

DEC 5 2022

File No. 22CR 702451

STATE OF NORTH CAROLINA

In The General Court Of Justice

District Superior Court Division

CRIMINAL BILL OF COSTS

HAYWOOD County

IFC \$181 IF \$181 IFDA \$374.50

CRDC \$183 CRD \$183 CRSC \$208 CRDS \$355.50 CRDA \$378.50

NOTE: This bill of costs does not reflect amounts you may owe outside the criminal judgment, such as a civil revocation fee or an administrative fee owed to another agency.

Court Date 12/1/22

STATE VS.

Name Of Defendant Kott, Nicole, Denise

Full Payment Partial Payment By Date 12/1/22

Name(s) & Case No.(s) Of Other Defendant(s) Jointly Liable

A \$20.00 fee will be added to your total if not paid TODAY. If not paid within 40 days an additional \$50.00 late fee will also apply.

YOU MUST PRESENT THIS FORM TO THE CASHIERS AT THE TIME OF PAYMENT

****No personal checks****

Cashiers can accept payment by credit card. There is a service charge that is a percentage of the total amount. You MUST present valid ID to pay with credit card.

Payments may be made online at:

www.payncticket.org

Click on "Court Collections and Payments"

You may mail payments (cashier's check or money order):

Haywood Co Clerk of Court 285 N Main St, Suite 1500 Waynesville NC 28786

J&S # Surrender License Assessment

PROBATION SUPERVISION

B - Supervised Probation U - Unsupervised N - Not Collecting Fee

REMARKS

HCSO WPD SHP Canton MVPD Level 5

COSTS DUE THE STATE

Table listing state costs: GCJF-Magistrate \$146.55, GCJF-District \$146.55, GCJF-Superior \$153.55, etc.

COSTS DUE THIS COUNTY

Table listing county costs: Fac Fee-Magistrate \$12.00, Fac Fee-District \$12.00, Proc Fee To \$22500, etc.

COSTS DUE THE CITY

Table listing city costs: Fac Fee-Magistrate \$12.00, Fac Fee-District \$12.00, Proc Fee To \$2350, etc.

FINES DUE THE COUNTY

\$100 22700

COSTS DUE OTHER COUNTIES

Table listing other county costs: Proc Fee To \$295, Jail Fee \$295, etc.

RESTITUTION

SEE ATTACHED WORKSHEET SEE SIDE TWO

AOC COSTS

Table listing AOC costs: Appointment Fee To AOC \$75.00, Attorney's Fee And Expenses To AOC \$24610, etc.

OTHER COSTS

Table listing other costs: \$

Deputy CSC Asst. CSC Clerk Of Superior Court TOTAL \$393.00

Date 12/1/22 Name Of Clerk HF

HAYWOOD COUNTY CLERK OF COURT

L174264

12/01/22 10:59:08

WMM
PAYOR: KOTT, NICOLE, D

PAYEE: SAME

CASE#: 22CR 702451 VCAP:N

CITAH:

22210 CD FAC FEE D CR	12.00
22500 CD OFFICER FEES	5.00
22700 FINES	100.00
21210 DC-CRIM FEES	146.55
21214 DC-CR LAA FEES	.95
21700 LEGB & RF - ST	7.50
21830 DWI FEE	100.00
24617 IND DEFENSE FEE	5.00
24681 JUD TECH & FAC	4.00
24322 STATE DNA FEE	2.00
21820 VEHICLE VIO FEE	10.00

TOTAL PAID 393.00

CA TENDERED 400.00

CHANGE 7.00

8109 ID C43RCB

STATE OF NORTH CAROLINA

HAYWOOD County WAYNESVILLE Seat of Court

File No.

22CR 702451 01

(NOTE: This form should be used for only one DWI conviction. Multiple convictions sentenced under G.S. 20-179 may not be consolidated for judgment.)

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

STATE VERSUS

IMPAIRED DRIVING - JUDGMENT
SUSPENDING SENTENCE
(For Offenses Committed On Or After Dec. 1, 2016)

Name Of Defendant

KOTT, NICOLE, DENISE

Race

Sex

Drivers License No.

41712859

State

Date Of Birth

NC 12/21/1985

[] COMMITMENT ON SPECIAL PROBATION

G.S. 20-179

Date Of Offense

07/09/2022

Attorney For State

TEDDY RYAN

[] Def. Found Not Indigent [] Def. Waived Attorney

Attorney For Defendant

JOSEPH CARROLL BOWMAN

[] Appointed [X] Retained

Crt Rptr Initials

Offense [X] Impaired Driving (G.S. 20-138.1). [] Impaired Driving in a commercial vehicle (G.S. 20-138.2). [] Operating a commercial vehicle after consuming alcohol and this was the defendant's second or subsequent conviction of this offense (G.S. 20-138.2A). [] Operating a school bus, school activity bus, child care vehicle, ambulance, other EMS vehicle, firefighting vehicle, or law enforcement vehicle after consuming alcohol and this was the defendant's second or subsequent conviction of this offense (G.S. 20-138.2B).

The defendant was found guilty/responsible, pursuant to [X] plea [] pursuant to Affidavit [] of no contest [] trial by judge [] trial by jury, of the offense specified above. The Court, based upon the determinations shown on the attached Determination of Sentencing Factors form (AOC-CR-311, Rev. 12/15), has imposed the following punishment level.

[] Aggravated Level One. [] Level One. [] Level Two. [] Level Three. [] Level Four. [X] Level Five.

The Court, having considered evidence, arguments of counsel and statement of defendant, ORDERS that defendant be imprisoned

for a minimum term of

60

Day(s)

for a maximum term of

60

Day(s)

in the custody of the Misdemeanant Confinement Program.

[] This sentence shall run at the expiration of sentence imposed in file number

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 [] and as an inpatient at a facility operated or licensed by the State for the treatment of alcoholism or substance abuse after the commission of the above offense. Credit shall be applied against the [] minimum and maximum terms above. [] imprisonment for special probation below. (NOTE: No credit may be given for the first 24 hours spent in confinement.)

SUSPENSION OF SENTENCE

Subject to the conditions set out below, the execution of this sentence is suspended and the defendant is placed on

[X] unsupervised probation for 12 months.

[] supervised probation for months, the Court having received evidence and having found as a fact that supervision is necessary.

SPECIAL PROBATION - G.S. 15A-1351

[] A. As a condition of special probation, the defendant shall serve an active term of days months hours
1. in the custody of the Sheriff of this County. and pay jail fees.
2. as an inpatient in (name treatment facility) shall follow the rules of that facility until discharged, and shall not leave its premises except as authorized under those rules.

NOTE: This term shall NOT be reduced by good time, gain time, or parole, or, unless provided above, by jail or treatment time.

[] B. The defendant shall report in a sober condition to begin serving this term on: Day Date Hour AM and shall remain in custody until: Day Date Hour AM PM

[] C. The defendant shall again report in a sober condition to continue serving this term on the same day of the week for the next consecutive weeks, and shall remain in custody during the same hours each week until completion of the active term ordered.

[] D. This term shall be served at the direction of the probation officer within days months of this Judgment.

[] E. Work release is recommended. [] F. Substance abuse treatment is recommended.

MONETARY CONDITIONS

The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below, plus the probation supervision fee if placed on supervised probation above, pursuant to a schedule determined by the probation officer. set out by the court as follows:

Table with 8 columns: Costs, Fine, Restitution, Attorney's Fees, Community Service Fee, EHA Fee/CAM Fee, Appt Fee/Misc, Total Amount Due. Values: \$ 293.00, \$ 100.00, \$ 0.00, \$ 0.00, \$ 0.00, \$ 0.00, \$ 0.00, \$ 393.00

NOTE: In addition to all other costs, G.S. 7A-304(a)(10) requires a fee of \$100.00 for a conviction of any of the four offenses sentenced on this form.

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

[] The Court finds just cause to waive costs, as ordered on the attached [] AOC-CR-618. [] Other:

REGULAR CONDITIONS OF PROBATION - G.S. 15A-1343(b)

NOTE: Any probationary judgment may be extended pursuant to G.S. 15A-1342.

The defendant shall: (1) Commit no criminal offense in any jurisdiction. (2) Possess no firearm, explosive device or other deadly weapon listed in G.S. 14-269. (3) Remain gainfully and suitably employed or faithfully pursue a course of study or 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) Submit to the taking of digitized photographs, including photographs of the defendant's face, scars, marks, and tattoos, to be included in the defendant's records.

If the defendant is on supervised probation, the defendant shall also: (6) Not abscond, by willfully avoiding supervision or by willfully making the defendant's whereabouts unknown to the supervising probation officer. (7) Remain within the jurisdiction of the Court unless granted written permission to leave by the Court or the probation officer. (8) Report as directed by the Court or the probation officer to the officer at reasonable times and places and in a reasonable manner, permit the officer to visit at reasonable times, answer all reasonable inquiries by the officer and obtain prior approval from the officer for, and notify the officer of, any change in address or employment. (9) Notify the probation officer if the defendant fails to obtain or retain satisfactory employment. (10) Submit at reasonable times to warrantless searches by a probation officer of the defendant's person and of the defendant's vehicle and premises while the defendant is present, for purposes directly related to the probation supervision, but the defendant may not be required to submit to any other search that would otherwise be unlawful.

Original - File Copy - DMV
Material opposite unmarked squares is to be disregarded as surplusage.

(11) Submit to warrantless searches by a law enforcement officer of the defendant's person and of the defendant's vehicle, upon a reasonable suspicion that the defendant is engaged in criminal activity or is in possession of a firearm, explosive device, or other deadly weapon listed in G.S. 14-269 without written permission of the court. (12) Not use, possess, or control any illegal drug or controlled substance unless it has been prescribed for the defendant by a licensed physician and is in the original container with the prescription number affixed on it; not knowingly associate with any known or previously convicted users, possessors, or sellers of any such illegal drugs or controlled substances; and not knowingly be present at or frequent any place where such illegal drugs or controlled substances are sold, kept, or used. (13) Supply a breath, urine, or blood specimen for analysis of the possible presence of prohibited drugs or alcohol when instructed by the defendant's probation officer for purposes directly related to the probation supervision. If the results of the analysis are positive, the probationer may be required to reimburse the Division of Adult Correction and Juvenile Justice for the actual costs of drugs or alcohol screening and testing.
If the defendant is to serve an active sentence as a condition of special probation, the defendant shall also: (14) Obey the rules and regulations of the Division of Adult Correction and Juvenile Justice governing the conduct of inmates while imprisoned. (15) If placed on supervised probation above, report to a probation officer in the State of North Carolina within seventy-two (72) hours of the defendant's discharge from the active term of imprisonment.

SPECIAL CONDITIONS OF PROBATION - G.S. 15A-1343(b1); 20-179

16. Obtain a substance abuse assessment and all recommended education or treatment.
17. Surrender the defendant's drivers license to the Clerk of Superior Court for transmittal/notification to the Division of Motor Vehicles; and not operate a motor vehicle until the defendant's driving privilege is restored by that Division, except as may be permitted in a limited privilege.
18. Complete _____ hours of community service during the first _____ days of the period of probation, as directed by the judicial service coordinator. The fee prescribed by G.S. 143B-708 is
 not due because it is assessed in a case adjudicated during the same term of court.
 to be paid pursuant to the schedule set out under Monetary Conditions above within _____ days of this Judgment and before beginning service.
19. Abstain from alcohol consumption for _____ days, months, as verified by a continuous alcohol monitoring (CAM) system.
 a. The fees for the system shall be paid directly to the monitoring provider by
 the defendant. _____, the local government entity responsible for the defendant's incarceration in the local confinement facility, upon the Court's finding, for good cause shown, that the defendant should not be required to pay the fees and the local government's agreement to pay them.
 b. (Levels 1 and 2, only) The defendant shall be given credit against this period of abstinence and monitoring for (maximum of 60) _____ days spent on CAM prior to trial.
20. Other:
 WAIVE COMMUNITY SERVICE HRS. AND COMMUNITY SERVICE FEE DUE TO MEDICAL CONDITION.

[Check any that apply - G.S. 20-179(r)]

- The probation officer may transfer the defendant to unsupervised probation upon completion of the community service required by Special Condition No. 18 above. payment of the "Total Amount Due" on the reverse.

SPECIAL ALCOHOL CONCENTRATION FINDING

- The defendant's alcohol concentration was 0.15 or greater. Other: _____

ORDER OF COMMITMENT/APPEAL ENTRIES

1. It is ORDERED that the Clerk deliver two certified copies of this Commitment on Special Probation 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.
2. The defendant gives notice of appeal from the judgment of the District Court to the Superior Court. The current pretrial release order is modified as follows:
NOTE: Withdrawal of appeal or remand to District Court requires that a new sentencing hearing be scheduled in District Court, unless certain conditions are met. G.S. 20-38.7(c).
3. The defendant gives notice of appeal from the judgment of the Superior 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 12/01/2022	Name Of Presiding Judge (type or print) THE HONORABLE KALEB DANIEL WINGATE	Signature Of Presiding Judge 
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CERTIFICATION

I certify that this Judgment and the attachment(s) marked below are true and complete copies of the originals.

1. Determination Of Sentencing Factors (AOC-CR-311, Rev. 12/15) 3. Other: _____
 2. Restitution Worksheet, Notice And Order (Initial Sentencing)
 (AOC-CR-611)

Date	Date Certified Copies Delivered To Sheriff	Signature Of Clerk	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk Of Superior Court	SEAL
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NOTE TO CLERK: If the defendant's conviction is based on a violation of an offense involving impaired driving while the defendant's drivers license is revoked as a result of a prior impaired driving license revocation as defined in G.S. 20-28.2, report DWI Defendant Registration Stop to DMV using menu item #9 in STARS. Also report the defendant's conviction to DMV in the usual manner. If there is a non-defendant vehicle owner, report registration stop to DMV using menu item #10 in STARS (unless the owner has been found to be an innocent owner).

Material opposite unmarked squares is to be disregarded as surplusage.

STATE OF NORTH CAROLINA

File No.

22 CR 702451

HAYWOOD County

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

STATE VERSUS

Name Of Defendant

NICOLE KORT

IMPAIRED DRIVING

DETERMINATION OF SENTENCING FACTORS
(For Offenses Committed On Or After Dec. 1, 2011)

G.S. 20-179

- [X] District Court: Based upon the evidence presented at the trial and sentencing hearing in District Court, the Court determines that (1) the State has proved the grossly aggravating factors and aggravating factors marked below beyond a reasonable doubt and (2) the defendant has proved the mitigating factors marked below by a preponderance of the evidence.
[] Superior Court: Based upon the evidence presented at the trial and sentencing hearing in Superior Court, (1) the trier of fact has determined that the State has proved the grossly aggravating factors and aggravating factors marked below beyond a reasonable doubt, or the defendant has admitted to these grossly aggravating factors and aggravating factors, and (2) the Court determines that the defendant has proved the mitigating factors marked below by a preponderance of the evidence.

I. GROSSLY AGGRAVATING FACTORS - G.S. 20-179(c)

(NOTE: Either Nos. 1 and 2 or No. 3 apply in each case except aiders and abettors. If No. 1 is checked, No. 2.a., 2.b., or 2.c. must also be checked.)

- [] 1. The defendant
[] a. has been convicted of a prior offense involving impaired driving which conviction occurred within seven (7) years before the date of this offense.
[] b. has [] two [] three or more convictions as described in No. 1.a.
[] c. has been convicted of an offense involving impaired driving which conviction occurred after the date of the offense for which the defendant is being sentenced but before or contemporaneously with the sentencing in this case.
[] d. has [] two [] three or more convictions as described in No. 1.c.
[] e. has a prior conviction in District Court for an offense involving impaired driving, the conviction was appealed to Superior Court, the appeal has been withdrawn or the case has been remanded back to District Court, and a new sentencing hearing for the case has not been held pursuant to G.S. 20-38.7.
[] f. has [] two [] three or more convictions as described in No. 1.e.
[] g. drove, at the time of the current offense, while the defendant's drivers license was revoked [] (use for offenses committed prior to December 1, 2015) under G.S. 20-28 and the revocation was an impaired driving revocation under G.S. 20-28.2(a). [] (use for offenses committed on or after December 1, 2015) pursuant to G.S. 20-28(a1).
[] h. caused, by the defendant's impaired driving at the time of the current offense, serious injury to another person.
[] i. drove, at the time of the current offense, while a child under the age of 18 years was in the vehicle.
[] j. drove, at the time of the current offense, while a person with the mental development of a child under the age of 18 years was in the vehicle.
[] k. drove, at the time of the current offense, while a person with a physical disability preventing unaided exit from the vehicle was in the vehicle.
[] 2. Therefore, the following level of punishment shall be imposed:
[] a. Aggravated Level One punishment, because three or more grossly aggravating factors in No. 1 apply to this defendant. (NOTE: Each prior conviction is a separate grossly aggravating factor.)
[] b. Level One punishment, because
[] grossly aggravating factor No. 1.i., 1.j., or 1.k. applies to this defendant.
[] two and only two grossly aggravating factors in No. 1 (other than grossly aggravating factor No. 1.i., 1.j., or 1.k.) apply to this defendant. (NOTE: Each prior conviction is a separate grossly aggravating factor.)
[] c. Level Two punishment, because only one grossly aggravating factor in No. 1 (other than grossly aggravating factor No. 1.i., 1.j., or 1.k.) applies to this defendant.
[] 3. There are no grossly aggravating factors.

II. AGGRAVATING AND MITIGATING FACTORS - G.S. 20-179(d) AND (e)

AGGRAVATING FACTORS - G.S. 20-179(d):

(NOTE: Except for the factors in subdivisions 8 and 9 below, the conduct constituting the aggravating factor must occur during the same transaction or occurrence as this impaired driving offense.)

- [] 1. The defendant's faculties were grossly impaired at the time the defendant was driving.
[] 2. The defendant had an alcohol concentration of at least 0.15 within a relevant time after the driving.
[] 3. The driving of the defendant was especially reckless.
[] 4. The driving of the defendant was especially dangerous.
[] 5. The negligent driving of the defendant led to an accident causing property damage of \$1,000.00 or more, or property damage of any amount to a vehicle seized pursuant to G.S. 20-28.3.
[] 6. The negligent driving of the defendant led to an accident causing personal injury.
[] 7. The defendant was driving while the defendant's drivers license was revoked.

Original - File

Material opposite unmarked squares is to be disregarded as surplusage.

(Over)

- 8. The defendant had at least two prior convictions of a motor vehicle offense not involving impaired driving, which occurred within five (5) years of this offense, and
 - a. all were offenses for which at least three (3) points were assigned under G.S. 20-16.
 - b. all were offenses for which the defendant's drivers license was subject to revocation.
 - c. at least one was an offense for which at least three (3) points were assigned under G.S. 20-16 and at least one was an offense for which the defendant's drivers license was subject to revocation.
 - 9. The defendant had at least one prior conviction of an offense involving impaired driving that occurred more than seven (7) years before the date of this offense.
 - 10. The defendant has been convicted under G.S. 20-141.5 of speeding while fleeing or attempting to elude apprehension.
 - 11. The defendant has been convicted under G.S. 20-141 of speeding by at least 30 m.p.h. over the legal limit.
 - 12. The defendant passed a stopped school bus in violation of G.S. 20-217.
 - 13. Additional factors that aggravate the seriousness of this offense:
14. There are no aggravating factors.

MITIGATING FACTORS - G.S. 20-179(e):

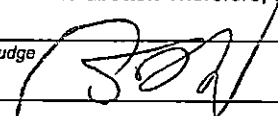
NOTE: Except for the factors in subdivisions 4, 6, 6A, and 7 below, the conduct constituting the mitigating factor must occur during the same transaction or occurrence as this impaired driving offense.

- 1. There was a slight impairment of the defendant's faculties resulting solely from alcohol; and, the defendant's alcohol concentration did not exceed 0.09 at any relevant time after the driving.
 - 2. There was a slight impairment of the defendant's faculties resulting solely from alcohol; and, no chemical test was made available to the defendant.
 - 3. The driving of the defendant was safe and lawful except for the impairment of the defendant's faculties.
 - 4. The defendant has a safe driving record, having no convictions of any motor vehicle offense for which at least four points are assigned under G.S. 20-16 or for which the defendant's license is subject to revocation within five (5) years of the date of this offense.
 - 5. The impairment of the defendant's faculties was caused primarily by a lawfully prescribed drug for an existing medical condition, and the amount of the medical drug taken was within the prescribed dosage.
 - 6. After being charged in this case with impaired driving, the defendant voluntarily submitted himself/herself to a mental health facility for assessment and has voluntarily participated in any treatment recommended by such facility, if such treatment was recommended.
 - 6a. The defendant completed a substance abuse assessment, complied with its recommendations, and simultaneously maintained 60 days of continuous abstinence from alcohol consumption, as proven by a continuous alcohol monitoring system of a type approved by the Division of Adult Correction and Juvenile Justice.
 - 7. Additional factors that mitigate the seriousness of this offense:
8. There are no mitigating factors.

DETERMINATION - G.S. 20-179(f):

(NOTE: Check only one.)

- 1. The aggravating factors marked above substantially outweigh any mitigating factors marked above. Therefore, Level Three punishment shall be imposed.
- 2. There are no aggravating or mitigating factors. Therefore, Level Four punishment shall be imposed.
- 3. The aggravating factors marked above are substantially counterbalanced by the mitigating factors marked above. Therefore, Level Four punishment shall be imposed.
- 4. The mitigating factors marked above substantially outweigh any aggravating factors marked above. Therefore, Level Five punishment shall be imposed.
- 5. No findings of mitigating or aggravating factors were made because the defendant is an aider and abettor. Therefore, Level Five punishment shall be imposed.

Date 12/1/22	Name Of Presiding Judge (type or print) K. B. WILSON	Signature Of Presiding Judge 
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Material opposite unmarked squares is to be disregarded as surplusage.

COMPLETION CERTIFICATE

THIS CERTIFIES THAT

NICOLE D. KOTT

Has successfully completed his required DWI. Treatment
of Short-Term (24 hrs.) on 11/27/2022

NOVEMBER 27, 2022

Yvonne Gilbert, MSW, LCSW,
CC-ATODSW, DCSW, RATR,
CCDVS, ICCAC, LCAS, CCS.

N.C. DWI. FACILITY # 50775
Prime For Life # 16516

NORTH CAROLINA DIVISION OF MOTOR VEHICLES
RDLSD/DRIVING RECORD CHECK

REPORT TYPE: FULL NON-CERTIFIED REPORT

DATE: 11-18-2022

NAME: KOTT NICOLE DENISE

ADDRESS: 217 ASSEMBLY ST

CITY: WAYNESVILLE STATE: NC ZIP: 287863905 TOTAL POINTS: 0

DOB: 12-21-1985 HEIGHT: 4 FT. 10 IN. SEX: F EYES: BRO HAIR: BRO RACE: W REAL ID: N

PRIMARY LICENSE NO: 41712859

SECONDARY LICENSE NO: NON-RESIDENT MILITARY: N

ORIGINAL ISSUE DT: 08-17-2021 OS DL NO: OS STATE:

*** DRIVER LICENSE STATUS:CLS C ACTIVE ***

CLASS	GRP	LIC TYP	ISSUE DT	EXPIR DT	CDL	DISQ	PROB	PRIV	RESTR	STATUS
C		D	04-04-2022	12-21-2029	N	N	N	N	N	ACTIVE

ENDORSEMENTS: RESTRICTIONS: 0 - NONE

CRD TRNS: 0032109875

OCCUR/	CONV/	BEGIN DATE	END DATE	NATURE OF RECORD OR DIVISION ACTION	PERS INJ
		07-09-2022		ACDNT: HAYWOOD COUNTY, NC ACDNT: CASE ID:107014402	
		08-17-2021	12-21-2029	ORG ISS: CLS C EN: RSTR:0 NONE	
		04-15-2019	12-21-2025	DUP ISS: ID EN:	
		04-02-2019	12-21-2025	DUP ISS: ID EN:	
		02-14-2019	12-21-2025	DUP ISS: ID EN:	
		03-03-2017	03-31-2017	CONV: (302)DRIVING NO OPERATOR LICENSE COURT: HAYWOOD COUNTY COURT, NC COURT: AOC #: 2017CR 000245 CITATION ID: C4004007	3
		01-17-2017	12-21-2025	ORG ISS: ID EN:	
		12-04-2006	02-12-2019	SUSP: FAILURE TO APPEAR STATUTE: 20-24.1	
		08-06-2006	10-03-2006	CONV: (634)FAIL TO APPEAR COURT: LENOIR COUNTY COURT, NC COURT: AOC #: 2006IF 003670 CITATION ID: 05027631	

WITHDRAWALS

NO WITHDRAWAL DATA TO REPORT

CONVICTIONS

NO CONVICTION DATA TO REPORT

ACCIDENTS

NO ACCIDENT DATA TO REPORT

ACCIDENTS NOTED ON THIS DOCUMENT SHALL NOT BE
CONSIDERED DETERMINATIVE OF FAULT OR NEGLIGENCE
ON THE PART OF THE INDIVIDUAL

**

* * END OF DRIVING RECORD * *

Yvonne Gilbert, MSW ,LCSW, BCD, CC-ATODSW,CDVC, RATR, LCAS, CCS, ICAADC.

Assessments and Behavioral Alternatives of NC., pllc.

747 S. Haywood St.-Waynesville, NC. 28786

828-648-8052- Email: DKYJG4U@aol.com

November 28, 2022

TO:

Joe Bowman, Attorney at Law
Asheville, NC.

RE:

Mrs. Nicole Kott
DOB: 12/21/1985

This letter is to confirm that Mrs. Nicole Kott was administered a comprehensive biopsychosocial assessment on November 02, 2022 and based upon the cumulative value of the various diagnostic instruments used she was assigned to Short-term Treatment DWI of twenty-four (24) hours. Ms. Kott entered her DWI Treatment via Telehealth on November 03, 2022, completed on November 27, 2022 and satisfied her financial obligation for treatment in full.

The DHHD/DWI computer platform in Raleigh only allows the initial assessment to be entered and copied until the legal disposition of her offense is added, reviewed by DWI. staff in Raleigh and closed.

DWI. Regulations does not allow me to give a copy of the assessment to anyone other than the client. For this reason I am providing Mrs. Nicole Kott a copy of her initial assessment which she can give to you in her defense to the court order.

Mrs. Kott has been instructed to inform me of her conviction date, and at that time I will close her offense in the DWI digital system which will then take approx.. 3-5 days to be processed in Raleigh and officially closed.

It has been a pleasure working with Mrs. Nicole Kott and I firmly believe that she has not only learned a tremendous amount of preventative information, as she gave evidence of this in her treatment assignments and verbal exchange in group giving evidence that she internalized much of the information which I have no doubt will result in her using better judgements pertaining to her consumption of alcohol and drinking behavior in the future.

My prognosis for her is extremely positive regarding her not re-offending.
Should you have any questions regarding this client please contact me. Thank you.

Sincerely,

Yvonne Gilbert

Cc: Mrs. Nicole Kott.

DWI Certificate of Completion
Current Client Data for NICOLE DENISE KOTT
Report Taken On 11/18/2022 3:36:27 PM

Record Identifying Section

DWI Case ID: 1485806710 Assessment Number: 90
NC Customer Number: 41712859 Arrest Date: 07/09/2022
Status: Assessment Sent To State Office By User Status Date: 11/18/2022

Identification Section

Name: NICOLE DENISE KOTT Cust ID: 41712859
Docket Number unknown for the following reason: The driving record only indicates that the client was in
an accident in Haywood County with an Accident Case ID:107014402
Address: WAYNESVILLE, NC 28786 Date Of Birth: 12/21/1985
State Where Licensed: North Carolina Gender: Female
Ethnic: Not Hispanic or Latino Language Preference: English
Marital Status: Now Married Employed: Not in labor force
Educ: Completed HS/GED
Health Ins: Unknown
Arrival City: HAYWOOD Arrival Date: 07/09/2022
Race: White

Substance Abuse Assessment Section

Assessment Date: 11/02/2022 DWI Facility: AABA NC Waynesville
Legal Status: Pre-Trial # Prior Convictions: 00 Blood Alcohol Content: 24
Svc Lev Recv: Short-Term Outpatient Treatment
Fees Paid: Yes Spec Needs Type: Other physical disability
Desc Of Spec Needs: Clt. was severely injured in the auto accident and unable to attend in person. She
is temporarily on leave without pay- medical insur.
)Clt. will receive treatment via Zoom sessions x3 per week @ 2.5 hr. per session.
Release of Information On File: Yes
Diagnosis: 303.90 Alcohol Use Disorder, Moderate
Impairing Substance: Alcohol

Assessment Attestation Section

Name of Licensed or Certified Assessor per G.S. 122C-142.1(b1): YVONNE GILBERT
Form Filler: Yvonne Gilbert
Date Form Filler Sent This Form To The State Office: 11/18/2022
Signature of Licensed or Certified Professional Completing the Assessment per G.S. 122C-142.1(b1):

STATE OF NORTH CAROLINA

File No. 2022CR 702451

Haywood County

Citation No. 826H304

STATE VERSUS

In The General Court Of Justice District Court Division

Name Of Defendant KOTT, NICOLE DENISE

NOTE: Use this page to enter judgment on a Citation. Use this Judgment page only if imposing a single, consolidated judgment for all offenses of conviction charged under this file number. Do not use this Judgment page to impose sentence: (i) if imposing separate judgments for separate offenses of conviction charged under this file number; (ii) to impose supervised probation; or (iii) for DWI sentences under G.S. 20-179. For DWI, use AOC-CR-342 (active) or AOC-CR-310 (probation). For structured sentencing offenses, use AOC-CR-602 (active) or AOC-CR-604 (probation).

JUDGMENT

District Attorney

- Def. Waived Attorney, Def. Found Not Indigent, Def. Denied Appointed Counsel

PRIOR CONVICTIONS: No./Level: 0 I (0) II (1-4) III (5+)

Attorney For Defendant At Time Of Trial Or Plea

- Appointed, Retained

OFFENSES: The following offenses, which are set forth by Count No. in the Citation numbered above for the defendant named above, are the subject of this Judgment:

- Count 1. PLEA: [x] guilty/resp. [] not guilty/resp. [] no contest. FINDING/VERDICT: [] guilty/resp. [] not guilty/resp. [] VD. M.CL.: [] A1 [] 1 [] 2 [] 3
Count 2. PLEA: [] guilty/resp. [] not guilty/resp. [] no contest. FINDING/VERDICT: [] guilty/resp. [] not guilty/resp. [x] VD. M.CL.: [] A1 [] 1 [] 2 [] 3
Count 3. PLEA: [] guilty/resp. [] not guilty/resp. [] no contest. FINDING/VERDICT: [] guilty/resp. [] not guilty/resp. [x] VD. M.CL.: [] A1 [] 1 [] 2 [] 3
Count 4. PLEA: [] guilty/resp. [] not guilty/resp. [] no contest. FINDING/VERDICT: [] guilty/resp. [] not guilty/resp. [x] VD. M.CL.: [] A1 [] 1 [] 2 [] 3
Count 5. PLEA: [] guilty/resp. [] not guilty/resp. [] no contest. FINDING/VERDICT: [] guilty/resp. [] not guilty/resp. [] VD. M.CL.: [] A1 [] 1 [] 2 [] 3
Count 6. PLEA: [] guilty/resp. [] not guilty/resp. [] no contest. FINDING/VERDICT: [] guilty/resp. [] not guilty/resp. [] VD. M.CL.: [] A1 [] 1 [] 2 [] 3
Count 7. PLEA: [] guilty/resp. [] not guilty/resp. [] no contest. FINDING/VERDICT: [] guilty/resp. [] not guilty/resp. [] VD. M.CL.: [] A1 [] 1 [] 2 [] 3
Count 8. PLEA: [] guilty/resp. [] not guilty/resp. [] no contest. FINDING/VERDICT: [] guilty/resp. [] not guilty/resp. [] VD. M.CL.: [] A1 [] 1 [] 2 [] 3
Count 9. PLEA: [] guilty/resp. [] not guilty/resp. [] no contest. FINDING/VERDICT: [] guilty/resp. [] not guilty/resp. [] VD. M.CL.: [] A1 [] 1 [] 2 [] 3
Count 10. PLEA: [] guilty/resp. [] not guilty/resp. [] no contest. FINDING/VERDICT: [] guilty/resp. [] not guilty/resp. [] VD. M.CL.: [] A1 [] 1 [] 2 [] 3

(Over)

TO THE DEFENDANT NAMED BELOW: You have been charged with the misdemeanor(s) or infraction(s) specified below. Read this Citation carefully.

YOUR COURT DATE AND LOCATION

<i>Court Day Of Week</i> Thu	<i>Date</i> 11/03/2022	<i>Appear In Court</i> 08:30AM	<i>Court Location</i> WAYNESVILLE	<i>Courtroom</i> 0001	<i>Interpreter</i>	<i>Agency Case Number</i>
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THE STATE OF NORTH CAROLINA VS.

<i>Drivers License No</i> [not included on this copy]	<i>State</i> NC	<i>Source</i> DL	<i>Name Of Defendant</i> KOTT, NICOLE DENISE	<i>Race</i> White
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<i>CDL No</i>	<i>Class</i> C	<i>Address</i> 217 ASSEMBLY ST	<i>Sex</i> Female
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<i>Social Security No</i> [not included on this copy]	<i>City</i> WAYNESVILLE	<i>State</i> NC	<i>Zip</i> 28786	<i>Date Of Birth</i> 12/21/1985	<i>Age</i> 36
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WHAT YOU ARE CHARGED WITH

See Side Two for the charge(s) against you in this Citation.

YOUR VEHICLE

<i>Vehicle License No.</i> JKC8510	<i>State</i> NC	<i>Trailer Type</i>	<i>CMV No</i>	<i>Vehicle Type</i> Passenger (2 or 4-Door Sedan)	<i>Make</i> Toyota	<i>Year</i> 2011	<i>Haz. Mat.</i> No
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OTHER INFORMATION

<i>Area</i> Residential	<i>Weather</i> Overcast	<i>Visibility</i> Clear	<i>Traffic Light</i>	<i>Accident</i> I-01	<i>Speed</i> A 70
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<input checked="" type="checkbox"/> <i>Injury or Serious Injury</i>	<i>SHP Code</i> 02	<i>On Highway No./Street</i> US 276
<input type="checkbox"/> <i>Passenger(s) Under 18</i>		

<i>In Vicinity/City Of</i> CANTON	<i>At/Near Intersection</i> SR1105 MUNDY FIELD
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CHARGING OFFICER INFORMATION

<i>Date</i> 07/09/2022	<i>Signature Of Officer</i> Trp. JOSEPH HENDERSON	<i>No.</i> 1644	<i>Law Enforcement Agency</i> STATE HIGHWAY PATROL	<i>Troop/Squad</i> G	<i>District/Zone</i> 5
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WITNESSES		OFFICER COMMENTS
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<i>Witness #1</i>	<i>Witness #2</i>	<i>Witness #3</i>	<p>TOO FAST FOR THE CURVE NEAR THE TOMATO PACKING HOUSE RAN OFF TO THE RIGHT, HIT TWO MAILBOXES, GOING DOWN THROUGH THE WOODS AND STRIKING A TREE. NO SEATBELT. OPEN COLD BOTTLE OF MICH ULTRA GOLD, SEVERAL BEER BOTTLE LIDS. TWO EMPTY BOOT LEGGER BOTTLES ONE PEACH ONE RASPBERRY. HUSBAND STATED SHE WAS DRINKING AT THE RIVER. HE MADE THE KIDS RIDE WITH HIM HE GUESSED HE SHOULD HAVE MADE HER.</p>
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(Over)

NORTH CAROLINA UNIFORM CITATION - COURT COPY

STATE OF NORTH CAROLINA Haywood County District Court File No. 2022CR 702451

Citation No. 826H304

WHAT YOU ARE CHARGED WITH

Count 1. The officer named on Side One has probable cause to believe that on or about Saturday, the 09 day of July, 2022 at 10:30PM in the county named above you did unlawfully and willfully OPERATE A MOTOR VEHICLE ON A STREET OR HIGHWAY WHILE SUBJECT TO AN IMPAIRING SUBSTANCE. (G.S. 20-138.1)

Count 2. and on or about Saturday, the 09 day of July, 2022 at 10:30PM in the county named above you did unlawfully and willfully OPERATE A MOTOR VEHICLE ON A STREET OR HIGHWAY CARELESSLY AND HEEDLESSLY IN WILLFUL AND WANTON DISREGARD OF THE RIGHTS AND SAFETY OF OTHERS. (G.S. 20-140(A))

Count 3. and on or about Saturday, the 09 day of July, 2022 at 10:30PM in the county named above you did unlawfully and willfully OPERATE A MOTOR VEHICLE ON A STREET OR HIGHWAY IN FORWARD MOTION WITHOUT HAVING THE PROVIDED SEAT BELT PROPERLY FASTENED ABOUT THE DEFENDANT'S BODY WHILE THE DEFENDANT WAS THE DRIVER OF THE MOTOR VEHICLE. (G.S. 20-135.2A)

Count 4. and on or about Saturday, the 09 day of July, 2022 at 10:30PM in the county named above you did unlawfully and willfully CONSUME AN ALCOHOLIC BEVERAGE IN THE PASSENGER AREA OF A MOTOR VEHICLE ON A STREET OR HIGHWAY. (G.S. 20-138.7(A1))

Count 5. and on or about _____, the ____ day of _____, ____ at _____ in the county named above you did unlawfully and willfully

Count 6. and on or about _____, the ____ day of _____, ____ at _____ in the county named above you did unlawfully and willfully

Count 7. and on or about _____, the ____ day of _____, ____ at _____ in the county named above you did unlawfully and willfully

Count 8. and on or about _____, the ____ day of _____, ____ at _____ in the county named above you did unlawfully and willfully

Count 9. and on or about _____, the ____ day of _____, ____ at _____ in the county named above you did unlawfully and willfully

Count 10. and on or about _____, the ____ day of _____, ____ at _____ in the county named above you did unlawfully and willfully

Haywood County	File No. 2022CR 702451
STATE VERSUS	Citation No. 826H304
Name Of Defendant KOTT, NICOLE DENISE	

***NOTE:** Use this Judgment page only if imposing a single, consolidated judgment for all offenses of conviction charged under this file number. Do not use this Judgment page to impose sentence: (i) if imposing separate judgments for separate offenses of conviction charged under this file number; (ii) to impose supervised probation; or (iii) for DWI sentences under G.S. 20-179. For DWI, use AOC-CR-342 (active) or AOC-CR-310 (probation). For structured sentencing offenses, use AOC-CR-602 (active) or AOC-CR-604 (probation).

JUDGMENT (continued)

JUDGMENT: The defendant appeared in open court and freely, voluntarily and understandingly entered the plea(s) on Side One; on the verdict(s)/finding(s) from Side One, it is ORDERED that all offenses of conviction, if more than one, be consolidated for judgment with Count No. _____ (list count of lead offense) and that the defendant:

<input type="checkbox"/> pay the following fine/penalty and costs:	Amount Of Fine/Penalty \$ _____	Costs \$ _____
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be imprisoned for a term of _____ days in custody of the sheriff. MCP. Other:* _____
Pretrial credit _____ days served.

- Work release is recommended is not recommended. (NOTE: To order work release, use form AOC-CR-602 to impose judgment.)
- 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. Submit to the taking of digitized photographs, including photographs of the defendant's face, scars, marks, and tattoos, to be included in the defendant's records.
 6. pay to the Clerk the costs of court and any additional sums shown below.

Costs	Fine	Restitution**	Attorney's Fee	Community Service Fee	Other	Total Amount Due
\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

**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).")

7. 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.
8. not be found in or on the premises of the complainant or _____
9. not assault, communicate with or be in the presence of the complainant or _____
10. provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319 required)
11. not operate a motor vehicle until properly licensed by DMV.
12. Other: _____

The Court finds just cause to waive costs as ordered on attached AOC-CR-415. AOC-CR-618. 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.

Date	Name Of District Court Judge Or Magistrate (type or print)	Signature Of District Court Judge Or Magistrate
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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	Name Of District Court Judge Or Magistrate (type or print)	Signature Of District Court Judge Or Magistrate
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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	<input type="checkbox"/> Dep. CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk Of Superior Court
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File No. 22CR 702451

**ACKNOWLEDGEMENT AND/OR
RECEIPT FOR SURRENDER
OF NORTH CAROLINA LICENSE**

G.S. 20-7.2; 20-24: 20-24.1

County Haywood

STATE VERSUS

Name Of Defendant Nicole Denise Kott

Driver's License No. [Redacted] State NC

ACKNOWLEDGEMENT

I understand that my driver's license(s) is suspended or revoked as of the date of this receipt, and I also understand that the law forbids me to drive a motor vehicle upon the highways while my license is suspended or revoked. I have read and understand the contents of this document and do hereby acknowledge receipt of a copy.

Date 12/1/22 Signature Of Defendant [Signature]

- Acknowledgement Status (Check One)
- 1 - N.C. License Surrendered/Out of State License Acknowledged (Do not accept out of State License)
 - 2 - Limited Driving Privilege Surrendered
 - 3 - No License
 - 4 - Surrendered License Destroyed in Clerk's Office / IV-D Office

NOTE: Obtain defendant's signature whenever the defendant surrenders a license or a limited privilege as a result of a conviction, or acknowledges out of state license or absence of privilege and revocation effective this date.

The acknowledgement above was received on the date above and transmitted to DMV.

Signature Heather Francis

Deputy CSC Assistant CSC CSC IV-D

Original - Court File **Copy**- Defendent