

STATE OF WISCONSIN, CIRCUIT COURT, \_\_\_\_\_ COUNTY

State of Wisconsin, Plaintiff

Amended

-vs-

**Order on Petition for Determination of Eligibility  
for the Substance Abuse Program**

Defendant's Name \_\_\_\_\_

Date of Birth \_\_\_\_\_

Case No. \_\_\_\_\_

A Petition for Determination of Eligibility for the Substance Abuse Program was filed.

**THE COURT FINDS:**

All of the following criteria for eligibility  have  have not been satisfied.

1. The defendant is presently serving the confinement portion of a bifurcated sentence.
2. The defendant was not convicted of a crime specified in chapter 940 or §§948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08 or 948.095, Wis. Stats.
3. The sentencing court did not determine if the defendant is eligible or ineligible to participate in the Substance Abuse Program.
4. The Department of Corrections has approved the filing of the Petition.
5. The district attorney was served with a copy of the Petition.

**THE COURT ORDERS:**

The Petition is

1. **GRANTED** because all of the criteria for eligibility have been satisfied and the
- A. gravity of the crime is not inconsistent with participation.
  - B. defendant's character suggests the defendant can be successful in the program.
  - C. community's interest in rehabilitation is served by allowing participation.
  - D. Other: \_\_\_\_\_

The defendant is eligible to participate in the Substance Abuse Program

- A. as of the date of this order. **OR**
- B. after serving \_\_\_\_\_ years, \_\_\_\_\_ months, \_\_\_\_\_ days, of the confinement portion of this bifurcated sentence.

If the defendant is approved for placement in the Substance Abuse Program and successfully completes the Substance Abuse Program, the Department of Corrections shall notify the court. Upon being informed that the defendant has successfully completed the Substance Abuse Program, the court shall reduce the confinement portion of the defendant's bifurcated sentence to provide for release of the defendant to extended supervision within 30 days of the date on which the court receives notice. The court shall lengthen the term of extended supervision imposed so that the total length of the bifurcated sentence originally imposed does not change.

2. **DENIED.** The defendant is not eligible for the Substance Abuse Program because the
- A. defendant has not satisfied the following criteria for eligibility: [Specify criteria number(s)] \_\_\_\_\_
  - B. court already made this determination at sentencing and declines to change it.

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- C. seriousness of the crime requires continued confinement.
  - D. defendant's character suggests the defendant would not be successful in this program.
  - E. defendant needs to be confined to protect the community.
  - F. Other: \_\_\_\_\_
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**THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL.**

DISTRIBUTION:

1. Court
2. Defendant
3. Defendant's Attorney
4. District Attorney
5. Department of Corrections
6. Victim(s)