

**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) _____
 - _____ **180 Days in Jail and \$1,000 Fine**. Count(s) _____
 - _____ **90 Days in Jail and \$1,000 Fine**. Count(s) _____
 - _____ **Other** – _____

* Fine does not include additional costs and assessments required by law.

- (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 the judge 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) _____.

___ **Restitution.** Payment shall be made to **Kitsap County District Court**, 614 Division Street, MS-25, Port Orchard, WA 98366.

Any amounts paid by check should include the Defendant’s full name and case number. If payment is made by check, then 30 days will be required for the payment to process and post before this condition is satisfied.

Defendant shall pay to the Court restitution to the following as determined by a separate order –

___ **Forfeit Seized Property.** The defendant shall forfeit all seized property, if any, associated with this case number.

___ **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.

___ **Crime Laboratory Analysis Fee.** \$100. RCW 43.43.690.

- ___ **Animal Cruelty Civil Penalty.** \$1,000. RCW 16.52.200.
- ___ **Animal Cruelty Animal Care Costs.** \$ _____. RCW 16.52.200.
- ___ **Indecent Exposure Assessment.** \$50. RCW 9A.88.120.
- ___ **Prostitution Assessment.** \$50. RCW 9A.88.120.
- ___ **Prostitution Patronizing Assessment.** \$ _____ (no prior = \$1,500; 1 prior = \$2,500; 2 or more priors = \$5,000). RCW 9A.88.120.
- ___ **Prostitution Permitting Assessment.** \$ _____ (no prior = \$1,500; 1 prior = \$2,500; 2 or more priors = \$5,000). RCW 9A.88.120.
- ___ **Wildlife Penalty Assessment.** \$ _____. RCW 77.15.420.
- ___ **Wildlife Penalty Assessment – Unlawfully Hunting Wild Birds.** \$1,000. RCW 77.15.400.

8. **Mandatory Statutory Requirements.**

**NOTIFICATION RELATING TO SPECIFIC CRIMES –
IF ANY OF THE FOLLOWING PARAGRAPHS APPLY, THE BOX SHOULD BE CHECKED**

- ___ (a) **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.
- ___ **Domestic Violence Crimes – July 1, 1993 or Later.** Mandatory if conviction is for the following crimes when committed by one family or household member against another or by one intimate partner against another – assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence (RCW 10.99.040 or any of the former RCW 26.50.060, 26.50.070, and 26.50.130). RCW 9.41.040(2)(a)(i)(B).
- ___ **Domestic Violence Harassment – June 7, 2018 or Later.** Mandatory if conviction is for harassment when committed by one family or household member against another or by one intimate partner against another. RCW 9.41.040(2)(a)(i)(C).
- ___ **Domestic Violence Protection Orders – July 1, 2022 or Later.** Mandatory if conviction is for a violation of the provisions of a protection order under chapter 7.105 RCW restraining the person or excluding the person from a residence, when committed by one family or household member against another or by one intimate partner against another. RCW 9.41.040(2)(a)(i)(E).

____ **Surrender/Prohibit Orders; Protection And No Contact Orders – July 23,**

2023 or Later. Mandatory if conviction is for a violation of the provisions of an order to surrender and prohibit weapons, an extreme risk protection order, or the provisions of any other protection order or no-contact order not included under (a)(i) (B) or (E) of this subsection restraining the person or excluding the person from a residence. RCW 9.41.040(2)(a)(i)(F).

____ **Miscellaneous Crimes – July 23, 2023 or Later.**

Mandatory if conviction is for any of the following crimes – domestic violence (RCW 10.99.020); stalking; cyberstalking; cyber harassment, excluding cyber harassment committed solely pursuant to the element set forth in RCW 9A.90.120(1)(a)(i); harassment; aiming or discharging a firearm (RCW 9.41.230); unlawful carrying or handling of a firearm (RCW 9.41.270); animal cruelty in the second degree committed under RCW 16.52.207(1); or any prior offense as defined in RCW 46.61.5055(14) if committed within seven years of a conviction for any other prior offense under RCW 46.61.5055. RCW 9.41.040(2)(a)(i)(D).

____ (b) **1^o Negligent Driving – Prior DUI Offense(s).** If this case involves negligent driving in the 1st degree and if I have 1 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 Attachment.”

____ (c) **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 (circumventing ignition interlock), 46.61.502 (DUI), 46.61.504 (physical control), or 46.61.5055 (DUI sentencing). RCW 46.20.740(3).

____ (d) **Ignition Interlock Tampering.** 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) (no ignition interlock), 46.61.502 (DUI), 46.61.504 (physical control), 46.61.5055 (DUI sentencing), 46.61.520(1) (vehicular homicide), or 46.61.522(1)(b) (vehicular assault).

____ (e) **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 – ___ as described on the DUI Attachment; ___ 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).

____ (f) **Driver's License Suspension – Age Of Defendant.** I understand RCW 46.20.265 requires that my driver's license be revoked if 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 (alcohol), 69.41 (legend drugs), 69.50 (drugs), or 69.52 RCW (imitation drugs), and –

____ **Under 21 – Drugs.** 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**

____ **Under 18 – Firearms.** 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**

____ **Under 18 – Alcohol.** 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).

____ (g) **Minimum Sentence.**

____ **1° DWLR – Generally.** 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. The minimum sentence of confinement required shall not be suspended or deferred. RCW 46.20.342(1)(a).

____ **1° DWLR – DUI And Physical Control.** The crime of first degree driving while license revoked has a mandatory minimum sentence of 90 days in jail when the person is also convicted of driving under the influence or physical control when both convictions arise from the same event. The minimum sentence of confinement required shall not be suspended or deferred. 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.

____ (h) **Prostitution Offenses And Indecent Exposure.** The crimes of prostitution, indecent exposure, permitting prostitution, and patronizing a prostitute have a mandatory assessment of \$ _____. The court may reduce up to 2/3 of this assessment if the court finds that I am not able to pay the assessment. RCW 9A.88.120.

____ (i) **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. RCW 9A.88.130.

- _____ (j) **Concealed Pistol License (CPL)** –
- _____ **Exhibiting A Weapon.** If I am convicted of carrying a weapon apparently capable of producing bodily harm under RCW 9.41.270, my CPL will be revoked.
- _____ **Firearm On School Facilities.** If I am convicted of knowingly possessing a firearm on school facilities or areas of facilities while being used for official meetings of a school district board of directors under RCW 9.41.280, my CPL will be revoked for a period of 3 years, and I will be prohibited from applying for a CPL for 3 years.
- _____ **Firearm On Child Care Premises.** If I am convicted of possessing a firearm on child care premises under RCW 9.41.282, my CPL will be revoked for a period of 3 years, I will be prohibited from applying for a CPL for 3 years from the date of conviction, and I must immediately surrender any concealed pistol license.
- _____ (k) **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.
- _____ (l) **Drug Offense – 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).
- _____ (m) **Commercial Drivers.** This plea of guilty is considered a conviction under RCW 46.25.010 which means 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.
- _____ (n) **Sex Offender Registration.** I will be required to register with the county sheriff as described in the “Offender Registration Attachment” if this crime involves –
- (i) 2° sexual misconduct with a minor; (ii) communication with a minor for immoral purposes; (iii) an attempt, solicitation, or conspiracy to commit a sex offense; (iv) a kidnapping offense involving a minor as defined in RCW 9A.44.128; or (v) unlawful transmission of HIV to a child or vulnerable adult under chapter 70.24 RCW.
- _____ (o) **DNA Sample Collection.** 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) if this crime is – (i) an offense which requires sex or kidnapping offender registration; (ii) 4° assault where domestic violence was pleaded and proved; (iii) 4° assault with sexual motivation; (iv) communication with a minor for immoral purposes; (v) 2° custodial sexual misconduct; (vi) failure to register; (vii) harassment; (viii) patronizing a prostitute; (ix) 2° sexual misconduct with a minor; (x) stalking; (xi) indecent exposure; or (xii) violation of a sexual assault protection order. RCW 43.43.754.

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) – _____.

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

____ **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. **Defendant Assertion.** I assert that –

___ I read this statement.

___ My lawyer read this statement to me.

___ An interpreter read the entire statement to me and that I understood it in full.

15. **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.

___ **Interpreter.** An interpreter has interpreted the above paragraphs and my lawyer’s explanation and into the _____ language which I understand.

DATED – _____

/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.]

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.]