

Order of Production for Resentencing Pursuant
to §15-22-54.1
(Technical Violation of Probation)

In the _____ Court of _____, Alabama
(Circuit or District) (Name of County)

State of Alabama v. _____, Defendant.

Defendant's AIS # _____

This cause being before this Court upon petition of the defendant seeking resentencing pursuant to Act 2010-753 codified at Section 15-22-54.1, Code of Alabama (1975), which allows certain offenders revoked from probation only on technical violations and, as a result thereof, currently serving a prison sentence, to have their sentence resulting from the revocation modified. Pursuant to this Act, the sentencing court is vested with the authority to make the determination of whether an inmate is eligible for consideration for resentencing. Eligibility specifically depends on the fact that the inmate have no disciplinary infractions while serving the sentence in the penitentiary, have no pending charges or convictions for a new offense, and have successfully completed the terms of probation for six months prior to revocation of probation.

THEREFORE, the Court orders as follows:

1. The Board of Pardons and Paroles is hereby ordered to submit to this Court a current pre-sentence investigation report within 30 days of the date from this order. The report shall show any new and pending charges or convictions for a new offense, and shall specify whether probation in the underlying case was revoked due to a technical violation. The Board shall also provide the court with information pertaining to the defendant's payment history showing whether the petitioner has or has not remained current on payment of court ordered monies;
2. The Alabama Department of Corrections ("ADOC") is hereby ordered to submit to the Court a verified ADOC inmate summary or an affidavit showing the following information pertaining to the above petitioner:
 - A. Admission date to ADOC;
 - B. Time served on probation revocation;
 - C. Number of any escapes or attempted escapes;
 - D. Disciplinary infractions committed by the petitioner while serving the current sentence and the specific rule violations which resulted in the discipline; and
 - E. Any new offenses committed while in DOC custody.

The Clerk shall serve a copy of this order upon the defendant, ADOC, the Board of Pardons and Paroles, and the District Attorney for this Circuit.

DONE AND ORDERED on this the _____ day of _____, 20_____.

Circuit/District Judge