

Wayne County
Court of
Common Pleas

ADULT PROBATION DEPARTMENT

107 W. Liberty Street

Wooster, Ohio 44691

Cheryl Gerwig
Chief Probation Officer
330-287-5550
Fax: 330-287-5555

INTERVENTION IN LIEU OF CONVICTION WORKSHEET
(O.R.C. 2952.041)

Defendant:

Judge:

Case No.

ELIGIBILITY CHECKLIST

All items must be checked in Offense, Victim and Offender's section, in order for the Defendant to be eligible for Intervention in Lieu of Conviction.

OFFENDER

- An assessment of the defendant's substance abuse **must** be attached, along with a treatment plan.
- Has not been previously convicted of or pled guilty to a felony.
- Has not been previously through Intervention in Lieu of Conviction under this section or any similar regimen.
- Is charged with a felony for which the Court, upon conviction, would impose community control sanctions.
- Has been assessed by an appropriate agency for the purpose of determining the offender's eligibility for Intervention in Lieu of Conviction and recommends an appropriate intervention plan.
- Has drug or alcohol usage that was a factor leading to the criminal offense with which the offender is charged.
- Is willing to comply with all terms and conditions imposed by the Court.

VICTIM

- Was not sixty-five years of age or older; permanently and totally disabled, under thirteen years of age.
- Was not a peace officer engaged in the officer's official duties at the time of the alleged offense.

OFFENSE

- Is not a felony offense of the first, second or third degree.
- Is not an offense of violence.
- Is not a violation of Division (A)(1) or (2) or Section 2903.06 of the Revised Code (Aggravated Vehicular Homicide); Division (A)(a) of Section 2903.08 (Aggravated Vehicular Assault) Division (A) of Section 4511.19 of the Revised Code (DWI).
- Is not an offense for which a sentencing court is required to impose a mandatory prison term, and/or a mandatory term of local incarceration.
- Is not a violation of Section 2925.02 (Corruption); 2925.03 (Trafficking); 2925.04 (Manufacturing and Cultivation); 2925.06 (Steroids).
- Is not a violation of Section 2925.11 (Possession) of the Revised Code that is a felony of the first, second or third degree.
- Is not a violation of Section 2925.11 (Possession) of the Revised Code that is a felony of the fourth degree OR the offender is charged with a violation of that section that is a felony of the fourth degree AND the prosecutor in the case has recommended that the offender be classified as being eligible for Intervention In Lieu of Conviction under this section.
- Intervention in Lieu of Conviction would not demean the seriousness of the offense.
- Intervention in Lieu of Conviction would substantially reduce the likelihood of any future activity.

If all items are checked in Offense, Victim and Offender's sections, the defendant is eligible for Intervention in Lieu of Conviction.