

# STATE OF NORTH CAROLINA

File No.

County \_\_\_\_\_ Seat of Court \_\_\_\_\_

In The General Court Of Justice

(NOTE: Except in cases involving a violation of both G.S. 20-138.1 and 138.2, this form should be used for only one DWI conviction, and no other offense should be consolidated for judgment with the DWI offense.)

 District  Superior Court Division**STATE VERSUS****IMPAIRED DRIVING - JUDGMENT  
SUSPENDING SENTENCE** **COMMITMENT ON SPECIAL PROBATION**

Name Of Defendant \_\_\_\_\_

Race \_\_\_\_\_ Sex \_\_\_\_\_ Drivers License No. \_\_\_\_\_ State \_\_\_\_\_ DOB \_\_\_\_\_

G.S. 20-179

Date Of Offense \_\_\_\_\_ Attorney For State \_\_\_\_\_  Def. Found Not Indigent  Def. Waived Attorney \_\_\_\_\_ Attorney For Defendant \_\_\_\_\_  Appointed  RetainedOffense  Impaired Driving (G.S. 20-138.1).  Impaired Driving in a commercial vehicle (G.S. 20-138.2).  Operating a commercial vehicle after consuming alcohol and this was the defendant's second or subsequent conviction of this offense (G.S. 20-138.2A).  Operating a school bus, school activity bus, child care vehicle after consuming alcohol and this was the defendant's second or subsequent conviction of this offense (G.S. 20-138.2B).The defendant appeared in open court and  freely, voluntarily, and understandingly pled guilty to  was found guilty by the Court of  was found guilty by a jury of  pled no contest to the offense specified above. The Court, based upon the determinations as shown on the attached Determination of Sentencing Factors form (AOC-CR-311), has imposed the following punishment level. **Level One.**  **Level Two.**  **Level Three.**  **Level Four.**  **Level Five.**

The Court, having considered evidence, arguments of counsel and statement of defendant, ORDERS that defendant be imprisoned

for a minimum term of \_\_\_\_\_ for a maximum term of \_\_\_\_\_ in the custody of the  N.C. Department of Correction.  Sheriff of \_\_\_\_\_ County. 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  and as an inpatient at a facility operated or licensed by the State for the treatment of alcoholism or substance abuse after the commission of the above offense. Credit shall be applied against the  minimum and maximum terms above.  imprisonment for special probation below. (NOTE: No credit may be given for the first 24 hours spent in confinement.)**SUSPENSION OF SENTENCE**

Subject to the conditions set out below, the execution of this sentence is suspended and the defendant is placed on

 unsupervised probation for \_\_\_\_\_ months.  supervised probation for \_\_\_\_\_ months, the Court having received evidence and having found as a fact that supervision is necessary.**SPECIAL PROBATION - G.S. 15A-1351** As a condition of special probation, the defendant shall  serve an active term of \_\_\_\_\_  days  months in the custody of the  N.C. DOC.  Sheriff of this County.  (for offenses committed prior to December 1, 1997) submit to a combination of imprisonment and house arrest per attached AOC-CR-603, Page Two.  pay jail fees.

(NOTE: This term shall NOT be reduced by good time, gain time or parole, or, unless provided above, by jail or treatment time.)

The defendant shall report in a sober condition to begin serving this term on: Day \_\_\_\_\_ Date \_\_\_\_\_ Hour \_\_\_\_\_  AM  PM and shall remain in custody until: Day \_\_\_\_\_ Date \_\_\_\_\_ Hour \_\_\_\_\_  AM  PM 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. The defendant shall serve the active term above as an inpatient in (Name treatment facility) \_\_\_\_\_ and shall follow the rules of that facility until discharged and not leave its premises except as authorized under those rules.**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: \_\_\_\_\_

Costs	Fine	Restitution*	Attorney's Fee	Community Service Fee	EHA Fee/CAM 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 of 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 72 hours of the defendant's discharge from the active term of imprisonment.

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Material opposite unmarked squares is to be disregarded as surplusage. (Over)

**SPECIAL CONDITIONS OF PROBATION - G.S. 15A-1343(b1); 20-179**

- 11. Obtain a substance abuse assessment and all recommended education or treatment. *(Mandatory for offenses committed on or after December 1, 1997.)*
- 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 until the defendant's driving privilege is restored by that Division, except as may be permitted in a limited privilege.
- 13. Complete \_\_\_\_\_ hours of community service within \_\_\_\_\_ days from this date as directed by the Community Service Coordinator, and pay to the Clerk the community service fee prescribed by law  pursuant to the schedule set out under "Monetary Conditions" above  within \_\_\_\_\_ days of this date.  Fee shall be paid before beginning service.
- 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 previously convicted users, possessors or sellers of any such illegal drug or controlled substances; and not knowingly be present at or frequent any place where such illegal drugs or controlled substances are sold, kept or used.
- 15. Submit, upon the request of any law enforcement or probation officer, to any physical, chemical, blood, or breath test or to a urinalysis for the detection of alcohol or controlled substances.
- 16. Abstain from alcohol consumption for \_\_\_\_\_ days, as verified by a continuous alcohol monitoring system of a type approved by the Department of Correction.  The defendant shall pay to the Clerk the fees associated with the system, as set by the entity providing the system, but not to exceed a total cost of \$1,000.  The court finds, upon good cause shown, that the defendant should not be required to pay the costs of the continuous alcohol monitoring system and \_\_\_\_\_, the local government entity responsible for the incarceration of the defendant in the local confinement facility, has agreed to pay the costs of the system to the Clerk. *(Applies to offenses committed on or after December 1, 2007.)*
- 17. Other:

18. Comply with the Additional Conditions of Probation which are set forth on AOC-CR-603, Page Two, attached.

*[Check any that apply - G.S. 20-179(r)]*

- The probation officer may transfer the defendant to unsupervised probation upon completion of  the community service required by Special Condition No. 13 above.  payment of all fines, costs and fees required above.
- 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.

**SPECIAL ALCOHOL CONCENTRATION FINDING**

- The defendant's alcohol concentration was  0.16  0.15 *(use for offenses committed on or after December 1, 2007)* or greater.
- Other: \_\_\_\_\_.

**ORDER OF COMMITMENT/APEAL ENTRIES**

- 1. It is ORDERED that the Clerk deliver **two** certified copies of this Commitment on Special Probation 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. The current pretrial release order is modified as follows: \_\_\_\_\_  
**NOTE: Upon notice of appeal, the District Court sentence is vacated. Withdrawal of appeal or remand to District Court requires that a new sentencing hearing be scheduled.**
- 3. 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 Judgment and the attachment(s) marked below are true and complete copies of the originals.

- 1. Determination Of Sentencing Factors (AOC-CR-311).
- 2. Additional Conditions of Probation (AOC-CR-603, Page Two).
- 3. Restitution Worksheet, Notice And Order [Initial Sentencing] (AOC-CR-611).

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

**NOTE TO CLERK: If the defendant's conviction is based on a violation of an offense involving impaired driving while the defendant's drivers license is revoked as a result of a prior impaired driving license revocation as defined in G.S. 20-28.2, report DWI Defendant Registration Stop to DMV using menu item #9 in STARS. Also report the defendant's conviction to DMV in the usual manner. If there is a non-defendant vehicle owner, report registration stop to DMV using menu item #10 in STARS (unless the owner has been found to be an innocent owner).**

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);" or AOC-CR-609, "Order On Violation Of Probation Or On Motion To Modify."**

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<br><input type="checkbox"/> PM | and shall remain in custody until: | Day | Date | <input type="checkbox"/> AM<br><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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Material opposite unmarked squares is to be disregarded as surplusage.