Superior Court of California, County of Lake 675 Lakeport Blvd. Lakeport, CA 95453 (707) 263-2374	**Court Use Only**
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	
MENTAL HEALTH PRETRIAL DIVERSION, ADVISEMENT OF RIGHTS & WAIVER	**Case Number:**

INSTRUCTIONS: Read, date, and sign this form if you wish to Apply to participate in the Mental Health Pretrial Diversion Program. The Court may grant Mental Health Pretrial Diversion with respect to any offense not excluded by Penal Code 1001.36. If you successfully complete the program, your case will be dismissed. If you do not successfully complete the program, the Court will reinstate criminal proceedings. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

PRETRIAL MENTAL HEALTH DIVERSION PROGRAM RULES AND CONSEQUENCES

1. I understand that, as part of the program, I will be required to successfully complete mental health treatment program which will last no longer than two years from the date of my referral to the program, as determined by the Court.
2. I understand that the Court may conduct a restitution hearing and order me to pay restitution.
3. I understand that if I successfully complete the program my case will be dismissed. However, I understand that regardless of my successful completion, the arrest upon which the pretrial diversion was based may be disclosed by the Department of Justice in response to any peace officer application request and that I must still disclose my arrest in response to any direct question contained in any questionnaire or application for a position as a peace officer, as defined in Penal Code section 830.
4. I understand that regardless of my successful completion of a pretrial diversion program, an order to seal records pertaining to an arrest made pursuant to Penal Code section 1000.4, subdivision (d), has no effect on a criminal justice agency's ability to access and use those sealed records and information regarding sealed arrests, as described in Penal Code section 851.92.
5. I understand that the Court may, after notice to me, schedule a hearing to determine if: (1) I am charged with an additional felony or a misdemeanor which reflects a propensity for violence, committed during the pretrial diversion, (2) I engage in criminal conduct rendering me unsuitable for diversion, (3) I am performing unsatisfactorily in the program, or (4) a mental health expert determines I am gravely disabled, as defined in Welfare and Institutions Code, section 5008, subdivision (h)(1)(B).
6. I understand that if I fail to successfully complete the program then all criminal proceedings shall be reinstated.
7. **Speedy Preliminary Hearing Waiver (felony).** I understand I have a right to a Preliminary Examination, within ten (10) court days of the date on which I am arraigned or plead, whichever occurs later. I also understand the Preliminary Examination must be held within

sixty (60) days of the date of my arraignment or plea. **I give up and waive my right to a Preliminary Examination within the ten (10) court days as described above, and I give up and waive my right to Preliminary Examination within sixty (60) days as described above.**

8. **Speedy Trial Waiver (felony).** I understand that the court shall order this felony case to be dismissed if it is not brought to trial within 60 days of my arraignment on the information. **I give up and waive my right to have my felony case brought to trial within the applicable time period stated above.** I understand that if, after proper notice to all parties, I later withdraw the above-stated waiver, I shall be brought to trial within 60 days after the date of that withdrawal.
9. **Speedy Trial Waiver (misdemeanor).** I understand that the court shall order this misdemeanor case to be dismissed if it is not brought to trial within 30 days from my arraignment, if I am in custody, or 45 days after I am arraigned, if I am not in custody at the time of arraignment, pursuant to a citation or determination on appeal. **I give up and waive my right to have my misdemeanor case brought to trial within the applicable time period stated above.** I acknowledge that if, after proper notice to all parties, I later withdraw the above-stated waiver, I shall be brought to trial within 30 days after that withdrawal.

By signing below, I acknowledge that I have read all of the above and have reviewed all of the above with my attorney. I further acknowledge that I know and understand all of the above, and freely and voluntarily give up the rights discussed therein.

_____ _____

Date Defendant's Signature

I am the attorney of record for the defendant. I have reviewed this form with the defendant. I have explained the Pretrial Mental Health Diversion Program to the defendant, the rights discussed in this form, and have answered all of the defendant's questions regarding the rights and consequences described in this form. I concur in the defendant's decision to enter into the Pretrial Mental Health Diversion Program and waive the rights described in this form.

_____ _____

Date Attorney's Signature