

IN THE CRIMINAL COURT OF HAMILTON COUNTY, TENNESSEE

STATE OF TENNESSEE,)	
)	
<i>Plaintiff,</i>)	SECOND DIVISION
)	
vs.)	
)	NO(s).
_____)	
)	
<i>Defendant.</i>)	

**ORDER MODIFYING SENTENCE UPON COMPLETION OF
THE HAMILTON COUNTY DRUG RECOVERY COURT**

This cause came before the Court upon Notice that the above named Defendant (“**Graduate**”) has satisfactorily completed all phases of the Hamilton County Drug Recovery Court Program and has received a Certificate of Graduation from the Program dated **[date]**. Accordingly, it is hereby **ORDERED** as follows:

1. Pursuant to Tenn. Code Ann. §§ 40-35-212(d) and 40-35-303(d), the Court hereby modifies the Graduate’s sentence(s) to suspend the balance of such sentence(s) upon the following conditions. Except as otherwise noted, all of these conditions of probation shall last for the duration of the probationary term unless and until these conditions are further modified by a subsequent order of this Court:

- a. The Graduate shall be truthful in all representations made to the Drug Recovery Court and shall answer truthfully all inquiries by personnel from the Drug Recovery Court.
- b. The Graduate shall not knowingly or recklessly assist in another’s violation of the Drug Recovery Court rules and regulations, as those rules and regulations are set forth in the Participant Contract, Participant

Handbook, or orders (probationary or otherwise) of the Drug Recovery Court.

- c. The Graduate shall not commit new violations of federal, state, or local law during the term of this probation. The Graduate shall notify the Drug Recovery Court within seventy-two hours of being arrested or questioned by a law enforcement officer.
- d. The Graduate shall not associate with any persons engaged in criminal activity, and the Graduate shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- e. The Graduate shall not possess, use, or consume alcohol.
- f. The Graduate shall not unlawfully possess, use, or consume controlled substances, or controlled substance analogues.
- g. The Graduate shall immediately report as ordered by the Hamilton County Drug Recovery Court, or by a member of its staff, for drug screens as requested, and the Graduate shall provide a valid sample against which testing may be performed.
- h. The Graduate shall continue active participation in a treatment plan, including attending recovery meetings, maintaining a sponsor, and having regular sponsor contact.
- i. For **one year** following the entry of this Order, the Graduate shall
 - i. record sponsor contact and attendance at recovery meetings and present those recordings to the Drug Recovery Court monthly; and

- ii. notify the Drug Recovery Court upon any change of residence or employment.
- j. The Graduate shall not possess or use a firearm or other dangerous weapon.
- k. The Graduate shall work regularly at a lawful occupation unless excused by the Drug Recovery Court for schooling, training, or other acceptable reasons.
- l. The Graduate shall continue to make regular monthly payments of the following:
 - i. all fines and court costs;
 - ii. all due and payable rent and/or treatment fees owed to treatment providers;
 - iii. all restitution owing, if any, as set forth in any order of this Court;
 - iv. all spousal or child support obligations owing as set forth in any order of any court.
 - v. The Graduate shall notify the Court of any material change in the Graduate's economic circumstances that might affect the Graduate's ability to pay restitution, fines, costs, monetary obligations, or treatment fees. Upon petition, the Court may consider a waiver of the remaining court costs and fees upon proof of indigency or inability to pay.
 - vi. If the Court has placed the Graduate upon a payment plan for the payment of any outstanding amounts owed, the Graduate's

adherence to the payment schedule shall be a condition of the probation.

- vii. The Graduate shall make available to the Drug Recovery Court, upon request, any financial information needed to verify compliance with the Graduate's financial obligations.

2. Upon a violation of any condition of this probation, the Graduate shall be subject to probation revocation proceedings pursuant to Tenn. Code Ann. § 40-35-311. If, after a hearing, the Graduate is found to have violated any of these conditions, then the Court may consider the following: (1) ordering a term of confinement; (2) ordering execution of the sentence as originally entered; (3) returning the Graduate to probation on appropriate modified conditions; or (4) extending the Graduate's probationary period by up to two years.¹ The Court may also consider resentencing the Graduate for the remainder of the unexpired term to any community-based alternative to incarceration as authorized by Chapter 36 of Title 40; provided that, the violation of the Graduate's probation is a technical one and does not involve the commission of a new offense.²

3. If the Graduate's sentence is ordered into execution upon a violation of probation, the Graduate shall be entitled to sentencing credit for the time served in the Hamilton County Drug Recovery Court through the date of graduation from the program.

¹ See Tenn. Code Ann. §§ 40-35-308(a), -308(c), -310, -311(e)(1); see also *State v. Hunter*, 1 S.W.3d 643, 648 (Tenn. 1999).

² See Tenn. Code Ann. § 40-35-310.

It is so ordered.

Enter, this the ____ day of _____, 20__.

TOM GREENHOLTZ, Judge