

# STATE OF NORTH CAROLINA

File No.  
Co. Of Hearing

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

**NOTE:** This form is not to be used for offense(s) occurring on or after October 1, 1994. 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.

In The General Court Of Justice  
 District     Superior Court Division

## STATE VERSUS

## JUDGMENT AND COMMITMENT UPON REVOCATION OF PROBATION (OR ELECTION TO SERVE SENTENCE)

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

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

Race \_\_\_\_\_ Sex \_\_\_\_\_ Date Of Birth \_\_\_\_\_  Pre-FSA Felony

Attorney For State \_\_\_\_\_  Def. Found Not Indigent     Def. Waived Attorney  
 Attorney For Defendant At Revocation Hearing \_\_\_\_\_  Appointed  
 Retained

The defendant was placed on probation pursuant to the following Judgment Suspending Sentence:

Date Of Judgment Suspending Sentence \_\_\_\_\_  Superior Court     District Court    Name Of County Of Origin \_\_\_\_\_

County Of Origin File No.(s)	Off. No.	Offense Description	Offense Date	G.S. No.	F/M	CL.	Max. Term	Presumptive

- Based upon the Findings of Fact 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 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:
- 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 \_\_\_\_\_ in the custody of the  NC Department of Adult Correction.  
 Sheriff of \_\_\_\_\_ County.

The defendant shall be given credit for \_\_\_\_\_ days spent in confinement prior to the date of this Judgment as a result of this charge.

- The sentence activated this date shall begin at the expiration of all sentences which the defendant is presently obligated to serve.
- The sentence activated this date shall begin at the expiration of the sentence imposed in the case referenced below:  
 (NOTE: List case number, offense number, county, court and date in which prior sentence imposed.)

Case Number	Offense Number	County	Court	Date

(check all that apply)

1. The defendant shall serve as a committed youthful offender pursuant to G.S. Chapter 148, Article 3B.
2. The defendant should not obtain the benefit of release pursuant to G.S. 148-49.15.
3. Immediate work release is recommended pursuant to G.S. 148-33.1.
4. Work release is recommended.
5. Work release is **NOT** recommended.
6. With the consent of the defendant, work release is ordered under the conditions set forth in the attached order (applies to misdemeanants only).
7. 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.
8. The Court does not recommend that the defendant be required to pay restitution or reparation, as a condition of parole if parole is granted, or from his/her earnings if work release is granted.
9. The Court recommends that the defendant be required to pay, as a condition of parole if parole is granted, or from his/her earnings if work release is granted, the "Total Amount Due" shown below.

Restitution	All Prior Attorney Fees In This Case	Attorney's Fee For This Proceeding	All Other	Total Amount Due
\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

10. The Court recommends the defendant be assigned to a substance abuse treatment unit pursuant to G.S. 15A-1351(h).

Material opposite unmarked squares is to be disregarded as surplusage.  
(Over)

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:

- 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 to Revoke Unsupervised Probation on file herein, which is incorporated by reference.
- 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.
- 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.
- Any allegation of a violation stated in the Violation Report, Notice, or otherwise, which is not set forth above is dismissed.
- 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.  
 a. Each violation is, in and of itself, a sufficient basis upon which this Court should revoke probation and activate the suspended sentence.
- The Judgment for attorney's fees previously entered in this case shall be docketed, if it has not already been docketed.

### FOR USE WITH FAIR SENTENCING ACT FELONIES ONLY

In the Judgment Suspending Sentence, the Court considered the aggravating and mitigating factors in G.S. 15A-1340.4 and:

Name Of Original Sentencing Judge \_\_\_\_\_

1. made no written findings because the prison term imposed does not require such findings.
2. made no written findings because the prison term imposed was pursuant to a plea arrangement as to sentence per Ch. 15A, Art. 58.
3. made written findings of factors in aggravation and mitigation of punishment per G.S. 15A-1340.4.

### 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

1. 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.
2. The defendant gives notice of appeal from the Judgment of the District Court to the Superior Court.
3. The current pretrial release order is modified as follows: \_\_\_\_\_.
4. 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 \_\_\_\_\_

### ORDER OF COMMITMENT AFTER APPEAL

Date Remanded To District Court \_\_\_\_\_

Date Appeal Dismissed \_\_\_\_\_

Date Withdrawal Of Appeal Filed \_\_\_\_\_

Date Appellate Opinion Certified \_\_\_\_\_

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 Of Clerk \_\_\_\_\_

- Deputy CSC     Assistant CSC  
 Clerk Of Superior Court

### CERTIFICATION

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

1. Appellate Entries (AOC-CR-350)
2. Judicial Findings As To Forfeiture Of Licensing Privileges (AOC-CR-317)
3. Commitment Information Statement (DC-600)

Date Of Certification \_\_\_\_\_

Date Certified Copies Delivered To Sheriff \_\_\_\_\_

Signature And Seal \_\_\_\_\_

- Deputy CSC     Assistant CSC  
 Clerk Of Superior Court

**NOTE TO CLERK: Send certified copies to the Clerk of Superior Court of county of origin, if different, and to Department of Adult Correction, Attn: Combined Records, Courier Box 53-71-00, or mail to Department of Adult Correction, Attn: Combined Records, 4226 Mail Service Center, Raleigh, NC 27699-4226.**

Material opposite unmarked squares is to be disregarded as surplusage.

**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.	F/M	CL.	Max. Term	Presumptive