**CHEMUNG COUNTY DRUG TREATMENT COURT**

**TRANSFER INSTRUCTIONS / CHECKLIST**

This material outlines the procedure to have a defendant considered for participation in the Chemung County Drug Treatment Court (CCDTC) and for actual transfer of pending Town or Village Court cases to Chemung County Treatment Court. These are two separate steps. Chemung County Court will not accept a transferred case if the defendant has not first been assessed and approved by the CCDTC team for inclusion in the program as described below.

Introduction

The goal of the CCDTC is to help non-violent alcohol and drug addicted defendants stop

further criminal activity by receiving the treatment they need. All defendants must enter a guilty plea to join the program. Sentencing is then adjourned pending their successful completion of CCDTC. The program combines weekly court reviews with intensive probation supervision, substance abuse treatment, random drug-testing, graduated sanctions, and educational/employment training in an effort to encourage positive behaviors and diminish destructive ones. Defendants who fail the program face jail sentences.

Any defendant charged with a misdemeanor pending in a Town or Village Court in Chemung County is potentially eligible for CCDTC. However, actual transfer of a case requires the written approval of the presiding Judge, the coordinator, the district attorney, the defense attorney and the defendant. If any of these persons are not willing to consent to a transfer, no transfer can occur. Once a case has been transferred, it will remain in Chemung County Court until final disposition. No cases will be transferred back to the Town or Village Courts.

Step One: Obtain Assessment for entry into CCDTC

All defendants must report to the Drug Court Coordinator, Desiree Rogers, for

assessment prior to case transfer. The assessment will determine if there is a discernable addiction and if the defendant qualifies for the CCDTC program. The following procedure can be used any time after arraignment and prior to enrollment in the program:

A. If the court, the district attorney, defense counsel and the defendant agree that CCDTC may be an appropriate option, the court should then refer the defendant to the coordinator, Desiree Rogers, for an assessment. The defendants attorney will need to sign a Consent of Defense Counsel to Ex Parte Communications form for the court records and be given the CCDTC brochure.

B. The court then will need to forward a copy of the Ex Parte communication form along with a completed referral form to the coordinator, immediately following court.

C. The case can then be adjourned for two weeks to allow for completion of the assessment process. The defendant will be scheduled to observe a Drug Court session in the interim, and prior to the end of the two weeks, the coordinator will notify the referring court in writing whether or not the defendant has been deemed eligible for CCDTC.

Step Two: Transfer of Pending Cases to Chemung County Court

D. If all parties are in agreement that the case should be transferred to CCDTC, the Transfer Order must be filled out completely and signed. If a guilty plea has not yet been entered, **no plea should be taken in the Town or Village Courts**. Entry of a plea will occur in Chemung County Court.

E. The Transfer Order should be e-mailed to Chemung County Court upon signing at: chemungsc@nycourts.gov. Upon the Judges signature either approving or denying the transfer, it will then be faxed back to the T/V Court. If transfer is approved, all necessary paperwork as listed in the Transfer Order must then be forwarded to Chemung County Court, Attn: Samantha Pike at: 203 Lake Street, Elmira, NY 14902.

Questions can be addressed as follows:

1) Desiree Rogers, CCDTC Coordinator

Hazlett Building, 1st Floor

203 Lake Street

Elmira, NY 14902

607-873-9446

dsrogers@nycourts.gov

**CHEMUNG COUNTY DRUG TREATMENT COURT**

**TRANSFER CHECKLIST**

STEP ONE: OBTAIN ASSESSMENT FOR ENTRY INTO CCDTC

 The Court, coordinator, prosecutor, defense counsel and defendant agree to have the defendant assessed for possible inclusion in the CCDTC. Consent of Defense Counsel to Ex Parte Communications form is signed by the defendants attorney and the defendant is given the CCDTC brochure, along with a date to appear for assessment. (Wednesdays at 2:00 p.m.)

 Drug Treatment Court Referral Form completed by the T/V court and faxed to

the coordinator, along with Consent of Defense Counsel to Ex Parte

Communications form at: 646-963-6434. Forms may also be mailed to:

Chemung County Drug Treatment Court

Attn: Desiree Rogers

203 Lake St.

Elmira, NY 14902

 The case is adjourned for two weeks while awaiting the coordinators notification

in writing whether or not the defendant has been deemed eligible for CCDTC.

STEP TWO: TRANSFER OF PENDING CASE TO COUNTY COURT

 If the CCDTC team has accepted the defendant into the CCDTC program, the Transfer Order of Jurisdiction should be completed in its entirety by the next scheduled court date and then signed by the Justice, defense attorney, prosecuting attorney and defendant. Upon signature of all parties in Court, the Order is then faxed or mailed to Chemung County Court.

 Chemung County Court will acknowledge receipt of the Order upon the Judges

signature signifying if the case transfer of jurisdiction is accepted or rejected.

 If ACCEPTED, the Town/Village Court must forward:

COURT FILE CONTENTS (see Transfer Order) and the original Order of Transfer

DO NOT TRANSFER BAIL MONIES TO THE CHEMUNG COUNTY COURT. BAIL SHOULD ALREADY BE EXONERATED AND RETURNED TO THE SURETY PRIOR TO THE TRANSFER OF THE COURT FILE.

UNIFORM TRAFFIC TICKETS:

If there are UTTs in the file, the DMV form UT-18 Court Transfer form must be completed and sent with original the tickets to Chemung County Court. A copy of the form must be sent to the DMV TSLE&D unit.

 If REJECTED, the T/V Court will retain the case and should schedule further proceedings in their own Court.

On all other cases, the T/V Court should report to DCJS that the case was transferred to the Chemung County Court (court code NY007013J).