

Rule 13: Diversion Practice

- 13.1** Acceptance in the diversion program is presumed by the Court to be at the sole discretion of the Prosecution Division of the City Attorney's Office. Procedural information and forms are available in the City Attorney's Office. Copies shall also be posted in the lobby of the Topeka Municipal Court.
- 13.2** Strict adherence to the time limits established by the policies of the City Attorney's Office for filing such diversion applications will be required by the Court. The Court is not required to permit continuances of hearings or trials to allow the accused to qualify for diversion or to prepare or submit a diversion application out-of-time.
- 13.3** The Judge, in his/her sound discretion and subject to provisions of applicable law, may refuse to allow the parties to apply for, or enter into, a diversion program.
- 13.4** It is the duty of any defendant who applies for or who is granted diversion to keep the Municipal Court and the City Attorney's Office advised of current address, employment and telephone numbers. By submitting an application for diversion the defendant agrees to accept service by mail at such defendant's last known address of any hearings or other court proceedings in such case, including any motion by the prosecution to terminate the diversion previously granted.
- 13.5** The failure of a defendant to appear for hearing on a motion for termination of a diversion program upon notification by first class U.S. mail to last known address shall be deemed sufficient grounds: (1) for the granting of such termination motion by the Court in the defendant's absence; (2) for the entry of conviction pursuant to the accused's prior plea of guilty or no contest; (3) for the entry of conviction pursuant to any diversion agreement for a stipulation of fact; and (4) for the issuance of a bench warrant for the defendant's arrest.