

Cherokee Nation Code Annotated

Title 22: Criminal Procedure

Chapter 4: Proceedings After Commitment

§ 305.3. Termination of Deferred Prosecution Agreement

Cite as: 22 CNCA § 305.3

A. Both the Cherokee Nation and the accused may mutually terminate the deferred prosecution at any time, and the case shall proceed as if there had been no agreement. If the Cherokee Nation makes the termination decision unilaterally, it shall only do so in light of all the relevant circumstances of the case. Arrest of the accused for a subsequent offense shall not automatically terminate the agreement. If the Cherokee Nation should decide to terminate the agreement, it shall:

1. Send a written notice of termination to the accused and the attorney for the accused, if any, explaining the reasons for the termination; and
2. Disclose to the accused or the attorney for the accused the evidence supporting the decision to terminate;

B. On and after the effective date of this act, if an agreement is terminated by the Cherokee Nation for failure of the person to comply with the terms of the deferred prosecution agreement, the termination document and supporting documentation shall be open to the public.

C. If an agreement is terminated by the Cherokee Nation and the accused is subsequently tried before a jury, the court shall instruct the jury not to consider any delay in prosecution while the accused was participating in the deferred prosecution program.

Historical Data

LA 08-21, eff. February 22, 2021.