

DIVERSION PROGRAM – TRAFFIC

Individuals receiving moving violation tickets have one of three options available to resolve the matter: Diversion, Trial, or Pleading (paying the ticket). All requests must be made prior to or at the court date and time as issued on the bottom of the ticket or as set by the Clerk of the District Court or Judge. Failure to appear on your court date may result in driver's license suspension or warrant.

The THOMAS COUNTY ATTORNEY established a Diversion Program for traffic cases. A copy of this Diversion Program Guideline will be furnished to each defendant upon his or her first appearance before the Court. Diversion is a privilege, not a right. The County Attorney makes all decisions regarding Diversion Policy. He has appointed a Diversion Coordinator to enforce these policies, as well as screen for eligibility and conditions of the Diversion Agreement. The County Attorney has the final authority whether to approve or deny any Application for Diversion.

ELIGIBILITY

There are certain basic requirements to qualify for traffic diversion. **YOU ARE NOT ELIGIBLE FOR DIVERSION IF:**

1. You have a moving violation conviction or an accident on your driving record within the last year.
2. Your ticket was a result of an accident you were involved in, in which a person other than yourself was injured or damage that occurred to property other than your own remains unpaid.
3. Your ticket was issued for driving with no liability insurance (unless you now possess six months of coverage).
4. You have a conviction for driving while suspended and/or no liability insurance on your driving record within the last year.
5. Your ticket was issued in a speed zone of 55 miles per hour or greater and you were traveling more than 25 miles an hour above the posted speed limit; or your ticket was issued in a speed zone of less than 55 miles per hour, and you were traveling more than 15 miles an hour above the posted speed limit.
6. Your ticket was issued in a school zone, construction zone, or involves a school bus or emergency vehicle.
7. You hold a Commercial Driver's License.
8. You missed your court date and your case is pending or in suspension status.

PROCEDURE AND COSTS

If you do not have any of the above conditions present you might be eligible for diversion. In order to determine whether diversion is available, a TRAFFIC DIVERSION APPLICATION must be filled out and submitted to the County Attorney's Office. Application for Diversion must be made prior to or at the court date and time as issued on the bottom of the ticket or as set by the Clerk of the District Court or Judge. The application must be submitted with a \$15.00 Application Fee, payable to the THOMAS COUNTY ATTORNEY DIVERSION FUND. The application fee is non-refundable. **A NON-REFUNDABLE APPLICATION FEE OF \$15.00 IS REQUIRED: Payment must be in the form of a cashier's check or money order only – NO CASH OR PERSONAL CHECKS ACCEPTED. EXCEPT THAT DEFENDANT'S ATTORNEY MAY PAY WITH A FIRM OR TRUST ACCOUNT CHECK.**

PLEASE ONLY SUBMIT THE APPLICATION FEE WITH THE APPLICATION. Any application made without the appropriate fees will be returned to the defendant for resubmission.

The standard Diversion term is 6 months. If you are approved for Diversion, then the court costs and fine must be paid at the time of the Agreement, made payable to the Clerk of the District Court of Thomas County, Kansas. If you are approved for Diversion, then a diversion fee of 2 TIMES THE AMOUNT OF THE FINE NOT TO EXCEED \$300 must be paid at the time of the Agreement, made payable to the Thomas County Attorney Diversion Fund. All fees and costs associated with the Diversion are non-negotiable and shall not be waived. **ALL PAYMENTS MUST BE BY CASHIER'S CHECK OR MONEY ORDER. EXCEPT THAT DEFENDANT'S ATTORNEY MAY PAY WITH A FIRM OR TRUST ACCOUNT CHECK. PAYMENTS WILL BE DUE WITH THE DIVERSION AGREEMENT. IF YOU PAY THE FINE AND COURT COSTS PRIOR TO APPROVAL OF THIS APPLICATION AND THE FILING OF THE SIGNED DIVERSION AGREEMENT, THE DISTRICT COURT CLERK WILL CONSIDER PAYMENT AS A PLEA OF GUILTY.**

MAIL INFORMATION TO THOMAS COUNTY ATTORNEY, 300 N. COURT AVE., COLBY KS 67701

TRAFFIC DIVERSION APPLICATION

A \$15.00 **non-refundable** application fee must be submitted with this application. CASHIER'S CHECK OR MONEY ORDER ONLY - payable to the THOMAS COUNTY DIVERSION FUND. **NO CASH OR PERSONAL CHECKS WILL BE ACCEPTED.**

I. PERSONAL INFORMATION

Last Name _____, First Name _____, M.I. _____

Date of Birth ____/____/____ Sex _____ SSN _____

Driver's License # _____ Driver's License State _____

Cell Phone # _____ Home Phone # _____

Ticket # _____ Date of Ticket Issued ____/____/____

Date and time of court appearance date on the bottom of the ticket or as set by clerk or judge

____/____/____ at _____.M.

WE MUST RECEIVE THIS APPLICATION BEFORE THIS DATE AND TIME.

Your Current Mailing Address Information:

Your Current Physical Address Information:

Email address: _____

II. PARENTAL INFORMATION

If you are under the age of 18, please list your parent or guardian information.

Mother (Name, Address, Daytime Phone)

Father (Name, Address, Daytime Phone)

III. ATTORNEY INFORMATION

If you have an attorney representing you, please list their information:

Attorney (Name, Address (including City, State and Zip, and Office Phone)

I hereby certify that I have answered this application truthfully and to the best of my knowledge. I acknowledge I have reviewed the eligibility requirements. I also understand that any false information contained in the application will be a basis for the revocation of any diversion agreement.

Signature of Defendant _____ Date _____

TO SUBMIT THIS APPLICATION FOR CONSIDERATION IT MUST HAVE:

- 1. A COPY OF THE FRONT AND BACK OF YOUR TICKET.**
- 2. \$15.00 NON-REFUNDABLE CASHIER'S CHECK OR MONEY ORDER.**

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