

STATE OF NORTH CAROLINA

File No.

County _____ Seat Of Court _____

NOTE: *There is no A or B version of the AOC-CR-628. G.S. 14-204(b) does not apply to offenses committed before Oct. 1, 2013.*In The General Court Of Justice
 District Superior Court Division**STATE VERSUS**

Name Of Defendant _____

**CONDITIONAL DISCHARGE UNDER G.S. 14-204(b)
(For Offenses Committed Oct. 1, 2013 - Nov. 30, 2016)**

G.S. 14-204(b)

Drivers License No.	State	Race	Sex	Date Of Birth	Full Social Security No.	Age At Time Of Offense
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Attorney For State	<input type="checkbox"/> Def. Found Not Indigent	<input type="checkbox"/> Def. Waived Attorney	Attorney For Defendant	<input type="checkbox"/> Appointed <input type="checkbox"/> Retained	Crt Rptr Initials
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The defendant was found guilty/responsible, pursuant to plea (pursuant to *Alford*) (of no contest) trial by judge trial by jury, of

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

FINDINGS

The Court finds

- 1. the defendant pled guilty or was found guilty of a violation of G.S. 14-204(a).
- 2. the defendant has not previously been convicted of or placed on probation for a violation of G.S. 14-204(a).
- 3. the defendant has not previously received a discharge and dismissal under G.S. 14-204(b).

DEFERRAL OF PROCEEDINGS AND PLACEMENT ON PROBATION

- 1. The Court, without entering a judgment of guilt and with the consent of the defendant as indicated by the defendant's signature below, Orders that further proceedings in this matter be deferred and places the defendant on supervised unsupervised probation for 12 months as provided for a community punishment intermediate punishment (AOC-CR-603C, Page Two, required).
- 2. The Court finds that it is NOT appropriate to delegate to the Division of Community Supervision and Reentry the authority to impose any of the requirements in G.S. 15A-1343.2(e) for community punishment or G.S. 15A-1343.2(f) for intermediate punishment.
- 3. Upon violation of a term or condition of probation by the defendant, the Court reserves the authority to enter an adjudication of guilt and proceed as otherwise provided against the defendant. Upon fulfillment of the terms and conditions by the defendant, the Court shall discharge the defendant and dismiss the proceedings against the defendant.
- 4. Except as ordered to appear earlier for a hearing on alleged violation(s) or as otherwise ordered by the Court, the defendant shall return to this Court on (date) _____ for a hearing to determine fulfillment of the terms and conditions of probation.

MONETARY CONDITIONSThe defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below, plus the probation supervision fee if placed on supervised probation above, pursuant to a schedule determined by the probation officer. set out by the court as follows: _____

Costs \$	Fine \$	Restitution* \$	Attorney's Fees \$	Comm Serv Fee \$	EHA Fee \$	Appt Fee/Misc \$	▶ Total Amount Due \$
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*See attached "Restitution Worksheet, Notice And Order (Initial Sentencing)" AOC-CR-611, which is incorporated by reference.

- The Court finds just cause to waive costs, as ordered on the attached AOC-CR-618. Other: _____.
- Upon payment of the "Total Amount Due," the probation officer may transfer the defendant to unsupervised probation.

CONDITIONS OF PROBATION - G.S. 14-204(b)(3)

The defendant shall

- 1. Not violate any criminal statute in any jurisdiction.
- 2. Refrain from possessing a firearm or other dangerous weapon.
- 3. Submit to periodic drug testing, with cost of testing to be paid by defendant, as follows: *(Specify the time and manner, no less than 3 times during course of probation.)*

- 4. Obtain a vocational assessment administered by _____, a program approved by the court.
- 5. Attend _____ counseling sessions administered by a program approved by the court during the course of probation. *(Specify number, no less than 10 sessions.)*

ADDITIONAL CONDITIONS OF PROBATION - G.S. 14-204(b)

The defendant shall also comply with the following additional conditions:

- 1. Report to and participate with this or other courts, persons, or social service agencies as follows:

- 2. Pay a fine and costs as calculated in the Monetary Conditions section on Side One of this Order.
- 3. Attend or reside in the _____ facility for probationer instruction.
- 4. Support his/her dependents.
- 5. Refrain from having in the person's body the presence of any illicit drug prohibited by the North Carolina Controlled Substances Act unless prescribed by physician.
- 6. Submit to regular blood or urine tests to determine the presence of any illicit drug.
- 7. Other:

- 8. Comply with the Special Conditions of Probation as set forth on AOC-CR-603C, Page Two.

SIGNATURE OF DEFENDANT

By signing below, the defendant consents to the foregoing Order deferring further proceedings and placing the defendant on probation.

<i>Date</i>	<i>Signature Of Defendant</i>
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SIGNATURE OF JUDGE

<i>Date</i>	<i>Name Of Presiding Judge (type or print)</i>	<i>Signature Of Presiding Judge</i>
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CERTIFICATION BY CLERK

I certify that this Conditional Discharge and the attachment(s) marked below is a true and complete copy of the original on file in this case.

- 1. Judgment Suspending Sentence (AOC-CR-603C, Page Two) (additional conditions of probation)
- 2. Restitution Worksheet, Notice And Order (Initial Sentencing) (AOC-CR-611)
- 3. Additional File No.(s) And Offense(s) (AOC-CR-626)
- 4. Other: _____

<i>Date</i>	<i>Name (type or print)</i>	<i>Signature Of Clerk</i>	<input type="checkbox"/> <i>Deputy CSC</i> <input type="checkbox"/> <i>Asst. CSC</i> <input type="checkbox"/> <i>Clerk Of Superior Court</i>
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SEAL

NOTE TO CLERK: Upon entry of a final order discharging the defendant and dismissing the charge(s) against him/her, forward a certified copy of this Conditional Discharge and the dismissal order (AOC-CR-635 or other order) to the Administrative Office of the Courts at **NCAOC, Records Officer, PO Box 2448, Raleigh, NC 27602.**

STATE VERSUS

File No.

Name Of Defendant

NOTE: Use this page with AOC-CR-603C, "Judgment Suspending Sentence - Felony"; AOC-CR-604C, "Judgment Suspending Sentence - Misdemeanor"; AOC-CR-619C, "Conditional Discharge Under G.S. 90-96(a)"; AOC-CR-621C, "Conditional Discharge Under G.S. 14-50.29"; AOC-CR-627C, "Conditional Discharge Under G.S. 90-96(a1)"; AOC-CR-628C, "Conditional Discharge Under G.S. 14-204(b)"; AOC-CR-632C, "Conditional Discharge Under G.S. 15A-1341(a4)"; or AOC-CR-633C, "Conditional Discharge Under G.S. 15A-1341(a5)"; for offenses committed from Dec. 1, 2011, through Nov. 30, 2016.

COMMUNITY AND INTERMEDIATE PROBATION CONDITIONS - G.S. 15A-1343(a1)

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 conditions of probation, which may be imposed for any community or intermediate punishment.

- 1. Submit to house arrest with electronic monitoring, remain at the defendant's residence for a period of ___ days, ___ months, abide by all rules, regulations, and directions of the probation officer regarding such monitoring, and pay the fees prescribed in G.S. 15A-1343(c) as provided under Monetary Conditions. The defendant may leave the residence for the following purpose(s) and as otherwise permitted by the probation officer: ___ employment ___ counseling ___ a course of study ___ vocational training. Other:
2. Complete ___ hours of community service during the first ___ days of the period of probation, as directed by the judicial services coordinator. The fee prescribed by G.S. 143B-1483 is ___ not due because it is assessed in a case adjudicated during the same term of court. ___ to be paid ___ pursuant to the schedule set out under Monetary Conditions in the "Judgment Suspending Sentence." ___ within ___ days of this Judgment and before beginning service. Other:
3. Submit to the following period(s) of confinement in the custody of the ___ Sheriff of this County. ___ (other local confinement facility). ___ and pay jail fees. The defendant shall report in a sober condition to serve the term(s) indicated below. NOTE: Periods of confinement imposed here must be for two-day or three-day consecutive periods, only, for no more than six days in a single month, and in no more than three separate months during the period of probation. To impose special probation under G.S. 15A-1351, see INTERMEDIATE PUNISHMENTS, below.

Table with 3 columns: Date, Hour, AM/PM, for, 2/3 days. Multiple rows for specifying confinement periods.

- 4. Obtain a substance abuse assessment, monitoring, or treatment as follows:
5. (for offenses committed on or after December 1, 2012) Abstain from alcohol consumption and submit to continuous alcohol monitoring for a period of ___ days, ___ months, the Court having found that a substance abuse assessment has identified defendant's alcohol dependency or chronic abuse.
6. Participate in an educational or vocational skills development program as follows:
7. Submit to satellite-based monitoring, if required on the attached AOC-CR-615, Side Two.

INTERMEDIATE PUNISHMENTS

In addition to complying with the regular and any special, community, or intermediate conditions of probation set forth in the "Judgment Suspending Sentence" or herein for the above case(s), the defendant shall also comply with the following intermediate punishment(s) under G.S. 15A-1340.11(6).

- 1. Special Probation - G.S. 15A-1351
For the defendant's active sentence as a condition of special probation, the defendant shall comply with these additional regular conditions of probation:
(1) Obey the rules and regulations of the Division of Prisons of the Department of Adult Correction and, if applicable, the Division of Juvenile Justice of the Department of Public Safety, governing the conduct of inmates while imprisoned. (2) Report to a probation officer in the State of North Carolina within seventy-two (72) hours of the defendant's discharge from the active term of imprisonment.
A. Serve an active term of ___ days ___ months ___ hours in the custody of the ___ NC DAC. ___ Sheriff of this County. ___ Other:
(NOTE: Special probation may not be served in DAC for (i) a noncontinuous period or (ii) a misdemeanor. For a defendant under 18, any period of special probation must be served in the Division of Juvenile Justice of the Department of Public Safety.)
B. The defendant shall report in a sober condition to begin serving his/her term on:
Day Date Hour AM/PM and shall remain in custody until: Day Date Hour AM/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 term ordered.
D. This term 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. Local Judicially Managed Accountability and Recovery Court - G.S. 15A-1340.11
Comply with the rules of the program adopted pursuant to Chapter 7A, Article 62, of the General Statutes, and report on a regular basis as directed to participate in court supervision and any screening, evaluation, and treatment ordered by the court. Other:

INTERMEDIATE CONDITIONS OF PROBATION - G.S. 15A-1343(b4)

If subject to intermediate punishment, the defendant shall, in addition to the terms and conditions imposed above, comply with the following intermediate conditions of probation. (1) If required by the defendant's probation officer, perform community service under the supervision of the Division of Community Supervision and Reentry, and pay the fee required by G.S. 143B-1483, but no fee shall be due if the Court imposed community service as a special condition of probation and assessed the fee in this judgment or any judgment for an offense adjudicated in the same term of court. (2) Not use, possess, or control alcohol. (3) Remain within the defendant's county of residence unless granted written permission to leave by the court or the defendant's probation officer. (4) Participate in any evaluation, counseling, treatment, or educational program as directed by the probation officer, keeping all appointments by abiding by the rules, regulations, and direction of each program.

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

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.*

1. 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

- a. Register as a sex offender and enroll in satellite-based monitoring if required on the attached AOC-CR-615, Side Two.
- b. 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.
- c. Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.

d. *(if the Court finds physical, mental, or sexual abuse of a minor)* Not reside in a household with

(1) *(for sexual abuse)* any minor child.

(2) *(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):* _____

e. 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

f. Other: _____

2. 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

- a. 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.
- b. Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.
- c. Not reside in a household with any minor child. (G.S. 15A-1343(b2)(4))

d. 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

e. Other: _____

3. 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

- a. 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.
- b. Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.

c. Not reside in a household with

(1) any minor child.

(2) 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):* _____

d. 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

e. Other: _____

ADDITIONAL CONDITIONS FOR DOMESTIC VIOLENCE

1. Pursuant to its finding that the defendant is responsible for acts of domestic violence, the Court further finds that:

a. there is an abuser treatment program, approved by the Domestic Violence Commission, reasonably available to the defendant, who shall:

(1) *(for supervised probation)* attend and complete *(check one)* *(program name)* _____

a program to be identified by the probation officer, and abide by the program's rules. The probation officer shall send a copy of this judgment to the program, which shall notify the officer if the defendant fails to participate or is discharged for violating any of its rules.

(2) *(for unsupervised probation)* attend and complete *(check one)* *(program name)* _____

a program chosen by the defendant, who shall notify the program and the district attorney of that choice within ten (10) days of the entry of this judgment, and abide by the program's rules. The district attorney shall send a copy of this judgment to the program, which shall notify the district attorney if the defendant fails to participate or is discharged for failure to comply with the program or its rules.

b. there is no approved abuser treatment program reasonably available. c. it would not be in the best interests of justice to order the defendant to complete an abuser treatment program because _____

2. As additional Special Conditions of Probation, the defendant shall:

a. not come within _____ feet of _____ at any time.

b. comply fully with any G.S. Chapter 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

Material opposite unmarked squares is to be disregarded as surplusage.

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