

Superior Court of Washington, County of _____

State of Washington,
Plaintiff,

vs.

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

No.
Felony Judgment and Sentence –
Jail One Year or Less (Non Sex)
(FJS/RJS)

- Clerk’s Action Required:** 2.1, 4.1, 4.3, 4.8,
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*) _____:

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.

[] The defendant used a **firearm** in the commission of the offense in count _____.
RCW 9.94A.825, RCW 9.94A.533.

[] The defendant used a **deadly weapon other than a firearm** in committing the offense in count _____. RCW 9.94A.825, 9.94A.533.

[] In count _____, the defendant committed a robbery of a pharmacy as defined in RCW 18.64.011(26), RCW 9.94A.832.

[] Count _____ is a **criminal street gang**-related felony offense in which the defendant compensated, threatened, or solicited a **minor** in order to involve that minor in the commission of the offense. RCW 9.94A.833.

[] Count _____ is the crime of **unlawful possession of a firearm** and the defendant was a **criminal street gang** member or associate when the defendant committed the crime. RCW 9.94A.702, 9.94A.829.

[] The defendant has a **substance use disorder** that 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.

GY [] In count _____, the defendant had (*number of*) _____ **passenger(s) under the age of 16** in the vehicle. RCW 9.94A.533.

[] Count _____ is a felony in the commission of which the defendant used a **motor vehicle** in a manner that endangered persons or property. RCW 46.20.285.

[] Count(s) _____ 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:

	<i>Crime</i>	<i>Date of Crime</i>	<i>Date of Sentence</i>	<i>Sentencing Court (County & State)</i>	<i>A or J Adult, Juv.</i>	<i>Type of Crime</i>	<i>DV* Yes</i>
1.							
2.							
3.							
4.							
5.							

* DV: Domestic Violence was pled and proved.

- Additional criminal history is attached in Appendix 2.2.
- The defendant committed a current offense while on community placement/community custody (adds 1 point to score). RCW 9.94A.525.
- The prior convictions listed as number(s) _____ above, or in Appendix 2.2, are 1 offense for purposes of determining the offender score (RCW 9.94A.525).

2.3 Sentencing Data:

<i>Count No.</i>	<i>Offender Score</i>	<i>Seriousness Level</i>	<i>Standard Range (not including enhancements)</i>	<i>Plus Enhancements*</i>	<i>Total Standard Range (including enhancements)</i>	<i>Maximum Term</i>

* (F) Firearm, (D) Other deadly weapons, (RPh) Robbery of a pharmacy, (CSG) Criminal street gang involving minor, (P16) Passenger(s) under age 16.

- Additional current offense sentencing data is attached in Appendix 2.3.

2.4 Exceptional Sentence. The court finds substantial and compelling reasons that justify an exceptional sentence:

- below the standard range for count(s) _____.
- above the standard range for count(s) _____.
- The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional

sentence furthers and is consistent with the interests of justice and the purposes of the *Sentencing Reform Act*.

Aggravating factors were stipulated by the defendant, found by the court after the defendant waived jury trial, found by jury, by special interrogatory.

within the standard range for count(s) _____, but served consecutively to count(s) _____.

Findings of fact and conclusions of law are attached in Appendix 2.4. Jury's special interrogatory is attached. The Prosecuting Attorney did did not recommend a similar sentence.

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 the costs of incarceration. RCW 9.94A.760.

(Name of agency) _____ 's costs for its emergency response are reasonable. RCW 38.52.430.

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 **Confinement.** The court sentences the defendant as follows:

(A) **Confinement.** RCW 9.94A.589. A term of total confinement in the custody of:

[] the county jail.

[] 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).

_____ months on count _____ _____ months on count _____
_____ months on count _____ _____ months on count _____
_____ months on count _____ _____ months 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: _____

[] **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 Department of Corrections (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).

(B) 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.

4.2 Community Custody. RCW 9.94A.505, .702.

(A) The defendant shall serve (*up to 12 months*):

_____ months in community custody on count _____

_____ months in community custody on count _____

_____ months in community custody on count _____

Community custody on all counts shall be served concurrently, except for the following counts, which shall be served consecutively: _____

The community custody terms of this sentence shall run consecutively with the community custody term in the following cause number(s) (see RCW 9.94A.589(2)(a)):

The court may order community custody under the jurisdiction of the DOC for up to 12 months if the defendant is convicted of a violent offense, a crime against a person under RCW 9.94A.411, a felony violation of chapter 69.50 or 69.52 RCW, or an attempt, conspiracy, or solicitation to commit such a crime. For offenses committed on or after June 7, 2006, the court shall impose a term of community custody under RCW 9.94A.701, if the offender is guilty of failure to register (second or subsequent offense) under RCW 9A.44.130(11)(a) and for offenses after June 12, 2008 for unlawful possession of a firearm with a finding that the defendant was a member or associate of a criminal street gang.

The defendant shall report to the DOC no later than 72 hours after release from custody at the address provided in open court or by separate document.

(B) While on community custody, the defendant shall:

- (1) report to and be available for contact with the assigned community corrections officer as directed;
- (2) work at a DOC-approved education, employment, and/or community restitution (service);
- (3) obtain prior approval of DOC for the defendant’s residence location and living arrangements;
- (4) not consume controlled substances, including marijuana, except pursuant to lawfully issued prescriptions/ authorization;
- (5) not unlawfully possess controlled substances while on community custody;
- (6) not own, use, or possess firearms or ammunition;
- (7) perform affirmative acts as required by the DOC to confirm compliance with the orders of the court; and
- (8) abide by any additional conditions imposed by the DOC under RCW 9.94A.704 and .706.

The court orders that during the period of supervision the defendant shall:

not possess or consume alcohol.

not possess or consume controlled substances, including marijuana, without a valid prescription.

have no contact with: _____

remain within outside of a specified geographical boundary, to wit: _____

participate in the following crime-related treatment or counseling services: _____

undergo an evaluation for, and fully comply with, treatment for domestic violence substance use disorder mental health anger management.

comply with the following crime-related prohibitions: _____

Other conditions: _____

(C) 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 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, 0.01.160,
10.46.190
 - Criminal filing fee \$200.00 FRC 3213
 - Witness costs \$_____ WFR3231
 - Sheriff service fees \$_____ SFR
 - Jury demand fee \$_____ JFR 3220
 - Extradition costs \$_____ EXT 3503
 - 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

DUS 3232 \$ _____ DUI fines, fees, and assessments

CLF 3212 \$ _____ Crime lab fee [] suspended due to indigency RCW 43.43.690

DEF 3506 \$ _____ Emergency response costs (\$1000 maximum, \$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: _____

RTN 3802/4802 \$ _____ Restitution to: _____

(Name and Address--address may be withheld and provided
confidentially to the 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)* _____ 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 workplace 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, or Stalking No-Contact Order* is filed concurrent with this Judgment and Sentence.

4.6 Other: _____

4.7 **Off-Limits Order.** (Known drug trafficker). RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the county jail or the Department of Corrections: _____

4.8 **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, 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), 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 **Community Custody Violation.**

(a) If you are subject to a violation hearing and the DOC finds that you committed the violation, you may receive a sanction of up to 30 days of confinement. RCW 9.94A.633(1).

(b) If you have not completed your maximum term of total confinement and you are subject to a violation hearing and the DOC finds that you committed the violation, the DOC may return you to a state correctional facility to serve up to the remaining portion of your sentence. RCW 9.94A.633(2)(a).

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, Vehicular Assault, or Vehicular Homicide (ACR information) (Check all that apply):

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 Attorney for Defendant Defendant

WSBA No. WSBA No.

Print Name: Print Name: 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:

Asian Black Indian-American Indian or
Alaska Native

Hispanic

Male

Multiracial Native Hawaiian or
Other Pacific Islander

Non-Hispanic

Female

Refused

White

Unavailable

Refused

Unknown

Other:

Unknown

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 four fingers taken simultaneously	Left Thumb	Right Thumb	Right four fingers taken simultaneously
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