

# 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. 90-96(a1) (For Offenses Committed Dec. 1, 2009 – Nov. 30, 2011)

Name Of Defendant			
Drivers License No.	State	Race	Sex
Date Of Birth	Full Social Security No.	Age At Time Of Offense	
Attorney For State		<input type="checkbox"/> Def. Found Not Indigent	<input type="checkbox"/> Def. Waived Attorney

G.S. 90-96(a1)

Attorney For Defendant	<input type="checkbox"/> Appointed	Crt Rptr Initials
	<input type="checkbox"/> Retained	

The 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.

### FINDINGS

The Court finds

- the defendant pled guilty to or was found guilty of
  - a misdemeanor under Article 5 by possessing a controlled substance included within Schedules I through VI of Article 5.
  - a misdemeanor under Article 5B by possessing drug paraphernalia as prohibited by G.S. 90-113.22.
  - a felony under G.S. 90-95(a)(3).
- the defendant has not been convicted of an offense under G.S. 90-95(a)(1) through (3), 90-113.10, 90-113.11, 90-113.12 or 90-113.22, nor received a discharge and dismissal under G.S. 90-96 or 90-113.14, for which the date of offense was within seven years of the offense date(s) listed above.

### DEFERRAL OF PROCEEDINGS AND PLACEMENT ON PROBATION

- The Court, without entering a judgment of guilt, Orders that further proceedings in this matter be deferred and places the defendant on  supervised  unsupervised probation for \_\_\_\_\_ months (*min. of one year, G.S. 90-96(a1), max. of two years, G.S. 15A-1342(a)*) as provided for a  community punishment.  intermediate punishment (AOC-CR-603B, Page Two, required).
- The Court finds that it is NOT appropriate to delegate to the Division of Community Supervision and Reentry the authority to impose any of the requirements in G.S. 15A-1343.2(e) for community punishment or G.S. 15A-1343.2(f) for intermediate punishment.
- The Court finds that a  longer  shorter period of probation is necessary than that which is specified in G.S. 15A-1343.2(d).
- The defendant shall provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319 required)
- Upon violation of a term or condition of probation by the defendant, the Court reserves the authority to enter an adjudication of guilt and proceed as otherwise provided against the defendant. Upon fulfillment of the terms and conditions by the defendant, the Court shall discharge the defendant and dismiss the proceedings against the defendant.
- Except as ordered to appear earlier for a hearing on alleged violation(s) or as otherwise ordered by the Court, the defendant shall return to this Court on (date) \_\_\_\_\_ for a hearing to determine fulfillment of the terms and conditions of probation.

### DRUG EDUCATION SCHOOL

**NOTE TO COURT:** Conditional discharge under G.S. 90-96(a1) requires as a condition of probation that the defendant complete a drug education school, unless the Court exempts the defendant from this condition by making specific findings in the record of one of the grounds listed in No. 2 below.

The Court further Orders that: (check one)

- The defendant shall enroll in and successfully complete the following drug education school program approved by the Department of Health and Human Services as a condition of the probation imposed herein: \_\_\_\_\_  
 The defendant shall complete the program within 150 days of the entry of this order. The fee required by G.S. 90-96.01
  - a. shall be paid in full within two weeks of the entry of this order and before attending classes in the program.  except (check all that apply)
    - (1) upon the Court's finding of a hardship to the defendant, defendant shall have until (date) \_\_\_\_\_ to pay the fee.
    - (2) upon the Court's finding of a hardship to the defendant, the defendant may begin classes before payment of the fee.
  - b. is waived upon the Court's finding that the defendant is unable to pay the fee and that such inability is not willful.
- The defendant shall not be required to complete a drug education school, because the Court finds that
  - a. there is no drug education school within a reasonable distance of the defendant's residence.
  - b. the following specific, extenuating circumstances make it likely that the defendant will not benefit from the program of instruction: \_\_\_\_\_

### MONETARY CONDITIONS

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

Costs \$	Fine \$	Restitution* \$	Attorney's Fees \$	Comm Serv Fee \$	EHA 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.

- 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.

Material opposite unmarked squares is to be disregarded as surplusage.

(Over)

**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 listed in G.S. 14-269. (3) Remain gainfully and suitably employed or faithfully pursue a course of study or vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) Satisfy child support and family obligations, as required by the Court. If the defendant is on supervised probation, the defendant shall also: (5) Remain within the jurisdiction of the Court unless granted written permission to leave by the Court or the probation officer. (6) Report as directed by the Court or the probation officer to the officer at reasonable times and places and in a reasonable manner, permit the officer to visit at reasonable times, answer all reasonable inquiries by the officer and obtain prior approval from the officer for, and notify the officer of, any change in address or employment. (7) Notify the probation officer if the defendant fails to obtain or retain satisfactory employment. (8) At a time to be designated by the probation officer, visit with the probation officer a facility maintained by the Division of Prisons of the Department of Adult Correction. (9) Submit at reasonable times to warrantless searches by a probation officer of the defendant's person and of the defendant's vehicle and premises while the defendant is present, for purposes directly related to the probation supervision, but the defendant may not be required to submit to any other search that would otherwise be unlawful. Whenever the warrantless search consists of testing for the presence of illegal drugs, the defendant may be required to reimburse the Division of Community Supervision and Reentry of the Department of Adult Correction for the actual cost of drug screening and drug testing, if the results are positive. (10) Submit to warrantless searches by a law enforcement officer of the defendant's person and of the defendant's vehicle, upon a reasonable suspicion that the defendant is engaged in criminal activity or is in possession of a firearm, explosive device, or other deadly weapon listed in G.S. 14-269 without written permission of the court. (11) 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.

**SPECIAL CONDITIONS OF PROBATION - G.S. 15A-1343(b1), 143B-1454(c)**

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

- 12. 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.
- 13. Successfully pass the General Education Development Test (G.E.D.) during the first \_\_\_\_\_ months of the period of probation.
- 14. 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.
- 15. 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.
- 16. 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 \_\_\_\_\_.
- 17. Other: \_\_\_\_\_

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

**SIGNATURE OF JUDGE**

<i>Date</i>	<i>Name Of Presiding Judge (type or print)</i>	<i>Signature Of Presiding Judge</i>
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**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-603B, 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: \_\_\_\_\_

<i>Date</i>	<i>Name (type or print)</i>	<i>Signature Of Clerk</i>	<input type="checkbox"/> <i>Deputy CSC</i> <input type="checkbox"/> <i>Asst. CSC</i> <input type="checkbox"/> <i>Clerk Of Superior Court</i>
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**SEAL**

**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

**INTERMEDIATE PUNISHMENTS**

**NOTE:** Use this page with **AOC-CR-603B**, "Judgment Suspending Sentence - Felony"; **AOC-CR-604B**, "Judgment Suspending Sentence - Misdemeanor"; **AOC-CR-619B**, "Conditional Discharge Under G.S. 90-96(a)"; **AOC-CR-621B**, "Conditional Discharge Under G.S. 14-50.29"; **AOC-CR-627B**, "Conditional Discharge Under G.S. 90-96(a1)"; **AOC-CR-632B**, "Conditional Discharge Under G.S. 15A-1341(a4)"; or **AOC-CR-633B**, "Conditional Discharge Under G.S. 15A-1341(a5)"; **for offenses committed from Dec. 1, 2009 through Nov. 30, 2011.**

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 special conditions of probation and conditions of special probation, which are defined as intermediate punishments by 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	<input type="checkbox"/> AM		Day	Date	Hour	<input type="checkbox"/> AM
			<input type="checkbox"/> PM	and shall remain in				<input type="checkbox"/> 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. Residential Program - G.S. 15A-1340.11(8); 15A-1343(b1)(2)**

Attend or reside in \_\_\_\_\_ (name program) residential program for a period of \_\_\_\_\_  days,  months, and abide by all rules and after care regulations of that program.

Other:

**3. House Arrest With Electronic Monitoring - G.S. 15A-1340.11(4a); 15A-1343(b1)(3c)**

Be assigned to house arrest and electronic monitoring and 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(c2) as provided under Monetary Conditions. The defendant may leave the residence for the following purpose(s) and as otherwise permitted by the defendant's probation officer:  employment  counseling  a course of study  vocational training.

Other:

**4. Intensive Supervision - G.S. 15A-1340.11(5); 15A-1343(b1)(3b); 143B-1454(c)**

Submit to intensive supervision pursuant to G.S. 143B-1454(c), for a period of \_\_\_\_\_ months (6 to 9 months recommended by the Division of Community Supervision and Reentry) and comply with the rules adopted for such supervision by the Division of Community Supervision and Reentry.

Other:

**5. Day Reporting Center - G.S. 15A-1340.11(3); 15A-1343(b1)(10); 15A-1340.11(6)**

Report as directed by the probation officer to the Day Reporting Center for a period of \_\_\_\_\_  days,  months, and abide by all rules and regulations of that program.

Other:

**6. 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

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.

**\*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).