

Attachment A, DUI Diversion Form 1

UNIFORM DUI DIVERSION PETITION AND AGREEMENT

(The petitioner must cause a copy of this petition to be served on the district attorney or city attorney who filed the charge)

Petitioner is to provide the information required in this box, as follows: (print or type)		
Petitioner's name and residence: _____ First Middle Last _____ Street _____ City State ZIP	Petitioner's mailing address: _____ Street _____ City State ZIP _____ Telephone	Court where the charge was filed and petition is to be submitted: _____ Court Name _____ Court Location _____ Court Case Number _____ Date of DUI Offense
Petitioner's Date of Birth _____ Month Day Year	Petitioner's Driver License Number _____ Number State	

FOR COURT STAMP ON FILING

Petitioner's Agreement and Waiver

I, the undersigned petitioner, ask this court to grant a diversion under ORS 813.200 to 813.270 in this case for the charge of driving under the influence of intoxicants (DUII). If this petition is allowed by the court, I plead guilty or no contest to this DUII charge as shown in the attached petition for entry of plea and agree to waive the rights and to carry out the agreements as listed below as explained on the reverse side of this form:

1. I waive the rights listed in the plea petition submitted with this diversion petition.
2. I waive my former jeopardy rights under the federal or state constitutions and ORS 131.505 to 131.525 in any subsequent action on the charge or any other offenses based on the same criminal episode.
3. I will attend a diagnostic assessment to determine the possible existence of an alcohol or drug abuse problem and to pay the cost of the assessment directly to the agency providing the assessment.
4. I will pay to the court a diversion filing fee and a unitary assessment fee, unless the court determines I am indigent and waives all or part of these fees.
5. At my own expense, or as arranged with the Mental Health Division if I qualify as an indigent person, I will complete the program of treatment indicated as necessary by the diagnostic assessment.
6. I will not operate a motor vehicle while using or under the influence of intoxicants and will comply fully with state laws that discourage operating a motor vehicle while using or under the influence of intoxicants.
7. If the court directs that I attend a victim-impact treatment session, I will attend the session. If the court requires, I will pay to the program the fee for my participation in that session.
8. I will keep the court advised of my current mailing address at all times during the diversion period.
9. I will pay court-appointed attorney fees as the court determines.

Petitioner's Signature Date

(NOTE: A completed petitioner's sworn statement of eligibility must be filed with this form.)

FOR COURT STAMP ON ORDER

COURT ORDER

After considering the matters listed in ORS 813.220, the court allows denies the petition for diversion in case number _____. The DUII charge is alleged to have occurred on _____, 20____. **If "allowed,"** this court accepts the petitioner's above plea, withholds entry of a judgment of conviction pending completion or termination of the diversion, and orders that: 1) the diversion period is one year beginning on _____ and ending on _____; 2) the petitioner pay fees for the diversion as required by statute unless waived or deferred; and 3) the petitioner must need not attend a victim-impact treatment session approved by this court and must need not pay a fee to that program; 4) the petitioner must need not pay court-appointed attorney fees in an amount of \$_____ on a schedule set by the clerk of the court

Name of Judge Signature of Judge Date