

, SS.

THE STATE OF NEW HAMPSHIRE

DISTRICT COURT
BELKNAP COUNTY SUPERIOR COURT

STATE OF NEW HAMPSHIRE

V.

Docket #

BELKNAP COUNTY RESTORATIVE JUSTICE DIVERSION AGREEMENT

- 1) The defendant is charged with the following offenses (note misdemeanor or felony level):

- 2) The defendant has been referred to the Belknap County Diversion Program.

- 3) The State has agreed to **CONDITIONALLY NOL PROS** the charges against the Defendant based upon the following terms:

The charges are conditionally nol prossed for the duration of the Diversion Program, **not to exceed one year for a misdemeanor and eighteen months for a felony.**

If the Defendant successfully completed the Diversion Program, the State will be barred from prosecuting the Defendant for the above listed charges.

If the Defendant fails to complete the Diversion Program, the State may refile charges against the Defendant consistent with the time periods set out above.

The Defendant hereby affirmatively waives speedy trial, speedy indictment and any statute of limitations claims in relation to the above listed charges.

The Defendant agrees to waive formal service and arrest should the charges be refiled against him/her. If felony charges are pending, the Defendant agrees to waive formal indictment, and will execute a formal waiver at the request of the County Attorney's Office. The Defendant explicitly understands that should charges be refiled and he/she fails to appear at a subsequent court date, a capias may issue for his/her arrest and it is his/her obligation to keep the Court and the Diversion Program apprised of any address changes during the term of Diversion.

The Diversion Program will create a contract that the defendant is expected to abide by. The Defendant has been advised that the Diversion Program may include, but is not limited to the Defendant's obtaining and paying for a Substance Abuse Assessment, the Defendant's continued compliance with the recommendations of that evaluation, the Defendant obtaining and pay for other relevant evaluations, completing his/her education, obtaining employment, performing community service hours, and being subject to random drug and alcohol testing.

The Defendant further acknowledges that the related program service fee is \$500 for a felony related offense and \$400 for a misdemeanor. The fee is expected to be paid in full within 90 days of this order. **Nonpayment of the fee may result in discharge from the program.**

The Defendant further understands that the Diversion Program will regularly update the Prosecuting agency as to the status and progress of the Defendant in the Diversion Program.

Date:

Defendant

State

Defense Counsel