

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice
Superior Court Division

STATE VERSUS

NOTICE OF AGGRAVATING FACTORS

Name Of Defendant

G.S. 15A-1340.16(a6)

Pursuant to G.S. 15A-1340.16(a6), the defendant is hereby notified that the State of North Carolina intends to prove the existence of aggravating factor(s) under G.S. 15A-1340.16(d) and/or the existence of a prior record level point under G.S. 15A-1340.14(b)(7), as indicated below.

AGGRAVATING FACTORS

The State intends to prove the following aggravating factors:

- 1. The Defendant: a. induced others to participate in the commission of the offense.
 b. occupied a position of leadership or dominance of other participants in the commission of the offense.
- 2. The defendant joined with more than one other person in committing the offense and was not charged with committing a conspiracy.
- 2a. The offense was committed for the benefit of, or at the direction of, any (for offenses committed Dec. 1, 1997 - Nov. 30, 2017) criminal street gang, (for offenses committed on or after Dec. 1, 2017) criminal gang as defined by G.S. 14-50.16A(1), with the specific intent to promote, further, or assist in any criminal conduct by gang members, and the defendant was not charged with committing a conspiracy.
- 3. The offense was committed for the purpose of: a. avoiding or preventing a lawful arrest. b. effecting an escape from custody.
- 4. The defendant was: a. hired to commit the offense. b. paid to commit the offense.
- 5. The offense was committed to: a. disrupt b. hinder the lawful exercise of a governmental function or the enforcement of laws.
- 6. The offense was committed against or proximately caused serious injury to a present or former law enforcement officer, employee of the Department of Public Safety or the Department of Adult Correction, jailer, fireman, emergency medical technician, ambulance attendant, social worker, justice or judge, clerk or assistant or deputy clerk of court, magistrate, prosecutor, juror, or witness against the defendant, while engaged in the performance of that person's official duties or because of the exercise of that person's official duties.
- 6a. The offense was committed against or proximately caused serious harm as defined in G.S. 14-163.1 or death to a law enforcement agency animal, an assistance animal, or a search and rescue animal (for offenses committed on or after Dec. 1, 2009) as defined in G.S. 14-163.1, while engaged in the performance of the animal's official duties.
- 7. The offense was especially heinous, atrocious or cruel.
- 8. The defendant knowingly created a great risk of death to more than one person by means of a weapon or device which would normally be hazardous to the lives of more than one person.
- 9. The defendant held a. (for offenses committed prior to Dec. 1, 2012) public office at the time of the offense and the offense related to the conduct of the office. b. (for offenses committed on or after Dec. 1, 2012) public elected or appointed office or public employment at the time of the offense and the offense directly related to the conduct of the office or employment. (**NOTE:** See the charging requirement in G.S. 15A-1340.16(f).)
- 9a. The defendant is a firefighter or rescue squad worker, and the offense is directly related to service as a firefighter or rescue squad worker. (for offenses committed on or after Dec. 1, 2013)
- 10. The defendant: a. was armed with a deadly weapon at the time of the crime. b. used a deadly weapon at the time of the crime.
- 10a. The defendant committed the offense on the property of a hospital as defined in G.S. 131E-76. (for offenses committed on or after Dec. 1, 2023)
- 10b. The defendant committed the offense on the property of a medical practice which is defined as a professional corporation organized under or subject to Chapter 55B of the General Statutes and registered with the North Carolina Medical Board. (for offenses committed on or after Dec. 1, 2023)
- 11. The victim was: a. very young. b. very old. c. mentally infirm. d. physically infirm. e. handicapped.
- 12. The defendant committed the offense while on pretrial release on another charge.
- 12a. The defendant has, during the 10-year period prior to the commission of the offense for which the defendant is being sentenced, been found by a court of this State to be in willful violation of the conditions of probation imposed pursuant to a suspended sentence or been found by the Post-Release Supervision and Parole Commission to be in willful violation of a condition of parole or post-release supervision imposed pursuant to release from incarceration. The Court finds this aggravating factor beyond a reasonable doubt. (for offenses committed on or after Dec. 1, 2008)
- 13. The defendant involved a person under the age of 16 in the commission of the crime.
- 13a. The defendant committed an offense and knew or reasonably should have known that a person under the age of 18 who was not involved in the commission of the offense was in a position to see or hear the offense. (for offenses committed on or after Dec. 1, 2015)
- 14. The offense involved: a. an attempted taking of property of great monetary value. b. the actual taking of property of great monetary value. c. damage causing great monetary loss. d. an unusually large quantity of contraband.
- 15. The defendant took advantage of a position of trust or confidence, including a domestic relationship, to commit the offense.
- 16. The offense involved the sale or delivery of a controlled substance to a minor.
- 16a. The offense is the manufacture of methamphetamine and was committed where a person under the age of 18 lives, was present, or was otherwise endangered by exposure to the drug, its ingredients, its by-products, or its waste.
- 16b. The offense is the manufacture of methamphetamine and was committed in a dwelling that is one of four or more contiguous dwellings.
- 17. The offense was committed against a victim because of the victim's race, color, religion, nationality, or country of origin.
- 18. The defendant does not support the defendant's family.
- 18a. The defendant has previously been adjudicated delinquent for an offense that would be a Class A, B, C, D, or E felony if committed by an adult.
- 19. The victim of this offense suffered serious injury that is permanent and debilitating.
- 19a. The offense is a violation of G.S. 14-43.11, G.S. 14-43.12, or G.S. 14-43.13, and involved multiple victims. (for offenses committed on or after Oct. 1, 2013)
- 19b. The offense is a violation of G.S. 14-43.11, G.S. 14-43.12, or G.S. 14-43.13, and the victim suffered serious injury as a result of the offense. (for offenses committed on or after Oct. 1, 2013)
- 20. Additional aggravating factors:

PRIOR RECORD POINT

- The State intends to prove that the offense was committed while the defendant
 - was on supervised or unsupervised probation, parole, or post-release supervision.
 - was serving a sentence of imprisonment.
 - was on escape from a correctional institution while serving a sentence of imprisonment.

SIGNATURE OF PROSECUTOR

<i>Date</i>	<i>Name Of Prosecutor (type or print)</i>	<i>Signature Of Prosecutor</i>
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CERTIFICATE OF SERVICE

I certify that a copy of this notice was served by:

- delivering a copy personally to the defendant's attorney. defendant.
- depositing a copy, enclosed in a postpaid properly addressed envelope, in a post office or official depository under the exclusive care and custody of the U.S. Postal Service directed to the defendant's attorney defendant at the address shown below.

Address

- leaving a copy at the office of the defendant's attorney with a partner or employee.

Name And Title Of Person With Whom Copy Left

- Other: _____

<i>Date Served</i>	<i>Signature Of Person Serving</i>	<i>Title</i>
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ACCEPTANCE OF SERVICE

- Service accepted by: defendant's attorney. defendant.

<i>Date Service Accepted</i>	<i>Signature Of Person Accepting Service</i>
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Material opposite unmarked squares is to be disregarded as surplusage.