

SELECTING PROCESS

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SELECTING (AND COMPLETING) PROCESS

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UNC School of Government
August 2024

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Three Steps

Is there probable cause that the offense was committed by the person to be charged?

What process, if any, should be issued?

What is the correct charging language for the offenses to be charged?

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I. What Is Probable Cause

"The probable-cause standard is *incapable of precise definition or quantification* into percentages because it deals with probabilities and depends on the totality of the circumstances. We have stated, however, that '[t]he substance of all the definitions of probable cause is a *reasonable ground* for belief of guilt.'"

Maryland v. Pringle, 540 U.S. 366 (2003)



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More on Probable Cause

"Probable cause to arrest means that at the moment of arrest, the facts and circumstances within the officer's knowledge and of which the officer had reasonably trustworthy information were sufficient to warrant a prudent person in believing that the defendant committed the offense."

Beck v. Ohio, 379 U.S. 89 (1964)

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YOUR ROLE

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Evidence from officers

including via remote testimony



Evidence from citizens



Hearsay evidence

Sources of Evidence

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Credibility

Can you consider
credibility?

If so, what factors
should you consider?

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Credibility

- Nature of the witness
- Basis of knowledge
- Bias/interest
- Corroboration
- Information provided
- Demeanor?

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What
may/should
not be
considered

Can you consider whether
evidence may be excluded
or suppressed?

Can you consider
defenses? If so, which
ones? What if a slam dunk?

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Loose Ends about Probable Cause

- What if the complainant isn't asking for the most serious offense the facts support?
- What should you do if you find no PC?

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Reasons Not to Charge

Felonies

School employees. G.S. 15A-301(b1), (b2)

Patient abuse. G.S. 14-32.2(g)

Obscenity offenses. G.S. 14-19.20

Offenses in other counties

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II. Purposes of Criminal Process

- Establishes the court's authority to act
- Compels the defendant to come to court
- Gives the defendant notice of the charge
- Provides a record of the case
 - including enabling the defendant to assert double jeopardy if later charged with the same offense

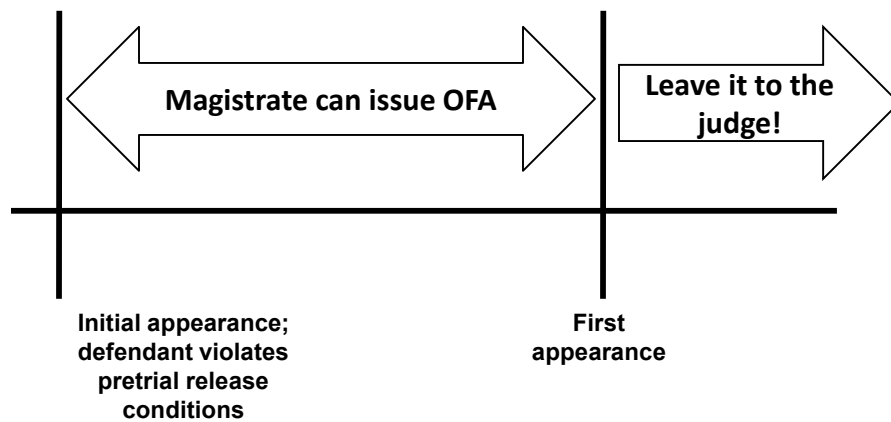
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Selecting Process: the Options

Process	Citation	Who Issues	What Charges
Citation	G.S. 15A-302	LEO	MDM or infraction
Summons	G.S. 15A-303	Judicial Official	Felony, MDM, or infraction
Arrest Warrant	G.S. 15A-304	Judicial Official	Felony or MDM
Magistrate's Order	G.S. 15A-511(c)	Judicial Official	Felony or MDM
Order for Arrest	G.S. 15A-305	Judicial Official	None

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Order for Arrest



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Selecting Process: Generally

- Unless there is a specific reason to use a warrant, use a summons
- "In order to emphasize the desirability of utilizing the criminal summons when arrest and custody are not needed, [G.S. 15A-304(b)] states the circumstances for the use of a warrant for arrest." G.S. 15A-304, official commentary
- Using a summons means that "the entire machinery of arrest, processing, and bail can be avoided with resultant savings to the system of criminal justice." G.S. 15A-303, official commentary

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Selecting Process: When to Use a Warrant

- Factors supporting use of a warrant: G.S. 15A-304(b)
- **D “should be taken into custody”**
 - “[F]ailure to appear when previously summoned”
 - “[F]acts making it apparent that a person summoned will fail to appear”
 - Risk of flight (“escape”)
 - Risk of “injury to person or property”
 - Seriousness of the offense
 - Other factors?

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Selecting Process: Citizen-Initiated

- Stronger preference for a summons: G.S. 15A-304(b)(3)
- You “shall not issue a warrant for arrest and instead shall issue a criminal summons, unless . . .”
 - There is corroborating testimony from an officer or a disinterested witness
 - Having an officer investigate “would constitute a substantial burden for the complainant”
 - There is “substantial evidence” of one of the listed factors justifying issuance of a warrant

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- A summons may be used for a felony
- “The appropriate use of the criminal summons is in any case in which it appears that it is not necessary to arrest the defendant and take him into custody in order to ensure his appearance in court. This should be true in many misdemeanors and a number of felonies.” G.S. 15A-303, official commentary.
- What’s your local practice?

III. Creating Process Correctly

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Charging Language

eWarrants



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Charging Language

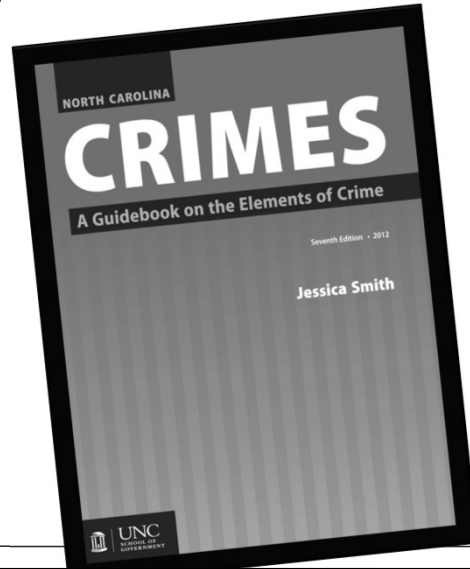
Arrest Warrant &
Indictment Forms



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Charging Language

North Carolina Crimes



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Charging Language

General Statutes

§ 14-10. Secret political and military organizations forbidden.

If any person, for the purpose of compassing or furthering any political object, or aiding the success of any political party or organization, or resisting the laws, shall join or in any way connect or unite himself with any oath-bound secret political or military organization, society or association of whatsoever name or character; or shall form or organize or combine and agree with any other person or persons to form or organize any such organization; or as a member of any secret political or military party or organization shall use, or agree to use, any certain signs or grips

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Charging Language

School of Government Hotline



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Requirements for Criminal Process (G.S. 15A-924)

- (a) A criminal pleading must contain:
- (1) The name or other identification of the defendant but the name of the defendant need not be repeated in each count unless required for clarity.
 - (2) A separate count addressed to each offense charged, but allegations in one count may be incorporated by reference in another count.
 - (3) A statement or cross reference in each count indicating that the offense charged therein was committed in a designated county.
 - (4) A statement or cross reference in each count indicating that the offense charged was committed on, or on or about, a designated date, or during a designated period of time. Error as to a date or its omission is not ground for dismissal of the charges or for reversal of a conviction if time was not of the essence with respect to the charge and the error or omission did not mislead the defendant to his prejudice.
 - (5) A plain and concise factual statement in each count which, without allegations of an evidentiary nature, asserts facts supporting every element of a criminal offense and the defendant's commission thereof with sufficient precision clearly to apprise the defendant or defendants of the conduct which is the subject of the accusation. When the pleading is a criminal summons, warrant for arrest, or magistrate's order, or statement of charges based thereon, both the statement of the crime and any information showing probable cause which was considered by the judicial official and which has been furnished to the defendant must be used in determining whether the pleading is sufficient to meet the foregoing requirement.
 - (6) For each count a citation of any applicable statute, rule, regulation, ordinance, or other provision of law alleged therein to have been violated. Error in the citation or its omission is not ground for dismissal of the charges or for reversal of a conviction.

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More Requirements

- Name of victim (when there is one)
- Prior convictions if element of offense
- Feloniously if felony
- Any requirements for particular offense
- And, please do not abb.

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Charging Language: Common Problems

- In larceny cases, failing to allege victim's name and, if a business, that it is an entity capable of owning property
- In larceny cases, failing to describe the property stolen accurately
- In drug cases, failing to identify the controlled substance accurately
- In R/D/O cases, failing to include the specific duty the officer was performing

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Loose Ends re Creating Process

- Should you charge greater and lesser included offenses?
- How many charges per process?
- Copies and distribution
- Recall of process

Selecting Process

In Class Exercise Answer Guide

Jeff Welty

February 2024

Considering Evidence from Citizens

1. Lisa Lopez comes before you. She reports that her boyfriend, Dan Spillane, pushed her to the ground during an argument last night. She says that she did not call the police at the time, but she has decided that what Dan did was not OK. Her story is internally consistent and believable, though she has no visible injuries. You know that Lisa has taken out charges on Dan twice before and has asked that the charges be dropped each time. Is there probable cause to issue a charge? If so, what form of process would you issue?
2. Joe Jones comes before you. He says that he and his wife were having burgers and beer for dinner tonight when they saw their neighbor's 22-year-old son run into their yard and steal \$400 worth of their patio furniture. Joe called the police but they are short staffed and said they wouldn't be able to come out anytime soon. The young man has done similar things in the past, and Joe is fed up. Joe's story is clear and consistent and he has the young man's name and address. Is there probable cause to issue a charge? If so, what form of process would you issue?
3. Tom Tanker comes before you. He just turned 15 and got a fancy mountain bike for his birthday. He says that he saw Sam Singleton, a 19-year-old from his neighborhood, smash one of the bike's wheels with a baseball bat, causing \$300 worth of damage. Tom has a picture of the damage on his phone. He says that Sam has bullied him before and that Sam may be jealous of Tom because Tom's family is better off financially than Sam's. Is there probable cause to issue a charge? If so, what form of process would you issue?

Considering Defenses

General approach: (1) is there PC, (2) is there a potential defense, (3) what would you do?

1. Officer Smith comes before you. She has arrested Jim Anderson and Alex Zimmerman for assaulting one another during a bar fight and has Anderson with her for his initial appearance. She tells you that she responded to a call at the bar and found the two men punching each other. All the witnesses agreed that the fight began when Anderson offered to buy a drink for Zimmerman's girlfriend, and Zimmerman pushed Anderson to the ground and started kicking him. Anderson says "I was just defending myself!" What do you do?
2. Felicia Jackson comes before you. She wants you to charge her sister Angela with misdemeanor larceny for stealing Felicia's Olympic silver medal. Felicia tells you that she keeps the medal in a display case in her guest bedroom. Angela came for a three-day visit recently and when she left, the case had been opened and the medal was gone. Felicia says that Angela struggles with mental illness and substance abuse and during one part of the visit claimed to be "Athena reborn, goddess of the Olympics." At other times, she acknowledged that she was Angela. Felicia has no idea what Angela was thinking when she took the medal or whether she even understood that it was wrong to do so. What do you do?
3. Tim Tarheel comes before you. He wants you to charge his former friend, Dan Dukes, with assault with a deadly weapon. Tarheel describes an incident that took place four years ago during a cookout.

He says that he and Dukes got into an argument about whether UNC or Duke men's basketball was better. Dukes got frustrated, pulled out a box cutter and held it towards Tarheel, saying "I'll hurt you for talking dirty about my favorite team!" Tarheel was frightened but not injured. He left the cookout and has tried to avoid Dukes since.

However, Tarheel ran into Dukes yesterday at a local restaurant. He says "Dukes gave me the stink eye, and made me worried again." Tarheel is accompanied to see you by his friend Willie Wingman, who was also at the cookout. Wingman tells you a similar story about what happened and he says that what Dukes did back then scared him too.

You know that the statute of limitations generally for misdemeanors in North Carolina is two years. What would you do?

Warrant vs. summons

1. There is probable cause that Darlene stole a soccer ball from a neighbor's yard and gave it to her nephew for his birthday. Darlene lives in town, works as a cashier at the local Wal-Mart, and has no criminal record. Would you issue a summons or a warrant?

2. There is probable cause that Eric assaulted Zeke after the two got into an argument over a parking space at the grocery store. Eric punched and kicked at Zeke, who received several bruises before another person intervened. Eric lives in town, works as a plumber's apprentice when the plumber has work for him to do, and was charged with simple possession of marijuana 8 years ago but the charge was dismissed. Would you issue a summons or a warrant?

3. There is probable cause that Sterling, a 42 year-old businessman who owns multiple fast-food franchises in town, committed "statutory rape of a person 15 or younger by a defendant who is at least 12 years old and at least six years older than the victim" (GS 14-27.25). He had vaginal intercourse with a 14-year-old girl he met when she came to interview him for her school newspaper. Sterling has lived in town his entire life, owns significant property in town, and has no criminal record. Would you issue a summons or a warrant?

4. On a hot summer day, an officer saw a panel van stopped along the side of a two-lane highway in your county. He stopped to check on the welfare of any occupants. No one responded to his greeting, so he opened the unlocked front passenger door and looked inside. He immediately spotted a dozen small baggies of cocaine inside a larger Ziploc bag on the floor. No one was present, but the registration listed Krista as the owner. He was able to reach Krista by phone and she confirmed that the van was hers and that she was in the area visiting family. Based on this information, you are prepared to charge Krista with PWIMSD cocaine. She is from New Jersey and told the officer that she was "between jobs." She has two cocaine-related charges, and one conviction resulting in probation, in the New York/New Jersey area. Would you issue a summons or a warrant?

Arrest warrant form treasure hunt

G.S. 15A-924(a) lists six things that a criminal pleading must contain. (Don't worry about G.S. 15A-924(a)(7), as it is only rarely applicable.) Looking at the arrest warrant form, AOC-CR-100, find and mark the spot on the form where each of the items listed in G.S. 15A-924(a) is addressed.

1. Name of defendant
2. Separate count for each offense
3. County where offense committed
4. Date or time period of offense
5. "Plain and concise factual statement"/essential elements of each offense
6. Statute or ordinance violated

Drafting charging language

In the 2018 legislative session, the General Assembly enacted a new statute, as follows:

General Statute 14-277.7. Communicating a threat of mass violence at a place of religious worship.

(a) A person who, by any means of communication to any person or groups of persons, threatens to commit an act of mass violence at a place of religious worship is guilty of a Class H felony.

(b) The following definitions apply to this section:

(1) Mass violence. – As defined in G.S. 14-277.5(a)(2).

(2) Place of religious worship. – Any church, chapel, meetinghouse, synagogue, temple, longhouse, or mosque, or other building that is regularly used, and clearly identifiable, as a place for religious worship."

Neither the NCAOC nor the School of Government has drafted charging language for this offense. You want to charge Kevin Denny with a violation of this statute. An officer has shared the following information with you.

Monday night, Denny told his ex-girlfriend Alexis Anderson, "I will blow up your stupid church with all your stupid friends and family in it. I'm building my bomb now." Further, Anderson has stated that she attends First Baptist Church of Hometown, NC. She has also stated that she is afraid of Denny and has seen small explosives he has built in his garage. How should the charge read?

File No.				Law Enforcement Case No.		LID No.					
WARRANT FOR ARREST				STATE OF NORTH CAROLINA In The General Court Of Justice District Court Division ____ County							
THE STATE OF NORTH CAROLINA VS.											
Name And Address Of Defendant											
				Spoken Language Court Interpreter Needed For Any Party, Victim, Or Witness? (If Yes, identify person(s) and language(s). Interpreters provided for all court proceedings at no cost.) <input type="checkbox"/> No <input type="checkbox"/> Yes: (explain)							
				OFFENSE(S) (see AOC-CR-100 Continuation(s) for charging text)							
				Count No.	Offense		Offense in Violation Of G.S.	Offense Code			
				Race	Sex	Date Of Birth	Age				
				Name Of Defendant's Employer							
Date Of Offense											
<input type="checkbox"/> Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan											
Date Of Arrest & Check Digit No. (as shown on fingerprint card)											
Complainant Name (and address, if Complainant is an officer)											
Witness Information											
TO ANY OFFICER WITH AUTHORITY AND JURISDICTION TO EXECUTE A WARRANT FOR ARREST FOR THE OFFENSE(S) CHARGED IN THIS WARRANT: I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully, and feloniously did commit the offense(s) set forth above and on the attached AOC-CR-100 Continuation(s), which is (are) incorporated by reference. This act(s) was in violation of the law referred to in this Warrant For Arrest. This Warrant For Arrest is issued upon information furnished under oath by the complainant listed. You are DIRECTED to arrest the defendant and bring the defendant before a judicial official without unnecessary delay to answer the charge(s) above.											
Date Issued		Name Of Issuing Official		Signature		<input type="checkbox"/> Magistrate <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court <input type="checkbox"/> District Court Judge <input type="checkbox"/> Superior Court Judge					
Location Of Court				Court Date		Court Time <input type="checkbox"/> AM <input type="checkbox"/> PM					
WAIVER OF PROBABLE CAUSE HEARING											
The undersigned defendant, with the consent of his/her attorney, waives the right to a probable cause hearing.											
Date Waived		Signature Of Defendant		Name Of Attorney		Signature Of Attorney					

STATE VERSUS	_____ County	File No.
Name Of Defendant	NOTE: Use this page to set forth the charging text for each offense listed on the AOC-CR-100. G.S. 15A-924(a)(5).	
Date Of Issuance Of Warrant For Arrest		

	OFFENSES (continued)	
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Count 5. Offense:
Charging Text For This Count

Count 6. Offense:
Charging Text For This Count

STATE VERSUS	_____ County	File No.
Name Of Defendant	NOTE: Use this page to set forth the charging text for each offense listed on the AOC-CR-100. G.S. 15A-924(a)(5).	
Date Of Issuance Of Warrant For Arrest		

	OFFENSES (continued)	
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Count 7. Offense:
Charging Text For This Count

Count 8. Offense:
Charging Text For This Count

STATE VERSUS		_____ County		File No.
Name Of Defendant		If the Warrant For Arrest is not served within one hundred and eighty (180) days, it must be returned to the Clerk of Court in the county in which it was issued with the reason for the failure of service noted thereon.		
Date Of Issuance Of Warrant For Arrest				
		RETURN OF SERVICE		
I certify that the Warrant For Arrest issued in this case on the date noted above for the defendant named above, was received and served as follows:				
Date Received	Date Served	Time Served	<input type="checkbox"/> AM <input type="checkbox"/> PM	Date Returned
<input type="checkbox"/> By arresting the defendant and bringing the defendant before:				
Name Of Judicial Official				
<input type="checkbox"/> The Warrant WAS NOT served for the following reason:				
Signature Of Officer Making Return		Name Of Officer (type or print)		
Department Or Agency Of Officer				
		REDELIVERY/REISSUANCE		
Date	Name Of Clerk (type or print)	Signature Of Clerk	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	
		RETURN FOLLOWING REDELIVERY/REISSUANCE		
I certify that the Warrant For Arrest issued in this case on the date noted above for the defendant named above, was received and served as follows:				
Date Received	Date Served	Time Served	<input type="checkbox"/> AM <input type="checkbox"/> PM	Date Returned
<input type="checkbox"/> By arresting the defendant and bringing the defendant before:				
Name Of Judicial Official				
<input type="checkbox"/> The Warrant WAS NOT served for the following reason:				
Signature Of Officer Making Return		Name Of Officer (type or print)		
Department Or Agency Of Officer				
AOC-CR-100 Return, Rev. 7/24 © 2024 Administrative Office of the Courts				
Selecting Process - Page 29				

STATE VERSUS		_____ County		File No.
Name Of Defendant		NOTE: Use this page to enter judgment on a Warrant For Arrest. Use this Judgment page only if imposing a single , consolidated judgment for all offenses of conviction charged under this file number. Do not use this Judgment page to impose sentence: (i) if imposing separate judgments for separate offenses of conviction charged under this file number; (ii) to impose supervised probation; or (iii) for DWI sentences under G.S. 20-179. For DWI, use AOC-CR-342 (active) or AOC-CR-310 (probation). For structured sentencing offenses, use AOC-CR-602 (active) or AOC-CR-604 (probation).		
Date Of Issuance Of Warrant For Arrest				
		JUDGMENT		
District Attorney	<input type="checkbox"/> Def. Waived Attorney <input type="checkbox"/> Def. Found Not Indigent <input type="checkbox"/> Def. Denied Appointed Counsel	Attorney For Defendant	<input type="checkbox"/> Appointed <input type="checkbox"/> Retained	PRIOR CONVICTIONS: No./Level: 0 <input type="checkbox"/> I (0) ___ <input type="checkbox"/> II (1-4) ___ <input type="checkbox"/> III (5+)
OFFENSES: The following offenses, which are set forth by Count No. in the Warrant For Arrest issued in this case on the date noted above for the defendant named above, are the subject of this Judgment:				
Count 1	PLEA: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty <input type="checkbox"/> no contest _____	VERDICT: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty _____	M.CL.: <input type="checkbox"/> A1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	
Count 2	PLEA: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty <input type="checkbox"/> no contest _____	VERDICT: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty _____	M.CL.: <input type="checkbox"/> A1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	
Count 3	PLEA: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty <input type="checkbox"/> no contest _____	VERDICT: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty _____	M.CL.: <input type="checkbox"/> A1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	
Count 4	PLEA: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty <input type="checkbox"/> no contest _____	VERDICT: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty _____	M.CL.: <input type="checkbox"/> A1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	
Count 5	PLEA: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty <input type="checkbox"/> no contest _____	VERDICT: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty _____	M.CL.: <input type="checkbox"/> A1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	
Count 6	PLEA: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty <input type="checkbox"/> no contest _____	VERDICT: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty _____	M.CL.: <input type="checkbox"/> A1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	
Count 7	PLEA: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty <input type="checkbox"/> no contest _____	VERDICT: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty _____	M.CL.: <input type="checkbox"/> A1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	
Count 8	PLEA: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty <input type="checkbox"/> no contest _____	VERDICT: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty _____	M.CL.: <input type="checkbox"/> A1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	
Count 9	PLEA: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty <input type="checkbox"/> no contest _____	VERDICT: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty _____	M.CL.: <input type="checkbox"/> A1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	
Count 10	PLEA: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty <input type="checkbox"/> no contest _____	VERDICT: <input type="checkbox"/> guilty <input type="checkbox"/> not guilty _____	M.CL.: <input type="checkbox"/> A1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	

(Over)

STATE VERSUS		County		File No.
Name Of Defendant		*NOTE: Use this Judgment page only if imposing a single , consolidated judgment for all offenses of conviction charged under this file number. Do not use this Judgment page to impose sentence: (i) if imposing separate judgments for separate offenses of conviction charged under this file number; (ii) to impose supervised probation; or (iii) for DWI sentences under G.S. 20-179. For DWI, use AOC-CR-342 (active) or AOC-CR-310 (probation). For structured sentencing offenses, use AOC-CR-602 (active) or AOC-CR-604 (probation).		
JUDGMENT (continued)				
JUDGMENT: The defendant appeared in open court and freely, voluntarily and understandingly entered the plea(s) on Side One. On the verdict(s) from Side One, it is ORDERED that all offenses of conviction, if more than one, be consolidated for judgment with Count No. (list count of lead offense) and that the defendant:				
<input type="checkbox"/> pay the following fine/penalty and costs:		Amount Of Fine/Penalty \$	Costs \$	
<input type="checkbox"/> be imprisoned for a term of days in custody of the <input type="checkbox"/> sheriff. <input type="checkbox"/> MCP. <input type="checkbox"/> Other:* Pretrial credit days served.				
<input type="checkbox"/> Work release <input type="checkbox"/> is recommended. <input type="checkbox"/> is not recommended. (NOTE: To order work release, use form AOC-CR-602 to impose judgment.)				
<input type="checkbox"/> The Court finds that a <input type="checkbox"/> longer <input type="checkbox"/> shorter period of probation than that which is specified in G.S. 15A-1343.2(d) is necessary.				
<input type="checkbox"/> Execution of the sentence is suspended and the defendant is placed on unsupervised probation* for months, subject to the following conditions:				
1. commit no criminal offense in any jurisdiction. 2. possess no firearm, explosive or other deadly weapon listed in G.S. 14-269.				
3. remain gainfully and suitably employed, or faithfully pursue a course of study or of vocational training that will equip the defendant for suitable employment and abide by all rules of the institution.				
4. satisfy child support and family obligations, as required by the Court. 5. Submit to the taking of digitized photographs, including photographs of the defendant's face, scars, marks, and tattoos, to be included in the defendant's records. 6. pay to the Clerk the costs of court and any additional sums shown below.				
Costs \$	Fine \$	Restitution** \$	Attorney's Fee \$	Community Service Fee \$
				Other \$
				Total Amount Due \$
**Name(s), address(es), and amount(s) for aggrieved party(ies) to receive restitution: (NOTE TO CLERK: Record SSN or Tax ID No. of aggrieved party(ies) on AOC-CR-382, "Certification Of Identity (Victims' Restitution)/ Certification Of Identity (Witness Attendance).")				
<input type="checkbox"/> 7. complete hours of community service during the first days of probation, as directed by the judicial services coordinator, and pay the fee prescribed by G.S. 143B-1483 within days.				
<input type="checkbox"/> 8. not be found in or on the premises of the complainant or				
<input type="checkbox"/> 9. not assault, communicate with or be in the presence of the complainant or				
<input type="checkbox"/> 10. provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319 required)				
<input type="checkbox"/> 11. Other:				
<input type="checkbox"/> The Court finds just cause to waive costs as ordered on attached <input type="checkbox"/> AOC-CR-415. <input type="checkbox"/> AOC-CR-618. <input type="checkbox"/> Other:				
It is ORDERED that this: <input type="checkbox"/> Judgment is continued upon payment of costs.				
<input type="checkbox"/> case be consolidated for judgment with				
<input type="checkbox"/> sentence is to run at the expiration of the sentence in				
<input type="checkbox"/> COMMITMENT: It is ORDERED that the Clerk deliver <u>two</u> certified copies of this Judgment and Commitment to the sheriff and that the sheriff cause the defendant to be retained in custody to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.				
PROBABLE CAUSE: <input type="checkbox"/> Probable cause is found as to all Counts except, and the defendant is bound over to Superior Court for action by the grand jury.				
<input type="checkbox"/> No probable cause is found as to Count(s) of this Warrant and the Count(s) is dismissed.				
Date	Name Of District Court Judge Or Magistrate (type or print)		Signature Of District Court Judge Or Magistrate	
APPEAL ENTRIES				
<input type="checkbox"/> The defendant, in open court, gives notice of appeal to the <input type="checkbox"/> District <input type="checkbox"/> Superior Court.				
<input type="checkbox"/> The current pretrial release order is modified as follows:				
Date	Name Of District Court Judge Or Magistrate (type or print)		Signature Of District Court Judge Or Magistrate	
CERTIFICATION				
I certify that this Judgment is a true and complete copy of the original which is on file in this case.	Date	Date Delivered To Sheriff	Signature	<input type="checkbox"/> Dep. CSC <input type="checkbox"/> Asst. CSC
				<input type="checkbox"/> Clerk Of Superior Court

AOC-CR-100 Judgment, Side Two, Rev. 7/24, © 2024 Administrative Office of the Courts

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