



**STATE OF RHODE ISLAND JUDICIARY**

**SUPERIOR COURT**

**DEFERRED SENTENCE AGREEMENT**

<b>State of Rhode Island</b> <b>v.</b> <b>Defendant</b>	<b>Case Number</b>
	<b>Bureau of Criminal Identification Number</b>

IT IS HEREBY AGREED that pursuant to the provisions of G.L. 1956 § 12-19-19, sentence may be deferred on the above-referenced case for a period of \_\_\_\_\_ years as long as the court is satisfied the defendant has kept the peace, has been of good behavior, and has not violated any of the terms of this agreement as provided below.

I, \_\_\_\_\_ AGREE TO THE FOLLOWING:

1. I will not violate any criminal law of the United States, the State of Rhode Island, or the criminal law of any other State during the period of this Deferred Sentence Agreement.
2. I will not leave the State of Rhode Island for more than seventy-two (72) hours without the permission of the court.
3. I will waive extradition from any State in the United States to the State of Rhode Island in the event that my presence in Rhode Island should be required by any court in this State during the period of this Deferred Sentence Agreement.
4. I will report to the court as directed for periodic reviews regarding the status of my compliance of all deferred sentence conditions. The first such periodic review is scheduled for \_\_\_\_\_.
5. I understand that if I fail to appear for my review scheduled by the court, a warrant may issue for my arrest.
6. I will keep the court informed of my whereabouts and will notify the court within seventy-two (72) hours of any change of my residential and/or mailing address or place of employment.
7. I will make all payments of monies as directed by the court.
8. I will make every effort to keep myself steadily employed.
9. I will execute any necessary releases with treatment providers to allow the court to receive reports to monitor my progress with any counseling required under this agreement.



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10. I agree to have a DNA sample taken for analysis by the Department of Health if required to do so by statute. See Notice of Duty to Supply DNA Sample on page 3.

11. I will be honest and candid in all my communications with the court.

12. SPECIAL CONDITIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. In the event after review and hearing, the court declares that I have violated the terms and conditions of my deferred sentence, I understand that the court may impose sentence or impose a sanction upon me up to and including the maximum sentence allowable by law. The determination of whether a violation has occurred shall be made by the court in accordance with procedures relating to violation of probation in court rules and G.L. 1956 §§ 12-19-2 and 12-19-14.

14. I understand that, after completion of my deferred sentence, if the court shall determine after a hearing that I have complied with all of the terms and conditions of this deferral agreement including, but not limited to, the payment in full of any court-ordered fines, fees, costs, assessments, and restitution to victims of crime, I shall become immediately eligible for consideration of expungement pursuant to the provisions of G.L. 1956 §§ 12-1.3-2 and 12-1.3-3.

15. I have discussed this document with my attorney and fully understand the terms and conditions. I freely and voluntarily agree to the terms and conditions herein.

Signature of the Defendant _____	Date
Signature of the Special/Assistant Attorney General _____	Date
Having explained the conditions of the Deferred Sentence Agreement, I am satisfied that my client understands said conditions. _____	Date
Signature of the Attorney for the Defendant	



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**NOTICE OF DUTY TO SUPPLY DNA SAMPLE**

Pursuant to G.L. 1956 § 12-1-5.8, “Every person arrested for a crime of violence as defined in § 12-1.5-2, who pleads guilty or nolo contendere, or is convicted of any felony shall have a DNA sample taken for analysis.” As a requirement under G.L. 1956 § 12-1-5.8(a)(2), “Every person convicted of any crime of violence as defined in G.L. 1956 § 12-1-5.2, or any felony, or who is sentenced thereon to any term of probation, or whose case is referred to a diversion program, or upon whose case sentencing is deferred shall have a DNA sample taken for analysis by the department of health as a condition of any sentence which disposition will not involve an intake into prison.”

DNA samples can be submitted to the Rhode Island Department of Health between 9:00 a.m. to 12:00 p.m. or between 1:00 p.m. and 4:00 p.m. at either of the addresses below:

<b>PROVIDENCE - <u>TUESDAY</u></b>  <b>9:00 a.m. to 4:00 p.m.</b>	OR	<b>CRANSTON – <u>THURSDAY</u></b> <b>9:00 a.m. to 12:00 p.m.</b> or <b>1:00 p.m. to 4:00 p.m.</b>
Licht Judicial Complex Probation Office, <b>1<sup>st</sup> floor</b> 250 Benefit Street Providence, RI 02903 (401) 222-1249		DIX Building #094 (parking in rear) <b>2<sup>nd</sup> floor</b> 18 Wilma Schesler Lane Cranston, RI 02920 (401) 462-0139
<b>YOU MUST BRING THIS FORM AND A PICTURE IDENTIFICATION</b>		

Pursuant to G.L. 1956 § 12-1.5-17, “Any person who is required to have a DNA sample taken after having been arrested and charged with any crime of violence as defined in § 12-1.5-2 or convicted of any felony, who refuses to do so, and who knowingly, violently resists the taking of a DNA sample duly authorized by medical personnel, shall be in violation of the terms of his or her release, regardless of whether or not the term was a special condition of his or her bail, release on probation, parole, or home confinement, or other form of supervised release.”