

IN THE CIRCUIT COURT OF THE 21ST JUDICIAL CIRCUIT
KANKAKEE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)	
PLAINTIFF,)	
VS.)	
)	Case No. _____
_____)	
DEFENDANT)	

MENTAL HEALTH COURT PLEA AGREEMENT

PLEA OF GUILTY AND WAIVER OF RIGHTS

IN ACCORDANCE WITH 730 ILCS 168/20(a), THE STATE’S ATTORNEY OF THE 21ST JUDICIAL CIRCUIT AND THE ABOVE-NAMED DEFENDANT AGREE AS FOLLOWS:

1. None of the crimes to which Defendant would enter a plea of guilty is a “crime of violence” as set forth in 730 ILCS 168/20 (b) (3) and Defendant is not charged with a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code in which an individual is charged with aggravated driving under the influence that resulted in the death of another person or when the violation was a proximate cause of the death, unless, pursuant to subparagraph (G) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, the court determines extraordinary circumstances exist and require probation as set forth in 730 ILCS 168/20 (b) (4).
2. Defendant desires to and is willing to participate in the Kankakee County Mental Health Court Program.
3. Defendant has not been convicted of a crime of violence within the past 5 years excluding incarceration time. As defined by 730 ILCS 166/20 (b) (3), a “crime of violence”, includes, but is not limited to the following offenses: 1st degree murder, 2nd degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, armed robbery, aggravated arson, arson, aggravated kidnapping, kidnapping, aggravated battery resulting in great bodily harm or permanent disability, aggravated domestic battery resulting in great bodily harm or permanent disability, aggravated criminal sexual abuse by a person in a position of trust or authority over a child, stalking, aggravated stalking, home invasion, aggravated vehicular hijacking, or any offense involving the discharge of a firearm.
4. The crime for which Defendant has been convicted is probationable.
5. The sentence imposed on Defendant renders Defendant eligible for probation.

6. Defendant entered, or will enter at the time of presentation of this Agreement to the Court, a plea of guilty to an offense qualifying for the Kankakee County Mental Health Court Program.
7. Defendant is eligible for and should be admitted to the Mental Health Court Program.
8. Defendant received and read the Kankakee County Mental Health Court Participant Handbook. Defendant agrees to comply with the terms of the Kankakee County Mental Health Court Participant Handbook, guidelines, and requirements.
9. Defendant and the State's Attorney agree to all terms and conditions set forth in the proposed Mental Health Court Probation Order and agree to present the Mental Health Court Probation Order to the Mental Health Court Judge as a negotiated plea agreement. Defendant read the Mental Health Court Probation Order and agrees to comply with all terms and conditions of the Probation Order as entered by the Court.
10. As a part of the negotiated plea agreement, Defendant agrees to waive any and all rights to notice, a hearing, and to present evidence prior to imposition of any sanction or penalty for non-compliance by the Mental Health Court Judge. This is not a waiver of any rights with regard to a hearing on a Petition to Revoke Mental Health Court Probation. Prior to the administration of any sanction not involving jail, any incentive, or any therapeutic adjustment, the judge shall advise the Defendant in open court of the sanction, incentive, or therapeutic adjustment and the reason for the administration. Defendant and/or Defense counsel shall be permitted to address the court about the sanction, incentive, or therapeutic adjustment.
11. As part of the negotiated plea agreement, as to any positive drug, alcohol, or intoxicating substance test result, Defendant must object in writing to the MHC Probation Officer on the date of and immediately after such positive test. If no such written objection is made, the positive test results shall be conclusive and not subject to challenge in the Court and Defendant hereby stipulates and agrees to the admission in evidence of such positive test result at any trial or hearing in this case. In addition, as to any confirming lab test, Defendant stipulates to and agrees to the admission in evidence of the confirming lab test result and waives all rights to object to admission in evidence of such confirming lab test result at any trial or hearing in this case.
12. If Defendant successfully completes the Mental Health Court program, the Court will find Defendant successfully completed Mental Health Court Probation and will discharge Defendant from any further proceedings in the original prosecution. The Court will grant a motion to vacate guilty plea based on the successful termination from Mental Health Court and the plea of guilty will be vacated. The State's Attorney will dismiss the offense with prejudice. Defendant may immediately file a petition to expunge vacated convictions and the associated underlying records per the Criminal Identification Act. If the State's Attorney moves to vacate a conviction, the State's

Attorney may not object to expungement of that conviction or the underlying record. The MHC Program may maintain or collaborate with a network of legal aid organizations that specialize in conviction relief to support MHC Participants navigating the expungement and sealing process.

PLEA OF GUILTY AND WAIVER OF RIGHTS

I, the Defendant in the above captioned case, hereby waive my rights to a timely indictment or preliminary hearing. I enter a plea of guilty to the offense(s) of:

The charge(s) in Count(s) _____ is/are hereby dismissed.

I hereby waive all constitutional and legislative rights and procedures. I specifically waive my right to a trial either by a jury or judge, the right to confront the witnesses against me, the right to subpoena witnesses and put on a defense, and my privilege against self-incrimination.

I understand and agree any failure on my part to abide and comply with any condition set forth in the Mental Health Court Policy and Probation Order may result in me being sanctioned or penalized by the Court and such sanction may also include being terminated from the Mental Health Court Program. I understand if an unsuccessful discharge from the Mental Health Court Program is sought against me I will be advised of the alleged violations, will be afforded a defense attorney if I cannot afford one, and I have a right to a hearing on the alleged violations. I understand the hearing will be held in front of the Mental Health Court Judge on the alleged violations

I understand and agree if I am unsuccessfully discharged from the Mental Health Court Program, I will be resentenced for the offense I plead guilty to by the Mental Health Court Judge to a sentence within the statutory range for the offense(s).

I hereby agree I will not resist or contest the reasonable administration of drug or alcohol testing and agree to compliance checks of my person, residence, and automobile while under supervision in order for the MHC Officers and Team Members to observe and verify my compliance with the conditions of this agreement and I hereby waive any Fourth Amendment rights per Standard 7.2 (f) and hereby waive any rights I may have under the Fourth Amendment or any federal or state constitutional right or any federal or state privacy act to object to such testing or such searches.

- I hereby request, and it is so ordered, the Kankakee County Public Defender's Office is appointed to appear on behalf of Defendant at routine Mental Health Court review and sanction hearings (which may result in jail sentence or other sanctions, or modification of the conditions of Defendant's participation in Mental Health Court) and is authorized to discuss Defendant's circumstances and progress at Mental Health Court review hearings and have access to Defendant's information, including, but not limited to medical records, mental health records, addiction treatment records, case discovery, and other materials used by the Mental Health Court Team.
- Pursuant to Defendant's admission into Mental Health Court, Defendant's current attorney _____ is granted leave to withdraw instantler.
- Defendant is ordered to be released instantler from custody.
- Defendant is ordered retained in custody pending release directly into custody of the Mental Health Court Probation Officer for transport to an inpatient drug treatment facility.

Defendant

Defense Counsel

State's Attorney

ENTERED: _____

Mental Health Court Judge