

LAKE FOREST PARK MUNICIPAL COURT
Order Granting Deferred Prosecution
COUNTY OF KING, STATE OF WASHINGTON

CITY OF LAKE FOREST PARK _____,) No. ____CR_____
Plaintiff)
) ORDER GRANTING
) DEFERRED PROSECUTION
_____,)
Defendant)

THIS MATTER

having come on for hearing before the undersigned Judge of the above-entitled Court, upon Petitioner's Petition for Deferred Prosecution; the plaintiff, _____ appearing by and through the Prosecuting Attorney, and the Petitioner appearing in person through _____, attorney; the Court having examined and incorporated into the record Petitioner's Petition and statements in support of Deferred Prosecution, the assessment and treatment plan prepared by _____ and the files and records herein, having heard argument of counsel, and, otherwise, being fully informed in the premises, now, therefore make the following:

FINDINGS OF FACT

- 1 That the offenses for which Petitioner stands charged in this case occurred as a
direct result of [alcoholism/chemical dependency/mental problems];
- 2 That if not treated for this condition, there is high probability Petitioner will commit
similar violations in the future;
- 3 That Petitioner is amendable to treatment;
- 4 That extensive and long term [alcohol/chemical dependency/mental health]
rehabilitation treatment is available to the Petitioner through _____
an approved treatment program as designated under the law;

- 5 That Petitioner has agreed to be liable for all costs and expenses associated with diagnosis and treatment and supervised probation;
- 6 That Petitioner agrees to complete the two-year [alcoholism/chemical dependency/mental health] program offered by the treatment provided, as set forth in the attached diagnostic evaluation from _____;
- 7 That Petitioner has acknowledged and waived his or her rights to testify, to hear and question witnesses, to a speedy trial, to call witnesses to testify, to present evidence in his or her defense, to a jury trial;
- 8 That Petitioner has stipulated to the admissibility and sufficiency of the facts contained in the written police reports: Police Incident # _____ attached and incorporated herein by this reference;
- 9 That Petitioner has acknowledged and stipulated facts will be admissible in any criminal hearing on the underlying offense(s) held subsequent to revocation of this Order Granting Deferred Prosecution and that the facts contained in these reports will be the sole evidence used to support a finding of guilt;
- 10 That Petitioner's statements made pursuant to RCW 10.05.020(2) in support of the Petition for Deferred Prosecution were made knowingly and voluntarily and that if the Court finds cause to revoke this Order Granting Deferred Prosecution, these statements will be used to support a finding of guilt;
- 11 That the Petitioner has not made petition for, nor been previously granted a Deferred Prosecution for a Title 46 violation or similar municipal ordinance violation;

From the foregoing FINDINGS OF FACT, the Court draws the following;

CONCLUSIONS OF LAW

- 1 That the above entitled Court has jurisdiction over the subject matter and Petitioner in this case;
- 2 That Petitioner's Petition for Deferred Prosecution meets the requirements of RCW 10.05 et seq.;

- 3 That the diagnostic evaluation and commitment to treatment meets the requirements of RCW 10.05.150;
- 4 That Petitioner is eligible for Deferred Prosecution.

ORDER

Having made and entered the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, it is hereby

ORDERED that prosecution is deferred pursuant to RCW 10.05 et seq. and for a term of years as set forth in RCW 10.05.120 upon the following terms and conditions:

1. Petitioner shall complete the two-year treatment program recommended by _____ according to the terms and conditions of that plan as outlined in the diagnostic evaluation, a true copy of which is attached to the Petition and incorporated herein by this reference;
2. Petitioner shall maintain total abstinence from alcohol and mood altering drugs (except as prescribed by a physician) during the period of deferral;
3. Petitioner shall commit no alcohol related criminal traffic offenses or other criminal offenses during the period of deferral;
4. Petitioner shall not operate a motor vehicle upon the public highways without a valid operator's license and proof of liability insurance sufficient to comply with the state laws on financial responsibility;
5. Petitioner shall be on supervised probation during the period of deferral and shall abide by all terms, conditions, rules, and regulations of the probation department for the term of this probation. Petitioner shall pay the costs of probation in the amount of \$_____;
6. The treatment program shall file with the court status reports every month describing Petitioner's cooperation and progress in treatment. The Court may increase the frequency of these reports at its discretion;
7. In the event the Petitioner fails or neglects to carry out and fulfill any term or condition of this treatment plan, the treatment program shall immediately report such breach to the Court, the prosecutor, and Petitioner's attorney, together with its recommendation. The Court, upon receiving notice of such failure, neglect of violation, will hold a hearing

to determine whether the Petitioner should be removed from the Deferred Prosecution program;

8. If Petitioner is subsequently convicted of a similar offense while in the Deferred Prosecution Program or if the court finds cause to revoke the Deferred Prosecution, the stipulated police report(s) shall be admitted into evidence. The Court will then enter judgment based on said report(s) and, if appropriate, sentence Petitioner according to law;
9. I understand that if the court grants this Petition, during the period of deferred prosecution, I will be required to contact my probation officer, the probation director or designee, or the court if there is no probation department, to request permission to travel or transfer to another state if my wrongful conduct involves: (i) an offense in which a person has incurred direct or threatened physical or psychological harm; (ii) an offense that involves the use or possession of a firearm; (iii) a second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol; (iv) a sexual offense that requires me to register as a sex offender in Washington state. I understand that I will be required to pay an application fee with my travel or transfer request;
10. Petitioner shall pay a \$200 breach/blood fee pursuant to RCW 46.61.5054;
11. Petitioner shall keep the probation department and the clerk of Court advised, in writing, of any changes and the clerk of Court advised, in writing, of any changes in address. Petitioner's current address is: _____

12. Petitioner shall surrender his or her Washington State driver's license (RCW 46.20.355);
13. Petitioner shall not change the treatment provider without prior approval of the Court and probation department;
14. Upon successful completion of the two-year treatment program, the underlying charge will be dismissed three years from the date of completion, but no earlier than five years from the date of entry of this order. The dismissal date is _____

ADDITIONAL TERMS AND CONDITIONS:

- [] Petitioner shall pay restitution to _____ in the amount of \$_____, no later than _____.

- [] Petitioner shall pay \$_____ for the costs of an emergency response (up to \$1000) (RCW 58.52.430).
- [] Petitioner shall pay deferred prosecution court costs of \$_____.
- [] Petitioner shall attend a DUI Victim's Panel and file proof of completion with probation and the court by _____ (RCW 46.61.5051).
- [] Petitioner shall apply for an Ignition Interlock Driver's License from Dept. of Licensing under RCW 46.20.385. Proof of application shall be provided to the court by _____
- [] Petitioner shall only drive a motor vehicle equipped with a functioning Ignition Interlock or other biological or technical device for _____ months (RCW 46.20.720) or as determined by the Dept. of Licensing.

DONE IN OPEN COURT this _____ day of _____, 20_____.

JUDGE

Presented by:

Attorney for Petitioner, WSBA #_____

Approved for entry; copy received: _____

Prosecuting Attorney, WSBA #_____

I do hereby acknowledge the foregoing Order of Deferred Prosecution and agree to comply with the terms and conditions set forth herein.

Petitioner

Date