

**Superior Court of Washington
County of**

State of Washington, Plaintiff,

vs.

Defendant. DOB _____
PCN:
SID:

No.
**Felony Judgment and Sentence --
Theft or Taking of a Motor Vehicle
(FJS)**

**Clerk's Action Required, 2.1, 4.1, 4.3, 4.7, 5.2,
5.3, 5.5, 5.7, and 5.8**

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)

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** was pled and proved.

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

The defendant has a **chemical dependency** that has contributed to the offense(s). RCW 9.94A.607.

Reasonable grounds exist to believe the defendant is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. RCW 9.94B.080

Counts _____ encompass the same criminal conduct and count as 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):

	Crime	Cause Number	Court (county & state)	DV* Yes
1.				
2.				

* DV: Domestic Violence was pled and proved.

Additional current convictions listed under different cause numbers used in calculating the offender score are attached in Appendix 2.1b.

2.2 Criminal History (RCW 9.94A.525):

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

* DV: Domestic Violence was pled and proved.

2.3 Sentencing Data:

Count No.	Offender Score	Serious- ness 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 Theft or taking of a motor vehicle sentence: For counts _____, the midpoint of the standard sentence range is greater than one year and the defendant is sentenced for one of the following crimes that makes the defendant eligible for the theft or taking of a motor vehicle sentence under Laws of 2019, ch. 191, §1:

- Theft of a motor vehicle (RCW 9A.56.065) or an attempt;
- Possession of a stolen vehicle (RCW 9A.56.068) or an attempt;
- Taking a motor vehicle without permission in the first degree (RCW 9A.56.070); or
- Taking a motor vehicle without permission in the second degree (RCW 9A.56.075).

2.5 Legal Financial Obligations/Restitution. The court has considered the total amount owing, the defendant's financial resources and the nature of the burden that payment will impose. (RCW 10.01.160). The court makes the following specific findings:

- The defendant is indigent as defined in RCW 10.101.010(3)(a)-(c) because the defendant:
 - receives public assistance
 - is involuntarily committed to a public mental health facility
 - receives an annual income, after taxes, of 125 percent or less of the current federal poverty level.
- The defendant is not indigent as defined in RCW 10.101.010(3)(a)-(c).
- The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):
_____.
- The defendant has the present means to pay costs of incarceration. RCW 9.94A.760.

2.6 Felony Firearm Offender Registration. The defendant committed a felony firearm offense as defined in RCW 9.41.010, and:
 The defendant should register as a felony firearm offender. The court considered the following factors in making this determination:
 the defendant's criminal history.
 whether the defendant has previously been found not guilty by reason of insanity of any offense in this state or elsewhere.
 evidence of the defendant's propensity for violence that would likely endanger persons.
 other: _____.

The defendant must register as a felony firearm offender because the offense was committed in conjunction with an offense committed against a person under the age of 18, or a serious violent offense or offense involving sexual motivation as defined in RCW 9.94A.030.

III. Judgment

- 3.1** The defendant is **guilty** of the Counts and Charges listed in Paragraph 2.1 and Appendix 2.1.
- 3.2** The court **dismisses** Counts _____ in the charging document.

IV. Sentence and Order

It is ordered:

4.1 Theft or Taking of a Motor Vehicle. Laws of 2019, ch. 191, §1. The defendant is eligible for the theft or taking of a motor vehicle sentence. The court waives imposition of a sentence within the standard sentence range and imposes the following sentence:

(1) Confinement. A term of confinement in the custody of:

- the _____ jail.
- the Department of Corrections (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):

(Cannot be more than the midpoint of the standard range, reduced by one-third of the ordered community custody term):

_____ months of total confinement on Count _____.

_____ months of total confinement on Count _____.

_____ months of total confinement 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: _____.

Sentencing alternatives for sentences under one year:

Partial Confinement. The defendant may serve the sentence, if eligible and approved, in partial confinement in the following programs, subject to the following conditions: _____.

- | | |
|---|--|
| <input type="checkbox"/> work crew RCW 9.94A.725 | <input type="checkbox"/> home detention RCW 9.94A.731, .190 |
| <input type="checkbox"/> work release RCW 9.94A.731 | <input type="checkbox"/> 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).

Confinement begins: Confinement shall commence immediately unless otherwise set forth here: _____.

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) Community Custody. The defendant shall serve (6 to 12 months on community custody):

- _____ 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.

4.2 Community Custody Conditions. The defendant shall report to the Department of Corrections (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 cooperate with the DOC assessment and comply with any programs that result from the assessment that DOC makes available during community custody. The defendant shall:

- comply with the instructions, rules and regulations of DOC for the conduct of the defendant during the period of community custody.
- obey all laws, perform affirmative acts as required by DOC to confirm compliance with the court orders .
- inform DOC of court-ordered treatment upon the request of DOC.
- 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:

- pay all court-ordered legal financial obligations.
- not possess or consume controlled substances, including marijuana, without valid prescription.
- notify the community corrections officer in advance of any change in defendant's address or employment.
- not possess or consume alcohol.
- report as directed to a community corrections officer.
- remain within prescribed geographical boundaries.
- devote time to specific employment or occupation.
- obtain prior approval from DOC of residence location and living arrangements.
- obtain a mental health evaluation and comply with recommended treatment.
- obtain a substance use disorder evaluation and comply with recommended treatment.

Other conditions: _____

_____.

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

Court-Ordered Treatment: If any court orders mental health or substance use disorder treatment, the defendant must notify DOC and the defendant must release treatment information to 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

<i>PCV 3105</i>	\$ <u>500</u>	Victim assessment	RCW 7.68.035
<i>PDV 3102</i>	\$ _____	Domestic Violence (DV) assessment	RCW 10.99.080
	\$ _____	Violation of a DV protection order (\$15 mandatory fine)	RCW 26.50.110
<i>CRC 3403</i>	\$ _____	Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190	
		Criminal filing fee \$ <u>200.00</u>	FRC
		Witness costs \$ _____	WFR
		Sheriff service fees \$ _____	SFR/SFS/SFW/WRF
		Jury demand fee \$ _____	JFR
		Extradition costs \$ _____	EXT
		Other \$ _____	
<i>PUB 3225</i>	\$ _____	Fees for court appointed attorney	RCW 9.94A.760
<i>WFR 3231</i>	\$ _____	Court appointed defense expert and other defense costs	RCW 9.94A.760
<i>CLF 3212</i>	\$ _____	Crime lab fee <input type="checkbox"/> suspended due to indigency	RCW 43.43.690
	\$ <u>100</u>	DNA collection fee <input type="checkbox"/> suspended. DNA previously collected	RCW 43.43.7541
	\$ _____	Other fines or costs for: _____	
	\$ _____	Restitution to: _____	
<i>RTN/RJN 3801</i>	\$ _____	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:

<u>Name of other defendant</u>	<u>Cause Number</u>	<u>(Victim's name)</u>	<u>(Amount-\$)</u>
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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 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 DOC under RCW 72.09.111 and 72.09.480.)

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.

4.4 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. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. 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 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, 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 one 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. 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 one 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 Reserved

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, 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. **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 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 **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 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"/> Male |
| <input type="checkbox"/> Multiracial | <input type="checkbox"/> Native Hawaiian or Other Pacific Islander | <input type="checkbox"/> Non-Hispanic | <input type="checkbox"/> Refused | <input type="checkbox"/> Female |
| <input type="checkbox"/> Refused | <input type="checkbox"/> White | <input type="checkbox"/> Unavailable | <input type="checkbox"/> Refused | |
| <input type="checkbox"/> Unknown | <input type="checkbox"/> Other: | | <input type="checkbox"/> Unknown | |

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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