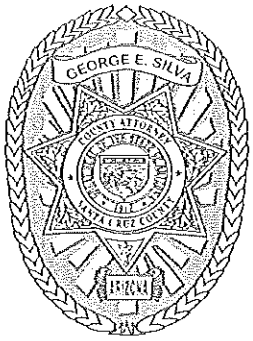
OFFICE OF THE SANTA CRUZ COUNTY ATTORNEY



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August, 22, 2012

Arizona State Senate
Senate President Steve Pierce
Capital Complex
1700 W. Washington
Phoenix, Arizona 85007-2890

RE: Santa Cruz County Deferred Prosecution

Honorable Senate President Steve Pierce:

We are submitting this report pursuant to A.R.S. 11-362 regarding the Santa Cruz County Attorney's Office Deferred Prosecution Program (Program). The purpose of the Program is to quickly remove first-time domestic violence misdemeanor offenders from the criminal justice system and provide them with an alternative to prosecution. The Program may be made available to a defendant upon notice to the victims. The victims' input regarding the prosecution is strongly considered in deciding whether to offer the program in a domestic violence case.

Participants in the Program agree to plead guilty. The courts defer acceptance of the guilty plea and set periodic review hearings while the defendant participates in the Program. During the deferred prosecution period, a defendant is required to complete specific terms and conditions which can include abstaining from drug and alcohol use, domestic violence counseling, anger management counseling, parenting classes, random drug testing, and community service work. If the defendant completes all the terms, the County Attorney's Office files a motion to dismiss with the court. If a defendant does not complete the terms, the County Attorney's Office requests a sentencing date. Because the defendant has already pled guilty, a trial is not necessary, and the parties proceed to sentencing.

During the 2011 calendar year, 23 defendants participated in the program. Eight participants completed the Program successfully and their cases were dismissed. Four participants did not complete the Program and were convicted and sentenced. At the end of 2011, eleven defendants were pending completion.

If you have any questions or concerns, please do not hesitate to contact me at (520)375-7780.

Sincerely,

Liliana Ortega
Chief Deputy County Attorney