

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

Court Name: _____
Case Name: _____
Case Number _____ Charge ID Number: _____

AGGRAVATED DWI SENTENCING ORDER - FELONY

Plea/Verdict:	
Crime:	Date of Crime:

The defendant having been found guilty of a Class B Felony of Aggravated DWI under RSA 265-A, **the following sentence is imposed:**

I. PERIOD OF INCARCERATION (RSA 265-A:18 I(c)(3))

- HOUSE OF CORRECTIONS** The defendant is hereby committed to the House of Corrections for _____ days / _____ months (not less than 35 consecutive days and not more than one year) to serve _____ days / _____ months (not less than 14 consecutive days).
 - The balance of the sentence is **suspended** during good behavior and compliance with all terms and conditions of this order for _____ months / _____ years.
 - _____ months / _____ years of the sentence is **deferred** for a period of _____ months / _____ years upon the terms and conditions set forth in this order. The Court retains jurisdiction up to and after the deferred period to impose or terminate the sentence or to suspend or further defer the sentence for an additional period of _____ year(s). Thirty (30) days prior to the expiration of the deferred period, the defendant may petition the Court to show cause why the deferred commitment should not be imposed, suspended and/or further deferred. Failure to petition within the prescribed time will result in the immediate issuance of a warrant for your arrest.

- STATE PRISON:** The defendant is hereby committed to the State Prison for not more than _____ months / _____ years (not more than 7 years), nor less than _____ months / _____ years (not less than 1 year). There is added to the minimum sentence a disciplinary period equal to 150 days for each year of the minimum term of the defendant's sentence, to be prorated for any part of the year.
 - _____ months / _____ years of the minimum sentence is **suspended** during good behavior and compliance with all terms and conditions of this order for _____ months / _____ years.
 - _____ months / _____ years of the maximum sentence is **suspended** during good behavior and compliance with all terms and conditions of this order for _____ months / _____ years.
 - _____ months / _____ years of the sentence is **deferred** for a period of _____ months / _____ years upon the terms and conditions set forth in this order. The Court retains jurisdiction up to and after the deferred period to impose or terminate the sentence or to suspend or further defer the sentence for an additional period of _____ year(s). Thirty (30) days prior to the expiration of the deferred period, the defendant may petition the Court to show cause why the deferred commitment should not be imposed, suspended and/or further deferred. Failure to petition within the prescribed time will result in the immediate issuance of a warrant for your arrest.

Case Name: _____

Case Number: _____

AGGRAVATED DWI SENTENCING ORDER - FELONY

The sentence is consecutive to _____
 concurrent with _____

Pretrial confinement credit: _____ days.

This sentence is to be served as follows: Stand committed Commencing: _____

If required by statute or NH Department of Corrections policies and procedures, the defendant shall provide a sample for DNA analysis.

Pursuant to RSA 499:10:a, the clerk shall notify the appropriate health care regulatory board if this conviction is for a felony and the person convicted is licensed or registered as a health care provider.

II. FINANCIAL OBLIGATIONS:

A. Fines and Fees:

Fine of \$ _____ (not less than \$1,000.00 – RSA 265-A:18,1(c)(2)); plus the penalty assessment of \$ _____ to be paid:

Now By _____ OR Through the Department of Corrections as directed by the Probation/Parole Officer. A 10 % service charge is assessed for the collection of fines and fees, other than supervision fees.

\$ _____ of the fine and \$ _____ of the statutory penalty assessment is suspended for _____ year(s).

A \$25.00 fee is assessed in each case file when a fine is paid on a date later than sentencing.

B. Appointed Counsel: NOTE: Financial Obligations, Section B is NOT a term and condition of the sentence.

The Court finds that the defendant has the ability to pay:
counsel fees and expenses in the amount of \$ _____
payable through _____ in the amount of \$ _____ per month.

The Court order for repayment is suspended until the time of the defendant's release from state prison.

The Court finds that the defendant has no ability to pay counsel fees and expenses.

III. REFERRED TO AN IMPAIRED DRIVER CARE MANAGEMENT PROGRAM (IDCMP)

Defendant is referred to an IDCMP to schedule a full substance use disorder evaluation. A condition of the suspension of any portion of this sentence shall be that within 30 days of release from incarceration, the defendant shall schedule a substance use disorder evaluation, complete the required substance use disorder evaluation within 60 days of release, and comply with the service plan developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the service plan from that substance use disorder evaluation. Any portion of the suspended sentence may be imposed if the defendant does not comply with all the requirements of this order or if the defendant becomes noncompliant with the service plan during the suspension period.

IV. LICENSE/PRIVILEGE TO DRIVE REVOCATION/SUSPENSION

The defendant's driver's license privilege to drive is revoked for _____ months (not less than 18 months nor more than 24 months (RSA 265-A:18, 1(c)(5)(A), except the maximum

(24 months) must be imposed when the defendant was convicted of this crime while transporting a person under the age of 16 (RSA 265-A:18, VIII).

The defendant may seek suspension of up to 6 months of this license revocation upon confirmation from the IDCMP that the defendant is in full compliance with the service plan, and on the conditions that an interlock device be installed for the period of the suspended sentence in addition to any period required in accordance with RSA 265-A:36 and that all fees have been paid. RSA 265-A:18, I, (b)(5)(A). To seek a suspension of the license revocation imposed in this order, the defendant must file a written motion with the clerk of court and send a copy of that motion to the prosecutor. All such requests should be filed 30 days before the date on which the defendant is seeking the return of the license/privilege to drive.

Pursuant to RSA 265-A:36, I, the defendant shall be required, after the period of license revocation, to install an interlock device as defined in RSA 259:43-a in any vehicle registered to the defendant or used on a regular basis for a period of _____ months / _____ years (Not less than 12 months nor more than 2 years). RSA 265-A:18, I,(c)(4)

Installation and monitoring costs for the interlock device shall be paid by the defendant.

V. PROBATION

The defendant is placed on probation for _____ months / _____ years (not more than 5 years – RSA 651:2,V) upon the usual terms of probation and any special terms of probation determined by the Probation/Parole Officer; and, as further conditions of probation, the defendant shall comply with all orders contained herein, including compliance with any counseling orders or after-care requirements imposed by the IDCMP which the defendant attends. **Violation of probation may result in revocation of probation and imposition of any sentence within the legal limits of the underlying offense.**

Subject to the provisions of RSA 504-A:4, III, the probation/parole officer is granted the authority to impose a jail sentence of 1 to 7 days in response to a violation of a condition of probation, not to exceed a total of 30 days during the probationary period.

VI. RESTITUTION

The defendant is ordered to make restitution of \$ _____ plus statutory 17% administrative fee:

Through the Department of Corrections as directed by the Probation/Parole Officer

At the request of the defendant or the Department of Corrections, a hearing may be scheduled on the amount or method of payment of restitution.

Restitution is not ordered because: _____

VII. FURTHER ORDERS

A. The defendant shall not operate a motorboat on the waters of this state for the same period as the loss of driving privileges. RSA 265-A:20

B. The defendant shall not operate a motor vehicle until the New Hampshire Division of Motor Vehicles restores the defendant's license or right to operate.

C. Defendant is required to pay all fees arising from services provided by IDCMP and its referrals for the service plan.

D. If this sentencing order allows the defendant to seek the return of the license/right to operate, the defendant must file a written motion with the clerk of court and send a copy of that motion to the prosecutor. This motion should be filed 30 days before the date on which the defendant is seeking the return of the license/right to operate.

Case Name: _____

Case Number: _____

AGGRAVATED DWI SENTENCING ORDER - FELONY

E. The defendant is ordered to be of good behavior, and comply with all the terms of this sentence.

F. If a portion of the fine or penalty assessment was suspended, that suspension is conditioned upon the defendant's compliance with all orders contained in this sentence.

VIII. OPTIONAL ORDERS

A. The defendant is ordered to submit to random urinalysis and drug testing as deemed appropriate. RSA 265-A:18, I (a)(6)(B)

B. The defendant shall complete the following community service:

C. The defendant shall make the following restitution/payment of emergency response fee RSA 153-A:

D. The defendant shall abide by the following restrictions on activity and behavior:

E. If a State Prison Sentence is imposed, the defendant has waived sentence review in writing or on the record.

F. If a State Prison sentence was imposed, subject to the provisions of RSA 651-A:22-a, the Department of Corrections shall have the authority to award the defendant earned time reductions against the minimum and maximum sentences for successful completion of programming while incarcerated.

G. Law enforcement agencies may destroy the evidence in this case return evidence in this case to its rightful owner.

H. Other:

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