

CITY OF MCLOUTH, KANSAS

MISDEMEANOR DIVERSION PROGRAM

As an alternative disposition of a pending misdemeanor charge(s), the office of the City Prosecutor of the City of McLouth, Kansas offers a diversion program. Diversion is a referral of a defendant in a criminal misdemeanor case to a supervised performance program prior to and in lieu of conviction or acquittal. In simple terms, diversion allows an individual to resolve an offense without a conviction, although in certain cases, a diversion will be considered a conviction should a second offense occur. If an individual successfully completes the terms and conditions of a diversion agreement, then the pending charge or charges will be dismissed, with prejudice, at the end of the diversion term. If, however, an individual should violate any of the terms and conditions of the agreement, then the agreement may be revoked, and the original charge or charges reinstated for full and complete prosecution. Even if an individual participates in diversion, the State of Kansas, Department of Revenue, Division of Motor Vehicles may revoke, suspend, or restrict driving privileges.

PURPOSE: The Misdemeanor Diversion Program is designed to address Class A, B, and C Misdemeanors, as well as unclassified misdemeanors. We believe that by providing this rehabilitative legal opportunity for handling carefully selected misdemeanor offenses, the offenders can become better citizens without sacrificing public safety or the general well-being of the community while making the most efficient use of limited judicial resources.

ACCEPTANCE IN THE Misdemeanor Diversion Program IS A PRIVILEGE NOT A RIGHT.

ELIGIBILITY: The City Prosecutor has the discretion to grant or deny participation in the Misdemeanor Diversion Program. The City Prosecutor will place a higher priority on the need to ensure public safety rather than the desires of the individual offender. No presumption in favor of diversion exists in any case. It is presumed that *diversion is not appropriate in the following circumstances:*

- ❖ The Applicant has previously participated in a non-traffic diversion program in any city or state within the preceding 24 months.
- ❖ The current offense is a person crime, i.e. a crime committed against an individual's person, or a sex crime.
- ❖ The current Complaint was issued as a result of a motor vehicle accident.
- ❖ The Applicant has a prior felony conviction.

If the complaint alleges an alcohol related offense, the defendant is only eligible for diversion if he or she has NOT:

- ❖ Previously participated in a diversion of an alcohol related offense.
- ❖ Previously been convicted of or pleaded nolo contendere to an alcohol related offense.
- ❖ Previously been convicted of driving under the influence.

FEE, FINES, AND COSTS:

- ❖ A \$50.00 non-refundable Misdemeanor Diversion Application Fee, **made payable to Holbrook & Osborn, PA.**
- ❖ Diversion Fees:
 - Class A Misdemeanors -- \$1,000.00 fee
 - Class B Misdemeanors -- \$750.00 fee
 - Class C Misdemeanors -- \$500.00 fee
 - Unclassified Misdemeanors -- \$500.00 fee
- ❖ Court costs and a supervision performance fee as approved by the Court.
- ❖ Costs associated with criminal records requests.
- ❖ Fees, fines, and costs must be paid by electronic funds transfer, cash, check, or money order. All fines/fees/costs (not including the application fee) are to be **made payable to the City of McLouth.**
- ❖ Payment arrangements may be made with the City Prosecutor, HOWEVER, **ALL** fees, fines, and costs must be made within 90 days of the commencement of this diversion program.
- ❖ If a payment is made with an insufficient funds personal check, an additional \$30.00 fee will be assessed and no personal checks will be accepted thereafter.

ALL CORRESPONDENCE REGARDING THE MISDEMEANOR DIVERSION PROGRAM MUST BE SENT TO City Clerk AT:

**110 N. Union Street
McLouth, KS 66054**

Other contact may be made as follows:

Phone: 913-796-6411

Fax: 913-796-6131

mclcityclerk@embargmail.com

APPLICATION FEE: Make checks payable to:
Holbrook & Osborn, P.A.

And mail to:
City Clerk
110 N. Union Street
McLouth, KS 66054

ALL OTHER FINES, FEES, and COURT COSTS: Make checks payable to:
The City of McLouth

And mail to:
Clerk of the Municipal Court
110 N. Union Street
McLouth, KS 66054

CITY OF MCLOUTH, KANSAS

MISDEMEANOR DIVERSION APPLICATION

The non-refundable Misdemeanor Diversion Application fee is \$50.00. Payment must be made to Holbrook & Osborn, P.A. by check or money order.

PLEASE PRINT:

Ticket Number _____ Date Received _____ Court Date _____

Last Name _____ First Name _____ Middle Initial _____

List Aliases/ Maiden Names _____

Current Street Address _____ City _____

State _____ Zip Code _____ Email _____

Phone (home) _____ (work) _____ (cell) _____

List prior addresses for the past three years, if different from above:

Social Security Number _____ Date of Birth _____ Sex _____

Race _____

If married, list Spouse's Full Name and Date of Birth _____

Driver's License Number _____ State _____

Insurance Company Name _____

Policy Number _____ Expiration Date _____

Current Employer _____

Employer Address _____ City _____

State _____ Zip Code _____ Phone _____ Work Hours _____

CRIMINAL RECORD

List ALL prior or pending offenses, including criminal, traffic and juvenile. Include ALL arrests and convictions, even if expunged. Also, list any other diversion programs you have previously participated in. (ATTACH ADDITIONAL PAGES IF NECESSARY.)

Date	Offense	Location	Disposition	Parole/Probation Officer

Prior or Current Diversions: Are you currently subject to a diversion agreement from another city or county? Yes: _____ No: _____ If "Yes," please explain:

Address Change: I understand that it is my responsibility to keep the City Prosecutor and Municipal Court Clerk informed of my current address, telephone numbers, and employment. By submitting this application for diversion I agree to accept service of Municipal Court Notices, other Court documents, and correspondence from the City Prosecutor by U S mail at my last known address.

❖ I agree that if I fail to provide the information requested in this Application for Misdemeanor Diversion or if I give false or incorrect information my application may be denied and/or my Diversion may be terminated. I declare under penalty of perjury that the information in this Application for Misdemeanor Diversion is true and correct.

❖ I understand that if my Application for Misdemeanor Diversion is accepted, I waive all rights under the law or the constitution of Kansas or of the United States to counsel, a speedy arraignment, a speedy trial, and the right to trial by jury. I understand that I have the right to consult with an attorney and that the City Prosecutor, Municipal Court Judge, and Municipal Court Clerk cannot give me legal advice.

❖ I further understand that by signing this Application for Misdemeanor Diversion I am admitting that I committed the offense(s) alleged in the Uniform Notice to Appear and Complaint.

❖ I request that my Application for Misdemeanor Diversion be approved. I have paid the \$50.00 nonrefundable application fee.

Signature of Applicant _____ Date _____

NOTICE: If you have not received formal notice from the City Prosecutor that your Application for Misdemeanor Diversion has been approved, you must appear at Municipal Court in McLouth, Kansas at the date and time stated on your Uniform Notice to Appear and Complaint. If you fail to appear, the Municipal Court Judge may order the **suspension of your license** and/or that a **bench warrant be issued for your arrest**.

The Application for Misdemeanor Diversion is Approved _____ Denied _____ by the City Prosecutor.

Trevin Wray, Assistant City Prosecutor

Date