

Judicial Diversion Program
CONTRACT

Ind. #/SCI # _____

Defendant's Full Name

I, _____, having discussed this contract with my attorney, do hereby acknowledge and agree to the following relative to my participation in Drug Court/Judicial Diversion Part (DC/JDP):

1. I agree to comply with any and all conditions of DC/JDP of which I am advised, including but not limited to those terms and conditions set forth in this contract and any and all conditions imposed during the course of my participation by the court or my case manager.
2. The district attorney (consents to), (takes no position on), (opposes) my participation in the Judicial Diversion Program.
3. I have entered a plea of guilty to the charge(s) of _____, under Ind./SCI # _____.
4. The possible maximum sentence for this charge(s) is _____.
5. The actual sentence I would receive on the charge(s) if I fail to successfully complete the Judicial Diversion Program would be no greater than _____.
6. If I comply with these conditions and successfully complete the Judicial Diversion Program the Court promises to:

____ allow me to withdraw my plea of guilty to the indictment or Superior Court Information and dismiss the charges.

____ allow me to withdraw my plea of guilty to the indictment or Superior Court Information and plead guilty to a misdemeanor and sentence me to no more than 3 years probation.

____ require me to undergo a period of interim probation supervision and, upon successful completion thereof, allow me to withdraw my plea of guilty to the indictment or Superior Court Information and dismiss the charges.

____ require me to undergo a period of interim probation supervision and, upon successful completion thereof, allow me to withdraw my plea of

guilty to the indictment or Superior Court Information and plead guilty to a misdemeanor and sentence me to no more than 3 years probation.

___ sentence me to probation for 5 years.

___ conditionally seal my conviction.

7. I will attend all appointments related to my evaluation, assessment and treatment, whether for drug, alcohol and/or mental health or any other related treatment requirement.
8. I agree to sign any and all releases of confidential information requested of me for and during my participation in DC/JDP.
9. I will keep all appointments with my case manager and I will follow all of my case manager=s recommendations and directions involving my treatment plan.
10. I will make diligent efforts to engage in treatment and actively participate in my assigned treatment program. I will work diligently toward the goals of the program.
11. I will not use or possess any alcohol, illegal drugs, or any prescription drugs not prescribed by my primary care physician or other physician who treated me during an emergency.
12. I will submit to random drug and alcohol testing, including urine, breath and blood tests, as requested, while I am in the Judicial Diversion Program. I understand that failure to submit to such testing as requested may be considered by the Drug Court Judge to be the equivalent of a positive test, for which I may be sanctioned.
13. I will notify my case manager and the Drug Court Judge in the event I have possessed or used illegal drugs, alcohol, or medications not prescribed to me or in excess of the prescribed dosage. I understand that such notification itself cannot serve as a basis for a further criminal prosecution against me, but I may be sanctioned and/or my treatment plan may be revised. I understand that this does not prevent my prosecution for the conduct which necessitated the above mentioned notification.
14. I further understand that if I do not notify my case manager and the Drug Court Judge of my use or possession described above, I will be sanctioned for my dishonesty in failing to report such use or possession.
15. I understand that I will be required to discuss my drug and alcohol use and any symptoms of a mental illness with my case manager

and Drug Court Judge. I understand that all such statements made to my case manager or the Drug Court Judge while I am in Drug Court are for the purpose of treatment and will not be used against me in any current or future criminal prosecution.

16. I will attend all scheduled court appearances. I acknowledge that I am responsible for keeping all of my court dates, as well as all appointments with treatment providers, my case manager, and all other persons with whom I am directed to meet as part of my participation in the Judicial Diversion Program.
17. I will identify a primary care physician immediately (but under no circumstance later than my first three months of participation Drug Court Judge, unless excused by the Court, and agree to maintain such physician to the conclusion of my participation. I understand that I must use only my primary care physician identified to the Court for my medical needs unless I need emergency medical care.
18. If I need medication I will always disclose to any treating physician that I am an addict and request a non-narcotic drug, if available. I must be able to document for the Court that I so advised the treating physician.
19. I will always advise the Drug Court Judge or my case manager when I have used either prescription or over-the-counter medication before any test detects such use. The prosecutor will be present when I disclose the use to the Drug Court Judge.
20. I will comply with any medication prescribed by my physician and take it only in the prescribed dosage.
21. I must remain continuously free from alcohol and drugs for one year before I become eligible to successfully complete Drug Court, Judicial Diversion program.
22. I will complete an education requirement: GED, diploma, or other required course of study.
23. I will complete 14 hours of community service as directed by the Court.
24. Prior to my completion of participation in the Judicial Diversion Program I will be employed full time or enrolled full time in school, or as otherwise approved by the Court.
25. I will provide all documentation requested by DC/JDP concerning the requirements of participation.

26. I understand that the Diversion Court is a public court and that my case will be discussed in open court in the presence of others, including members of the public that may be in attendance. This Contract may become a public record filed with the County Clerk's Office.
27. I knowingly, voluntarily and intelligently waive my constitutional and statutory rights to a speedy trial while I am participating in DC/JDP and my attorney has explained to me those rights and the effect of this speedy trial waiver.
28. I understand that I must report to my case manager and to the Diversion Court Judge any new criminal arrest. I further understand that if I fail to report a new arrest the Diversion Court Judge can use his or her discretion to terminate my participation in the Judicial Diversion Program.
29. I understand that if I violate any of the terms and conditions of this contract, the Diversion Court Judge, in his or her discretion, may impose sanctions, which may include, but are not limited to, verbal admonishment, increased court appearances, increased drug and alcohol testing, modification of treatment plan, reconsideration of my order of recognizance or bail, jail, or termination of participation in the Judicial Diversion Program.
30. I understand that I can quit Judicial Diversion Program at any time, but if I do, my case will be treated as if I failed to comply with this contract and as if I was unsuccessfully terminated from the Judicial Diversion Program.
31. I understand that if I comply with all of the conditions of the Diversion Court Program as set forth in this contract, I will be deemed to have successfully completed the Diversion Court Program and the Court will comply with the terms and conditions it set forth herein for final disposition when it accepted my agreement to participate in the Judicial Diversion Program.
32. I understand, as a condition of my final disposition, that I must do the following:
____ Attend at least one Clean Slate Alumni group meeting;
____ Submit to random drug and alcohol testing, including urine, breath and blood tests, as requested by **DC/JDP** staff;
____ Not be rearrested;
____ Attend the graduation ceremony, unless excused by **DC/JDP** staff.

I am not under the influence of alcohol, drugs, or medication, nor is there any other mental or physical impairment that prevents me from understanding the

proceedings here or from entering this plea knowingly, intelligently, and voluntarily.

I hereby agree to the above terms of the contract

Defendant's signature

Date

Certification of Defendant's Attorney: I hereby certify that I am the attorney of record for the above-named defendant _____ and that I have explained to my client his/her statutory, constitutional and appellate rights affected by this contract and that defendant has voluntarily and knowingly executed the waivers contained herein.

Attorney for the Defendant

_____/_____/_____
Date.