

IN THE CIRCUIT COURT OF THE STATE OF
OREGON FOR LANE COUNTY

State of Oregon

Case No.: _____

v.

**REQUEST TO ENTER A DRUG
ENFORCEMENT MISDEMEANOR
PROBATION AGREEMENT
WAIVER OF TRIAL RIGHTS, AND
PROBATION AGREEMENT**

Defendant

The defendant represents to the Court:

1. I have been charged with the following:

Count	Charge	Max Jail	Max Fine
		180 Days	\$0

2. I understand that the above listed offense(s) is classified as a drug enforcement misdemeanor. As such, I am requesting entry into a probation agreement.
3. I understand that I have the following rights: (1) to have a jury trial or court trial; (2) to have my lawyer assist me; (3) to see, hear and cross-examine or question all witnesses who testify against me; (4) to testify; (5) to remain silent and to have the jury told, if I decide not to testify, that it cannot hold that decision against me as an indication of guilt; (6) to call witnesses and enter evidence; and (7) to require the prosecutor to prove my guilt beyond a reasonable doubt.
4. I understand that by entering into this probation agreement, I am waiving the following rights with respect to each criminal charge:
 - a) The right to a speedy trial and trial by jury;
 - b) The right to present evidence on my behalf;
 - c) The right to confront and cross-examine witnesses against me;
 - d) The right to contest evidence presented against me, including the right to object to hearsay evidence; and
 - e) The right to appeal from a judgment of conviction resulting from an adjudication of guilt entered upon a violation of a term or condition of this probation agreement, unless the appeal is based on an allegation that the sentence exceeds the maximum allowed by law or constitutes cruel and unusual punishment.
5. I understand that by entering into this probation agreement the court will defer further proceedings on the charge(s) and place me on a period of supervised probation for 12 months.

6. I understand that if I violate the conditions of probation, any of the following may occur:
 - a) The probation officer could impose a structured, intermediate probation violation sanction, as described in ORS 137.595, if I admit to a violation of probation and waive my right to a probation violation hearing in front of a judge;
 - b) The Court could impose a violation sanction of up to a total of 30 days of jail; or
 - c) The Court could resume criminal proceedings and may find me guilty of the charge(s) in accordance with the waiver of rights in paragraph four. I understand that if the Court resumes criminal proceedings, I will not have the right to contest the sufficiency of the evidence establishing my guilt of the offenses listed herein.
7. I understand that if the court receives notice from the district attorney or supervising probation officer that I have fulfilled the terms and conditions of the probation agreement, the court will discharge me from probation and dismiss the charge(s) that is the subject of this agreement.
8. I understand that at the end of the probation period, if the court has not received notice of successful completion of the probation, the court shall issue an order requiring me to appear and show cause why the court should not enter an adjudication of guilt. At the hearing, the court may: (a) order a new period of probation to allow me to fulfill the terms and conditions of the probation agreement, or (b) enter an adjudication of guilt and impose a sentence.
9. I understand that if criminal proceedings are resumed and I am found guilty, I will stand convicted of a crime. I have notice, pursuant to ORS 135.385, that if I am not a United States citizen, a criminal conviction will likely result in my removal from the USA, or denial of naturalization, and/or exclusion from future admission to the United States. I understand that removal and other immigration consequences are the subject of a separate proceeding and that no one, including my attorney or the court, can predict to a certainty the effect of my conviction on my immigration status. I nevertheless affirm that I want to enter this probation agreement regardless of any immigration consequences that entry may entail should I later violate the probation agreement and be found guilty, even if the consequence is my automatic removal from the United States.

I am signing this request to enter a drug enforcement misdemeanor probation agreement and waiver of rights voluntarily, intelligently, and knowingly. I request that the court defer proceedings on the charges and place me on a period of supervised probation for 12 months. I agree to comply with all general conditions of probation as described in ORS 137.540(1)) a copy of which has been provided to me and to complete a substance evaluation and any treatment recommended by the evaluator.

Defendant Signature

Date

I have read and fully explained to the defendant this form, their rights, and the consequences of entering into this agreement.

Attorney Signature

Bar Number

Date

PROBATION CONDITIONS

Under the general conditions of probation ORS 137.540, the probationer shall:

- a) Pay fines, restitution or fees ordered by the court.
- b) Submit to testing for controlled substance, cannabis or alcohol use if the probationer has a history of substance abuse or if there is a reasonable suspicion that the probationer has illegally used controlled substances.
- c) Participate in a substance abuse evaluation as directed by the supervising officer and follow the recommendations of the evaluator if there are reasonable grounds to believe there is a history of substance abuse.
- d) Remain in the State of Oregon until written permission to leave is granted by the Department of Corrections or a county community corrections agency.
- e) Not change residence without prior permission from the Department of Corrections or a county community corrections agency and inform the parole and probation officer of any change in employment.
- f) Permit the parole and probation officer to visit the probationer or the probationer's work site or residence and to conduct a walk-through of the common areas and of the rooms in the residence occupied by or under the control of the probationer.
- g) Consent to the search of person, vehicle or premises upon the request of a representative of the supervising officer if the supervising officer has reasonable grounds to believe that evidence of a violation will be found, and submit to fingerprinting or photographing, or both, when requested by the Department of Corrections or a county community corrections agency for supervision purposes.
- h) Obey all laws, municipal, county, state and federal, and in circumstances in which state and federal law conflict, obey state law.
- i) Promptly and truthfully answer all reasonable inquiries by the Department of Corrections or a county community corrections agency.
- j) Not possess weapons, firearms or dangerous animals.
- k) Report as required and abide by the direction of the supervising officer.
- l) If recommended by the supervising officer, successfully complete a sex offender treatment program approved by the supervising officer and submit to polygraph examinations at the direction of the supervising officer if the probationer:
 - a. Is under supervision for a sex crime as defined in ORS 163A.005 or harassment under ORS 166.065 (4)(a)(A);
 - b. Was previously convicted of a sex crime as defined in ORS 163A.005; or
 - c. Was previously convicted in another jurisdiction of an offense that would constitute a sex crime as defined in ORS 163A.005 if committed in this state.
- m) Participate in a mental health evaluation as directed by the supervising officer and follow the recommendation of the evaluator.

- n) If required to report as a sex offender under ORS 163A.015, report with the Department of State Police, a city police department, a county sheriff's office or the supervising agency:
 - a. When supervision begins;
 - b. Within 10 days of a change in residence;
 - c. Once each year within 10 days of the probationer's date of birth;
 - d. Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education; and
 - e. Within 10 days of a change in work, vocation or attendance status at an institution of higher education.
- o) Submit to a risk and needs assessment as directed by the supervising officer and follow reasonable recommendations resulting from the assessment.