

**KITSAP COUNTY DISTRICT COURT  
STATE OF WASHINGTON**

STATE OF WASHINGTON,  <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <hr style="width: 80%; margin: 0 auto;"/> <p style="text-align: center;">Defendant.</p>	No. _____  <b>STIPULATION OR SUBMITTAL OF FACTS</b> ___ DUI – No Test ___ Breath Results – _____ ___ Blood Results – _____ ___ Breath/Blood Refused ___ Passenger(s) Under Age 16 – _____ ___ THC – No Test ___ THC Results – _____
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1. **Submit The Case (CrRLJ 6.1.2(b)).** I am the Defendant in this case. I wish to submit the case on the record. I understand that this means that the judge will read the police report and other materials and, based upon that evidence, the judge will decide if I am guilty or not guilty of the crime(s) of –

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.

2. **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.

3. **Judge Can Give Up To The Maximum Sentence.** I understand that the judge can impose any sentence up to the maximum, no matter what the prosecution or defense recommends.
4. **Give Up Constitutional Rights.** I understand that, by this process, I am giving up the constitutional right to a jury trial, the right to hear and question witnesses, the right to call witnesses in my own behalf, and the right to testify or not to testify.
5. **No Threats.** No one has threatened harm of any kind to me, or to any other person, to cause me to enter this statement.
6. **No Promises.** No person has made promises of any kind to cause me to enter this statement except for the recommendations by the prosecution in section 7.
7. **Sentencing Recommendation.** If I am convicted, the prosecution will make the following recommendations to the judge –

\_\_\_\_\_ **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 Imposed	Jail Days Suspended*	Jail Days To Serve
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

**\*Suspension Length.** Unless no jail days are suspended, this portion of the defendant’s jail sentence will be suspended for 5 years for DUI or physical control offenses, 5 years for domestic violence offenses, and for 2 years for all other offenses.

**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.

\_\_\_ **DUI Electronic Home Monitoring.** RCW 46.61.5055 –

\_\_\_ 60 days; \_\_\_ 90 days; \_\_\_ 120 days; \_\_\_ 150 days; \_\_\_ \_\_\_\_\_ days.

\_\_\_ **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.

\_\_\_ **Emergency Responder Restitution.** RCW 38.52.430. Defendant shall pay to the Court the following emergency responder restitution (maximum of \$2,500) as determined by a separate order –

\_\_\_ WSP – \$ \_\_\_\_\_; \_\_\_ KCSO – \$ \_\_\_\_\_; \_\_\_ BIPD – \$ \_\_\_\_\_;  
\_\_\_ BPD – \$ \_\_\_\_\_; \_\_\_ POPD – \$ \_\_\_\_\_; \_\_\_ PPD – \$ \_\_\_\_\_;  
\_\_\_ Fire District No. \_\_\_\_\_ – \$ \_\_\_\_\_

Note. The above amount(s) must be paid in full for each agency at one time. Partial payments will not be accepted by the Court.

\_\_\_ **Restitution.** Defendant shall pay to the Court restitution to the following as determined by a separate order –

\_\_\_\_ **Sentence Conditions To Be Monitored By Probation Services.** Defendant shall contact Probation Services in room 106 of the Kitsap County Courthouse immediately following the sentencing hearing if defendant is not in custody or within 3 days upon defendant being released from custody. Defendant will be monitored for compliance by Probation Services for the following sentence conditions. Defendant shall –

**Probation Monitoring Assessment.** RCW 10.64.120. Pay a misdemeanor probation department assessment of –

\_\_\_\_ \$600 (2 years); \_\_\_\_ \$1,500 (5 years).

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.

\_\_\_\_ **Obey The Law.** Have no new criminal law violations. This includes defendant shall abide by all protection orders and/or no contact orders currently in effect until the order(s) expires.

\_\_\_\_ **Substance Use Disorder Treatment.** Obtain a substance use disorder evaluation from a Washington state-certified agency and fully comply with all treatment recommendations.

\_\_\_\_ **DUI Victim Impact Panel.** Complete a Washington state DUI victim impact panel that meets the standards stated in RCW 10.01.230.

\_\_\_\_ **Defensive Driving Course.** Complete a Level 2, 8-hour minimum, defensive driving course (which may be completed online or in-person).

\_\_\_\_ **Domestic Violence Intimate Partner Treatment.** Obtain a domestic violence intimate partner evaluation from a state-certified agency and fully comply with all treatment recommendations.

\_\_\_\_ **Domestic Violence Parenting Class.** Complete a domestic violence parenting class that is a minimum 24 hours in length which includes education on the effects of domestic violence on children.

\_\_\_\_ **Domestic Violence Victim Impact Panel.** Complete a domestic violence victim impact panel.

\_\_\_\_ **Anger Management Course.** Complete an anger management course.

\_\_\_\_ **Mental Health Treatment.** Obtain a mental health evaluation from a state-certified agency and fully comply with all treatment recommendations.

\_\_\_ **Psychosexual Treatment.** Obtain a psychosexual evaluation from a state-certified agency and fully comply with all treatment recommendations.

\_\_\_ **Sex Buyer Course.** Complete a sex buyer course.

\_\_\_ **Gambling Treatment.** Obtain a gambling assessment and fully comply with all treatment recommendations.

\_\_\_ **Other Sentence Conditions.**

\_\_\_ **Alcohol Prohibited.** Defendant shall not possess or consume any beverage containing alcohol.

\_\_\_ **Cannabis Prohibited.** Defendant shall not possess or consume cannabis.

\_\_\_ **Controlled Substances Prohibited.** Defendant shall not possess or consume controlled substances unless prescribed by a physician.

\_\_\_ **Contact Prohibited.** Defendant shall not initiate contact, approach or communicate by any means whatsoever with the following –

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\_\_\_ **Animals Prohibited And Forfeited.** Defendant shall not possess, own or care for any animals. The defendant shall forfeit all seized animals.

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

\_\_\_ **Dangerous Animal Declaration.** \_\_\_\_\_ (animal name) is a potentially dangerous animal. The animal should be declared dangerous by the judge pursuant to Kitsap County Code 7.12.020(b).

\_\_\_ **Other Agreement(s).**

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\_\_\_ **Legal Financial Obligations.** Defendant shall pay the following –

\_\_\_ **DUI And Physical Control;** \_\_\_ \$990.50; \_\_\_ \$1,245.50; \_\_\_ \$1,670.50; \_\_\_ \$2,095.50; \_\_\_ \$2,945.50 (Note – these amounts include the fine, criminal conviction fee and Title 46 criminal justice penalty listed below).

\_\_\_ **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.

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.]