

IN THE SUPERIOR COURT FOR ISLAND COUNTY, WASHINGTON

STATE OF WASHINGTON,
Plaintiff,

VS.

NO.

Defendant.

**DRUG COURT ORDER OF TERMS AND CONDITIONS
CLERK'S ACTION REQUIRED (Sec. V)**

I. Mandatory Conditions Of Drug Court

The defendant agrees to comply with the following terms and conditions: (initial each condition)

- 1. The defendant will appear in court on all scheduled dates.
- 2. The defendant will not consume alcohol or any controlled substance.
- 3. The defendant will tell the truth in all court proceedings, court documents, and treatment sessions.
- 4. The defendant will agree to complete any diagnostic evaluation required.
- 5. The defendant will contact _____ (case manager/treatment provider) as directed.
- 6. The defendant will follow the treatment plan as developed by his/her treatment provider.
- 7. The defendant will obey all laws, and understands that if he/she engages in any criminal act, he/she may be prosecuted for any new charge and the new charge may be the basis for termination from Drug Court.
- 8. The defendant will not knowingly associate with persons using or possessing controlled substances.
- 9. The defendant will not knowingly live with a convicted felon, unless approved by his treatment provider.
- 10. The defendant will tell the treatment provider and the Drug Court Coordinator before he/she moves, changes or disconnects his/her telephone number, or changes his/her employment.
- 11. The defendant will submit to random physiological testing for controlled substances as directed. If the defendant misses a test or refuses to submit to a test, it will count as a positive (dirty) test.
- 12. The defendant will submit to PBT breath alcohol testing by police at the direction of Drug Court Coordinator at any time.
- 13. The defendant must be employed or actively seeking employment, or in school, or pursuing a GED.
- 14. The defendant will attend self-help meetings such as Narcotics Anonymous (NA) or Alcoholics Anonymous (AA) as directed.
- 15. The defendant understands that Drug Court will last at least 24 months. The Court, on the advice of the treatment provider, prosecutor, and Drug Court Coordinator, or at the request of the defendant, can extend this time period.
- 16. The defendant will pay restitution as set forth below, prior to the completion of the program.
- 17. The defendant will complete _____ community service hours.
- 18. The defendant will agree to sign any and all releases necessary to monitor his/her progress in Drug Court.
- 19. The defendant agrees to pay a \$500 administrative fee, \$200 of which must be paid within 14 days of this Order. The balance of which must be paid before completion. Failure to pay may result in termination or other sanctions. The Defendant acknowledges that if he/she were convicted, he/she would likely be ordered to pay \$1,127 in costs and fees, and, in the case of drug crimes, a mandatory \$1,000 fine.

20. The defendant understands that he/she must complete Phase I, II, and III, all of which have been explained to him/her, and perform any community service hours ordered and pay restitution before he/she can graduate from the drug court program.

II. Rights of the Defendant

The defendant understands that: (initial each right)

- 1. The defendant can talk to a lawyer at any time, and if he/she cannot afford a lawyer, he/she can ask the Court to appoint a lawyer to give him/her legal advice.
- 2. The defendant may, within 14 days of the entry of this order, “opt out” or withdraw from the Drug Court Program and have this order vacated and all of his/her constitutional rights restored.
- 3. After 14 days after entry of this order, the defendant can quit Drug Court at any time, but that if he/she does so, the judge will review the stipulated documentary evidence and will most likely find him/her guilty and proceed to disposition or sentencing on the crime(s) charged.
- 4. If he/she quits Drug Court, or is terminated from Drug Court, anything he/she has said concerning his/her drug use while in Drug Court cannot be used against him/her in court.
- 5. The defendant will not be required to provide information about other people involved in illegal drug activity as a condition to remaining in Drug Court.

III. Sanctions

The defendant acknowledges that if he/she fails to comply with any of the terms and conditions described above, the judge may impose sanctions, which may include: (initial each sanction)

- 1. Additional community service.
- 2. A period of incarceration as determined by the judge.
- 3. An increase in counseling sessions, meetings, and/or drug testing.
- 4. Electronic monitoring.
- 5. Admission into a certified inpatient treatment facility per recommendations of treatment provider.
- 6. Extension of Drug Court completion date.
- 7. Termination from Drug Court and conviction and sentencing on original charges.
- 8. Other sanctions at the discretion of the judge.

ACKNOWLEDGEMENT

I HAVE READ (OR HAVE HAD READ TO ME) THE ABOVE CONDITIONS, RIGHTS, AND SANCTIONS. MY LAWYER HAS EXPLAINED TO ME, AND I UNDERSTAND THAT I MUST ABIDE BY ALL OF THESE CONDITIONS TO PARTICIPATE IN THE DRUG COURT. I ALSO CERTIFY THAT I HAVE NEVER BEEN INVOLUNTARILY TERMINATED FROM A SIMILAR PROGRAM SUCH AS A DRUG COURT OR DEFERRED PROSECUTION UNDER RCW 10.05.

Participant's Signature

Date

IV. State's Obligation

The State of Washington, by and through the Island County Prosecuting Attorney, or his deputy, agrees that:

1. While in Drug Court, the prosecution of the criminal case(s) pending will be stayed or placed on hold; and,
2. If the defendant successfully completes Drug Court, the charges pending in this case will be

1 [] dismissed with prejudice
2 [] amended to _____, and guilt or innocence will be determined by the judge based
3 upon the agreed documentary evidence.

4

5 **V. Order Of Continuance And Assessment Of Costs**

6 The Court, having considered the stipulations above, the Agreed Motion For Entry Into Drug Court, the
7 determination by the State that the defendant meets the screening criteria to participate in Drug Court, and the
8 substance abuse/chemical dependency evaluation of the defendant, and finding that there is good cause to
9 continue the matter subject to the defendant's completion of the Drug Court program NOW THEREFORE:

10 IT IS HEREBY ORDERED THAT trial in this matter shall be continued for a period of 24 months, and
11 further prosecution of the matter shall be stayed until further order of this Court.

12 IT IS FURTHER ORDERED THAT the Clerk shall accept and account for the following costs, which the
13 defendant has agreed to pay prior to the final review and disposition hearing:

14 **JASS CODE**

15 **RTN/RJN** \$_____ Restitution to: _____
16 **PUB** \$_____ Restitution to: _____
17 **DCT** \$_____ Fees for court appointed attorney
18 \$_____ Drug Court Administrative Fee Revenue Code _____
19 \$_____ TOTAL

20 [] The financial obligations imposed in this judgment shall bear interest from the date of the judgment until
21 payment in full, at the rate applicable to civil judgments. RCW 10.82.090.
22 [] The Court waives interest on all LFOs except restitution. RCW 10.82.090.

23 IT IS FURTHER ORDERED THAT the defendant will comply with each of the terms and conditions
24 outlined above, or risk imposition of penalties and sanctions.

25 JUDGE/COMMISSIONER

26 Date

27 Approved for Entry:
28 GREGORY M. BANKS
29 ISLAND COUNTY PROSECUTING ATTORNEY

30 I have read and discussed this statement with the
31 defendant and believe that the defendant is competent
32 and fully understands the statement.

33 By: _____

34 DEPUTY PROSECUTING ATTORNEY
35 WSBA # , OIN 91047

36 Counsel for Defendant, WSBA #