

FEDERAL WAY MUNICIPAL COURT  
FEDERAL WAY, WASHINGTON  
33325 8<sup>th</sup> Avenue South  
Federal Way, WA 98003  
Phone: 253-835-3000  
Fax: 253-835-3020

CITY OF FEDERAL WAY,

Plaintiff,

vs.

Defendant.

No. \_\_\_\_\_

FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER GRANTING  
DEFERRED PROSECUTION

CHARGE(S): \_\_\_\_\_

FINDINGS OF FACT

The defendant stipulates, agrees and acknowledges that the written police report and any other documents, reports or evidence filed in this case are admissible against Defendant and are sufficient to support conviction on the offenses charges under the cause number(s) above if the Deferred Prosecution is revoked.

1. The Defendant has examined the Petition and report(s) and has indicated Defendant's agreement to undertake and pay the costs of the prescribed treatment and such other conditions as are set forth in this Order.

2. The Defendant has waived the right to (a) a speedy trial; (b) a trial by jury; (c) testify; (d) question witnesses; (e) call witnesses and (f) present evidence or a defense.

3. The Defendant has not been previously granted a Deferred Prosecution for a Title 46 violation.



- 1 e. Submit to a U/V, B/A upon demand of the treatment agency or Probation.
- 2 f. Pay court costs in the amount of \$\_\_\_\_\_ within \_\_\_\_\_ days.
- 3 g. Appear in court at any time requested by the Court throughout the period of this
- 4 Deferred Prosecution.
- 5 h. Pay a breath test assessment (D.U.C) of \$200.00 within \_\_\_\_\_ days.
- 6 i. Attend and complete a DUI Victim's Panel within \_\_\_\_\_ days. [ ] Attend \_\_\_\_\_
- 7 additional DUI Victim's Panels. DUI Victim's Panels shall be attended in intervals of
- 8 no more than one every \_\_\_\_\_ months.
- 9 j. During the three years following completion of the two-year treatment program,
- 10 attend a minimum of \_\_\_\_\_ alcoholism self-help recovery support group meetings
- 11 per week (for example, AA/NA). Proof of such attendance must be filed with
- 12 Probation by the 5<sup>th</sup> day of each month.
- 13 k. Pay \$ \_\_\_\_\_ for the costs of an emergency response (up to \$1,000.00) (RCW
- 14 38.52.430).
- 15 l. For a period of \_\_\_\_\_ year(s) following a period of revocation or suspension, drive
- 16 only a motor vehicle equipped with a functioning ignition interlock devise.
- 17 m. A status hearing to confirm the installation of the IID will be set on \_\_\_\_\_
- 18 \_\_\_\_\_.
- 19 n. Pay restitution to this Court in the amount of \$ \_\_\_\_\_ within \_\_\_\_\_ days. The Court
- 20 shall forward the payment(s) to (name/address):
- 21 \_\_\_\_\_.

22 5. The Defendant is placed on probation with Federal Way Municipal Court [ ]

23 \_\_\_\_\_ Probation until completion of the treatment program and shall pay a probation

24 fee in the amount of \$55.00 per month unless the fee is reduced by Probation. After completion

25 of the treatment program the Defendant shall pay a probation monitoring fee of \$10.00 per

1 month until the offense(s) charged under the cause number(s) above are dismissed or this  
2 Deferred Prosecution is revoked. The Defendant must attend a Probation Orientation date on  
3 \_\_\_\_\_ at 9:00 AM in Courtroom 3, at the Federal Way  
4 Municipal Court. The Defendant must keep that probation office and the Court advised of all  
5 address changes. Defendant must keep the probation office informed of any new violations of the  
6 law. Federal Way Municipal Court, Providence Community Corrections, 34004 9<sup>th</sup> Avenue  
7 South, Building A-4, Federal Way, Washington 98003.

8           6.       The Defendant shall authorize the treatment staff of Defendant's Treatment  
9 Agency to communicate freely with the Court and Probation regarding the Defendant's treatment  
10 progress. The Treatment agency shall file reports in first year: every month; second year: every  
11 three months. The Court or Probation may increase the frequency of these reports at its  
12 discretion.

13           7.       In the event that the Defendant fails or neglects to carry out and fulfill any term or  
14 condition of the Treatment Program, the Treatment Agency shall immediately, in writing, report  
15 such breach to Probation, together with its recommendations.

16           8.       The docket(s) charging the Defendant with the crime(s) subject to this order shall  
17 be removed from the regular court docket files and placed in the Court's special Deferred  
18 Prosecution filing section.

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

21           10.      If the Defendant fails to undertake and fulfill any term or condition of this Order  
22 or of the prescribed Treatment Agency, or any other condition as set forth by the Probation  
23 Department; the Court, upon receiving notice of any such failure, neglect or violation, shall hold  
24 a hearing to determine whether the Defendant should be removed from the Deferred Prosecution  
25 program and proceed to trial on said charge(s).

1           11.     In the event the Court revokes the Deferred Prosecution status, the Defendant,  
2 having already stipulated to the accuracy of the police report(s) and any other documents, reports  
3 or evidence filed in this case at the time the Court accepted the Petition for Deferred Prosecution,  
4 shall have Defendant's guilt or innocence determined by the Court considering said report(s)  
5 alone.

6           12.     If there are any inconsistencies between this Order and the Treatment Plan, the  
7 terms and conditions set forth in this Order shall be controlling.

8           13.     This matter shall be set for review at any time upon request of the Defendant, the  
9 State/City, Probation or the Court.

10  
11 DONE IN OPEN COURT THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

12  
13  
14 \_\_\_\_\_  
15 Judge/Judge Pro Tem

16  
17 \_\_\_\_\_  
18 Defendant's Signature

19  
20 \_\_\_\_\_  
21 Attorney for Defendant

22  
23 \_\_\_\_\_  
24 Prosecuting Attorney