

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
Superior Court Division

IN THE MATTER OF

PETITION FOR TERMINATION OR MODIFICATION OF SATELLITE-BASED MONITORING UNDER G.S. 14-208.43

G.S. 14-208.43

Name And Current Mailing Address Of Petitioner

Name And Address Of Petitioner's Attorney

Petitioner's Telephone No.

Race

Sex

Date Of Birth

Sex Offender And Public Protection Registry No.

Attorney's Telephone No.

NOTE TO PETITIONER: Use this form for a petition to terminate or modify satellite-based monitoring (SBM) under G.S. 14-208.43, when SBM was imposed on or after December 1, 2021, pursuant to G.S. 14-208.40A or 14-208.40B. This petition must be filed in the county of the conviction that resulted in the imposition of SBM. This petition cannot be granted if filed earlier than five (5) years from the date of your enrollment in SBM. For petitions under G.S. 14-208.46 to terminate or modify SBM imposed before December 1, 2021, for a period longer than ten (10) years, use form AOC-CR-258.

PETITION

The Petitioner named above hereby petitions the Court pursuant to G.S. 14-208.43 to terminate or modify the requirement to enroll in satellite-based monitoring (SBM) as imposed in the order identified below, and in support of this petition, states the following:

1. Petitioner was ordered to enroll in SBM in the above-captioned county and file number pursuant to the following order:

Date Of Order	Title Of Order	<input type="checkbox"/> Form AOC-CR-615	Name Of Judge
		<input type="checkbox"/> Form AOC-CR-616	

2. Petitioner has been enrolled in SBM pursuant to the order above since the initial date of enrollment on (date) _____.

3. Petitioner (check only one)

- a. has not previously filed a petition for termination or modification of enrollment in SBM in this case under G.S. 14-208.43.
- b. filed a previous petition for termination or modification of this SBM enrollment under G.S. 14-208.43, which was denied on (date) _____, and two years or more have passed since the date of that denial.

Date	Name (type or print)	Signature	<input type="checkbox"/> Petitioner <input type="checkbox"/> Petitioner's Attorney
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this Petition was served on the date below upon the District Attorney for the above-captioned county by:

- hand delivery to (name) _____.
- leaving a copy with an employee of the District Attorney.

Name Of Person With Whom Copy Left (type or print)

by depositing a copy in a post-paid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the U.S. Postal Service, addressed to the District Attorney's office.

by email to the District Attorney at _____ (email address).

NOTE: Service by email upon counsel must be to an email address of record with the court. Service by email upon a party is permitted only if the party has consented to receive email service at a particular address, and that consent is filed with the court. Service by email **sent** after 5:00 PM Eastern Time on a regular business day will be deemed sent on the next business day.

by telefacsimile (fax) to the District Attorney's office at _____ (fax number), as evidenced by fax receipt confirmation, attached. **NOTE:** Service by fax **received** after 5:00 PM Eastern Time on a regular business day will be deemed completed on the next business day.

acceptance of service.

Date Service Accepted	Name Of Person Accepting Service (type or print)	Signature	Title
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Date	Name Of Person Serving (type or print)	Signature Of Person Serving	<input type="checkbox"/> Petitioner <input type="checkbox"/> Petitioner's Attorney <input type="checkbox"/> Other: _____
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NOTE TO CLERK: No hearing may be held on this matter until at least three (3) weeks after notice to the District Attorney.

NOTE TO DISTRICT ATTORNEY: With regard to the rights of the victim in this matter, and the notice obligations of the Office of the District Attorney, see G.S. 14-208.43(c).

(Over)

DISTRICT ATTORNEY PRESENT AT HEARING

The Office of the District Attorney was represented in the matter by (name) _____.

FINDINGS

After a hearing on this petition, the Court finds the following:

- 1. Petitioner was ordered to enroll in SBM in the above-captioned county and file number pursuant to the order cited in the petition on Side One.
- 2. Petitioner has been enrolled in SBM pursuant to the order cited on Side One for at least 5 years.
- 3. Petitioner served this petition on the Office of the District Attorney at least three (3) weeks prior to the hearing.
- 4. The Court inquired at the hearing as to whether any victim was present and wished to be heard, and (check one) the Court granted the victim an opportunity to be reasonably heard. the victim either was not present or was present but did not wish to be heard.
- 5. Petitioner filed a previous petition for termination or modification under G.S. 14-208.43 that was denied, but two or more years have passed since the date of that denial.
- 6. Based upon evidence received at the hearing and the arguments of the parties, if any, and the additional findings on the attached AOC-CR-618 Other: _____, incorporated herein by reference:
 - a. Petitioner **does** still require the highest possible level of supervision and monitoring for the period initially ordered.
 - b. Petitioner **does not** still require the highest possible level of supervision and monitoring for the period initially ordered.

ORDER

Based on the foregoing findings, the Court hereby ORDERS:

- 1. Petitioner is ineligible for modification or termination of enrollment in SBM, and the petition is therefore denied, because: _____.
- 2. Petitioner is eligible for modification or termination of enrollment in SBM, and therefore:
 - a. Petitioner shall remain enrolled in SBM for the remainder of the modified period of (specify a period less than the period initially ordered) _____.
 - b. Petitioner's enrollment in SBM is hereby terminated.

<i>Date</i>	<i>Name Of Judge (type or print)</i>	<i>Signature Of Judge</i>
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Original-File Copy-Defendant's Attorney or Defendant Certified Copy (if granted) - Post-Release Supervision and Parole Commission