

IN THE JUSTICE COURT OF RANKIN COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS.

FILE NO. _____

DEFENDANT

PETITION FOR DUI NONADJUDICATION

Comes now the Defendant and files this petition and in support thereof would show the following:

1. I am charged with a first (1st) offense violation of Miss. Code Ann. § 63-11-30(1) or § 63-11-30(3).
2. I am not the holder of a commercial driver’s license or a commercial learning permit and I was not operating a commercial vehicle at the time of the offense.
3. I have never before been charged with a DUI.
4. I have never had a DUI or any other charge nonadjudicated. I recognize that a person is eligible for nonadjudication only one (1) time.
5. This court should withhold adjudication of my guilt with nonadjudication to be conditioned upon the successful completion of any conditions imposed by this court.
6. I understand that in the discretion of the court, the court may withhold adjudication of guilt, defer sentencing, and enter an order imposing requirements on me.
7. I understand that if the court grants nonadjudication, the court shall order me to:
 - (a) pay the nonadjudication fee imposed under Section 63-11-31;
 - (b) pay all fines, penalties and assessments that would have been imposed for conviction;
 - (c) attend and complete an alcohol safety education program within six (6) months;
 - (d) *(if the court determines that I violated with respect to alcohol or intoxicating liquor)*
 - (i) install an ignition-interlock device on every motor vehicle operated by me, obtain an interlock-restricted license, and maintain that license for 120 days OR
 - (ii) suffer a 120-day suspension of my regular driver's license, during which time I shall not operate any vehicle;
 - (e) *(if the court determines that I violated by operating a vehicle when under the influence of a substance other than alcohol that has impaired my ability to operate a motor vehicle)* today choose
 - (i) to submit to a 120-day period of a nonadjudication program that includes court-ordered drug testing at my own expense not less often than every 30 days, during which time I may drive if compliant with the terms of the program OR
 - (ii) to suffer a 120-day suspension of my driver's license, during which time I shall not operate any vehicle.
8. I understand that if the court grants nonadjudication, other conditions to be imposed by the court may include, but are not limited to, alcohol or drug screening, or both, proof that I have not committed any other traffic violations while under court supervision, proof of immobilization or impoundment of vehicles owned by me if required, and attendance at a victim-impact panel.
9. I understand that the court may enter an order of nonadjudication only if the court finds that I have successfully completed all conditions imposed by law and the court.

Defendant

Sworn and subscribed before me, this the _____ day of _____, 20_____.

Notary Public