



Hesston Municipal Court

PO Box 100, Hesston, KS 67062

(620) 327-2020 Fax: (620) 327-2236 Email: municipalcourt@hesstonks.org

DIVERSION GUIDELINES FOR NON-TRAFFIC

The City Prosecutor of the City of Hesston, Kansas has established a Diversion Program. Diversion are an opportunity offered by the City Prosecutor that prevent convictions from going onto the criminal record. Diversions are an agreement with the City Prosecutor and if the defendant complies with the terms of the Diversion Agreement, the charges are dismissed. There is no presumption in favor of diversion in any case and the defendant is required to show that diversion will serve the ends of justice and interests of the community. Diversion is a privilege not a right. Diversions are generally not available on a second offense of the same or similar crime. Granting a Diversion is at the sole discretion of the City Prosecutor and various considerations apply based on all relevant information.

If the defendant wants to apply for Diversion, taking into consideration all the preceding information, fill out the application completely and submit it with a non-refundable fee of \$25.00. The application and application fee are encouraged to be mailed in before your court date. When the Diversion Office receives your application and application fee, a new court date will be provided to you.

The Diversion Office will notify you by mail if you are accepted or denied. If accepted, a Diversion Agreement will be mailed to the defendant. The defendant will be required to pay the original fine(s), court cost and a Diversion Program fee of \$200.00. Each Diversion Agreement contains standard requirements specific to the charges involved.

Common examples include:

- Violate No Laws in any state during the term of the Diversion Agreement.
- Abstain from alcohol and/or mind/mood altering substances (charges of DUI, minor w/alcohol, drug related charges, etc.).
- Obtain a substance abuse evaluation and follow all recommendation (charges of DUI, minor w/alcohol, drug related charges, etc.).
- Successfully complete Alcohol Drug Information School (ADIS/ADAP) and successfully complete DUI Impact Panel (charges of DUI).
- Obtain a Batterer Intervention Program (BIP) Assessment and follow all recommendation (charges of Domestic Battery).
- Attend Shoplifters education class (charges of Theft).
- No checking account (on charges of passing worthless checks).
- Pay restitution.
- The City Prosecutor reserves the right to add additional requirements to any case.

The defendant is responsible for the cost of the evaluation or assessment. The defendant will need to sign a release with the specified program provider so they can forward evaluation or assessment to the Diversion Office.

The defendant will enter into an agreement for pretrial diversion, the proceedings shall be continued for 12 months at defendants' request with a stipulation as to all facts contained on the citation or in the report.

The Diversion Agreement will need to be reviewed, signed, and mailed to the Diversion Office before the new court date. If you do not turn in your signed Diversion Agreement by the new court date given, you are to appear in court on that date. The Diversion will begin once the Diversion Office receives the original signed Diversion Agreement.

Before the end of the diversion, a check of your record will be made to see if there are new violations or convictions since the diversion. If there are no new violations or convictions, you will receive a successful discharge from your diversion. If there are new violations on your record, you will be notified to appear in Court for a revocation hearing.

If you have further questions, contact Hesston Municipal Court Clerk at (620) 327-2020 or Hesston City Prosecutor Heather L Figger at (316) 284-6830.



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APPLICATION FOR PRE-TRIAL DIVERSION PROGRAM
Hesston City Prosecutor - Heather L Figger

CASE/DOCKET #: _____ COURT DATE: _____

CHARGE(S): _____

APPLICATION DATE: _____ APPLICATION FEE: \$25.00 (non-refundable)

Type or print clearly - ALL answers MUST be completed:

1. Full Name: _____
Address: _____
Length of residence at present address: _____
Telephone: _____ Cell: _____
E-mail address: _____

2. Age: _____ Date of birth: _____ Birthplace: _____ Sex: _____ Race: _____

3. Social Security #: _____ Driver's License #: _____

4. Marital Status: _____ Spouse's Name: _____
Spouse's Employment: _____ Number of Dependents: _____

Name	Age	Name	Age
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

5. Employer: _____ Date Employed: _____
Employer Address: _____ Employer Phone: _____
Occupation: _____ Monthly Salary: _____

6. Military Service: Yes No Branch: _____
Type of Discharge: _____ Date of Discharge: _____

7. Nearest Contact (With a permanent address):
Name: _____ Relation to Defendant: _____
Address: _____ Telephone: _____

8. Defense Attorney Name: _____ Telephone: _____
Address: _____

9. Have you ever participated in a Diversion Program? Yes No
If Yes, list the charge(s), city, state and date of participation: _____

10. **Lists ALL Juvenile and Adult prior or pending offenses.** Include ALL arrests, citations, and convictions, even if subsequently expunged or dismissed. Include date of incident, agency, charge(s), and disposition. (This includes other cities and states.)

ANY INCORRECT OR FALSE INFORMATION LISTED WILL RESULT IN DENIAL OF ACCEPTANCE INTO THE DIVERSION PROGRAM OR REVOCATION OF DIVERSION AGREEMENT

11. Have you ever participated in an alcohol /drug treatment counseling? _____
If yes, state where, when, & reason for attendance: _____

12. State in your own words why the charges against you have been filed: _____

13. Name of your vehicle insurance company: _____
Agent's name: _____ Telephone: _____
Policy #: _____ Date of expiration: _____

I hereby apply for status as participant in the diversion program and request that the City of Prosecutor of Hesston temporarily delay trial against me in order to permit consideration of this application. I understand that the final decision to commence criminal proceedings or to defer prosecution in my case rests entirely with the City Prosecutor.

I authorize the City of Prosecutor of Hesston to conduct an investigation to determine suitability for the program. I understand that any information furnished by me or authorized by me to be furnished to the investigator in connection with its investigation will be kept confidential.

I have read the foregoing application. All the information is true and correct. I understand that if any of the forgoing information is not true and correct, this may be basis for denial of the diversion or a revocation of my diversion. I request a continuance of the court date for my case to allow the city time to review my application and obtain the information necessary to determine whether a diversion can be granted. I understand that I have a right to a speedy trial, and I knowingly and voluntarily waive the right to a speedy trail. A false answer to any question in this application may be grounds for recommendation against placement into this program; in which case, the City Prosecutor will resume prosecution of the original charges.

I authorize the City Prosecutor to conduct a background check of my past employment record and I authorize my present and previous employers to furnish the City of Hesston Municipal Court Office with any information they request.

Date Applicant

Office Use Only: Date Returned to Hesston Municipal Court: _____