

Superior Court of Washington, County of _____

State of Washington, Plaintiff,

vs.

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

No. _____

**Felony Judgment and Sentence - Drug
Offender Sentencing Alternative**

(FJS/RJS)

☐ **Clerk's Action Required:** 2.1, 3.2, 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 ☐ jury-verdict ☐ bench trial on (date) _____:

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

Class: FA (Felony-A), FB (Felony-B), FC (Felony-C)

(If the crime is a drug offense, include the type of drug in the second column.)

☐ Additional current offenses are attached in Appendix 2.1a.

The defendant is a drug offender who is eligible for the drug offender sentencing alternative and the court determines that the sentencing alternative is appropriate. RCW 9.94A.660.

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

- GV** [] For the crime(s) charged in count _____, **domestic violence – intimate partner** was pled and proved.
- GV** [] For the crime(s) charged in count _____, **domestic violence – family or household member** was pled and proved.
- [] Count _____, **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.832.
- [] 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.
- [] 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.
- [] 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.
- [] 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 _____ involves **attempting to elude** a police vehicle and, during the commission of the crime, the defendant endangered 1 or more persons other than the defendant or the pursuing law enforcement officer. RCW 9.94A.834.
- [] 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)*:

	<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:

<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 numbers _____, above, or in Appendix 2.2, are 1 offense for purposes of determining the offender score. RCW 9.94A.525.

☐ The prior convictions listed as numbers(s) _____, above, or in Appendix 2.2, are not counted as points but as enhancements pursuant to RCW 46.61.520

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>Community Custody</i>	<i>Max Term</i>

*(V) VUCSA in a protected zone, (RPh) robbery of a pharmacy, (JP) juvenile present, (CSG) criminal street gang involving minor, (AE) endangerment while attempting to elude.

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

2.4 Reserved.

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), 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.
- ☐ Under RCW 10.101.010(3)(d), the court finds the defendant is indigent.
- ☐ 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 Section **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 and Community Custody. The court waives imposition of a sentence within the standard range and imposes the following sentence:

(A) Prison-Based Alternative

(1) Confinement and Community Custody. A term of total confinement in the custody of the Department of Corrections (DOC) and a term of community custody supervised by the DOC under RCW 9.94A.662.

- ☐ 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).

Count No.	Total Confinement	Community Custody

(Total Confinement for one-half the midpoint of the standard sentence range or twelve months, whichever is greater. Community Custody for one-half the midpoint of the standard range.) The defendant shall comply with the community custody conditions in Section 4.2.

Confinement shall commence immediately unless otherwise set forth here:

Work release is authorized, if eligible and approved.

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

(2) Additional Term of Community Custody. If the defendant fails to complete, or is administratively terminated from, the drug offender sentencing alternative program, the court imposes a term of 12 months community custody under RCW 9.94A.701, unless community custody is not authorized for the crime.

[] On count _____ the defendant is sentenced at or near the statutory maximum for the crime charged. A combined length of confinement and community custody cannot exceed a statutory maximum, the above term of 12 months for failure to complete or administrative termination from the drug offender sentencing alternative program is reduced to a term of _____ months.

(B) Residential Substance Use Disorder Treatment-Based Alternative

(1) Under RCW 9.94A.664, the defendant shall serve:

Count No.	Community Custody

(A term equal to one-half of the midpoint of the standard range or 2 years, whichever is greater) under the supervision of the DOC, on the condition that the defendant enters and remains in residential chemical dependency treatment certified by the department of health for _____ (up to 6) months.

(2) The defendant shall comply with the community custody conditions in section 4.2. The DOC shall make substance use disorder assessment and treatment services available to the defendant during the term of community custody, within available funding. For domestic violence offenders, the DOC shall, within available resources,

make domestic violence treatment services available during the term of community custody.

(3) The defendant shall appear in person or by telephone at a progress hearing and a termination hearing to be set by the court at a later date.

(4) ☐ The sentence includes an indetererminate term of confinement of no more than 30 days in a facility operated or utilized under contract by the count in order to facilitate direct transfer to a residential substance use disorder treatment facility.

4.2 Community Custody Conditions. RCW 9.94A.660. 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 perform affirmative acts as required by the DOC to confirm compliance with the orders of the court. The defendant shall not use illegal controlled substances. 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 and .706 during community custody. The court orders that during the period of supervision the defendant shall:

(a) Undergo and successfully complete a substance use disorder treatment program certified by the Department of Health.

(b) Undergo urinalysis or other testing to monitor drug-free status.

☐ The defendant shall pay the statutory rate to the DOC, while on community custody, to offset the cost of monitering for alcohol or controlled substances.

(c) Additional conditions:

☐ pay all court-ordered legal financial obligations.

☐ report as directed to a community corrections officer.

☐ obtain prior approval of the DOC for the defendant's residence location and living arrangements.

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

☐ work at DOC-approved community restitution.

☐ work at DOC-approved education or employment.

☐ not possess or consume alcohol.

☐ undergo and complete a domestic violence treatment program.

☐ not possess or consume controlled substances, including cannibis, without a valid prescription/ authorization.

☐ obtain a mental health evaluation and comply with recommended treatment.

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.

Other Conditions: _____

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

\$_____ 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, and 10.46.190

Criminal filing fee \$_____ FRC (\$200)

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

WFR 3231 \$_____ Court appointed defense expert and other defense costs.

RCW 9.94A.760

FCM 3303 \$_____ Fine RCW 9A.20.021; ☐ VUCSA chapter 69.50 RCW:

☐ VUCSA additional MTH 3337

☐ fine deferred due to indigency RCW 69.50.430

CDF 3302 \$_____ Drug enforcement fund of _____ RCW 9.94A.760

LDI 3308/FCD3363

NTF 3338/SAD 3365/SDI 3307

LF 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 Department 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 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 (*date*) _____.
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 Department 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. 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(s)*) _____'s
- ☐ home/residence ☐ workplace ☐ school or ☐ other location(s) _____ until _____ (which does not exceed the maximum statutory sentence).
- ☐ A separate *Domestic Violence No-Contact Order*, *Antiharassment No-Contact Order*, or *Stalking No-Contact Order* is filed concurrent with this judgment and sentence.

4.6 Other: _____

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

V. Notices and Signatures

- 5.1 Collateral Attack on Judgment.** If you wish to petition or move for collateral attack on this judgment and sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial, or motion to arrest judgment, you must do so within 1 year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.
- 5.2 Length of Supervision.** If you committed your offense prior to July 1, 2000, you shall remain under the court's jurisdiction and the supervision of the DOC 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 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) Prison-based alternative: If the DOC finds that you willfully violated the conditions of the drug offender sentencing alternative program, the DOC may reclassify you to serve the remaining balance of the original sentence.
- (b) Residential substance use disorder treatment-based alternative: If the court finds that you willfully violated the conditions of the drug offender sentencing alternative, the court may order you to serve a term of total confinement equal to one-half the midpoint of the standard range or a term of total confinement up to the top of the standard range. The court may also impose a term of community custody.
- (c) In any case, 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).
- (d) In any case, 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).
- (e) If you are ordered to serve a term of total confinement for violating the conditions or requirements of this sentence or if you failed to make satisfactory progress in treatment, you shall receive credit for time previously served in total or partial confinement and inpatient treatment for this offense. You shall also receive 50 percent credit for time previously served in community custody related to this 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 of Washington State where you live, and by a federal court, if required. **You must immediately surrender any concealed pistol license(s).** **Clerk's Action**—The clerk shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing (DOL) and the Washington State Patrol Firearms Background Check Program along with the date of conviction or commitment. RCW 9.41.040, 9.41.047.

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

5.6 Reserved.

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

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

Count _____ is (a) 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 ACR to the DOL, which must revoke the defendant's driver's license. RCW 46.20.265.

5.9 Other: _____

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

Judge/Print Name:

Deputy Prosecuting Attorney

WSBA No.

Print Name:

Attorney for Defendant

WSBA No.

Print Name:

Defendant

Print Name:

[] Voting Rights Statement: I acknowledge that I have lost my right to vote because of this felony conviction and sentence to 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 the DOC. My right to vote is automatically restored, but I must re-register 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. 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 their 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