

IN THE EDMONDS MUNICIPAL COURT
IN AND FOR THE COUNTY OF SNOHOMISH
STATE OF WASHINGTON

CITY OF EDMONDS,

Plaintiff,

vs.

_____ ,

DOB: Defendant.

Case No.: _____

Order of Deferred Prosecution

Charge: _____

THIS MATTER coming on for hearing upon the petition of the defendant for deferred prosecution, and the Court, having examined the report and treatment plan of the evaluating agency; and having found that 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; and stipulated to the admissibility and sufficiency of the facts contained in the written police report, and that the defendant has acknowledged the admissibility of the stipulated facts in any criminal hearing or trial on the underlying offense(s) held subsequent to revocation of the order granting deferred prosecution; and that the defendant's statements were made knowingly and voluntarily, and that the defendant has never before been granted a deferred prosecution or like program, and that the defendant does not believe that the defendant is innocent of the charges herein, and that the defendant does believe the defendant suffers from alcoholism, drug addiction, or mental problems; now therefore,

IT IS HEREBY ORDERED:

- 1) That the Deferred Prosecution is granted until an order of dismissal or revocation is entered by the court.
- 2) That the defendant pay for and complete the treatment program outlined in the attached report which is approved. The defendant shall remain continuously in

treatment throughout the first two-year period of the deferred prosecution and not change treatment programs without prior approval of the court. Any lapse of thirty (30) days in treatment shall provide the court with a sufficient basis, by itself, to revoke this deferred prosecution.

3) That the defendant shall be on active probation with the Probation Department, and is required to fully comply with all recommendations of that department including payment of probation fees in the amount of \$50.00 per month for at least the first two years and then \$50 a year for an additional three years of record-check probation following completion of the two-year treatment program for the cost of supervising this deferred prosecution.

4) That the defendant not operate a motor vehicle without a valid operator's license, proof of liability insurance, or in violation of any ignition interlock order.

5) That the defendant, totally abstain from the use of intoxicating liquor or any controlled substance not prescribed by a physician.

6) That the defendant not be charged or convicted of any offense involving the use of intoxicating liquor and/or drugs. The defendant shall not consume alcohol and operate a motor vehicle. The operation of a motor vehicle with any alcohol in the defendant's system whatsoever shall provide the court with sufficient basis, by itself, to revoke this deferred prosecution. The fact that charges have not or did not result in a conviction is not relevant to a potential revocation on this ground.

7) Reports, as required by RCW chapter 10.05, shall be made by the evaluation/treatment facility in accordance therewith, at least monthly until specified otherwise by probation.

8) That the defendant is to complete the DUI Victims Panel within _____ days.

9) That the defendant is to pay the \$250.00 BAC fee imposed by the legislature as mandatory fee.

10) That the defendant **NOT** refuse a BAC test lawfully offered to the defendant.

11) The defendant shall not operate any motor vehicle without an ignition interlock device with settings of .025 and .04 for the following period of time:

1 year _____ 2 years _____ 5 years _____ 10 years _____ Other _____

12) The defendant shall keep the clerk of this court advised of his/her current mailing address at all times until case is closed. Should the defendant fail to appear for any review hearing, of which notice was sent to the last address provided by the defendant, this shall be considered a willful failure to appear upon adequate notice.

13) No criminal violations of the law as supported by probable cause. Any new criminal violation may be sufficient to revoke the Deferred Prosecution.

14) Other: _____

DATED this _____ day of _____, 20 _____

Judge/Pro Tem/Commissioner

Copy Received and Approved By:

Deputy Prosecuting Attorney

Defendant's Attorney

Defendant