

NUTS AND BOLTS OF GWINNETT DRUG TREATMENT COURT

Gwinnett County's Drug Treatment Court is a rehabilitative sentencing solution for clients who struggle with drug addiction and are facing felony criminal penalties as a result of their addiction. A basic understanding of Gwinnett County's Drug Court program is a valuable asset for criminal defense attorneys, judges, and district attorneys looking to break the cycle of addiction-related criminal behavior. Below please find some answers to commonly asked questions. If you have additional questions that aren't covered below, please feel free to contact Drug Court Staff Defense Attorney Danielle Britt Mays at dmays@cbjblawfirm.com for more information.

Will my client's charges be dismissed if he or she completes drug court?

Not always. The Drug Court Assistant District Attorney is responsible for negotiating Drug Court plea and probation revocation recommendations. The Drug Court Assistant District Attorney may be able to recommend a "deferment" of your client's case, which means if your client successfully completes Drug Court, your client's charges will be dismissed and restricted. Deferment dispositions are reviewed on a case-by-case basis and are generally only available to those clients with limited to no criminal history. Please note that deferment is only available to your client if they enter Gwinnett Drug Court prior to the entry of any judgment in the case (i.e. deferment is not available for probation revocation cases, deferment is not available on an original charge for clients who have already plead guilty to the charge, etc.) If your client does not enter drug court on a "deferment", successful completion of drug court will be made a special condition of your client's probation through a felony guilty plea or felony probation revocation.

What is the benefit to my client participating in Drug Court if their charges don't get dismissed?

Rehabilitation for drug addiction is costly, and most facilities require thousands of dollars up front before they will even accept a client. Drug Court is a cost-effective alternative for clients facing felony criminal penalties who genuinely want or need rehabilitation. Participation in Drug Court requires a one-time \$175 evaluation fee and a \$200 monthly treatment fee for the duration of the program, which is at least 21 months. Furthermore, while your client is an active participant in Drug Court, your client's probation fines and fees will be suspended while they are in the program, and historically, your client's probation fines and fees will be completely forgiven at Drug Court graduation. This will save your client even more money in the long run, while getting the treatment they need at an affordable price.

My client has charges in another county but lives in Gwinnett County. Will Gwinnett County Drug Court accept my client?

All Drug Court participants must have a Gwinnett County residence to participate in Drug Court. However, Gwinnett Drug Court accepts clients who don't have any charges in Gwinnett County, but who reside in Gwinnett County and have qualifying pending felony charges elsewhere. Please note that the other county must be willing to have their case disposed of by entry into the Gwinnett Drug Court and must initiate the transfer. So, if your client has pending charges in a county outside Gwinnett, it is important to approach and get the approval of the other jurisdiction first before communicating with Gwinnett Drug Court about your referral.

The most important thing to remember about ALL cases is that all outstanding charges and criminal cases, including traffic offenses, must be disposed of prior to any client entering Gwinnett Drug Court.

What happens if my client gets terminated from Drug Court? Do they get Credit For Time Served while in the program?

If your client gets terminated from Drug Court, the disposition will be determined by how your client entered Drug Court. If your client is on probation, your client's probation will be revoked. If your client has a suspended sentence, the sentence will be imposed. While your client is in the program, your client's probation will continue to run. If any prison sentence is imposed, your client will get credit for the time they served on the charge prior to entering the program and credit for any time they served on sanctions while in the program and while awaiting a termination hearing.

Who are the current Gwinnett Drug Court staff, and who should I get in contact with if I want to refer a client to drug court or if I am representing a client in a drug court termination?

Judge Tom Davis's Drug Court

Ben Wilson- Case Manager- Benjamin.c.wilson@gwinnettcountry.com
Tracy Drake- Defense Attorney
Ayanna Sterling-Jones- Assistant District Attorney

Judge Kathryn M. Schrader's Drug Court

Michele Tainter- Case Manager- Michele.Tainter@gwinnettcountry.com
Danielle Britt Mays- Defense Attorney
Ayanna Sterling-Jones- Assistant District Attorney