

IN THE MUNICIPAL COURT OF OXFORD, MISSISSIPPI

CITY OF OXFORD

V.

CASE NUMBER: _____

DL# _____

SSN: _____

**ORDER AND CONDITIONS PRECEDENT
FOR NON-ADJUDICATION OF DUI FIRST OFFENSE**

There came on to be heard before this Court the petition, ore tenus, of the above-named defendant to have his/her qualifying DUI first offense non-adjudicated pursuant to Miss. Code Ann., Section 63-11-30(14). The named defendant, by this document, informs the Court, under oath, that he/she has never had a DUI offense nor has ever had a DUI offense non-adjudicated pursuant to 63-11-30(14) in any jurisdiction AND has been charged with DUI pursuant to Miss. Code Ann. Sec. 63-11-30(1) or (3). The named defendant further informs the Court, under oath, that he/she did not possess a commercial driver license or commercial license driving permit at the time of this DUI charge.

That as part of his/her ore tenus petition, the above listed defendant has tendered to the Court a plea of GUILTY to the offense of DUI first offense as is evidenced by a WAIVER OF RIGHTS AND ENTRY OF GUILTY PLEA form attached as Exhibit "A". That the named defendant seeks to have his/her said DUI offense to be non-adjudicated upon the happening of certain conditions precedent. That the named defendant understands that should any one of the conditions precedent as imposed by the Court not be met OR if any of the information contained herein be not true, then at that point, and without further hearing, the named defendant will be finally adjudicated as **GUILTY OF DUI FIRST OFFENSE.**

It is therefore the Order of this Court, and that the defendant as conditions precedent to this DUI being non-adjudicated, the following each must be met, to wit:

1. **Pay the sum of \$250.00 as a non-adjudication fee to the Oxford Municipal Court pursuant to Miss. Code Ann. 63-11-31. This amount due upon the commencement of the defendant's petition as herein contemplated.**
2. Pay to The Oxford Municipal Court the fine for DUI first offense in the sum of \$1,000.00 plus court costs and assessments for a total of \$_____. Said amount is due within 30 days of the date of this order, unless good cause for alternate payment is proven in advance;
3. Attend and successfully complete an alcohol safety education program as provided in Section 63-11-32 of the Miss. Code Ann.;
4. Fully comply with the provisions of Miss. Code Ann. Sec. 63-11-30 (14)(c)(i)(4)(a) or (b) as is applicable and upon which the Court has made a determination (**Court must initial either a. or b.**) which are set out fully as follows, to wit:

_____ a. The Court has determined that the person violated 63-11-30 with respect to alcohol or intoxication liquor then (defendant select by initialing):

_____ **Install an ignition interlock device on every motor vehicle driven by the person, obtain a MS interlock restricted license, and maintain that license for one hundred twenty (120) days; or**

_____ **Suffer a one-hundred twenty-day suspension of the person's driver's license, whether the license is an in-state or out-of-state driver's license.**

OR

_____ b. The Court has determined that the person violated 63-11-30 with respect to a substance other than alcohol that has impaired the person's ability to operate a motor vehicle then (defendant select by initialing):

_____ Submit to a one hundred (120) period of non-adjudication which includes court-ordered drug testing at the person's own expense not less often than every thirty (30) days; or

_____ Suffer a one-hundred twenty-day suspension of the person's driver's license, whether the license is an in-state or out-of-state driver's license.

5. Once the interlock device has been installed, the defendant is to provide proof from the approved vendor that he/she has had no violations of the said ignition interlock device during the period of his/her interlock restricted licensing and otherwise comply with Miss. Code Ann. Sec. 63-11-31 (3)(b)., OR provide copies of the drug tests, if applicable.

6. That at the end of the selected driver license status as provided for in Miss. Code Ann. Sec. 63-11-30 (14)(c)(i)(4)(a) or (b), the defendant will additionally provide to the Court a sworn affidavit affirmatively stating that he/she has not operated a motor vehicle in abrogation to his/her license status selection.

____7. That the named defendant attend and complete a victim impact panel;

____8. If initialed by the undersigned Judge, to pay restitution to _____
in the amount of \$_____.

____9. If initialed by the undersigned Judge, to participate and complete a Court approved alcohol evaluation/counseling program at the Defendant's expense.

That upon presentation to this Court, prior to the expiration of 8 months from the date of this ORDER, evidence that each and all of the above conditions precedent have been completely met, then at that time the named defendant may be entitled to an **ORDER OF NON-ADJUDICATION** of his/her DUI offense. The Mississippi Department of Public Safety is to accept and enter this order not inconsistent with Miss. Code Ann. Sec. 63-11-30 (14).

At the expiration of the one-hundred twenty (120) day interlock period, the vendor of that service is directed that it shall remove the interlock device at the request of the above listed Defendant and without further order of this Court.

The above-named defendant was charged with the following offenses on the day that he/she received the subject DUI citation, to

wit: _____

_____. The defendant hereby tenders his/her plea of guilt to each of the said charges with the agreement of the State that the above listed charges will be dismissed upon the entry of the ORDER OF NON-ADJUDICATION of the DUI.

IT IS HEREBY ORDERED that the Defendant's DUI Non-Adjudication Program completion date, which shall serve as the compliance date and next court appearance date, is set for the _____ day of _____, 20_____. *Should the defendant not be successful in completing the conditions of this ORDER AND CONDITIONS PRECEDENT FOR NON-ADJUDICATION OF DUI FIRST OFFENSE the Court Clerk is authorized to enter the finding of guilt as to all of the above listed charges along with the subject DUI.*

SO ORDERED this the _____ day of _____, 20_____.

MUNICIPAL COURT JUDGE

DEFENDANT SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME, this the _____ day of _____, 20_____.

Judge/Clerk/Deputy Clerk/Notary

Defense Counsel

Prosecutor

***** DRIVING UNDER THE INFLUENCE*****
IN THE MUNICIPAL COURT OF THE CITY OF OXFORD, MISSISSIPPI

STATE OF MISSISSIPPI
CITY OF OXFORD

VS.

CASE NO. _____

WAIVER OF RIGHTS AND ENTRY OF PLEA

_____ DRIVING UNDER THE INFLUENCE 1ST OFFENSE _____ DRIVING UNDER THE INFLUENCE 2ND OFFENSE

I, understand that by pleading guilty to these charges I will be found guilty and sentenced by the court, as per the laws of the State of Mississippi.

The sentence may include a fine, restitution, court costs, and /or imprisonment in jail.

I further understand that by entering this plea I am giving up certain rights.

I am giving up the right to a trial.

I am giving up the right to call and/or subpoena witnesses to testify on my behalf, and to confront and cross-examine witnesses who may testify against me.

I am giving up the right to have an attorney; I understand that if I cannot afford an attorney, one may be appointed to represent me.

I am giving up my right to have the City of Oxford prove its case against me beyond a reasonable doubt.

I further understand that if I either plead guilty, or if I am convicted of another charge of Driving Under The Influence within a period of five years, my guilty plea in this case could cause me to get a more severe penalty for the later offense; further, that any third (3rd) or subsequent Driving Under The Influence offense committed within a period of five years shall be a felony offense, AND THE VEHICLE BEING DRIVEN BY ME CAN BE CONFISCATED BY THE DEPARTMENT OF PUBLIC SAFETY.

I am giving up my right to object to the form and/or content of any testimony and evidence the city may introduce against me at a trial.

I understand that, if there were a trial, I would be allowed to testify, however, if I declined to testify, it could not be used against me.

I hereby certify under oath that there have been no threats or promises made to me in order to get me to enter this plea of guilty.

I further certify under oath that I have read and understand all of the above and that I desire to waive my rights and enter a plea of guilty.

Attorney for Defendant

Defendant

The court finds that the defendant knowingly and intelligently, and not under duress, waived his/her rights and entered a plea of guilty.

SWORN TO AND SUBSCRIBED BEFORE ME, THIS _____ DAY OF _____, _____.

MUNICIPAL COURT JUDGE