



**JOHN CREUZOT**  
CRIMINAL DISTRICT ATTORNEY  
DALLAS COUNTY, TEXAS

**Possession of Marijuana**  
**Pre-Trial Diversion Guidelines**

I. Eligible Individuals:

- a. A second or subsequent misdemeanor possession of marijuana offense;
- b. A person charged with a misdemeanor marijuana offense occurring in a drug free zone;
- c. A person charged with a misdemeanor marijuana offense involving the use or exhibition of a deadly weapon (not mere possession); and
- d. A person charged with a misdemeanor marijuana offense with evidence of delivery or intent to deliver marijuana.

II. Requirements:

- a. 60-120 days supervision period;
- b. Marijuana Intervention Program for first Pre-trial Diversion Agreement *only*;
- c. (2) Drug screenings, and analysis if necessary, once every 30 days until two consecutive negative results are received;
- d. Other appropriate conditions (i.e., restitution);
- e. For second and/or subsequent diversion program, approved evidence-based substance abuse evaluation and follow any and all recommendations until successful completion; and
- f. Pre-trial diversion extension if needed/necessary for completion of treatment recommendations.

III. Fees:

1. \$500 money order paid to the Dallas County District Attorney's Office
  - a. Paid at the Dallas County District Attorney's Office Check Department located on the 11<sup>th</sup> floor of the Frank Crowley Courts Building; and
  - b. Receipt from the Check Department must be shown to the State before the Pre-trial Diversion Agreement will be signed by the State.
2. \$120 money order paid to the Dallas County Probation Department on the start date of the Pre-trial Diversion Agreement. Any additional supervision cost will be assessed at the rate of \$60 per month.
3. A waiver of the District Attorney Fee can be applied for and submitted to the Misdemeanor Division Chief who will then submit to the Dallas County Probation Department to determine eligibility. Probation fees are only waived for jail pre-trial diversion programs. Please use the appropriate waiver paperwork and supply all the required information. The federal poverty line is used to determine partial or full waivers.

IV. Reasons for Termination by the State can include but are not limited to:

- a. Failure to complete all conditions of the agreement by the end of the term; extra time extensions may be given and determined on a case by case basis by the Misdemeanor Division Chief or Deputy Chiefs.
- b. The defendant is charged with *subsequent* further criminal activity.



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- c. Discovery that the defendant has already completed a Pre-trial Diversion Agreement on a previous case (other than possession of marijuana with a prior diversion for possession of marijuana).
- V. Upon successful completion, the State of Texas will:
- a. Dismiss the case; and
  - b. Agree that Defendant is immediately eligible to file for an expunction, but the Dallas County District Attorney's internal record of this Pre-trial Diversion Agreement will survive any such expunction.

**PRE-TRIAL DIVERSION AGREEMENT**

<#FullName#>	<#DOB#>
Defendant	Date of Birth
<#OffenseDescription#>	<#CaseNumber#>
Offense	Cause No.

My name is <#FullName#>, and I have elected to participate in the Dallas County Pre-trial Diversion Program.

I understand and agree to abide by the following terms and conditions of my Pre-trial Diversion Agreement. I understand that the terms and conditions of this Pre-trial Diversion Agreement are set out in the numbered paragraphs below. Each paragraph is a separate term and condition that must be strictly adhered to in order to successfully complete the Pre-trial Diversion Program. If I violate any of the following terms and conditions of the Pre-trial Diversion Agreement, I will be prosecuted for my criminal conduct.

**The period of this Pre-trial Diversion Agreement will be for a minimum of 60 days to a maximum of 120 days.**

**General Terms and Conditions:**

\_\_\_\_\_ I agree to return to Court every 30 (thirty) days from the date of the agreement until successful completion.

\_\_\_\_\_ I agree to commit no new offenses.

\_\_\_\_\_ I agree to submit to and pay for a drug screening, and analysis if necessary, once every 30 days until I receive two consecutive negative results.

\_\_\_\_\_ I agree to pay a fee of \$500.00 to the Dallas County District Attorney’s Office before the beginning of the Pre-trial Diversion Agreement.

\_\_\_\_\_ I agree to a pay supervision cost of \$120 to the Dallas County Supervision and Corrections Department and it shall be due at the beginning of the Pre-trial Diversion Agreement. Any additional supervision cost will be assessed at the rate of \$60 per month.

\_\_\_\_\_ I hereby voluntarily, knowingly, and intelligently waive my right to a complete expunction of the records and files relating to my arrest; specifically, **I will allow the Dallas County District Attorney’s Office to retain my identifying information for the limited purpose of determining if I have participated in a Dallas County Pre-trial Diversion Program or another diversion program in the past.** I understand that I must wait until I am statutorily eligible for an expunction if I have previously participated in a diversion/conditional dismissal/memo program.

**Terms and Conditions for All Pre-trial Diversion Eligible Offenses Except Possession of Marijuana:**

\_\_\_\_\_ I declare that I have not been previously arrested, charged, or convicted of any offense Class B misdemeanor or higher within the last 5 years.

\_\_\_\_\_ I agree to complete:  Drug Offender Program  Anti-Theft OR \_\_\_\_\_ program.

**Terms and Conditions for Possession of Marijuana:**

\_\_\_\_\_ I agree to complete the Marijuana Intervention Program (For first possession of Marijuana); OR

\_\_\_\_\_ I agree for second and/or subsequent Pre-trial Diversion Agreement, to submit to an approved evidence-based substance abuse evaluation and follow any and all recommendations until successful completion.

\_\_\_\_\_ I agree to a pre-trial diversion extension if needed/necessary for completion of treatment recommendations.

**Upon the completion of the terms of this Pre-trial Diversion Agreement, the State of Texas will:**

\_\_\_\_\_ Dismiss Cause No. <#CaseNumber#> for the offense of <#OffenseDescription#> currently pending in the <#CourtName#> of Dallas County, Texas.

\_\_\_\_\_ Agree the Defendant is immediately eligible to file for an expunction, but the Dallas County District Attorney's internal record of this Pre-trial Diversion Agreement will survive any such expunction.

I certify that I understand all of the above terms and conditions of this Pre-trial Diversion Agreement, and I agree to abide by and comply with those terms and conditions during the diversion period. I understand that failure to comply with the terms and conditions will result in my failure to comply with this Pre-trial Diversion Agreement and that the Dallas County District Attorney will resume prosecution of the charges against me.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date

I certify that I have explained the above terms and conditions to the Defendant. I believe the Defendant understands what will be required of him/her while participating in the Pre-trial Diversion Agreement as well as the consequences if the terms and conditions of the Pre-trial Diversion Agreement are violated.

\_\_\_\_\_  
Attorney for the Defendant

\_\_\_\_\_  
Date

In consideration of the Defendant's promise to abide by all terms and conditions of this Pre-trial Diversion Agreement, the District Attorney of Dallas County, Texas, will suspend prosecution of Cause No. <#CaseNumber#> with the understanding that, if the [Defendant] violates any of the Pre-trial Diversion Agreement terms and conditions, prosecution will resume. If the Defendant successfully completes this Pre-trial Diversion Agreement, the case will be dismissed.

\_\_\_\_\_  
Assistant District Attorney  
Dallas County, Texas

\_\_\_\_\_  
Date

Defendant's Name: \_\_\_\_\_ Cause No: \_\_\_\_\_

Referring Attorney: \_\_\_\_\_ Court: \_\_\_\_\_

Referring Attorney Contact Information: \_\_\_\_\_

***Application for Waiver/Reduction of Pre-Trial Diversion Agreement Fee***  
***Court Reset DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_***

1. You are required to bring **COPIES** of the following documents to determine eligibility for a waiver of or reduction of the Pre-trial Diversion Agreement fee. The following documents are required, **if they apply to you**:

**MONTHLY INCOME:**

- A. Paycheck stubs/income verification showing your income for one month (weekly = 4 paystubs; bi-weekly = 2; monthly = 1) for yourself / B. Assistance with your housing from the government;
- C. Food Stamps;
- D. Medicaid; and/or
- E. SSI/SSN.

**MONTHLY LIVING EXPENSES:**

- A. A copy of your leasing agreement/mortgage;
- B. Utilities – Gas/Water/Electricity;
- C. Telephone bills;
- D. Car payments/Insurance;
- E. Child Support (paying);
- F. Daycare expenses;
- G. Medical expenses;
- H. Credit Card payments;
- I. Student loans; and/or
- J. Court ordered payments unrelated to the current case.

2. Fill out the attached form and have it attached to your documentation. Make sure the top portion is filled out completely with DOB/SSN. **Print legibly.**
3. Sign and date the form.
4. Documentation shall be submitted to the Misdemeanor Division Chief by the Referring Attorney.
5. Defendant must submit the attached form with documentation 30 days prior to the execution of the pre-trial agreement. If the paperwork is not submitted within that period, the defendant will not be considered indigent for the Pre-trial Diversion Program and will have to pay all fees. If the Defendant submitted paperwork in time but is rejected for lack of documentation, the defendant may submit missing documents or a written explanation as to why documents do not exist within the next thirty days for reconsideration.
6. A decision as to eligibility will be relayed to the Referring Attorney by the Assistant District Attorney.

\*All information is subject to verification. Falsification of information is a criminal offense\*

Name \_\_\_\_\_

Phone# \_\_\_\_\_

DOB: \_\_\_\_\_

SS# \_\_\_\_\_

Cause#: \_\_\_\_\_

Court \_\_\_\_\_

**INDIGENCE FORM**

To determine eligibility for the Pre-Trial Diversion Agreement Program, you **must** complete this form.

Size of Family Unit ( <i>Members of family/individuals that live within the home: list name, age, relationship</i> )			
Name:	Age:	Relationship:	
Monthly Income		Necessary Mo. Living Expenses:	
Your Salary		Rent / Mortgage/Housing/HUD	
Spouse's/Other Salary		Utilities (gas, electric, water etc.)	
SSI / SSDI		Transportation/Monthly Bus Pass Make:            Model:            Year:	
Food Stamps		Clothes/Food/Food Stamps	
Social Security Check		Day Care/ Child Care/TANF	
Child Support		Medical Expenses/Medicaid	
Other Government Check		Credit Cards	
Utility Check		Court-Ordered Monies (tickets/bail bond)	
Other Income		Child Support	
<b>TOTAL INCOME*</b>		<b>TOTAL NECESSARY EXPENSES*</b>	

*I swear that the above information is true and correct. Information listed above is accurate and I will immediately notify the Court of any changes in my financial situation.*

*\* All information is subject to verification. Falsification of information is a criminal offense.*

\_\_\_\_\_  
*Signature of Defendant*

\_\_\_\_\_  
*Date*

*Address* \_\_\_\_\_

**STAFF USE ONLY:**

Comments: \_\_\_\_\_

TOTAL MONTHLY INCOME:	
TOTAL MONTHLY EXPENSES:	-
DIFFERENCE	=

\_\_\_\_\_  
DEFENDANT MEETS ELIGIBILITY  
REQUIREMENTS  
\_\_\_\_ WAIVED    \_\_\_\_ REDUCTION  
\_\_\_\_ NOT ELIGIBLE  
\_\_\_\_\_