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4 IN THE MUNICIPAL COURT OF GIG HARBOR, STATE OF WASHINGTON
5 IN AND FOR THE COUNTY OF PIERCE
6

7 CITY OF GIG HARBOR,) Case No.
8 Plaintiff,)
9 vs.) FINDINGS OF FACT, CONCLUSIONS OF
10) LAW, AND ORDER GRANTING
11 Defendant.) DEFERRED PROSECUTION
12)

13 THIS MATTER having come on for hearing before the undersigned Judge of the above-
14 entitled Court upon the Defendant's Petition for Deferred Prosecution; the Plaintiff appearing by
15 and through the Prosecuting Attorney and the Defendant appearing in person and through
16 attorney of record _____; argument on the petition for deferred
17 Prosecution having been heard, the evaluation report prepared by
18 _____, and the record and file herein having been reviewed,
19 now, therefore, the Court hereby makes the following:

20 **FINDINGS OF FACT**

- 21 1. That the offense for which the Defendant stands charged in this case occurred as a
22 direct result of alcoholism;
23 2. That if not treated for alcoholism, there is a high probability the Defendant will
24 commit similar violations in the future;
25 3. That the Defendant is amenable to treatment;

4. That extensive and long-term alcohol rehabilitation treatment is available to the Defendant through _____, an approved alcoholism treatment facility as designated in RCW 70.96A;
5. That the Defendant has agreed to pay for all costs and expenses associated with diagnosis and treatment;
6. That the Defendant agrees to complete the two year treatment program offered by _____, as set forth in the diagnostic evaluation attached to the Petition for Deferred Prosecution;
7. That the Defendant has stipulated to the admissibility of the facts contained in the written police reports which are attached to the Petition for Deferred Prosecution; and
8. That the Defendant has acknowledged that the stipulated facts will be admissible in trial on the underlying offense held subsequent to revocation of this Order Granting Deferred Prosecution.

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 the Defendant'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 Section 7, 8, 12, and 17, chapter 352, Laws of 1985; and
4. That the Defendant is eligible for Deferred Prosecution.

ORDER

Having made and entered the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the Defendant is granted a Deferred Prosecution pursuant to RCW 10.05, upon the following terms and conditions:

1. The Defendant shall complete the two-year treatment program recommended by _____ according to the terms and conditions of that plan as set forth in the Diagnostic Evaluation, a copy of which is attached to this order

and incorporated herein by reference.

2. The Defendant shall maintain total abstinence from alcohol and mood-altering drugs, except as prescribed by a physician, during the deferral period.

3. The Defendant shall commit no alcohol-related or criminal offenses during the deferral period.

4. The Defendant shall not operate a motor vehicle upon the public highways without a valid operator's license and liability insurance as required by law.

5. 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 Deferred Prosecution file.

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

7. The defendant shall be on probation during the deferred period and the Defendant shall pay probation fees in the amount of \$15.00 per month for duration of treatment program.

8. The treatment facility shall file with the probation department and court status reports every month during the two year program.

9. In the event the Defendant fails or neglects to undertake and complete any term or condition of this Order, the Court, upon receiving notice of such violation, may hold a hearing to determine whether the Defendant should be removed from the Deferred Prosecution program.

10. In the event the Court finds cause to revoke the Deferred Prosecution, the stipulated police report shall be admitted into evidence, and by agreement, contain facts sufficient to constitute all elements of the offense charged. The Court will then enter a judgment based on said reports and statements and, if appropriate, sentence the Defendant according to the law.

11. The Defendant's waiver of the right to a speedy trial pursuant to CrRLJ 3.3 and right to trial by jury is accepted.

12. The treatment agency shall report any violation of the treatment program to the Court, the prosecutor and defense attorney during the two year term.

13. The Defendant shall submit to random urinalysis or breath testing upon the request of either the probation officer or alcohol counselor.

1 14. The Defendant shall pay costs/fees as follows:

2 \$150.00 Court costs;
3 \$125.00 BAC penalty;
4 \$15 per month Probation.

5 15. The Defendant shall attend a DUI Victim's Panel within 90 days.

6 **ADDITIONAL TERMS AND CONDITIONS:**

7 _____
8 _____
9 _____
10 _____
11 _____

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

13
14 _____
15 JUDGE

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