

**DISTRICT COURT OF WASHINGTON  
FOR SAN JUAN COUNTY**

**THE STATE OF WASHINGTON, Plaintiff,  
vs.  
\_\_\_\_\_ Defendant.**

**No. \_\_\_\_\_  
FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER GRANTING  
DEFERRED PROSECUTION**

THIS MATTER coming on for hearing on defendant/petitioner's Petition for Deferred Prosecution, the plaintiff represented by the Prosecuting Attorney, and the petitioner represented [ ] by his/her attorney, \_\_\_\_\_, [ ] pro se, and the court being fully informed, makes the following:

**FINDINGS OF FACT**

1. Petitioner has filed with this court an assessment by an approved alcohol, drug or mental health program;
2. The offense for which petitioner stands charged in this cause of action was the direct result of, or was caused by [ ] alcoholism, and/or [ ] drug addiction, and/or [ ] mental problems;
3. If not treated for his/her [ ] alcoholism, and/or [ ] drug addiction, and/or [ ] mental problems, there is a great probability that the petitioner may commit similar offenses in the future;
4. Extensive long term treatment for petitioner's problem is required and is available to the petitioner through \_\_\_\_\_ [ ] an approved alcoholism program as designated in RCW 70.96A, [ ] an approved drug program as designated in RCW 71.24, [ ] an approved mental health center;
5. Petitioner is amenable to treatment;
6. Petitioner has agreed to complete, and to pay all costs associated with, the two year treatment program as set forth in the assessment filed with the Petition for Deferred Prosecution;
7. Petitioner has filed copies of all reports, witness statements and test results relating to the offense(s) with which (s)he is charged; has stipulated that the facts set forth therein are sufficient to prove the crime(s) charged beyond a reasonable doubt, and has agreed to their admissibility to support a finding of guilty in any criminal hearing on the underlying offense(s) held if the Order Granting Petition for Deferred Prosecution is revoked;
8. Petitioner's statements contained in the stipulated police reports were made knowingly and voluntarily;
9. Petitioner has been advised of, has acknowledged, and has voluntarily and knowingly waived the right to testify, the right to a speedy trial, the right to a jury trial, the right to call witnesses to testify, the right to present evidence and any defense, and the right to confront, hear and question the witnesses who testify against the petitioner; and,
10. If this charge is a violation of Title 46 or similar county ordinance violation, petitioner has sworn that (s)he has not previously been granted a deferred prosecution.

**CONCLUSIONS OF LAW**

1. The court has jurisdiction over the subject matter and the Petitioner in this cause of action;
2. Petitioner's Petition for Deferred Prosecution meets the requirements of 10.05 RCW;
3. The assessment and commitment to treatment meet the requirements of 10.05 RCW and this court; and,
4. The petitioner is eligible for Deferred Prosecution.

**ORDER**

The petitioner's Petition for Deferred Prosecution is hereby granted upon the following terms and conditions:

1. Petitioner shall successfully participate and complete the two year treatment program recommended by \_\_\_\_\_, as outlined in the assessment filed with this order and incorporated by reference, or by the terms and conditions of a more intensive treatment program filed by the treatment provider and approved by this court, and shall not change treatment providers without prior court approval;
2. Petitioner shall maintain total abstinence from alcohol and mood-altering drugs, and shall not possess, consume or use alcohol or drugs/controlled substances, except as prescribed by a physician or as otherwise specifically permitted by the court, and (s)he shall immediately notify his/her counselor and probation officer of the use of such substances;

3. Petitioner shall not possess or use marijuana, even if authorized under RCW 69.51A, unless the court, after consideration of reports from the treating physician, the chemical dependency counselor and other relevant information, has found that its use is not inconsistent with supervision. If Defendant has or obtains documentation for possession or use of marijuana pursuant to 69.51A RCW, Defendant shall immediately provide a copy to the probation officer or to the prosecuting attorney if Defendant is not on supervised probation.
4. Petitioner shall not go onto premises whose principal business is the sale of alcohol;
5. Petitioner shall submit to testing of his/her breath, blood, or urine at the request of a law enforcement officer who has reasonable grounds to believe the petitioner possesses or has used alcohol or controlled substances, or at the request of the petitioner's substance-abuse counselor or probation officer;
6. The treatment agency shall file status reports with the court every month for the first six months and every three months for the remaining eighteen months of the program, describing petitioner's cooperation, compliance with, and progress in treatment;
7. If the petitioner fails to fulfill any term or condition of the treatment plan, the treatment agency administering the treatment shall immediately report such breach to the court, the probation officer, the prosecutor, and the petitioner or his/her attorney of record, together with its recommendation;
8. Petitioner shall maintain law abiding behavior and not violate any criminal laws or commit any alcohol related infractions;
9. Petitioner shall not operate a motor vehicle without having and showing proof of a valid operator's license and proof of liability insurance in an amount not less than that established by RCW 46.29.490;
10. Petitioner shall install an Ignition Interlock Device in accordance with RCW 46.20.720. [ ] Petitioner will not drive during the Deferred Prosecution and will comply with the court's order for alternative alcohol monitoring in Exhibit "A";
11. Petitioner shall attend a DUI Impact Panel within 6 months of the date of this order;
12. Petitioner shall be on probation during the period of deferral and shall pay monthly probation fees as determined by the San Juan County Probation Department, and within 90 days pay: court costs: \$250; toxicology/WSP assessment: \$250; booking fee: \$25; restitution in an amount to be determined; and : \_\_\_\_\_.
13. An abstract of petitioner's acceptance for deferred prosecution shall be sent to the Department of Licensing;
14. Upon receiving notice that petitioner has failed to fulfill any term or condition of this order, the court will hold a hearing to determine whether the petitioner should be removed from the deferred prosecution program;
15. If petitioner is convicted of an offense that is the same or similar to the one that is the basis for this deferred prosecution, the court shall remove the petitioner from the deferred prosecution program;
16. If the court revokes the deferred prosecution and removes the petitioner from the deferred prosecution program, the stipulated police reports and statements of petitioner and test results will be admitted into evidence; the court will enter judgment based thereon, and, if appropriate, sentence petitioner according to law;
17. The petitioner shall immediately contact the court clerk to report any change in address;
18. Appear in court at the completion of the treatment program at 9:00 am on: \_\_\_\_\_;
19. Appear in court five years following the entry of this order at 9:00 am on: \_\_\_\_\_.
20. Other: \_\_\_\_\_.

Dated: \_\_\_\_\_  
 Judge/Pro Tem/Commissioner

Presented by: \_\_\_\_\_ Approved as to Form: \_\_\_\_\_

\_\_\_\_\_  
 Petitioner's Attorney Prosecutor

I acknowledge and agree to comply with the terms of this Order Granting Deferred Prosecution.

\_\_\_\_\_  
 Petitioner  
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Tel. Nr.: \_\_\_\_\_

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**EXHIBIT "A"**

**ALTERNATIVE ALCOHOL MONITORING PROVISIONS**

The petitioner does not (and will not) operate a vehicle and  has voluntarily surrendered his/her driver's license, or  does not have a valid driver's license and will not renew until jurisdiction on this matter has elapsed.

Based upon the statement above, the petitioner shall comply with alcohol monitoring requirements through  alcohol detection breathalyzer device  transdermal sensor device,  other provisions\*, as imposed by the court for \_\_\_\_ years.

\* Other provisions:

I acknowledge and agree to comply with the terms of this Order Granting Deferred Prosecution.

\_\_\_\_\_  
Petitioner