

76 FILED  
OCT 29 2012  
COURT 1002

**IN THE SEATTLE MUNICIPAL COURT IN AND  
FOR THE STATE OF WASHINGTON**

CITY OF SEATTLE,

Plaintiff

vs.

DEBORA G. JUAREZ,

Defendant.

NO. 580917

**STATEMENT OF DEFENDANT ON  
PLEA OF GUILTY – DUI no test**

- 
1. My true name is Debora G. Juarez.
  2. My age is 52.
  3. I have graduated from high school and college.
  4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:
    - (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is Vernon A. Smith.
    - (b) I am charged with: Driving While Under the Influence of Intoxicating Liquor and/or Any Drug, RCW 46.61.502.  
  
The elements are: DRIVING A MOTOR VEHICLE WITHIN 2 HOURS OF A BAC LEVEL OF 0.08 OR GREATER OR WHILE THE ABILITY TO DRIVE IS APPRECIABLY AFFECTED BY INTOXICATING LIQUOR AND/OR DRUGS.
  5. I UNDERSTAND THAT I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:
    - (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
    - (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
    - (c) The right at trial to hear and question the witnesses who testify against me;

- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a finding of guilt after a trial.

6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:

- (a) The crime with which I am charged carries a maximum sentence of 364 days in jail and a \$5,000.00 fine.
- (b) The prosecuting authority will make the following recommendation to the judge:  
364/363, \$5000/\$4405 SUSPENDED (plus mandatory costs, fees, and assessments; ON CONDITION FOR THE NEXT 60 MONTHS: RESTITUTION TO THE CITY; NO DRIVING WITHIN 2 HOURS OF A BAC LEVEL OF 0.08 OR HIGHER; NO REFUSALS OF A LAWFULLY REQUESTED BREATH OR BLOOD TEST; NO DRIVING WITHOUT A VALID LICENSE AND INSURANCE; NO CRIMINAL LAW VIOLATIONS; NO ALCOHOL OR DRUG RELATED OFFENSES; ALC EVAL & FOLLOW UP TREATMENT; VICTIM'S PANEL; AND NO DRIVING WITHOUT AN INSTALLED IGNITION INTERLOCK DEVICE AS REQUIRED BY DOL.
- (c) The judge does not have to follow anyone's recommendation as to sentence. The judge can give me any sentence up to the maximum authorized by law no matter what the prosecuting authority or anyone else recommends.
- (d) The judge may place me on probation for up to five years if I am sentenced under RCW 46.61.5055 or up to two years for all other offenses and impose conditions of probation. If the court orders me to appear at a hearing regarding my compliance with probation and I fail to attend the hearing, the term of probation will be tolled until I appear before the court on the record.
- (e) The judge may require me to pay costs, fees and assessments authorized by law. The judge may also order me to make restitution to any victims who lost money or property as a result of crimes I committed. The maximum amount of restitution is double the amount of the loss of all victims or double the amount of my gain.
- (f) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

*- Dismiss Infraction*  
*- Report Address change*  
*- Probation Monitor as court requires*

**NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS APPLY, THE BOX SHOULD BE CHECKED AND THE PARAGRAPH INITIALED BY THE DEFENDANT.**

- (g) The crime of DUI - no test or test under .15 has a mandatory minimum sentence of one day in jail and \$350 fine plus costs and assessments. The law does not allow any reduction of this sentence.
- (h) ~~If this crime involves prostitution, indecent exposure, permitting prostitution, or patronizing a prostitute, there is a mandatory assessment of \_\_\_\_\_.~~ The court may reduce up to \_\_\_\_\_.

~~two thirds of this assessment if the court finds that I am not able to pay the assessment.~~  
RCW 9A88.120.

- (i) ~~If this crime involves a sexual offense, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (AIDS) virus.~~
- (j) This plea of guilty will result in suspension or revocation of my driving license or privilege by the Department of Licensing for a period of 90 DAYS. This period may not include suspension or revocation based on other matters.
- (k) ~~I may not possess, own, or have under my control any firearm, and under federal law any firearm or ammunition, unless my right to do so is restored by the court of record that ordered the prohibition on possession of a firearm or the superior court in Washington State where I live, and by a federal court if required. I must immediately surrender any concealed pistol license.~~
- (l) ~~If this crime involves a violation of Title 77 RCW, the Department of Fish and Wildlife may, and in some cases shall, suspend or revoke my privileges under Fish and Wildlife licensing.~~
- (m) ~~If this crime involves a drug offense, my eligibility for state and federal education benefits will be affected. 20 U.S.C. § 1091(r).~~
- (n) This plea of guilty is considered a conviction under RCW 46.25.010 and I will be disqualified from driving a commercial motor vehicle. RCW 46.25.090. I am required to notify the Department of Licensing and my employer of this guilty plea within 30 days after the judge signs this document. RCW 46/25/030.
- (o) If this case involves driving while under the influence of alcohol and/or being in actual physical control of a vehicle while under the influence of alcohol and/or drugs, I have been informed and understand that I will be subject to  
 the penalties described in the "DUI" Attachment.  
*OR*  
 these penalties: Mandatory minimum sentence of one day in jail, zero days of electronic home monitoring and \$350 fine plus mandatory court costs and assessments. The court shall require me to apply for an ignition interlock driver's license and to drive only with a functioning ignition interlock device or, if the court waives those requirements, to submit to alcohol monitoring, for 1 year(s). I may also be required to drive only motor vehicles equipped with an ignition interlock device as imposed by the Department of Licensing and/or the court. My driving privilege will be suspended or revoked by the Department of Licensing for the period of time stated in paragraph 6(j). In lieu of the minimum jail term, the judge may order me to serve 15 days in electronic home monitoring. If I do not have a dwelling, telephone service, or any other necessity to operate electronic home monitoring; if I live out of state; or if the judge determines I would violate the terms of electronic home monitoring, the judge may waive electronic home monitoring and impose an alternative sentence which may include additional jail time, work crew or work camp.

- [ ](p) ~~If this case involves reckless driving and the original charge was driving while under the influence of alcohol and/or being in actual physical control of a vehicle while under the influence of alcohol and/or drugs and I have one or more prior offenses, as defined in RCW 46.61.5055(14), within 7 years; or if the original charge was vehicular homicide (RCW 46.61.520) or vehicular assault (RCW 576.61.522) committed while under the influence of intoxicating liquor or any drug, I have been informed and understand that I will be subject to the penalties for Reckless Driving described in the "DUI" Attachment.~~
- [ ](q) ~~If this case involves negligent driving in the first degree, and I have one or more prior offenses, as defined in RCW 46.61.5055(14), within 7 years, I have been informed and understand that I will be subject to the penalties for Negligent Driving—1<sup>st</sup> Degree described in the "DUI" Attachment.~~
- [ ](r) ~~If this crime involves sexual misconduct with a minor in the second degree, communication with a minor for immoral purposes, or attempt, solicitation or conspiracy to commit a sex offense, or a kidnapping offense involving a minor, as defined in RCW 9A.44.130, I will be required to register with the county sheriff as described in the "Offender Registration" Attachment.~~
- [ ](s) ~~Pursuant to RCW 43.43.754, if this crime is an offense which requires sex or kidnapping offender registration, or is one of the following offenses: assault in the fourth degree with sexual motivation, communication with a minor for immoral purposes, custodial sexual misconduct in the second degree, failure to register, harassment, patronizing a prostitute, sexual misconduct with a minor in the second degree, stalking, or violation of a sexual assault protection order granted under chapter 7.90 RCW, I will be required to have a biological sample collected for purposes of DNA identification analysis, unless it is established that the Washington State Patrol crime laboratory already has a sample from me for a qualifying offense.~~
- [ ](t) ~~Travel Restrictions: I will be required to contact my probation officer, the probation director, or designee, or the court if there is no probation department, to request permission to travel or transfer to another state if I am placed on probation for one (1) year or more and this crime involves: (i) an offense in which a person has incurred direct or threatened physical or psychological harm; (ii) an offense that involves the use or possession of a firearm; (iii) a second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol; (iv) a sexual offense that requires the offender to register as a sex offender in the sending state. I understand that I will be required to pay an application fee with my travel or transfer request.~~

7. I plead guilty to the crime of DUI – no test as charged in the complaint or citation and notice. I have of a copy of that complaint or citation and notice.
8. I make this plea freely and voluntarily.
9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.
10. No person has made promises of any kind to me to enter this plea except as set forth in this statement.

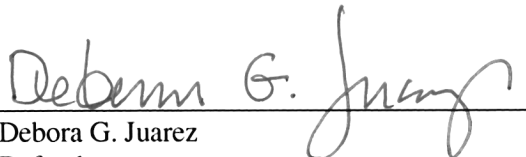
11. The judge has asked me to state in my own words what I did that makes me guilty of this crime. This is my statement:

On August 5, 2012, in Seattle, Washington, I drove my car while my ability to drive was appreciably affected by the alcohol I consumed prior to driving.


I committed this crime against a family or household member as defined in RCW 10.99.020.  
 Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

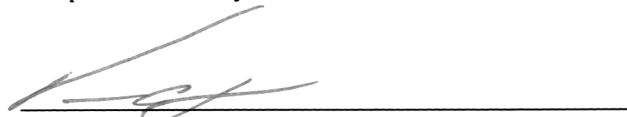
12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

Date: October 29, 2012.

  
Debora G. Juarez  
Defendant

I have read and discussed this statement with the defendant, and I believe that the defendant is competent and fully understands the statement.

  
Prosecuting Authority and Bar # 429409  
Andrew Bomrey  
Print Name

  
Vernon A. Smith, WSBA #17064  
Attorney for Defendant

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that (check the appropriate box):

- (a) The defendant had previously read; or  
 (b) The defendant's lawyer had previously read to him or her; or  
 (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full.

Interpreter Declaration: I am a certified or registered interpreter, or have been found otherwise qualified by the court to interpret in the \_\_\_\_\_ language, which the defendant understands. I have translated this document for the defendant from English into that language. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed in \_\_\_\_\_, WA, on \_\_\_\_\_.

\_\_\_\_\_  
Interpreter

\_\_\_\_\_  
Print Name

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

DATED: 10/29/12

  
\_\_\_\_\_  
Judge