

police report(s), affidavits and/or court records and must be proved by a preponderance of the evidence. Civil infractions (for example, but not limited to, speeding tickets) are not considered criminal law violations. Accordingly, the Defendant's commission of a civil infraction does not constitute a violation unless otherwise stated in this SOC.

_____ Defendant gives up the right to contest or object to any evidence and the right to present evidence on the Defendant's own behalf as to the Defendant's guilt or innocence regarding the underlying charge(s). This SOC and the agreements herein are not an admission of guilt nor of the sufficiency of the facts or evidence to warrant a finding of guilty.

_____ Defendant understands that upon conviction that the judge can impose any sentence up to the maximum regardless of any sentencing recommendation and /or agreement of the parties. Defendant understands that the agreed conditions above can be modified only by a written agreement of the parties.

_____ Defendant understands and agrees that her or his presence is necessary and required at all future court hearings unless that presence is waived in writing by the judge.

_____ Defendant agrees that failure to file with the Court Clerk written proof of compliance with any condition in this SOC, when such proof of compliance is required herein, shall be a material violation of this SOC and a basis for revocation. A noncompliance report showing that the Defendant is not in compliance with treatment, or stating that the Defendant is not making satisfactory progress towards successful completion of treatment, is a violation of this SOC and a basis for revocation.

_____ Defendant understands and agrees that she or he shall fully and completely satisfy all of the conditions of the SOC, and that failure or neglect to carry out and fulfill any term or condition of this SOC shall constitute a material violation of this SOC. Part, partial or substantial performance does not entitle the Defendant to the benefit of her or his bargain under this SOC.

The parties agree that, when determining guilt or innocence, the Court may look beyond the confines of the Defendant's court file and may consider evidence found in the Defendant's Washington State Department of Licensing driving abstract, in the Washington State Judicial Information System and in the Statewide Electronic Collision and Ticket Online Records.

The City of Tacoma agrees that if the Defendant has complied with every condition contained herein the charges shall be:

_____ dismissed with prejudice on the date set forth herein.

_____ amend count _____ to _____.

Defendant agrees that no one has made any threats or promises to Defendant to get Defendant to enter into this SOC. Defendant is entering into this SOC freely and voluntarily. I declare, under penalty of perjury under the laws of the State of Washington, that the foregoing is true and correct.

Dated: _____

Defendant Signature
Signed at Tacoma, Washington

The Court finds a knowing, voluntary and intelligent waiver of speedy trial, jury trial and confrontation rights and accepts the agreement.

Judge/Commissioner/Protem

City Prosecuting Attorney WSBA# _____

Defendants Attorney WSBA# _____