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**IN THE DISTRICT COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF WHITMAN**

STATE OF WASHINGTON,

Plaintiff,

v.

\_\_\_\_\_ ,

Defendant.

Case No. \_\_\_\_\_

**DEFENDANT'S PETITION, CONTRACT,  
NOTICE OF RESPONSIBILITIES AND  
ORDER OF ADMISSION TO WHITMAN  
COUNTY COMMUNITY COURT**

The defendant petitions the court for entry into the Whitman County Community Court by entering this contract, and states as follows (*petitioner must initial each paragraph*):

\_\_\_\_ 1. My true name is set forth above. I am \_\_\_\_ years of age and I have completed the \_\_\_\_ grade in school.

\_\_\_\_ 2. I understand I am charged with the offense(s) of: \_\_\_\_\_  
\_\_\_\_\_ and the maximum penalty for each offense is:  
\_\_\_\_\_.

\_\_\_\_ 3. I allege that the wrongful conduct charged is the result of or caused by:  
 DRUG ADDICTION     MENTAL HEALTH CONDITION  
for which I need treatment.

\_\_\_\_ 4. Unless I receive treatment for my problem, the probability of future reoccurrence is great.

\_\_\_\_ 5. An evaluation for Mental Problems and/or Substance Use Disorder, and detailed Treatment Plan for said issues, have been filed with this Petition.

1 **ACKNOWLEDGEMENT OF RIGHTS**

2 \_\_\_\_\_ 6. By signing this document, I am stating that I understand and acknowledge that I have  
3 the following rights, which the court has advised me of:  
4 (a) to have a lawyer represent me at all hearings;  
5 (b) to have a lawyer appointed at public expense if I cannot afford one;  
6 (c) to a speedy, public jury trial;  
7 (d) to appeal any conviction;  
8 (e) to remain silent and not testify;  
9 (f) to question witnesses who testify against me;  
10 (g) to call witnesses to testify for me, at no cost;  
11 (h) to be presumed innocent unless the charge(s) against me is/are proven beyond  
12 a reasonable doubt, and;  
13 (i) to present evidence in my own defense.

14 \_\_\_\_\_ 7. By Petitioning for entry into the Community Court program and signing and entering  
15 into this Contract, I understand that I specifically give up my rights to:  
16 (a) a speedy trial;  
17 (b) a jury;  
18 (c) testify;  
19 (d) question witnesses;  
20 (e) call witnesses, and;  
21 (f) present evidence in my own defense.

22 \_\_\_\_\_ 8. I understand that if I proceed to trial and am found guilty, I may be allowed to seek  
23 suspension of some or all of the fines or incarceration (jail sentence) that may be  
24 ordered, upon the condition that I seek treatment for the problems alleged in this  
25 Petition.

\_\_\_\_\_ 9. I understand that I may seek treatment from public and private agencies at any time  
without regard to whether or not I am found guilty or granted entry into the Community  
Court program.

\_\_\_\_\_ 10. I understand that the Court will not grant a Petition for Entry into Community Court  
from a person who sincerely believes he/she is innocent of the offense(s) charged or  
does not in fact, suffer from the problems alleged in this Petition.

\_\_\_\_\_ 11. I sincerely believe that I suffer from the problems alleged in this petition.

1 **PARTICIPANT'S RESPONSIBILITIES AND AGREEMENTS**

2  
3 \_\_\_\_\_ 12. I agree to attend all court sessions as ordered by physically attending in-person, which  
4 will not be less than twice per month, unless otherwise approved by the Court.

5 \_\_\_\_\_ 13. I agree to appear on time at all appointments and for all court sessions.

6 \_\_\_\_\_ 14. I agree to contact the Community Court Coordinator as directed.

7 \_\_\_\_\_ 15. I agree to follow the treatment plan as developed by the Treatment Provider. I will be  
8 responsible for payment of my treatment program, either through my own funds,  
9 insurance, or other assistance programs, and I understand that it is my responsibility,  
10 not the court's, to pay for my treatment. I am able to meet this obligation. If I become  
11 unable to pay for the treatment program and any UA's (or similar tests), and cannot  
12 find other sources of funding, I will be terminated from Community Court.

13 \_\_\_\_\_ 16. I agree to fully participate in any and all treatment and in all other programs to which  
14 I am referred by the Court or the Community Court coordinator to help maintain my  
15 mental health or sobriety and obtain a law-abiding lifestyle. I understand that a failure  
16 to appear for a court date or any other breach of this agreement may result in an  
17 immediate bench warrant and termination from the Community Court program.

18 \_\_\_\_\_ 17. I agree to obey all laws and I understand that if I engage in any criminal act, I may be  
19 prosecuted for any new charge(s) and terminated from Community Court.

20 \_\_\_\_\_ 18. I understand there may be court costs imposed commensurate with my ability to pay,  
21 \$25.00 per month while I am in Community Court. Depending on my income level,  
22 there may be additional costs that I will be required to pay. I will pay all fees, costs  
23 and restitution on a schedule as directed by the Community Court Judge and that I  
24 must pay all assessed fees, costs and restitution in order to graduate from the  
25 program.

\_\_\_\_\_ 19. I understand that I owe restitution as follows:

Amount: \_\_\_\_\_

To: \_\_\_\_\_

\_\_\_\_\_ 20. I agree to tell my Treatment Provider and the Community Court before I move or  
change my telephone number or disconnect my telephone. If my phone is  
disconnected by outside sources, I must notify my Treatment Provider within 24  
hours of being disconnected.

1 \_\_\_\_\_ 21. I understand that I must be employed, actively seeking employment, in school, or  
2 pursuing a GED, as required by the Community Court Judge and I agree to inform  
3 the Community Court and my treatment provider within 48 hours of any change in  
4 my employment.

5 \_\_\_\_\_ 22. I agree to submit urine samples (or other samples such as blood, breath, or hair) for  
6 testing upon request by the Community Court Coordinator, or my Treatment  
7 Provider.

8 \_\_\_\_\_ 23. I agree that the Community Court may rely on the chemical test results obtained in  
9 the manner that has been approved by the Community Court. If I dispute the results  
10 of the chemical test, I may request a further confirming test at my own expense,  
11 however, if the confirming test is positive, I may be terminated from the program  
12 based on my failure to be honest with the court about my drug use. I understand that  
13 any attempt to falsify a test is grounds for immediate termination from the program  
14 and prosecution on the underlying criminal charges. I understand and agree that a  
15 missed test will be considered a positive test for drugs.

16 \_\_\_\_\_ 24. I agree to sign any and all releases necessary to monitor my progress in the  
17 Community Court Program. I understand that I must complete all Phases of my  
18 treatment program, before I can graduate from the Program.

19 \_\_\_\_\_ 25. I agree to sign a consent form waiving confidentiality of medical, treatment, or social  
20 service records. If I withdraw consent, I understand that I will be terminated from  
21 the Community Court Program. I agree and understand that all court sessions are  
22 open to the public and that my case and any and all medical/treatment/social service  
23 records may be discussed in public.

### 24 COMMUNITY COURT PROCEDURE

25 \_\_\_\_\_ 26. I understand that Community Court shall be no shorter than 12 months and no longer  
than 24 months, and in the case of entry based upon a Substance Use Disorder there  
must be complete abstinence from non-prescribed controlled substances for not less  
than 6 months prior to dismissal. I further understand and agree that the length of the  
program may be extended to allow me additional time to successfully complete the  
program requirements.

I understand that before I can graduate, I will have to:

- (a) attend all court sessions, as ordered;
- (b) achieve the goals of the Treatment Plan, which is attached to this Petition;
- (c) be in the program for not less than 12 months;

- (d) pay a \$25 per month participation fee if the participant has the ability to pay. The participant WILL pay any other costs or fees ordered by the court and pay full restitution to any victim;
- (e) where possible, have received my high school diploma or GED, and;
- (f) have suitable, regular employment, or be in vocational school or training, or suitable substitute.

\_\_\_\_ 27. If my Petition is based in part on substance use disorder, I will be required to:

- (a) attend at least 2 (two) self-help meetings per week and have a sponsor for the duration of the Community Court program.
- (b) remain free from **alcohol, all non-prescribed controlled substances, and marijuana (THC)** for at least the last six months prior to dismissal;

\_\_\_\_ 28. I understand that if I fail or neglect to comply with any part of my treatment plan, or with any of the terms of the Community Court Program, then the court will hold a hearing to determine whether I should be removed from Community Court. After the hearing, the Court will either order that I continue in the Community Court program, or be removed from the Program and enter judgment.

\_\_\_\_ 29. I understand that if I fail to follow the terms of this agreement, the Community Court Judge may impose sanctions on me which can include, but are not limited to:

- (a) Community service;
- (b) A period of incarceration in the County Jail;
- (c) Work crew;
- (d) A period of time observing court proceedings;
- (e) Increased supervision and treatment requirements, such as extra treatment sessions, extra 12-Step meetings, and residential treatment;
- (f) Termination from the Community Court Program;
- (g) Other sanctions at the discretion of the Community Court Judge.

\_\_\_\_ 30. If I am revoked from the Community Court Program, the case will be submitted on the record and the Judge will only consider evidence presented by the Prosecutor. I understand this includes but is not limited to police reports, audio and/or video recordings, stipulations and scientific tests. I understand it is very likely I will be found guilty as the only evidence presented will be that given by the prosecutor. The Judge will review the evidence submitted to determine whether I am guilty of the underlying offense and **that it is very likely I will be found guilty**. I stipulate to the accuracy, admissibility and sufficiency of the facts in the evidence as described above. As stated above, I waive the following constitutional rights: my right to a jury trial, my right to hear and question witnesses, my right to call witnesses on my behalf, my right to cross-examine the state's witnesses, my right to present evidence on my behalf, and my right

1 to testify at a trial. Further, I waive my right to a speedy trial and agree to a new  
2 commencement date 30 days after the date of removal from WCCC if removal should  
3 happen.

4 \_\_\_\_\_ 31. I understand I have the right to a pre-trial hearing to determine the admissibility of any  
5 statements made by me in this case. At that hearing I would have the right to offer  
6 evidence and confront witnesses with respect to any such statements and the right to  
7 testify at such a hearing without waiving my right to testify at trial. I understand that,  
8 by this agreement, I am giving up my right to a hearing on the admissibility of any  
9 statements and am stipulating to the admissibility of any such statements and agreeing  
10 that the Judge may consider those statements in deciding my guilt or innocence.

11 \_\_\_\_\_ 32. I understand I have the right to a pre-trial hearing to determine the validity of any  
12 search or seizure in this case. I understand that, by this agreement, I am giving up my  
13 right to contest the validity of any search or seizure and agreeing that the Judge may  
14 consider any evidence seized in determining my guilt or innocence.

15 \_\_\_\_\_ 33. If I am found guilty, I understand that I may be sentenced to the maximum penalty  
16 allowed by law.

17 \_\_\_\_\_ 34. Upon my compliance with the terms of the Community Court program, and successful  
18 graduation from Community Court, the prosecutor will move to dismiss the pending  
19 charges in this matter with prejudice.

20 \_\_\_\_\_ 35. I will comply with all terms in the terms and conditions of the Whitman County  
21 Community Court. I understand that includes everything in this petition, the Whitman  
22 County Community Court policies and procedures and the Whitman County  
23 Community Court Handbook. I have received all of these materials and reviewed them.

24 I certify under penalty of perjury under the laws of the State of Washington that I have read  
25 the foregoing and agree with and stipulate to all of the above provisions and that all statements made  
are true and correct.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
PETITIONER/DEFENDANT

Approved for Entry:

Reviewed by:

