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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.) PETITION FOR DEFERRED
10) PROSECUTION
11 Defendant.)
12)
13

14 COMES NOW the Defendant herein and makes this Petition for Deferred Prosecution
15 pursuant to RCW 10.05 et seq.

- 16 1. *Grounds.* This petition is made on the grounds that I suffer from alcoholism
17 which was a direct cause of the current offense. If not treated for alcoholism,
18 there is a high probability a similar offense will occur in the future;
19 2. *Eligibility.* I believe that I am eligible for Deferred Prosecution as provided in
20 RCW 10.05 et seq. I have never previously been granted a Petition for Deferred
21 Prosecution in any other court.
22 3. *Agreement to Pay Costs of Treatment.* I agree to pay for all diagnostic and
23 treatment costs associated with this Deferred Prosecution.
24 4. *Case History.* My case history as set out in the attached report from
25 _____ is incorporated in its entirety in this
Petition.
5. *Acknowledgment of Rights.* I have been advised of and fully understand the
following rights which I have as a criminal defendant and petitioner for Deferred
Prosecution:

- 1 a. I have the right to be represented by an attorney and if I cannot afford to pay
2 for counsel a public defender will be furnished to me at no cost;
- 3 b. I have the right to a trial by jury and the right to demand that the trial take
4 place within 90 days of my arraignment;
- 5 c. The charges against me must be proven beyond a reasonable doubt;
- 6 d. I have the right to hear and question all witnesses who testify against me;
- 7 e. I have the right to compile witnesses to appear and testify on my behalf at no
8 cost to me;
- 9 f. I have the right to testify on my own behalf, but if I choose not to, that fact
10 cannot be used against me;
- 11 g. I have the right to appeal from a conviction and any sentence that is imposed
12 as a result of a conviction;
- 13 h. Should I choose to go to trial, I understand that evidence pertaining to or
14 resulting from this Petition and diagnostic evaluation may not be used against
15 me at trial on the pending charge, but such information may be considered for
16 the purpose of sentencing if I am convicted;
- 17 i. I understand the court will not accept my Petition for Deferred Prosecution if I
18 sincerely believe I do not suffer from alcoholism.

19 6. *Stipulation to Police Reports.* I hereby stipulate and agree to the admissibility
20 without further foundation of the attached police reports which were delivered to
21 my attorney by the Prosecuting Attorney. I understand and agree that in the event
22 the Court, upon hearing, revokes the Order granting me a Deferred Prosecution,
23 the attached police reports will be used to support a finding of guilt on the
24 pending charge. I further stipulate the report contains facts sufficient to constitute
25 proof of all elements of the crimes charged.

7. *Waiver of Right to Speedy Trial.* I understand and agree that any delay in
bringing my case to trial, which is occasioned by this Petition, shall not be
grounds for a dismissal. I hereby waive my right to a speedy trial as provided in
CrRLJ 3.3 so this Petition may be considered and granted.

8. *Waiver of Right to Jury Trial.* Conditioned upon the granting of this Petition, I
hereby waive my right to trial by jury in this matter.

9. *Acknowledgment of Conditions of Deferred Prosecution.*

- a. I understand that an approved Deferred Prosecution treatment plan must

1 contain minimum requirements which are set forth in Section 17, Chapter 352,
2 Laws of 1985. I accept and agree to comply with these requirements, which are
3 contained in the written evaluation prepared by _____,
4 and approved treatment facility under RCW 70.96A. I have signed the
5 evaluation, acknowledging my commitment to treatment.

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7 b. I understand that as a condition to granting this Petition, the court will require
8 that I not operate a motor vehicle without a valid driver's license and liability
9 insurance as require by law.

10 c. I understand that the court may place me on supervised probation during the
11 deferral period to monitor my progress in treatment and my compliance with the
12 other conditions imposed by the court. Probation will include monthly contacts
13 between my probation officer and treatment facility and semi-annual review of
14 my driving records as maintained by the Department of Licensing. I agree to
15 cooperate fully with the Probation Department. I further agree to pay the cost of
16 probation as may be ordered by the court or the Probation Department.

17 d. If applicable, I understand that the court may require me to pay restitution as a
18 condition to granting this Petition for Deferred Prosecution and that violation of
19 the restitution order would, in the discretion of the court, be grounds to revoke my
20 Deferred Prosecution.

21 e. If I am convicted of a subsequent similar offense within seven years from the
22 date I am granted a Deferred Prosecution, I understand this Deferred Prosecution
23 may be considered by the court for the purpose of enhancement of punishment
24 when imposing mandatory penalties and suspensions under RCW 46.61.515.

25 This petition is made freely and voluntarily by me after consultation with my attorney.
No threats have been made to induce me to execute this Petition and no promises have been
made to me except as contained herein.

I declare under penalty of perjury under the laws of this State of Washington that the
above is true to the best of my knowledge and belief.

SIGNED AT Gig Harbor, Washington, this _____ day of _____, 20____.

Defendant Petitioner

Witnessed by:

By:_____