

## **TRAFFIC DIVERSION PROGRAM**

The city of Newton Prosecutor has established a Diversion Program for some traffic offenders. Diversion is a privilege and not a right. There is no Presumption in favor of diversion in any case and the defendant is required to show that a diversion will serve the ends of justice and the interests of the community.

### **ELIGIBILITY**

If you do not have more than one speeding violation or any other serious traffic violation on your record in the past 12 months or more than two speeding violations or any other serious traffic violation in the past 24 months, you are eligible for diversion. However, the City Prosecutor will make the final determination for diversion based on all relevant information.

**You are not eligible if you carry a CDL endorsement on your driver's license.**

### **PROCEDURE**

The defendant shall complete this application for Traffic Diversion Program and submit the application to the court. The non-refundable fee must be in the form of cash, a personal check, money order or cashiers check, payable to the Newton Municipal Court.

Once the application and the application fee have been returned to the City Prosecutor's Office, do not pay the fine and court costs until you have received a Journal Entry and Diversion Agreement which must be signed and returned to the City Prosecutor's Office within 6 weeks. If the fine and court costs are paid before the Diversion Agreement is filed, you will no longer be eligible for diversion. The Diversion Agreement and Journal Entry must be accompanied by the total amounts due which will be reflected in said documents and will be totaled for you in the letter accompanying the Diversion Agreement and Journal Entry.

The amounts due will be a diversion fee plus the original fine and court costs. The diversion fee can run from \$50.00 to \$100.00 depending upon the speed you were traveling on your traffic citation.

The diversion fee is as follows:

6-10 MPH OVER THE POSTED SPEED LIMIT _____	\$50.00
11-15 MPH OVER THE POSTED SPEED LIMIT _____	\$75.00
16-20 MPH OVER THE POSTED SPEED LIMIT _____	\$100.00
Other moving violations _____	\$50.00

If you do not qualify for diversion, you will be notified by mail. You will still have the same options as originally available at this time the citation was written. If the diversion application process is not completed before your court date, it is your responsibility to notify the Newton Municipal Court at 316-284-6050 that you are requesting a continuance, pending the diversion application review.

If you have any questions regarding the  
Traffic Diversion Program,  
Call the City Prosecutor's Office at 316-284-6056.

# **MINOR TRAFFIC DIVERSION APPLICATION**

**CITY OF NEWTON PROSECUTOR'S OFFICE**

(Please Print)

\_\_\_\_\_  
Last Name First Name Initial

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
Home Phone Work Phone

\_\_\_\_\_  
Social Security Number Date of Birth

\_\_\_\_\_  
Drivers License Number State of Issuance

\_\_\_\_\_  
Defense Attorney (If any) Phone

\_\_\_\_\_  
Citation Number Date Received

Prior Traffic Offenses: How many traffic citations have you received within the past 2 years whether convicted, found not guilty, still pending, dismissed, or received diversion?  
Number \_\_\_\_\_

Did you have a CDL endorsement on your driver's license at the time of offense?  
YES \_\_\_\_\_ NO \_\_\_\_\_

Do you currently have a CDL endorsement on your driver's license?  
YES \_\_\_\_\_ NO \_\_\_\_\_

I hereby apply to be a participant in the Traffic Diversion Program, waive speedy trial and ask for a continuance of the trial for at least six (6) months and until after the completion of the diversion period, with the delay to be charged to me. I agree that failure to respond to the information sought or the giving of false or incorrect information in the application is grounds to deny me diversion or remove me from the program. I admit I committed the traffic offense alleged in the Uniform Notice to Appear and Complaint.

I declare (or verify, certify or state) under penalty of perjury that the information in the application is true and correct.

Completed and signed on \_\_\_\_\_ (Date) \_\_\_\_\_ (Signature)