

APPENDIX TO LCrR 4.5

FORM 3
STIPULATION FOR AND ORDER FOR STAY OF PROCEEDINGS

LOWER KITTITAS COUNTY DISTRICT COURT
STATE OF WASHINGTON

[] State of Washington,)
[] City of Ellensburg,) No. _____
Plaintiff,) Stipulation for and Order for
) Stay of Proceedings
vs.)
) Charge(s) _____
_____)
Defendant.) _____
_____)

_____ [] Deputy Prosecuting Attorney [] Attorney for the City of Ellensburg and
_____, defendant, represented by _____, stipulate and
agree to a stay of proceedings in this matter for a period of _____ months, on the following terms and conditions:

1. The defendant shall maintain good and lawful behavior during the term of the stay: the defendant shall have no
criminal convictions for offenses committed after the date of this order, no charges during the term of the stay
which lead to criminal convictions, no criminal charges which lead to a stay of proceedings, stipulated order of
continuance or similar disposition, and no criminal charges which lead to a deferred prosecution. In addition:

- [] The defendant shall complete _____ hours of approved community service within _____ days and
provide proof of completion to Kittitas County Probation Services.
[] The defendant shall complete _____ days of Department of Corrections work crew within _____ days
and provide proof of completion to Probation Services.
[] The defendant shall attend a DUI victim's panel within _____ days and provide proof to
Probation Services.

[] The defendant shall obtain the following evaluation(s) and provide proof of such evaluation(s) to
Probation Services within 30 days:
[] Alcohol/Drug [] Domestic Violence [] Anger Management
[] Other: _____

In the event the evaluating agency recommends that the defendant obtain treatment or other Services, the
defendant shall fully comply with the agency's recommendations and start any recommended classes or
treatment within 45 days. In the event that extended treatment is recommended, the defendant shall direct
the treating agency to provide compliance reports to Probation Services on a monthly basis.

[] Other: _____

2. Probation Services shall monitor the defendant's compliance with the conditions of this order. Probation
Services shall: [] Actively monitor the defendant. [] Complete _____ record checks.
[] The defendant shall immediately report to Probation Services and continue to report as directed.

3. The defendant shall pay the following assessments:
[] Probation record check fees of \$_____ [] Probation monitoring fees of \$_____ per month
[] Court appointed attorney fees of \$_____ [] Court costs: \$_____
[] Restitution in the amount of \$_____ [] A Time payment agreement is authorized

4. The defendant hereby waives his/her right to a trial within 90 days of arraignment, and agrees to a trial date of no later than 90 days from the end of the stay of proceedings. In the event that the defendant is charged with a crime during the term of the stay of proceedings, but which is not resolved until after the end of the term of the stay, the defendant agrees to a trial date no later than 90 days after final resolution of the subsequently charged criminal offense.

5. If the defendant complies with all of the above listed conditions, the prosecuting authority agrees to:
 - Move the court for a dismissal of the charge(s) of: _____
filed under the above cause number.
 - Move the court to amend the charge of _____ to the charge of _____
to which the defendant shall: Plead guilty Bail forfeit \$_____. Other:_____
 - In the event the defendant pleads guilty the parties agree to the following sentencing recommendation:
 - Prosecutor's recommendation: _____
 - Defense recommendation: _____

6. In the event the court finds, after a hearing, that the defendant has failed to comply with any of the above listed conditions, the court shall, upon the request of the prosecuting authority, revoke the stay of proceedings and set a trial date.

7. As a condition of entering this stay of proceedings, the defendant agrees to waive the following rights:
 - A. The right to a jury trial
 - B. The right to a trial within 90 days of arraignment.
 - C. The right at trial to hear and question witnesses called by the prosecuting authority.
 - D. The right to testify at trial and call defense witnesses.

8. In the event the court finds cause to revoke the stay of proceedings, the defendant stipulates and agrees to the admissibility of the attached police reports (including any statements made by the defendant contained in the reports) and stipulates and agrees that the facts contained in the attached reports are sufficient to convict the defendant of the charged crime(s).

9. The parties agree that in the event the defendant fails to make payments as listed above and is delinquent by fifteen (15) days or more, the plaintiff and/or court have the authority to send such delinquent amounts to a collection agency for collection of said sums. Both parties agree that this authority exists whether or not the plaintiff chooses to have the matter set for review and bench trial. The defendant specifically waives any objection to such collection action by the plaintiff or the court, regardless of whether or not the defendant is found guilty after a trial. The defendant agrees that this document, along with any time payment agreement signed by the defendant, constitute a judgment for the amounts stated in paragraph 3 above.

10. The defendant understands and agrees that this document constitutes an agreement between the plaintiff and the defendant pertaining to the resolution of a criminal charge(s). The defendant further understands that he/she is obligated to fully and strictly comply with all conditions set forth in this agreement. The defendant further understands that in the event the defendant fails to fully comply with the conditions of this agreement, the prosecuting authority may request a hearing in order seek revocation this stay of proceedings.

11. The parties jointly request that the court allow the above described stay of proceedings and further request that the court enter the attached order

Dated this ____ day of _____, _____

Defendant

Prosecuting Authority

WSBA #

Attorney for Defendant

WSBA #

ORDER

Based on the parties' request for a stay of proceedings, and the above stipulation between the parties, the court hereby orders that this cause is stayed for a period of _____, under the terms and conditions contained in the attached stipulation.

Dated this ____ day of _____,

Judge/ Court Commissioner

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 Stipulation for and Order for Stay of Proceedings 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 Ellensburg, Washington on: ____/____/____

Interpreter