

IN THE JUSTICE COURT OF RANKIN COUNTY, MISSISSIPPI

DEFENDANT _____ FILE NO. _____

SENTENCING ORDER FOR SECOND CONVICTION OF VIOLATING SUBSECTION (1) OF MISS. CODE ANN. § 63-11-30

THIS CAUSE came on for sentencing of the Defendant upon a second conviction of violating subsection (1) of Miss. Code Ann. § 63-11-30, the offenses being committed within a period of five (5) years and the Court being satisfied that it has jurisdiction of the parties and the subject matter, hereby FINDS that:

- the Defendant is not married
○ the Defendant is married and the name and address of the Defendant's spouse is

IT IS, THEREFORE, ORDERED:

1.

The Defendant shall:

- (a) be fined \$ _____ plus court costs and assessments (statute requires fine shall not be less than \$600.00 nor more than \$1,500.00);
(b) be imprisoned for _____ (statute requires not less than five (5) days nor more than one (1) year) with _____ suspended;
(c) be sentenced to community service work for _____ (statute requires not less than ten (10) days nor more than one (1) year) with _____ suspended;
(d) on or before one month after release from jail, have contacted _____ (agency) and arranged to perform community service work for such agency;
(e) on or before four months after release from jail, have completed such community service work and provided the Justice Court Clerk with proof of successful completion of such community service work;
(f) on each of the dates listed in Exhibit "A", appear before the Court for sentencing compliance evaluation; and
(g)

(Note: Statute requires that the minimum penalties (5 days imprisonment and 10 days community service work) shall not be suspended and no portion of the fine may be suspended)

2.

The Defendant shall, on or before thirty days after release from jail, receive an in-depth diagnostic assessment at a facility approved by the Court, and if as a result of such assessment is determined, by the assessor, to be in need of treatment of his alcohol and/or drug abuse problem, he shall, on or before seven months after release from jail, successfully complete treatment of his alcohol and/or drug abuse problem at a program site certified by the Department of Mental Health.

3. (Choose one)

All vehicles registered to the Defendant shall be
(Choose one)

impounded

immobilized by a steering wheel locking device commonly referred to as the "CLUB" for the entire length of license suspension to occur during the driver's license suspension period.

An ignition interlock device shall, on or before _____, be installed on the Defendant's vehicle in lieu of impoundment or immobilization because the Court finds that other licensed drivers living in the Defendant's household are dependent upon such vehicle for necessary transportation.

4.

An ignition interlock device shall be installed on all vehicles registered to the Defendant for a period of one year (*statute requires minimum period of six (6) months*) to occur upon reinstatement of the Defendant's driver's license.

5.

Such ignition interlock device shall be calibrated to prevent the motor vehicle from being started unless the driver's blood alcohol concentration is lower than two one-hundredths percent (.02%) (*statute requires not less than two one-hundredths percent (.02%) nor more than four one-hundredths percent (.04%)*).

6.

The Department of Public Safety ("Department") shall be notified of this Order and is hereby directed (a) that the records of the Department shall reflect that the Defendant may not operate a motor vehicle that is not equipped with an ignition interlock device; and (b) to attach or imprint a notation on the driver's license of the Defendant stating that he may operate only a motor vehicle equipped with an ignition interlock device.

7.

The Defendant shall:

(a) at least ten (10) days prior to the reinstatement of his driver's license, provide the Justice Court Clerk with proof of the installation of the ignition interlock device;

(b) have the ignition interlock device monitored quarterly (*statute requires at least semiannually or more frequently as the circumstances may require*) for proper use and accuracy by an entity approved by the Department;

(c) provide the Justice Court Clerk with reports of the verification of the proper operation of the ignition interlock device with such reports to be provided to the Justice Court Clerk on or before the 1st day of January immediately following his driver's license reinstatement; the 1st day of April immediately following his driver's license reinstatement; the 1st day of July immediately following his driver's license reinstatement; and the 1st day of October immediately following his driver's license reinstatement; and

(d) pay the reasonable cost of leasing or buying, monitoring, and maintaining the ignition interlock device.

SO ORDERED, this the _____ day of _____, 20____.

Justice Court Judge

Acknowledged:

Defendant

Attorney for Defendant

IN THE JUSTICE COURT OF RANKIN COUNTY, MISSISSIPPI

DEFENDANT _____

BOOK _____ PAGE _____

EXHIBIT "A"
TO
SENTENCING ORDER FOR SECOND CONVICTION OF
VIOLATING SUBSECTION (1) OF *MISS. CODE ANN. § 63-11-30*

THIS CAUSE came on for sentencing of the Defendant upon a second conviction of violating subsection (1) of *Miss. Code Ann. § 63-11-30*, the offenses being committed within a period of five (5) years and the Court being satisfied that it has jurisdiction of the parties and the subject matter, hereby **ORDERS** that the Defendant shall, at **8:30 AM** on each of the following court-selected dates, appear in Court for sentencing compliance evaluation:

- | | | |
|--|--|---|
| <input type="checkbox"/> Monday, January 10, 2011; | <input type="checkbox"/> Monday, January 9, 2012; | <input type="checkbox"/> Monday, January 14, 2013; |
| <input type="checkbox"/> Monday, February 14, 2011; | <input type="checkbox"/> Monday, February 13, 2012; | <input type="checkbox"/> Monday, February 11, 2013; |
| <input type="checkbox"/> Monday, April 11, 2011; | <input type="checkbox"/> Monday, April 9, 2012; | <input type="checkbox"/> Monday, April 8, 2013; |
| <input type="checkbox"/> Monday, May 9, 2011; | <input type="checkbox"/> Monday, May 14, 2012; | <input type="checkbox"/> Monday, May 13, 2013; |
| <input type="checkbox"/> Monday, June 13, 2011; | <input type="checkbox"/> Monday, June 11, 2012; | <input type="checkbox"/> Monday, June 10, 2013; |
| <input type="checkbox"/> Monday, August 8, 2011; | <input type="checkbox"/> Monday, August 13, 2012; | <input type="checkbox"/> Monday, August 12, 2013; |
| <input type="checkbox"/> Monday, September 12, 2011; | <input type="checkbox"/> Monday, September 10, 2012; | <input type="checkbox"/> Monday, September 9, 2013; |
| <input type="checkbox"/> Monday, October 10, 2011; | <input type="checkbox"/> Monday, October 8, 2012; | <input type="checkbox"/> Monday, October 14, 2013; |
| <input type="checkbox"/> Monday, November 14, 2011; | <input type="checkbox"/> Monday, November 12, 2012; | <input type="checkbox"/> Monday, November 11, 2013; |
| <input type="checkbox"/> Monday, December 12, 2011; | <input type="checkbox"/> Monday, December 10, 2012. | <input type="checkbox"/> Monday, December 9, 2013; |

SO ORDERED, this the _____ day of _____, 20_____.

Justice Court Judge

Acknowledged:

Defendant

Attorney for Defendant