

ELIGIBILITY REQUIREMENTS

A DEFENDANT IS NOT ELIGIBLE FOR THE MISDEMEANOR ALTERNATIVE PROSECUTION PROGRAM IF ANY OF THE FOLLOWING CONDITIONS APPLY:

- *He or she has a prior conviction.
- *He or she has a prior 410 or 550/10 probation.
- *He or she is on adult supervision or supervised supervision.
- *He or she is an active gang member.
- *He or she is charged with a violent, domestic, or sex offense.
- *The circumstances of the pending case involve the defendant in any way using or setting fire.
- *He or she is charged with a DUI Offense.
- *He or she is charged with using a weapon.
- *He or she committed an offense while on Bond.
- *He or she has previously participated in a Lake County Specialty Court Program or a First Offender Program from another jurisdiction.
- *He or she is currently under an Order of Protection.
- *He or she is not a resident of Lake County.
- *The State's Attorney has the sole discretion to accept or reject any applicant from the Program for any reason in the discretion of the State's Attorney.
- *Non-DUI traffic offenses, standing alone, are not eligible for this program. Pending traffic charges that are following an eligible misdemeanor offense shall be prosecuted separately from any offense that is eligible for this program.

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Misdemeanor Alternative Prosecution Program

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Attorney



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Misdemeanor Alternative Prosecution Program

WHAT IS THE MISDEMEANOR ALTERNATIVE PROSECUTION PROGRAM?

The Lake County State's Attorney's Office has designated its Misdemeanor Alternative Prosecution Program for offenders who are charged with non-violent misdemeanor offenses. Those accepted into the program have the opportunity to keep a conviction from being permanently entered on their record, and to avoid the devastating impact a conviction may present over a life time.

All applicants will be screened by the State's Attorney's Office. The State's Attorney has the sole discretion to accept or reject any applicant for the Program. If accepted into the Program, the defendant will enter a plea of guilty but then have the case continued for approximately 6 months. While in the Program, the defendant shall agree to satisfy various requirements which may include, but not be limited to, obtaining counseling and/or substance abuse treatment, paying full restitution to the victim, completing public service, writing a letter of apology, and paying fees, court costs, and a contribution to an anti-crime prevention program.

Upon successful completion of the Misdemeanor Alternative Prosecution Program, the defendant will be allowed to withdraw his/her plea and have the charges dismissed. If a defendant fails to successfully complete the Program in a timely manner, the defendant's case will proceed to sentencing.

Misdemeanor Alternative Prosecution Program Process

Application

A defendant may request to participate in the Program on the arraignment date or on the first pretrial date. A continuance may be necessary to allow the State's Attorney's Office time to review the case and determine if the defendant is eligible for the Program.

Acceptance and Participation in the Program

Upon acceptance into the Program by the State's Attorney, a defendant may enter the program on the next scheduled court appearance.

At the time that the defendant enters the program, the defendant will sign a Misdemeanor Alternative Prosecution Program Agreement, which outlines the expectations of the program. The defendant will also enter a plea of guilty to the pending charge(s). The defendant's case will then be continued for approximately 6 months for sentencing, to allow the defendant time to complete the Program requirements and to pay all fees, court costs, and restitution (if applicable).

Program Completion

Prior to the 6 month court date, the defendant must provide written proof of completion of all program requirements to the Compliance Unit. It is the burden of the defendant to provide written proof of completion of all program requirements.

Upon successful completion of all Program requirements, the defendant will be allowed to withdraw his/her plea and have the charge(s) dismissed.

If, however, the defendant fails to comply with the conditions of the Program Agreement, or if he/she commits a new criminal offense, the defendant will be terminated from the Program, and the defendant's case will proceed to sentencing.

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