

IN THE PEARL MUNICIPAL COURT OF RANKIN COUNTY, MISSISSIPPI

Defendant: _____ File No. _____

Trial Guilty Plea

ORDER OF CONDITIONS TO COMPLETE FOR NONADJUDICATION OF FIRST OFFENSE DUI

This cause came on for consideration of nonadjudication of a first offense DUI and the Court being satisfied it has complete jurisdiction, hereby:

1. Finds that the defendant has never received a nonadjudication and has not previously been convicted of and does not have pending any former or subsequent charges under § 63-11-30 and the defendant is charged with a first (1st) offense under
(Choose one of the following)
 - Miss. Code Ann. § 63-11-30(1);
 - Miss. Code Ann. § 63-11-30(3) (*Zero Tolerance for Minors*);
2. Finds that the defendant is not the holder of a commercial driver's license or a commercial learning permit and defendant was not operating a commercial vehicle at the time of the offense;
3. Withholds adjudication of guilt
(Choose one of the following)
 - based upon the filing of a sworn petition for nonadjudication and upon the entry of a plea of guilt by the defendant;
 - at the conclusion of a trial on the merits, but before conviction;
4. Defers sentencing, and orders that the defendant shall:
 - (a) on or before _____, pay a total of \$_____ which includes a fine of
(Choose one of the following)
 - \$_____ (\$250 - \$1,000) - (*Miss. Code Ann. § 63-11-30(1)*);
 - \$250.00 - (*Miss. Code Ann. § 63-11-30(3) (Zero Tolerance for Minors)*);plus all penalties and assessments including the nonadjudication fee of Two Hundred Fifty Dollars (\$250.00) imposed under Miss. Code Ann. § 63-11-31(2)(b)(ii); and
 - (b) attend and complete an alcohol safety education program as provided in Miss. Code Ann. § 63-11-32 within six (6) months of the date of this order; and
(Choose one of the following)
 - (c) (*Choose if the court determines that the defendant violated with respect to alcohol or intoxicating liquor*)
 - (i) install an ignition-interlock device on every motor vehicle operated by defendant, obtain an interlock-restricted license, and maintain that license for one hundred twenty (120) days OR
 - (ii) suffer a one-hundred-twenty-day suspension of defendant's regular driver's license, during which time defendant shall not operate any vehicle.

- (Choose if the court determines that the defendant violated by operating a vehicle when under the influence of a substance other than alcohol that has impaired the defendant's ability to operate a motor vehicle, including any drug or controlled substance which is unlawful to possess under the Mississippi Controlled Substances Law)

(Choose one of the following)

- submit to a one-hundred-twenty-day period of a nonadjudication program that includes court-ordered drug testing at defendant's own expense not less often than every thirty (30) days, during which time defendant may drive if compliant with the terms of the program OR
- suffer a one-hundred-twenty-day suspension of defendant's regular driver's license, during which time defendant shall not operate any vehicle.

(Choose none, any, or all of the following)

- on or before _____, successfully complete an alcohol and drug screening at _____ and comply with any recommendations of the screening;
- provide proof that the defendant has not committed any other traffic violations while under court supervision;
- provide proof of immobilization or impoundment of vehicles owned by the defendant;
- provide proof of attendance by the defendant at a victim-impact panel;
- successfully complete supervised probation with _____ for a period of _____;
- successfully complete unsupervised probation for a period of _____;
- _____;

5. Orders the defendant to reappear before the Court at _____ on _____ (“Compliance Proof Date”) for a hearing for the court to determine if the defendant successfully completed all conditions imposed by law and by the court unless the defendant or counsel for the defendant has supplied written proof of the completion of all of the above conditions and requirements. Failure of the defendant to provide the above proof by the Compliance Proof Date may result in this Court adjudicating the defendant guilty and sentencing the defendant. However, upon the timely, successful completion of all of the above conditions, this Court shall sign and enter a FINAL ORDER OF NONADJUDICATION prepared by counsel, if any, for the defendant, and the clerk of this Court shall forward the record of this nonadjudicated case to the Department of Public Safety.

So ordered, this the _____ day of _____, 20_____.

Acknowledged:

Judge

Defendant

Counsel for Defendant