

Class H & I Felonies

in District Court

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PLEASE AND
THANK YOU



Seriously, Thank You

- FY 2022: 4,240 felony pleas entered in district court
 - That's 26% of all Class H and I felonies (16,134)
 - That's 16% of all felonies (25,760)

More in District than Superior

- Wake
- New Hanover
- Pender
- Johnston
- Brunswick
- Columbus
- Rowan
- Forsyth
- Iredell
- Yadkin
- McDowell
- Alleghany
- Ashe
- Wilkes
- Rutherford
- Henderson
- Polk
- Transylvania

Felony Pleas in District Court

- North Carolina Constitution
 - Except as otherwise provided by the General Assembly, the Superior Court shall have original general jurisdiction throughout the State. Article IV, § 12(3).
 - The General Assembly shall, by general law uniformly applicable in every local court district of the State, prescribe the jurisdiction and powers of the District Courts and Magistrates. *Id.* § 12(4).

Jurisdiction

- When the prosecutor and defendant consent, the district court has jurisdiction to accept a defendant's plea of guilty or no contest to a Class H or I felony.

G.S. 7A-272

- Note: Before December 1, 2023, also required the consent of the presiding district court judge

Jurisdiction

- The chief district court judge may schedule and assign sessions of court to accept pleas of guilty or no contest pursuant to this subsection, and the district attorney shall cause agreed-upon pleas to be calendared for these sessions.
G.S. 7A-272(c) (eff. Dec. 1, 2023)

Charging

- Two possibilities:
 - Defendant charged with a felony by information under G.S. 15A-644.1 and the case is pending in district court, or
 - Defendant has been indicted, but the case is transferred to district court under G.S. 15A-1029.1

Procedure

- The judge shall require a true, complete, and accurate recording be made.

G.S. 7A-191.1

- A district court judge is authorized to act in the same manner as a superior court judge would be authorized to act if the plea had been entered in superior court.

G.S. 7A-272(d)

Appeals

- Appeals that are authorized are to the appellate division. G.S. 7A-272(d)
 - Probation, including special probation (split), is automatically stayed on appeal.
 - Confinement is stayed only if the defendant is released pursuant to Article 26, Bail (appeal bond)

Probation Violations

- By default, superior court has exclusive jurisdiction over probation violation hearings for H&I felonies pled in district court. G.S. 7A-271(e)
 - With consent of state and defendant, may be held in district court
- Appeal of a violation hearing held in district court is de novo to superior court. State v. Hooper, 358 N.C. 122 (2004)
 - *Exception*: In superior court local judicially managed accountability and recovery court cases, if the district court revokes probation, appeal is to the appellate division. G.S. 7A-271(f).

LJMARC

- With the consent of the chief DCJ and the senior resident SCJ, the district court may preside over a superior court probation judgment where the defendant is required to participate in a local judicially managed accountability and recovery court as a condition of probation or as part of a deferral or conditional discharge. G.S. 7A-272(e)
 - District court may extend or modify
 - Revocation hearings in superior court unless chief and senior resident agree on district court in the interest of justice
 - District court revocation appeals are to the appellate division

Deferral Cases

- Deferred prosecution
 - No specific statutory mention of Class H & I felony deferred prosecutions in district court aside from LJMARC
 - Arguably part of jurisdictional grant to conduct “preliminary examination” under G.S. 7A-272(b)

Deferral Cases

- Conditional discharges
 - District court jurisdiction clear as part of acceptance of a guilty plea
 - Even clearer after 2023 legislative clarification: In conditional discharge cases, superior court has jurisdiction to hold revocation hearing *and* to enter judgment and sentence Class H or I felony case originating in district court. G.S. 7A-271(e); 15A-1341(a6)

Conditional Discharge “Limbo”

- When conditional discharge probation expires, the defendant is “immune from prosecution of the charges deferred or discharged and dismissed.” G.S. 15A-1342(i).
- However, G.S. 15A-1341(a6) says you discharge a defendant “[u]pon fulfillment of the terms and conditions of a conditional discharge.”

Conditional Discharge “Limbo”

- State v. Hilgert, 866 S.E.2d 532 (2021)
(unpublished)

“The State argues Defendant's charge cannot be discharged and dismissed because ... Defendant did not fulfill the obligations of his side of the contract. ... We disagree. ... If the State wanted to extend, modify, or revoke Defendant's probation, it needed to do so. ... The State did neither of these things. Thus, G.S. 15A-1342(i) controls.”

Felony Sentencing

Felony Offenses Committed on or after October 1, 2013

MINIMUM SENTENCES AND DISPOSITIONAL OPTIONS

OFFENSE CLASS	PRIOR RECORD LEVEL						DISPOSITION
	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
A Max. Death or Life w/o Parole	Death or Life without Parole Defendant under 18 at Time of Offense: Life with or without Parole						
B1 Max. Life w/o Parole	A 240-300 192-240 144-192	A 276-345 221-276 166-221	A 317-397 254-317 190-254	A 365-456 292-365 219-292	Life w/o Parole 336-420 252-336	Life w/o Parole 386-483 290-386	Aggravated PRESUMPTIVE Mitigated
B2 Max. 484 (532)	A 157-196 125-157 94-125	A 180-225 144-180 108-144	A 207-258 165-207 124-165	A 238-297 190-238 143-190	A 273-342 219-273 164-219	A 314-393 251-314 189-251	
C Max. 231 (279)	A 73-92 58-73 44-58	A 83-104 67-83 50-67	A 96-120 77-96 58-77	A 110-138 88-110 66-88	A 127-159 101-127 76-101	A 146-182 117-146 87-117	
D Max. 204 (252)	A 64-80 51-64 38-51	A 73-92 59-73 44-59	A 84-105 67-84 51-67	A 97-121 78-97 58-78	A 111-139 89-111 67-89	A 128-160 103-128 77-103	
E Max. 88 (136)	I/A 25-31 20-25	I/A 29-36 23-29	A 33-41 26-33	A 38-48 30-38	A 44-55 35-44 26-35	A 50-63 40-50 30-40	

C/I/A

6-8

5-6

4-5

ASR

A	A
28-36	33-41
23-28	26-33
17-23	20-26
A	A
22-27	25-31
17-22	20-25
13-17	15-20
I/A	A
15-19	20-25
12-15	16-20
9-12	12-16
I/A	I/A
9-11	10-12
7-9	8-10
5-7	6-8

Extraordinary Mitigation (possible eligibility). See page 10.

Advanced Supervised Release (possible eligibility). See page 10.

Prior record levels for the maximum sentence for a defendant convicted of a reportable Class B1 through E sex crime is indicated in parentheses.

MAXIMUM SENTENCES

The tables below show the maximum sentence that corresponds to each minimum sentence. For minimum sentences of 340 months or more, the maximum sentence is 120 percent of the minimum sentence, rounded to the next highest month, plus 12 additional months. G.S. 15A-1340.17(e).
Sex Crimes: The maximum sentence for a Class B1 through E felony subject to the registration requirements of G.S. Chapter 14, Article 27A is 120 percent of the minimum sentence, rounded to the next highest month, plus 60 additional months, as indicated in parentheses below. G.S. 15A-1340.17(f).

FOR OFFENSE CLASSES B1 THROUGH E [Minimum Sentence → Corresponding Maximum (Sex Crimes)]									
15+30 (78)	56+80 (128)	97+129 (177)	138+178 (226)	179+227 (275)	220+276 (324)	261+326 (374)	302+375 (423)		
16+32 (80)	57+81 (129)	98+130 (178)	139+179 (227)	180+228 (276)	221+278 (326)	262+327 (375)	303+376 (424)		
17+33 (81)	58+82 (130)	99+131 (179)	140+180 (228)	181+230 (278)	222+279 (327)	263+328 (376)	304+377 (425)		
18+34 (82)	59+83 (131)	100+132 (180)	141+182 (230)	182+231 (279)	223+280 (328)	264+329 (377)	305+378 (426)		
19+35 (83)	60+84 (132)	101+134 (182)	142+183 (231)	183+232 (280)	224+281 (329)	265+330 (378)	306+380 (428)		
20+36 (84)	61+86 (134)	102+135 (183)	143+184 (232)	184+233 (281)	225+282 (330)	266+332 (380)	307+381 (429)		
21+38 (86)	62+87 (135)	103+136 (184)	144+185 (233)	185+234 (282)	226+284 (332)	267+333 (381)	308+382 (430)		
22+39 (87)	63+88 (136)	104+137 (185)	145+186 (234)	186+236 (284)	227+285 (333)	268+334 (382)	309+383 (431)		
23+40 (88)	64+89 (137)	105+138 (186)	146+188 (236)	187+237 (285)	228+286 (334)	269+335 (383)	310+384 (432)		
24+41 (89)	65+90 (138)	106+140 (188)	147+189 (237)	188+238 (286)	229+287 (335)	270+336 (384)	311+386 (434)		
25+42 (90)	66+92 (140)	107+141 (189)	148+190 (238)	189+239 (287)	230+288 (336)	271+338 (386)	312+387 (435)		
26+44 (92)	67+93 (141)	108+142 (190)	149+191 (239)	190+240 (288)	231+290 (338)	272+339 (387)	313+388 (436)		
27+45 (93)	68+94 (142)	109+143 (191)	150+192 (240)	191+242 (290)	232+291 (339)	273+340 (388)	314+389 (437)		
28+46 (94)	69+95 (143)	110+144 (192)	151+194 (242)	192+243 (291)	233+292 (340)	274+341 (389)	315+390 (438)		
29+47 (95)	70+96 (144)	111+146 (194)	152+195 (243)	193+244 (292)	234+293 (341)	275+342 (390)	316+392 (440)		
30+48 (96)	71+98 (146)	112+147 (195)	153+196 (244)	194+245 (293)	235+294 (342)	276+344 (392)	317+393 (441)		
31+50 (98)	72+99 (147)	113+148 (196)	154+197 (245)	195+246 (294)	236+296 (344)	277+345 (393)	318+394 (442)		
32+51 (99)	73+100 (148)	114+149 (197)	155+198 (246)	196+248 (296)	237+297 (345)	278+346 (394)	319+395 (443)		
33+52 (100)	74+101 (149)	115+150 (198)	156+200 (248)	197+249 (297)	238+299 (346)	279+347 (395)	320+396 (444)		
34+53 (101)	75+102 (150)	116+152 (200)	157+201 (249)	198+250 (298)	239+299 (347)	280+348 (396)	321+398 (446)		
35+54 (102)	76+104 (152)	117+153 (201)	158+202 (250)	199+251 (299)	240+300 (348)	281+350 (398)	322+399 (447)		
36+56 (104)	77+105 (153)	118+154 (202)	159+203 (251)	200+252 (300)	241+302 (350)	282+351 (399)	323+400 (448)		
37+57 (105)	78+106 (154)	119+155 (203)	160+204 (252)	201+254 (302)	242+303 (351)	283+352 (401)	324+401 (449)		
38+58 (106)	79+107 (155)	120+156 (204)	161+206 (254)	202+255 (303)	243+304 (352)	284+354 (401)	325+402 (450)		
39+59 (107)	80+108 (156)	121+158 (206)	162+207 (255)	203+256 (304)	244+305 (353)	285+354 (402)	326+404 (452)		
40+60 (108)	81+110 (158)	122+159 (207)	163+208 (256)	204+257 (305)	245+306 (354)	286+356 (404)	327+405 (453)		
41+62 (110)	82+111 (159)	123+160 (208)	164+209 (257)	205+258 (306)	246+308 (356)	287+357 (405)	328+406 (454)		
42+63 (111)	83+112 (160)	124+161 (209)	165+210 (258)	206+260 (308)	247+309 (357)	288+358 (406)	329+407 (455)		
43+64 (112)	84+113 (161)	125+162 (210)	166+212 (260)	207+261 (309)	248+310 (358)	289+359 (407)	330+408 (456)		
44+65 (113)	85+114 (162)	126+164 (212)	167+213 (261)	208+262 (310)	249+311 (359)	290+360 (408)	331+410 (458)		
45+66 (114)	86+116 (164)	127+165 (213)	168+214 (262)	209+263 (311)	250+312 (360)	291+362 (410)	332+411 (459)		
46+68 (116)	87+117 (165)	128+166 (214)	169+215 (263)	210+264 (312)	251+314 (362)	292+363 (411)	333+412 (460)		
47+69 (117)	88+118 (166)	129+167 (215)	170+216 (264)	211+266 (314)	252+315 (363)	293+364 (412)	334+413 (461)		
48+70 (118)	89+119 (167)	130+168 (216)	171+218 (266)	212+267 (315)	253+316 (364)	294+365 (413)	335+414 (462)		
49+71 (119)	90+120 (168)	131+170 (218)	172+219 (267)	213+268 (316)	254+317 (365)	295+366 (414)	336+416 (464)		
50+72 (120)	91+122 (170)	132+171 (219)	173+220 (268)	214+269 (317)	255+318 (366)	296+368 (416)	337+417 (465)		
51+74 (122)	92+123 (171)	133+172 (220)	174+221 (269)	215+270 (318)	256+320 (368)	297+369 (417)	338+418 (466)		
52+75 (123)	93+124 (172)	134+173 (221)	175+222 (270)	216+272 (320)	257+321 (369)	298+370 (418)	339+419 (467)		
53+76 (124)	94+125 (173)	135+174 (222)	176+224 (272)	217+273 (321)	258+322 (370)	299+371 (419)			
54+77 (125)	95+126 (174)	136+176 (224)	177+225 (273)	218+274 (322)	259+323 (371)	300+372 (420)			
55+78 (126)	96+128 (176)	137+177 (225)	178+226 (274)	219+275 (323)	260+324 (372)	301+374 (422)			

FOR OFFENSE CLASSES F THROUGH I [Minimum Sentence → Corresponding Maximum]									
3+13	9+20	15+27	21+35	27+42	33+49	39+56	45+63		
4+14	10+21	16+29	22+36	28+43	34+50	40+57	46+65		
5+15	11+23	17+30	23+37	29+44	35+51	41+59	47+66		
6+17	12+24	18+31	24+38	30+45	36+53	42+60	48+67		
7+18	13+25	19+32	25+39	31+47	37+54	43+61	49+68		
8+19	14+26	20+33	26+41	32+48	38+55	44+62			

Length of Probation Period
 The original period of probation for a felony sentenced under Structured Sentencing must fall within the following limits:
 • Community—12 to 30 months
 • Intermediate—18 to 36 months

Post-Release Supervision
 Class F-I felony—9 months
 Class B1-E felony—12 months
 Crimes requiring sex offender registration—5 years

Fines
 Any felony sentence may include a fine. Unless otherwise provided for a specific offense, the amount of the fine is in the discretion of the court. G.S. 15A-1340.17(b).

The court may depart from those ranges with a finding that a longer or shorter period is required. The maximum permissible period with a finding is 5 years. G.S. 15A-1343.2.

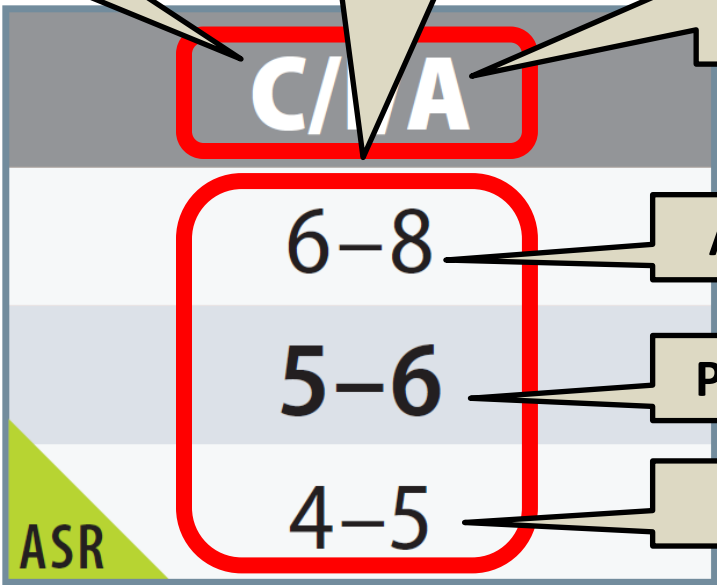
Intermediate
Supervised probation that may include a split sentence or local judicially managed accountability and recovery court

Community
Probation or just a fine

Active
Prison

Dispositional Options

Permissible MINIMUM term of imprisonment (months)



Aggravated Range

Presumptive Range

Mitigated Range

Example 1

- Felony Larceny (Class H)
- Prior Record Level I

Felony Offenses Committed on or after October 1, 2013

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A	A
22-27	25-31
17-22	20-25
13-17	15-20
I/A	A
15-19	20-25
12-15	16-20
9-12	12-16
I/A	I/A
9-11	10-12
7-9	8-10
5-7	6-8

Extraordinary Mitigation (possible eligibility). See page 10.

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28+46 (94)	69+95 (143)	110+144 (192)	151+194 (242)	192+243 (291)	233+292 (340)	274+341 (389)	315+390 (438)
29+47 (95)	70+96 (144)	111+146 (194)	152+195 (243)	193+244 (292)	234+293 (341)	275+342 (390)	316+392 (440)
30+48 (96)	71+98 (146)	112+147 (195)	153+196 (244)	194+245 (293)	235+294 (342)	276+344 (392)	317+393 (441)
31+50 (98)	72+99 (147)	113+148 (196)	154+197 (245)	195+246 (294)	236+296 (344)	277+345 (393)	318+394 (442)
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33+52 (100)	74+101 (149)	115+150 (198)	156+200 (248)	197+249 (297)	238+299 (347)	279+347 (395)	320+396 (444)
34+53 (101)	75+102 (150)	116+152 (200)	157+201 (249)	198+250 (298)	239+299 (347)	280+348 (396)	321+398 (446)
35+54 (102)	76+104 (152)	117+153 (201)	158+202 (250)	199+251 (299)	240+300 (348)	281+350 (398)	322+399 (447)
36+56 (104)	77+105 (153)	118+154 (202)	159+203 (251)	200+252 (300)	241+302 (350)	282+351 (399)	323+400 (448)
37+57 (105)	78+106 (154)	119+155 (203)	160+204 (252)	201+254 (302)	242+303 (351)	283+352 (401)	324+401 (449)
38+58 (106)	79+107 (155)	120+156 (204)	161+206 (254)	202+255 (303)	243+304 (352)	284+354 (401)	325+402 (450)
39+59 (107)	80+108 (156)	121+158 (206)	162+207 (255)	203+256 (304)	244+305 (353)	285+354 (402)	326+404 (452)
40+60 (108)	81+110 (158)	122+159 (207)	163+208 (256)	204+257 (305)	245+306 (354)	286+356 (404)	327+405 (453)
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43+64 (112)	84+113 (161)	125+162 (210)	166+212 (260)	207+261 (309)	248+310 (358)	289+359 (407)	330+408 (456)
44+65 (113)	85+114 (162)	126+164 (212)	167+213 (261)	208+262 (310)	249+311 (359)	290+360 (408)	331+410 (458)
45+66 (114)	86+116 (164)	127+165 (213)	168+214 (262)	209+263 (311)	250+312 (360)	291+362 (410)	332+411 (459)
46+68 (116)	87+117 (165)	128+166 (214)	169+215 (263)	210+264 (312)	251+314 (362)	292+363 (411)	333+412 (460)
47+69 (117)	88+118 (166)	129+167 (215)	170+216 (264)	211+266 (314)	252+315 (363)	293+364 (412)	334+413 (461)
48+70 (118)	89+119 (167)	130+168 (216)	171+218 (266)	212+267 (315)	253+316 (364)	294+365 (413)	335+414 (462)
49+71 (119)	90+120 (168)	131+170 (218)	172+219 (267)	213+268 (316)	254+317 (365)	295+366 (414)	336+416 (464)
50+72 (120)	91+122 (170)	132+171 (219)	173+220 (268)	214+269 (317)	255+318 (366)	296+368 (416)	337+417 (465)
51+74 (122)	92+123 (171)	133+172 (220)	174+221 (269)	215+270 (318)	256+320 (368)	297+369 (417)	338+418 (466)
52+75 (123)	93+124 (172)	134+173 (221)	175+222 (270)	216+272 (320)	257+321 (369)	298+370 (418)	339+419 (467)
53+76 (124)	94+125 (173)	135+174 (222)	176+224 (272)	217+273 (321)	258+322 (370)	299+371 (419)	
54+77 (125)	95+126 (174)	136+176 (224)	177+225 (273)	218+274 (322)	259+323 (371)	300+372 (420)	
55+78 (126)	96+128 (176)	137+177 (225)	178+226 (274)	219+275 (323)	260+324 (372)	301+374 (422)	

FOR OFFENSE CLASSES F THROUGH I [Minimum Sentence → Corresponding Maximum]

3+13	9+20	15+27	21+35	27+42	33+49	39+56	45+63
4+14	10+21	16+29	22+36	28+43	34+50	40+57	46+65
5+15	11+23	17+30	23+37	29+44	35+51	41+59	47+66
6+17	12+24	18+31	24+38	30+45	36+53	42+60	48+67
7+18	13+25	19+32	25+39	31+47	37+54	43+61	49+68
8+19	14+26	20+33	26+41	32+48	38+55	44+62	

Length of Probation Period

The original period of probation for a felony sentenced under Structured Sentencing must fall within the following limits:

- Community—12 to 30 months
- Intermediate—18 to 36 months

The court may depart from those ranges with a finding that a longer or shorter period is required. The maximum permissible period with a finding is 5 years. G.S. 15A-1343.2.

Post-Release Supervision

Class F-I felony—9 months
 Class B1-E felony—12 months
 Crimes requiring sex offender registration—5 years

Fines

Any felony sentence may include a fine. Unless otherwise provided for a specific offense, the amount of the fine is in the discretion of the court. G.S. 15A-1340.17(b).

Felony Offenses Committed on or after October 1, 2013

MINIMUM SENTENCES AND DISPOSITIONAL OPTIONS

OFFENSE CLASS	PRIOR RECORD LEVEL						DISPOSITION
	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
A Max. Death or Life w/o Parole	Death or Life without Parole Defendant under 18 at Time of Offense: Life with or without Parole						
B1 Max. Life w/o Parole	A 240-300 192-240 144-192	A 276-345 221-276 166-221	A 317-397 254-317 190-254	A 365-456 292-365 219-292	Life w/o Parole 336-420 252-336	Life w/o Parole 386-483 290-386	Aggravated PRESUMPTIVE Mitigated
B2 Max. 484 (532)	A 157-196 125-157 94-125	A 180-225 144-180 108-144	A 207-258 165-207 124-165	A 238-297 190-238 143-190	A 273-342 219-273 164-219	A 314-393 251-314 189-251	
C Max. 231 (279)	A 73-92 58-73 44-58	A 83-104 67-83 50-67	A 96-120 77-96 58-77	A 110-138 88-110 66-88	A 127-159 101-127 76-101	A 146-182 117-146 87-117	
D Max. 204 (252)	A 64-80 51-64 38-51	A 73-92 59-73 44-59	A 84-105 67-84 51-67	A 97-121 78-97 58-78	A 111-139 89-111 67-89	A 128-160 103-128 77-103	
E Max. 88 (136)	I/A 25-31 20-25	I/A 29-36 23-29	A 33-41 26-33	A 38-48 30-38	A 44-55 35-44 26-35	A 50-63 40-50 30-40	

C/I/A

6-8

5-6

4-5

ASR

A	A
28-36	33-41
23-28	26-33
17-23	20-26
A	A
22-27	25-31
17-22	20-25
13-17	15-20
I/A	A
15-19	20-25
12-15	16-20
9-12	12-16
I/A	I/A
9-11	10-12
7-9	8-10
5-7	6-8

Extraordinary Mitigation (possible eligibility). See page 10.

Advanced Supervised Release (possible eligibility). See page 10.

Prior record levels for the maximum sentence for a defendant convicted of a reportable Class B1 through E sex crime is indicated in parentheses.

MAXIMUM SENTENCES

The tables below show the maximum sentence that corresponds to each minimum sentence. For minimum sentences of 340 months or more, the maximum sentence is 120 percent of the minimum sentence, rounded to the next highest month, plus 12 additional months. G.S. 15A-1340.17(e).
Sex Crimes: The maximum sentence for a Class B1 through E felony subject to the registration requirements of G.S. Chapter 14, Article 27A is 120 percent of the minimum sentence, rounded to the next highest month, plus 60 additional months, as indicated in parentheses below. G.S. 15A-1340.17(f).

FOR OFFENSE CLASSES B1 THROUGH E [Minimum Sentence → Corresponding Maximum (Sex Crimes)]

15+30 (78)	56+80 (128)	97+129 (177)	138+178 (226)	179+227 (275)	220+276 (324)	261+326 (374)	302+375 (423)
16+32 (80)	57+81 (129)	98+130 (178)	139+179 (227)	180+228 (276)	221+278 (326)	262+327 (375)	303+376 (424)
17+33 (81)	58+82 (130)	99+131 (179)	140+180 (228)	181+230 (278)	222+279 (327)	263+328 (376)	304+377 (425)
18+34 (82)	59+83 (131)	100+132 (180)	141+182 (230)	182+231 (279)	223+280 (328)	264+329 (377)	305+378 (426)
19+35 (83)	60+84 (132)	101+134 (182)	142+183 (231)	183+232 (280)	224+281 (329)	265+330 (378)	306+380 (428)
20+36 (84)	61+86 (134)	102+135 (183)	143+184 (232)	184+233 (281)	225+282 (330)	266+332 (380)	307+381 (429)
21+38 (86)	62+87 (135)	103+136 (184)	144+185 (233)	185+234 (282)	226+284 (332)	267+333 (381)	308+382 (430)
22+39 (87)	63+88 (136)	104+137 (185)	145+186 (234)	186+236 (284)	227+285 (333)	268+334 (382)	309+383 (431)
23+40 (88)	64+89 (137)	105+138 (186)	146+188 (236)	187+237 (285)	228+286 (334)	269+335 (383)	310+384 (432)
24+41 (89)	65+90 (138)	106+140 (188)	147+189 (237)	188+238 (286)	229+287 (335)	270+336 (384)	311+386 (434)
25+42 (90)	66+92 (140)	107+141 (189)	148+190 (238)	189+239 (287)	230+288 (336)	271+338 (386)	312+387 (435)
26+44 (92)	67+93 (141)	108+142 (190)	149+191 (239)	190+240 (288)	231+290 (338)	272+339 (387)	313+388 (436)
27+45 (93)	68+94 (142)	109+143 (191)	150+192 (240)	191+242 (290)	232+291 (339)	273+340 (388)	314+389 (437)
28+46 (94)	69+95 (143)	110+144 (192)	151+194 (242)	192+243 (291)	233+292 (340)	274+341 (389)	315+390 (438)
29+47 (95)	70+96 (144)	111+146 (194)	152+195 (243)	193+244 (292)	234+293 (341)	275+342 (390)	316+392 (440)
30+48 (96)	71+98 (146)	112+147 (195)	153+196 (244)	194+245 (293)	235+294 (342)	276+344 (392)	317+393 (441)
31+50 (98)	72+99 (147)	113+148 (196)	154+197 (245)	195+246 (294)	236+296 (344)	277+345 (393)	318+394 (442)
32+51 (99)	73+100 (148)	114+149 (197)	155+198 (246)	196+248 (296)	237+297 (345)	278+346 (394)	319+395 (443)
33+52 (100)	74+101 (149)	115+150 (198)	156+200 (248)	197+249 (297)	238+298 (346)	279+347 (395)	320+396 (444)
34+53 (101)	75+102 (150)	116+152 (200)	157+201 (249)	198+250 (298)	239+299 (347)	280+348 (396)	321+398 (446)
35+54 (102)	76+104 (152)	117+153 (201)	158+202 (250)	199+251 (299)	240+300 (348)	281+350 (398)	322+399 (447)
36+56 (104)	77+105 (153)	118+154 (202)	159+203 (251)	200+252 (300)	241+302 (350)	282+351 (399)	323+400 (448)
37+57 (105)	78+106 (154)	119+155 (203)	160+204 (252)	201+254 (302)	242+303 (351)	283+352 (401)	324+401 (449)
38+58 (106)	79+107 (155)	120+156 (204)	161+206 (254)	202+255 (303)	243+304 (352)	284+354 (401)	325+402 (450)
39+59 (107)	80+108 (156)	121+158 (206)	162+207 (255)	203+256 (304)	244+305 (353)	285+354 (402)	326+404 (452)
40+60 (108)	81+110 (158)	122+159 (207)	163+208 (256)	204+257 (305)	245+306 (354)	286+356 (404)	327+405 (453)
41+62 (110)	82+111 (159)	123+160 (208)	164+209 (257)	205+258 (306)	246+308 (356)	287+357 (405)	328+406 (454)
42+63 (111)	83+112 (160)	124+161 (209)	165+210 (258)	206+260 (308)	247+309 (357)	288+358 (406)	329+407 (455)
43+64 (112)	84+113 (161)	125+162 (210)	166+212 (260)	207+261 (309)	248+310 (358)	289+359 (407)	330+408 (456)
44+65 (113)	85+114 (162)	126+164 (212)	167+213 (261)	208+262 (310)	249+311 (359)	290+360 (408)	331+410 (458)
45+66 (114)	86+116 (164)	127+165 (213)	168+214 (262)	209+263 (311)	250+312 (360)	291+362 (410)	332+411 (459)
46+68 (116)	87+117 (165)	128+166 (214)	169+215 (263)	210+264 (312)	251+314 (362)	292+363 (411)	333+412 (460)
47+69 (117)	88+118 (166)	129+167 (215)	170+216 (264)	211+266 (314)	252+315 (363)	293+364 (412)	334+413 (461)
48+70 (118)	89+119 (167)	130+168 (216)	171+218 (266)	212+267 (315)	253+316 (364)	294+365 (413)	335+414 (462)
49+71 (119)	90+120 (168)	131+170 (218)	172+219 (267)	213+268 (316)	254+317 (365)	295+366 (414)	336+416 (464)
50+72 (120)	91+122 (170)	132+171 (219)	173+220 (268)	214+269 (317)	255+318 (366)	296+368 (416)	337+417 (465)
51+74 (122)	92+123 (171)	133+172 (220)	174+221 (269)	215+270 (318)	256+320 (368)	297+369 (417)	338+418 (466)
52+75 (123)	93+124 (172)	134+173 (221)	175+222 (270)	216+272 (320)	257+321 (369)	298+370 (418)	339+419 (467)
		135+174 (222)	176+224 (272)	217+273 (321)	258+322 (370)	299+371 (419)	
		136+176 (224)	177+225 (273)	218+274 (322)	259+323 (371)	300+372 (420)	
		137+177 (225)	178+226 (274)	219+275 (323)	260+324 (372)	301+374 (422)	

5 → 15

6 → 17

FOR OFFENSE CLASSES F THROUGH I [Minimum Sentence → Corresponding Maximum]

15+27	21+35	27+42	33+49	39+56	45+63
16+29	22+36	28+43	34+50	40+57	46+65
17+30	23+37	29+44	35+51	41+59	47+66
18+31	24+38	30+45	36+53	42+60	48+67
19+32	25+39	31+47	37+54	43+61	49+68
20+33	26+41	32+48	38+55	44+62	

Length of Probation Period

The original period of probation for a felony sentenced under Structured Sentencing must fall within the following limits:

- Community—12 to 30 months
- Intermediate—18 to 36 months

The court may depart from those ranges with a finding that a longer or shorter period is required. The maximum permissible period with a finding is 5 years. G.S. 15A-1343.2.

Post-Release Supervision

Class F-I felony—9 months
 Class B1-E felony—12 months
 Crimes requiring sex offender registration—5 years

Fines

Any felony sentence may include a fine. Unless otherwise provided for a specific offense, the amount of the fine is in the discretion of the court. G.S. 15A-1340.17(b).

STATE OF NORTH CAROLINA File No. _____

County _____ Seat of Court _____

NOTE: [Use AOC-CR-342 for DWI offense(s)]

In The General Court Of Justice
 District Superior Court Division

STATE VERSUS

Name Of Defendant _____

Race _____ Sex _____ Date Of Birth _____

**JUDGMENT AND COMMITMENT
ACTIVE PUNISHMENT - FELONY
(STRUCTURED SENTENCING)
(For Convictions On Or After Jan. 1, 2012)**
G.S. 15A-1301, -1340.13

Attorney For State _____ Attorney For Defendant _____

Def. Found Not Indigent Def. Waived Attorney Appointed Retained Cr Rptr Initials _____

The defendant was found guilty/responsible, pursuant to plea (pursuant to Alford) (of no contest) trial by judge trial by jury, of

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL.	*Pun. CL.
					F	H	

***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 determination of this issue by the trier of fact 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: I III V
LEVEL: II IV VI

The Court **(NOTE: Block 1 or 2 MUST be checked):**

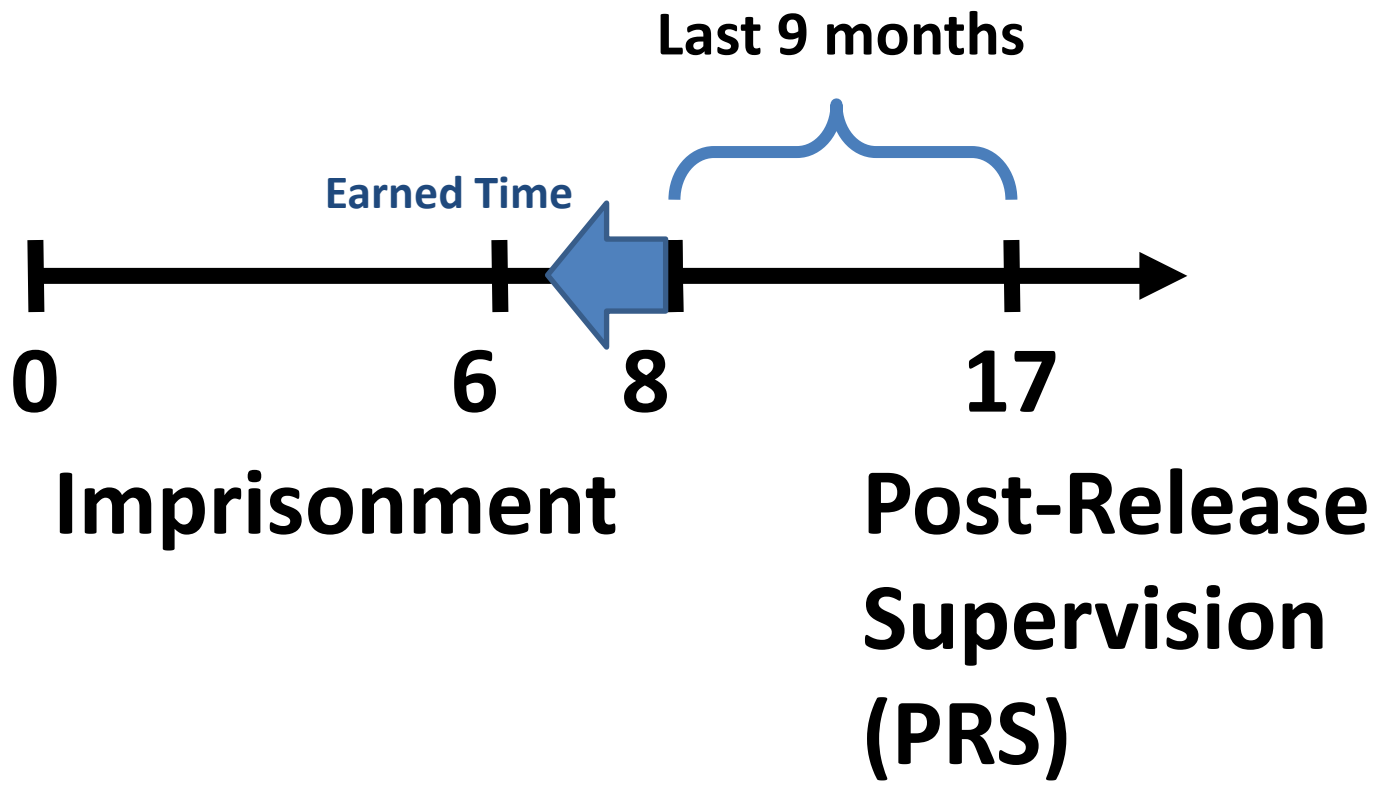
1. makes no written findings because the term imposed is: (a) in the presumptive range. (b) for a Class A felony. (c) for adjudication as a violent habitual felon, G.S. 14-7.12. (d) for drug trafficking. for which the Court finds the defendant provided substantial assistance, G.S. 90-95(h)(5). (e) in 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, 14-27.4A, 14-27.23, or 14-27.28, 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 misdemeanor). Other: _____
This finding is based on the determination of this issue by the trier of fact 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, 2017, only) finds that the offense was committed as part of criminal gang activity as defined in G.S. 14-50.16A(2). and that the defendant was a criminal gang leader or organizer as defined in G.S. 14-50.16A(3). This finding is based on the determination of this issue by the trier of fact beyond a reasonable doubt or on the defendant's admission.
13. finds the above-designated offense(s) involved (check one) (offenses committed Dec. 1, 2008 - Nov. 30, 2017) criminal street gang activity (offenses committed on or after Dec. 1, 2017) criminal gang activity, G.S. 14-50.25.
14. 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.
15. finds that the defendant used or displayed a firearm while committing the felony, G.S. 15A-1382.

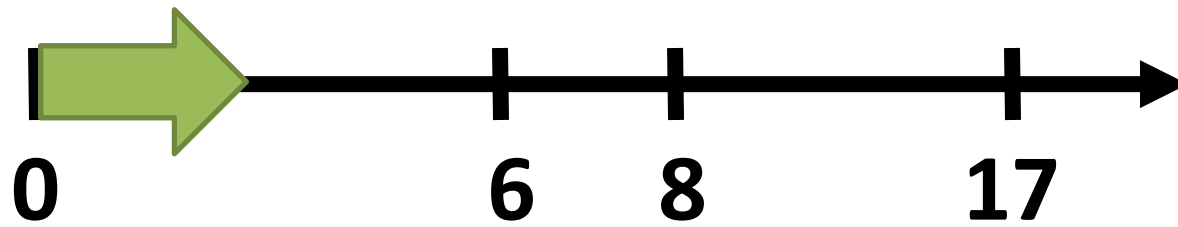
“6-17 months,
Active, in the
custody of DAC.”

to Life Imprisonment With Parole, pursuant to G.S. Chapter 15

for a minimum term of:	and a maximum term of:
6 months	17 months
The defendant shall be given credit for _____ days spent in co	

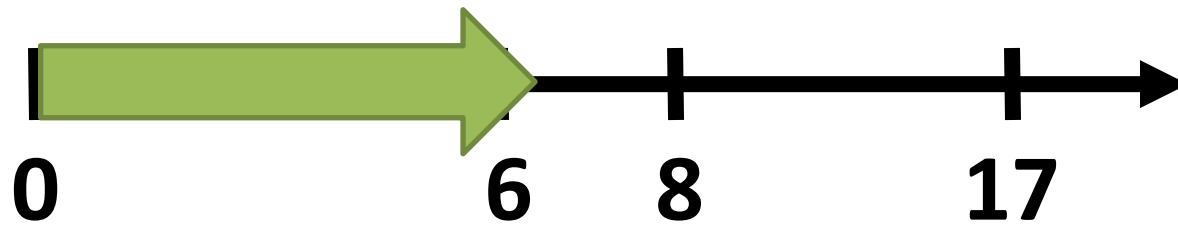
What does it mean?



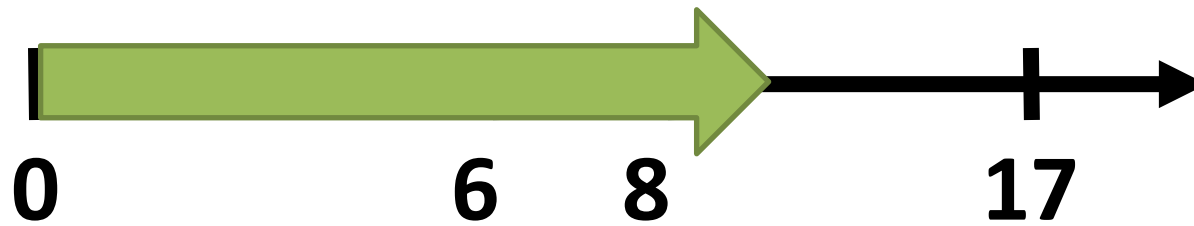


Jail Credit

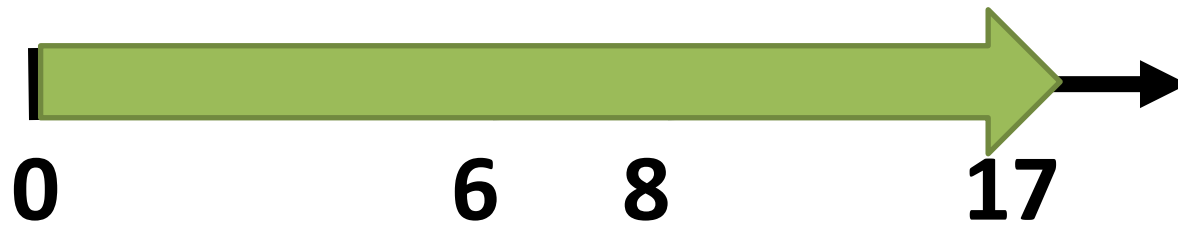
Go to prison



Direct Release to PRS “Jail Post-Release”



Time Served



Probationary Sentences

Example 2

- Obtaining Property by False Pretenses (Class H)
- Prior Record Level I

C/I/A	
	6-8
	5-6
ASR	4-5

Probationary Sentences

- **Term of imprisonment**
- **Type of sentence**
- **Length of probation period**
- **Conditions of probation**
- **Delegated authority**

Community
Probation or
just a fine

Intermediate
Supervised probation that may
include a split sentence or “local
judicially managed accountability
and recovery court”

	C/I/A
	6-8
	5-6
ASR	4-5

**Please be clear
about which
you are
imposing!**

Probationary Sentences (p. 26)

- Term of imprisonment
- Type of sentence
- Length of probation period
- Conditions of probation
- Delegated authority

Length of Probation Period

The original period of probation for a felony sentenced under Structured Sentencing must fall within the following limits:

- Community—12 to 30 months
- Intermediate—18 to 36 months

The court may depart from those ranges with a finding that a longer or shorter period is required. The maximum permissible period with a finding is 5 years. G.S. 15A-1343.2.

SUSPENSION OF SENTENCE

Subject to the conditions set out below, the execution of this sentence is suspended and the defendant is placed on supervised unsupervised probation for _____ months.

1. The Court finds that a longer shorter period of probation is necessary than that which is specified in G.S. 15A-1343.2(d).
2. The Court finds that it is NOT appropriate to delegate to the Section of Community Corrections the authority to impose any of the requirements in G.S. 15A-1343.2(e) for community punishment or G.S. 15A-1343.2(f) for intermediate punishment.
3. This period of probation shall begin when the defendant is released from incarceration at the expiration of the sentence in the case below.

File No.	Offense	County	Court	Date

4. The defendant shall comply with the conditions set forth in file number _____.
5. The defendant shall provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319 required)

- **Average probation for a felony: 26 months**

Regular

CONDITIONS OF PROBATION - G.S. 15A-1343(b)

NOTE: Any probationer who is placed on probation under G.S. 15A-1342. The defendant shall: (1) Commit no criminal offense in any jurisdiction. (2) Possess no firearm, explosive device or other deadly weapon listed in G.S. 14-269. (3) Remain gainfully employed or faithfully pursue a course of study or vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) Satisfy child support and family obligations, as required by the Court. (5) Not abscond, willfully avoiding supervision or by willfully making the defendant's whereabouts unknown to the supervising probation officer. (6) Remain within the jurisdiction of the Court unless granted written permission to leave by the Court or probation officer. (7) Report as directed by the Court or the probation officer to the officer at reasonable times and places and in a reasonable manner, permit the officer to visit at reasonable times, answer all reasonable inquiries by the officer and obtain prior approval from the officer for, and notify the officer of, any change in address or employment. (8) Notify the probation officer if the defendant fails to obtain or retain satisfactory employment. (9) Submit at reasonable times to warrantless searches by a probation officer of the defendant's person and of the defendant's vehicle and premises while the defendant is present, for purposes directly related to the probation supervision, but the defendant may not be required to submit to any other search that would otherwise be unlawful. (10) Submit to warrantless searches by a law enforcement officer of the defendant's person and of the defendant's vehicle, upon a reasonable suspicion that the defendant is engaged in criminal activity or is in possession of a firearm, explosive device, or other deadly weapon listed in G.S. 14-269 without written permission of the court. (11) Not use, possess, or control any illegal drug or controlled substance unless it has been prescribed for the defendant by a licensed physician and is in the original container with the prescription number affixed on it, not knowingly associate with any known or previously convicted users, possessors, or sellers of any such illegal drugs or controlled substances; and not knowingly be present at or frequent any place where such illegal drugs or controlled substances are sold, kept, or used. (12) Supply a breath, urine, or blood specimen for analysis of the possible presence of prohibited drugs or alcohol when instructed by the defendant's probation officer for purposes directly related to the probation supervision. If the results of the analysis are positive, the probationer may be required to reimburse the Division of Adult Correction for the actual costs of drug or alcohol screening and testing.

SPECIAL CONDITIONS OF PROBATION - G.S. 15A-1343(b1)

- The defendant shall also comply with the following special conditions which the Court finds are reasonably related to the defendant's rehabilitation:
14. Surrender the defendant's drivers license to the Clerk of Superior Court for transmittal/notification to the Division of Motor Vehicles and not operate a motor vehicle for a period of _____ or until relicensed by the Division of Motor Vehicles, whichever is later.
 15. Successfully pass the General Education Development Test (G.E.D.) during the first _____ months of the period of probation.
 16. Complete _____ hours of community service during the first _____ days of the period of probation, as directed by the judicial service coordinator. The fee prescribed by G.S. 143B-708 is _____ not due because it is assessed in a case adjudicated during the same term of court. _____ to be paid _____ pursuant to the schedule set out under Monetary Conditions above _____ within _____ days of this Judgment and before beginning service.
 17. Report for initial evaluation by _____ participate in all further evaluation, counseling, treatment, or other therapeutic requirements of those programs.
 18. Not assault, threaten, harass, be found in or on the premises of, or have any contact with _____ "Contact" includes any defendant-initiated contact by telephone, mail, in person, or through a pager, gift-giving, telefacsimile machine or through any other means.
 19. (for offenses committed on or after December 1, 2012) _____ days, _____ months, the Court _____ or chronic abuse.
 20. Other: _____



Special

- Comply with _____ which are set forth on AOC-CR-603C, Page Two.
1. It is ORDERED that _____ certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that _____ 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 trial 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 _____

CERTIFICATION

- I certify that this Judgment and the attachment(s) marked below is a true and complete copy of the original which is on file in this case.
- | | |
|--|---|
| <input type="checkbox"/> 1. Appellate Entries (AOC-CR-350) | <input type="checkbox"/> 6. Judicial Findings As To Required DNA Sample (AOC-CR-319) |
| <input type="checkbox"/> 2. Judgment Suspending Sentence, (AOC-CR-603C, Page Two) (additional conditions of probation) | <input type="checkbox"/> 7. Judicial Findings And Order For Sex Offenders - Suspended Sentence (AOC-CR-615, Side Two) |
| <input type="checkbox"/> 3. Felony Judgment Findings Of Aggravating And Mitigating Factors (AOC-CR-605) | <input type="checkbox"/> 8. Convicted Sex Offender Permanent No Contact Order (AOC-CR-620) |
| <input type="checkbox"/> 4. Extraordinary Mitigation Findings (AOC-CR-606) | <input type="checkbox"/> 9. Additional File No.(s) And Offense(s) (AOC-CR-626) |
| <input type="checkbox"/> 5. Restitution Worksheet, Notice And Order [Initial Sentencing] (AOC-CR-611) | <input type="checkbox"/> 10. Other: _____ |

Date _____ Date Certified Copies Delivered To Sheriff _____ Signature Of Clerk _____ Deputy CSC _____ Assistant CSC _____ CSC _____

STATE VERSUS

File No. _____

Name Of Defendant _____

NOTE: Use this page for suspending sentence under G.S. 15A-1343(b) for _____ charge.

Community and Intermediate

NOTE: The conditions in this section may not be imposed for defendants placed on probation for a sentence under G.S. 20-179. In addition to complying with the regular and any special conditions of probation set forth in the "Judgment Suspending Sentence" entered in the above case(s), the defendant shall also comply with the following conditions of probation, which may be imposed for any community or intermediate punishment.

1. Submit to house arrest with electronic monitoring, remain at the defendant's residence for a period of _____ days, _____ months, and abide by all rules, regulations and directions of the probation officer regarding such monitoring. The defendant may leave the residence for the following purpose(s) and as otherwise permitted by the probation officer: employment counseling a course of study vocational training. NOTE TO CLERK: Unless specifically ordered by the Court, do not assess the house arrest fee for this condition. Other: _____
 2. Complete _____ hours of community service during the first _____ days of the period of probation, as directed by the judicial service coordinator. The fee prescribed by G.S. 143B-708 is _____ not due because it is assessed in a case adjudicated during the same term of court. _____ to be paid _____ pursuant to the schedule set out under Monetary Conditions in the "Judgment Suspending Sentence." _____ within _____ days of this Judgment and before beginning service. Other: _____
 3. Submit to the following period(s) of confinement in the custody of the _____ Sheriff of this County. _____ (other local confinement facility). _____ and pay jail fees. The defendant shall report in a sober condition to serve the term(s) indicated below.
NOTE: Periods of confinement imposed here must be for two-day or three-day consecutive periods, only, for no more than six days in a single month, and in no more than three separate months during the period of probation. To impose special probation under G.S. 15A-1351, see INTERMEDIATE PUNISHMENTS, below.
- | | | | | | | | | | | | | | | | | | |
|------|------|----|----|-----|--------|------|------|----|----|-----|--------|------|------|----|----|-----|--------|
| Date | Hour | AM | PM | for | 2 days | Date | Hour | AM | PM | for | 2 days | Date | Hour | AM | PM | for | 2 days |
| | | | | | 3 days | | | | | | 3 days | | | | | | 3 days |
| Date | Hour | AM | PM | for | 2 days | Date | Hour | AM | PM | for | 2 days | Date | Hour | AM | PM | for | 2 days |
| | | | | | 3 days | | | | | | 3 days | | | | | | 3 days |
| Date | Hour | AM | PM | for | 2 days | Date | Hour | AM | PM | for | 2 days | Date | Hour | AM | PM | for | 2 days |
| | | | | | 3 days | | | | | | 3 days | | | | | | 3 days |
4. Obtain a substance abuse assessment, monitoring or treatment as follows: _____
 5. (for offenses committed on or after December 1, 2012) Abstain from alcohol consumption and submit to continuous alcohol monitoring for a period of _____ days, _____ months, The Court having found that a substance abuse assessment has identified defendant's alcohol dependence as _____ chronic abuse.
 6. _____

INTERMEDIATE PUNISHMENTS - CONTEMPT

In addition to complying with the regular and any special, community or intermediate conditions of probation set forth in the "Judgment Suspending Sentence" or herein for the above case(s), the defendant shall also comply with the following intermediate punishment(s) under G.S. 15A-1340.11(6).

1. **Special Probation - G.S. 15A-1351** **Contempt - G.S. 15A-1344(e1) and 5A-11(a)**
For the defendant's active sentence as a condition of special probation, the defendant shall comply with these additional regular conditions of probation: (1) Obey the rules and regulations of the Division of Adult Correction governing the conduct of inmates while imprisoned. (2) Report to a probation officer within _____ two (2) hours of the defendant's discharge from the active term of imprisonment. _____ hours in the custody of the _____

Intermediate-only Conditions

- _____ on serving his/her term on: _____ and shall remain in custody until: _____ Day _____ Date _____ Hour _____ AM _____ PM
- _____ to continue serving this _____ the same hours each _____
- D. This sentence shall be served at the direction of the probation officer within _____
 - E. Pay jail fees. F. Work release is recommended. G. Subst _____
 - H. Other: _____

Default Intermediate Conditions

2. **Drug Treatment Court - G.S. 15A-1340.11(3a); 15A-1340.11(6)**
Comply with the rules adopted for the program as provided for in Article 62 of Chapter _____ a specified time to participate in court supervision, drug screening or testing, and drug _____ for _____

INTERMEDIATE CONDITIONS OF PROBATION

If subject to intermediate punishment, the defendant shall, in addition to the terms and conditions imposed above, comply with the following intermediate conditions of probation. (1) If required by the defendant's probation officer, perform community service under the supervision of the Section of Community Corrections, and pay the fee required by G.S. 143B-708, but no fee shall be due if the Court imposed community service as a special condition of probation and assessed the fee in this judgment or any judgment for an offense adjudicated in the same term of court. (2) Not use, possess, or control alcohol. (3) Remain within the defendant's county of residence unless granted written permission to leave by the court or the defendant's probation officer. (4) Participate in any evaluation, counseling, treatment, or educational program as directed by the probation officer, keeping all appointments by abiding by the rules, regulations, and direction of each program.

Example 2

- Obtaining Property by False Pretenses (Class H)
- Prior Record Level I

C/I/A
6-8
5-6
4-5

ASR

**“6-17 months,
suspended.
36 months of
supervised
probation.”**

STATE OF NORTH CAROLINA

County: _____ Seat of Court: _____ In The General Court Of Justice
 District Superior Court Division

NOTE: [Use AOC-CR-310 for DWI offenses.]

STATE VERSUS JUDGMENT SUSPENDING SENTENCE - FELONY
 PUNISHMENT: COMMUNITY INTERMEDIATE
 (STRUCTURED SENTENCING)
 (For Offenses Committed On Or After Dec. 1, 2016)
 G.S. 15A-1341, 1342, 1343, 1343.2, 1343.3, 1344

Name of Defendant: _____ Race: _____ Sex: _____ Date of Birth: _____
 Attorney For State: Def. Found Def. Waived Attorney For Defendant Appointed Cr. Pair Initials
 Not Indigent Attorney Retained

The defendant was found guilty/responsible, pursuant to: plea pursuant to A/R/D of no contest trial by judge trial by jury, of
 File No. (s) Off. Offense Description Offense Date G.S. No. FIM CL Phm. 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-1343.14, 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 determination of this issue by the trier of fact beyond a reasonable doubt or the defendant's admission to this issue.
 2. makes no prior record level finding because none is required.

PRIOR RECORD LEVEL: I II III IV V VI

The Court (NOTE: Block 1 or 2 MUST be checked):
 1. makes no written findings because the prison term imposed is within the presumptive range of sentences authorized under G.S. 15A-1340.17(c).
 2. makes the Determination of aggravating and mitigating factors on the attached AOC-CR-600.
 3. makes the Findings of Extraordinary Mitigation set forth on the attached AOC-CR-606.
 4. imposes sentence under G.S. 90-95(b)(5), pursuant to its finding that the defendant has provided substantial assistance.
 G.S. 90-95(h)(5a), pursuant to its findings on the attached AOC-CR-618 Other: _____
 5. adjudges the defendant to be (check only one) a habitual felon to be sentenced four classes higher than the principal felony (no higher than Class C) a habitual breaking and entering status offender, to be sentenced as a Class E felon.
 6. finds enhancement pursuant to: G.S. 90-95(e)(3) (drugs) G.S. 14-3(c) (male crime) G.S. 50B-4.1 (domestic violence) G.S. 14-50.22 (gang misdemeanor) Other: _____ This finding is based on the determination of this issue by the trier of fact beyond a reasonable doubt or the defendant's admission.
 7. finds the above-designated offense(s) is a reportable conviction under G.S. 14-208.6 and therefore imposes the special conditions of probation set forth on the attached AOC-CR-603D, Page Two, Side Two, and makes the additional findings and orders on the attached AOC-CR-615, Side Two.
 8. finds the above-captioned offense(s) involve the (check all that apply) physical or mental sexual abuse of a minor.
 (If No. 7 not found) and therefore imposes the special conditions of probation set forth on the attached AOC-CR-603D, Page Two, Side Two.
 9. finds that a motor vehicle commercial motor vehicle was used in the commission of the offense and that it shall be reported to DMV, as defined by G.S. 50B-1(b) with the victim.
 10. finds this is an offense involving assault, communicating a threat, or an act defined in G.S. 50B-1(a), and the defendant had a personal relationship with the victim as defined in G.S. 50B-1(b) with the victim.
 11. offense committed on or after Dec. 1, 2017; only finds that the offense was committed as part of criminal gang activity as defined in G.S. 14-50.16A(2) and that the defendant was a criminal gang leader or organizer as defined in G.S. 14-50.16A(3). This finding is based on the determination of this issue by the trier of fact beyond a reasonable doubt or on the defendant's admission.
 12. finds the above-designated offense(s) involved (check one) Offense committed (Dec. 1, 2016, Nov. 30, 2017) criminal street gang activity

Example 3: Community Punishment

- Give the defendant a Community sentence

C/I/A	
	6-8
	5-6
ASR	4-5

“\$1,000 fine.”

“6-17 months,
suspended.
12 months
unsupervised
probation.”

“6-17 months,
suspended.
30 months
supervised
probation.”

Prior Record Level

Prior Record Level

COUNT

- All felonies
- Class 1 and Class A1 non-traffic misdemeanors
- DWI, commercial DWI, and death by vehicle
- Prayer for Judgment (PJC)
- Crimes from other jurisdictions

DON'T COUNT

- Class 2 & 3 misdemeanors
- Traffic misdemeanors (other than DWI, commercial DWI, and death by vehicle)
- Infractions
- Contempt adjudications
- Convictions used to habitualize
- Juvenile adjudications

- Count only the most serious conviction from a single calendar week of superior court, or session of district court

Bonus Points

- Under supervision (+1)
 - Committed while on probation, parole, post-release supervision, incarcerated, or on escape
 - State must give 30-day notice of its intent to use this point, unless waived
- Same elements (+1)
 - All elements of the present offense included in a prior offense
 - No stipulations allowed: Judge must make a finding

FELONY

NOTE: *If sentencing for a felony, locate the prior record level which corresponds to the total points determined in Section I above.*

Points	Level
0 - 1	I
2 - 5	II
6 - 9	III
10 - 13	IV
14 - 17	V
18+	VI

**PRIOR
RECORD
LEVEL**  

- The Court finds the prior convictions, prior record points and the prior record level of the defendant to be as shown herein.
- In making this determination, the Court has relied upon the State's evidence of the defendant's prior convictions from a computer printout of DCI-CCH.
- In finding a prior record level point under G.S. 15A-1340.14(b)(7), the Court has relied on the jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.

Prior record “bonus points”

- Same elements (+1)
 - All elements of the present offense included in a prior offense
 - Defendant may not stipulate to this question of law



5+	III	LEVEL	18+	VI
<input type="checkbox"/> The Court has determined the number of prior convictions to be _____ and the level to be as shown above.			<input type="checkbox"/> The Court finds the prior convictions, prior record points and the prior record level of the defendant to be as shown herein.	
<input type="checkbox"/> In making this determination, the Court has relied upon the State's evidence of the defendant's prior convictions from a computer printout of DCI-CCH.			<input type="checkbox"/> In making this determination, the Court has relied upon the State's evidence of the defendant's prior convictions from a computer printout of DCI-CCH.	
<input type="checkbox"/> In finding a prior record level point under G.S. 15A-1340.14(b)(7), the Court has relied on the jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.				
<input checked="" type="checkbox"/> The Court finds that all of the elements of the present offense are included in a prior offense.				
<input type="checkbox"/> For an out-of-state conviction listed in Section V on the reverse, the Court finds by a preponderance of the evidence that the offense is substantially similar to a North Carolina offense and that the North Carolina classification assigned to this offense in Section V is correct.				
<input type="checkbox"/> The Court, the State and the defendant have stipulated in open court to the prior convictions, points and record level.				
Date			Signature Of Presiding Judge	
Of Presiding Judge (Type Or Print)				

The Court finds that all of the elements of the present offense are included in a prior offense.

Out-of-State Prior Convictions

- By default:
 - Prior out-of-state felonies: Class 1 (2 points)
 - Prior out-of-state misdemeanors: Class 3 (0 points)
- With “substantial similarity” determination:
 - Count like the similar North Carolina offense
 - Proponent must prove by preponderance of evidence
 - Court must make findings; stipulations ineffective

Crimes from other jurisdictions

- No stipulations to substantial similarity
 - Similarity is a question of law
 - Must be determined by trial judge

Crimes from other jurisdictions

<table border="1"><tr><td>5+</td><td>III</td></tr></table> <p><input type="checkbox"/> The Court has determined the number of prior convictions to be _____ and the level to be as shown above.</p> <p><input type="checkbox"/> In making this determination, the Court has relied upon the State's evidence of the defendant's prior convictions from a computer printout of DCI-CCH.</p>	5+	III	<table border="1"><tr><td>18+</td><td>VI</td></tr></table> <p><input type="checkbox"/> The Court finds the prior convictions, prior record points and the prior record level of the defendant to be as shown herein.</p> <p><input type="checkbox"/> In making this determination, the Court has relied upon the State's evidence of the defendant's prior convictions from a computer printout of DCI-CCH.</p> <p><input type="checkbox"/> In finding a prior record level point under G.S. 15A-1340.14(b)(7), the Court has relied on the jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.</p>	18+	VI
5+	III				
18+	VI				
<p><input checked="" type="checkbox"/> The Court finds that all of the elements of the present offense are included in a prior offense.</p> <p><input checked="" type="checkbox"/> For each out-of-state conviction listed in Section V on the reverse, the Court finds by a preponderance of the evidence that the offense is substantially similar to a North Carolina offense and that the North Carolina classification assigned to this offense in Section V is correct.</p> <p><input type="checkbox"/> The Court finds that _____ and the defendant have stipulated in open court to the prior convictions, points and record level.</p>					
Date	Signature Of Presiding Judge				

For each out-of-state conviction...the court finds by a preponderance of the evidence that the offense is substantially similar to a North Carolina offense and that ...classification assigned to this offense in Section V is correct.

Crimes from other jurisdictions

Defendant has a prior federal conviction for carjacking under 18 U.S.C. § 2119. State argues substantial similarity to Common Law Robbery (Class G)

- **Common law robbery**
 - Non-consensual taking of money or personal property
 - From the person or presence of another
 - By means of violence or fear
- **Carjacking**
 - Takes a motor vehicle
 - In interstate commerce
 - From the person or presence of another
 - By force and violence or by intimidation

Crimes from other jurisdictions

- State v. Daniels, ____ N.C. App. ____ (2014)
- Substantial similarity finding was proper
 - Essential elements (taking by force or fear) are the same
 - No elements are mutually exclusive
 - Interstate commerce element merely jurisdictional
 - The test is “similarity,” not “identicalness.” State v. Graham, 379 N.C. 75 (2021)

Advanced Supervised Release



Advanced Supervised Release

- Created by Justice Reinvestment Act
- Allows early release from prison to post-release supervision for identified defendants who complete “risk reduction incentives” in prison
- Used 221 times in 2022

Eligibility

- Only certain grid cells
- Only Active sentences
- Only if court-ordered at sentencing
- Never over prosecutor objection



Grid cells in which ASR might be possible are flagged with this symbol.

OFFENSE CLASS	PRIOR RECORD LEVEL					
	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts
A Max. Death or Life w/o Parole	Death or Life without Parole Defendant under 18 at Time of Offense: Life with or without Parole					
B1 Max. Life w/o Parole	A 240-300 192-240 144-192	A 276-345 221-276 166-221	A 317-397 254-317 190-254	A 365-456 292-365 219-292	A Life w/o Parole 252-336	A Life w/o Parole 290-386
B2 Max. 484 (532)	A 157-196 125-157 94-125	A 180-225 144-180 108-144	A 207-258 165-207 124-165	A 238-297 190-238 143-190	A 273-342 219-273 164-219	A 314-393 251-314 189-251
C Max. 231 (279)	A 73-92 58-73 44-58	A 83-104 67-83 50-67	A 96-120 77-96 58-77	A 110-138 88-110 66-88	A 127-159 101-127 76-101	A 146-182 117-146 87-117
D Max. 204 (252)	A 64-80 51-64 38-51	A 73-92 59-73 44-59	A 84-105 67-84 51-67	A 97-121 78-97 58-78	A 111-139 89-111 67-89	A 128-160 103-128 77-103
E Max. 88 (136)	I/A 25-31 20-25 15-20	I/A 29-36 23-29 17-23	A 33-41 26-33 20-26	A 38-48 30-38 23-30	A 44-55 35-44 26-35	A 50-63 40-50 30-40
F Max. 59	I/A 16-20 13-16 10-13	I/A 19-23 15-19 11-15	I/A 21-27 17-21 13-17	A 25-31 20-25 15-20	A 28-36 23-28 17-23	A 33-41 26-33 20-26
G Max. 47	I/A 13-16 10-13 8-10	I/A 14-18 12-14 9-12	I/A 17-21 13-17 10-13	I/A 19-24 15-19 11-15	A 22-27 17-22 13-17	A 25-31 20-25 15-20
H Max. 39	C/I/A 6-8 5-6 4-5	I/A 8-10 6-8 4-6	I/A 10-12 8-10 6-8	I/A 11-14 9-11 7-9	I/A 15-19 12-15 9-12	A 20-25 16-20 12-16
I Max. 24	C 6-8 4-6 3-4	C/I 6-8 4-6 3-4	I 6-8 5-6 4-5	I/A 8-10 6-8 4-6	I/A 9-11 7-9 5-7	I/A 10-12 8-10 6-8

ASR Date

- Court imposes regular sentence from the grid
- ASR date, if ordered, flows from regular sentence
 - If **presumptive or aggravated**, ASR date is the lowest mitigated minimum sentence in the defendant's grid cell
 - If **mitigated**, ASR date is 80% of imposed minimum sentence

C/I/A	
	6-8
	5-6
ASR	4-5

*4-14 month sentence
ASR date: 3.2 months*

Example

- PRL III defendant convicted of Obtaining Property by False Pretenses
 - Regular sentence: 8-19 months (presumptive)

H Max. 39	C//A	I/A	I/A
	6-8	8-10	10-12
	5-6	6-8	8-10
	ASR 4-5	ASR 4-6	ASR 6-8

What is the ASR date?

Example

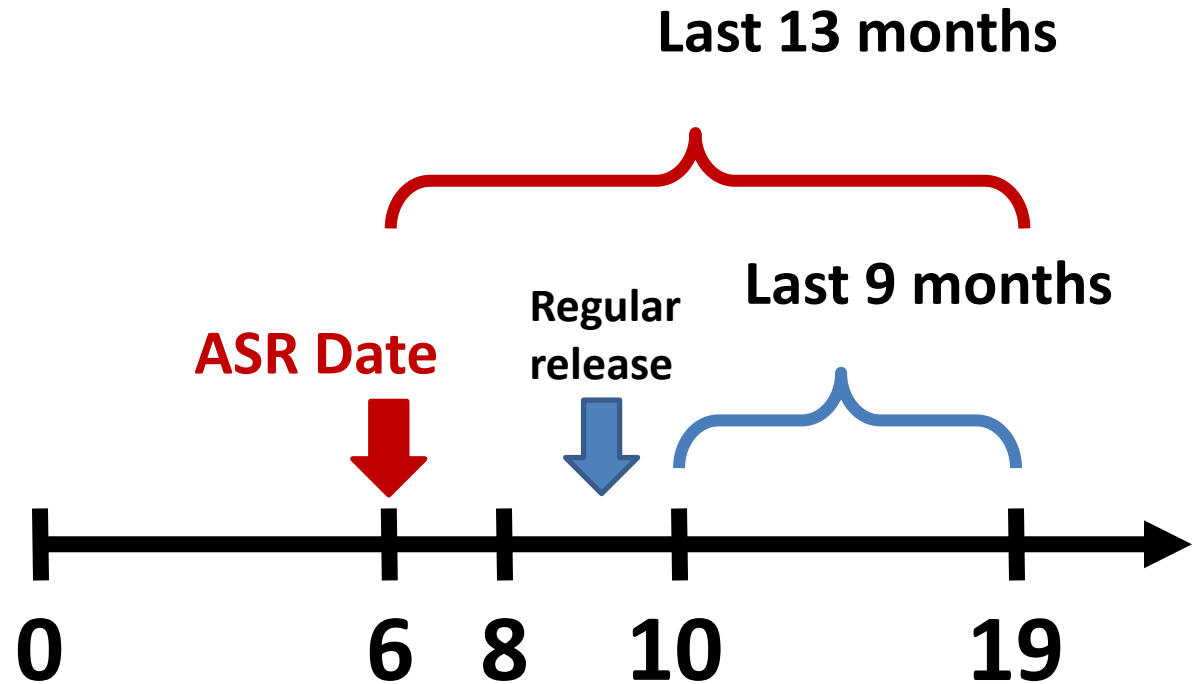
- PRL III defendant convicted of Obtaining Property by False Pretenses
 - Regular sentence: 8-19 months

H Max. 39	C//A	I/A	I/A
	6-8	8-10	10-12
	5-6	6-8	8-10
ASR	4-5	4-6	6-8

<input type="checkbox"/> 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:	<input checked="" type="checkbox"/> ASR term (Order No. 4, Side Two)
8 months	19 months	6 months
The defendant shall be given credit for _____ days spent in confinement prior to the date of this Judgment.		

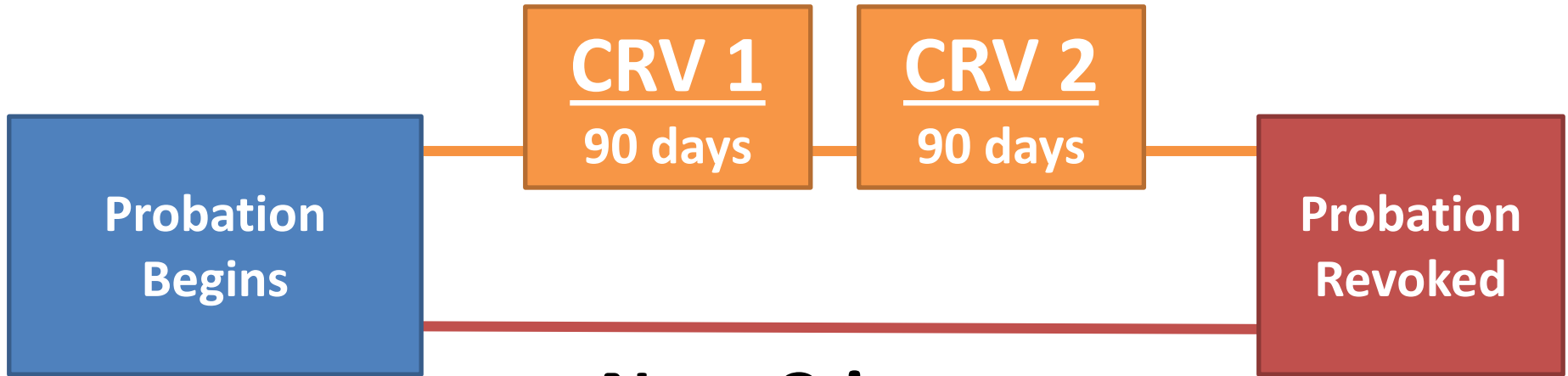
Regular sentence: 8-19 months

ASR date: 6 months



Felony Probation

Technical Violations

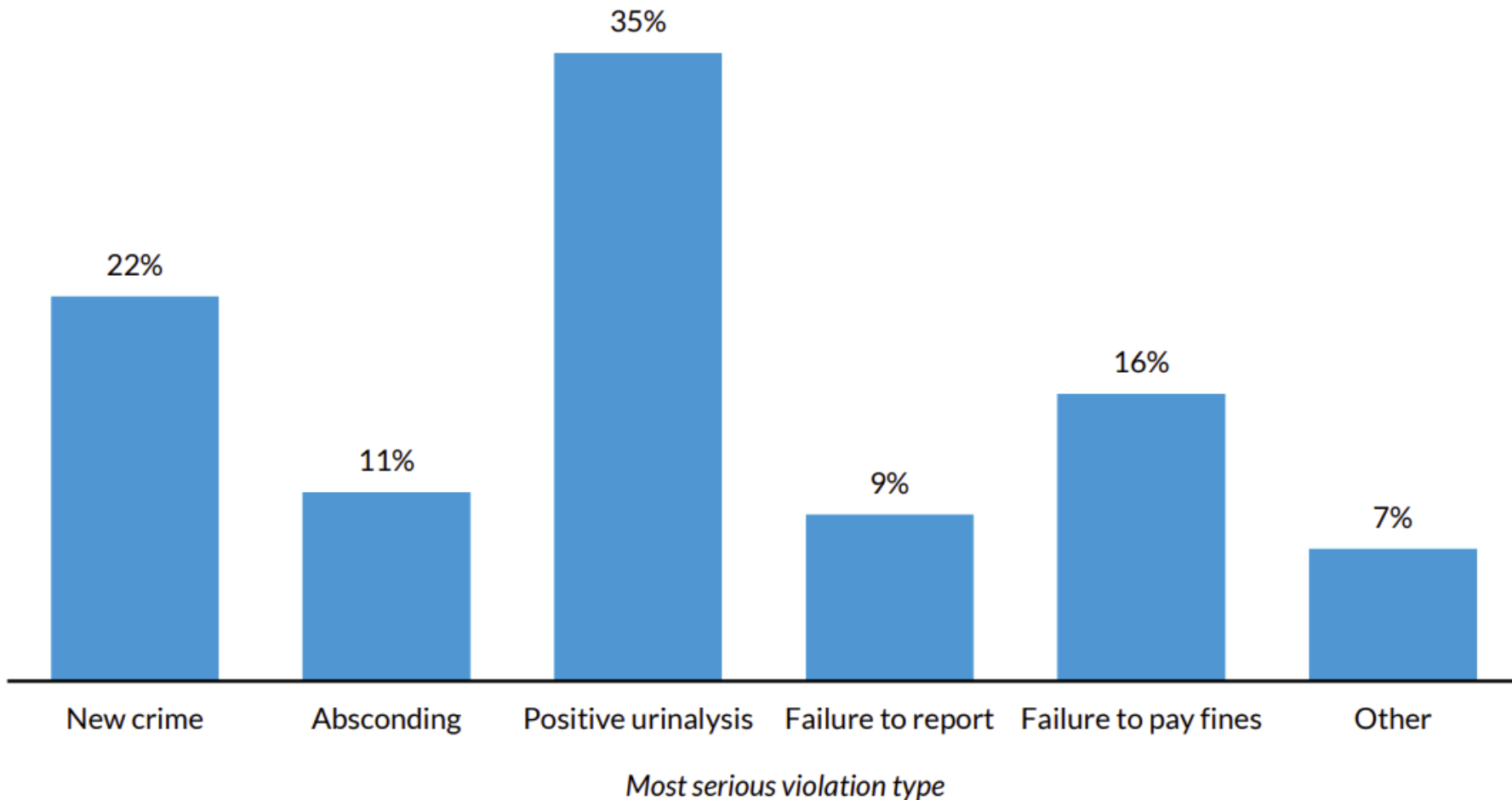


**New Crime or
Absconding**

Most Serious Violation Associated with CRV

G.S. 15A-1344(d2) Confinement in Response to Violation. - When a defendant under supervision for a felony conviction has violated a condition of probation other than G.S. 15A-1343(b)(1) or G.S. 15A-1343(b)(3a), the court may impose a period of confinement of 90 consecutive days to be served in the custody of the Division of Community Supervision and Reentry of the Department of Adult Correction.

Most Serious Violation Associated with CRV



Confinement in Response to Violation (CRV)

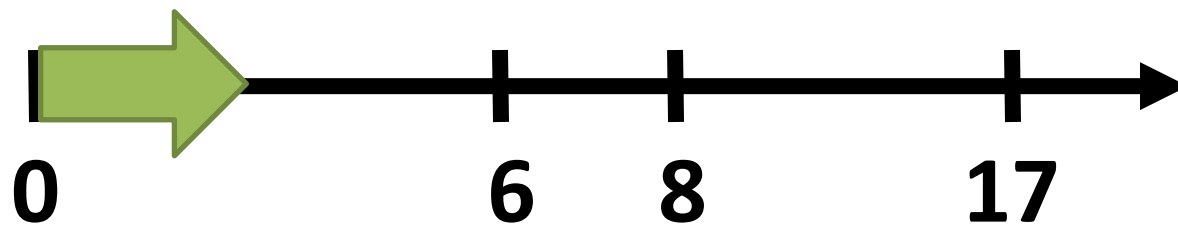
- Permissible in response to violations other than “commit no criminal offense” and “absconding”
- Length:
 - Felony: 90 days (do not apply jail credit)
 - DWI: Up to 90 days
 - No CRV for misdemeanors

CRV (cont.)

- Must be continuous period (no “weekend CRV”)
- Must be to proper place of confinement
 - DAC for felonies (Lumberton/N. Piedmont)
 - SMCP for DWI
- CRV periods ordered in multiple probation cases must run concurrently
- Maximum of 2 CRVs per case (revocation-eligible after that)

“Terminal CRV”

- CRV that exhausts the defendant’s suspended sentence
- CRV that runs out the clock on the defendant’s period of probation
- CRV followed by the judge’s affirmative termination of probation



Jail Credit

Questions?

