

IN THE WAPATO MUNICIPAL COURT
STATE OF WASHINGTON FOR YAKIMA COUNTY

STATE OF WASHINGTON
City of Wapato

Plaintiff,

VS.

_____,
Defendant,

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Case No. _____

CHARGE (s) : _____

ORDER DEFERRING PROSECUTION

THIS MATTER has come on for hearing this date upon the Defendant's verified Petition for Deferred Prosecution pursuant to RCW 10.05

The Court Finds:

1. ☐ Defendant has never had a Deferred Prosecution for a charge under RCW Title 46.

☐ This matter is not an offense under RCW Title 46.

2. Defendant suffers from ☐ alcoholism
 ☐ drug addiction
 ☐ mental problems

Which has/have progressed to the point that if not treated, future misconduct of the kind alleged herein is likely.

3. Extensive and long-term treatment is required, available, and should be ordered.
4. Defendant has stipulated to the admissibility of the facts as contained in the written police reports and supporting documents, and to their sufficiency to support a finding that the Defendant is guilty of the crime(s) charged herein. Those reports are attached hereto and incorporated by this reference.
5. Defendant has acknowledged that the stipulated facts will be used to find the defendant guilty if the court finds cause to revoke this Deferred Prosecution and has waived the right to jury trial and to present a defense.
6. Defendant's statements were made knowingly, intelligently and voluntarily.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Defendant is accepted for Deferred Prosecution for five years. The docket shall be removed from the regular Court files and be filed in a special Deferred Prosecution file section pursuant to RCW 10.05.
2. Defendant shall comply with all the terms and conditions of the recommended treatment plan (a) copy of which is attached to this Order or to the Defendant's Petition and incorporated by this reference); and complete the same within two years of the entry of this Order. Three years after receiving proof of successful completion of the two-year treatment program, but not before five years from the date of this order, the court shall dismiss the charge(s) if petitioner has complied with the terms of this Order.
3. The Court will send an abstract to the Department of Licensing showing the charge and the date of this Order if this charge is traffic related.
4. Defendant shall abstain from all use of alcoholic beverages and unlawful drugs and shall commit no new crimes during the period of the deferral. Defendant shall be subject to urinalysis or breath testing at the direction of the probation department, the court, or the treatment provider to test for the present of illegal drugs or alcohol.
5. If an underlying charge herein is for a traffic related offense, defendant shall not operate a motor vehicle upon a public highway without a valid operator's license and proof of liability insurance in an amount not less than that established in Title 46 of the Revised Code of Washington,
6. Defendant **shall pay \$225 court costs** and attorney fees as provided by RCW 10.01.160.
7. Defendant shall be placed under the supervision of Yakima County Probation Services for five years and shall pay a fee to the Probation Department for monitoring compliance with this Order.
8. Defendant shall provide monthly progress reports from the treating agency to Yakima County Probation Services for two years.
9. Defendant's treatment program shall not be transferred to an agency located outside the State of Washington.
10. Defendant shall immediately advise both the Clerk of the court and Yakima County Probation Services of any change in his or her physical or mailing address.

11. The Court may modify the terms of this Order and the treatment plan during the period of the deferral upon notice and opportunity to be heard. Defendant may request a hearing before the Court at any time to review or modify the conditions of this Order.

12. Defendant's bail or bond, if any, is hereby exonerated.

13. Defendant shall comply with any additional conditions which are checked:

☒ ***Defendant shall pay the mandatory \$450 Deferred Prosecution fees plus \$225 court costs and attorney fees; to be paid in full by the end of the two (2) year active probation period. Case will not be dismissed at the end of the Deferral period if monetary amounts are still owing.***

☒ Defendant shall pay \$ _____ to the Court as restitution for _____ whose address is _____.

☒ Defendant shall appear for periodic review hearings as set by the Court.

☒ Defendant shall successfully complete the DUI Victim Impact Panel Program when directed by the Probation Department.

☒ A working Ignition Interlock shall be installed and maintained as required by the Department of Licensing. ☐ 1 year ☐ 5 year ☐ 10 year

☐ _____

DONE IN OPEN COURT this _____ day of _____, 20____.

JUDGE Douglas K. Garrison

Presented by:

Approved as to form:

Attorney for Defendant

WSBA # _____

Attorney for Plaintiff

WSBA # _____