

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA
MILITARY DIVERSION PC 1001.80 - DUI**

People of the State of California, Plaintiff, Case No.: SCR

vs.

ORDER GRANTING PRETRIAL
, Defendant. DIVERSION PURSUANT TO PC 1001.80

The defendant represents that he or she has been fully advised of and understands all his or her constitutional and statutory rights, including the right to speedy trial. The defendant consents to and requests consideration for Military Pretrial Diversion, and waives all constitutional and statutory speedy trial rights.

THE COURT FINDS that the defendant has been advised of, fully understands and voluntarily waives all of his or her constitutional and statutory rights including the right to a speedy trial. The Court finds that defendant may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of his or her military service. The Court further finds that the defendant is a person who consents to and would benefit from a grant of Military Pretrial Diversion.

THE COURT FINDS that as the defendant is charged with the offense(s) of driving under the influence of alcohol or drugs, or both, the defendant has been additionally advised pursuant to People v. Watson, as indicated by the defendant's initials below:

You are hereby advised that being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both, and as a result of that driving, someone is killed, you can be charged with murder.

I have read the above advisement, or had it read to me, and I understand it. I have personally and voluntarily placed my initials in the following box to acknowledge this fact.

THEREFORE, IT IS ORDERED THAT prosecution of this matter is postponed temporarily for no longer than two years on condition that the defendant obeys all of the following terms and conditions:

1. Accept the court referral to: VHA, or _____.
2. Contact the above court ordered Service Provider within 10 days.
3. Commence and continue any education, counseling or other rehabilitation programs as directed.
4. Make all court appearances.
5. Keep the Service Provider advised of any change in residence address, employment, and any new arrests.
6. Actively participate in, pay for, and successfully complete this treatment program as directed.

7. Obey all laws and be of good conduct.
8. Pay a diversion restitution fee to the Clerk of the Court in the amount of \$110 by _____ (PC 1001.90)
9. Do not use or possess any drugs or narcotics controlled by law, or drug paraphernalia, unless prescribed for treatment by a licensed physician, and then only in the amounts prescribed.
10. Submit to drug testing as directed by the Service Provider, Probation Officer, or any Law Enforcement Agency.
11. Do not possess or consume alcohol.
12. Do not be in a place where you know alcohol is the primary item for sale (e.g. bar, liquor store, winery, brewery).
13. Do not drive with any measurable [amount of alcohol] [intoxicant] in your system.
14. Do not refuse a chemical alcohol test.
15. You are subject to warrantless search and seizure of your person, property or vehicle any time of the day or night, and your residence any time of the day or reasonable hour of the night for the presence of alcohol, by any law enforcement or probation officer, with or without probable cause.
16. You are ordered to complete a [three (3) month] [nine (9) month] [18 month] state approved DUI education program. Enroll within 21 days and complete as directed.
17. Optional - applicable only if box is marked: [You must have an ignition interlock device installed in any vehicle that you own for a period of _____ months. You may not own or operate a vehicle for this period of time that is not so equipped.]
18. Other: _____

The Court may terminate this pretrial diversion upon a finding that the defendant has violated any term of this order, is not performing satisfactorily in the program, is not benefiting from the education, treatment, or rehabilitation provided by the program, or has engaged in any criminal conduct rendering him or her unsuitable for pretrial diversion. In such event, the Court will schedule a hearing, unless waived by the defendant, to decide whether to end the pretrial diversion and order resumption of criminal proceedings.

Dated: _____

Judge/Commissioner of the Superior Court

ACCEPTANCE BY DEFENDANT: I have received a copy of this Order Granting PRETRIAL DIVERSION, understand each of its terms and conditions, and agree to abide by them. Regardless of successful completion of diversion, the arrest upon which the diversion was based may be disclosed by the Department of Justice in response to a peace officer application request and that, notwithstanding successful completion of diversion, I am not relieved of the obligation to disclose the arrest in response to a direct question contained in a questionnaire or application for a position as a peace officer, as defined in Penal Code section 830.

Dated: _____

Defendant's Signature: _____

Defense Attorney Statement

I am the attorney of record for the above named defendant. I have explained the above form and each of the above rights addressed to the defendant and have discussed the facts, consequences, including immigration, and possible defenses to the charge(s) with him/her. I concur with his/her waiver of rights and entry into this pretrial diversion grant.

Date: _____ Signature: _____

Certificate of Interpreter

I declare that I translated the entire contents of this form from English to _____ in the presence of and directly to the defendant in this case and that the defendant wrote on this document in my presence.

Date: _____ Signature: _____