

NOBLE COUNTY PROSECUTOR'S OFFICE

109 West Hazel Street, Albion, IN 46701

Telephone: (260) 636-2193

INFRACTION DEFERRAL PROGRAM

An Infraction Deferral Program is offered through the Noble County Prosecutor's Office. It is available to qualified drivers for the dual purposes of promoting safe driving and allowing the driver to avoid any additional points on his/her driving record through the Bureau of Motor Vehicles (BMV). Participants in the Program generally have their cases deferred for a period of one (1) year. If they successfully complete the Program, then their ticket is dismissed.

Eligibility is at the complete discretion of the Noble County Prosecutor and is determined on a case-by-case basis. Offenses involving an accident, passing a school bus, failing to yield to an emergency vehicle, and most other eight-point offenses (as designated by the Indiana Bureau of Motor Vehicles) generally are not eligible and require the Prosecutor's approval. Drivers with a Commercial Driver's License (CDL), who are under 18 years old at the time they received their ticket, or who are currently participating in a Deferral of Diversion Program are not eligible.

Participation in the Deferral Program is voluntary. If you wish to be considered:

1. **You** must contact the Court (260) 636-2129 to advise that you are applying for the Deferral Program. **This must be done before the Initial Hearing or Court Appearance date printed on your ticket and before paying for the ticket.** When you contact the Court, you will be given a Pre-Trial Conference Hearing date. You must be accepted into the Program or appear in court at that time. Otherwise, a default judgement will be entered against you and you will not be eligible to participate in the Program.
2. **You** must complete the attached Application Form and submit it to the Noble County Prosecutor's Office. You should do this as soon as possible after contacting the Court, and the application must be received prior to your Pre-Trial Conference date.
3. **We** will review your application and notify you if you have been accepted or not. If accepted, you will receive instruction on how to pay for and enter the Program.. If you are denied or decide not to participate, then you may pay the ticket or deny it, in which case the Court will set the matter for a trial.

Please note that the cost of the Program is usually \$252.50, which must be paid before your Agreement can be filed with the Court. Also, please be advised that your Agreement may contain special terms, such as completing a Defensive Driving Course.

The effective date of your Agreement will be the date that the Clerk of Noble County receives the payment and signed Agreement. If you comply with the terms of the Agreement, the State of Indiana will dismiss the ticket pursuant to I.C. 34-28-5-1, and you will not accumulate any additional points on your BMV Driving Record. If you fail to comply with any of the terms of the Agreement, it may result in the ticket being reinstated. If this happens, the Deferral fees will be forfeited and you will need to either pay or contest the ticket.

If you have a question that has not been address above, or you need Prosecutor approval to participate in the program, you may call the Prosecutor's Office at (260) 636-2193. Please have your ticket handy when you call.

NOBLE COUNTY PROSECUTOR'S OFFICE

109 West Hazel Street, Albion, IN 46701

Telephone: (260) 636-2193

INFRACTION DEFERRAL PROGRAM APPLICATION FORM

*****PRINT CLEARLY AND LEGIBLY*****

1. Please print the requested information as it appears on your Driver's License or State ID Card:

NAME: _____

ADDRESS: _____

MAILING ADDRESS: _____
(If different from above, please be sure to include City, State, and ZIP Code)

CONTACT TELEPHONE NUMBER: _____

DATE OF BIRTH: _____ SOCIAL SECURITY NUMBER: _____

DRIVER'S LICENSE NUMBER: _____ STATE OF ISSUE: _____

DRIVER'S LICENSE TYPE: _____ EXPIRATION DATE: _____

*****IF YOU HAVE AN OUT-OF-STATE LICENSE, YOU MUST INCLUDE A COPY OF YOUR DRIVING RECORD*****

2. Please contact the Court by calling (260) 636-2129 to obtain your Cause Number and NEW Pre-Trial Conference Date:

CAUSE NUMBER (NOT UTT/TICKET NUMBER): _____

INITIAL HEARING OR COURT APPEARANCE DATE PRINTED ON YOUR TICKET: _____

NEW PRE-TRIAL CONFERENCE DATE GIVEN TO YOU BY THE COURT: _____

3. Please mark the applicable answer to each of the following questions:

Have you received another traffic ticket or violation in the last 12 months?..... Yes or No

Are you currently participating in a Pre-Trial or Deferral Program?..... Yes or No

Do you have a Commercial Driver's License (CDL)?..... Yes or No

Is your license currently on a Learner's Permit or Probationary Status: Yes or No

Is your license currently Suspended?..... Yes or No

Was an accident involved with this ticket?..... Yes or No

Did you have automobile insurance when issued this ticket?..... Yes or No

Do you have any pending infractions or criminal offenses?..... Yes or No

If "Yes," what charges and in what county? _____

4. Please carefully review the information you have provided, print and sign this form, and return it to the Noble County Prosecutor's Office by mail or fax.

"I swear or affirm, under the penalty for Perjury as specified by I.C. 35-44.1-2-1, that the foregoing information is true and accurate to the best of my knowledge and belief."

Signature of Applicant

Date