

J&S Examples

Example #1

DOC#390596 DOC has to figure out how the court calculated the 192 months. Some J&S's include enhancement time in the base sentence and others order it separately. Some provide the total confinement ordered and others do not. To enter this sentence correctly you have to assume that the 24 months of enhancement time for Counts I and II is run consecutively and that the base sentences run concurrently, but consecutive with the enhancements.

Count 1		Count 2
168	months	92
- 24	months enhancement	- 24
= 144	months base sentence	= 68
		months base sentence

In this example enhancements run consecutively with each other per statute for a total of 48 months and run consecutively with the base sentence of 144 months on Count I for a total of 192 months (which also leaves DOC assuming that the base sentences of 144 months and 68 months are concurrent with each other).

IV. Sentence and Order

It is ordered:

4.1 Confinement. The court sentences the defendant to total confinement as follows:

(a) **Confinement.** RCW 9.94A.589. A term of total confinement in the custody of the Department of Corrections (DOC):

168 months on Count 01                      92 months on Count 02  
12 months on Count 03

- The confinement time on Count(s) \_\_\_\_\_ contain(s) a mandatory minimum term of \_\_\_\_\_.
- The confinement time on Count 01, 02 includes 24 months as enhancement for  firearm  deadly weapon  VUCSA in a protected zone, per counts  
 manufacture of methamphetamine with juvenile present.

Actual number of months of total confinement ordered is: 192

Example #2

Example of a J&S in which the confinement time on the enhancements is included as a separate step.

4.4 CONFINEMENT OVER ONE YEAR: Defendant is sentenced to a term of total confinement in the custody of the Department of Corrections as follows, commencing:  immediately, [ ] (Date): \_\_\_\_\_ by \_\_\_\_\_ m.

100 months/days on count 1; 29 months/days on count 10; \_\_\_\_\_ months/day on count \_\_\_\_\_  
75 months/days on count 7; 12 months/days on count 11; \_\_\_\_\_ months/day on count \_\_\_\_\_

The above terms for counts 1, 7, 10 & 11 are consecutive / concurrent.

The above terms shall run [ ] CONSECUTIVE [ ] CONCURRENT to cause No.(s) \_\_\_\_\_

The above terms shall run [ ] CONSECUTIVE [ ] CONCURRENT to any previously imposed sentence not referred to in this order.

In addition to the above term(s) the court imposes the following mandatory terms of confinement for any special WEAPON finding(s) in section 2.1: count 1: 60 months; count 7: 36 months; count 10: 12 months (total = 108 mo.)

which term(s) shall run consecutive with each other and with all base term(s) above and terms in any other cause. (Use this section only for crimes committed after 6-10-98)

[ ] The enhancement term(s) for any special WEAPON findings in section 2.1 is/are included within the term(s) imposed above. (Use this section when appropriate, but for crimes before 6-11-98 only, per In Re Charles)

The TOTAL of all terms imposed in this cause is 208 months.

Example #3

DOC#212726 Court is ordering that the offender receive credit on this offense for the time served on another offense. A portion of that credit is for time served prior to the offense being committed which is not consistent with statute.

- (b) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court:

The defendant shall be given credit for the time he has served in DOC (beginning on 02/11/2015 – 05/19/2016). He was sentenced on Franklin County Cause Numbers 12-1-50630-1 & 12-1-50364-7. He shall also be given credit for time served on Franklin County Cause Numbers. Under Franklin County Cause Number 12-1-50630-1 he shall be given credit from dates 12/01/2012 – 12/06/2012 & 02/04/2015 -02/11/2015. Under Franklin County Cause Number 12-1-50364-7 he shall be given credit from the dates 07/08/2012 – 07/21/2012 & 07/16/2014 – 02/04/2015.

All days served and good time earned credited toward the Franklin County cause numbers 12-1-50630-1 and 12-1-50364-7 are to be applied here – to include days served in Franklin County, Benton County, DOC, or other facility (even if some of those days were served prior to this date of offense). The ordered net effect is a release on these 50 months on the same end date as the Franklin County matters.

Example #4

DOC#384280 SSOSA sentence. Example of the unclear boilerplate language on some J&S forms. Clarification was needed to determine and input the sentence that was ordered by the court.

4.1 Confinement. RCW 9.94A.670. The court sentences the defendant to a term of confinement as follows:

- (a) **Confinement.** A term of confinement in the custody of the county jail or Department of Corrections (DOC):  
 8 Months on Count I \_\_\_\_\_ months on Count \_\_\_\_\_

- (b) RCW 9.94A.507: The court sentences the defendant to the following term of confinement in the custody of the DOC:

Count _____	minimum term _____	maximum term _____	Statutory Maximum _____
Count _____	minimum term _____	maximum term _____	Statutory Maximum _____

- (c) **Suspension of Sentence.** The court imposes 94 months (up to 12 months of actual confinement or the maximum term of the standard range, whichever is less) and suspends the remainder for the duration of the special sex offender sentencing alternative program.

Example #5

DOC# 376013 SSOSA sentence. Different SOSSA J&S form. Requires some clarification in order to enter into our system. Appears to be inconsistent with statute.

4.5 SPECIAL SEX OFFENDER SENTENCING-ALTERNATIVE RCW 9.94A.670. The court finds that the defendant is a sex offender who is eligible for the special sentencing alternative and the court has determined that the special sex offender sentencing alternative is appropriate. The defendant is sentenced to a term of confinement as follows:

(a) CONFINEMENT. RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the county jail or Department of Corrections (DOC):

6 months on Count I 6 months on Count III  
6 months on Count II 6 months on Count

Balance of 54 months CT I & II & balance of 23 on CT3 suspended

CONFINEMENT. RCW 9.94A.712. Defendant is sentenced to the following term of confinement in the custody of the Department of Corrections (DOC):

Count Minimum Term: Months Maximum Term:

Count Minimum Term: Months Maximum Term:

Count Minimum Term: Months Maximum Term:

The Intermediate Sentencing Review Board may increase the minimum term of confinement.

[X] COMMUNITY CUSTODY is Ordered for counts sentenced under RCW 9.94A.712, from time of release from total confinement until the expiration of the maximum sentence:

Count I until 36 months from today's date for the remainder of the Defendant's life.

Count II until 36 months from today's date for the remainder of the Defendant's life.

Count III until 36 months from today's date for the remainder of the Defendant's life.

Actual number of months of total confinement ordered is:

CONSECUTIVE/CONCURRENT SENTENCES. RCW 9.94A.589. All counts shall be served concurrently, except for the following which shall be served consecutively:

The sentence herein shall run consecutively to all felony sentences in other cause numbers that were imposed prior to the commission of the crime(s) being sentenced.

The sentence herein shall run concurrently to all felony sentences in other cause numbers that were imposed subsequent to the commission of the crime(s) being sentenced unless otherwise set forth here.

[ ] The sentence herein shall run consecutively to the felony sentence in cause number(s)

Confinement shall commence immediately unless otherwise set forth here:

(c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.120. The time served shall be completed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court. 38 days

\* (d) SUSPENSION OF SENTENCE. The execution of this sentence is suspended; and the defendant is placed on community custody under the charge of DOC for the length of the suspended sentence or three years, whichever is greater, and shall comply with all rules, regulations and requirements of DOC and shall perform affirmative acts necessary to monitor compliance with the orders of the court as

JUDGMENT AND SENTENCE (JS)

Example #6

DOC#347950 J&S has a special finding for a Sexual Motivation, so DOC would expect to have three separate 36 month enhancements that would run consecutive with the base sentences. DOC wrote to the Court and the response was that in this case these sexual motivation enhancements were used as the basis for an exceptional sentence, but not a mandatory sentence. Most times DOC sees this entered when there is a sexual motivation enhancement (such as the example #7 below).

SPECIAL VERDICT or FINDING(S):

- (a)  While armed with a firearm in count(s) \_\_\_\_\_ RCW 9.94A.533(3).
- (b)  While armed with a deadly weapon other than a firearm in count(s) \_\_\_\_\_ RCW 9.94A.533(4).
- (c)  With a sexual motivation in count(s) I, II, III RCW 9.94A.835.
- (d)  A V.U.C.S.A offense committed in a protected zone in count(s) \_\_\_\_\_ RCW 69.50.435.
- (e)  Vehicular homicide  Violent traffic offense  DUI  Reckless  Disregard.
- (f)  Vehicular homicide by DUI with \_\_\_\_\_ prior conviction(s) for offense(s) defined in RCW 46.61 RCW 9.94A.533(7).
- (g)  Non-parental kidnapping or unlawful imprisonment with a minor victim. RCW 9A.44.128, .130.
- (h)  Domestic violence as defined in RCW 10.99.020 was pled and proved for count(s) \_\_\_\_\_.
- (i)  Current offenses encompassing the same criminal conduct in this cause are count(s) \_\_\_\_\_ RCW 9.94A.589(1)(a).
- (j)  Aggravating circumstances as to count(s) I, II, III : Defendant committed the current offences shortly after being released from incarceration.

4.4 CONFINEMENT OVER ONE YEAR: Defendant is sentenced to a term of total confinement in the custody of the Department of Corrections as follows, commencing:  immediately;  (Date): \_\_\_\_\_ by \_\_\_\_\_m.

36 months/days on count I; 36 months/days on count II; 36 months/days on count III; \_\_\_\_\_ months/days on count \_\_\_\_\_; \_\_\_\_\_ months/days on count \_\_\_\_\_; \_\_\_\_\_ months/days on count \_\_\_\_\_;

The above terms for counts I, II, III are  consecutive  concurrent.

The above terms shall run  consecutive  concurrent to cause No.(s) \_\_\_\_\_

The above terms shall run  consecutive  concurrent to any previously imposed sentence not referred to in this order.

Example #7

DOC#391369 This offender has the same language but they used it as an enhancement.

the offense in count \_\_\_\_\_ RCW 9.94A.838, 9A.44.010.

The defendant acted with sexual motivation in committing the offense in Count 01. RCW 9.94A.835.

The confinement time on Count(s) \_\_\_\_\_ contain(s) a mandatory minimum term of \_\_\_\_\_.

The confinement time on Count 01 includes 12 months as enhancement for  firearm  deadly weapon  sexual motivation  VUCSA in a protected zone  manufacture of methamphetamine with juvenile present  sexual conduct with a child for a fee.

Actual number of months of total confinement ordered is: 15 months

Example #8

DOC#378210 This offender has two separate orders in his file. One sentences him to 18 months and the other to 12 months and 1 day for the same time period. DOC needed to get clarification to see which the correct sentence was.

IV. Sentence and Order

It is ordered:

4.1 Confinement. The court sentences the defendant to total confinement as follows:

(a) Confinement. RCW 9.94A.589. A term of total confinement in the custody of the Department of Corrections (DOC):

- 18 months on Count I
- The confinement time on Count(s) \_\_\_\_\_ contain(s) a mandatory minimum term of \_\_\_\_\_.
- The confinement time on Count \_\_\_\_\_ includes \_\_\_\_\_ months as enhancement for  firearm  deadly weapon  VUCSA in a protected zone
- manufacture of methamphetamine with juvenile present.

II. STIPULATED CONCLUSIONS OF LAW

Pursuant to *State v. Hilyard*, 63 Wn. App. 413, 819 P.2d 809 (1991), and *State v. Breedlove*, 138 Wn.2d 298 (1999), and the stipulation of the parties, the court makes the conclusion that there exists a legal basis for imposition of an exceptional sentence above the standard range, to confinement in the Washington State Department of Corrections for a period of twelve (12) months and 1 day. A separate Judgment and Sentence consistent with this stipulation shall be filed herewith.

Example #9

DOC#387907 This J&S does not contain the concurrent count boilerplate language and there is no total confinement line, so we have to assume it is concurrent because it isn't specifically ordered as consecutive.

4.4 The defendant, having been convicted of a FELONY SEX OFFENSE, is sentenced to the following:

(a) DETERMINATE SENTENCE : Defendant is sentenced to a term of confinement in the custody of the  King County Jail  King County Work/Education Release (subject to conditions of conduct ordered this date)  Department of Corrections, as follows, commencing:  immediately;  Date: \_\_\_\_\_ by \_\_\_\_\_ a.m. / p.m.

60 months/days on count I; 60 months/days on count III; \_\_\_\_\_ months/days on count \_\_\_\_\_;  
60 months/days on count II; 60 months/days on count IV; \_\_\_\_\_ months/days on count \_\_\_\_\_;

ALTERNATIVE CONVERSION - RCW 9.94A.680 (LESS THAN ONE YEAR ONLY):

\_\_\_\_\_ days of total confinement are hereby converted to:  
 \_\_\_\_\_ days/ hours community restitution (for nonviolent offense) under the supervision of the Department of Corrections to be completed:  on a schedule established by the defendant's Community Corrections Officer; or  as follows: \_\_\_\_\_. If the defendant is not supervised by the Department of Corrections, this will be monitored by the Helping Hands Program.  
 Alternative conversion was not used because:  Defendant's criminal history,  Defendant's failure to appear,  Other: \_\_\_\_\_.

Example #10

DOC#893967 Many times no contact information is hand written and DOC staff cannot always read the names of victims or be clear on the intent of the Court. This information is critical to ensure offenders are not having contact with victims or minors if ordered.

[ ] The victim, based upon their request, shall be notified of the results of the HIV test whether negative or positive. (Applies only to victims of sexual offenses under RCW 9A.44.) RCW 70.24.105(7)

4.3 The Defendant shall not have contact with Kody Tipton OR JENNIE Tipton (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for LIF years (not to exceed the maximum statutory sentence.)

[ ] Domestic Violence No-Contact Order or Anti-Harassment No-Contact Order is filed with this Judgment and Sentence.

4.4 OTHER SEE APPENDIX F

No contact with victim modified by a later order.

No contact with minors unless directed by a DOC approved supervisor who is aware of this offense

Example #11

DOC#818908 Handwritten orders can sometimes be difficult to read.

[UR]

IT IS HEREBY ORDERED:

That count III ~~is~~ most serious has range of 199-198 - (offender score 9+) which runs consecutive to other serious violent with ~~is~~ offender score of 0 (part 9 and 5) = 102 months for a total of 251-300, which runs concurrent to other counts, I, II, & VIII But consecutive to 360 months ~~is~~ if ICE arm enhance <sup>rule</sup> for a range of 251+360 to 300+360 = 611 to 660 = 80 months at court is 611 months

DATED: 1-13-14

[Signature]  
JUDGE / COURT COMMISSIONER

Example #12

DOC#305329 Handwritten J&S hard to read.

IV. Sentence and Order

It is ordered:

4.1 Confinement. The court waives imposition of a sentence within the standard range and imposes the following sentence:

(a) Prison-Based Alternative (effective for sentences imposed on or after October 1, 2005).

(1) Confinement. A term of total confinement in the custody of the Department of Corrections (DOC) (half of the midpoint of the standard range, or 12 months, whichever is greater):

26.75	months of total confinement in the custody of DOC on COUNT	1
12	months of total confinement in the custody of DOC on COUNT	2
12.75	months of total confinement in the custody of DOC on COUNT	3
12	months of total confinement in the custody of DOC on COUNT	4
12.75	months of total confinement in the custody of DOC on COUNT	5
12	months of total confinement in the custody of DOC on COUNT	6
DISMISSED	months of total confinement in the custody of DOC on COUNT	7
26.75	months of total confinement in the custody of DOC on COUNT	8
26.75	months of total confinement in the custody of DOC on COUNT	9
26.75	months of total confinement in the custody of DOC on COUNT	10
26.75	months of total confinement in the custody of DOC on COUNT	11

\* Counts I, 26.75 & Count II, 12.75 non consecutive for 39.5 months  
Confinement shall commence immediately unless otherwise set forth here:

Work release is authorized, if eligible and approved. If the midpoint of the standard range is 24 months or less, no more than three months may be served in work release status. RCW 9.94A.731

Credit for Time Served. The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The jail shall compute time served.

Counts 8-11 are misdemeanors all suspended.

Felony Judgment and Sentence (FJS)  
(Drug Offender Sentencing Alternative)  
(RCW 9.94A.500, .505)(WPP CR 84,0400 (03/2016))

Example #13

DOC#775762 Just an example of what some of the J&S's look like some time when handwritten and trying to make sure we interpret correctly.

4.4 CONFINEMENT OVER ONE YEAR: Defendant is sentenced to a term of total confinement in the custody of the Department of Corrections as follows, commencing: [X] immediately; [ ] (Date): \_\_\_\_\_ by \_\_\_\_\_ .m.

48 months/days on count I; 29 months/days on count II; 48 months/day on count III  
\_\_\_\_\_ months/days on count \_\_\_\_\_; \_\_\_\_\_ months/days on count \_\_\_\_\_; \_\_\_\_\_ months/day on count \_\_\_\_\_

The above terms for counts I, II, III are consecutive / concurrent. (and concurrent w/ count II - see non-felony)

The above terms shall run [X] CONSECUTIVE [ ] CONCURRENT to cause No.(s) 09-1-05920-5:  
(consecutive only to count II, concurrent to count I.)

\* term under this cause number runs concurrent to 09-1-06842-5 + 09-1-07  
The above terms shall run [ ] CONSECUTIVE [ ] CONCURRENT to any previously imposed sentence not referred to in this order. 028-74

J&S Examples

Examples of a few different boilerplate languages used on some of the J&S's. Rather than DOC have to work through the language it would be helpful for the Court to work through the language and provide us (and the offender) with the exact sentence that is expected to be served and not be open for interpretation:

This sentence shall run consecutively with the sentences imposed for the crimes listed in Section 2.2, "Criminal History," except for the following: \_\_\_\_\_.

The "other current convictions" listed in Section 2.1 shall be served concurrently, except for the following: \_\_\_\_\_. (Exceptional sentence Findings necessary).

This sentence shall run consecutively with the sentence in the following cause number(s) not listed in Section 2.2 (see RCW 9.94A.589(3)): \_\_\_\_\_.

The sentence herein shall run consecutively to the sentence in cause number(s): \_\_\_\_\_ and consecutive to any sentence which was imposed before the date of violation for the offense(s) in this cause number or to any Department of Corrections sanction applied to a sentence that was imposed before the date of violation for the offense(s). 9.94A.589(2)(a)"Except as provided in (b) of this subsection, whenever a person while under sentence of a felony commits another felony and is sentenced to another term of confinement, the latter term shall not begin until expiration of all prior terms".

The sentence herein shall run concurrently to the sentence in cause number(s) \_\_\_\_\_ RCW 9.94A.589(3)

\_\_\_\_\_  
The sentence herein shall run consecutively to the sentence in cause number(s) \_\_\_\_\_ and consecutive to any sentence which was imposed before the date of violation for the offenses in this cause number. The sentence shall run concurrently to the sentence in cause numbers \_\_\_\_\_ RCW 9.94A.589.

The above terms shall run [ ] CONSECUTIVE [ ] CONCURRENT to cause No.(s) \_\_\_\_\_

The above terms shall run [ ] CONSECUTIVE [ ] CONCURRENT to any previously imposed sentence not referred to in this order.

The community supervision or community custody imposed by this order shall be served consecutively to any term of community supervision or community custody in any sentence imposed for any other offense, unless otherwise stated. The maximum length of community supervision or community custody pending at any given time shall not exceed 24 months, unless an exceptional sentence is imposed. RCW 9.94A.589.