

1 STATE OF NORTH CAROLINA
 2 COUNTY OF MACON

IN THE GENERAL COURT OF JUSTICE
 SUPERIOR COURT DIVISION
 FILE NO. 10 CRS 050329

3 -----
 4 STATE OF NORTH CAROLINA)

TRANSCRIPT

5 VS.)

Volume I of V

6 ISAAC HUTCHINSON BIRCH)
 7 -----

(pgs. 1 - 6)

8
 9 The above-captioned case coming on for hearing at 10:12 a.m.
 10 at the criminal session of the Superior Court of Macon
 11 County, Franklin, North Carolina, before the Honorable Judge
 12 Bradley B. Letts, Judge Presiding, and the following
 13 proceedings were had, to wit:

14 A P P E A R A N C E S

15 For the State:

16 Ashley Hornsby Welch, Assistant District Attorney
 17 T. Jason Arnold, Assistant District Attorney
 18 Macon County Courthouse
 P.O. Box 288
 Franklin, NC 28744

19 For the Defendant:

20 Pro Se

21 June 1, 2010

23 Reported by:

24 Diane L. Thommes, CSR, RPR
 Certified Realtime Reporter

25 REQUEST DATED: June 21, 2010 DATE DELIVERED: June 24, 2010

1 THE COURT: Mr. Birch, if you would step around,
2 please.

3 MS. HORNSBY WELCH: Your Honor, I misspoke. He did
4 not sign a waiver in district court. Judge Davis entered
5 one for him.

6 THE COURT: 10 CRS 5069. Good morning, Mr. Birch.
7 I need to find out what you want to do about an attorney.
8 You can hire your own, represent yourself, or ask for a
9 court-appointed attorney.

10 MR. BIRCH: I don't see any need for one right now
11 until the issue at hand is resolved.

12 THE COURT: And what is the issue at hand?

13 MR. BIRCH: Jurisdiction of the state, sir.

14 THE COURT: Oh, okay. Just have a seat and I'll
15 hear you.

16 MR. BIRCH: Before we went on the record, I'm
17 reserving all my rights.

18 THE COURT: You're going to have to talk a little
19 louder so she can take down everything you say.

20 This is 10 CRS 50329.

21 MR. BIRCH: Before we went on the record, I'm
22 reserving all my rights. I filed a notice. I think the
23 paperwork stands for itself.

24 THE COURT: Do you wish to be heard on this?

25 MR. BIRCH: Like I said, I believe it stands for

1 itself.

2 THE COURT: Okay. Your motion is denied. What do
3 you want to do about an attorney, hire your own, represent
4 yourself, or ask for court-appointed counsel?

5 MR. BIRCH: It wasn't a motion, sir.

6 THE COURT: Okay. Show that the defendant refuses
7 to answer the Court; the Court will therefore enter a waiver
8 of counsel for the defendant, Mr. Birch.

9 When does this matter need to be set for trial?

10 MR. ARNOLD: We're prepared to try this case now,
11 your Honor.

12 MR. BIRCH: I object.

13 THE COURT: Objection is overruled.

14 When do you want to schedule this for trial?

15 MR. ARNOLD: Let's hold it open this week, if we
16 can get to it. If not, the week of 6/28 will be just fine.

17 THE COURT: Mr. Birch, your jury trial will be this
18 week. You need to stay in touch with the DA's office. The
19 jury will be coming in in the morning, and we'll let you
20 know when your matter is called for trial.

21 MR. BIRCH: Aren't Rule 15(a) under the General
22 Statute -- isn't Rule 15(a) in force right now?

23 THE COURT: Yes, sir, it is. And I have made my
24 ruling, and my ruling is final. You have a nice day. We'll
25 be in touch with you.

1 MR. BIRCH: All right. Look forward to it.

2 (Whereupon, the proceedings were

3 concluded at 10:15 a.m.)

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CERTIFICATE

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STATE OF NORTH CAROLINA)
COUNTY OF MACON)

I, DIANE L. THOMMES, the officer before whom the foregoing proceeding was taken, do hereby certify that said proceeding, pages 1 through 4, inclusive, is a true and correct and verbatim transcript of said proceeding.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was heard; and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, and am not financially or otherwise interested in the outcome of the action.

Diane L. Thommes, CSR, RPR
Certified Realtime Reporter
Official Reporter

1 STATE OF NORTH CAROLINA
2 COUNTY OF MACON

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 10 CRS 050329

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4 STATE OF NORTH CAROLINA

CERTIFICATE

5 VS.

OF

6 ISAAC HUTCHISON BIRCH

DELIVERY

7 -----
8 This is to certify that the transcript
9 proceedings held on June 1, 2010 in the above-entitled case
10 was originally requested on the 21st day of June, 2010, and
11 was delivered and/or mailed to the attorney(s) of record as
12 indicated below originally on the 24th day of June, 2010,
13 and hereby was delivered and/or mailed to the attorney(s) of
14 record as indicated below a second time on the 26th day of
15 December, 2010.

16
17 _____
18 Diane L. Thommes, CSR, RPR
19 Certified Realtime Reporter
20 Official Reporter
21 P.O. Box 1067
22 Cashiers, North Carolina 28717
23 (828) 743-2925

24
25 Isaac Hutchison Birch
462 Judd Duvall Lane
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