

# STATE OF NORTH CAROLINA

File No.  
Co. Of Hearing

\_\_\_\_\_ County

In The General Court Of Justice  
 District     Superior Court Division

## STATE VERSUS

## JUDICIAL FINDINGS AND ORDER AS TO SATELLITE-BASED MONITORING WHEN THERE HAS BEEN NO PRIOR DETERMINATION

Name And Address Of Defendant

Race

Sex

Date Of Birth

G.S. 14-208.40A, 14-208.40B

**NOTE:** Use this form when the District Attorney schedules a hearing for a defendant who has been convicted of a reportable conviction as defined by G.S. 14-208.6(4), but for whom there has been no determination by a court on whether the defendant should be required to enroll in satellite-based monitoring.

County Of Origin File No.(s)	Off.	Offense Description	Offense Date	G.S. No.

### FINDINGS

The Court, following a hearing under G.S. 14-208.40B, finds that

- 1. The defendant was convicted of a reportable conviction as defined by G.S. 14-208.6(4), but the sentencing court made no determination on whether the defendant should be required to enroll in satellite-based monitoring under Article 27A of Chapter 14 of the General Statutes.
- 2. The Division of Adult Correction and Juvenile Justice has made an initial determination and given notice to the defendant that
  - i. the defendant has been classified as a sexually violent predator pursuant to G.S. 14-208.20.
  - ii. the defendant is a recidivist.
  - iii. the offense of which the defendant was convicted was an aggravated offense.
  - iv. the defendant was convicted of a violation of G.S. 14-27.23 or G.S. 14-27.28.
  - v. the offense(s) of conviction involved the physical, mental, or sexual abuse of a minor and the Division of Adult Correction and Juvenile Justice has conducted a risk assessment of the defendant and determined the defendant requires the highest possible level of supervision and monitoring.
- 3. The District Attorney scheduled a hearing in the county named above, which is the county of the defendant's residence, the Division provided notice to the defendant as required by G.S. 14-208.40B, and the hearing was not held sooner than 15 days after the date the Division gave notice.
- 4. The defendant
  - a. falls into at least one of the categories requiring satellite-based monitoring under G.S. 14-208.40, in that
    - i. the defendant has been classified as a sexually violent predator pursuant to G.S. 14-208.20. *(use Order No. 1.a. below)*
    - ii. the defendant is a recidivist. *(use Order No. 1.a. below)*
    - iii. the offense of which the defendant was convicted was an aggravated offense. *(use Order No. 1.a. below)*
    - iv. the defendant was convicted of a violation of G.S. 14-27.23 or G.S. 14-27.28. *(use Order No. 1.a. below)*
    - v. the offense(s) of conviction involved the physical, mental, or sexual abuse of a minor, that offense was not an aggravated offense or a violation of G.S. 14-27.23 or G.S. 14-27.28, the defendant is not a recidivist or sexually violent predator, and the Division of Adult Correction and Juvenile Justice has conducted a risk assessment of the defendant, and based on that assessment  and the additional findings on the attached AOC-CR-618, incorporated herein by reference the defendant requires the highest possible level of supervision and monitoring. *(use Order No. 1.b. below)*
  - b. does not fall into any of the categories requiring satellite-based monitoring under G.S. 14-208.40. *(use Order No. 2 below)*

### ORDER

Based on the foregoing findings, the Court ORDERS that

- 1. The defendant shall enroll in satellite-based monitoring under Article 27A of Chapter 14 of the General Statutes for
  - a. the remainder of the defendant's natural life.
  - b. *(specify time period)* \_\_\_\_\_.
 The defendant shall pay the fee prescribed by G.S. 14-208.45.
- 2. The defendant is not required to enroll in satellite-based monitoring under Article 27A of Chapter 14 of the General Statutes.

### SIGNATURE OF JUDGE

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