

# STATE OF NORTH CAROLINA

File No.

\_\_\_\_\_ County

In The General Court Of Justice  
 District  Superior Court Division

## STATE VERSUS

## JUDICIAL FINDINGS AS TO REQUIRED DNA SAMPLE

Name Of Defendant

Race

Sex

Date Of Birth

G.S. 15A-266.4, 15A-266.6

File No.(s)	G.S. No.	Offense Description

**NOTE:** Complete this form after completing the appropriate NCAOC judgment form. Use this form to order a DNA sample from a defendant convicted of any offense listed here and **not** sentenced to a term of confinement: any felony; assault on an individual with a disability, G.S. 14-32.1; assault on a female by a male at least 18 years of age, G.S. 14-33(c)(2); assault on a child under 12, G.S. 14-33(c)(3); stalking under former G.S. 14-277.3; any offense described in G.S. 50B-4.1; or any offense described in G.S. 15A-266.3A.

## FINDINGS OF SPECIAL INFORMATION

The Court, having entered judgment, which is incorporated by reference, makes the following "Findings Of Special Information" and includes these findings in the judgment. The judgment is modified to the extent necessary to include these findings, but the inclusion of these findings does not otherwise alter, amend, or modify the judgment in any respect.

1. The defendant has been convicted in the above case of an offense described in G.S. 15A-266.4 requiring that a DNA sample be taken.
2. The defendant has not been sentenced to a term of confinement.
3. A DNA sample has not previously been obtained by lawful process from the defendant and a record has not been stored in the State DNA Database, or if previously obtained and stored, the sample and record have been expunged.

## ORDER

Based upon the foregoing findings, the Court ORDERS:

1. The defendant shall report to the Sheriff of the above-captioned county at the location shown below for the purpose of having a DNA sample taken  immediately.  at the date and time designated by the Sheriff and indicated below.
2. The Sheriff shall inform the court in the section provided below of any failure by the defendant to appear as ordered herein.

Date For Taking Sample	Time For Taking Sample <input type="checkbox"/> AM <input type="checkbox"/> PM	Location For Taking Sample
Name Of Presiding Judge (type or print)		Signature Of Presiding Judge
		Date

## SHERIFF'S REPORT OF DEFENDANT'S FAILURE TO APPEAR

**NOTE TO SHERIFF:** G.S. 15A-266.6(a) provides that, if the defendant fails to appear for DNA sampling as ordered by the Court, "the sheriff shall inform the court of the failure to appear."

The undersigned hereby informs the Court that the above-named defendant failed to provide a DNA sample, in that:

- the defendant failed to appear to provide the sample as ordered above.  
 the defendant appeared but failed to provide a sample in that (explain): \_\_\_\_\_

Date	Name (type or print)	Signature	<input type="checkbox"/> Sheriff <input type="checkbox"/> Deputy Sheriff
			<input type="checkbox"/> Other: _____

## ORDER UPON SHERIFF'S REPORT

Pursuant to the Sheriff's report above that the defendant failed to provide a DNA sample as ordered, the Court hereby Orders pursuant to G.S. 5A-15 that the clerk of superior court shall issue an order to the defendant to appear at the next criminal session of this court and show cause why he/she should not be held in criminal contempt of court.

- Further, pursuant to G.S. 5A-16 and based on the sworn statement or affidavit of (name) \_\_\_\_\_, the Court finds that there is probable cause to believe that the defendant will not appear in response to the order to show cause and therefore Orders that the clerk issue an order for the defendant's arrest with the show cause order.

**NOTE TO CLERK:** Pursuant to Rule of Recordkeeping 9.1, Comment E., establish a new criminal case for the contempt proceeding separate from the original criminal case captioned above.

Date	Name Of Judge (type or print)	Signature Of Judge
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