

STATE OF NORTH CAROLINA

File No.

County _____ Seat of Court _____

(NOTE: This form should be used for only one DWI conviction. Multiple convictions sentenced under G.S. 20-179 may not be consolidated for judgment.)

In The General Court Of Justice

 District Superior Court Division**STATE VERSUS****IMPAIRED DRIVING - JUDGMENT
SUSPENDING SENTENCE****(For Offenses Committed Dec. 1, 2009 - Nov. 30, 2011)** **COMMITMENT ON SPECIAL PROBATION**

G.S. 20-179

Name Of Defendant _____

Race _____ Sex _____ Drivers License No. _____ State _____ Date Of Birth _____

Date Of Offense _____ Attorney For State _____

 Def. Found Not Indigent Def. Waived Attorney

Attorney For Defendant _____

 Appointed Retained

Crt Rptr Initials _____

Offense Impaired Driving (G.S. 20-138.1). Impaired Driving in a commercial vehicle (G.S. 20-138.2). Operating a commercial vehicle after consuming alcohol and this was the defendant's second or subsequent conviction of this offense (G.S. 20-138.2A). Operating a school bus, school activity bus, or child care vehicle after consuming alcohol and this was the defendant's second or subsequent conviction of this offense (G.S. 20-138.2B).

The defendant was found guilty/responsible, pursuant to plea (pursuant to *Alford*) (of no contest) trial by judge trial by jury, of the offense specified above. The Court, based upon the determinations shown on the attached Determination of Sentencing Factors form (AOC-CR-311, Rev. 12/07), has imposed the following punishment level.

Level One. Level Two. Level Three. Level Four. Level Five.

The Court, having considered evidence, arguments of counsel and statement of defendant, ORDERS that defendant be imprisoned

for a minimum term of _____ for a maximum term of _____ in the custody of the Misdemeanant Confinement Program.

This sentence shall run at the expiration of sentence imposed in file number _____.

The defendant shall be given credit for _____ days spent in confinement prior to the date of this Judgment as a result of this charge and as an inpatient at a facility operated or licensed by the State for the treatment of alcoholism or substance abuse after the commission of the above offense. Credit shall be applied against the minimum and maximum terms above. imprisonment for special probation below. **(NOTE: No credit may be given for the first 24 hours spent in confinement.)**

SUSPENSION OF SENTENCE

Subject to the conditions set out below, the execution of this sentence is suspended and the defendant is placed on

unsupervised probation for _____ months.

supervised probation for _____ months, the Court having received evidence and having found as a fact that supervision is necessary.

SPECIAL PROBATION - G.S. 15A-1351

A. As a condition of special probation, the defendant shall serve an active term of _____ days months hours

1. in the custody of the Sheriff of this County. and pay jail fees.

2. as an inpatient in (name treatment facility) _____, shall follow the rules of that facility until discharged, and shall not leave its premises except as authorized under those rules.

NOTE: This term shall NOT be reduced by good time, gain time, or parole, or, unless provided above, by jail or treatment time.

B. 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
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 and shall remain in custody until:

Day	Date	Hour	<input type="checkbox"/> AM <input type="checkbox"/> PM
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C. 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 until completion of the active term ordered.

D. This term shall be served at the direction of the probation officer within _____ days months of this Judgment.

E. Work release is recommended. F. Substance abuse treatment is recommended.

MONETARY CONDITIONS

The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below, plus the probation supervision fee if placed on supervised probation above, pursuant to a schedule determined by the probation officer. set out by the court as follows: _____

Costs \$	Fine \$	Restitution* \$	Attorney's Fees \$	Community Service Fee \$	EHA Fee/CAM Fee \$	Appt Fee/Misc \$	Total Amount Due \$
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*See attached "Restitution Worksheet, Notice And Order (Initial Sentencing)" AOC-CR-611, which is incorporated by reference.

The Court finds just cause to waive costs, as ordered on the attached AOC-CR-618. Other: _____

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

NOTE: Any probationary judgment may be extended pursuant to G.S. 15A-1342.

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, and abide by all rules of the institution. (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 Section of Prisons. (9) 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 purposes directly related to the probation supervision, but the defendant may not be required to submit to

Original - File Copy - DMV
Material opposite unmarked squares is to be disregarded as surplusage.
(Over)

any other search that would otherwise be unlawful. Whenever the warrantless search consists of testing for the presence of illegal drugs, the defendant may be required to reimburse the Division of Adult Correction and Juvenile Justice for the actual cost of drug screening and drug testing, if the results are positive. (10) Submit to warrantless searches by a law enforcement officer of the defendant's person and of the defendant's vehicle, upon a reasonable suspicion that the defendant is engaged in criminal activity or is in possession of a firearm, explosive device, or other deadly weapon listed in G.S. 14-269 without written permission of the court. (11) 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 such illegal drugs 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.

If the defendant is to serve an active sentence as a condition of special probation, the defendant shall also: (12) Obey the rules and regulations of the Division of Adult Correction and Juvenile Justice governing the conduct of inmates while imprisoned. (13) If placed on supervised probation above, report to a probation officer in the State of North Carolina within seventy-two (72) hours of the defendant's discharge from the active term of imprisonment.

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

- 14. Obtain a substance abuse assessment and all recommended education or treatment.
- 15. 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 until the defendant's driving privilege is restored by that Division, except as may be permitted in a limited privilege.
- 16. Complete _____ hours of community service during the first _____ days of the period of probation, as directed by the judicial service coordinator. The fee prescribed by G.S. 143B-708 is
 - not due because it is assessed in a case adjudicated during the same term of court.
 - to be paid pursuant to the schedule set out under Monetary Conditions above within _____ days of this Judgment and before beginning service.
- 17. Abstain from alcohol consumption for _____ days, as verified by a continuous alcohol monitoring system of a type approved by the Division of Adult Correction and Juvenile Justice. The defendant shall pay to the Clerk the fees associated with the system, as set by the entity providing the system, but not to exceed a total cost of \$1,000. The court finds, upon good cause shown, that the defendant should not be required to pay the costs of the continuous alcohol monitoring system and _____, the local government entity responsible for the incarceration of the defendant in the local confinement facility, has agreed to pay the costs of the system to the Clerk.
- 18. Other:

[Check any that apply - G.S. 20-179(r)]

- The probation officer may transfer the defendant to unsupervised probation upon completion of the community service required by Special Condition No. 16 above. payment of the "Total Amount Due" on the reverse.

SPECIAL ALCOHOL CONCENTRATION FINDING

- The defendant's alcohol concentration was 0.15 or greater.
- Other: _____

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: _____
NOTE: Withdrawal of appeal or remand to District Court requires that a new sentencing hearing be scheduled in District Court, unless certain conditions are met. G.S. 20-38.7(c).
- 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

Date _____ Name Of Presiding Judge (type or print) _____ Signature Of Presiding Judge _____

CERTIFICATION

I certify that this Judgment and the attachment(s) marked below are true and complete copies of the originals.

- 1. Determination Of Sentencing Factors (AOC-CR-311, Rev. 12/07) 3. Other: _____
- 2. Restitution Worksheet, Notice And Order (Initial Sentencing) (AOC-CR-611)

Date _____ Date Certified Copies Delivered To Sheriff _____ Signature Of Clerk _____ Deputy CSC Asst. CSC **SEAL**
 Clerk Of Superior Court

NOTE TO CLERK: If the defendant's conviction is based on a violation of an offense involving impaired driving while the defendant's drivers license is revoked as a result of a prior impaired driving license revocation as defined in G.S. 20-28.2, report DWI Defendant Registration Stop to DMV using menu item #9 in STARS. Also report the defendant's conviction to DMV in the usual manner. If there is a non-defendant vehicle owner, report registration stop to DMV using menu item #10 in STARS (unless the owner has been found to be an innocent owner).

Material opposite unmarked squares is to be disregarded as surplusage.