

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
Superior Court Division**STATE VERSUS**

Name Of Defendant

**NOTICE OF GROSSLY AGGRAVATING AND
AGGRAVATING FACTORS (DWI)
(For Offenses Committed On Or After DEC. 1, 2011)**

G.S. 20-179

Pursuant to G.S. 20-179(a1), the defendant is hereby notified that the State of North Carolina intends to prove the existence of grossly aggravating and aggravating factors under G.S. 20-179(c) and (d), as indicated below.

GROSSLY AGGRAVATING FACTORS - G.S. 20-179(c)

1. The State intends to prove that the defendant
- a. has been convicted of a prior offense involving impaired driving which conviction occurred within seven (7) years before the date of this offense.
 - b. has two three or more convictions as described in No. 1.a.
 - c. has been convicted of an offense involving impaired driving which conviction occurred after the date of the offense for which the defendant is being sentenced but before or contemporaneously with the sentencing in this case.
 - d. has two three or more convictions as described in No. 1.c.
 - e. has a prior conviction in District Court for an offense involving impaired driving, the conviction was appealed to Superior Court, the appeal has been withdrawn or the case has been remanded back to District Court, and a new sentencing hearing for the case has not been held pursuant to G.S. 20-38.7.
 - f. has two three or more convictions as described in No. 1.e.
 - g. drove, at the time of the current offense, while the defendant's drivers license was revoked (use for offenses committed prior to December 1, 2015) under G.S. 20-28 and the revocation was an impaired driving revocation under G.S. 20-28.2(a).
 (use for offenses committed on or after December 1, 2015) pursuant to G.S. 20-28(a1).
 - h. caused, by the defendant's impaired driving at the time of the current offense, serious injury to another person.
 - i. drove, at the time of the current offense, while a child under the age of 18 years was in the vehicle.
 - j. drove, at the time of the current offense, while a person with the mental development of a child under the age of 18 years was in the vehicle.
 - k. drove, at the time of the current offense, while a person with a physical disability preventing unaided exit from the vehicle was in the vehicle.
2. The State does not intend to prove any grossly aggravating factors.

AGGRAVATING FACTORS - G.S. 20-179(d)

1. The State intends to prove the following:
- a. The defendant's faculties were grossly impaired at the time the defendant was driving.
 - b. The defendant had an alcohol concentration of at least 0.15 within a relevant time after the driving.
 - c. The driving of the defendant was especially reckless.
 - d. The driving of the defendant was especially dangerous.
 - e. The negligent driving of the defendant led to an accident causing property damage of \$1,000.00 or more, or property damage of any amount to a vehicle seized pursuant to G.S. 20-28.3.
 - f. The negligent driving of the defendant led to an accident causing personal injury.
 - g. The defendant was driving while the defendant's drivers license was revoked.
 - h. The defendant had at least two prior convictions of a motor vehicle offense not involving impaired driving, which occurred within five (5) years of this offense, and
 - 1. all were offenses for which at least three (3) points were assigned under G.S. 20-16.
 - 2. all were offenses for which the defendant's drivers license was subject to revocation.
 - 3. at least one was an offense for which at least three (3) points were assigned under G.S. 20-16 and at least one was an offense for which the defendant's drivers license was subject to revocation.
 - i. The defendant had at least one prior conviction of an offense involving impaired driving that occurred more than seven (7) years before the date of this offense.
 - j. The defendant has been convicted under G.S. 20-141.5 of speeding while fleeing or attempting to elude apprehension.
 - k. The defendant has been convicted under G.S. 20-141 of speeding by at least 30 m.p.h. over the legal limit.
 - l. The defendant passed a stopped school bus in violation of G.S. 20-217.
 - m. Additional factors that aggravate the seriousness of this offense:
2. The State does not intend to prove any aggravating factors.

SIGNATURE OF PROSECUTOR

<i>Date</i>	<i>Name Of Prosecutor (Type Or Print)</i>	<i>Signature Of Prosecutor</i>
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CERTIFICATE OF SERVICE

I certify that a copy of this notice was served by:

- delivering a copy personally to the defendant's attorney. defendant.
- depositing a copy, enclosed in a postpaid properly addressed envelope, in a post office or official depository under the exclusive care and custody of the U. S. Postal Service directed to the defendant's attorney defendant at the address shown below.

Address

- leaving a copy at the office of the defendant's attorney with a partner or employee.

Name And Title Of Person With Whom Copy Left

- Other: _____

<i>Date Served</i>	<i>Signature Of Person Serving</i>	<i>Title</i>
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ACCEPTANCE OF SERVICE

- Service accepted by: defendant's attorney. defendant.

<i>Date Service Accepted</i>	<i>Signature Of Person Accepting Service</i>
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