

STATE OF WASHINGTON
KING COUNTY DISTRICT COURT
Division

No.

Stipulated Order of Continuance

vs. _____ Plaintiff,

Defendant.

1. My true name is _____.
2. My age is _____.
3. I went through the _____ grade.
4. ***I Have Been Informed and Fully Understand that:***

- (a) I have the right to representation by a lawyer and if I cannot afford to pay for a lawyer, one will be provided at public expense.
- (b) I am charged with:

Count	Crime	RCW or Ordinance (with subsection)
1.		
2.		
3.		
4.		

In count(s) _____, it is alleged that I committed the offense against another family or household member as defined in RCW 10.99.020.

The elements are:

as set out in the charging document(s).

as follows: _____

The crime with which I am charged carries a maximum sentence of _____ days in jail and a \$ _____ fine.

5. This Stipulated Order of Continuance continues this case for _____ months from the date it is entered. The period of continuance for domestic violence and Driving Under the Influence /Physical Control cases shall not be greater than 60 months; the period of continuance shall not be greater than 24 months in all other cases.
6. ***I Understand that I have the Following Important Rights, and I give them all up by Entering this Stipulated Order of Continuance:***
 - (a) I give up the right to a speedy trial and waive my speedy trial rights for the length of this agreement plus 90 days; my new speedy trial commencement date shall be the end date of this agreement;
 - (b) If the judge determines that I have violated this agreement, I give up the right to contest and object to the evidence presented against me at a future hearing.

- (c) I, as well as the State/City, give up the right to a public trial by an impartial jury in the county where the crime is alleged to have been committed.
- (d) I give up the right to remain silent before and during the trial, and the right to refuse to testify against myself;
- (e) I give up the right at trial to hear and question the witnesses who testify against me;
- (f) I give up the right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me.

7. ***I Understand that I Retain the Following Rights:***

- (a) I have the right to be represented by an attorney of my own choosing, and if I cannot afford one, one will be appointed for me at public expense if I am qualified;
- (b) I am presumed innocent unless my guilt is proven beyond a reasonable doubt at a future hearing; I am not admitting guilt by entering into this agreement;
- (c) I may appeal a future finding of guilt entered after a trial.

8. ***I Agree to Comply with the Following Conditions by the following dates:***

- (a) _____
- (b) _____
- (c) _____
- (d) _____
- (e) _____
- (f) _____
- (g) _____

9. All of the above conditions shall be stated with specificity and shall contain start and completion dates when appropriate.

10. This agreement will be monitored by Compliance Monitoring for _____ months. Pay compliance monitoring fees in the amount of \$_____ per year; or
 This agreement will be monitored by King County Bellevue Probation for _____ months. Pay probation fees as set by Probation Department guidelines; or
 This agreement will be monitored by the City/State; or
 This agreement will be monitored by judicial review.

11. I understand that all fees are due within 30 days of entry of this Stipulated Order of Continuance unless I enter a time pay agreement.

12. **Compliance or Revocation:**

I understand that that, at the end of the time period specified in this agreement, the court may either revoke the agreement absent full and complete compliance with all of the terms of the agreement or may find compliance upon a showing of substantial compliance with the terms of the agreement. If the court finds that I have complied with the terms and conditions set forth above, the State/City must move to:

- 1. Dismiss all charges;
- 2. Dismiss the charge(s) of _____;
- 3. Amend the charge of _____ to the civil infraction of _____ with a penalty of _____.
- 4. Amend the charge of _____ to the criminal charge of _____ with no further sanction imposed.

I understand that the court will hold a trial based upon the stipulated evidence referenced in paragraph 12(b) and that the court will enter a finding of guilty to the amended charge if the evidence supports a conviction for either the original or the amended charge. The

City/State waives its presence at the trial and waives its right to a sentencing hearing on any such amended charge. _____ By initialing here, I (the defendant) waive my presence for the court's determination of my guilt on the amended criminal charge and I waive my right to a sentencing hearing.

(a) I understand that if at any time during the term of this agreement it is alleged that I have failed to comply with any of the terms and conditions set forth above, the court may hold a revocation hearing. At that hearing I will have the right to present evidence on my behalf as to whether I have violated this agreement. I understand that at that hearing the court may either revoke the agreement absent full and complete compliance with all of the terms of the agreement or may find compliance up to that time based upon a showing of substantial compliance with the terms of the agreement.

(b) This Stipulated Order of Continuance and the agreements contained herein is not an admission of guilt. However, if the court revokes this agreement, I agree to submit the above charge(s) on the record. I understand this means that, should I be found at a future hearing to have violated the terms of this agreement, the judge will review the police report(s) for the charge(s) listed in Section 4, including all witness statements and other evidence included in those police reports, as well as other materials specified below. These police reports and other specified materials are identified as follows:

Incident Report #: _____ Police Agency: _____

Number of pages: _____

Including witness statements of: _____

Additional materials and/or evidence is identified as follows:

(c) I understand that the police reports listed above and any other specified materials listed above, for administrative purposes only, may be marked as exhibits. These documents will be filed in the court file but they will not be admitted into evidence at this time.

Should I violate this Stipulated Order of Continuance I hereby waive any objection to their admission into evidence at a future hearing.

(d) I understand that no determination has been made by the judge as to whether this evidence is sufficient to support a finding of guilty. However I also understand and agree that in the event I violate this Stipulated Order of Continuance, the judge will review the evidence listed above, and based only upon this evidence, the judge will decide if I am guilty of the crime(s) listed in Section 4 above.

(e) I understand that if, following revocation of this agreement, I am found guilty:

1. The prosecuting authority may recommend any sentence, up to the maximum.
2. The judge does not have to follow anyone's recommendation as to the sentence. The judge can impose any sentence up to the maximum authorized by law no matter what the prosecuting authority or anyone else recommends.
3. The judge may place me on probation for up to five (5) years if I am sentenced for a domestic violence offense or for Driving Under the Influence/Physical Control, or up to two (2) years for all other offenses. The judge may impose conditions of probation, and if the court orders me to appear at a hearing regarding my compliance with probation and I fail to attend the hearing, the term of probation will be tolled until I appear before the court on the record.
4. In addition to the fees already paid under this Stipulated Order of Continuance, the judge may require me to pay fines, costs, fees and assessments authorized by law. The judge may also order me to make restitution to any victims who lost money or property as a result of crimes I committed. The maximum amount of

restitution is double the amount of the loss of all victims or double the amount of my gain.

5. If I am not a citizen of the United States, a finding of guilty for an offense punishable as a crime under state law may result in my deportation, denial of permission to be lawfully admitted or re-admitted the United States, or denial of naturalization pursuant to the laws of the United States.

13. ***I Understand that, if I am Found Guilty, the Following may Apply to me.*** (If any of the following paragraphs apply upon a finding of guilty, the box should be checked and the paragraph initialed by the defendant).

- (a) The crime of _____ has a mandatory minimum sentence of _____ days in jail and a mandatory minimum fine of \$_____ plus costs and assessments. The law does not allow any reduction of this sentence.
- (b) The crime of prostitution, indecent exposure, permitting prostitution and patronizing a prostitute has a mandatory assessment of \$_____. The court may reduce up to two-thirds of this assessment if the court finds that I am not able to pay the assessment. RCW 9A.88.120.
- (c) Because this crime involves a sexual offense, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.
- (d) My driving license or privilege will be suspended by the Department of Licensing for a minimum period of _____, or longer based upon my record of conviction. This period may not include a suspension or revocation based on other matters.
- (e) I may not possess, own, or have under my control any firearm unless my right to do so is restored by a superior court in Washington State, and by a federal court if required. I must immediately surrender any concealed pistol license. RCW 9.41.040.
- (f) This crime involves a violation of Title 77 RCW, and the Department of Fish and Wildlife may, and in some cases shall, suspend or revoke my privileges.
- (g) This crime involves a drug offense and my eligibility for state and federal education benefits will be affected. 20 U.S.C. § 1091(r).
- (h) A finding of guilty is considered a conviction under RCW 46.25.010 and I will be disqualified from driving a commercial motor vehicle. RCW 46.25.090. I am required to notify the Department of Licensing and my employer of a finding of guilty within 30 days. RCW 46.25.030.
- (i) This case involves Driving While Under the Influence of alcohol and/or being in actual Physical Control of a vehicle while under the influence of alcohol and/or drugs, I have been informed and understand that I will be subject to:
- the penalties described in the "DUI" Attachment.
- OR
- these penalties: The mandatory minimum sentence of _____ days in jail, _____ days of electronic home monitoring and a \$_____ monetary penalty. The court will require me to apply for an ignition interlock driver's license and to drive only with a functioning ignition interlock device or, if the court waives those requirements, to submit to alcohol monitoring for ____ year(s). I may also be required to drive only motor vehicles equipped with an ignition interlock device as imposed by the Department of Licensing and/or the court. My driving privilege will be suspended or revoked by the Department of Licensing for the period of time stated in paragraph 13(c). In lieu of the minimum jail term, the judge may order me to serve _____ days in electronic home monitoring. If I do not have a dwelling, telephone service, or any other necessity to operate electronic home monitoring, if I live out of state, or if the judge determines I

would violate the terms of electronic home monitoring, the judge may waive electronic home monitoring and impose an alternative sentence which may include additional jail time, work crew or work camp.

- [] (j) If this case involves reckless driving and the original charge was driving while under the influence of alcohol and/or being in actual physical control of a vehicle while under the influence of alcohol and/or drugs and I have one or more prior offenses, as defined in RCW 46.61.5055(14), within 7 years; or if the original charge was vehicular homicide (RCW 46.61.520) or vehicular assault (RCW 46.61.522) committed while under the influence of intoxicating liquor or any drug, I have been informed and understand that I will be subject to the penalties for Reckless Driving described in the "DUI" Attachment.
- [] (k) If this case involves negligent driving in the first degree, and I have one or more prior offenses, as defined in RCW 46.61.5055(14), within 7 years, I have been informed and understand that I will be subject to the penalties for Negligent Driving – 1st Degree described in the "DUI" Attachment.
- [] (l) This crime involves sexual misconduct with a minor in the second degree, communication with a minor for immoral purposes, or attempt, solicitation or conspiracy to commit a sex offense, or a kidnapping offense involving a minor, as defined in RCW 9A.44.128. I will, therefore, be required to register with the county sheriff as described in the "Offender Registration" Attachment.
- [] (m) Pursuant to RCW 43.43.754, this crime is an offense which requires sex or kidnapping offender registration, or is one of the following offenses: assault in the fourth degree with sexual motivation, communication with a minor for immoral purposes, custodial sexual misconduct in the second degree, failure to register, harassment, patronizing a prostitute, sexual misconduct with a minor in the second degree, stalking, or violation of a sexual assault protection order granted under chapter 7.90 RCW. I will, therefore, be required to have a biological sample collected for purposes of DNA identification analysis.
- [] (n) **Travel Restrictions:** I will be required to contact my probation officer, the probation director or designee, or the court if there is no probation department, to request permission to travel or transfer to another state if I am placed on probation for one (1) year or more and this crime involves: (i) an offense in which a person has incurred direct or threatened physical or psychological harm; (ii) an offense that involves the use or possession of a firearm; (iii) a second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol; (iv) a sexual offense that requires the offender to register as a sex offender in the sending state. I understand that I will be required to pay an application fee with my travel or transfer request.

- 14. I enter into this Stipulated Order of Continuance freely and voluntarily.
- 15. No person has threatened harm of any kind to me or to any other person to cause me to enter this agreement.
- 16. No person has made promises of any kind to cause me to enter this agreement except as set forth in this agreement.

Date: _____

Defendant

I have read and discussed this agreement with the defendant and believe that the defendant is competent and fully understands the agreement.

Prosecuting Authority

Defendant's Lawyer

Type or Print Name

WSBA No.

Type or Print Name

WSBA No.

The foregoing agreement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that (check the appropriate box):

- (a) The defendant had previously read; or
- (b) The defendant's lawyer had previously read to him or her; or
- (c) An interpreter had previously read to the defendant the entire agreement above and that the defendant understood it in full.

Interpreter Declaration: I am a certified or registered interpreter, or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands. I have translated this document for the defendant from English into that language. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____, on (date) _____.

Interpreter

Print Name

I find the defendant's entry into the Stipulated Order of Continuance to be knowingly, intelligently and voluntarily made. The defendant understands the charges and the consequences of the agreement.

Dated: _____

Judge/Court Commissioner/Pro Tem