**Kitsap County District Court**

**State of Washington**

|  |  |
| --- | --- |
| State Of Washington,  Plaintiff,  v.       ,  Defendant. | **No.**  **Statement Of Defendant On Plea Of Guilty (Short Form)** |

1. **True Name**. My true name is      .

2. **Age**. My age is      .

3. **Education**. The last level of education I completed was      .

4. **I Have Been Informed And Fully Understand That –**

(a) **Lawyer**. 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) **Charge(s)**. I am charged with –

|  |  |  |
| --- | --- | --- |
| Count | Crime | RCW/Ordinance (with subsection) |
| 1. |  |  |
| 2. |  |  |
| 3. |  |  |
| 4. |  |  |
| 5. |  |  |

Count(s)       was/were committed against an intimate partner.

Count(s)       was/were committed against a family or household member.

Count(s)       was/were committed with sexual motivation.

(c) **Elements**. The elements are as set out in the charging document.

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**. The right to be presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty; and

(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) **Appeal**. My right to appeal is limited.

(b) **Maximum Penalty**. The crime(s) with which I am charged carries/carry a maximum sentence and fine of –

**364 Days In Jail And $5,000 Fine**. Count(s)

**90 Days In Jail And $1,000 Fine**. Count(s)

**Other** –

(c) **Judge Can Give Up To The Maximum Sentence**. The judge does not have to follow anyone’s recommendation about the 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 probation for up to 5 years if I am sentenced for a domestic violence offense or under RCW 46.61.5055 (DUI or physical control), or up to 2 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) **Legal 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) **Not A United States Citizen**. If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law may be grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

(g)  **Plea To Lesser Uncommitted Crime**. I admit that the prosecution has sufficient evidence to convince a jury that I committed the offense(s) of      .

I wish to plead guilty to the lesser charges listed in section 4 to avoid greater punishment. I understand that the judge 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).

7. **Sentencing Recommendation**.

**Joint Agreement**. The prosecution recommendations are a joint agreement between the defendant and the prosecution. This contract constitutes the entirety of any agreement between the prosecution and the defendant in the above captioned cause, and supersedes any prior agreement, oral or written. The parties specifically contemplate and agree that failure to abide by this agreement, including but not limited to any additional motions, by either party, that pertain to sentencing or to the judgment and sentence in this case but are not contained in this agreement, constitutes a material breach of this agreement.

**No Agreement**. There is no agreement between the parties as to the appropriate sentence in this case. Each side may make sentencing recommendations.

The prosecution will make the following recommendations to the judge –

|  |  |
| --- | --- |
| Count | Jail Days To Serve |
| 1. |  |
| 2. |  |
| 3. |  |
| 4. |  |
| 5. |  |

**Concurrent/Consecutive**. All counts shall run **concurrently** with each other and with other sentences the defendant is currently serving, if any, except as follows –      .

**No Further Charges/Enhancements**. Where jurisdiction is exclusive to Kitsap County, the prosecution agrees to file no further charges or sentence enhancements arising out of the incident charged herein.

**Service Of Jail**.

**Jail**. Incarceration must be served in a county jail.

**Alternatives**. No objection to jail alternatives if defendant is eligible.

**Motion To Revoke**. The prosecution agrees to not file a motion to revoke, or to withdraw a previously filed and pending motion to revoke, in the following cases, based upon the conduct in this matter –  Kitsap District;  Bainbridge Island;  Port Orchard;  Poulsbo cause number(s)      .

**Legal Financial Obligations**. Defendant shall pay the following –

**Domestic Violence Penalty Assessment**. $      ($115 per DV count). RCW 10.99.080.

**Domestic Violence Court Order Violation**. $      ($30.75 per DV count). RCW 7.105.450.

**Fine**. $     .

**Criminal Conviction Fee**. $43 (per case). RCW 3.62.085.

**Title 46 Criminal Justice Penalty**. $       ($102.50 per Title 46 count). RCW 46.64.055.

**Other Agreement(s)**.

8. **Mandatory Statutory Requirements**.

**Notification Relating To Specific Crimes –**

**If Any Of The Following Paragraphs Apply, The Box Should Be Checked**

(a) **Minimum Sentence**.

**1° DWLR**. The crime of first degree driving while license revoked has a mandatory minimum sentence of 10 days in jail upon a first conviction, 90 days upon a second conviction, and 180 days upon the third or subsequent conviction. RCW 46.20.342(1)(a).

**Other**. The crime of       has a mandatory minimum sentence of       days in jail and a $      fine, plus costs and assessments.

(b) **Driver’s License Suspension**. This plea of guilty will result in suspension or revocation of my driving license or privilege by the Department of Licensing for a minimum period of      .

The Department of Licensing may impose a longer period of suspension or revocation based upon my record of conviction. The Department of Licensing shall grant credit on a day-for-day basis for any portion of a license suspension, revocation, or denial arising out of the same incident, served prior to this plea of guilty. If you have already served an administrative suspension, revocation or denial under RCW 46.20.3101, the Department of Licensing may not require further suspension or revocation. Additional requirements and fees may apply. RCW 46.61.5055(9).

(c) **Driver’s License Suspension – Age Of Defendant**. I understand RCW 46.20.265 requires that my driver’s license be revoked if –

(1) I was under the age of 21 at the time of the offense and the current offense is a violation under chapters 69.41 RCW (legend drug), 69.50 RCW (violation of the Uniform Controlled Substances Act), or 69.52 RCW (imitation drugs), **or**

(2) I was under the age of 18 at the time of the offense and the current offense is a violation under RCW 9.41.040 (unlawful possession of firearm), **or**

(3) I was under the age of 18 at the time of the offense and the current offense is a violation under chapter 66.44 RCW (alcohol), **and**

(4) If (1), (2), or (3) apply, the court finds that I previously committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapters 66.44, 69.41, 69.50, or 69.52 RCW.

(d) **Firearm Prohibition**. I may not possess, own, or have under my control any firearm, and under federal law, any firearm or ammunition, unless my right to do so is restored by the court of record that ordered the prohibition on possession of a firearm or the superior court in Washington state where I live, and by a federal court if required.

Mandatory if conviction is for 4° assault, stalking, violation of protection order, violation of no contact order, coercion, reckless endangerment, 1° trespass. RCW 9.41.040(2)(a).

(e) **Fish And Wildlife**. 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.

(f) **Drug Offense**. If this crime involves a drug offense, my eligibility for state and federal education benefits will be affected. 20 U.S.C. §1091(r).

(g) **Commercial Drivers**. 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 46.25.030.

(h) **No Ignition Interlock**. If this case involves a conviction for operating a vehicle without an ignition interlock device under RCW 46.20.740, then my sentence will run consecutive to any sentences imposed under RCW 46.20.750, 46.61.502, 46.61.504, or 46.61.5055. RCW 46.20.740(3).

9. **Plead Guilty**. I plead guilty to the crime(s) listed in section 4 on page 1. I have received a copy of the complaint or citation and notice.

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

10. **Free And Voluntary Plea**. I make this plea freely and voluntarily.

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

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

13. **Statement of Facts By Defendant**. 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 (state the specific facts that support each element of the crime(s)) –

**My Statement**. This is my statement (state the specific facts that support each element of the crime(s)) –      .

**Intimate Partner(s)**. The crime(s) in count(s)       was (were) committed against intimate partner(s) –       (names).

**Family Or Household Member(s)**. The crime(s) in count(s)       was (were) committed against family or household member(s) –       (names).

**No Statement Made (*Alford* Plea)**. I am making my plea of guilty as an *Alford* plea, which means that I believe I am innocent but also believe the prosecutor would present evidence that would likely cause the jury to convict me. I am pleading guilty in order to take advantage of the prosecutor’s sentencing recommendation(s) noted above. 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, including a determination of my relationship to each victim as an intimate partner or family or household member. *North Carolina v. Alford*, 400 U.S. 25, 38, 91 S.Ct. 160, 27 L.Ed.2d 162 (1970).

14. **I Understand**. My lawyer has explained to me, and we have fully discussed, or I have read, 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.

Dated – Click or tap to enter a date.

*/s/ Signed Electronically*

      (defendant)

Signed by counsel for the defendant after receiving permission from the defendant.

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

|  |  |
| --- | --- |
| */s/ Signed Electronically*  Prosecuting Authority        (name)        (WSBA No.) | */s/ Signed Electronically*  Defendant’s Lawyer        (name)        (WSBA No.) |

[Note – By typing your name, you intend to sign electronically and agree your electronic signature is the same as a handwritten signature for the purpose of validity, enforceability, and admissibility.]

**Defendant Assertion**. The defendant asserted that –

The defendant had previously read this statement.

The defendant’s lawyer had previously read this statement to the defendant.

An interpreter had previously read the entire statement to the defendant and that the defendant understood it in full.

**Court Finding**. I find the defendant’s plea of guilty to be knowingly, intelligently, and voluntarily made. The 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 / Commissioner / Pro Tem

[Note – Use of an electronic signature is an acceptable means for any Washington judicial officer or clerk to sign any document requiring a judicial or clerk signature.]