

**FEDERAL WAY MUNICIPAL COURT
33325 8TH AVE SOUTH, NORTH ENTRANCE
FEDERAL WAY, WA 98003**

CITY OF FEDERAL WAY

Plaintiff,

vs.

Defendant

Case No.: _____

**STATEMENT OF DEFENDANT'S RIGHTS
AT DEFERRED PROSECUTION HEARING**

As a Defendant charged with this Court with violations(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;
6. I have the right at my trial to testify on my own behalf and I have an equal right to remain silent and not give testimony or present any evidence in my defense; and my silence will not be used against me;
7. I have the right to be represented by an attorney of my own choosing, and if I cannot afford an attorney, one will be appointed for me at no prior expense to me;

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

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

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

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

17 I hereby stipulate (agree) to the accuracy and admissibility of the police reports and any other documents,
18 reports or evidence filed in this case (marked as an exhibit(s) and hereby admitted in this cause number),
19 and further stipulate that in the event the Court revokes the Deferred Prosecution status, my guilt or
20 innocence shall be determined by the Court considering only the police report(s) and any other
21 documents, reports and evidence filed in this case at that time the Court accepts my Petition for Deferred
22 Prosecution.

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

Dated this _____ day of _____, 20____.

Defendant's Signature

Attorney for the Defendant

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

Judge