

BRUNSWICK JUDICIAL CIRCUIT PRETRIAL DIVERSION PROGRAM

Welcome

Welcome to the Brunswick Judicial Circuit Pretrial Diversion Program. Modeled closely after the Blue Ridge Judicial Circuit Pretrial Diversion Program, paired with influences from the Alcovy Judicial Circuit's Pretrial Intervention Program, District Attorney Keith Higgins created this program in 2022 to serve as an alternative to prosecuting first-time offenders through the criminal justice system. The Pretrial Diversion Program is designed with the following goals in mind:

- Deter future criminal conduct;
- Reduce the number of less serious cases in the courts;
- Provide restitution to the victim;
- Provide an offender with an opportunity to accept responsibility without having a criminal conviction on their record; therefore, reducing the rate of recidivism;
- Provide rehabilitative services, life-skills training, and other opportunities to correct underlying issues that led to the criminal activity instead of incarceration; and
- Protect the community by supervising participants.

This handbook is designed to answer your questions about what is expected of you as a participant in this program. In addition to abiding by the program requirements laid out in your application and agreement, you must also abide by any special conditions explained by the Pretrial Diversion Case Manager.

BRUNSWICK JUDICIAL CIRCUIT PRETRIAL DIVERSION PROGRAM

Introduction

The Brunswick Judicial Circuit Pretrial Diversion Program was established by the District Attorney's Office pursuant to OCGA § 15-18-80 as an alternative to traditional prosecution for eligible offenders in the Superior Courts of the Brunswick Judicial Circuit. The program is designed for low-risk offenders who have committed non-violent crimes.

Eligible offenders who are approved for participation in the program will be required to enter into a written contractual agreement that sets forth the terms and conditions of the program, including the specific conditions that they must satisfy in order to complete the program. Participants will be supervised by the Pretrial Diversion Case Manager for a specified length of time.

The decision to request to participate in the Pretrial Diversion Program must be made freely and voluntarily and should be made with the advice of counsel, as a Stinson Plea will be required from you to enter into the program. A "Stinson Plea" in Georgia is a guilty plea that results in supervision and conditions. If those conditions are successfully completed, the criminal defendant can then withdraw the guilty plea, and the State will dismiss the charges. It is very similar to a First Offender Act plea in Georgia with the major difference being that a First Offender plea shows you as not being convicted, and a Stinson plea shows you as not being prosecuted.

Participation will occur prior to adjudication, and successful completion of the program will result in a Nolle Prosequi (Nolle Pros) of the charges. Additionally, the District Attorney's Nolle Pros will instruct that access to the participant's arrest record shall be restricted in the participant's Criminal History through GCIC/NCIC. The Pretrial Diversion Program is designed to benefit the individual participant as well as the overall criminal justice system for the Brunswick Judicial Circuit.

Two violations or two failures to abide by the terms of the Pretrial Diversion Program shall result in discharge from the program, in which event the defendant will not be permitted to withdraw his/her guilty plea and the criminal case will be placed back on the next available calendar for a sentencing hearing. Any monies paid during the course of participation in the program, including application, administrative fees, and restitution payments, are non-refundable, and shall not be returned to the participant if discharged from the program. Completed requirements or other actions taken by the participant while in the program may or may not be credited towards any final disposition of the offender's case at the discretion of the court.

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Authorizing Statute

O.C.G.A. § 15-18-80 (as amended effective July 1, 2019)

- (a) The prosecuting attorneys for each judicial circuit of this state shall be authorized to create and administer a Pretrial Intervention and Diversion Program. The prosecuting attorney for state courts, probate courts, magistrate courts, municipal courts, and any other court that hears cases involving a violation of the criminal laws of this state or ordinance violations shall also be authorized to create and administer a Pretrial Intervention and Diversion Program for offenses within the jurisdiction of such courts. Upon the request of the district attorney or solicitor and with the advice and express written consent of such attorney, the state or local governing authority may enter into a written contract with any entity or individual for the purpose of monitoring program participants' compliance with a Pretrial Intervention and Diversion Program.
- (b) It shall be the purpose of such a program to provide an alternative to prosecuting offenders in the criminal justice system.
- (c) Entry into the program shall be at the discretion of the prosecuting attorney based upon written guidelines.
- (d) The prosecuting attorney implementing said program shall create written guidelines for acceptance into and administration of the program. These guidelines shall include, but are not limited to, consideration of the following:
 - (1) The nature of the crime;
 - (2) The prior arrest record of the offender; and
 - (3) The notification and response of the victim.
- (e) No prosecuting attorney shall accept any offender into the program for an offense for which the law provides a mandatory minimum sentence of incarceration or imprisonment that cannot be suspended, probated, or deferred.
- (f) The prosecuting attorney shall be authorized to assess and collect from each offender who enters the program a fee not to exceed \$1,000.00 for the administration of the program. Such fee may be waived in part or in whole or made payable in monthly increments upon a showing of good cause to the prosecuting attorney. Any fee collected under this subsection shall be collected by the clerk of court and made payable to the general fund of the political subdivision in which the case is being prosecuted; provided, however, that the clerk of court shall deduct amounts due pursuant to subsection (a.1) of Code Section 47-17-60 and shall remit such amounts to the secretary-treasurer of the Peace Officers' Annuity and Benefit Fund in accordance with said Code section.
- (g) The prosecuting attorney shall be further authorized to collect restitution on behalf of victims. Any restitution collected under this subsection shall be made payable to and disbursed by the Clerk of the Court in which the case would be prosecuted.
- (h) No program created pursuant to this Code section shall be construed as a violation of Code Section 15-13-35 or 15-18-26.

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Admission Criteria

The Brunswick Judicial Circuit Pretrial Diversion Program is established pursuant to OCGA § 15-18-80 and in accordance with said statute, the following admission criteria and guidelines are established:

- The nature of the crime (OCGA § 15-18-80 (d) (1));
- The prior arrest record of the applicant (OCGA § 15-18-80 (d) (2));
- The notification and response of the victim (OCGA § 15-18-80 (d) (3));
- Be at least 17 years of age;
- The willingness to abide by all rules and regulations of the Pretrial Diversion Program;
- The ability to comply with all conditions set forth in their Pretrial Diversion Program Agreement;
- The willingness to acknowledge wrongdoing and accept responsibility;
- A good-faith willingness to participate in the program;

Regarding the nature of the crime and the prior arrest record of the applicant, the following are restrictions that, as a general rule, will make someone **ineligible** for entry into the Pretrial Diversion Program:

- Offenses with insufficient evidence to prove the offenses beyond a reasonable doubt shall be dismissed;
- Any serious felony offense or other felony offense that involves the use of violence;
- Any drug offense involving possession with intent to distribute, sale, or trafficking;
- Any offense of manufacture of marijuana except when the evidence establishes that the manufacturing was being done for personal use;
- An individual who is currently on felony probation, felony parole, or is under a sentence entered under the First Offender Act or OCGA § 16-13-2 (conditional discharge) for a felony offense;
- An individual with a prior felony conviction or a prior felony sentence that was completed under the First Offender Act or OCGA § 16-13-2 (conditional discharge);
- Any prior misdemeanor for a sexual offense, including, but not limited to, sexual battery and public indecency;
- The current charges include a DUI;
- Any offense that requires a mandatory minimum sentence of incarceration that, by law, cannot be stayed, probated, or paroled (OCGA § 15-18-80 (e));
- Any individual who has previously been enrolled in any Pretrial Intervention Program in this jurisdiction or another jurisdiction;
- Any individual affiliated with criminal gangs and gang activity;
- Any offense that involves an act of sexual misconduct.

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Process to Apply and Enter into Pretrial Diversion Program

Acceptance into the Pretrial Diversion Program is at the sole discretion of the District Attorney and/or his designees.

Process to apply and/or enter the Pretrial Diversion Program:

1. Referral from Assistant District Attorneys:

- a. All Assistant District Attorneys in the Brunswick Judicial Circuit will review cases using the guidelines for eligibility as outlined in the Admissions Criteria (on page 4).
- b. If a defendant appears to be eligible for participation, the District Attorney's Office will ensure the victim is contacted and any restitution amount is determined. Law enforcement involved in the case shall also be contacted when appropriate. The District Attorney's Office shall discuss the defendant's entry into the Pretrial Diversion Program with these parties and notes shall be made in Tracker (the District Attorney's Office file tracking program) of the opinions of the victim and law enforcement regarding the defendant's participation in the Pretrial Diversion Program.
- c. The District Attorney's Office shall prepare a Pretrial Diversion Program Agreement and all other necessary forms.
- d. The District Attorney's Office shall contact the defendant's attorney (or the defendant if unrepresented) to make an offer that the case can enter into the Pretrial Diversion Program with the conditions outlined in the Agreement.
- e. Should the defendant accept the offer, the defendant, with counsel if represented, shall complete all the necessary paperwork, including, but not limited to, the Pretrial Diversion Program Agreement and the other necessary forms such as the Waivers and Acknowledgement Form.
- f. Defendant shall be notified of the date and time in which they will be required to meet with the Pretrial Diversion Case Manager or Drug Court Personnel regarding supervision.
- g. Should the defendant not accept the offer, the defendant's case shall proceed with prosecution through Superior Court.

2. Referrals from Defendant/Attorney:

- a. If a defendant is interested in his/her case being screened for entry into the Pretrial Diversion Program, the defendant or the attorney shall submit the Pretrial Diversion Program Application Form to the Assistant District Attorney assigned to the case.
- b. Upon receipt of the application, the District Attorney's Office shall proceed with the same steps as explained in section (1) above.

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Program Overview

Applications for acceptance into the Brunswick Judicial Circuit Pretrial Diversion Program must be made pursuant to the instructions contained in this document and should be directed to the Pretrial Diversion Case Manager. If a Pretrial Diversion offer has been made directly from an Assistant District Attorney, please include them in the email to BJCPretrialDiversion@pacga.org when submitting this packet.

Under the terms of the Program, participants must enter a plea of guilty to one or more of the charges at the time of entering the program, however, sentencing will be withheld. Participants who successfully abide by and fulfill the special conditions, which are set forth in the written Participant Agreement/Special Conditions, will return to court and the District Attorney's Office will, on the record, allow the defendant to move to withdraw the plea of guilty. After the plea is withdrawn, the District Attorney's Office will dismiss the eligible charges and authorize the restriction of access to the arrest record for these charges.

However, should a participant 1) be arrested for a criminal offense during the term of the program 2) fail to fully complete the program terms and conditions, or 3) fail twice to complete any of the requirements of their agreement, he/she will come back to court and be sentenced by the court on the plea of guilty. Participants entering this program will be required to waive their right to withdraw their guilty plea; therefore, any participant should **speak to an attorney BEFORE entering this Program.**

Track Options

Track One: Restitution Only

Duration: 6-12 months

Cost for Program: Amount of restitution owed to the victim

When Restitution and court costs are finalized, a Restitution Order will be signed and filed to make payments directly to Superior Court. If reporting in Appling or Jeff Davis County, the participant will also be required to pay the applicable monthly fees for supervision.

Track Two: Drug or Drug-Related Offenses

Duration: 9-12 months, dependent upon supervision by Drug Court or by the DA's Office

Depending on scores from the Risk Assessment, Drug Court may recommend Drug Court Light or only In-House reporting to the District Attorney's Office, but ultimately results will be sent to the DA's Office for determination.

Cost for Program: \$1,000 if participating in Drug Court Light for all assessments, evaluations, and random drug screening. If reporting to the DA's Office, only costs for substance abuse evaluation, follow-up treatment, and random drug screening. If reporting in Appling or Jeff Davis County, the participant will also be required to pay the applicable monthly fees for supervision.

Track Three: Domestic Violence (Victim's Consent Only)

Duration: 6-12 months

Cost for Program: Costs for Anger Management or Family Violence Intervention Program enrollment fee. Defendant's Criminal History, the severity of current charges, and prior enrollment in a similar program will determine if Anger Management or the Family Violence Intervention Program will be required. If reporting in Appling or Jeff Davis County, the participant will also be required to pay the applicable monthly fees for supervision.

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Track Four: Mental Health/Veteran's Assistance

Duration: 6-12 months

Cost for Program: Costs for Mental Health Evaluation + any recommended follow up
Mental Health Evaluation to be completed within 30 days of intake and provided to DA's Office to determine actual program length based on treatment plan from provider. If reporting in Appling or Jeff Davis County, the participant will also be required to pay the applicable monthly fees for supervision.

Supervision and Contact Information

Appling County

Appling County Probation
Officers: Tammie Orvin & Shirley Campbell
23 Tippins Street
Baxley, Ga. 31513
Phone: (912) 366-0240
Monthly Fees: \$44 per month

Jeff Davis

Judicial Alternative Services of Georgia
Officer: Angela Gibbs
17 East Jefferson Street
Hazlehurst, Ga. 31539
Phone: (912) 379-1002
Monthly Fees: \$40 per month

Camden, Glynn, and Wayne Counties

District Attorney's Office
Case Manager: Megan Garcia
Glynn County Courthouse
701 H Street, Box 301
Brunswick, GA 31520
Phone: (912) 554-7200
No monthly fee

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Administration

A. Monitoring of Program

1. The District Attorney shall designate a Pretrial Diversion Case Manager who will assist in developing policy and procedures for the successful administration of the Pretrial Diversion Program and shall monitor the defendants throughout their participation in the program.
2. When applicable, a victim-witness advocate and/or an investigator shall be appointed to assist with the administration of the program.

B. Monthly Reporting

1. Participants will be required to submit a Monthly Report Form to the Pretrial Diversion Case Manager updating any changes, reporting the progress of requirements, etc.
2. It is at the sole discretion of the Pretrial Diversion Case Manager to require a participant to report twice monthly, in the event the participant is failing to complete requirements or make payments in a timely manner.

C. Noncompliance and Termination

1. At the sole discretion of the District Attorney and/or his designee, noncompliance with the terms and conditions of the Pretrial Diversion Program shall result in termination and the case will then be placed back on the next available calendar for sentencing.
Circumstances that may lead to termination include, but are not limited to:
 - (a) Accrual of any new charges while participating in the Pretrial Diversion Program;
 - (b) Positive drug or alcohol screens;
 - (c) Failure to pay fees and restitution as directed;
 - (d) Failure to attend counseling and/or treatment as directed; or
 - (e) Failure to comply with any of the agreed-upon conditions in the Pretrial Diversion Program Agreement.
2. If the participant is in non-compliance, the District Attorney or Pretrial Diversion Case Manager may allow the participant up to two additional periods of time in which to come into compliance or may elect to terminate the participant from the Pretrial Diversion Program immediately.
3. The participant will receive a final notice of noncompliance prior to termination from the program. If the participant is terminated from the Pretrial Diversion Program, the participant's case will be submitted to the originally assigned Assistant District Attorney and Judge for adjudication and sentencing of said case.
4. No fees or restitution paid into the Pretrial Diversion Program shall be returned to the participant in the event the participant does not successfully complete the program.

D. Successful Completion

1. At the end of the designated length of the participant's track established in the Pretrial Diversion Agreement and successful completion of all of the terms and conditions of the program, the Pretrial Diversion Case Manager shall review the participant's file and obtain a new criminal history for the participant.
2. Upon verification of the participant's successful completion of all of the terms and conditions of the program, the Pretrial Diversion Case Manager will submit a notice of program completion form to the Deputy Chief Assistant District Attorney for approval and a Rule Nisi will be issued setting a date for the Defendant's Withdrawal of their Guilty Plea and Nolle Prosequi of charges.
3. Participants who successfully complete the Pretrial Diversion Program are eligible for record restriction pursuant to O.C.G.A. §35-3-37. Record restriction approval shall be reflected on the Nolle Prosequi form prepared by the DA's Office and shall be filed with the Clerk of Superior Court.

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Application Packet Instructions

The Pretrial Diversion Program Packet contains the following documents:

- Overview of Pretrial Diversion Program
- Participant Application
- Applicant Certification
- Petition for Pretrial Diversion
- Waivers
- Stinson Forms

FOR ATTORNEYS If you are an attorney completing this application on behalf of a client, follow the directions below:	FOR PARTICIPANTS If you are a defendant and completing this application for yourself, follow the directions below:
<p>1. Complete and submit the entire packet via email to the Pretrial Diversion Program Coordinator in the Office of the District Attorney at this address: BJCPretrialDiversion@pacga.org.</p> <p>2. Retain the original documents and bring them to the scheduled Stinson plea if the client is accepted into the program. Do not include any payment at this time.</p> <p>3. Defense counsel will be notified in writing of the defendant's acceptance into or denial from the program. If accepted, counsel will be notified by Rule Nisi of the date and time of the participant's scheduled Stinson Plea date, drug and alcohol screening date (if applicable), and program intake date as well as the amount of program fees, court costs, and restitution fees owed, if any. It is the responsibility of the participant and the defense attorney to ensure that the defendant appears at the scheduled times.</p> <p>Please note that for the Drug or Drug-Related Offense Track the defendant MUST TEST NEGATIVE at the initial screening date for alcohol, marijuana, CBD, controlled substances and all items as outlined in the testing contracts. A positive test result will result in termination from the program.</p>	<p>1. Submit the entire completed application packet to the Pretrial Diversion Program Coordinator by email to BJCPretrialDiversion@pacga.org or by dropping off the packet at:</p> <p>District Attorney's Office Glynn County Courthouse 701 H Street, Box 301 Brunswick, GA 31520</p> <p>2. You must keep a copy of these materials for your records. Do not include any payment at this time.</p> <p>3. You (the defendant) will be notified in writing of your acceptance into or denial from the program. If accepted, you will be notified in writing of the date and time of the scheduled Stinson plea date, drug and alcohol screening date (if applicable), and program intake date as well as the amount of program fees, court costs, and restitution fees owed, if any. It is your responsibility to appear at all scheduled hearing times.</p> <p>Please note that for the Drug or Drug-Related Offense Track, you MUST TEST NEGATIVE at the initial screening for alcohol, marijuana, CBD, controlled substances and all items as outlined in the testing contracts. A positive test result will result in termination from the program.</p>

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Case Information

Date of Arrest _____ Accusation/Indictment # _____

ADA _____ Defense Attorney (if applicable) _____

Date of PTD Offer _____ Desired Track _____

Applicant Information

Applicant's Full Name _____ Race/Gender _____

DOB _____ SSN _____ County Of Residence _____

Current Residential Address _____

If Mailing Address is different from address listed Above _____

Is applicant currently incarcerated? Yes/No If Yes, where? _____

Is applicant currently on Probation? Yes/No If Yes, for what/where? _____

Current Employer Name and Address _____

Highest Level of Education _____

Has applicant participated in any pretrial diversion program? Yes/No

If yes, When _____ Where _____ Offense _____

Was program completed? Yes/ No Completion date: _____

No. of prior arrests _____ No. of MISD convictions _____ No. of FEL convictions _____

List date, offense, city, and state of any convictions _____

Any other pending charges? Yes/No If so, what and where: _____

Please attach copy of picture ID.

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Applicant Questionnaire

Substance Abuse History

Any prior history of substance abuse? Yes/No If so, list all substances _____

Any prior treatment? Yes/No If so, when and where _____

Currently taking medication? Yes/No If so, list Medication, Dosage, and Frequency below.

Medication	Dosage	Frequency

List last date of usage for marijuana, CBD, hemp, alcohol, or any other controlled below.

Date of Usage	Substance

Applicant Anger Management History

Have you ever completed Anger Management? Yes/No Voluntary or Court Ordered _____

Service Provider and Completion Date? _____

Have you ever completed a Family Violence Intervention Program? Yes/No

If yes, was this voluntary or Court Ordered? _____

Service Provider and Completion Date? _____

Applicant Mental Health/PTSD History

Have you ever been diagnosed with a mental disorder? Yes/No

If yes, please list disorder, diagnosing Doctor, and year diagnosed. _____

Are you currently under the care of a Psychologist or Psychiatrist? Yes/No

If yes, please list name. _____

Please list any medication you are currently taking for mental health related issues.

Medication	Dosage	Frequency

Are you currently serving, or have previously served in the Armed Forces? Yes/No

Branch? _____ Discharge Date? _____

Have you ever been treated for PTSD? Yes/No

If yes, which form of treatment? _____

BRUNSWICK JUDICIAL CIRCUIT PRETRIAL DIVERSION PROGRAM APPLICANT CERTIFICATION

Please read carefully and truthfully each initial each statement.

____ I understand the Pretrial Diversion Agreement and requirements imposed on me based upon the Track I am enrolling in and that I should consult with my attorney or the Pretrial Diversion Case Manager if I have any questions about this program.

____ I am prepared to enter a plea of guilty to the charges and I understand that I will NOT be sentenced at this time, but given an opportunity to successfully complete this program to earn a dismissal of eligible charges and a record restriction.

____ I am prepared to pay all program and administrative fees as outlined in my Track.

____ Out of county travel may be approved at the discretion of the Pretrial Diversion Case Manager. If approved, I am prepared to report for a drug and alcohol screen the day immediately following return from travel and pay any fees associated, should Case Manager request me to do so.

____ I have either discussed with my attorney, or been advised by the Pretrial Diversion Program Case Manager, whether restitution to any victim will be required, and I will be prepared to pay such restitution as outlined in my monthly payment plan.

____ I have a valid, current, state-issued identification card.

____ I have a permanent address within the State of Georgia and will be able and willing to report to Brunswick Judicial Circuit Drug Court or the Brunswick Judicial Circuit District Attorney's Office as directed.

____ I have discussed with my doctor any prescription medications that I take and I understand that I cannot take any medication, or other product, which may cause a positive drug screen.

____ I understand that I must test negative for any alcohol, marijuana, any substance that tests similar to marijuana such as hemp or CBD, or controlled substance on the date of my Stinson plea in order to enter the program.

____ I have read all guidelines in the Drug Court Contract, if applicable, and I understand what substances I cannot take when in the program.

By signing below, I certify that each of the above statements is true and correct. I understand that should any of these statements be found to be incorrect my application to enter this program will be denied.

Defendant

Attorney for Defendant (If Applicable)

Date

Date

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

THE STATE OF GEORGIA

*

CASE NO:

v.

*

*

DEFENDANT

PETITION FOR PRETRIAL DIVERSION PROGRAM

Comes now, _____, defendant in the above-styled case, and shows the following:

Defendant is charged with the offense(s) of _____.

Defendant further shows he/she is _____ years of age and has never plead guilty to nor been adjudicated guilty of a felony.

Defendant has been advised of the Brunswick Judicial Circuit District Attorney's Pretrial Diversion Program and is able and willing to meet all criteria necessary to enter said program. The defendant has further been advised that he/she will be required to enter a plea of guilty to one or more of the eligible charges at the time of entering the program; however, sentencing will be withheld. Defendant has been advised that upon successful completion of the program, the defendant will return to Court and the State will, on the record, allow the defendant to move to withdraw the plea of guilty, ask the Court to Nolle Prose the eligible charges, and authorize restriction access to the arrest record for said charges, except for the charge of Driving Under the Influence. The defendant has been advised that if he/she fails to successfully complete the program, he/she will come back to court and be sentenced on the plea of guilty.

The defendant understands his/her constitutional rights outlined below and understands that he/she is required to waive certain of these rights in order to enter the program.

- The defendant understands that he/she has a right to assistance of counsel during a trial.
- The defendant understands that he/she has a right to plead **NOT GUILTY** to all charges.
- Defendant understands that if he/she pleads **NOT GUILTY** he/she would have a right to a speedy and public trial by a judge and jury.
- Defendant understands that if he/she pleads **NOT GUILTY** he/she would have a right to confront, the witnesses called to testify against him/her at trial.
- Defendant understands that if he/she pleads **NOT GUILTY** he/she would have a right to use the subpoena power of the Court to require the attendance of any witnesses on his/her behalf, whether they want to come or not.
- Defendant understands that if he/she pleads **NOT GUILTY** he/she would have the right to testify or not testify, as he/she chooses, that he/she could not be required to testify, and that if he/she does not testify the jury cannot take that as evidence against him/her.
- Defendant understands that if he/she pleads **NOT GUILTY** he/she would be presumed to be innocent and that before he/she could be convicted the prosecution will have the duty of proving his/her guilt beyond a reasonable doubt.
- Defendant understands that in the event he/she was convicted in a trial he/she would have the right to appeal his/her conviction.

So moved this _____ day of _____, 20____.

Defendant

Attorney for Defendant

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

THE STATE OF GEORGIA

*

CASE NO:

v.

*

*

_____,
DEFENDANT

WAIVER OF RIGHTS

I, _____, understand that I am guaranteed by the United States and Georgia Constitutions the following rights:

1. A speedy trial;
2. A trial by jury;
3. The right to confront the witnesses against me;
4. The right not to incriminate myself or give any information which could be used against me;
5. The right to call witnesses and present evidence on my own behalf, and to use the power and process of the court to compel the attendance of such witnesses and evidence;
6. The right to have an attorney represent me at all stages of the criminal process, and that as a condition of acceptance into, and participation in, the Pretrial Diversion Program, I hereby expressly waive (that is, give up) those rights.

I also understand that, if I am not accepted into the Pretrial Diversion Program, my waiver of the rights listed above will also be withdrawn. I also understand that any statements given by me as part of the Pretrial Diversion assessment process will not be used against me in later court proceedings, should I not be accepted into the program.

This _____ the day of _____, 20_____.

Defendant

Attorney for Defendant

**IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA**

THE STATE OF GEORGIA

*

CASE NO:

v.

*

*

_____,
DEFENDANT

RELEASE AND WAIVER

I, _____, hereby authorize the release of such confidential information as may be necessary for the District Attorney's Office to determine eligibility for the Pretrial Diversion Program. I agree to hold harmless, and relieve and release from any liability with regard to such information, the Pretrial Diversion Case Manager and/or any other authorized representative of the District Attorney's Office.

I understand that the Pretrial Diversion Program is operated under the supervision of a sworn Assistant District Attorney, and that my acceptance into and participation in this program may require interaction with such person and other representatives of the District Attorney's Office without the presence of my attorney.

I hereby expressly waive my right to have my attorney present during such interaction for the limited purpose of completing a program orientation, periodic status reports, and such other interaction as may be necessary to facilitate my participation in this program.

I also understand that any statements given by me as part of the Pretrial Diversion assessment process will not be used against me in later court proceedings, should I not be accepted into the program.

This the _____ day of _____, 20_____.

Defendant

Attorney for Defendant

**IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA**

THE STATE OF GEORGIA

*

CASE NO:

v.

*

*

_____,
DEFENDANT

ACKNOWLEDGMENT WAIVER OF FOURTH AMENDMENT RIGHTS

I, _____, having requested to participate in the Pretrial Diversion Program, and in consideration of the agreement by the State to allow such participation in lieu of traditional prosecution of my charged offense/s, hereby state the following:

- I understand that I have rights that protect me from unreasonable search and seizure.
- I understand that these rights are guaranteed by the Fourth Amendment to the United States Constitution, as well as the Constitution of the State of Georgia.
- I also understand that I can voluntarily give up these rights as part of an agreement to provide an alternative to traditional prosecution or incarceration.

As a condition of my participation in the Pretrial Diversion Program, I agree to the search of my person, property, place of residence, vehicle, or personal effects at any time with or without a warrant, with reasonable cause, when requested by the Pretrial Diversion Case Manager or any authorized law enforcement officer, at any time during my participation in this program. I hereby give permission for such individuals to remove, forcibly if necessary, any locks or other hindrances which may prevent access to such places and property for the purpose of any such search. I consent to the use of any evidence seized during such a search in any prosecution that may arise from said search.

This the _____ day of _____, 20_____.

Defendant

Attorney for Defendant

**IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA**

THE STATE OF GEORGIA

*

CASE NO:

v.

*

*

_____,
DEFENDANT

CONSENT FOR DISCLOSURE OF CONFIDENTIAL INFORMATION

I, _____, having requested to participate in the Pretrial Diversion Program, hereby consent to communication, within or outside my presence, regarding my medical, psychological, or substance abuse history among any of the following individuals: any evaluator or counselor, physician, psychiatrist, or psychologist who participates in any counseling or treatment required as a condition of this program, any representative of the District Attorney's Office designated by the District Attorney, and my attorney. I further consent to the release of the results of any drug testing required as a condition of this program to the individuals described above, and that such results may be made part of the public record of my case in the event that such testing results in my termination from the program.

I understand and agree that the purpose and need for this disclosure is to assist the District Attorney's Office in evaluating and determining my eligibility to participate in the Pretrial Diversion Program as well as my counseling needs, compliance, and progress in accordance with program criteria. I hereby agree to hold such individuals harmless and relieve and release such individuals from any and all liability regarding any such communication.

Recipients of this information may not re-disclose it except in connection with my counseling or treatment, or otherwise as permitted by federal law and rules. I understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective termination of my involvement with the Pretrial Diversion Program, and/or formal discontinuation of court proceedings regarding my case.

This the _____ day of _____, 20_____.

Defendant

Attorney for Defendant

**IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA**

THE STATE OF GEORGIA

*

CASE NO:

v.

*

*

_____,
DEFENDANT

WAIVER OF RIGHT TO WITHDRAW GUILTY PLEA

COMES NOW, _____, Defendant in the above-styled case and waives his/her Right to withdraw his/her plea of guilty.

The Defendant acknowledges that pursuant to O.C.G.A. § 17-7-93(b), Defendant has a right at any time before judgment is pronounced to withdraw a plea of guilty. By entering into a plea of guilty in the above-styled case and consenting to enter into the Brunswick Judicial Circuit Pretrial Diversion Program as to Count(s) _____, the Defendant hereby waives the right to withdraw his/her plea of guilty and consents to the Court withholding sentencing while the Defendant is a participant in the Brunswick Judicial Circuit Pretrial Diversion Program.

The Defendant acknowledges that if he/she violates the terms and conditions of the Brunswick Judicial Circuit Pretrial Diversion Program or is terminated from the Brunswick Judicial Circuit Pretrial Diversion Program for any reason, the Defendant will be brought before the Court for a sentencing hearing. The Court will have discretion in imposing a sentence that could be up to the maximum punishment authorized by law for the offense to which the Defendant has pled guilty. Defendant also acknowledges that he/she is not entitled to credit from the date the plea of guilty was entered towards the sentence for time served in the Brunswick Judicial Circuit Pretrial Diversion Program.

The Defendant further acknowledges that upon successful completion of the Brunswick Judicial Circuit Pretrial Diversion Program, the State of Georgia, by and through the District Attorney, consents to the Defendant being allowed to withdraw the plea of guilty, as to those counts subject to this agreement, whereby the State will present a Nolle Prosequi to the Court dismissing those eligible counts and restrict access to the arrest record for the charges in the above-styled case.

However, this agreement will not apply to any charge of Driving Under the Influence (D. U. I) or other charges excepted from this agreement as those charges will not be dismissed.

This the ____ day of _____, 20__.

Judge, Superior Court
Brunswick Judicial Circuit

Consented to:

Assistant District Attorney

Defendant

Attorney for Defendant

**IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA**

THE STATE OF GEORGIA

*

CASE NO:

v.

*

*

DEFENDANT

WAIVER OF JURY TRIAL

COMES NOW the defendant, _____, and herewith waives his/her right to a jury trial and agrees to proceed with this case before the judge and without a jury.

This ____ day of _____, 20____.

Consented to:

Assistant District Attorney

Attorney for the Defendant

Defendant

Judge, Superior Court
Brunswick Judicial Circuit

**IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA**

THE STATE OF GEORGIA

*

CASE NO:

v.

*

*

_____,
DEFENDANT

PRETRIAL DIVERSION AGREEMENT

- ☐ \$_____ Restitution to be paid to: _____
(See also Restitution Order)
 - ☐ Total cost to be paid in monthly payments of \$_____ until paid in full
 - ☐ Remain under bond and comply with all conditions
 - ☐ Consume no alcohol, drugs, or any other intoxicants
 - ☐ Certified Addiction Evaluation + any recommended follow up treatment - by an approved
Certified Addiction Counselor within 30 days
 - ☐ Random drug/alcohol screens (at participant's expense)
 - ☐ Complete Anger Management Course
 - ☐ Complete Family Violence Intervention Course
 - ☐ No Contact or ☐ No Violent Contact with _____
 - ☐ Perform _____ hours of community service
 - ☐ Attend _____ AA/NA meetings per week
 - ☐ Undergo Mental Health Exam + any recommended follow up treatment
 - ☐ Possess no firearms, weapons, or ammunition or reside with anyone possessing such
 - ☐ Monthly Reporting to: _____
 - ☐ Supervision Fee of \$_____ to _____
 - ☐ Other: _____
- By signing this agreement, the defendant agrees to pay any costs associated with the above-listed conditions.
 - By signing this agreement, the defendant waives the right to Demand a Speedy Trial.
 - By signing this agreement, the defendant waives any confidentiality and agrees to the disclosure of physical and psychological examinations, drug test results, or any other health related records that are relevant to demonstrate compliance or noncompliance with this agreement.

If all of the terms and conditions of this agreement are met by _____, 20____, the above-listed case will be resolved as outlined in the Administration Section on page 8, Section D. However, should participant 1) be arrested for a criminal offense during the term of the program 2) fail to fully complete all terms and conditions of the program, or 3) fail twice to complete any of the requirements of their agreement, he/she will come back to court and be sentenced by the court on the plea of guilty.

Defendant

Defense Attorney

Date

**IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA**

THE STATE OF GEORGIA

*

CASE NO:

v.

*

*

DEFENDANT

RESTITUTION ORDER

IT IS HEREBY ORDERED THAT:

Pursuant to a Pretrial Diversion Agreement entered into by the State and the Defendant, the Defendant shall pay to the Clerk of Superior Court as follows:

\$ _____ In Total Restitution;

\$ _____ In Court Costs;

\$ _____ By the end of each calendar Month from this date;

and that said amount shall be paid in full, no later than _____.

IT IS FURTHER ORDERED THAT:

The Clerk of _____ County Superior Court shall receive and disperse payments up to the sum of \$ _____ to:

SO ORDERED, this _____ day of _____, 20_____.

JUDGE, SUPERIOR COURT
BRUNSWICK JUDICIAL CIRCUIT

BRUNSWICK JUDICIAL CIRCUIT PRETRIAL DIVERSION

Emergency Contact Information

Full Name _____ DOB _____

Address _____

Home Phone _____ Cell _____

Email _____

Emergency Contact One (Required)

Name _____ Relationship _____

Phone _____ Alternate Phone _____

Emergency Contact Two (Required)

Name _____ Relationship _____

Phone _____ Alternate Phone _____

Emergency Contact Three (Optional)

Name _____ Relationship _____

Phone _____ Alternate Phone _____

BRUNSWICK JUDICIAL CIRCUIT PRETRIAL DIVERSION

Monthly Report Form

Name _____ Track _____

Date of Report _____, 20____ Date of Entry into Pretrial _____

1. Have there been any changes to your address, employment, or contact information?

☐ No ☐ Yes (note changes below)

2. Have you violated any laws, received any traffic citations, been arrested, or had any contact with Law Enforcement since the signing of the Diversion Agreement?

☐ No ☐ Yes (list date, jurisdiction, charges, and citation number below)

3. Location and Name of Treatment Provider: _____

Date of Evaluation or last session: _____ No. of remaining sessions: _____

4. Date of last consultation with my attorney about my case: _____

This the _____ day of _____, 20____

Participant's signature _____

Due on or before the 1st of each month:

Glynn County District Attorney's Office

701 H Street, Box 301

Brunswick, GA 31520

E-mail: BJCPretialDiversion@pacga.org

Fax: (912) 267-5360

Attention: Pretrial Diversion Program Case Manager

BRUNSWICK JUDICIAL CIRCUIT PRETRIAL DIVERSION

Travel Request Form

Request must be submitted 1 week prior to travel date(s)

Name _____ Date of Request _____

Dates of Travel _____

Destination (Must Include Addresses and Phone Numbers) _____

Reason for Travel _____

Defendant's Signature

Date

If the travel request is approved, you may be required to report to one of the Brunswick Judicial Circuit Drug Court locations, Appling County Probation, or Judicial Alternative Services of Georgia, the day you return for a 12 or 16 panel Drug Screen.

You will be responsible for all associated fees.

ADA or Supervising Official's Signature

Date