

CHELAN COUNTY DISTRICT COURT AFFIDAVIT OF INDIGENCY

The undersigned on oath states that I am financially unable to obtain the service of a lawyer without causing substantial hardship to myself or my family; and I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOLLOWING PERSONAL AND FINANCIAL INFORMATION IS TRUE AND INTENDED TO BE RELIED UPON BY THE COURT IN DETERMINING MY ELIGIBILITY FOR LEGAL SERVICES TO BE FURNISHED ME AT PUBLIC EXPENSE. Should there be any change in the following circumstances, I will advise the court immediately.

To qualify for a public defender, the following must be filled out completely.

Name: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Telephone () _____ Date of Birth: _____
 Martial Status: [] Single [] Married [] Divorced [] Separated Spouse's Name _____
 My Employer: _____ Hours worked per week _____ Hourly/Monthly wage: _____
 Spouse's Employer: _____ Hours worked per week _____ Hourly/Monthly wage: _____
 Total Monthly Income: _____ No. of Dependents: _____ Ages: _____

1. My Monthly Income:		4. My Monthly Household Expenses:	
Employed []	Unemployed []	Rent/Mortgage:	\$
Employer's Name:		Food/Household Supplies:	\$
Gross pay per mo (salary or hourly pay):	\$	Utilities:	\$
Take home pay per month:	\$	Transportation:	\$
2. Other Sources of Income Per Month in my Household:		Ordered Maintenance actually paid:	\$
Source:	\$	Ordered Child Support actually paid:	\$
Source:	\$	Clothing:	\$
Source:	\$	Child Care:	\$
Source:	\$	Education Expenses:	\$
Sub-Total:		Insurance (car, health):	\$
[] I receive food stamps.		Medical Expenses:	\$
Tot. Inc., lines 1 (take home pay) & 2:		Sub-Total:	
\$		\$	
3. My Household Assets:		5. My Other Monthly Household Expenses:	
Cash on hand:	\$		\$
Checking Account Balance:	\$		\$
Savings Account Balance:	\$		\$
Auto #1 (Value less loan):	\$		\$
Auto #2 (Value less loan):	\$	Sub-Total:	
Home (Value less mortgage):	\$	\$	
Other:	\$	6. My Other Debts with Monthly Payments:	
Other:	\$		\$ /mo
Other:	\$		\$ /mo
Other:	\$		\$ /mo
Other:	\$		\$ /mo
Other:	\$	Sub-Total:	
Total Household Assets:		Tot. Household Exp & Debts, lines 4, 5 & 6:	
\$		\$	

_____ I ACKNOWLEDGE THAT IF MY FINANCIAL SITUATION CHANGES, I MAY BE REQUIRED TO REIMBURSE THE COURT FOR THE EXPENSE OF MY PUBLIC DEFENDER, AND THAT I AM REQUIRED TO REPORT TO THE COURT ANY SUCH CHANGE IN FINANCIAL CONDITION.
 _____ I UNDERSTAND AND AGREE TO KEEP ALL APPOINTMENTS AS SCHEDULED BY THE PUBLIC DEFENDER OR I WILL LOSE THE RIGHT TO REPRESENTATION BY THE PUBLIC DEFENDER.

Date: _____

Signature _____ Signed in Wenatchee, Washington

Waiver Approved Waiver Denied

 Judge/Pro Tem

 Date

**CHELAN COUNTY DISTRICT COURT
CHELAN COUNTY, STATE OF WASHINGTON**

STATE OF WASHINGTON)	
CITY OF WENATCHEE)	
	)	Plaintiff,
Vs.	)	CASE NO. _____
)	
	)	ACKNOWLEDGMENT OF NOTICE OF
	)	POTENTIAL LIABILITY FOR ATTORNEY FEES
_____)	
	)	Defendant.

The undersigned defendant, having requested the appointment of an attorney due to indigency, hereby acknowledges that in connection with such request he/she has been advised that the court may impose the obligation of repaying the fees and costs of the attorney appointed on the following conditions:

1. That the imposition of the obligation to repay such costs and attorney fees would be based upon a foreseeable ability of the undersigned to pay.
2. That the undersigned would be entitled to the same exemption as civil judgment debtors at execution.
3. The order imposing the obligation to pay would not be enforceable by contempt or by revocation of suspended sentence unless non-payment is intentional or in bad faith.

Fully understanding the above advice, the undersigned hereby requests that an attorney be appointed to represent him/her in the above matters.

DATED this _____ day of _____, 20_____.

Defendant

Address

City, State, Zip

Exhibit LCrRLJ 4.2(i)(A)

DISTRICT COURT OF WASHINGTON, FOR CHELAN COUNTY	NO: _____
_____, Plaintiff	PETITION FOR DEFERRED PROSECUTION (DPPF)
VS.	CHARGES: _____
_____, Defendant	VIOLATION DATE: _____

COMES NOW the defendant and petitions the court for deferred prosecution pursuant to RCW Chapter 10.05, and states as follows:

1. I allege the wrongful conduct charged is the result of or caused by
 ALCOHOLISM DRUG ADDICTION MENTAL PROBLEMS,
for which I need treatment.
2. Unless I receive treatment for my problem, the probability of future
reoccurrence is great.
3. I agree I must pay, or arrange payment for, all diagnostic and treatment costs
associated with the Deferred Prosecution.
4. I understand that the court will not accept a petition for deferred prosecution
from a person who sincerely believes that he or she is innocent of the crime(s)
charged or does not suffer from alcoholism, drug addiction, or mental problems.
5. If this charge is a violation of Title 46 or similar municipal ordinance, I have not
previously been placed on a deferred prosecution for a Title 46 or similar
municipal ordinance violation.
6. A case history and assessment have been filed with this petition pursuant to
RCW 10.05.020.
7. I understand and acknowledge I have the following rights: (a) to have a lawyer
represent me at all hearings; (b) to have a lawyer appointed at public expense if
I cannot afford one; (c) to a speedy, public jury trial; (d) to appeal any conviction;
(e) to remain silent and not testify; (f) to question witnesses who testify against
me; (g) to call witnesses to testify for me, at no cost; (h) to be presumed innocent
unless the charge(s) against me is proven beyond a reasonable doubt; and (i) to
present evidence and a defense. By deferring prosecution on these charges, I
understand I give up my right to: (a) a speedy trial; (b) a jury; (c) testify; (d)
question witnesses; (e) call witnesses; and (f) present evidence or a defense.
8. I stipulate to the admissibility and sufficiency of the facts in the attached police
reports. I acknowledge that the above items will be entered and used to support
a finding of guilty if the deferred prosecution is revoked.
9. If my deferred prosecution is revoked and I am found guilty, I understand that I
may be sentenced up to the maximum penalty allowed by law.
10. I understand that if I proceed to trial and I am found guilty, I may be allowed to
seek suspension of some or all fines and incarceration if I seek treatment. I
understand that I may seek treatment from a public or private agency at any
time, whether or not I have been found guilty or placed on deferred prosecution.

11. I understand that for some crimes, a deferred prosecution will enhance mandatory penalties for subsequent offenses committed within a seven-year period. I understand that a deferred prosecution will be a prior offense under RCW 46.61.5055 (driving under the influence, physical control of a vehicle under the influence, negligent driving if originally charged as driving under the influence or physical control of a vehicle under the influence, vehicular homicide, or vehicular assault).
12. I understand that if the court grants this Petition, I may not operate a motor vehicle on the public highways without a valid operator's license and proof of liability insurance pursuant to RCW 46.29.490. I understand I shall also be required to install an ignition interlock or other device on any motor vehicle I operate as set forth in RCW 46.20.720. I may also be required to pay restitution to victims, pay court costs, and pay probation costs authorized by law. The court may terminate the deferred prosecution program if I violate this paragraph.
13. I understand that if I fail or neglect to comply with any part of my treatment plan or with any ignition interlock requirements, then the court will hold a hearing to determine whether I should be removed from the deferred prosecution program. After the hearing the court will either order that I continue with treatment or be removed from deferred prosecution and enter judgment. If I am convicted of a similar offense during the deferred prosecution, the court will revoke the deferred prosecution and enter judgment.
14. I understand that the charge(s) against me in this case will be dismissed three years from the end of the two-year treatment plan, but no less than five years from the date the deferred prosecution is granted, if the court grants my petition for deferred prosecution and if I fully comply with all the terms of the court order placing me on deferred prosecution.

I certify under penalty of perjury under the laws of the state of Washington that I have read the foregoing and agree with all of its provisions and that all statements made are true and correct.

Dated at _____, Washington this _____ day of _____,
20_____.

Petitioner-Defendant

Defense Attorney

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

STATE OF WASHINGTON)	
	)	NO. _____
Plaintiff,)	
	)	ORDER OF REFERRAL
vs.	)	FOR EVALUATION
)	
)	
_____)	
Defendant.)	
_____)	

THIS matter coming on before the above-entitled court on defendant's Petition for Deferred Prosecution, and the court having examined the petition filed by the defendant and the affidavit attached thereto, finds that the defendant is charged with a gross misdemeanor crime of Driving While Intoxicated which may be the result of or caused by an alcohol problem for which the defendant is in need of treatment; that, unless the problem is treated, the probability of future reoccurrence of the alleged crime is great, and the defendant has agreed to pay the costs of diagnosis and evaluation.

NOW, THEREFORE, said defendant is hereby referred to _____ located at _____ in _____, WASHINGTON, an approved treatment agency, for an evaluation and diagnosis of defendant's alcohol problem to determine, after a thorough investigation and examination, if:

1. The defendant suffers from the problem mentioned herein;
2. If the problem is not treated whether there is a probability that similar misconduct will occur in the future;
3. Whether extensive and long-term treatment is required and would be effective if instituted; and
4. Whether effective treatment is available and what that treatment would include.

Exhibit LCrRLJ 4.2(i)(B)

The approved treatment agency shall report, in writing, to the court its findings and recommendations; and if treatment is recommended it shall set out a treatment plan showing:

- (a) The type of treatment;
- (b) The nature of the treatment;
- (c) The length of said treatment;
- (d) A treatment time schedule; and
- (e) The approximate cost of said treatment plan.

Said report shall be filed with this court for its consideration on or before the _____ day of _____, 20____. A copy of said report shall be furnished to the defendant's attorney and to the prosecuting attorney.

DATED this _____ day of _____, 20_____.

DISTRICT COURT JUDGE

Presented by:

WSBA _____
Attorney for Defendant

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

STATE OF WASHINGTON,)	
	)	NO. _____
Plaintiff,)	
	)	STATEMENT OF DEFENDANT ON
vs.	)	PETITION FOR DEFERRED
	)	PROSECUTION/STIPULATION TO
_____,	)	FACTS
)	
Defendant.)	
_____)	

1. My true name is above set forth. My date of birth is _____, and I have completed the _____ grade of school.

2. I understand that I am charged with the offense(s) of _____, which occurred in Washington State, with a violation date of _____. I am petitioning for deferred prosecution on the above charge(s).

3. The court has advised me of the following constitutional rights:

(a) I have the right to representation by a lawyer, and if I cannot afford to pay for a lawyer, one will be provided for me at public expense.

(b) I have the right to a speedy and public trial by an impartial jury in the place where the crime is alleged to have been committed.

(c) I have the right to remain silent, before and during trial, and I need not testify against myself.

(d) I have the right at trial to confront witnesses who testify against me, and I have the right at trial to have witnesses testify for me, and they can be made to appear at no expense to me.

(e) I am presumed innocent until a charge is proved beyond a reasonable doubt, or I enter a plea of guilty.

(f) I have the right to appeal a finding, after trial, of guilt.

4. If I proceed to trial and am found guilty, I may be allowed to seek suspension of some or all of the fines or incarceration (jail sentence) that may be ordered, upon the condition that I seek treatment.

5. I may seek treatment from public and private agencies at any time without regard to whether or not I am guilty of the offense(s) charged.

6. I understand that the court will not accept a petition for deferred prosecution from a person who sincerely believes he or she is innocent of the offense(s) charged or does not, in fact, suffer from the problems alleged in the petition. I sincerely believe I suffer from the problems alleged in my petition for deferred prosecution. I further do not sincerely believe that I am innocent of the charge(s) indicated above.

7. I understand that as a condition of granting the deferred prosecution petition, the court may order me to pay restitution for any damages incurred by individuals as a result of the offense for which I am charged, and the court may order payment of court costs. I further understand that the court may terminate/revoke my deferred prosecution program for failure to pay restitution or court costs.

8. I understand that as a condition of granting a deferred prosecution petition, the court will enter an order that I may not operate a motor vehicle upon a public highway without a valid operator's license and proof of liability insurance. The court may also order the installation of an ignition interlock or other device pursuant to RCW 46.20.720, and may enter an order requiring that I attend a DUI Victim Impact Panel. I further understand that the court will terminate/revoke my deferred prosecution program if I am convicted of a similar offense, and that the court may terminate/revoke my deferred prosecution program for failure to comply with any of the conditions established by the court as part of my deferred prosecution program.

9. I am submitting my case on the record pursuant to RCW 10.05.020. I understand that by doing so I am stipulating to the admissibility, sufficiency, and accuracy of the evidence contained in the reports and relevant materials (including but not limited to the written police report, DUI ARREST REPORT, and any attachment thereto). I understand that if I am revoked from the deferred prosecution program, my case will be set for trial and the reports and relevant materials will be entered and used to support a finding of guilt. I agreed that there is sufficient evidence contained in the reports and relevant materials to convict me of the charge(s) above. I understand that my trial will consist of a judge reading the reports and relevant materials and deciding on that evidence alone if I am guilty of the charge.

10. I understand that by submitting my case on the record, I am giving up the Constitutional right to a jury trial, the right to a speedy trial, the right to hear and question witnesses, the right to call witnesses in my own behalf, and the right to testify or not to testify. I understand that I am waiving the right to raise any defenses I may have to the above charge.

11. No one has made any threats or promises to persuade me to submit my case on the record. I agree that I have knowingly and voluntarily submitted my case on the record, and that I understand the contents of this document. I understand that this document will be entered and used to support a finding of guilt if the court finds cause to revoke my deferred prosecution. I have read, or have had read to me this document, understand its contents, and have no further questions to ask of the court.

I hereby certify under penalty of perjury under the laws of the State of Washington that the forgoing is true and correct.

Dated in Wenatchee, Washington this _____ day of _____, 20 _____.

Defendant

This matter coming before the court for entry of an Order Deferring Prosecution, the court makes the following findings with regard to the defendant/petitioner's execution of the foregoing statement. The above statement as well as these findings shall be incorporated into the Order Deferring Prosecution by this reference thereto.

- (a) That the petitioner has stipulated to the admissibility and sufficiency of the facts as contained in the written police report and other relevant materials referenced above.
- (b) That the petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing on the underlying offense or offenses held subsequent to revocation of the order granting deferred prosecution.
- (c) That 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, and the right to a jury trial.
- (d) That the petitioner's statements were made knowingly and voluntarily.

Presented by:

Approved for entry:

Deputy Prosecuting Attorney

Defense Counsel

Approved this _____ day of _____ 20
_____.

Judge

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

STATE OF WASHINGTON,	)	No.
CITY OF WENATCHEE,)	
Plaintiff,	)	ORDER DEFERRING PROSECUTION
vs.)	
)	
_____)	
Defendant.)	

FINDINGS OF FACT

- 1.1 The Petitioner suffers from alcoholism, drug addiction, or mental problems and has agreed to comply with the terms and conditions of the treatment plan prepared pursuant to RCW 10.05, and to pay the costs of diagnosis and treatment;
- 1.2 The Petitioner has stipulated to the admissibility and sufficiency of the facts as contained in the written police report(s);
- 1.3 The Petitioner has agreed and acknowledged that the written police reports and any other documents, reports or evidence filed in this case are admissible against the Petitioner in any criminal hearing on the underlying offense or offenses held subsequent to revocation of the order granting deferred prosecution;
- 1.4 The Petitioner has acknowledged and waived the right to a speedy trial, the right to a jury trial, the right to testify and to call witnesses to testify, the right to confront and question witnesses; and the right to present evidence in his or her defense;
- 1.5 The Petitioner’s stipulations, admissions, and statements were made knowingly and voluntarily.

ORDER

IT IS HEREBY ORDERED that the Defendant is accepted for deferred prosecution and shall comply with the following conditions:

- 2.1 The Defendant shall comply with all of the terms and conditions of the two-year treatment program, a copy of which is attached and incorporated herein by reference. The Defendant shall pay for the costs of treatment and shall not change treatment agencies without prior approval of the Court.
- 2.2 The Defendant shall authorize the treatment agency to communicate freely with the Court and the Probation Office regarding the Defendant’s treatment progress. The treatment agency shall submit monthly reports to the Probation Office for the entire treatment period. In the event that the Defendant fails or neglects to comply with any term or condition of the treatment program, the treatment agency shall immediately submit a written report of such breach to the Probation Office.
- 2.3 The Petitioner will be under the deferred prosecution supervision of the Chelan County District Court Probation Office for five (5) years and will comply with all terms and conditions established by that office to monitor and enforce compliance with this Order and shall pay all costs of supervision through the Probation Department.
- 2.4 The Defendant shall pay court costs of \$250, an Alcohol Violators fee of \$200 pursuant to RCW 46.61.5054, and a public defender recoupment of _____, for a total of _____, not including

probation fees or restitution.

2.5 The Defendant shall immediately notify the Court Clerk as well as the Probation Department, in writing, of all changes in address.

2.6 The Defendant shall not operate a motor vehicle upon the public highways without a valid operator's license and proof of liability insurance as established by RCW 46.29.490.

2.7 The Defendant will not refuse to submit to a breath, blood, or urine test for alcohol or drug content upon request by law enforcement, the probation department, treatment provider, or the court.

2.8 The Defendant will not possess, consume or otherwise acquire any alcohol, non-prescribed controlled substances, or drug paraphernalia and will not enter any bar, tavern, or alcohol establishment for the entire length of the deferred prosecution period (five years). Such prohibition includes medical marijuana unless otherwise specifically ordered by the court.

2.9 The Defendant shall attend a DUI victim impact panel within 60 days of entry of this order.

2.10 For a period of _____ year(s) or as directed by the Department of Licensing, the Defendant shall have a functioning ignition interlock installed in any motor vehicle that he or she operates. The Defendant shall provide written verification of the installation to the Probation Department within 30 days of entry of this order deferring prosecution. The Defendant shall comply with all rules and regulations of the Department of Licensing regarding the ignition interlock device and ignition interlock license.

2.11 The Defendant shall not commit any criminal law violations, including but not limited to any alcohol or drug-related offenses, during the five-year period of the deferred prosecution

2.12 Restitution shall be paid to the following victims:

Name: _____ Amount: _____

Address: _____

Name: _____ Amount: _____

Address: _____

2.13 Other: _____

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

JUDGE/JUDGE PRO TEM

Presented by:

Copy Received:

Attorney for Defendant, WSBA#

Defendant

Copy received and approved as to form:

Deputy Prosecuting Attorney, WSBA#