



OFFICE of the DISTRICT ATTORNEY
MIDDLE JUDICIAL CIRCUIT of GEORGIA
TRIPP FITZNER, DISTRICT ATTORNEY

MIDDLE JUDICIAL CIRCUIT EARLY INTERVENTION PROGRAM

FORM 2: PARTICIPANT RIGHTS AND INFORMED CONSENT FORM

Case No:

District Attorney File No:

Participant Name:

DOB:

Offense(s) Charged:

Date of Form:

Defense Attorney (if any):

IMPORTANT: PLEASE READ CAREFULLY

This form explains your legal rights and what happens if you enter the Early Intervention Program. You should discuss this form with your attorney before you decide whether to join the program. If you do not understand any part of this form, ask for clarification before signing. Your signature means you understand and agree to everything written here.

PART 1: WHAT IS THE EARLY INTERVENTION PROGRAM?

The Early Intervention Program is an alternative to prosecution. If the District Attorney offers it to you and you accept, you will not go to trial on the charges against you. Instead, you will:

1. Agree to follow certain rules and conditions for a period of time (usually 12 months)
2. Complete community service, counseling, restitution, or other conditions
3. Appear in court occasionally to show the judge you are following the rules
4. If you complete the program successfully, the charges against you will be dismissed
5. If you violate the program rules, the case will be prosecuted and you may face jail time

PART 2: YOUR LEGAL RIGHTS (WHAT YOU ARE GIVING UP)

By entering this program, you are giving up important legal rights. Please understand what you are giving up:

Right to Trial

If you do NOT enter the program, you have the right to:

- Have your case tried in court
- Have a judge or jury decide if you are guilty or not guilty
- The prosecution must prove guilt "beyond a reasonable doubt"
- You can cross-examine witnesses who testify against you

If you enter this program, YOU GIVE UP YOUR RIGHT TO TRIAL.

Right to Remain Silent



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You have the right not to incriminate yourself. By entering this program and providing information about yourself (in the assessment and during case planning), some of this information could be used against you later if the case is prosecuted. You understand this risk.

Other Rights You Give Up

- Right to a speedy trial
- Right to a jury trial (if you were entitled to one)
- Right to confront witnesses against you
- Right to cross-examine witnesses
- Right to appeal your conviction
- Right to a defense attorney at trial (if you could not afford one, one would be appointed)

PART 3: THE PROGRAM REQUIREMENTS

If you accept the program, you must agree to:

Court Appearances

- You must appear in court on the dates and times the court tells you
- If you miss a court date without a good reason you can be arrested and the program can be terminated
- You must bring any documents the case manager requests

General Program Rules

- You must follow all the rules explained in your "Early Intervention Agreement" (the other document you are signing)
- You must contact your case manager regularly (by phone or in person)
- You must report any changes in your address phone number or employment
- You must notify the case manager immediately if you are arrested for any reason
- You must not engage in criminal activity
- You must conduct yourself respectfully and follow instructions

What Could Get You "Strikes"

A "strike" is a violation of program rules. The common violations that result in strikes include:

- Missing a court appearance without a legitimate excuse = 1 Strike
- Missing a required drug test = 1 Strike
- Failing a drug test (testing positive) = 1 Strike
- Missing a required community service day = 1 Strike
- Missing a required counseling/treatment appointment = 1 Strike
- Failing to pay restitution or program fees as required = 1 Strike
- Disrespectful or abusive language to staff or in court = 1 Strike
- Failure to notify case manager of address change = 1 Strike
- Refusal to comply with case manager directions = 1 Strike



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Three Strikes = Program Termination

If you receive THREE (3) strikes, you will be terminated from the program. When you are terminated:

- The charges will be reinstated
- You will be prosecuted for the original charges
- You may face jail time fines and a criminal conviction
- All information from the program can be used against you in court

About New Arrests

IMPORTANT - CHANGE FROM PAST PRACTICES:

If you are arrested for a new crime while in the program:

1. The case manager and prosecutor MUST be notified
2. Your arrest will be reported to the court
3. The prosecutor will REVIEW the circumstances to decide what to do
4. Your arrest does NOT automatically end the program (this has changed)
5. Depending on the new arrest you may:
 - Continue in the program with additional conditions
 - Have the circumstances reviewed before being terminated
 - Be terminated from the program if the prosecutor determines it is appropriate

This means you have a fair review process if you are arrested again.

PART 4: PROGRAM CONDITIONS

Your specific program conditions are listed in your 'Early Intervention Agreement' (the other form). These conditions may include:

- Court Appearances: Dates and times listed in the Agreement
- Community Service: [Hours to be determined based on your assessment]
- Drug Testing: [Random or scheduled tests as determined]
- Employment: Find and maintain employment or attend school
- Substance Abuse Evaluation/Treatment: If recommended based on your history
- Mental Health Counseling: If recommended based on your history
- Restitution Payment: If you caused financial loss to a victim
- Probation/Supervision Fees: If required
- Other Conditions: Any other conditions the prosecutor and court determine are appropriate

You must complete ALL of these conditions.

PART 5: DRUG TESTING



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How It Works

If drug testing is required:

- You will be tested at random times
- You may be called to test on short notice
- Tests may include urine blood or breath samples
- You must pass all tests

Costs

You may be required to pay for drug tests. Costs will be explained in your case plan.

Testing Positive

If you test positive for drugs or alcohol:

- This will be reported to the prosecutor and court
- You will receive a "strike"
- This counts toward your three-strike limit
- The substance issue will be reported to your counselor/treatment provider

PART 6: CONFIDENTIALITY

Information provided in the assessment and during the program is normally kept confidential. However:

- If the prosecutor decides to prosecute your case ALL information collected during the assessment and program can be used against you in court
- Information will be shared with court staff the judge and the prosecutor
- Information will be shared with your case manager and service providers (like counselors)
- If you are a danger to yourself or others information may be shared with law enforcement
- If you are abusing a child or vulnerable adult that information must be reported to authorities

You understand that confidentiality has limits.

PART 7: YOUR ATTORNEY

If you have an attorney: Your attorney has reviewed this form with you. Your attorney understands the program and the consequences.

If you do not have an attorney but want one: Let the District Attorney know immediately. You have the right to consult with an attorney before signing any documents.

Your attorney can also be present during:

- Your interview for the risk assessment
- Discussions about program conditions
- Court hearings related to the program



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PART 8: YOUR QUESTIONS

Do you understand everything in this form?

Before you sign, please ask any questions you have. The prosecutor or case manager should answer all your questions. Examples of good questions to ask:

Questions to Ask:

- What exactly are my community service hours and when do they need to be done?
- How will drug testing work and how much will it cost?
- What if I have a job conflict with a court date?
- What if I can't afford restitution payments?
- How will my mental health/substance issues be handled?
- Can this information be used against me later?

PART 9: YOUR VOLUNTARY CONSENT

Read this carefully:

I understand that:

- ☐ I have the right to a trial and the prosecutor must prove guilt beyond a reasonable doubt
- ☐ I am giving up my right to trial by entering this program
- ☐ I understand the program requirements and conditions listed in my Early Intervention Agreement
- ☐ I understand that three strikes will result in termination and prosecution
- ☐ I understand that my arrest will be reported but not automatically terminate the program
- ☐ I understand that information from the program can be used against me if the case is prosecuted
- ☐ I understand confidentiality has limits and information will be shared with prosecutors courts and service providers
- ☐ I am entering this program voluntarily without coercion or pressure
- ☐ No one has promised me anything other than what is written in these documents
- ☐ I have had the opportunity to discuss this with an attorney
- ☐ I understand the consequences of violating program rules

SIGNATURES

Defendant/Participant Statement:

I have read this form (or it has been read to me), I understand it, I have discussed it with my attorney (if applicable), and I have had the opportunity to ask questions. I am entering this program voluntarily. I understand what I am giving up and what I am agreeing to do.

Defendant/Participant Signature

Date



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Printed Name

Attorney Certification (if applicable):

I represent the defendant named above. I have reviewed this form with my client and discussed the legal consequences of entering this program. My client understands their rights and the program requirements.

Attorney Signature

Date

Printed Name

Bar Number

Prosecutor Certification:

I have explained this form to the defendant and answered all questions. The defendant has indicated understanding and willingness to enter the program.

Prosecutor Signature

Date

Printed Name

Title

IMPORTANT: KEEP YOUR COPY

This is your copy of this form. Keep it. Review it whenever you have a question about your rights or responsibilities.

END OF FORM 2