

CLE ELUM MUNICIPAL COURT
Local Court Rules

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LARLJ 2

SCOPE OF RULES AND ADOPTION

- (a) Effect of Local Rules. The provisions of the Local Rules are supplemental to the Rules for courts of Limited Jurisdiction, as adopted or hereafter amended by the Supreme Court of the State of Washington, and shall not be construed in conflict with them.
- (b) Scope. The Local Rules apply to all Courts in which a Upper Kittitas County District Court Judge is appointed or elected to sit, including but not limited to the Upper Kittitas County District Court, Cle Elum Municipal Court, and the Roslyn Municipal Court.
- (c) Adoption and Amendments. These Rules may be amended from time to time by the Cle Elum Municipal Court Judge.
- (d) Prior Rules Repealed. All prior rules of the Cle Elum Municipal Court are repealed upon the adoption of these Rules.

(Adopted effective September 1, 2011)

LCrRLJ 4.5
PRE-TRIAL PROCEDURE

(A) Pre-Trial Hearings. All cases to be scheduled for jury trial shall be set by the clerk for a pre-trial hearing. The state or city prosecutor, defense counsel and the defendant shall attend the pre-trial hearing to consider such matters as will promote a fair and expeditious trial. Upon agreement that the discovery process has been completed to the satisfaction of the parties and that there are no other issues to be heard by the court, a stipulated pre-trial statement of readiness, substantially in the form set forth as "Form 1" below, shall be filed by the parties at the scheduled pre-trial hearing. At that time a trial date shall be scheduled.

(B) Motions. All amendments to the charges, pleas or pre-trial motions shall be made prior to or at the time of the pre-trial hearing. Motions which should have been heard at a pretrial hearing shall not be considered at the time of trial unless the judge at the time of the pre-trial hearing expressly continues such motions to the time of trial. Absent good cause, motions for dismissal or suppression of evidence in criminal cases shall be in writing and shall be provided to the prosecutor or city attorney at least 24 hours before the pre-trial hearing. Motions which are lengthy, complex, or which require the presence of witnesses will be heard by the court at a subsequent 3.5/3.6 hearing calendar.

(C) CrRLJ 3.5 Hearings. Pursuant to CrRLJ 3.5(a) all demands for hearing on the admissibility of confessions must be made no later than the pre-trial hearing. All motions filed pursuant to this rule shall be heard by the court at a subsequent 3.5/3.6 hearing calendar.

(D) Deferred Prosecution - Time for Petition - Forms for Petition and Order. A petition for deferred prosecution shall be filed with the court at least seven days before the date set for trial but, upon written motion and affidavit establishing good cause for the delay and failure to comply with this rule, the court may waive this requirement subject to the defendant's reimbursement to the court of the witness fees and expenses due for subpoenaed witnesses who have appeared on the date set for trial. The petition for deferred prosecution shall substantially comply with CrRLJ 4.2(I). The proposed findings and order shall substantially comply with the form set forth as "Form 2" below.

(E) Stays of Proceedings - Form of Order. In the event the parties enter into a stay of proceedings, the agreement between the parties shall be reduced to writing in a form which substantially complies with the form set forth as "Form 3" below.

[Amended effective September 1, 2025] [Adopted effective June 6, 2011]

Comments

The purpose of these rules is to eliminate surprise and unnecessary delay and expense. While the purpose of these rules is not to create traps for the unwary, when a party's failure to follow these rules causes unnecessary extra expense to the opposing party, the inconvenienced party may apply to the court for the imposition of sanctions. The purpose of these sanctions is not to punish but rather to insure that the appropriate party is responsible for the predictable costs of unnecessary delay.

Comment to section (A): The purpose of this section and form are to allow the parties and court to fully prepare for trial and to eliminate surprise, last minute motions and hearings, or other issues that may delay the commencement of a trial.

Comment to section (B): The purpose of this section is to provide a predictable structure to the pre-trial motions process and to insure that the non-moving party has adequate time to prepare

for the hearing. However, if counsel desire to avoid multiple hearings, the parties may agree to present evidence and argue pre-trial motions at the scheduled pre-trial hearing rather than following the procedure described by this rule.

Comment to section (C): See the comments to section (B).

Comment to section (D): See RCW 10.05.010.

Comment to section (E): The stay of proceedings form set forth below is generally consistent with the forms currently in use in the Upper Kittitas County District Court. In creating a uniform stay of proceedings form, it is not the court's intention to suggest what conditions should be part of an agreement between the parties. For example, if an agreement between the parties in a specific case does not include the defendant stipulating to the admissibility of the police reports, or a stipulation that the reports are sufficient to convict, the court expects the parties to line out that portion of the stay of proceedings form.

LCrRLJ 7.2(f)
REQUIREMENTS FOR CHEMICAL DEPENDENCY ASSESSMENTS

When, as a part of a sentence or other disposition, a chemical dependency assessment is required, the alcohol/drug evaluator must be a certified Chemical Dependency Professional (CDP) or a CDP trainee (CDPT) under supervision of a CDP. The evaluator shall prepare a written report of the assessment that shall include a description of the steps taken to insure compliance with the requirements of WAC 388-805-310. The written report shall also include the following information:

1. A description of the sources used to establish the defendant's legal history. At a minimum, these sources must include a Defendant's Case History (DCH), a Washington Department of Licensing driver's record abstract, and police reports describing the current offense. The police reports shall contain, at a minimum, a description of the offense and the defendant's blood or breath alcohol level and any other drug levels at the time of arrest.
2. A description of sources used to document the defendant's history of alcohol and other drug treatment or education. At a minimum, these sources shall include any available drug/alcohol evaluations prepared by a CDP or CDPT concerning the defendant. The defendant shall notify the evaluator of any prior alcohol/drug evaluation and sign any releases necessary to make such alcohol/drug evaluations available to his or her current evaluating agency.
3. A description of the method used to notify the defendant of the assessment results. The defendant shall be supplied with a copy of his alcohol/drug evaluation along with any treatment/education recommendations made by the CDP or CDPT. If the assessment results are mailed to the defendant, the report shall state the address to which the assessment was mailed and the date of mailing.

[Adopted effective June 6, 2011]

LGR 30

ELECTRONIC FILING AND SERVICE

(b)

(6) The clerk may accept any electronic document created by a Cle Elum Municipal Court judicial officer, clerk, or administrator for filing. Non-electronic documents filed with the Court may be converted to electronic documents and all such electronic documents shall be deemed the equivalent of original documents.

(7) The clerk may accept for filing via email or any other reliable electronic means any certificates filed for use by the court pursuant to IRLJ 6.6(d) and LIR 6.6(f)

(d)

(2)

(G) Any electronic document created by Cle Elum Municipal Court requiring a signature by a judicial officer, clerk or court administrator may be signed with an electronic signature. Each person authorized to sign court generated documents with an electronic signature will be assigned a user ID and password by the presiding Judge. Documents created pursuant to this rule may be electronically filed. An electronic document shall be deemed the equivalent of an original signed document if the electronic signature thereon complies with this rule.

Comments

LGR 30 (b) (6), LGR 30 (b) (7) and LGR 30 (d) (2) (G) go into effect immediately and apply retroactively to any document created or filed in accordance with the provisions of those rules.

[Adopted Effective September 1, 2016]

LIRLJ 3.3(b)
CONTESTED INFRACTION HEARING – REPRESENTATION BY LAWYER

(b) At a contested hearing the plaintiff shall be represented by a lawyer representative of the prosecuting authority when i) a witness has been subpoenaed to appear, or ii) where a timely request for a speed measuring device (SMD) expert has been filed with the court and served on the prosecuting authority. The court in its discretion may waive the presence of plaintiff's lawyer representative.

Comments:

The purpose of the rule regarding requiring the presence of a lawyer for the plaintiff is to minimize questioning of the witnesses by the court and for the plaintiff's lawyer to be present to address various legal challenges and issues. The presence of the plaintiff's lawyer is not a "right" of the defendant and the court may waive the presence of the plaintiff's lawyer under any circumstances which it may deem appropriate.

[Adopted effective 9/1/2017]

LIRLJ 3.5(f)
INFRACTION HEARINGS BASED ON WRITTEN STATEMENTS

The court adopts IRLJ 3.5 and will, at the request of a defendant, decide infraction cases based on written statements. A defendant requesting the court to decide the case on written statements shall do so by completing a statement in substantially the following form:

{see form LIRLJ 3.5 Form}

[Adopted effective June 6, 2011]

LIRLJ 6.6(e)
REQUEST FOR SPEED MEASURING DEVICE EXPERT

Request for Speed Measuring Device ("SMD") Expert. Defense requests to produce an electronic or laser SMD expert pursuant to IRLJ 6.6(b) or shall be contained in a separate document clearly designated as a request for an SMD expert, served on the prosecuting authority with a conformed copy filed with the clerk of the court. If the charging law enforcement agency's SMD expert maintains a schedule for monthly appearances in the Upper Kittitas County District Court, a request for an SMD expert shall be deemed by the court to be a request to set (or re-set) the hearing to a day scheduled for the agency's SMD expert. An SMD expert called as a witness by either party may testify by telephone or video call.

[Amended effective September 1, 2025] [Adopted effective June 6, 2011]

Comments to Local Infraction Rule 6.6(e). LIR 6.6(e) is designed to address the problem of requests for SMD experts being "buried" within discovery requests or other documents filed in contested infraction cases. A request for an SMD expert which stands alone and is clearly identified as a request for an SMD expert will eliminate continuances for defendants who desire the presence of an SMD expert but who have not made their wish sufficiently clear to the prosecuting authority. Allowing SMD expert testimony by telephone serves to reduce costs incurred by law enforcement agencies as well as assisting defendants in presenting the testimony of their own SMD experts.

LIR 6.6(f)
PUBLIC ACCESS TO SPEED MEASURING DEVICE CERTIFICATES

Pursuant to IRLJ 6.6(d), the court maintains as public records any design and construction certifications for electronic speed measuring devices and laser speed measuring devices filed with the court. In addition to the methods of public access described in IRLJ 6.6(d) certifications filed by the Cle Elum Police Department are available for review and downloading at the Upper Kittitas County District Court website:

[**https://www.co.kittitas.wa.us/courts/upper/SMD**](https://www.co.kittitas.wa.us/courts/upper/SMD)

[Adopted effective June 6, 2011, revised 9/1/2018]

INTERPRETER'S DECLARATION

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands, and I have translated this Stipulation for and Order for Stay of Proceedings for the defendant from English into that language. The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at Cle Elum, Washington on: ____/____/____

Interpreter

FORM #1 LCrRLJ 4.5
STIPULATED PRE-TRIAL STATEMENT OF READINESS

A stipulation filed in substantially the following form will comply with LCrRLJ 4.5(A):

IN THE CLE ELUM MUNICIPAL COURT, STATE OF WASHINGTON

CITY OF CLE ELUM)
)
Plaintiff,)
)
v.)
)
)
)
Defendant,)
_____)

CASE NO: _____

**PRE TRIAL ORDER
NOTICE OF TRIAL SCHEDULE**

DISCOVERY

- ☐ Requested discovery has been completed.
- ☐ Plaintiff/Defense will provide witness list/testimony by: _____
- ☐ Plaintiff/Defense will provide (specify): _____
- By: _____

STIPULATIONS/AFFIRMATIVE DEFENSES

- ☐ Defendant's statements, in police report/video, are admissible and CrRLJ 3.5 hearing is not required.
- ☐ Other: _____

MOTIONS

- ☐ CrRLJ 3.5 (HEARING REQUIRED)
- ☐ CrRLJ 3.6 (HEARING REQUIRED)
- ☐ Motions with factual declaration (HEARING REQUIRED)
- ☐ OTHER Motions (e.g. extensive motions *in limine*, etc) _____

☐ Motion and brief due: _____; ☐ Response due by: _____

It is hereby Ordered:

TRIAL SCHEDULE (Changes in this schedule will only be granted for good cause).

☐ MOTION Hearing: (Testimonial/Nontestimonial) Date/Time: _____

☐ TRIAL STATUS HEARING: Date/Time: _____

☐ JURY/BENCH TRIAL Date/Time: _____

THE UNEXCUSED FAILURE OF ANY DEFENDANT TO APPEAR IN PERSON WITHOUT PRIOR APPROVAL OF THE COURT AT THE SCHEDULED HEARINGS MAY RESULT IN THE ISSUANCE OF A BENCH WARRANT.

Prosecuting Attorney, WSBA:

Defense Attorney, WSBA:

Defendant: Dated: _____

Judge/Pro Tem

I am certified or registered interpreter, or the Court has found me otherwise qualified to interpret, in the _____ language, I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Interpreter / Date Kittitas County

DEFERRED PROSECUTION FINDINGS OF FACT, CONCLUSIONS OF LAW & ORDER

Upper Kittitas County District Court
State of Washington

STATE OF WASHINGTON,

[] City of Cle Elum,

[] City of Roslyn,

Plaintiff

Vs.

Defendant

Case No: _____

Deferred Prosecution
Findings of Fact,
Conclusion of Law,
Order

This matter coming before the court on the defendant's Petition for Deferred Prosecution, and the court having considered the Petition, evaluation and treatment plan filed by the defendant, and the arguments of counsel, now makes the following findings of fact:

I. Findings of Fact

1. The defendant was evaluated by an approved alcoholism treatment facility or an approved drug treatment center; said agency's evaluation meets the requirements of RCW 10.05.040 and is attached to this Order. A certified alcoholism treatment facility or drug treatment center has prepared a treatment plan meeting the requirements of RCW 10.05.150 and has committed to provide treatment. Said treatment plan and commitment to treatment is attached to this Order, and incorporated by reference herein.
2. The defendant has agreed to pay, or arranged for the payment of, the costs of treatment.
3. The defendant has agreed to complete the two-year treatment program set forth in the treatment plan attached to this Order and to follow the other conditions of the court's Order.
4. The defendant has been advised of the following rights and has knowingly and voluntarily waived each of them:
 - (a) The right to a jury trial;
 - (b) The right to a speedy trial;
 - (c) The right to present evidence in his or her defense;
 - (d) The right to hear and question all witnesses who testify against the defendant;
 - (e) The right to compel witnesses to appear and testify on behalf of the defendant at no cost to the defendant;
 - (f) The right to testify.
5. The defendant has stipulated to the admissibility and sufficiency of the facts contained in the written police reports and understands these facts will be considered by the court in any criminal hearing on the underlying offense or offenses held subsequent to revocation of the order granting deferred prosecution. The defendant has agreed that the facts contained in the stipulated police reports are sufficient to allow the court to find the petitioner guilty, beyond a reasonable doubt, of the charged offenses.
6. The defendant has agreed, and the court finds, that any statements made by the defendant contained in the stipulated police reports were made knowingly and voluntarily.
7. If the charge is a violation of RCW Title 46 or similar municipal ordinance, the defendant has affirmed, and the court finds, that the defendant has not previously participated in a prior deferred prosecution program for a violation of RCW Title 46 or any similar municipal ordinance.

From the forgoing Findings of Fact, the court makes the following conclusions of law:

II Conclusions of Law

1. The court has jurisdiction over the subject matter and petitioner in this case.
2. The petition meets the requirements of RCW 10.05.020
3. The diagnostic evaluation and treatment plan met the requirements of RCW 10.05.040, RCW 10.05.050 and RCW 10.05.150.
4. The Petition was made freely, voluntarily and knowingly.

III Order

Based on the foregoing Findings of Fact and Conclusions of Law, the court hereby grants the Petition for Deferred Prosecution and allows the defendant to enter into a deferred prosecution program. The defendant shall remain under the jurisdiction of the court and the supervision of Kittitas County Probation Services during the two year treatment plan, and for three years after the court receives proof of successful completion of the two-year treatment program, but not less than five years from the date of this Order. The defendant shall, while under the court's jurisdiction, comply with the following conditions:

1. The defendant shall fully comply with and complete the two-year treatment program attached to this Order and incorporated by reference in Paragraph 2 of the court's Findings. In the event there are any inconsistencies between this order and the attached treatment plan, the terms and conditions set forth in this order shall be controlling.
2. The defendant shall pay, or arrange for payment of, the costs of the treatment program.
3. The defendant shall maintain total abstinence from alcohol, marijuana, and all other non-prescribed mind altering drugs.
4. The defendant shall not commit any crimes. The definition of "commit" includes, but is not limited to, any criminal charge resolved by a stay of proceedings, a stipulated order of continuance, or any other agreement which consists of a continuance with conditions, even if the ultimate disposition of the criminal charge is a dismissal, amendment of charge, or a finding of not guilty.
5. The defendant shall not refuse to submit to a breath or blood test if a police officer has reasonable grounds to believe that the defendant is driving or is in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs.
6. The defendant shall not operate a motor vehicle upon the public highways without a valid operator's license and proof of liability insurance in an amount not less than that established by RCW 46.29.490.
7. The defendant shall immediately report to Probation Services, and continue to report in the future as directed by Probation Services.
8. The defendant shall pay \$60 per month for probation supervision. The court may, after the successful completion of the two year treatment program, reduce the level of supervision (and associated probation fees) required for the remainder of the period of supervision.
8. The defendant shall not change treatment agencies without written permission of the court.
9. The treatment facility shall file with Kittitas County Probation Services **monthly** treatment status/compliance reports. Those reports shall be sent to:

Kittitas County Probation Services
507 Nanum Street
Ellensburg, Washington 98926
10. The defendant shall provide **in writing** to the court and Probation Services any change in mailing address.
11. The defendant shall not drive any motor vehicle unless the motor vehicle is equipped with a functioning ignition interlock calibrated to prevent the motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.025 or more. This restriction is effective [] immediately; [] as of ____/____/____; [] after the completion of any suspension, revocation, or denial of driving privileges. The period of time of this restriction

shall be for ☐ one year ☐ five years ☐ ten years.

12. The defendant ☐ shall ☐ shall not be required to pay a \$250 administrative fee.

13. The defendant ☐ shall ☐ shall not be required to pay a \$250 breath test fee.

14. ☐ The defendant ☐ shall ☐ shall not be required to reimburse Kittitas County for the cost of his/her court appointed attorney in the amount of \$_____.

15. ☐ The defendant shall pay restitution in the amount of \$_____. ☐ A restitution hearing shall be held on ____/____/20____ to determine what amount of restitution should be paid by the defendant.

16. ☐ The defendant shall reimburse the appropriate Law Enforcement Agency \$_____ as an Emergency Response Reimbursement.

17. The defendant shall start the two year deferred prosecution treatment program on or before: ____/____/20____. ☐ **Prior to entry into the two year intensive treatment program, the defendant shall attend a minimum of three (3) self-help recovery support group meetings per week, and provide proof of attendance to Probation Services. The defendant shall also attend and fully participate in any pre-treatment program available from his or her treatment agency. The defendant shall report to Probation Services as directed.**

18. ☐ The defendant shall attend a DUI victim's panel in Kittitas County by: ____/____/20____.
☐ The defendant may attend a DUI victim's panel outside of Kittitas County by ____/____/20____.
Must send \$50.00 contribution to the Kittitas County Victim Panel.
☐ The defendant shall attend a Spanish language DUI victim's panel as directed by Probation Services.

19. This matter shall be set for review at any time as may be deemed appropriate by the court. In the event the defendant fails or neglects to undertake, complete or comply with any term or condition of this Order, the court, upon receiving notice of such failure, neglect, or violation, shall hold a hearing to determine whether the sufficient cause exists to remove the defendant from the deferred prosecution program. In the event the defendant is convicted of a similar offense, the court shall remove the defendant from the deferred prosecution program.

20. In the event the court finds cause to revoke the deferred prosecution, the court (sitting without a jury) will consider the stipulated police reports, including any statements made by the defendant, and determine whether the stipulated evidence supports the charge(s) beyond a reasonable doubt

21. In the event the defendant complies with the conditions of this Order the court shall, three years after receiving proof of successful completion of the two-year treatment program, but not before five years following entry of this Order, dismiss the charges pending against the defendant.

22. Other: _____

Dated ____/____/20____

Judge/Court Commissioner

Presented by:

Copy received; approved as to form:

Attorney for Defendant

WSBA #

Prosecuting Authority

WSBA #

Copy received; terms and conditions of Order accepted by:

Defendant

Attached to this Order are:

- A. Alcohol/drug evaluation, treatment plan and commitment to provide treatment.**
- B. Police reports.**

FORM #3 LCrRLJ 4.5
STIPULATION FOR AND ORDER FOR STAY OF PROCEEDINGS

**CLE ELUM MUNICIPAL COURT
FOR THE STATE OF WASHINGTON**

CITY OF CLE ELUM

Plaintiff,
Vs.

Defendant.

No.

Stipulation for and Order for Stay of Proceedings

Charge(s):

I. STIPULATED ORDER OF CONTINUANCE AGREEMENT

COMES NOW the State/City, by and through its attorney of record below-named, and the Defendant, represented by _____ of _____ Law Office and hereby enters the following Stipulated Order of Continuance Agreement (herein SOP). The Defendant is charged with the crime(s) of:

- **Count 1 - RCW**
 - ☐ The maximum penalty is 364 days imprisonment and/or a \$5,000 fine.
 - ☐ The maximum penalty is 90 days imprisonment and/or a \$1,000 fine.
 - ☐ The minimum penalty is _____ days imprisonment and/or a \$ _____ fine.
 - ☐ There is no mandatory minimum penalty.
- **Count 2 - RCW**
 - ☐ The maximum penalty is 364 days imprisonment and/or a \$5,000 fine.
 - ☐ The maximum penalty is 90 days imprisonment and/or a \$1,000 fine.
 - ☐ The minimum penalty is _____ days imprisonment and/or a \$ _____ fine.
 - ☐ There is no mandatory minimum penalty.

To resolve this matter, the parties stipulate and agree to the SOP for a period of _____ months, on the following terms and conditions.

II. DEFENDANT'S WAIVER OF SPEEDY TRIAL AND RIGHTS

1. **Speedy Trial.** The Defendant hereby waives his/her right to a trial within 90 days of arraignment. **The new speedy trial expiration date is 90 days after the end of this SOP period.** If the Defendant is alleged to have violated the terms of this SOP, speedy trial will be tolled until the violation is resolved.
2. **Rights.** As a condition of entering this SOP, the Defendant agrees to waive the following rights:
 - A. The right to a jury trial;
 - B. The right to a trial within 90 days of arraignment;
 - C. The right at trial to confront and question witnesses called by the prosecuting authority;
 - D. The right to testify on, call witnesses, and present evidence;
 - E. The right to present any affirmative defenses; and
 - F. The right to a hearing to determine the validity of arrest and any search or seizure.

III. CONDITIONS PURSUANT TO SOP

1. **Criminal Law Violations.** The Defendant shall have no violations of criminal law during the term of this SOP. Any new charges must be resolved within a reasonable time and Defendant shall not be allowed to ignore pending charges to avoid the consequences set forth herein.

The Defendant agrees that if a criminal law violation received during the term of the SOP is resolved in any of the following ways, it will constitute a violation of this agreement: a) a conviction of a criminal offense; b) entering into a SOP or stipulated order of continuance (SOC), continuance for dismissal (CFD); or c) entering into a deferred sentence, deferred prosecution, or any similar deferral to resolve a criminal charge.

If, at the end of the SOP, the Defendant has a new pending criminal law charge, speedy trial shall be tolled, and the conditions of the SOP shall remain in effect until the new case is resolved. If a warrant is issued in the pending case that demonstrates the Defendant is not actively working to resolve said case, this constitutes a violation of this SOP.

2. **Conditions.** The Defendant agrees to fully and completely satisfy all the following selected conditions within the specified time period in Section I of this SOP, unless otherwise specified:

- ☒ **Probation.** The Defendant shall be on probation for the full period of the SOP. Probation has authority to change supervision from Supervised to Record Check Only at any time. Probation shall initially be:
- ☐ Supervised, with a monitoring fee of \$60.00 per month
 - Maintain contact with Probation as directed by Probation.
 - ☐ Record Check Online, with a fee of \$180.00 for every six-month record check
- ☐ **Drug and Alcohol Evaluation.** Defendant shall complete a drug and alcohol evaluation within 30 days, begin recommended treatment within 45 days, and complete treatment before the end of the SOP.
- ☐ **Abstinence.** Maintain Abstinence from Mind Altering **Drugs and Alcohol**
- ☐ **ADIS.** Defendant shall complete Alcohol and Drug Information School (ADIS).
- ☐ **Victim Impact Panel.** Defendant shall complete an approved Victim Impact Panel.
- ☐ **Anger Management Course.** Defendant shall complete an approved anger management course. ☐ Online ☐ In Person
- ☐ **No Contact order.** Defendant shall comply with all no contact orders.
- ☐ **No Contact with.** Defendant shall have no contact with: .
- ☐ **Traffic Course.** Defendant shall attend and complete a Washington State approved Level 1 Traffic Safety Course. ☐ Online ☐ In Person
- ☐ **Community Service.** Defendant shall complete _____ hours of community service with a nonprofit agency approved by Probation.
- ☒ **Fines.** In addition to the cost of probation listed above, the Defendant shall pay all fines and fees, including:
- ☒ **Court Administrative Fee.** \$250 to the Court for entry of this order.
 - ☐ **Restitution:** \$ _____ to _____ .
 - ☐ **Other:** \$ _____ to _____ .
- ☐ **Other:** _____

The Defendant shall provide notice of completion of all required conditions to probation before the applicable due date, or 90 days if no due date is listed.

3. **Payments.** Payment is due and payable in full or the Defendant must enter into a time-payment agreement within 60 days. A time-payment agreement may result in additional fees. If the Defendant fails to timely comply with the time-payment agreement (or does not enter into a time-payment agreement or fails to pay) the delinquent amount due may be turned over for collection. If it is turned over for collection, additional fees, costs, and interest may be added. It is a condition of this agreement that the Defendant pay in full all legal financial obligations and any applicable additional fees, costs, and interest prior to the end of the period of this SOP. The Defendant agrees that failure to comply with these terms could constitute a violation of this provision of the agreement.

The parties agree that in the event the Defendant fails to make payments as listed above and is delinquent, the Court has the authority to send such delinquent amounts to a collection agency for collection of the said sums. Both parties agree that this authority exists whether, or not, the Prosecutor chooses to have the matter set for review and stipulated trial. The Defendant specifically waives any objection to such collection action, regardless of whether the Defendant is found guilty after a stipulated trial.

IV. DEFENDANT'S PROMISE TO FULLY SATISFY CONDITIONS

The Defendant understands and agrees that he/she shall fully and completely satisfy all the conditions of this SOP, and that failure or neglect to do so within the time period specified shall constitute a violation of this SOP.

1. **Violation hearing.** The Defendant understands and agrees that any allegation by the Prosecution that the Defendant has violated this SOP will result in a hearing by this Court to determine whether a) the Defendant's failure to comply is a violation of this agreement and if so, b) the violation is a material breach.

The Defendant agrees that at the revocation hearing, the prosecution will be required to prove the allegations through the admission of admissible evidence, which may include police reports, lab reports, and/or witness statements. Following the Prosecutor's case, the defense shall be allowed to present evidence in his/her defense of the allegation(s). After having heard all evidence, the Court shall decide if the Defendant has violated this

agreement and whether the violation was a material breach, which could result in the revocation of this agreement.

The Defendant understands that the Prosecution will not be required to comply with its obligations in the section entitled "Prosecution's Agreement" until this Court has determined that the Defendant is in full compliance with this SOP.

2. **Stipulated Bench Trial.** In the event the Court finds cause to revoke the SOP, the Court shall, upon the request of the prosecution, revoke the SOP and proceed to stipulate bench trial.

At the stipulated bench trial, the Defendant stipulates to the admissibility of any and all discovery that was provided to the Defendant or defendant's attorney prior to the entry of this SOP, which may include, police reports, probation reports, lab reports, defendant statements, or witness statements; subject to the Court making a finding that the proceeding records are demonstrably reliable. The Defendant agrees that he/she cannot present any evidence in any form at the trial.

The judge shall review said discovery evidence and, based upon the evidence alone, determine the Defendant's guilt or innocence.

3. **Sentencing.** The parties agree that if the SOP is revoked and the Defendant is found guilty at the trial, there is no agreed sentencing recommendation, and that the Court can impose any sentence up to the maximum, no matter what recommendations are made by the Prosecutor or Defendant.

The Defendant understands that if he/she is not a citizen of the United States, a finding of guilt could be grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

- ☐ If found guilty, 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, as a result of my conviction for the following (*check box for applicable crime below*):

- ☐ A crime committed against a family/household member or "intimate partner":
☐ Assault 4th; ☐ Reckless Endangerment; ☐ Criminal Trespass, First Degree; ☐ Violation of a Protection Order/No-Contact Order restraining/excluding the person from a residence; ☐ Harassment (on or after June 7, 2018);

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.

V. PROSECUTION'S AGREEMENT TO DISMISS/REDUCE

If the Defendant successfully complies with all of the above-listed conditions, the Prosecution agrees to:

- ☐ Move to dismiss with prejudice the charge(s) of _____.
- ☐ Move to reduce/amend the charge to _____ to which the Defendant shall:
- ☐ Plead guilty with following recommendations:
- ☐ Hearing to resolve amended charge to be scheduled for _____
- ☐ Defense counsel to remain on the case until completion of the SOP.
- ☐ Close the case
- ☐ Other: _____
- ☐ Agree to committed finding and pay a penalty of \$ _____.

VI. PARTIES UNDERSTAND AND AGREE

1. The Defendant understands and agrees that this document constitutes an agreement between the Prosecutor and the Defendant pertaining to the resolution of this matter. The Defendant agrees to all of the above terms and conditions.
2. The parties jointly request that the Court approve the above-described SOP and further request that the Court enter the order below.

Dated _____

Defendant

Prosecuting Authority

WSBA

Attorney for Defendant

WSBA

ORDER

Based on the parties' request for a stay of proceedings, and the above stipulation between the parties, the Court hereby orders that this cause is stayed for a **period of months**, under the terms and conditions contained in the above stipulation.

Dated _____

Honorable Judge

INTERPRETER'S DECLARATION

I am a certified interpreter or have been found otherwise qualified by the Court to interpret in the _____ language, which the Defendant understands, and I have translated this Stipulation for and Order for Stay of Proceedings for the Defendant from English into that language. The Defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at Cle Elum, Washington on _____

Interpreter

**UPPER KITTITAS COUNTY DISTRICT COURT
STATE OF WASHINGTON**

State of Washington,
Plaintiff

Infraction Number: _____

Defendant's Request For Decision
On Written Statements

VS.

[] Contested Hearing
[] Mitigation Hearing

Defendant

TO: Upper Kittitas County District Court

Infraction Number: _____

I hereby request that the Court decide my case based upon the following statement:

(Attach Additional Page(s) if necessary).

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing statement is true.

I understand that Infraction Rules for Courts of Limited Jurisdiction 3.5(e) provides "There shall be no appeal from a decision on written statements".

I promise that if it is determined that I committed the infraction for which I was cited, I will pay the monetary penalty authorized by law and assessed by the Court.

(Date and Place)

Defendant's Signature

Current Mailing Address

**THIS FORM MUST BE SIGNED & RETURNED TO THE COURT TWO WEEKS PRIOR TO
YOUR CURRENTLY SCHEDULED DATE.**

