

STATE OF NORTH CAROLINA

File No.

County Seat Of Court

In The General Court Of Justice
District Superior Court Division

STATE VERSUS

CONDITIONAL DISCHARGE UNDER G.S. 14-50.29 (GANG OFFENSES) (For Offenses Committed On Or After Dec. 1, 2016)

Name Of Defendant, Drivers License No., State, Race, Sex, Date Of Birth, Full Social Security No., Age At Time Of Offense, Attorney For State, Def. Found Not Indigent, Def. Waived Attorney

Attorney For Defendant, Appointed, Retained, Crt Rptr Initials, G.S. 14-50.29

The defendant was found guilty/responsible, pursuant to plea (pursuant to Alford) (of no contest) trial by judge trial by jury, of

Table with columns: File No.(s), Off., Offense Description, Offense Date, G.S. No., F/M, CL.

FINDINGS

The Court finds

- 1. The defendant has not previously been convicted of any felony or misdemeanor other than a traffic violation...
2. the defendant pled guilty to or was found guilty of a Class H felony...
3. the offense was committed before the defendant attained the age of 18 years.

DEFERRAL OF PROCEEDINGS AND PLACEMENT ON PROBATION

- 1. The Court, without entering a judgment of guilt and with the consent of the defendant...
2. The Court finds that it is NOT appropriate to delegate to the Division of Community Supervision...
3. The Court finds that a longer shorter period of probation is necessary...
4. The defendant shall provide a DNA sample pursuant to G.S. 15A-266.4.
5. Upon violation of a term or condition of probation...
6. Except as ordered to appear earlier for a hearing on alleged violation(s)...

MONETARY CONDITIONS

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

Table with columns: Costs, Fine, Restitution\*, Attorney's Fees, Comm Serv Fee, EHA Fee, Appt Fee/Misc, Total Amount Due

\*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:
Upon payment of the "Total Amount Due," the probation officer may transfer the defendant to unsupervised probation.

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... (11) Submit to warrantless searches by a law enforcement officer of the defendant's person and of the defendant's vehicle...

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

listed in G.S. 14-269 without written permission of the court. (12) 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. (13) Supply a breath, urine, or blood specimen for analysis of the possible presence of prohibited drugs or alcohol when instructed by the defendant's probation officer for purposes directly related to the probation supervision. If the results of the analysis are positive, the probationer may be required to reimburse the Division of Community Supervision and Reentry of the Department of Adult Correction for the actual costs of drug or alcohol screening and testing. (14) *(applies only if judgment deferred for felony)* Waive all rights relating to extradition proceedings if taken into custody outside of this State for failing to comply with the conditions imposed by the court.

**SPECIAL CONDITIONS OF PROBATION - G.S. 15A-1343(b1)**

The defendant shall also comply with the following special conditions which the Court finds are reasonably related to the defendant's rehabilitation:

- 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 for a period of \_\_\_\_\_ or until relicensed by the Division of Motor Vehicles, whichever is later.
- 16. Successfully pass the General Education Development Test (G.E.D.) during the first \_\_\_\_\_ months of the period of probation.
- 17. Complete \_\_\_\_\_ hours of community service during the first \_\_\_\_\_ days of the period of probation, as directed by the judicial services coordinator. The fee prescribed by G.S. 143B-1483 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 on the reverse.  within \_\_\_\_\_ days of this Conditional Discharge and before beginning service.
- 18. Report for initial evaluation by \_\_\_\_\_, participate in all further evaluation, counseling, treatment, or education programs recommended as a result of that evaluation, and comply with all other therapeutic requirements of those programs until discharged.
- 19. Not assault, threaten, harass, be found in or on the premises or workplace of, or have any contact with \_\_\_\_\_. "Contact" includes any defendant-initiated contact, direct or indirect, by any means, including, but not limited to, telephone, personal contact, e-mail, pager, gift-giving, telefacsimile machine or through any other person, except \_\_\_\_\_.
- 20. Comply with the following conditions related to "street gangs," as defined in G.S. 14-50.16(b) *(if offense was committed from December 1, 2016, through November 30, 2017)* or "criminal gangs" as defined in G.S. 14-50.16A(1) *(if offense was committed on or after December 1, 2017)*:
  - a. Not knowingly associate with any known street gang or criminal gang members and not knowingly be present at or frequent any place or location where street gangs or criminal gangs gather or where street gang or criminal gang activity is known to occur.
  - b. Not wear clothes, jewelry, signs, symbols, or any paraphernalia readily identifiable as associated with or used by a street gang or criminal gang.
  - c. Not initiate or participate in any contact with any individual who was or may be a witness against or victim of the defendant or the defendant's street gang or criminal gang.
- 21. Participate in any Project Safe Neighborhood activities as directed by the probation officer.
- 22. Abstain from alcohol consumption and submit to continuous alcohol monitoring for a period of \_\_\_\_\_  days,  months, the Court having found that a substance abuse assessment has identified defendant's alcohol dependency or chronic abuse.
- 23. Other: \_\_\_\_\_

24. Comply with the Special Conditions Of Probation which are set forth on AOC-CR-603D, Page Two.

**SIGNATURE OF DEFENDANT**

By signing below, the defendant consents to the foregoing Order deferring further proceedings and placing the defendant on probation.

Date \_\_\_\_\_ Signature Of Defendant \_\_\_\_\_

**SIGNATURE OF JUDGE**

Date \_\_\_\_\_ Name Of Presiding Judge (type or print) \_\_\_\_\_ Signature Of Presiding Judge \_\_\_\_\_

**CERTIFICATION BY CLERK**

I certify that this Conditional Discharge and the attachment(s) marked below is a true and complete copy of the original which is on file in this case.

- 1. Judgment Suspending Sentence (AOC-CR-603D, Page Two) (additional conditions of probation)
- 2. Restitution Worksheet, Notice And Order (Initial Sentencing) (AOC-CR-611)
- 3. Additional File No.(s) And Offense(s) (AOC-CR-626)
- 4. Other: \_\_\_\_\_

Date \_\_\_\_\_ Name (type or print) \_\_\_\_\_ Signature Of Clerk \_\_\_\_\_  Deputy CSC  Asst. CSC **SEAL**  
 Clerk Of Superior Court

**NOTE TO CLERK:** Upon entry of a final order discharging the defendant and dismissing the charge(s) against him/her, forward a certified copy of this Conditional Discharge and the dismissal order (AOC-CR-635 or other order) to the Administrative Office of the Courts at **NCAOC, Records Officer, PO Box 2448, Raleigh, NC 27602.**

Material opposite unmarked squares is to be disregarded as surplusage.

STATE VERSUS

File No.

Name Of Defendant

NOTE: Use this page with AOC-CR-603D, "Judgment Suspending Sentence - Felony"; AOC-CR-604D, "Judgment Suspending Sentence - Misdemeanor"; AOC-CR-619D, "Conditional Discharge Under G.S. 90-96(a)"; AOC-CR-621D, "Conditional Discharge Under G.S. 14-50.29"; AOC-CR-627D, "Conditional Discharge Under G.S. 90-96(a1)"; AOC-CR-628D, "Conditional Discharge Under G.S. 14-204(b)"; AOC-CR-632D, "Conditional Discharge Under G.S. 15A-1341(a4)"; AOC-CR-633D, "Conditional Discharge Under G.S. 15A-1341(a5)"; or AOC-CR-636D, "Conditional Discharge Under G.S. 14-277.8"; for offenses committed on or after Dec. 1, 2016.

COMMUNITY AND INTERMEDIATE PROBATION CONDITIONS - G.S. 15A-1343(a1)

In addition to complying with the regular and any special conditions of probation set forth in the "Judgment Suspending Sentence" entered in the above case(s), the defendant shall also comply with the following conditions of probation, which may be imposed for any community or intermediate punishment.

- 1. Submit to house arrest with electronic monitoring, remain at the defendant's residence for a period of \_\_\_ days, \_\_\_ months, abide by all rules, regulations, and directions of the probation officer regarding such monitoring, and pay the fees prescribed in G.S. 15A-1343(c) as provided under Monetary Conditions. The defendant may leave the residence for the following purpose(s) and as otherwise permitted by the probation officer: \_\_\_ employment \_\_\_ counseling \_\_\_ a course of study \_\_\_ vocational training. Other:
2. Complete \_\_\_ hours of community service during the first \_\_\_ days of the period of probation, as directed by the judicial services coordinator. The fee prescribed by G.S. 143B-1483 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 in the "Judgment Suspending Sentence." \_\_\_ within \_\_\_ days of this Judgment and before beginning service. Other:
3. Submit to the following period(s) of confinement in the custody of the \_\_\_ Sheriff of this County. \_\_\_ (other local confinement facility). \_\_\_ and pay jail fees. The defendant shall report in a sober condition to serve the term(s) indicated below, NOTE: Periods of confinement imposed here must be for two-day or three-day consecutive periods, only, for no more than six days in a single month, and in no more than three separate months during the period of probation. To impose special probation under G.S. 15A-1351, see INTERMEDIATE PUNISHMENTS, below.

Table with 3 columns: Date, Hour, AM/PM, for, 2/3 days. Multiple rows for specifying confinement periods.

- 4. Obtain a substance abuse assessment, monitoring, or treatment as follows:
5. Abstain from alcohol consumption and submit to continuous alcohol monitoring for a period of \_\_\_ days, \_\_\_ months, the Court having found that a substance abuse assessment has identified defendant's alcohol dependency or chronic abuse.
6. Participate in an educational or vocational skills development program as follows:
7. Submit to satellite-based monitoring, if required on the attached AOC-CR-615, Side Two.

INTERMEDIATE PUNISHMENTS

In addition to complying with the regular and any special, community, or intermediate conditions of probation set forth in the "Judgment Suspending Sentence" or herein for the above case(s), the defendant shall also comply with the following intermediate punishment(s) under G.S. 15A-1340.11(6).

- 1. Special Probation - G.S. 15A-1351
For the defendant's active sentence as a condition of special probation, the defendant shall comply with these additional regular conditions of probation:
(1) Obey the rules and regulations of the Division of Prisons of the Department of Adult Correction and, if applicable, the Division of Juvenile Justice of the Department of Public Safety, governing the conduct of inmates while imprisoned. (2) 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.
A. Serve an active term of \_\_\_ days \_\_\_ months \_\_\_ hours in the custody of the \_\_\_ NC DAC. \_\_\_ Sheriff of this County. \_\_\_ Other:
(NOTE: Special probation may not be served in DAC for (i) a noncontinuous period or (ii) a misdemeanor. For a defendant under 18, any period of special probation must be served in the Division of Juvenile Justice of the Department of Public Safety.)
B. The defendant shall report in a sober condition to begin serving his/her term on:
Day Date Hour AM/PM and shall remain in Day Date Hour AM/PM custody until:
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. Pay jail fees. F. Work release is recommended. G. Substance abuse treatment is recommended.
H. Other:
2. Local Judicially Managed Accountability and Recovery Court - G.S. 15A-1340.11
Comply with the rules of the program adopted pursuant to Chapter 7A, Article 62, of the General Statutes, and report on a regular basis as directed to participate in court supervision and any screening, evaluation, and treatment ordered by the court. Other:

INTERMEDIATE CONDITIONS OF PROBATION - G.S. 15A-1343(b4)

If subject to intermediate punishment, the defendant shall, in addition to the terms and conditions imposed above, comply with the following intermediate conditions of probation. (1) If required by the defendant's probation officer, perform community service under the supervision of the Division of Community Supervision and Reentry, and pay the fee required by G.S. 143B-1483, but no fee shall be due if the Court imposed community service as a special condition of probation and assessed the fee in this judgment or any judgment for an offense adjudicated in the same term of court. (2) Not use, possess, or control alcohol. (3) Remain within the defendant's county of residence unless granted written permission to leave by the court or the defendant's probation officer. (4) Participate in any evaluation, counseling, treatment, or educational program as directed by the probation officer, keeping all appointments by abiding by the rules, regulations, and direction of each program.

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

**MANDATORY SPECIAL CONDITIONS FOR SEX OFFENDERS AND PERSONS CONVICTED OF OFFENSES INVOLVING PHYSICAL, MENTAL, OR SEXUAL ABUSE OF A MINOR - G.S. 15A-1343(b2)**

**NOTE:** *The following are not defined as intermediate punishments under G.S. 15A-1340.11(6).*

**NOTE:** *Select only one of the three sets of conditions below.*

**1. Special Conditions For Reportable Convictions - G.S. 15A-1343(b2)**

**NOTE:** *Impose only for a reportable conviction under G.S. 14-208.6.*

The defendant has been convicted of an offense which is a reportable conviction as defined in G.S. 14-208.6(4) and must

- a. Register as a sex offender and enroll in satellite-based monitoring if required on the attached AOC-CR-615, Side Two.
- b. Participate in such evaluation and treatment as is necessary to complete a prescribed course of psychiatric, psychological, or other rehabilitative treatment as ordered by the court.
- c. Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.

d. *(if the Court finds physical, mental, or sexual abuse of a minor)* Not reside in a household with

(1) *(for sexual abuse)* any minor child.

(2) *(for physical or mental abuse)* any minor child  other than the child(ren) named below, for whom the court expressly finds that it is unlikely that the defendant's harmful or abusive conduct will recur and that it would be in the best interest of the child(ren) named below to reside in the same household with the probationer. *(Name minor child(ren) with whom the probationer may reside in the same household):* \_\_\_\_\_

e. Submit at reasonable times to warrantless searches by a probation officer of the defendant's person, of the defendant's vehicle and premises, and of the defendant's computer or other electronic mechanism which may contain electronic data, while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision:  child pornography

f. Other: \_\_\_\_\_

**2. Special Conditions For Offenses Involving The Sexual Abuse Of A Minor - G.S. 15A-1343(b2)**

**NOTE:** *Impose if offense involved sexual abuse of a minor but is not a reportable conviction.*

The defendant has been convicted of an offense involving the sexual abuse of a minor and must

- a. Participate in such evaluation and treatment as is necessary to complete a prescribed course of psychiatric, psychological, or other rehabilitative treatment as ordered by the court.
- b. Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.
- c. Not reside in a household with any minor child. (G.S. 15A-1343(b2)(4))

d. Submit at reasonable times to warrantless searches by a probation officer of the defendant's person, of the defendant's vehicle and premises, and of the defendant's computer or other electronic mechanism which may contain electronic data, while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision:  child pornography

e. Other: \_\_\_\_\_

**3. Special Conditions For Offenses Involving The Physical Or Mental Abuse Of A Minor - G.S. 15A-1343(b2)**

**NOTE:** *Impose if offense involved physical or mental abuse of a minor but is not a reportable conviction and did not involve sexual abuse.*

The defendant has been convicted of an offense involving the physical or mental abuse of a minor and must

- a. Participate in such evaluation and treatment as is necessary to complete a prescribed course of psychiatric, psychological, or other rehabilitative treatment as ordered by the court.
- b. Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.
- c. Not reside in a household with

(1) any minor child.

(2) any minor child other than the child(ren) named below, for whom the court expressly finds that it is unlikely that the defendant's harmful or abusive conduct will recur and that it would be in the best interest of the child(ren) named below to reside in the same household with the probationer. *(Name minor child(ren) with whom the probationer may reside in the same household):* \_\_\_\_\_

d. Submit at reasonable times to warrantless searches by a probation officer of the defendant's person, of the defendant's vehicle and premises, and of the defendant's computer or other electronic mechanism which may contain electronic data, while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision:  child pornography

e. Other: \_\_\_\_\_

**ADDITIONAL CONDITIONS FOR DOMESTIC VIOLENCE**

1. Pursuant to its finding that the defendant is responsible for acts of domestic violence, the Court further finds that:

a. there is an abuser treatment program, approved by the Domestic Violence Commission, reasonably available to the defendant, who shall:

(1) *(for supervised probation)* attend and complete *(check one)*  *(program name)* \_\_\_\_\_

a program to be identified by the probation officer, and abide by the program's rules. The probation officer shall send a copy of this judgment to the program, which shall notify the officer if the defendant fails to participate or is discharged for violating any of its rules.

(2) *(for unsupervised probation)* attend and complete *(check one)*  *(program name)* \_\_\_\_\_

a program chosen by the defendant, who shall notify the program and the district attorney of that choice within ten (10) days of the entry of this judgment, and abide by the program's rules. The district attorney shall send a copy of this judgment to the program, which shall notify the district attorney if the defendant fails to participate or is discharged for failure to comply with the program or its rules.

b. there is no approved abuser treatment program reasonably available.  c. it would not be in the best interests of justice to order the defendant to complete an abuser treatment program because \_\_\_\_\_

2. As additional Special Conditions of Probation, the defendant shall:

a. not come within \_\_\_\_\_ feet of \_\_\_\_\_ at any time.

b. comply fully with any G.S. Chapter 50B Domestic Violence Protective Order in effect.

The above conditions are incorporated in the "Judgment Suspending Sentence" in the above case(s) and made a part thereof.

Date

Name Of Presiding Judge (type or print)

Signature Of Presiding Judge

Material opposite unmarked squares is to be disregarded as surplusage.

# STATE OF NORTH CAROLINA

File No.

\_\_\_\_\_ County

In The General Court Of Justice  
 District     Superior Court Division

## STATE VERSUS

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

Name Of Defendant

**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.

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

(Over)

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