STATE OF INDIANA	)	IN THE PERRY CIRCUIT COURT
	) SS:	
COUNTY OF PERRY	)	62C01-_____
STATE OF INDIANA	)	
v.	)	
	)	
_____	)	
Defendant.	)	

INFRACTION DEFERRAL AGREEMENT AND MOTION TO DISMISS

Comes now the State of Indiana by its Prosecuting Attorney, and the Defendant, in person and enter into the following Agreement under Indiana Code 34-28-5-1:

1. The Defendant is charged with an Infraction. The State agrees to withhold prosecution on the ticket and to dismiss it only if the Defendant complies with every term of this Agreement.

2. The Defendant agrees that all delays as a result of entering into this Agreement is charged to the Defendant under Criminal Rule 4, and that the Statute of Limitations is tolled for the period of this Agreement.

3. The Defendant agrees to pay to the "Clerk of Perry County" the total of (Check appropriate box)

Speeding	0 – 10 miles over	6 months	$189.50	_____
	11 – 15 miles over	9 months	$219.50	_____
	16 plus miles over	12 months	$249.50	_____
All Other Traffic Violations		9 months	$219.50	_____

The payment is due on the same date of entering this agreement. Payment must be paid by certified check or money order (no personal checks), and must be paid in one lump sum. Payment may be paid at the Perry County Prosecutor's office, or mailed with this Agreement to: Pretrial Diversion Program, 601 Main Street, Suite C, Tell City, Indiana 47586. The payment and this signed Agreement must be returned prior to the court date. There shall be no extensions. The total payment includes an initial user fee of $52.00, court costs of $77.50, and $10.00 for each month of participation.

4. The Defendant does not currently have a Commercial Driver's License (CDL) and is not a habitual traffic offender.

5. The ticket does not involve an accident or speeding in a school or construction zone or failure to yield to an emergency vehicle.

6. The Defendant shall truthfully answer all reasonable inquiries made by the Prosecuting Attorney and shall notify the Prosecuting Attorney in writing of any change of address and / or telephone number within seven (7) days of the change.

The Defendant acknowledges that failure to comply with any of the terms of this Agreement can result in this Agreement being withdrawn and the Defendant may be prosecuted on the charge, and that all fees paid into the program are forfeited. The Defendant swears or affirms to reading and accepting all of the terms of this Agreement, to entering into this Agreement voluntarily, and that all information provided for this Agreement is true.

Date: _____, 2011.

_____
Defendant (Signature)

Defendant's Address:
_____

_____

_____

_____
Attorney for Defendant

_____
Prosecuting Attorney

Date of Birth: _____

Telephone No: _____