

Marijuana Possession Diversion Form 1

UNIFORM MARIJUANA POSSESSION DIVERSION PETITION AND AGREEMENT

(The petitioner must cause a copy of this petition to be served on the district attorney or city attorney who filed the charge.)

Petitioner is to provide the information required in this box, as follows: (print or type)		
Petitioner's name and residence:		Petitioner's mailing address:
First	Middle	Last
Street		Street
City		State
State		ZIP
Telephone		
Petitioner's Date of Birth		Petitioner's Driver License Number
Month	Day	Year
Number		State
		Court where the charge was filed and petition is to be submitted:
		Court Name
		Court Location
		Court Case Number
		Date of Marijuana Possession Offense



Petitioner's Agreement and Waiver

I, the undersigned petitioner, ask this court to grant me diversion under ORS 135.907 to 135.921 in this case for the charge of possessing less than an ounce of marijuana. If the court allows this petition, I agree to waive the rights and carry out the agreements listed below, as explained on the reverse side of this form:

1. I waive the rights to speedy trial or sentencing in any subsequent action on the charge (for failure to comply with this agreement).
2. I waive my former jeopardy rights under the federal and state constitutions and ORS 131.505 to 131.525 in any subsequent action on the charge or on any other offenses based on the same criminal episode.
3. I will attend and complete a diagnostic assessment to determine whether I have a drug abuse problem and to what degree and will pay the cost of the assessment directly to the agency providing the assessment.
4. I will pay to the court a diversion filing fee; unless the court determines that I am indigent and waives all or part of these fees.
5. At my own expense, or as arranged with the treatment program if I qualify as an indigent person, I will complete the program of treatment that the diagnostic assessment indicates is necessary.
6. I will comply fully with state laws regarding controlled substances.
7. I will keep the court and treatment program advised of my current mailing and residential address at all times during the diversion period.

Petitioner's Signature

Date



(NOTE: Petitioner must file a completed sworn statement of eligibility with this form.)

COURT FINDINGS AND ORDER

I find that the marijuana possession charge in case number _____ occurred on _____, 20____, and that petitioner is is not eligible for diversion under ORS 135.907 to 135.921. Therefore, I deny the petition for diversion. allow the petition for diversion and order that: 1) the diversion period is one year beginning on _____ and ending on _____ the offense proceeding is stayed pending completion of diversion or its termination; and 2) the petitioner pay fees for the diversion as required by statute unless the court waives or defers those fees.

Name of Judge

Signature of Judge

Date