

STATE OF NORTH CAROLINA

File No. _____

County _____

Seat of Court _____

In The General Court Of Justice

District Superior Court Division

(NOTE: Except for cases involving a violation of both G.S. 20-138.1 and 138.2, this form should be used for only one DWI conviction and no other offense should be consolidated for judgment with the DWI Offense.)

STATE VERSUS

IMPAIRED DRIVING - JUDGMENT AND COMMITMENT

G.S. 20-179

Name Of Defendant _____

Race _____

Sex _____

DOB _____

Drivers License No. _____

State _____

Date Of Offense _____

Attorney For State _____

Def. Found
Not Indigent

Def. Waived
Attorney

Attorney For Defendant _____

Appointed Retained

Offense

- Impaired Driving (G.S. 20-138.1).
- Impaired Driving In A Commercial Vehicle (G.S. 20-138.2).
- Operating a Commercial Vehicle After Consuming Alcohol And This Was The Defendant's Second Or Subsequent Conviction Of This Offense (G.S. 20-138.2A).
- Operating A School Bus, School Activity Bus, Or Child Care Vehicle After Consuming Alcohol And This Was The Defendant's Second Or Subsequent Conviction Of This Offense (G.S. 20-138.2B).

The defendant appeared in open court and freely, voluntarily and understandingly pled guilty to was found guilty by the Court of was found guilty by a jury of pled no contest to the offense specified above. The Court, based upon the determinations shown on the attached Determination of Sentencing Factors form (AOC-CR-311), has imposed the following punishment level:

Level One. Level Two. Level Three. Level Four. Level Five.

The Court, having considered the evidence, arguments of counsel and statement of defendant, ORDERS that the defendant be imprisoned

for a minimum term of _____

for a maximum term of _____

in the custody of the

N.C. Department of 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 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 Number	Offense	County	Court	Date

(check all that apply)

- 1. The defendant shall pay the costs.
- 2. The defendant shall pay a fine of \$ _____ .
- 3. Work release is recommended.
- 4. Work release is **NOT** recommended.
- 5. The Court does **NOT** recommend that the defendant be required to pay restitution or reparation (i) as a condition of parole if parole is granted, or (ii) from his/her earnings if work release is granted.
- 6. 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 items and amounts set out below.

Costs	Fine	Restitution*	Reimbursement For Attorney Fee(s) And Other Expenses	Total Amount Due

*See attached "Restitution Worksheet, Notice And Order (Initial Sentencing)," AOC-CR-611, which is incorporated by reference.

Material opposite unmarked squares is to be disregarded as surplusage.

(Over)

The Court further recommends:

SPECIAL ALCOHOL CONCENTRATION FINDING

The defendant's alcohol concentration was 0.16 or greater. Other: _____

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 to the defendant's appointed counsel or the assigned public defender.

ORDER OF COMMITMENT

- 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. The current pretrial release order is modified as follows:

- 3. 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.

Date	Name Of Presiding Judge (Type Or Print)	Signature Of Presiding Judge
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ORDER OF COMMITMENT AFTER APPEAL

Date Remanded To District Court	Date Appeal Dismissed	Date Withdrawal Of Appeal Filed	Date Appellate Opinion Certified
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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 agency named in this Judgment and furnish that agency two certified copies of this Judgment and Commitment as authority for the commitment and detention of the defendant.

Date	Signature Of Clerk	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court
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CERTIFICATION

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

- 1. Appellate Entries (AOC-CR-350)
- 2. Determination Of Sentencing Factors In DWI Cases (AOC-CR-311)
- 3. Restitution Worksheet, Notice And Order (Initial Sentencing) (AOC-CR-611)

Date	Signature And Seal
Date Certified Copies Delivered To Sheriff	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk of Superior Court