

**BLAINE COUNTY
FIFTH JUDICIAL DISTRICT
POST-SENTENCE DRUG COURT REFERRAL**

JUDGE: _____

DEFENDANT: _____

COUNTY: _____

CASE NO.: _____

DEFENSE COUNSEL: _____

OFFENSE: _____

DEFENDANT IS: ☐ **IN CUSTODY** ☐ **ON O.R. RELEASE OR BOND**

DATE FOR DRUG COURT APPEARANCE: _____

Drug Court Referral Process

1. Except as otherwise provided, a Drug Court Referral by Counsel shall not be made until after entry of a guilty plea on new charges or after entry of admissions on a probation violation (or the finding of a probation violation after evidentiary hearing) or if after retained jurisdiction upon entry of the Order of Probation with drug court as a term and condition. **A Referral for Drug Court shall be made at the time the defendant's case is set for Sentencing and/or Disposition on a Probation Violation so as not to delay the date set for Sentencing or Disposition.**¹ Defendants that are awaiting motions for a Rule 35 will not be considered for the Fifth Judicial District Drug Court program
2. The appropriate "box" on the referral shall be checked, below, and any information requested shall be included.
3. The Drug Court Referral shall be presented to the defendant's sentencing judge and shall be filed by the judge's clerk. The judge's clerk shall transmit the referral by email to the drug court coordinator and counsel of record.
4. The defendant shall be ordered to appear at drug court the first Wednesday at 4:00pm after the date of referral.

¹ A sentencing judge may initiate a Drug Court Referral at the time of sentencing, disposition on a probation violation or at a Rider Review hearing where the sentencing judge has placed a defendant on probation with Drug Court as a term and condition of probation without prior referral to Drug Court for eligibility determination. The sentencing judge or clerk shall prepare the Drug Court Referral Form.

CHECK THE APPLICABLE BOX BELOW:

____ The defendant entered a plea of guilty on _____, and the ☐ Prosecutor ☐ Defendant's Counsel ☐ both the Prosecutor and Defendant's Counsel has made a recommendation for Drug Court, however, the defendant **does not** qualify for a withheld judgment. The defendant, pending his sentencing date of _____, is hereby ordered to appear for Drug Court, pending defendant's acceptance on the date referred to above. The defendant shall comply with all of the drug court entrance requirements. **The signed Drug Court Contract is attached hereto.**

____ The defendant entered a plea of guilty on _____, and the ☐ Prosecutor ☐ Defendant's Counsel ☐ both the Prosecutor and Defendant's Counsel has determined that the defendant qualifies for a withheld judgment and has made a recommendation for Drug Court. The defendant has been ordered to appear for Drug Court, pending his acceptance on the date referred to above. **The signed Drug Court Contract is attached hereto.**

____ The defendant on _____ was placed on probation with application to Drug Court as a term and condition of probation. The defendant's most recent LSI-R score was _____. The defendant underwent a Substance Abuse Evaluation (SAE) pursuant to I.C. Section 19-2524 and he was given an Axis I Diagnosis of a Drug/Alcohol Dependence/Addiction. **A copy of the SAE and Drug Court Contract is attached.** The defendant does not have any prior disqualifying offenses as defined in I.C. Section 19-5604 (1) or (2). The defendant has been ordered to appear for Drug Court, pending his acceptance on the date referred to above.

____ The defendant has violated his/her probation and is scheduled for Disposition on _____. The ☐ Prosecutor ☐ Defendant's Counsel ☐ both the Prosecutor and Defendant's Counsel are seeking to have the defendant admitted to Drug Court as a term and condition of probation at the time of Disposition. The defendant's most recent LSI-R score was _____. The defendant underwent a Substance Abuse Evaluation (SAE) pursuant to I.C. Section 19-2524 and he was given an Axis I Diagnosis of a Drug/Alcohol Dependence/Addiction. **A copy of the SAE and Drug Court Contract is attached.** The defendant does not have any prior disqualifying offenses as defined in I.C. Section 19-5604 (1) or (2).

____The defendant has completed a retained jurisdiction program and his/her sentencing judge has made participation in Drug Court, if he/she qualifies, a term and condition of probation. The defendant has a prior LSI-R score of ____ and has a prior diagnosis of Drug/Alcohol Dependence/Addiction. The defendant does not have any prior disqualifying offenses as defined in I.C. Section 19-5604 (1) or (2). The defendant does not have any prior disqualifying offenses as defined in I.C. Section 19-5604 (1) or (2). The defendant has been ordered to appear for Drug Court, pending his acceptance on the date referred to above. **The signed Drug Court Contract is attached hereto.**

____The defendant and the ☐ Court, ☐ Prosecutor ☐ Defendant's Counsel ☐ both the Court, Prosecutor and Defendant's Counsel want to have the defendant evaluated by the Drug Court team as to whether the defendant would be appropriate for Drug Court as an alternative to prison. The recommendation of the Drug Court team will be considered by the court and counsel at the time of the defendant's sentencing/disposition. The defendant does not have any prior disqualifying offenses as defined in I.C. Section 19-5604 (1) or (2).

Please Email this form to:

scox@co.blaine.id.us

Sarah Cox

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Adopted- 6/23/2023