

# STATE OF NORTH CAROLINA

File No.

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

**NOTE:** This form is not to be used for offense(s) occurring on or after October 1, 1994.  
This form is not to be used for multiple offenses unless they are consolidated for judgment.

In The General Court Of Justice  
 District  Superior Court Division

## STATE VERSUS

## JUDGMENT SUSPENDING SENTENCE AND

COMMITMENT ON SPECIAL PROBATION

G.S. 15A-1341, -1342, -1343, -1346

Name Of Defendant		
Race	Sex	Date Of Birth
Attorney For State		<input type="checkbox"/> Def. Found Not Indigent <input type="checkbox"/> Def. Waived Attorney

Attorney For Defendant	<input type="checkbox"/> Appointed <input type="checkbox"/> Retained
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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 has considered the aggravating and mitigating factors in G.S. 15A-1340.4(a) and  
 makes no written findings because the prison term imposed does not require such findings.  
 makes no written findings because the prison term imposed is pursuant to a plea arrangement as to sentence.  
 makes the Findings Of Factors In Aggravation And Mitigation Of Punishment set forth on the attached AOC-CR-303.

The Court, having considered evidence, arguments of counsel and statement of defendant, finds that the defendant's plea was freely, voluntarily, and understandingly entered, and Orders the above offenses 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), charge(s), to be applied toward the  sentence imposed above.  imprisonment required for special probation below.

### SUSPENSION OF SENTENCE

With the consent of the defendant and subject to the conditions set out below, the execution of this sentence is suspended and the defendant is placed on  supervised probation for \_\_\_\_\_ years.  unsupervised probation for \_\_\_\_\_ years.  
 The above period of probation shall begin:  when the defendant is paroled or otherwise released from incarceration in the case referred to below.  at the expiration of the sentence in the case referred to below.  
**(NOTE: List case number, date, county and court in which prior sentence imposed.)**

### SPECIAL PROBATION - G.S. 15A-1351

As a condition of special probation, the defendant shall  serve an active term of \_\_\_\_\_  days  months in the custody of the  Division of Community Supervision and Reentry of the Department of Adult Correction.  Sheriff of this County.  
 pay jail fees. **(NOTE: This term shall NOT be reduced by good time, gain time or parole, or, unless provided above, by jail or treatment time.)**

The defendant shall report in a sober condition to begin serving this term on:	Day	Date	Hour	<input type="checkbox"/> AM <input type="checkbox"/> PM	and shall remain in custody until:	Day	Date	Hour	<input type="checkbox"/> AM <input type="checkbox"/> PM
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The defendant shall again report in a sober condition to continue serving this term on the same day of the week for the next \_\_\_\_\_ consecutive weeks, and shall remain in custody during the same hours each week.

### MONETARY CONDITIONS

The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below, plus the probation supervision fee, set by law  pursuant to a schedule determined by the probation officer.  at the rate of \_\_\_\_\_ per \_\_\_\_\_, beginning on \_\_\_\_\_ and continuing on the same day of each \_\_\_\_\_ thereafter until paid in full.  
 Other:

Costs	Fine	Restitution*	Attorney's Fee	Community Service Fee	Total Amount Due
\$	\$	\$	\$	\$	\$

\*Name(s), address(es), amount(s), and social security number(s) of aggrieved party(ies) to receive restitution.

All payments received by the Clerk shall be first be distributed pro rata among the persons entitled to restitution.  
 Upon payment of the "Total Amount Due," the probation officer may transfer the defendant to unsupervised probation.

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

**REGULAR CONDITIONS OF PROBATION - G.S. 15A-1343(b)**

The defendant shall: (1) Commit no criminal offense in any jurisdiction. (2) Possess no firearm, explosive device or other deadly weapon listed in G.S. 14-269. (3) Remain gainfully and suitably employed or faithfully pursue a course of study or of vocational training that will equip the defendant for suitable employment. (4) Satisfy child support and family obligations, as required by the Court.

If the defendant is on supervised probation, the defendant shall also: (5) Remain within the jurisdiction of the Court unless granted written permission to leave by the Court or the probation officer. (6) Report as directed by the Court or the probation officer to the officer at reasonable times and places and in a reasonable manner, permit the officer to visit at reasonable times, answer all reasonable inquiries by the officer and obtain prior approval from the officer for, and notify the officer of, any change in address or employment. (7) Notify the probation officer if the defendant fails to obtain or retain satisfactory employment. (8) At a time to be designated by the probation officer, visit with the probation officer a facility maintained by the Division of Prisons of the Department of Adult Correction.

If the defendant is to serve an active sentence as a condition of special probation, the defendant shall also: (9) Obey the rules and regulations of the Division of Prisons of the Department of Adult Correction and, if applicable, the Division of Juvenile Justice of the Department of Public Safety, governing the conduct of inmates while imprisoned. (10) Report to a probation officer in the State of North Carolina within 72 hours of the defendant's discharge from the active term of imprisonment.

**SPECIAL CONDITIONS OF PROBATION - G.S. 15A-1343(b1); 20-179; 20-17.2**

The defendant shall also comply with the following special conditions which the Court finds are reasonably related to the defendant's rehabilitation:

- 11. Surrender the defendant's drivers license to the Clerk of Superior Court for transmittal/notification to the Division of Motor Vehicles; and not operate a motor vehicle for a period of \_\_\_\_\_ or until relicensed by the Division of Motor Vehicles, whichever is later.
- 12. Submit at reasonable times to warrantless searches by a probation officer of the defendant's person, and of the defendant's vehicle and premises while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision:  
 stolen goods.  controlled substances.  contraband.  \_\_\_\_\_.
- 13. Not use, possess, or control any illegal drug or controlled substance unless it has been prescribed for the defendant by a licensed physician and is in the original container with the prescription number affixed on it; not knowingly associate with any previously convicted users, possessors or sellers of any such illegal drug or controlled substances; and not knowingly be present at or frequent any place where such illegal drugs or controlled substances are sold, kept or used.
- 14. Supply a breath, urine and/or blood specimen for analysis of the possible presence of a prohibited drug or alcohol, when instructed by the defendant's probation officer.
- 15. Successfully pass the General Education Development Test (G.E.D.) during the first \_\_\_\_\_ months of the period of probation.
- 16. Complete \_\_\_\_\_ hours of community or reparation service during the first \_\_\_\_\_ days of the period of probation, as directed by the judicial services coordinator, and pay the fee prescribed by G.S. 143B-1483  pursuant to the schedule set out under monetary conditions above.  
 within \_\_\_\_\_ days of this judgment and before beginning service.
- 17. Report for initial evaluation by \_\_\_\_\_, participate in all further evaluation, counseling, treatment or education programs recommended as a result of that evaluation, and comply with all other therapeutic requirements of those programs until discharged.
- 18. Other: \_\_\_\_\_
- 19. Comply with the Additional Conditions of Probation which are set forth on AOC-CR-302, Page Two, attached.

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/APPEAL ENTRIES**

- 1. It is ORDERED that the Clerk deliver two certified copies of this Commitment on Special Probation 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.
- 2. 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: \_\_\_\_\_.
- 3. 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.

**SIGNATURE OF JUDGE**

<i>Date</i>	<i>Name Of Presiding Judge (type or print)</i>	<i>Signature Of Presiding Judge</i>
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**CERTIFICATION**

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

- 1. Appellate Entries (AOC-CR-350)
- 2. Judgment Suspending Sentence, Page Two [Additional Conditions Of Probation (AOC-CR-302, Page Two)]
- 3. Findings Of Factors in Aggravation And Mitigation Of Punishment (AOC-CR-303)

<i>Date Of Certification</i>	<i>Date Certified Copies Delivered To Sheriff</i>	<i>Signature And Seal</i>	<input type="checkbox"/> <i>Deputy CSC</i> <input type="checkbox"/> <i>Asst. CSC</i> <input type="checkbox"/> <i>Clerk Of Superior Court</i>
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**(NOTE: Defendant signs below in all cases except unsupervised probation without community or reparation service.)** I have received a copy of this Judgment which contains all of the conditions of my probation and I agree to them. I understand that no person who supervises me or for whom I work while performing community or reparation services is liable to me for any loss or damage which I may sustain unless my injury is caused by that person's gross negligence or intentional wrongdoing. I understand that my probation may be extended pursuant to G.S. 15A-1342(a).

<i>Date Signed</i>	<i>Signature Of Defendant</i>	<i>Witnessed By</i>
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Material opposite unmarked squares is to be disregarded as surplusage.

Name Of Defendant

**ADDITIONAL CONDITIONS OF PROBATION - G.S. 15A-1343(b1)**

**NOTE: Use this page in conjunction with AOC-CR-302, "Judgment Suspending Sentence;" AOC-CR-310, "Impaired Driving Judgment Suspending Sentence;" or AOC-CR-316, "Order On Charge Of Violation Of Probation Or On Motion To Modify."**

In addition to complying with the regular and any special conditions of probation set forth in the "Judgment Suspending Sentence" entered in the above case(s), the defendant shall also comply with the following special conditions of probation and conditions of special probation, which the Court finds are reasonably related to the defendant's rehabilitation.

- Be assigned to the INTENSIVE PROBATION SUPERVISION PROGRAM for a period of not less than six months, obey all rules, regulations and directions of the program until discharged, and
1. Submit at reasonable times to warrantless searches by a probation officer of the defendant's person, and of the defendant's vehicle and premises while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision:  
 stolen goods     controlled substances     contraband     \_\_\_\_\_
  2. Not use, possess or control any illegal drug or controlled substance unless it has been prescribed for the defendant by a licensed physician and is in the original container with the prescription number affixed on it; not knowingly associate with any known or previously convicted users, possessors or sellers of any illegal drugs or controlled substances; and not knowingly be present at or frequent any place where illegal drugs or controlled substances are sold, kept or used.
  3. Supply a breath, urine and/or blood specimen for analysis of the possible presence of a prohibited drug or alcohol, when instructed by the defendant's probation officer.
  4. Complete not less than \_\_\_\_\_ hours or more than \_\_\_\_\_ hours of community or reparation service, as determined by the defendant's probation officer, and under the direction of the judicial services coordinator and pay the fee prescribed by G.S. 143B-1483     within \_\_\_\_\_ days of this Judgment and before beginning service.
  5. Participate in any evaluation, counseling, treatment or education program as directed by the defendant's probation officer, faithfully keep all scheduled appointments, and abide by all rules, regulations and directions of each program.
  6. Not be away from the defendant's place of residence between the hours of \_\_\_\_\_ p.m. and \_\_\_\_\_ a.m. unless authorized in writing by the defendant's probation officer.
  7. Not leave the defendant's county of residence without prior approval of the defendant's probation officer.
  8. Other:
- (Use this option when placing defendant under house arrest as a special condition of supervised probation in any case, or as a condition of supervised special probation upon conviction of DWI under G.S. 20-138.1 and imposition of Level One or Level Two imprisonment. In DWI cases, check the block at the end of this option, see G.S. 20-179(g) and (h), and designate days of imprisonment and house arrest accordingly.)
- Be assigned to the Electronic House Arrest Program for a period of \_\_\_\_\_ days, submit to electronic monitoring and abide by all rules, regulations, and directions of the program until discharged     and before being assigned, serve a term of imprisonment of \_\_\_\_\_ days in the custody of the sheriff of this county.
- Other Conditions:

Date

Name Of Presiding Judge (type or print)

Signature Of Presiding Judge

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**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