

STATE OF NORTH CAROLINA

File No. _____
Co. Of Hearing _____

_____ County _____ Seat Of Court _____

In The General Court Of Justice
 District Superior Court Division

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.

STATE VERSUS

JUDGMENT AND COMMITMENT UPON REVOCATION OF PROBATION - FELONY (STRUCTURED SENTENCING) (For Revocation Hearings On Or After Dec. 1, 2011)

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*

G.S. 15A-1344, 15A-1345

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. | F/M | 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-1340.14, the prior record points of the defendant to be _____, as disclosed by the record.

PRIOR RECORD LEVEL: I III V
 II IV VI

In the original Judgment Suspending Sentence, the Court found that this was an offense involving assault or communicating a threat 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:

- 1. from the presumptive range of minimum durations.
- 2. from the minimum durations based upon the Findings of Aggravating and Mitigating Factors.
- 3. based upon a finding of Extraordinary Mitigation.
- 4. based upon a finding of substantial assistance pursuant to G.S. 90-95(h)(5).
- 5. based upon enhancement pursuant to: G.S. 90-95(e)(3) (drugs). G.S. 14-3(c) (hate crime). G.S. 50B-4.1 (domestic violence). G.S. 14-50.22 (gang). Other: _____

CONCLUSION AND ORDER

Based upon the Findings of Fact 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 minimum term of: _____ months for a maximum term of: _____ months in the custody of the: Sheriff pursuant to G.S. 15A-1352(b). N.C. DAC. 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 activated this date shall begin at the expiration of all sentences which the defendant is presently obligated to serve.
- The sentence activated this date shall begin at the expiration of the sentence imposed in the case referenced below:

| File No. | Offense | County | Court | Date |
|----------|---------|--------|-------|------|
| | | | | |

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

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 | Miscellaneous | 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 below 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.
 3. Any allegation of a violation stated in the Violation Report, Notice or otherwise which is not set forth in Finding No. 3 below is dismissed.
 4. Other:

The Court recommends:

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

FINDINGS

After considering the record contained in the files numbered above, 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 the:
 a. Violation Report(s) on file herein, which is incorporated by reference.
 b. 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 a. and/or b.)
 a. in paragraph(s) _____ in the Violation Report or Notice dated _____
 b. 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. because the defendant twice previously has been confined in response to violation under G.S. 15A-1344(d2).

ORDER OF COMMITMENT/APEAL 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 Court to the Superior Court. appellate division. Appeal entries and any conditions of post-conviction release are set forth on 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 commit 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 Of Clerk | <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 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) Judicial Findings As To Forfeiture Of Licensing Privileges (AOC-CR-317)
 Restitution Update Worksheet, Notice And Findings (Revocation Or Termination Of Probation) (AOC-CR-612)
 Additional File No.(s) And Offense(s) (AOC-CR-626)

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

SEAL

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

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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