

**KITITAS COUNTY DISTRICT COURT—UPPER
FOR THE STATE OF WASHINGTON**

STATE OF WASHINGTON

Plaintiff,
Vs.
Defendant.

No.

Stipulation for and Order for Stay of Proceedings

Charge(s):

I. STIPULATED ORDER OF CONTINUANCE AGREEMENT

COMES NOW the State/City, by and through its attorney of record below-named, and the Defendant, represented by _____ of _____ Law Office and hereby enters the following Stipulated Order of Continuance Agreement (herein SOP). The Defendant is charged with the crime(s) of:

- **Count 1 - RCW _____**
 - The maximum penalty is 364 days imprisonment and/or a \$5,000 fine.
 - The maximum penalty is 90 days imprisonment and/or a \$1,000 fine.
 - The minimum penalty is _____ days imprisonment and/or a \$_____ fine.
 - There is no mandatory minimum penalty.
- **Count 2 - RCW _____**
 - The maximum penalty is 364 days imprisonment and/or a \$5,000 fine.
 - The maximum penalty is 90 days imprisonment and/or a \$1,000 fine.
 - The minimum penalty is _____ days imprisonment and/or a \$_____ fine.
 - There is no mandatory minimum penalty.

To resolve this matter, the parties stipulate and agree to the SOP for a period of _____ **months**, on the following terms and conditions.

II. DEFENDANT'S WAIVER OF SPEEDY TRIAL AND RIGHTS

- 1. Speedy Trial.** The Defendant hereby waives his/her right to a trial within 90 days of arraignment. **The new speedy trial expiration date is 90 days after the end of this SOP period.** If the Defendant is alleged to have violated the terms of this SOP, speedy trial will be tolled until the violation is resolved.
- 2. Rights.** As a condition of entering this SOP, 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 confront and question witnesses called by the prosecuting authority;
 - D. The right to testify on, call witnesses, and present evidence;
 - E. The right to present any affirmative defenses; and
 - F. The right to a hearing to determine the validity of arrest and any search or seizure.

III. CONDITIONS PURSUANT TO SOP

1 **1. Criminal Law Violations.** The Defendant shall have no violations of criminal law during the
2 term of this SOP. Any new charges must be resolved within a reasonable time and Defendant
3 shall not be allowed to ignore pending charges to avoid the consequences set forth herein.

4 The Defendant agrees that if a criminal law violation received during the term of the SOP is
5 resolved in any of the following ways, it will constitute a violation of this agreement: a) a
6 conviction of a criminal offense; b) entering into a SOP or stipulated order of continuance (SOC),
7 continuance for dismissal (CFD); or c) entering into a deferred sentence, deferred prosecution, or
8 any similar deferral to resolve a criminal charge.

9 If, at the end of the SOP, the Defendant has a new pending criminal law charge, speedy trial shall
10 be tolled, and the conditions of the SOP shall remain in effect until the new case is resolved. If a
11 warrant is issued in the pending case that demonstrates the Defendant is not actively working to
12 resolve said case, this constitutes a violation of this SOP.

13 **2. Conditions.** The Defendant agrees to fully and completely satisfy all the following selected
14 conditions within the specified time period in Section I of this SOP, unless otherwise specified:

15 **Probation.** The Defendant shall be on probation for the full period of the SOP. Probation
16 has authority to change supervision from Supervised to Record Check Only at any time.
17 Probation shall initially be:

18 Supervised, with a monitoring fee of \$60.00 per month

- Maintain contact with Probation as directed by Probation.

19 Record Check Online, with a fee of \$180.00 for every six-month record check

20 **Drug and Alcohol Evaluation.** Defendant shall complete a drug and alcohol evaluation
21 within 30 days, begin recommended treatment within 45 days, and complete treatment
22 before the end of the SOP.

23 **Abstinence.** Maintain Abstinence from Mind Altering **Drugs and Alcohol**

24 **ADIS.** Defendant shall complete Alcohol and Drug Information School (ADIS).

25 **Victim Impact Panel.** Defendant shall complete an approved Victim Impact Panel.

26 **Anger Management Course.** Defendant shall complete an approved anger management
27 course. Online In Person

28 **No Contact order.** Defendant shall comply with all no contact orders.

29 **No Contact with.** Defendant shall have no contact with: _____.

30 **Traffic Course.** Defendant shall attend and complete a Washington State approved Level
31 1 Traffic Safety Course. Online In Person

32 **Community Service.** Defendant shall complete _____ hours of community service
33 with a nonprofit agency approved by Probation.

34 **Fines.** In addition to the cost of probation listed above, the Defendant shall pay all fines
35 and fees, including:

36 **Court Administrative Fee.** \$250 to the Court for entry of this order.

37 **Restitution:** \$ _____ to _____.

38 **Other:** \$ _____ to _____.

39 **Other:** _____

40 **The Defendant shall provide notice of completion of all required conditions to probation
41 before the applicable due date, or 90 days if no due date is listed.**

42 **3. Payments.** Payment is due and payable in full or the Defendant must enter into a time-payment
43 agreement within 60 days. A time-payment agreement may result in additional fees. If the
44 Defendant fails to timely comply with the time-payment agreement (or does not enter into a time-

1 payment agreement or fails to pay) the delinquent amount due may be turned over for collection.
2 If it is turned over for collection, additional fees, costs, and interest may be added. It is a
3 condition of this agreement that the Defendant pay in full all legal financial obligations and any
4 applicable additional fees, costs, and interest prior to the end of the period of this SOP. The
5 Defendant agrees that failure to comply with these terms could constitute a violation of this
6 provision of the agreement.

7 The parties agree that in the event the Defendant fails to make payments as listed above and is
8 delinquent, the Court has the authority to send such delinquent amounts to a collection agency for
9 collection of the said sums. Both parties agree that this authority exists whether, or not, the
10 Prosecutor chooses to have the matter set for review and stipulated trial. The Defendant
11 specifically waives any objection to such collection action, regardless of whether the Defendant is
12 found guilty after a stipulated trial.

13 IV. DEFENDANT'S PROMISE TO FULLY SATISFY CONDITIONS

14 The Defendant understands and agrees that he/she shall fully and completely satisfy all the conditions of
15 this SOP, and that failure or neglect to do so within the time period specified shall constitute a violation
16 of this SOP.

- 17 1. **Violation hearing.** The Defendant understands and agrees that any allegation by the Prosecution
18 that the Defendant has violated this SOP will result in a hearing by this Court to determine
19 whether a) the Defendant's failure to comply is a violation of this agreement and if so, b) the
20 violation is a material breach.

21 The Defendant agrees that at the revocation hearing, the prosecution will be required to prove the
22 allegations through the admission of admissible evidence, which may include police reports, lab
23 reports, and/or witness statements. Following the Prosecutor's case, the defense shall be allowed
24 to present evidence in his/her defense of the allegation(s). After having heard all evidence, the
25 Court shall decide if the Defendant has violated this agreement and whether the violation was a
26 material breach, which could result in the revocation of this agreement.

27 The Defendant understands that the Prosecution will not be required to comply with its
28 obligations in the section entitled "Prosecution's Agreement" until this Court has determined that
29 the Defendant is in full compliance with this SOP.

- 30 2. **Stipulated Bench Trial.** In the event the Court finds cause to revoke the SOP, the Court shall,
31 upon the request of the prosecution, revoke the SOP and proceed to stipulate bench trial.

32 At the stipulated bench trial, the Defendant stipulates to the admissibility of any and all discovery
33 that was provided to the Defendant or defendant's attorney prior to the entry of this SOP, which
34 may include, police reports, probation reports, lab reports, defendant statements, or witness
35 statements; subject to the Court making a finding that the proceeding records are demonstrably
36 reliable. The Defendant agrees that he/she cannot present any evidence in any form at the trial.
37 The judge shall review said discovery evidence and, based upon the evidence alone,
38 determine the Defendant's guilt or innocence.

- 39 3. **Sentencing.** The parties agree that if the SOP is revoked and the Defendant is found guilty at the
40 trial, there is no agreed sentencing recommendation, and that the Court can impose any sentence
41 up to the maximum, no matter what recommendations are made by the Prosecutor or Defendant.

1 The Defendant understands that if he/she is not a citizen of the United States, a finding of guilt
2 could be grounds for deportation, exclusion from admission to the United States, or denial of
3 naturalization pursuant to the laws of the United States.

4 If found guilty, I may not possess, own, or have under my control any firearm, and under
5 federal law, any firearm or ammunition, unless my right to do so is restored by the court of
6 record that ordered the prohibition on possession of a firearm or the superior court in
7 Washington State where I live, and by a federal court if required, as a result of my
8 conviction for the following (*check box for applicable crime below*):

- 9 A crime committed against a family/household member or "intimate partner":
10 Assault 4th; Reckless Endangerment; Criminal Trespass, First Degree;
11 Violation of a Protection Order/No-Contact Order restraining/excluding the
12 person from a residence; Harassment (on or after June 7, 2018);

13 **OR**

14 Any "prior offense" as defined in RCW 46.61.5055(14) if committed within
15 seven years of a conviction for any other prior offense under RCW 46.61.5055.

16 **V. PROSECUTION'S AGREEMENT TO DISMISS/REDUCE**

17 If the Defendant successfully complies with all of the above-listed conditions, the Prosecution agrees to:

- 18 Move to dismiss with prejudice the charge(s) of _____.
- 19 Move to reduce/amend the charge to _____ to which the Defendant shall:
- 20 Plead guilty with following recommendations:
- 21 Hearing to resolve amended charge to be scheduled for _____
- 22 Defense counsel to remain on the case until completion of the SOP.
- 23 Close the case
- 24 Other: _____
- 25 Agree to committed finding and pay a penalty of \$_____.

26 **VI. PARTIES UNDERSTAND AND AGREE**

- 27 **1.** The Defendant understands and agrees that this document constitutes an agreement between the
Prosecutor and the Defendant pertaining to the resolution of this matter. The Defendant agrees to
all of the above terms and conditions.
- 2.** The parties jointly request that the Court approve the above-described SOP and further request
that the Court enter the order below.

Dated _____

Defendant

Prosecuting Authority

WSBA

Attorney for Defendant

WSBA

ORDER

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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 ____ months**, under the terms and conditions contained in the above stipulation.

Dated _____

Honorable 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 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 Cle Elum, Washington on _____.

Interpreter