

NOBLE COUNTY PROSECUTOR'S OFFICE

109 North York Street, Albion, IN 46701

Telephone: (260) 636-2193 FAX: (260) 636-2093

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. Driver's with a Commercial Driver's License (CDL), who are under 18 years old at the time of receiving their ticket, or who are currently participating in a Deferral or 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 judgment 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 instructions 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 addressed above, or you need Prosecutor approval to participate in the program, you may call the Prosecutor's Office at (260) 636-2193. Have your ticket handy when you call.

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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 a new Court date:

CAUSE 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 correct answer to each of the following questions:

Have you received another traffic ticket or violation in the last 12 months?	<input type="checkbox"/> Yes or <input type="checkbox"/> No
Are you currently participating in a Pre-Trial or Deferral Program?	<input type="checkbox"/> Yes or <input type="checkbox"/> No
Do you have a Commercial Driver's License (CDL)?	<input type="checkbox"/> Yes or <input type="checkbox"/> No
Is your license currently on a Learner's permit or Probationary Status?	<input type="checkbox"/> Yes or <input type="checkbox"/> No
Is your license currently Suspended?	<input type="checkbox"/> Yes or <input type="checkbox"/> No
Was an accident involved with this ticket?	<input type="checkbox"/> Yes or <input type="checkbox"/> No
Did you have automobile insurance when issued this ticket?	<input type="checkbox"/> Yes or <input type="checkbox"/> No
Do you have any pending infractions or criminal offenses?	<input type="checkbox"/> Yes or <input type="checkbox"/> 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 by 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