

KING COUNTY DISTRICT COURT, STATE OF WASHINGTON

**STATE OF WASHINGTON, COUNTY
OF KING/CITY OF**

NO.

Plaintiff,

vs.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER GRANTING DEFERRED
PROSECUTION**

Defendant,

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 acknowledges the admissibility of the stipulated facts in any criminal hearing on the underlying offense(s) held subsequently to the revocation of the Order granting Deferred Prosecution
3. 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.
4. 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.
5. 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
6. The Defendant has not been previously granted a Deferred Prosecution for a Title 46 violation.
7. 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

It is hereby Ordered:

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 and recommendations of the Treatment Program unless 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, including marijuana and marijuana products.
 - (b) Have no criminal law violations, and no alcohol-related or drug-related infractions.
 - (c) Do not drive a motor vehicle without a valid license and proof of liability insurance or financial responsibility as required by law.
 - (d) Submit to a test of your breath or blood upon the request of a law enforcement officer who has reasonable grounds to believe you were driving or were in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drugs.
 - (e) Appear in court at any time requested by the Court throughout the period of this Deferred Prosecution.
 - (f) Attend and complete a DUI Victim's panel within _____ days.
 - (g) Attend _____ additional DUI Victim's. DUI Victim's panels shall be attended in intervals of no more than one every _____ month(s).

- (h) During the years following completion of the two-year Treatment Program, attend a minimum of _____ alcoholism/drug self-help recovery support group meetings per week (for example, AA/NA), or as recommended by your treatment provider after successful completion of the Treatment Program. Proof of such attendance must be filed with the sentencing Court's Probation Office by the 5th day of each month.
- (i) For a period of _____ year(s) following a period of revocation or suspension, or a period as determined by the Department of Licensing, drive only a motor vehicle equipped with a functioning ignition interlock device and comply with the Court's Ignition Interlock Order.
- (j) Pay to the plaintiff (State or City) \$ _____ for the cost of an emergency response (up to \$2,500) (RCW 38.52.430)
- (k) Pay restitution for damages in the amount of \$_____ by _____[date]. Make a cashier's check or money order payable to KCDC or _____ [victim's name]. Include case number on cashier's check or money order. Payment shall be made through the Court and the Court will forward the payment.
- (l) Pay administrative fee in the amount of \$250 to the Court within _____ days.
- (m) Pay a breath assessment of \$200 within _____ days.
- (n) Pay recoupment of attorney's fees directly to the City of _____ in the amount of \$_____ within _____ days.
- (o) Other Conditions:
- (p) 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 monthly probation fee of \$65.00 unless the fee is reduced by the court upon recommendation by Probation. After successful completion of the Treatment Program the Defendant shall be placed on compliance monitoring and shall pay a yearly monitoring fee of \$240/_____ until the offense(s) charged herein are dismissed or the Deferred Prosecution is revoked. The Defendant shall file monthly status reports with the Court's Probation Office by the 5th of each month during the period of compliance monitoring.

The Defendant must contact the King County Probation Services Office associated with the Court approving this Deferred Prosecution not sooner than 10 days but not later than 20 days after entry of this Order. Defendants on City of Bellevue Probation must contact that department today/within _____days.

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.

King County Probation Offices:

Issaquah Courthouse: 206-477-2151; **Seattle Courthouse:** 206-477-1788

Shoreline Courthouse: 206-477-2704; **Auburn Courthouse:** 206-477-0480

Maleng Regional Justice Center: 206-477-2974

Bellevue Probation Department:

Bellevue Probation: 425-452-6956 1309 114th Avenue SE #200, Bellevue WA 98004

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, and during compliance monitoring with the Court through the supervising Court's Probation Office.

TRAVEL RESTRICTIONS. If your deferred prosecution includes at least one year of supervision with conditions or compliance monitoring, and your offense involved direct or threatened physical or psychological harm of a victim, use or possession of a firearm, a second or subsequent DUI, or a sexual offense that requires registration, you cannot reside or relocate outside the state of Washington without approval of the Court and approval of the Interstate Compact for Adult Offender Supervision Commission (ICAOS). This restriction will apply whether you are on supervised probation or compliance monitoring. **You must contact the Court or probation office for more details before returning or relocating to another state.** There is a \$100.00 application fee. **If you are a resident of another state at the time of this Order granting a deferred prosecution, with a qualifying offense, you must remain in Washington until completing the ICAOS transfer request. You must contact the King County Probation ICAOS Coordinator within 3 business days of this Order at 206-477-0481 or 206-477-0476 to arrange to complete the transfer request. For City of Bellevue cases contact the Bellevue Probation Department at 425-452-6956 to complete the transfer request**

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 on compliance monitoring, the written report shall be made to the supervising Court's Probation Office.
6. For Title 46 RCW offenses, a report 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 Program, or any other violation; the Court, upon receiving notice of any such failure, neglect or violation, shall hold a hearing to determine whether the Defendant should be revoked from the Deferred Prosecution program.
8. In the event the Court revokes the Deferred Prosecution, 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 his/her guilt or innocence determined by the Court based upon that 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 may be set for review at any time upon request of the Defendant, the State / City, Probation or the Court.
11. Bail/Bond is exonerated.
12. Pretrial IID order is rescinded.

DATED this _____ day of _____, 20_____

 Defendant

 Prosecuting Attorney

 Address

 City, State, Zip code

 Attorney for Defendant

SUMMARY

Administrative Fee: _____

BAC Assessment: _____

Probation Fees: _____

Compliance Monitoring Fees: _____

City Recoupment: _____

Restitution: _____

Emergency Response Fees: _____

Total: