



Travis County Pretrial Diversion Program Application

I. Information

NOTE: Section I is to be filled out by the ATTORNEY OF RECORD not the Applicant.

1. Defendant's Name: _____
2. Cause Number(s): _____ - _____ - _____ / _____ - _____ - _____
3. Case is currently assigned to:
_____ Judicial District Court, Travis County, Texas
4. Type of case:

5. Prior Contacts with the Criminal Justice Process. This includes but is not limited to Juvenile Records regardless of disposition, Adult Arrests/Citations regardless of disposition, and Out-of-State Arrests or Citations regardless of disposition. The above applies to the time the application is filed with the District Attorney's Office, not at the time of the offense. The application must be supplemented if contact with the Criminal Justice Process occurs after the application is filed. This section does not include traffic citations.

Date of Arrest/Citation	Place of Arrest/Citation	Offense	Disposition
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

6. I, _____ as Attorney of Record for Defendant, certify that the following documentation is provided for the following offenses:

ANY drug related offense: MUST provide a clean UA at defendant's expense showing defendant has no illegal substances in their system at time of application as well as a Drug and Alcohol Evaluation with PDP Application.

Any theft case: MUST attempt to obtain and provide any restitution information available at the time of application.

ANY weapons related offense: MUST provide a "Motion to Forfeit Weapon" with application.

I certify that the above listed information is true and correct and all proper documentation has been provided in the application.

ATTORNEY OF RECORD

DATE

E-Mail

II. Acknowledgement of Defendant

I, _____ have been advised by my attorney that I may be eligible for participation in the Travis County Pretrial Diversion Program (*hereinafter PDP*). I have also been fully advised of the details of the PDP. Further, I have been fully advised by my attorney of my constitutional rights as a criminal defendant and that the same will be set forth in writing and explained to me before I make any agreement to participate in the PDP. I will be required to waive said constitutional rights.

If I am admitted into the PDP, it is my further understanding that I will abide by all terms and conditions of the PDP as explained to me by the District Attorney's Office including the payment of a program fee in the amount of \$ _____ per month. First payment is due on the day the PDP Contract is signed in the form of a cashier's check or money order, payable to Travis County Community Supervision and Corrections Department.

I hereby apply for status as participant in the PDP and request that the District Attorney temporarily delay the filing of an information/indictment against me or temporarily abate proceedings in order to permit consideration of this application. I understand that the final decision to commence criminal proceedings or to divert from prosecution in my case rests with the District Attorney.

I authorize the District Attorney's Office to conduct an investigation to determine my suitability for this program. I understand that the investigation may include interviews of persons deemed necessary by the District Attorney's Office. I authorize the District Attorney's Office to conduct such interviews and review records concerning me in the possession of such persons in a reasonable manner.

I understand that a false answer to any question during this interview may be grounds for recommendation against placement into this PDP or removal after placement in the PDP, in which case the District Attorney will resume prosecution on the original charges.

I understand that if I am accepted into the PDP the information obtained from me can be used against me on the issue of guilt in any future prosecution for this offense. However, if I am not accepted into the PDP neither this agreement nor any other document filed with the District Attorney as a result of my application with the PDP will be used against me.

DEFENDANT'S NAME (PLEASE PRINT)

DATE

DEFENDANT'S SIGNATURE

III. The Program

The Travis County Pretrial Diversion Program (PDP) is an alternative to prosecution offered by the Travis County District Attorney's Office, which seeks to divert certain offenders from traditional criminal justice processing into a program of supervision and services administered by the Travis County District Attorney's Office.

Participants of the PDP will enter into a binding contract with the District Attorney's Office. The contract outlines that participants who successfully complete the PDP will not have prosecution instituted against them for the offense or will have the charge against them dismissed; participants who do not successfully complete the PDP will: (1) enter a plea of guilty to the offense, (2) allow the Agreement for Pretrial Diversion and all paperwork/statements obtained from the defendant during the course of the PDP to be entered into evidence by the District Attorney's Office without objection, and (3) accept the contracted punishment for the offense committed.

IV. Principals of Operation

Pretrial Diversion is an exercise of prosecutorial discretion according to standardized guidelines which attempt to identify offenders most susceptible to rehabilitation and to focus rehabilitation efforts on them very early in the criminal justice process. The exercise of prosecutorial discretion centers on determining which offenders have not adopted a criminal life pattern and would benefit from being diverted out of the criminal justice system. Diverting these individual offenders is one aspect of the overall effort to make

criminal sanctions more appropriately fit the individual and would have the effect of freeing prosecutorial and court resources for more serious offenders, thereby reducing recidivism and danger to the community.

Participation in the PDP by the defendant is voluntary. As stated above, the defendant will enter into a contract with the District Attorney's Office, which includes voluntarily waiving his/her constitutional rights. The contract is finalized upon signatures of the prosecutor, the defendant, and the defendant's attorney.

Additionally, if the defendant is accepted into the PDP, the information obtained during the process will be used against him/her on the issue of guilt in any future prosecution for the offense. However, if the defendant is not accepted into the PDP, any information obtained as a result of the application will not be used against him/her in connection to prosecution for the offense.

V. Eligibility Criteria

The nature of the offense and the circumstances surrounding the commission of the offense are major considerations in the decision to defer prosecution, as is the potential for harm to the community by the defendant. The defendant's attitude plays a major role in determining eligibility. The defendant **MUST** accept full responsibility for the offense; therefore, the defendant's written version of the offense will be an important deciding factor of acceptance into the PDP.

In addition to the above, the following factors will be considered for eligibility into the PDP:

1. The defendant must be a first time offender. This includes juvenile offenses and all Class A & B misdemeanors. Any conviction for any offense, other than minor traffic offenses, will disqualify an offender from the program. If the offender has pleaded to any crime to a deferred adjudication or participated in a diversion program, they are not eligible for this diversion program.
2. Defendant cannot test positive for any illegal drugs.
3. Defendant cannot be accused of a crime involving any type of sexual activity.
4. Defendant cannot have used a weapon in any manner in the commission of the offense other than crimes dealing solely with possessing of weapons.
5. Defendant cannot have substance abuse issues or other conditions that should be monitored in a formal probation environment, or Travis County Drug Court.

VI. Process

1. Defendant's Attorney must submit an Application for Pretrial Diversion and a Personal Data Sheet for the PDP to the District Attorney's Office within two weeks from the time they receive the application.
2. The application must be signed by the Defendant's Attorney of Record.
3. The application must be signed by the Defendant and must be notarized.

4. The application will be reviewed by the Court Chief of the Court to which the Defendant's case is assigned.
5. If the application is tentatively approved by the proper Court Chief, it will then be referred to the District Attorney's Office screening committee.
6. The defendant/defense attorney must contact the District Attorney's Office to schedule an interview.
7. The involved parties shall convene in person to sign the Pretrial Diversion Agreement (Contract) and the defendant is responsible to pay the first month's fee to the Adult Probation Office at the time the Contract is signed in the form of a Cashier's Check or Money Order. This fee is non-refundable if defendant subsequently fails out of the PDP and shall not be applied towards court costs or probation fees.
8. Should a violation of the agreement occur, the defendant and the defense attorney will be notified in writing of the violation, and it will include a Notice to Appear in Court for sentencing. The decision to terminate an individual for breach of conditions rests exclusively with the District Attorney's Office.
9. Upon successful completion of the PDP, the Defendant's attorney, _____ will submit notification of such to the District Attorney's Office.
10. Upon notification from the Defendant's attorney, the criminal history of the defendant will be checked to determine if there have been any additional arrests. If there are no new arrests and if all terms of the agreement have been followed, the case will be declined/dismissed.
11. ALL cases will remain active/pending during the term of the PDP and will only be disposed upon successful completion of the PDP or upon sentencing of the defendant following a violation of the PDP.
12. Applications for the PDP can be obtained from the Travis County District Attorney's Office at 509 West 11th Street, Austin, Texas 78701.

VII. Personal Data Sheet

(Please Print)

Personal Information

First Name: _____ Middle Name: _____

Last Name: _____ Maiden Name: _____

Nickname or Alias: _____ E-mail address: _____

Physical Address: _____

Apt. # City State Zip Code

Mailing Address: _____

Apt. # City State Zip Code

County of Residence: _____ How long at current physical address: _____

Home Phone: () _____

Cell Phone: () _____

Are you currently on any prescription medications? (circle) **YES** **NO**

If yes, please list those medications: _____

Employment Information

Employment Status (*check one*): Full-Time Part-Time Not Employed
Seasonal Student Retired Homemaker Disabled

Employer: _____ Position/Title: _____

Supervisor's Name: _____ How long have you worked there? _____

Address: _____

Street suite # City State Zip Code

Work Phone: () _____

If you are a student, what school are you attending? _____

If unemployed, how long? _____ When you were last employed? _____

Demographics

Date of Birth: ___/___/___ Place of Birth: _____ Sex: _____

Highest Grade Completed: _____ Marital Status: _____

Number of Dependents: _____ SS#: ___-___-___ Driver's License #: _____

DL State: _____ DL Expiration: _____

Prior Contacts with Law Enforcement

PRIOR CONTACTS WITH THE CRIMINAL JUSTICE PROCESS. This includes but is not limited to Juvenile Records regardless of disposition, Adult Arrests/Citations regardless of disposition, and Out-of-State Arrests or Citations regardless of disposition. The above applies to the time the application is filed with the District Attorney's Office, not at the time of the offense. This does not include traffic citations.

Date of Arrest/Citation	Place of Arrest/Citation	Offense	Disposition
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

VIII. Certification

I swear and certify the information contained in this application is true and correct and I did not withhold any information and I understand that failure to complete the application true and correct or to withhold any information shall be grounds for removal from the program.

APPLICANT/DEFENDANT

DATE

SWORN AND SUBSCRIBED before me on this _____ day of _____, 20_____.

Notary Public

FOR DEFENSE ATTORNEYS REGARDING PRETRIAL DIVERSION APPLICATIONS

If you are submitting an application on a drug offense, applicant must submit both a drug analysis and a drug assessment.

The drug analysis must be a 10-panel drug screening and may be performed by any accredited lab.

The drug assessment must be performed by Margaret Terronez in court administration. Please have your client contact her at 512-854-3682 to make arrangements.