

STATE OF INDIANA)
) SS: IN THE VANDERBURGH SUPERIOR COURT
VANDERBURGH COUNTY) MISDEMEANOR DIVISION

STATE OF INDIANA)
)
VS) CAUSE NO. 82D05-*

*

AGREEMENT TO CONDITIONS OF PRE-TRIAL DIVERSION OF PROSECUTING ATTORNEY'S PRE-TRIAL DIVERSION PROGRAM

Comes now the State of Indiana by Nicholas G. Hermann, Prosecuting Attorney, and comes now the defendant, in person or by his/her attorney, and states as follows:

1.) That the defendant is charged with the crime of *. That the defendant admits full responsibility for his/her crime and hereby admits the wrongfulness of his/her illegal action.

2.) That the defendant agrees to the conditions of a Pre-Trial Diversion Program offered by the Prosecuting Attorney.

3.) The terms of the agreement are recorded in an instrument signed by the person and the Prosecuting Attorney and filed in the Court in which the charge is pending.

4.) That the conditions of the Pre-Trial Diversion Program are as follows:

a. The defendant pays to the Clerk of the Court, to be transferred to the County Treasurer who shall deposit the money into the Pre-Trial Diversion Fund, the following:

1.) \$170.00 user's fee due within the first three months.

2.) \$10.00 each additional month on the Pre-Trial Diversion Program. Certified check, or Money Order, made payable to Vanderburgh County Clerk, **PERSONAL CHECKS ARE NOT ACCEPTED.**

3.) The defendant will be required to work on Community Service and be given a designated number of hours to be determined by the Program Director. * (hours)

4.) If the defendant is declared indigent he/she may be given an additional amount of Community Service determined by the Program Director to compensate for the user's fee. *

(hours)

b. Defendant will make restitution to the victim of his/her crime for any damages that have been sustained in the amount of \$*.

c. The defendant will report to the office of the Prosecuting Attorney at least once a month unless otherwise directed and answer all reasonable inquiries by the Prosecuting Attorney and/or the Program Director.

d. The defendant shall seek counseling in good faith for an identifiable psychological problem with * and shall continue such care until such time as his/her doctor/therapist releases him/her. The defendant waives all doctor-patient/therapist-client privileges. The defendant shall be responsible for usual and customary counseling related charges.

e. The defendant will notify the Prosecuting Attorney of any change in address or employment.

f. The defendant shall continue on this diversion program for a period of * months.

g. The defendant shall continue on this diversion program until he/she obtains a valid drivers license.

h. The defendant shall not operate a vehicle until he/she obtains a valid drivers license.

i. I hereby acknowledge that there are not any pending charges against me, nor any prior charges in Vanderburgh County or in any other county that I have committed.

j. The defendant shall not commit or attempt to commit any criminal offenses while on this diversion program.

k. I hereby acknowledge and agree that the Vanderburgh County Prosecutor's Office has the discretion to remove me from the Pre-Trial Diversion Program if, in the judgment of the Vanderburgh County Prosecutor's office, I have violated any of the rules contained in this agreement or falsified any information given to the Pre-Trial Diversion Program. If I am terminated, I understand that all fees will be forfeited and Community work is no longer valid.

l. The defendant shall work faithfully at a suitable employment or faithfully pursue a course of study or vocational training that will equip him/her for suitable employment.

- m. The defendant shall support his/her dependents and meet other family responsibilities.
- n. The defendant shall refrain from harassing, intimidating, threatening, or otherwise contacting the victim.
- o. An agreement under subsection (2) may include other provisions reasonably related to the defendant's rehabilitation, if approved by the Court.
- n. This case shall be closed and no prosecution brought against the defendant if the defendant faithfully and successfully abides by all of the conditions of the diversion program for a period of *.
- p. The Prosecuting Attorney shall notify the victim that prosecution is being withheld under I.C. 33-39-1-8.

WHEREFORE, the State of Indiana and the defendant submit to the Court this written agreement pursuant to the terms of I.C. 33-39-1-8.

(Defendant's signature)

(Defendant's printed name)

Respectfully submitted,

Nicholas G. Hermann
Prosecuting Attorney