

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

OFFENDER:  
Offender NO:

Petitioner/ Defendant

v.

MOTION FOR RELIEF  
EARNED TIME CREDIT

STATE OF NORTH CAROLINA

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THIS MATTER comes before the undersigned Superior Court Judge, \_\_\_\_\_  
County, North Carolina and requests:

That the Defendant/Petitioner have extra earned time credit applied to reduce Defendant's period of post-release supervision. The Defendant pursuant to N.C. GS § 15A-1368.2 moves the court to apply \_\_\_\_\_ days of earned time credit to his period of post-release supervision.

The law requires that any earned time credit earned by the Defendant that exceeds the amount of credit needed to allow a Defendant to be released on his statutory minimum sentence shall be credited and applied to any period of post-release supervision since the Defendant has earned credit of \_\_\_\_\_ days beyond his statutory minimum sentence, those days shall be applied day for day to reduce his post-release supervision period from 12 months to \_\_\_\_\_ months.

STATEMENT OF GOVERNING LAW

1, § 15A-1368.2. Post-release supervision eligibility and procedure.

(a) Except as otherwise provided in this subsection, a prisoner to whom this Article applies shall be released from prison for post-release supervision on the date equivalent to his maximum imposed prison term less 12 months in the case of Class B1 through E felons and less nine months in the case of Class F through I felons, less any earned time awarded by the Division of Adult Correction of the Department of Public Safety or the custodian of a local confinement facility under G.S. 15A-1340.13(d). A prisoner whose maximum sentence is established pursuant to G.S. 15A-1340.1(f) shall be released from prison for post-release supervision on the date equivalent to his or her maximum imposed prison term less 60 months, less any earned time awarded by the Division of Adult Correction of the Department of Public Safety or the custodian of a local confinement facility under G.S. 15A-1340.13(d). If a prisoner has not been awarded any earned time, the prisoner shall be released for post-release supervision on the date equivalent to his maximum prison term less 12 months for Class B1 through E felons and less nine months for Class F through I felons.

(b) A prisoner shall not refuse post-release supervision. Willful refusal to accept post-release supervision or to comply with the terms of post-release supervision by a prisoner whose offense requiring post-release supervision is a reportable conviction subject to the registration requirement of Article 27A of Chapter 14 of the General Statutes, is punishable as contempt of court under G.S. 5A-11 and may result in imprisonment under G.S. 5A-12. Furthermore, any period of time during which a prisoner whose offense requiring post-release supervision is a reportable conviction subject to the registration requirement of Article 27A of Chapter 14 of the General Statutes is not in fact released pursuant to subsection (a) of this section due to the prisoner's resistance to that release shall toll the running of the period of supervised release imposed by subsection (c) of this section. For purposes of this subsection and the provisions of G.S. 5A-11, "willful refusal to accept post-release supervision or to comply with the terms of post-release supervision" includes, but is not limited to, knowingly violating the terms of post-release supervision in order to be returned to prison to serve out the remainder of the prisoner's sentence. Notwithstanding any other provision of law, a prisoner punished for the offense of contempt of court under

this subsection is not eligible for credit for time served against the sentence for which the prisoner is subject to post-release supervision. Punishment by contempt for willful refusal to accept post-release supervision or to comply with the terms of post-release supervision does not preclude the application of any other sanction provided by law for the same conduct.

(c) A supervisee's period of post-release supervision shall be for a period of 12 months in the case of Class B1 through E felons and nine months in the case of Class F through I felons, unless the offense is an offense for which registration is required pursuant to Article 27A of Chapter 14 of the General Statutes. For offenses subject to the registration requirement of Article 27A of Chapter 14 of the General Statutes, the period of post-release supervision is five years. The conditions of post-release supervision are as authorized in G.S. 15A-1368.5.

(c1) Notwithstanding subsection (c) of this section, a person required to submit to satellite-based monitoring pursuant to G.S. 15A-1368.4(b1)(6) shall continue to participate in satellite-based monitoring beyond the period of post-release supervision until the Commission releases the person from that requirement pursuant to G.S. 14-208.43.

(d) A supervisee's period of post-release supervision may be reduced while the supervisee is under supervision by earned time awarded by the Division of Adult Correction of the Department of Public Safety, pursuant to rules adopted in accordance with law. A supervisee is eligible to receive earned time credit toward the period of supervision for compliance with reintegrative conditions described in G.S. 15A-1368.5

Calculation of Credit Earned

As of \_\_\_\_\_, \_\_\_\_\_ 2017; Defendant/Petitioner had accrued credits for gain time and merit time as follows:

Gain time: \_\_\_\_\_ days  
Merit time: \_\_\_\_\_ days  
TOTAL DAYS: \_\_\_\_\_

Conclusion

WHEREFORE, it is hereby respectfully requested that the Court for the above mentioned Relief reduce Defendant/Petitioner's post -release supervision period from 12 months to        months.

This, the        day of       , 20   

Defendant/Petitioner

RETURN MAIL ADDRESS:

STATE OF NORTH CAROLINA  
COUNTY OF       

I,        a Notary Public for said County and hereby

acknowledge that        appeared before me this day and

acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the        day of       , 20   

(OFFICIAL SEAL)

        
NOTARY PUBLIC

My commission expires       , 20