

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)**

G.S. 15A-1301, -1340.13

Name Of Defendant _____

Race _____

Sex _____

Date Of Birth _____

Attorney For State _____

 Def. Found Not Indigent Def. Waived Attorney

Attorney For Defendant _____

 Appointed Retained Cr Rptr InitialsThe defendant pled guilty (pursuant to *Alford*) to was found guilty 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. | F/M | CL. | *Pun. CL. |
|-------------|------|---------------------|--------------|----------|-----|-----|-----------|
| | | | | | | | |

***NOTE:** Enter punishment class if different from underlying offense class (punishment class represents a status or enhancement).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.
PRIOR RECORD LEVEL:
 I III V
 II IV VI
The Court (**NOTE:** Block 1 or 2 MUST be checked.):

1. makes no written findings because the term imposed is: (a) in the presumptive range. (b) for a Class A felony. (c) for adjudication as a violent habitual felon, G.S. 14-7.12. (d) for drug trafficking. for which the Court finds the defendant provided substantial assistance, G.S. 90-95(h)(5). (e) in the aggravated range, pursuant to G.S. 20-141.4(b)(1a).
2. finds the Determination of aggravating and mitigating factors on the attached AOC-CR-605. egregious aggravation under G.S. 14-27.2A or G.S. 14-27.4A, on the attached AOC-CR-618, which requires a sentence in excess of that authorized by G.S. 15A-1340.17.
3. adjudges the defendant to be a habitual felon to be sentenced (offenses committed before Dec. 1, 2011) as a Class C felon. (offenses committed on or after Dec. 1, 2011) four classes higher than the principal felony (no higher than Class C).
4. adjudges the defendant to be a habitual breaking and entering status offender, to be sentenced as a Class E felon.
5. adjudges the defendant to be an armed habitual felon to be sentenced as a Class C felon (unless sentenced herein as a Class A, B1, or B2 felon) and with a minimum term of imprisonment of no less than 120 months.
6. 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 on the defendant's admission.
7. finds that the defendant committed the felony by using, displaying, or threatening the use or display of a firearm or deadly weapon and actually possessed the firearm or weapon about his or her person. This finding is based on the jury's determination of this issue beyond a reasonable doubt or on the defendant's admission. Pursuant to G.S. 15A-1340.16A, the Court has increased the minimum sentence by (check only one)
 (Class A-E felony committed prior to Oct. 1, 2013) 60 months. (Class A-E felony committed on or after Oct. 1, 2013) 72 months.
 (Class F or G felony committed on or after Oct. 1, 2013) 36 months. (Class H or I felony committed on or after Oct. 1, 2013) 12 months.
8. 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 a sentence of life imprisonment without parole.
9. 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. 8 above, this finding requires no further action by the court.)
10. finds that a motor vehicle commercial motor vehicle was used in the commission of the offense and that it shall be reported to DMV.
11. finds this is an offense involving assault, communicating a threat, or an act defined by G.S. 50B-1(a), and the defendant had a personal relationship as defined by G.S. 50B-1(b) with the victim.
12. (offenses committed on or after Dec. 1, 2008, only) finds the above-designated offense(s) involved criminal street gang activity. G.S. 14-50.25.
13. did not grant a conditional discharge under G.S. 90-96(a) because (check all that apply) the defendant refused to consent. (offenses committed on or after Dec. 1, 2013, only) the Court finds, with the agreement of the District Attorney, that the offender is inappropriate for a conditional discharge for factors related to the offense.
14. finds that the defendant used or displayed a firearm while committing the felony. G.S. 15A-1382.2.
15. (for judgments entered on or after Dec. 1, 2013, only) finds that this was an offense involving child abuse or an offense involving assault or any of the acts as defined in G.S. 50B-1(a) committed against a minor. G.S. 15A-1382.1(a1).

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 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: _____ to Life Imprisonment With Parole, pursuant to G.S. Chapter 15A, Article 81B, Part 2A.

for a minimum term of:

and a maximum term of:

 ASR term (Order No. 4, Side Two)

months

months

months

 to Death (see attached Death Warrant and Certificates)

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 |
|----------|---------|--------|-------|------|
| | | | | |

Material opposite unmarked squares is to be disregarded as surplusage.

(Over)

