



# Supreme Court of North Carolina

Fax: (919) 831-5720  
Web: <https://www.nccourts.gov>

GRANT E. BUCKNER, Clerk  
Justice Building, 2 E. Morgan Street  
Raleigh, NC 27601  
(919) 831-5700

Mailing Address:  
P. O. Box 2170  
Raleigh, NC 27602

From N.C. Court of Appeals  
( P18-739 )  
From Pitt  
( 18CR055155 )

9 May 2022

Mr. Justin Michael Tyson  
Pro Se  
Pitt County Detention Center  
124 New Hope Road  
Greenville, NC 27834

**RE: State v Justin Michael Tyson - 253P19-4**

Dear Mr. Tyson:

The following order has been entered on the Motion filed on the 24th of November 2021 by Defendant for Relief from Judgment or Order:

"Motion Dismissed by order of the Court in conference, this the 4th of May 2022."

**s/ Berger, J.  
For the Court**

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 9th day of May 2022.

Grant E. Buckner  
Clerk, Supreme Court of North Carolina

  
M. C. Hackney  
Assistant Clerk, Supreme Court Of North Carolina

Copy to:  
North Carolina Court of Appeals  
Mr. Daniel P. O'Brien, Special Deputy Attorney General, For State of North Carolina - (By Email)  
Mr. Justin Michael Tyson, For Tyson, Justin Michael  
Hon. Faris Dixon, District Attorney  
Hon. Sarah Beth Rhodes, Clerk  
West Publishing - (By Email)  
Lexis-Nexis - (By Email)



## Supreme Court of North Carolina

AMY L. FUNDERBURK, Clerk  
Justice Building, 2 E. Morgan Street  
Raleigh, NC 27601  
(919) 831-5700

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From Pitt  
( 18CR055155 )

2 November 2021

Mr. Justin Michael Tyson  
Pro Se  
Pitt County Detention Center  
124 New Hope Road  
Greenville, NC 27834

**RE: State v Justin Michael Tyson - 253P19-3**

Dear Mr. Tyson:

The following order has been entered on the Motion filed on the 16th of February 2021 by Defendant to Dismiss the Indictment:

"Motion Dismissed by order of the Court in conference, this the 27th of October 2021."

s/ Berger, J.  
For the Court

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 2nd day of November 2021.

Amy L. Funderburk  
Clerk, Supreme Court of North Carolina

  
M. C. Hackney  
Assistant Clerk, Supreme Court Of North Carolina

Copy to:

North Carolina Court of Appeals  
Mr. Daniel P. O'Brien, Special Deputy Attorney General, For State of North Carolina - (By Email)  
Mr. Justin Michael Tyson, For Tyson, Justin Michael  
Mr. Faris Dixon, District Attorney  
Hon. Sarah Beth Rhodes, Clerk  
West Publishing - (By Email)  
Lexis-Nexis - (By Email)

# North Carolina Court of Appeals

## Docket Sheet

State v Tyson

Case Number: P18-739

As of: 08/08/2022

Case Closed: Yes      Close Date:      Case Type: Criminal (Crim\_othr)      Mediation: No

STATE OF NORTH CAROLINA

V.

JUSTIN MICHAEL TYSON

Docket Date:      File Date:      File Time:      Acquired Date: 10-22-2018  
 Bond Collected: No      Docket Fee: No      Pauper: Yes      Print Deposit: No      State Appeals: No

History

Venue: Pitt (03A)      Heard In: Superior Courts

To SC:      From SC:

Lower Court Number(s)

Location: Pitt (03A)

Judge:

Case #: 18CR055155

Tracking/Argue

Opinion

Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) PHC	10-22-2018	10-22-2018					Denied	10-23-2018

1 - PHC (Denied) - 10-23-2018

Filed: 10-22-2018 @ 10:25:45

FOR: Petitioner-Appellant Tyson, Justin Michael

BY : Mr. Justin Michael Tyson

The following order was entered:

The petition filed in this cause on the 22nd of October 2018 and designated 'Petition for Writ of Habeas Corpus' is denied.

By order of the Court this the 23rd of October 2018.

The above order is therefore certified to the Clerk of the Superior Court, Pitt County.

Financial Information

**Receipts**

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
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**Exhibits****Parties**

Party Name	Role
Tyson, Justin Michael	Petitioner-Appellant
State of North Carolina	Respondent-Appellee

**Attorneys****Attorney for - State of North Carolina**

Attorney General [Primary Attorney]

N.C. DEPARTMENT OF JUSTICE

P.O. Box 629

Raleigh, NC 27602

(919) 716-6400

**Attorney for Petitioner-Appellant - Tyson, Justin Michael**

Mr. Justin Michael Tyson [Primary Attorney]

Pro Se

Pitt County Detention Center

124 New Hope Road

Greenville, NC 27834

# STATE OF NORTH CAROLINA

File No.

18 CRS 55155

PITT

County

In The General Court Of Justice

☐ District ☒ Superior Court Division

Name Of Defendant

JUSTIN MICHAEL TYSON

## MOTION AND ORDER COMMITTING DEFENDANT TO CENTRAL REGIONAL HOSPITAL - BUTNER CAMPUS FOR EXAMINATION ON CAPACITY TO PROCEED (For Offenses Committed On Or After Dec. 1, 2013)

G.S. 15A-1002

Offense (copy of charging document(s) attached)

ATTEMPTED MURDER

**NOTE:** In felony cases, a local examination must be ordered before an examination at Central Regional Hospital - Butner campus if the court finds that a local impartial medical expert or forensic evaluator certified under the rules of the Commission for Mental Health, Developmental Disabilities and Substance Abuse Services is available and appropriate. To order a local examination for an offense committed on or before November 30, 2013, use form AOC-CR-207A. To order a local examination for an offense committed on or after December 1, 2013, use AOC-CR-207B.

**NOTE:** The address for Central Regional Hospital - Butner Campus is Forensics Services Unit, Central Regional Hospital - Butner Campus, 300 Veazey Road, Butner, NC 27509. The telephone number is 919-764-5009 and the fax number is 919-764-5012.

### MOTION QUESTIONING DEFENDANT'S CAPACITY TO PROCEED

The undersigned moves that the above named defendant be examined to determine whether by reason of mental illness or defect the defendant is unable to understand the nature and object of the proceedings against the defendant, to comprehend his/her own situation in reference to the proceedings, or to assist in his/her defense in a rational or reasonable manner. The specific conduct that leads the moving party to question the defendant's capacity to proceed is as follows:  
The Defendant has a history of schizophrenia with auditory hallucinations and delusional and paranoid thinking. He has refused court-appointed counsel and insists on representing himself on charges of attempting to murder his father where he stabbed his father while experiencing these symptoms of hearing voices and paranoia. He has a prior history of aggressive behavior and has been considered a danger to others. His family is concerned about his own safety and the safety of others if he were to be out in the public. He is unable to maintain employment or take care of himself in the community because of his paranoia and aggressive behavior. When he is outside of a facility he refuses to take his medication and quickly decompensates. He is disruptive and oppositional to the court process while in the courtroom. He has refused to cooperate with standby counsel. He insists on representing himself and he is able to come across as highly intelligent and articulate, but does not seem to understand the severity of the charges against him or how to participate in the process. The Court needs a current evaluation to determine if the Defendant has the capacity to represent himself and participate in his own defense at trial.

Date 6-8-22

Signature Valerie E. Pearce

☒ Prosecutor ☐ Defendant's Attorney  
☐ Judge

### CERTIFICATE OF SERVICE BY MOVING PARTY

I certify that a copy of this Motion was served by:

- ☒ delivering a copy personally to the  
☐ defendant's attorney. ☐ prosecutor. ☒ defendant.  
☐ depositing a copy, enclosed in a postpaid properly addressed wrapper, in a post office or official depository under the exclusive care and custody of the U.S. Postal Service directed to the  
☐ defendant's attorney. ☐ prosecutor. ☐ defendant.  
☐ leaving a copy at the office of the  
☐ defendant's attorney with an associate or employee. ☐ prosecutor with an associate or employee.

Name And Title Of Person With Whom Copy Left

Justin Michael Tyson - in open court @ PCDC

☒ Service accepted by:

☐ defendant's attorney. ☐ prosecutor. ☒ defendant.

Signature Of Person Accepting Service

Date Served

6-9-22

Signature Of Person Serving

Valerie E. Pearce

Title

ADA

Original-File Copy-Hospital Copy-Moving Party Copy-Opposing Party Copy - Sheriff  
(Over)

AOC-CR-208B, New 12/13

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## FINDINGS

This cause was heard before the undersigned judge upon the motion of the person named on the reverse questioning the defendant's capacity to proceed. Having considered the motion, and after hearing evidence, the Court finds that:

- ☐ 1. The defendant's capacity to proceed ☐ is in question. ☐ is not in question.
- ☐ 2. The defendant is charged with a felony.  
(NOTE: An examination at a state facility may not be ordered for a person charged with misdemeanor(s) only.)
- ☐ 3. The defendant has been examined in connection with the current charges by one or more local impartial medical experts or forensic evaluators certified under the rules of the Commission for Mental Health, Developmental Disabilities and Substance Abuse Services.
- ☐ 4. An examination of the defendant at Central Regional Hospital - Butner Campus to determine the defendant's capacity would be more appropriate under the provisions of G.S. 15A-1002(b)(2) than a local evaluation.

## ORDER

It is ORDERED that: (check all that apply)

- ☐ 1. The defendant be committed to Central Regional Hospital - Butner Campus for a period not to exceed sixty (60) days for observation and treatment, pursuant to G.S. 15A-1002, to determine the defendant's capacity to proceed. The moving party shall provide Central Regional Hospital - Butner Campus with a copy of this Order, the defendant's charging document(s) and any local forensic report on the defendant. The Director of Central Regional Hospital - Butner Campus must direct a written report describing the present state of the defendant's mental health to the defense attorney and to the Clerk of Superior Court for the above referenced county. The Sheriff of this county shall transfer the defendant and all relevant documents to Central Regional Hospital - Butner Campus and shall return the defendant to this county when notified that the evaluation has been completed.
- ☐ 2. Upon presentation of a copy of this Order by the forensic evaluator designated by Central Regional Hospital - Butner Campus, any physician or clinician, licensed health care facility, licensed health care provider, local management entity (LME), area mental health program, the North Carolina Division of Adult Correction, the North Carolina Division of Juvenile Justice, any county detention facility, or any school district is hereby authorized and required to furnish copies of all records, including school records and records containing information relating to alcohol abuse, drug abuse and psychological or psychiatric conditions, concerning defendant to the forensic evaluator designated by Central Regional Hospital - Butner Campus. Nothing herein shall be construed to require record holders to release information in violation of relevant federal law.
- Upon request of the forensic evaluator designated by Central Regional Hospital - Butner Campus, counsel for the State and defendant shall furnish to the forensic evaluator designated by Central Regional Hospital - Butner Campus such records and information in counsel's possession as the evaluator requests, including but not limited to copies of law enforcement reports, investigations, witness statements, statements by defendant, defendant's medical records, and prior psychiatric or psychological evaluations of defendant. Nothing herein shall be construed to require counsel to divulge any information, documents, notes, or memoranda that are protected by attorney-client privilege or work-product doctrine.
- ☐ 3. The motion is denied as the defendant's capacity to proceed is not in question.

Name And Address Of Defendant's Attorney

Date

Signature Of Presiding Judge

Telephone No.

Name Of Presiding Judge (Type Or Print)

## RETURN OF SERVICE

I certify that this Order was received and served as follows:

- ☐ By transporting the defendant to Central Regional Hospital - Butner Campus.
- ☐ Other: (specify)

Date Received

Signature Of Deputy Sheriff Making Return

Date Served

Date Of Return

Name Of Deputy Sheriff Making Return (Type Or Print)

Name Of Sheriff (Type or Print)

County Of Sheriff

## CAPACITY DETERMINATION

Following a hearing under G.S. 15A-1002, and a review of the record in this case, including the forensic evaluation of the defendant, the court has determined that (check one)

- ☐ 1. the defendant is **ABLE** to understand the nature and object of the proceedings against him/her, to comprehend his/her own situation in reference to the proceedings, and to assist in his/her defense in a rational and reasonable manner. Accordingly, this matter shall proceed.
- ☐ 2. by reason of mental illness or defect, the defendant is **UNABLE** to (check all that apply) ☐ understand the nature and object of the proceedings against him/her, ☐ comprehend his/her own situation in reference to the proceedings, ☐ assist in his/her defense in a rational or reasonable manner and therefore the defendant lacks capacity to proceed.

Date

Name Of Presiding Judge (Type Or Print)

Signature Of Presiding Judge