

PLEASE READ THOROUGHLY!

Please print, fill out, and mail back with the non-refundable \$20 application fee (cash, check, or money order made out to: Phillips County Attorney's Office). We **can NOT** process your application without the application fee.

It will be processed and reviewed by the County Attorney and either accepted or declined. I will notify you via regular mail of the decision that has been reached. **This process can take up to 2 weeks AFTER receiving your application back.**

It is the responsibility of the defendant that any appearance dates, either noted on the traffic citation or scheduled by the District Court, be kept. Having mailed a diversion application to the District Attorney's Office does not postpone any scheduled court appearances. If it is getting close to your court date and you have not heard back from us yet, please contact the District Court and ask for a continuance of your scheduled hearing. You can contact them at 785-543-6830.

A driver or holder of a commercial driver's license (CDL) are NOT eligible and may NOT enter into a diversion agreement pursuant to K.S.A. 8-2,150.

****** If you plea and pay your ticket prior to hearing back from us in regard to your diversion application we **CAN NOT** offer you a diversion whether you were to be eligible for one or not.

Please remember, however, neither the Phillips County Attorney nor the Administrative Assistant can give you ANY legal advice as to what you should do in your case or what is in your best interest. You always have the right to legal counsel. If you have any questions of a legal nature about your case and/or the diversion process, you should consult with a private attorney.

Thank you!

PHILLIPS COUNTY ATTORNEY'S OFFICE

301 State Street, Ste E
Phillipsburg, KS 67661
(785) 543-6820

TRAFFIC

DIVERSION PROGRAM

The County Attorney has established a diversion program for qualified traffic offenders. A diversion is a privilege, not a right, there is no case where a diversion is guaranteed, and ANY application can be denied for any reason. **Please complete the attached application and return with the non-refundable \$20 application fee.** Applications can be hand delivered to the Phillips County Attorney's Office or mailed to:

**Phillips Co Attorney's Office
301 State Street, Ste E
Phillipsburg, KS 67661**

It is the responsibility of the defendant that any appearance dates, either noted on the traffic citation or scheduled by the District Court, be kept. Having mailed a diversion application to the District Attorney's Office does not postpone any scheduled court appearances.

A diversion is an agreement, authorized under Kansas law, between the Phillips County Attorney and the Defendant, whereby the State of Kansas agrees to stay or defer prosecution of a traffic case for a certain amount of time called the diversion period or term. During this time period, a Defendant is required to obey and perform under certain conditions agreed to in a Diversion Agreement.

During this diversion period, the charge(s) are still on file with the Phillips County District Court, but the charge(s) are stayed or deferred. If the diversion period is successfully completed by the Defendant, the State of Kansas will agree to dismiss the charge(s). The case will be dismissed if, and only if, the Defendant has successfully complied with all terms and conditions required by the diversion agreement.

However, if a Defendant fails to abide by any and all the terms and conditions of the diversion agreement or violates any terms and conditions during the diversion period in any way, the Phillips County Attorney reserves the right to make a motion to terminate the diversion.

If a diversion agreement is revoked, prosecution on the charge(s) will resume on a trial to the Court on stipulated facts.

Please remember, however, neither the Phillips County Attorney nor the Administrative Assistant can give you ANY legal advice as to what you should do in your case or what is in your best interest. You always have the right to legal counsel. If you have any questions of a legal nature about your case and/or the diversion process, you should consult with a private attorney or contact the Phillips County District Court to see if you qualify for appointed counsel before proceeding.

Phillips County Attorney Office Application for Traffic Diversion

**FOR PHILLIPS CO ATTORNEY
OFFICE USE ONLY**

CASE # _____

APPLICATION RECEIVED
DATE: _____

DEFENSE ATTORNEY:

**Please complete and return with a non-refundable \$20
diversion application fee cash or check made payable
to the:**

**Phillips County Attorney's Office
301 State Street-Suite E, Phillipsburg, KS 67661**

1. PERSONAL INFORMATION

FULL NAME _____

Address _____

City _____ STATE _____ ZIP CODE _____

Mailing Address (If different from residential address):

Address _____ City _____ STATE _____ ZIP CODE _____

Telephone (home) _____ (cell) _____

Email address _____

Date of Birth _____ Social Security # _____

Driver's License Number _____ STATE _____ CDL: YES or NO

Insurance Company Name (attach copy of insurance card)

Policy Number _____ Expiration Date _____

2. PRIOR AND CURRENT TRAFFIC OFFENSE RECORD: (If none, state none. If unknown, state unknown)

Please state all juvenile & adult traffic incidents, DUI arrests, Diversions, Deferred prosecutions, convictions & expungements in Kansas or other states including those not resulting in formal charges or convictions.

<u>OFFENSE</u>	<u>LOCATION</u>	<u>DATE</u>	<u>OUTCOME</u>
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_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Phillips County Attorney Office Application for Traffic Diversion

Have you been granted a diversion on a previous offense? Yes_____ No_____

If yes, name and location of county_____

3. State in your own words and in detail the facts of the current case which caused charges to be filed:

4. Explain why you feel you could successfully complete the diversion program.

I, the named defendant, hereby request that the County Attorney propose a diversion agreement for myself, and in furtherance of my request I have read and completed the foregoing application. All the information is true and correct. I understand that if any of this information is not true and correct, this may be a basis for denial of diversion or withdrawal of diversion.

Prior to making this application. I have been fully informed of the policies and guidelines of the diversion program adopted by the office of County Attorney.

I request that the Court enter an order of general continuance for the period of diversion, and I understand that I will be required to pay the costs of this action if diversion is granted

Dated: _____, 20_____.

Defendant's Signature