

DISTRICT COURT OF WASHINGTON, FOR CHELAN COUNTY	
_____ , Plaintiff	
VS.	
_____ , Defendant	

NO: _____

PETITION FOR DEFERRED PROSECUTION (DPPF)

CHARGES: _____

VIOLATION DATE: _____

COMES NOW the defendant and petitions the court for deferred prosecution pursuant to RCW Chapter 10.05, and states as follows:

1. I allege the wrongful conduct charged is the result of or caused by
 ALCOHOLISM DRUG ADDICTION MENTAL PROBLEMS,
for which I need treatment.
2. Unless I receive treatment for my problem, the probability of future reoccurrence is great.
3. I agree I must pay, or arrange payment for, all diagnostic and treatment costs associated with the Deferred Prosecution.
4. I understand that the court will not accept a petition for deferred prosecution from a person who sincerely believes that he or she is innocent of the crime(s) charged or does not suffer from alcoholism, drug addiction, or mental problems.
5. If this charge is a violation of Title 46 or similar municipal ordinance, I have not previously been placed on a deferred prosecution for a Title 46 or similar municipal ordinance violation.
6. A case history and assessment have been filed with this petition pursuant to RCW 10.05.020.
7. I understand and acknowledge I have the following rights: (a) to have a lawyer represent me at all hearings; (b) to have a lawyer appointed at public expense if I cannot afford one; (c) to a speedy, public jury trial; (d) to appeal any conviction; (e) to remain silent and not testify; (f) to question witnesses who testify against me; (g) to call witnesses to testify for me, at no cost; (h) to be presumed innocent unless the charge(s) against me is proven beyond a reasonable doubt; and (i) to present evidence and a defense. By deferring prosecution on these charges, I understand I give up my right to: (a) a speedy trial; (b) a jury; (c) testify; (d) question witnesses; (e) call witnesses; and (f) present evidence or a defense.
8. I stipulate to the admissibility and sufficiency of the facts in the attached police reports. I acknowledge that the above items will be entered and used to support a finding of guilty if the deferred prosecution is revoked.
9. If my deferred prosecution is revoked and I am found guilty, I understand that I may be sentenced up to the maximum penalty allowed by law.
10. I understand that if I proceed to trial and I am found guilty, I may be allowed to seek suspension of some or all fines and incarceration if I seek treatment. I understand that I may seek treatment from a public or private agency at any time, whether or not I have been found guilty or placed on deferred prosecution.

11. I understand that for some crimes, a deferred prosecution will enhance mandatory penalties for subsequent offenses committed within a seven-year period. I understand that a deferred prosecution will be a prior offense under RCW 46.61.5055 (driving under the influence, physical control of a vehicle under the influence, negligent driving if originally charged as driving under the influence or physical control of a vehicle under the influence, vehicular homicide, or vehicular assault).
12. I understand that if the court grants this Petition, I may not operate a motor vehicle on the public highways without a valid operator's license and proof of liability insurance pursuant to RCW 46.29.490. I understand I shall also be required to install an ignition interlock or other device on any motor vehicle I operate as set forth in RCW 46.20.720. I may also be required to pay restitution to victims, pay court costs, and pay probation costs authorized by law. The court may terminate the deferred prosecution program if I violate this paragraph.
13. I understand that if I fail or neglect to comply with any part of my treatment plan or with any ignition interlock requirements, then the court will hold a hearing to determine whether I should be removed from the deferred prosecution program. After the hearing the court will either order that I continue with treatment or be removed from deferred prosecution and enter judgment. If I am convicted of a similar offense during the deferred prosecution, the court will revoke the deferred prosecution and enter judgment.
14. I understand that the charge(s) against me in this case will be dismissed three years from the end of the two-year treatment plan, but no less than five years from the date the deferred prosecution is granted, if the court grants my petition for deferred prosecution and if I fully comply with all the terms of the court order placing me on deferred prosecution.

I certify under penalty of perjury under the laws of the state of Washington that I have read the foregoing and agree with all of its provisions and that all statements made are true and correct.

Dated at _____, Washington this _____ day of _____, 20_____.

Petitioner-Defendant

Defense Attorney