

# DUI INFORMATION SHEET

## Notice to All Defendants Charged with DUI or Physical Control

You have been charged with driving (or being in actual physical control of) a vehicle while under the influence of intoxicating liquor and/or drugs. These charges are hereafter referred to as "DUI."

You will find the penalties for "DUI" on the following page of this Information Sheet. Please finish reading this page first, though, since you may be eligible for having your DUI prosecution "deferred" and the case ultimately dismissed.

### Deferred Prosecution Information

Even though you have been charged with DUI, you may be eligible to petition (ask) the Court to be placed on a Deferred Prosecution. The Deferred Prosecution program is an alternative to conviction and punishment for those defendants who have an alcohol (or drug or mental health) problem and who will benefit from a treatment program. If you are accepted into and complete a Deferred Prosecution program, you will not be convicted of the offense(s) with which you are currently charged. You will also not be required to serve any jail time or pay a fine. Further, unless you refused to submit to a breath test, you will not lose your license to drive a vehicle as a result of this DUI charge (provided you petition for Deferred Prosecution within 60 days from the date of this incident).

Your DUI charge will be dismissed three years after successful completion of the two year treatment program so long as you do not violate the Court order granting your Deferred Prosecution. You will be required to successfully complete an intensive two year treatment program for your alcohol, drug or mental health problem, and you must arrange to pay the cost of such treatment.

You will in addition be ordered by the Court as part of the Deferred Prosecution to not operate any vehicle for one year, five years, or ten years (depending on the number of prior ignition interlock orders that have been entered against you) unless the vehicle is equipped with a functioning ignition interlock breath alcohol device. Violation of an ignition interlock order is a separate crime.

The Court will not accept a petition for Deferred Prosecution from anyone who sincerely believes that he or she is innocent of the charges herein, or who believes that he or she does not suffer from an alcohol, drug, or mental health problem.

A defendant charged with DUI is not eligible for more than one DUI Deferred Prosecution program in his or her lifetime.

Furthermore, before you are accepted into the Deferred Prosecution program, you will be required to stipulate (admit) to the facts contained in the police reports, including the results of any breath or blood alcohol tests. Those reports will be used to convict you of the offense(s) charged if the Court finds cause to remove you from the Deferred Prosecution program.

You must and will be removed from the Deferred Prosecution program (and be found guilty and sentenced without further trial) if you are convicted of an offense similar to the one with which you are currently charged. You may and probably will be removed from the Deferred Prosecution program (and be found guilty and sentenced without further trial) if you fail to follow and complete the treatment program or otherwise fail to comply with all of the terms of the Court order placing you on the Deferred Prosecution.

Even if you decide not to petition for Deferred Prosecution, and if you are subsequently found guilty of the offense(s) charged, you may still seek suspension of some of the fine or jail sentence on condition that you seek and obtain treatment for your alcohol, drug, or mental problem. Also, you may always seek treatment from public or private agencies at any time without regard to whether or not you are found guilty. In addition, you are advised that if you are found guilty, the Court or Department of Licensing may still require you to enter and complete a treatment program even if you do not petition for Deferred Prosecution.

If you wish to investigate the advisability of petitioning for Deferred Prosecution, tell the Judge when you are arraigned, and you will be referred to a state approved alcohol (or drug or mental health) treatment agency for an evaluation, and your case will be continued (postponed) to allow time for an evaluation to be made. After the evaluation is completed, you can decide whether or not you wish to enter the Deferred Prosecution program, or proceed to trial on the charge(s).