

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
LASALLE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS

v.

Case No: _____

Defendant

DRUG COURT PLEA AGREEMENT,
PLEA OF GUILTY AND WAIVER OF RIGHTS

IN ACCORDANCE WITH 730 ILCS 166/20(a), THE STATE'S ATTORNEY OF THE THIRTEENTH JUDICIAL CIRCUIT AND THE ABOVE-NAMED DEFENDANT AGREE AS FOLLOWS:

- 1.) The Defendant is addicted to a drug or drugs.
- 2.) The Defendant desires to and is willing to participate in the Drug Court Program.
- 3.) That Defendant has not been convicted of a crime of violence within the past 10 years excluding incarceration time. As defined by 730 ILCS 166/20(b)(4), a "crime of violence", includes, but is not limited to the following offenses: first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, armed robbery, aggravated arson, arson, aggravated kidnapping, kidnapping, aggravated battery resulting in great bodily harm or permanent disability, stalking, aggravated stalking, or any offense involving discharge of a firearm.
- 4.) That the Defendant has never completed or been discharged (successfully or unsuccessfully) from a Drug Court Program or similar program.
- 5.) That none of the crimes to which the Defendant would enter a plea of guilty to in this case are "crimes of violence" as set forth in 730 ILCS 166/20(b)(4).
- 6.) That the Defendant has, or will at the time of presentation of this Agreement to the Court, enter a plea of guilty to an offense qualifying for the Drug Court Program.
- 7.) That the Defendant is eligible for and should be admitted to the Drug Court Program.
- 8.) The Defendant has received a copy of and has read the Drug Court Participant Handbook. The Defendant agrees to comply with the terms of the Drug Court Participant Handbook, guidelines, and requirements.
- 9.) That the Defendant and the State's Attorney agree to all terms and conditions set forth in the proposed Drug Court Probation Order and agree to present that Order to the Drug Court Judge as a negotiated plea agreement. The Defendant has read the Drug Court Probation Order

and agrees to comply with all terms and conditions of the Probation Order as entered by the Court.

10.) As a part of the negotiated plea agreement, the Defendant agrees to waive any and all rights to notice, a hearing, and to present evidence prior to imposition of any sanction or penalty for non-compliance by the Drug Court Judge. This is not a waiver of any rights with regard to a hearing on a petition to revoke Drug Court Probation.

11.) As a part of the negotiated plea agreement, as to any positive drug, alcohol, or intoxicating substance test result, if the Defendant does not object in writing to the Probation Officer on the date of and immediately after such positive test, then that positive test results shall be conclusive and not subject to challenge in Court, and the Defendant hereby stipulates and agrees to the admission in evidence of that positive test result and waives all right to object to the admission in evidence of such positive test result at any trial or hearing in this case. In addition, as to any confirming lab test, the Defendant stipulates to and agrees to the admission in evidence of the confirming lab test result and waives all rights to object admission in evidence of such confirming lab test result at any trial or hearing in this case.

12.) If the defendant successfully completes the Drug Court Program, the Court will find that the Defendant has successfully completed the Drug Court Probation and will discharge the Defendant from any further proceedings in the original prosecution. The Court will grant a motion to vacate guilty plea based on the successful termination from Drug Court, and the plea of guilty will be vacated. The State's Attorney will then dismiss the offense with prejudice.

PLEA OF GUILTY AND WAIVER OF RIGHTS

I, the Defendant in the above case, hereby agree to the waivers as stated above. I enter my plea of guilty to the offense(s) of:

The charge(s) in count(s) _____ is/are hereby dismissed.

I hereby waive all constitutional and legislative rights and procedures. I specifically waive my right to a trial either by a jury or judge, the right to confront the witnesses against me, the right to subpoena witnesses and put on a defense, and my privilege against self-incrimination.

I understand and agree that any failure on my part to abide and comply with any condition set forth in the Drug Court Policy and Procedures and Probation Order can result in me being sanctioned or penalized by the Court and that such sanction may also include being terminated from the Drug Court Program. I understand that if an unsuccessful discharge of the Drug Court Program is sought against me that I will be advised of the alleged violations, will be afforded a defense attorney if I cannot afford one, and that I have a right to have a hearing on the alleged violations. I understand that the hearing will be held in front of the Drug Court Judge on the alleged violations.

I understand and agree that, in the event that I am unsuccessfully discharged from the Drug Court Program and a petition to revoke my Drug Court Probation is granted, I will be

resentenced for the offense I have pleaded guilty to by the Drug Court Judge to a sentence within the statutory range for the offense(s).

I hereby agree that I will not resist or contest the reasonable administration of drug or alcohol testing or searches of my person, residence, and belongings while under supervision and hereby waive any rights that I may have under the Fourth Amendment or any federal or state constitutional right or any federal or state privacy act to object to such testing or such searches.

I hereby request, and it is so ordered, that the LaSalle County Public Defender's Office is appointed to appear on behalf of the Defendant, and defendant's privately retained counsel at routine Drug Court review and sanction hearings (which may result in jail sentences or other sanctions, or modification of the conditions of Defendant's participation in Drug Court) and is authorized to discuss defendant's circumstances and progress at Drug Court review hearings, and have access to defendant's information, including, but not limited to, medical records, mental health records, addiction treatment records, case discovery, and other materials used by the Drug Court staff. Defendant's privately retained counsel shall be notified to appear at any Drug Court Petition to Revoke hearing.

The Defendant is ordered to be released instanter from custody.

The Defendant is ordered retained in custody pending release directly into custody of the Drug Court Probation Officer for transport to an inpatient drug treatment facility.

Date: _____

Defendant

Defendant's Attorney

Judge

State's Attorney