

**CANEY MUNICIPAL COURT
TRAFFIC DIVERSION APPLICATION**

CITATION NUMBER: _____

If you have been charged with a traffic infraction, you may be eligible for consideration for diversion ONLY IF:

You have NOT been convicted of a moving violation in this or any other state or municipality, or have not previously participated in a diversion for a moving violation within the last twelve months.

Citations for Speeding will only be accepted for diversion if the ticket is not more than 20 MPH over the posted speed limit in speed zones of 35 MPH or less, or not more than 25 MPH over the posted speed limit in speed zones of 40 MPH or higher.

You have a valid driver's license. **Those with a Commercial Driver's License are not eligible for diversion.**

You have current liability insurance.

Your citation did not result in or arise out of an injury accident.

The following citations are NOT ELIGIBLE for diversion: No Proof of Insurance, Hit and Run, Failure to Report an Accident, Failure to Yield to Emergency Equipment and Reckless Driving.

You must apply for diversion within thirty (30) days of the issuance of your citation, pay the \$25.00 non-refundable application fee and answer completely all questions on the application. Failure to do so may result in denial of your application or a delay in the court date. When your application is filed, you will be given a court date, which you MUST attend or sign the diversion contract prior to the hearing date. **Failure to attend the court hearing or sign the diversion contract will result in the denial of your application for diversion and the issuance of a bench warrant for your arrest.**

If your application for Diversion is accepted, the City will continue the case for the duration of the diversion agreement. In return, you must do the following:

1. Pay all costs, fines and fees at the time the agreement is signed.

Non-Refundable Application Fee: \$25.00

Applicable Fine: \$xx.xx (varies, depending on the mph over)

Diversion Fee: \$100.00

Court Costs: \$100.00

2. Waive your constitutional rights to a speedy arraignment and trial on the charge against you.
3. Stipulate to the facts and circumstances of the citation against you.

4. Obey all laws of the United States and any other state or municipality.
5. Receive no moving violations for the duration of the diversion agreement.

If you successfully complete the requirements of diversion, the charges against you will be dismissed. If you fail to complete the requirements of diversion, a motion to terminate will be filed, mailed to the address on your diversion application, and a court date set. At the court hearing, you may consent to the termination or have your case proceed to trial on the original traffic charge with the only evidence being the facts stipulated to in the diversion agreement. Your failure to attend the hearing will result in the City's motion being sustained. The traffic charge will then show as a conviction on your driving record. You **MUST** pay all fines and costs on the day you sign the Diversion Agreement.

YOUR APPLICATION WILL NOT BE ACCEPTED WITHOUT PAYMENT OF THE APPLICATION FEE (\$25.00) AT THE TIME OF FILING.

Please return the completed application to:

In person:
City of Caney
100 W. 4th Ave
Caney, KS 67333

By mail:
City of Caney
P.O. Box 129
Caney, KS 67333

By email:
achilders@cityofcaney.org

By fax:
620-879-9808

Any checks or money orders should be made out to: City of Caney

You may pay over the phone or in person with a credit card, there is a credit card processing fee of 2.25% added onto the fees and costs.

YOU MUST LET ME KNOW THAT YOU ARE INTERESTED IN DOING THE DIVERSION BEFORE YOUR COURT DATE.

**CANEY MUNICIPAL COURT
APPLICATION FOR
TRAFFIC TICKET DIVERSION**

ALL ANSWERS MUST BE COMPLETE. TYPE OR PRINT CLEARLY.

FULL NAME: _____

TELEPHONE: _____

ADDRESS: _____

AGE: _____ (Street) (City) (State) (Zip)
DATE OF BIRTH: _____

SOCIAL SECURITY NUMBER: _____

DRIVER'S LICENSE NUMBER: _____

COMMERCIAL DL #: _____

DRIVER'S LICENSE STATE: _____

I request correspondence regarding my diversion be sent by (choose only one):

_____ Email at _____

_____ Postal mail at the address shown above

Prior Offense Record: _____ None _____ Juvenile _____ Adult

Criminal/Traffic Offense Convictions/Diversions (within past twelve months) -

<u>Court Location</u>	<u>Approximate Date</u>	<u>Nature of Offense</u>	<u>Disposition</u>
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_____	_____	_____	_____
_____	_____	_____	_____

Date of current Citation: _____ Citation Number: _____

Are you now, or have you ever, participated in any other traffic diversion program? _____

Do you have any other traffic citations pending in any other city, county, or state? _____

If yes, state where: _____

Court, City and State, Citation Number

I hereby apply for status as a participant in the diversion program and request that the City temporarily delay trial proceedings against me in order to permit consideration of this application. I agree that any time taken to consider this application and the rescheduling for trial, should I be denied, will be assessed against me in determining my right to a speedy trial. I understand that the final decision to commence trial proceedings or to defer prosecution in my case rests entirely with the City Attorney. I authorize the City to conduct an investigation to determine suitability for this program. I understand that any information furnished by me or authorized by me to be furnished to the City in connection with this investigation will be kept confidential.

I understand a false answer to any question in this application will disqualify me for diversion or may result in termination of diversion, in which case the City will resume prosecution of the original charges. I understand and agree that I have an ongoing duty to update the Municipal Court Clerk of any changes in the information regarding my application, including information regarding any traffic or criminal offenses.

I declare (or verify, certify, or state) under the penalty under the laws of the State of Kansas, that I have personally read or have had read to me the above application and responses thereto and that all information contained in the foregoing application is true and correct.

DATE

APPLICANT