



**JUDGMENT & SENTENCE  
ON PLEAS OF NOT GUILTY  
(JURY TRIAL)**

Case No. \_\_\_\_\_  
Court \_\_\_\_\_  
County \_\_\_\_\_  
Division \_\_\_\_\_

COMMONWEALTH OF KENTUCKY

PLAINTIFF

V.

DEFENDANT

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

Costs Waived Due to Indigence       Installment/Deferred Payments (see page 3 for greater detail)

Sex	Race	Date of Birth	Height	Weight	Eyes	Hair	Social Security #	Drivers License #	State

**FOR YOUTHFUL OFFENDER provide School Name and Address:**

\_\_\_\_\_  
\_\_\_\_\_

Defendant appeared in open court on \_\_\_\_\_, 2\_\_\_\_,  without counsel OR  with counsel,  
Honorable \_\_\_\_\_ . By agreement with the attorney for the  
Commonwealth, Defendant **entered a plea of NOT GUILTY to the following charges contained in the Indictment:**

(1) \_\_\_\_\_

committed on or about \_\_\_\_\_, \_\_\_\_\_ when Defendant was \_\_\_\_\_ years old;

(2) \_\_\_\_\_

committed on or about \_\_\_\_\_, \_\_\_\_\_ when Defendant was \_\_\_\_\_ years old;

(3) \_\_\_\_\_

committed on or about \_\_\_\_\_, \_\_\_\_\_ when Defendant was \_\_\_\_\_ years old;

(4) \_\_\_\_\_

committed on or about \_\_\_\_\_, \_\_\_\_\_ when Defendant was \_\_\_\_\_ years old;

(5) \_\_\_\_\_

committed on or about \_\_\_\_\_, \_\_\_\_\_ when Defendant was \_\_\_\_\_ years old;

(6) \_\_\_\_\_

committed on or about \_\_\_\_\_, \_\_\_\_\_ when Defendant was \_\_\_\_\_ years old;

On \_\_\_\_\_, 2\_\_\_\_\_, the case was tried before a jury which returned the following verdict:

	<u>Charge</u>	<u>Sentence</u>
(1)	_____	_____
(2)	_____	_____
(3)	_____	_____
(4)	_____	_____
(5)	_____	_____
(6)	_____	_____

For the purpose of **sentencing**, Defendant appeared in open court on \_\_\_\_\_, 2\_\_\_\_\_,  
 without counsel  with counsel, Honorable \_\_\_\_\_.

The Court inquired of Defendant (and counsel, if any) whether there was any legal cause why judgment should not be pronounced, and afforded Defendant (and counsel, if any) the opportunity to make statements in Defendant's behalf and to present any information in mitigation of punishment. The Court informed Defendant (and counsel, if any) of the factual contents and conclusions contained in the written Presentence Investigation Report (PSI) prepared by the Division of Probation and Parole and provided Defendant's attorney (if any) with a copy of the PSI although not the sources of confidential information. Defendant  agreed with the factual contents of the PSI **OR**  was granted a hearing to controvert factual contents of the PSI. Having given due consideration to the PSI prepared by the Division of Probation and Parole, and to the nature and circumstances of the crime, as well as the history, character and condition of Defendant, and any matters presented to the Court by the Defendant (or counsel, if any) **the Court finds:**

- the Victim suffered death or serious physical injury;
- imprisonment is necessary for protection of the public because:
  - there is a likelihood that during a period of probation with an alternative sentencing plan or conditional discharge Defendant will commit a Class D or Class C felony or a substantial risk that Defendant will commit a Class B or Class A felony;
  - Defendant is in need of correctional treatment that can be provided most effectively by the defendant's commitment to a correctional institution;
  - probation, probation with an alternative sentencing plan, or conditional discharge would unduly depreciate the seriousness of the Defendant's crime;
  - Defendant is ineligible for probation, probation with an alternative sentencing plan, or conditional discharge because of the applicability of KRS 532.080, KRS 439.3401, or KRS 533.060;
- Defendant is eligible for probation, probation with an alternative sentencing plan, or conditional discharge as hereinafter ordered on AOC-455.

Insufficient cause having been shown why judgment should not be pronounced, it is ADJUDGED BY THE COURT that Defendant is **GUILTY** of the following charge(s):

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_
- (4) \_\_\_\_\_

(5) \_\_\_\_\_

(6) \_\_\_\_\_

**A. Defendant is sentenced to:**

**1. Court Costs, Restitution, Fees, and Fines**

**Defendant is ORDERED to pay:**

- Court Costs of \$ \_\_\_\_\_.
- Restitution in the amount of \$ \_\_\_\_\_.
- Fees in the amount of \$ \_\_\_\_\_.
- Fine(s) in the amount of \$ \_\_\_\_\_.

**2. Method of Payment**

- Court Costs are **WAIVED** due to Defendant having been found to be a "poor person" under KRS 453.190(2).
- At time of SENTENCING**, all Court Costs, Restitution, Fees, and Fines shall be paid in full.
- Payment is DEFERRED.** All amounts shall be PAID IN FULL by \_\_\_\_\_, 2 \_\_\_\_\_.
  - An **INSTALLMENT SCHEDULE IS ESTABLISHED.** Beginning \_\_\_\_\_, 2 \_\_\_\_\_, Defendant is **ORDERED** to pay \$ \_\_\_\_\_  weekly  every other week  monthly
  - other \_\_\_\_\_ until paid in full. If Defendant fails to pay by said date he/she shall appear to **SHOW CAUSE** pursuant to KRS 534.020.

**3. Directions for Payment of Restitution**

As specified in KRS 532.032 and 532.033, Defendant shall pay restitution pursuant to these conditions:

Restitution shall be paid through the

- Circuit Court Clerk with a 5% service fee;
- County Attorney; **OR**
- Commonwealth's Attorney

for the benefit of (*name of specific person or organization*) \_\_\_\_\_

**4. Imprisonment**

**In addition to any monetary amount specified above, Defendant is sentenced to:**

- imprisonment for a maximum term of \_\_\_\_\_  probated **OR**  probated with an alternative sentence as stated in the attached Order of Probation, for \_\_\_\_\_ (No fine imposed on KRS Chapter 31 indigent defendant).
- imprisonment for a maximum term of \_\_\_\_\_ conditionally discharged as stated in the attached Order of Conditional Discharge. (No fine imposed on KRS Chapter 31 indigent defendant).
- imprisonment for a maximum term of \_\_\_\_\_ in \_\_\_\_\_ (institution) to run  concurrently  consecutively with a sentence previously imposed on \_\_\_\_\_, \_\_\_\_\_.

**B. It is ORDERED that Defendant's bond:**

- be **released**. If bond was posted by Defendant, bond  shall be  shall not be applied to payment of remaining fines and costs;  other \_\_\_\_\_.
- is **not released** until  further order of the court;  payment of all fines and costs;  other \_\_\_\_\_.

**C. It is further ORDERED that:**

- upon release from incarceration or parole, Defendant, being found guilty of a felony offense under KRS Chapter 510, 529.100 involving commercial sexual activity, 530.020, 530.064(1)(a), 531.310, or 531.320, is subject to a five (5) year period of postincarceration supervision. KRS 532.043.
- pursuant to KRS 532.400 Defendant is subject to a one (1) year period of postincarceration supervision.
- pursuant to KRS 17.510(2) Defendant has been convicted of a sex crime or a crime against a minor, or has been committed as a sexually violent predator, and has been informed of the **duty to register** with the appropriate local Probation and Parole Office.
- Defendant shall not be released from probation supervision until **restitution** has been paid in full and all other aspects of probation have been successfully completed.
- by a preponderance of evidence, the Court finds **hate was a primary factor** in the commission of the crime by the Defendant. KRS 532.031(2).
- being sentenced to a term of incarceration for a nonstatus juvenile offense, moving traffic violation, criminal violation, misdemeanor, or Class D felony, Defendant is ordered to pay costs of incarceration in the amount of \$ \_\_\_\_\_ as allowed by KRS 532.352. Said costs shall be reimbursed to (*specify state or local government*) \_\_\_\_\_.
- Defendant shall be delivered to the custody of the Department of Corrections at such location within this Commonwealth as Corrections shall designate.
- pursuant to KRS 17.170, Defendant, convicted of a **felony offense** under the Kentucky Revised Statutes, shall have a **DNA sample** collected by authorized personnel.
- Defendant is hereby **credited with time spent in custody prior to sentencing**,  pursuant to KRS 532.120(3) towards service of the maximum term of imprisonment, **or**  pursuant to RCr 4.58 toward payment of a fine at the rate of \$5.00 per day; namely \_\_\_\_\_ days as certified by the jailer of \_\_\_\_\_.

**Date:** \_\_\_\_\_, 2\_\_\_\_ Judge \_\_\_\_\_

Distribution: Defendant / Attorney Sheriff (2 Certified copies if Defendant sentenced to death or confinement)  
Principal, \_\_\_\_\_ School (If Defendant is youthful offender)

<b>SHERIFF'S RETURN</b>	
<input type="checkbox"/>	Served on Defendant named herein this _____ day of _____, 2____.
<input type="checkbox"/>	Not served because: _____ _____
_____	Officer