

IN THE MUNICIPAL COURT OF THE CITY OF GLADSTONE
COUNTY OF CLACKAMAS, STATE OF OREGON

STATE OF OREGON,

vs.

DEFENDANT,

No. _____

DEFERRED SENTENCING AGREEMENT AND
ORDER STAYING PROCEEDINGS

The parties agree as follows:

1. Defendant's full true name is _____. And his/her date of birth is _____.
2. Defendant hereby waives any constitutional or statutory right or claim to a speedy trial of this matter, notwithstanding whether the stay has or will occasion any prejudice to him/her.
3. Defendant agrees to plead guilty to the charge(s) of _____.
4. Defendant understands that by pleading guilty he/she is giving up his/her following constitutional rights: (a) the right to a speedy and public trial by jury; this jury would consist of six (6) persons who would have to be convinced beyond a reasonable doubt before I can be convicted of the offense(s); (b) the right to see, hear, cross examine and face in open Court all witnesses called to testify against me; (c) the right to use the power and process of the Court to compel the production of any evidence, including the attendance of witnesses in my favor; (d) the right to have assistance of a lawyer at all stages of the proceedings; (e) the right to take the witness stand at my sole option.
I cannot be forced to testify against myself and if I do not take the witness stand, I understand the jury will be told that this may not be held against me or will be told nothing, at my option. By pleading guilty, I know I waive these rights.
5. The pending criminal proceedings herein be stayed for a period of one hundred eighty (180) days.
6. Defendant further agrees as follows:
 - a. Defendant will not violate any laws as set out in the Oregon Revised Statutes in the State of Oregon or any political subdivision thereof for a period of one hundred eighty (180) days from the date of this agreement.
 - b. Defendant will pay a \$200 deferred sentencing fee to the City of Gladstone on the date Defendant enters into this agreement. Unless the Judge orders this fee to be paid no later than _____ date.
 - c. Defendant will reimburse the city for court appointed attorney fees in the amount of \$ _____.
 - d. Defendant will pay restitution in the amount of \$ _____, within 180 days, said restitution will be paid to: Gladstone Municipal Court, 525 Portland Ave, Gladstone, OR 97027 or to victim at the below mailing address:
Name: _____
Address: _____ Apt # _____
City, State, Zip: _____
Phone: _____

e. Defendant will pay a fine in the amount of \$500 within one hundred eighty (180) days to the court clerk.

f. Other conditions: _____

- 7. At the end of said stay but no less than ten (10) days before the expiration thereof, Defendant shall submit to the court with proof of service upon the city, a motion for dismissal of these proceedings with prejudice accompanied by an affidavit of Defendant that he/she has fully complied with all condition of this agreement;
- 8. The city may give notice of its intention to oppose said motion at any time prior to the expiration of the stay and if no such opposition is filed by the city, the court may thereafter order these proceedings dismissed with prejudice.
- 9. If defendant fails to fulfill the terms of this agreement, plaintiff shall terminate this agreement and the Court shall require the defendant to return for a hearing and probable sentencing on this matter.

I, _____, agree to the terms of this proposed Deferred Sentencing Agreement and Order Staying Proceedings

Dated this _____ day of _____, 20____.

Defendant

I have explained to the defendant all of his/her constitution rights, the nature and elements of the charge(s) and the contents of this petition and believe he/she fully understands them.

City Prosecutor

OSB#

Attorney for Defendant

OSB#

ORDER

IT IS ORDERED that the proceedings in this matter be stayed until the _____ day of _____, 20____, or until further proceedings have been completed in this matter.

DATED this _____ day of _____, 20____

Gladstone Municipal Court Judge