

BASIC CRITERIA FOR PROGRAM 2014

A person eligible for the program must:

- 1) Be charged with PCS 1st Offense-Marijuana (serious misdemeanor)
 - a. Simple misdemeanors charged along with the indictable offenses do not preclude you from the program.
- 2) Have no pending criminal charges other than traffic
- 3) Not be on probation (supervised or unsupervised)
- 4) Not have participated in the Johnson County Marijuana Diversion program previously.
- 5) Be otherwise eligible for a deferred judgment.
- 6) Not be in possession of more than 42.5 grams of marijuana.

Eligibility for the program is at the discretion of the Johnson County Attorney.

JOHNSON COUNTY ATTORNEY'S DIVERSION PROGRAM REQUIREMENTS

You have been charged with Possession of Marijuana. If you are convicted, you may be sentenced to a minimum of 2 days in jail, with a maximum sentence of six months in jail; you may be fined from \$315-\$1000, plus court costs and surcharges; and you will have your driver's license or privilege revoked for 180 days. In addition, a drug conviction may render you ineligible for financial aid or have other collateral consequences. In lieu of a conviction, you may be eligible to receive a deferred judgment, which could result in the charge being expunged after a period of probation.

If this is your first offense, you may be eligible for the Johnson County Attorney's Office Diversion Program. The Johnson County Attorney's Office (JCAO) has complete discretion as to your participation in the program. **To participate in the program, you must attend your arraignment in person. DO NOT FILE A WRITTEN ARRAIGNMENT. A written arraignment will result in your case being set for trial and you will not be in the diversion program.** Your arraignment date and your eligibility can be found in your Trial Information or on Iowa Courts Online at <http://www.iowacourts.state.ia.us>. If you are represented by an attorney, please contact him or her immediately to discuss whether you may be eligible for diversion, and whether participation is in your best interest. You may request a court appointed attorney to represent you if you cannot afford an attorney. You do not have to have an attorney to participate; however, *the JCAO cannot provide you with legal advice.*

If you are accepted, you will have to do **ALL** of the following within 120 days:

1. Attend your arraignment date
2. At the arraignment, complete the Application and discuss it with the JCAO representative
3. At the arraignment, sign the Diversion Agreement, waive your speedy trial rights (and your right to be represented by an attorney, if you so choose), and resolve with us any related simple misdemeanor charges as part of the agreement, including agreeing to plead guilty to some or all of the related simple misdemeanor charges
4. Complete and pay for an **approved** substance abuse evaluation and treatment program listed on the other side of this sheet
5. Provide a clean urinalysis from an approved provider to prove that you are drug-free
6. Pay in advance all court costs associated with the filing and dismissal of your case
7. Provide proof, in writing, that you completed all requirements to JCAO by your second arraignment date

Participation in Diversion is an excellent opportunity to avoid a drug conviction that can result in a jail sentence, fines and surcharges, loss of your driving privileges, and ineligibility for student financial aid. Because it is a privilege, only participants who complete all program requirements on time will be successful. Please note:

- ***No extensions of time will be granted for any reason.*** If you fail to complete your requirements on time, you will be terminated from the Diversion Program.
- If you fail to complete any program requirements, or fail to provide proof of completion, you will be terminated from the Diversion Program.
- If you are charged with a crime while participating in the program, other than a traffic ticket, you will be terminated from the Diversion Program.

The JCAO will review your case after 90 days upon request. Successful completion will result in dismissal of the charge and cancellation of the 2nd arraignment. Termination from the Diversion Program will result in your case being set for arraignment at the 2nd arraignment date. You must appear unless a written arraignment is filed. Your case will then be set for trial. If you do not appear at your 2nd arraignment date, and the JCAO does not have proof of completion in our file, a warrant will issue for your arrest.

**JCAO MARIJUANA DIVERSION PROGRAM
REQUIREMENTS**

At arraignment, sign the Diversion Agreement. The following must be completed within 120 days and prior to your second arraignment:

- Complete and pay for an approved substance abuse evaluation and treatment program.
- Provide proof of an observed clean urinalysis from an approved provider.
- Pay in advance all court costs associated with your case which is \$100.00.
- If you have a paraphernalia charge, there is an additional \$60.00 in court costs.
- No new criminal charges while in the Diversion Program.
- Provide proof, in writing, that you have completed all the above requirements to:

Johnson County Attorney's Office
ATTN: Marijuana Diversion Program
Johnson County Courthouse
P O Box 2450
Iowa City IA 52244
319/339-6100 (phone)
319/339-6149 (fax)
tiensen@co.johnson.ia.us

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**APPROVED PROVIDERS FOR
JCAO MARIJUANA DIVERSION PROGRAM**

MECCA
430 Southgate Ave
Iowa City IA 52240
319/351-4357

Unity Point Health/St. Lukes Hospital
Chemical Dependency Services
1030 5th Ave SE
Cedar Rapids IA 52403
319/363-4429

Student Health & Wellness
The University of Iowa
4189 Westlawn
Iowa City IA 52242
319/335-8394

Resolutions
Substance Abuse Services
220 Lafayette St
Iowa City IA 52240
319/351-9760