

STATE OF NORTH CAROLINA

File No.

County Seat of Court

In The General Court Of Justice
☐ District ☐ Superior Court Division

STATE VERSUS

Name Of Defendant

CONDITIONAL DISCHARGE UNDER G.S. 90-96(a) (For Offenses Committed On Or After Dec. 1, 2011)

G.S. 90-96(a)

Drivers License No.	State	Race	Sex	Date Of Birth	Full Social Security No.	Age At Time Of Offense
Attorney For State			<input type="checkbox"/> Def. Found Not Indigent <input type="checkbox"/> Def. Waived Attorney		Attorney For Defendant	<input type="checkbox"/> Appointed <input type="checkbox"/> Retained

The defendant ☐ pled guilty (☐ pursuant to *Alford*) to ☐ was found guilty by the Court of ☐ was found guilty by a jury of

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

FINDINGS

The Court finds

- the defendant has not previously been convicted of any felony offense under any State or federal laws, of any offense under Article 5 of Chapter 90 of the General Statutes, or any offense under any statute of the United States or any state related to those substances included in Article 5 or 5A of Chapter 90 or to that paraphernalia included in Article 5B of Chapter 90.
- the defendant pled guilty to or was found guilty of
 - ☐ a misdemeanor under Article 5 by possessing a controlled substance included within Schedules I through VI of Article 5.
 - ☐ a misdemeanor under Article 5B by possessing drug paraphernalia as prohibited by G.S. 90-113.22.
 - ☐ a felony under G.S. 90-95(a)(3).
- the defendant has not previously received a discharge and dismissal under G.S. 90-96 or G.S. 90-113.14.

DEFERRAL OF PROCEEDINGS AND PLACEMENT ON PROBATION

- The Court, without entering a judgment of guilt and with the consent of the defendant as indicated by the defendant's signature below, Orders that further proceedings in this matter be deferred and places the defendant on ☐ supervised ☐ unsupervised probation for _____ months as provided for a ☐ community punishment. ☐ intermediate punishment (AOC-CR-603C, Page Two, required).
- ☐ 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.
- ☐ The Court finds that a ☐ longer ☐ shorter period of probation is necessary than that which is specified in G.S. 15A-1343.2(d).
- ☐ The defendant shall provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319 required)
- Upon violation of a term or condition of probation by the defendant, the Court reserves the authority to enter an adjudication of guilt and proceed as otherwise provided against the defendant. Upon fulfillment of the terms and conditions by the defendant, the Court shall discharge the defendant and dismiss the proceedings against the defendant.

MONETARY CONDITIONS

The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below, plus the probation supervision fee, pursuant to a schedule ☐ determined by the probation officer. ☐ set out by the court as follows: _____

Costs	Fine	Restitution*	Attorney's Fees	Comm Serv Fee	EHA Fee	Appt Fee/Misc	Total Amount Due
\$	\$	\$	\$	\$	\$	\$	\$

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

- ☐ The Court finds just cause to waive costs.
- ☐ Upon payment of the "Total Amount Due," the probation officer may transfer the defendant to unsupervised probation.

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

NOTE: Any probationary judgment may be extended pursuant to 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 and suitably 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, by willfully avoiding supervision or by willfully making the defendant's whereabouts unknown to the supervising probation officer.

If the defendant is on supervised probation, the defendant shall also: (6) Remain within the jurisdiction of the Court unless granted written permission to leave by the Court or the 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:

- ☐ 13. 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.
- ☐ 14. Successfully pass the General Education Development Test (G.E.D.) during the first _____ months of the period of probation.
- ☐ 15. 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 Conditional Discharge and before beginning service.
- ☐ 16. Report for initial evaluation by _____, participate in all further evaluation, counseling, treatment or education programs recommended as a result of that evaluation, and comply with all other therapeutic requirements of those programs until discharged.
- ☐ 17. Not assault, threaten, harass, be found in or on the premises or workplace of, or have any contact with _____.
"Contact" includes any defendant-initiated contact, direct or indirect, by any means including but not limited to telephone, personal contact, e-mail, pager, gift-giving, telefacsimile machine or through any other person, except _____.
- ☐ 18. Other: _____

- ☐ 19. Comply with the Special Conditions Of Probation which are set forth on AOC-CR-603C, Page Two.

SIGNATURE OF DEFENDANT

By signing below, the defendant consents to the foregoing Order deferring further proceedings and placing the defendant on probation.

Date	Signature Of Defendant
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SIGNATURE OF JUDGE

Date	Name Of Presiding Judge (Type Or Print)	Signature Of Presiding Judge
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CERTIFICATION BY CLERK

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

- ☐ 1. Judgment Suspending Sentence (AOC-CR-603C, Page Two) (additional conditions of probation)
- ☐ 2. Restitution Worksheet, Notice And Order [Initial Sentencing] (AOC-CR-611)
- ☐ 3. Additional File No.(s) And Offense(s) (AOC-CR-626)

Date	Name (Type Or Print)	Signature Of Clerk	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> CSC	SEAL
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NOTE TO CLERK: Upon entry of a final order discharging the defendant and dismissing the charge(s) against him/her, forward a certified copy of this Conditional Discharge and the dismissal order (AOC-CR-622 or other order) to the Administrative Office of the Courts in the same manner as expunction orders.

File No.

In The General Court Of Justice

☐ District ☐ Superior Court Division

ADDITIONAL FILE NO.(S) AND OFFENSE(S)

NOTE: Use this page in conjunction with all AOC judgment or probationary forms, to list additional offenses of conviction, deferred prosecution, or conditional discharge addressed in the court's order. There are no A, B, C, or other variations of this form, so this page can be used to continue an offense list from any of the related forms, for any date(s) of offense or conviction.

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

***NOTE:** Enter punishment class if different from underlying offense class (punishment class represents a status or enhancement).

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