

DISTRICT COURT OF CLARK COUNTY  
IN AND FOR THE STATE OF WASHINGTON

	)	
State of Washington	)	
City of Vancouver	)	NO. "
City of Camas	)	
City of Washougal	)	
Plaintiff,	)	
vs.	)	ORDER FOR
	)	DEFERRED PROSECUTION
	)	
Defendant.	)	

THIS MATTER having come on regularly for hearing this date the Defendant's Petition for Deferred Prosecution, the Plaintiff appearing by and through its attorney \_\_\_\_\_, and the Defendant appearing in person and by and through his/her attorney, \_\_\_\_\_, and it appearing to the Court that the Defendant has filed a proper Petition for Deferred Prosecution of pending charges and that the Defendant was evaluated by an approved treatment facility; that such treatment facility has filed its report complete with a case history diagnosing the Defendant as suffering from alcoholism, drug addiction or mental problems and has set out its findings and recommended treatment plan; and that the Defendant has examined the report, the treatment plan, and conditions of a Deferred Prosecution and has indicated his/her acceptance and agreement to undertake and to pay the costs of the prescribed treatment; and the court now being fully advised herein, it is hereby

ORDERED:

1. That the treatment plan filed with the Court is hereby approved and the prosecution of the Defendant in this matter is hereby deferred for a five year period from this date; Compliance with conditions of the Deferred Prosecution may be monitored by the Clark County Corrections Department as directed by the Court;
2. That a copy of the treatment plan outlined in such report is attached to this Order and incorporated herein.
3. That a copy of the police reports upon which the charge(s) in this matter are based is attached to this order, and shall be used pursuant to the conditions outlined in Defendant's Petition for Deferred Prosecution;
4. That an abstract of the Defendant's acceptance for Deferred Prosecution shall be sent to the Department of Licensing;
5. That the Defendant shall:
  - a. Undertake and carry out treatment as prescribed in the attached treatment plan commencing as directed by the treatment program;

- b. Maintain total abstinence from alcohol and all other non-prescribed mind-altering drugs for the duration of the Deferred Prosecution;
- c. Notify the Court and Clark County Corrections within ten (10) days of any change in his/her mailing address and maintain a current address for the duration of the Deferred Prosecution;
- d. Not operate a motor vehicle upon a public highway without A VALID operator's license and proof of liability insurance pursuant to RCW 46.29.490.
- e. If conduct is the result of or caused by alcohol dependency, apply for an ignition interlock driver's license and to install an ignition interlock device under RCW 46.20.720(2) and RCW 46.20.385. The required periods of use of the interlock shall be not less than the periods provided for in RCW 46.20.720(3)(a), (b) and (c).
- e. Pay restitution to ".....", in the amount of "\$" (or to be determined by Clark County Corrections) for damages arising out of this incident;
- f. Pay the Breath Test Program fee of \$ "....." and pay Emergency Response Restitution or fee in the sum of \$".....";
- g. Pay a supervision fee of \$"....." to Clark County Corrections. This fee may be on a time payment plan approved by Corrections;
- h. Pay the Indigent Defense Recovery fee of "&".....";
- i. Pay the filing fee of \$ ".....";
- j. Payment of financial obligation due within **60 DAYS** of this signed order.
- k. Attend and complete the Victim's Panel and or Sway Program;
- l. Attend a self-help recovery group for alcoholism, drug addiction or mental health problem as required by the Court;
- m. Remain law abiding for the duration of the Deferred Prosecution;
- n. Submit to periodic urinalysis or breath test analysis as required by the Court for the duration of the Deferred Prosecution;
- o. Comply with other conditions and or requirements of the Court to help ensure continued sobriety and to reduce the likelihood of re-offense. To wit: ".....";
- p. Provide the Court with proof of compliance with conditions herein prior to dismissal of the charge.

6. Specific findings have been made that:

- a. The defendant, on or about ".....", was charged with the following offense (s) ".....";
- b. The defendant suffers from **###ALCOHOLISM, ###DRUG ADDICTION, ###MENTAL PROBLEM**, and, if not treated, there is a high probability that similar misconduct will occur in the future; and
- c. Extensive and long term treatment is required and available and the defendant agrees to comply with the terms and conditions of the treatment plan and to pay the costs thereof; and
- d. The Petitioner has stipulated to the admissibility and sufficiency of the facts as contained in the written police report, including the results of any breath or blood tests;
- e. The Petitioner has acknowledged the admissibility and sufficiency of the stipulated facts in any criminal proceeding on the underlying offense or offenses held subsequent to revocation of the order granting Deferred Prosecution; and
- f. In any criminal proceeding involving the charges herein Petitioner has acknowledged and waived the right to testify, the right to a speedy trial, the right to call witnesses in his/her own behalf, the right to present evidence and a defense in his/her behalf, and the right to a jury trial; and
- g. The Petitioner's statements were made knowingly and voluntarily.

7. If the Defendant fails or neglects to carry out or violates any term or condition of (1) this order, or (2) the treatment plan, or (3) violates any rules of such treatment plan resulting in expulsion, the

Court shall upon notice of the failure, neglect, or violation, hold a hearing to determine why the Defendant shall not be removed from the Deferred Prosecution Program.

8. In the event the Court revokes this Deferred Prosecution, the Court shall remove the Defendant's file from the Deferred Prosecution docket and shall enter judgment pursuant to RCW 10.05.020. However, Petitioner may be allowed to seek suspension of all or some of the fines or incarceration conditioned upon further treatment.

9. That the Court Clerk will notify the Department of Licensing of this order accepting the defendant for Deferred Prosecution.

10. That upon proof of successful completion with all the terms of the Court order and three (3) years after the two (2) year treatment plan is successfully completed, the defendant can request the charge against him/her in this case be dismissed.

11. That other special conditions are ordered as follows:

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12. That the defendant will personally appear in Court for review of this matter on the dates and times as required by the Court and or Clark County Corrections.

13. Defendant will abide by all conditions of supervision imposed by the Court which may be modified at any time during the period of the Deferred Prosecution.

DONE IN OPEN COURT this \_\_\_\_ day of \_\_\_\_\_ aaa, aaaaa \_\_\_\_.

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Judge of the District Court

Presented by:

Approved as to form and content and consent to entry granted this \_\_\_\_\_ day of \_\_\_\_\_;

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Attorney for Defendant

WSBA

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Attorneys for Plaintiff

WSBA