



Court File #(s): _____

In the Provincial Court of Newfoundland and Labrador,

Between (Applicant):

Applicant Name: _____

Date of Birth (DD/MM/YY): _____

Applicant Address: _____

Phone #: _____

And His Majesty the King (Respondent)

Take Notice

That an application will be brought at ___ a.m. on the ___ day of ___, 20__ in Courtroom # ___ at Provincial Court, St. John's, NL, so that the charges listed below may be heard in Drug Treatment Court, pursuant to section 720(2) of the Criminal Code of Canada, and/or sections 10(4) and 10(5) of the Controlled Drugs and Substances Act and Rule 6 of the Rules of the Provincial Court.

That an application will be brought in Drug Treatment Court, Courtroom # ___ 4th floor of Atlantic Place, 215 Water Street, St. John's, Newfoundland and Labrador.

The Grounds for this Application are:

That the applicant is charged with a breach (es) of section(s): _____

_____ of the Criminal Code of Canada, or

_____ of the Controlled Drugs and Substances Act (S.C.1996, c. 19)

alleged to have occurred on or about the ___ day(s) of ___, 20 ___, at or near

_____ in the Province of Newfoundland and Labrador, which charge(s) is(are) currently on

the docket of Courtroom # _____.

And

- 1. That the applicant has a history of drug addiction.
2. That the applicant can establish that the drug addiction is connected to the commission of the offence(s) currently before the Court.
3. Such further and other grounds as counsel may advise and this Honourable Court may permit.

In Support of this Application, the Applicant Relies on the Following:

- 1. The DTC questionnaire (Page 2).

The Relief Sought is:

- 1. An Order allowing the Application and granting:
a) The transfer of the above noted charge(s) to Drug Treatment Court, pursuant to section 720(2) of the Criminal Code of Canada, and/or sections 10(4) and 10(5) of the Controlled Drugs and Substances Act, and Rule 6 of the Rules of the Provincial Court, and
b) Such further and other relief as this Honourable Court may permit.

The Applicant may be Served with Documents Pertinent to this Application:

By service in accordance with Rule 5 of the Rules of the Provincial Court, at the following address:

Dated at St. John's, Newfoundland and Labrador, this ___ day of ___, 20__.

C.C.: Presiding Judge
C.C.: Public Prosecution Service Canada and
C.C.: Provincial Crown Attorney

The Drug Treatment Court (DTC) Application **must have** this form completed and should be filled in with the help of your lawyer. Information for the purpose of screening for DTC will not be used as evidence against you in this or any other matter if you are not approved for the DTC.

This application is for initial screening and does not guarantee acceptance into the DTC.

Name:		Date of Birth:	
Address:		Telephone #:	
Currently Employed	Y	N	Date of last employment
Lawyer :	Private	Legal Aid	Duty Counsel
Firm:	Telephone #	E-Mail	

CURRENT AND OUTSTANDING CHARGES:

Current charges:				
Currently in Custody	Y	N	On Bail/Release Conditions	Y N
Currently on Probation	Y	N	Probation Officer:	
Do you have any other outstanding criminal charges (including outside NL)?				Y N
Please list:				
Do you have a criminal record?	Y	N	Date of last conviction (if known)	
Give overview:				
Do you have any convictions that involve violence? If yes – give a brief description:				

CURRENT DRUG USE:

Drug of Use:	Current / Past Use	Have you tried to deal with your drug use?
Cocaine/Crack		<input type="checkbox"/> Yes. What have you tried?
Opioid(s)		
Heroin		
Prescription Drugs		<input type="checkbox"/> No. What has prevented you from trying?
Methamphetamine		
Other _____		

How do you think you will benefit by participating in the DTC?

CONSENT FOR DTC ASSESSMENT

The DTC Team consists of the Judge, Provincial Crown Attorney, Public Prosecution Service of Canada, defence (Legal Aid or private lawyer), the DTC Provincial Manager and the Addictions Specialist. I consent to the Drug Treatment Court (DTC) team releasing to, or obtaining from, fellow team members and their organizations, Corrections and Community Services, Correctional Services Canada, and Regional Health Authorities or any other health care provider, and any information considered useful for assessing my eligibility and suitability for DTC. I understand this consent is a requirement for DTC screening and is valid for the duration of the **DTC application process**. This consent is automatically withdrawn if I am not accepted to DTC.

Please Note: The information in this Questionnaire will be kept confidential and not used by the Crown as evidence against you in Court.

By signing below, I apply to be considered for the Drug Treatment Court with the understanding that I must participate in the DTC Assessment and if accepted, will be required to attend weekly DTC appearances, random drug screening, and counselling sessions.

Date: _____ Signature: _____ Lawyer's Signature: _____

DTC ELIGIBILITY CRITERIA

The Crown retains discretion in screening all applications for eligibility based on the following specific criteria and criminal charges:

The applicant must be:

- Adult 18 yrs. or older at time of charge with:
 - An addiction to the illicit use of scheduled drugs including but not limited to:
 - Opiates,
 - Cocaine,
 - Methamphetamines,
 - Prescription drugs; and a
 - Willingness to plead guilty and acknowledge responsibility for charges before the Court;
 - Willingness to have all outstanding charges considered for resolution in DTC. "

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- Motivated by drug addiction;
- Committed primarily to support drug addiction;
- Non-violent with no recent significant history of violence;
- Within the jurisdiction of the St. John's Provincial Court or be eligible for transfer into the jurisdiction with Crown consent.

Charges that may result in a person not being eligible include those:

- Associated with significant violence, armed robbery or weapons related charges;
- Involving personal injury, residential break and enter;
- Trafficking in drugs solely for personal/commercial financial gain;
- Involving youth or putting youth at risk;
- Involving drug-impaired driving;
- Related to gang activity or organized crime.
- Outstanding charges with trials pending/not eligible for resolution in DTC.

In custody /currently serving sentences:

DTC will accept applications from clients in custody on consent remand and waiting court appearances. To be accepted into DTC the person must be eligible for and granted bail on their own case merit. If denied bail, applicants are not eligible for DTC.

Denied Bail or Serving Custodial Sentences:

Any individual who has been denied bail at a regular bail hearing, or is currently serving a custodial sentence, is not eligible to apply for DTC.

On Parole, serving intermittent sentences or on TA's from institutions:

Any individual serving intermittent institutional sentences or serving sentences in the community on Parole or Temporary Absences is not eligible to apply for DTC. DTC release conditions are specific to DTC participation and may directly conflict with the required parole and TA conditions.

**If you are uncertain about eligibility, please file
the Drug Treatment Court application for review.**

**Applications must be copied to:
Public Prosecution Service of Canada and
the Provincial Crown Attorney's Office.**