**IN THE \_\_\_\_\_\_\_\_\_\_\_ COURT OF THE**

 **SECOND JUDICIAL CIRCUIT, IN**

 **AND FOR LEON COUNTY, FLORIDA**

 **VETERANS COURT**

**STATE OF FLORIDA, CASE NO.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**vs. SPN NO.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **Defendant.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/**

**NUNC PRO TUNC \_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**VETERANS TREATMENT COURT (VTC)**

**ORDERED DEFERRED PROSECUTION AGREEMENT**

It is being alleged in the Information Case#: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** that you**, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,** committed an offense against the State of Florida, to wit: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.** Having been advised of your Constitution Rights and it further appearing that after an investigation of the offense and into your background, the interest of the State of Florida, and your interest, will best be served by entering into this agreement:

Therefore, Augustus D. Aikens, Jr., Veterans Court Judge, in and for the Second Judicial Circuit, Leon County, Florida, in accordance with Section 948.08(7)(a), Florida Statutes, agrees that prosecution in this matter for said offense will be deferred for a period of **Eighteen (18)** months from this date, unless earlier terminated by this court, provided you abide by the following conditions:

1. You will refrain from violation of any law. Traffic infractions, parking tickets, and municipal ordinances do not violate this agreement. All new felony, misdemeanor and traffic criminal charges filed by the State Attorney’s Office will require you to appear before the Veterans Court, which may result in rejection from the VTC Intervention Program and the original prosecution may resume.
2. You will work regularly at a lawful occupation and support any dependents to the best of your ability.
3. You will not change your residence without first notifying your Probation/Pre Trial Officer. You will not leave the State of Florida without first procuring the consent of the Court or the Probation/Pre Trial Officer. You may not travel outside the United States without first procuring the consent of the Court and Probation/Pre Trial Officer.
4. You will make yourself available for the services of the VTC Intervention Program by appearing in person at all Veteran Court Hearings, when and as directed by the Court or your Probation/Pre Trial Officer. You understand that if it is determined that you willfully failed to appear at Veterans Court, it shall constitute a violation of the terms of this agreement, which may result in rejection from the VTC Intervention Program and the original prosecution may resume.
5. You will neither possess nor carry any firearm or weapons.
6. You will truthfully answer all inquiries by your Probation/Pre Trial Officer, and all other members of Veterans Court, and agree that the Probation/Pre Trial Officer may visit your home, employment, school or elsewhere, without your prior approval and that you will comply with all instruction he or she gives you.
7. You will not use intoxicants, nor will you visit places where intoxicants, drugs, or other dangerous substances are unlawfully sold, dispensed or used.
8. You will submit to a urinalysis, breathalyzer, or blood test at any time requested by your Probation/Pre Trial Officer or Veterans Court. You may be required to pay a onetime $30.00 drug testing fee, plus a 4% surcharge, to the Department of Corrections, for all testing conducted at the probation office or as otherwise directed. Should you test positive for a controlled substance that is not lawfully prescribed to you, you shall be required to appear before Veterans Court to address the violation, which may result in rejection from the VTC Intervention Program and the original prosecution may resume. Pre Trial drug testing fees will be determined once you meet with your Pre Trial Officer.
9. **Special Conditions: (1) Substance Abuse Evaluation and complete any recommended treatment to include any and all recommended aftercare; (2) Mental Health Evaluation and complete any recommended treatment to include any and all aftercare; (3) Meet with Mentor a minimum of one (1) time per month; (4) No possession or consumption of any controlled substance without a valid prescription; (5) Unless otherwise directed by the Court, the defendant is to report to VTC Court only; (6) Defendant cannot refuse any recommended treatment and aftercare; (7) The defendant cannot cancel or fail to appear for appointments. If the defendant fails to appear for scheduled appointments or cancels appointment, this will be a violation of this order; (8) The defendant will submit to random drug testing and alcohol screens at the VA or as directed; (9) No possession or consumption of alcohol.**

**As a participant in this program, you shall be subject to a coordinated strategy developed by a Veteran’s Treatment Intervention Team. The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but need not be limited to, placement in a treatment program offered by a licensed service provider or a jail based treatment program or serving a period of incarceration within the time limits established for contempt of court.**

It is your responsibility to ensure that your Probation/Pre Trial Officer is in possession of all documentation required to show that you are in compliance or have completed your special conditions.

You understand that if you enter the VTC Intervention Program, but later decide that you do not wish to remain in the program, that you may choose to reject the VTC Intervention Program. If you choose to reject the VTC Intervention Program, you understand that your case will be reassigned to the State Attorney’s Office for prosecution.

You stipulate and agree that this agreement shall in no way operate as a contract for immunity from prosecution for the charge(s) pending in this case. Should you fail to comply with the terms and conditions of this agreement, the agreement may be rejected at the discretion of the Court, and prosecution on your charges may resume.

You agree that if the offense with which you are charged involves the use or possession of a weapon or firearm, you agree to forfeit that weapon to the appropriate authority, as defined by Florida Statute.

You have been informed about the amount of money you are required to pay and you state that you are financially able to pay these amounts set out in this agreement, within the time of this agreement.

If you comply with these conditions during the period of Deferred Prosecution, no criminal prosecution concerning this charge will be instituted for the offense for which you are placed in the program.

**The Court may, during the period of Deferred Prosecution, revoke or modify the conditions of your Deferred Prosecution by:**

1. **Changing the period of Deferred Prosecution**
2. **Rejecting you from the program and resume prosecution for this offense if you violate any of these conditions.**
3. **Void this agreement should it be determined that you do not qualify for VA benefits or otherwise eligible for the VTC Intervention Program**.

Signing this Deferred Prosecution Agreement withdraws and/or waives your rights to a speedy trial under the Constitution and laws of Florida, and the United States of America in the cause of which prosecution is being deferred.

You understand that the opportunity to participate in this program is a privilege, not entitlement. You hereby state that the above has been read and explained to you. You understand the conditions of your Deferred Prosecution Agreement and agree that you will comply with them. Therefore, you hereby request placement in the program.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Defendant Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Defense Attorney Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Probation Officer Date

The Court reserves the right to rescind, modify or revoke supervision to the extent provided by law.

**DONE AND ORDERED** in Tallahassee, Leon County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Honorable Judge