

1 **IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR JACKSON**
2 **COUNTY**

3 STATE OF OREGON,

Case No. _____

4 Plaintiff,
5 Vs.

**PETITION, WAIVER AND
6 AGREEMENT**

7 _____,
8 Defendant.

MENTAL HEALTH COURT

9
10 Related cases: _____

11 If this petition is allowed by the Court, the petitioner/defendant agrees to give up
12 the rights and carry out the agreements listed below upon formal acceptance into
13 the program.

- 14 1. I hereby give up any former jeopardy rights as to all Mental Health Court
15 charges, severed charges, and civil forfeitures.
- 16 2. As to Mental Health Court charges, I hereby give up the following rights:
17 a. My right to a speedy trial
18 b. My right to a jury trial
19 c. My right to call witnesses and to cross-examine the State's witnesses
20 d. My right to testify
21 e. My right to any motions to suppress or dismiss or demure.
- 22 3. I hereby acknowledge that criminal charges or civil actions arising out of
23 this same episode or transaction as charges allowed into Mental Health
24 Court will be severed and prosecuted or litigated separately.
- 25 4. a. I hereby agree that after opting into Mental Health Court should I be
26 terminated, I will proceed to sentencing based upon my plea of guilty.
27 Both the State and I agree that prior to opting into Mental Health Court, I
28 may withdraw from the Mental Health Court Program and have all my
constitutional rights restored. The State, likewise, prior to my opting into
Mental Health Court may withdraw from this agreement and oppose my
entry into the Mental Health Court Program as not eligible under the
eligibility criteria.

1 b. The State at any time may request my termination from the Mental
2 Health Court program for non-compliance. I understand that after
3 entering Mental Health Court, my decision to participate is not revocable
4 and I cannot opt out of Mental Health Court. The termination decision
5 will be decided by the Court.

- 6
- 7 5. I give up my right to have any evidence seized by police in this case tested
8 by the Oregon State Crime Laboratory or any other entity.
- 9 6. I understand and agree to fulfill the requirements and conditions stated in
10 the Mental Health Court Program "Contract", copy with my signature
11 attached to this petition.
- 12 7. I agree that participation in the Mental Health Court program will be for
13 at least twelve (12) months and that the Court may extend the treatment
14 program for additional time to allow me to successfully complete the
15 program.
- 16 8. I agree that any failure to fulfill the requirements of this agreement or the
17 Contract such as positive urinalysis tests, missing treatment, failure to
18 abide by any Court order or commission of a new crime may result in
19 modification or termination from the Mental Health Court program. I
20 agree the Court can impose immediate consequences if the Court
21 determines that I have not complied with orders of the Court or the
22 requirements of the program. I agree the Court may impose other
23 sanctions including, but not limited to, community service, work crew,
24 court days, and jail, rather than terminating my participation with Mental
25 Health Court.
- 26 9. I further agree that any failure to fulfill the requirements of this agreement
27 or the Contract may result in modification of the treatment program,
28 revocation of my pretrial release or probation, or termination from the
program.
- 10.I agree to the general conditions of release under ORS 135.250, including
but not limited to
- a. Appear in Court or anywhere else as ordered by the Court or its
designee
 - b. Obey any future order of the Court
 - c. Not leave the state without permission of the Court
 - d. Remain a law abiding citizen

- e. Not frequent places or associate with persons using or possessing controlled substances or committing crimes
- f. Not possess firearms or restricted weapons
- g. I hereby permit any officer in Jackson County Community Justice (hereinafter, officer) or their designee to visit my residence or worksite and I hereby agree to consent to the search of my person, vehicle or premises upon the request of an officer having reasonable grounds to believe that evidence of a violation will be found.

11. The Court agrees that upon successful completion of the Mental Health Court program the Court shall:

I have read the above statement of the rights that I must give up and the agreements I must make. I understand what I have read and do hereby knowingly give up these rights and enter into these agreements with the Court.

Petitioner's Address:

Street

City, State

Zipcode

Telephone Number

Petitioner's Signature

Date

Attorney for Defendant

Date

Deputy District Attorney

Date