

State of Alabama Unified Judicial System  Form CR-54      Rev.7/2000	<b>DUI SENTENCING ORDER</b> <b>(Misdemeanors and Municipal Ordinance Violations)</b> (Over 21 Years of Age .08 percent or more by weight of Alcohol in Blood)	Case Number _____
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IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_, ALABAMA  
 (Circuit or District) (Name of County)

State of Alabama v. \_\_\_\_\_ Defendant  
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DATE	JUDGE'S INITIALS	ACTIONS, JUDGMENTS, CASE NOTES
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\_\_\_\_\_ The defendant, with his/her attorney present, and counsel for the State of Alabama appeared in open court for the defendant to be sentenced on his/her conviction of driving or being in actual physical control of a motor vehicle while under the influence of alcohol and/or controlled substances in violation of §32-5A-191 (a) (\_\_\_\_), Ala. Code 1975.

**PRIOR DUI CONVICTIONS**

\_\_\_\_\_  The State and the defendant stipulate or  the State has proven that the defendant has been previously convicted for the offense of driving while under the influence of alcohol, controlled substances, or both, in violation of §32-5A-191, Ala. Code 1975, ( within a 5 year period) for second offenders only wherein the defendant was represented by counsel or waived counsel:  
 None     \_\_\_\_\_ prior convictions.

**SENTENCING HEARING**

\_\_\_\_\_ The court conducted a sentencing hearing with the defendant and his/her attorney present.

\_\_\_\_\_ A pre-sentence report was request by the  defendant  state  court and considered by the court.

The court asked the defendant if he/she had anything to say as to why the sentence of law should not be imposed against him/her, and  the defendant had/his her say,  the defendant had nothing to say.\*

**IMPOSITION OF SENTENCE**

**First Conviction:**                      Imprisonment not more than one year and/or by fine of not less than \$600 nor more than \$2,100 and suspension of driver's privilege or license for a period of 90 days.\*

**Second Conviction**  
**within a 5-year period:**                      Imprisonment, which may include hard labor, for not more than one year (includes a mandatory minimum sentence of imprisonment which may not be suspended or probated for not less than 5 days OR not less than 30 days of community service) and a fine of not less than \$1,100 nor more than \$5,100 and revocation of driver's privilege or license for 3 years.\*

**Third Conviction:**                      Imprisonment, which may include hard labor, for not less than 60 days nor more than one year (includes a minimum mandatory sentence of 60 days imprisonment which cannot be probated or suspended) and a fine of not less than \$2,100 nor more than \$10,100 and revocation of driver's privilege or license for 3 years.\*

**Note:** Pursuant to §32-5A-191 (n), Ala. Code 1975, if any person is convicted of this section and a child under the age of 14 years was present in the vehicle at the time of the offense, the defendant shall be sentenced to double the above minimum punishments.

**IMPRISONMENT**

\_\_\_\_\_ The defendant is sentenced to the  
 \_\_\_\_\_ County Jail  
 \_\_\_\_\_ Municipal Jail for a  
 period of one year \_\_\_\_\_ month(s) \_\_\_\_\_ day(s), pursuant to his/her conviction.

**\* Note:** Act No.2000-677 added subsection (o) to §32-5A-191, to provide as follows: "(o) Any person convicted of driving under the influence of alcohol, or a controlled substance, or both, or any substance which impairs the mental or physical faculties in violation of this section, a municipal ordinance adopting this section, or a similar law from another state more than once in a five year period shall have his or her motor vehicle registration for all vehicles owned by the repeat offender suspended by the Alabama Department of Revenue for the duration of the offender's driver's license suspension period, unless such action would impose an undue hardship to any individual, not including the repeat offender, who is completely dependant on the motor vehicle for the necessities of life, including any family member of the repeat offender and any co-owner of the vehicle."

**Section 32-5A-191, as amended by Act No.2000-677, effective 8/1/2000**

DATE

JUDGE'S INITIALS

**ACTIONS, JUDGMENTS, CASE NOTES**

**COMMUNITY SERVICE**

\_\_\_\_\_ The defendant is ordered to perform \_\_\_\_\_ days/hours of community service as follows:  
\_\_\_\_\_  
\_\_\_\_\_  
under the supervision of \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PROBATION/SUSPENDED SENTENCE**

\_\_\_\_\_  Probation/suspended sentence denied.  
\_\_\_\_\_  The defendant's sentence is suspended for a period of \_\_\_\_\_  
\_\_\_\_\_ As Conditions of probations

\* The defendant shall not commit any criminal offense in violation of any federal, state, local law or rule or regulation.

shall be monitored by the court referral officer for \_\_\_\_\_

The defendant shall pay court-ordered monies to the Clerk of this Court as follows:

\$ \_\_\_\_\_ not later than \_\_\_\_\_.

The balance shall be paid in installments of \$ \_\_\_\_\_ per  month  week  each twenty weeks, until paid in full, beginning on \_\_\_\_\_.

**COSTS, FINES, ASSESSMENTS, RESTITUTION**

\_\_\_\_\_ The defendant shall pay court-ordered monies to the clerk of this court as follows:  
\$ \_\_\_\_\_, in fines; \$ \_\_\_\_\_ in restitution to the parties or entities on the attached restitution order; \$ \_\_\_\_\_ in court costs (which shall include all docket fees, local court costs, and the \$30 Criminal History Processing Fee); \$ \_\_\_\_\_ in crime victims assessments to the Alabama Crime Victims Compensation Fund; \$ \_\_\_\_\_ in attorney fees; and \$ \_\_\_\_\_ for housing, maintenance, and medical costs. The total amount shall be paid to the clerk of this court by \_\_\_\_\_ (date), and the balance shall be paid in installments of \$ \_\_\_\_\_ per  month  week  each two weeks, until paid in full, beginning on \_\_\_\_\_ (date).

DATE

JUDGE'S INITIALS

**ACTIONS, JUDGMENTS, CASE NOTES**

**CRO EVALUATION AND TREATMENT REFERRAL**

\_\_\_\_\_ In addition to all other penalties herein imposed, the defendant is required to meet immediately following this sentencing proceeding with the court referral officer for evaluation and referral to the appropriate community resources. The defendant shall be required to complete the following programs or those recommended by the court referral officer and such referral shall be incorporated into this order. The defendant is to promptly enroll in and complete the evaluation and program recommended by the Court Referral Officer.

**SUSPENSION/REVOCAION OF DRIVER'S LICENSE/DRIVING PRIVILEGES**

\_\_\_\_\_ In addition to the suspension period mandated by law, an additional suspension period of \_\_\_\_\_ months is hereby ordered.

\_\_\_\_\_ Having been convicted (or adjudicated a Youthful Offender) of driving under the influence of a controlled substance, or under the combined influence of a controlled substance and alcohol under §§32-5A-191(a)(3) or 32-5A-191(a)(4) Ala. Code 1975, in addition to any other penalty provided the defendant's driver's license or driving privilege shall be suspended by the Department of Public Safety for a period of six additional months, pursuant to §13A-12-290, et seq., Ala. Code 1975.

\_\_\_\_\_  In accordance with the provisions of §13A-12-292, Ala. Code 1975, the court took the defendant's driver's license and delivered it to the court clerk with instructions to forward it to the Department of Public Safety with this order:

**ADVISEMENT AS TO RIGHT OF APPEAL/RIGHTS IF INDIGENT**

\_\_\_\_\_ The defendant was advised that he/she has the right to appeal his/her conviction and sentence and, if indigent, has the right to appointed counsel and, where appeal is to the Court of Criminal Appeals, a transcript of the proceedings provided at the State's expense, or if appeal is to the circuit, jury trial, upon timely demand.

\_\_\_\_\_ The defendant having given notice of appeal, it is ordered as follows:

The defendant  was  was not indigent at trail.

The defendant  was  was not indigent on appeal.

Transcript/Record on Appeal from Circuit Court:

\_\_\_\_\_  Clerks record and transcript to proceedings ordered prepared (upon suitable financial arrangements being made if defendant is not indigent).

Counsel on appeal:

Trial counsel shall continue to represent the defendant.

\_\_\_\_\_, Attorney at law, is appointed to represent the defendant on appeal.

Defendant's sentence  is  is not stayed pending appeal.

\_\_\_\_\_ The defendant is hereby granted \_\_\_\_\_ jail credit for his/her presentence confinement in this case. (computed as of \_\_\_/\_\_\_/\_\_\_).

\_\_\_\_\_ Defendant's appeal bond is set at the sum of \$\_\_\_\_\_ and the defendant shall be released from custody upon posting a good and sufficient bond in said amount to be approved by the court.

\_\_\_\_\_  
Circuit/District Judge  
Judicial Circuit