TACOMA MUNICIPAL COURT, COUNTY OF PIERCE, STATE OF WASHINGTON

CITY OF TACOMA, Plaintiff, vs. _____ Defendant.	)	**NO.** **FINDINGS, CONCLUSIONS, AND ORDER GRANTING DEFERRED PROSECUTION**

THIS MATTER having come on for hearing before the undersigned Judge/Court Commissioner of the above-entitled court; upon Petitioner's Petition for Deferred Prosecution, the Plaintiff appearing by and through the City Attorney, and the Petitioner appearing in person and by and through his/her attorney, _____ and the Court having examined Petitioner's Petition for Deferred Prosecution, the evaluation report prepared by _____ and the files and records herein, having heard argument of counsel and, otherwise, being fully informed in the premises, now, therefore, make the following:

FINDINGS OF FACT

1. That the offense for which Petitioner stands charged in this case occurred as a direct result of [ ] Substance use disorders or [ ] Mental problems [ ] Domestic violence behavior problem.

2. That if not treated for his/her problem, there is a high probability Petitioner will commit similar violations in the future.

3. That Petitioner is amendable to treatment.

4. That extensive and long term rehabilitation is available to the

Petitioner through _____, an approved treatment facility as designated in RCW 70.96A.

5. That Petitioner has agreed to be liable for all costs and expenses associated with diagnosis and treatment.

6. That Petitioner agrees to complete the two (2) year outpatient program offered by the treatment facility, as set forth in the attached diagnostic evaluation from _____.

7. That Petitioner has stipulated to the admissibility of the facts contained in the written police reports.

8. That Petitioner has acknowledged that the stipulated facts will be admissible in any criminal hearing or trial on the underlying offense or offenses held subsequent to revocation of this Order Granting Deferred Prosecution.

9. Statements made by Petitioner as contained in the stipulated police reports were made knowingly and voluntarily.

FROM THE FOREGOING FINDINGS OF FACT, THE COURT DRAWS THE FOLLOWING:

CONCLUSIONS OF LAW

1. That the above entitled court has jurisdiction over the subject matter and Petitioner, _____, in this case.

2. That Petitioner's Petition for Deferred Prosecution meets the requirements of RCW 10.05, et seq.

3. That the diagnostic evaluation and commitment to treatment meet the requirements of Sections 7, 8, 12 and 17 Chapter 352, Laws of 1985.

4. That Petitioner is eligible for Deferred Prosecution.

ORDER

HAVING MADE AND ENTERED THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, IT IS HEREBY ORDERED, that Defendant is granted a Deferred Prosecution pursuant to RCW 10.5 for a period of five (5) years, upon the following terms and conditions:

1. Petitioner shall complete the two (2) year treatment program recommended

by _____ according to the terms and conditions of that plan as outlined in the Diagnostic Evaluation, a true copy of which is attached hereto to the Petition and incorporated herein by this reference.

2. Petitioner shall maintain total abstinence from alcohol and mood altering drugs (except as prescribed by a physician) during the deferral period.

3. Petitioner shall commit no alcohol or drug related offenses during the deferral period.

4. Petitioner shall not operate a motor vehicle upon the public highways without a valid operator's license and proof of liability insurance. Proof of insurance must be filed with the Court prior to any driving by the Petitioner.

5. Petitioner shall maintain law abiding behavior.

6. The docket for this case shall be removed from the regular court docket files for traffic/criminal cases and shall be placed in the court's special deferred prosecution file.

7. An abstract of Petitioner's acceptance for Deferred Prosecution shall be sent to the Department of Licensing.

8. Petitioner shall pay restitution to _____ in the amount of $_____.

9. Petitioner shall pay the DUI Cost Recovery amount of $_____ to the Clerk of the Court for _____ by _____.

10. Petitioner shall be on probation during the deferral period with the Court.

11. Petitioner shall pay court costs in the amount of $_____ and fees/assessments in the amount of $_____ by _____.

12. The treatment facility shall file with the Court status reports every month for the first year and every month for the second year describing Petitioner's cooperation and progress in treatment.

13. In the event Petitioner fails or neglects to undertake and complete any term or condition of this order, the Court, upon receiving notice of such failure, neglect or violation, will hold a hearing to determine whether the Petitioner should be removed from the Deferred Prosecution Program.

14. In the event the Court finds cause to revoke the Deferred Prosecution, the stipulated police reports and Petitioner's stipulated statements shall be admitted into evidence. The Court will then enter judgment based on said reports and statements and, if appropriate, sentence Petitioner according to law.

15. Petitioner's waiver of his right to a speedy trial pursuant to CrRLJ 3.3 and RCW 10.05.110 is accepted.

16. No Driving without Ignition Interlock Device pursuant to the Department of Licensing and No Ignition Interlock Device violations.

17. DUI/Victim Impact Panel (VIP) by _____.

18. Additional Terms and Conditions:

_____

_____

DONE IN OPEN COURT this _____ day of _____, _____.

_____
JUDGE/COURT COMMISSIONER

Presented By:

_____

Print Name_____

Attorney for Petitioner, WSBA ID # _____

Phone #_____**Fax #**_____

Approved as to form; Notice of Presentment waived:

_____

Print Name_____

Assistant City Attorney, WSBA # _____

Phone #_____**Fax #**_____