

Pershing County Public Defender/ Humboldt County Conflict Counsel
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DIVERSION PROGRAMS

In limited situations Nevada law provides for the withholding of a judgment of conviction pending completion of a court supervised diversion program.

Generally, a client seeking diversion enters a plea of guilty and applies to the court for diversion. If accepted into a diversion program, a participant is ordered to complete a term of court-supervised probation in lieu of incarceration. Upon successful completion of diversion, a charge is dismissed and a plea withdrawn. If a participant fails the program, a judgment of conviction enters and a participant is sentenced to prison or jail.

1. Boot Camp- young nonviolent offenders facing prison can sometimes avoid a felony and prison by engaging a boot camp program. Upon successful completion of boot camp, an offender is sentenced to probation rather than prison. In some circumstances the conviction is set aside.
2. Drug Court- felony offenders diagnosable or admitting as addicts or drug abusers may apply for drug court at the time of entry of plea to engage a court supervised drug program. Counseling, employment, random drug testing, and a local residence is required. Upon successful completion of drug court, an offender's entry of plea is withdrawn. A successful participant suffers no felony conviction.
3. Felony DUI diversion- historically a third time DUI offender faced mandatory prison if convicted. In July 2007 the law was amended to permit a third time offender to apply to dui diversion. If accepted, an offender is ordered to engage a court-supervised program. Counseling, employment, local residence, an interlock ignition device, and 6 months home confinement is required. If after a term of 3 years of supervision, a participant completes the program, the participant is sentenced to a misdemeanor rather than a felony and mandatory prison.
4. Mental health court- Pershing/ Humboldt County does not have a mental health court. However, the public defender has succeeded in assigning clients to a similar program in Reno. A successful applicant must, after entry of plea of guilty in Pershing/ Humboldt County to a

felony or gross misdemeanor, apply to the Reno mental health court. If accepted, a participant must engage counseling, reside in Reno, and comply with all requirements of the Reno mental health court. If after a term of 1 year of supervision a participant completes the program, the participants' entry of plea and arrest are withdrawn.

If you have failed a term of probation in the past or are in custody on a violent or weapons offense, it is less likely you will be accepted into a diversion program.

If you do not live in Lovelock/ Winnemucca it still may be possible to engage a diversion program if a similar program is available in your place of abode.

If you would like to explore a diversion program, contact the Pershing County Public Defender/ Humboldt County Conflict Counsel.