CITY OF SALINA MUNICIPAL COURT DIVERSION INFORMATION AND APPLICATION

****MIP/MIC**

A diversion is a written agreement between the City Prosecutor and the defendant. During the diversion period, the prosecutor agrees to stay prosecution of the case in exchange for the defendant completing certain requirements set forth in the diversion agreement. If the defendant complies with all requirements of the diversion agreement, the prosecutor will dismiss the case at the conclusion of the diversion period. The defendant avoids having a conviction on his/her record, and the case cannot be re-filed by the prosecutor.

MIP/MIC diversions are for a period of one year and will be supervised by the Court Service Coordinator. The Court Service Coordinator will review each case and determine whether or not the defendant has successfully completed the diversion agreement. If the diversion is completed successfully, the case will be dismissed by the prosecutor. If not, the prosecutor will resume prosecution of the case in the court.

When applying for a MIP/MIC diversion, the defendant must complete the attached application and sign it in the presence of a notary public. **The completed application must be submitted to the Salina Municipal Court with the non-refundable application fee of $125.00. The defendant must also pay court costs of $78.00 (Effective July 1, 2016). During the term of diversion, the defendant will be required to refrain from violating the law, pay a $200.00 fine within sixty days of the date the diversion agreement is signed, maintain contact with the Court Service Coordinator, complete twenty hours of community service work within sixty days of the date the diversion agreement is signed, and any other conditions as contained within the diversion agreement.**

The prosecutor will review the defendant's criminal record and review the application. **Prior diversions, felony conviction(s), or a history of misdemeanor convictions will automatically disqualify an individual for diversion consideration.** The defendant will be sent a letter indicating whether the application has been granted or denied. If granted, the defendant must make arrangements to come to the City Prosecutor's Office to sign the diversion agreement.

The defendant will be asked to waive his/her rights to a speedy trial and to confront witnesses at trial. If the defendant is representing himself/herself, he/she will be asked to waive the right to an attorney. The defendant will also sign a stay order suspending the court proceedings during the diversion period. The defendant is also required to stipulate to a factual basis for any charge(s) diverted in the agreement.

The diversion agreement sets forth several conditions which must be successfully completed by the defendant. The defendant should take sufficient time to review the agreement carefully prior to signing the document. Failure to review the agreement is not a defense, if the agreement is later subject to revocation. If the City Prosecutor files a Motion to Revoke the Diversion, the Motion and Notice of Hearing will be mailed to the defendant's last known address. If the defendant fails to appear at the hearing, the prosecutor will request an arrest warrant be issued for the defendant. If the Court finds that the defendant violated the terms of the diversion agreement, the case will be tried on the stipulated facts contained in the police reports and relevant documents provided by the prosecutor to the municipal court judge.

The defendant must attend all court appearances until the diversion agreement is signed and filed with the Municipal Court.

Please direct general questions regarding diversions to the City Prosecutor's Office. While the prosecutor staff may answer general questions about the diversion program, they cannot provide you with legal advice regarding your particular case. If you have any legal questions, please consult with a licensed attorney.

Salina City Prosecutor
255 North 10th Salina,
KS 67401
(785) 826-7234, Ext. 0

Do not write in this box-For office use only			
Date			
Approved		Denied	
Comments:			

CITY OF SALINA - MUNICIPAL COURT
APPLICATION FOR DIVERSION

Do not write in this box-For office use only				
Verified by Prosecutor's Office				
Application Fee + Court Costs				
	$125		$200	$25
Date Paid				
Total Amount				

Type of Diversion: ☐ Criminal ☐ Domestic Battery ☐ DUI

☐ Theft ☐ MIP/MIC ☐ Restricted DL

PERSONAL INFORMATION:

Name: _____ Case No. _____

Address: _____

City: _____ State: ____ Zip: _____ Phone: _____

DOB: _____ Place of birth: _____ Race: _____ Sex: _____

Social Security No. _____ Driver's License No. _____

EDUCATION:

1. Have you completed high school? ☐ Yes. When and where? _____
   ☐ No. Last grade completed. _____
   When and where? _____
   Do you have a GED? ☐ Yes. ☐ No.

2. Have you had any vocational training? ☐ Yes. When and where? _____
   ☐ No.

3. Have you attended college?
   ☐ Yes. When, where and course of study _____
   Date of graduation or expected date. _____
   ☐ No.

EMPLOYMENT: List employment history for the last ten years starting with the most recent.

Employer	Date of Employment	Reason for Leaving

FAMILY HISTORY:

1. Are you currently married? ☐ Yes ☐ No Name of spouse (maiden name) _____

2. Number of prior marriages _____ List names of prior spouses _____

3 List the name, age, and address of all children.

Name	Age	Address

MEDICAL HISTORY:

1. Have you participated in psychiatric/psychological treatment or counseling?
   - ☐ Yes Date, place and length of treatment _____
   - ☐ No

2. Have you participated in treatment or counseling for alcohol abuse?
   - ☐ Yes Date, place and length of treatment _____
   - ☐ No

3. Have you participated in drug treatment or counseling?
   - ☐ Yes Date, place and length of treatment _____
   - ☐ No

LEGAL HISTORY:

1. Do you have an attorney representing you?
   - ☐ Yes. Name and address of your attorney _____
   - ☐ No. I am representing myself.

2. List all prior **traffic or criminal *convictions*** by date and place.

Date	Place	Description of Charge

3. List all prior **traffic or criminal *diversions*** by date and place.

Date	Place	Description of Charge

4. Are you currently on probation or parole?
   - ☐ Yes. When, where, and charge. _____
     Who is the supervising officer? _____
   - ☐ No.

5. Do you currently have traffic or criminal charges pending against you *other than this case*?
   - ☐ Yes. Charge, place and case number _____
   - ☐ No.

6. Do you currently owe fines to any court? ☐ Yes. List amount and court _____
   ☐ No.

DUI CASE ONLY

1. Have you ever been diverted for DUI or convicted of a DUI? ☐ Yes. ☐ No.
2. Were you involved in an injury accident? ☐ Yes. ☐ No.
3. Did you refuse a breath test or blood test? ☐ Yes. ☐ No.
4. Were the results of your test greater than .20? ☐ Yes. ☐ No.
5. On the date of your arrest, did you have a commercial driver's license (CDL)? ☐ Yes. ☐ No.

Note: If you answered "Yes" to any of these questions, you may not qualify for a diversion.

The City Prosecutor has the right to deny any diversion application. If any information in this application is false, the City Prosecutor will deny the diversion and proceed with prosecution of the case. You may also be subject to further criminal prosecution if this application contains false information. You are also required to update the City Prosecutor's Office of any new arrest or criminal/traffic charge(s) after the completion of this diversion application.

VERIFICATION:

STATE OF KANSAS)
) ss:
COUNTY OF SALINE)

_____ (name), of lawful age, being duly sworn on his/her oath, states and alleges: That he/she has read this Diversion Application in full; knows the contents of the answers provided therein; and verifies that the information provided herein is true and accurate.

_____
Defendant/Applicant Signature
Sign in the presence of a Notary

STATE OF KANSAS)
) ss:
COUNTY OF SALINE)

BE IT REMEMBERED, that on this____day of_____, 20___, before me the undersigned, a Notary Public in and for said county and state, came_____to me personally known to be the same as his/her own free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my official seal on the day and year written above.

_____
Notary Public

(Revised: July, 2016)

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Date			
Approved		Denied	
Comments:			

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Sign in the presence of a Notary

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) ss:
COUNTY OF SALINE)

BE IT REMEMBERED, that on this____day of_____, 20___, before me the undersigned, a Notary Public in and for said county and state, came_____to me personally known to be the same as his/her own free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my official seal on the day and year written above.

_____
Notary Public

(Revised: August, 2016)