

## What is "Diversion?"

Diversion is the State Attorney does not think your case is serious enough to be in regular criminal court. So, the State Attorney can choose to let you participate in another program. There are different programs, like:

1) Deferred Prosecution: an agreement between you and the State Attorney. You agree to do certain things, like go to classes, volunteer or pay money. If you do everything in the agreement, then the State Attorney will "drop" your case. You won't have any punishment. You won't be in trouble for the crime. If you don't do everything in the agreement, then the State Attorney will put your case in regular criminal court. This means you can be punished.

2) Misdemeanor Mental Health Court: a special court for people with mental illness and sometimes for people with developmental disabilities. If the court agrees to let you in, then you have to do what the court says for a certain amount of time. If you do what the court says, then the State

Attorney will "drop" your case. If you don't do what the court says, then they may punish you. The court can also put your case back in regular criminal court.

Mental Health Court can take a lot of time. You may have to go to court every week for many months. Make sure that your Public Defender or Defense Attorney talks with your care providers. Also, make sure the court knows about your disability and your needs.

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## THE CRIMINAL JUSTICE SYSTEM BEING CHARGED WITH A CRIME

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This brochure contains general information that is current through the date of publication (10-5-09). It should not be used as a substitute for legal advice. If you have questions about this information, then you should talk with a lawyer.

Florida Institutional Legal Services, Inc  
12921 SW 1<sup>st</sup> Rd., Ste. 107 -#346  
Newberry, FL 32669  
Phone (352) 375-2494  
Fax (352) 331-5202

## Being Put in the Criminal Justice System

If the police think you did a crime, you can be put in the criminal justice system. If you're put in the criminal justice system, you can be punished.

### What is a crime?

A crime is something a person does that is against the law. There are many things that people don't know are against the law. If you're not sure something is a crime, ask someone you trust.

#### Some things that are crimes:

- Going into a building, house, or onto land without permission from the owner. This is called "trespass."
- Taking something from a store or another person without permission. This is called "petit theft" or "theft."
- Going to the bathroom outside or being naked in public. This is called "indecent exposure."
- Drinking alcohol in public. This is called "open container."
- Touching people without their permission, even if it doesn't hurt them. This is called "battery."

### What does it mean to be charged with a crime?

If the police think you did something against the law, they may tell the State Attorney. The State Attorney decides if you should be charged with a crime.

- If you're charged with a crime, you must go to Court.
- You can be punished. You may have to go to jail or prison, pay money, and have a criminal record.
- You'll need a Defense Attorney. You can have a Private Defense Attorney or a Public Defender.

### What is a State Attorney?



- A State Attorney is a lawyer for the state of Florida.
- Their job is to prove you did something against the law.
- Don't talk to the State Attorney.

### What decisions do State Attorneys make?

- If the police think you did something against the law, they may tell the State Attorney.
- The State Attorney decides if you will be put in the criminal justice system. This is called "Being Charged with a Crime."
- To decide, the State Attorney looks at:
  - your criminal history,
  - your medical history,
  - what the police told them about you,
  - if the police followed rules when finding out if

you did something against the law.

- The State Attorney can also decide to "Drop" your case. This means you won't be punished.
- The State Attorney makes other decisions after they put you in the criminal justice system.
- They decide if:
  - they want to Drop your case,
  - they want to give you "Diversion,"
  - they want to give you a "Plea Deal."

### What is a Plea Deal?

- A Plea Deal is when the State Attorney offers you a certain punishment.
- Sometimes the Plea Deal will be less punishment than if you lost at trial.
- If you agree to the Plea Deal, it means you:
  - accept the punishment,
  - give up protections, including the right to trial, right to an appeal, and the right to have a Defense Attorney represent you after you agree to the Plea Deal.
- If you don't understand a Plea Deal, don't agree to it.
- Ask your Defense Attorney to explain it to you until you understand.
- It's YOUR decision to take a Plea Deal.