

## Misdemeanor Deferred Prosecution Program

An applicant is not eligible for the Second Chance Program if any of the following apply:

1. Prior juvenile or adult convictions or felony arrests.
2. Applicant is currently on probation/supervision for misdemeanor or felony charges (juvenile or adult).
3. Applicant is an active gang member.
4. Applicant is charged with violent, domestic or sex offense.
5. Applicant is charged with Class (X), (S), (1) or non-probationable offense.
6. Applicant is charged with felony drug, Class 2 or above or DUI offense.
7. Applicant is charged with using a weapon.

Applicant commits the offense while free on bond.

Applicant is charged with identity theft.

Applicant is charged with traffic offense.

Applicant is charged with filing a false police report.

Applicant is charged with crime against an elderly victim.

### Qualifying Charges:

- ◆ Prostitution
- ◆ Disorderly Conduct
  - ◆ Assault
- ◆ Criminal Damage
- ◆ Criminal Trespassing
  - ◆ Battery
  - ◆ Solicitation
- ◆ Possession of Hypodermic Needle
  - ◆ Theft



The duty of the Prosecutor is to seek Justice, not merely to convict.

## Misdemeanor Deferred Prosecution Program



## Winnebago County State's Attorney's Office



**Marilyn Hite Ross**  
**State's Attorney**

400 W. State Street Suite 619

Rockford, IL 61101

Phone: (815) 319-4700

Fax: (815) 319-4701

## What is the Deferred Prosecution Program?

The Deferred Prosecution Program is designed for first time, non-violent offenders. It is an opportunity to keep a conviction from being permanently entered on their record. The defendant must complete an intake interview with the program coordinator, meet with and be approved by a panel of citizens from the community, and if accepted, complete the program requirements.



The requirements may include completing community service hours, obtaining high school diploma or G.E.D., obtaining counseling, writing a letter of apology to the victim, paying full restitution to the victim, and paying fees to the Second Chance Program.

Upon successful completion of the Deferred Prosecution Program, the State's Attorney's Office agrees to dismiss the pending charge (s) against the defendant.

If the defendant fails to successfully complete the Deferred Prosecution Program, the defendant is terminated from the program and the case is returned to court for prosecution.

## Application Process

### REFERRAL

A referral is made by the Judge, State's Attorney, Public Defender, Private Attorney, or Police Department. The request for a Deferred Prosecution Application will usually be made at the first court appearance; however, it may happen prior to charging or at any time prior to the case being indicted.

Once the offer for the Deferred Prosecution Program is made, the defendant will contact the State's Attorney's Office to arrange an intake interview with the coordinator.

### INTAKE & FEE

The Coordinator/Assistant Coordinator will explain the program and all of the necessary forms to the defendant. The application fee is \$50 and must be paid at the initial interview.



### PRESENTATION TO THE COMMUNITY PANEL

At the conclusion of the intake interview, the coordinator will schedule a date for the defendant to appear before the Community Panel. The defendant must explain that the offense he/she is charged with and accept responsibility for his/her actions. The panel will then make a recommendation to the State's Attorney about the defendant's acceptance into the program.

### Presentation to the State's Attorney

After the panel has voted, the file will be presented to the State's Attorney. The State's Attorney will approve or reject the application.

### Accepted

If the defendant is accepted, he/she will sign an agreement on his or her next court date. The defendant is required to provide a video taped statement admitting to the elements of the case and his or her involvement in it.

### Rejection

If the defendant is not accepted in to the Deferred Prosecution Program, he/she will be notified by the coordinator. There are no appeal hearings for rejection.

### Satisfactory Completion

Upon successful completion of all the requirements, the case will be dismissed at the final court date.

### Failed Completion

If the terms of the Deferred Prosecution Agreement are not being followed, or the defendant commits a new offense, the coordinator will recommend that the defendant be terminated from the Program and the case is returned to court for prosecution.