

DUII Diversion Form 1

UNIFORM DUII DIVERSION PETITION AND AGREEMENT

DUII diversion forms 2, 3, and 4 must be filed with this form and served on the district attorney.

Defendant is to provide the information required in this box as follows (print or type):
Defendant's Name and Residence:
Court where charge was filed and petition is to be submitted:
First Middle Last
Street City State ZIP
Mailing Address (if different)
Date of Birth: Phone #: Driver License:
Month Day Year Number State
Date of DUII Offense

For Court File Stamp

Defendant's Agreement and Waiver

I, the petitioner and defendant, request that this court grant a diversion under ORS 813.200 to 813.270 for the charge of driving under the influence of intoxicants (DUII). If the court allows this petition:

- 1) I agree to all of the items listed on DUII Diversion Form 2 (located on the back of this form unless filed electronically) and have read and understand all of the information in DUII Diversion Forms 1, 2, 2A, 3, 4 and 5;
2) I plead guilty or no contest to the DUII charge as shown on DUII Diversion Form 4 submitted with this petition;
3) I waive (give up) the rights listed in the plea petition;
4) I waive my former jeopardy rights under the federal and state constitutions and ORS 131.505 to 131.525 in any future action on the DUII charge or any other offenses arising from the same criminal episode.
5) I will pay the diversion filing fee and all other assessments and fees (unless the court waives all or part of these fees).
6) If I have court-appointed counsel, I will pay court-appointed attorney fees as the court determines appropriate.
7) I will promptly complete an alcohol/drug diagnostic assessment and complete treatment as directed and pay all costs.
8) I will not use alcohol/ intoxicants while on diversion unless by valid prescription or otherwise allowed by law.
9) I will attend the Victim Impact Panel program and pay all costs.
10) I will keep the court advised of my current mailing and residential addresses at all times.
11) I will install an approved ignition interlock device in all vehicles I drive.

Defendant's Signature

Defendant's Name (typed or printed)

Date

COURT ORDER

The court allows denies the petition for diversion. The DUII charge is alleged to have occurred on . If allowed, this court withholds entry of judgment of conviction pending completion or termination of diversion, and orders that:

- 1) The diversion period is one year beginning today and ending on .
2) Filing fees are \$. Filing fees shall be paid in full immediately, within 30 days, or in payments (see #4 for schedule).
3) Court-appointed attorney fees shall be paid in the sum of \$ or waived.
4) Filing fees and court-appointed attorney fees (if ordered) shall be paid as follows: \$ per month beginning on , with a like payment on the same day of each month thereafter until the entire sum is paid in full. All fees must be paid prior to the end of the diversion period.
5) Defendant shall have a diagnostic assessment with , pay all costs, including treatment costs, and complete treatment as directed. Defendant shall contact the evaluator within 5 days.
6) Defendant shall not use any alcohol or intoxicants unless by valid prescription or otherwise allowed by law. See DUII Diversion Form 2 for additional information and exceptions.
7) Defendant shall attend the Victim Impact Panel program, pay all costs, and provide proof to the Court.
8) Defendant shall keep the Court advised of his/her mailing and residential addresses at all times.
9) Defendant shall file a motion at the end of the diversion requesting that the DUII charge be dismissed.
10) Defendant shall install an approved ignition interlock device in any vehicle operated by defendant during the period of the diversion agreement when defendant has driving privileges.

For Court File Stamp

Name of Judge

Signature of Judge

Date