

**LOWER KITTITAS COUNTY DISTRICT COURT
STATE OF WASHINGTON**

1
2
3 State of Washington,)
4 City of Ellensburg,) No. _____
5 Plaintiff,) Stipulation for and Order for
6 vs.) Stay of Proceedings
7) Charge(s) _____
8 _____,)
9 Defendant.) _____
10 _____)

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

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

- 18 The defendant shall complete _____ hours of approved community service and provide written proof of
19 completion to Kittitas County Probation Services within _____ days of entry of this stipulation.
20 The defendant shall complete _____ days of Department of Corrections work crew and provide written
21 proof of completion to Kittitas County Probation Services within _____ days of entry of this stipulation.
22 The defendant shall attend a DUI victim's panel and provide proof of completion to Kittitas County
23 Probation Services within _____ days of entry of this stipulation.
24 The defendant shall obtain the following evaluation(s) and provide proof of such evaluation(s) to
25 Probation Services within 30 day of entry of this stipulation:
26 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 of entry of this stipulation. If alcohol/drug information school (ADIS) is recommended, defendant shall provide proof to probation within 90 days of entry of this stipulation that the defendant has completed ADIS. 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: Complete record checks. Actively monitor the defendant.
 The defendant shall immediately report to Probation Services and continue to report as directed.

3. The defendant shall pay the following legal financial obligations (LFO's):
 Record check fee of \$180/six months Active monitoring fees of \$60 month
 Court appointed attorney fees of \$ _____ [X] Court costs: \$150
 Restitution in the amount of \$ _____ Warrant fees \$ _____

If the defendant has had warrants issue in this case and/or a court appointed attorney, the defendant agrees that they will pay warrant fees and/or a court appointed attorney reimbursement fee as set by the court at the time of entry of the stay of proceedings. (Time payments are authorized. See page 2 for payment options)

1 Payment is due and payable in full within 60 days or the defendant must enter into a time payment agreement
2 within 60 days. A time payment agreement will result in some additional fees. If defendant fails to timely
3 comply with the time payment agreement (or does not enter into a time payment agreement and fails to pay in
4 full within 60 days) the delinquent amount due may be turned over for collection. If it is turned over for
5 collection, additional fees, costs, and interest may be added. It is a condition of this agreement that defendant
6 pay in full all LFO's and any applicable additional fees, cost, and interest prior to end of the period of the stay.

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

12 5. If the defendant complies with all of the above listed conditions, the prosecuting authority agrees to:

13 Move the court for a dismissal of the charge(s) of: _____
14 filed under the above cause number.

15 Move the court to amend the charge of _____ to the charge of _____
16 to which the defendant shall: Plead guilty Pay a penalty of \$_____. Other: _____

17 In the event the defendant pleads guilty the parties agree to the following sentencing recommendation:

18 Prosecutor's recommendation: _____

19 Defense recommendation: _____

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

23 7. As a condition of entering this stay of proceedings, the defendant agrees to waive the following rights:

24 A. The right to a jury trial

25 B. The right to a trial within 90 days of arraignment.

26 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 law enforcement reports in this matter (including any statements made by the defendant
contained in the reports) and stipulates and agrees that the facts contained in the law enforcement 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 of this stay of proceedings.

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

3
4 Dated this ____ day of _____, _____
5 Defendant

6 Prosecuting Authority WSBA # Attorney for Defendant WSBA #
7

8 **ORDER**

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

12 Dated this ____ day of _____, 2017
13 Judge/ Court Commissioner

14 **INTERPRETER'S DECLARATION**

15
16 I am a certified interpreter or have been found otherwise qualified by the court to interpret in the
17 _____ language, which the defendant understands, and I have translated this Stipulation
18 for and Order for Stay of Proceedings for the defendant from English into that language. The defendant has
19 acknowledged his or her understanding of both the translation and the subject matter of this document. I certify
20 under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

21 Signed at Ellensburg, Washington on: ____/____/____
22 Interpreter
23
24
25
26