

**IN THE ADAMS SUPERIOR COURT
26TH JUDICIAL CIRCUIT
DECATUR, INDIANA**

STATE OF INDIANA

CASE NO. 01D01-**-**-******

VS

(DEFENDANT)

**ADAMS COUNTY DRUG COURT
PARTICIPATION AGREEMENT**

The above-named Defendant, the Attorney for the Defendant, and the State of Indiana agree to all of the conditions of this agreement. In consideration of the mutual promises contained herein, it is therefore agreed between the above-listed parties as follows:

1. Participant pleads guilty to the offenses charged or admits to the allegations contained in the violation of probation petition and agrees to participate in the Drug Court pursuant to IC 33-23-16-13(3)(B).
2. Participant agrees that if he should fail to complete all of Drug Court requirements, he will be terminated from Drug Court, and referred back to the sentencing court for entry of judgment of conviction and sentencing or for revocation of his probation.
3. Participant agrees that he will participate in Drug Court for a minimum period of fourteen (14) months and a maximum period of twenty-four (24) months, during which time he agrees to abide by all rules and conditions of the Drug Court.
4. Participant understands and acknowledges that he is giving up the following rights as part of entering Drug Court:
 - a. The right to challenge the constitutionality of any search and seizure resulting in his arrest for the offense(s) to which Participant pled guilty;
 - b. The right to a public and speedy trial by jury;
 - c. The right to confront and cross-examine the witnesses against him;
 - d. The right to have a compulsory process for obtaining witnesses in his favor at no cost;
 - e. The right to require the State to prove his guilt beyond a reasonable doubt at trial;
 - f. The right to remain silent and the right not to be compelled to testify against himself at trial;
 - g. The right to appeal;
 - h. The right to be tried within one (1) year pursuant to Criminal Rule 4(C), and,
 - i. The right to be sentenced within thirty (30) days of pleading guilty.

5. Participant shall participate fully in a program of substance abuse treatment and counseling as directed by the Drug Court Team. Participant specifically agrees to report to the Drug Court as required and to participate in all activities of the treatment program including, but not limited to:
 - complying with the treatment plan,
 - abstaining from using or possessing controlled substances, synthetic drugs or substances or alcohol,
 - abstaining from using or possessing legend drugs, unless prescribed by a physician and then only as prescribed,
 - abstaining from using or possessing marijuana or cannabis even if prescribed or recommended by a physician in another state,
 - abstaining from using or possessing any type of paraphernalia,
 - submitting to intensive drug testing,
 - appearing in court when instructed,
 - attending treatment sessions,
 - attending education programs,
 - completing life skills development programs,
 - obtaining employment unless proof of disability is shown,
 - submitting to searches of his person and property without reasonable suspicion,
 - obeying all laws,
 - providing feedback on the value of drug court services, and
 - other such conditions as may be required until completion of the program.
6. Participant shall disclose all prescription, OTC medications, and supplements being taken and must report any changes immediately.
7. Participant shall bring all prescription and OTC medications to all appointments with his case manager, unless otherwise directed. Prescribed medications are to be taken as prescribed. Drug Court staff will be permitted to count all pills to ensure the correct quantity is in the bottle.
8. Participant shall immediately identify each physician, dentist, and pharmacy he is using and must only use these providers unless notification is provided to Drug Court staff immediately. Participant shall sign consents allowing information to be released to Drug Court staff for the duration of the Drug Court Program.
9. Participant understands that drug testing will be administered regardless of OTC/supplement/prescription medication use and failure to disclose medication use as required by policy may result in sanctions per the Drug Court's policies and procedures.
10. Participant shall maintain good behavior throughout the term of this agreement.

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11. Participant shall receive permission from his case manager prior to changing home address, employment, school, counseling, treatment, education programs or traveling outside of Adams, Allen, Jay, or Wells Counties, Indiana.
12. Participant shall not possess, use or have under his control a firearm or dangerous weapon, explosive device or ammunition of any kind.
13. Participant shall maintain a landline or cellular telephone service and have an available telephone number at his place of employment where he can be contacted during working hours throughout the term of this agreement.
14. Participant shall notify his case manager immediately if arrested or has any contact with law enforcement officials.
15. Participant agrees to all special conditions as follows:

16. Participant agrees to sign a consent form to disclose information regarding his case and compliance with program rules and conditions to the Drug Court Team. This consent shall remain in effect until the formal and effective discontinuation of all court supervision in the case(s) for which Participant was accepted into the Drug court occurs.
17. If Participant has fully complied with all of the rules and conditions of the Drug Court, the Prosecuting Attorney agrees to reduce the charges, limit the sentences, file a Motion to Dismiss or a combination of these options in the underlying criminal case or pending probation violation. The Drug Court (or original referring court) agrees to grant the reduction of charges, limited sentence, or the Motion to Dismiss, thereby reducing the seriousness of the charges or dismissing all such charges with prejudice.
18. Participant agrees to pay a one-time administration fee of one hundred dollars (\$100.00) plus a fee of fifty dollars (\$50.00) per month for participating in the Drug Court. Additionally, Participant shall pay for the cost of treatment services. Participant shall also pay for the cost of drug testing at a fee of fifteen dollars (\$15.00) per week. If Participant wishes to challenge his drug test results, Participant shall be required to pay the cost of any confirmed positive results at a rate of fifteen dollars (\$15.00) per confirmation test.
19. Participant will be provided with a copy of the current sanction schedule. Sanctions shall be given for violating Drug Court rules. Participant understands and agrees that failure to appear for court dates, treatment appointments, drug testing, and testing positive for controlled substances or alcohol each constitute a violation of the Drug

Court rules. Any violation of Drug Court rules may result in the imposition of any of the penalties described in the sanction schedule or in termination from the program.

20. Participant understands that he will be subject to assessment utilizing the Indiana Risk Assessment System (IRAS) throughout his participation in the Drug Court. The results of any such assessments will be entered into the risk assessment system database.
21. Participant agrees to waive his right to earn credit time for any time spent in jail or other confinement to which he would otherwise be entitled pursuant to Indiana law during his participation in Drug Court.
22. The Drug Court Judge is the sole judge of whether satisfactory progress has been made and whether the program has been successfully completed.
23. Participant agrees to the discussion of information relating to his case and compliance with the Drug Court program that would otherwise be confidential in open court.
24. Participant acknowledges that he is entering into this program voluntarily and without threat or coercion, and no promises or incentives have been given that are not a part of this written agreement.
25. Participant acknowledges that he was provided with the opportunity to review and this agreement with defense counsel.
26. Participant understands that upon successful completion of this program:
 - _____ After proceedings are deferred, the charges will be dismissed.
 - _____ After proceedings are deferred, the felony conviction will be reduced to a misdemeanor conviction.
 - _____ After proceedings are deferred, the pending probation violation will be dismissed.
 - _____ After proceedings are deferred, the defendant will have no sentence imposed.
 - _____ The defendant will have no further sentence imposed and any executed sentence ordered in this case is satisfied.

In witness whereof, the parties have set forth their signatures, this the ____ day of _____, 2015.

Defendant/Participant

Prosecuting Attorney

Attorney for Defendant

Drug Court Judge

Drug Court Coordinator