

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

STATE OF WASHINGTON,)
)
 Plaintiff,) NO. _____
)
 vs.) STATEMENT OF DEFENDANT ON
) PETITION FOR DEFERRED
) PROSECUTION/STIPULATION TO
) FACTS
 _____,)
)
 Defendant.)
 _____)

1. My true name is above set forth. My date of birth is _____, and I have completed the _____ grade of school.

2. I understand that I am charged with the offense(s) of _____, which occurred in Washington State, with a violation date of _____. I am petitioning for deferred prosecution on the above charge(s).

3. The court has advised me of the following constitutional rights:

(a) I have the right to representation by a lawyer, and if I cannot afford to pay for a lawyer, one will be provided for me at public expense.

(b) I have the right to a speedy and public trial by an impartial jury in the place where the crime is alleged to have been committed.

(c) I have the right to remain silent, before and during trial, and I need not testify against myself.

(d) I have the right at trial to confront witnesses who testify against me, and I have the right at trial to have witnesses testify for me, and they can be made to appear at no expense to me.

(e) I am presumed innocent until a charge is proved beyond a reasonable doubt, or I enter a plea of guilty.

(f) I have the right to appeal a finding, after trial, of guilt.

4. If I proceed to trial and am found guilty, I may be allowed to seek suspension of some or all of the fines or incarceration (jail sentence) that may be ordered, upon the condition that I seek treatment.

5. I may seek treatment from public and private agencies at any time without regard to whether or not I am guilty of the offense(s) charged.

6. I understand that the court will not accept a petition for deferred prosecution from a person who sincerely believes he or she is innocent of the

offense(s) charged or does not, in fact, suffer from the problems alleged in the petition. I sincerely believe I suffer from the problems alleged in my petition for deferred prosecution. I further do not sincerely believe that I am innocent of the charge(s) indicated above.

7. I understand that as a condition of granting the deferred prosecution petition, the court may order me to pay restitution for any damages incurred by individuals as a result of the offense for which I am charged, and the court may order payment of court costs. I further understand that the court may terminate/revoke my deferred prosecution program for failure to pay restitution or court costs.

8. I understand that as a condition of granting a deferred prosecution petition, the court will enter an order that I may not operate a motor vehicle upon a public highway without a valid operator's license and proof of liability insurance. The court may also order the installation of an ignition interlock or other device pursuant to RCW 46.20.720, and may enter an order requiring that I attend a DUI Victim Impact Panel. I further understand that the court will terminate/revoke my deferred prosecution program if I am convicted of a similar offense, and that the court may terminate/revoke my deferred prosecution program for failure to comply with any of the conditions established by the court as part of my deferred prosecution program.

9. I am submitting my case on the record pursuant to RCW 10.05.020. I understand that by doing so I am stipulating to the admissibility, sufficiency, and accuracy of the evidence contained in the reports and relevant materials (including but not limited to the written police report, DUI ARREST REPORT, and any attachment thereto). I understand that if I am revoked from the deferred prosecution program, my case will be set for trial and the reports and relevant materials will be entered and used to support a finding of guilt. I agreed that there is sufficient evidence contained in the reports and relevant materials to convict me of the charge(s) above. I understand that my trial will consist of a judge reading the reports and relevant materials and deciding on that evidence alone if I am guilty of the charge.

10. I understand that by submitting my case on the record, I am giving up the Constitutional right to a jury trial, the right to a speedy trial, the right to hear and question witnesses, the right to call witnesses in my own behalf, and the right to testify or not to testify. I understand that I am waiving the right to raise any defenses I may have to the above charge.

11. No one has made any threats or promises to persuade me to submit my case on the record. I agree that I have knowingly and voluntarily submitted my case on the record, and that I understand the contents of this document. I understand that this document will be entered and used to support a finding of guilt if the court finds cause to revoke my deferred prosecution. I have read, or have had read to me this document, understand its contents, and have no further questions to ask of the court.

I hereby certify under penalty of perjury under the laws of the State of Washington that the forgoing is true and correct.

Dated in Wenatchee, Washington this _____ day of _____, 20 _____.

Defendant

This matter coming before the court for entry of an Order Deferring Prosecution, the court makes the following findings with regard to the defendant/petitioner's execution of the foregoing statement. The above statement as well as these findings shall be incorporated into the Order Deferring Prosecution by this reference thereto.

(a) That the petitioner has stipulated to the admissibility and sufficiency of the facts as contained in the written police report and other relevant materials referenced above.

(b) That the petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing on the underlying offense or offenses held subsequent to revocation of the order granting deferred prosecution.

(c) That the petitioner has acknowledged and waived the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial.

(d) That the petitioner's statements were made knowingly and voluntarily.

Presented by:

Approved for entry:

Deputy Prosecuting Attorney

Defense Counsel

Approved this _____ day of _____ 20 _____.

Judge