

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
25CV000528-720

PERSON COUNTY

LATISHA LINZSEY

vs.

BRIAUNA MORGAN

RULE 60(b) MOTION

NOW COMES Briauna Morgan, by and through the undersigned counsel, and respectfully moves to set aside the consent no-contact order in this matter pursuant to Rule 60(b) of the North Carolina Rules of Civil Procedure. In support of her motion, Ms. Morgan offers the following:

BACKGROUND

1. On May 24, 2025, Ms. Morgan's one-year-old son, Kemari Morgan, died while in the care and custody of Latisha Linzsey.
2. On May 30, 2025, Judge Keith granted an ex parte Temporary No Contact Order requested by Ms. Linzsey against Ms. Morgan. *See Exhibit 1: Ex Parte TRO.*
3. Ms. Linzsey's basis for seeking a no-contact order from the Court was that Ms. Morgan "posted a picture of me on FaceBook, and possibly other social platforms, with statements that I abused her child and did something to his face." Ms. Linzsey asserted, among other things, that Ms. Morgan's posting "suggests that I did something to cause the baby's death." Ms. Linzsey also wrote in the complaint that Ms. Morgan "continues to post things on Facebook after the picture like 'fuck that lady my son will get his justice.'" Exhibit 2: Complaint.
4. Between May 30, 2025, and October 31, 2025, a hearing on this ex parte Temporary Restraining Order was continued multiple times by the Court, often over respondent's objections.
5. On October 31, 2025, Ms. Linzsey and Ms. Morgan entered a consent no-contact order pursuant to North Carolina Rules of Civil Procedure 65. *See Exhibit 3: Consent No-Contact*

Order.

6. The order prevents Ms. Morgan, *inter alia*, from being within 20 feet of “any location where [Ms. Linzsey] is known to be present.” *See id.*
7. After nearly five months of having the hearing continued, Ms. Morgan agreed to the consent no-contact order because she felt it was in her best interest to bring the prolonged proceedings to a close.
8. On December 15, 2025, approximately six weeks after the consent no-contact order was entered, Ms. Linzsey was indicted for Second Degree Murder for the death of Ms. Morgan’s son, Kemari. *See* Exhibit 4: Indictment.
9. As of October 31, 2025, the day when the consent order was entered, Ms. Morgan was unaware of any criminal investigation into the death of her son, Kemari Morgan.
10. Had Ms. Morgan been privy to any of this information, she would not have consented to an order that barred her from attending court proceedings concerning the death of her son.
11. Pursuant to the Crime Victims’ Rights Act, if the victim is a minor, “a parent ... may assert the victim’s rights” under the statute. *See* N.C. Gen. Stat. § 15A-830(b). Among other rights, the minor victim’s parent has the right to be present at any court proceedings. *See* N.C. Gen. Stat. § 15A-830.5(b)(2).
12. As the mother of Kemari Morgan, Ms. Morgan has the statutory right to be present for the court proceedings as she advocates for justice for her son’s death.

ARGUMENT

13. Rule 60(b) provides that “the court may relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons:
 - (1) Mistake, inadvertence, surprise, or excusable neglect;
 - (2) Newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b);
 - (3) Fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;
 - (4) The judgment is void;
 - (5) The judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that

the judgment should have prospective application; or

(6) Any other reason justifying relief from the operation of the judgment.”

14. There are multiple grounds for the Court to set aside the consent no-contact order under Rule 60(b).
15. Under Rule 60(b)(1), which permits relief based on “[m]istake, inadvertence, surprise, or excusable neglect,” the Court must grant relief if “the surprise...is some condition or situation in which a party to a cause is unexpectedly placed to his injury, without any fault or negligence of his own, which ordinary prudence could not have guarded against.” *Carpenter v. Bank of Am. Corp.*, 282 N.C. App. 734, 870 S.E.2d 152 (2022) (quoting *Townsend v. Carolina Coach Co.*, 231 N.C. 81, 85, 56 S.E.2d 39, 42 (1949)). As Ms. Morgan was not privy to any criminal investigation into her son’s death, the criminal indictment against Ms. Linzsey constitutes a surprise to Ms. Morgan. The consent no-contact order places Ms. Morgan in an injurious position as it prevents Ms. Morgan from attending the criminal proceedings against Ms. Linzsey.
16. Under Rule 60(b)(2), the Court must grant relief if the new evidence could not have been discovered during the time of the proceeding. *See Harris v. Family Med. Ctr.*, 38 N.C. App. 716, 719, 248 S.E.2d 768, 770 (1978) (“The evidence must be such as was not and could not by the exercise of diligence have been discovered in time to present in the original proceeding.”); *see also Robinson v. Trantham*, 195 N.C. App. 687, 695, 673 S.E.2d 771, 776-77 (2009) (holding that the evidence “could have been discovered with the exercise of due diligence in time to present them in the original trial.”). When the no-contact consent order was entered, Ms. Morgan could not have discovered that the State of North Carolina was investigating Ms. Linzsey for murder, or that an indictment was forthcoming only weeks later, issued on December 15, 2025.
17. Under Rule 60(b)(3), the Court must grant relief if the movant (1) had a meritorious defense, (2) that he was prevented from presenting prior to judgment, (3) because of fraud, misrepresentation or misconduct by the adverse party. *See Milton M. Croom Charitable Remainder Unitrust v. Hedrick*, 188 N.C. App. 262, 268, 654 S.E.2d 716, 721 (2008). Ms. Morgan would have been able to successfully defend herself against Ms. Linzsey’s claims had Ms. Morgan been privy to evidence that the State of North Carolina has probable cause to believe that Ms. Linzsey is criminally responsible for the death of Kemari Morgan.

Moreover, Ms. Linzsey is the only person who would have known if she played a part in Kemari Morgan's death.

18. Under Rule 60(b)(5), the Court may consider a change in circumstances in granting a motion for relief. *See Condellone v. Condellone*, 137 N.C. App. 547, 550, 528 S.E.2d 639 (2000) (“Rule 60(b)(5) allows a court to rely upon changed circumstances as grounds for granting a motion for relief from a judgment or order”). Further, Courts are directed to consider “any intervening equities.” *Oxford Plastics v. Goodson*, 74 N.C. App. 256, 259, S.E.2d 7, 9 (1985). The State of North Carolina's indictment of Ms. Linzsey for murdering Kemari Morgan – the very claim that Ms. Morgan made against Ms. Linzsey, causing Ms. Linzsey to seek a no-contact order – is a significant change in circumstances.
19. Under Rule 60(b)(6), the Court may set aside a judgment if the movant can show: (1) extraordinary circumstances exist; (2) justice demands it; and (3) the movant has a meritorious defense to the underlying claims. *See Oxford Plastics v. Goodson*, 74 N.C. App. 256, 259 (1985); *see also Partridge v. Associated Cleaning Consultants & Servs., Inc.*, 108 N.C. App. 625, 632 (1993). The facts asserted herein are extraordinary. Justice demands that Ms. Morgan be able to participate in the ongoing legal proceedings against Ms. Linzsey on behalf of her son. The criminal indictment against Ms. Linzsey is a meritorious defense to the allegation that Ms. Morgan's FaceBook post cited in the Complaint amounts to harassment. *See Exhibit 2: Complaint*.
20. The Court may set aside a consent judgment “upon proper allegation and proof that consent was not in fact given or that it was obtained by fraud or mutual mistake.” *Blankenship v. Price*, 27 N.C. App. 20, 22, 217 S.E.2d 709, 710 (1975).
21. Upon information and belief, North Carolina's leading criminal investigation agency, the State Bureau of Investigation, led the investigation that resulted in the Person County District Attorney's Office securing the criminal indictment against Ms. Linzsey for Kemari Morgan's death.
22. For nearly seven months, Ms. Morgan waited for an explanation for her son's death from Ms. Linzsey, the Person County Department of Social Services, and the Person County Sheriff's Office. At the time the consent no-contact order was entered, however, she had received no information.
23. For nearly seven months, Ms. Morgan questioned whether Ms. Linzsey was legally

responsible for Kemari’s death, and for nearly seven months, Ms. Linzsey denied any such responsibility.

24. The criminal indictment against Ms. Linzsey’s calls into question her motive in seeking a no-contact order against Ms. Morgan.
25. The criminal indictment also makes clear that the core of Ms. Linzsey’s argument for a no-contact order – that Ms. Morgan had unfairly and somehow threateningly suggested that Ms. Linzsey had abused her child – was completely unjustified. As the very public indictment against Ms. Linzsey demonstrates, the State of North Carolina believes there is probable cause that she is criminally culpable in the death of Ms. Morgan’s child.
26. Justice demands that the Court utilize its equitable power to release Ms. Morgan from a consent no-contact order that, among other things, prevents Ms. Morgan from attending criminal proceedings related to the death of her son, and if left intact, would violate her rights under the Crime Victims’ Rights Act. *See Branch Banking & Trust Co. v. Tucker*, 131 N.C. App. 132, 137, 505 S.E.2d 179, 182 (1998) (stating that courts have a “grand reservoir of equitable power to do justice in a particular case.”).
27. Rule 60(b) of the North Carolina Rules for Civil Procedure is identical to Rule 60 of the Federal Rules of Civil Procedure. *See Slattery v. Appy City, LLC*, 385 N.C. 726, 736 n.12, 898 S.E.2d 700, 708 (2024) (stating that North Carolina Rule of Civil Procedure 60(b) is identical to Federal Rule of Civil Procedure 60(b)). As the U.S. Court of Appeals for the Fourth Circuit has held, trial courts have the inherent authority to modify a consent order such as the one present here. *See Thompson v. United States HUD*, 404 F.3d 821, 826 (4th Cir. 2005) (stating that “the court’s inherent authority to modify a consent decree or other injunction is now encompassed in Rule 60(b)(5) of the Federal Rules of Civil Procedure.”).
28. On December 17, 2025, December 30, 2025, January 7, 2026, and January 16, 2025, Respondent’s counsel called and emailed counsel for Ms. Linzsey to discuss the criminal indictment’s effect on the no-contact order and seek Ms. Linzsey’s consent to rescind the order. Opposing counsel never responded to these efforts to confer.
29. This motion is filed in good faith and within a reasonable time of the discovery of Ms. Linzsey’s indictment in the death of Kemari Morgan.

WHEREFORE, Ms. Morgan, by and through undersigned counsel, respectfully requests that the Court grant her the following relief:

1. Relieve Ms. Morgan from the existing no-contact order;
2. Grant any other relief this Court deems just and appropriate.

This is the 16th day of February, 2026.

/s/Janki Kaneria
Janki Kaneria (NCSB #54879)
janki@scsj.org

/s/Dominique Erney
Dominique Erney (NCSB #62345)
dominique@scsj.org

Southern Coalition for Social Justice
PO Box 51280
Durham, NC 27717

Exhibit List

Exhibit 1: Ex Parte TRO

Exhibit 2: Complaint

Exhibit 3: Consent No Contact Order

Exhibit 4: Criminal Indictment

EXHIBIT 1

STATE OF NORTH CAROLINA

Person County

FILED

DATE: May 30, 2025

TIME: 1:33:15 PM

PERSON COUNTY

CLERK OF SUPERIOR COURT

BY: E. Gentry

File No.

25CV000528-720

In The General Court Of Justice

District Court Division

Name And Address Of Plaintiff

Latisha Linzsey
No Known Address

VERSUS

Name And Address Of Defendant

Briauna Morgan
390 Henderson Rd
Apt 9H
Roxboro NC 27573

**TEMPORARY
NO-CONTACT ORDER
FOR STALKING OR
NONCONSENSUAL SEXUAL CONDUCT**

Ex Parte

G.S. 50C-6

FINDINGS

The Court hereby finds that:

- 1. The Court has jurisdiction over the subject matter.
- 2. This Order is entered ex parte. Immediate and irreparable injury, loss, or damage will result to the plaintiff before notice can be served and defendant heard in opposition because *(define injury and state why it is irreparable)*
The actions of the defendant.

and it appears by certificate of the plaintiff the efforts that have been made to give notice and reasons supporting the plaintiff's claim that notice should not be required. that there is good cause to hear the matter ex parte because the harm that is intended to be prevented would likely occur if defendant were given prior notice of the plaintiff's efforts to obtain judicial relief.

- 3. This Order is entered after notice has been provided to the defendant. Present at the hearing were:
 - the plaintiff, represented by .
 - the defendant, represented by .
- 4. The plaintiff has suffered unlawful conduct committed by the defendant in that the defendant: The Plaintiff testified under oath.
 - a. on more than one occasion followed or otherwise harassed, as defined in G.S. 14-277.3A(b)(2), the plaintiff, without legal purpose and with the intent to:
 - i. place the plaintiff in reasonable fear for the plaintiff's safety or the safety of the plaintiff's immediate family or close personal associates, in that *(describe defendant's conduct)*
The Defendant has posted numerous social media post alleging the Defendant abused her child and caused her child's death although that has not been determined. The posts could cause the Plaintiff harm in that there is fear the Plaintiff could be harmed by persons who believe the statements of the Defendant or the Defendant herself. The Plaintiff saw an unfamiliar car at her home but was unsure as to who it was.
 - ii. cause the plaintiff to suffer substantial emotional distress by placing the plaintiff in fear of death, bodily injury, or continued harassment, and this in fact caused the plaintiff substantial emotional distress, in that *(describe defendant's conduct and plaintiff's reaction)*
The posts could cause the Plaintiff harm in that there is fear the Plaintiff or her family could be harmed by persons who believe the statements of the Defendant or the Defendant herself. The Plaintiff is in fear of her and her family's safety.
 - b. committed one or more incidences of nonconsensual sexual conduct upon the plaintiff, in that the defendant, intentionally or knowingly, without freely given consent and for the purpose of sexual gratification or arousal, *(describe defendant's conduct – "sexual conduct" is defined by G.S. 50C-1(4) as any intentional or knowing touching, fondling, or sexual penetration, either directly or through clothing, of the sexual organs, anus, or breast of another, whether an adult or a minor, for the purpose of sexual gratification or arousal, and includes the transfer or transmission of semen)*

- 5. Other:

(Over)

CONCLUSIONS

- 1. The defendant committed acts of unlawful conduct against the plaintiff.
- 2. The plaintiff has failed to prove grounds for issuance of a temporary no-contact order.

ORDER

It is ORDERED that:


- 1. The defendant shall not visit, assault, molest, or otherwise interfere with the plaintiff. [01]
- 2. The defendant cease stalking the plaintiff. [01]
- 3. The defendant cease harassment of the plaintiff. [01]
- 4. The defendant not abuse or injure the plaintiff. [01]
- 5. The defendant not contact the plaintiff by telephone, written communication, or electronic means. [05]
- 6. The defendant not enter or remain present at the plaintiff's residence, school, place of employment, and other places listed below at times when the plaintiff is present. [04]

List Other Places Where Defendant Ordered Not To Be

Person County DSS when the Plaintiff is there.
North Countryside North Development on Northside View, Roxboro
Within 500 feet of the Plaintiff at all times.

- 7. The request for a temporary no-contact order is denied.
- 8. Other: (specify) [08]
No contact with any minor children in the custody of the Plaintiff and no contact with any member of the Plaintiff's family.
No further social media posts about the Plaintiff.

- 9. The terms of this Order shall be effective for ten (10) days from the date of this Order. until (specify date and time if less than 10 days) June 6, 2025.
- 10. It is ordered that the parties appear at the time and date set out below for a hearing on whether a permanent no-contact order should be entered.

Date Of Hearing 6/6/2025	Time Of Hearing 9:30 AM	Location Of Hearing Person County Courthouse
Date 5/30/2025	Time 1:29 PM	Name Of District Court Judge Or Designated Magistrate (type or print) Adam S. Keith
		Signature Of District Court Judge Or Designated Magistrate Signed: 5/30/2025 1:29:27 PM 

NOTICE TO DEFENDANT: A KNOWING VIOLATION OF A CIVIL NO-CONTACT ORDER SHALL BE PUNISHABLE AS CONTEMPT OF COURT WHICH MAY RESULT IN A FINE OR IMPRISONMENT. THE COURT MAY FIND YOU IN CIVIL OR CRIMINAL CONTEMPT.

CERTIFICATION

I certify this Order is a true copy.

Date 5/30/2025	Signature Of Clerk	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court
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NOTE TO CLERK: G.S. 50C-9 provides: "The clerk of court shall deliver on the same day that a civil no-contact order is issued, a certified copy of that order to the sheriff." The statute also provides that a copy of the order shall be issued promptly to the police department of the municipality of the victim's residence, or the sheriff and any county police department if the victim does not live within a municipality with a police department.

EXHIBIT 2

FILED

STATE OF NORTH CAROLINA

DATE: May 30, 2025
TIME: 12:29:29 PM
PERSON COUNTY
CLERK OF SUPERIOR COURT

File No.

25CV000528-720

PERSON

County

In The General Court Of Justice
District Court Division

Name Of Plaintiff/Victim

Latisha Linzsey

BY: S. Whitfield

Name Of Person Filing On Behalf Of Minor Or Incompetent Victim

Address Of Plaintiff/Victim (use alternative address if afraid to give physical address)

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

VERSUS

Name And Address Of Defendant

Briauna Morgan
390 Henderson Rd. Apt 9H
Roxboro, NC 27573

G.S. 50C-2

Spoken Language Court Interpreter Needed For Any Party, Victim, Or Witness? (If Yes, identify person(s) and language(s). Interpreters provided for all court proceedings at no cost.)

No Yes: (explain)

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 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 the defendant, intentionally or knowingly, without freely given consent and for the purpose of sexual gratification or arousal, (Give specific dates and describe in detail what happened.)

- 5. The defendant has, on more than one occasion and without legal purpose, followed 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.)

On May 30, 2025, the defendant posted a picture of me on FaceBook, and possibly other social media platforms, with statements that I abused her child and did something to his face. She has been posting lots of things prior to this that suggests I did something to cause the baby's death and these posts have been influential to others causing others to act, including sign being put up on my road at my mom's house. I fear that this post has the possibility of doing the same since people now know that I was the foster parent the baby was with when he passed. She continues to post things on Facebook that after the picture like "Fuck that lady, my son will get his justice." The comments on her posts suggest she has a lot of people who support & agree with her. I am in fear of me & my family's safety.

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.)

The defendant already has a record and she is mentally unstable. She has a history of drug use and violent behavior. She has convinced herself that I did something to her child and expressed on social media that she will continue with the behavior she's already exhibited.

- 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.)

Person County DSS
North Countryside North Development on Northside View, Roxboro
Anywhere I am if she when she sees me (within 500 feet)

- 10. Other: (specify)
To order the defendant to stay away from family and family member (Ett Eliana Arroyano-Habana) place of employment (McDonald's of Roxboro).

Date

5.30.2025

Signature Of Person Filing Complaint

Patasha Pinzsey

VERIFICATION

I, the undersigned, being first duly sworn, say that I am the plaintiff in this action; that I have read the Complaint; that the matters and things alleged in the Complaint 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
5/30/2025 12:29:10 PM

Date

5-30-20-25

Date

5/30/2025

Signature

Sheryl Whitfield

Signature Of Person Signing Complaint

Patasha Pinzsey

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

Name Of Person Filing Complaint (type or print)

Patasha Pinzsey

Notary

Date My Commission Expires

At Term

SEAL

County Where Notarized

EXHIBIT 3

STATE OF NORTH CAROLINA
PERSON COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO. 25CV000528-720

LATISHA LINZSEY,
Plaintiff,

v.

BRIAUNA MORGAN,
Defendant.

**CONSENT
NO CONTACT ORDER
(Pursuant to Rule 65)**

THIS CAUSE came before the undersigned Judge of the District Court upon the consent of the parties regarding a no contact agreement between the parties pursuant to Rule 65 of the North Carolina Rules of Civil Procedure.

FINDINGS OF FACT

1. Plaintiff filed this civil action on May 30, 2025, seeking injunctive relief.
2. Defendant, while denying liability, acknowledges that entry of this Consent Order will resolve the Plaintiff's request for preliminary and permanent injunctive relief without further litigation.
3. The Court finds that entry of this Consent Order is proper, just, and in the interest of judicial economy.

CONCLUSIONS OF LAW

1. Both Plaintiff and Defendant are sui juris and subject to the jurisdiction of this Court.
2. The parties consent to the entry of this Order and waive further evidentiary hearing.

NOW, THEREFORE, it is ORDERED, ADJUDGED, and DECREED as follows:

1. *No Contact Requirement*: Defendant, Briana Morgan, is hereby ENJOINED and RESTRAINED from having any contact, direct or indirect, with Plaintiff, Latisha Linzey, including but not limited to:

- a. In-person contact of any kind;
- b. Communication by telephone, text message, email, social media, or other electronic means;
- c. Sending or delivering written correspondence or packages;
- d. Entering upon or remaining within 20 feet of Plaintiff's residence, place of employment, or any other location where Plaintiff is known to be present.

2. *Prohibited Conduct*: Defendant shall not harass, follow, surveil, threaten, or otherwise interfere with Plaintiff in any manner, directly or indirectly.

3. *Duration of Order*: This Consent Order shall remain in full force and effect until June 1, 2026. Either party may petition the Court for modification or dissolution upon proper notice and showing of good cause.

4. *Enforcement*: This Order is entered pursuant to Rule 65 of the North Carolina Rules of Civil Procedure and shall be enforceable by the contempt powers of this Court, including civil and criminal contempt sanctions.

5. *No Admission of Liability*: By consent to this Order, Defendant does not admit any allegation of wrongdoing or liability. Entry of this Order is solely for purposes of settlement and avoidance of further litigation.

6. *First Amendment Protection:* Nothing in this order shall be deemed an infringement or limitation on Defendant's First Amendment rights.

7. *Waiver of Hearing:* The parties acknowledge that they freely and voluntarily consent to the entry of this Order, that they have been advised of their right to a hearing, and that they waive such right.

This the 31 day of October, 2025.

The Honorable District Court Judge Presiding

CONSENTED TO:

Latisha Linzsey
Latisha Linzsey
Plaintiff

Deria Phayes
Deria Hayes
The Law Office of James D. Williams, Jr., P.A.
Counsel for Plaintiff

Briauna Morgan
Briauna Morgan
Defendant

Janki Kaneria
Janki Kaneria
Southern Coalition for Social
Justice Counsel for Defendant

EXHIBIT 4

STATE OF NORTH CAROLINA

File No. 25CR003263-720

Person County

In The General Court Of Justice Superior Court Division

STATE VERSUS

Name And Address Of Defendant

LATISHA ANNETTE LINZSEY 129 NORTHSIDE VW ROXBORO NC 27574

NOTICE OF RETURN OF BILL OF INDICTMENT

G.S. 15A-630, 15A-941(d)

To The Defendant Named Above:

Take notice that the grand jury of the county named above has returned the attached True Bill(s) of Indictment charging you with the offense(s) specified.

You are informed that there are important time limitations on your right to discovery of the evidence against you. (See G.S. 15A-902, which is printed on the reverse.)

This Notice is issued upon the order of the presiding judge.

You will be arraigned on the charges contained in this Indictment only if you file a written request for arraignment with the Clerk of Superior Court not later than twenty-one (21) days after the Indictment is served on you. If you do not file a written request for arraignment within that time, the court will enter a not guilty plea on your behalf.

You must appear in Superior Court at the date, time and place shown below to answer the charges in this Indictment.

NOTE: If an earlier court date is set in a release order, you must appear at that time also.

Table with hearing details: Date Of Hearing (1/21/2026), Time Of Hearing (9:30 AM), Place Of Hearing (Person Superior Court Person Co. Courthouse, Courtroom 0002), Date Issued (12/17/2025), Signature (/s/ Christopher Hill), Assistant Clerk.

NOTE: Attach True Bill(s) of Indictment and a copy of the Order of Arrest, if appropriate.

CERTIFICATE OF NOTICE

I certify that I issued a copy of this Notice to the defendant named above at the address shown by:

- 1. Mailing it through the U.S. Postal Service.
2. Attaching it to an Order for Arrest to be served on the defendant.

NOTE TO COURT: An Order for Arrest shall not be issued for an indicted juvenile whose case began in juvenile court and for which the district court has not yet entered an order for transfer to superior court pursuant to G.S. 7B-2200 or G.S. 7B-2200.5(a)(1).

An Order for Arrest may be issued for a juvenile indicted and subject to adult criminal court jurisdiction:

- pursuant to G.S. 7B-1501(7)b. (indicted for Chapter 20 motor vehicle offense).
pursuant to G.S. 7B-1604(b) (i.e., the 'once an adult, always an adult' rule), based on a prior criminal conviction as an adult for (i) any felony or (ii) any non-motor vehicle misdemeanor or (iii) any misdemeanor or infraction involving impaired driving as defined in G.S. 20-4.01(24a).
pursuant to G.S. 7B-1501(7)b. (16 or 17 year olds indicted for A through E felonies, along with related offenses).

- 3. Other: (specify)

Table with signature details: Date (12/17/2025), Signature (/s/ Christopher Hill), Assistant Clerk.

Original-File Copy-Defendant (Over)

G.S. 15A-902 Discovery Procedure

- “(a) A party seeking discovery under this Article must, before filing any motion before a judge, request in writing that the other party comply voluntarily with the discovery request. A written request is not required if the parties agree in writing to voluntarily comply with the provisions of Article 48 of Chapter 15A of the General Statutes. Upon receiving a negative or unsatisfactory response, or upon the passage of seven days following the receipt of the request without response, the party requesting discovery may file a motion for discovery under the provisions of this Article concerning any matter as to which voluntary discovery was not made pursuant to request.
- (b) To the extent that discovery authorized in this Article is voluntarily made in response to a request or written agreement, the discovery is deemed to have been made under an order of the court for the purposes of this Article.
- (c) A motion for discovery under this Article must be heard before a superior court judge.
- (d) If a defendant is represented by counsel, the defendant may as a matter of right request voluntary discovery from the State under subsection (a) of this section not later than the tenth working day after either the probable-cause hearing or the date the defendant waives the hearing. If a defendant is not represented by counsel, or is indicted or consents to the filing of a bill of information before the defendant has been afforded or waived a probable-cause hearing, the defendant may as a matter of right request voluntary discovery from the State under subsection (a) of this section not later than the tenth working day after the later of:
- (1) The defendant’s consent to be tried upon a bill of information, or the service of notice upon the defendant that a true bill of indictment has been found by the grand jury, or
 - (2) The appointment of counsel.
- For the purposes of this subsection a defendant is represented by counsel only if counsel was retained by or appointed for the defendant prior to or during a probable-cause hearing or prior to execution by the defendant of a waiver of a probable-cause hearing.
- (e) The State may as a matter of right request voluntary discovery from the defendant, when authorized under this Article, at any time not later than the tenth working day after disclosure by the State with respect to the category of discovery in question.
- (f) A motion for discovery made at any time prior to trial may be entertained if the parties so stipulate or if the judge for good cause shown determines that the motion should be allowed in whole or in part.”

G.S. 15A-941(d) Arraignment Before Judge Only Upon Written Request

- “(d) A defendant will be arraigned in accordance with this section only if the defendant files a written request with the clerk of superior court for an arraignment not later than 21 days after service of the bill of indictment. If a bill of indictment is not required to be served pursuant to G.S. 15A-630, then the written request for arraignment must be filed not later than 21 days from the date of the return of the indictment as a true bill. Upon the return of the indictment as a true bill, the court must immediately cause notice of the 21-day time limit within which the defendant may request an arraignment to be mailed or otherwise given to the defendant and to the defendant’s counsel of record, if any. If the defendant does not file a written request for arraignment, then the court shall enter a not guilty plea on behalf of the defendant.”