

STATE OF NORTH CAROLINA

File No.
Co. Of Hearing

County

In The General Court Of Justice
District Superior Court Division

STATE VERSUS

Name Of Defendant

JUDICIAL FINDINGS AND ORDER AS TO
SATELLITE-BASED MONITORING WHEN
THERE HAS BEEN NO PRIOR DETERMINATION

G.S. 14-208.40B

NOTE: Use this form when the District Attorney schedules a hearing for a defendant who has been convicted of a reportable conviction as defined by G.S. 14-208.6(4), but for whom there has been no determination by a court on whether the defendant should be required to enroll in satellite-based monitoring.

Table with 5 columns: County Of Origin File No.(s), Off., Offense Description, Offense Date, G.S. No.

FINDINGS

The Court, following a hearing under G.S. 14-208.40B, finds that

- 1. The defendant was convicted of a reportable conviction as defined by G.S. 14-208.6(4), but the sentencing court made no determination on whether the defendant should be required to enroll in satellite-based monitoring under Article 27A of Chapter 14 of the General Statutes.
2. The Department of Correction has made an initial determination that the offender falls into at least one of the categories requiring satellite-based monitoring under G.S. 14-208.40, and gave notice to the offender of the applicable category(ies).
3. The District Attorney scheduled a hearing in the county named above, which is the county of the defendant's residence, the Department provided notice to the defendant as required by G.S. 14-208.40B, and the hearing was not held sooner than 15 days after the date the Department gave notice.
4. The defendant
a. falls into at least one of the categories requiring satellite-based monitoring under G.S. 14-208.40 in that
i. the defendant has been classified as a sexually violent predator pursuant to G.S. 14-208.20. (use Order No. 1.a. below.)
ii. the defendant is a recidivist. (use Order No. 1.a. below.)
iii. the offense of which the defendant was convicted was an aggravated offense. (use Order No. 1.a. below.)
iv. the defendant was convicted of a violation of G.S. 14-27.2A or G.S. 14-27.4A. (use Order No. 1.a. below.)
v. the offense(s) of conviction involved the physical, mental, or sexual abuse of a minor, that offense was not an aggravated offense or a violation of G.S. 14-27.2A or G.S. 14-27.4A, the defendant is not a recidivist or predator, and the Department of Correction has conducted a risk assessment of the defendant, and based on that assessment and the additional findings on the attached AOC-CR-618, incorporated herein by reference the defendant requires the highest possible level of supervision and monitoring. (Use Order No. 1.b. below.)
b. does not fall into any of the categories requiring satellite-based monitoring under G.S. 14-208.40. (use Order No. 2 below.)

ORDER

Based on the foregoing findings, the Court ORDERS that

- 1. The defendant shall enroll in satellite-based monitoring under Article 27A of Chapter 14 of the General Statutes for
a. the remainder of the defendant's natural life.
b. (specify time period)
The defendant shall pay the fee prescribed by G.S. 14-208.45.
2. The defendant is not required to enroll in satellite-based monitoring under Article 27A of Chapter 14 of the General Statutes.

SIGNATURE OF JUDGE

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