

# STATE OF NORTH CAROLINA

File No.

County \_\_\_\_\_ Seat of Court \_\_\_\_\_

**NOTE:** [This form is to be used for (1) felony offense(s) and (2) misdemeanor offense(s), which are consolidated for judgment with any felony 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 - FELONY (STRUCTURED SENTENCING) (For Convictions On Or After Jan. 1, 2012)

Name Of Defendant \_\_\_\_\_

Race \_\_\_\_\_ Sex \_\_\_\_\_ Date Of Birth \_\_\_\_\_

Attorney For State \_\_\_\_\_  
 Def. Found Not Indigent  Def. Waived Attorney

Attorney For Defendant \_\_\_\_\_  
 Appointed  Retained

G.S. 15A-1301, 15A-1340.13  
 Crt Rptr Initials \_\_\_\_\_

The defendant  pled guilty ( pursuant to *Alford*) to  was found guilty by a jury of  pled no contest to

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).  
 PRIOR RECORD LEVEL:  I  III  V  
 II  IV  VI

- The Court:
- 1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be \_\_\_\_\_. Any prior record level point under G.S. 15A-1340.14(b)(7) is based on the jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.
  - 2. makes no prior record level finding because none is required for Class A felony, violent habitual felon, or drug trafficking offenses.

- The Court: (NOTE: Block 1 or 2 MUST be checked.):
- 1. makes no written findings because the prison term imposed is:  (a) within the presumptive range of sentences authorized under G.S. 15A-1340.17(c).  (b) for a Class A felony.  (c) for an adjudication as a violent habitual felon. G.S. 14-7.12.  (d) for drug trafficking  for which the Court finds the defendant has provided substantial assistance pursuant to G.S. 90-95(h)(5).
  - 2. makes  the aggravating and mitigating factors Determination as set forth on the attached AOC-CR-605.  the findings of egregious aggravation for conviction under G.S. 14-27.2A or G.S. 14-27.4A, as set forth on the attached AOC-CR-618 incorporated herein by reference, which require a sentence in excess of that authorized by G.S. 15A-1340.17.
  - 3. adjudges the defendant to be an habitual felon to be sentenced  (offenses committed before December 1, 2011) as a Class C felon.  (offenses committed on or after December 1, 2011) four classes higher than the principal felony (no higher than Class C).
  - 4. adjudges the defendant to be an habitual breaking and entering status offender, to be sentenced as a Class E felon.
  - 5. finds 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: \_\_\_\_\_. This finding is based on the jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.
  - 6. finds that the defendant used, displayed, or attempted to use or display a firearm or a deadly weapon at the time of the felony and, pursuant to G.S. 15A-1340.16A, has increased the minimum term of imprisonment to which the defendant would otherwise be sentenced by sixty (60) months. This finding is based on the jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.
  - 7. finds the above designated offense(s) is a reportable conviction under G.S. 14-208.6 (check only one)
    - a. and therefore makes the additional findings and orders on the attached AOC-CR-615, Side One.
    - b. but makes no finding or order concerning registration or satellite-based monitoring due to defendant's sentence of life imprisonment without parole.
  - 8. finds the above designated offense(s) involved the  physical or mental  sexual abuse of a minor. (NOTE: If offense(s) is not also a reportable conviction in No. 7 above, this finding requires no further action by the court.)
  - 9. finds that a  motor vehicle  commercial motor vehicle was used in the commission of the offense and this conviction shall be reported to DMV.
  - 10. 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.
  - 11. (offenses committed on or after December 1, 2008, only) finds the above designated offense(s) involved criminal street gang activity G.S. 14-50.25.
  - 12. finds that the defendant refused to consent to conditional discharge under G.S. 90-96(a).

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 sentenced (check only one)

to Death for a Class A felony (see attached Death Warrant and Certificates).

to Life Imprisonment Without Parole for  Class A Felony.  Class B1 Felony.  Violent Habitual Felon.  G.S. 14-27.2A or G.S. 14-27.4A with egregious aggravation.

in the custody of:  N.C. DAC.  Other \_\_\_\_\_

for a minimum term of: \_\_\_\_\_ months and a maximum term of: \_\_\_\_\_ months  ASR term (Order No. 4, Side Two) \_\_\_\_\_ months  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 No.	Offense	County	Court	Date

**The Court further Orders:** (check all that apply)

1. The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below.

Costs	Fine	Restitution*	Attorney's Fees	SBM Fee	Appt Fee/Misc	Total Amount Due
\$	\$	\$	\$	\$	\$	\$

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

- 2. The Court finds that restitution was recommended as part of the defendant's plea arrangement.
- 3. The Court finds just cause to waive costs.
- 4. (convictions on or after January 1, 2012, only) Without objection by the State, the defendant shall be admitted to the Advanced Supervised Release (ASR) program. If the defendant completes the risk reduction incentives as identified by the Division of Adult Correction, then he or she will be released at the end of the ASR term specified on Side One. G.S. 15A-1340.18.
- 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 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.

**The Court further recommends:**

**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 trial 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 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 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(s) marked below is a true and complete copy of the original which is on file in this case.

- Appeal Entries (AOC-CR-350)
- Felony Judgment Findings Of Aggravating And Mitigating Factors (AOC-CR-605)
- Judicial Findings As To Forfeiture Of Licensing Privileges (AOC-CR-317)
- Victim Notification Tracking Form
- Additional File No.(s) And Offense(s) (AOC-CR-626)
- Restitution Worksheet, Notice And Order (Initial Sentencing) (AOC-CR-611)
- Judicial Findings And Order For Sex Offenders - Active Punishment (AOC-CR-615, Side One)
- Additional Findings (AOC-CR-618)
- Convicted Sex Offender Permanent No Contact Order (AOC-CR-620)
- Other: \_\_\_\_\_

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

# STATE OF NORTH CAROLINA

File No.

\_\_\_\_\_ County

In The General Court Of Justice

District  Superior Court Division

## STATE VERSUS

Name Of Defendant

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

**NOTE:** Use this page in conjunction with all AOC judgment or probationary forms, to list additional offenses of conviction, deferred prosecution, or conditional discharge addressed in the court's order. There are no A, B, C, or other variations of this form, so this page can be used to continue an offense list from any of the related forms, for any date(s) of offense or conviction.

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

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

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