

Superior Court of Washington, County of _____

State of Washington,
Plaintiff,
vs.

_____,
Defendant. DOB
PCN/TCN:
SID:

No.
Felony Judgment and Sentence --
Theft or Taking of a Motor Vehicle
(FJS/RJS)

Clerk's Action Required, 2.1, 4.1, 4.3, 4.7, 5.2,
5.3, 5.5, 5.7, and 5.8

I. Hearing

1.1 The court conducted a sentencing hearing this date; the defendant, the defendant's lawyer, and the (deputy) prosecuting attorney were present.

II. Findings

2.1 Current Offenses: The defendant is guilty of the following offenses, based upon
 guilty plea jury-verdict bench trial on (date) _____ :

Count	Crime	RCW (w/subsection)	Class	Date of Crime

Class: FA (Felony-A), FB (Felony-B), FC (Felony-C)
(If the crime is a drug offense, include the type of drug in the second column.)
 Additional current offenses are attached in Appendix 2.1a.

The jury returned a special verdict or the court made a special finding with regard to the following:

GV For the crime/s charged in count _____, **domestic violence – intimate partner** was pled and proved.

GV For the crime/s charged in count _____, **domestic violence - family or household member** was pled and proved.

- Count _____ is a felony in the commission of which the defendant used a **motor vehicle** in a manner that endangered persons or property. RCW46.20.285.
- The defendant has a **substance use disorder** that has contributed to the offense/s. RCW 9.94A.607.
- Reasonable grounds exist to believe the defendant is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. RCW 9.94B.080.
- Counts _____ encompass the same criminal conduct and count as 1 crime in determining the offender score. RCW 9.94A.589.
- Other current convictions listed under different cause numbers used in calculating the offender score are** (*list offense and cause number*):

	Crime	Cause Number	Court (County & State)	DV* Yes
1.				
2.				

* DV: Domestic Violence was pled and proved.

- Additional current convictions listed under different cause numbers used in calculating the offender score are attached in Appendix 2.1b.

2.2 Criminal History:

	Crime	Date of Crime	Date of Sentence	Sentencing Court (County & State)	A or J Adult, Juv.	Type of Crime	DV* Yes
1.							
2.							
3.							

* DV: Domestic Violence was pled and proved.

2.3 Sentencing Data:

Count No.	Offender Score	Serious- ness Level	Standard Range (not including enhancements)	Plus Enhancements*	Total Standard Range (including enhancements)	Maximum Term

Additional current offense sentencing data is attached in Appendix 2.3.

2.4 Theft or taking of a motor vehicle sentence: For counts _____, the midpoint of the standard sentence range is greater than 1 year and the defendant is sentenced for 1 of the following crimes that makes the defendant eligible for the theft or taking of a motor vehicle sentence under Laws of 2019, ch. 191, § 1:

- Theft of a motor vehicle (RCW 9A.56.065) or an attempt;
- Possession of a stolen vehicle (RCW 9A.56.068) or an attempt;
- Taking a motor vehicle without permission in the first degree (RCW 9A.56.070); or
- Taking a motor vehicle without permission in the second degree (RCW 9A.56.075).

2.5 Legal Financial Obligations/Restitution. The court has considered the total amount owing, the defendant's financial resources, and the nature of the burden that payment will impose. RCW 10.01.160. The court makes the following specific findings:

- The defendant is indigent as defined in RCW 10.101.010(3)(a)-(c) because the defendant:
- receives public assistance
 - is involuntarily committed to a public mental health facility
 - receives an annual income, after taxes, of 125 percent or less of the current federal poverty level.
- The defendant is not indigent as defined in RCW 10.101.010(3)(a)-(c).
- The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753): _____
- The defendant has the present means to pay costs of incarceration. RCW 9.94A.760.

2.6 Felony Firearm Offender Registration. The defendant committed a felony firearm offense as defined in RCW 9.41.010, and:

- The defendant should register as a felony firearm offender. The court considered the following factors in making this determination:
- the defendant's criminal history.
 - whether the defendant has previously been found not guilty by reason of insanity of any offense in this state or elsewhere.
 - evidence of the defendant's propensity for violence that would likely endanger persons.
 - other: _____
- The defendant must register as a felony firearm offender because the offense was committed in conjunction with an offense committed against a person under the age of 18, or a serious violent offense or offense involving sexual motivation as defined in RCW 9.94A.030.

III. Judgment

3.1 The defendant is **guilty** of the counts and charges listed in Paragraph 2.1 and Appendix 2.1.

3.2 The court **dismisses** counts _____ in the charging document.

IV. Sentence and Order

It is ordered:

4.1 Theft or Taking of a Motor Vehicle. Laws of 2019, ch. 191, § 1. The defendant is eligible for the theft or taking of a motor vehicle sentence. The court waives imposition of a sentence within the standard sentence range and imposes the following sentence:

(1) Confinement. A term of confinement in the custody of:

- the _____ jail.
- the Department of Corrections (DOC).
- The defendant was under 18 at the time of the offense and shall be initially placed in the custody of the Department of Children, Youth, and Families (DCYF):

(Cannot be more than the midpoint of the standard range, reduced by one-third of the ordered community custody term):

_____ months of total confinement on count _____.

_____ months of total confinement on count _____.

_____ months of total confinement on count _____.

Actual number of months of total confinement ordered is: _____

All counts shall be served concurrently, except for the following which shall be served consecutively: _____

This sentence shall run consecutively with the sentence in the following cause number/s (see RCW 9.94A.589(3)): _____

Confinement shall commence immediately unless otherwise set forth here: _____

Sentencing alternatives for sentences under 1 year:

Partial Confinement. The defendant may serve the sentence, if eligible and approved, in partial confinement in the following programs, subject to the following conditions: _____

- work crew (RCW 9.94A.725)
- home detention (RCW 9.94A.731, .190)
- work release (RCW 9.94A.731)
- electronic monitoring (RCW 9.94A.030)

Conversion of Jail Confinement (Nonviolent and Nonsex Offenses). RCW 9.94A.680(3). The county jail is authorized to convert jail confinement to an available county supervised community option, to reduce the time spent in the community option by earned release credit consistent with local correctional facility standards, and may require the offender to perform affirmative conduct pursuant to RCW 9.94A.

The defendant shall receive credit for time served in an available county supervised community option prior to sentencing. The jail shall compute time served.

Alternative Conversion. RCW 9.94A.680. _____ days of total confinement ordered above are hereby converted to _____ hours of community restitution (service) (8 hours = 1 day, nonviolent offenders only, 30 days maximum) under the supervision of the DOC to be completed on a schedule established by the defendant's community corrections officer but not less than _____ hours per month.

Alternatives to total confinement were not used because of:

- criminal history
- failure to appear (finding required for nonviolent offenders only RCW 9.94A.680).

Confinement begins: Confinement shall commence immediately unless otherwise set forth here: _____

Credit for Time Served. The defendant shall receive credit for eligible time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The jail shall compute time served.

(2) Community Custody. The defendant shall serve (6 to 12 months on community custody):

_____ months in community custody on count _____.

_____ months in community custody on count _____.

_____ months in community custody on count _____.

The defendant shall comply with the community custody conditions in paragraph 4.2.

4.2 Community Custody Conditions. The defendant shall report to the DOC not later than 72 hours after sentencing or release from custody at the address provided in open court or by separate document. The defendant shall cooperate with the DOC assessment and comply with any programs that result from the assessment that the DOC makes available during community custody. The defendant shall:

- comply with the instructions, rules, and regulations of DOC for the conduct of the defendant during the period of community custody.
- obey all laws and perform affirmative acts as required by DOC to confirm compliance with the court orders.
- inform DOC of court-ordered treatment upon the request of DOC.
- comply with any other conditions of community custody stated in this Judgment and Sentence or imposed by DOC under RCW 9.94A.704 during community custody.

While under supervision, the defendant shall not own, use, or possess firearms or ammunition. The court orders that during the period of supervision, the defendant shall:

- | | |
|---|---|
| <input type="checkbox"/> pay all court-ordered legal financial obligations. | <input type="checkbox"/> not possess or consume controlled substances, including marijuana, without valid prescription/authorization. |
| <input type="checkbox"/> obtain prior approval of the DOC for the defendant's residence location and living arrangements. | <input type="checkbox"/> not possess or consume alcohol. |
| <input type="checkbox"/> report as directed to a community corrections officer. | <input type="checkbox"/> remain within prescribed geographical boundaries. |
| <input type="checkbox"/> work at DOC-approved education or employment. | <input type="checkbox"/> obtain a substance use disorder evaluation and comply with recommended treatment. |
| <input type="checkbox"/> obtain a mental health evaluation and comply with recommended treatment. | |
| <input type="checkbox"/> Other conditions: _____ | |
| _____ | |
| _____ | |

(A) The conditions of community custody shall begin immediately upon release from confinement unless otherwise set forth here: _____

Court Ordered Treatment: If any court orders mental health or substance use disorder treatment, the defendant must notify DOC and the defendant must release treatment information to DOC for the duration of incarceration and supervision. RCW 9.94A.562.

4.3 Legal Financial Obligations: The defendant shall pay to the clerk of this court:

JASS/Odyssey CODE

PCV 3105 \$ _____ Victim assessment RCW 7.68.035 (\$500)
 PDV 3102 \$ _____ Domestic Violence (DV) assessment RCW 10.99.080
 VPO 3366 \$ _____ Violation of a DV protection order (\$15 mandatory fine)
 RCW 26.50.110 or RCW 7.105.450
 CRC 3403 \$ _____ Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160,
 10.46.190

Criminal filing fee \$ 200.00 FRC
 Witness costs \$ _____ WFR
 Sheriff service fees \$ _____ SFR/SFS/SFW/WRF
 Jury demand fee \$ _____ JFR
 Extradition costs \$ _____ EXT
 Other \$ _____

PUB 3225 \$ _____ Fees for court appointed attorney. RCW 9.94A.760
 EXW 350 \$ _____ Court appointed defense expert and other defense costs.
 RCW 9.94A.760
 \$ _____ DUI fines, fees, and assessments
 CLF 3212 \$ _____ Crime lab fee [] suspended due to indigency RCW 43.43.690
 DEF 3506 \$ _____ Emergency response costs (\$2,500 max.)
 RCW 38.52.430
 Agency: _____

FPV 3335 \$ _____ Specialized forest products. RCW 76.48.171
 \$ _____ Other fines or costs for: _____

RTN 3801/4801 \$ _____ Restitution to: _____
 \$ _____ Restitution to: _____
 (Name and Address--address may be withheld and provided confidentially to Clerk of the Court's office.)

\$ _____ **Total** RCW 9.94A.760

- [] The above total does not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:
 - [] shall be set by the prosecutor.
 - [] is scheduled for (date) _____.
- [] The defendant waives any right to be present at any restitution hearing (sign initials): _____.
- [] The court finds that the restitution is owed to an insurer or a state agency other than the Dept. of Labor and Industries and the defendant does not have the current or

likely future ability to pay that restitution. The court, in its discretion, waives restitution.

Restitution Schedule attached.

Restitution ordered above shall be paid jointly and severally with:

<u>Name of other defendant</u>	<u>Cause Number</u>	<u>(Victim's name)</u>	<u>(Amount-\$)</u>
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The DOC or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

All payments shall be made in accordance with the policies of the clerk of the court and on a schedule established by DOC or the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$_____ per month commencing _____. RCW 9.94A.760. (Restitution payments must begin immediately. RCW 9.4A.750(1).)

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(7)(b).

The court orders the defendant to pay costs of incarceration at the rate of \$_____ per day, (actual costs not to exceed \$100 per day). (JLR) RCW 9.94A.760. (This provision does not apply to costs of incarceration collected by DOC under RCW 72.09.111 and 72.09.480.)

No interest shall accrue on non-restitution obligations imposed in this judgment. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160.

Restitution Interest:

The court finds that the restitution is owed to an insurer or a state agency other than the Dept. of Labor and Industries and the defendant does not have the current or likely future ability to pay interest on that restitution. The court, in its discretion, waives interest on restitution.

After considering the defendant's available funds and liabilities, whether the defendant is indigent, homeless, or mentally ill, and the victim's input relating to financial hardship caused to the victim, the court waives interest on restitution.

The restitution obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments.

4.4 DNA Testing. The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. If the defendant has already had a biological sample collected, the collecting agency may choose not to collect another sample. RCW 43.43.754.

The facility where the defendant serves the term of confinement shall be responsible for obtaining the sample as part of the defendant's intake process or as soon as practicable.

If further confinement is not ordered:

the defendant shall report to (*law enforcement agency*) _____
by (*date/time*) _____ to provide a biological sample.

The defendant shall immediately provide a biological sample to the local police department or sheriff's office before leaving the courtroom.

Failure to provide a biological sample is a gross misdemeanor.

4.5 No Contact:

The defendant shall not have contact with (*name*) _____ including, but not limited to, personal, verbal, telephonic, written, or contact through a third party until _____ (which does not exceed the maximum statutory sentence).

The defendant is excluded or prohibited from coming within (*distance*) _____ of: (*name*) _____'s home/residence
 workplace school other location/s _____,
until _____ (which does not exceed the maximum statutory sentence).

A separate Domestic Violence No-Contact Order, Antiharassment No-Contact Order, or Stalking No-Contact Order is filed concurrent with this Judgment and Sentence.

4.6 Other: _____

4.7 Exoneration: The Court hereby exonerates any bail, bond, and/or personal recognizance conditions.

V. Notices and Signatures

5.1 Collateral Attack on Judgment. If you wish to petition or move for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial, or motion to arrest judgment, you must do so within 1 year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.

5.2 Length of Supervision. The court shall retain jurisdiction over you for the purpose of your compliance with payment of the legal financial obligations for 10 years from your date of sentence or release from confinement, whichever is longer, and for restitution until you have completely satisfied your obligation, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). The clerk of the court has authority to collect unpaid legal financial obligations at any time while you remain under the jurisdiction of the court for purposes of your legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

5.3 Notice of Income-Withholding Action. If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the DOC or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments, in an amount equal to or greater than the amount payable for 1 month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

5.4 Reserved.

5.5a Firearms. You may not own, use, or possess any firearm, and under federal law any firearm or ammunition, unless your right to do so is restored by the court in which you are convicted or the superior court in Washington State where you live, and by a federal court if required. **You must immediately surrender any concealed pistol license/s.** (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable information to the Department of Licensing (DOL) and the Washington State Patrol Firearms Background Check Program along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

5.5b [] Felony Firearm Offender Registration. The defendant is required to register as a felony firearm offender. The specific registration requirements are located in the "Felony Firearm Offender Registration" attachment.

5.6 Reserved.

5.7 [] Department of Licensing Notice. The court finds that count _____ is a felony in the commission of which a motor vehicle was used. **Clerk's Action** –The clerk shall forward an Abstract of Court Record (ACR) to the DOL, which must revoke the Defendant's driver's license. RCW 46.20.285.

5.8 [] Department of Licensing Notice – Defendant under age 21 only. Count _____ is a violation under RCW 9.41.040 [unlawful possession of firearm], and the defendant was under the age of 18 at the time of the offense **AND** the court finds that the defendant previously committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.

Clerk's Action –The clerk shall forward an ACR to the DOL, which must revoke the Defendant's driver's license. RCW 46.20.265.

5.9 Other: _____

Done in Open Court and in the presence of the defendant on this date: _____

Judge/Print Name

Deputy Prosecuting Attorney
WSBA No.
Print Name:

Attorney for Defendant
WSBA No.
Print Name:

Defendant
Print Name:

[] Voting Rights Statement: I acknowledge that I have lost my right to vote because of this felony conviction and sentence of total confinement. If I am registered to vote, my voter registration will be cancelled.

My right to vote will be restored when I am not serving a sentence of total confinement in the custody of DOC. My right to vote is automatically restored but I must reregister to vote prior to voting. Voting or registering to vote before the right is restored is a class C felony. RCW 29A.84.140.

Defendant's signature: _____

I am a certified or registered interpreter, or the court has found me otherwise qualified to interpret, in the _____ language, which the defendant understands. I interpreted this Judgment and Sentence for the defendant into that language.

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

VI. Identification of the Defendant

SID No. _____ Date of Birth _____

FBI No. _____ Local ID No. _____

PCN/TCN No. _____ Other _____

Alias name, DOB: _____

Race:		Ethnicity:	Sex:
<input type="checkbox"/> Asian	<input type="checkbox"/> Black	<input type="checkbox"/> Indian-American Indian or Alaska Native	<input type="checkbox"/> Hispanic
<input type="checkbox"/> Multiracial	<input type="checkbox"/> Native Hawaiian or Other Pacific Islander	<input type="checkbox"/> Non-Hispanic	<input type="checkbox"/> Male
<input type="checkbox"/> Refused	<input type="checkbox"/> White	<input type="checkbox"/> Unavailable	<input type="checkbox"/> Refused
<input type="checkbox"/> Unknown	<input type="checkbox"/> Other:	<input type="checkbox"/> Unknown	

Fingerprints: I attest that I saw the defendant who appeared in court affix their fingerprints and signature on this document.

Clerk of the Court, Deputy Clerk: _____ Date: _____

The defendant's signature:

Left 4 fingers taken simultaneously	Left Thumb	Right Thumb	Right 4 fingers taken simultaneously
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