

KING COUNTY DISTRICT COURT, STATE OF WASHINGTON

STATE OF WASHINGTON,
COUNTY OF KING/CITY OF _____,
PLAINTIFF,
v.

DEFENDANT.

NO. _____
FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER GRANTING DEFERRED
PROSECUTION
Count 1 _____
Count 2 _____
VIOLATION DATE: _____

FINDINGS OF FACT

1. The Defendant stipulates to the admissibility and sufficiency of the police reports filed in this case and that those documents are sufficient to support a conviction on the offense(s) charged under the above-referenced cause number if the Deferred Prosecution is revoked.
2. The Defendant has examined the Petition and treatment report and recommendations and has indicated his/her agreement to undertake and pay the costs of the prescribed treatment if financially able to do so, and such other conditions as set forth in this Order.
3. The Defendant has waived the right to (a) a speedy trial; (b) a trial by jury; (c) testify; (d) question witnesses; (e) call witnesses and (f) present evidence or a defense.
4. Defendant acknowledges that his/her statements in the Petition are admissible and will be entered and used to support a finding of guilty if the Deferred Prosecution is revoked.
5. The Defendant has not been previously granted a Deferred Prosecution for a Title 46 violation.
6. The Defendant's stipulations, admissions, and statements are knowingly, intelligently, and voluntarily made.

CONCLUSIONS OF LAW

1. This Court has jurisdiction of the subject matter and the parties in the above-entitled cause.
2. The Defendant qualifies for a Deferred Prosecution pursuant to Chapter 10.05 RCW, and has agreed to the same.

ORDER

1. The Defendant shall complete the two year Treatment Program filed with the Court and incorporated herein by reference.
2. Three years from the date either Probation or the Court first receives written proof of successful completion of the two-year Treatment Program, but no less than five years from the date of this Order, upon proof the Defendant is in compliance with all conditions of this Order, the Court shall dismiss the offense(s) charged under the above cause number(s).
3. The Defendant shall follow all conditions of said Treatment Program until modified by the Court and shall not change treatment agencies without prior approval of the Court.
4. The Defendant shall comply with the following requirements and conditions during the entire period of the Court's jurisdiction:
 - (a) Maintain total abstinence from alcohol and non-prescribed drugs.
 - (b) Have no criminal violations of law and no alcohol-related infractions.
 - (c) Not drive without a valid license and proof of insurance as required by law.
 - (d) Submit to an alcohol test of Defendant's breath or blood upon the request of a law enforcement officer who has reasonable grounds to believe Defendant was driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drugs.
 - (e) Pay **administrative fee** in the amount of \$250 within _____ days.
 - (f) Appear in court at any time requested by the Court throughout the period of this Deferred Prosecution.
 - (g) Pay a **breath test assessment** of \$125.00 within _____ days.
 - (h) Attend and complete a DUI Victim's Panel within _____ days. Attend _____ additional DUI Victim's Panels. DUI Victim's Panels shall be attended in intervals of no more than one every _____ months.

(i) During the three years following completion of the two-year Treatment Program, attend a minimum of _____ alcoholism self-help recovery support group meetings per week (for example, AA/NA). Proof of such attendance must be filed with Probation by the 5th day of each month.

(j) Pay to the plaintiff (State or City) \$ _____ for the costs of an emergency response (up to \$1,000.00) (RCW 38.52.430).

(k) For a period of _____ year(s) following a period of revocation or suspension, drive only a motor vehicle equipped with a functioning ignition interlock device and comply with the Court's Ignition Interlock Order.

(l) Pay **restitution** for damages in the amount of \$ _____ within _____ days. Payment shall be made through the Court and the Court will forward to (name/address):

(m) Other Conditions _____

4. The Defendant is placed on supervised probation with King County District Court Probation Services or Bellevue Probation until completion of the Treatment Program and shall pay a probation fee in the amount of \$65.00 per month unless the fee is reduced by Probation. After completion of the treatment program the Defendant shall pay a sentence compliance fee of \$240 per year (\$120.00 for City of Bellevue cases) until the offense(s) charged under the above cause number are dismissed or this Deferred Prosecution is revoked.

The Defendant must contact the King County Probation Services office associated with the court authorizing this Deferred Prosecution not later than 20 days after entry of this Order. Defendants on City of Bellevue Probation must contact that department today. The Defendant must keep the probation office and the Court advised of all address changes. Defendant must keep the probation office informed of any new criminal violations of the law.

Probation for State cases: **Renton Courthouse:** 206-205-2044; **Issaquah Courthouse:** 206-296-5343; **Redmond Courthouse:** 206-205-5343; **Seattle Courthouse:** 206-296-3584; **Shoreline Courthouse:** 206-296-3544; **Burien Courthouse:** 206-205-2044; **Maleng Regional Justice Center:** 206-296-3844.

Probation for Bellevue cases: **Bellevue Probation:** 475-112th Ave SE, Bellevue WA 425-452-6956.

The Defendant shall authorize the treatment staff of Defendant's Treatment Agency to communicate freely with the Court and Probation regarding the Defendant's treatment

progress. The Treatment Agency shall file reports every month with Probation, if Defendant is on supervised probation, otherwise with the Court.

5. In the event that the Defendant fails or neglects to carry out and fulfill any term or condition of the Treatment Program, the Treatment Agency shall immediately report in writing such violation to Probation, together with its recommendation. If the Defendant is not on supervised probation, the written report shall be made directly to the Court.

6. For Title 46 offenses, an abstract of the Defendant's acceptance for Deferred Prosecution shall be sent to the Department of Licensing.

7. If the Defendant fails to undertake and fulfill any term or condition of this Order or of the prescribed Treatment Agency, or any other condition as set forth by the Probation Department; the Court, upon receiving notice of any such failure, neglect or violation, shall hold a hearing to determine whether the Defendant should be removed from the Deferred Prosecution program and proceed to a stipulated trial on said charge(s).

8. In the event the Court revokes the Deferred Prosecution status, the Defendant, having already stipulated to the accuracy and admissibility of the police report(s) and any other documents, reports or evidence filed in this case at the time the Court accepted the Petition for Deferred Prosecution, shall have Defendant's guilt or innocence determined by the Court solely considering said evidence.

9. If there are any inconsistencies between this Order and the Treatment Plan, the terms and conditions as set forth in this Order shall be controlling.

10. This matter shall be set for review at any time upon request of the Defendant, the State/City, Probation or the Court.

DATED THIS _____ day of _____, _____.

Defendant

Deputy/Prosecuting Attorney

Attorney for Defendant