



FIRST OFFENDER DRUG PROGRAM

FIRST OFFENDER DRUG PROGRAM

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FIRST OFFENDER DRUG PROGRAM

PROGRAM INFORMATION

Primary Mission and Purpose

To improve the overall quality and efficiency of the criminal courts by diverting low risk/low needs first-time drug offenders to a court-supervised program that will enhance public safety, reduce crime, hold offenders accountable, increase sobriety among drug offenders, reduce costs to our community, and ultimately reduce congestion in the criminal court dockets.

Primary Program Requirements

In order to be considered for the First Offender Drug Program (FODP) a defendant must be approved by the Criminal District Attorney's Office. The individual in the First Offender Drug Program is a first time offender who would be considered a "self-corrector."

The First Offender Drug Program is designed to be minimalistic, and defendants will receive minimum supervision. Defendants are required to provide the following at entry:

- 1) Proof of Education (HS Diploma or equivalent, transcript or proof of current enrollment in high school, GED program or college); and
- 2) Pay program fees in full.
If a defendant is unable to pay in full at the beginning of the program, all fees are expected to be paid at least ONE week PRIOR to graduation date. If the defendant is terminated from FODP with a remaining balance, the amount owed will be added to probation fees.

- There are no progressive sanctions.
- No drug use or underage consumption of alcohol allowed
- Any violation is cause for immediate removal from the program.
- Termination from First Offender Drug Program means that the defendant's case will proceed to formal sentencing based upon the original plea.

ANY VIOLATION OF PROGRAM CONDITIONS OR FAILURE TO MEET ALL MINIMUM REQUIREMENTS WILL RESULT IN TERMINATION.

Program Cost (*Program fee covers cost of all testing and classes*)

Felony	\$550	180-day program Urinalysis 2 x per month 2 hair tests Short term education class
Misdemeanor	\$350	90-day program Urinalysis 2 x per month Short term education class

LIST OF ELIGIBLE OFFENSES

The Following Offenses may be Eligible for FODP:

1. Possession of Controlled Substance, under 1 gram
2. Possession of Controlled Substance, 1-4 grams
3. Possession of Controlled Substance under 2 ounce
4. Possession of Marihuana under 2 ounces
5. Possession of Marihuana, 2-4 ounces
6. Drug Free Zone, Controlled Substance under 28 grams
7. Drug Free Zone Marihuana 2-4ounces
8. Forging or Altering Prescription
9. Possession of Dangerous Drug
10. Diversion of a Controlled Substance
11. *Attempt of any above listed offense*

Applicant cannot have been convicted, have current or past community supervision or deferred adjudication, nor currently have any pending case for offenses other than Class C misdemeanors.

Applicant cannot have participated in any prior diversion program such as DIRECT, DIVERT, DPP, etc.

FIRST OFFENDER DRUG PROGRAM

ENTRY PROCESS

STEP 1: A defendant speaks with his/her attorney or the attorney speaks with the client about participating in the First Offender Drug Program.

STEP 2: A defendant and his/her attorney fill out the one page application on this website (<http://access.tarrantcounty.com/en/criminal-courts/specialty-programs/fodp.html>) and email the application to CDA--FODP@tarrantcountytx.gov.

A COMPLETED APPLICATION MUST BE SUBMITTED WITHIN 90 DAYS OF CASE FILING. NO EXCEPTIONS.

STEP 3: The Assistant Criminal District Attorney approves or denies defendant for the First Offender Drug Program.

STEP 4: The First Offender Drug Program Administrative Assistant will notify the Attorney of Record and the program's felony (372nd) or misdemeanor (CCC2) court coordinator of defendant's approval or denial. If approved, the court coordinator will set the plea date and time and notify the Attorney of Record, the Criminal District Attorney's Office, Court Clerk, and the Case Manager.

STEP 5: Defendant will appear in the appropriate court, enter guilty plea, and formally commence the First Offender Drug Program.

STEP 6: The program's felony (372nd) or misdemeanor (CCC2) court coordinator will request transfer of the case(s) to the appropriate court (D372 or CCC2).

STEP 7: The program's felony (372nd) or misdemeanor (CCC2) court coordinator will set the case for final disposition. 180 days for felony, and 90 days for misdemeanor.

FIRST OFFENDER DRUG PROGRAM

Program Requirements

MISDEMEANOR FIRST OFFENDER DRUG COURT-County Criminal Court No. 2

Defendants are scheduled two (2) appearances in court. Defendants will have an admission court date and a date for dismissal. Court Coordinator will set the dismissal court date the day the defendant is admitted and notify Assistant Criminal District Attorney, Case Manager and Attorney of Record.

On admission day, defendants will:

1. Report to Case Manager Thursday by 1:00 PM to complete program's admission paperwork and submit urinalysis
2. Report to County Criminal Court#2 with attorney Fridays at 9:30AM; and
3. Complete plea agreement

- The length of the misdemeanor program is 90 days.
- The cost of the misdemeanor program is \$350, which includes all testing and classes.
- The participant will provide 2 clean Urinalysis each month.
- The participant will complete a short term education or chemical dependency class.

If the defendant violates any term or condition of the program, a termination letter is completed by the Case Manager and signed by the presiding judge. Court Coordinator will immediately notify the Assistant Criminal District Attorney and Attorney of Record with the setting date for the punishment hearing.

TERMINATION FROM THE FIRST OFFENDER DRUG PROGRAM WILL RESULT IN A SENTENCING HEARING WITH PUNISHMENT SET BY THE COURT WITHIN THE FULL RANGE OF PUNISHMENT.

If the defendant successfully completes the program, on the dismissal court date, the Assistant Criminal District Attorney will present to the Judge a Motion to Dismiss the case.

FIRST OFFENDER DRUG PROGRAM

Program Requirements

FELONY FIRST OFFENDER DRUG COURT- 372nd District Court

Defendants are scheduled one (1) appearance in court. The scheduled appearance is for admission to the program.

On admission day, defendants will:

1. Report to Case Manager Monday at 1:00 PM to submit a UA
 2. Report to court at 3:30 PM;
 3. Complete plea agreement; and
 4. Complete program's admission paperwork.
- The length of the felony program is 180 days.
 - The cost of the felony program is \$550, which includes all testing and classes.
 - The participant will provide 2 clean Urinalysis each month.
 - The participant will provide 2 clean hair drug tests.
 - The participant will complete a short term education or chemical dependency class.

If the defendant violates any term or condition of the program, a termination letter is completed by the Case Manager and signed by the presiding judge. Court Coordinator will immediately notify the Assistant Criminal District Attorney and Attorney of Record with the setting the date for the punishment hearing.

TERMINATION FROM THE FIRST OFFENDER DRUG PROGRAM WILL RESULT IN A SENTENCING HEARING WITH PUNISHMENT SET BY THE COURT WITHIN THE FULL RANGE OF PUNISHMENT.

If the defendant successfully completes the program, the Assistant Criminal District Attorney will present to the Judge a Motion to Dismiss the case. A copy will be given to the defendant on a scheduled date in the Drug Court offices. Judge Wisch does not see the defendant for dismissal if he or she successfully completes the program.

FIRST OFFENDER DRUG PROGRAM

Court Contact Information

MISDEMEANOR FIRST OFFENDER DRUG COURT-CCC2 (6th Floor) Judge Carey F. Walker

Court is Friday at 9:30AM (unless otherwise scheduled)

Coordinator: Mary Chaisson /CCC2 /817-884-1340 mlchaisson@tarrantcounty.com

FELONY FIRST OFFENDER DRUG COURT- D372 (6th Floor) Judge Scott Wisch

Court is on Mondays at 3:30 PM (unless otherwise scheduled)

Coordinator: Lorrie Parham /D372 /817-884-2995 lparham2@tarrantcounty.com

FIRST OFFENDER DRUG PROGRAM

Cause No. _____

THE STATE OF TEXAS

vs.

IN THE 372ND JUDICIAL

DISTRICT COURT

TARRANT COUNTY, TEXAS

SUPPLEMENTAL PLEA ADMONISHMENTS, WAIVERS AND AGREEMENT FOR PARTICIPATION IN THE FIRST OFFENDER DRUG PROGRAM

The Defendant has pleaded Guilty in this case and, along with his/her attorney and the attorney for the State, has executed written plea admonishments that include a judicial confession and various waivers. The plea recommendation set forth below is agreed to by the Defendant, his/her attorney and the State's attorney, as evidenced by their respective signatures below.

1. The Defendant understands that he/she have the right to an indictment by a grand jury in a felony case. After being fully informed of his/her rights, the defendant believes that an indictment is not in his/her best interest and the defendant hereby waive his/her rights to a grand jury indictment.
2. The Defendant understands that he/she has the absolute right to a speedy trial under the United States and Texas Constitutions and under the Texas Code of Criminal Procedure. After being fully informed of his/her rights, the defendant believes that a speedy trial is not in his/her best interest and the defendant hereby waives his/her Constitutional and statutory rights to a speedy trial. The defendant further waives any right to move for discharge under the speedy trial provision prior to trial.
3. The Defendant understands that he/she has the right to confront and cross-examine witnesses against him/her under the United States and Texas Constitutions and under the Texas Code of Criminal Procedure. After being fully informed of these rights, the defendant hereby waives his/her Constitutional and statutory rights to confront and cross-examine witnesses against the defendant. If the defendant is charged with possession of marihuana, a dangerous drug or any other controlled substance, the defendant specifically waives his/her right to confront witnesses to the possession or testing of the drugs, and his/her right to contest any drug testing results related to this charge.
4. The Defendant and his/her attorney state to the Court that there are no other charged offenses arising out of the course of conduct which resulted in this prosecution still pending in a court of record.
5. The Defendant having pleaded GUILTY understands that he/she is further ordered to follow all First Offender Drug Program requirements as a condition of bond.
6. **THE DEFENDANT UNDERSTANDS THAT TERMINATION FROM THE FIRST OFFENDER DRUG PROGRAM WILL RESULT IN SENTENCING BY THE COURT WITHIN THE FULL RANGE OF PUNISHMENT.**

The Defendant initials and verifies under oath that he/she:

_____ admits the allegations contained in the information or indictment to wit I did commit the offense of _____

_____ is guilty of the instance offense and all lesser included offenses

_____ admits that if charged with an offense of possession of marihuana, a dangerous drug or any other controlled substance, he/she also admits and stipulates that the substance in his/her possession was _____.

_____ has not previously been charged with a drug related offense

_____ has no other pending criminal charges

_____ has not participated in any prior diversion programs such as DIRECT, DIVERT, DPP, etc.

_____ has no active warrants

_____ has no current or prior violation of protective orders

_____ waives the right to expunction for one year from the date of the program completion

_____ will report to his/her case manager as and when directed

_____ will report for hair testing and/or urinalysis as and when directed

_____ will complete a short term education or chemical dependency class

Based upon review of the case and the above verification, the Tarrant County Criminal District Attorney's office agrees to the admission of Defendant into the First Offender Drug Program.

ASSISTANT CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS

I am the Defendant in this case. I agree that the above representations and admissions are true and I understand that a failure to complete the above conditions or the subsequent commission of a criminal offense can result in the adjudication of this case.

DEFENDANT

ATTORNEY FOR DEFENDANT

Sworn and subscribed before me this _____ day of _____, 20 .

DEPUTY COUNTY CLERK
TARRANT COUNTY, TEXAS

JUDGE
372ND DISTRICT COURT

FIRST OFFENDER DRUG PROGRAM

TARRANT COUNTY, TEXAS Cause No. _____

THE STATE OF TEXAS
vs.

IN COUNTY CRIMINAL
COURT No. 2
TARRANT COUNTY, TEXAS

SUPPLEMENTAL PLEA ADMONISHMENTS, WAIVERS AND AGREEMENT FOR PARTICIPATION IN THE FIRST OFFENDER DRUG PROGRAM

The Defendant has pleaded Guilty in this case and, along with his/her attorney and the attorney for the State, has executed written plea admonishments that include a judicial confession and various waivers. The plea recommendation set forth below is agreed to by the Defendant, his/her attorney and the State's attorney, as evidenced by their respective signatures below.

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6. **THE DEFENDANT UNDERSTANDS THAT TERMINATION FROM THE FIRST OFFENDER DRUG PROGRAM WILL RESULT IN SENTENCING BY THE COURT WITHIN THE FULL RANGE OF PUNISHMENT.**

The Defendant initials and verifies under oath that he/she:

- _____ admits the allegations contained in the information or indictment to wit I did commit the offense of _____
_____ is guilty of the instance offense and all lesser included offenses
_____ admits that if charged with an offense of possession of marihuana, a dangerous drug or any other controlled substance, he/she also admits and stipulates that the substance in his/her possession was _____
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_____ has no other pending criminal charges
_____ has not participated in any prior diversion programs such as DIRECT, DIVERT, DPP, etc.
_____ has no active warrants
_____ has no current or prior violation of protective orders
_____ waives the right to expunction for one year from the date of the program completion
_____ will report to his/her case manager as and when directed
_____ will report for hair testing and/or urinalysis as and when directed
_____ will complete a short term education or chemical dependency class

Based upon review of the case and the above verification, the Tarrant County Criminal District Attorney's office agrees to the admission of Defendant into the First Offender Drug Program.

ASSISTANT CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS

I am the Defendant in this case. I agree that the above representations and admissions are true and I understand that a failure to complete the above conditions or the subsequent commission of a criminal offense can result in the adjudication of this case.

DEFENDANT

ATTORNEY FOR DEFENDANT

Sworn and subscribed before me this _____ day of _____, 20 .

DEPUTY COUNTY CLERK
TARRANT COUNTY, TEXAS

JUDGE
COUNTY CRIMINAL COURT No. 2
TARRANT COUNTY, TEXAS

FIRST OFFENDER DRUG PROGRAM

APPLICATION FOR PARTICIPATION

FILL THIS FORM OUT WITH YOUR ATTORNEY

ONCE THIS FORM IS COMPLETELY FILLED OUT, IT MUST BE SUBMITTED WITHIN 90 DAYS OF YOUR CASE BEING FILED. YOU MAY EITHER:

Email this completed form to: Firstoffenderdrugprogram@tarrantcounty.com

Or fax this form to: 817-850-5801

Defendant's Name: First Middle Last

HOME ADDRESS: Number and Street Apt# City State Zip Code

Any Previous Aliases/Maiden Names: Date of Birth:

Tarrant County Case Number(s): Tarrant County CID Number:

Two phone numbers where you may be reached: #1: and #2:

Briefly explain in the space below why you want to participate in the First Offender Drug Program. Do not attach additional paper. (Make sure you do not state any facts of your alleged offense. Until you are accepted into the First Offender Drug Program, these statements could be used against you.)

Four horizontal lines for writing the explanation.

I certify the above information is accurate. I have reviewed this document with my attorney and I wish to be considered for participation in the First Offender Drug Program.

Defendant's Signature

Attorney's Signature

Date Submitted

Attorney's Name / Contact Number/Email Address

Please include Proof of Education with Application

Revised 8/30/16 FODP Application.docx