TACOMA MUNICIPAL COURT, COUNTY OF PIERCE, STATE OF WASHINGTON

CITY OF TACOMA Plaintiff, vs. Defendant.	**No:** **Petition for Deferred Prosecution (DPPF)** **Charges:** _____ **Violation Date:** _____

I am the defendant in this case, and I petition the court for deferred prosecution under ch. 10.05 RCW. I make the following statements in support of my petition:

1. The wrongful conduct charged is the result of or caused by ☐ substance use disorders ☐ mental problems ☐ domestic violence behavior, for which I need treatment.
2. Unless I receive treatment for my problem, the probability is great that I will offend again.
3. I agree to pay the cost of diagnosis and treatment, if I am financially able to do so, subject to RCW 10.05.130.
4. I understand that the court will not accept a petition for deferred prosecution from a person who sincerely believes that they are innocent of the crime(s) charged or do not suffer from alcoholism, drug addiction, mental problems, or domestic violence behavior problems.
5. If this charge is a violation of Title 46 RCW or similar municipal ordinance, I have not previously been placed on a deferred prosecution for a Title 46 RCW or similar municipal ordinance violation.
6. If this charge is a domestic violence offense, I have not previously been placed on a deferred prosecution for a domestic violence offense, this charge was not originally charged in superior court as a felony offense, and a prior stipulated order of continuance was not previously granted. RCW 10.05.010, .160.
7. I have filed a case history and assessment with this petition as required by RCW 10.05.020.
8. I have the following rights: (a) to have a lawyer represent me at all hearings; (b) to have a lawyer appointed at public expense if I cannot afford one; (c) to have a speedy, public jury trial; (d) to appeal any conviction; (e) to remain silent and not testify; (f) to question witnesses who testify against me; (g) to call witnesses to testify for me, at no cost; (h) to be presumed innocent unless the charge(s) against me is (are) proved beyond a reasonable doubt; and (i) to present evidence and a defense.

By deferring prosecution on these charges, I give up my right to: (a) a speedy trial; (b) a jury; (c) testimony on my own behalf; (d) an opportunity to call and question witnesses; and (e) present evidence or a defense.

9. I agree that the facts as reported in the attached police reports are admissible evidence and are sufficient to support a conviction. I acknowledge that the above items will be used to support a finding of guilty if the deferred prosecution is revoked.

10. If my deferred prosecution is revoked and I am found guilty, I may be sentenced up to the maximum penalty allowed by law.

11. If I proceed to trial and I am found guilty, I may be allowed to seek suspension of some or all fines and incarceration if I seek treatment. I understand that I may seek treatment from a public or private agency at any time, whether or not I have been found guilty or placed on deferred prosecution.

12. For some crimes, a deferred prosecution will enhance mandatory penalties for subsequent offenses committed within a 7-year period. I understand that a deferred prosecution will be a prior offense under RCW 46.61.5055 (driving under the influence, physical control of a vehicle under the influence, negligent driving if originally charged as driving under the influence or physical control of a vehicle under the influence, vehicular homicide, or vehicular assault).

13. If the court defers prosecution on any crime that would be a violation of state law or local ordinance relating to motor vehicle traffic control, I will be disqualified from driving a commercial motor vehicle for the period specified in RCW 46.25.090 and, if I drive a commercial motor vehicle holding a license issued by Washington State, I will be required to notify the Department of Licensing and my employer of this deferred prosecution within 30 days of the judge granting this petition. RCW 46.25.030. If the court grants this Petition, I may not operate a motor vehicle on the public highways without a valid operator's license and proof of liability insurance pursuant to RCW 46.29.490. If my wrongful conduct is the result of or caused by alcohol dependency, I shall also be required to install an ignition interlock device under RCW 46.20.720. The required periods of interlock use shall be not less than the periods provided for in RCW 46.20.720, and subject to certification from the ignition interlock device vendor. RCW 46.20.720(4). I may also be required to pay restitution to victims, pay court costs, and pay probation costs authorized by law. To help ensure continued sobriety and reduce the likelihood of re-offense, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for alcoholism or drugs, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. Substance use disorder treatment programs shall require a minimum of 2 self-help recovery groups per week for the duration of the treatment program. The court may terminate the deferred prosecution program if I violate this paragraph.

14. If the court defers prosecution for any crime involving domestic violence behavior, I will be ordered not to possess firearms and I will be ordered to surrender firearms in my possession under RCW 9.41.800. The court may order me to make restitution and to pay costs under RCW 10.01.160. The court may also order reasonable conditions during the deferred prosecution to ensure continued sobriety and reduce the likelihood of re-offense in co-occurring domestic violence and substance abuse or mental health cases. These conditions include, but are not limited to, attendance at a self-help recovery support group for alcoholism or drugs, complete abstinence from alcohol and all non-

prescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law abiding behavior. The court may terminate the deferred prosecution program if I violate the deferred prosecution order.

15. A deferred prosecution program for domestic violence behavior, or domestic violence co-occurring with substance abuse or mental health, must include, but is not limited to, the following requirements: (a) completion of a risk assessment; (b) participation in the level of treatment recommended by the program as outlined in the current treatment plan; (c) compliance with the contract for treatment; (d) participation in any ancillary or co-occurring treatments that are determined to be necessary for the successful completion of the domestic violence intervention treatment including, but not limited to, mental health or substance use treatment; (e) domestic violence intervention treatment within the purview of this section to be completed with a state-certified domestic violence intervention treatment program; (f) signature of the petitioner agreeing to the terms and conditions of the treatment program; and (g) proof of compliance with any active order to surrender weapons issued in this program or related civil protection orders or no-contact orders.

16. If the court grants this petition during the period of deferred prosecution, I will be required to contact my probation officer, the probation director or designee, or the court if there is no probation department, to request permission to travel or transfer to another state if my wrongful conduct involves: (a) an offense in which a person has incurred direct or threatened physical or psychological harm; (b) an offense that involves the use or possession of a firearm; (c) a second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol; or (d) a sexual offense that requires me to register as a sex offender in Washington state. I understand that I will be required to pay an application fee with my travel or transfer request.

17. If I fail or neglect to comply with any part of my treatment plan or with any ignition interlock device requirements, then the court will hold a hearing to determine whether I should be removed from the deferred prosecution program. After the hearing, the court will either order that I continue with treatment or be removed from deferred prosecution and enter judgment. If I am convicted of a similar offense during the deferred prosecution, the court will revoke the deferred prosecution and enter judgment.

18. The court will dismiss the charge(s) against me in this case 3 years from the end of the 2-year treatment program and following proof to the court that I have complied with the conditions imposed by the court following successful completion of the 2-year treatment program, but no less than 5 years from the date the deferred prosecution is granted, if the court grants this petition and if I fully comply with all the terms of the court order placing me on deferred prosecution. However, when a deferred prosecution is ordered for a petition brought under RCW 10.05.020(1) involving a domestic violence behavior problem and the court has received proof that the I have successfully completed the domestic violence treatment plan, the court shall dismiss the charges pending against me. RCW 10.05.120(3).

I certify under penalty of perjury under the laws of the state of Washington that I have read the foregoing and agree with all of its provisions and that all statements made are true and correct.

Signed at _____, Washington this ____ day of _____, 20____.

_____ _____

Petitioner-Defendant Defense Attorney/WSBA No.