

DUI PRE-TRIAL DIVERSION PROCEDURES

In addition to the eligibility requirements outlined in the standard SAO9 Pretrial Diversion Policy there are special considerations for participation in the DUI PTD program which include:

- The driving pattern or decision to drive must not have created a serious threat to the safety of the public.
- The case must not have involved a collision.
- There is no prior alcohol related driving history regardless of the disposition of the charge.
- Must not have previously participated in a DUI diversion program.
- Specific admission requirement for each tier are:
 - Tier One – Submit to breath/blood test and average result must be less than 0.15.
 - Tier Two – Refusal to submit or submit to breath/blood test and average result is 0.15 or above.

The assigned Assistant State Attorney will evaluate the case for PTD eligibility. If the ASA determines the case is eligible for PTD, the ASA should do the following:

- If it is a victim case, contact the victim for input and ascertain the restitution amount, if applicable.
- Contact the defendant's attorney to convey the PTD offer or convey the PTD offer in court.
- If the defendant accepts PTD, obtain a waiver of speedy trial along with the defendant's current address and phone number to fill out the PTD referral paperwork.
- Complete a PTD referral form and give the completed form and the file to the County Court Bureau Chief, or designee, for approval. There must be a criminal history search inside the file.
- If the County Court Bureau Chief, or designee, approves the case for PTD, the case will be forwarded to PTD. If approved for PTD, PTD will reach out to the defendant regarding the contract signing procedure. If the case is not approved for PTD, a notice will be filed with the Clerk of the Courts, requesting the case be placed back on the division trial docket with new court dates.
- A copy of the contract and joint stipulation will be filed with the Clerk of the Court once it has been signed by the defendant and the State.
- When a defendant successfully completes PTD, PTD will notify the State Attorney's Office and the State Attorney's Office will file a Nolle Prosequi dismissing the case. If the defendant is revoked from PTD or fails to successfully complete PTD, a notice will be filed with the Clerk of the Courts, requesting the case be placed back on the division trial docket with new court dates.

If there is a question as to the defendant's status in the program, the ASA or the defense attorney should contact the appropriate offices below to speak with a PTD Officer.

- Orange County Felony PTD 407-245-0854
- Orange County Misdemeanor PTD 407-836-3140
- Osceola County Felony PTD 407-846-5215
- Osceola County Misdemeanor PTD 407-742-4700