

STATE OF NORTH CAROLINA

File No.
Co. Of Hearing

County _____ Seat of Court _____

NOTE: Use this form only for complete revocation of probation. For confinement in response to violation under G.S. 15A-1344(d2), use AOC-CR-609.

In The General Court Of Justice
 District Superior Court Division

STATE VERSUS

IMPAIRED DRIVING JUDGMENT AND COMMITMENT UPON REVOCATION OF PROBATION (For Revocation Hearings On Or After Dec. 1, 2011)

Name Of Defendant _____

Race _____ Sex _____ Date Of Birth _____

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

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 Superior Court District Court Name Of County Of Origin _____

Offense 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, or child care vehicle after consuming alcohol and this was the defendant's second or subsequent conviction of this offense (G.S. 20-138.2B).

File No. _____ Offense No. _____ Offense Date _____ DWI Punishment Level _____ Minimum Term _____ Maximum Term _____

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 is not appropriate, and the Court ORDERS that the defendant's probation be revoked, that the suspended sentence be activated, and that the defendant be imprisoned

for a minimum term of _____ for a maximum term of _____ in the custody of the N.C. Division of Adult Correction Sheriff of _____ County. Other _____ (for ordered work release)

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 be given credit for _____ days spent in confinement prior to the date of this Judgment as a result of this charge.

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

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

File No. _____ Offense _____ County _____ Court _____ Date _____

The Court further Orders: (check all that apply)

1. The Clerk of Superior Court, 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. In addition, the defendant shall pay to the Clerk the "Total Amount Due" below.

Costs Balance	Fine Balance	Restitution Balance*	Prior Atty Fees This Case	Atty Fees This Proceeding	Miscellaneous	Total Amount Due
\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

*See attached "Restitution Update Worksheet, Notice and Findings (Revocation Or Termination Of Probation)," AOC-CR-612, which is incorporated by reference.

2. The Court finds just cause to waive costs.

3. The Court finds that the defendant is is not suitable for placement in a county satellite jail/work release unit. G.S. 15A-1352(a).

4. Work release, with the consent of the defendant.

a. After any required processing, defendant shall be committed to: [check (1) or (2)]

(1) _____ (prison facility within/out of this county)

(2) _____ (local confinement facility/satellite jail/work release unit within/out of this county)

The Sheriff, Board of County Commissioners or Division of Adult Correction has consented to commitment to the above-described facility that is not within this county. G.S. 15A-1352(d).

b. The defendant's work release shall terminate on the date the offender loses his/her job or violates a condition of work release.

c. Work release earnings shall be paid to the Clerk for payment of the items and amounts set out above after deduction by the Division of Adult Correction of the amounts allowed under G.S. 148-33.1(f).

5. Any allegation of a violation stated in the Violation Report, Notice or otherwise which is not set forth on the reverse is dismissed.

6. Other: _____

The Court recommends:

1. Substance abuse treatment. 2. Work release should should not be granted.

3. Payment as a condition of parole or post-release supervision or from work release earnings, if applicable, of the "Total Amount Due" set out above. but the Court **does not recommend** restitution be paid as a condition of parole or post-release supervision. from work release earnings.

The Court further recommends:

FINDINGS

After considering the record contained in the file number 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 his/her probation as alleged in:
 - a. the Violation Report(s) on file herein, which is/are incorporated by reference.
 - b. the Notice of Hearing To Revoke 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 he/she violated each of the conditions of his/her probation as set forth below.
- 3. The condition(s) violated and the facts of each violation are as set forth (check a. or b.)
 - a. in Paragraph(s) _____ in the Violation Report or Notice dated _____.
 - b. on the attached sheet _____.
- 4. 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.
- 5. (**NOTE TO COURT:** This finding is required when revoking probation for violations occurring on or after December 1, 2011.) The Court may revoke defendant's probation (check all that apply):
 - a. for the willful violation of the condition(s) that he/she not commit any criminal offense, G.S. 15A-1343(b)(1), or abscond from supervision, G.S. 15A-1343(b)(3a), as set out above.
 - b. because the defendant twice previously has been confined in response to violation under G.S. 15A-1344(d2).

ORDER OF COMMITMENT AND 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. The current pretrial release order is modified as follows:
- 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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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 and furnish that agency **two** certified copies of this Judgment and Commitment as authority for the commitment and detention of the defendant.

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

I certify that this Judgment and Commitment and the attachment(s) marked below is a true and complete copy of the original which is on file in this case. Appellate Entries (AOC-CR-350) Other: _____
 Restitution Update Worksheet, Notice And Findings (Revocation Or Termination Of Probation) (AOC-CR-612)

Date	Date Certified Copies Delivered To Sheriff	Signature Of Clerk	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> CSC	SEAL
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NOTE TO CLERK: Send certified copies to the Clerk of Superior Court of county of origin, if different, and to DAC, Attn: Combined Records, Courier Box 53-71-00, or mail to DAC, Attn: Combined Records, 4226 Mail Service Center, Raleigh, NC 27699-4226.