

IN THE MUNICIPAL COURT OF THE CITY OF SUMNER
PIERCE COUNTY, WASHINGTON

CITY OF SUMNER,)	
)	
Plaintiff,)	Case No.
)	
vs.)	WAIVER, STIPULATION AND
)	ORDER OF CONTINUANCE
)	
)	
Defendant.)	
)	

I Defendant's Waiver of Rights

The Defendant has been advised by the court and understands that by entering into this agreement with the Plaintiff (the "City"), that **the Defendant has and is knowingly, intelligently and voluntarily waiving the following rights:**

- a) the right to a speedy and public trial by a judge or jury within sixty (60) days of the commencement date if the Defendant is in-custody and ninety (90) days of the commencement date if the Defendant is not in custody. The new speedy trial expiration date is _____.
- b) the right to testify or not to testify.
- c) the right to hear, cross-examine, and compel witnesses for my case at no expense.
- d) the right to make the City prove its case against me beyond a reasonable doubt.
- e) the right to appeal any conviction.
- f) if not currently represented by a lawyer, the right to a lawyer. If I cannot afford a lawyer, one would be provided at no expense to me. If I proceed without a lawyer, I will be acting as my own lawyer, and there may be disadvantages to me that would not exist if I had a lawyer representing me.

If I am not a United States citizen, I understand a criminal conviction could affect my immigration status and/or ability to obtain citizenship. [] As a non-citizen I am not waiving the above rights at this time. See Attachment A, which is incorporated herein by reference.

I have been charged with the following crime(s):

Count One: _____ **Count Two:** _____ **Count Three:** _____

The maximum sentence for the crime(s) is:

Count One: [] 90 days in jail / \$1000 fine [] 364 days in jail / \$5000 fine
Count Two: [] 90 days in jail / \$1000 fine [] 364 days in jail / \$5000 fine
Count Three: [] 90 days in jail / \$1000 fine [] 364 days in jail / \$5000 fine

The mandatory minimum sentence for the crime(s) is:

Count One: \$ _____ fine _____ days in jail [] license revocation _____ days / years
 [] Loss of right to bear firearms. Other: _____
Count Two: \$ _____ fine _____ days in jail [] license revocation _____ days / years
 [] Loss of right to bear firearms. Other: _____
Count Three: \$ _____ fine _____ days in jail [] license revocation _____ days / years
 [] Loss of right to bear firearms. Other: _____

II. Stipulation

The Parties stipulate that this matter, having come before the court this date, shall be continued without finding to the date of _____ at _____ a.m. / p.m. (the "Completion Date") and dismissed with prejudice upon compliance with the conditions listed below.

Unless mutually agreed to by the City and the Defendant, no Completion Date extensions shall be allowed. The Defendant's failure to comply with any conditions within this Stipulation constitutes a violation of this Stipulation. Unless otherwise ordered, no review hearings will be scheduled prior to the Completion Date.

Case No. _____

The Defendant shall comply with the conditions of and complete the following assessment(s) and/or program(s). Defendant shall pay for any and all treatment and file proof of compliance with the court:

- Obtain ___ Alcohol/Drug ___ Mental ___ DV Evaluation within ___ days; fully follow all recommended treatments.
- File proof of enrollment in treatment/counseling recommended in evaluation by _____.
- Alcohol/Drug Information School by _____.
- Perform ___ hours of community service by _____.
- Attend ___ DV ___ DUI Impact Panel by _____.
- Anger management class by _____.
- Consumer awareness program by _____.
- Defensive driving school by _____.
- No contact with _____.
- No Hostile contact with _____.
- Notify court of changes of address within 5 days.
- Firearms _____.
- Maintain law-abiding behavior. A judicial finding of probable cause for a criminal offense occurring after entry of this Stipulation violates this condition.
- Submit monthly reports to the court until completed or otherwise ordered by the court.
- Other: _____
- The Defendant shall pay \$_____ and/or \$_____ restitution to be paid to the court in full by _____ or monthly at \$_____ a month beginning _____, 20_____.

Pursuant to CrRLJ 6.1.2, the Defendant knowingly, intelligently, and voluntarily agrees that in the event of a violation of any of the conditions listed in Paragraph II above, this Stipulated Order shall be revoked and the Court will enter a verdict on the above-listed crimes based strictly upon its review of the police reports and other materials submitted by the City. The City makes a standing motion for the court to summons the defendant for any violation of the above listed conditions except for failure to notify the court of changes of address within 5 days and failure to make payments, except for restitution, prior to the final review of this agreement. Upon reaching its verdict, the Court will then proceed to sentencing.

The Defendant stipulates to the admissibility and sufficiency of the facts contained in the police reports and other materials associated with this case and submitted to the Court by the City. The Defendant understands and agrees that s/he has given up the right to present facts and to raise any and all legal objections and/or defenses regarding this case.

No one has made any threats or promises to get the Defendant to enter this Stipulation, other than the City's promise to dismiss the case upon Defendant's full compliance with the terms contained in Paragraph II of this Stipulation.

DATED this _____ day of _____, 20_____.

Prosecuting Attorney, WSBA#

Defendant

Attorney for Defendant, WSBA#

I am fluent in the language. I have translated this entire document, including any and all exhibits and attachments, for the Defendant from English into that language. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Location: _____ Date: _____ Interpreter: _____

III Order

The Defendant shall comply with the conditions contained herein and shall appear at all scheduled hearings. Failure to appear shall constitute a basis for revocation. The Defendant shall appear for an interim review hearing on _____ at _____ (AM)(PM).

Unless otherwise agreed to by the parties, the Defendant shall appear for a final review /dismissal hearing on _____ at _____ (AM)(PM).

Probable cause was found on _____. If applicable, bail is hereby released or exonerated _____ yes _____ no.

Date

Judge/Pro Tem

WAIVER, STIPULATION AND ORDER OF CONTINUANCE | 2

White - Court
Yellow - Defendant
Pink - City Attorney

City of Sumner
1104 Maple Street
Sumner WA 98390
Phone: (253) 299-5610
Fax: (253) 299-5509