

McPHERSON COUNTY



ATTORNEY'S OFFICE

David A. Page – County Attorney
Andrew R. Davidson – Chief Deputy County Attorney
Jamie L. Karasek – Deputy County Attorney
Dianna Britting-Office Manager/Legal Secretary

Kathy Miley – Legal Secretary/Diversion Assistant
Alisha Cooper – Victim/Witness Services
Jennifer Farr-Brewer – Diversion Coordinator
Linda Zrubek – Receptionist/Clerk II

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2010 Traffic Diversion Program Application

Dear Applicant:

The McPherson County Attorney has established a Diversion Program for some traffic offenders. Diversion is a privilege and not a right. There is no Presumption in favor of diversion in any case and the defendant is required to show that a diversion will serve the ends of justice and the interests of the community.

ELIGIBILITY

If you do not have more than one moving violation on your record in the past 12 months or more than two moving violations in the past 24 months, you are eligible for diversion. However, the County Attorney will make the final determination for diversion based on all relevant information. **PLEASE NOTE: DRIVERS WITH A VALID COMMERCIAL DRIVERS LICENSE (CDL) PER K.S.A. 8-2150 ARE NOT ELIGIBLE FOR DIVERSION.**

PROCEDURE

The defendant shall complete this application for the Traffic Diversion Program and submit the application with a **\$25.00 non-refundable fee** within two weeks following your first appearance date in court.

*****If you have been charged with No Proof of Insurance, please provide this office with current proof of insurance. Your diversion application cannot be processed without this information.*****

*****Out of State Driver's License holders must include a certified copy of their driving record when submitting this application.*****

Do NOT pay the fine and court costs until you have received a Diversion Agreement, which must be signed and returned to the County Attorney's Office by the due date. The Diversion Agreement must be accompanied by the total amounts due.

The amounts due will be a diversion fee plus the original fine and court costs. The diversion fee will range from \$50.00 to \$100.00 depending upon the moving violation.

The diversion fees are as follows:

6-10 MPH OVER THE POSTED SPEED LIMIT _____	\$50.00
11-15 MPH OVER THE POSTED SPEED LIMIT _____	\$75.00
16-20 MPH OVER THE POSTED SPEED LIMIT _____	\$100.00
Other moving violations _____	\$50.00

Diversion will not be offered for violations in excess of 20 MPH over the posted speed limit unless the violation is due to a verifiable emergency.

If you do not qualify for diversion, you will be notified by mail. You will still have the same options as originally available at the time the citation was written. Any questions you may have regarding the scheduled court hearings should be directed to the McPherson County District Court at 620-241-3422.

It is our hope that this information has answered your questions regarding the traffic diversion program. We look forward to the opportunity to work with you!

Very truly yours,

Jennifer Farr-Brewer

Diversion Coordinator

Kathy Miley

Diversion Assistant

Application for Traffic Diversion

**Office of the McPherson County Attorney
David A. Page, County Attorney**

(For Office Use Only)

Application Fee: _____ Date Received _____

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APPLICATION FOR THE TRAFFIC DIVERSION PROGRAM

All answers must be complete. After completing the application, please return it to the County Attorney's Office with the **\$25.00 non-refundable** application fee. **Application fee should be made payable to McPherson County.**

NOTE: This application and fee must be completed and returned, by mail or in person, to the County Attorney's Office within two weeks following your First Appearance date.

*****Out of State Driver's License holders must include a certified copy of their driving***
record when submitting this application.**

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**THE DISTRICT COURT OF McPHERSON COUNTY, KANSAS
NINTH JUDICIAL DISTRICT**

STATE OF KANSAS,)
Plaintiff,)
)
vs.) Case No. _____
)
_____)
Defendant.)
_____)

Last Name First Name Middle Initial

Street Address

City State Zip Code

Home Phone Work Phone

Social Security Number

Date of Birth

Drivers License Number

State of Issuance

Defense Attorney (If any)

Address

Phone

Citation Number

Date Received

Prior Traffic Offenses: How many traffic citations have you received within the past 2 years whether convicted, found not guilty, still pending, dismissed, or received diversion?

Number _____

I hereby apply to be a participant in the Traffic Diversion Program, waive speedy trial and ask for a continuance of the trial for at least six (6) months and until after the completion of the diversion period, with the delay to be charged to me. I agree that failure to respond to the information sought or the giving of false or incorrect information in the application is grounds to deny me diversion or remove me from the program. I admit I committed the traffic offense alleged in the Uniform Notice to Appear and Complaint.

I declare under penalty of perjury that the information in the application is true and correct.

Completed and signed on _____
(Date)

(Signature)