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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

ORDER ESTABLISHING PROCEDURES FOR PROCESSING
DEFERRED PROSECUTION PETITIONS IN MISDEMEANOR CASES

In order to establish a procedure for processing deferred prosecution petitions in misdemeanor cases, the Court imposes the following procedures and timetable:

1. Initial Appearance/Arraignment: Those defendants charged with Driving Under the Influence ("DUI"), whether represented by the Federal Public Defender, private counsel, or proceeding pro se, will be provided an application for deferred prosecution packet which will consist of the following standard forms:

1. Petition for Deferred Prosecution Pursuant to RCW 10.05
2. Statement of Petitioner for Deferred Prosecution
3. Defendant's biographical form
4. Notice of intent to petition for deferred prosecution

The Court will enter a plea of "not guilty," and set a trial date. The trial date will normally be set for at least two months after arraignment.

Defendants will be instructed that if they contemplate applying for deferred prosecution, they must immediately contact USPO

ORDER ESTABLISHING PROCEDURES FOR
PROCESSING DEFERRED PROSECUTION
PETITIONS IN MISDEMEANOR CASES - 1

cc: DJ's, Clerk's Mag. Staff, Scatter's Tacoma 5-21-98 ml, USA, FPD Probation, Arraignment, Keweenaw

1 and complete the biographical form so that a prior record
2 verification can be obtained.

3 |2. Within Thirty Days After Arraignment: Defendants intending to
4 petition for deferred prosecution will file "Notice of Intent"
5 form, which will be forwarded to the U.S. Probation Office
6 (Tacoma). The U.S. Probation Office will complete a background
7 check of the defendant and file with the Court (copy to defense
8 and United States Attorney's Office ("USAO")) the information
9 sheet setting out the defendant's prior criminal record,
10 including any previous deferred prosecutions.

11 |3. Within Forty-five (45) Days After Arraignment:

12 a. Defendant files Petition for Deferred Prosecution.

13 b. Court enters order continuing trial date for one month
14 period and noting petition for consideration on original trial
15 date.

16 c. The USAO will file any opposition to the petition no later
17 than three (3) business days prior to the original trial date.

18 |4. Original Trial Date: On the original trial date, the Court will
19 rule on the petition. If petition is granted, new trial date
20 is stricken. If petition is denied, trial occurs on new trial
21 date as set when defendant filed his petition.

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PHILIP K. SWEIGERT
United States Magistrate Judge

DAVID E. WILSON
United States Magistrate Judge

J. KELLEY ARNOLD
United States Magistrate Judge