

STATE OF NORTH CAROLINA

File No.
Co. Of Hearing

County

Seat Of Court

In The General Court Of Justice

District Superior Court Division

(NOTE: There must be a separate revocation judgment for each sentence which is activated, but one revocation judgment is sufficient where the original sentence was imposed on offenses consolidated for purposes of judgment. This form is to be used in conjunction with AOC-CR-604.)

STATE VERSUS

JUDGMENT AND COMMITMENT UPON REVOCATION OF PROBATION OR ELECTION TO SERVE SENTENCE - MISDEMEANOR(S) (STRUCTURED SENTENCING)

Name Of Defendant

Race

Sex

DOB

G.S. 15A-1341(c), 15A-1344, 15A-1345

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 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. pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A.

2. based upon a finding of:

(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).

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:

(offenses committed before January 1, 1997) The defendant has freely, voluntarily and understandingly elected to serve the defendant's suspended sentence of imprisonment in lieu of the remainder of the defendant's probation. Therefore, by virtue of G.S. 15A-1341(c) the Court ORDERS that the suspended sentence be activated, 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

Material opposite unmarked squares is to be disregarded as surplusage.

(Over)

The Court further Orders: (check all that apply)

- 1. The Clerk, 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.
 - 2. 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).
 - 3. 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/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).

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 from work release earnings, if applicable, the items and amounts set out below, **unless otherwise recommended below for restitution.**

<i>Restitution*</i>	<i>All Prior Attorney Fees In This Case</i>	<i>Attorney's Fee For This Proceeding</i>	<i>All Other</i>	<i>Total Amount Due</i>
\$	\$	\$	\$	\$

*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 above 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 \$250.00 to a Victims' Rights Act victim.

The Court **does not recommend** restitution be paid from work release earnings.

The Court further recommends:

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:
 - 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 the defendant violated each of the conditions of the defendant's 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. Any allegation of a violation stated in the Violation Report, Notice, or otherwise, which is not set forth above is dismissed.
- 5. 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.
- 6. The judgment for attorney's fees previously entered in this case shall be docketed, if it has not already been docketed.

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 in this revocation proceeding.

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
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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 and furnish that official **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
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CERTIFICATION

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

<input type="checkbox"/> Appeal Entries (AOC-CR-350)	<input type="checkbox"/> Restitution Update Worksheet, Notice And Findings (Revocation Or Termination Of Probation) (AOC-CR-612)		
Date	Date Certified Copies Delivered To Sheriff	Signature	<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)

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).