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4 IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR JACKSON COUNTY

5 STATE OF OREGON

6 Plaintiff

7 vs.

8 Defendant

CASE NUMBER:

ADULT DRUG COURT'S ORDER ON
CONDITIONAL DISCHARGE IN
ACCORDANCE WITH ORS 475.245
AS TO COUNT(S)

District Attorney: , OSB#:

Defense Counsel:

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12 The Defendant appeared and was advised on the consequences of a guilty plea. The Court having
13 found that the defendant freely, knowingly, and voluntarily changed his/her plea to guilty, that
14 the defendant consented to a conditional discharge pursuant to ORS 475.245, and that the
15 defendant is a suitable candidate for the Adult Drug Court Conditional Discharge Program;

16 **IT IS THE JUDGMENT OF THIS COURT** that based upon the previously submitted Petition For
17 Conditional Discharge and the Affidavit of the defendant attached thereto, and the Court being
18 fully advised in the premises, and with the consent of the defendant, said defendant having been
19 represented and advised by competent legal counsel, that no conviction shall be entered at this
20 time.

21 **IT IS FURTHER ORDERED** that the defendant be placed on supervised probation to the Jackson
22 County Community Justice Department for a period of 18 months subject to all general statutory
23 conditions of probation as set forth in ORS 137.540 and subject to the following special conditions
24 of probation. As part of the Conditional Discharge, the Defendant shall abide by and comply with
25 the rules of the Jackson County Adult Drug Court and the following conditions apply:
26

- 1) The Defendant shall actively participate in the Jackson County Adult Drug Court, obey all rules of the Court, and appear in the Court as directed by the Court, probation officer, evaluator, or treatment providers;
- 2) Defendant shall immediately report to Jackson County Community Corrections, 1101 West Main Street, Medford, Oregon;
- 3) Defendant shall permit the probation officer to visit the defendant, work site, defendant's residence and to conduct a walk-through of the common areas of the rooms in the residence occupied by or under the control of the defendant, report as required, and abide by the directions of the probation officer;
- 4) Defendant shall promptly and truthfully answer all reasonable inquiries by probation officer;
- 5) Defendant shall notify the probation officer, evaluators, treatment providers and Court of all prescription drugs and provide copies of prescriptions upon request.
- 6) Defendant shall enroll in, participate and successfully complete a substance abuse and/or mental health treatment program/s at the direction of a probation officer including submitting to any testing deemed necessary by the probation officer;
- 7) Defendant shall apply for the Oregon Health Plan within seven days from this order, unless this requirement is waived in writing by the Jackson County Community Justice Department.
- 8) Defendant shall sign releases of information with evaluators and treatment providers to allow the Court, probation officer, and District Attorney access to evaluation and treatment reports.
- 9) Defendant agrees the ADC Judge may communicate with others about my participation in ADC without my attorney or me present. I agree to sign any releases or other documents necessary so that the ADC team can discuss my progress in all my programs including, but not limited to, drug/alcohol treatment and mental health counseling. I further waive any rights of state or federal confidentiality I may have regarding discussions about my case and/or treatment between *only* those persons who are directly involved with ADC. I DO NOT WAIVE any rights of privacy or confidentiality regarding any aspect of my case or treatment concerning communications with any person or agency that is not affiliated with ADC except as mandated by law. The waiver shall apply only while I am a participant in ADC.
- 10) If the defendant has ANY doubt, confusion or misgiving about what ADC, the probation officer or any treatment provider expect of the defendant, the defendant will communicate with them for clarification. Defendant understands that ignorance will not be a sufficient defense for his/her actions.
- 11) The defendant understands the ADC treatment provider will be informed of any criminal history. Defendant will be required to disclose any supervision or treatment the defendant is involved in, has successfully completed or been terminated from. Upon the request of the ADC treatment provider or the Court, the defendant will sign a release of information agreement and authorize such program to provide supervision and treatment information to the ADC Program. The Court in its discretion may release information to the treatment provider.

- 1 12) The defendant shall not use or possess any alcohol, controlled substances, or drug
2 paraphernalia;
- 3 13) The defendant shall submit to random urinalysis or a breath test at the direction of the
4 probation officer and/or treatment provider;
- 5 14) The defendant shall refrain from knowingly associating with persons who use or possess
6 controlled substances illegally or from frequenting places where such substances are kept
7 or sold, including bars and taverns;
- 8 15) The defendant shall submit to polygraph examination by a qualified polygraph examiner as
9 a condition of Adult Drug Court;
- 10 16) The defendant shall neither own, possess, nor control any firearm or a dangerous animal;
11 Defendant shall consent to a search of person, residence, vehicle and property for the
12 detection of controlled substances or other evidence of a probation violation, when a
13 probation officer has reasonable grounds to believe that evidence of such a violation will be
14 found;
- 15 17) Defendant shall find and maintain gainful full-time employment, approved schooling, or a
16 full time combination of both, unless waived by the Adult Drug Court Judge.
- 17 18) Defendant shall reside in the state of Oregon until the underlying case is dismissed by the
18 court;
- 19 19) Defendant shall not reside in an Oregon county other than Jackson County, or change place
20 of employment or residence without obtaining prior permission of the probation officer;
- 21 20) The defendant shall pay a \$150.00 Adult Drug Court program fee to the Jackson County
22 Community Justice Department and pay court appointed attorney fees to the Jackson
23 County Circuit Court pursuant to a payment schedule established by the probation officer,
24 or within nine (9) months from the date of this order, whichever is sooner; the defendant
25 shall pay a \$40.00 monthly supervision fee, fines, restitution, and all other fees ordered by
26 the Court;
- 21) Defendant shall pay a \$107.00 unitary assessment fee within ninety (90) days of the date
of this order;
- 22) Defendant shall remain a law-abiding citizen.
- 23) Any violation may result in termination of defendant's participation in drug court.
- 24) The defendant as a condition of participation in Adult Drug Court will not operate a motor
vehicle without a valid driver's license and insurance. If the defendant does not have a
valid driver's license and insurance, the defendant will make efforts to obtain them.
- 25) Defendant shall attend a minimum of two 12 step support groups per week unless
otherwise so ordered.
- 26) Defendant shall report any contact with law enforcement to a member of the Adult Drug
Court;

1 27) Defendant will not work as a confidential informant (engage in controlled substance buys)
2 without obtaining written permission from both the Adult Drug Court Judge and Jackson
County Community Justice;

3 28) Defendant will appear in court on all scheduled dates; the defendant agrees the Court may
4 require the defendant to appear at any time regardless of compliance and success in the
treatment program. The defendant will provide written documentation verifying absences
as directed;

5 29) Defendant shall keep the Adult Drug Court staff treatment provider, probation officer and
6 case manager apprised of any current address and phone number and shall notify them of
changes within 24 hours.

7 30) Defendant understands that staff from Adult Drug Court and its partner agencies are
8 mandatory reporters under Oregon state law. They cannot be exempted from this law and
must make a report to the Department of Human Services- Child Welfare Division if they
9 have reasonable cause to suspect child abuse and neglect.

10 31) Defendant understands his/her decision to enter into Adult Drug Court is irrevocable.

11 32) Defendant shall agree the Court may extend the duration of Adult Drug Court for additional
time to allow defendant to successfully complete the requirements.

12 33) Defendant shall be subject to any sanction imposed by the court, including, but not limited
13 to, community service, work crew, court days and jail.

14
15 Upon the successful fulfillment by the defendant of all terms and conditions of probation, the
16 Court shall discharge the defendant and dismiss the proceedings against the defendant without
17 an adjudication of guilt in accordance with ORS 475.245. Should the defendant fail to
18 successfully complete the Conditional Discharge, the drug court coordinator or probation officer
19 shall notify the District Attorney. The defendant understands that the court will impose a
20 sentence and enter a conviction on the defendant's record at that time. Defendant understands
21 that the sentence imposed could be up to the maximum penalty available on the charge.
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25 _____
Date

Circuit Court Judge