

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

STATE OF GEORGIA,

\*

vs.

\*

**CRIMINAL ACTION**

\*

**FILE NO.** \_\_\_\_\_

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Defendant

**LMJC DRUG COURT CONTRACT**

If you are voluntarily entering the drug court program, read the terms of this contract carefully, and initial each term of the contract, date and sign the contract indicating you agree with the terms.

1. \_\_\_\_\_ I will pay \$25.00 per week (after 30 days into the program) as a drug court fee for each week while I am in the program.
2. \_\_\_\_\_ I will not violate the law. However, if I do violate the law, I will report it immediately (within 24 hours) and I understand such violations may subject me to termination from the drug court program.
3. \_\_\_\_\_ I will not use or possess alcohol in any form.
4. \_\_\_\_\_ I will be gainfully employed full time insofar as be possible, unless the Judge approves otherwise. I understand that the LMJC Drug Court team may speak with my employer at any time and request income records. I also understand that I must be employed within 30 days of entering the program and that failure to achieve and maintain employment may result in sanctions, work release or discharge from the program.
5. \_\_\_\_\_ I will not use any drugs, legal or illegal. I will submit any prescription for drugs to the drug court coordinator/case manager for verification and approval. I will not use over-the-counter, non-prescription medications without permission of the drug court coordinator/case manager, as some over-the-counter medications will produce a positive reading on drug screens and contain substances such as codeine.
6. \_\_\_\_\_ I will enroll and complete any inpatient/outpatient counseling program as ordered.
7. \_\_\_\_\_ I will obey all policies & instructions from the coordinator and/or drug court team.
8. \_\_\_\_\_ I will maintain my residence within the Lookout Mountain Judicial Circuit and I will allow the drug court coordinator and/or law enforcement to visit me in my home or elsewhere.

9. \_\_\_\_\_ I will immediately inform the drug court coordinator/case manager of any change of address, new members of my household, telephone number and employment status. I will not leave the state of Georgia for any reason without first obtaining permission from the drug court team.
10. \_\_\_\_\_ I will attend the court ordered number of community support meetings per week and submit proof of attendance as required.
11. \_\_\_\_\_ I will give a breath, blood, urine, hair or sweat sample, as required, for drug testing and may be responsible for payment for such service.
12. \_\_\_\_\_ I will be responsible for my own transportation and will appear for all drug court sessions, counseling sessions and meetings as required and comply with any sanctions imposed.
13. \_\_\_\_\_ Should I fail to appear for any drug court hearings, counseling sessions and meetings as required, I understand that I may be subject to sanctions.
14. \_\_\_\_\_ I understand that the drug court program will last a minimum of nineteen (19) months, or longer if all requirements of the program have not been met.
15. \_\_\_\_\_ I will not possess a firearm, vicious or aggressive animals, or a knife exceeding six inches (6") in blade length while in the drug court program. I am to bring NO weapons of ANY kind to the drug court treatment center.
16. \_\_\_\_\_ I will support any legal dependents that I may have to the best of my ability.
17. \_\_\_\_\_ I will avoid people or places of disreputable or harmful character. This includes people currently on probation or parole and people with felony convictions, drug users and drug dealers.
18. \_\_\_\_\_ I understand the court will impose sanctions for program violations that include, but are not limited to curfews, additional community support meetings, community service, in court detention, repeat of a program level, issuance of arrest warrants, jail time, and termination from the program requiring me to be sentenced.
19. \_\_\_\_\_ I will follow all other program rules of which I am informed.
20. \_\_\_\_\_ I understand I will enter the program with a curfew, and I will honor any curfew imposed on me by the court.
21. \_\_\_\_\_ I understand that depending on my needs, as determined by the court, my treatment program, schedule, and court attendance may be changed.
22. \_\_\_\_\_ I agree that if I am arrested while participating in drug court, I will be in violation of this contract, I agree that if the arrest is based on conduct that occurred prior to my entry into drug court that the court may, in its sole discretion, declare the contract void and discharge me from drug court. In such event, I understand, I would be allowed to withdraw my plea. If I am arrested for conduct occurring while I am participating in drug court, I understand that I will be subject to sanctions by the drug court, up to and including termination from the drug court program.
23. \_\_\_\_\_ I understand that providing false information to drug court may result in termination from the program.

24. \_\_\_\_\_ I understand that the drug court judge, as well as other team members including the prosecutor, will participate in drug court staffing meetings, drug court sessions, drug court functions, and other drug court activities. Thus, the drug court judge may gain knowledge of my past, my attitude, my performance in treatment and other details about me and my life, I understand that my case will be assigned to the drug court judge upon my entry into drug court and that the case will remain with the drug court judge even if I am terminated.

### WAIVERS

25. \_\_\_\_\_ I hereby waive my 4<sup>th</sup> Amendment Rights under the U.S. Constitution and the corresponding provisions of the Georgia Constitution and agree that I will submit to a search of my person, property, residence, papers and/or effects (including but not limited to cell phones and electronic devices), without there having to be probable cause to conduct the search, and without their being a warrant, any time of the day or night whenever required to do so by a probation officer, law enforcement officer or drug treatment staff, and I specifically consent to the use of anything seized as evidence in any hearing or judicial disciplinary proceedings. This also includes providing bodily substances for drug testing.
26. \_\_\_\_\_ In return for the court accepting me into the Drug Court program and deferring sentencing, I agree that I will not withdraw my plea of guilty, except as otherwise authorized by paragraph 22.
27. \_\_\_\_\_ I understand that the drug court team, which includes the drug court defense attorney, has regular staffing meetings, in person and via electronic means. I hereby waive my rights to be personally present at said staffing meetings.
28. \_\_\_\_\_ I understand and agree that if it is reported to the court that I have violated a rule of the Drug Court or failed to appear as required, the judge upon receipt of a sworn affidavit from the surveillance officer or his designated representative, may issue an arrest order for me without prior notice to me and without me having an opportunity to be heard.
29. \_\_\_\_\_ I hereby waive my due process rights to have a hearing regarding any sanctions which may be imposed, short of a termination hearing.
30. \_\_\_\_\_ I understand that regular drug court sessions are not recorded, and I waive my right to have the proceedings recorded. All intake, termination and sentencing hearings will be recorded.

### RIGHTS

31. \_\_\_\_\_ I have the right to a termination hearing in the event I am served with a Notice of Termination. I understand that the Court may require me to remain in custody until such time as a hearing may be held.
32. \_\_\_\_\_ I have a right to request to be terminated and sentenced at any time.

33. \_\_\_\_\_ I have the right to be represented by an attorney of my own choosing at intake and at any termination or sentencing hearing.
34. \_\_\_\_\_ I had the right to refuse to enter drug court and have my case proceed in the normal flow of criminal cases. I received counsel prior to entering the program and understand what is expected of me and have voluntarily chosen to enter the LMJC Drug Court program.

I acknowledge that I understand the terms and conditions of this contract and have received a copy of same.

This contract supersedes and voids any previous order you may have on your charges in this case and serves as your basis to remain free from custody during the pendency of your case.

\_\_\_\_\_  
Signature of Participant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Don W. Thompson

\_\_\_\_\_  
Date

Judge of Superior Courts

Lookout Mountain Judicial Circuit