

**District Court of Washington for the
County of Thurston**

No.

Additional Case Numbers with LEA:

Plaintiff,

VS.

Defendant.

Declaration of Defendant

COMES NOW the Defendant, having first been fully advised by counsel, and in consideration for entry into the "Friendship" Diversion Program, make the following Declaration:

1. I am requesting that the Thurston County Prosecuting Attorney's Office and this Court permit me to enter into the Thurston County "Friendship" Diversion Program which, if I successfully complete the program, will result in dismissal of the pending charge(s) against me in this case; amendment of the pending charges and a finding of guilt being entered to the charge of :

2. I understand that "successful completion" of this program means that I strictly comply with all program requirements as directed by the administrating agency, "Friendship," which includes: reporting to the agency within five (5) days of entering into this contract in court; enroll and/or set up a payment plan to enroll in diversion within forty-five (45) days of entering into this contract in court; immediately notify the Court and Friendship in person or in writing of any change of residence or mailing address and telephone number; paying administrative costs/assessments; having no criminal law violations during the period of diversion; paying full restitution for damage arising from this case and as determined by "Friendship"; and completing community service hours as directed by diversion.

Friendship Diversion is located at 2415 Evergreen Park Drive SW #C, Olympia, WA 98502.
Friendship Diversion's phone number is (360) 357-8021.

3. I understand that if I fail to successfully comply with this agreement, I will be removed from the diversion program, and the Thurston County Prosecuting Attorney's Office will recommence prosecution of this case against me;
4. If I fail to successfully complete diversion and prosecution is recommenced, I stipulate that the prosecuting attorney's office may submit to this Court copies of all materials which make up the law enforcement/investigating agency's reports on which this prosecution is based;

CASE NUMBER:

5. I stipulate that this Court may determine my guilt or innocence for the charge(s) presently filed against me in this matter based solely upon the law enforcement/investigating agency's reports on which this prosecution was based, and I stipulate that the facts contained within the investigation reports are sufficient for a trier of fact to find me guilty of the charge(s) presently filed against me in this matter; I stipulate that any statements which I have provided to law enforcement, the investigating agency, and/or the Thurston County Prosecuting Attorney's Office relating to this matter are admissible for this Court to consider at the time it determines my guilt or innocence as described above, and I waive any and all objections I may have to the admission of such statement(s) for the Court's consideration;
6. I understand that, by this process, I am giving up the following constitutional rights: the right to a jury trial; the right to a speedy and public trial by an impartial jury in the county where the crime(s) is alleged to have been committed; the right to hear and question witnesses who testify against me; the right to call witnesses in my own behalf and at no expense to me; the right to testify or not to testify; the right to appeal a determination of guilty after trial; and the presumption of my innocence until the charge(s) have been proven beyond a reasonable doubt or I enter a plea(s) of guilty;
7. I understand that the crime(s) with which I am charged have a maximum sentence of _____ days imprisonment and a \$_____ fine. The mandatory minimum for this offense is _____ days and \$_____ in fines, based on the prosecuting attorney's understanding of my criminal history. This mandatory minimum may increase should I be later convicted of other crimes prior to my sentencing in this case should I fail to successfully complete diversion.
8. The Defendant understands, if s/he is later convicted of the present charge(s), s/he will be prohibited from possessing, owning, or having under my control any firearm unless my right to do so is restored by a court of record.
9. The Defendant agrees to strictly comply with all provisions of any court order entered in this case or any other case prohibiting contact.
10. The Defendant shall successfully complete a state-certified:
Domestic Violence Perpetrator evaluation and any follow up treatment and file written proof thereof with Friendship. Treatment or evaluation by Bill Notarfrancisco will not satisfy the requirements of this condition.
Chemical Dependency evaluation and follow up with treatment and file written proof with Friendship.
Mental Health evaluation and follow up with treatment and file written proof with Friendship.
11. The Defendant shall not possess a firearm or other dangerous weapon for the duration of this agreement.
12. The duration of this agreement is for _____ months.
13. By my signature below I waive any and all defenses to the commission of the charge(s) filed against me.

14. I also agree to:

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Signed in Olympia, Washington, on _____.

DEFENDANT

WITNESSED AND APPROVED FOR
PRESENTATION:

By: _____

Attorney for Defendant WSBA #

By: _____

Prosecuting Attorney WSBA #

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**Waiver of Time for Trial Under
CrRLJ3.3**

I have been advised by my attorney or by the court that:

- 1) I have a right to a speedy trial which, under Rule 3.3 of Criminal Rules for Courts of Limited Jurisdiction, is a trial within sixty (60) days from the date of arraignment in court if I am being held in custody, or within ninety (90) days from the date of my arraignment in court if I have obtained pretrial release from custody
- 2) I may waive such right to speedy trial by signing this waiver so long as I do so voluntarily;
- 3) THIS WAIVER IS VALID THROUGH _____ AND CONTINUING IN NATURE, UNLESS REVOKED IN WRITING; IT IS NOT LIMITED BY TRIAL DATES CONTEMPORANEOUSLY OR SUBSEQUENTLY SET.
- 4) If this waiver is revoked in writing, I will be tried within sixty (60) days of the date that the court and state are served with notice of the revocation if I am being held in custody, or within ninety (90) days from the date that the court and the state are served with notice of the revocation if I have obtained pretrial release from custody.

With that advice in mind, and understood by me, I HEREBY WAIVE MY RIGHT TO SPEEDY TRIAL as described above and acknowledge that I do so freely and voluntarily without force or threats of any kind whatsoever.

DATED: _____

Defendant

Attorney for Defendant, WSBA # _____

APPROVED:

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**Stipulation and Order for
Continuance of Trial
RE: Diversion**

I. STIPULATED MOTION

Plaintiff and defendant, by stipulation and by and through counsel, move for entry of an ORDER continuing the date set for trial in this matter. This MOTION is made upon the following representations:

1. Current trial date: Week of _____
2. Number of prior continuances: _____
3. Reason(s) for continuance: The parties have agreed to refer this matter to the "Friendship" Diversion Program for so long as the defendant complies with the conditions of that program.
4. A waiver of speedy trial has been filed and that waiver is in effect while the defendant is in the Diversion Program.
5. Defendant's signature: _____

Defendant Address: _____

Stipulated to and presented by:

Attorney for Defendant

WSBA #

II. ORDER

IT IS HEREBY ORDERED that the DATE OF THE TRIAL of this matter shall be STRICKEN and this matter shall be continued until the defendant completes the pretrial Diversion Program or is terminated from the program.

DATED: _____