

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN
AND FOR PALM BEACH COUNTY, FLORIDA
VETERANS COURT**

CASE NUMBER
DC # _____
Division "VA"

**Nunc Pro Tunc _____
Veterans Treatment Intervention (VTI) Program
DEFERRED PROSECUTION AGREEMENT AND ORDER**

It is being alleged by Information in case number _____, that you, _____ committed an offense against the State of Florida, to-wit: _____. Having been advised of your Constitutional Rights, and it further appearing that after an investigation of the offense and into your background, the interest of the State of Florida, and your interest, will best be served by entering into this agreement;

Therefore, Ted Booras, Veterans Court Judge, in and for the Fifteenth Judicial Circuit, Palm Beach County, Florida, in accordance with Section 948.08(7) (a), Florida Statutes, agrees that prosecution in this matter for said offense will be deferred for a period of **Eighteen (18)** months from this date, provided you abide by the following conditions:

1. You will refrain from violation of any criminal law. Traffic infractions, parking tickets, and municipal ordinances do not violate this order. All new felony, misdemeanor and traffic criminal charges filed by the State Attorney's Office will require you to appear before Veterans Court, which may result in rejection from the VTI Program and the original prosecution may resume.
2. You will work regularly at a lawful occupation and support any dependents to the best of your ability.
3. You will not change your residence without first notifying your Probation Officer. You will not leave the State of Florida without first procuring the consent of the Court or the Probation Officer. You may not travel outside the United States without first procuring the consent of the Court and the Probation Officer.
4. You will make yourself available for the services of the VTI Program by appearing in person at all Veteran Court Hearings, when and as directed by the Court or your Probation Officer. You understand that if it is determined that you willfully failed to appear at Veterans Court, it shall constitute a violation of the terms of this agreement, which may result in rejection from the VTI Program and the original prosecution may resume.
5. You will neither possess nor carry any firearm or dangerous weapon.
6. You will truthfully answer all inquiries by your Probation Officer, and all other members of Veterans Court, and agree that the Probation Officer may visit your home, employment, school or elsewhere, without your prior approval and comply with all instructions he or she may give you.

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7. You will not use intoxicants, nor will you visit places where intoxicants, non-prescription drugs or other dangerous substances are unlawfully sold, dispensed or used.
8. You will submit to a urinalysis, breathalyzer, or blood tests at any time requested by your Probation Officer or Veterans Court. You will be required to pay a onetime \$30.00 drug testing fee, plus a 4% surcharge, to the Department of Corrections, for all testing conducted at the probation office. Should you test positive for a controlled substance that is not lawfully prescribed to you, you shall be required to appear before Veterans Court to address the violation, which may result in rejection from the VTI Program and the original prosecution may resume.
9. **Special Conditions: 1. Enter and comply with Veterans Justice Outreach Program; 2. Substance Abuse Evaluation and complete any recommended treatment at VA to include any and all recommended aftercare; 3. Mental Health Evaluation and complete any recommended treatment at VAMC to include any and all aftercare; 4. Meet with Mentor one (1) time per month; 5. No possession or consumption of any controlled substance without a valid prescription from the VAMC; 6. Unless otherwise directed by the court or your probation officer, the defendant is to report to Veterans Court only; 7. Defendant cannot refuse any recommended treatment and aftercare; 8. The defendant cannot cancel or fail to appear for appointments at the VAMC. If the defendant fails to appear for scheduled appointments at the VAMC or cancels appointments at the VAMC, this will be a violation of this order; 9. The defendant will submit to random drug testing at the VAMC or as directed.**

As a participant in this program, you shall be subject to a coordinated strategy developed by a Veterans' Treatment Intervention Team. The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but need not be limited to, placement in a treatment program offered by a licensed service provider or a jail based treatment program or serving a period of incarceration within the time limits established for contempt of court.

It is your responsibility to ensure that your Probation Officer is in possession of all documentation required to show that you are in compliance or have completed your special conditions.

You understand that if you enter the VTI Program, but later decide that you do not wish to remain in the program, that you may choose to reject the VTI Program. If you choose to reject the VTI Program, you understand that your case will be reassigned to the State Attorney's Office for prosecution.

You stipulate and agree that this agreement shall in no way operate as a contract for immunity from prosecution for the charge(s) pending in this case. Should you fail to comply with the terms and conditions of this agreement, the agreement may be rejected at the discretion of the Court, and prosecution on your charges will then resume.

You agree that if the offense with which you are charged involves the use or possession of a weapon or firearm, you agree to forfeit that weapon to the appropriate authority, as defined by Florida Statute.

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You have been informed about the amount of money you are required to pay and you state that you are financially able to pay these amounts set out in this agreement, within the time of this agreement.

If you comply with these conditions during the period of Deferred Prosecution, no criminal prosecution concerning this charge will be instituted for the offense for which you are placed on the program.

The Court may, during the period of Deferred Prosecution, revoke or modify the conditions of your Deferred Prosecution by:

- 1. Changing the period of Deferred Prosecution.**
- 2. Reject you from the program and resume prosecution for this offense if you violate any of these conditions.**
- 3. Void this agreement should it be determined that you do not qualify for VA benefits.**

Signing this Deferred Prosecution Agreement withdraws and/or waives your rights to a speedy trial under the Constitution and laws of Florida, and the United States of America in the cause of which prosecution is being deferred.

You understand that the opportunity to participate in this program is a privilege, not entitlement. You hereby state that the above has been read and explained to you. You understand the conditions of your Deferred Prosecution Agreement and agree that you will comply with them. Therefore, you hereby request placement in the program.

_____/_____
Date
Defendant

_____/_____
Date
Defense Attorney

_____/_____
Date
Probation Officer

_____/_____
Date
Probation Supervisor

The Court reserves the right to rescind, modify or revoke supervision to the extent provided by law. DONE AND ORDERED in West Palm Beach, Palm Beach County, Florida, this _____ day of _____, 2019.

Ted Booras
Honorable Judge, Veterans Court

MIRANDA WARNINGS

**DEPARTMENT OF CORRECTIONS
VETERANS TREATMENT INTERVENTION PROGRAM**

My name is _____. I am employed by the State of Florida, Department of Corrections as a Probation Officer.

You, _____, have been charged with the following offense(s):

“I am required to warn you before you make any statement that you have the following Constitutional Rights”:

- (1) You have the right to remain silent; you do not have to answer any questions.
- (2) Any statement you make must be freely and voluntarily given.
- (3) You have the right to the presence and representation of a lawyer of your choice before you make any statement and during questioning.
- (4) If you cannot afford a lawyer, you are entitled to the presence and representation of a Court appointed lawyer before you make any statement and during any questioning.
- (5) If at any time during the interview, you do not wish to answer any questions, you are privileged to remain silent.
- (6) I can make no threats or promises to induce you to make a statement. This must be of your own free will.
- (7) Any statement can and will be used against you in a Court of Law.

Do you understand your Rights? _____

Do you have any questions? _____