

BENTON COUNTY DISTRICT COURT, STATE OF WASHINGTON

STATE OF WASHINGTON

Benton County

City of _____, Plaintiff,

vs.

Defendant.

DOB: _____

WADL# _____

No: _____

Statement Of Defendant's Rights

RE: Petition Deferred Prosecution

Charges: _____

Violation Date: _____

I, _____ am the defendant in this case charged in this Court with violation(s) of law filed under the above referenced case number and I am petitioning this Court for a deferred prosecution.

My petition is filed herewith and the statements, waivers, and stipulations are made herein in support of my petition.

I understand that I have the following rights and I am giving them all up if I am granted a deferred prosecution:

I am presumed innocent of any charge(s) until proven guilty beyond a reasonable doubt;

I have the right to a speedy trial by an impartial judge or jury within 60 days of arraignment if I am in custody, and within 90 days of arraignment if I am not in custody;

I have the right to a jury trial unless I specifically give up that right in writing;

I have the right to see, hear and question all witnesses who testify against me at trial;

I have the right at trial to present evidence in my defense, including the right to call witnesses on my own behalf, and to have the Court subpoena and order witnesses at no expense to me;

I have the right at my trial to testify on my own behalf and I have an equal right to remain silent and not give testimony or present any evidence in my defense; and my silence will not be used against me;

I have the right to be represented by an attorney of my own choosing, and if I cannot afford an attorney, one will be appointed for me at no expense;

I have the right to appeal any judgment of "Guilty" entered by this Court after a plea of "Not Guilty" or "Not Guilty for the Record" following a trial or hearing thereon, by filing a written Notice of Appeal in this Court within thirty (30) days of judgment, specifying claimed errors made by this Court, serving a copy of the Notice of Appeal on the Prosecutor and posting any appeal bond set by this Court.

A Deferred Prosecution is considered a "*prior offense*" when imposing penalties and suspensions for subsequent offenses of Driving Under The Influence; Physical Control; Vehicular Homicide; and Vehicular Assault occurring within seven (7) years of the date of arrest for the above cause number(s).

In support of my petition for this deferred prosecution under this cause number, I submit this signed "Statement of Rights."

Furthermore, I hereby stipulate (agree) to the admissibility and sufficiency of the facts contained in the written police report(s) per RCW 10.05.020(3)(c)&(d) and any other documents, or exhibits, or reports, or any other evidence, that are filed in this case in support of this petition under this case/cause number.

I understand that in the event this Court holds a hearing and finds cause to revoke the order granting my deferred prosecution my guilt shall be determined by the Court considering only the above-referenced police report(s) and/or other documents, to include blood results and this statement will also be entered and used to support a finding of guilt.

I declare under penalty of perjury under the laws of the State of Washington that I have read all of the above statements, I understand them, I have no further questions of the Court, and no threats or promises have been made to me to induce me to sign and submit this statement.

Signed this ____ day of _____, 20____.

Presented by:

X _____
Petitioner-Defendant

Attorney for Defendant, WSBA# _____