

# STATE OF NORTH CAROLINA

File No.

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

NOTE: [Use AOC-CR-342 for DWI offense(s).]

In The General Court Of Justice

 District  Superior Court Division**STATE VERSUS****JUDGMENT AND COMMITMENT  
ACTIVE PUNISHMENT - FELONY  
(STRUCTURED SENTENCING)  
(For Convictions On Or After Jan. 1, 2012)**

G.S. 15A-1301, -1340.13

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

Race \_\_\_\_\_

Sex \_\_\_\_\_

Date Of Birth \_\_\_\_\_

Attorney For State \_\_\_\_\_

 Def. Found Not Indigent  Def. Waived Attorney

Attorney For Defendant \_\_\_\_\_

 Appointed  Retained  Cr Rptr InitialsThe defendant was found guilty/responsible, pursuant to  plea  pursuant to *Alford* ( of no contest)  trial by judge  trial by jury, of

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL.	*Pun. CL.

\*NOTE: Enter punishment class if different from underlying offense class (punishment class represents a status or enhancement).

The Court:  1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be \_\_\_\_\_. Any prior record level point under G.S. 15A-1340.14(b)(7) is based on the determination of this issue by the trier of fact beyond a reasonable doubt or the defendant's admission to this issue.

2. makes no prior record level finding because none is required for Class A felony, violent habitual felon, or drug trafficking offenses.

**PRIOR RECORD LEVEL:**  I  II  III  IV  V  VI

The Court (NOTE: Block 1 or 2 MUST be checked.):

1. makes no written findings because the term imposed is:  (a) in the presumptive range.  (b) for a Class A felony.  (c) for adjudication as a violent habitual felon, G.S. 14-7.12.  (d) for drug trafficking.  for which the Court finds the defendant provided substantial assistance, G.S. 90-95(h)(5).  (e) in the aggravated range, pursuant to G.S. 20-141.4(b)(1a).
2. finds the Determination of aggravating and mitigating factors on the attached AOC-CR-605.
3. adjudges the defendant to be a habitual felon to be sentenced  (offenses committed before Dec. 1, 2011) as a Class C felon.  (offenses committed on or after Dec. 1, 2011) four classes higher than the principal felony (no higher than Class C).
4. adjudges the defendant to be a habitual breaking and entering status offender, to be sentenced as a Class E felon.
5. adjudges the defendant to be an armed habitual felon to be sentenced as a Class C felon (unless sentenced herein as a Class A, B1, or B2 felon) and with a minimum term of imprisonment of no less than 120 months.
6. finds enhancement pursuant to:  G.S. 90-95(e)(3) (drugs).  G.S. 14-3(c) (hate crime).  G.S. 50B-4.1 (domestic violence).  G.S. 14-50.22 (gang misdemeanor).  Other: \_\_\_\_\_  
This finding is based on the determination of this issue by the trier of fact beyond a reasonable doubt or on the defendant's admission.
7. finds that the defendant committed the felony by using, displaying, or threatening the use or display of a firearm or deadly weapon and actually possessed the firearm or weapon about his or her person. This finding is based on the jury's determination of this issue beyond a reasonable doubt or on the defendant's admission. Pursuant to G.S. 15A-1340.16A, the Court has increased the minimum sentence by (check only one)  
 (Class A-E felony committed prior to Oct. 1, 2013) 60 months.  (Class A-E felony committed on or after Oct. 1, 2013) 72 months.  
 (Class F or G felony committed on or after Oct. 1, 2013) 36 months.  (Class H or I felony committed on or after Oct. 1, 2013) 12 months.
8. finds the above-designated offense(s) is a reportable conviction under G.S. 14-208.6 (check only one)  
 a. and therefore makes the additional findings and orders on the attached AOC-CR-615, Side One.  
 b. but makes no finding or order concerning registration or satellite-based monitoring due to a sentence of life imprisonment without parole.
9. finds the above-designated offense(s) involved the  physical or mental  sexual abuse of a minor.  
(NOTE: If offense(s) is not also a reportable conviction in No. 8 above, this finding requires no further action by the court.)
10. finds that a  motor vehicle  commercial motor vehicle was used in the commission of the offense and that it shall be reported to DMV.
11. finds this is an offense involving assault, communicating a threat, or an act defined by G.S. 50B-1(a), and the defendant had a personal relationship as defined by G.S. 50B-1(b) with the victim.
12. (offenses committed on or after Dec. 1, 2017, only) finds that the offense was committed as part of criminal gang activity as defined in G.S. 14-50.16A(2).  and that the defendant was a criminal gang leader or organizer as defined in G.S. 14-50.16A(3). This finding is based on the determination of this issue by the trier of fact beyond a reasonable doubt or on the defendant's admission.
13. finds the above-designated offense(s) involved (check one)  (offenses committed Dec. 1, 2008 - Nov. 30, 2017) criminal street gang activity  (offenses committed on or after Dec. 1, 2017) criminal gang activity. G.S. 14-50.25.
14. did not grant a conditional discharge under G.S. 90-96(a) because (check all that apply)  the defendant refused to consent.  (offenses committed on or after Dec. 1, 2013, only) the Court finds, with the agreement of the District Attorney, that the offender is inappropriate for a conditional discharge for factors related to the offense.
15. finds that the defendant used or displayed a firearm while committing the felony. G.S. 15A-1382.2.
16. finds that the offense involved child abuse or assault or an act defined in G.S. 50B-1(a) against a minor. G.S. 15A-1382.1(a1).
17. imposes sentence pursuant to G.S. 90-95(h)(5a) and the Court's findings on the attached  AOC-CR-618.  Other: \_\_\_\_\_

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 sentenced (check only one)

 to Life Imprisonment Without Parole for  Class A Felony.  Class B1 Felony.  Violent Habitual Felon.

in the custody of:

 N.C. DACJJ. Other: \_\_\_\_\_ to Life Imprisonment With Parole, pursuant to G.S. Chapter 15A, Article 81B, Part 2A.

for a minimum term of:

and a maximum term of:

 ASR term (Order No. 4, Side Two)

months

months

months

 to Death (see attached Death Warrant and Certificates)

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

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

**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 \$	SBM 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.

- 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. Without objection by the State, the defendant shall be admitted to the Advanced Supervised Release (ASR) program. If the defendant completes the risk reduction incentives as identified by the Division of Adult Correction and Juvenile Justice, then he or she will be released at the end of the ASR term specified on Side One. G.S. 15A-1340.18.
- 5. Other:

**The Court recommends:**

- 1. Substance abuse treatment.  2. Psychiatric and/or psychological counseling.  3. Work release  should  should not be granted.
- 4. Payment as a condition of post-release supervision 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 post-release supervision.  from work release earnings.

**The Court further recommends:**

**ORDER OF COMMITMENT/APEAL ENTRIES**

- 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 trial 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
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**ORDER OF COMMITMENT AFTER APPEAL**

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 on the reverse 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 with the attachment(s) marked below is a true and complete copy of the original which is on file in this case.

- Appellate Entries (AOC-CR-350)
- Felony Judgment Findings Of Aggravating And Mitigating Factors (AOC-CR-605)
- Judicial Findings As To Forfeiture Of Licensing Privileges (AOC-CR-317)
- Victim Notification Tracking Form
- Additional File No.(s) And Offense(s) (AOC-CR-626)
- Restitution Worksheet, Notice And Order (Initial Sentencing) (AOC-CR-611)
- Judicial Findings And Order For Sex Offenders - Active Punishment (AOC-CR-615, Side One)
- Additional Findings (AOC-CR-618)
- Convicted Sex Offender Permanent No Contact Order (AOC-CR-620)
- 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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# STATE OF NORTH CAROLINA

File No.

\_\_\_\_\_ County

In The General Court Of Justice  
 District     Superior Court Division

## STATE VERSUS

Name Of Defendant

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

**NOTE:** Use this page in conjunction with all NCAOC judgment or probationary forms, to list additional offenses of conviction, deferred prosecution, or conditional discharge addressed in the court's order. There are no A, B, C, D, or other variations of this form, so this page can be used to continue an offense list from any of the related forms, for any date(s) of offense or conviction.

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL.	*Pun. CL.

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(Over)

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