

(TYPE OR PRINT IN BLACK INK)**STATE OF NORTH CAROLINA**

Hearing County: _____

Name Of Defendant

Permanent Mailing Address Of Defendant

Current Location Of Defendant (specify county jail or
Division of Adult Correction and Juvenile Justice facility)

Hearing Date

**ORDER OF ASSIGNMENT OR DENIAL OF COUNSEL
IN POST-RELEASE SUPERVISION OR PAROLE
REVOCATION HEARINGS BEFORE PRELIMINARY
HEARING OFFICER OR POST-RELEASE SUPERVISION
AND PAROLE COMMISSION AND CRIMINAL CONTEMPT
PROCEEDINGS BEFORE POST-RELEASE SUPERVISION
AND PAROLE COMMISSION**

G.S. 7A-451(a)(9), 143B-720, 148-62.1

Type Of Proceeding (check one)

- Post-Release Supervision Preliminary Revocation Hearing Before Hearing Officer (PRPH)
- Parole Preliminary Revocation Hearing Before Hearing Officer (PAPH)
- Post-Release Supervision Revocation Hearing Before Commission (PRRH)
- Parole Revocation Hearing Before Commission (PARH)
- Criminal Contempt Proceeding Before Commission (PRCP)

INSTRUCTIONS: A Hearing Officer designated by the Post-Release Supervision and Parole Commission or the Post-Release Supervision and Parole Commission completes this form in the types of proceedings listed above, and then forwards this form, along with a completed and notarized affidavit of indigency, to the Clerk of Court in the county where the hearing will be conducted. The Clerk in the hearing county then assigns counsel - either the local public defender office, an attorney who is under contract with IDS to handle the applicable case type, or a private assigned attorney if IDS has not yet entered into contracts in the hearing county - and completes Part II. The Clerk then files the original assignment of counsel as a Registration and indexes it in VCAP according to the issue codes above in the name of the State versus the defendant, and forwards copies to the Hearing Officer or Commission, as applicable, the assigned attorney, and the defendant (at his or her current location).

I. ENTITLEMENT TO COUNSEL

It appears to the Hearing Officer or the Post-Release Supervision and Parole Commission that the applicant above is a party to a post-release supervision or parole revocation proceeding, or to a criminal contempt proceeding for willful refusal to accept post-release supervision or to comply with the terms of post-release supervision and the offense requiring post-release supervision is a reportable conviction subject to the registration requirement of Article 27A of Chapter 14 of the General Statutes; and, from the affidavit made by the applicant, it is determined that the applicant:

1. is financially able to provide the necessary expenses of legal representation; it is ORDERED that the applicant is not indigent and his/her application is denied.
2. is **not** financially able to provide the necessary expenses of legal representation and is indigent, and is determined entitled to counsel for a revocation hearing as contemplated by law because he or she (check all that apply):
- claims not to have committed the alleged violation of the post-release supervision or parole conditions; or
- claims there are substantial reasons that justified or mitigated the violation and make revocation inappropriate and that the reasons are complex or otherwise difficult to develop or present; or
- is incapable of speaking effectively for himself or herself;
- and, it is ORDERED that the applicant shall be represented by counsel assigned by the Clerk of Court's Office in the hearing county.
3. will not receive an active or suspended term of imprisonment if he/she is found in criminal contempt; it is ORDERED that the defendant's application is denied.
4. is **not** financially able to provide the necessary expenses of legal representation and is indigent, and is determined entitled to counsel for a criminal contempt hearing as contemplated by law; it is ORDERED that the applicant shall be represented by counsel assigned by the Clerk of Court's Office in the hearing county.

Date

Signature

- Hearing Officer PRSP Commission Chair
- PRSP Commissioner

II. ASSIGNMENT OF COUNSEL

The applicant shall be represented by:

- the office of the public defender, which may reassign the case to an appropriate contract attorney or private assigned counsel.
- the contract attorney or private assigned counsel named below.

Name Of Appointed Attorney (if applicable)

Date

Signature

- Deputy CSC Assistant CSC
- Clerk Of Superior Court

NOTE: If the Clerk receives an AOC-CR-225 fee application form for this case, it should be indexed in VCAP with an issue code of PPAF.