

Superior Court of Washington, County of _____

State of Washington, Plaintiff,

vs.

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

No.
Felony Judgment and Sentence --
Mental Health Sentencing Alternative
(FJS)

- Clerk's Action Required, para 2.1, 4.1, 4.3a, 4.3b, 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) _____:

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.

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, 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.

[] Count _____, Violation of the Uniform Controlled Substances Act (VUCSA), RCW 69.50.401 and RCW 69.50.435, took place in a school, school bus, within 1,000 feet of the perimeter of a school grounds or within 1,000 feet of a school bus route stop designated by the school district; or in a public park, public transit vehicle, or public transit stop shelter; or in or within 1,000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.

[] In count _____ the defendant committed a robbery of a pharmacy as defined in RCW 18.64.011(21), RCW 9.94A._____.

[] The defendant committed a crime involving the manufacture of methamphetamine, including its salts, isomers, and salts of isomers, when a juvenile was present in or upon the premises of manufacture in Count _____. RCW 9.94A.605, RCW 69.50.401, RCW 69.50.440.

[] 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 committed [] vehicular homicide [] vehicular assault proximately caused by driving a vehicle while under the influence of intoxicating liquor or drug or by operating a vehicle in a reckless manner. The offense is, therefore, deemed a violent offense. RCW 9.94A.030.

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

[] Count _____ involves attempting to elude a police vehicle and during the commission of the crime the defendant endangered one or more persons other than the defendant or the pursuing law enforcement officer. RCW 9.94A.834.

[] In Count _____ the defendant has been convicted of assaulting a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault, as provided under RCW 9A.36.031, and the defendant intentionally committed the assault with what appeared to be a firearm. RCW 9.94A.831, 9.94A.533.

[] Count _____ is a felony in the commission of which the defendant used a **motor vehicle**. RCW 46.20.285.

- 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 one
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):

<i>Crime</i>	<i>Cause Number</i>	<i>Court (County & State)</i>	<i>DV* Yes</i>
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):

<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 one point to score). RCW 9.94A.525.
- The prior convictions listed as number(s) _____, above, or in Appendix 2.2, are one
offense for purposes of determining the offender score (RCW 9.94A.525).

2.3 Sentencing Data:

Count No.	Offender Score	Seriousness 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 Mental Health Sentencing Alternative. The defendant is eligible for the mental health sentencing alternative. After considering all the information about the defendant’s eligibility and the victim’s opinion regarding the defendant receiving this sentencing alternative the court determines that the sentencing alternative is appropriate. The defendant is not convicted of a serious violent offense or sex offense; has been diagnosed with a serious mental illness; the defendant and community would benefit from supervision and treatment; and the defendant is willing to participate in this sentencing alternative. Laws of 2021, Chapter 242.

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 (RCW9.94A.753) _____

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.

3.2 [] The court **dismisses** Counts _____ in the charging document.

IV. Sentence and Order

It is ordered:

4.1 **Mental Health Sentencing Alternative.** The defendant is eligible for the mental health 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 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):

_____ 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 a review hearing as follows

- (c) **Termination Hearing:** A termination hearing is scheduled for (date) _____

- (d) **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 Laws 2021, Chapter 242.

4.2a **Community Custody Conditions.** The defendant shall report to 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 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 DOC to confirm compliance with the orders of the court. The defendant shall inform DOC of court-ordered treatment upon the request of DOC. The defendant shall 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:

RCW 9.94A.760

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

\$ 100.00 DNA collection fee
[] suspended. DNA previously collected RCW 43.43.7541

FPV 3335 \$ _____ Specialized forest products RCW 76.48.171

\$ _____ Other fines or costs for: _____

RTN/RJN 3801

\$ _____ 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)

[] **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.760(2), 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 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. 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.

4.3b [] Electronic Monitoring Reimbursement. The defendant is ordered to reimburse _____ (name of electronic monitoring agency) at _____, for the cost of pretrial electronic monitoring in the amount of \$ _____.

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. This paragraph does not apply if it is established that the Washington State Patrol crime laboratory already has a sample from the defendant for a qualifying offense. RCW 43.43.754.

[] 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 [] 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, 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 Community Custody Violation.

(a) If you are subject to a violation hearing and 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 DOC finds that you committed the violation, 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.** (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040 and RCW 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.

5.7 **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:**

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:

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

My right to vote is provisionally restored as long as I am not under the authority of DOC (not serving a sentence of confinement in the custody of DOC and not subject to community custody as defined in RCW 9.94A.030). I must re-register before voting. The provisional right to vote may be revoked if I fail to comply with all the terms of my legal financial obligations or an agreement for the payment of legal financial obligations.

My right to vote may be permanently restored by one of the following for each felony conviction: a) a certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) a court order issued by the sentencing court restoring the right, RCW 9.92.066; c) a final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) a certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 29A.84.660. 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 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"/> Female
<input type="checkbox"/> Unknown	<input type="checkbox"/> Other:	<input type="checkbox"/> Refused	<input type="checkbox"/> 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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