Bond have executed a mortgage or deed of trust to real or personal property, payable to the State of North Carolina and with power of sale conditioned upon the breach of any condition of this Bond.
[ ] Surety Appearance Bond - We, the undersigned, jointly and severally acknowledge that we and our personal representatives are bound to pay the State of North Carolina the sum shown above, subject to the conditions of this Bond stated on the reverse side.
[ ] (Professional bondsman, Bail Agent and Runners) - The "Affidavit" on the reverse side of this Bond is complete and true.
[ ] Cash Deposited By Surety (See note on reverse side.) - We have deposited the cash identified below to secure our obligations as sureties on this bond with the understanding that the deposit will be returned to us upon the Court's determination that the conditions of pretrial release have been performed, and that it will NOT be available to satisfy defendant's obligations.

Date Of Execution Of Bond

12/30/2015

Signature Of Defendant

ACCOMMODATION BONDSMAN

[ ] See attached AOC-CR-201A for additional accommodation bondsmen executing this bond.

Name And Address Of Accommodation Bondsman

Name And Address Of Accommodation Bondsman

Social Security No.

Telephone No.

Social Security No.

Telephone No.

PROFESSIONAL BONDSMAN

Name Of Bondsman

Name Of Runner, If Applicable

License No. Of Bondsman

License No. Of Runner

INSURANCE COMPANY

Name Of Insurance Company

Name Of Bail Agent

Power Of Appointment No. Of Bail Agent

License No. Of Bail Agent

SIGNATURE

Signature Of Surety

Signature Of Surety

SWORN AND SUBSCRIBED TO BEFORE ME

SWORN AND SUBSCRIBED TO BEFORE ME

Date

12/30/2015

Signature

T T HENLINE

Date

Signature

[X] Magistrate [ ] Deputy CSC [ ] Assistant CSC [ ] Clerk Of Superior Court [ ] Custodian Of Detention Facility [G.S. 15A-537(c)]

[ ] Magistrate [ ] Deputy CSC [ ] Assistant CSC [ ] Clerk Of Superior Court [ ] Custodian Of Detention Facility [G.S. 15A-537(c)]

COMPLETE IF CASH DEPOSITED

Signature Of Official Accepting Cash

Name Of Official Accepting Cash (Type Or Print)

Receipt No.

NOTE: If cash deposited, see note on reverse side.

ORIGINAL COPY

NOTE TO OFFICER: The officer should review and follow the instructions on Side Two of this form.

ATTACH TEST RECORD TICKET HERE

STATE OF NORTH CAROLINA

Haywood County

NOTE: A "commercial motor vehicle" is as defined in G.S. 20-4.01(3d).

File No.

In The General Court Of Justice District Court Division

IN THE MATTER OF:

Name: Jakee Frazier Brown

Address: 935 Eagles Nest Rd.

City: Waynesville State: NC Zip: 28786

Race: W Sex: F Date Of Birth: 03-06-1957 Drivers License No. [Redacted] State: NC Vehicle Type: SU CMV: N Haz Mat: N Citation No.:

AFFIDAVIT AND REVOCATION REPORT OF

- LAW ENFORCEMENT OFFICER
- CHEMICAL ANALYST

The charged offense is impaired supervision or instruction under G.S. 20-12.1. Accordingly, substitute "supervisor/instructor" wherever "driver" appears below.

G.S. 20-16.2, 20-16.5, 20-17.8, 20-19(c3), 20-139.1

The undersigned being first duly sworn says:

1. I am a law enforcement officer. On the 24 day of December, 2015, at 9:28 (a)(p).m., a law enforcement officer had reasonable grounds to believe the above named person, hereinafter referred to as driver, operated a vehicle ( commercial motor vehicle) in the above named county upon US 276 and Blue Ave (Give Street, Highway, Or Public Vehicular Area) while committing an implied-consent offense in that she was involved in a wreck resulting in bodily injury, driver had an odor of alcohol about her person

(List Sufficient Facts To Establish Probable Cause)

- 2. The driver has a drivers license restriction:  alcohol concentration  ignition interlock.  conditional restoration (Restr. "9)
- 3. The driver violated a drivers license restriction by:  refusing to be transported for testing.  not having an operable ignition interlock on the vehicle being driven.  failing to personally activate the ignition interlock on the vehicle being driven.  exceeding the driver's alcohol concentration limitation.  refusing a chemical analysis (if refusal, also complete item no. 14 below).
- 4. The driver was charged with the implied-consent offense of:  G.S. 20-138.1;  Other Implied-Consent Offense: \_\_\_\_\_;  and the driver has one or more pending offenses in the following county(ies) \_\_\_\_\_ for which the drivers license had been or is revoked under G.S. 20-16.5.
- 5. After the driver was charged, I took the driver before \_\_\_\_\_, a chemical analyst authorized to administer a test of the driver's breath.
- 6. I am a chemical analyst and possess a current permit issued by the Department of Health and Human Services authorizing me to conduct chemical analyses of the breath utilizing the Intox EC/IR II
- 7. I informed the driver orally and also gave notice in writing of the rights specified in G.S. 20-16.2(a). I completed informing the driver of the rights as indicated on the attached DHHS 4081.
- 8. I began observing the driver for the purpose of complying with the observation period requirements for a breath analysis in accordance with the methods/rules approved by the Department of Health and Human Services at \_\_\_\_\_ (a)(p).m. on the \_\_\_\_\_ day of \_\_\_\_\_.
- 9. On the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ (a)(p).m., I requested the driver to submit to a chemical analysis of his/her breath or blood or urine. For blood or urine, I directed the taking of a blood or urine sample by a person qualified under G.S. 20-139.1.
- 10. The driver was unconscious or otherwise incapable of refusal and therefore the notification of rights and request to submit to a chemical analysis were not made. I directed the taking of a blood sample by a person qualified under G.S. 20-139.1.
- 11. The driver submitted to a chemical analysis of his/her breath. I administered the chemical analysis to the driver in accordance with the methods/rules approved by the Department of Health and Human Services using an Intox EC/IR II, and it printed the results of the driver's chemical analysis on the attached test record, DHHS 4082, which is made part of this Affidavit. The most recent preventive maintenance was performed on this Intox EC/IR II on the \_\_\_\_\_ day of \_\_\_\_\_, as shown on the preventive maintenance record. I provided the driver with a copy of the attached test record before any trial or proceeding in which the results of the chemical analysis may be used.
- 12. The chemical analysis of the driver's breath indicated an alcohol concentration of 0.15 or more.
- 13. A sample of the driver's blood or urine was collected for a chemical analysis as indicated on the attached DHHS 4081.
- 14. The driver willfully refused to submit to a chemical analysis as indicated on the attached  DHHS 4082.  DHHS 4081.
- The willful refusal occurred in an implied-consent offense involving death or critical injury to another person.

**SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME**

Date: 12/31/15 Signature Of Official Authorized To Administer Oaths: [Signature] Signature Of Chemical Analyst/Law Enforcement Officer: [Signature] DHHS Permit No. 16829E

Magistrate  Deputy CSC  Assistant CSC  CSC Print Name Of Chemical Analyst/Law Enforcement Officer: Sgt. Keith Moore

Notary Date My Commission Expires: \_\_\_\_\_ County Where Notarized: \_\_\_\_\_ Agency Name: Waynesville Police Dept.

SEAL

Law Enforcement Officer/Analyst Copy

## NOTES TO LAW ENFORCEMENT OFFICER/CHEMICAL ANALYST

### NOTE TO LAW ENFORCEMENT OFFICER WHO IS NOT GOING TO administer breath test or read the implied-consent rights:

1. Complete the identifying information at the top.
2. Check the "Law Enforcement Officer" block under "Affidavit and Revocation Report of" in the title section.
3. Review and check as appropriate for this case paragraphs 1-5 (and if the driver is unconscious or incapable of refusing so that the implied-consent rights need not be read, also review and check as appropriate paragraph 10), and
4. Swear or affirm before notary or magistrate, sign and file copies as indicated.

### NOTE TO LAW ENFORCEMENT OFFICER WHO CHARGES DRIVER AND IS CHEMICAL ANALYST who administers the breath test or reads the implied-consent rights for a blood test:

1. Complete the identifying information at the top.
2. Check both the "Law Enforcement Officer" and "Chemical Analyst" blocks under "Affidavit and Revocation Report of" in the title section.
3. Review and check as appropriate for this case paragraphs 1-14, and
4. Swear or affirm before notary or magistrate, sign and file copies as indicated.

### NOTE TO CHEMICAL ANALYST WHO IS NOT THE CHARGING OFFICER:

1. Complete the identifying information at the top.
2. Check the "Chemical Analyst" block under "Affidavit and Revocation Report of" in the title section.
3. Review and check as appropriate for this case paragraphs 6-14, and
4. Swear or affirm before notary or magistrate, sign and file copies as indicated.

## INSTRUCTIONS

1. This form should be used in District Court to prove alcohol concentration in implied-consent criminal cases.
2. This form should be used before the Magistrate for the pretrial civil revocation (CVR) when the driver is charged with DWI or another implied-consent offense and the driver
  - a. has an alcohol concentration of 0.08 or more;
  - b. has an alcohol concentration of 0.04 or more and was operating a commercial motor vehicle;
  - c. is under age 21 and has an alcohol concentration of 0.01 or more; or
  - d. refuses the breath test and/or a blood or urine test.
3. This form should be used to notify DMV of (i) an alcohol concentration of 0.15 or more or (ii) a refusal to submit to a breath test and/or a blood or urine test.
4. This form should be used to notify DMV of violations of the following drivers license restrictions<sup>†</sup>
  - a. \*9= the driver has a Conditional Restoration of his or her drivers license
  - b. 19= alcohol concentration (A/C) of 0.04
  - c. 20= A/C 0.04+ignition interlock
  - d. 21= A/C 0.00
  - e. 22= A/C 0.00+ignition interlock
  - f. 23= ignition interlock only

+ When a driver has violated a restriction and Paragraphs 2 and 3 on Side One are completed, ALL sections in these paragraphs that apply must be checked. For example, if the driver had a restriction 20 and violated both the alcohol concentration and the ignition interlock provisions, both the "alcohol concentration" and the "ignition interlock" blocks should be checked in Paragraph 2. The same applies to Paragraph 3.
5. File the original and copies of this form, with a copy of the test record ticket attached, as follows:
  - a. Original - To the Magistrate for the pretrial civil revocation (CVR).
  - b. Second copy - To the Court for the criminal case.
  - c. Yellow copy - To DMV for violation of any alcohol or ignition interlock restriction on drivers license, alcohol concentration of 0.15 or more, or for refusal to submit to a breath test and/or a blood or urine test. DMV's address is: DMV, Information Processing Services, 3120 Mail Service Center, Raleigh, NC 27699-3120.
  - d. Pink copy - To the Law Enforcement Officer/Chemical Analyst.
  - e. Green copy - To the driver.

**Depart Discharge Summary**

**CHEMISTRY RESULTS**

ALT: 12/25/2015 - 24 intl unit/L  
 AST: 12/25/2015 - 42 intl unit/L HI  
 Albumin, Serum: 12/25/2015 - 2.80 g/dL LOW  
 Alkaline Phosphatase: 12/25/2015 - 96 intl unit/L  
 BUN: 12/25/2015 - 9 mg/dL  
 Bilirubin, Total: 12/25/2015 - 1.9 mg/dL HI  
 CO2, Total: 12/25/2015 - 20 mmol/L LOW  
 Calcium: 12/25/2015 - 7.9 mg/dL LOW  
 Chloride: 12/25/2015 - 109 mmol/L HI  
 Creatinine: 12/25/2015 - 0.60 mg/dL  
 Glucose, Serum: 12/25/2015 - 115 mg/dL HI  
 Potassium: 12/25/2015 - 3.6 mmol/L  
 Protein, Total: 12/25/2015 - 5.5 g/dL LOW  
 Sodium: 12/25/2015 - 139 mmol/L  
 est GFR (if African-American): 12/25/2015 - Greater than 60 mL/min  
 est GFR (if not African-American): 12/25/2015 - Greater than 60 mL/min

$$\div 1.18$$

$$= .14$$

**COAGULATION RESULTS**

PT: 12/24/2015 - 17.1 sec HI

**HEMATOLOGY RESULTS**

Hematocrit: 12/25/2015 - 27.0 % LOW  
 Hemoglobin: 12/25/2015 - 9.0 g/dL LOW  
 Platelet Count: 12/25/2015 - 145 x10<sup>3</sup>/mcl  
 WBC Count: 12/25/2015 - 6.8 x10<sup>3</sup>/mcl

**TDM/TOXICOLOGY RESULTS**

Amphetamine, Urine: 12/24/2015 - Negative NA  
 Barbiturate, Urine: 12/24/2015 - Negative NA  
 Benzodiazepine, Urine: 12/24/2015 - Negative NA  
 Cannabinoid, Urine: 12/24/2015 - Negative NA  
 Cocaine, Urine: 12/24/2015 - Negative NA  
 Ethanol Level mg/dL: 12/24/2015 - 174 mg/dL HI  
 Opiate, Urine: 12/24/2015 - Negative NA

Powerchart Clinical Summary\_ 04.27.15



File No. <b>15CR 054674</b>	Law Enforcement Case No. WPD201500237	LID No.	SID No.	FBI No.
<b>WAYNESVILLE POLICE DEPARTMENT</b>				
<b>STATE OF NORTH CAROLINA</b>				
HAYWOOD County In The General Court Of Justice District Court Division				

To any officer with authority and jurisdiction to execute a warrant for arrest for the offense(s) charged below:  
 I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully and willfully did drive a vehicle on US 276 WAYNESVILLE, NC, a highway, while subject to an impairing substance.

<b>WARRANT FOR ARREST</b>	
Offense I T-DRIVING WHILE IMPAIRED	
THE STATE OF NORTH CAROLINA VS.	
Name And Address Of Defendant JACKEE FRAZIER BROWN	
935 EAGLES NEST RD	NC 28786
WAYNESVILLE	HAYWOOD COUNTY
Race W	Sex F
Date Of Birth 03/06/1957	Age
Social Security No./Tax ID No.	Drivers License No. & State
Name Of Defendant's Employer	
Offense Code(s) 15405	Offense In Violation Of G.S. 120-138.1
Date Of Offense 12/24/2015	
Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card) 12-30-15 JG2563K	
Complainant (Name, Address Or Department) KEITH MOORE WAYNESVILLE POLICE DEPARTMENT 9 SOUTH MAIN ST WAYNESVILLE NC 28786 HAYWOOD COUNTY (828) 456-5363	
Names & Addresses Of Witnesses (Including Counties & Telephone Nos.) TIMOTHY N. CARVER WAYNESVILLE POLICE DEPARTMENT 9 SOUTH MAIN ST WAYNESVILLE NC 28786 HAYWOOD COUNTY (828) 456-5363	

Signature T T HENLINE	Location Of Court Haywood County Courthouse; 0001 285 N MAIN ST SUITE 1500 WAYNESVILLE, NC 28786	Court Date 02/16/2016
<input checked="" type="checkbox"/> Magistrate	<input type="checkbox"/> Deputy CSC	Court Time 08:30
<input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Clerk Of Superior Court	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM

This act(s) was in violation of the law(s) referred to in this Warrant. This Warrant is issued upon information furnished under oath by the complainant listed. You are DIRECTED to arrest the defendant and bring the defendant before a judicial official without unnecessary delay to answer the charge(s) above.

# SBI FINAL DISPOSITION REPORT

00-020-00  
12-2-88


WHEN COMPLETED SUBMIT TO NORTH CAROLINA STATE BUREAU OF INVESTIGATION  
DIVISION OF CRIMINAL INFORMATION  
407 NORTH BLOUNT STREET  
RALEIGH, N. C. 27601-1009

ATTN: IDENTIFICATION SECTION

JG2563R

180000008586

CKN Number: \_\_\_\_\_

TO BE COMPLETED BY ARRESTING AGENCY	
SID NO	FBI NO
NAME ON FINGERPRINT CARD SUBMITTED TO SBI BROWN, JACKEE FRAZIER	
LAST	FIRST MIDDLE
RACE W	DATE OF BIRTH 03/06/1957
SEX F	SOCIAL SECURITY NO
ARREST NO. (OCA) WPD1502852	DATE OF ARREST 12/30/2015
OFFENSES CHARGED AT ARREST DRIVING WHILE IMPAIRED	
CONTRIBUTOR OF FINGERPRINTS [include Address & ORI No.] NC0440200 WAYNESVILLE P.D. WAYNESVILLE, NC 28786	
<input type="checkbox"/> COURT ORDERED EXPUNGEMENT [Copy of Certified Court Order Must Be Attached and Submitted by Arresting Agency]	
SIGNATURE 	
TITLE SP	DATE 12-30-15

TO BE COMPLETED BY CLERK'S OFFICE			
COURT LEVEL	<input type="checkbox"/> DISTRICT	<input type="checkbox"/> SUPERIOR	
COURT DOCKET NUMBER	COURT DISPOSITION DATE		
<input type="checkbox"/> DISMISSED <input type="checkbox"/> DISMISSED WITH LEAVE			
CHARGE CONVICTED OF:			
<input type="checkbox"/> CONSOLIDATED FOR JUDGMENT WITH CASE NO. - [Note: If this block is checked, a copy of the final disposition reflecting the original judgment must be attached.]			
PLEA <input type="checkbox"/>	VERDICT <input type="checkbox"/>		
MISDEMEANOR <input type="checkbox"/>	FELONY <input type="checkbox"/>		
SPLIT SENTENCE	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
JUDGMENT	Days	Months	Years
Active Sentence	—	—	—
Probation	—	—	—
Suspended	—	—	—
FINE	COST:		
RESTITUTION	ATTORNEY FEE		
<input type="checkbox"/> CASE APPEALED FROM DISTRICT COURT <input type="checkbox"/> CASE APPEALED TO APPELLATE DIVISION [Submit copy of this form and retain original until final judgment after Appellate decision]			
ADDITIONAL INFORMATION:			
DATE	COUNTY		
SIGNATURE			
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk of Superior Court			
If additional space is needed, check <input type="checkbox"/> and continue on reverse side of form.			

JAN 28 2016

HAYWOOD COUNTY CLERK OF COURT

MD88768 01/28/16 10:14:47

PAYOR: MILLER, MONROE

PAYEE: COPIES

CASE#: VCAP:IN

CITAN:

21410 COPY FEES 6.50

TOTAL PAID 6.50

CA TENDERED 10.00

CHANGE 3.50

4394 ID C43L8G