

STATE OF NORTH CAROLINA

File No.

County

Seat Of Court

In The General Court Of Justice

District Superior Court Division

NOTE: [This form is to be used for misdemeanor offense(s). Use AOC-CR-342 or AOC-CR-310 for DWI offense(s).]

STATE VERSUS

JUDGMENT SUSPENDING SENTENCE - MISDEMEANOR(S)

Name Of Defendant

- IMPOSING AN INTERMEDIATE PUNISHMENT
IMPOSING A COMMUNITY PUNISHMENT (STRUCTURED SENTENCING)

Race

Sex

DOB

G.S. 15A-1341, -1342, -1343, -1343.2, -1346

Attorney For State

- Def. Found Not Indigent
Def. Waived Attorney

Attorney For Defendant

- Appointed
Retained

Crt Rptr Initials

The defendant pled guilty to was found guilty/responsible by the Court of was found guilty by a jury of pled no contest to

Table with columns: File No.(s), Off., Offense Description, Offense Date, G.S. No., CL., *Pun. Cl.

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

The Court has determined, pursuant to G.S. 15A-1340.20, the number of prior convictions to be Level: I (0) II (1-4) III (5+)

- 1. The Court imposes the punishment term pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A.
2. The Court finds: (a) enhancement for G.S. 90-95(e)(4) (drugs). G.S. 14-3(c) (hate crime). G.S. 14-50.22 (gang). (b) enhancement from required suspended sentence to Class 2 misdemeanor. G.S. 90-95(e)(7).
3. The Court imposes mandatory punishment. G.S. 14-33(d) (assault in the presence of a minor).
4. The Court finds the above designated offense(s) is a reportable conviction under G.S. 14-208.6 and therefore imposes the special conditions of probation set forth on the attached AOC-CR-603, Page Two, Side Two, and makes the additional findings and orders on the attached AOC-CR-615, Side Two.
5. The Court finds the above-captioned offense(s) involved the physical or mental sexual abuse of a minor (If No. 4 not found) and therefore imposes the special conditions of probation set forth on the attached AOC-CR-603, Page Two, Side Two.
6. The Court finds this is an offense involving assault or communicating a threat, and the defendant had a personal relationship as defined by G.S. 50B-1(b) with the victim.
7. The Court finds that the above designated offense(s) involved criminal street gang activity. G.S. 14-50.25.

The Court, having considered evidence, arguments of counsel and statement of defendant, Orders that the above offenses, if more than one, be consolidated for judgment and the defendant be imprisoned

for a term of days in the custody of the: N.C. DOC. Sheriff of County. Other:

This sentence shall run at the expiration of sentence imposed in file number

The defendant shall be given credit for days spent in confinement prior to the date of this Judgment as a result of this charge(s), to be applied toward the sentence imposed above. imprisonment required for special probation below.

SUSPENSION OF SENTENCE

- Subject to the conditions set out below, the execution of this sentence is suspended and the defendant is placed on supervised unsupervised probation for months.
1. The Court finds that a longer shorter period of probation is necessary than that which is specified in G.S. 15A-1343.2(d).
2. The Court finds that it is NOT appropriate to delegate to the Division of Community Corrections in the Department of Correction the authority to impose any of the requirements in G.S. 15A-1343.2(e) if the offender is sentenced to a community punishment, or G.S. 15A-1343.2(f) if the offender is sentenced to an intermediate punishment.
3. The above period of probation shall begin when the defendant is released from incarceration in the case referred to below.
4. The above period of probation shall begin at the expiration of the sentence in the case referred to below.

Table with columns: File Number, Offense, County, Court, Date

- 5. The defendant shall comply with the conditions set forth in file number
6. The defendant shall provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319 required)

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: Court Costs, Miscellaneous, Fine, Restitution*, Attorney's Fee, Comm. Service Fee, EHA Fee, SBM Fee, Total Amount Due

*See attached "Restitution Worksheet, Notice And Order (Initial Sentencing)," AOC-CR-611, which is incorporated by reference.

- All payments received by the Clerk shall be distributed pro rata among the persons entitled to restitution in this priority: first among all G.S. 7A-304(d) priorities and before payment of community service and probation supervision fees.
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 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.

If the defendant is to serve an active sentence as a condition of special probation, the defendant shall also: (9) Obey the rules and regulations of the Department of Correction governing the conduct of inmates while imprisoned. (10) 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.

11. The court finds that the defendant is responsible for acts of domestic violence and there is an abuser treatment program, approved by the Domestic Violence Commission, reasonably available to the defendant, and the defendant shall attend and complete that program. there is not an approved abuser treatment program reasonably available. it would not be in the best interests of justice to order the defendant to complete an abuser treatment program because _____.

NOTE: See AOC-CR-603, Page Two, Side Two, for Additional Conditions For Persons Convicted Of Domestic Violence.

SPECIAL CONDITIONS OF PROBATION - G.S. 15A-1343(b1), 143B-262(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. 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 the following purposes which are reasonably related to the defendant's probation supervision:
 stolen goods controlled substances contraband child pornography _____
- 14. 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 illegal drugs or controlled substances; and not knowingly be present at or frequent any place where illegal drugs or controlled substances are sold, kept or used.
- 15. Supply a breath, urine and/or blood specimen for analysis of the possible presence of a prohibited drug or alcohol, when instructed by the defendant's probation officer.
- 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 or reparation service during the first _____ days of the period of probation, as directed by the community service coordinator and pay the fee prescribed by G.S. 143B-262.4(b). pursuant to the schedule set out under monetary conditions above. within _____ days of this Judgment 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. Other: _____

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

A hearing was held in open court in the presence of the defendant at which time a fee, including expenses, was awarded the defendant's appointed counsel or assigned public defender.

ORDER OF COMMITMENT/APPEAL ENTRIES

- 1. It is ORDERED that the Clerk deliver **two** certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.
- 2. The defendant gives notice of appeal from the judgment of the District Court to the Superior Court.
- 3. The current pretrial release order is modified as follows: _____
- 4. The defendant gives notice of appeal from the judgment of the trial court to the appellate division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350.

SIGNATURE OF JUDGE

Date	Name Of Presiding Judge (Type Or Print)	Signature Of Presiding Judge
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CERTIFICATION

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

- | | |
|--|---|
| <ul style="list-style-type: none"> <input type="checkbox"/> 1. Appellate Entries (AOC-CR-350) <input type="checkbox"/> 2. Judgment Suspending Sentence, Page Two [Special Conditions Of Probation] (AOC-CR-603, Page Two) <input type="checkbox"/> 3. Restitution Worksheet, Notice And Order [Initial Sentencing] (AOC-CR-611) | <ul style="list-style-type: none"> <input type="checkbox"/> 4. Judicial Findings As To Required DNA Sample (AOC-CR-319) <input type="checkbox"/> 5. Judicial Findings And Order For Sex Offenders - Suspended Sentence (AOC-CR-615, Side Two) |
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Date Of Certification	Signature
Date Certified Copies Delivered To Sheriff	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court

SEAL

Name Of Defendant

INTERMEDIATE PUNISHMENTS - CONTEMPT

NOTE: Use this page in conjunction with AOC-CR-310, "Impaired Driving - Judgment Suspending Sentence;" AOC-CR-603, "Judgment Suspending Sentence - Felony;" AOC-CR-604, "Judgment Suspending Sentence - Misdemeanor(s);" AOC-CR-609, "Order On Violation Of Probation Or On Motion To Modify;" or AOC-CR-619, "Conditional Discharge Under G.S. 90-96(a)."

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** **Contempt - G.S. 15A-1344(e1) and 5A-11(a)**
- A. Serve an active term of _____ days months hours in the custody of N.C. DOC. Sheriff of this County.
- B. The defendant shall report in a sober condition to begin serving his/her term on:
- | | | | | | | | |
|-----|------|------|--|------------------------------------|-----|------|--|
| Day | Date | Hour | <input type="checkbox"/> AM
<input type="checkbox"/> PM | and shall remain in custody until: | Day | Date | <input type="checkbox"/> AM
<input type="checkbox"/> PM |
|-----|------|------|--|------------------------------------|-----|------|--|
- 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 sentence ordered.
- D. This sentence 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 with electronic monitoring for a period of _____ days months, and submit to electronic monitoring and abide by all rules, regulations and directions of the probation officer, regarding electronic monitoring, and pay the fee prescribed under G.S. 15A-1343(c2) pursuant to the schedule set out under Monetary Conditions.
- Other:

- 4. Intensive Supervision Program - G.S. 15A-1340.11(5); 15A-1343(b1)(3b); 143B-262(c)**
- Submit to supervision by officers assigned to the Intensive Probation Program established pursuant to G.S. 143B-262(c), for a period of _____ months, (6 to 9 months recommended by the Division of Community Corrections), and comply with the rules adopted by that program.
- 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. Drug Treatment Court - G.S. 15A-1340.11(3a); 15A-1340.11(6)**
- Comply with the rules adopted for the program as provided for in Article 62 of Chapter 7A of the General Statutes and report on a regular basis for a specified time to participate in court supervision, drug screening or testing, and drug or alcohol treatment programs.
- Other:

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.*

7. 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

1. Register as a sex offender and enroll in satellite-based monitoring as required on the attached AOC-CR-615, Side Two.
2. 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.
3. Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.
4. *(if the Court finds physical, mental or sexual abuse of a minor)* Not reside in a household with
 - a. *(for sexual abuse)* any minor child.
 - b. *(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):* _____
5. 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

6. Other: _____

8. 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

1. 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.
2. Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.
3. Not reside in a household with any minor child. (G.S. 15A-1343(b2)(4))
4. 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

5. Other: _____

9. 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

1. 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.
2. Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.
3. Not reside in a household with
 - a. any minor child.
 - b. 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):* _____
4. 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

5. Other: _____

OTHER SPECIAL CONDITIONS

10. Other Special Conditions:

ADDITIONAL CONDITIONS FOR PERSONS CONVICTED OF A DOMESTIC VIOLENCE OFFENSE

The defendant shall

- A. not come within _____ feet of _____ at any time.
- B. fully comply with any 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
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STATE VERSUS

File No.

Name Of Defendant

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).