

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SONOMA

PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

CASE NO.

vs.

DUI COURT AGREEMENT

Defendant/

1. If this plea is allowed by the Court, I agree to give up the rights necessary to carry out the agreement set forth herein and in the Plea Forms (Tahl Forms) and Probation Addendum executed along with this Plea Agreement. I have consulted with Counsel, and/or feel that I understand the DUI Court program and feel that it is a Program in which I can be successful and which will benefit me. I accept the consequences outlined below and Probation Addendum, incorporated by reference herein.

2. I agree that the DUI Court program begins with my signature on this form, and that I am subject to all the requirements of the program as of my signature. Nonetheless, I understand that, within Fourteen (14) calendar days of signing this agreement (Evaluation Period), I may withdraw from the DUI Court Program, withdraw this plea of guilty or admission of probation violation and have my Constitutional and procedural rights reinstated. The People agree that, under these circumstances, neither this plea nor this agreement can be used against me as evidence in this case. I understand I must personally appear before this Court to withdraw from the DUI Court and to withdraw my plea.

3. I further understand that within Fourteen (14) calendar days of this plea (Evaluation Period), the Court may terminate my participation in the DUI Court Program for reasons of unsuitability or for reasons of non-compliance with the entry requirements of the program. If this happens, I can withdraw my plea of guilty, if I wish, and enter a new plea of not guilty.

4. At any time during my participation with the DUI Court, if I have provided false information regarding my identity, gang affiliation, or if I have suffered disqualifying convictions, or have pending criminal charges in another Court which have not been disclosed to the DUI Court, I understand that I can be terminated from the program and sentenced consistent with the new information. Terminations following the Evaluation Period do not provide for the withdrawal of plea, and will be accompanied by probation terms and a jail sentence, consistent with the terms of my plea.

5. I agree to abide by the rules and regulations of the DUI Court Program and of the Probation Department, Alcohol & Other Drug Services and any other organization which provides services to me during the DUI Court Program. I agree not to commit any crimes, not to use or possess alcoholic beverages, not to use or possess any controlled substances or other contraband, not to possess any firearms, deadly or dangerous weapons, not to frequent establishments where the primary item for sale is alcoholic beverages and not to associate with persons who are possessing, using, or under the influence of controlled substances or are using or under the influence of alcohol.

6. I understand that, during my participation in the DUI Court, if I fail to comply with the rules and regulations of the DUI Court Program (including the items listed in 5 above), I would be subject to sanctions by the Court, or termination depending on the severity of the violation and the number of violations which had come before. The decision of the Court is final on all sanctions to be imposed.

7. I understand that a sanction that may be imposed is to be remanded into custody (jail). I hereby give up the right to a hearing when I am taken into custody for a period of time not to exceed two weeks. When I am taken into custody for less than two weeks this will be considered a sanction but not a Probation Violation. I also agree that if I am placed into custody less than two weeks for a sanction, I hereby waive all good-time credits during this sanction period.

8. I also understand that I have a right to a court hearing to verify the violation for which I am being sanctioned. At that hearing I have a right to an attorney, to confront and cross examine any witnesses against me, to subpoena witnesses to testify on my behalf, and testify myself or remain silent.

9. I understand at the successful conclusion of the DUI Court, probation will revert to informal, and upon proof of successful completion of both the DUI Court and the SB1344 multiple offender program without any intervening probation violations, I may petition the court for my probation to be terminated, (even if this occurs prior to the time period called for in the plea forms). I understand there will be no dismissal of charges.

10. I understand that the DUI Court Program requires complete abstinence from drugs and alcohol. This includes not possessing or using any drugs or alcohol (including prescription and over the counter drugs unless possessed/used with the express permission of Probation). I understand I may not have alcohol within my residence in which I live, (even though I may share the residence with other adults).

11. I understand that I will be drug and/or alcohol tested regularly and randomly. A positive test for any drug, alcohol or "illegal" substance will be a "dirty" test for which I will be sanctioned. A missed test or a failure to test, (without permission) will be considered a "dirty" test for which I will be sanctioned. Any evidence of adulteration, flushing, or efforts to mask or change a test result will be considered a "dirty" test for which I will be sanctioned.

12. I understand that California Law provides for mandatory license suspensions on second and third DUI cases and requires a "proof of financial responsibility" or minimum insurance. During participation in the DUI Court program I will not drive a car unless I have a valid California driver's license and insurance as required by law. I understand my violation of these requirements is a serious violation of the DUI Court rules for which I can be sanctioned or terminated from the program.

13. I understand that one of the requirements of the DUI Court is to enroll in and complete a DMV approved multiple offender program (SBI344), I will remain in this program until completion and will immediately notify my probation officer and the Court if I am terminated from the program or if I discontinue the program for any reason.

14. DUI cases with either one or two priors have mandatory jail sentences, (VC23542 - 96 hrs, VC 23546 - 120 days). I understand that these sentences exist and that despite participating in the DUI Court, I will have to serve these sentences in some fashion prior to graduation from the program. I understand that it is anticipated by the Court and the Program, that I will serve the minimum sentence on electronic confinement (SEC) during the term of a successful program or at least the minimum sentence upon termination. I understand that if I am to do SEC, I must qualify for and serve the sentence under the direction of the Sonoma County Probation Department. I will only receive custody credits for serving actual custody time.

Defendant Dated

Defendant's Attorney Dated

District Attorney Dated

Judge Dated

DUI COURT OUTLINE OF SERVICES

EVALUATION PERIOD

The evaluation period is a 14-day period in which you will decide whether or not DUI Court is appropriate for you. At the same time, the DUI Court team will evaluate your suitability for the program. During this period, you will actively participate in all DUI Court program requirements. The judge may extend this evaluation period if he/she deems it necessary. Phase One includes the evaluation period.

During Phase One you will be assigned a Probation officer. The AODS Court Coordinator will refer you to a case management provider who will assess your needs. Your progress will be closely monitored by the DUI Court team and reported to the judge.

PHASE ONE lasts a minimum of 90 days and its requirements include:

- Group counseling: Minimum 1 per week
- Individual counseling: Minimum 2 per month (includes intake, assessment, evaluation, and individualized treatment plan)
- Urinalysis (UA) testing: As directed. Testing is at the Orenda Center on Neotomas Avenue in Santa Rosa. You are also subject to random testing at the counseling offices, and by Probation
- Self-help meetings (12-step): Minimum 3 per week
- Court appearances: Minimum 1 per week unless modified by the Court
- Reporting to the probation officer once weekly, or when called upon
- Participating in the transdermal alcohol monitoring program (also known as the SCRAM ankle bracelet) for the first 30 days, or as ordered by the court
- Enrollment in the Drinking Driver Program located at 1300 Coddington Center in Santa Rosa
- Additional case management services as determined by the treatment team
- Curfew at the discretion of the Court

Advancement Criteria:

Your advancement in the program is assessed and determined by the DUI Court team. The minimum requirements to advance to Phase Two are:

- Have no positive alcohol/drug test results (including missed or tampered tests) for 30 consecutive days
- Have no unexcused absences from scheduled services for 14 consecutive days
- Provide documentation of required minimum attendance at self-help meetings for 30 days
- Submit a written Phase Two advancement request

PHASE TWO lasts a minimum of three months and its requirements include:

- Group counseling: Minimum 1 per week
- Individual counseling: Minimum 2 per month (may be increased as needed)
- Urinalysis (UA) testing: As directed the Orenda Center. You are also subject to random testing at the counseling offices, and by Probation
- Self-help meetings (12-step): Minimum 3 per week
- Court appearances: Weekly or bi-monthly, as determined by the DUI Court judge
- Reporting to the probation officer once weekly
- Curfew at the discretion of the Court

Advancement Criteria:

The minimum requirements to advance to Phase Three are:

- Have no positive alcohol/drug test results (including missed or tampered tests) for 30 consecutive days
- Have no unexcused absences from scheduled services for 21 consecutive days
- Provide documentation of required minimum attendance at self-help meetings for 30 days
- Have a 12-step sponsor and actively be working on the steps
- Submit a written Phase Three advancement request
- Must have enrolled in the Drinking Driver Program

PHASE THREE lasts a minimum of three months and its requirements include:

- Group counseling: Minimum 2 per month
- Individual counseling: Minimum 1 per month
- Urinalysis (UA) testing: As directed at the Orenda Center. You are also subject to random testing at the counseling offices, and by Probation
- Self-help meetings (12-step): Minimum 2 per week
- Court appearances: Bi-monthly, or monthly, as determined by the DUI Court judge
- Reporting to the probation officer weekly, or as instructed
- Curfew at the discretion of the Court

Advancement Criteria:

The minimum requirements to advance to Phase Four are:

- Have no positive alcohol/drug test results (including missed or tampered tests) for 30 consecutive days
- Have no unexcused absences from scheduled services for 21 consecutive days
- Provide documentation of required minimum attendance at self-help meetings for 30 days
- Have a 12-step sponsor and actively be working on the steps
- Submit a written Phase Four advancement request

PHASE FOUR lasts a minimum of three months and its requirements include:

- Group counseling: Minimum 2 per month
- Individual counseling: Minimum 1 per month
- Urinalysis (UA) testing: As directed at the Orenda Center. You are also subject to random testing at the counseling offices, and by Probation
- Self-help meetings (12-step): Minimum 1 per week
- Court appearances: Monthly, or as determined by the DUI Court judge
- Reporting to the probation officer as instructed
- Curfew at the discretion of the Court

Graduation Criteria:

Your graduation eligibility is assessed and determined by the DUI Court team. The minimum requirements to graduate are:

- At least six months of abstinence from drugs and alcohol
- Consistent attendance at all required treatment activities and court appearances
- No unexcused absences from scheduled services for 45 days
- Stable, clean and sober living arrangements
- Completion (with your counselor) of an aftercare plan to support your sobriety
- Proof of completion of required community service hours
- Proof that fines and fees have been paid in full
- Participation in the Drinking Driver Program
- Submittal of a written petition to graduate

THESE ARE MINIMUM TREATMENT CRITERIA IN EACH PHASE OF THE PROGRAM.

Urine testing is done on a random basis and is usually performed at the Orenda Center. However, testing may also be administered by Probation and or by the treatment provider for cause, as well as at an outside agency as ordered by the Court.