

STATE OF NORTH CAROLINA

File No.

County _____ Seat of Court _____

NOTE: [This form is to be used for misdemeanor offense(s). Use AOC-CR-301 for G.S. 130A-25 offense(s).
Use AOC-CR-342 for DWI offense(s).]

In The General Court Of Justice
 District Superior Court Division

STATE VERSUS

JUDGMENT AND COMMITMENT ACTIVE PUNISHMENT MISDEMEANOR(S) (STRUCTURED SENTENCING)

Name Of Defendant _____

Race _____ Sex _____ DOB _____

Attorney For State _____
 Def. Found Not Indigent Def. Waived Attorney

Attorney For Defendant _____
 G.S. 15A-1301, 15A-1340.20
 Appointed Retained Crt Rptr Initials _____

The defendant pled guilty to was found guilty/responsible by the Court of was found guilty by a jury of pled no contest to

File No.(s)	Off.	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).

The Court has determined, pursuant to G.S. 15A-1340.20, the number of prior convictions to be _____. **LEVEL:** I (0) II (1-4) III (5+)

- 1. The Court imposes the prison term pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A. (**NOTE:** Term must be consistent with defendant's classification and prior conviction level.)
- 2. The Court finds: (a) enhancement for G.S. 90-95(e)(4) (drugs). G.S. 14-3(c) (hate crime). G.S. 14-50.22 (gang).
 (b) enhancement from required suspended sentence to Class 2 misdemeanor. G.S. 90-95(e)(7).
 If in District Court, the Court found this issue beyond a reasonable doubt or the defendant pled guilty or no contest to this issue. If in Superior Court, this finding is based on the jury's determination of this issue beyond a reasonable doubt or the defendant's plea of guilty or no contest to this issue.
- 3. The Court imposes mandatory punishment pursuant to G.S. 14-33(d). (assault in the presence of a minor)
- 4. The Court imposes the sentence pursuant to G.S. 15A-1340.20(c1). (active punishment exception)
- 5. The Court finds the above designated offense(s) is a reportable conviction under G.S. 14-208.6 and therefore makes the additional findings and orders on the attached AOC-CR-615, Side One.
- 6. The Court finds the above designated offense(s) involved the physical, mental or sexual abuse of a minor. (**NOTE:** If offense(s) is not also a reportable conviction in No. 5 above, this finding requires no further action by the Court.)
- 7. The Court finds this is an offense involving assault or communicating a threat, and the defendant had a personal relationship as defined by G.S. 50B-1(b) with the victim.
- 8. The Court finds that the above designated offense(s) involved criminal street gang activity. G.S. 14-50.25.

The Court, having considered evidence, arguments of counsel and statement of defendant, Orders that the above offenses, if more than one, be consolidated for judgment and the defendant be imprisoned

for a term of _____ days in the custody of the: N.C. DOC. Sheriff of _____ County.
 Other: _____

The defendant shall be given credit for _____ days spent in confinement prior to the date of this Judgment as a result of this 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 referenced below:

File Number	Offense	County	Court	Date

The Court further Orders: (check all that apply)

1. The defendant shall pay the costs. 2. The defendant shall pay a fine of \$ _____.
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 Department of 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 below after deduction by the Department of Correction of the amounts allowed under G.S. 148-33.1(f).
5. Other:

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 items and amounts set out below, **unless otherwise recommended below for restitution.**

Court Costs	Miscellaneous	Fine	Restitution*	Attorney's Fees	SBM Fee	Total Amount Due
\$	\$	\$	\$	\$	\$	\$

*See attached "Restitution Worksheet, Notice and Order (Initial Sentencing)," AOC-CR-611, which is incorporated by reference.

- The Court finds that restitution was recommended as part of the defendant's plea arrangement.
 The Court **does not recommend** restitution be paid from work release earnings.

The Court further recommends:

AWARD OF FEE TO COUNSEL FOR DEFENDANT

- A hearing was held in open court in the presence of the defendant at which time a fee, including expenses, was awarded the defendant's appointed counsel or assigned public defender.

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.
- 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
------	---	------------------------------

ORDER OF COMMITMENT AFTER APPEAL

Date Remanded To District Court	Date Appeal Dismissed	Date Withdrawal Of Appeal Filed	Date Appellate Opinion Certified
---------------------------------	-----------------------	---------------------------------	----------------------------------

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 on the reverse and furnish that agency **two** certified copies of this Judgment and Commitment as authority for the commitment and detention of the defendant.

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

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) Judicial Findings And Order For Sex Offenders - Active Punishment (AOC-CR-615, Side One)
 Restitution Worksheet, Notice And Order (Initial Sentencing) (AOC-CR-611) Convicted Sex Offender Permanent No Contact Order (AOC-CR-620)

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

STATE VERSUS

File No.



Name Of Defendant

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).