



## **FIRST OFFENDER DRUG PROGRAM**

# FIRST OFFENDER DRUG PROGRAM

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# FIRST OFFENDER DRUG PROGRAM

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## 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 before plea. No exceptions

- There are no progressive sanctions.
- No drug use or 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

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## 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.tarrantcountytx.gov/en/criminal-courts/specialty-programs/fodp.html>) and email the application to [FODP@tarrantcountytx.gov](mailto: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 Case Manager will notify the Attorney of Record and the program's felony (372<sup>nd</sup>) 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:** The program's felony (372<sup>nd</sup>) or misdemeanor (CCC2) court coordinator will request transfer of the case(s) to the appropriate court (D372 or CCC2).

**STEP 6:** Defendant will appear in the appropriate court, enter guilty plea, and formally commence the First Offender Drug Program.

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

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# FIRST OFFENDER DRUG PROGRAM

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## 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 Friday by 8:00 AM to complete program's admission paperwork and make program fee payment
2. Report to County Criminal Court#2 with attorney Fridays at 9:00AM; 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 Criminal District Attorney will present to the Judge a Motion to Dismiss the case.

# FIRST OFFENDER DRUG PROGRAM

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## Program Requirements

### **FELONY FIRST OFFENDER DRUG COURT- 372<sup>nd</sup> 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 Friday at 8:00 AM to complete program's admission paperwork and pay program fee
  2. Report to court at 9:000 AM; and check in with case manager
- 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 mailed and emailed to the defendant. Judge Lugo does not see the defendant for dismissal if he or she successfully completes the program.

# FIRST OFFENDER DRUG PROGRAM

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## **Court Contact Information**

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

Court is Friday at 9:00AM (unless otherwise scheduled)

Coordinator: Mary Chaisson /CCC2 /817-884-1340

[mlchaisson@tarrantcountytx.gov](mailto:mlchaisson@tarrantcountytx.gov)

### **FELONY FIRST OFFENDER DRUG COURT- D372 (6th Floor)**

#### **Judge Julie Lugo**

Court is on Fridays at 9:00 AM (unless otherwise scheduled)

Coordinator: Tina Hodnett /D372 /817-884-2995 [tmhodnett@tarrantcountytx.gov](mailto:tmhodnett@tarrantcountytx.gov)



# 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  
372<sup>ND</sup> DISTRICT COURT

# FIRST OFFENDER DRUG PROGRAM

TARRANT COUNTY, TEXAS

Cause No. \_\_\_\_\_

THE STATE OF TEXAS

IN COUNTY CRIMINAL

vs.

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.

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  
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@tarrantcountytx.gov](mailto:Firstoffenderdrugprogram@tarrantcountytx.gov) 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 CaseNumber(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.)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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