

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

STATE OF WASHINGTON,)	
)	Case No. _____
Plaintiff,)	
)	
vs.)	Charge(s): _____
)	_____
)	_____
_____)	
)	
Defendant.)	
_____)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER DEFERRING PROSECUTION**

THIS MATTER having come before this Court upon Defendant's petition for deferred prosecution; the Plaintiff appearing by and through the undersigned deputy prosecuting attorney and the Defendant appearing in person and through Defendant's attorney; the Court having examined the petition for deferred prosecution, the evaluation report, and the files and records herein, having heard argument of counsel, and otherwise being fully advised in the premises; the Court makes the following:

I. FINDINGS OF FACT

1. The offense for which Defendant stands charged occurred as a direct result of:
[] Substance Use Disorder; [] Mental Problems.
2. There is a high probability petitioner will commit similar violations in the future if not treated for this condition.
3. The Defendant is amenable to treatment.
4. Extensive and long-term rehabilitation treatment is available to the Defendant through the treatment provider listed in the attached treatment report, an approved treatment facility as designated under the law.
5. The Defendant stipulates to the admissibility and sufficiency of the police reports filed in this case and that those documents are sufficient to support a conviction on the offense(s) charged under the above-referenced cause number(s) if the Deferred Prosecution is revoked.

6. The Defendant has examined the Petition, attached treatment report, and recommendations and has indicated his/her agreement to complete that two year treatment program and such other conditions as set forth in this Order; and be liable for and pay all costs associated with diagnosis, treatment and supervised probation if financially able to do so.
7. The Defendant has waived the right to (a) a speedy trial; (b) a trial by jury; (c) testify;(d) question witnesses; (e) call witnesses and (f) present evidence or a defense.
8. Defendant acknowledges that his/her statements in the Petition are admissible and will be entered and used to support a finding of guilty if the Deferred Prosecution is revoked.
9. The Defendant has not been previously granted a Deferred Prosecution for a Title 46 violation in the state of Washington or any other state.
10. The Defendant's stipulations, admissions, and statements are knowingly, intelligently, and voluntarily made.

II. CONCLUSIONS OF LAW

1. This Court has jurisdiction of the subject matter and the parties in the above-entitled cause.
2. The Defendant qualifies for a Deferred Prosecution pursuant to Chapter 10.05 RCW, and has agreed to the same.
3. The Defendant's petition and the diagnostic evaluation and commitment to treatment meet the requirements of 10.05 RCW.

III. ORDER

1. The Defendant shall complete the two year Treatment Program filed with the Court and incorporated herein by reference.
2. Three years from the date either Probation or the Court first receives written proof of successful completion of the two-year Treatment Program, but no less than five years from the date of this Order, upon proof the Defendant is in compliance with all conditions of this Order, the Court shall dismiss the offense(s) charged under the above cause number(s).
3. The Defendant shall follow all conditions of said Treatment Program until modified by the Court and shall not change treatment agencies without prior approval of the Court.
4. The Defendant shall comply with the following requirements and conditions during the entire period of the Court's jurisdiction:
 - (a) Maintain total abstinence from alcohol and non-prescribed drugs.
 - (b) Have no criminal violations of law and no alcohol-related infractions.
 - (c) Not drive without a valid license and proof of adequate insurance as required by law.
 - (d) Submit to an alcohol test of Defendant's breath or blood upon the request of a law enforcement officer who has reasonable grounds to believe Defendant was driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drugs.

- (e) Pay administrative fee in the amount of \$ _____.
- (f) Appear in court at any time requested by the Court throughout the period of this Deferred Prosecution.
- (g) Pay a breath test assessment of \$ _____.
- (h) Attend and complete a DUI Victim's Panel as directed by Probation.
- (i) Pay \$_____ for the costs of an emergency response (up to \$2,500) (RCW 38.52.430).
- (j) Drive only a motor vehicle equipped with a functioning ignition interlock device for the period of time required under RCW 46.20.720 or otherwise by law.
- (k) Pay restitution for damages in the amount of \$_____.

Restitution payment shall be made through the Court and the Court will forward to (name/address): _____.

(l) Other: _____

5. The Defendant is placed on supervised probation with Okanogan County District Court Probation until completion of the Treatment Program and shall pay a probation fee in the amount of \$_____.

The Defendant must contact Okanogan County District Court Probation immediately upon entry of this Order. The Defendant must keep the probation office and the Court advised of all address changes. Defendant must keep the probation office informed of any new criminal violations of the law.

The Defendant shall authorize the treatment staff of Defendant's Treatment Agency to communicate freely with the Court and Probation regarding the Defendant's treatment progress. The Treatment Agency shall file reports every month with Probation, if Defendant is on supervised probation, otherwise with the Court.

6. In the event that the Defendant fails or neglects to carry out and fulfill any term or condition of the Treatment Program, the Treatment Agency shall immediately report in writing such violation to Probation, together with its recommendation. If the Defendant is not on supervised probation, the written report shall be made directly to the Court.

7. For Title 46 offenses, an abstract of the Defendant's acceptance for Deferred Prosecution shall be sent to the Department of Licensing.

8. If the Defendant fails to undertake and fulfill any term or condition of this Order or of the prescribed Treatment Agency, or any other condition as set forth by the Probation Department; the Court, upon receiving notice of any such failure, neglect or violation, shall hold a hearing to determine whether the Defendant should be removed from the Deferred Prosecution program and proceed to a stipulated trial on said charge(s).

9. In the event the Court revokes the Deferred Prosecution status, the Defendant, having already stipulated to the accuracy and admissibility of the police report(s) and any other documents, reports or evidence filed in this case at the time the Court accepted the Petition for

Deferred Prosecution, shall have Defendant's guilt or innocence determined by the Court solely considering said evidence.

10. If there are any inconsistencies between this Order and the Treatment Plan, the terms and conditions as set forth in this Order shall be controlling.

11. This matter shall be set for review at any time upon request of the Defendant, the State, Probation, or the Court.

DATED THIS _____ day of _____, _____.

JUDGE / COURT COMMISSIONER

Presented by:

Approved as to form:

Attorney for Defendant WSBA#

Prosecuting Attorney WSBA#

I hereby acknowledge the foregoing Order Deferring Prosecution and agree to comply with the terms and conditions set forth herein.

Defendant

Date