

STATE OF NORTH CAROLINA

File Number(s)

_____ COUNTY

In the General Court of Justice
Judicial District 22B, District and Superior Court Divisions

STATE VERSUS

Name and Address of Defendant(s)

**JUDICIAL FINDINGS
SETTING CONDITIONS OF PRETRIAL RELEASE**

Date of Offense

Court Date

Offense(s)

This matter came before the undersigned Judicial Official regarding the above referenced offense. Deviations from the recommendations in the Pretrial Release Policy are permissible but must be recorded.

FINDINGS OF FACT BY CLEAR AND CONVINCING EVIDENCE:

Check any that apply and make written findings for all items checked:

- Defendant's ability to pay: Unemployed Employed
- Defendant is a fulltime student enrolled at _____.
- Defendant has been incarcerated within the last 6 months.
- Defendant has been homeless within the past 6 months.
- Defendant resides in a mental health facility or other treatment program _____.
- Defendant is or has dependents who receive any federal or state public assistance (e.g., Snap benefits – food stamps, Medicaid, Temporary Assistance for Needy Families – TANF, Social Security Supplemental Income, Social Security Disability Income, public housing, or other Federal or State assistance program based on financial hardship).
- Defendant has stated in open court that he/she can make a secured bond.
- Defendant has insufficient ties to the community to assure appearance.
- Defendant has history of Failures to Appear (FTAs).
- Defendant has a prior record of
 - A felony conviction; or
 - Misdemeanor convictions within the last five years demonstrating a pattern of conduct for committing the same or substantially similar offenses therefore likely to re-offend.
- Charged offense was committed when Defendant was on pretrial release for a related offense or on supervised probation for any offense (If this box is checked, only a judge may set the bond. See N.C.G.S. 15A-533(h)).
- Charged offense involves domestic violence.
- Charged offense involves violence or injury to a person.
- Defendant has prior conviction against the same person(s).
- Charged offense is stalking or cyberstalking.
- Charged offense require sex offender registration or is a failure to register as a sex offender offense or is a serious sex offense.
- Charged offense is DWI and defendant has at least one prior DWI conviction within the last seven years.
- Defendant was under influence of alcohol, drugs, narcotics, pills or other impairing substance at the time of arrest indicating a substance use problem that may require treatment.
- Defendant is impaired such that immediate release is likely to cause harm to self/other/property.
- Defendant exhibits other factors that indicate they are a danger to self/others including known mental health diagnosis.

Side Two Judicial Findings Setting Conditions of Pretrial Release

- At the time of arrest Defendant assaulted a Law Enforcement Officer and/or resisted arrest and/or attempted to flee to elude arrest.
- Charged offense involved Defendant's use of a firearm or deadly weapon.
- Charged offense is a drug trafficking offense.
- Charged offense involves distribution of drugs.
- Charged offense related to gang activity.
- Charged offense is a felony resulting in personal injury.
- Defendant's incarceration is necessary to prevent the likely destruction of evidence, subornation of perjury or intimidation of potential witnesses or a danger to community.

DEFENDANT'S CRIMINAL HISTORY was reviewed (Not Optional)

Judicial Official initial here: _____

- Detention facility capacity has been considered.
- The first reasonable, available District Court date was set.
- Other Findings of Fact and Written Findings for items checked for setting bond:

BASED ON THE FOREGOING FINDINGS OF FACT THE COURT CONCLUDES AS A MATTER OF LAW THAT;

- The Defendant can afford to pay the amount of a secured bond such that it will not result in detention.
- The Defendant cannot afford to pay the amount of a secured bond such that it will not result in detention.
(If Defendant cannot afford the bond, set bond on bond order form including AOC-CR-200 and 201.)
- The Court has found the facts noted above by clear and convincing evidence and there are no alternative conditions of release adequate to reasonably assure the appearance of the defendant as required; prevent a danger of injury to any person or community; or prevent the likely destruction of evidence, subornation of perjury, or intimidation of potential witnesses.

IT IS HEREBY ORDERED that the defendant's bond is \$ _____ Secured Unsecured

- Written promise to Appear* *Custody Release*
- Additional conditions of pretrial release are attached on AOC-CR-200 or Other*

Date	Name of Judicial Official	Signature of Judicial Official

- Magistrate District Court Judge Superior Court Judge Clerk of Superior Court Deputy CSC Assistant CSC