

**IN THE SUPERIOR COURTS OF THE APPALACHIAN JUDICIAL CIRCUIT**

**STATE OF GEORGIA**

**INTERNAL OPERATING PROCEDURE 2000-24 (Revised 12-13-00)**

**IN RE: PRETRIAL DIVERSION PROGRAM**

In order to establish a procedure whereby certain defendants are diverted from the Court System by means of a Pretrial Diversion Program the following Internal Operating Procedure is established:

When a criminal warrant is taken against a person or an accusation is filed in the Appalachian Judicial Circuit, the Court or the District Attorney's office as an official of the Court may divert a case from the court system by means of an order for pretrial diversion with the following restrictions:

1. A person will be placed on pretrial diversion for a period not to exceed 90 days. An exception may occur when large amounts of restitution are due in which case the term on pretrial may be extended up to 12 months solely for the purpose of securing full payment. No pretrial order will exceed 12 months.
2. A standard pretrial fee will be accessed on every pretrial case in the amount of \$130.00 which will be payable to the Appalachian Probation and Pretrial Diversion Program account. Additionally, restitution and attorney fees may be ordered but no further fine will be accessed. The accused shall be informed that these sums shall not constitute a fine for punishment purposes and shall not be refunded upon failure to abide by this agreement.
3. A case will be maintained on the Pretrial Diversion Program a minimum of 30 days and may be returned to the District Attorney's office as a successful completion after the 30 days if all requirements have been met.
4. Any case where pretrial conditions have not been met or a new criminal violation has occurred will be returned to the District Attorney's office for prosecution and the probation office will then close its interest in the case. The Probation Officer will have the discretion to determine at what point a case with technical violations will be returned to the Court.
5. The Supervising Probation Officer shall have the authority to administratively continue a pretrial case beyond the 90 day maximum if necessary to complete payment of monies or other program requirements.

The Pretrial Diversion Program in the Appalachian Judicial Circuit will be funded in part through misdemeanor probation fees and pretrial diversion fees which are remitted to the Appalachian Probation and Pretrial Diversion Program account.

**SO ORDERED**, this 13<sup>th</sup> day of December, 2000.

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Brenda S. Weaver, Chief Judge  
Superior Courts  
Appalachian Judicial Circuit