

BAINBRIDGE ISLAND MUNICIPAL COURT
Kitsap County, Washington

Mailing Address: PO Box 151, Rollingbay, WA 98061
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CITY OF BAINBRIDGE ISLAND

vs.

Plaintiff,

Defendant.

No.

Statement of Defendant on Plea of Guilty

- DUI- No Test
- BAC results _____
- BAC refused
- Passenger under age 16)
- THC- No Test)
- THC results _____)

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

an intimate partner as defined in RCW 9A.36.041.

a 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) **Right to Appeal.** My right to appeal is limited.
- (b) **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.
- (c) **Prosecution Recommendation.** The prosecuting authority will make the following recommendation to the judge:
 364] [90] [____] days in jail with ____ days suspended, ____ days to serve.
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] [Port Orchard] Court, cause number(s)
_____.

The Defendant shall be monitored by Probation Services.

- Service of Jail
 - Incarceration must be served in a county jail.
 - Jail alternatives: _____
- \$ _____ Domestic Violence Assessment (\$100 per DV count). RCW 10.99.080(1).
- \$ _____ Domestic Violence Prevention Assessment (\$15 per DV count).
- 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. RCW 46.61.5055
- 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 [BIPD] [_____]
- 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, marijuana, or non-prescribed drug.
- The defendant shall complete a state-certified intimate partner domestic violence assessment and comply with treatment recommendations.
- 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/ domestic violence, 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, indecent exposure, violation of SAPO].
- 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].
- HIV testing. RCW 70.24.340(1) and (2) [patronizing a prostitute, prostitution, permitting prostitution, failure to register, 2° custodial sexual misconduct, 2° sexual misconduct w/minor, or an attempted class C RCW 9A.44 offense]
- Mental health evaluation within 90 days and compliance with treatment, including taking all prescribed medications.
- Psycho-sexual evaluation within 90 days and compliance with treatment.
- Successful completion of anger management class within 90 days.
- Successful completion of a Level 2 driver safety training course.

- Defendant shall complete a first-time offender patronizing a prostitute class.
- The defendant agrees to forfeit all seized property, if any such property exists, except _____
- The defendant agrees to pay restitution: _____

- 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. This contract constitutes the entirety of any agreement between the State 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.
- _____
- _____
- _____

- (d) **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.
- (e) **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 and I fail to attend the hearing, the term of probation will be tolled until I appear before the court on the record, whether or not I am in compliance.

- (f) **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.
- (g) **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 may be 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.

- (h) **Mandatory Minimum Sentence.** The crime of _____ has a mandatory minimum sentence of _____ days in jail, _____ days of electronic home monitoring, and \$ _____ fine including costs and assessments. The law does not allow any reduction of this sentence, except as to fines, and then only upon a finding by the court of a current and future inability to pay.
- (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 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. I must immediately surrender any concealed pistol license.
- (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 drugs, 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 maximum and minimum 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](#) attached in my court file.
 - I will be required to comply with the rules and requirements of the Department of Licensing regarding the installation and use of a functioning ignition interlock device on all motor vehicles that I operate.
 - The Department of Licensing will suspend or revoke my driving privilege for the period of time stated in paragraph 6(i).
 - On a first DUI or Physical Control within 7 years, the judge may order me to serve 15 days in electric home monitoring (EHM) instead of the mandatory minimum one day in jail; or may order me to serve 30 days EHM instead of a mandatory two days in jail.
 - If I have prior offense(s), the judge shall order me to submit to an expanded alcohol assessment and comply with treatment deemed appropriate by that assessment.
 - If I have one prior offense, instead of mandatory jail and electronic home monitoring, the judge may order me to serve not less than 4 days (BAC <.15)/6 days (BAC >.15) in jail, and 180 days of electronic home monitoring.
 - If I have two prior offenses, instead of mandatory electronic home monitoring, the judge may order me to serve additional jail time.

- If the judge orders me to refrain from consuming any alcohol, the judge may order me to submit to alcohol monitoring. I shall be required to pay for the monitoring unless the judge specifies that the cost will be paid with funds from another source.
- The judge may waive electronic home monitoring or order me to obtain an alcohol monitoring device with wireless reporting technology, if that device is reasonably available, if I do not have a dwelling, telephone service, or any other necessity to operate electronic home monitoring. The judge may waive electronic home monitoring if I live out of state, or if the judge determines I would violate the terms of electronic home monitoring. If the judge waives electronic home monitoring, he or she will impose an alternative sentence which may include use of an ignition interlock device, additional jail time, or other restrictions.
- The judge will order as conditions of probation that I (i) shall not drive a motor vehicle without a valid license; (ii) shall not drive a motor vehicle without proof of liability insurance or other financial responsibility; (iii) shall not drive or be in physical control of a motor vehicle with an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving; (iv) shall submit to a breath or blood alcohol test upon the reasonable request of a law enforcement officer; (v) shall not drive a motor vehicle without a functioning ignition interlock device as required by the Department of Licensing. For each violation of the above mandatory conditions, the court shall order my confinement for a minimum of 30 days, which may not be suspended or deferred. For each incident involving a violation, the court shall suspend my license for 30 days.

(m) **DUI or Physical Control Amended to Reckless Driving.** If this case involves reckless driving and the original charge was driving while under the influence of alcohol, marijuana or any drug, or being in actual physical control of a vehicle while under the influence of alcohol, marijuana or any drug, and I have one more prior offenses, as defined in RCW 46.61.5055(14), within 7 years; or if the original charge was vehicular homicide (RCW 46.61.520) 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” Sentencing Grid or the “Washington State Misdemeanor DUI Sentencing Attachment”.

(n) **DUI or Physical Control Reduced to Negligent Driving.** If this case involves negligent driving in the first degree, and I have one or more prior offenses, as defined in RCW 46.61.5055(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” Sentencing Grid or the “Washington State Misdemeanor DUI Sentencing Attachment”.

(o) 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).

(p) If this case involves a conviction for tampering with or circumventing an ignition interlock device under RCW 46.20.750, then my sentence will run consecutive to any sentences imposed under RCW 46.20.740(3), 46.61.502, 46.61.504, 46.61.5055, 46.61.520(1), or 46.61.522(1)(b).

(q) **Additional Fee Assessments for Prostitution, Indecent Exposure or Patronizing a Prostitute.** The crimes of prostitution and indecent exposure each have a mandatory assessment of \$50.00. The crime of patronizing a prostitute has a mandatory assessment of \$1,500.00 for a first offense, \$2,500.00 for a second offense, and \$5,000.00 for a third or

subsequent offense. The court may reduce up to two-thirds of any assessment imposed under this section if the court finds that I have no ability to pay. RCW 9A.88.120.

- (r) **Patronizing a Prostitute.** If this crime involves patronizing a prostitute, a condition of my sentence will be that I not be subsequently arrested for patronizing a prostitute or commercial sexual abuse of a minor. The court will impose crime-related geographical restrictions on me, unless the court finds they are not feasible. If this is my first offense, the court will order me to attend a program designed to educate me about the negative costs of prostitution.
- (s) **HIV Testing.** If this crime involves a sexual offense, patronizing a prostitute, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.
- (t) **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 domestic violence, 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, indecent exposure, 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, unless it is established that the Washington State Patrol Crime Laboratory already has a sample from me for a qualifying offense.
- (u) **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.
- (v) **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; (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.
- (w) **Commercial Drivers' License.** 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.

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). This is my statement (state the specific facts that support each element of the crime(s)):
- _____
- _____
- _____
- I committed this crime against an intimate partner as defined in RCW 9A.36.041.
- I committed this crime against a family or household member as defined in RCW 10.99.020.
- I am making my plea of guilty as an Alford plea, which means that I believe that I am innocent, but also believe that the prosecutor would present evidence that would likely cause the jury to convict me, and 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 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

Defendant's Lawyer

Print Name

WSBA No.

Print Name

WSBA No.

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
- (b) The defendant's lawyer had previously read to him or her
- (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 or registered interpreter, or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands. 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) _____, (state) _____, 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 and Filed: _____

Judge