



**DELAWARE COUNTY
YOUNG OFFENDER PROGRAM
APPLICATION**

DELAWARE COUNTY COURTHOUSE
MEDIA, PENNSYLVANIA 19063

.....
MUST ATTACH A
COPY OF CRIMINAL
COMPLAINT WITH
APPLICATION

Defendant's Name: _____ **Date of Application:** _____

Complete Docket No(s): _____ **OTN:** _____

Defendant's Attorney: _____ **Attorney Phone No:** _____

Defendant's Attorney's E-mail: _____

OVERVIEW: Delaware County's Young Offender program is a voluntary presentence intensive program for low risk first time young adult offenders that are currently charged with a felony marijuana drug case. This program allows the young adult offender the opportunity to avoid a felony conviction and enter into an intensive program while under the supervision of the Office of Adult Probation and Parole and Young Offender Program Judge. The Young Offender Program is an eighteen (18) month program for non-violent first time offenders who have been arrested for a violation of the Pennsylvania Drug Act, Possession with the Intent to Deliver/ Delivery/ Manufacturing less than one pound of Marijuana and Possession with the Intent to Deliver/ Delivery/ Manufacturing a Noncontrolled Substance (marijuana, THC and its derivatives, and synthetic marijuana), Title 35 §780-113(a)(30) & (35).

Participants must waive preliminary hearing and immediately file an application for the Young Offender Program. Accepted applicants will be scheduled for an admission hearing in the Delaware County Court of Common Pleas before the presiding Judge of the Young Offender Program. Applicants will tender a *nolo contendere* plea to the Criminal Information that is filed by the Delaware County Office of the District Attorney. The *nolo contendere* plea held in abeyance pending the participant's enrollment and successful completion of the Young Offender Program. Participants in the program are expected to maintain employment and/or a full time educational program. Successful completion of the Program shall result in the dismissal of the felony charges and acceptance of the plea and sentencing on the remaining misdemeanor possession of a controlled substance offense. With the successful completion of the Program, sentencing will be scheduled just prior to the final 18th month of supervision and will require thirty (30) additional days of probation. Failure to complete the program and the all requirements for any reason shall result in the acceptance of the entire tendered plea and sentencing.

ELIGIBILITY: Eligibility is considered on a case by case basis. In order to be **eligible** to participate, the defendant must meet the following **criteria**:

- Offender must be between 18-25 years of age at the time of the offense.

- Amount of marijuana is less than one (1) pound or less than ten (<10) plants.
- No prior convictions.
- No prior participation in the Young Offender Program.
- No history of violence.
- Object offense may not involve the possession and/or use of any weapon.
- Willingness to undergo strict court supervision.
- Risk/ Needs Assessment shows offender to be “Low risk, low need.”
- Must undergo a Biopsychosocial evaluation to assess eligibility.
- The Biopsychosocial Evaluation and the Risk/Needs Assessment will determine if defendant is drug dependent and in need of treatment (e.g higher level of care).
- If applicant does not meet DSM-V diagnostic criteria (e.g. not in need of intensive drug addiction treatment and/or co-occurring mental health disorder) he/she will be admitted into the Young Offender Program.
- Alternatively, if the applicant meets the DSM-V diagnostic criteria for drug addiction and/or a co-occurring mental health disorder, the applicant will be ineligible for Young Offender Program but will be offered the opportunity to enroll in Treatment Court:
 - Higher level of care needed - these cases can be referred to Delaware County Drug Treatment Court Program – “Track II”
 - Defendant will be eligible for the same benefit of the Young Offender program but will be placed in a treatment track to address the addiction and any co-occurring disorders and additional treatment needs.

INELIGIBILITY: (Note: List is not exhaustive. See attachment to application.)

- Defendant has a **pending charge for ANY of the following:**
 - Crime of Violence (including Burglary),
 - Crime involving a firearm and/or weapon (misdemeanor or felony)
 - Sexually based offenses and Crimes against children
 - Manufacture/Delivery of a Controlled Substance (other than marijuana)
- Defendant is seriously and persistently mentally ill which renders him/her unable to participate in the structure of the Young Offender Program.
- Defendant is unwilling/unable to terminate use of lawfully prescribed controlled substances and over-the-counter medications that affect the integrity and accuracy of drug screening and program participation.
- Defendant has been previously admitted in the Young Offender Program.
- Defendant is unwilling to undergo strict court supervision

REQUIREMENTS OF THE PROGRAM:

1. 18 month program.
2. Must tender an open-nolo contendere plea to felony and misdemeanor offenses at time of admission into the program and the Court will take the tendered plea under advisement pending the defendant's enrollment and successful completion of the Young Offender Program.
3. Report to probation officer on a weekly basis in first phase but will gradually reduce in frequency upon candidate's matriculation through the eighteen (18) month program. Frequency will increase if participant is not in compliance with the Program.
4. Report for court review hearing on a bi-weekly basis in the first phase but will gradually reduce in frequency upon candidate's matriculation through the eighteen (18) month program. Frequency will increase if participant is not in compliance with the Program.
5. Perform 180 hours of Community Service.
6. Must attend a mandatory Marijuana Drug Education Program (currently offered at Key Recovery in Brookhaven, Pennsylvania) or other approved Therapeutic/ Drug Educational Program. Must attend and complete any and all aftercare recommendations.
7. Must obtain a High School Diploma or equivalent prior to completion.
8. Must obtain and maintain employment or full-time educational course of study and/or vocational program throughout the duration of the program. If offender is unemployed, then offender must be actively seeking employment and verified through probation department on a weekly basis.
9. Submit mandatory random urine screens.
10. No new arrests.
11. Must remain drug and alcohol free throughout the program.
12. Must make restitution and pay court costs and costs of prosecution.
13. Paid one-time program fee required upon admission (waivable for indigent applicants).

Phases of Supervisions for the Young Offender Program

Phase I: 6 months

- Intensive Community Supervision with weekly reporting to Probation Officer
- Random Drug Testing/Substance Free
- Must be working and/or attending school. Provide pay stubs and/or grades.
- Educational/Treatment Program, Weekly
- Bi-Weekly Court Review Sessions

Phase II: 6 months

- Random Community Supervision with bi-weekly report to Probation Officer
- Random Drug Testing/Substance Free
- Must be working and/or attending school. Provide pay stubs and/or grades.
- Treatment: Process/Support and Motivation
- Monthly Court Review
- Completion of Community Service hours

Phase III: 5 months

- Random Community Supervision, with monthly reporting to Probation Officer
- Random Drug Testing/Substance Free
- Must be working and/or attending school. Provide pay stubs and/or grades.
- Treatment: Maintenance
- Prepare for Treatment Discharge
- Court Review every 6 weeks or as needed.

Phase IV: 1 month

- Sentencing and Post Sentence
- Random Drug Testing/Substance Free
- Must be working and/or attending school. Provide pay stubs and/or grades.
- Treatment, completion of all required aftercare
- Graduation Plan/Project

** Reporting requirements may vary based upon on the individual needs of the participant.

BACKGROUND INFORMATION

DOCKET No. _____ Inmate No. _____

Name (First/ Middle/ Last): _____

Maiden Name: _____ Sex (M/F): _____ Age: _____

Date of Birth: _____ Place of Birth: _____

Address: _____ City/State: _____

Phone Number: (Home) _____ (Cell) _____

Others who reside in home: _____

Current Occupation/ Employer/ Name of School: _____

Work/School Address: _____ City/ State: _____

Highest level of School Completed? _____ Name of School? _____

Are you a United States Citizen? _____ If not, please explain: _____

What is the name of your Health Insurance Provider: _____

Insurance Policy No: _____

Have you ever served in the Military? _____ (Y/N). Branch: _____ Date/Service: _____

Type of discharge: _____ Type of Service (i.e. combat): _____

What is your drug of choice? 1st _____ 2nd _____

How much to you use? _____ Prior substance abuse treatment: _____ (Y/N).

Name of treatment facility (Rehab) and dates of treatment:

Have you ever pleaded guilty, or been convicted, or adjudicated as a juvenile, of any crime, including any crime involving violence? _____ (Y/N)

- As used in this section, the term “**crime of violence**” includes but is not limited to murder or homicide, aggravated assault, simple assault, rape, involuntary deviate sexual intercourse, arson, kidnapping, burglary of a structure adapted for overnight accommodation in which at the time of the offense any person is present, robbery, robbery of a motor vehicle, any weapons-related offense, aggravated indecent assault, indecent assault and sexual assault or criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed above, or an equivalent crime under the laws of this Commonwealth in effect the time of the commission of that offense or an equivalent crime in another jurisdiction.

If yes, detail date and location of crime, charges, and how were those charges were resolved?

Have you ever been placed on §117 Probation without Verdict (35 P.S. §780-117) or §118 Disposition in Lieu of Trial or Criminal Punishment (35 P.S. §780-118)? ___ (Y/N)

If yes, when and where did it occur? Have you ever received a similar disposition to any criminal charge in any other jurisdiction?

Are you presently on probation or parole? _____ (Y/N) If yes, where? _____

Are you **presently** on bail or do you have ANY OTHER pending criminal charges in Delaware County or any other jurisdiction? _____(Y/N) If yes, where? _____

Do you understand that this program prohibits the use and/or possession of alcohol, controlled substances (including prescribed controlled substances), synthetic controlled substances (i.e. “Spice”) and any other unlawful substances? _____ (Y/N)

APPLICANT’S VERIFICATION

I hereby swear or affirm that I have read the foregoing application and that each and every answer to the above questions is true and accurate. I also understand that if any of the information provided above is false or misleading then: (i) my application for admission to the Young Offender Program (hereinafter “Program”) will be denied; (ii) I will be removed from the Program and sentenced as provided by law; and/or (iii) I may be charged and prosecuted for additional crimes including but not limited to perjury, false swearing and/or unsworn falsification to authorities.

I also swear or affirm that I have read and understand the description of the Young Offender Program, Requirements and List of Ineligible Offenses attached to this application. I have also had an opportunity to review this material and my application decision with my attorney.

I knowingly, voluntarily and intelligently waive my right to a preliminary hearing; I understand that to apply for the Program I must waive my right to a preliminary hearing; such waiver, however, is not contingent upon my acceptance into the Program.

I understand that if this application is rejected for any reason, then I will be formally arraigned on all pending charges in the Court of Common Pleas of Delaware County as

scheduled. I understand that while this application is pending, all such time is waived by me for purposes of my speedy trial rights under Rule 600.

I understand that if this application is accepted, then I can either (i) agree to be admitted into the program, or (ii) decline admission and proceed directly to formal arraignment.

I understand that if I fail to complete the Young Offender Program for any reason, then (i) I will be removed from the program; and (ii) I will be sentenced in accordance with applicable laws.

Signature of Applicant: _____ Date: _____

ATTORNEY'S VERIFICATION

As attorney for the defendant-applicant or counsel advising the defendant on the application process, I have advised the defendant of his/her rights with respect to the charges against him/her. I have also advised the defendant of the content and meaning of the application, Young Offender Program and waiver of rights.

I verify that it is my belief that the defendant understands the rights, which he/she is, waiving; understands the contents and meaning of this application; and understands the requirements of the Young Offender Program.

Signature of Attorney: _____ Date: _____

****** Must attach copy of criminal complaint for any and all pending criminal cases for consideration of this application.**

Please Submit application by e-mail to the following:

• ***Linda Barbera, Coordinator***
Adult Probation and Parole Services
Delaware County Courthouse
barberal@co.delaware.pa.us

• ***Sharon McKenna, DDA***
Office of the District Attorney
Delaware County Courthouse
mckennas@co.delaware.pa.us

FOR YOUR REFERENCE – DO NOT SUMBIT WITH APPLICATION

LIST OF OFFENSES THAT WILL RENDER APPLICANT INELIGIBLE (ADJUDICATION OR OPEN):

A person is not eligible for Young Offender if he/she has any of the offenses listed below, EITHER as an open charge or prior juvenile adjudication. Also, the client is ineligible for the listed offense OR for a charge of Attempt, Solicitation and/or Conspiracy to Commit the listed offense. (18 Pa.C.S. 901, 902 or 903).

CRIMES OF VIOLENCE

Murder, 18 Pa. C. S. 2502; Voluntary Manslaughter, 18 Pa. C. S. 2503; Involuntary Manslaughter, 18 Pa. C. S. 2504; Aggravated Assault, 18 Pa.C.S. 2702; Assault by Prisoner, 18 Pa.C. S. 2704; Assault by Life Prisoner, 18 Pa. C.S. 2704; Kidnapping, 18 Pa.C.S. 2901; Arson, 18 Pa.C.S. 3301; Intimidation of Witnesses or Victims, 18 Pa. C.S. 4952; Retaliation Against Witnesses or Victims, 18 Pa. C.S. 4953; Causing or Aiding Suicide, 18 Pa. C.S. 2505; Drug Delivery Resulting in Death, 18 Pa. C.S. 2506; Robbery, 18 Pa.C.S. 3701*; Simple Assault, 18 Pa.C.S. 2701.

SEXUAL OFFENSES

Rape, 18 Pa.C.S. 3121; Statutory Sexual Assault, 18 Pa.C.S. 3121.1; Involuntary Deviate Sexual Intercourse, 18 Pa.C.S. 3123; Sexual Assault, 18 Pa.C.S. 3124.1; Aggravated Indecent Assault, 18 Pa.C.S. 3125; Indecent Assault, 18 Pa.C.S. 3126 Incest, 18 Pa.C.S. 4302; Sexual Abuse of Children, 18 Pa. C.S. 6312; Indecent Exposure, 18 Pa.C.S. 3127.

THEFT OFFENSES

Any Vehicular Theft/RSP; Deceptive Business Practices, 18 Pa.C.S. 4107; Any Theft where value is equal or greater than \$25,000 (*where theft value is equal or greater than \$25,000, or victim is sixty (60) years of age or older*); Theft by Extortion, 18 Pa.C.S. 3923; Burglary, 18 Pa.C.S. 3502* **Limited Exception: burglary of a non-residence and no one else is present.*

WEAPON OFFENSES & EXPLOSIVES

Violations of the Uniform Firearms Act, including but not limited to, Persons not to Possess, Use, Manufacture, Control, Sell, or Transfer Firearms, 18 Pa.C.S. 6105; Firearms not to be Carried without a License, 18 Pa.C.S. 6106; Sale or Transfer of Firearms, 18 Pa.C.S. 6111; Weapons or Implements for Escape, 18 Pa.C.S. 5122; Threat to Use Weapons of Mass Destruction, 18 Pa. C.S. 2715; Weapons of Mass Destruction, 18 Pa.C.S. 2716; Carrying Explosives on Conveyances, 18 Pa.C.S. 6161; Shipping Explosives, 18 Pa.C.S. 6162.

OFFENSES INVOLVING CHILDREN

Interference with Custody of Children, 18 Pa.C.S. 2904; Concealment of Whereabouts of a Child, 18 Pa.C.S. 2909; Endangering Welfare of Children, 18 Pa.C.S. 4304 (*course of conduct endangering child's welfare*); Dealing in Infant Children, 18 Pa.C.S. 4305; Corruption of Minors, 18 Pa.C.S. 6301 (*sexual nature*).

OTHER OFFENSES

Escape, 18 Pa.C.S. 5121; Stalking, 18 Pa.C.S. 2709 (b); Causing or Risking Catastrophe, 18 Pa.C.S. 3302; Perjury, 18 Pa.C.S. 4902; Impersonating a Public Servant, 18 Pa.C.S. 4912; Contraband, 18 Pa.C.S. 5123; Prostitution, 18 Pa.C.S. 5902; Terroristic Threats, 18 Pa.C.S. 2706.

Pennsylvania Motor Vehicle Code

Driving Under the Influence, 75 Pa. C. S. 3802; Fleeing or Attempting to Elude Police Officer, 75 Pa.C.S. 3733 (*when graded as a felony of the 3rd degree*); Homicide by Vehicle, 75 Pa. C.S. 3732; Homicide by Vehicle While Driving Under the Influence, 75 Pa. C.S. 3735; Aggravated Assault by Vehicle While Driving Under the Influence, 75 Pa. C.S. 3735.1; Accidents Involving Death or Personal Injury, 75 Pa.C.S. 3742 (*Resulting in serious bodily injury or death*); Accidents Involving Death or Personal Injury While Not Properly Licensed, 75 Pa. C.S. 3742.1 (*Resulting in serious bodily injury or death*); Removal or Falsification of Identification Number, 75 Pa. C.S. 7102; Dealing in Vehicles with Removed or Falsified Numbers, 75 Pa. C.S. 7103; Dealing in Titles and Plates for Stolen Vehicles, 75 Pa. C.S. 7111; False Application for Certificate of Title or Registration, 75 Pa. C. S. 7121; Altered, Forged or Counterfeit Documents and Plates, 75 Pa. C.S. 7122