

<b>Municipal Court of Pasco State of Washington</b>	<b>Case No.</b>
City of Pasco,  vs.  Plaintiff	<b>Order Granting Deferred Prosecution</b>
(Last, First Middle Name    DOB) Defendant	<b>CLERK’S ACTION REQUIRED (PARAGRAPH III B)</b>

This matter having come on regularly before the undersigned Judge of the above-entitled Court upon the Defendant’s Petition for a Deferred Prosecution; the Defendant having been referred to an approved treatment facility for investigation and examination, and the facility report, including the findings, recommendations and commitment to treatment having been furnished to the court; the Defendant having examined the report and proposed treatment plan and indicated acceptance and agreement to follow the treatment plan; the Defendant having signed the Petition for Deferred Prosecution; and the Court being fully advised in the premises, now therefore, makes the following:

I. FINDINGS – GENERAL

- A. CHARGES. Defendant has petitioned the Court to be considered for a deferred prosecution program pursuant to Chapter RCW 10.05 for the following offenses charged under this cause: \_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- B. ELIGIBILITY. Defendant is eligible for a deferred prosecution pursuant to RCW 10.05.020.
- C. TREATMENT NEEDED. Defendant has asserted that the wrongful conduct charged herein is the result of or caused by  substance abuse disorders  mental problems, for which Defendant needs treatment.
- D. REQUIREMENTS OF PETITION. The petition for deferred prosecution satisfies RCW 10.05.020.
- E. TREATMENT PLAN. The Court has examined Defendant’s proposed treatment plan which satisfies the requirements of RCW 10.05.040 and .050. The proposed treatment program is for alcoholism and satisfies the requirements of RCW 10.05.150.

- F. COMPLAINCE AND PAYMENT. Defendant agrees to comply with the terms and conditions of the proposed treatment plan, agrees to pay the cost thereof, if able to do so, or arrange for the treatment.
- G. TREATMENT PLAN. A copy of the treatment plan has been filed with the Court.
- H. APPROVAL OF TREATMENT PLAN. The Court approves the defendant's treatment plan and requires Defendant's attendance at the agency providing the treatment plan.

## II. FINDINGS – RCW 10.05.020(4)

- A. STIPULATION TO FACTS. Defendant has stipulated to the admissibility and sufficiency of the facts as contained in the written police report.
- B. ADMISIBILITY OF STIPULATED FACTS. Defendant 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. WAIVER OF RIGHTS. The Defendant 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. KNOWING AND VOLUNTARY. Defendant's statements were made knowingly and voluntarily.

Based on the foregoing Findings, the Court makes the following:

## III. ORDER GRANTING DEFERRED PROSECUTION

- A. PETITION GRANTED. Defendant's petition for deferred prosecution is granted. Defendant shall successfully complete the treatment program and the probation period approved by the court.
- B. CLERK'S ACTION. The clerk shall make entry upon the defendant's court docket showing that Defendant has been accepted for a deferred prosecution. The clerk shall also notify the Washington Department of Licensing of this order accepting the defendant for deferred prosecution if such notice is required. RCW 10.05.060
- C. VALID OPERATOR'S LICENSE. Defendant shall not operate a motor vehicle upon the public highways or roadways without a valid operator's license.
- D. PROOF OF LIABILITY INSURANCE. Defendant shall not operate a motor vehicle upon the public highways or road ways without proof of financial responsibility. The amount of liability insurance shall not be less than established by RCW 46.29.490. Defendant shall file written proof of liability insurance today, or in the absence of such written proof, Defendant shall not operate any motor vehicle until such written proof is filed with the court. RCW 10.05.140
- E.  IGNITION INTERLOCK DEVICE. This deferred prosecution is on an alcohol-dependency case. Defendant shall install an ignition interlock device under RCW 46.20.720. The required periods

of use of the interlock shall not be less than the periods provided for in RCW 46.20.720. RCW 10.05.140.

F. RESTITUTION. Defendant shall make restitution within two years of today's date, pursuant to RCW 10.05.140, as follows:

- DUI Emergency Response Fund of \$ 300 per RCW 38.52.430
- BAC Assessment Fee of \$ 250 per RCW 46.61.5054
- Restitution in an amount determined within 180 days from today's date, or as required by a separate order.

G. LEGAL FINANCIAL OBLIGATIONS. Defendant shall pay a \$500 probation fee. Defendant shall pay a \$540 deferred prosecution assessment. RCW 10.05.170, 10.64.120  The court finds that Defendant has the present or future ability to pay an additional \$250 deferred prosecution administrative cost. RCW 10.01.160(2).

H. PROBATION DEPARTMENT. Defendant's compliance with this order shall be supervised by the court's Probation Officer and/or Clerk, pursuant to RCW 10.05.170. Defendant is responsible for signing all necessary releases with the treatment agency(ies) and filing timely written proof with the Probation Department showing Defendant's compliance with this order. The failure of Defendant to file timely written proof of compliance is a violation of this order.

I. CONDITIONS. Defendant shall comply, pursuant to RCW 10.05.140, with the following conditions of granting the deferred prosecution petition:

- CHANGE OF TREATMENT FACILITY. Defendant **shall not** change the treatment facility approved in this order without the express permission of the Court or Probation Department.
- Self Help Groups. Defendant shall attend, at a minimum, two self-help recovery support groups per week for alcoholism or drugs during the first 72 hours of treatment and as directed by the treatment program provider thereafter.
- Victim Impact Panel. Defendant shall attend, within 90 days, a State certified DUI Impact Panel and provide proof of attendance.
- Abstinence. Defendant shall maintain complete abstinence from alcohol and all non-prescribed mood/mind altering drugs, including marijuana.
- Submission to Test. Defendant shall submit to a periodic breath, blood, saliva test, or urinalysis, at the Defendant's expense, when requested by the court, probation department, any law enforcement officer and/or treatment staff.
- Maintain Law Abiding Behavior. Defendant shall not commit any violation of criminal laws.
- Anger Management. Defendant shall successfully complete an anger management course.
- DV Perpetrator's Treatment. Defendant shall successfully complete a DV Perpetrator's treatment program.
- Other. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- J. CHANGES, NON-COMPLIANCE. Defendant shall immediately notify the Court and Probation Department about any changes in residence, mailing address, telephone number, non-compliance with the approved treatment program, any violations of this order, and any criminal law violations or arrests.
- K. INCOMPLETE OR INACCURATE CRIMINAL HISTORY. If Defendant has not given the Court a complete and accurate account of all criminal law violations, arrests, charges and/or dispositions, a hearing shall be held to determine why Defendant should not be removed from this deferred prosecution, arraigned and prosecuted for the charges herein.
- L. FAILURE TO COMPLY. If Defendant fails or neglects to carry out or fulfill any of the terms and conditions of this order, a hearing shall be held to determine why Defendant should not be removed from this deferred prosecution, arraigned and prosecuted for the charges herein.
- M. PERSONAL APPEARANCE REQUIRED. Defendant shall personally appear in court for **all** hearings set by the Court, whether by an order of release or summons, unless it is waived in writing in advance by the Court.
- N. OTHER. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

O. **FUTURE COURT DATES:**

6 MOS. REVIEW DATE: \_\_\_\_\_ 8:30 AM  
 2 YEAR REVIEW DATE: \_\_\_\_\_ 8:30 AM  
 5 YEAR REVIEW DATE: \_\_\_\_\_ 8:30 AM

I have reviewed the Treatment Program, The Petition and Order for Deferred Prosecution, and met with the Petitioner. This matter is ready for entry.

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 Probation Officer, PASCO MUNICIPAL COURT

Dated: \_\_\_\_\_  
 \_\_\_\_\_  
 JUDGE/PROTEM, PASCO MUNICIPAL COURT

**I understand that if I fail to comply with any of the above, a bench warrant may be issued, additional charges may be filed, the court may notify the Department of Licensing and my driver's license may be suspended. This is my current contact information.**

\_\_\_\_\_  
 Defendant's Signature                      Date                      Residence/Mailing Address, City, State & Zip Code

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Email: \_\_\_\_\_