

STATE OF NORTH CAROLINA

File No.
Co. Of Hearing

County _____ Seat Of Court _____ In The General Court Of Justice
 District Superior Court Division

STATE VERSUS

ORDER ON VIOLATION OF PROBATION OR ON MOTION TO MODIFY (STRUCTURED SENTENCING)

Name Of Defendant _____

Race _____ Sex _____ DOB _____

Defendant's Drivers License No. _____ State _____

Attorney For State _____
 Def. Found Not Indigent Def. Waived Attorney

Attorney For Defendant _____
 Appointed Retained *Crt Rptr Initials* _____

G.S. 15A-1344, 15A-1345

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

Date Of Judgment Suspending Sentence _____ Name Of County And File No. (County Of Original Conviction) _____

This matter is before the Court upon: (check one option)

- 1. review under G.S. 15A-1342(b) or (d). After reasonable notice to the defendant, the Court finds does not find that termination of probation is warranted by the defendant's conduct and the ends of justice.
- 2. motion to modify the defendant's probation without charge of violation. Upon notice and hearing consent of the State and the defendant (see signatures on Side Two if modification entered in chambers), the Court finds does not find that good cause has been shown to modify the original Judgment Suspending Sentence.
- 3. charge(s) of violation. After considering the record contained in the file(s) 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 that the defendant is charged with having violated specified conditions of the defendant's probation community punishment intermediate punishment as alleged in the Violation Report or Notice of Hearing which is incorporated by reference.

Upon due notice or waiver of notice, a hearing was held before the Court and:

- 1. the defendant admitted or the Court is reasonably satisfied in the exercise of its discretion that the defendant has violated each of the conditions of probation community punishment intermediate punishment set forth in
 - a. paragraphs _____ in the Violation Report or Notice of Hearing dated _____.
 - b. the attached sheet.
 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.
- 2. the defendant is found guilty of contempt beyond a reasonable doubt.
- 3. by the evidence presented, the Court is not reasonably satisfied that the defendant has violated any of the conditions of the defendant's probation except those found above, if any.

ORDER

It is ORDERED that:

- 1. the original Judgment is modified as set forth below and, except as specifically so modified, shall remain in full force and effect.
- 2. the original Judgment is not modified, but remains in full force and effect.
- 3. the defendant's limited driving privilege is REVOKED; the defendant shall surrender all copies of that privilege to the Clerk of Superior Court for transmittal/notification to the Division of Motor Vehicles.
- 4. the defendant's probation is terminated. **NOTE:** When this option is checked, the "Restitution Update Worksheet, Notice And Findings (Revocation Or Termination Of Probation)," AOC-CR-612, must be completed in every case in which the defendant was ordered, as a condition of probation, to pay restitution in an amount in excess of \$250 to a Victims' Rights Act victim.
- 5. all charges of probation violation in this case, which are not specifically found above, are dismissed.
- 6. the disposition of this matter is continued until _____.
- 7. the defendant for willful contempt:
 - a. be imprisoned for _____ days in the custody of the sheriff. as provided in AOC-CR-603, Page Two, attached.
 - b. pay a fine of \$ _____.
 - c. Other: _____.
- 8. (offenses committed on or after October 31, 1998) the defendant's drivers license is revoked whether the defendant is present or not. G.S. 143B-262.4(f).

MODIFIED MONETARY CONDITIONS

The "Monetary Conditions" in the Judgment Suspending Sentence are modified to read as follows: 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: _____

Balance/Obligation Due*	Arrearage/Probation Fee	Atty's Fee This Proceeding	Other Modifications	Comm. Svc. Fee	EHA Fee	SBM Fee	Modified Amount Due
\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

*Equals "Total Amount Due" as shown on original Judgment, less all payments made to date.

OTHER MODIFICATIONS OF PROBATION

- 1. The defendant's term of probation is extended for a period of _____, from _____ to _____.
- 2. The defendant's assignment to the Intensive Probation Supervision Program is terminated and the defendant is continued on supervised probation.
- 3. The defendant is transferred to unsupervised supervised probation.
- 4. The defendant is allowed until _____ to comply with the following condition(s):

- 5. The special conditions of probation identified below, as numbered and set out in the Judgment Suspending Sentence, are modified as follows: *(State number of each condition to be modified and set out modification.)*
- 6. The defendant shall also comply with the following additional special conditions of probation which the Court finds are related to the defendant's rehabilitation:
 - complete _____ hours of community 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.
 - Other: *(set out conditions)*
- 7. The Court has not previously delegated the authority contained in G.S. 15A-1343.2(e) or G.S. 15A-1343.2(f) and elects to do so by this Order.
- 8. The previous sentence of intermediate punishment is modified, (or) pursuant to G.S. 15A-1344(a), the previous sentence of community punishment is modified, as follows: comply with the additional conditions of intermediate punishment which are set forth on AOC-CR-603, Page Two, attached.
- 9. The defendant shall register as a sex offender and enroll in satellite-based monitoring as required on the attached AOC-CR-615, Side Two. G.S. 15A-1344(e2). **(NOTE: Order only if extending probation and defendant was not previously ordered to register/enroll as a condition of probation.)**

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 proceeding.

ORDER OF COMMITMENT/APPEAL ENTRIES

- It is ORDERED that the Clerk deliver **two** certified copies of this Order 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 District Court to the Superior Court.
- The current pretrial release order is modified as follows:
- The defendant gives notice of appeal from the Judgment of the Superior 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 Order with the attachment(s) marked below is a true and complete copy of the original which is on file in this case.
- Special Conditions Of Probation (AOC-CR-603, Page Two).
 - Judgment Suspending Sentence (AOC-CR-603 or CR-604). *(Check only if a term of imprisonment is imposed as a new condition of Special Probation.)*
 - Restitution Update Worksheet, Notice And Findings (Revocation Or Termination Of Probation) (AOC-CR-612).
 - Judicial Findings And Order For Sex Offenders - Suspended Sentence (AOC-CR-615, Side Two).

Date	Date Certified Copies Delivered To Sheriff	Signature	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> CSC <input type="checkbox"/> Assistant CSC	SEAL
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(NOTE: Check option 8 under the Order whenever the court finds a willful violation of a condition of probation. If option 8 is checked, Clerk should notify DMV.)

(NOTE: Defendant signs the following statement in all cases of supervised probation unless probation is terminated or not modified. A witness should sign at the same time as the defendant. For in-chambers consent modifications, defendant and prosecutor must sign prior to entry of the Order.)

I have received a copy of this Order *(check one)* before its entry, after a hearing, and I agree to the modification(s) of my probation set out in it. I understand that no person who supervises me or for whom I work while performing community or reparation service is liable to me for any loss or damage which I may sustain unless my injury is caused by that person's gross negligence or intentional wrongdoing. I understand that my probation may be extended pursuant to G.S. 15A-1342(a) or 15A-1343.2(d).

Date	Signature Of Defendant	Signature Of Prosecutor	Signature Of Witness
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NOTE: Send a Certified Copy to the Clerk of Superior Court of the County of Original Conviction, if Different.

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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