

# 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 AND COMMITMENT  
(For Offenses Committed On Or After Dec. 1, 2011)**

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, child care vehicle, ambulance, other EMS vehicle, firefighting vehicle, or law enforcement 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. 12/15), has imposed the following punishment level.

 Aggravated Level One.  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  
 Other \_\_\_\_\_ The defendant shall report in a sober condition to begin serving his/her term on: \_\_\_\_\_ Day \_\_\_\_\_ Date \_\_\_\_\_ Hour \_\_\_\_\_  AM  PM and shall remain in custody until: \_\_\_\_\_ Day \_\_\_\_\_ Date \_\_\_\_\_ Hour \_\_\_\_\_  AM  PM

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.

The defendant shall be given credit for \_\_\_\_\_ days spent in confinement prior to the date of this Judgment as a result of this charge.  
(NOTE: No credit may be given for the first 24 hours spent in confinement.) 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 \_\_\_\_\_

**The Court further Orders:** (check all that apply)

1. The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below.

Costs \$ \_\_\_\_\_ Fine \$ \_\_\_\_\_ Restitution\* \$ \_\_\_\_\_ Attorney's Fees \$ \_\_\_\_\_ Appt Fee/Misc \$ \_\_\_\_\_ Total Amount Due \$ \_\_\_\_\_

**NOTE:** In addition to all other costs, G.S. 7A-304(a)(10) requires a fee of \$100.00 for a conviction of any of the four offenses sentenced on this form.

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

2. The Court finds that restitution was recommended as part of the defendant's plea arrangement.
3. The Court finds just cause to waive costs, as ordered on the attached  AOC-CR-618.  Other: \_\_\_\_\_
4. The Court finds that the defendant  is  is not suitable for placement in a county satellite jail/work release unit. G.S. 15A-1352(a).

5. Work release, with the consent of the defendant.
- a. After any required processing, defendant shall be committed to: [check (1) or (2)]
- (1) \_\_\_\_\_ (prison facility within this county)
- (2) \_\_\_\_\_ (local confinement facility/satellite jail/work release unit within/out of this county)

The Sheriff or Board of County Commissioners has consented to commitment to the above-described facility that is not within this county. G.S. 15A-1352(d).

- b. The defendant's work release shall terminate on the date the offender loses his/her job or violates a condition of work release.
- c. Work release earnings shall be paid to the Clerk for payment of the items and amounts set out above after deduction by the Division of Prisons of the Department of Adult Correction of the amounts allowed under G.S. 148-33.1(f).

**The Court recommends:**

1. Work release  should  should not be granted.
2. Payment as a condition of parole or post-release supervision, if granted, or from work release earnings, if applicable, of the "Total Amount Due" set out above.  but the Court **does not recommend** restitution be paid  as a condition of parole or post-release supervision.  from work release earnings.

Material opposite unmarked squares is to be disregarded as surplusage.

(Over)

The Court further Orders (cont.):

The Court further recommends:

**SPECIAL ALCOHOL CONCENTRATION FINDING**

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

**ORDER OF COMMITMENT**

- 1. 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.
- 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.

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. Determination Of Sentencing Factors (AOC-CR-311, Rev. 12/15)
- 3. Restitution Worksheet, Notice And Order (Initial Sentencing) (AOC-CR-611)
- 4. Other: \_\_\_\_\_

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