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IN THE SUPERIOR COURT FOR ISLAND COUNTY, WASHINGTON

STATE OF WASHINGTON,
Plaintiff,

vs.

Defendant.

NO.

STIPULATION FOR BENCH TRIAL ON AGREED
DOCUMENTARY EVIDENCE FOR DRUG COURT

I. BASIS FOR STIPULATION

I am the defendant in this matter. I am charged with the crime(s) of _____. The maximum sentence possible for the crime(s) with which I am charged is _____. I desire to stipulate to documentary evidence as a condition of participating in the Drug Court program.

I understand that this means that, if accepted by the judge, the case will be continued for two years. If I comply with the conditions of this program, then at the end of the two years the charges will be [] dismissed / [] reduced to _____ and my guilt or innocence of the reduced charges will be determined by the judge.

However, if I do not comply with all of the conditions required of me, then at the end of the continuance or at any other time a violation is found to have occurred, the judge may read the attached documentary evidence and, based solely upon that evidence and the stipulation herein, the judge will decide if I am guilty of the crime(s) charged.

I admit that I have a substance abuse problem or addiction, and that if not treated for my problem, I am likely to re-offend.

I understand that I am responsible to either pay for or obtain funding for my treatment and for the program.

II. WAIVER OF RIGHTS AND STIPULATION TO AGREED DOCUMENTARY EVIDENCE

A. Waiver of Jury Trial. I understand that I have a right to a trial by jury unless that right is waived. I hereby agree to waive my right to a jury trial and request that my guilt or innocence be determined by a judge.

B. Stipulation to Facts. I understand that I have the following rights: (a) the right to remain silent and refuse to testify; (b) the right to confront and listen to the testimony of witnesses against me and to cross-examine those witnesses; (c) the right to call witnesses at no expense to me; (d) the right to testify; (e) the right to appeal a conviction after a stipulated trial.

I wish to submit this case on a stipulated record, and irrevocably, knowingly, intelligently, and voluntarily waive each of the rights enumerated in (a) through (e) above. In so doing, I know that if I am terminated from Drug Court for any reason other than successful completion, I agree that the judge will decide the my guilt or innocence based on the agreed documentary evidence. The use of agreed documentary evidence means that live testimony will not be taken from any witness, including me.

I agree that the documents attached to this Stipulation in Appendix A constitute all of the agreed documentary evidence, and such documents are authentic and admissible for any purpose without the need for further foundation or findings.

1 I acknowledge that I, the person present in court, am the defendant charged in this cause. Further, that I am
2 the same person named and referred to in the agreed documentary evidence.

3 I acknowledge that the facts in the agreed documentary evidence are sufficient to support a finding of guilt
4 on all charges in this case.

5 **III. TERMS AND CONDITIONS**

6 I agree to comply with the terms and conditions set forth in the Order Of Continuance Subject To
7 Conditions For Drug Court entered by the Court.

8 In the event that I am alleged to have violated the conditions of the program, as set forth in the Order of
9 Continuance Subject To Conditions For Drug Court, I stipulate to the use of written reports or other reliable
10 hearsay evidence by the state to prove the violation, regardless of the availability of the witness who prepared the
11 report. I understand that the State need only prove a violation by a preponderance of evidence.

12 **IV. DEFENDANT'S ACKNOWLEDGMENT**

13 I have read, or have had read to me the stipulation set forth above. My lawyer has explained to me, and we
14 have fully talked about, all of the above paragraphs. I understand them all. I have no further questions to ask the
15 judge.

16 No promises or threats have been made to me (or to other persons) to cause me to give up the rights listed
17 above, other than those promises set forth in the court paperwork which has been filed with the motion to
18 participate in Drug Court.

19 _____ Date: _____
20 Defendant

21 **V. COURT'S FINDINGS**

22 The Court finds that the defendant's waiver of rights and agreement to a fact finding based only on agreed
23 documentary evidence if he/she is terminated from Drug Court is made knowingly, intelligently, and voluntarily.

24 Dated _____.

25 _____
26 JUDGE/COMMISSIONER OF THE COURT

27 Approved for Entry:
28 GREGORY M. BANKS
29 ISLAND COUNTY PROSECUTING ATTORNEY

30 Approved for Entry:

By: _____
DEPUTY PROSECUTING ATTORNEY
WSBA # _____, OIN 91047

Counsel for Defendant, WSBA # _____

**Appendix A to Conditional Stipulation
“Agreed Documentary Evidence”**

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