

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

TREATMENT-MANDATED DEFERRED ENTRY OF JUDGMENT PROGRAM AGREEMENT AND WAIVER OF RIGHTS

People vs. _____

Case Number: _____

Court Use Only

The defendant elects to participate in a treatment-mandated deferred entry of judgment program pursuant to Health & Safety Code section 11395. In doing so, the defendant acknowledges the following:

1. _____ I understand that by electing to participate in the treatment-mandated deferred entry of judgment program, I am giving up the statutory right to sentencing and pronouncement of judgment within twenty (20) court days (felonies) or five (5) court days (misdemeanors) from the date of my plea of guilty or nolo contendere. This agreement to waive time for sentencing shall apply at every further hearing on this matter unless and until it is expressly revoked.
2. _____ I understand upon successful completion of the treatment program ordered by the Court pursuant to Health and Safety Code section 11395(d) and the positive recommendation of the treatment program, the Court shall dismiss the charge, and the arrest upon which deferred entry of judgment was imposed shall be deemed to have never occurred pursuant to section 1000.4 of the Penal Code. Dismissal based on successful completion of treatment shall not count as a conviction for any purpose, including for determining punishment pursuant to Health and Safety Code section 11395(b).
3. _____ I understand if it appears I am performing unsatisfactorily in the program, am not benefiting from treatment, am not amenable to treatment, have refused treatment, or have been convicted of a crime that was committed since starting treatment, a motion may be made for entry of judgment and sentencing. After notice, the Court shall hold a hearing. If the Court finds one of these circumstances to be true, the Court may terminate the program, enter judgment, and impose a sentence.
4. _____ For time spent in residential treatment, I may only earn actual credits pursuant to section 2900.5 of the Penal Code and shall not earn conduct credits pursuant to section 4019 of the Penal Code, or any other provision. Time spent in any other program or counseling is not eligible for any credits.

The defendant is to complete the following terms and conditions:

- _____ Do not commit any new misdemeanor or felony law violations.
- _____ Do not consume alcohol, unauthorized drugs, narcotics, or controlled substances, including marijuana.
- _____ Submit to a chemical/drug test of your blood and/or urine upon request and/or as a term of treatment.
- _____ Comply with Court-ordered: ☐ Protective order ☐ Stay-away order ☐ Firearms prohibition order.
- _____ Comply with the requirements of the treatment program as approved by the Court. The treatment program may change during my participation based on my progress and needs:
- _____ Other orders: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: _____ SIGNED: _____
Defendant

DEFENDANT'S ATTORNEY - I am the attorney of record, and I have fully explained each of the above rights to the defendant.

DATED: _____ SIGNED: _____
Defense Attorney

INTERPRETER'S STATEMENT: I, _____, having been duly sworn as a court certified/registered/provisionally qualified interpreter, state that I am fluent in the _____ language. I translated the contents of this form to the defendant in that language.

DATED: _____ SIGNED: _____
Court Interpreter