

STATE OF NORTH CAROLINA In The General Court Of Justice

District
 Superior Court Division

County

Check Here If This Fee Application Covers Multiple Charges

File No.

Additional File No(s).

Provide all case numbers resolved on the same day in the same court before the same judge.

Name And Address Of Indigent Client

NON-CAPITAL CRIMINAL CASE TRIAL LEVEL FEE APPLICATION ORDER FOR PAYMENT JUDGMENT AGAINST INDIGENT

Date Attorney Appointed

Full Social Security No. (required by G.S. 7A-455(d))

Has No Social Security No.

G.S. Ch. 7A, Art. 36; G.S. 122C-268(d), -286(d)

NOTE: Use this form ONLY for non-capital criminal cases at the trial level - i.e., only for cases with a CR or CRS case caption. DO NOT use this form for non-capital cases at the trial level, potentially capital cases at the trial level, appeals to the Court of Appeals or Supreme Court, or capital post-conviction cases. Attorneys should consult IDS Rule 1.9(a)(1a) for deadlines on the submission of final fee applications, as well as IDS' billing policies, available at www.ncids.org.
INSTRUCTIONS: Applicant completes and signs all applicable portions of Section I. The trial judge completes Sections II and III and signs Section IV to award payment or fix value of services and enter the appropriate judgments. If no judgments are to be entered, the trial judge must so indicate in Section III. Clerk mails private appointed counsel fee applications to: IDS Financial Services Office, Courier Box 56-10-50, Raleigh, NC, OR if courier is not available, mail to P.O. Box 2448, Raleigh, NC 27602.

I. APPLICATION

I, the undersigned assigned counsel, public defender, IDS contract counsel, make application for payment and reimbursement of necessary expenses incurred, or for determination of value of services rendered for the indigent. I certify that this information is correct to the best of my knowledge.
MOST SERIOUS ORIGINAL CHARGE AND MOST SERIOUS DISPOSITION: Check ONE box in each of the three following columns.

<p>1. Original Charge (most serious offense)</p> <p><input type="checkbox"/> Felony Offense <i>Must Indicate Felony Class:</i> _____ <i>Name of Offense:</i> _____</p> <p><input type="checkbox"/> Felony Probation Violation</p> <p><input type="checkbox"/> Misdemeanor Offense (Non-Traffic) <i>Must Indicate Misd. Class:</i> _____ <i>(if Class 3, attach Order Of Assignment)</i></p> <p><input type="checkbox"/> Misdemeanor Probation Violation</p> <p><input type="checkbox"/> DWI</p> <p><input type="checkbox"/> Other Traffic <i>Must Indicate Misd. Class:</i> _____ <i>(if Class 3, attach Order Of Assignment)</i></p> <p><input type="checkbox"/> Criminal Contempt</p> <p><input type="checkbox"/> Treatment Court (in columns 2 and 3, check Other)</p> <p><input type="checkbox"/> Satellite-Based Monitoring Hearing (in columns 2 and 3, check Other)</p> <p><input type="checkbox"/> Non-Capital Motion For Appropriate Relief (in columns 2 and 3, check Other)</p> <p><input type="checkbox"/> Other*: _____ <i>*(Check only if none of the above)</i></p>	<p>2. Disposition (most serious disposition)</p> <p><input type="checkbox"/> Guilty Plea Before Trial: Most Serious Original Charge</p> <p><input type="checkbox"/> Guilty Plea Before Trial: Other Offense <i>Name Of Offense:</i> _____</p> <p><input type="checkbox"/> Guilty Plea During Trial: Other Offense <i>Name Of Offense:</i> _____</p> <p><input type="checkbox"/> Trial: Guilty Most Serious Original Charge</p> <p><input type="checkbox"/> Trial: Guilty Other Offense <i>Name Of Offense:</i> _____</p> <p><input type="checkbox"/> Trial: Acquitted</p> <p><input type="checkbox"/> Probation Violation Found</p> <p><input type="checkbox"/> Dismissed <u>With Leave</u> <input type="checkbox"/> Dismissed <u>Without Leave</u></p> <p><input type="checkbox"/> FTA/OFA <u>Without Dismissal</u></p> <p><input type="checkbox"/> Deferred/Diverted</p> <p><input type="checkbox"/> Held In Criminal Contempt</p> <p><input type="checkbox"/> No Probable Cause</p> <p><input type="checkbox"/> Attorney Withdrew (reason): _____</p> <p><input type="checkbox"/> None (Interim Fee)</p> <p><input type="checkbox"/> Other*: _____ <i>*(Check only if none of the above)</i></p>	<p>3. Judgment & Sentencing (most serious)</p> <p><input type="checkbox"/> Active Sentence <i>Length of Sentence:</i> _____</p> <p><input type="checkbox"/> Split Sentence</p> <p><input type="checkbox"/> Supervised Probation</p> <p><input type="checkbox"/> Unsupervised Probation</p> <p><input type="checkbox"/> Probation Terminated</p> <p><input type="checkbox"/> PJC</p> <p><input type="checkbox"/> Fines And Costs Only</p> <p><input type="checkbox"/> None (Acquitted/Dismissed)</p> <p><input type="checkbox"/> None (Deferred/Diverted)</p> <p><input type="checkbox"/> None (Attorney Withdrew)</p> <p><input type="checkbox"/> None (Interim Fee)</p> <p><input type="checkbox"/> Other*: _____ <i>*(Check only if none of the above)</i></p>
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FINAL FEES ONLY: Disposition Date Check here if you were appointed to represent this defendant in another case(s) at the time of the appointment to this case(s) and you already submitted a fee application for that case(s) in which the attorney appointment fee was charged.

COMPLETE FOR THIS FEE: (Attach detailed time sheets when required by judge. Time must be reported in <u>decimals</u> , not minutes.)	Beginning Date <u>This Fee Request</u>	Ending Date <u>This Fee Request</u>	Date First Substantive Client Interview	Prior Total Fees And Expenses Allowed	
	Name Of Judge Setting Fee		Time In Court	Time In Court Waiting	Time Out Of Court
	Travel \$ (no. of miles)	Copying \$ (if in-house, no. of copies)	Other (attach receipts if > \$ 25)	Total Expenses \$	

NOTE: In assigned counsel cases, the applicant is always the individual attorney. If payment is to be made to individual applicant, write "same" under Payee and give applicant's taxpayer ID No. (Federal Employer ID No. or, if no Federal Employer ID, SSN). If payment is to be made to applicant's firm, give firm name as Payee and firm's taxpayer ID No.

Name Of Applicant	Address	
Payee (see Note)		
Taxpayer ID No. (see Note)	Telephone No.	
Email Address	Date	Signature Of Applicant

II. ORDER TO PAY OR FIX VALUE OF SERVICES

Based on the Findings of Fact set out in Section III, the Court ORDERS that the "Total Amount" stated on Line 4 below be:
 (Assigned Counsel) paid by the State of North Carolina to the payee named above.
 (Public Defender/IDS Contractor) fixed as the value of legal services and other expenses of representation rendered by the applicant named above.

1. Hours Approved By The Court	
2. Fees Allowed/Value Of Services Rendered	(Hours Approved x IDS Rate) = \$
3. Other Necessary Expenses Allowed By The Court	\$
4. TOTAL AMOUNT	\$

(Over)

III. FINDINGS OF FACT AND JUDGMENTS

After due notice to the defendant named on the reverse and opportunity to be heard, the Court finds that the defendant has previously been adjudged to be indigent; that he/she requested and has been provided counsel and other necessary expenses of representation; and that the applicant named on the reverse provided services and incurred expenses of which the money value is that stated in Line 4 of Section II, plus any interim fees listed in the box in Section I labeled "Prior Total Fees And Expenses Allowed."

NOTE: Sign Section IV to enter judgments against the indigent defendant for the full value of attorney fees and expenses plus the attorney appointment fee. If no judgments are to be entered, or judgments are to be entered for a different amount, the trial court must fill in the appropriate blanks below. When entering Judgment #1, the trial court should verify the amount of any interim fees awarded.

NOTE: To enter Judgment #1 against a parent/responsible person pursuant to G.S. 7A-450.1 et seq., a separate order must be entered (may be modeled after Section III of form AOC-G-200).

JUDGMENT #1 (Attorney Fees and Expenses) Based on the above findings, it is ORDERED that the State of North Carolina recover from the indigent defendant the TOTAL AMOUNT stated in Line 4 of Section II, plus any interim fees listed in the box in Section I labeled "Prior Total Fees And Expenses Allowed," together with interest at the legal rate from the date the judgment is docketed until paid, **UNLESS** one of the following boxes is checked:

- 1. This is an interim fee or this case is still pending, and no judgment shall be entered at this time (this order shall be brought to the attention of the presiding judge at the time of final disposition); or
- 2. The defendant was not convicted of a criminal offense and no judgment for attorney fees and expenses shall be entered; or
- 3. Other: _____

JUDGMENT #2 (Attorney Appointment Fee) It is further ORDERED that the State of North Carolina recover from the indigent defendant the attorney appointment fee pursuant to G.S. 7A-455.1, which shall be \$50 for convictions prior to October 1, 2010, and \$60 for convictions on or after October 1, 2010, **UNLESS** one of the following boxes is checked:

- 1. This is an interim fee or this case is still pending, and no judgment shall be entered at this time; or
- 2. The defendant was not convicted of a criminal offense and no judgment for the attorney appointment fee shall be entered; or
- 3. The attorney named on the reverse was appointed to represent the defendant in another case(s) at the time of the appointment to this case(s) and he or she already submitted a fee application for that case(s) in which the attorney appointment fee was charged (see Section I, "Final Fees Only," on the reverse).

IV. SIGNATURE OF JUDGE

By signing below, the Court enters an ORDER TO PAY APPLICANT OR FIX VALUE OF SERVICES in the amount indicated in Section II on the reverse, which shall be entered and filed this day in the office of the Clerk of Superior Court. Unless no judgment is ordered in Section III above, the Court further Orders that the FINDINGS and JUDGMENTS shall be entered and filed this day in the office of the Clerk of Superior Court. The Judgments shall become effective as provided by law.

Date	Name Of Judge (type or print)	Signature Of Judge
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V. DOCKETING - CSC USE ONLY

NOTE: Docket any judgments immediately on the date on which the defendant's conviction becomes final, unless the defendant is ordered as a condition of supervised or unsupervised probation to pay the State for the costs of his/her representation. If the defendant is so ordered, docket any judgments immediately on the date the defendant's probation is revoked or terminated by the Court, or when the term of probation expires, whichever occurs first; then docket the amounts owed.

Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Judgment #1 Judgment Abstract No.	Amount Docketed \$
		Judgment #2 Judgment Abstract No.	Amount Docketed \$

NOTE TO CLERK: If Judgment #2 has been ordered by the Court, docket \$50 if the Disposition Date on Side One is before October 1, 2010, and docket \$60 if the Disposition Date on Side One is on or after October 1, 2010.