

## **ADJOURNMENT IN CONTEMPLATION OF DISMISSAL INFORMATION SHEET**

---

An Adjournment in Contemplation of Dismissal (an “ACOD”) is an agreement between the District Attorney’s office and the defense, to have your case adjourned for 6 months (or in the case of certain marijuana cases 12 months) with a view toward having the case ultimately dismissed. **If the District Attorney’s office offers you an ACOD, the choice as to whether to accept it is up to you.**

### **If You Accept The ACOD Today**

Your case will be marked off the Court calendar. There will be no adjourned date on which you need to return to court. If you stay out of trouble for the adjournment period, your case will then be dismissed in furtherance of justice.

**BUT:** If you get into trouble during the adjournment period, the District Attorney’s office may restore your case to the calendar. If your case is restored to the calendar, you will have to come back to court and your case will proceed as any other case in the criminal justice system

### **If You Are Not Prepared To Accept The ACOD Today**

You will be given an adjourned date to return to court. Your case will then proceed as any other case in the criminal justice system. You may or may not be offered the ACOD in the future. That is up to the District Attorney’s office.

## **ADVANTAGES AND DISADVANTAGES OF ACCEPTING AN ACOD**

There are both good and bad things to consider when you are trying to decide whether to accept an ACOD.

### **Advantages To Accepting The ACOD:**

Assuming you remain out of trouble:

- There are no more court dates.
- At the end of the adjournment period, your case will be dismissed in furtherance of justice.
- If the adjournment period is for 6 months, it can under certain circumstances be shortened on consent of both the District Attorney’s office and the defense. If the adjournment period is for 12 months, it can be shortened in the Judge’s discretion.

- Upon the dismissal, your arrest and prosecution will be deemed a nullity and you will be restored, in contemplation of law, to the status you occupied before your arrest and prosecution.

### **Disadvantages To Accepting An ACOD:**

- You will forfeit your right to sue for malicious prosecution. You may also forfeit your right to sue for false arrest and/or false imprisonment.
- You will be unable to join the military during the adjournment period.
- Prospective employers will have access to the court records of the ACOD during the adjournment period. As a practical matter, they may have such access even after the case is dismissed.
- Police departments and other law enforcement agencies will know of the ACOD and you may have difficulty joining a police department or other law enforcement agency in the future.
- You may have difficulty obtaining a gun permit in the future.
- If you are arrested in the future, after your present case is dismissed, your acceptance of the ACOD on this case may adversely affect your ability to get a favorable plea bargain offer on the future case.
- If you are an immigrant scheduled for a naturalization interview, the ACOD may cause a problem during the adjournment period.
- If you are a sheriff, police officer or peace officer, your weapons will continue to be secured during the adjournment period.
- If you are currently on parole, the underlying acts that led to your current arrest can still be used by the Parole Board to charge you with a parole violation.

---

Please give this matter serious thought. If you are certain that, despite the foregoing disadvantages, you wish to accept the ACOD, let me know and we will proceed accordingly. If you do not want it, I will obtain an adjourned date for you to return to court.

