

MAY 26 2015

E *CRF*
Ronald R. Carpenter
Clerk

THE SUPREME COURT
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,
Respondent,

v.

JOHN E. BETTYS,
Appellant,

913684
No. ~~91683-4~~
COA No. 71418-0-I

**MOTION TO SUPPLEMENT THE RECORD
ON REVIEW WITH NEWLY DISCOVERED
EVIDENCE (RAP 9.11)**

I. IDENTITY OF THE MOVING PARTY

COMES NOW Appellant, John Bettys, pro se, hereby moves the Court for an "Order to Supplement the Record on Review," with newly obtained evidence material to the issues being considered in the appeal.

II. SUMMARY OF THE MOTION

Bettys filed a motion in the Trial Court to obtain a copy of the "CrR 7.8 motion" discussed in the Court of Appeal's January 20, 2015 opinion that affirmed the conviction on appeal. The matter is heard in the Trial Court on April 8, 2015 "pro se," wherein the Trial Court established no "CrR 7.8 motion" was ever filed on the December 17, 2015 hearing which resulted in modification of a correct sentence to have additional confinement of Bettys. Bettys obtained the "E-mails" here attached in Appendixes A through D from Assistant Attorney General's office April 14, 2015, which establish clear knowledge a motion will be required to seek modification of the criminal sentence.

Bettys obtained the "Verbatim Report of Proceedings" on hearing held April 8, 2015 from the Trial Court on April 27, 2015, and sent both the "E-mails" and VRP to his associated counsel Mr. Thompson's office on April 28, 2015 for advisement regarding Court's conduct.

Bettys received the records from his associated counsel May 11, 2015, having the opportunity to discuss Trial Court's actions, and potential constitutional rights violations fully with counsel, herein seeks to supplement records material to the pending issues presented in the Petition for Review before this Supreme Court.

III. ARGUMENTS FOR SUPPLEMENTING RECORDS

Bettys can establish through **Appendix-B** herein attached, that the Assistant Attorney General(ATG) "Ms. Larson"WSBA# 31833; The Honorable Mr.Needy, Judge; Attorneys Mr.Swift and Ms.McDonald; Mr. Pedersen WSBA #20015; and Judge's Clerk Ms. Beaton all were fully advised by Skagit County's Chief Criminal Deputy Prosecutor Ms. Kaholokula WSBA# 25026 that an "open court hearing" would be required, with motion by State's Attorney General's office, and the presence of Mr. Bettys would be in fact required by law. The Attorney General failed to file a motion in the matter seeking modification of the criminal sentence, proving the required "legal error" to allow modification, whereby the sentence is already being served at the time of the hearing, and was under appeal at the time of the December 17, 2013 modification. See Appendix-H.

Bettys can establish through **Appendix-C** herein attached, that the Honorable Mr. Needy denied the Department of Corrections request for modification prior to December 17, 2013, therefore the Doctrine Res Juricata precluded re-hearing the same issue December 17, 2013.

Bettys was not informed of this previous ruling during either the December 17, 2013 hearing, nor during his appeals on the matter, as the "E-mails" were just disclosed to Bettys in April 2015.

Bettys can establish through **Appendix-D** herein attached, that the Department of Corrections mis-applied his criminal sentence under the provisions of RCW 9.94A.507(3)(c)(i), which reads:

"Except as provided in (c)(ii) of this subsection, the minimum term shall be within the standard range sentence for the offense, or outside the standard range sentence pursuant to RCW 9.94A.535, if the offender is otherwise eligible for such a sentence!"

The Trial Court sentenced Bettys outside the standard range in compliance with RCW 9.94A.507(3)(c)(i), pursuant to RCW 9.94A.535's statutory provisions. see APPENDIX-I. RCW 9.94A.535 required that the minimum sentence term be treated "determinate"; per Legislative stated command, therefore not subject to Indeterminate Sentenceing Review Borad (ISRB) authority. see "Petition for Review Appendix-G"

This goes directly to issue #2 presented in the Petition for Review pending this Supreme Court, therefore is material evidence in the matter, which should be considered.

Bettys can establish through **Appendix-F** herein attached, that the Trial Court admits modification of the correct final sentence, that is material to issue #1 and issue #2 presented in the Petition for Review pending before the Supreme Court currently, without "legal error" and without a proper "CrR 7.8 motion" seeking modifications to increase a criminal persons confinement. Bettys is entitled to "Due Process of the Law", which is denied Bettys by modification of the sentence, as a modification of a correct criminal sentence violated "Double Jeopardy Clause" protections, were the original sentence has no "legal errors"

requiring action by the Trial Court, where the original sentence did address the potential that Department of Corrections would not give Bettys sex offender treatment by January 1, 2014, and made provision for such failure in the sentence imposed. EHBIBIT-I at Section 4.1.

The procedural due process rights are absolute, in the sense they do not depend upon the substantive assertions of the person, and protect the person from improper or illegal application of law in the criminal actions. see Hamdi V. Rumsfeld, 542 US 507, 124 S.Ct. 2633 (2004)("Proceedural due process is 'absolute' in the sense that it does not depend upon the merits of a claimant's substantive assertion").

"Our government must proceed accourding to the law of the land, that is accourding to written constitution and statutory provisions!" In Re Winship, 397 US 358, 90 S.Ct. 1068 (1970).

Bettys has sufficiently established these records were not with Bettys at the time the briefing was filed, that they are material to the issue presented this court in the Petition for Review, and that they establish constitutional magnatude violation of rights of this Appellant, which must be addressed. The Appellant has faced element of prejudice, being denied his liberty beyond January 1, 2014 that is established in the original judgment and sentence, without proper and required process of the law, extending to February 19, 2015 for the maximum expiration of criminal confinement portion of sentence in this matter.

IV. CONCLUSIONS

For the reasons herein stated the motion to supplement should be granted, and the evidence considered in conjunction with Bettys'

"Petition for Review" dated April 25, 2015, whereby constitutional violations deprived Bettys release January 1, 2014, and Bettys' is currently restrained in directly relation to the violations, which makes the current detention fruit of the poseneous tree.

The Supreme Court should review the record to determine if the governmental mismanagement presented in this action warrants that extraordinary remedy of dismissal with prejudice, correcting those numerous violations of Bettys rights, which resulted in loss of his liberty between January 1, 2014 ordered release and February 19, 2015 actual release from confinement, and provide any other relief that is deemed appropriate by the courts.

I, John Bettys, declare under penalty of perjury, under the laws of the State of Washington that the forgoing is true and correct.

Dated This 19th day of May, 2015.

Respectfully Submitted,



John Bettys, pro se
P.O. Box 88600
Steilacoom, WA 98388

APPENDIX A

Larson, Ronda (ATG)

From: Rosemary Kaholokula <[REDACTED]@co.skagit.wa.us>
Sent: Wednesday, December 11, 2013 2:08 PM
To: Larson, Ronda (ATG); Catherine McDonald
Cc: ErikPedersen; Charlie Swift; Landon, Jeffrey M. (DOC); Delilah M. George; MelissaBeaton; Kristine Desmarais
Subject: RE: 711306 BETTYS, John Edward; Skagit County Cause #10-1-00159-9

We can prepare the transport order as soon as we get confirmation of the court hearing date/time.

From: Larson, Ronda (ATG) [mailto:[REDACTED]].
Sent: Wednesday, December 11, 2013 2:04 PM
To: Catherine McDonald; Rosemary Kaholokula
Cc: ErikPedersen; Charlie Swift; Landon, Jeffrey M. (DOC); Delilah M. George; MelissaBeaton
Subject: RE: 711306 BETTYS, John Edward; Skagit County Cause #10-1-00159-9

I am having my legal assistant call the bailiff to determine whether the Court has time for a hearing the afternoon of Tuesday, the 17th (excluding the time period of 2pm to 4pm). Assuming it does, the DOC would first need a signed transport order before it could get Mr. Bettys to the Court by Tuesday. The DOC would need the order by the 16th.

Shall I draft an order and send it to the bailiff? Or what do you think is the best way to go about doing that? I don't ordinarily handle transport orders.

Thanks.
Ronda

From: Catherine McDonald [mailto:cmcdonald@prolegaldefense.com]
Sent: Wednesday, December 11, 2013 1:09 PM
To: Larson, Ronda (ATG)
Cc: Rosemary Kaholokula; DaveNeedy; ErikPedersen; Charlie Swift; Landon, Jeffrey M. (DOC); Bailey, Karen (ATG); Delilah M. George; MelissaBeaton
Subject: Re: 711306 BETTYS, John Edward; Skagit County Cause #10-1-00159-9

Mr. Swift is unavailable on Monday (Art. 32 Hearing at JBLM), but we are available on Friday afternoon, 12/13, or Tuesday, 12/17, but for 2:00-4:00, when he is in a client interview with federal probation.

Catherine McDonald
Swift & McDonald, P.S.
1809 - Seventh Avenue, Suite 1108
Seattle, WA 98101
206-441-3377
206-224-9908 (fax)
www.prolegaldefense.com
<http://www.linkedin.com/in/catherinemcdonald>

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APPENDIX B

is prohibited without our express approval in writing or by email. Any use, distribution, transmittal or re-transmittal by persons who are not intended recipients of this email may be a violation of law and is strictly prohibited. If you are not the intended recipient please contact the sender and delete all copies.

Sent from my iPhone

On Dec 11, 2013, at 1:02 PM, "Larson, Ronda (ATG)" <[REDACTED]> wrote:

I understand your perspective. The difficulty that the DOC faces is that the Court's release date is January 1st. That is a very short time away. Between the conference call or hearing date, I need to file a post-sentence petition in the Court of Appeals and an emergency motion to stay the release condition in the judgment and sentence. And this is all during the holidays.

As a result, I am reluctant to agree to a hearing when the Court has offered a conference call, because of the delay that a hearing would bring. Furthermore, I am not optimistic that my efforts will have any effect. However, I felt it was the most reasonable step to take to accept the Court's offer of a conference call before I file my post-sentence petition, even though the Court has already made it clear that it is not going to amend the judgment and sentence.

Does that make sense? I wish the timeline were not so rushed, but that is the judgment and sentence we are working under.

From: Rosemary Kaholokula [mailto:[REDACTED]@co.skagit.wa.us]
Sent: Wednesday, December 11, 2013 12:55 PM
To: Larson, Ronda (ATG); DaveNeedy; ErikPedersen; 'cswift@prolegaldefense.com'; 'cmcdonald@prolegaldefense.com'
Cc: Landon, Jeffrey M. (DOC); Bailey, Karen (ATG); Delilah M. George; MelissaBeaton
Subject: RE: 711306 BETTYS, John Edward; Skagit County Cause #10-1-00159-9

Actually, on second thought, Erik and I believe that this cannot be resolved by a conference call. We believe an open court hearing would be required, with a motion by the State (AG) and that the presence of Mr. Bettys would be required.

From: Rosemary Kaholokula
Sent: Wednesday, December 11, 2013 12:49 PM
To: 'Larson, Ronda (ATG)'; DaveNeedy; ErikPedersen; cswift@prolegaldefense.com; cmcdonald@prolegaldefense.com
Cc: Landon, Jeffrey M. (DOC); Bailey, Karen (ATG); Delilah M. George; MelissaBeaton
Subject: RE: 711306 BETTYS, John Edward; Skagit County Cause #10-1-00159-9

I am available any time.

From: Larson, Ronda (ATG) [mailto:[REDACTED]]
Sent: Wednesday, December 11, 2013 12:47 PM
To: DaveNeedy; ErikPedersen; cswift@prolegaldefense.com; cmcdonald@prolegaldefense.com; Rosemary Kaholokula
Cc: Landon, Jeffrey M. (DOC); Bailey, Karen (ATG)
Subject: 711306 BETTYS, John Edward; Skagit County Cause #10-1-00159-9
Importance: High

APPENDIX C

Judge Needy,

Thank you for offering to participate in a conference call. I would like to know if everyone could participate in a conference call on Monday. If so, what time? Later in the day is better than first thing in the morning, but I realize with short notice it may not be possible to do it later in the day.

Ronda D. Larson

Assistant Attorney General
Corrections Division
PO Box 40116
Olympia WA 98504-0116
☎ (360) 586-1445
Fax (360) 586-1319
☎ [REDACTED]

Please don't print this. . . . Save a fleet of paper airplanes.

From: DaveNeedy [mailto:[REDACTED].skagit.wa.us]
Sent: Tuesday, December 10, 2013 10:34 AM
To: 'Catherine McDonald'; McLean, Caryn L. (DOC)
Cc: ErikPedersen; Charlie Swift; Rosemary Kaholokula
Subject: RE: 711306 BETTYS, John Edward; Skagit County Cause #10-1-00159-9

The request to strike the language is denied. I would be happy to discuss this matter further if a conference call can be arranged with all the necessary present. dn

From: Catherine McDonald [mailto:cmcdonald@prolegaldefense.com]
Sent: Tuesday, December 10, 2013 9:54 AM
To: McLean, Caryn L. (DOC)
Cc: DaveNeedy; ErikPedersen; Charlie Swift; Rosemary Kaholokula
Subject: RE: 711306 BETTYS, John Edward; Skagit County Cause #10-1-00159-9

Ms. McLean-

Absent assurances that Mr. Bettys is eligible and would be placed in a SOTP at DOC, we object to removal of the language. An exceptional sentence was sought and made in this case to prevent the very delays that DOC is requesting, and to assure Mr. Bettys would have the opportunity to be afforded treatment while he is under supervision at DOC, either in or out of custody. He is presently eligible and has identified a SOTP program in the community which he may start immediately upon release. The court order states that if he is not in treatment within 30 days, he is to be returned to custody. This allows him to obtain some form of treatment prior to being discharged by DOC. We have identified initial funding for treatment. DOC's request to remove time deadlines set by the court provide no assurances that treatment will be provided, or if provided that it won't be substantially delayed. Nor does DOC's request indicate that the exceptional factors are not present and/or provide assurances that Mr. Bettys will receive treatment, absent the court's sentence as issued.

Regards-

APPENDIX D

Catherine McDonald
206-441-3377
www.prolegaldefense.com

IMPORTANT: Emails to clients of this office presumptively and normally contain confidential and privileged material for the sole use of the intended recipient. Emails to non-clients are normally confidential and may be privileged. The use, distribution, transmittal or re-transmittal by an unintended recipient of any communication is prohibited without our express approval in writing or by email. Any use, distribution, transmittal or re-transmittal by persons who are not intended recipients of this email may be a violation of law and is strictly prohibited. If you are not the intended recipient please contact the sender and delete all copies.

From: McLean, Caryn L. (DOC) [mailto:]
Sent: Monday, December 09, 2013 1:27 PM
To: 'rosemaryk@co.skagit.wa.us'; Catherine McDonald
Subject: 711306 BETTYS, John Edward; Skagit County Cause #10-1-00159-9

Mr. Bettys was resentenced on November 26, 2013 on Skagit County CSE#10-1-00159-9. He was sentenced to an exceptional sentence under RCW 9.94A.712 (now RCW 9.94A.507) to a Child Molestation 3- with a minimum term and maximum sentence of 60 months. We have reentered his sentence structure and his earliest possible release date is now June 30, 2013 and his maximum sentence is February 19, 2015. Per the amended Judgment and Sentence the Court has ordered the offender either be placed in sex offender treatment by January 1, 2014 or to be released. Per RCW 9.95.420, the Indeterminate Sentence Review Board (ISRB) has the jurisdiction to approve an offenders release or under RCW 9.95.011, to add to the offenders minimum term up to the statutory maximum sentence.

We would ask the Court to strike the language in the Judgment and Sentence stating the offender receive sex offender treatment by January 1, 2014 or be released to community custody. This will give the Department of Corrections the opportunity to place Mr. Bettys in a sex offender treatment program, the ISRB time to review Mr. Bettys case to make a determination if he is parolable or not or if his minimum term should be extended under RCW 9.95.011, and for the Department of Corrections to make the notifications required under RCW 72.09.710.

Thank you for your consideration. We would appreciate your reply as soon as possible so we can properly prepare his case prior to the January 1, 2014 release date.

Caryn McLean, CRT 1
Clallam Bay Corrections Center
1830 Eagle Crest Way
Clallam Bay, WA 98326
360-963-3361 (phone)

APPENDIX E

SKAGIT COUNTY SUPERIOR COURT
STATE OF WASHINGTON

STATE OF WASHINGTON, Petitioner,
vs.
JOHN EDWARD BETTYS, Defendant.

NO: 10-1-00159-9
NOTE FOR SPECIAL SET HEARING
Before: Dave R. Needy, Judge
PREVIOUSLY APPROVED
BY COURT ADMINISTRATION
 CLERK'S ACTION REQUIRED

NOTE FOR SPECIAL SET HEARING

Please take note that the issue in this case will be heard on the date and time indicated, and that the Clerk is requested to note the same on the case docket for that day.

Date of Hearing: 12/17/2013
Time of Hearing: 9:00 AM
Nature of Hearing: Status

TO: THE CLERK OF COURT

AND TO: CATHERINE M. MCDONALD,
ATTORNEY FOR DEFENDANT

DATED: December 12, 2013

SKAGIT COUNTY PROSECUTING ATTORNEY

By: Rosemary H. Kaholokula
ROSEMARY H. KAHOLOKULA, WSBA#25026
CHIEF CRIMINAL DEPUTY PROSECUTOR
605 S. Third Street
Mount Vernon, WA 98273 360-336-9460

Names/Addresses of Other Attorneys or Parties Pro Se
Catherine M. McDonald
1809 SEVENTH AVENUE, STE. 1108
SEATTLE, WA 98101-1313

If Attorney, Party Represented

CERTIFICATE OF MAILING: I certify that I mailed a copy of this document to the attorney/parties listed hereon, postage prepaid on 12/12/13.

Signed Kris Desmarais

APPENDIX F

1 MOUNT VERNON, WASHINGTON

2 APRIL 8, 2015

3 11:00 a.m.

4 * * *

5
6 THE COURT: Alright. We'll begin with the Bettys'
7 matters. Mr. Pederson is here. Mr. Bettys, other than the
8 court staff and one attorney observing there is no one else
9 in the courtroom.

10 MS. LARSEN: I'm present, Your Honor. I'm sorry. Rhonda
11 Larsen with the Attorney General's Office on behalf of the
12 Department of Corrections. And my understanding is Mr.
13 Bettys may have two things going on in this hearing. But my
14 involvement is in respect to his motion for a written
15 finding and the order denying motion for reconsideration, or
16 the order denying a motion for a writ of mandamus.

17 THE COURT: Thank you, Ms. Larsen. I apologize. I
18 wasn't aware you were joining us.

19 MR. PEDERSEN: Your Honor, it looks like Mr. Bettys does
20 have the one, as far as I can tell, in the case number 10-1-159-9
21 cause number the motion to type briefing. I'm not sure whether
22 Mr. Bettys believes there are any other matters noted for today's
23 date.

24 MR. BETTYS: I wasn't aware of any for today's date
25 (indistinguishable).

1 MR. PEDERSEN: So it's Mr. Bettys's motion.

2 THE COURT: Alright. Mr. Bettys?

3 MR. BETTYS: Yes, Your Honor. I'm housed at the Special
4 Commitment Center at this time. And the Special Commitment
5 Center has a computer lab here. And they have a standard
6 practice of not allowing legal pleadings and such typed in the
7 computer lab. But I've spoken with Mr. Scott in the computer
8 lab. He says with a Court's order he would have no problem
9 having legal matters typed and printed in his computer lab. So
10 I'm motioning the Court for such an order that is generally
11 providing access to the computer lab to print legal pro se
12 pleadings and my pending Supreme Court appeal for this matter.

13 MR. PEDERSEN: The concern that the State has with
14 respect to basically ordering an individual or group, in this
15 case the Special Commitment Center, to provide him access without
16 making them a party to this particular action is not appropriate.
17 It's not within this Court's jurisdiction. I, frankly, don't have
18 a problem with having him type materials. I know Mr. Bettys has
19 actually, according to his document filed by counsel, Mr.
20 Thompson, associated with the counsel who has typed some matters;
21 actually it's one motion and affidavit. I don't have a problem
22 with him typing briefing. But I don't think this Court can order
23 the Special Commitment Center to provide that type of material
24 when they are not a party to this particular proceedings.

25 THE COURT: Ms. Larsen, you are not here on this issue or

1 are you?

2 MS. LARSEN: I am not on this issue, Your Honor.

3 THE COURT: Without any background or knowledge of
4 knowing whether other inmates are getting the same privilege
5 ordered by other courts and what the convenience or inconvenience
6 is and what the potential security risks it does or doesn't
7 create, Mr. Bettys, I'm not in a position to order the Department
8 to do anything. And I do believe they are a necessary party to
9 this request. So at this point your motion will be denied. But I
10 would not prevent you from re-noting it at some point if, in
11 fact, you can get a representation from DOC to participate in the
12 process.

13 MR. BETTYS: Just to make the Court aware the Special
14 Commitment Center is not a part of DOC. It's actually part of
15 DSHS.

16 THE COURT: Alright. Then a representative from DSHS
17 will be at least informed and let us know that they didn't care
18 or are not participating or wish to be heard on the issue.

19 MR. BETTYS: Not a problem Your Honor. Thank you.

20 THE COURT: Did Mr. Young just come on the phone? Did
21 someone just get added to the court call?

22 MS. LARSEN: I heard that as well. I'm not sure.

23 MR. PEDERSEN: Your Honor, I have an order in the Bettys'
24 case that indicates the defense motion to provide access to typed
25 briefing is denied.

1 THE COURT: And may be re-filed, just so that is
2 preserved.

3 MR. PEDERSEN: And if he provides indication to DSHS of
4 what his intent is they may provide him some access.

5 THE COURT: Do you know, Mr. Bettys, if other inmates
6 have already been granted that access?

7 MR. BETTYS: Yes, Your Honor, inmate Scott here has been
8 granted that access through the courts. That's why the computer
9 lab recommend I come to the court to get a statement order.

10 THE COURT: Well, if they are happy to comply and simply
11 need a court order perhaps they can send something to Mr.
12 Pedersen, and I would be happy to sign an order. Because I don't
13 have any personal stake one way or the other it doesn't offend me
14 that you have the opportunity to type the documents. I just
15 don't want to be stepping on DSHS's toes with knowing their
16 position. So we can perhaps even bypass the need for a formal
17 motion in a court hearing, if they'll put in a letter that they
18 are willing to allow the Court to approve it.

19 MR. PEDERSEN: I would be glad to present an order if Mr.
20 Bettys can, you know, put me in contact with someone at DSHS who
21 would give that kind of authorization. Because it would be to my
22 benefit because I can read things; although Mr. Bettys'
23 handwriting is really pretty good, it's easier to read something
24 that's typed.

25 THE COURT: So if you can put someone in touch with Mr.

1 Pedersen, Mr. Bettys, you might be able to short circuit that
2 process.

3 MR. BETTYS: No problem.

4 THE COURT: I've signed the order denying the motion, but
5 allowing it to be refiled if necessary.

6 MR. BETTYS: Thank you, Your Honor.

7 THE COURT: Next matter?

8 MS. LARSEN: And, Your Honor, I may be mistaken as to
9 what the reason is for my having received a court call service
10 offer, and that is why I believed I was involved in this hearing.

11 So, Mr. Bettys, did you have something that you were asking
12 for in another matter regarding the Department of Corrections?

13 MR. BETTYS: Yes, it was the matter on the writ of
14 mandamus that was denied and the reconsideration that was denied.
15 I was asking to receive written finding of fact and conclusion as
16 to why the Court denied that and decided not to uphold the United
17 States Constitution.

18 MS. LARSEN: And for clarification that is Cause Number
19 14-2-01883-8.

20 MR. PEDERSEN: That's correct. I have actually the
21 Court's letter decision of March 19th, 2005 that denies the
22 reconsideration. That's already, I believe, part of that cause
23 number.

24 THE COURT: Mr. Bettys, we never issue full findings on a
25 reconsideration. Or is your question why there weren't findings

1 in the first place upon the original ruling?

2 MR. BETTYS: Okay. I wasn't aware of this, Your Honor.

3 THE COURT: Well, a reconsideration motion is normally
4 handled in Chambers, and it can be as brief as this letter, or it
5 can give perhaps an explanation. But there's certainly no legal
6 requirements of the court rules for findings of fact, conclusions
7 of law on reconsideration. And this is probably, at least half
8 of the time, done with a single sentence just denying the motion.
9 And other times there are perhaps issues that need further
10 explanation. But my hope would be that the initial ruling
11 contained the necessary explanation and the necessary record for
12 you to take any further action regarding appeal.

13 MR. BETTYS: Okay. I appreciate your time, Your Honor.
14 We do have one outstanding motion in the (indistinguishable)
15 cause number, which has not been docketed at this time. I've
16 tried to docket it twice, and so far I haven't been heard. And
17 it was simply a motion for a copy of the 78 motion filed that was
18 heard on December 17, 2013.

19 THE COURT: A copy of the motion itself?

20 MR. BETTYS: Yeah, I was never served any documentation
21 before the hearing. And I have been unable to locate any
22 documentation in the court file showing that there's been action
23 filed before the Court. The ruling is based upon that the Court
24 of Appeals is relying on the 78 motion being filed, and I can't
25 come up with the 78 motion.

1 THE COURT: Filed by whom?

2 MR. BETTYS: I'm assuming Rhonda Larsen would have filed
3 it since she modified the judgment, and the Court went forward
4 modifying the judgment. And the only possible ability to do so
5 would be under a 78 motion.

6 MS. LARSEN: Your Honor, the Department of Corrections is
7 not a party to the criminal cause State v. Bettys and did not,
8 in fact, file any documents in that case.

9 THE COURT: I think I'm remembering. This is the process
10 of trying to extend some dates to allow Mr. Bettys to get into
11 treatment when we were working on a very short timeframe. There
12 was some hearings regarding that. I don't remember how that
13 initially came to the Court's attention, whether that was just
14 Mr. Bettys' original counsel from the trial or whether -- I don't
15 think the State initiated that on its own.

16 MR. PEDERSEN: I don't have a recollection. Ms.
17 Kaholokula and I were both doing things on the case at that time.
18 And, frankly, I was not aware we were going to be addressing this
19 particular issue today.

20 THE COURT: I think Mr. Bettys has made it clear he
21 didn't expect it to be on today. But he's bringing it up just to
22 let us know since we are all on the same phone call.

23 Perhaps Mr. Bettys we can go back to the file and try to
24 see if there's any documentation as to how that came before the
25 Court as it did. But I do know my recollection was we were

1 dealing with issues of deadlines from DOC and timeframes and
2 working very diligently to try to get you an opportunity and
3 treatment at DOC. And clearly the records reflect the fact that
4 your Judgment and Sentence was altered, and I don't think it's
5 denying that. But you should be entitled to have any motion, if
6 one was filed, or whether it was simply brought to the Court's
7 attention or we arranged a conference call and everyone started
8 talking about how to best solve the problem. So I honestly don't
9 remember if a specific motion was filed. Have you already asked
10 for access to the court file and copies of the court file, Mr.
11 Bettys?

12 MR. BETTYS: I did and we can't locate it anywhere in the
13 docket sheet.

14 THE COURT: Well, I don't know if we have to go back to
15 the trial counsel to see if they have any recollection about that
16 or not. But, again, it's been pointed out --

17 MS. LARSEN: I --

18 THE COURT: Go ahead, Ms. Larsen.

19 MS. LARSEN: I was just looking at my computer file here,
20 and this was a case that arose -- or the hearing that the Court
21 is referring to arose in December of 2014 -- excuse me --
22 December of 2013. And there is a letter here from the Court that
23 was received December 24th that no action will be taken -- let's
24 see here. It was a special set hearing and order for transport.
25 So I'm receiving things from superior court that was asking, it

1 looks like, for the DOC to be involved. So that may be how it
2 arose.

3 THE COURT: Right. And that would have come at a request
4 from counsel, I believe. I certainly wouldn't have initiated
5 that.

6 MS. LARSEN: Yes, I believe you are right. I believe you
7 are right.

8 THE COURT: I don't know if it came in the form of a
9 motion, Mr. Bettys. But you are certainly entitled to have that
10 record procedurally and otherwise in case that needs to be
11 reviewed.

12 MR. PEDERSEN: The order modifying was entered
13 December 17th, 2013, it looks like. And I think my recollection
14 is the Judgment and Sentence was actually entered November 26th,
15 2013. And that Judgment and Sentence itself had a kind of review
16 set in it, and that was part of the review process I think.

17 THE COURT: Is Mr. Bettys' question what got us to court
18 on December 13th or?

19 MR. PEDERSEN: I don't see any document filed prior to
20 that being a motion to modify under the statute.

21 THE COURT: Is that your question, Mr. Bettys, what does
22 the Court originally do to start doing the process of amending
23 the Judgment and Sentence?

24 MR. BETTYS: What I'm looking for is under what
25 jurisdiction the Court took to modify the Judgment and Sentence

1 (indistinguishable) violates double jeopardy claims, and that's
2 what I brought the appeal under. And the Court of Appeals'
3 ruling just kind of laid out to me that there's some type of 78
4 motion that had to have been filed for the Court to even have
5 jurisdiction to have entered the modified order. And without
6 accepting any motions this double jeopardy has been violated.

7 MR. PEDERSEN: I'm going to quibble with Mr. Bettys' use
8 of the term jurisdiction. I think the Court had authority on its
9 own to modify the Judgment and Sentences after they have been
10 entered. And this was a function of the fact that there was a
11 review process that was set up to have Mr. Bettys qualify for the
12 treatment through the Department of Corrections. And so I think
13 it was a part of that process that this was occurring. And that
14 was noted as a result of the fact that we were trying to get him
15 qualified.

16 THE COURT: I would be comfortable in representing, Mr.
17 Bettys, in any pleadings that you represent that there was no
18 such motion brought before the Court. No one can prove that there
19 was apparently. There's no record of it. So I think that would
20 be an accurate representation by you if they are putting the
21 burden on you to prove how it got to the Court. I don't think
22 that's fair. But you are welcome to represent that no such
23 motion was filed, but that the parties, because of the
24 circumstances, gathered and agreed to discuss the possible
25 amendments that would still give you the opportunity for

1 treatment despite DOC's deadline.

2 MR. BETTYS: I appreciate that, Your Honor.

3 THE COURT: And I don't mean to justify that you were
4 necessarily in agreement with it, but certainly your trial
5 counsel was. The prosecutor and I were in agreement with me to
6 discuss it. I'm not even finding you saying that you were a party
7 to that. But you were certainly included in the discussions as
8 was DOC at that point in time. I think it's fair to represent
9 that there was no formal motion filed.

10 MR. PEDERSEN: Written motion filed. There may have been
11 something orally addressed on the December 17th date.

12 THE COURT: There certainly could have been.

13 MR. BETTYS: Thank you, Your Honor. Is it possible to get
14 a copy of the transcript of today's hearing?

15 THE COURT: Yes, you may. The court reporter is here.
16 We'll enter an order allowing you the transcript at public
17 expense for today's hearing.

18 MR. BETTYS: Thank you, Your Honor.

19 THE COURT: Anything else on the Bettys' matter?

20 MR. BETTYS: No, Your Honor.

21 MR. PEDERSEN: Not from the State.

22 THE COURT: Is anyone else on the phone call at this
23 point?

24 MS. LARSEN: I am, Your Honor. I will hang up now.

25 THE COURT: Okay. Thank you, Ms. Larsen.

1 MR. PEDERSEN: Thank you.

2
3 (PROCEEDINGS ENDING IN THIS MATTER FOR THE DAY)
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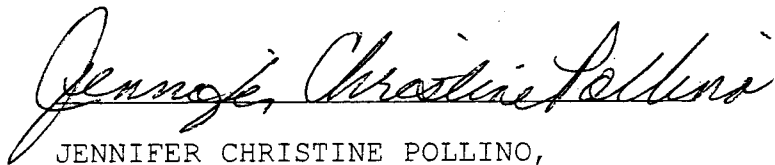
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STATE OF WASHINGTON)
) ss: C E R T I F I C A T E
COUNTY OF SKAGIT)

I, JENNIFER CHRISTINE POLLINO, Official Court Reporter
in and for the County of Skagit do hereby certify;

That the foregoing is a true and correct transcript of
the proceedings held on April 8, 2015.

Witness my hand on this 23rd day of April, 2015.



JENNIFER CHRISTINE POLLINO,
WA CCR #2221, CA CCR #10176, RPR,
Official Court Reporter

APPENDIX G

10. That during the April 8, 2015 hearing the Honorable David R. Needy, Judge established the court acted without CrR 7.8 or any other form of motion filed.
11. That the court lacked authority to act on its own, without a motion presenting a legal error presented by the parties.
12. That the law allows dismissal of criminal prosecutions with prejudice for governmental mismanagement, whereby such need not be of an evil or dishonest nature, simple mismanagement is enough to warrant extraordinary remedy of dismissal.
13. That the Department of Corrections is not a party to criminal prosecution #10-1-00159-9, as admitted by "Ronda Larson".
14. That "Ronda Larson," Attorney General is not a party to this criminal prosecution #10-1-00159-9, as Washington State was represented by and through Skagit Prosecutor "Erik Pedersen" at all times relevant to this action December 17, 2013.
15. That the modification increased the confinement term of the original correct judgment & sentence by more than one day.
16. That nothing in the original judgment and sentence allowed the court to re-sentence the defendant at a later date, and the judgment & sentence was valid when modified.

DATED This 16th day of April, 2015.

Respectfully Submitted,

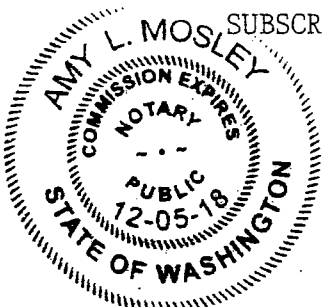
John Bettys
John E. Bettys, pro se
P.O. Box 88600
Steilacoom, WA 98388

SUBSCRIBED AND SWORN to before me this 16th day of April, 2015.

Amy L. Mosley
NOTARY PUBLIC in and for Washington State

Residing at: Pierce County Washington

My Commission Expires: 12/05/18



APPENDIX H

RICHARD D. JOHNSON,
Court Administrator/Clerk

The Court of Appeals
of the
State of Washington
Seattle
98101-4170

DIVISION I
One Union Square
600 University Street
(206) 464-7750
TDD: (206) 587-5505

February 11, 2014

Rosemary Hawkins Kaholokula
Skagit County Prosecuting Attorney
605 S 3rd St
Mount Vernon, WA 98273-3867
rosemaryk@co.skagit.wa.us

Skagit County Prosecuting Atty
Attorney at Law
605 So. Third St
Courthouse Annex
Mount Vernon, WA 98273
skagitappeals@co.skagit.wa.us

John Edward Bettys J
#711306 TRU A-103-1
MCC/TRU
PO Box 888
Monroe, WA 98272-0888

Erik Pedersen
Attorney at Law
Skagit Co Prosc Atty Ofc
605 S 3rd St
Mount Vernon, WA 98273-3867
erikp@co.skagit.wa.us

John Coulter Dittman
Office of the Attorney General
PO Box 40116
Olympia, WA 98504-0116
johnd2@atg.wa.gov

CASE # 71418-0-I
State of Washington, Respondent v. John Edward Bettys, Appellant
SKAGIT COUNTY SUPERIOR COURT No. 10-1-00159-9

This may be the only notice you will receive concerning due dates. A document filed prior to or after its due date may affect all subsequent due dates. The parties are responsible for determining adjusted due dates by reviewing the appropriate rules of appellate procedure. Failure to comply with the provisions of the rules may result in the imposition of sanctions pursuant to RAP 18.9.

Dear Counsel/Others:

A ruling granting review as a matter of right under RAP 2.2(a) was entered on February 10, 2014. In light of this ruling, the appeal should be perfected according to the following dates. Counsel should refer to the Rules of Appellate Procedure for more specific information. **Use this appellate court case number on all correspondence and filings.**

The time periods for compliance with the Rules of Appellate Procedure are as follows:

1. The **designation of clerk's papers** is due to be filed and served with the trial court, with a copy filed in this court, by **March 13, 2014**. RAP 9.6(a).

In March 2013, in No. 67111-1-I this court reversed John Bettys' conviction. The matter returned to the trial court for further proceedings where he was charged with child molestation in the third degree and represented by counsel.

On June 17, 2013, Bettys filed a motion for discretionary review of several trial court rulings denying his request for supplies and other material for pro se matters he was pursuing. The motion is assigned No. 70510-5-I. It has been pending in this court since then. On February 6, 2014, the State filed an answer to Bettys' motion.

In the meantime, several things have happened. On September 26, 2013, Bettys entered an Alford plea of guilty to child molestation in the third degree. A judgment and sentence was entered November 26, 2013.

On December 10, 2013, Bettys filed a notice of discretionary review challenging the trial court's finding that there was evidence to support the sexual contact/sexual gratification element of the offense. The matter was assigned No. 71417-1-I. Although he labeled it a notice of discretionary review, it is properly a notice of appeal of the judgment and sentence and should be treated as such. See RAP 5.1(c) (a notice of discretionary review of a decision which is appealable will be given the same effect as a notice of appeal).

On December 30, 2013, Bettys filed a notice of discretionary review of a December 17, 2013 trial court order modifying the judgment. The matter was assigned No. 71418-0-I. On January 13, 2014, Bettys filed a motion for reconsideration of the December 17, 2013 order, and on February 5, 2014, the trial court denied Mr. Bettys' motion for reconsideration. It appears that review of the December 17, 2013 order modifying the judgment is an appeal as of right under RAP 2.2(a)(1), and/or (a)(9), and/or some other subpart of RAP 2.2(a). Bettys may also seek review of the order denying reconsideration by timely filing an amended notice of appeal to include the order on reconsideration. The amended notice of appeal should be filed by March 7, 2014.

No. 70510-5-I – review in this matter is now moot. The trial court apparently provided Bettys with the supplies/materials he requested, and in any event he has not demonstrated that discretionary review is warranted. Review is denied.

No. 71417-1-I – On January 3, 2014, Bettys informed this court in writing that he wishes to withdraw review in this matter, in which he challenges the plea of guilty on which the judgment and sentence is based. Review is dismissed.

Page 3 of 3
71418-0-I, State v. John Edward Bettys
February 11, 2014

No. 71418-0-I – In the same letter, Bettys states that he intends to go forward with review in this matter, in which he challenges the order modifying the judgment. As noted above, this is an appeal under RAP 2.2, not a discretionary review. By March 7, 2013, Bettys must file an amended notice of appeal to include a challenge to February 5, 2014 order denying reconsideration.

Therefore, it is

ORDERED that review in No. 70510-5-I is denied; and it is

ORDERED that review in No. 71417-1-I is dismissed on Bettys' request; and it is

ORDERED that review in No. 71418-0-I will go forward. Bettys should file an amended notice of appeal of the February 5, 2014 trial court order denying reconsideration by March 7, 2014.

Mary S. Neel
Commissioner

Sincerely,



Richard D. Johnson
Court Administrator/Clerk

khn

c: The Hon. David Needy
Catherine M. McDonald
Charles D. Swift
Skagit County Clerk

APPENDIX I

2013 NOV 26 PM 1:36

**Superior Court of Washington
County of Skagit**

No. 10-1-00159-9

State of Washington, Plaintiff,

vs.

JOHN EDWARD BETTYS,
Defendant.

SID: WA15110978

DOB: 09/12/1974

Agency No: APD 09-A05618

Felony Judgment and Sentence – (FJS)

Prison

Exceptional RCW 9.94A.712 and RCW 9.94A.535

Prison Confinement (Sex Offense and Kidnapping
of a Minor)

Clerk's Action Required, para 2.1, 4.1, 4.3a,
4.3b, 5.2, 5.3, 5.5 and 5.7

Defendant Used Motor Vehicle

I. Hearing

1.1 The court conducted a sentencing hearing this date; the defendant, the defendant's lawyer, and the (deputy) prosecuting attorney were present.

II. Findings

2.1 **Current Offenses:** The defendant is guilty of the following offenses, based upon plea, on 9/26/2013:
Child Molestation in the Third Degree - RCW 9A.44.089 - Class C Felony, Count I; DOV: 12/01/2008 - 7/12/2009

as charged in the Third Amended Information.

(If the crime is a drug offense, include the type of drug.)

Additional current offenses are attached in Appendix 2.1a.

The defendant is a sex offender subject to an exceptional indeterminate sentence under RCW 9.94A.712 and RCW 9.94A.535 and under conditions as set forth at page 4-5.

The jury returned a special verdict or the court made a special finding with regard to the following:

The defendant engaged, agreed, offered, attempted, solicited another, or conspired to engage a victim of child rape or child molestation in sexual conduct in return for a fee in the commission of the offense in Count _____ RCW 9.94A.839.

The offense was predatory as to Count _____ RCW 9.94A.836.

The victim was under 15 years of age at the time of the offense in Count _____ RCW 9.94A.837.

Felony Judgment and Sentence (FJS) (Prison)
(Sex Offense and Kidnapping of a Minor Offense)
(RCW 9.94A.500, .505)(WPF CR 84.0400 (09/2012))

ORIGINAL

B

OR

- [] The victim was developmentally disabled, mentally disordered, or a frail elder or vulnerable adult at the time of the offense in Count _____ RCW 9.94A.838; 9A.44.010.
- [] The defendant acted with sexual motivation in committing the offense in Count _____ RCW 9.94A.835.
- [] This case involves kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.
- [] The defendant used a firearm in the commission of the offense in Count _____ RCW 9.94A.602, 9.94A.533.
- [] The defendant used a deadly weapon other than a firearm in committing the offense in Count _____ RCW 9.94A.602, 9.94A.533.
- [] For the crime(s) charged in Count _____ domestic violence was pled and proved. RCW 10.99.020.
- [] Count _____, Violation of the Uniform Controlled Substances Act (VUCSA), RCW 69.50.401 and RCW 69.50.435, took place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.
- [] The defendant committed a crime involving the manufacture of methamphetamine, including its salts, isomers, and salts of isomers, when a juvenile was present in or upon the premises of manufacture in Count _____ RCW 9.94A.605, RCW 69.50.401, RCW 69.50.440.
- [] Count _____ is a criminal street gang-related felony offense in which the defendant compensated, threatened, or solicited a minor in order to involve that minor in the commission of the offense. RCW 9.94A.833.
- [] Count _____ is the crime of unlawful possession of a firearm and the defendant was a criminal street gang member or associate when the defendant committed the crime. RCW 9.94A.702, 9.94A._____.
- [] The defendant committed [] vehicular homicide [] vehicular assault proximately caused by driving a vehicle while under the influence of intoxicating liquor or drug or by operating a vehicle in a reckless manner. The offense is, therefore, deemed a violent offense. RCW 9.94A.030.
- [] Count _____ involves attempting to elude a police vehicle and during the commission of the crime the defendant endangered one or more persons other than the defendant or the pursuing law enforcement officer. RCW 9.94A.834.
- [] In Count _____ the defendant has been convicted of assaulting a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault, as provided under RCW 9A.36.031, and the defendant intentionally committed the assault with what appeared to be a firearm. RCW 9.94A.831, 9.94A.533.
- [] Count _____ is a felony in the commission of which the defendant used a motor vehicle. RCW 46.20.285.
- [] The defendant has a chemical dependency that has contributed to the offense(s). RCW 9.94A.607.
- [] In Count _____, assault in the 1st degree (RCW 9A.36.011) or assault of a child in the 1st degree (RCW 9A.36.120), the offender used force or means likely to result in death or intended to kill the victim and shall be subject to a mandatory minimum term of 5 years (RCW 9.94A.540).
- [] For the crime(s) charged in Count _____, domestic violence was pled and proved. RCW 10.99.020.
- [] In Count _____ the defendant had (number of) _____ passenger(s) under the age of 16 in the vehicle. RCW 9.94A.533
- [] Counts _____ encompass the same criminal conduct and count as one crime in determining the offender score. RCW 9.94A.589.
- [] Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

| Crime | Cause Number | Court (County & State) | DV* Yes |
|-------|--------------|------------------------|------------|
| 1. | | | |
| 2. | | | |

* DV: Domestic Violence was pled and proved.

Additional current convictions listed under different cause numbers used in calculating the offender score are attached in Appendix 2.1b.

2.2 Criminal History (RCW 9.94A.525):

| | <i>Crime</i> | <i>Date of Crime</i> | <i>Date of Sentence</i> | <i>Sentencing Court (County & State)</i> | <i>A or J Adult, Juv</i> | <i>Type of Crime</i> | <i>DV* Yes</i> |
|---|--------------------------------------|----------------------|-------------------------|--|--------------------------|----------------------|----------------|
| 1 | Burglary | 3/20/89 | 6/20/89 | Skagit, WA | J | B | |
| 2 | Indecent Libs | 6/1/88 | 6/20/89 | Skagit, WA | J | B | |
| 3 | Burglary 2° | 4/20/90 | 6/5/90 | Skagit, WA | J | B | |
| 4 | TMVWOP (washed) | 4/30/90 | 6/5/90 | Skagit, WA | J | C | |
| 5 | Theft 2°/TMVWOP (washed) | 1/16/91 | 1/17/91 | Idaho | J | F | |
| 6 | Malicious Injury (washed) (m.i.s.d.) | 1/16/91 | 1/17/91 | Idaho | J | F | |
| 7 | Rape Child 1° | 1/1/90 | 9/23/90 | Skagit, WA | A | A | |
| 8 | Rape Child 1° | 1/1/90 | 9/23/93 | Skagit, WA | A | A | |

* DV: Domestic Violence was pled and proved.

Additional criminal history is attached in Appendix 2.2.

The defendant committed a current offense while on community placement/community custody (adds one point to score). RCW 9.94A.525.

The prior convictions listed as number(s) _____, above, or in appendix 2.2, are one offense for purposes of determining the offender score (RCW 9.94A.525)

The prior convictions listed as number(s) _____, above, or in appendix 2.2, are not counted as points but as enhancements pursuant to RCW 46.61.520.

2.3 Sentencing Data:

| <i>Count No.</i> | <i>Offender Score</i> | <i>Seriousness Level</i> | <i>Standard Range (not including enhancements)</i> | <i>Plus Enhancements*</i> | <i>Total Standard Range (including enhancements)</i> | <i>Maximum Term</i> |
|------------------|-----------------------|--------------------------|--|---------------------------|--|---------------------|
| 1 | 9+ | III | 60 months | | 60 months | 5 yrs/\$10,000 |
| | | | | | | |
| | | | | | | |

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present, (SM) Sexual Motivation, RCW 9.94A.533(8), (SCF) Sexual conduct with a child for a fee, RCW 9.94A.533(9), (CSG) criminal street gang involving minor, (AE) endangerment while attempting to elude, (ALF) assault law enforcement w/firearm, 9.94A.533(12), (P16) Passenger(s) under age 16.

Additional current offense sentencing data is attached in Appendix 2.3.

For violent offenses, most serious offenses, or armed offenders, recommended sentencing agreements or plea agreements are attached as follows: _____

2.4 Exceptional Sentence. The court finds substantial and compelling reasons that justify an exceptional sentence: The exception sentence is set forth at p. 4. - p. 5.

The defendant shall receive sex offender treatment.

The basis for the exceptional sentence is that the best interests of the community and the defendant are served in that treatment will help alleviate the potential for recidivism.

The weight of the current evaluation and prior circumstances in sentencing in the 2002 cause number cause the court concern that offenses will continue to occur if treatment is not imposed.

2.5 Legal Financial Obligations/Restitution. The court has considered the total amount owing, the defendant's past, present, and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. (RCW 10.01.160) The court finds:

That the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

The defendant has the present means to pay costs of incarceration. RCW 9.94A.760.

(Name of Agency) _____'s cost for its emergency response are reasonable. RCW 38.02.430.

III. Judgment

3.1 The defendant is *guilty* of the Counts and Charges listed in Paragraph 2.1 and Appendix 2.1.

3.2 The Court DISMISSES Counts _____. The defendant is found NOT GUILTY.

IV. Sentence and Order

It is ordered:

4.1 Confinement and Community Custody.

The court sentences the defendant as follows:

Confinement. RCW 9.94A.712 and 9.94A.535 and **Community Custody.** A term of total confinement and community custody in the custody of the Department of Corrections (DOC):

So long as the Department of Corrections is providing sex offender treatment to the defendant in custody, then this is a RCW 9.94A.712 sentence and the minimum term is 60 months and the maximum term is 60 months.

If the Department fails to commence sex offender treatment by January 1, 2014, then the defendant shall be immediately released from prison and placed on to community custody for the balance of the sixty month prison term. The defendant will immediately (within 30 days) enroll in sex offender treatment with a certified sexual offense treatment provider. The defendant will comply with any and all treatment recommendations and comply with the conditions of Appendix F. Failure to comply with any of these conditions of community custody will result in a hearing before the trial court. The court retains the authority to return the defendant to prison for the balance of the 60 month term or any other terms the court deems appropriate.

While on community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while on community custody;

(6) not own, use, or possess firearms or ammunition; (7) pay supervision fees as determined by DOC; (8) perform affirmative acts as required by DOC to confirm compliance with the orders of the court; and (9) for sex offenses, submit to electronic monitoring if imposed by DOC and (10) abide by any additional conditions imposed by DOC under RCW 9.94A.704 and .706. The defendant's residence location and living arrangements are subject to the prior approval of DOC while on community custody. For sex offenders sentenced under RCW 9.94A.709, the court may extend community custody up to the statutory maximum term of the sentence.

The court orders that during the period of supervision the defendant shall:
 Follow conditions of Appendix F.

Court Ordered Treatment: If any court orders mental health or chemical dependency treatment, the defendant must notify DOC and the defendant must release treatment information to DOC for the duration of incarceration and supervision. RCW 9.94A.562.

Credit for Time Served. The defendant shall receive credit for time on this matter – to be credited from February 20, 2010.

4.3a Legal Financial Obligations: The defendant shall pay to the clerk of this court: *if not already calculated under the prior judgment:*

| | | | |
|----------------------------|-----------|--|-------------------------------------|
| <u>JASS CODE</u> | | | |
| PCV | \$ 500.00 | Victim assessment | RCW 7.68.035 |
| PDV | \$ _____ | Domestic Violence assessment | RCW 10.99.080 |
| CRC | \$ _____ | Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190 | |
| | | Criminal filing fee \$200 _____ | FRC |
| | | Witness costs \$ _____ | WFR |
| | | Sheriff service fees \$ _____ | SFR/SFS/SFW/WRF |
| | | Jury demand fee \$ _____ | JFR |
| | | Extradition costs \$ _____ | EXT |
| | | Other \$ _____ | |
| PUB | \$ _____ | Fees for court appointed attorney | RCW 9.94A.760 |
| WFR | \$ _____ | Court appointed defense expert and other defense costs | RCW 9.94A.760 |
| FCM/MTH | \$ _____ | Fine RCW 9A.20.021; <input type="checkbox"/> VUCSA chapter 69.50 RCW, <input type="checkbox"/> VUCSA additional fine deferred due to indigency RCW 69.50.430 | |
| CDF/LDI/PCD NTF/SAD/SDI | \$ _____ | Drug enforcement fund to SCIDEU | RCW 9.94A.760 |
| CLF | \$ _____ | Crime lab fee <input type="checkbox"/> suspended due to indigency | RCW 43.43.690 |
| | \$ 100 | DNA collection fee | RCW 43.43.7541 |
| FPV | \$ _____ | Specialized forest products | RCW 76.48.140 |
| PPI | \$ _____ | Trafficking/ Promoting prostitution/Commercial sexual abuse of minor fee (may be reduced by no more than two thirds upon a finding of inability to pay.) | RCW 9A.40.100, 9A.88.120, 9.68A.105 |
| | \$ _____ | Other fines or costs for: _____ | |
| DEF | \$ _____ | Emergency response costs (Vehicular Assault, Vehicular Homicide, DUI (vehicle, plane, boat), \$2,500 maximum) | RCW 38.52.430 |

*Felony Judgment and Sentence (FJS) (Prison)
 (Sex Offense and Kidnapping of a Minor Offense)
 (RCW 9.94A.500, .505)(WPF CR 84.0400 (09/2012))*

Agency Name: _____
Agency Address: _____

\$ _____ Total RCW 9.94A.760

The defendant waives any right to be present at any restitution hearing (sign initials): _____

Restitution. Schedule attached. Appendix 4.3

the above total does not include all restitution which may be set by later order of the court.

An agreed restitution order may be entered. RCW 9.94A.753.

A restitution hearing shall be set by the prosecutor if restitution is sought.

A restitution hearing is scheduled for _____.

The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

All payments shall be made in accordance with the policies of the clerk of the court and on a schedule established by DOC or the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ _____ per month commencing _____, RCW 9.94A.760.

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(7)(b).

The court orders the defendant to pay costs of incarceration at the rate of \$ _____ per day, (actual costs not to exceed \$100 per day). (JLR) RCW 9.94A.760. (This provision does not apply to costs of incarceration collected by DOC under RCW 72.09.111 and 72.09.482.)

The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160

4.3b **Electronic Monitoring Reimbursement.** The defendant is ordered to reimburse _____ (name of electronic monitoring agency) at _____, for the cost of pretrial electronic monitoring in the amount of \$ _____.

4.4 **DNA Testing.** The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754. This provision does not apply if it is established that the WSP lab already has a sample from a qualifying offense. RCW 10.73.160.

HIV Testing. The defendant shall submit to HIV testing. RCW 70.24.340.

4.5 **No Contact:**

The defendant shall not have contact with _____ (name) including, but not limited to, personal, verbal, telephonic, written or contact through a third party until _____ (which does not exceed the maximum statutory sentence).

The defendant is excluded or prohibited from coming within _____ (distance) of:
 _____ (name of protected person(s))'s home/ residence work place school (other location(s)) _____, or
 other location: _____, until _____ (which does not exceed the maximum statutory sentence).

Sexual Assault Protection

[xx] A separate ~~Domestic Violence No-Contact Order or Antiharassment No-Contact~~ Order is filed concurrent with this Judgment and Sentence.

4.6 Other: _____

4.7 Off-Limits Order. (Known drug trafficker). RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the county jail or Department of Corrections: _____

4.8 FORFEITURE OF FIREARMS. The firearm(s) involved in this case, _____, is (are) forfeited in accordance with the law.

V. Notices and Signatures

5.1 Collateral Attack on Judgment. If you wish to petition or move for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, you must do so within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.

5.2 Length of Supervision. If you committed your offense prior to July 1, 2000, you shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. If you committed your offense on or after July 1, 2000, the court shall retain jurisdiction over you, for the purpose of your compliance with payment of the legal financial obligations, until you have completely satisfied your obligation, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). The clerk of the court has authority to collect unpaid legal financial obligations at any time while you remain under the jurisdiction of the court for purposes of your legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

5.3 Notice of Income-Withholding Action. If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections (DOC) or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

5.4 Community Custody Violation.

If you violate any condition or requirement of this sentence you may be sanctioned up to 60 days of confinement per violation. RCW 9.94A.634

5.5 Firearms. You may not own, use or possess any firearm unless your right to do so is restored by a superior court in Washington State, and by a federal court if required. You must immediately surrender any concealed pistol license. (The clerk of the court shall forward a copy of the defendant's driver's license, identicaid, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

5.6 Sex and Kidnapping Offender Registration. RCW 9A.44.128, 9A.44.130, 10.01.200.

1. General Applicability and Requirements: Because this crime involves a sex offense or kidnapping offense involving a minor as defined in RCW 9A.44.128, you are required to register.

If you are a resident of Washington, you must register with the sheriff of the county of the state of Washington where you reside. You must register within three business days of being sentenced unless you are in custody, in which case you must register at the time of your release with the person designated by the agency that has jurisdiction over you. You must also register within three business days of your release with the sheriff of the county of the state of Washington where you will be residing.

If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register within three business days of being sentenced unless you are in custody, in which case you must register at the time of your release with the person designated by the agency that has jurisdiction over you. You must also register within three business days of your release with the sheriff of the county of your school, where you are employed, or where you carry on a vocation.

2. Offenders Who are New Residents or Returning Washington Residents, If you move to Washington or if you leave this state following your sentencing or release from custody but later move back to Washington, you must register within three business days after moving to this state. If you leave this state following your sentencing or release from custody, but later while not a resident of Washington you become employed in Washington, carry on a vocation in Washington, or attend school in Washington, you must register within three business days after attending school in this state or becoming employed or carrying out a vocation in this state.

3. Change of Residence Within State: If you change your residence within a county, you must provide by certified mail, with return receipt requested or in person, signed written notice of your change of residence to the sheriff within three business days of moving. If you change your residence to a new county within this state, you must register with the sheriff of the new county within three business days of moving. Also within three business days, you must provide, by certified mail, with return receipt requested or in person, signed written notice of your change of address to the sheriff of the county where you last registered.

4. Leaving the State or Moving to Another State: If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within three business days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. If you move out of state you must also send written notice within three business days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State.

5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12): You must give notice to the sheriff of the county where you are registered within three business days:

- i) before arriving at a school or institution of higher education to attend classes;
- ii) before starting work at an institution of higher education; or
- iii) after any termination of enrollment or employment at a school or institution of higher education.

6. Registration by a Person Who Does Not Have a Fixed Residence: Even if you do not have a fixed residence, you are required to register. Registration must occur within three business days in the county where you are being supervised if you do not have a residence at the time of your release from custody. Within three business days after losing your fixed residence you must send signed written notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than 24 hours, you will be required to register in the new county not more than three business days after entering the new county. You must also report weekly in person to the sheriff of the county where you are registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. You must keep an accurate accounting of where you stayed during the week and provide it to the county sheriff upon request. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make you subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

7. Application for a Name Change: If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your name, you must submit a copy of the order to the county sheriff of the county of your residence and to the state patrol within five days of the entry of the order. RCW 9A.44.130(6).

5.7 Motor Vehicle: If the court found that you used a motor vehicle in the commission of the offense, then the Department of Licensing will revoke your driver's license. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke your driver's license. RCW 46.20.285.

Conditions (Check all that apply)

| | | |
|---|--|--|
| Conviction – Complete for DUI or physical control convictions BAC _____ <input type="checkbox"/> No Test <input type="checkbox"/> Refusal <input type="checkbox"/> Drug related <input type="checkbox"/> Mental Health | | <input type="checkbox"/> Passenger under age 16 |
| Complete when imposing discretionary ignition interlock requirements <input type="checkbox"/> Discretionary period _____ year(s) _____ months in addition to DOL _____ required | | Conviction recommendation (for RCW 46.20.342 only) <input type="checkbox"/> Recommend non-extension |
| Vehicle information (You must check either yes or no for all fields) | | |
| Commerical Vehicle <input type="checkbox"/> Yes <input type="checkbox"/> No | 16 passenger <input type="checkbox"/> Yes <input type="checkbox"/> No | HazMat <input type="checkbox"/> Yes <input type="checkbox"/> No |

5.8 Other: _____

Done in Open Court and in the presence of the defendant this date: 11-26-13

David Needy
Judge

Rosemary H. Kaholokula
Deputy Prosecuting Attorney
Rosemary H. Kaholokula, WSBA #25026

Catherine McDonald
Attorney for Defendant
Catherine McDonald, WSBA #24002

John Edward Bettys
Defendant
John Edward Bettys

Voting Rights Statement: I acknowledge that I have lost my right to vote because of this felony conviction. If I am registered to vote, my voter registration will be cancelled.

My right to vote is provisionally restored as long as I am not under the authority of DOC (not serving a sentence of confinement in the custody of DOC and not subject to community custody as defined in RCW 9.94A.030). I must re-register before voting. The provisional right to vote may be revoked if I fail to comply with all the terms of my legal financial obligations or an agreement for the payment of legal financial obligations

My right to vote may be permanently restored by one of the following for each felony conviction: a) a certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) a court order issued by the sentencing court restoring the right, RCW 9.92.066; c) a final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) a certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 29A.84.660. Registering to vote before the right is restored is a class C felony, RCW 29A.84.140.

Defendant's signature: John Edward Bettys

I am a certified interpreter of, or the court has found me otherwise qualified to interpret, the _____ language, which the defendant understands. I translated this Judgment and Sentence for the defendant into that language.

CAUSE NUMBER of this case: 10-1-00159-9

Interpreter signature/Print name: _____

VI. Identification of the Defendant

SID No. WA15110978
 (If no SID complete a separate Applicant card (form FD-258) for State Patrol)

Date of Birth 09/12/1974

FBI No. 240067TA5

Local ID No. SO 20159

Alias name, DOB: UNK

DOC No. 711306

| | | | |
|---|---|---------------------------------------|-----------------------------------|
| Race: | | Ethnicity: | Sex: |
| <input type="checkbox"/> Asian/Pacific Islander | <input type="checkbox"/> Black/African-American | <input type="checkbox"/> Caucasian | <input type="checkbox"/> Hispanic |
| <input type="checkbox"/> Native American | <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Non-Hispanic | <input type="checkbox"/> Male |
| | | | <input type="checkbox"/> Female |

Fingerprints: I attest that I saw the defendant who appeared in court affix his or her fingerprints and signature on this document.

Clerk of the Court, Deputy Clerk, Wm Churchill Dated: 11/26/2013

Defendant's signature: [Signature]
 Defendant's current address: _____

| Officer Initials | Badge/ID# | DNA | FINGERPRINTS | Date |
|------------------|-------------|-----|--------------|-----------------|
| <u>ASm</u> | <u>U111</u> | | <u>L</u> | <u>11-26-13</u> |

| Left four fingers taken simultaneously | Left Thumb | Right Thumb | Right four fingers taken simultaneously |
|--|------------|-------------|---|
| | | | |

*Felony Judgment and Sentence (FJS) (Prison)
 (Sex Offense and Kidnapping of a Minor Offense)
 (RCW 9.94A.500, .505)(WPF CR 84.0400 (09/2012))*

SUPERIOR COURT OF WASHINGTON
 COUNTY OF SKAGIT
 STATE OF WASHINGTON, Plaintiff, vs.
 JOHN EDWARD BETTYS, Defendant.
 SID: WA15110978 If no SID, use DOB:
 09/12/1974

No. 10-1-00159-9

WARRANT OF COMMITMENT

THE STATE OF WASHINGTON TO: The Sheriff of Skagit County(Jail), and to the proper offices of the Department of Corrections.

The Defendant's charges are disposed of as follows:

Child Molestation in the Third Degree - RCW 9A.44.089 - Class C Felony, Count I; DOV: 12/01/2008 - 7/12/2009

GUILTY PLEA and the court has ordered that the defendant be punished by serving the determined sentence of:

| Count | Confinement | Work Release / EHM / Work Crew |
|-------|-------------|--------------------------------|
| 1 | 60 months | |
| 2 | | |
| 3 | | |

Defendant is ordered to report to Jail Alternatives (North end of Jail) within 10 days of the date of this order and commence sentence by: /jail schedule. DOC: IMMEDIATE

Defendant shall receive day(s) credit for time served. Credit to be determined. Credit since Feb 20, 2010.

If eligible and approved by the Skagit County Jail a portion of your sentence may be served through a Program other than total confinement. The application process can take several weeks and may require paperwork and actions on your part. Violation of any Program rules may result in your arrest and your option to participate in Programs may be revoked. Any remaining time left to be served may be converted to straight jail time. You may also be subject to a probation violation hearing, which may result in additional penalties.

I have read the above and agree to abide by the terms as set forth by the Skagit County Jail.

Defendant: _____ Approved; Attorney for Defendant: *C. Donnell*

LEGAL FINANCIAL OBLIGATIONS

Defendant must pay all ordered fines, fee and restitution to the Superior Court Clerk's Office. Contact a Collections Clerk at 360-419-3448 within 10 days of sentencing for amount ordered and acceptable methods of payment. Payments are to begin within 30 days from sentencing, unless otherwise arranged with the Collections Clerk.

NOW, THEREFORE, YOU, THE SHERIFF, ARE COMMANDED to receive the defendant for confinement and placement as ordered in the Judgment and Sentence and noted above.

DATED: 11/26/13

Nancy K. Scott, Clerk

By: *Wilson*
 JUDGE / COURT COMMISSIONER
 CLERK
 OF THE SUPERIOR COURT
 WASHINGTON
 COUNTY OF SKAGIT

JAIL CERTIFICATION OF COMPLETION:
 I CERTIFY that the above-named defendant COMPLETED his jail sentence:

Date: _____ Officer: _____

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SKAGIT

STATE OF WASHINGTON)

Cause No.: 10-1-00159-9

)
)
Plaintiff)

JUDGEMENT AND SENTENCE (FELONY)

v.)

APPENDIX F

BETTYS, John Edward)

ADDITIONAL CONDITIONS OF SENTENCE

)
)
Defendant)

DOC No. 711306)
)

REC

CRIME RELATED PROHIBITIONS:

1. *Obey all laws. No new crim law violation.*
2. ~~Have no direct or indirect contact with MIF, the victim of this offense, for life.~~
3. Have no contact with minor children without the presence of an adult who is knowledgeable of the offense and has been approved by the supervising Community Corrections Officer. *or court upon motion by defendant.*
4. Do not seek employment or volunteer positions which place you in contact with or control over minor children.
5. Do not frequent areas where minor children are known to congregate, such as, but not limited to schools, parks, playgrounds, daycare, as defined by the supervising Community Corrections Officer.
6. Do not date women or form relationships with families who have minor children, unless approved in advance by the supervising Community Corrections Officer and/or therapist, *except for his wife Marissa*
7. Do not remain overnight in a residence where minor children live or are spending the *Betty* night.

- 8. ~~Do not possess or consume alcohol and do not frequent establishments where alcohol is the chief commodity for sale.~~
- 9. Enter in to ~~and successfully complete~~ a sex offender treatment program with a certified provider as approved by your Community Corrections Officer.
- 10. Do not possess or consume ^{unlawful} controlled substances unless you have a legally issued prescription.
- 11. Your residence, living arrangements and employment must be approved by the supervising Community Corrections Officer.
- 12. Participate in ^{urinalysis} ~~urinalysis~~ breathalyzer, and polygraph examinations as directed by the supervising Community Corrections Officer.
- 13. Report to and be available for contact with the assigned Community Corrections Officer as directed.
- 14. Pay supervision fees as determined by the Department of Corrections.
- 15. Defendant shall not own, use or possess a firearm or ammunition. (~~RCW~~ 9A.120(13)).
- 16. Remain within geographic boundary, as set forth in writing by the Community Corrections Officer.
- 17. Comply with all Conditions, Requirements, and Instructions as set forth by the Department of Corrections ~~and in Island County Judgment and Sentence 03-1-00226-4.~~
- 18. ~~Pay the costs of crime related counseling and medical treatment required by the victim.~~

DATE 11-26-13

Dave Needy
JUDGE, SKAGIT COUNTY SUPERIOR COURT

11/27/13
02:15

SKAGIT COUNTY JAIL
Jail Log:

Event Number: 987872 Active
Name ID: 15310 SEXUAL ASLT ORDER -+

Last: BETTYS First: JOHN Mid: EDWAR
Addr: INCARCERATED DOC-LIFE Phone: () -
City: ANACORTES ST: WA Zip: 98221 DOB: 09/12/74

Time/Date of Event: 02:12:20 11/27/13 Treatment Date:
Type of event: JTC JAIL TIME CERTIFICATION
Quantity: 0.00
Officer: KELLEY L
Booking Number: 186989
Description:
(See below)

=====

Description:

SKAGIT COUNTY JAIL
600 SOUTH THIRD ROOM 100
MOUNT VERNON, WA 98273
(360) 336-9448

JAIL TIME CERTIFICATION

Court: Cause # 10-1-00159-9
Charge(s): CHILD MOLESTATION IN THE THIRD DEGREE -- COUNT I
Date of Arrest: 02/20/10
Date(s) Returned to custody: N/A
Date(s) Released on bail or recognizance: N/A
Date Released to DOC: 12/03/13
Days served in Skagit County Jail: CREDIT TO BE GIVEN FROM 02/20/10 PER COURT
ORDER. 1381 DAYS.
Certified days of Earned Early Release time: 461 DAYS
Total days credited: 1842 DAYS.

SUPERIOR COURT OF WASHINGTON
COUNTY OF SKAGIT

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY WA

STATE OF WASHINGTON,
Plaintiff,
vs.

2013 DEC 17 AM 9:44

CAUSE NO. 10-1-00159-9

John E. Bettys
Defendant

ORDER RE:

- HEARING DATES (Clerk's Action Required)
- QUASHING WARRANT (Sheriff's Action Required)
- BAIL (Sheriff's Action Required)
- CLERK'S ACTION REQUIRED
- OTHER: amend TTS; strike 1-3-04

The Court, being fully advised and good cause having been shown, Now, Therefore, ORDERS:

HEARING DATES: This matter is continued to the dates below. [] by agreement of the parties (signed by defendant) [] by motion of defendant/state. The defendant's presence is required for:

OMNIBUS: _____ 9:00 a.m. STATUS: _____ 9:00 a.m.
 3.5/3.6 HEARING: _____ 9:30 a.m. REVIEW: _____ 9:00 a.m.
 TRIAL CONFIRMATION: _____ 1:30 p.m. OTHER: _____ 9:00 a.m.
 TRIAL: _____ 9:00 a.m. (See Waiver Below If Applicable)
 TIME FOR TRIAL: _____ (30 days after trial pursuant to continuance under CrR 3.3)
 SENTENCING: _____ 9:00 a.m. (See Waiver Below If Applicable)

[] Presentence Investigation required. [] Defendant is in custody [] Defendant's Address:

[] WARRANTS: Outstanding warrants in this cause are quashed. The next hearing date is as noted above.

BAIL: ~~Bail is set at \$~~ The hearing of 1-3-14 is stricken.

OTHER: The judgment of Nov. 26, 2013, at IP 4.1, at the paragraph commencing with "If the Department..." is amended as follows:

"If the Department fails to commence sex offender treatment by Feb 1, 2014, then the defendant shall..."

Dated: Dec 17, 2013

Dave Moody
Judge of the above-titled Court

WAIVERS BY DEFENDANT

[] SPEEDY TRIAL: The undersigned, having been advised by my Attorney of Record that I have the right to be brought to trial within 60/90 days of the commencement date, hereby requests that trial in this matter be reset. I am aware of and wish to waive my right to speedy trial by resetting a commencement date of: _____ resulting in a new time for trial date as provided in CrR 3.3 of: _____ (60/90 days after commencement date).

[] SENTENCING: The undersigned, having been advised of my right to be sentenced within 40 court days from the date of the guilty plea or conviction, and being aware of, hereby waive the right to speedy sentencing pursuant to RCW 9.94A.500. I acknowledge this waiver is my personal request and I am not prejudiced by this continuance.

Defendant

[Signature]
Attorney for Defendant

[Signature] 2005
Prosecuting Attorney
Erik Anderson
Goldenrod Copy - Prosecuting Attorney

Original: Clerk's Office
PA-8

Canary Copy - Defendant

Pink Copy - Attorney for Defendant

DECLARATION OF SERVICE

MAY 26 2015

GR 3.1

Ronald R. Carpenter
Clerk

I, John Bettys, declare that on the 21st day of May, 2015, I deposited the following documents:

- 1. MOTION TO Supplement Newly Discovered Evidence
- 2. Decl. of Service
- 3. _____
- 4. _____
- 5. _____
- 6. _____

Or a true and correct copy thereof, in the internal mail system of Special Commitment Center (SCC), and made arrangements for postage, addressed as follows:

The Supreme Court
Temple of Justice
PO Box 40929
Olympia WA 98504-0929

Mr. Erik Pedersen, Prosecutor
605 South Third St.
Mount Vernon, WA 98273

I, John Bettys, declared under penalty of perjury, under the laws of the State of Washington, that the forgoing is true and correct.

DATED This 21st day of May, 2015

John Bettys
 (Signature)