

# STATE OF NORTH CAROLINA

File No.

County \_\_\_\_\_ Seat of Court \_\_\_\_\_

**NOTE:** Use this form for: (1) offenses occurring before October 1, 1994, (2) G.S. 130A-25 offenses occurring at any time, and (3) other non-Structured Sentencing commitments. For DWI offenses, use form AOC-CR-342 ("Impaired Driving - Judgment And Commitment").

In The General Court Of Justice  
 District  Superior Court Division

## STATE VERSUS

## JUDGMENT AND COMMITMENT

Name Of Defendant \_\_\_\_\_

Race \_\_\_\_\_ Sex \_\_\_\_\_ Date Of Birth \_\_\_\_\_  Pre-FSA Felony

G.S. 15A-1301

Attorney For State \_\_\_\_\_  Def. Found Not Indigent  Def. Waived Attorney

Attorney For Defendant \_\_\_\_\_  Appointed  Retained

The defendant  pled guilty ( pursuant to *Alford*) to  was found guilty by the Court of  was found guilty by a jury of  pled no contest to

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL.	Max. Term	Presumptive

The Court, having considered evidence, arguments of counsel and statement of defendant, Orders that the above offenses, if more than one, be consolidated for judgment and the defendant be imprisoned

for a term of \_\_\_\_\_ in the custody of the  NC Department of Adult Correction.  Sheriff of \_\_\_\_\_ County.

The defendant shall be given credit for \_\_\_\_\_ days spent in confinement prior to the date of this Judgment as a result of this charge(s).

The sentence imposed above shall begin at the expiration of all sentences which the defendant is presently obligated to serve.

The sentence imposed above shall begin at the expiration of the sentence imposed in the case referenced below:

File No.	Offense	County	Court	Date

(check all that apply)

- 1. The defendant shall pay the costs.
- 2. The defendant shall pay a fine of \$ \_\_\_\_\_.
- 3. Work release is recommended.
- 4. Work release is **NOT** recommended.
- 5. With the consent of the defendant, work release is ordered under the conditions set forth in the attached order (*applies to misdemeanants only*).
- 6. The Court does **NOT** recommend that the defendant be required to pay restitution or reparation, as a condition of parole if parole is granted, or from his/her earnings if work release is granted.
- 7. The Court recommends that the defendant be required to pay, as a condition of parole if parole is granted, or from his/her earnings if work release is granted, the items and amounts set out below.

Costs	Fine	Restitution*	Reimbursement For Attorney Fee(s) And Other Expenses	Total Amount Due
\$	\$	\$	\$	\$

\*See attached "Restitution Worksheet, Notice And Order (Initial Sentencing)," AOC-CR-611, which is incorporated by reference.

Material opposite unmarked squares is to be disregarded as surplusage.  
(Over)

The Court further recommends:

**FOR USE WITH FAIR SENTENCING ACT FELONIES ONLY**

1. The Court has considered the aggravating and mitigating factors in G.S. 15A-1340.4(a) and:
- (a) makes no written findings because the prison term imposed does not require such findings.
  - (b) makes no written findings because the prison term imposed is pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A.
  - (c) makes written findings set forth on the attached Findings Of Factors In Aggravation And Mitigation Of Punishment (AOC-CR-303).

(Applicable for offense(s) occurring on or after May 1, 1994.)

2. The Court finds that the prison term imposed is:
- (a) for an enhanced firearm penalty [G.S. 14-2.2(a)].
  - (b) for an adjudication as a violent habitual felon. [G.S. 14-7.12].

**AWARD OF FEE TO COUNSEL FOR DEFENDANT**

- A hearing was held in open court in the presence of the defendant at which time a fee, including expenses, was awarded the defendant's appointed counsel or assigned public defender.

**ORDER OF COMMITMENT**

It is ORDERED that the Clerk deliver **two** certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.

Date	Name Of Presiding Judge (type or print)	Signature Of Presiding Judge
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**APPEAL ENTRIES**

- The defendant gives notice of appeal from the judgment of the District Court to the Superior Court. The current pretrial release order is modified as follows:
- The defendant gives notice of appeal from the judgment of the Superior Court to the Appellate Division. Appeal entries and any conditions of post-conviction release are set forth on form AOC-CR-350.

Date	Name Of Presiding Judge (type or print)	Signature Of Presiding Judge
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**ORDER OF COMMITMENT AFTER APPEAL**

Date Remanded To District Court	Date Appeal Dismissed	Date Withdrawal Of Appeal Filed	Date Appellate Opinion Certified
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It is ORDERED that this Judgment be executed. It is FURTHER ORDERED that the sheriff arrest the defendant, if necessary, and recommit the defendant to the custody of the agency named in this Judgment and furnish that agency **two** certified copies of this Judgment and Commitment as authority for the commitment and detention of the defendant.

Date	Signature Of Clerk	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk Of Superior Court
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**CERTIFICATION**

I certify that this Judgment and Commitment and the attachment(s) marked below is a true and complete copy of the original which is on file in this case.

- 1. Appellate Entries (AOC-CR-350)
- 2. Findings Of Factors In Aggravation And Mitigation Of Punishment (AOC-CR-303)
- 3. Judicial Findings As To Forfeiture Of Licensing Privileges (AOC-CR-317)
- 4. Restitution Worksheet, Notice And Order (Initial Sentencing) (AOC-CR-611)

Date	Signature And Seal
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Date Certified Copies Delivered To Sheriff	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court
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Material opposite unmarked squares is to be disregarded as surplusage.

**STATE VERSUS**

File No.



Name Of Defendant

**ADDITIONAL FILE NO.(S) AND OFFENSE(S)**

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL.	Max. Term	Presumptive