

LAKE FOREST PARK MUNICIPAL COURT

Statement of Petitioner for Deferred Prosecution

COUNTY OF KING, STATE OF WASHINGTON

CITY OF LAKE FOREST PARK) No. CR _____
Plaintiff)
) STATEMENT OF
_____,) PETITIONER FOR
Defendant) DEFERRED
PROSECUTION

I declare that I am the Petitioner herein and have filed a Petition for Deferred Prosecution in the above entitled matter.

A Pursuant to RCW 10.05.060(2), before entry of an order deferring prosecution, I am required to have been advised of the following:

- 1 I have the right to a speedy and public trial within 60/90 days from my first appearance. If my trial is not within 60/90 days from my first appearance, I am entitled to have my case dismissed. As a condition for granting the above petition, I give up or waive my right to a speedy trial.
- 2 I have a right to a trial by an impartial six-person jury or a right to a trial before a judge if I waive my right to a jury trial.
- 3 I have the right to remain silent before and during trial, and I need not testify against myself.
- 4 I have the right a trial to hear and question witnesses who testify against me.
- 5 I have the right at trial to have witnesses testify for me. These witnesses

can be made to appear at no expense to me.

6 I am presumed innocent until the charge is proven beyond a reasonable doubt, or I stipulate to guilt, or I enter a plea of guilty.

7 I have the right to appeal a determination of guilty after a trial.

B If my Petition for Deferred Prosecution is granted, I do hereby stipulate to the admissibility and sufficiency of the facts contained in the written police report and I understand that the stipulation will be entered and used to support a finding of guilt if the court finds cause to revoke the Order of Deferred Prosecution. I further stipulate that statements I make in support of this Petition for Deferred Prosecution may be likewise used at a subsequent trial to support a finding of guilt.

C If my Petition for Deferred Prosecution is granted, I do hereby acknowledge and waive the following rights: the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in my defense, and the right to a jury trial.

D I further acknowledge that I may, if I proceed to trial and am found guilty, be allowed to seek suspension of some or all of the fines and incarceration that may be ordered, upon the condition that I seek treatment and further that I may seek treatment from public and private agencies at any time without regard to whether or not I am found guilty of the offenses charged. In addition, I understand that the court will not accept a Petition for Deferred if I sincerely believe that I am innocent or sincerely believe that I do not, in fact, suffer from [alcoholism/chemical dependency/mental health problems].

E I further understand that if the Petition for Deferred Prosecution is granted, it may be considered for enhancement purposes, pursuant to RCW 46.61.5055, when imposing mandatory penalties and license suspension for subsequent DUI offenses committed within the next seven year period.

F The statements made herein are made knowingly and voluntarily.

I have read or have had read to me and fully understand all the above sections and have received a copy of this statement.

DATED this _____ day of _____, 20_____.

Respectfully submitted,

_____, Petitioner

_____, Attorney for Petitioner

WSBA #_____