

TOMPKINS COUNTY TREATMENT COURT

ORDERS AND CONDITIONS OF PROBATION

Defendant, _____, having been convicted of the crime of _____, a Class __ Felony, is this day ORDERED sentenced to probation for a period of 5 years, under the supervision of the Tompkins County Drug Treatment Court (“the Court”), to expire on _____, unless terminated by the Court prior to the aforementioned date.

While on probation, said Defendant is ORDERED to comply with the following conditions and any others which the Court may impose at a later date and to follow the instructions of the probation officer as to the way in which these conditions are to be carried out:

GENERAL CONDITIONS:

Probationer shall:

1. Report to the supervising probation officer (“Probation”) as directed by the Court or Probation, maintain a residence approved by the Court and Probation, and permit Probation to visit Probationer’s place of abode or elsewhere.
2. Remain within the jurisdiction of the Court unless granted permission to leave by the Court or Probation.
3. Answer all reasonable inquiries by Probation or the Court, and notify Probation prior to any change in address or employment.

SPECIAL CONDITIONS:

Probationer shall:

4. Obey all the Program Requirements of the Tompkins County Felony Drug Treatment Program (“the Program”), attached hereto as Exhibit “A”.
5. Obey all Federal, State, and Local laws and notify Probation immediately if questioned or arrested by a law enforcement agency or if convicted of a new

offense. Any new arrest while in the Program must be reported to Probation and the Court, and, if based upon reasonable cause, will be grounds for a violation of probation.

6. Either be employed or be engaged in a course of study or training directed toward employment, including completing any written assignments as directed by the Court, the education/employment counselor, or Probation.
7. Attend and participate in any programs deemed appropriate by Probation and the Court.

TREATMENT CONDITIONS

8. Obtain a substance abuse evaluation from a counselor or counseling agency approved by the Tompkins County Treatment Court Team (“the Team”). Probationer shall provide the results of the evaluation to the Court and Probation. The Team will make the final decision as to which treatment program is appropriate for Probationer.
 - A. Sign all releases necessary for the counseling agency to communicate with Probation, the Court, and the District Attorney.
 - B. Participate in any treatment recommended in the evaluation and provide verification of said participation when requested by the Court or Probation.
 - C. Successfully complete any and all treatment programs recommended by the Court or the Team, and provide verification of said completion, upon request by the Court or Probation.
9. Pay all required fees and fines if so directed by the Court.
10. Not possess or use any alcoholic beverages or other drugs, legal or illegal, without a verifiable prescription from a physician.
11. Not enter establishments where alcohol is sold for on-premise consumption, including bars, taverns, restaurants, etc. unless granted prior permission by Probation or the Court.
12. Submit to periodic testing designed to detect use of alcohol and/or drugs, including alco-sensor, breathalyzer, urinalysis, alco-scan or any other test

designed to detect use of alcoholic beverage and/or controlled substances; including in house alco-sensor device to monitor Probationer's sobriety at home.

Said tests may be administered by Probation personnel, law enforcement personnel, or treatment personnel.

Probationer is advised specifically that a urinalysis test may be required of him/her immediately prior to any appearance before the Court, and that a positive reading on such test for the presence of alcohol, marihuana, and/or controlled substances will constitute a violation of the terms of probation.

The results of such urinalysis shall be presumptively valid in any subsequent proceedings related to the above sentence, including violation of probation proceedings.

Providing a fraudulent or altered urine sample for urinalysis shall also constitute a violation of probation.

A refusal of any test or a positive test for the presence of alcohol, marihuana, and/or controlled substances shall also constitute a violation of probation.

13. Submit to personal searches or searches of their premises by Probation for the purpose of monitoring probation conditions, as directed by Probation, the Court, or treatment provider, as necessary to assure compliance with the treatment program.
14. Notify the Court and Probation in the event that Probationer has possessed or used alcohol or other drugs. Any such acknowledgment of personal drug use or possession may only be used as the basis for an allegation of violation of Probation, and may not be used in any separate criminal prosecution for drug use or possession.
15. Appear before County Court as ordered by the Court or its designee, and refrain from disruptive or disrespectful behavioral during such Court appearances.
16. Keep all scheduled appointments with treatment providers, probation officers, and educational/employment counselors.
17. Report to Probation as directed by the Court or Probation.

18. Keep all treatment providers, Probation, and the Court advised of Probationer's current address at all times during participation in the Program.
19. Not at any time possess or have in Probationer's residence or vehicle any weapon including, but not limited to, firearms, airguns, and/or knives.

RESTITUTION

20. Pay restitution of \$ _____ and a 5% surcharge in the amount of \$ _____, for a total amount of \$ _____ to the Probation Department. Restitution is to be paid as follows: ___ equal monthly installments of \$ _____, and 1 final payment of \$ _____.

Dated: _____

**M. John Sherman
County Court Judge**

ACKNOWLEDGMENT

I have read and received a copy of the above Order and Conditions of Probation and agree to comply with them. I understand the conditions and that the Court may, at any time prior to the expiration or termination of the period of probation, modify or change or enlarge the conditions, or, if I violate a condition or commit an additional offense other than a traffic violation, revoke the sentence.

I agree that I shall be represented by the Treatment Court assigned counsel team (presently Adam Abelson, Esq. and William Furniss, Esq.) during the course of my participation in the Tompkins County Treatment Court program, but that I have the right to demand that my original counsel represent me in any violation of probation proceedings that seek my final discharge from the Tompkins County Treatment Program.

Dated: _____

Probationer: _____

Address: _____

Witnessed by: _____