

**POULSBO MUNICIPAL COURT
KITSAP COUNTY, WASHINGTON**

CITY OF POULSBO,

Plaintiff,

v.

Defendant.

No. _____

STATEMENT OF DEFENDANT ON PLEA OF GUILTY

- (No BAC/THC) (Refusal BAC/THC)
 (BAC results _____) (THC results _____)
 (CDL) (Hazmat vehicle)
 (Passenger under age 16) (Commercial vehicle)

1. **True Name.** My true name is _____.
2. **Age.** My age is _____.
3. **Education.** 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 that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
 - (b) I am charged with:

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

- In count(s) _____, the defendant 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
- as follows: _____
- _____
- _____

5. **I UNDERSTAND THAT I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:**
 - (a) **Speedy and Public Jury Trial.** 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) **Self Incrimination.** The right to remain silent before and during trial, and the right to refuse to testify against myself;

- (c) **Confrontation of Witnesses.** The right at trial to hear and question the witnesses who testify against me;
- (d) **Presentation of Defense and Compulsory Process.** 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;
- (e) **Presumption of Innocence and Proof Beyond a Reasonable Doubt.** I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
- (f) **Appeal.** The right to appeal a finding of guilt after a trial.

6. **IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:**

(a) **Maximum Penalties.** The crime with which I am charged carries a maximum sentence of [364] [90] [_____] days in jail and a [\$5,000] [\$1,000] [\$_____] fine.

(b) **Prosecution Recommendation.** The prosecuting authority will make the following recommendation to the judge:
 [364] [90] [_____] days in jail with _____ days suspended for [five] [two] years
 to run **concurrently** with _____
 [\$850] [\$600] [_____] fine to pay out of [\$5,000] [\$1,000] imposed

The prosecution agrees to file no further charges or sentence enhancements for this incident that are in the exclusive jurisdiction of Kitsap County based on the discovery issued by the prosecution for this cause number.

The prosecution agrees to not file a motion to revoke, or to withdraw a previously filed motion to revoke, based upon the conduct in this cause number in the following matter(s)–
 [Kitsap District] [Bainbridge Island] [Bremerton] [Port Orchard]
 [Poulsbo] Court, cause number(s). _____

Probation shall be monitored by the Court.

- Service of Jail
 - Incarceration must be served in a county or city jail.
 - No objection to jail alternatives if defendant is eligible.
- \$ _____ Domestic Violence Assessment (\$100 per DV count) RCW 10.99.080(1).
- DUI Mandatory Electronic Monitoring
 60 days] [90 days] [120 days] [150 days] [_____]
- Passenger under age 16
 Mandatory Ignition Interlock use for 6 months after license restoration.
- The defendant shall attend a DUI Victim’s Panel within 90 days.
- DUI public agency emergency response recovery of costs, RCW 38.52.430, in the amount of \$_____ to [WSP] [KCSO] [BIPD] [BPD] [POPD] [PPD] and [\$600.00 to Fire Dist. No. _____].
- The defendant shall obtain a chemical dependency evaluation from a state-certified agency within 90 days, and successfully comply with all recommendations.
- The defendant shall not consume nor possess any alcoholic beverage or non-prescribed drug.
- Six months driver’s license suspension. RCW 46.61.740(2)[theft of motor vehicle fuel.]
- Successful completion of certified domestic violence perpetrators treatment program.
- Parenting class/counseling for a minimum 24 hours that includes discussion concerning the effects of domestic violence on children within 90 days.
- No contact with _____.

- DV Firearms prohibition, RCW 9.41.040(2)(a)(i) [4° assault; coercion, 1° trespass; reckless endangerment; stalking; violation of NCO; violation of PO].
 - DNA sample collection. RCW 43.43.754 [4° assault w/ sex motivation, communication w/ minor, 2° custodial sexual misconduct, failure to register, harassment, patronizing a prostitute, 2° sexual misconduct w/ minor, stalking, , violation of SAPO].
 - \$100 DNA assessment, RCW 43.43.7541. Agency collecting sample _____.
 - Registration as sex offender. RCW 9A.44.130(1) [communication w/ minor, 2° sexual misconduct w/ minor, attempt/solicit/conspiracy a “sex offense” or kidnap w/ minor].
 - The defendant agrees to forfeit all seized property.
 - The defendant agrees to pay restitution as outlined in the Plea Offer.
 - Mental health evaluation within 90 days and compliance with treatment.
 - Psycho-sexual evaluation within 90 days and compliance with treatment.
 - Successful completion of anger management class within 90 days.
 - Successful completion of consumer awareness class within 90 days.
 - Successful completion of a court-approved driver safety course.
 - Defendant shall not possess, own or care for any animals and defendant agrees to forfeit all seized animals.
 - Mandatory \$1,000 civil penalty to Plaintiff. RCW 16.52.200 [2° animal cruelty].
 - Mandatory \$_____ to the Kitsap Humane Society for costs incurred. RCW 16.52.200.
 - Court to declare animal(s) dangerous. PMC 6.05 [fail/control potentially DA]
 - Plea to Lesser Uncommitted Crime**-The Defendant admits that the state has sufficient evidence to convince a jury that he or she committed the offense(s) of _____. The Defendant wishes to plead guilty to the lesser, related offense(s) listed above in the “Current Offenses” to avoid greater punishment. The Defendant understands that the court will accept the guilty plea if it finds that a factual basis exists for the greater charge(s), pursuant to *In re Barr*, 102 Wn.2d 265 (1984).
 - Joint Agreement**-The sentence recommendation above is a joint agreement between the defendant and the State. Failure to abide by this agreement will constitute a breach of the plea agreement.
 - _____
- (c) **Judge Not Bound By Recommendations.** 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) **Probation.** The judge may place me on compliance monitoring and impose conditions of probation for up to five years if I am sentenced under RCW 46.61.5055, or sentenced on a “domestic violence” offense (under RCW 10.99.020). The judge may place me on compliance monitoring for up to two years for all other offenses and impose conditions of probation. 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.
- (e) **Financial Obligations.** 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) **Immigration.** If I am not a citizen of the United States, a plea of guilty to 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.

NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS APPLY, THE BOX SHOULD BE CHECKED.

- (g) **Mandatory Minimum Sentence.** The crime of _____ has a mandatory minimum sentence of _____ days in jail and \$ _____ fine plus costs and assessments. The law does not allow any reduction of this sentence.
- (h) **HIV Testing.** If 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.
- (i) **Driving Privilege Suspension.** This plea of guilty will result in suspension or revocation of my driving license or privilege by the Department of Licensing for a period of _____ [days] [year(s)], or longer based on my driving record. This period may not include suspension or revocation based on other matters.
- (j) **Firearm Prohibition.** I understand that 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.
- (k) **Education Benefits.** If this crime involves a drug offense, my eligibility for state and federal education benefits will be affected. 20 U.S.C. § 1091(r).
- (l) **DUI or Physical Control.** If 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 the penalties I face, and the Department of Licensing consequences I face as a result of this conviction. I read and understand the DUI sentencing Grid.
- (m) **Sex or Kidnapping Offender Registration.** I understand that if 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.44.130, I will be required to register with the county sheriff as described in the "Offender Registration Attachment.
- (n) **DNA Sample.** Pursuant to RCW 43.43.754, if 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 be required to have a biological sample collected for purposes of DNA identification analysis and a, unless it is established that the Washington State Patrol Crime Laboratory already has a sample from me for a qualifying offense.
- (o) **Travel Restrictions.** I understand that 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 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; or (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.

- (p) If this crime involves a violation of Title 77 RCW, the Department of Fish and Wildlife may, and in some cases shall, suspend or revoke my privileges under Fish and Wildlife licensing.
- (q) This plea 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 this guilty plea within 30 days after the judge signs this document. RCW 46.250.030.
- (r) If this case involves reckless driving in the first degree, 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 46.60.520) 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.
- (s) If this case involves negligent driving in the first degree, and I have one or more prior offenses, as defined in RCW 46.60.5055(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.

7. **Guilty Plea.** I plead guilty to the crime(s) of _____ as charged in the complaint(s) or citation(s) and notice. I have received a copy of that complaint or citation and notice.

The complaint or citation and notice was orally amended and I waive filing of a written amended complaint or citation and notice.

8. **Voluntary.** I make this plea freely and voluntarily.

9. **No Threats.** No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. **No Promises Except in this Statement.** No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. **Statement of Facts.** The judge has asked me to state in my own words what I did that makes me guilty of the crime(s) including domestic violence relationships, if they apply. This is my statement:

Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. 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 "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

Date: _____

Defendant

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

Prosecuting Authority Bar #

Defendant's Lawyer Bar #

Print Name

Print Name

The foregoing statement 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.

Interpreter 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 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.

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

Interpreter

Print Name

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

DATED: _____

JUDGE