

IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,)
Plaintiff,)
)
v.) Case No.:
)
)
_____,)
Defendant.)

§979a JAIL COSTS MOTION

Comes now the Defendant, by and through his attorney of record _____ and moves the Court ensure that the judgment and sentence filed herein does not include an order to collect costs of incarceration from the Defendant in accordance with the provisions of 22 O.S. §979a, which provides:

The court shall order the defendant to reimburse all actual costs of incarceration, upon conviction or upon entry of a deferred judgment and sentence unless the defendant is a mentally ill person as defined by Section 1-103 of Title 43A of the Oklahoma Statutes.

Section 1-103 of Title 43A of the Oklahoma Statutes states:

"Mental illness" means a substantial disorder of thought, mood, perception, psychological orientation or memory that significantly impairs judgment, behavior, capacity to recognize reality or ability to meet the ordinary demands of life.

The Defendant has been diagnosed as _____; and, a copy the supporting documentation has been provided to the Court with this motion.

Wherefore, the Defendant moves the Court ensure that the judgment and sentence filed herein does not include an order to collect costs of incarceration and that the records of the Court Clerk reflect that collection of such costs is barred by the provisions of 22 O.S. §979a.

Respectfully submitted,

ATTORNEY FOR DEFENDANT

CERTIFICATE OF DELIVERY

This is to certify that on the __ day of _____, 2021, a true and correct copy of the above and foregoing pleading was delivered by hand to Assistant District Attorney:

_____ by fax

_____ by mail, postage prepaid

_____ by hand
