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THE CITY OF EAST WENATCHEE MUNICIPAL COURT

CITY OF EAST WENATCHEE,

Plaintiff,

v.

Defendant.

«DOB»

NO.

Stipulated Continuance Agreement and
Speedy Trial Waiver

1. I, _____, wish to enter into a continuance agreement with the prosecution. As part of this agreement, I submit my case to the court on the record. By submitting my case to the court on the record, I stipulate that the evidence contained in the Court's file is sufficient and that it is admissible. At a minimum, the Court's file contains a copy of the police reports, any witness statements, and my criminal history. I understand that if I meet all terms of this agreement (see paragraph 6), then the East Wenatchee Prosecutor will fulfill the agreements enumerated in paragraph 10. I also understand that if I violate any of the terms of this agreement, the court will hold a trial. At the trial, the judge will read the contents of the Court's file and decide on that evidence alone if I am guilty of the crime(s) of:

1 2. I understand that before the court may hold a trial, it must be alleged and
2 proven by a preponderance of the evidence that I violated any term(s) of
3 this agreement.

4 3. I understand that by entering into this agreement, I give up the following
5 constitutional rights: (1) my right to a jury trial; (2) my right to a speedy
6 trial, (3) my right to hear and question witnesses, (4) my right to call
7 witnesses in my own behalf, and (5) my right to testify or not testify. I
8 understand that I have a right to contest and object to evidence presented
9 against me. I give up the right to contest and object to any evidence
10 presented against me as to my guilt or innocence regarding the underlying
11 charge at any future hearings if I fail to comply with the conditions of this
12 agreement. I also understand that I have the right to present evidence on
13 my own behalf. I give up the right to present evidence on my own behalf as
14 to my guilt or innocence regarding the underlying charge.

15 4. I understand that the crime has the following classification, and that if I
16 am found guilty, the judge can impose any sentence up to the maximum, no
17 matter what the prosecutor or defense recommends:

18 Misdemeanor, maximum penalty 90 days jail, and/or \$1,000 fine.

19 Gross misdemeanor, maximum penalty one year jail and/or \$5,000
20 fine.

21 5. WAIVER OF RIGHT TO SPEEDY TRIAL. I acknowledge that I have been
22 advised of and understand the following rights:

23 (a) According to CrRLJ 3.3, I have a right to a speedy trial within sixty
24 days of the proper date of arraignment if in custody or within ninety
25 days of the proper date of arraignment if not in custody;

26 (b) I have a right of dismissal of these charges upon trial not being held
27 in that period.

28 (c) I knowingly and voluntarily waive my right to trial or dismissal
pursuant to CrRLJ 3.3 through December 31, 2017.

1 6. No one has made any threats or promises to persuade me to submit my case
2 on the record. I knowingly and voluntarily enter into this agreement, and
3 agree to strictly comply with the following terms during the continuance
4 period:

5 (x) Defendant must notify the Court of changes in address within 5 days.

6 (x) Defendant must pay a probation fee of \$250.00.

7 (x) Defendant must pay a public defender fee of \$250.

8 () Defendant to complete ____ hours of community service.

9 (x) Defendant must not commit a crime during the period of the
10 continuance (other than infractions).

11 () Defendant must have no contact with _____ during
12 the continuance period, or so long as any other order provides.

13 () Defendant must pay \$_____ restitution to be paid in the court
14 in full by _____.

15 () Defendant may not drive without a valid driver's license or without
16 auto insurance.

17 () Defendant must attend and successfully complete an approved
18 batterers' treatment program.

19 () Defendant must attend and successfully complete an approved
20 alcohol treatment program.

21 () Defendant must appear at a review hearing in this Court, at the time
22 and place set by this Court, which shall be the ___ day of
23 _____, 20__ at _____, or as the Court otherwise notifies
24 the Defendant.

25 () Continue this matter for a period of 12 months; and

26 () Other: _____

27 7. Unless Defendant enters into a time payment agreement, all fees are due
28 within 30 days of entry of this agreement. The East Wenatchee Probation
Department will monitor Defendant's compliance with this agreement.

8. No one has threatened harm of any kind to me or to another person to cause
me to enter into this agreement.

9. Except as set forth in this agreement, no one has made a promise to me to
cause me to enter into this agreement.

1 10. If Defendant complies with the terms of this agreement, the City agrees to:

2 () Dismiss all charges.

3 () Amend the charge of _____ to the criminal charge of
4 _____ with no further sanction imposed.

5 () Amend the charge of _____ to the civil infraction of
6 _____ with a penalty of _____.

7 () Amend the charge of _____ to the civil infraction of
8 _____ with no further sanction imposed.

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13 Dated this _____ day of _____, 2016.

14
15 _____
16 Defendant

17
18 Presented by:

Approved for entry:

19
20 _____
Devin Poulson, WSBA # 24245

21 Prosecuting Attorney

22 Defense Counsel

By: _____

Name: _____

WSBA # _____

1 The Court makes the following findings regarding the foregoing agreement.

2 (a) Defendant stipulated to the admissibility and sufficiency of the facts as
3 contained in the attached reports and materials referenced above, and acknowledged the
4 admissibility of the stipulated facts in any criminal hearing on the underlying offense(s)
5 held subsequent to revocation of this agreement;

6 (b) Defendant acknowledged and waived the right to testify, the right to a
7 speedy trial, the right to call witnesses to testify, the right to present evidence in his or
8 her defense, and the right to a jury trial; and that Defendant's statements were made
9 knowingly and voluntarily.

10 (c) Defendant's entry into the Stipulated Continuance Agreement to be
11 knowingly, intelligently and voluntarily made. Defendant understands the charges and
12 the consequences of the agreement.

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14 Approved this _____ day of _____, 2016.

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JUDGE