

BURLINGTON MUNICIPAL COURT

PLAINTIFF,

vs.

DEFENDANT.

CASE NUMBER

STIPULATION TO THE ADMISSIBILITY OF
STATEMENTS OF THE DEFENDANT

- NON-CUSTODIAL
 CUSTODIAL POST-MIRANDA
 CUSTODIAL VOLUNTEERED STATEMENTS

CLERK'S ACTION REQUIRED:

- STRIKE 3.5 HEARING

IT IS HEREBY mutually understood, agreed and stipulated between and among the undersigned parties as follows:

WHEREAS, I, _____, in the presence of my attorney, have been advised prior to the signing of this document that:

I am entitled to a hearing to determine the voluntariness and admissibility of any statements I may have made to law enforcement officers with regard to this case, and that at such hearing I may offer evidence and confront witnesses with respect to such statements, and,

I further understand the following notice provided by court rule CrRLJ 3.5:

1. I may, but need not, testify at the hearing on the circumstances surrounding the statement;
2. If I were to testify at the hearing, I would be subject to cross-examination with respect to the circumstances surrounding the statement and with respect to my credibility;
3. If I were to testify at the hearing, I would not, by so testifying, waive my right to remain silent during the trial,
4. If I were to testify at the hearing, neither the fact nor my testimony at the hearing would be mentioned to the jury unless I testify concerning the statement at trial;

In addition, if I testify at trial as to the voluntariness of the statements given, I would be subject to cross-examination to the same extent as would any other witness; and if I raise the issue of voluntariness at trial, the jury will be instructed to give such weight and credibility to the statements I have given in view of the surrounding circumstances, as they see fit;

WHEREAS, I, in the presence of my attorney, understand the above mentioned rights and having all of said fully in mind, I freely and willingly waive any right I may have to a hearing to determine the admissibility of my statements and I further stipulate that the following are true:

- (Noncustodial) On the date and time of the conversation I had with a law enforcement officer I was not in custody or the functional equivalent of custody and that the statements made by myself prior to being placed in custody, were made voluntarily.
- (Custodial) On the date of questioning by the law enforcement officer, I was in custody and prior to questioning by the officer I had been advised of my constitutional rights as required by the Miranda decision, and that after being advised of those rights, I knowingly waived those rights and spoke with the officer voluntarily.
- (Custodial Volunteered Statements) On the date of contact with law enforcement, I was in custody and at the time I made statements which were made spontaneously and voluntarily and not in response to any questioning, interrogation or other remarks or actions by law enforcement officers intend to, or which were reasonably likely to produce the statements.
- (Other) _____

Therefore, I stipulate that the statements made are admissible at trial.

This stipulation has been entered into freely, voluntarily and knowingly by all parties hereto with full awareness and explanation of the possible legal consequences.

Dated:

Defendant

Prosecuting Attorney, WSBA #

Defense Attorney, WSBA #

Approved:

Judge / Commissioner