

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CHELAN

STATE OF WASHINGTON,) No.
CITY OF WENATCHEE,)
Plaintiff,) ORDER DEFERRING PROSECUTION
vs.)
)
_____,)
Defendant.)

FINDINGS OF FACT

- 1.1 The Petitioner suffers from alcoholism, drug addiction, or mental problems and has agreed to comply with the terms and conditions of the treatment plan prepared pursuant to RCW 10.05, and to pay the costs of diagnosis and treatment;
- 1.2 The Petitioner has stipulated to the admissibility and sufficiency of the facts as contained in the written police report(s);
- 1.3 The Petitioner has agreed and acknowledged that the written police reports and any other documents, reports or evidence filed in this case are admissible against the Petitioner in any criminal hearing on the underlying offense or offenses held subsequent to revocation of the order granting deferred prosecution;
- 1.4 The Petitioner has acknowledged and waived the right to a speedy trial, the right to a jury trial, the right to testify and to call witnesses to testify, the right to confront and question witnesses; and the right to present evidence in his or her defense;
- 1.5 The Petitioner's stipulations, admissions, and statements were made knowingly and voluntarily.

ORDER

IT IS HEREBY ORDERED that the Defendant is accepted for deferred prosecution and shall comply with the following conditions:

- 2.1 The Defendant shall comply with all of the terms and conditions of the two-year treatment program, a copy of which is attached and incorporated herein by reference. The Defendant shall pay for the costs of treatment and shall not change treatment agencies without prior approval of the Court.
- 2.2 The Defendant shall authorize the treatment agency to communicate freely with the Court and the Probation Office regarding the Defendant's treatment progress. The treatment agency shall submit monthly reports to the Probation Office for the entire treatment period. In the event that the Defendant fails or neglects to comply with any term or condition of the treatment program, the treatment agency shall immediately submit a written report of such breach to the Probation Office.
- 2.3 The Petitioner will be under the deferred prosecution supervision of the Chelan County District Court Probation Office for five (5) years and will comply with all terms and conditions established by that office to monitor and enforce compliance with this Order and shall pay all costs of supervision through the Probation Department.
- 2.4 The Defendant shall pay court costs of \$250, an Alcohol Violators fee of \$200 pursuant to RCW 46.61.5054, and a public defender recoupment of _____, for a total of _____, not including probation fees or restitution.

2.5 The Defendant shall immediately notify the Court Clerk as well as the Probation Department, in writing, of all changes in address.

2.6 The Defendant shall not operate a motor vehicle upon the public highways without a valid operator's license and proof of liability insurance as established by RCW 46.29.490.

2.7 The Defendant will not refuse to submit to a breath, blood, or urine test for alcohol or drug content upon request by law enforcement, the probation department, treatment provider, or the court.

2.8 The Defendant will not possess, consume or otherwise acquire any alcohol, non-prescribed controlled substances, or drug paraphernalia and will not enter any bar, tavern, or alcohol establishment for the entire length of the deferred prosecution period (five years). Such prohibition includes medical marijuana unless otherwise specifically ordered by the court.

2.9 The Defendant shall attend a DUI victim impact panel within 60 days of entry of this order.

2.10 For a period of _____ year(s) or as directed by the Department of Licensing, the Defendant shall have a functioning ignition interlock installed in any motor vehicle that he or she operates. The Defendant shall provide written verification of the installation to the Probation Department within 30 days of entry of this order deferring prosecution. The Defendant shall comply with all rules and regulations of the Department of Licensing regarding the ignition interlock device and ignition interlock license.

2.11 The Defendant shall not commit any criminal law violations, including but not limited to any alcohol or drug-related offenses, during the five-year period of the deferred prosecution

2.12 Restitution shall be paid to the following victims:

Name: _____ Amount: _____

Address: _____

Name: _____ Amount: _____

Address: _____

2.13 Other: _____

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

JUDGE/JUDGE PRO TEM

Presented by:

Copy Received:

Attorney for Defendant, WSBA#

Defendant

Copy received and approved as to form:

Deputy Prosecuting Attorney, WSBA#