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4 **IN THE BLACK DIAMOND MUNICIPAL COURT OF THE STATE OF WASHINGTON**  
5 **IN AND FOR THE COUNTY OF KING**

6 **CITY OF BLACK DIAMOND,**  
7 **COUNTY OF KING,**

8 **Plaintiff,**

9 **vs.**

10 **Defendant**

) **Case No.:**

)  
) **ORDER FOR RCW CHAPTER 10.05**  
) **DEFERRED PROSECUTION**

11 ) **Charges:** \_\_\_\_\_  
12 ) \_\_\_\_\_  
13 ) \_\_\_\_\_  
14 ) \_\_\_\_\_

15 **THIS MATTER** having come on regularly before the above-entitled Court on the above-named  
16 defendant's Petition for an RCW Chapter 10.05 Deferred Prosecution, the Court having considered the  
17 Petition for RCW Chapter 10.05 Deferred Prosecution submitted by the Defendant and being otherwise  
18 fully advised hereby makes the following

19 **I. FINDINGS OF FACT**

20 1.1 The petitioner has stipulated to the admissibility and sufficiency of the facts as contained  
21 in the written police report;

22 1.2 The petitioner has acknowledged the admissibility of the stipulated facts in any criminal  
23 hearing on the underlying offense or offenses held subsequent to revocation of the order granting  
24 deferred prosecution;

25 1.3 The petitioner has acknowledged and waived the right to testify, the right to a speedy  
trial, the right to call witnesses to testify, the right to present evidence in his or her defense, the  
right to challenge the sufficiency of the charging documents and the right to a jury trial

1.4 The petitioner's statements were made knowingly and voluntarily.

1.5 The treatment plan attached to the Petition complies with RCW Chapter 10.05

**II. ORDER DEFERRING PROSECUTION PURSUANT TO RCW CHAPTER 10.05**

2.1 Defendant's RCW 10.05 Petition for Deferred Prosecution is granted. Upon satisfaction  
of the conditions set forth below and three additional years of probation, the Court shall dismiss  
the charges pending against the Petitioner.

2.2 The following conditions are applicable to Defendant's Petition for Deferred Prosecution:

(a) Petitioner shall complete the two-year alcohol treatment plan approved by the  
Court. Any change in treatment providers must be approved by the Court prior to such  
change. The treatment provider shall provide monthly reports to the Court regarding  
Petitioner's compliance with the treatment plan.

(b) Petitioner shall not operate a motor vehicle without a valid operator's license and  
proof of liability insurance pursuant to RCW 46.29.490.

1 (c) Petitioner shall make restitution in the amount of \$ \_\_\_\_\_ to  
the \_\_\_\_\_ in full within 60/90 days.

2 (d) Petitioner shall pay \$ \_\_\_\_\_, in costs, \$ \_\_\_\_\_ as probation  
3 fees in this matter and a breath test assessment in the amount of \$200.00 not later than  
4 \_\_\_\_\_. Probation shall be for at least 5 years, with two years of active  
probation subject to extension by the court, followed by court monitored compliance.

5 (e) Petitioner shall attend the DUI Victim's Panel within 60 days and provide proof  
of completion to the Court.

6 (f) Petitioner shall have no criminal law or criminal traffic violations or alcohol or  
drug related infractions.

7 (g) Petitioner shall not refuse to submit to a breath or blood test to determine alcohol  
concentration when request by a law enforcement officer.

8 (h) Petitioner shall maintain complete abstinence from alcohol and all non-  
prescribed mind-altering drugs, and if applicable prescribed medication as ordered by the  
9 court.

10 (i) Petitioner shall not operate a motor vehicle unless such vehicle is equipped with  
a functioning ignition interlock device as required by DOL and RCW 46.20.720. The  
11 court if inapplicable, may strike this provision.

12 (j) In addition to the department of licensing requirements for ignition interlock  
under RCW 46.20.720, the court orders that that Petitioner shall not operate a motor  
13 vehicle unless such vehicle is equipped with a functioning ignition interlock device  
pursuant to RCW 46.20.720 for \_\_\_\_\_ years.

14 (k) Petitioner shall attend no less than \_\_\_\_\_ AA/ sober support meetings per  
week/month and file monthly reports with the court.

15 (l) Other \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

16 2.3 This Order supersedes any other order filed in this matter to the extent that they may be  
inconsistent.

17 DATED this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

18 \_\_\_\_\_  
JUDGE DANE/ PRO TEM JUDGE

19 \_\_\_\_\_  
Prosecuting Attorney  
20 WSBA NO. \_\_\_\_\_

21 \_\_\_\_\_  
Petitioner / Defendant  
\_\_\_\_\_  
Attorney for Petitioner  
22 WSBA NO. \_\_\_\_\_

23 **Certification of Counsel**

24 I am the attorney of record for the Petitioner. I have reviewed this Order and attached Petition  
with my client and believe that he/she is making a knowing, intelligent and voluntary decision to waive  
25 the enumerated rights and enter into this Deferred Prosecution. I have explained to my client the  
consequences of a violation of the terms of this Deferred Prosecution.

26 WSBA No. \_\_\_\_\_  
Attorney for Petitioner