

DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR WALLA WALLA COUNTY

STATE OF WASHINGTON,)
)
 Plaintiff,)
)
 vs.)
)
 [REDACTED])
)
 Defendant.)
 _____)

No. [REDACTED]

STIPULATED ORDER OF
CONTINUANCE, WAIVER OF
RIGHTS, AND STATEMENT OF
DEFENDANT ON SUBMITTAL
OR STIPULATION TO FACTS

- 1.1 My true name is _____.
- 1.2 My age is _____.
- 1.3 I went through the _____ grade.
- 1.4 My current address is _____.
- 1.5 My current phone number is _____.
- 1.6 I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:
- (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is [REDACTED].
- (b) Count 1: I am charged with the crime of third degree theft under section 9A.56.050 of the Revised Code of Washington. The elements of this crime are (1) that on or about [REDACTED] 2016, I wrongfully obtained or exerted unauthorized control over, or by color or aid of deception obtained control over, or appropriated lost or misdelivered property or services of [REDACTED] of the value thereof not exceeding \$750 in value; (2) that I

intended to deprive [REDACTED] of the property or services; and (3) that the acts occurred in the County of Walla Walla, State of Washington.

(c) **Count 2:** I am charged with the crime of **Minor in Possession of or Consuming Alcohol**, under section 66.44.270(2)(a), of the Revised Code of Washington. The elements of this crime are: (1) that on or about [REDACTED], 2016, I did possess, consume, or otherwise acquire alcohol; (2) that I was under the age of twenty-one years at the time; and (3) that the acts occurred in the County of Walla Walla, State of Washington.

Waiver of Speedy Trial

I have a right to a speedy trial under article 1, section 22 (amendment 10) of the state constitution and amendment 6 of the constitution of the United States. I also understand that I have the right to a speedy trial within 60 days following the "commencement date" as defined in CrRLJ 3.3(c), on the charge(s) in this case if I am detained in jail or 90 days following the "commencement date" as defined in CrRLJ 3.3(c) on the charge(s) in this case if I am not detained in jail under Rule 3.3 of the Criminal Rules for the Courts of Limited Jurisdiction for the State of Washington.

I understand that I have a right to trial by June [REDACTED] 2016. I hereby knowingly and voluntarily give up my right to a speedy trial on charges in this case and agree to a new commencement date of May [REDACTED], 2017. As a result of this waiver, the last allowable date for trial will be August [REDACTED] 2017.

I understand that I may be tried by the submittal of the materials identified in paragraph 1.11 herein at any time prior to the last allowable date for trial.

1.7 I agree to the deferral of the prosecution of the charge(s) in the above-entitled action on the following conditions with which I must fully comply during the deferral period, which ends on May [REDACTED], 2016:

- (a) [REDACTED] shall commit no similar criminal offenses over the 12-month period of probation;
- (b) [REDACTED] shall pay restitution of \$18.37 to [REDACTED];
- (c) [REDACTED] shall complete a drug and alcohol evaluation and complete any recommended treatment;
- (d) [REDACTED] shall pay an administrative fee in the amount of \$100.00 immediately upon entry of this Order.

1.8 I understand that the charge(s) against me will be dismissed at the end of the deferral if I have fully complied with the conditions set forth in paragraph 1.5 herein.

I agree to show cause at any time prior to [REDACTED], 2017, why I should not be found to have failed to comply with one or more of the conditions set forth in paragraph 1.5

STIPULATED ORDER OF CONTINUANCE

CASE NO. 6 [REDACTED]

herein. I may be found in violation of any of the conditions set forth 1.5 by a preponderance of the evidence in a hearing held without a jury before any Judge or Judge pro tempore of the above-entitled Court.

I understand that the court may order the clerk of the court to issue a bench warrant for my arrest if I fail to appear at any show cause hearing.

I further agree that the waiver of my right to a speedy trial set forth in paragraph 1.4 (c) herein shall be extended by my failure to appear at any show cause hearing. If I fail to appear at a show cause hearing, I may be tried by the submittal of the materials identified in paragraph 1.9 herein, within 90 days of the date that I thereafter personally appear before this court or at any time prior to the date set forth in paragraph 1.4 (c) herein, whichever is later.

1.9 I UNDERSTAND THAT THIS STIPULATED ORDER OF CONTINUANCE AND THE STATEMENTS CONTAINED HEREIN ARE NOT AN ADMISSION OF GUILT, BUT I FULLY UNDERSTAND AND AGREE THAT THE STATE'S CASE WILL BE SUBMITTED ON THE RECORD IF I FAIL TO COMPLY WITH ANY OF THE CONDITIONS SET FORTH IN PARAGRAPH 1.7 HEREIN. THIS MEANS THAT THE JUDGE OR JUDGE PRO TEMPORE WILL REVIEW THE MATERIALS IDENTIFIED IN PARAGRAPH 1.9 HEREIN, AND BASED ON THAT EVIDENCE, THE JUDGE OR JUDGE PRO TEMPORE WILL DECIDE IF I AM GUILTY OF THE CRIME(S) WITH WHICH I AM CHARGED.

1.10 I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT I HAVE THE FOLLOWING IMPORTANT RIGHTS, ALL OF WHICH I IRREVOCABLY WAIVE WITH RESPECT TO THE CHARGE(S) AGAINST ME IN THE ABOVE-ENTITLED MATTER:

- (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
- (b) The right to testify or not to testify;
- (c) The right at trial to hear and question the witnesses who testify against me;
- (d) The right at trial to have witnesses testify for me, and the right to have these witnesses appear at no expense to me;
- (e) The right to present any evidence other than the materials identified in paragraph 1.9 herein;
- (f) The right to appeal a determination of guilt after a trial.

1.11 I UNDERSTAND THE POLICE REPORT IN THIS CASE IS ATTACHED HERETO AND INCORPORATED HEREIN FOR ADMINISTRATIVE EFFICIENCY, BUT HAS NOT YET BEEN ADMITTED INTO EVIDENCE. I IRREVOCABLY WAIVE ALL OBJECTIONS TO THE ADMISSIBILITY OF THE FOLLOWING MATERIALS IN ANY SUBSEQUENT HEARINGS AND/OR PROCEEDINGS IN THE ABOVE-

ENTITLED MATTER, IF I AM FOUND TO HAVE VIOLATED THIS STIPULATED ORDER OF CONTINUANCE:

(a) All police reports, witness statements, and photographs, attached hereto.

1.12 IN THE EVENT PARAGRAPHS 1.7 AND 1.9 BECOME APPLICABLE, I UNDERSTAND THAT:

(a) The crime with which I am charged, a **misdemeanor**, carries a maximum sentence of 90 days in jail and a \$1,000.00 fine.

(b) If I am found guilty of more than one crime, the court can order that the sentences be served consecutively, that is, one after another.

(c) If I am found guilty, the judge does not have to follow anyone's recommendation as to sentence. The judge can give me any sentence up to the maximum authorized by law no matter what the prosecuting authority or anyone else recommends.

(d) If I am found guilty, the judge may place me on probation for up to two years from the date I am sentenced, and impose conditions of probation.

(e) The judge may require me to pay 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.

(f) If I am not a citizen of the United States, my conviction of an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

1.13 I make this "Stipulated Order of Continuance, Waiver of Rights, and Statement of Defendant on Submittal or Stipulation of Facts" freely and voluntarily.

1.14 No one has threatened harm of any kind to me or to any other person to cause me to make this "Stipulated Order of Continuance, Waiver of Rights, and Statement of Defendant on Submittal or Stipulation of Facts."

1.15 No person has made promises of any kind to cause me to enter this "Stipulated Order of Continuance, Waiver of Rights, and Statement of Defendant on Submittal or Stipulation of Facts," except as set forth herein.

1.16 My lawyer has explained to me, and we have fully discussed, all of the above paragraphs. I understand them all. I have been given a copy of this "Stipulated Order of Continuance, Waiver of Rights, and Statement of Defendant on Submittal or Stipulation of Facts." I have no further questions to ask the judge.

Dated this ___ day of _____, 2016.

Defendant

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands this "Stipulated Order of Continuance, Waiver of Rights, and Statement of Defendant on Submittal or Stipulation of Fact".

Kelly Stevenson, WSBA # 38895
Prosecuting Attorney

Attorney for Defendant

The forgoing "Stipulated Order of Continuance, Waiver of Rights, and Statement of Defendant on Submittal or Stipulation of Facts" 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 statement above and that the defendant understood it in full.

I find this "Stipulated Order of Continuance, Waiver of Rights, and Statement of Defendant on Submittal or Stipulation of Facts" to be knowingly, intelligently, and voluntarily made by the Defendant. Defendant understands the charges and the consequences of this "Stipulated Order of Continuance, Waiver of Rights, and Statement of Defendant on Submittal or Stipulation of Facts."

IT IS HEREBY ORDERED:

2.1 The prosecution of the charge(s) in the above-entitled action is deferred until _____, 2017, on the following conditions:

- (a) _____ shall commit no similar criminal offenses over the 12-month period of probation;
(b) _____ shall pay restitution of \$_____ to _____;
(c) _____ shall complete a drug and alcohol evaluation and complete any recommended treatment;

(d) [REDACTED] shall pay an administrative fee in the amount of \$100.00 immediately upon entry of this Order.

2.2 The charge(s) in the above-entitled matter will be dismissed after conclusion of the deferral period if defendant has fully complied with the conditions set forth in paragraph 2.1 of this Order.

2.3 If defendant fails to fully comply with the conditions set forth in paragraph 2.1 of this Order, the Court will set the matter on the docket for trial. At that time, the Court will review the materials identified in paragraph 1.9, herein, and based upon that evidence, the Court will enter judgment, and if appropriate, sentence Defendant according to law.

Dated this ____ day of _____, 2016.

District Court Judge

Interpreter's Declaration

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands, and I have translated this entire document for the defendant from English into that language. The defendant has acknowledged his or 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.

(Date and Place)

Interpreter