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2
3 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
4 **FOR THE COUNTY OF WASHINGTON**

5 STATE OF OREGON,

6 Plaintiff,

7 vs.

8 Defendant.

No. (DA)

WASHINGTON COUNTY DRUG
ENFORCEMENT MISDEMEANOR
CONDITIONAL DISCHARGE ENTRY
PETITION AND PROBATION
AGREEMENT; STIPULATION OF
FACTS; AND NOTICE OF SENTENCE

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11 1. I am currently charged with the crime of Unlawful Possession of a Controlled Substance
12 constituting a Drug Enforcement Misdemeanor as alleged under:

- 13 ORS 475.752 (3)(a) Unlawful Possession of a Schedule I Controlled Substance
- 14 ORS 475.752 (3)(b) Unlawful Possession of a Schedule II Controlled Substance
- 15 ORS 475.752 (3)(c) Unlawful Possession of a Schedule III Controlled Substance
- 16 ORS 475.752 (3)(d) Unlawful Possession of a Schedule IV Controlled Substance
- 17 ORS 475.814 (2)(a) Unlawful Possession of Hydrocodone
- 18 ORS 475.824 (2)(a) Unlawful Possession of Methadone
- 19 ORS 475.834 (2)(a) Unlawful Possession of Oxycodone
- 20 ORS 475.854 (2)(a) Unlawful Possession of Heroin
- 21 ORS 475.874 (2)(a) Unlawful Possession of 3,4-methylenedioxymethamphetamine
- 22 ORS 475.884 (2)(a) Unlawful Possession of Cocaine
- 23 ORS 475.894 (2)(a) Unlawful Possession of Methamphetamine

2. I understand that the maximum possible sentence for a Drug Enforcement Misdemeanor is up to
180 days in jail.

- 1 3. I am petitioning the Court to enter into a probation agreement pursuant to ORS _____. If the
2 Court accepts this petition, I understand that the Court will defer further proceedings on the
3 charge(s) listed in Paragraph 1 and place me on probation. The terms of the probation shall be
4 defined by this probation agreement.
- 5 4. This probation agreement carries the understanding that if I fulfill the terms of the agreement, the
6 criminal charges filed against me will be dismissed with prejudice.
- 7 5. I understand that if I enter into this probation agreement on the charge(s) listed in Paragraph 1,
8 any other charges against me within the same charging instrument, or as part of a separate
9 charging instrument will continue in the normal course and will not be deferred.
- 10 6. I agree that I am waiving the following rights with respect to each criminal charge listed in
11 Paragraph 1:
- 12 • The right to a speedy trial
 - 13 • The right to trial by jury;
 - 14 • The right to present evidence on my behalf;
 - 15 • The right to confront and cross-examine witnesses against me;
 - 16 • The right to contest evidence presented against the me, including the right to object to
17 hearsay evidence; and
 - 18 • The right to appeal from a judgment of conviction resulting from an adjudication of guilt
19 entered against me, unless the appeal is based on an allegation that the sentence exceeds
20 the maximum allowed by law or constitutes cruel and unusual punishment.
- 21 7. The initial term of probation is **12 months**, subject to early termination by the court. The terms
22 of probation require that I abide by all general conditions of probation listed in ORS 137.540(1).
23 I understand that I must also complete a substance abuse evaluation and successfully engage in

1 any recommended treatment. I understand that I must use a treatment provider that is approved
2 by my supervising officer.

3 8. I understand that the Court may impose sanctions up to a total of 30 days in jail upon finding that
4 I have violated the conditions of probation. Structured and intermediate sanctions as described in
5 ORS 137.593 may be imposed in accordance with the rules adopted under ORS 137.595 when a
6 condition of probation has been violated.

7 9. Entering into this probation agreement does not constitute an admission of guilt and is not
8 sufficient to warrant a finding or adjudication of guilt by a court.

9 10. Upon violation of a term or condition of the probation agreement, the court may resume the
10 criminal proceedings and may find me guilty of the offenses in the accusatory instrument in
11 accordance with the waiver of rights in the probation agreement. If this happens, I understand
12 that I will be terminated from the Washington County Conditional Discharge Program and will
13 be immediately sentenced.

14 11. I understand that I may not contest the sufficiency of the evidence establishing my guilt of the
15 offenses in the accusatory instrument. I further understand that I am stipulating to a waiver of
16 jury trial, to a factual basis that is legally sufficient for a court to find me guilty, and I waive the
17 right to challenge the sufficiency of that finding.

18 12. Upon the conclusion or early termination of the probation period, if the court has received notice
19 from the district attorney or a supervising officer that I have fulfilled the terms and conditions of
20 the probation agreement, the court shall discharge me and dismiss the charge that is the subject
21 of this agreement. Discharge and dismissal under this section shall be without adjudication of
22 guilt and is not a conviction for purposes of this section or for purposes of disqualifications or
23 disabilities imposed by law upon conviction of a crime.

1 13. In the event the period of probation under this agreement expires but the terms and conditions of
2 the probation agreement have not been fulfilled and no probation violation proceeding was
3 initiated prior to the expiration of the period of probation, the court may not discharge the person
4 and dismiss the proceedings against the person. The court shall instead issue an order requiring
5 the person to appear and to show cause why the court should not enter an adjudication of guilt
6 due to my failure to fulfill the terms and conditions of the probation agreement prior to
7 expiration of the period of probation. At the hearing on the order to show cause, after
8 considering any evidence or argument from the district attorney and the person, the court may:
9 (a) order a new period of probation to allow the person to fulfill the terms and conditions of the
10 probation agreement; or (b) terminate me from the probation agreement, enter an adjudication of
11 guilt, and proceed to sentencing.

12 **Stipulation of Facts**

13 14. I am stipulating to the following facts because they are true and knowing that they will be used
14 to find me guilty. I stipulate that the facts as outlined below for each charge are sufficient for a
15 Court to make a finding of guilty for that offense:

16 On [insert date], I knowingly and unlawfully possessed [insert drug].

17 **Notice of Sentence**

18 15. I understand that by making the above stipulations in this document, I have agreed to a waiver of
19 my speedy trial and jury trial rights and I have stipulated to facts that are legally sufficient for a
20 court to making a guilty finding against me for the charge(s) listed in Paragraph 1 of his
21 document.

22 16. I understand that if I am terminated from this Probation Agreement I will receive a sentence of
23 supervised probation of up to 18 months, or, I can elect to serve a jail sentence. If I elect to serve

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a jail sentence instead of supervised probation, the court can impose a sentence of up to 180 days.

Defense Attorney

Defendant