

BENTON COUNTY DISTRICT COURT	
STATE OF WASHINGTON CITY OF _____ Plaintiff, VS Defendant.	NO: _____ FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER FOR DEFERRED PROSECUTION CHARGE(S): _____ VIOLATION(S) DATE: _____

FINDINGS OF FACT

1. The defendant stipulates, agrees and acknowledges that the written police reports and any other documents, reports or evidence filed in this case are admissible against Defendant and are sufficient to support a conviction on the offense(s) charged under the cause number(s) above if the Deferred Prosecution is revoked. Evidence includes all lab results related to this case, including lab results that were not available when the Deferred Prosecution was entered.
2. The Defendant has examined the Petition and treatment reports and has indicated Defendant's agreement to undertake and pay the costs of the prescribed treatment.
3. 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.
4. The Defendant has not been previously granted a Deferred Prosecution for a Title 46 violation.
5. The Defendant's stipulations, admissions and statements are made knowingly and voluntarily.

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 under Chapter 10.05 RCW and has agreed to the same.

ORDER

1. The Defendant is accepted for deferred prosecution.
2. The Defendant shall comply with all the terms and conditions of the recommended treatment plan and complete the two-year treatment program filed with the Court and incorporated herein by reference.
3. 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).

4. The Defendant shall not change treatment agencies without prior approval of the Court.

5. The Defendant shall comply with the following requirements and conditions during the entire period of the deferred prosecution.
 - a. Maintain total abstinence from alcohol, marijuana and all other non-prescribed mind-altering drugs.
 - b. Maintain law-abiding behavior.
 - c. Appear in Court when requested by the Court.
 - d. Have no criminal violations of the law and no alcohol-related infractions.
 - e. Not drive without a valid license and proof of liability insurance as required by law.
 - f. Submit to an alcohol test of Defendant's breath or blood or a drug test of the Defendant's 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 alcohol or drugs.
 - g. Submit to urinalysis or breath analysis (U/A, B/A) upon demand of the Treatment Agency, probation or the Court.
 - h. Pay a **Breath Test Assessment** as directed in the time pay agreement.
 - i. Pay the **costs of emergency response** (per RCW 38.52.430) as directed in the time pay agreement.
 - j. Attend and complete a **DUI Victims Panel** within 90 days of the date this deferred prosecution was granted.
 - k. Not operate a motor vehicle without a properly installed ignition interlock device as required by the Department of Licensing. Provide proof to the Court of a properly installed ignition interlock within 30 days of the date this deferred prosecution was granted.
 - l. Pay restitution as set forth in any attached restitution order.
 - m. Other condtions _____

6. The Defendant is placed on probation with Benton County District Court's Probation Department until completion of the Deferred Prosecution and shall pay a **probation fee** as directed in the time pay agreement. The Defendant must keep the probation department and the Court advised of all address changes. The Defendant may not move out of the State of Washington without permission of the Probation Department. The Defendant must keep Probation informed of any new criminal violations.

7. 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 in the first year every three months, and in the second year every six months.

8. If the Defendant fails or neglects to carry out and fulfill any term or condition of the Treatment Program, the Treatment Agency shall immediately, in writing, report such breach to Probation, together with its recommendation.

9. For Title 46 offenses, an abstract of the Defendant's acceptance for Deferred Prosecution shall be sent to the Department of Licensing.
10. 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).
11. 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. Defendant agrees that evidence includes any lab results related to this case, including lab results that were not available when the Deferred Prosecution was entered.
12. 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.
13. This matter shall be set for review at any time upon the State/City, Probation or Court's motion.

Dated this _____ day of _____, 20_____.

Presented by:

 Defendant's Attorney
 Approved as to Form:

 JUDGE

I acknowledge that I have received a copy of this Order and agree to abide by the terms set forth above.

 Defendant/Petitioner

 Prosecuting Attorney

I AM A CERTIFIED TRANSLATOR IN THE LANGUAGE OF THE DEFENDANT. I HAVE TRANSLATED THIS DOCUMENT FOR THE DEFENDANT, AND THE DEFENDANT HAS ACKNOWLEDGED HIS OR HER UNDERSTANDING OF THIS STATEMENT.

 INTERPRETER

 DATE