

District: _____
Locality: _____
Police force: _____
File No.: _____

Court of Québec addiction treatment program (CQATP)

Statistical code: _____

HER MAJESTY THE QUEEN

Prosecutor/Respondent

v.

_____ D.O.B.: _____

Accused/Petitioner

**MOTION TO PARTICIPATE IN THE COURT OF QUÉBEC
ADDICTION TREATMENT PROGRAM (CQATP)**

(section 720(2) of the *Criminal Code*, and sections 82 and 83 of the *Regulation of the Court of Québec*)

To one of the judges of the Criminal and Penal Division of the Court of Québec, the accused/petitioner submits the following:

1. The accused/petitioner is accused in the above file(s).
2. The accused/petitioner is currently:
 detained at liberty
 in the file(s) mentioned above.
 in a file/in files of the municipal court of _____
 in a file/in files of the judicial district of _____
 in a file/in files of the province of _____
3. The accused/petitioner is requesting that the offences in the following files be transferred, in accordance with:
 section 478 of the *Criminal Code* section 479 of the *Criminal Code*

4. The accused/petitioner acknowledges having a substance abuse or dependence problem.

5. The accused/petitioner wishes to undertake therapy to end his/her substance abuse or dependence problems.
6. The accused/petitioner underwent to the required evaluations, as appears from the application for service submitted to _____ under the Court of Québec addiction treatment program (CQATP) filed as Exhibit R-1.
7. The accused/petitioner was informed that the evaluation recommends:
 six months' in-patient therapy in a placement centre,
 out-patient therapy,
as appears in Exhibit R-1.
8. The accused/petitioner has asked to participate in the CQATP and has obtained the prosecutor's consent to do so, as appears in the application for consent to participate in the Court of Québec addiction treatment program (CQATP) filed as Exhibit R-2.
9. The accused/petitioner underwent assessment and was accepted as a participant in the therapy offered at the _____ therapy centre, as appears in the assessment and the treatment centre's letter of acceptance filed as Exhibit R-3.
10. The accused/petitioner received explanations on the treatment program from a CQATP team member.
11. The accused/petitioner agrees that all those involved in the program, i.e. the Court, the prosecutor, the defence attorney, the liaison officers, the _____, and the therapy centre, will keep and share the personal information obtained for the sole purpose of supporting his/her therapeutic progress, throughout the duration of his/her treatment.
12. The accused/petitioner agrees to follow the program rules and comply with the conditions set by the Court for his/her release in accordance with sections 515 and 518(2) of the *Criminal Code* or the supervision conditions set by the Court in accordance with section 720(2) of the *Criminal Code*.
13. The accused/petitioner freely and voluntarily pleads guilty to the charge(s) indicated in the guilty plea agreement submitted by the parties for the purposes of the CQATP, as appears in the agreement filed as Exhibit R-4.
14. The accused/petitioner understands the nature and consequences of his/her decision, particularly the renunciation of all means of defence.
15. The accused/petitioner was informed that the Court is not bound by any agreement entered into with the prosecutor.
16. If the Court concludes that the accused/plaintiff has successfully completed the program, the parties will submit their suggestions, as recorded in the guilty plea agreement submitted by the parties for the purposes of the CQATP filed as Exhibit R-4.
17. The accused/petitioner is aware that sanctions may be imposed if he/she relapses into substance use, fails to comply with the release conditions or fails to comply with the Court's supervision conditions.

18. The accused/petitioner was informed that, if he/she abandons the program or does not comply with its conditions, the Court may find that the program has failed and end it.
19. The accused/petitioner was informed and understands that, in case of failure, the parties are no longer bound by the sentencing recommendations mentioned in the guilty plea agreement submitted by the parties for the purposes of the CQATP filed as Exhibit R-4.
20. The accused/petitioner was also informed and understands that the parties retain their right to submit at the sentencing hearing any relevant evidence in accordance with sections 718 *et seq.* of the *Criminal Code*.

THEREFORE, MAY IT PLEASE THE COURT TO:

EXEMPT the accused/petitioner from serving a three-day notice of presentation on the prosecutor;

ALLOW the petitioner to enter his/her motion on the roll even if it has not been filed with the office of the Court within the time period provided for in section 83 of the *Regulation of the Court of Québec*;

ALLOW this motion;

ACCEPT the guilty pleas;

DECLARE the accused/petitioner guilty of the charges indicated in the guilty plea agreement submitted by the parties for the purposes of the CQATP;

ADMIT the accused/petitioner into the Court of Québec addiction treatment program (CQATP);

POSTPONE the sentencing by reason of the petitioner's commitment to comply with the conditions for his/her release set by the Court or the petitioner's commitment to comply with the supervision conditions set by the Court in accordance with section 720(2) of the *Criminal Code*.

WITHOUT COSTS.

At _____, on _____

Attorney for the accused/petitioner
or Accused/Petitioner

AFFIDAVIT

I, the undersigned, _____,

residing at _____

declare the following:

1. I am the accused/petitioner.
2. All of the facts alleged in this motion are true.

And I have signed at _____, on _____

Accused/Petitioner

- Declared under oath Solemnly affirmed

At _____, on _____

Commissioner for oaths

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Locality: _____
Police force: _____
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LIST OF EXIBITS

- R-1 Application for service and recommendation submitted to _____ under the Court of Québec addiction treatment program (CQATP).
- R-2 Application for consent to participate in the Court of Québec addiction treatment program (CQATP).
- R-3 Assessment and letter of acceptance from the treatment centre.
- R-4 Guilty plea agreement submitted by the parties for the purposes of the Court of Québec addiction treatment program (CQATP).

Attorney for the accused/petitioner
or Accused/Petitioner