



Misdemeanor Diversion Information and Application

You are currently charged with an offense in the Lenexa Municipal Court. If this is your first offense, you may be eligible for diversion. Diversion is an agreement between you and the City that gives you the opportunity to avoid a conviction in exchange for compliance with certain requirements. Diversion is a privilege and not a right. The City Prosecutor has the sole discretion whether to grant or deny diversion to any person, and may deny an application even if it is a first offense.

ELIGIBILITY

The City Prosecutor's Office may consider a number of factors to determine whether you are a good diversion candidate. These factors include, but are not limited to, the following:

- Facts of the case
- Prior criminal history, including, but not limited to:
 - any felony conviction, suspended imposition of sentence (SIS) or participated in a diversion program (formal or informal), for a felony charge within the last ten (10) years in any Federal, State, County or Municipal Court.
 - any misdemeanor conviction, suspended imposition of sentence (SIS) or participation in a diversion program (formal or informal), for a misdemeanor charge within the last five (5) years in any Federal, State, County or Municipal Court.
- Input from victim(s) or others impacted by the case
- Information from a drug and alcohol evaluation (if required)
- Information from the diversion application
- Mitigating or aggravating circumstances/facts
- Any other factors listed in K.S.A. 12-4415.

THE PROGRAM PROCESS

1. To be considered for the Diversion Program, you must complete and sign a Diversion Application (two pages). The application can be submitted to courts@lenexa.com or in person at the Court Clerk's office. Failure to provide accurate and truthful information in your Diversion Application may result in the denial of your application for diversion, or revocation of your diversion once in place. If the City Prosecutor elects not to offer you diversion, your case will be set for plea or trial.
2. You may also be required to obtain a Drug and Alcohol Evaluation. The City Prosecutor will notify you if this is required. You may obtain a list of evaluation providers from the City Prosecutor's Office or Court Clerk. There is a cost to complete the evaluation which you will pay directly to the ADSAP provider.
3. If the City Prosecutor offers you a Diversion Agreement in lieu of further criminal proceedings, the City Prosecutor's office will prepare the Diversion Agreement and present it to you for review. If you sign and file the Agreement with the Court, the Municipal Judge shall stay further proceedings on the complaint during the pendency of the diversion.
4. The type of supervision, length of diversion, and fees associated with diversion will depend on the same eligibility factors listed above. You should be prepared to pay at least half of the diversion fee at the time you sign the agreement, generally \$200-\$400. There may be additional costs, which include but are not limited to, court costs, finger print fees, appointed attorney fees, laboratory fees including but not limited to the testing of bodily fluids and controlled substances, as well as fees for failures to appear or warrants issued by the court.

TERMINATION OF THE DIVERSION AGREEMENT

1. Successful completion of your Diversion Agreement will result in dismissal with prejudice of the charge(s) against you.
2. If you fail to complete the terms and conditions of the Diversion Agreement, the City Prosecutor's Office will file a motion to revoke and set the case for a diversion revocation hearing. If the court agrees you have violated the agreement by a preponderance of the evidence, the Agreement will end, the original charges against you will be reinstated and your case will be determined pursuant to the stipulations you agreed to in the Diversion Agreement.



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PERSONAL INFORMATION

Name (Last) (First) (Middle) Date of Birth

Address (Street) (City) (State) (Zip)

Email Address

Phone Number Social Security Number

Driver's License Number State of Issue

Spouse/Dependent(s)

In what other cities and states have you lived?

Table header: City, State, Approximate Dates

Table rows for listing other cities and states lived in.

Employment/Education Information

Please indicate your highest level of education completed

Employer Address

Job Title How Long

Salary

Past Employer Address

Job Title How Long

Salary Reason Left



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Criminal History Information

Please list all prior Juvenile and Adult incidents, arrests, convictions, diversions and/or juvenile adjudications including any offenses expunged, plea bargained or dismissed. ALL CRIMINAL HISTORY MUST BE INCLUDED. Failure to provide accurate criminal history information on this application may result in the denial of your diversion application or the revocation of your diversion.

Table with 4 columns: Date, Charge(s), Location, Disposition. Contains 5 empty rows.

Application Questions

- 1. Please explain why you are seeking a diversion and why you should be considered for diversion:
2. Please explain why you feel you could successfully complete the diversion program:
3. Please state the circumstances which led to the offense with which you are charged:

I have read the above application. I certify that all information provided is true, complete and accurate to the best of my knowledge. I understand that providing incomplete or inaccurate information may result in the denial of my application for diversion or revocation of my diversion.

Defendant

Date