

Superior Court of Washington, County of _____

State of Washington, Plaintiff,

vs.

_____,
 Defendant. DOB _____
 PCN/TCN:
 SID:

No.

**Felony Judgment and Sentence --
 Parenting Sentencing Alternative
 (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
- Defendant Used Motor Vehicle**
- Juvenile Decline** **Mandatory**
- Discretionary**

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 (*date*) _____ jury-verdict (*date*) _____
 bench trial (*date*) _____:

<i>Count</i>	<i>Crime</i>	<i>RCW (w/subsection)</i>	<i>Class</i>	<i>Date of Crime</i>

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.

[] This case involves **unlawful imprisonment** as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor’s parent. RCW 9A.44.130.

[] Count _____ is a felony in the commission of which the defendant used a **motor vehicle**. RCW46.20.285.

[] The defendant has a **chemical dependency** 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 (RCW 9.94A.525):

	Crime	Date of Crime	Date of Sentence	Sentencing Court (County & State)	A or J Adult, Juv.	Type of Crime	DV* Yes
1							
2							
3							
4							

* DV: Domestic Violence was pled and proved.

[] Additional criminal history is attached in Appendix 2.2.

2.3 Sentencing Data:

Count No.	Offender Score	Seriousness Level	Standard Range (no enhancements)	Plus Enhancements*	Total Standard Range (including enhancements)	Maximum Term
				N/A		
				N/A		
				N/A		

Additional current offense sentencing data is attached in Appendix 2.3.

2.4 Parenting Sentencing Alternative. The court finds that the defendant is eligible for the parenting sentencing alternative and this alternative is appropriate and should be imposed. RCW 9.94A.655.

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 **Parenting Sentencing Alternative.** RCW 9.94A.030, RCW 9.94A.655. The defendant is eligible for the parenting sentencing alternative. The court waives imposition of a sentence within the standard sentence range and imposes the following sentence:

(A) **Community Custody.** The defendant shall serve, under the charge of the DOC:

_____ 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.

(B) **Review Hearing.** The defendant shall appear at review hearing as follows:

(C) **Credit for Time Served:** If the court orders the defendant to serve a term of total confinement, the defendant shall receive credit for any time previously served in confinement under RCW 9.94A.655.

- 4.2 **Community Custody Conditions.** RCW 9.94A.655. 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 comply with the instructions, rules, and regulations of the DOC for the conduct of the defendant during the period of community custody. The defendant shall obey all laws and perform affirmative acts as required by the DOC to confirm compliance with the orders of the court. The defendant shall inform the DOC of court-ordered treatment upon the request of the DOC. The defendant shall comply with any other conditions of community custody stated in this Judgment and Sentence or imposed by the 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. |

work at DOC-approved community restitution.

obtain a substance use disorder evaluation and comply with recommended treatment.

obtain a mental health evaluation and comply with recommended treatment.

Other conditions: _____

The conditions of community custody shall begin immediately unless otherwise set forth here:

Court-Ordered Treatment: If any court orders mental health or substance use disorder treatment, the defendant must notify the DOC and the defendant must release treatment information to the 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 3501 \$ _____ Court appointed defense expert and other defense costs RCW
9.94A.760
- CDF 3302 \$ _____ Drug enforcement fund of _____ RCW 9.94A.760
- LDI 3308/FCD 3363
- NTF 3338/SAD 3365/SDI 3307
- 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:

Name of other defendant **Cause Number** (Victim's name) (Amount-\$)

RJN

[] The Department of Corrections (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 the 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 the 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. 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(s)*) _____ 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 of protected person(s)*) _____'s
 - home/residence work place school other location(s) _____
 - _____, or
 - other location _____, until _____ (which does not exceed the maximum statutory sentence).
- A separate *Domestic Violence No-Contact Order, Antiharassment No-Contact Order, Stalking No-Contact Order, or Sexual Assault Protection 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.** If you committed your offense prior to July 1, 2000, you shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. If you committed your offense on or after July 1, 2000, 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 Department of Corrections (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 **Parental Sentencing Alternative Sanctions.** At any time during the period of community custody, the court may bring you back into court to evaluate your progress in treatment, or to determine if you have violated the conditions of the sentence. You have the right to assistance of counsel at this hearing and the court will appoint counsel if you are indigent. The court may modify the conditions of community custody or impose sanctions, including extension of the length of participation in the alternative program by no more than 6 months.
- If the court finds that you have violated the conditions or requirements of sentence or if you have failed to make satisfactory progress in treatment, the court may impose sanctions and order you to serve a term of total confinement within the standard range of your current offense.
- 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 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 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. **Findings for DUI, Physical Control, Felony DUI or Physical Control (ACR information):**

Within 2 hours after driving or being in physical control of a vehicle, the defendant had an alcohol concentration of breath or blood (BAC) of _____.

No BAC test result.

BAC Refused. The defendant refused to take a test offered pursuant to RCW 46.20.308.

Drug Related. The defendant was under the influence of or affected by any drug.

THC level was _____ within 2 hours after driving.

Passenger under age 16. The defendant committed the offense while a passenger under the age of 16 was in the vehicle.

Vehicle Info.: Commercial Vehicle; 16 Passenger Vehicle; Hazmat Vehicle.

5.8 **Department of Licensing Notice – Defendant under age 21 only.**

Count _____ is (a) a violation of RCW chapter 69.41 [Legend drug], 69.50 [VUCSA], or 69.52 [Imitation drugs], and the defendant was under 21 years of age at the time of the offense **OR** (b) 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 **OR** (c) a violation under RCW chapter 66.44 [Alcohol], 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 Abstract of Court Record (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:

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	<input type="checkbox"/> Female

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

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

The defendant's signature:

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