

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

CITY OF FEDERAL WAY,

Plaintiff,

vs.

Defendant.

No. _____

STATEMENT OF DEFENDANT'S
RIGHTS AT DEFERRED
PROSECUTION HEARING

CHARGE(S): _____

As a Defendant charged in this Court with violation(s) of law, I understand that I have the following rights:

1. I am presumed innocent of any charge(s) until proven guilty beyond a reasonable doubt;
2. I have the right to a speedy trial by an impartial judge or jury within 60 days of arraignment if I am in custody, and within 90 days of arraignment if I am not in custody;
3. I have the right to a jury trial unless I specifically give up that right in writing;
4. I have the right to see, hear and question all witnesses who testify against me at trial;
5. I have the right at trial to call witnesses on my own behalf, and to have the Court subpoena and order in such witnesses at no prior expense to me;

1 6. I have the right at my trial to testify on my own behalf and I have an equal right to
2 remain silent and not give testimony or present any evidence in my defense; and my silence
3 will not be used against me;

4 7. I have the right to be represented by an attorney of my own choosing, and if I
5 cannot afford an attorney, one will be appointed for me at no prior expense to me;

6 8. If I proceed to trial and am found guilty, I may be allowed to seek suspension of
7 some or all of the fines and jail upon condition of seeking treatment. I may seek treatment
8 from public or private agencies at any time whether or not I am found guilty of the charge(s).

9 9. I know that a Petition for Deferred Prosecution will not be accepted if I sincerely
10 believe that I am innocent of the charge(s) or if I do not believe that I suffer from alcoholism,
11 drug addiction, or a mental health problem;

12 10. I have the right to appeal from any judgment of “Guilty” entered by this Court
13 after a plea of “Not Guilty” or “Not Guilty for the Record” following a trial or hearing
14 thereon, by filing a written Notice of Appeal in this Court within thirty (30) days of
15 judgment, specifying claims errors made by this Court, serving a copy of the Notice of
16 Appeal on the Prosecutor and posting any appeal bond set by this Court.

17
18 A Deferred Prosecution is considered as a prior offense when imposing penalties and
19 suspensions for subsequent offenses of Driving Under the Influence; Physical Control; Vehicular
20 Homicide; and Vehicular Assault occurring within seven (7) years of the date of arrest for the
21 above cause number(s). A person charged with a traffic infraction, misdemeanor or gross
22 misdemeanor is only eligible for a Title 46 Deferred Prosecution once in a lifetime.

23 I hereby stipulate (agree) to the accuracy and admissibility of the police report(s) and any
24 other documents, reports or evidence filed in this case (marked as an exhibit(s) and hereby
25

1 admitted in this cause number), and further stipulate that in the event the Court revokes the
2 Deferred Prosecution status, my guilt or innocence shall be determined by the Court considering
3 only the police report(s) and any other documents, reports and evidence filed in this case at that
4 time the Court accepts my Petition for Deferred Prosecution.

5 I hereby acknowledge that I have read the above statements, understand them, and have no
6 further questions of the Court.

7 Dated this _____ day of _____, 20____.

8
9 _____
10 Defendant's Signature

11
12 _____
13 Attorney for Defendant

14 The foregoing statement was read by or to the Defendant and signed by the Defendant.

15
16 _____
17 Judge/Judge Pro Tem