

IN THE MUNICIPAL COURT OF THE CITY OF WEST LINN
COUNTY OF CLACKAMAS, STATE OF OREGON

STATE OF OREGON)	
Plaintiff,)	
)	No. _____
)	
vs.)	DEFERRED SENTENCING AGREEMENT
)	AND ORDER STAYING PROCEEDINGS
)	
_____)	
Defendant)	

The defendant, _____, and West Linn City Prosecutor, Amy B. Lindgren, agree as follows:

- (1) Defendant waives his/her right to speedy trial.
- (2) Defendant stipulates that his/her full name is _____.
Defendant's date of birth is _____.
- (3) Defendant's current mailing address and phone number are:

Street

City State Zip

Phone Number
- (4) Defendant admits that at the time and place set forth in the charging instrument in West Linn Case Number _____, West Linn Police Officer(s) _____ had probable cause to arrest me for the crime of _____, ORS _____, a Class _____ Misdemeanor.
- (5) Defendant pleads guilty to the charge of _____, as shown in the plea petition submitted with this Deferred Sentencing Agreement.
- (6) Defendant waives (gives up) the rights listed in the plea petition.
- (7) Defendant waives his/her former jeopardy rights under the federal or state constitutions and ORS 131.505 to 131.525 in any future action on the charge or any other offenses based on the same criminal incident.
- (8) Defendant further agrees as follows:
 - a. Defendant shall not violate any laws set out in the Oregon Revised Statutes in the State of Oregon or any political subdivision thereof for a period of _____ months from the date of this agreement.

- b. Defendant shall pay a \$200 Deferred Sentencing Fee and a \$61 Unitary Assessment Fee to the West Linn Municipal Court, as well as the cost of any court appointed attorney's fees (if applicable).
- c. Defendant shall pay a \$_____ fine to the West Linn Municipal Court.
- d. Defendant shall comply with the following additional terms:

- (9) Defendant shall keep the West Linn Municipal Court advised at all of his/her current mailing and residential address.
- (10) If the defendant successfully completes the terms of this agreement, the court may automatically dismiss the charge at the end of the time period set forth in this Deferred Sentence Agreement. If the court does not dismiss the case, the defendant must file a motion to dismiss at the end of the Deferred Sentence Period asking the court to dismiss the charge.
- (11) If the court finds that defendant has violated the terms of this Deferred Sentencing Agreement, the court will terminate the Deferred Sentencing Agreement. The court may hold a hearing where defendant can "show cause" why the court should not terminate the Deferred Sentencing Agreement. **The court will send notice of such hearings by regular mail. If you fail to appear in court, the court can terminate the Deferred Sentencing Agreement and may issue a warrant for your arrest.**
- (12) If the court terminates the Deferred Sentencing Agreement or you fail to fulfill the terms of the agreement as set forth above the court will sentence you without a trial.

I, _____, certify that I have fully discussed the terms and conditions of this Deferred Sentencing Agreement and Order Staying Proceedings with my attorney, or I have waived my right to have an attorney represent me, and I understand said terms and conditions and hereby agree to them.

Defendant's signature

Defendant's Name (Printed)

Date

CERTIFICATE OF COUNSEL

I am the attorney for the defendant in this proceeding and I certify that:

1. I have fully explained to my client the named offenses and lesser-included offenses contained in the charging instrument, and the possible defenses that may apply in this case.
2. I have personally examined the attached **Petition to Plead Guilty/No Contest/Conditional Guilty Plea**, explained all its provisions to my client, and discussed fully with my client all matters described and referred to in the petition.
3. I have explained to my client the maximum penalty and other consequences of entering a guilty or no contest plea, including possible immigration consequences.
4. To the best of my knowledge and belief, my client's decision to enter this plea is made voluntarily, intelligently, and knowingly.
5. I have told my client that if he or she is eligible for court-appointed counsel and wishes to pursue an appeal, I will transmit the information necessary to perfect the appeal to the Office of Public Defense Services.

DATE

ATTORNEY'S SIGNATURE

OSB No.

On Behalf of the City of West Linn, Oregon, it is so agreed.

Amy B. Lindgren
West Linn City Prosecutor

Date

ORDER

IT IS HEREBY ORDERED that, in accordance with the above terms, the proceedings in this matter are stayed until all terms of this agreement are fulfilled,

Dated this _____ day of _____, 20 ____.

Municipal Court Judge