

File No. STATE OF NORTH CAROLINA

**SHOW CAUSE ORDER, FINDINGS AND JUDGMENT - FAILURE TO PAY FINE AND/OR COSTS, TO OBEY JURY SUMMONS, TO APPEAR PURSUANT TO CRIMINAL SUMMONS, OR FOR CONTEMPT**

**STATE VERSUS/IN THE MATTER OF**

Name And Address Of Defendant/Contemnor

County Of Residence		Telephone No.	
Race	Sex	Date Of Birth	Age
Social Security No.		Drivers License No. & State	

Name And Address Of Moving Party, If Not The Court

**RETURN OF SERVICE**

I certify that this Order was received and served as follows:  
 By personally serving the defendant/contemnor named above with a copy of this Order.  
 Defendant/contemnor WAS NOT served for the following reason:

Date Received	Date Served	Time Served	<input type="checkbox"/> AM <input type="checkbox"/> PM	Date Returned
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Name Of Officer (type or print)

Signature Of Officer

Department Or Agency

County Of Department/Agency

**NOTE TO CLERK:** An Order under No. I is filed in the original criminal/infraction case. An Order under No. II is either a Miscellaneous or Registration file, based on its disposition; see Rule of Recordkeeping 16. An Order under No. III establishes a new CR/CRS case if prosecuted as criminal contempt, but it is filed in the existing case file if disposed as civil contempt. An Order under No. IV or V establishes a new CR/CRS case in the court in which filed.

In The General Court Of Justice

\_\_\_\_\_ County  District  Superior Court Division  Before The Clerk

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.)  
 No  Yes: (explain)

**To the Defendant/Contemnor Named To The Left:** Upon motion of the moving party named herein or on its own motion, the Court finds probable cause to believe that you should be held in contempt of court or fined for your:

**I. Failure To Pay Fine And/Or Costs [G.S. 15A-1364]**  
 Failure to pay the fine and/or costs as ordered in this case. The Court will conduct a hearing and decide whether you should be imprisoned for your failure to pay the fine and/or costs. The amount of the fine and/or costs that you were ordered to pay and the balance due as of the date of this Order are as follows:

Amount Of Fine And/Or Costs Ordered Paid	Balance Due As Of The Date Of This Order
\$ _____	\$ _____

**II. Failure To Obey Jury Summons [G.S. 9-13]**  
 Failure to report for jury duty as directed pursuant to a jury summons issued on (date) \_\_\_\_\_.

**III. Failure To Obey Other Order Of The Court [G.S. 5A-11; G.S. 5A-21]**  
 Failure to obey the order of the Court indicated below:

Date Of Order	File Number	County	Name Of Official Who Entered Order
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Describe Action(s) Ordered And Facts Constituting Contempt

**IV. Failure To Obey Order To Appear Pursuant To Criminal Summons [G.S. 15A-303(e)(3); G.S. 5A-11]**  
 Failure to appear before this Court as directed by a criminal summons issued and duly served on you, ordering you to appear before this Court and answer to the offense(s) indicated below:

Date Summons Issued	File Number	County	Name Of Official Who Issued Summons
Date Summons Served	Date Of Failure To Appear	Offense(s)	

**V. Other Criminal Contempt [G.S. 5A-11; G.S. 15A-1344(e1)]**  
 Act of criminal contempt described below: (NOTE TO COURT: The grounds provided in G.S. 5A-11(a) are exclusive.)

\_\_\_\_\_

You are ORDERED to appear before the Court as indicated below and show cause why you should not be punished for contempt or for failure to comply with the Court's order as described above. If you do not appear, the Court may issue an order for your arrest or may enter other sanctions against you in your absence.

Location Of Court	Court Date	Court Time
		<input type="checkbox"/> AM <input type="checkbox"/> PM
Date Order Issued	Name Of Issuing Official (type or print)	Signature Of Issuing Official

Superior Court Judge  
  District Court Judge  
  Magistrate  
  Clerk Of Superior Court  
  Assistant CSC  
  Deputy CSC

Attorney For State/Moving Party

Attorney For Defendant/Contemnor

Def. Not Indigent  Waived  Appointed  Retained

**APPEAL ENTRIES - CRIMINAL CONTEMPT**

**NOTE TO COURT:** If finding of contempt was made by a judicial official inferior to a Superior Court Judge, the appeal is to Superior Court. G.S. 5A-17. On appeal from criminal contempt imposing confinement, there must be a bail hearing "within a reasonable time period" after confinement is imposed. The contemnor may not be confined more than 24 hours without a bail hearing. See G.S. 5A-17(b) for officials who may conduct the hearing.

The defendant/contemnor gives notice of appeal from the judgment of the District Court to the Superior Court.

The defendant/contemnor gives notice of appeal from the judgment of the Superior Court to the Appellate Division. Appellate entries and any conditions of post-conviction release are set forth on form AOC-CR-350.

Date Name Of Presiding Judge (type or print)

Signature Of Presiding Judge

**CERTIFICATION**

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

Appellate Entries (AOC-CR-350)

Other: \_\_\_\_\_

Date Date Certified Copies Delivered To Sheriff

**SEAL**

Signature Of Clerk

Deputy CSC  Assistant CSC  Clerk Of Superior Court

**FINDINGS**

The defendant/contemnor having  appeared  not appeared before the Court, the Court makes the following findings: **Contempt. G.S. Chapter 5A.** (NOTE: The Court may not find both civil and criminal contempt for the same conduct. G.S. 5A-12(d), 5A-21(c), and 5A-23(g).)

that the defendant/contemnor is not in criminal or civil contempt.

that the defendant/contemnor is in  criminal  civil contempt of court, based on the Court's findings of fact  beyond a reasonable doubt and conclusions of law herein: (attach additional pages if necessary) \_\_\_\_\_

**Failure To Obey Jury Summons. G.S. 9-13.**

that the juror was summoned to appear, was served with a jury summons, failed to appear, and  has  has not rendered an excuse deemed sufficient for that failure to appear.

Other: \_\_\_\_\_

**Failure To Pay Fine And/Or Costs. G.S. 15A-1364.**

that the defendant has defaulted in payment of the fine and/or costs imposed in this case, for which defendant had the ability to comply or failed to make a good faith effort to obtain the necessary funds for payment.

Other: \_\_\_\_\_

**JUDGMENT**

**Dismissal.** All proceedings pursuant to this Show Cause Order are dismissed.

**Criminal Contempt. G.S. 5A-12.** It is ORDERED that the defendant: (check all that apply)

**NOTE TO COURT:** If suspending a sentence for contempt, impose judgment on form AOC-CR-604.

1. is hereby censured for contempt.  2. shall pay a fine of \$ \_\_\_\_\_ (max \$500.00).  3. shall pay the costs of court.

4. be imprisoned for a term of \_\_\_\_\_ days in the custody of the  Sheriff  Other: \_\_\_\_\_  
The defendant shall be given credit for \_\_\_\_\_ days' pretrial confinement.  Work release is recommended.

This sentence shall run at the expiration of the sentence imposed in file number \_\_\_\_\_.

**Civil Contempt. G.S. 5A-21.** It is ORDERED that the contemnor be imprisoned in the custody of the Sheriff until the contemnor purges himself/herself of the contempt by: (describe conduct to purge) \_\_\_\_\_

The Sheriff shall release the contemnor from custody unconditionally upon finding pursuant to G.S. 5A-22 that the contemnor has satisfied the purge condition(s) above or upon notice from a judicial official of such satisfaction.

**Rehearing Date.** If the contemnor is not sooner released, the Sheriff is hereby ORDERED to produce him/her before this Court at the time, date, and location below for a *de novo* hearing on the issue of contempt.

**NOTE TO COURT:** A person committed for civil contempt for nonpayment of a monetary obligation *other* than child support may not be imprisoned more than 90 days at one time. Recommitment is allowed only after a *de novo* hearing for contempt. G.S. 5A-21(b2).

Location Of Court Court Date Court Time  AM  PM

**Failure To Obey Jury Summons. G.S. 9-13.** The juror is ordered to pay a fine of \$ \_\_\_\_\_ (not to exceed \$50.00). If the fine is not paid by (date) \_\_\_\_\_, the Clerk shall docket a civil judgment for that amount and issue an execution against the juror's estate.

**Failure To Pay Fine And/Or Costs. G.S. 15A-1364.** The Court hereby orders that:

**NOTE TO COURT:** To activate a suspended sentence imposed at the time of conviction, use form AOC-CR-343, AOC-CR-607, or AOC-CR-608.

the defendant be imprisoned for \_\_\_\_\_ days (not to exceed 30) in the custody of the  Sheriff.  N.C. DAC.

The Court finds that the defendant  is  is not suitable for placement in a county satellite jail/work release unit.

the defendant's fine and cost obligations are modified as follows: \_\_\_\_\_

upon receipt of notice from a judicial official that the defendant has paid or satisfied the remaining obligation for the fine and costs, the custodian designated above shall release the defendant from custody.

The Clerk shall docket the fine of \$ \_\_\_\_\_ and costs of \$ \_\_\_\_\_ against the defendant as a civil judgment, G.S. 15A-1365.  but pursuant to the defendant's election to serve a sentence of imprisonment for the default, no execution may issue thereon.

**ORDER OF COMMITMENT**

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/contemnor to be delivered with these copies to the custody of the agency named above to serve the sentence imposed or until the defendant/contemnor shall have complied with the conditions for his/her release.

**SIGNATURE OF JUDICIAL OFFICIAL**

Date Name Of Presiding Judicial Official (type or print) Signature Of Presiding Judicial Official