

The seal of the State of Georgia is a large, faint, golden circular emblem in the background. It features a central figure of a woman holding a staff with a basket, surrounded by a laurel wreath. The text "STATE OF GEORGIA" is inscribed around the bottom, and "1832" is at the bottom center. The top part of the seal is partially obscured by the title text.

# Implementing Due Process in your Accountability Court Program

By Travis Cain, Esq. & Darcy Kamau, MJA

# Learning Objective #1:

- The importance & Role of Due Process in Accountability Courts
  - What and How (substance and procedure/methodology)
- Case Law Review & Updates
  - For more details see digital handout
  - Boykin Rights
  - Amendment Rights (5<sup>th</sup> & 14<sup>th</sup> specifically)
  - GA Constitution article #1



Roles: Darcy always says, “There’s no ‘I’ in team.”



## Objective #2:

- Following (Drug Court) Best Practice Standards – Section IV- enhancing defendants rights to advance notice and the opportunity to be heard
  - Advance notice (3 days is probation standard for minimum)
  - Opportunity to be heard (but not creating a way to incriminate)
    - Right to representation

Rights: Attorney's can be cool and helpful



# Objective #3:

- Learning how to implement a process in your individual program(s)
  - Notice
  - Representation
  - Calendaring
  - Incentivizing Honesty
  - Documentation
  - Combining rights with standards
  - Community focus

Implementation: I promise, you can do it.



IN THE STATE COURT OF COBB COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA

CASE NO. 05-DUI-01

VS

JOE SCHMOE,

CERTIFICATE OF SERVICE

I hereby certify that I have notified the defendant by phone on May 22<sup>nd</sup> that their Sanction Hearing will be held on Thursday, June 1, 2024 at 1:30 p.m. in Courtroom 3C.

This the 1<sup>st</sup> day of June 2024.

\_\_\_\_\_  
DARCY KAMAU  
COBB COUNTY DUI COURT

ACKNOWLEDGEMENT

I hereby acknowledge service that the sanction will be no more than 24 hours of Confinement in the Cobb ADC for testing positive for alcohol (4<sup>th</sup> positive) on or about May 20th, 2024.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
DEFENDANT

I hereby waive three days notice of said hearing.      X  

I hereby request three days notice of said hearing.    \_\_\_\_\_

This the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
DEFENDANT







IN THE STATE COURT OF COBB COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA

CASE NO. : 05-DUI-01

VS

JOE SCHMOE,

**DEFENDANT'S RIGHT TO AN ATTORNEY**

I understand that I am entitled to legal representation at said hearing:

- 1) I hereby choose to represent myself and decline representation. \_\_\_\_\_
- 2) I hereby choose to be represented by a circuit defender, should I financially qualify.   X
- 3) I hereby choose to hire my own attorney. \_\_\_\_\_

This the 1st day of June, 2024.

\_\_\_\_\_  
DEFENDANT

# More learning!

- First, get team buy in for implementation  
(This is important!)
- Onboard new team members
- Don't forget to pass on institutional knowledge if you move on



# Here's our Contact information:

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