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APPENDIX B

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR SAN JUAN COUNTY

STATE OF WASHINGTON,

Plaintiff,

No.

v.

Defendant.

DRUG COURT TERMS AND
CONDITIONS AND
STIPULATED ORDER OF
CONTINUANCE

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 marijuana or any mind-altering, mood-altering, or psychoactive substance, or any controlled substance, except in limited circumstances in accordance with a doctor's prescription and with approval of the Drug Court Case Manager and the defendant's treatment provider.
- ___ 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 agree to complete HIV/AIDS screening with the San Juan County Health Department.
- ___ 6. The defendant will contact the Drug Court Case Manager, Brad Fincher, and his/her treatment provider, as directed.
- ___ 7. If the defendant is required to complete inpatient treatment and defendant leaves treatment for any reason other than successful completion, he or she will contact the Drug Court Case Manager the next business day. If the defendant fails to contact the Drug Court Case Manager, a warrant shall issue for his/her arrest.
- ___ 8. The defendant will follow the treatment plan as developed by his/her treatment provider.
- ___ 9. The defendant is responsible for paying the cost of treatment, including urinary analysis, if such cost is not covered by insurance or state or federal funding.
- ___ 10. 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.
- ___ 11. The defendant will not knowingly associate with persons known to use or possess controlled substances.
- ___ 12. The defendant will not knowingly live with a convicted felon, unless approved by the drug court team.

APPENDIX B

- 1 _____ 13. The defendant will tell the treatment provider and the Drug Court Case Manager before he/she
moves, changes or disconnects his/her telephone number, or changes his/her employment.
- 2 _____ 14. The defendant will submit to random physiological testing for controlled substances and alcohol
as directed. If the defendant misses or refuses a test, or if the results of the test return as dilute,
the test will be presumed positive.
- 3 _____ 15. The defendant will submit to breath alcohol testing by police at the direction of Drug Court Case
Manager or treatment provider or law enforcement at any time.
- 4 _____ 16. If recommended by the Case Manager, the defendant must be employed or actively seeking
employment, or in school or job training, or pursuing a GED upon entry into phase 2 of the
5 program.
- 6 _____ 17. The defendant will attend community-based self-help meetings, including but not limited to
Narcotics Anonymous (NA) or Alcoholics Anonymous (AA) as directed.
- 7 _____ 18. The defendant will complete a self-directed, online living skills class as directed by the Case
Manager.
- 8 _____ 19. The defendant will complete the empowerment class and an individual empowerment plan as
directed by the Case Manager.
- 9 _____ 20. The defendant will complete a financial literacy class as directed by the Case Manager and
create a budget.
- 10 _____ 21. The defendant understands that Drug Court will last approximately 24 months. The Court, on
the advice of the treatment provider, prosecutor, and Drug Court Case Manager, or at the request
of the defendant, can extend this time period.
- 11 _____ 22. The defendant will pay restitution as set forth below, prior to the completion of the program.
- 12 _____ 23. The defendant will agree to sign any and all releases necessary to monitor his/her progress in
Drug Court.
- 13 _____ 24. The Defendant agrees to pay a \$500 Drug Court administrative fee, which can be converted to
service with the San Juan County Sheriff's Work Crew or community service at the rate of
14 Washington Minimum Wage. Payment or service must begin upon entry into Phase II and be
completed prior to graduation.
- 15 _____ 25. The defendant understands that he/she must complete Phase I, II, III and IV, all of which have
been explained to him/her, and pay the fee or complete the equivalent service, perform any
16 community service hours ordered, and pay restitution before he/she can graduate from the drug
court program.
- 17 _____ 26. During the 14-day opt-out period set forth below and prior to the entry of the Stipulation for
Bench Trial on Agreed Documentary Evidence for Drug Court, the State may withdraw its
18 agreement for the defendant's participation in Drug Court at its sole discretion and without the
need to move to terminate the defendant from Drug Court.

19 **Rights of the Defendant**

20 The defendant understands that: (initial each right)

- 21 _____ 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.
- 22 _____ 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.
23 However, the defendant's speedy trial waiver shall remain in effect and shall not be vacated.
- 24 _____ 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 sentencing on the crime(s) charged.
- 25 _____ 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.

1 _____ 5. The defendant will not be required to provide information about other people involved in illegal
2 drug activity as a condition to remaining in Drug Court.

3 **Sanctions**

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

- 7 _____ 1. Community service.
- 8 _____ 2. A period of incarceration as determined by the judge.
- 9 _____ 3. An increase in counseling sessions, meetings, and/or drug testing.
- 10 _____ 4. Electronic monitoring.
- 11 _____ 5. Use of devices that monitor consumption of alcohol and/or drugs.
- 12 _____ 6. Admission into a certified inpatient treatment facility per recommendations of treatment
13 provider.
- 14 _____ 7. Extension of Drug Court completion date.
- 15 _____ 8. Termination from Drug Court and conviction and sentencing on original charges.
- 16 _____ 9. Other sanctions at the discretion of the judge.

17 **ACKNOWLEDGEMENT**

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

24 _____
25 Defendant/Participant's Signature Date

State's Obligation

The State of Washington, by and through the San Juan 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
[] dismissed with prejudice
[] amended to _____, and guilt or innocence will be determined by the judge based upon the agreed documentary evidence.

SAN JUAN COUNTY PROSECUTING ATTORNEY

By: _____ Date _____
Deputy Prosecuting Attorney, WSBA #

1 **ORDER OF CONTINUANCE AND ASSESSMENT OF COSTS**

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

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

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

11 ODY CODE

12 3801 \$ _____ Restitution, to:

13 _____
(Name and Address--address may be withheld and provided confidentially to
14 Clerk's Office).

15 \$ _____ Restitution, to:

16 _____
(Name and Address--address may be withheld and provided confidentially to
17 Clerk's Office).

18 3225 \$ _____ Fees for court appointed attorney

19 3217 \$ \$500.00 Drug Court Administrative Fee

20 \$ _____ TOTAL

21 Restitution shall bear interest at the rate applicable of civil judgments. RCW 10.82.090.

22 The Drug Court Administrative Fee may be converted to service with the SJC Sheriff Work Crew
23 or community service at the rate of the Washington minimum wage.

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

Dated: _____

JUDGE/COMMISSIONER

Approved for Entry:
RANDALL K. GAYLORD
SAN JUAN COUNTY PROSECUTING
ATTORNEY

I have read and discussed this document with the
defendant and believe that the defendant is
competent and fully understands the conditions,
stipulation and other terms contained herein.

By:
Deputy Prosecuting Attorney, WSBA #

Counsel for Defendant, WSBA #