

EMPORIA MUNICIPAL COURT DIVERSION PROGRAM

The following guidelines have been adopted by the Emporia City Attorney for the Diversion Program in the Emporia Municipal Court. Diversion is a privilege and not a right. No presumption in favor of diversion exists in any case.

Eligibility & Factors Considered

In process your application, the City Attorney will consider several factors, including, but not limited to, the following:

- The nature of the crime and the circumstances surrounding it,
- Any special characteristics and circumstances of the defendant,
- Whether the defendant is a first-time offender,
- Whether the diversion program is appropriate to the needs of the defendant,
- The impact of diversion on the community,
- Recommendations of the involved law enforcement community and/or victim, and
- Any mitigating or aggravating circumstances surrounding the crime.

Exclusions

- A defendant who possesses a Commercial Driver's License (CDL) is NOT eligible for diversion of any traffic offenses.
- A defendant charged with DUI will NOT be eligible for diversion if the defendant has a prior conviction(s) or diversion for DUI.
- A defendant charged with domestic battery will NOT be eligible for diversion if the defendant has a prior conviction(s) or diversion for any domestic violence crime.

Procedure

1. Appear in court on the date listed on your ticket. You will be advised of your rights and your options, including the option to apply for the diversion program.
2. Turn in this completed application to the Court Clerk's Office. Your diversion application will take approximately 3 weeks to process.
3. Appear back in court on your next scheduled court date. On that day, you will be advised as to whether your application for diversion was approved or denied.
4. If approved, you will be required to make an initial payment of at least \$75.00 to begin your diversion. Be prepared to make that payment on your second court date.
5. Complete all the diversion requirements before the diversion ending date. If you successfully complete your diversion requirements, your charges will be dismissed. If you do not complete your diversion, your diversion will be revoked, and you may be convicted.

Contact Information

If you have any questions regarding the diversion program, you may contact the City Prosecutor, Brandy Roy-Bachman, at bbachman@emporiaks.gov.

You are required to appear in court for all scheduled hearings. Failure to appear in court may result in a bench warrant being issued for your arrest.

EMPORIA MUNICIPAL COURT APPLICATION FOR DIVERSION

Name: _____ Alias/Maiden: _____

DOB: _____ Age: _____ Ticket No.: _____

Address: _____
(Street) (City) (State) (Zip)

Phone Number: _____ Email Address: _____

Driver License Number: _____ Do you possess a CDL? Yes No

Marital Status: _____ Number of Dependents: _____

Education (Name/Location/Highest grade/degree completed):

Vocational Training? Yes No If yes, list type: _____

Military Service? Yes No Branch: _____ & Date/Type of Discharge _____

Are you employed? Yes No If yes, list Employer & Start Date: _____

Defense Attorney Name: _____ Phone Number: _____

Prior Offense Record (not including this case) None Juvenile Adult Felony

Please list criminal history here beginning with first arrest (include traffic offenses): _____

Please state, in detail, the facts leading to your charges (write on back if necessary): _____

Explain why you feel a diversion should be granted: _____

By signing this application, I certify that all the information I have provided is true and correct. I understand that if I provide false information my diversion application will be denied. I understand that if I fail to appear in court for my next court date, a bench warrant will be issued for my arrest.

Defendant Signature

Date