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To: Clerks of the Circuit Court
Attention: County Criminal Supervisors
From: Gregory Youchock, Chief of Court Services
Date: July 10, 2003
Subject: OBTS Technical Memo 03-03

This technical memorandum clarifies the OBTS requirements for defendants on pretrial diversion. Please make the following corrections to your SRS manual. Delete the last paragraph on page 10-13 headed **Failure to Complete Pretrial Diversion** and replace it with the following:

Failure to Complete Pretrial Diversion

If there has been NO court involvement in the case, these procedures should be followed when the defendant fails to complete pretrial diversion and an information is subsequently filed:

- The Prosecutor Phase should be completed;
- The **Prosecutor Filing Date** (page 77) should reflect the date the information is filed;
- The **Prosecutor Final Decision Date** (page 78) should reflect the date the information is filed;
- The **Final Action by the Prosecutor** (page 79) should be code N (filed); and
- The Court Phase should be reset with default values.

If there has been NO court involvement in the case, these procedures should be followed when the defendant fails to complete pretrial diversion and an information is NOT filed:

- The Prosecutor Phase should be completed;
- The **Prosecutor Filing Date** (page 77) should be all 8s;
- The **Prosecutor Final Decision Date** (page 78) should be the date the decision is made not to file;
- The **Final Action by the Prosecutor** (page 79) should be changed to reflect code L (dropped/abandoned); and
- The Court Phase should be reset with default values.

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If there has been court involvement in the case, these procedures should be followed when the defendant fails to complete pretrial diversion:

- The **Date Charge Reopened** (page 132) should reflect the date the paper work is filed which reopens the case; and
- The **Reason Charge Reopened** (page 133) should reflect code O (other).

Sentencing After Failure to Complete Pretrial Diversion

These procedures should be followed when a defendant is sentenced after failing to complete pretrial diversion:

- The Court Phase of the record should reflect the new **Court Decision Date** (page 98);
- The new **Court Action Taken** (page 99) information should be entered;
- The **Type of Trial** (page 103) information should be entered;
- The **Defendant's Final Plea** (page 104) should be entered; and
- The **Date Reopened Charge Closed** (page 134) the court decision date should be entered here to identify the date the reopened charge was closed.

If you have questions or comments concerning the content of this technical memorandum, please contact PJ Stockdale (stockdap@flcourts.org) 850/410-1523 or Jim Brown (brownj@flcourts.org) 850/488-8622. Thank you.

GY/JB