



Superior Court of Washington, County Pierce

State of Washington
 Plaintiff
 vs.
Thom Fischer
 Defendant

No. 22-1-00045-9

**Judgment and Sentence
 (JS)**

Clerk's Action Required: [] 4, [] 5, [] 6, [] 7

1. **The defendant pled guilty, or pled not guilty and the verdict of the jury was guilty, or the finding of the court was guilty of:**

Count	Crime	RCW or Ordinance (with subsection)
15	Unlawful Hydraulic Project Activities	RCW 77.15.300

GV [] In count(s) _____, **domestic violence – intimate partner** was pled and proved.

GV [] In count(s) _____, **domestic violence – family or household member** was pled and proved.

Therefore, the defendant is adjudged guilty and sentenced as follows:

Sentence is suspended/deferred for _____ months/years on the following conditions:

Count 1: 364 days of jail, suspended/deferred 364 days;
 and a fine of \$ 5,000 with \$ 0 suspended/deferred.

Count 2: _____ days of jail, suspended/deferred _____ days;
 and a fine of \$ _____ with \$ _____ suspended/deferred.

Jail: Serve a total of _____ days in jail with credit for _____ days served, **and** serve a total of _____ days of [] electronic monitoring [] home detention/ electronic monitoring with credit for _____ days served.

[] Other alternative means of confinement _____.

Jail sentences are concurrent/consecutive with all other commitments _____

This crime is an offense which requires sex or kidnapping offender registration, or is one of the following offenses: assault in the fourth degree domestic violence, 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, indecent exposure, or violation of a sexual assault protection order. Therefore, the defendant shall have a biological sample collected for purposes of DNA identification analysis. If the defendant has already had a biological sample collected, the collecting agency may choose not to collect another sample. RCW 43.43.754; see *State v. Booker*, 22 Wn. App. 2d 80, 86-87, 509 P.3d 854 (2022).

Report to (law enforcement agency) _____ by (date and time) _____ to give a biological sample. Failure to give a biological sample is a gross misdemeanor.

2. The defendant is indigent, as defined in RCW 10.01.160(3).

The defendant shall pay to the clerk of this court:

<input checked="" type="checkbox"/> fine	\$ <u>5,000</u>	<input type="checkbox"/> criminal conviction fee	\$ <u>43.00</u>
<input type="checkbox"/> assessments	\$ _____	<input type="checkbox"/> criminal traffic fee	\$ <u>102.50</u>
<input type="checkbox"/> costs	\$ _____	<input type="checkbox"/> probation/monitoring fee	\$ _____
<input type="checkbox"/> bench warrant fee	\$ _____	<input type="checkbox"/> booking fee	\$ _____
<input type="checkbox"/> jail recoupment fee	\$ _____	<input type="checkbox"/> public defender recoupment	\$ _____
<input type="checkbox"/> DNA fee (RCW 43.43.7541) \$ <u>100.00</u>		<input type="checkbox"/> DPO assessment for DV conviction	\$ <u>15.00</u>
<input type="checkbox"/> Waived. DNA prev. collected.		<input type="checkbox"/> domestic violence assessment	\$ <u>100.00</u>
<input type="checkbox"/> PPIA (RCW 9A.88.120) \$ _____		<input type="checkbox"/> DPR fee (RCW 7.105.450)	\$ <u>30.75</u>
<input type="checkbox"/> catalytic converter fine (\$1000 each) (RCW 19.290.070)			\$ _____
<input type="checkbox"/> other _____			\$ _____
<input type="checkbox"/> restitution set by separate order.			
<input type="checkbox"/> restitution emergency response (RCW 38.52.430) \$ _____			

Total: \$ 5,000

3. **Financial obligations are due and payable immediately unless the court has set a payment schedule.**

Pay total financial obligations at \$ WORTHIN NEXT 30 DAYS per month starting on (date) _____.

Pay schedule set by separate order.

\$ _____ of this total is converted to _____ hours of community restitution (service) which must be completed by _____.

Proof of completion shall be provided to the court/probation department.

The defendant is ordered to reimburse (name of electronic monitoring agency) _____ at _____ for the cost of pretrial electronic monitoring in the amount of \$ _____.

4. **Additional Conditions of Sentence:**

- No criminal violations of law or alcohol-related infractions.
- Do not drive a motor vehicle without a valid license and proof of insurance.
- Probation for 24 months. ^{2 weeks absent} Supervised probation for _____ months, with probation department and abide by all rules and regulations of probation department. Pay a \$ _____ pre-sentence fee and a \$ _____ monthly probation fee unless the fee is reduced by the probation department.
- Supervised probation to end upon completion of certified domestic violence treatment and/or _____.
- Obtain a substance use disorder evaluation from a Washington State approved agency a psycho-sexual evaluation from a state certified provider a mental health evaluation from a state licensed mental health provider certified domestic violence program anger management victim awareness education consumer awareness (theft) Other _____.
- File a copy of the evaluation within _____ days. Begin any recommended treatment or education within _____ days and file proof of timely enrollment and completion.
- Begin the following within _____ days and complete within _____ months, and file proof of timely enrollment and completion: DUI victim's panel alcohol/drug information school 1-year substance use disorder treatment 2-year substance use disorder treatment substance use disorder treatment for the period of _____ driver improvement school.
- Use no alcoholic beverages or non-prescribed controlled drugs.
- Attend Alcoholics Anonymous Narcotics Anonymous Other self-help program (_____) meetings _____ times a week for _____ months or as recommended by treatment provider.
- Do not go upon the property of and have no contact with: _____
- Other: _____
- This crime involves a sex offense, or a kidnapping offense involving a minor, as defined in RCW 9A.44.130.** The defendant is required to register with the county sheriff as described in the "Offender Registration Attachment."
- Department of Licensing Notice – CPL Revocation and Surrender.**
- Count _____ is a violation of RCW 9.41.270 (unlawful carrying or handling of weapons), a gross misdemeanor for which the penalty includes loss and revocation of the defendant's concealed pistol licenses, if any.
- Count _____ is a violation of RCW 9.41.280 (knowingly possessing a dangerous weapon on school facilities or areas of facilities while being used for official meetings of a school district board of directors), a gross misdemeanor for which the penalty is revocation of the defendant's concealed pistol licenses (CPL), if any, for 3 years; and the defendant is not allowed to apply for concealed pistol licenses for a period of 3 years.

[] Count _____ is a violation of RCW 9.41.282 (carrying a firearm at a childcare center), a gross misdemeanor for which the penalty is revocation of the defendant's concealed pistol licenses (CPL) for 3 years and the immediate surrender of the defendant's CPL, if any. The defendant also is not allowed to apply for a CPL for a period of 3 years from the date of conviction.

NOTICE TO THE DEFENDANT: You have been convicted of RCW 9.41.282, which requires immediate surrender of your concealed pistol licenses (CPL). You are ordered to immediately surrender your CPL, if any, to the court.

Clerk's Action. The clerk shall forward a Notice of Revocation of Concealed Pistol License to the Department of Licensing (DOL).

5. [] **Department of Licensing Notice – Defendant under age 21 only.**

Count _____ is (a) a violation of ch. 69.41 RCW [Legend drug], ch. 69.50 RCW [VUCSA], or ch. 69.52 RCW [Imitation drugs], and the defendant was under 21 years of age at the time of the offense **OR** (b) a violation under RCW 9.41.040 (unlawful possession of firearm), and the defendant was under the age of 18 at the time of the offense **OR** (c) a violation under ch. 66.44 RCW [Alcohol], and the defendant was under the age of 18 at the time of the offense **AND** the court finds that the defendant previously committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of ch. 66.44 RCW, ch. 69.41 RCW, ch. 69.50 RCW, or ch. 69.52 RCW.

Clerk's Action. The clerk shall forward an Abstract of Court Record (ACR) to the DOL, which must revoke the defendant's driver's license. RCW 46.20.265.

6. [] **Review hearing scheduled for (purpose)** _____

on (date) _____ at _____ a.m./p.m.

at _____ Court, Room/Department _____

Address: _____

7. [] Bail or Bond is [] exonerated [] forfeited.

8. **I have read the rights, conditions, and warnings.**

Dated: 05/05/2023

Thomas A. Fiala
Defendant's Signature

Defendant's Mailing Address:

Street Address or PO Box _____

Telephone No.: _____

Angelo Calo
Attorney for the Defendant

Print Name: Angelo Calo

WSBA No. 27079

Philip K. Sorensen
Judge/Commissioner/Pro Tem
Print Name: PHILIP K. SORENSEN

City _____ State _____ Zip _____

City _____ State _____ Zip _____

City _____ State _____ Zip _____

Robert K. Grant
Prosecuting Attorney

Print Name: Robert K. Grant

WSBA No. 40449

