

## **Eligibility**

Participation in ECVTC shall be permitted in the exclusive discretion of the Prosecuting Attorney's office, upon request of a charged defendant. A defendant who otherwise may be eligible for participation may be denied access to the diversion program by the prosecutor.

### **To be eligible for the ECVTC, defendants must meet the following requirements:**

- Must be a veteran of the U.S. Armed Forces with (1) an honorable discharge or a general discharge under honorable conditions, or (2) on active duty or (3) in the reserves or National Guard; and
  - Have a pending eligible misdemeanor or felony offense in Ellis County and (ECDA has final approval and first right of refusal authorities)
  - Be a legal resident or citizen of the United States and be a resident of Ellis County or an adjacent county; and
  - Have a mental illness or disorder, including post-traumatic stress disorder, traumatic brain injury, depression, anxiety, psychotic disorders, and/or substance use disorder, suffered sexual trauma that occurred during military service, and that has affected/influenced the participant's criminal conduct at issue in the case.
- The defendant must submit to a clinical evaluation to confirm the pending or underlying offense was a result of a mental illness or substance abuse.
- The defendant must complete and sign all documents required for the release of information necessary for treatment planning.
- The judge, prosecutor, defense attorney, or Veterans' Court Coordinator may recommend defendants for inclusion in the program.
- The defendant must complete a pre-plea orientation and sign all required Veterans' Court and Veterans' Administration releases of information (ROI).
- Attest to no prior participation in this or any other Specialty Court Program
- The defendant must enter a signed stipulation of evidence prior to official entry into the program.
- Have no prior criminal history or involvement with law enforcement.

\*\* The ECVTC Team can review any case outside of these parameters on a case-by-case basis subject to final approval by the ECDA\*\*

## **Ineligible**

**Defendants will be excluded from ECVTC if he or she:**

- Has a pending charge for:
  - An offense listed under article 42A.054 of the Texas Code of Criminal Procedure other than aggravated assault with a deadly weapon; or
  - delivery of a controlled substance; or
  - a sex offense including but not limited to those offenses enumerated in Article 42A.453 of the Texas Code of Criminal Procedure. An offense under Section 21.08 will be considered on a case-by-case basis.
  - Has a prior conviction or deferred adjudication for:
    - An offense listed under article 42A.054 of the Texas Code of Criminal Procedure other than aggravated assault with a deadly weapon; or
    - sex offense(s) including but not limited to those offenses enumerated in Article 42A.453 of the Texas Code of Criminal Procedure.
- Currently on community supervision or deferred adjudication or currently has a pending motion to adjudicate or motion to revoke.
- Currently on parole or has a pending parole violation.
- Lives outside the state of Texas.
- Is seriously and persistently mentally ill and cannot participate in the structure of the Veterans' Treatment Court; or
- Has been previously unsuccessfully terminated from any Specialty Court Program, including the VTC, or who has previously graduated, whether on community supervision or not, from any of the Specialty Court Programs and is arrested on a new eligible misdemeanor or felony charge.