

File No. 22CR 050955

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

CRIMINAL SUMMONS

Offense I M-ASSAULT ON A FEMALE

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

THE STATE OF NORTH CAROLINA VS.

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

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.)

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:

Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan Date Issued 04/22/2022

Signature G NORWOOD
 Magistrate Deputy CSC
 Assistant CSC Clerk Of Superior Court

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
 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 _____ Time Served AM PM Date Returned _____

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 Of 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 AM PM Date Returned _____

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 Of 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 Waived Not Indigent Denied Attorney For Defendant Appointed Retained No. Level: 0 1 (10) 11 (1-4) 111 (5+)

PLEA: guilty no contest no contest guilty no contest guilty no contest not guilty not guilty not 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 \$ _____ MCP. DACJU* Pretrial credit _____ days served.

be imprisoned for a term of _____ days in the custody of the sheriff. MCP. DACJU* 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 _____ days.
- 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: _____

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 _____ Name Of District Court Judge Or Magistrate (type or print) _____ 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 DACJU, use AOC-CR-602. If supervised probation, use AOC-CR-604.

STATE OF NORTH CAROLINA

File No. 22 CD 401

Haywood County

In The General Court Of Justice
District Court Division

Name Of Plaintiff
Lois Hollis
156 Johnson Hill Drive
Waynesville NC. 28786

**NOTICE OF HEARING ON
NO-CONTACT ORDER FOR STALKING
OR NONCONSENSUAL SEXUAL
CONDUCT**

VERSUS
Name Of Defendant
Edward Smathers
124 Johnson Hill Drive
Waynesville, NC. 28786

TEMPORARY ORDER
 PERMANENT ORDER

G.S. 50C-3, -7

To The Defendant Named Above

The attached Complaint has been filed alleging that you have committed unlawful acts of stalking or nonconsensual sexual conduct against the plaintiff.

- 1. A hearing will be held before a district court judge at the date, time and location indicated below. At that time it will be determined whether a temporary order should be granted.
- 2. A hearing will be held before a district court judge at the date, time and location indicated below. At that hearing it will be determined whether a permanent no-contact order should be granted.

Date Of Hearing <u>5/31/2022</u>	Time Of Hearing <u>9:30</u> <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Date <u>4/28/2022</u>
Location Of Hearing <u>Room 2-C</u> <u>Haywood Co Justice Ctr</u>		Signature <u>[Signature]</u> <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court

NOTE TO CLERK: If this notice of hearing is for a temporary order, attach it with the complaint and summons to be served by the sheriff. If a temporary no-contact order has been issued that order includes a notice of hearing for a permanent order and this separate notice of hearing should not be used unless the hearing date set in the temporary order is being changed.

NOTE TO PLAINTIFF: If the complaint and summons has already been served and this notice is issued at a later date you are responsible for mailing a copy of this Notice of Hearing to the defendant. In that situation only, you must mail a copy of the notice by first class mail and complete the "Certificate Of Service" set out below.

CERTIFICATE OF SERVICE

I certify that on the date of mailing shown below a copy of this Notice was served on the defendant at the address listed above by depositing a copy in a post-paid, properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service.

Date Of Mailing	Date Of Certification	Signature Of Plaintiff
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STATE OF NORTH CAROLINA

Haywood County

File No. 22CVD 401
In The General Court Of Justice
District Court Division

Name Of Plaintiff/Victim

Lois Hollis

Name Of Person Filing On Behalf Of Minor Or Incompetent Victim

Address Of Plaintiff/Victim (Use Alternative Address If Afraid To Give Physical Address)

156 Johnson Hill Dr.
Waynesville, NC. 28786

VERSUS

Name And Address Of Defendant

Edward Smathers
124 Johnson Hill Dr.

COMPLAINT FOR
NO-CONTACT ORDER
FOR STALKING
OR NONCONSENSUAL SEXUAL
CONDUCT

G.S. 50C-2

NOTE TO PLAINTIFF: Do not use this form if the relationship between you or the person on whose behalf you are filing this complaint and the defendant is current or former spouse; persons of the opposite sex who live or have lived together; have a child in common, are related as parent and child or grandparent and grandchild, are current or former household members, or are persons of the opposite sex who are in a dating relationship or have been in a dating relationship. In that situation use "Complaint And Motion For Domestic Violence Protective Order," AOC-CV-303. Check only the boxes below that apply and fill in blanks. Additional sheets may be attached.

1. The plaintiff resides The defendant resides The unlawful conduct occurred in this county.
2. a. I am a victim of unlawful conduct that occurred in North Carolina.
b. The plaintiff is a minor or incompetent adult who is a victim of unlawful conduct that occurred in North Carolina, and I am a competent adult who resides in North Carolina and am filing this complaint on the victim's behalf.
3. The defendant was 16 years of age or older at the time of the unlawful conduct.
4. The defendant has committed nonconsensual sexual conduct against the plaintiff in that: (Give specific dates and describe in detail what happened.)

5. The defendant has followed on more than one occasion or otherwise tormented, terrorized, or terrified the plaintiff named above with the intent to place the plaintiff in reasonable fear for the plaintiff's safety or the safety of the plaintiff's immediate family or close personal associates or with the intent to cause, and which did cause, the plaintiff to suffer substantial emotional distress by placing the plaintiff in fear of death, bodily injury, or continued torment or terror in that: (Give specific dates and describe in detail what happened and how it placed the plaintiff in fear of safety or how it caused substantial emotional distress.)

I Lois Hollis driving in my car on Johnson Hill Drive stopped because Ed Smathers dogs were running without a leash on the road in front of my car around his house 124 Johnson Hill Drive. Over the last 9 months Ed Smathers usually cusses with words like you bitch with fisted hands at me if I drive by his home or walk on the road. I need to pass his home to get to my home 156 Johnson Hill Drive at the dead end. For **10 years** I walked on Johnson Hill like other neighbors but I had to stop because of Ed's abuse at me.

Friday April 22 Ed Smathers again shouted abuse words at me. He quickly came to my car and viloently pushed his hand up to his elbow through my open car window and smashed my phone into my face and I fell backwards. My mouth, teeth, nose

A were hurt and my neck twisted. Ed is about 25 years younger. I am 78 years old.

Because Of These Acts Of Unlawful Conduct, The Plaintiff Requests That The Court Grant The Following Relief:

(Check only boxes that apply.)

- 1. A permanent no-contact order. (A permanent order cannot last longer than one year.)
- 2. A temporary no-contact order. (A temporary order cannot last longer than ten days.)
- 3. The temporary order to be issued ex parte (without notice to the defendant) because the plaintiff will suffer immediate injury, loss, or damage before the defendant can be heard in that: (explain)

AND

(If you checked Block 3 above, check a. or b. below.)

- a. I certify that I have made the following efforts, if any, to give notice to the defendant and give the following reasons supporting why notice should not be required: (explain)

- b. I certify that there is good cause to grant the remedy because the harm that the remedy is intended to prevent would likely occur if the defendant were given any prior notice of the request for relief in that: (Give specific reasons why harm would occur if prior notice were given to defendant.)

- 4. To order the defendant not to visit, assault, molest, or otherwise interfere with the plaintiff.
- 5. To order the defendant to stop stalking the plaintiff.
- 6. To order the defendant to cease harassment of the plaintiff
- 7. To order the defendant not to abuse or injure the plaintiff.
- 8. To order the defendant not to contact, by telephone, written communication, or electronic means, the plaintiff.
- 9. To order the defendant to refrain from entering or remaining present at the plaintiff's residence, school, place of employment, or other places specified.

(List Other Places Where You Want Defendant Ordered Not To Be)

10. Other: (specify)

Date: April 27, 2022 Signature Of Person Filing Complaint: [Signature]

VERIFICATION

I, the undersigned, being first duly sworn, say that I am the plaintiff in this action; that I have read the Complaint and Motion; that the matters and things alleged in the Complaint and Motion are true except as to those things alleged upon information and belief and as to those I believe them to be true and accurate.

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date: 4/27/2022 Signature: [Signature]

Deputy CSC Clerk Of Superior Court District Court Judge
 Assistant CSC Designated Magistrate

Date: 04/27/2022
 Signature Of Person Signing Complaint: [Signature]
 Name Of Person Filing Complaint (Type Or Print): _____

Notary Date My Commission Expires _____

SEAL County Where Notarized _____