

STATE OF ALABAMA
Plaintiff,

vs.

_____,
Defendant.

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IN THE 7TH JUDICIAL CIRCUIT COURT
DRUG COURT DIVISION
CALHOUN COUNTY, ALABAMA

CASE NUMBER: _____

DEFENDANT’S REQUEST TO ENTER DRUG COURT

TO: BRIAN A. MCVEIGH, DISTRICT ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF ALABAMA

FROM: _____, DEFENDANT
SOCIAL SECURITY NO.: _____ DATE OF BIRTH: _____
ADDRESS: _____

I, _____, hereby request that the District Attorney consent to my enrollment in and completion of a drug abuse treatment program (otherwise referred to as “Drug Court”). I state that the alleged offense, from which this arrest arises, occurred on or about _____ at or near _____ in Calhoun County, Alabama.

I understand this request is made with knowledge that my rights concerning self-incrimination and search and seizure must be waived to the extent necessary to consider this request and to rehabilitate myself. My attorney has explained these rights to me, and I understand what my rights are. After consultation with my attorney, I freely and voluntarily, of my own free will, hereby state and affirm that no threats or promises or inducements of any kind, have been made to force me to waive those rights, except the provisions of any plea agreement entered into in this action. My constitutional rights concerning self-incrimination and search and seizure, to the extent necessary to consider this request and rehabilitate myself, are hereby voluntarily waived in exchange for the opportunity for rehabilitation should this request be granted.

I further state that if I am approved for Drug Court, I agree to provide information needed to conduct an assessment of my needs to complete the recommended treatment program, complete a drug and/or alcohol testing program, pay restitution to any victim caused by my actions, pay for my assessment, education and/or treatment and monitoring, complete community service work ordered, and to pay Court costs.

I further state that I understand should I be approved for the Drug Court, the Court may at any time expel me from the Drug Court for any reason, including but not limited to, my failure to complete the recommended treatment program, failure to pay the required costs of the program, failure to pay Court costs, failure to complete community service to work ordered, failure to comply with the orders and instructions of the Court or the Drug Court Case Manager, or failure to abide by the laws of the State of Alabama.

Defendant

Defense Attorney

Date

Date

STATE OF ALABAMA

IN THE CIRUCIT COURT OF
CALHOUN COUNTY, ALABAMA

VS.

CASE NUMBER: CC ____-____.

DRUG COURT PLEA AGREEMENT

The State of Alabama, the Defendant and the Defendant's attorney make the following agreement enter the following terms, effective upon entry of a plea of guilty in Drug Court and acceptance of said plea by the Court.

1. Defendant will enter a plea of guilty to the charge of _____
_____ in the Drug Court of Calhoun County.
2. Upon Defendant's entry of a plea of guilty, the Defendant shall enter the Drug Court treatment program.
3. Defendant agrees to remain drug and alcohol free.
4. Defendant agrees to comply with all of the directives of the Drug Court Judge and the Drug Court Staff and the treatment providers.
5. Defendant agrees to attend and be on time for all counseling sessions and all Drug Court hearings and reviews.
6. Defendant agrees to maintain employment and/or attend school.
7. Defendant agrees to submit to substance abuse tests.
8. Defendant agrees to perform 100 hours of community service.
9. Defendant agrees to pay Drug Court fees of \$150.00 per month, including the first month's fees at the time of entering this plea.
10. Defendant agrees to obey all local, state and federal laws.
11. Defendant agrees to obtain/retain his or her driver's license.
12. Defendant agrees to obtain his or her high school diploma or equivalent.
13. Defendant agrees to allow Drug Court Staff, personnel, or any law enforcement officer to search his/her person, residence, vehicle or any property under his/her control at any time and without probable cause.
14. Defendant is to have no contact with firearms.
15. Defendant is subject to sanctions for missing treatment sessions, missing Court hearings, having dirty urinalysis, failing to comply with this Agreement or Orders of the Court, or for any other reason deemed inappropriate by the Drug Court Judge.
16. Termination from the Drug Court program will result if the Defendant fails to comply with conditions. If the Defendant fails to successfully complete the Drug Court program, the Defendant shall be sentenced according to the statutory guidelines.
17. Defendant, Defendant's Attorney and the District Attorney agree that if the Defendant successfully completes the prescribed Drug Court program for at least 18 months, the plea(s) will be set aside and the case(s) against the Defendant will be dismissed.

18. Defendant agrees to comply with any additional requirements and/or sanctions imposed by the Drug Court Judge and satisfy those requirements and/or sanctions.

19. _____

The above provisions have been explained to the Defendant by his/her Attorney. The Defendant understands that each of the above provisions, together with any special conditions imposed by the Court, shall be requirements of the Defendant's participation in the Drug Court.

DONE THIS THE _____ DAY OF _____, 200_____.

Assistant District Attorney

Defendant

Defendant's Attorney

DRUG COURT

A. Defendant's Notice To Judge B. Judge's Order To District Attorney (In re: plea before indictment into Drug Court)

IN THE CIRCUIT COURT OF CALHOUN COUNTY, ALABAMA

A. DEFENDANT'S NOTICE TO COURT OF DESIRE TO PLEAD INTO DRUG COURT BEFORE INDICTMENT

To: JUDGE(S) OF THE COURT.

My full name is _____
(first) (middle (& maiden) (last)

Correct home address _____

Date of Birth _____ Sex M - F Race W - B - H - O

I am presently awaiting Grand Jury Investigation - & - I am in County Jail - or - _____

I was Bound over - Waived Preliminary from _____

I wish to voluntarily plead guilty to the crime (or, crimes) for which I am presently charged. Please direct the District Attorney to file information (charge) against me in such crime (or in each crime) in which I am presently awaiting Grand Jury in order that I may be brought before the Court to plead guilty before indictment.

I do - do not have a prior felony conviction.

My hired - appointed Attorney is (name) _____

Sheriff or Jailer or Deft's Atty. Please Deliver Notice to Judge _____ date _____, 20____
(s) _____ defendant

B. COURT'S ORDER TO DISTRICT ATTORNEY TO DETERMINE CHARGE(S) AND TO PREFER AND PRESENT INFORMATION TO THE COURT

TO: DISTRICT ATTORNEY

The Court is advised (by above notice) that the defendant desires to voluntarily plead guilty before indictment.

You are directed to forthwith search the record of criminal actions awaiting Grand Jury and determine crime, or crimes against defendant; -- determine if time element is proper by law to proceed with a plea before indictment as to such crime(s) and, if affirmative, then, in each Action, prepare INFORMATION with same certainty as an indictment against defendant, and present said information(s) to the Court for further proceeding thereon.

ORDERED (date) _____, 20____

(s/ _____
JUDGE, SEVENTH JUDICIAL COURT

ORDER RECEIVED (date) _____, 20____
BRIAN A. MCVEIGH, District Attorney
By _____

ABOVE RECEIVED AND FILED IN
CLERK'S OFFICE (date) _____, 20____
By _____ (initials)