

COURT OF COMMON PLEAS, BELMONT COUNTY, OHIO

State of Ohio,

Plaintiff

vs.

Defendant

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CASE NO.: _____

DRUG COURT PLEA

I, _____, being before the Court this day and with my counsel, Attorney _____, represent to the Court as follows:

- I. I understand that **I am charged with** _____, an offense in **violation of Ohio Revised Code § _____, F____**, punishable by a jail or prison sentence as follows: _____ months; and punishable by a fine of up to: \$_____. **I understand** further that, upon conviction, **the Court may impose both a jail or prison sentence and fine.**
- II. My counsel has explained to me and I understand the nature of the charge(s) against me and the elements of the offense.
- III. My counsel has also explained to me the opportunity that I have for a Pre-Trial Diversion Program, known as the "**Belmont County Drug Court**," and hereinafter referred to as "**Drug Court**."
- IV. My counsel has also explained to me that, to be eligible for treatment, I must waive, in writing, certain important constitutional statutory rights, detailed below. I do so knowingly, intelligently, voluntarily, and with full knowledge of the fact and consequences

thereof, and with the desire that **the Court accept me as a candidate for** alternative treatment through the **Drug Court**.

V. Further, I represent to the Court that in order to be eligible for Drug Court, **I wish to enter a Plea of Guilty to a violation of Ohio Revised Code § _____, _____, F_____**. In doing so, I represent the following to the Court:

(A) My counsel has advised me, and I fully understand, the nature of the charge against me and elements contained in that charge.

(B) I am satisfied that my counsel has done what I have requested in my defense, and I further represent to the Court that I am satisfied with the legal representation and the advise that I have received from my legal counsel.

(C) Further, I represent to the Court that, by my Plea of Guilty, I hereby waive certain substantial constitutional and statutory rights including:

(1) My right to a Jury Trial; by entering a Plea of Guilty, I understand that I am giving up the right to have the State of Ohio prove the charge(s) against me, and I acknowledge that I am admitting the truth of the charge(s) and that accordingly, there is no need for the State of Ohio to have to prove the truth of the charges to a Jury.

(2) I represent to the Court that I am giving up my right to confront witnesses against me and I am giving up my right to cross-examine those witnesses at a Trial.

(3) I represent to the Court that I am giving up my right to confront witnesses

against me and I am giving up my right to subpoena and call witnesses in my favor, called compulsory process.

- (4) I further understand that because I am entering a Plea of Guilty and admitting the charge, I am waiving my right to require the State of Ohio to prove me Guilty beyond a reasonable doubt at a Trial.
- (5) I further represent to the Court that I understand that, if this case were to proceed to Trial, I could not be forced to be a witnesses in the case; I understand that, by entering a Plea of Guilty, I am giving up, this right which I would have if the case proceed to Trial. Further, I understand that, if the case proceeded to Trial, and if I refuse or fail to testify, no one would be able to comment to the Jury or the Court concerning my failure to testify.
- (6) I further understand that by Pleading Guilty, I am waiving, or giving up, my right to appeal any judgment of this Court as to any ruling or verdict which might be rendered against me, and a lawyer to handle my Appeal if I were entitled to one but could not afford one, except that I am not waiving or giving up my right to Appeal any error of law which might occur at a Plea Proceeding or a Sentencing Proceeding.
- (7) I represent to the Court that I understand that the Court, upon accepting my Plea, may proceed to judgment and sentence immediately; and, if the Court should decide so, whether now or at a later time, I could be sentenced to a term of incarceration of _____ months; and punishable by

a fine of up to \$_____. I further understand that I could be placed on Post Release Control for up to three (3) years after my release from prison. I further represent to the Court that, while I understand the sentences that could be imposed upon me, I am asking the Court for Diversion Treatment through the Drug Court.

- (8) I further represent to the Court that I understand I am eligible for and subject to Community Control Sanctions on the charge(s) to which I am entering a Plea of Guilty.
- (9) I now represent to the Court that my Plea of Guilty is freely and voluntarily made, and it is not in any way coerced or induced by any threats or promises of any kind, other than those which have been stated in Open Court, all of which have been explained to me by both my attorney and by the Court. Further, I acknowledge that my decision to enter a Plea of Guilty places me upon the mercy of the Court with respect to punishment, within the limits of law set forth above with respect to punishment.
- (10) I have either read or had read to me this written form and I fully understand the contents of this form. Further, I represent to the Court that I wish to waive my rights and voluntarily Plead Guilty to this crime.
- (11) I hereby certify that I am a citizen of the United States of America, and I further understand that if I am not a citizen of the United States of America, conviction of the above offense may have the consequences of deportation, exclusion from admission to the United

States of America, or denial of naturalization pursuant to the laws of the United States of America.

- VI. Defendant shall report to the Drug Court during all phases of treatment, and the frequency of reporting will depend on the Defendant's progress during treatment. The Defendant shall engage in discussion in Open Court with the Judge as to his/her progress in the treatment program. Further, I hereby waive my right to have the assistance of counsel at any Drug Court session after the entry of my Plea and placement into the Drug Court.
- VII. Defendant shall be subject to all requirements of Probation as such are authorized pursuant to O.R.C. §2951.04 (C).
- VIII. Defendant shall be subject to Sanctions in the event that it is determined that the Defendant as failed to follow the rules of the Program. Sanctions may be imposed for the following reasons:

- **POSITIVE DRUG SCREEN**
- **MISSED COURT APPEARANCES**
- **REFUSAL TO SUMIT TO RANDOM DRUG SCREEN**
- **NON-COMPLIANCE WITH TREATMENT PROGRAM**
- **MISSED APPOINTMENT FOR TREATMENT**
- **NEW CRIMINAL CHARGE** (including an alcohol or drug related driving offense)

Sanctions may include one or a combination of the following:

- ❖ **INCREASED COURT APPEARANCES**
- ❖ **INCREASED URINE SCREENS**
- ❖ **DAY REPORT PROGRAM**
- ❖ **HOUSE ARREST**
- ❖ **INCARCERATION**
- ❖ **COMMUNITY SERVICE**
- ❖ **AND/OR TERMINATION FROM THE PROGRAM**

- IX. In the event that Defendant is unsuccessful in the Program as determined by the Court, or in the event that he/she voluntarily terminates participation in the Program, Defendant shall be subject to immediate sentence on his/her Plea of Guilty to the above charge(s). **It is also understood that the inclusion of the Defendant in the Program is a One-Time Opportunity** and that failure in the Program will preclude admission to the Program on future cases.
- X. At the conclusion of not less than one (1) year, but not more than three (3) years from the date of this Plea, and in the event that Defendant has fully performed the terms and conditions hereof to include but not limited to at least six (6) months probation after treatment completion, the Prosecuting Attorney agrees to forthwith file a **Motion to Nolle Prosequi** (dismissal) in this case, thereby **Dismissing all such Charge(s) With Prejudice** except a Defendant who enters Drug Court due to a probation violation.
- XI. I further understand that if I am a resident of Belmont, Harrison, or Monroe County, fees incurred for treatment services which are not covered by Drug Court funding sources shall be based on a sliding

fee scale as developed by the treatment agency, depending on the individual's ability to pay. If I am not a resident of the above catchment area, the sliding fee scale will not apply. The above does not pertain to mandatory administrative fees, which are the responsibility of the Defendant.

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Having fully read and having certified to the Court that I understand the foregoing, I wish to voluntarily waive my rights as set forth above. I acknowledge that this is my wish both in Open Court and by affixing my signature hereto.

DATED: _____

JUDGE

Approved:

DEFENDANT

PROSECUTOR

ATTORNEY FOR DEFENDANT