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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

No.

vs.

STATEMENT OF DEFENDANT ON
PLEA OF GUILTY TO FELONY
SEX OFFENSE (STDFG)

Defendant.

1. My true name is _____.

2. My date of birth is _____.

3. I went through the _____ grade.

4. **I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:**

(a) I have the right to representation by a lawyer; if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is _____.

(b) I am charged with the crime(s) of _____.

The elements of this crime(s) are set forth in the information/_____ amended information, which is incorporated by reference and which I have reviewed with my lawyer.

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5. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:

(a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;

(b) The right to remain silent before and during trial, and the right to refuse to testify against myself;

(c) The right at trial to testify and to hear and question the witnesses who testify against me;

(d) The right at trial to have witnesses testify for me. These witnesses can be made to appear at no expense to me;

(e) The right to be presumed innocent until the charge is proven beyond a reasonable doubt or I enter a plea of guilty;

(f) The right to appeal a determination of guilt after a trial.

6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA(S), I UNDERSTAND THAT:

(a) The crime(s) with which I am charged carries a sentence(s) of:

Count No.	Standard Range	Enhancement That Will Be Added to Standard Range	Maximum Term And Fine
			_____ years \$ _____
			_____ years \$ _____
			_____ years \$ _____

1 (b) The standard sentence range is based on the crime charged and my criminal history.
2 Criminal history includes prior convictions and juvenile adjudications or convictions, whether in
3 this state, in federal court, or elsewhere.

4 (c) The prosecuting attorney's statement of my criminal history is attached to this agreement.
5 Unless I have attached a different statement, I agree that the prosecuting attorney's statement is
6 correct and complete. If I have attached my own statement, I assert that it is correct and complete.
7 If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated
8 to tell the sentencing judge about those convictions.

9 (d) If I am convicted of any new crimes before sentencing, or if any additional criminal
10 history is discovered, both the standard sentence range and the prosecuting attorney's
11 recommendations may increase or a mandatory sentence of life imprisonment without possibility of
12 parole may be required by law. Even so, I cannot change my mind and my plea of guilty to this
13 charge is binding on me.

14 (e) In addition to sentencing me to confinement, the judge will order me to pay \$500 as a
15 victim's compensation fund assessment and a \$100 DNA fee. If this crime is commercial sexual
16 abuse of a minor, promoting commercial sexual abuse of a minor, or promoting travel for
17 commercial sexual abuse of a minor, the judge will impose an additional fine of \$5000 unless the
18 judge finds that I am indigent. If this crime resulted in injury to any person or damages to or loss of
19 property, the judge will order me to make restitution, unless extraordinary circumstances exist
20 which make restitution inappropriate. The judge may also order that I pay a fine, court costs,
21 attorney fees, and other costs and fees, and place other restrictions and requirements upon me.
22 Furthermore, the judge may place me on community custody.

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(f)

(i) For sex offenses committed before September 1, 2001: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is more than one year, the judge will order me to serve three years of community custody (two years or up to the period of earned early release, whichever is longer, up to 36 months, if offense committed before 6/6/1996). During the period of community custody, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

(ii) For sex offenses committed on or after September 1, 2001:

(a) Sentencing under RCW 9.94A.507 (formerly RCW 9.94A.712): If this offense is for any of the offenses listed in subsections (1) or (2), below, the judge will impose a maximum term of confinement consisting of the statutory maximum sentence for the offense, and a minimum term of confinement either within the standard range for the offense or outside the standard range if an exceptional sentence is imposed. The minimum term of confinement that is imposed may be increased by the Indeterminate Sentence Review Board if the Board determines by a preponderance of the evidence that it is more likely than not that I will commit sex offenses if released from custody. In addition to the period of confinement, I will be sentenced to community custody for any period of time I am released from

1 total confinement before the expiration of the maximum sentence. During
 2 the period of community custody I will be under the supervision of the
 3 Department of Corrections and I will have restrictions and requirements
 4 placed upon me and I may be required to participate in rehabilitative
 5 programs.

6 (1) If the current offense is any of these offenses or attempt to commit any of
 7 these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree committed when I was at least 18 years old.	Rape of a child in the second degree committed when I was at least 18 years old.
Child molestation in the first degree committed when I was at least 18 years old.	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Burglary in the first degree	Assault of a child in the second degree

15 (2) If the current offense is any sex offense and I have a prior conviction for
 16 any of these offenses or attempt to commit any of these offenses or a
 17 comparable offense in this state, in federal court, or elsewhere:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree	Rape of a child in the second degree
Child molestation in the first degree	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Burglary in the first degree	Assault of a child in the second degree

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(b) If this offense is for a sex offense that is not listed in paragraph 6(f)(ii)(a), in addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, the judge will sentence me to community custody for a period of 36 months. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

(iii) If this offense is Failure to Register as a Sex Offender and the crime was committed on or after June 7, 2006, regardless of the term of confinement ordered, the judge will sentence me to community custody for a period of 36 months. During the period of community custody, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

(g) The prosecuting attorney will make the following recommendation to the judge: _____

The prosecutor will make the recommendation stated in the plea Agreement and State's

Sentence Recommendation, which are incorporated by reference.

(h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range (except as provided in paragraph 6(f)(ii)(a))

1 unless there is a finding of substantial and compelling reasons not to do so or both parties stipulate
2 to a sentence outside the standard range. If the judge goes outside the standard range, either I or the
3 State can appeal that sentence to the extent to which it was not stipulated. If the sentence is within
4 the standard range, no one can appeal the sentence.

5 (i) The crime of _____ has a mandatory minimum sentence
6 of at least _____ years of total confinement. The law does not allow any reduction of this
7 sentence. For crimes committed on or after July 24, 2005, this does not apply to juveniles tried as
8 adults pursuant to a transfer of jurisdiction under RCW 13.40.110 (see RCW 9.94A.540(3)). [If not
9 applicable, this paragraph should be stricken and initialed by the defendant and the judge____ .]

10 The crime of _____ is a most serious offense as defined by
11 RCW 9.94A.030, and if I have at least two prior convictions on separate occasions whether in this
12 state, in federal court, or elsewhere, of most serious crimes, I may be found to be a Persistent
13 Offender. If I am found to be a Persistent Offender, the Court must impose the mandatory sentence
14 of life imprisonment without the possibility of early release of any kind. RCW 9.94A.570. [If not
15 applicable, this paragraph should be stricken and initialed by the defendant and the judge____ .]

16 The crime of _____ with a finding that [circle
17 applicable finding] (1) the crime was predatory as defined by RCW 9.94A.030; (2) the victim was
18 under 15 at the time of the offense; (3) the victim was developmentally disabled, mentally
19 disordered, a frail elder, or a vulnerable adult; if committed on or after July 1, 2006, has a
20 mandatory minimum sentence of 25 years of confinement or the maximum of the standard range
21 sentence, whichever is greater. The law does not allow any reduction of this sentence. RCW
22 9.94A.712. This minimum sentence does not apply to juveniles tried as adults pursuant to RCW

1 13.040.030(1)(e). [If not applicable, this paragraph should be stricken and initialed by the
2 defendant and the judge ____ ____.]

3 (j) If this offense is (1) rape in the first degree, rape of a child in the first degree, rape in the
4 second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child
5 molestation in the first degree, or (2) any of the following with a finding of sexual motivation: murder
6 in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree,
7 kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a
8 child in the first degree, or burglary in the first degree, or (3) any attempt to commit any of the offenses
9 listed in this sentence and I have at least one prior conviction for one of these listed offenses (or if the
10 current offense was committed after July 21, 2001, a comparable offense in this state, in federal court,
11 or elsewhere), the offense for which I am charged carries a mandatory sentence of life imprisonment
12 without the possibility of parole.

13 (k) The crime charged in Count _____ includes a firearm / deadly weapon
14 sentence enhancement of _____ months.

15 This additional confinement time is mandatory and must be served consecutively to any
16 other sentence and any other enhancement I have already received or will receive in this or any other
17 cause for any felony offense. [If not applicable, this paragraph should be stricken and initialed by
18 the defendant and the judge ____ ____.]

19 (l) The crime charged in Count _____, committed on or after July 1, 2006,
20 includes a sexual motivation sentence enhancement of _____ months.

21 This additional confinement time is mandatory and must be served consecutively to any
22 other sentence and any other enhancement I have already received or will receive in this or any other

1 cause for any felony offense. [If not applicable, this paragraph should be stricken and initialed by
2 the defendant and the judge ____ ____.]

3 (m) For crimes committed on or after July 22, 2007: If I am pleading guilty to rape of a
4 child in the first, second or third degree or child molestation in the first, second or third degree, and
5 I engaged, agreed or offered to engage the victim in sexual intercourse or sexual contact for a fee, or
6 if I attempted, solicited another, or conspired to engage, agree or offer to engage the victim in sexual
7 intercourse or sexual contact for a fee, then a one-year enhancement shall be added to the standard
8 sentence range. If I am pleading guilty to more than one offense, the one-year enhancement must be
9 added to the total period of total confinement for all offenses, regardless of which underlying
10 offense is subject to the enhancement.

11 (n) The sentences imposed on counts _____, except for any weapons enhancement,
12 will run concurrently unless there is a finding of substantial and compelling reasons to do otherwise.
13 [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge
14 ____ ____.]

15 (o) Counts _____ are serious violent offenses arising from separate and distinct
16 criminal conduct and the sentences on those counts will run consecutively unless the judge finds
17 substantial and compelling reasons to do otherwise. [If not applicable, this paragraph should be
18 stricken and initialed by the defendant and the judge ____ ____.]

19 (p) Special sex offender sentencing alternative:

20 For offenses committed before September 1, 2001: The judge may suspend execution
21 of the standard range term of confinement under the special sex offender sentencing alternative
22 (SSOSA) if I qualify under former RCW 9.94A.120(8) (for offenses committed before July 1, 2001) or

1 RCW 9.94A.670 (for offenses committed on or after July 1, 2001). If the judge suspends execution of
2 the standard range term of confinement, I will be placed on community custody for the length of the
3 suspended sentence or three years, whichever is greater; I will be ordered to serve up to 180 days of
4 total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions and
5 requirements placed upon me; and I will be subject to all of the conditions described in paragraph 6(e).

6 Additionally, the judge could require me to devote time to a specific occupation and to pursue a
7 prescribed course of study or occupational training. If a violation of the sentence occurs during
8 community custody, the judge may revoke the suspended sentence.

9 For offenses committed on or after September 1, 2001: The judge may suspend
10 execution of the standard range term of confinement or the minimum term of confinement, under the
11 special sex offender sentencing alternative (SSOSA) if I qualify under RCW 9.94A.670. If the judge
12 suspends execution of the standard range term of confinement for a sex offense that is not listed in
13 paragraph 6(f)(ii)(a), I will be placed on community custody for the length of the suspended sentence
14 or three years, whichever is greater. If the judge suspends execution of minimum term of confinement
15 for a sex offense listed in paragraph 6(f)(ii)(a), I will be placed on community custody for the length of
16 the statutory maximum sentence of the offense. In addition to the term of community custody, I will
17 be ordered to serve up to 180 days of total confinement or, for a crime committed after July 1, 2005, up
18 to 12 months of total confinement with no early release; I will be ordered to participate in sex offender
19 treatment; I will have restrictions and requirements placed upon me; and I will be subject to all of the
20 conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a
21 specific occupation and to pursue a prescribed course of study or occupational training. If a violation
22 of the sentence occurs during community custody, the judge may revoke the suspended sentence.

1 (q) I understand that RCW 46.20.285(4) requires that my driver's license be revoked if the
2 judge finds I used a motor vehicle in the commission of this felony.

3 (r) I will be required to undergo testing for the human immunodeficiency virus (HIV).

4 (s) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a
5 crime under state law is grounds for deportation, exclusion from admission to the United States, or
6 denial of naturalization pursuant to the laws of the United States.

7 (t) I will be required to provide a biological sample for purposes of DNA identification
8 analysis.

9 (u) I will be required to register with the sheriff of the county of the state of Washington
10 where I reside, study, or work. The specific registration requirements are described in Appendix J,
11 Notice of Registration Requirements, which is attached to this form.

12 (v) This plea of guilty will result in the revocation of my right to possess, own, or have in
13 my control any firearm unless my right to do so is restored by a superior court in Washington State,
14 and by a federal court if required. I must immediately surrender any concealed pistol license. RCW
15 9.41.040.

16 (w) I will be ineligible to vote until that right is restored in a manner provided by law. If I
17 am registered to vote, my voter registration will be cancelled.

18 (x) Because this is a crime of domestic violence, I may be ordered to pay a domestic
19 violence assessment of up to \$100. If I, or the victim of the crime, have a minor child, the court
20 may order me to participate in a domestic violence perpetrator program approved under RCW
21 26.50.150. [If not applicable, this paragraph should be stricken and initialed by the defendant and
22 the judge _____.]

1 (y) If I have Washington State volunteer firefighters vehicle license plates, I must surrender
2 those license plates at the time this plea is entered.

3 7. I plead guilty to the crime(s) of _____
4 _____
5 _____

6 as charged in the information/ _____ amended information, including all charged
7 enhancements and domestic violence designations. I have received a copy of that information.

8 8. I make this plea freely and voluntarily.

9 9. No one has threatened harm of any kind to me or to any other person to cause me to make
10 this plea.

11 10. No person has made promises of any kind to cause me to enter this plea except as set
12 forth in this statement.

13 11. The judge has asked me to state briefly in my own words what I did that makes me
14 guilty of this (these) crime(s), including enhancements and domestic violence relationships, if they
15 apply. This is my statement:

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12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

DEFENDANT

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

PROSECUTING ATTORNEY
Print Name: _____
WSBA# _____

DEFENDANT'S LAWYER
Print Name: _____
WSBA# _____

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- (a) The defendant had previously read; or
- (b) The defendant's lawyer had previously read to him or her; or
- (c) An interpreter had previously read to the defendant the entire statement above;

and that the defendant understood it in full.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. The defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated this _____ day of _____, 20__.

JUDGE

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I am a certified interpreter or have been found otherwise qualified by the court to interpret in the _____ language and I am fluent in that language, which the defendant understands. I have translated this entire document 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.

Dated this _____ day of _____, 20__.

TRANSLATOR
Print Name: _____

INTERPRETER
Print Name: _____