

June 6, 2013

To: Madison County Defense Bar and new enrollees in Adult Drug Court (ADC)

From: Don Rizzardi, Assistant District Attorney and ADC staff member

Re: ***Frequently Asked Questions (FAQ) concerning ADC***

1. Who's eligible? Those who voluntarily apply and plead guilty to their felony charge and meet the remaining criteria: a) have a substance abuse problem that predicated their arrest on the current charge; b) have less than three felony convictions; c) have no violent crimes convictions or pending cases of same, including cases against child victims; d) have no distribution or trafficking convictions or pending cases of same; e) if drug charges, have less than the proscribed amount of the particular substance; and, f) no police intelligence report exists, demonstrating a propensity to distribute or manufacture drugs illegally.
2. What are the steps for entry into the ADC?
 - a) your client is charged with a felony;
 - b) you and your client discuss the program and decide if it is appropriate;
 - c) you make formal application with the prosecutor assigned to the client's case;
 - d) set and complete an assessment with Matt Miller's office;
 - e) if accepted and not indicted, you make application to plead by information;
 - f) client pleads in circuit court, but sentencing is deferred until completion or termination from ADC;
 - g) attorney and client take plea agreement, court order and signed ADC contract to the Office of Alternative Sentencing (located next to the Metro Jail) to formally enroll; and
 - h) both attorney and client appear for initial ADC docket.
3. Can the application be made either pre- or post-indictment? Yes, see assigned prosecutor though as soon as attorney and client agree it is best for the client to apply for entry into ADC.
4. What happens when client successfully completes ADC? Guilty plea is withdrawn and case is dismissed.
5. What happens if client is terminated from ADC *for any reason*? You both go back to the sentencing judge for execution of sentence to prison (probation is not an option).
6. How much does the program cost the client? Depends, but it could be a few thousand dollars, more if restitution to any victim is involved. Initially there will be the \$375, non-refundable assessment fee, which is paid to the clinician directly. Clients will also pay court costs, to include any court appointed attorneys fees,

restitution to any victim, and drug testing costs administered by the program; these monies are paid through drug court on a monthly basis. Potentially there may be some payment due to treatment providers. Non-payment of these mandatory fees will lead to dismissal from the ADC program.

7. Can the fees be waived? No, the program is set up to be self-sufficient. There are no grants or scholarships available to indigent defendants. All are expected to work and pay their way.
8. What treatment is available to ADC clients? Both inpatient and out-patient depending on patient-need, available bed-space and financial resources.
9. What sanctions are available for relapses while in the program? Please review the application packet...they are detailed there...stress to client that intermediary jail sentences are possible. There is a graduated punishment schedule for program requirement shortcomings.
10. How often do the clients of ADC come to drug court? As often as *weekly*, decreasing as the client progresses. Clients are also required to submit random urine screens at the courthouse and attend appointments with New Horizons or other treatment provider.
11. How often does the defense attorney come to court? The initial visit before the ADC Judge and then if the need arises for the client to be incarcerated in county jail or terminated from ADC.
12. For what reasons can an ADC client be dismissed from the program? For persistent non-compliance with ADC rules, disrespectful treatment of ADC staff [to include lying], new felony arrest where either indictment (non-arrested) occurs or *probable cause* is found by a District Court Judge(post-arrest, waived to Grand Jury has the same effect) and various new misdemeanor convictions.
13. Other questions? Call Attorney Robin Clem (539-4441) or ADA Don Rizzardi (532-3460); do not call ADC Judge Claude Hundley or Ms. Tammy Poole, ADC administrator, with questions, *please*.