

File No. **22CR 050955**

**CRIMINAL SUMMONS**

Offense  
I M-ASSAULT ON A FEMALE

**THE STATE OF NORTH CAROLINA VS.**

Name And Address Of Defendant  
ED SMATHERS  
124 JOHNSON HILL DR  
WAYNESVILLE NC 28786  
HAYWOOD COUNTY

Race W	Sex M	Date Of Birth	Age 60
Social Security No.		Drivers License No. & State	

Name Of Defendant's Employer

Offense Code(s)  
I 1389

Offense In Violation Of G.S.  
I 14-33(C)(2)

Date Of Offense  
04/22/2022

Complainant (Name, Address Or Department)  
LOIS HOLLIS

Names & Addresses Of Witnesses (Including Counties & Telephone Nos.)

Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan

Date Issued  
04/22/2022

Law Enforcement Case No. LID No. SID No. FBI No.

**STATE OF NORTH CAROLINA**  
In The General Court Of Justice  
District Court Division  
HAYWOOD County

**To the defendant:**  
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 you unlawfully and willfully did assault and strike LOIS HOLLIS, a female person, by PUSHING HIS ARM INTO HER CAR WINDOW AND HITTING HER IN THE NOSE, MOUTH AND TEETH. The defendant is a male person and was at least 18 years of age when the assault and striking occurred.

This act was in violation of the law referred to in this Criminal Summons. This Summons is issued upon information furnished under oath by the complainant listed. You are ORDERED to appear before the Court at the location, date and time indicated below to answer to the charge. If you fail to appear, an order for your arrest may be issued and you may be held in CONTEMPT OF COURT. Arrest and/or contempt for failure to appear is in addition to any sentence which may be imposed for the crime charged.

The undersigned finds the following cause to set a court date more than one month from the issue of this summons:

Signature  
G NORWOOD

Location Of Court  
Haywood County Courthouse; 0001  
285 N MAIN ST SUITE 1500  
WAYNESVILLE, NC 28786

Court Date  
05/02/2022

Court Time  
08:30

Magistrate  
 Deputy CSC  
 Clerk Of Superior Court

AM  
 PM

If this Criminal Summons is not served within ninety (90) days or by the date the defendant is directed to appear, whichever is earlier, it must be returned to the Clerk of Court in the county in which it was issued with the reason for the failure of service noted thereon.

**RETURN OF SERVICE**

I certify that this Criminal Summons was received and served as follows:

Date Received	Date Served	Time Served	Date Returned
		<input type="checkbox"/> AM <input type="checkbox"/> PM	

By personally serving this Criminal Summons on the defendant.

This Criminal Summons WAS NOT served for the following reason:

Signature Of Officer Making Return \_\_\_\_\_  
Name Of Officer (type or print)

Department Or Agency Of Officer \_\_\_\_\_

**REDELIVERY/REISSUANCE**

Date \_\_\_\_\_  
Signature \_\_\_\_\_  
 Dep. CSC  
 Assist. CSC  
 CSC

The above clerk finds the following cause to set a court date more than one month from reissue:

**RETURN FOLLOWING REDELIVERY/REISSUANCE**

I certify that this Criminal Summons was received and served as follows:

Date Received	Date Served	Time Served	Date Returned
		<input type="checkbox"/> AM <input type="checkbox"/> PM	

By personally serving this Criminal Summons on the defendant.

This Criminal Summons WAS NOT served for the following reason:

Signature Of Officer Making Return \_\_\_\_\_  
Name Of Officer (type or print)

Department Or Agency Of Officer \_\_\_\_\_

**APPEAL ENTRIES**

The defendant, in open court, gives notice of appeal to the  
 District  Superior Court.

The current pretrial release order is modified as follows:

Date \_\_\_\_\_  
Signature Of District Court Judge Or Magistrate \_\_\_\_\_

**WAIVER OF PROBABLE CAUSE HEARING**

The undersigned defendant, with the consent of his/her attorney, waives the right to a probable cause hearing.

Date Waived \_\_\_\_\_  
Signature Of Defendant \_\_\_\_\_  
Signature Of Attorney \_\_\_\_\_

District Attorney	Attorney For Defendant	PRIOR CONVICTIONS:
<input type="checkbox"/> Waived <input type="checkbox"/> Not Indigent <input type="checkbox"/> Denied	<input type="checkbox"/> Appointed <input type="checkbox"/> Retained	No./Level: 0 <input type="checkbox"/> I (0) <input type="checkbox"/> II (1-4) <input type="checkbox"/> III (5+)

PLEA:  guilty  no contest  not guilty  
 guilty  no contest  not guilty  
 guilty  no contest  not guilty  
 not guilty

VERDICT:  guilty  not guilty

JUDGMENT: The defendant appeared in open court and freely, voluntarily and understandingly entered the above plea, on the above verdict, it is ORDERED that the defendant:  pay costs and a fine of \$ \_\_\_\_\_.

be imprisoned for a term of \_\_\_\_\_ days in the custody of the  sheriff.  MCP.  DACJJ.\* Pretrial credit \_\_\_\_\_ days served.  
 Work release  is recommended.  is not recommended.  is ordered. (use form AOC-CR-602)  
 The Court finds that a  longer  shorter period of probation than that which is specified in G.S. 15A-1343.2(d) is necessary.

Execution of the sentence is suspended and the defendant is placed on unsupervised probation\* for \_\_\_\_\_ months, subject to the following conditions: (1) commit no criminal offense in any jurisdiction. (2) possess no firearm, explosive or other deadly weapon listed in G.S. 14-269. (3) remain gainfully and suitably employed or faithfully pursue a course of study or of vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) satisfy child support and family obligations, as required by the Court. (5) pay to the Clerk the costs of court and any additional sums shown below.

Fine	Restitution**	Attorney's Fee	Community Service Fee	Other
\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

\*\*\*Name(s), address(es), and amount(s) for aggrieved party(ies) to receive restitution: (NOTE TO CLERK: Record SSN or Tax ID No. of aggrieved party(ies) on AOC-CR-382, "Certification Of Identity (Victims' Restitution)/Certification Of Identity (Witness Attendance).")

6. complete \_\_\_\_\_ hours of community service during the first \_\_\_\_\_ days of probation, as directed by the judicial services coordinator, and pay the fee prescribed by G.S. 143B-708 within \_\_\_\_\_ days.

7. not be found in or on the premises of the complainant or \_\_\_\_\_

8. not assault, communicate with or be in the presence of the complainant or \_\_\_\_\_

9. provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319)

10. Other: Defendant to not have any contact direct or indirect w/ Lois Home  
Defendant to engage in any assaultive behavior  
Defendant to carry term to term for 18 months.

It is ORDERED that this:  Judgment is continued upon payment of costs.  
 case be consolidated for judgment with \_\_\_\_\_  
 sentence is to run at the expiration of the sentence in \_\_\_\_\_

COMMITMENT: It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the Sheriff and that the sheriff cause the defendant to be retained in custody to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.

PROBABLE CAUSE:  
 Probable cause is found as to all Counts except \_\_\_\_\_, and the defendant is bound over to Superior Court for action by the grand jury.  
 No probable cause is found as to Count(s) \_\_\_\_\_ of this Criminal Summons and the Count(s) is dismissed.

Date 10/11/22  
 Name Of District Court Judge Or Magistrate (type or print) HON. MONICA H. LESLIE  
 Signature Of District Court Judge Or Magistrate \_\_\_\_\_

**CERTIFICATION**

I certify that this Judgment is a true and complete copy of the original which is on file in this case.

Date \_\_\_\_\_  
 Date Delivered To Sheriff \_\_\_\_\_  
 Signature \_\_\_\_\_

Dep. CSC  Asst. CSC  
 Clerk Of Superior Court

\*NOTE: If DWI, use AOC-CR-342 (active) or AOC-CR-310 (probation). If active sentence to DACJJ, use AOC-CR-602. If supervised probation, use AOC-CR-604.  
 AOC-CR-113, Side Two, Rev. 12/17  
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