

19<sup>TH</sup> JUDICIAL DISTRICT COURT  
PARISH OF EAST BATON ROUGE  
STATE OF LOUISIANA

State of Louisiana

Vs.

\_\_\_\_\_

**DRUG COURT PLEA AGREEMENT and PLACEMENT HEARING**

Defendant's full name: \_\_\_\_\_

DOB: \_\_\_\_\_ RACE: \_\_\_\_\_ SEX: \_\_\_\_\_

Date of Arrest: \_\_\_\_\_

**Files Defendant Will Enter a Plea of Guilty to and All Other Active Files in 19<sup>th</sup> JDC:**

<u>Docket &amp; Section of Court</u>	<u>Disposition</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**Files Active (Probation or Pending Charges) in Other Jurisdictions:**

\_\_\_\_\_  
\_\_\_\_\_

Sentencing Recommendation: \_\_\_13:5305 deferral \_\_\_893 deferral \_\_\_Suspended Sentence

1.

The District Attorney recommends the defendant be allowed to participate in the Drug Treatment Court Program. The defendant agrees to participate in the Drug Treatment Court Program.

2.

The Court has agreed to impose a sentence that will allow the defendant to participate in the Drug Treatment Court. The defendant agrees that the judge who presides over the Drug

Treatment Court shall have full authority over his case, including the authority to maintain defendant in the program, to sentence defendant, place defendant on probation with conditions, amend conditions of probation, revoke probation for violation of conditions, and to impose any other rules of legal sanctions that he deems necessary in his discretion.

3.

The defendant agrees to all Drug Treatment Court rules and regulations and promises to abide by and obey all orders of the Drug Treatment Court Judge.

4.

The defendant agrees to waive all due process rights which he may have under the Constitution of the United States and the Constitution of Louisiana involved in the administration of drug court and in particular, the imposition of sanctions by the Drug Treatment Court Judge.

5.

The defendant agrees to all sanctions imposed by the Drug Treatment Court Judge including jail service, community service, frequent court visits and appearances, increased drug testing, 12-step meetings, individual and group counseling sessions, and any conditions of probation which, in the judgment of the court, are necessary or beneficial to the defendant.

6.

The defendant agrees to attend and report to Drug Treatment Court, his probation officers and the treatment provider as ordered by the Drug Treatment Court Judge.

7.

The defendant specifically agrees to pay whatever amount the Drug Treatment Court orders to help defray the cost of his treatment and participation in the program.

8.

The defendant understands, waives and gives up the following constitutional rights and enters a plea herein:

1. The right to plead not guilty.
2. The right to trial by jury or judge.
3. The right to be represented by counsel (lawyer) of his choice, or if he cannot afford counsel, his right to be represented by court appointed free counsel.
4. The right to compel or make witnesses come to trial to testify in his behalf.
5. The right to cross-examine witnesses that testify against him.
6. The right to be present when witnesses testify against him/her.
7. The right to remain silent and not testify.
8. The right to appeal all matters relating to the trial and sentencing including the issue of guilt or innocence.

9.

The defendant acknowledges and states that the judge in court has carefully explained the above listed rights to him and his attorney has also explained his rights to him and that he fully understands what he is doing by pleading guilty to this offense(s). The defendant further acknowledges that he has read the above rights and fully understands his above listed rights and wishes to waive all of them.

10.

If the defendant does not successfully complete the drug court probation program, or any other requirements of probation the judge may: revoke probation and impose sentence, or revoke the probation and order the defendant to serve the sentence previously imposed and suspended,

or the Court may impose any sanction provided by CCP art. 900, and extend probation and order that the defendant continue treatment for an additional period or both.

11.

The defendant declares that he has entered into this plea agreement freely and voluntarily and of his own accord and with the full understanding of all matters set forth in the information and in this plea agreement.

12.

The defendant acknowledges that he has read, understands, agrees to all conditions of the Drug Treatment Court Program and has signed the attached Client Agreement.

13.

The defendant declares that he is able to read and that he has read and understands everything in this **Plea Agreement and Placement Hearing** and the **Client Agreement** and that he understands all of it and he is satisfied with the advice and services given by his attorney and that his attorney has not compelled or induced him to enter this plea by any force, duress, threats or pressure.

**I HEREBY CERTIFY THAT I HAVE READ THE ABOVE PLEA AGREEMENT AND AGREE TO ALL OF THE TERMS AND CONDITIONS SET OUT HEREIN.**

_____	_____
<b>Defendant</b>	<b>Date</b>
_____	_____
<b>Attorney for Defendant</b>	<b>Date</b>
_____	_____
<b>Assistant District Attorney</b>	<b>Date</b>
_____	_____
<b>Drug Treatment Court Judge</b>	<b>Date</b>

**CERTIFICATE OF DEFENDANT'S ATTORNEY**

I, defendant's counsel of record, certify that this case has been discussed with the defendant, including the nature of the charges, essential elements of each, the evidence against him/her of which counsel was aware, the possible defenses he/she has, the maximum penalty for the charges and the fact as set forth in the State's information or on the record. I further certify that I have explained the rules and regulations of the 19<sup>th</sup> Judicial District Court Drug Treatment Program and the defendant understands his obligations. I believe he/she fully understands this plea agreement, the consequences of entering it, and that the defendant does so of his/her own free will.

_____	_____
<b>Attorney for Defendant</b>	<b>Date</b>