

OFFICE OF THE DISTRICT ATTORNEY, BARBARA M. YOOK, D.A.
NOTIFICATION TO DEFENDANTS WHO ARE ELIGIBLE FOR DEFERRED ENTRY OF JUDGMENT UNDER
PENAL CODE SECTION 1000

The drug offender deferred entry of judgment program has been enacted to provide you with an opportunity for drug rehabilitation. The District Attorney is charged with the responsibility to determine whether or not you are eligible to be considered for deferred entry of judgment. To be considered eligible, you must be charged with one or more of the following offenses: 11350, 11357, 11358 for personal use, 11364, 11365, 11368 for personal use, 11377, 11550 of the Health and Safety Code, or 381, 647(f) (drugs), subdivision (d) of Section 653 for personal use only of the California Penal Code, or 4230 of the Business and Professions Code and

1. Have no prior convictions for any offense involving a controlled substance, and
2. The offense charged does not involve a crime of violence or threatened violence, and
3. There is no evidence of a violation relating to narcotics or restricted dangerous drugs other than those specified above, and
4. There is no record of probation or parole having been revoked without thereafter being completed, and
5. There is no record of successful completion or termination from diversion or deferred entry of judgment within five years of the charged offense, and
6. There have been no felony convictions within five years prior to the charged offense.

No other charges than those specified above are subject to deferred entry of judgment.

You are eligible for deferred entry of judgment. If you would like to participate in this program, you must waive your right to a speedy trial and preliminary hearing. You must plead guilty to the charges, waive time for the pronouncement of judgment, and follow all of the requirements of this program for 18 months. Your guilty plea does not constitute a conviction for any purpose, unless the court enters a judgment of guilty.

The court may summarily grant you deferred entry of judgment or refer you to the probation department for a determination of your suitability for this program. The probation department may make an investigation, including a confidential interview with you and take into consideration your age, employment and service records, educational background, community and family ties, prior controlled substance use, treatment history, demonstrable motivation and other mitigating factors in determining whether you would benefit from drug education treatment or program. The Court may conduct a hearing and consider all of the information presented. If the Court decides that you are not eligible or suitable for deferred entry of judgment, your case will proceed as in any other criminal case.

If the court grants you deferred entry of judgment you will be referred to a drug education and treatment program and the probation department. You must complete your drug education and treatment program, pay all fines and fees, and not commit a new criminal offense for 18 months. As part of the deferred entry of judgment program, you may be required to undergo urinalysis testing for the presence of any drug. Regulations applicable to some treatment programs restrict disclosure of confidential information. At the time of referral to such a program, you must sign a waiver form which allows the release of information to the probation officer and to the court officials. Any statement or information regarding the specific offense with which you are charged made during any investigation concerning this program to a probation officer or drug program worker prior and/or subsequent to the granting of deferred entry of judgment, will not be used against you in any action or proceeding, including a sentencing hearing.

The court will monitor your progress in the assigned drug education program with periodic reviews. If it is determined that you have failed your treatment or education program, or any condition of the deferred entry of judgment program, or have been convicted of any felony, any narcotic offense, or a misdemeanor which reflects a propensity for violence, the District Attorney, the Probation Department or the court may make a motion to the court for termination from the program and entry of judgment and schedule a sentencing hearing.

Upon your successful completion of all of the deferred entry of judgment program requirements during the 18 month period, the District Attorney, the Probation Department or the Court, may make a motion to the Court to dismiss the charges against you.

Throughout these proceedings you have a right to have an attorney, and if you cannot afford an attorney, the court will appoint one.

PC 1000 DEFERRED ENTRY OF JUDGMENT REQUIREMENTS

The Court has granted you deferred entry of judgment for your narcotic charges. This means that your sentencing is continued for 18 months. If you complete all of the tasks listed below your case will be dismissed. If you fail to complete any of the tasks listed below, the Court will impose the sentence which was indicated when you plead guilty.

You must do all of the following:

1. Plead Guilty.
2. Report immediately to probation for an assessment.
3. Enter and complete the assigned drug treatment program. You must report to the court for reviews as ordered by the Court. If you have problems or miss a class you must notify the program staff immediately and make any appropriate arrangements.
4. Pay all fees for the treatment program.
5. Pay any court ordered fines and fees. These fines and fees if ordered are in addition to the drug treatment program fees.
6. Do not commit any new criminal offense.
7. Attend any ordered Court hearings.
8. At each review hearing provide a written progress report to the Court. Upon completion of the program you must report to the Court with proof of completion and proof that all fees have been paid.
9. You must continue to meet these requirements for a minimum total of 18 months or longer if ordered by the Court.