

STATE OF NORTH CAROLINA

File No.
Co. Of Hearing

County _____

Seat Of Court _____

In The General Court Of Justice

District Superior Court Division

(NOTE: There must be a separate revocation judgment for each sentence which is activated, but one revocation judgment is sufficient where the original sentence was imposed on offenses consolidated for purposes of judgment. This form is to be used in conjunction with AOC-CR-603.)

STATE VERSUS

JUDGMENT AND COMMITMENT UPON REVOCATION OF PROBATION OR ELECTION TO SERVE SENTENCE - FELONY (STRUCTURED SENTENCING)

G.S. 15A-1341(c), 15A-1344, 15A-1345

Name Of Defendant _____

Race _____

Sex _____

DOB _____

Attorney For State _____

Def. Found Not Indigent Def. Waived Attorney

Attorney For Defendant At Revocation Hearing _____

Appointed
 Retained

Crt Rptr Initials _____

The defendant was placed on probation pursuant to the following Judgment Suspending Sentence:

Date Of Judgment Suspending Sentence _____

Name Of Original Sentencing Judge _____

Name Of County Of Origin _____

County of Origin File No.(s)	Off. No.	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).

In the original Judgment Suspending Sentence, the Court determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be _____, as disclosed by the record.

PRIOR RECORD LEVEL: I II III IV V VI

In the original Judgment Suspending Sentence, the Court found that this was an offense involving assault or communicating a threat and that the defendant had a personal relationship as defined by G.S. 50B-1(b) with the victim.

In the original Judgment Suspending Sentence, the Court sentenced the defendant:

- 1. from the presumptive range of minimum durations.
- 2. from the minimum durations based upon the Findings of Aggravating and Mitigating Factors.
- 3. based upon a finding of Extraordinary Mitigation.
- 4. based upon a finding of substantial assistance pursuant to G.S. 90-95(h)(5).
- 5. based upon enhancement pursuant to: G.S. 90-95(e)(3) (drugs). G.S. 14-3(c) (hate crime). G.S. 50B-4.1 (domestic violence). G.S. 14-50.22 (gang). Other _____.

CONCLUSION AND ORDER

Based upon the Findings set out on the reverse side, the Court concludes that the defendant has violated a valid condition of probation upon which the execution of the active sentence was suspended, and that continuation, modification or special probation or criminal contempt is not appropriate, and the Court ORDERS that the defendant's probation be revoked, that the suspended sentence be activated, and the defendant be imprisoned:

(offenses committed before January 1, 1997) The defendant has freely, voluntarily and understandingly elected to serve the defendant's suspended sentence of imprisonment in lieu of the remainder of the defendant's probation. Therefore, by virtue of G.S. 15A-1341(c) the Court ORDERS that the suspended sentence be activated, and the defendant be imprisoned:

for a minimum term of: _____

months

for a maximum term of: _____

months

in the custody of the: Sheriff pursuant to G.S. 15A-1352(b).

N.C. DOC.

Other: _____

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).

The sentence activated this date shall begin at the expiration of all sentences which the defendant is presently obligated to serve.

The sentence activated this date shall begin at the expiration of the sentence imposed in the case referenced below:

File Number	Offense	County	Court	Date

The Court further Orders: (check all that apply)

- 1. The Clerk, under G.S. 7A-304(d), shall immediately disburse any undisbursed monies paid by the defendant under the Judgment Suspending Sentence, as provided in that Judgment.
- 2. Other:

The Court recommends:

- 1. Substance abuse treatment. 2. Psychiatric and/or psychological counseling. 3. Work release should should not be granted.
- 4. Payment as a condition of post-release supervision, if applicable, or from the defendant's work release earnings, if applicable, the "Total Amount Due" shown below, **unless otherwise recommended below for restitution.**

Restitution*	All Prior Attorney's Fees In This Case	Attorney's Fee For This Proceeding	All Other	Total Amount Due
\$	\$	\$	\$	\$

*See attached "Restitution Update Worksheet, Notice and Findings (Revocation Or Termination Of Probation)," AOC-CR-612, which is incorporated by reference.
NOTE: AOC-CR-612 must be completed whenever Recommendation No. 4 above is checked. Even if Recommendation No. 4 is not checked, AOC-CR-612 must be completed in EVERY CASE in which the defendant was ordered in the original Judgment Suspending Sentence, as a condition of probation, to pay restitution in an amount in excess of \$250 to a Victims' Rights Act victim.

- The Court **does not recommend** restitution be paid as a condition of post-release supervision. from work release earnings.

The Court further recommends:

FINDINGS

After considering the record contained in the files numbered above, together with the evidence presented by the parties and the statements made on behalf of the State and the defendant, the Court finds:

1. The defendant is charged with having violated specified conditions of the defendant's probation as alleged in the:
 - a. Violation Report(s) on file herein, which is incorporated by reference.
 - b. Notice Of Hearing On Violation Of Unsupervised Probation on file herein, which is incorporated by reference.
2. Upon due notice or waiver of notice (check a. or b.)
 - a. a hearing was held before the Court and, by the evidence presented, the Court is reasonably satisfied in its discretion that the defendant violated each of the conditions of the defendant's probation as set forth below.
 - b. the defendant waived a violation hearing and admitted that the defendant violated each of the conditions of the defendant's probation as set forth below.
3. The condition(s) violated and the facts of each violation are as set forth (check a. and/or b.)
 - a. in paragraph(s) _____ in the Violation Report or Notice dated _____.
 - b. on the attached sheet.
4. Any allegation of a violation stated in the Violation Report, Notice, or otherwise, which is not set forth above is dismissed.
5. Each of the conditions violated as set forth above is valid; the defendant violated each condition willfully and without valid excuse; and each violation occurred at a time prior to the expiration or termination of the period of the defendant's probation.
 - Each violation is, in and of itself, a sufficient basis upon which this Court should revoke probation and activate the suspended sentence.
6. The Judgment for attorney's fees previously entered in this case shall be docketed, if it has not already been docketed.

AWARD OF FEE TO COUNSEL FOR DEFENDANT

- 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 in this revocation proceeding.

ORDER OF COMMITMENT/APPEAL ENTRIES

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.

- The defendant gives notice of appeal from the judgment of the Court to the Superior Court. appellate division. Appeal entries and any conditions of post-conviction release are set forth on AOC-CR-350.

SIGNATURE OF JUDGE

Date	Name Of Presiding Judge (Type Or Print)	Signature Of Presiding Judge
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ORDER OF COMMITMENT AFTER APPEAL

Date Remanded To District Court	Date Appeal Dismissed	Date Withdrawal Of Appeal Filed	Date Appellate Opinion Certified
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It is ORDERED that this Judgment be executed. It is FURTHER ORDERED that the sheriff arrest the defendant, if necessary, and recommit the defendant to the custody of the agency named in this Judgment on the reverse and furnish that agency **two** certified copies of this Judgment and Commitment as authority for the commitment and detention of the defendant.

Date	Signature	<input type="checkbox"/> Deputy Clerk <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court
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CERTIFICATION

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

- Appeal Entries (AOC-CR-350) Judicial Findings As To Forfeiture Of Licensing Privileges (AOC-CR-317)
- Restitution Update Worksheet, Notice And Findings (Revocation Or Termination Of Probation) (AOC-CR-612)

Date	Date Certified Copies Delivered To Sheriff	Signature
		<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court

SEAL

NOTE TO CLERK: Send certified copies to the Clerk of Superior Court of county of origin, if different, and to DOC, Attn: Combined Records, Courier Box 53-71-00, or mail to DOC, Attn: Combined Records, 4226 Mail Service Center, Raleigh, NC 27699-4226.

STATE VERSUS

File No.

Name Of Defendant

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

County of Origin File No.(s)	Off. No.	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).