

IN THE GARFIELD HEIGHTS MUNICIPAL COURT

Plaintiff )
v. ) Case No. CRB
) Judge Deborah Nicaastro
) Motion to Participate In
Defendant ) Selective Intervention Program

Pursuant to Garfield Heights Municipal Local Court Rule 22 and ORC §2935.36, the Defendant hereby moves the Court to be admitted into the Selective Intervention Program (hereinafter "Program") and states as follows:

ELIGIBILITY

The Defendant represents that he/she meets the eligibility requires as set forth below.

- 1. The Defendant is not accused of a violation of ORC §4511.19 or a violation of any substantially similar municipal ordinance;
2. The Defendant is not accused of an offense while operating a commercial motor vehicle or holds a commercial driver's license and is accused of any offense, if conviction of the offense would disqualify the Defendant from operating a commercial motor vehicle under ORC Chapter 4506 or would subject the person to any other sanction under that chapter;
3. The Defendant is not a repeat offender which means he/she does not have a history of persistent criminal activity and whose character and condition reveal a substantial risk that the Defendant will commit another offense. A person is a repeat offender if any of the following applies:
a. Having been convicted of one or more offenses of violence and having been imprisoned pursuant to sentence for any such offense, the person commits a subsequent offense of violence;
b. Having been convicted of one or more sexually oriented offenses or child-victim oriented offenses, both as defined in ORC §2950.0, and having been imprisoned pursuant to sentence for one or more of those offenses, the person commits a subsequent sexually oriented offense or child-victim oriented offense;
c. Having been convicted of one or more theft offenses as defined in ORC §2913.01 and having been imprisoned pursuant to sentence for one or more of those theft offenses, the person commits a subsequent theft offense
d. Having been convicted of one or more felony drug abuse offenses as defined in ORC §2925.01 and having been imprisoned pursuant to sentence for one or more of those felony drug abuse offenses, the person commits a subsequent felony drug abuse offense;
e. Having been convicted of two or more felonies and having been imprisoned pursuant to sentence for one or more felonies, the person commits a subsequent offense;
f. Having been convicted of three or more offenses of any type or degree other than traffic offenses, alcoholic intoxication offenses, or minor misdemeanors and having been imprisoned pursuant to sentence for any such offense, the person commits a subsequent offense.
4. The Defendant is not a dangerous offender which means his/her history, character, and condition reveal a substantial risk that the person will be a danger to others, and whose conduct has been characterized by a pattern of repetitive, compulsive, or aggressive behavior with heedless indifference to the consequences.
5. The Defendant is accused of an offense of violence, of a violation of ORC §§ 2903.06, 2919.12, 2919.22, 2921.12, or 2921.32, but the prosecuting attorney has found, in writing, any of the following:

- a. The Defendant did not cause, threaten, or intend serious physical harm to any person;
  - b. The offense was the result of circumstances not likely to recur;
  - c. The Defendant has no history of prior delinquency or criminal activity;
  - d. The Defendant has led a law-abiding life for a substantial time before commission of the alleged offense;
  - e. Substantial grounds tending to excuse or justify the alleged offense.
6. The Defendant is not accused of a violation of ORC Chapter 2925 or 3719, with the exception of the following:
- a. A misdemeanor violation of ORC §2925.11;
  - b. A misdemeanor violation of ORC §§2925.12, 2925.13, or division (C)(1) of ORC §2925.14.

#### PLEA AND WAIVER OF RIGHTS

The Defendant hereby enters a plea of “guilty” to all charges; agrees that all periods of limitation established by statutes or rules of court applicable to the charges are tolled; and waives his/her right to

1. a speedy trial
2. a trial by jury or otherwise
3. cross-examine the witnesses against him/her
4. bring witnesses for his/her defense
5. have his/her guilt proven beyond a reasonable doubt
6. remain silent and not have his/her silence used against him

#### STANDARD CONDITIONS OF THE PROGRAM

The Defendant agrees as follows:

1. To pay the \$100.00 supervision fee in advance, all court costs, and the costs of all programs/counseling, to which the Defendant may be referred by the Court and any testing fees.
2. Establish and maintain a valid email address and telephone number at which the Probation Officer may contact the Defendant and notify the Probation Department of any changes thereto.
3. Participate in the program and comply with all court orders for up to one (1) year from the date of the Court’s granting of this Motion to Participate in the Selective Intervention Program.
4. To comply with the following rules:
  - a. **REPORTING:** Report by telephone or other designated remote connection on the date and time specified. You shall treat all probation officers and court personnel courteously.
  - b. **LAWS AND CONDUCT:**
    - i. Not violate any federal, state or local law
    - ii. Notify the Probation Department by email or in writing within 72 hours of being arrested, summoned, or cited for any violation of the law, including traffic tickets.
  - c. **INTOXICANTS:**
    - i. Not use alcohol, illegal drugs, or any substance of abuse.
    - ii. Not be in any place that serves alcohol.
  - d. **RESIDENCE:** Notify the Probation Department, in writing, of his/her current residence address and any changes thereto.
  - e. **SPECIAL CONDITIONS:** Timely and successfully complete any program in which he/she is ordered to enroll, including but not limited to, treatment and community service.
  - f. **URINALYSIS/BREATH TEST:** Submit to drug or alcohol test at any time.
  - g. **FINES/COSTS/RESTITUTION:** Pay all fines, costs and restitution according to any Court Orders, agreements and schedules ordered by the Court.

- h. SEARCH: Submit to being stopped and a search of your person, vehicle, or place of residence by any Probation or Law Enforcement Officer without probable during the term of the program.
  - i. WEAPONS: Not possess or be in control of any firearm or deadly weapon.
  - j. TRAVEL: Obtain permission from the Probation Department for any out of state travel. Permission may be sought by sending a written or email request to the Probation Department at least 14 days prior to the travel start date.
  - k. IDENTIFICATION: Shall possess a state issued picture ID card at all probation appointments, drug and alcohol tests or court ordered treatment sessions.
  - l. EMPLOYMENT: Shall maintain employment. If unemployed, shall seek employment, or provide documents as to disability. Notify the Probation Officer of any change in employment status.
5. If the Defendant fails to comply with the Program terms or if it is found that any representations herein are false, he/she shall be discharged from the program and he/she shall appear for sentencing in the manner and on the date and time specified by the Court for sentencing on the original charges.
6. If the Defendant successfully completes the Program, he/she shall appear for any hearing in the manner and on the date and time specified by the Court for dismissal of all charges.

Dated: \_\_\_\_\_

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Defendant's Signature