

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. Enter a separate revocation judgment for each sentence activated, but one revocation judgment is sufficient where the original sentence was imposed on offenses consolidated for judgment.

In The General Court Of Justice
 District Superior Court Division

STATE VERSUS

JUDGMENT AND COMMITMENT UPON REVOCATION OF PROBATION - MISDEMEANOR (STRUCTURED SENTENCING)

(For Revocation Hearings On Or After Dec. 1, 2011)

G.S. 15A-1344, -1345

Name Of Defendant _____

Race _____

Sex _____

Date Of Birth _____

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 Of Judgment Suspending Sentence _____

Name Of Original Sentencing Judge _____

Name Of County Of Origin _____

County Of Origin File No.(s)	Off. No.	Offense Description	Offense Date	G.S. No.	CL.	*Pun. CL.

*NOTE: Enter punishment class if different from underlying offense class (punishment class represents a status or enhancement).

In the original Judgment Suspending Sentence, the Court determined, pursuant to G.S. 15A-1340.20, the number of prior convictions to be _____.

Level: I (0) II (1-4) III (5+)

In the original Judgment Suspending Sentence, the Court found that this was an offense involving assault, communicating a threat, or an act defined in G.S. 50B-1(a), and that the defendant had a personal relationship as defined by G.S. 50B-1(b) with the victim.

In the original Judgment Suspending Sentence, the Court sentenced the defendant based upon a finding of enhancement

1. for G.S. 90-95(e)(4)(drugs). G.S. 14-3(c)(hate crime). G.S. 14-50.22(gang).

2. from required suspended sentence to Class 2 misdemeanor. G.S. 90-95(e)(7).

CONCLUSION AND ORDER

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 or criminal contempt is not appropriate, and the Court ORDERS that the defendant's probation be revoked, that the suspended sentence be activated, and the defendant be imprisoned for a term of _____ days in the custody of the: (check only one)

NC DAC. Sheriff of _____ County. Other: _____

Misdemeanor Confinement Program (sentences of 91-180 days if imposed on or after Jan. 1, 2012, and greater than 90 days if imposed on or after Oct. 1, 2014).

The defendant shall be given credit for _____ days spent in confinement prior to the date of this Judgment as a result of this/these charge(s).

The sentence imposed above shall begin at the expiration of all sentences which the defendant is presently obligated to serve.

The sentence imposed above shall begin at the expiration of the sentence imposed in the case 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	Appt Fee/Misc	Total Amount Due
\$	\$	\$	\$	\$	\$	\$

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

NOTE: AOC-CR-612 must be completed whenever Recommendation No. 4 on the reverse is checked. Even if Recommendation No. 4 is not checked, AOC-CR-612 must be completed in EVERY CASE in which the defendant was ordered in the original Judgment Suspending Sentence, as a condition of probation, to pay restitution in an amount in excess of \$250 to a Victims' Rights Act victim.

2. The Court finds just cause to waive costs, as ordered on the attached AOC-CR-618. Other: _____

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) (NOTE: For misdemeanor sentences imposed on or after Oct. 1, 2014, the court may not order work release to be served in a DAC facility outside the county of the sentencing court. G.S. 15A-1352(d).)

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

The Sheriff, Board of County Commissioners, or Division of Prisons of the Department 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 Prisons of the Department 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 in Finding No. 3 on the reverse is dismissed.

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

The Court further Orders:

The Court recommends:

- 1. Substance abuse treatment. 2. Psychiatric and/or psychological counseling. 3. Work release should should not be granted.
- 4. Payment from work release earnings, if applicable, of the "Total Amount Due" set out on the reverse. but the Court **does not recommend** restitution be paid from work release earnings.
- 5. Other:

FINDINGS

After considering the record contained in the files numbered on Side One of this form, 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 the defendant's probation, as alleged in:
 - a. the Violation Report(s) on file herein, which is incorporated by reference.
 - b. the Notice of Hearing on Violation Of 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 all that apply)
 - a. in Paragraph(s) _____ of the Violation Report or Notice dated _____.
 - b. in Paragraph(s) _____ of the Violation Report or Notice dated _____.
 - c. 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. (if on probation for a non-SSA misdemeanor or if placed on probation before Dec. 1, 2015, for an SSA misdemeanor) because the defendant twice previously has been confined in response to violation under G.S. 15A-1344(d2).
 - c. (if placed on probation for an SSA misdemeanor on or after Dec. 1, 2015) because the defendant twice previously has been confined in response to a violation under G.S. 15A-1343(a1)(3), 15A-1343.2(e)(5), or 15A-1343.2(f)(6), and the second period(s) of confinement was served for a violation that occurred after the first period of confinement was served.

ORDER OF COMMITMENT/APPEAL ENTRIES

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.

- The defendant gives notice of appeal from the Judgment of the District Court to the Superior Court.
NOTE: For probation violations occurring on or after Dec. 1, 2013, G.S. 15A-1347(b) provides, "If a defendant waives a revocation hearing [in district court], the finding of a violation of probation, activation of sentence, or imposition of special probation may not be appealed 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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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 official named in this Judgment on the reverse and furnish that official **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"/> Asst. CSC <input type="checkbox"/> Clerk Of Superior Court
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CERTIFICATION

I certify that this Judgment and Commitment with the attachment marked below is a true and complete copy of the original which is on file in this case.

- Appellate Entries (AOC-CR-350) Additional File No.(s) And Offense(s) (AOC-CR-626)
- Restitution Update Worksheet, Notice And Findings (Revocation Or Termination Of Probation) (AOC-CR-612) Other: _____.

Date	Date Certified Copies Delivered To Sheriff	Signature Of Clerk	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk Of Superior Court
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SEAL

NOTE TO CLERK: Send certified copies to the Clerk of Superior Court of county of origin, if different, and to Department of Adult Correction, Attn: Combined Records, Courier Box 53-71-00, or mail to Department of Adult Correction, Attn: Combined Records, 4226 Mail Service Center, Raleigh, NC 27699-4226.

Material opposite unmarked squares is to be disregarded as surplusage.

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
 District Superior Court Division

STATE VERSUS

ADDITIONAL FILE NO.(S) AND OFFENSE(S)

Name Of Defendant

NOTE: Use this page in conjunction with all NCAOC judgment or probationary forms, to list additional offenses of conviction, deferred prosecution, or conditional discharge addressed in the court's order. There are no A, B, C, D, or other variations of this form, so this page can be used to continue an offense list from any of the related forms, for any date(s) of offense or conviction.

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL.	*Pun. CL.

***NOTE:** Enter punishment class if different from underlying offense class (punishment class represents a status or enhancement).

(Over)

		ADDITIONAL FILE NO.(S) AND OFFENSE(S)					
File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL.	*Pun. CL.

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