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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

NO.

Plaintiff,

**DRUG DIVERSION COURT
WAIVER AND AGREEMENT
POST-DISPOSITION**

vs.

Defendant.

Clerk's Action Required (DCWA)

CCN:

**DRUG DIVERSION COURT WAIVER OF RIGHTS
AND AGREEMENT OF THE PARTIES**

1. I have been informed and fully understand that I give up important rights as part of the statement of defendant on plea of guilty in the above cause number and that this waiver and agreement incorporates by reference, the plea, the plea agreement, and the State's recommendation under this cause. I understand and further agree to give up the following important rights by entering Drug Diversion Court:

(A) The right to speedy sentencing; and

(B) The right to a full contempt hearing under RCW 7.21.040 in relation to sanctions.

2. I understand that the fact I may have been sanctioned for violations will not be considered double jeopardy.

3. I have been informed and fully understand that I have the right to representation by a lawyer and if I cannot afford to pay for a lawyer, one will be provided at no expense to me.

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- 2 4. I agree to complete the treatment program as ordered by the Court.
- 3 5. I agree to sign a waiver allowing the treatment provider to release treatment
- 4 information to the Court, defense counsel, the prosecuting attorney, and Drug
- 5 Diversion Court Services staff. This information shall be used only to monitor
- 6 compliance in this case and for no other purpose.
- 7 6. I agree that as part of Drug Diversion Court procedure, that prior to hearings the
- 8 judge will meet regularly with a group consisting of my attorney, the prosecutor, law
- 9 enforcement, treatment staff and case managers to discuss my case. I will not be
- 10 present during these meetings, they will not be recorded, and they will not be open to
- 11 the public. The judge will not make any decisions at these meetings and will give me
- 12 the opportunity to provide input at a subsequent hearing before making a decision in
- 13 my case.
- 14 7. I understand and agree that I am responsible for obtaining a Participant Handbook
- 15 from the Court and for knowing all of the rules and procedures contained in it.
- 16 Written notice of any amendments will be posted in the courtroom. I am responsible
- 17 for knowing those amendments. I am expected to be familiar with the King County
- 18 Drug Diversion Court Policy and Procedures Manual and any appendices posted.
- 19 The King County Drug Diversion Court Policy and Procedures Manual and
- 20 Appendices are available in the Drug Diversion Court courtrooms or on the King
- 21 County Drug Diversion Court website. The website address is:
- 22 [https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/courts-drugcourt/drug-](https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/courts-drugcourt/drug-court)
- 23 [court](https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/courts-drugcourt/drug-court)
- 24 8. I agree that I will not knowingly associate with any person possessing or using illegal
- 25 drugs. I also agree that if ordered by the court, I will stay out of specific areas
- 26 associated with drug trafficking.
- 27 9. I understand and agree that I may not possess or use any firearm while I am in Drug
- 28 Diversion Court.
10. I agree that I will not work with any police agency on any criminal cases or on any
- 11 case where I may come into contact with illegal drugs.
- 12 11. I agree that to graduate from Drug Diversion Court I must complete 24 hours of
- 13 community service according to the schedule laid out in the Drug Diversion Court
- 14 Participant Handbook.
- 15 12. I agree that the Court may enter an Order Setting Restitution prior to sentencing, and
- 16 further, that I will pay any and all restitution owed as a result of the crimes
- 17 encompassed in the above cause number(s). If the amount of the restitution was
- 18 determined prior to entering my plea(s), I understand and agree that the Court will
- 19 enter the Order Setting Restitution upon entering this Waiver and Agreement. I

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2 further understand and agree that the Court may not allow me to graduate from Drug
3 Diversion Court unless I have paid the lesser of (a) the restitution amount in full or (b)
4 \$2,000.00 toward restitution. I further understand that my progress in Drug
5 Diversion Court will be affected by my progress in restitution payments. I
6 acknowledge and accept that I may be terminated from Drug Diversion Court if I do
7 not satisfy my restitution obligation in a timely manner, whether the failure to pay is
8 willful or not. I understand that the Court may determine the amount of restitution as
9 provided by statute.

- 10 **No Restitution Owed** **Order Setting Restitution Attached**
11 **Restitution to be Determined Pursuant to the Plea Agreement**

12 13. I understand and agree that any violation of Drug Diversion Court requirements
13 such as positive, dilute, or adulterated urinalysis tests, missed treatment sessions,
14 any failure to abide by the terms of this agreement, or commission of a new
15 crime, may result in modification of the treatment program, imposition of a
16 sanction, revocation of my conditional release, and/or termination from the
17 program.

18 14. I understand and agree that if I do not comply with the conditions of this agreement:

19 (A) A Termination Hearing will be held to determine whether I should be
20 terminated from Drug Diversion Court. If it is found I should be terminated,
21 then my case(s) will proceed to a sentencing hearing.

22 (B) At the sentencing hearing, the Court will consider the plea agreement,
23 recommendation, statement of defendant on plea of guilty and the post-
24 disposition Waiver and Agreement entered under this cause number. If
25 the judge sentences me outside the standard range, either the State or I can
26 appeal the sentence.

27 15. Upon successful completion of Drug Diversion Court, there will be a sentencing
28 hearing and the State will recommend a sentence of credit for time served and no
additional jail time. The State will make this recommendation even if that
recommendation would be considered an exceptional sentence down.

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My lawyer and I have reviewed and discussed all of the above paragraphs 1 through 18. I understand everything contained in these paragraphs and do hereby knowingly give up these rights and enter into this agreement with the State.

DONE IN OPEN COURT this ___ day of _____, 202 .

Deputy Prosecuting Attorney
WSBA #

Attorney for Defendant
WSBA #

Defendant

I am fluent in the _____ language, and I have translated this entire document for the Defendant from English into that language. The Defendant has acknowledged his/her understanding of both the translation and the subject matter of this document. I certify under penalty of Perjury, under the laws of the State of Washington, that the foregoing is true and correct.

Interpreter