

Court of Washington

华盛顿州

County of _____

县法院

vs.
诉

Plaintiff,
原告,

Defendant.
被告。

No:

编号:

Petition for Deferred Prosecution (DPPF)
延期起诉申请(DPPF)

Charges: _____

罪名:

Violation Date: _____

犯罪日期:

I am the defendant in this case, and I petition the court for deferred prosecution under ch. 10.05 RCW. I make the following statements in support of my petition:

我是本案的被告，我请求法院根据RCW第10.05章延期起诉。以下声明旨在支持我的申请：

1. The wrongful conduct charged is the result of or caused by ☐ substance use disorders ☐ mental problems ☐ domestic violence behavior, for which I need treatment.
指控的不当行为是由于或由以下原因引起的：☐药物滥用障碍
☐精神问题☐家庭暴力行为，我需要接受治疗。
2. Unless I receive treatment for my problem, the probability is great that I will offend again.
除非我的问题得到治疗，否则我很可能会再次犯罪。
3. I agree to pay the cost of diagnosis and treatment, if I am financially able to do so, subject to RCW 10.05.130.
如果我有经济能力，我同意根据RCW 10.05.130支付诊断和治疗费用。
4. I understand that the court will not accept a petition for deferred prosecution from a person who sincerely believes that they are innocent of the crime(s) charged or do not suffer from alcoholism, drug addiction, mental problems, or domestic violence behavior problems.
我了解，如果真诚地相信自己对被指控的罪行是无辜的，或者没有酗酒、吸毒、精神问题或家庭暴力行为问题，法院不会接受其延期起诉的申请。

5. If this charge is a violation of Title 46 RCW or similar municipal ordinance, I have not previously been placed on a deferred prosecution for a Title 46 RCW or similar municipal ordinance violation.
如果这项指控违反了RCW第46编或类似市政法令，我之前并未因违反RCW第46编或类似市政法令而被暂缓起诉。
6. If this charge is a domestic violence offense, I have not previously been placed on a deferred prosecution for a domestic violence offense, this charge was not originally charged in superior court as a felony offense, and a prior stipulated order of continuance was not previously granted. RCW 10.05.010, .160.
如果这项指控属于家庭暴力犯罪，我之前并未因家庭暴力犯罪而被暂缓起诉，本罪名最初未在高等法院被指控为重罪，并且此前未被授予过类似的延期审理命令。RCW 10.05.010, .160。
7. I have filed a case history and assessment with this petition as required by RCW 10.05.020.
我已按照RCW 10.05.020的要求随本申请提交了案件记录和评估。
8. 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 have 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 (are) proved beyond a reasonable doubt; and (i) to present evidence and a defense.
我拥有以下权利：(a)聘请律师代表我参加所有听证会；(b)如果我无力承担律师费用，则以公费指定一名律师；(c)进行快速、公开的陪审团审判；(d)对任何定罪提出上诉；(e)保持沉默且不作证；(f)询问为我作证的证人；(g)免费传唤证人为我作证；(h)被推定为无罪，除非对我的指控得到证实且排除合理怀疑；(i)提供证据和辩护。
By deferring prosecution on these charges, I give up my right to: (a) a speedy trial; (b) a jury; (c) testimony on my own behalf; (d) an opportunity to call and question witnesses; and (e) present evidence or a defense.
通过暂缓对这些指控的起诉，我放弃以下权利：(a)快速审判；(b)陪审团审判；(c)为自己作证；(d)传唤和询问证人的机会；(e)提供证据或辩护。
9. I agree that the facts as reported in the attached police reports are admissible evidence and are sufficient to support a conviction. I acknowledge that the above items will be used to support a finding of guilty if the deferred prosecution is revoked.
我同意随附警方报告中所述事实是可采纳的证据，足以支持定罪。我承认，如果暂缓起诉被撤销，上述内容将用于支持有罪判决。
10. If my deferred prosecution is revoked and I am found guilty, I may be sentenced up to the maximum penalty allowed by law.
如果我的暂缓起诉被撤销并且我被判有罪，我可能会被判处法律允许的最高刑罚。
11. 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.
如果我接受审判并被判有罪，而我寻求治疗，我可能可以寻求暂停部分或全部罚款和监禁。我了解，无论我是否被判有罪或被暂缓起诉，我都可以随时向公共或私人机构寻求治疗。

12. For some crimes, a deferred prosecution will enhance mandatory penalties for subsequent offenses committed within a 7-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).

对于某些犯罪行为，暂缓起诉将加强对7年内所犯后续犯罪行为的强制性处罚。我了解，根据RCW 46.61.5055，如果因酒后驾驶、对酒后驾驶车辆、疏忽驾驶（如果最初被指控为酒后驾驶或对酒后驾驶车辆、车辆过失杀人罪或车辆过失伤害罪）而被暂缓起诉将构成前科。

13. If the court defers prosecution on any crime that would be a violation of state law or local ordinance relating to motor vehicle traffic control, I will be disqualified from driving a commercial motor vehicle for the period specified in RCW 46.25.090 and, if I drive a commercial motor vehicle holding a license issued by Washington State, I will be required to notify the Department of Licensing and my employer of this deferred prosecution within 30 days of the judge granting this petition. RCW 46.25.030. 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. If my wrongful conduct is the result of or caused by alcohol dependency, I shall also be required to install an ignition interlock device under RCW 46.20.720. The required periods of interlock use shall be not less than the periods provided for in RCW 46.20.720, and subject to certification from the ignition interlock device vendor. RCW 46.20.720(4). I may also be required to pay restitution to victims, pay court costs, and pay probation costs authorized by law. To help ensure continued sobriety and reduce the likelihood of re-offense, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for alcoholism or drugs, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. Substance use disorder treatment programs shall require a minimum of 2 self-help recovery groups per week for the duration of the treatment program. The court may terminate the deferred prosecution program if I violate this paragraph.

如果法院对任何违反州法或地方条例中关于机动车交通管制的犯罪行为作出暂缓起诉的决定，我将根据RCW 46.25.090的规定，在规定期限内被取消驾驶商用车辆的资格。如果我持有华盛顿州颁发的驾照并驾驶商用车辆，我必须在法官批准暂缓起诉申请之日起30天内，通知证照局和我的雇主这一暂缓起诉的情况。RCW 46.25.030。如果法院批准本申请，且没有有效的驾驶执照和根据RCW 46.29.490规定的责任保险证明，我不得在公共高速公路上驾驶机动车辆。如果我的不当行为是由于酒精依赖造成的，我还需要根据RCW 46.20.720安装点火联锁装置。要求的联锁使用期限应不少于RCW 46.20.720中规定的期限，并须获得点火联锁装置供应商的认证。RCW 46.20.720(4)。我还可能需要向受害者支付赔偿金、支付法庭费用以及法律授权的缓刑费用。为了帮助确保持续清醒并减少再次犯罪的可能性，法院可能会在暂缓起诉期间命令我遵守合理的条件，包括但不限于：参加针对酒精或毒品问题的自助康复支持小组、完全戒除酒精和所有未经处方的致幻药物、定期进行尿液分析或呼吸检测以及保持守法行为。药物滥用障碍治疗计划应要求在治疗期间每周至少参加两次自助康复小组。如果我违反本段规定，法院可以终止暂缓起诉计划。

14. If the court defers prosecution for any crime involving domestic violence behavior, I will be ordered not to possess firearms and I will be ordered to surrender firearms in my possession under RCW 9.41.800. The court may order me to make restitution and to pay costs under RCW 10.01.160. The court may also order reasonable conditions during the deferred prosecution to ensure continued sobriety and reduce the likelihood of re-offense in co-occurring domestic violence and substance abuse or mental health cases. These conditions include, but are not limited to, attendance at a self-help recovery support group for alcoholism or drugs, complete abstinence from alcohol and all non-prescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law abiding behavior. The court may terminate the deferred prosecution program if I violate the deferred prosecution order.

如果法院暂缓对任何涉及家庭暴力行为的犯罪进行起诉，我将被命令不得拥有枪支，并且根据RCW 9.41.800，我将被命令交出我所拥有的枪支。法院可以命令我根据RCW 10.01.160进行赔偿并支付费用。法院还可以在暂缓起诉期间命令我遵守合理的条件，以确保持续的清醒状态并减少家庭暴力与物质滥用或精神健康问题共病情况下的再犯可能性。这些条件包括但不限于：参加针对酒精或毒品问题的自助康复支持小组、完全戒除酒精和所有未经处方的致幻药物、定期进行尿液分析或呼吸检测以及保持守法行为。如果我违反暂缓起诉令，法院可以终止暂缓起诉计划。

15. A deferred prosecution program for domestic violence behavior, or domestic violence co-occurring with substance abuse or mental health, must include, but is not limited to, the following requirements: (a) completion of a risk assessment; (b) participation in the level of treatment recommended by the program as outlined in the current treatment plan; (c) compliance with the contract for treatment; (d) participation in any ancillary or co-occurring treatments that are determined to be necessary for the successful completion of the domestic violence intervention treatment including, but not limited to, mental health or substance use treatment; (e) domestic violence intervention treatment within the purview of this section to be completed with a state-certified domestic violence intervention treatment program; (f) signature of the petitioner agreeing to the terms and conditions of the treatment program; and (g) proof of compliance with any active order to surrender weapons issued in this program or related civil protection orders or no-contact orders.

涉及家庭暴力行为，或家庭暴力与物质滥用或精神健康问题共病的暂缓起诉计划必须包括但不限于以下要求：(a) 完成风险评估；(b) 参与当前治疗计划中概述的方案建议的治疗水平；(c) 遵守治疗合同；(d) 参与被确定为成功完成家庭暴力干预治疗所必需的任何辅助或共病治疗，包括但不限于心理健康或药物滥用治疗；(e) 本节范围内的家庭暴力干预治疗应通过州认证的家庭暴力干预治疗方案来完成；(f) 呈请人签名同意治疗计划的条款和条件；(g) 提供遵守本计划或相关民事保护令或禁止接触令中任何现行交出武器命令的证明。

16. If the court grants this petition during the period of deferred prosecution, I will be required to contact my probation officer, the probation director or designee, or the court if there is no probation department, to request permission to travel or transfer to another state if my wrongful conduct involves: (a) an offense in which a person has incurred direct or threatened physical or psychological harm; (b) an offense that involves the use or possession of a firearm; (c) a second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol; or (d) a sexual offense that requires me to register as a sex offender in Washington state. I understand that I will be required to pay an application fee with my travel or transfer request.

如果法院在暂缓起诉期间批准此申请，而我的不当行为涉及以下情况，我将需要联系我的缓刑官员、缓刑主管或指定人员，或者联系法院（如果没有缓刑部门），以请求前往或迁

往另一个州的许可：(a)使某人遭受直接或威胁性身体或心理伤害的犯罪；(b)涉及使用或拥有枪支的犯罪行为；(c)第二次或后续的因药物或酒精影响下的驾驶轻罪；(d)性犯罪，且根据原居住州的法律，我需登记为性犯罪者。我了解我需要在提交旅行或转乘请求时支付申请费用。

17. If I fail or neglect to comply with any part of my treatment plan or with any ignition interlock device 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.
如果我未能或疏忽遵守治疗计划的任何部分或任何点火连锁装置的要求，法院将举行听证会，以决定是否应将从暂缓起诉计划中移除。听证会结束后，法院将命令我继续接受治疗，或者将我从暂缓起诉中移除并作出判决。如果我在暂缓起诉期间被定罪犯有类似罪行，法院将撤销暂缓起诉并作出判决。
18. The court will dismiss the charge(s) against me in this case 3 years from the end of the 2-year treatment program and following proof to the court that I have complied with the conditions imposed by the court following successful completion of the 2-year treatment program, but no less than 5 years from the date the deferred prosecution is granted, if the court grants this petition and if I fully comply with all the terms of the court order placing me on deferred prosecution. However, when a deferred prosecution is ordered for a petition brought under RCW 10.05.020(1) involving a domestic violence behavior problem and the court has received proof that the I have successfully completed the domestic violence treatment plan, the court shall dismiss the charges pending against me. RCW 10.05.120(3).
如果法院批准了这一申请，并且我完全遵守法院命令中暂缓起诉的所有条款，那么在2年治疗计划结束后的3年，且在我成功完成2年治疗计划后向法院证明我遵守了法院施加的条件的前提下，法院将撤销对我的指控。但无论如何，不得少于从暂缓起诉批准之日起的5年。然而，当根据RCW 10.05.020(1)提出申请，而法院对涉及家庭暴力行为问题的案件下达暂缓起诉令，并且法院收到我已成功完成家庭暴力治疗计划的证明时，法院应当撤销对我尚未判决的指控。RCW 10.05.120(3)。

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.
我特此声明，我已阅读上述内容并同意其中的所有条款，并且所有陈述均真实且正确，如有伪证，愿受华盛顿州法律的处罚。

Signed at _____, Washington this _____ day of _____, 20____.
签署地点 _____, 华盛顿 _____ 日 _____, 20____.

Petitioner-Defendant
呈请人-被告

Defense Attorney/WSBA No.
辩护律师/WSBA 编号