

NO. 45876-4-II

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**COURT OF APPEALS, DIVISION II  
STATE OF WASHINGTON**

STATE OF WASHINGTON, RESPONDENT

v.

MAHDI SHARRIEFF, APPELLANT

---

Appeal from the Superior Court of Pierce County  
The Honorable Thomas Larkin

No. 13-1-02499-5

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**Brief of Respondent**

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Prosecuting Attorney

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A. ISSUES PERTAINING TO APPELLANT'S ASSIGNMENTS OF ERROR.

1. Whether a passing reference to the defendant's exercise of his right to remain silent was a comment resulting in prejudice?
2. Whether the prosecuting attorney committed misconduct in closing argument when he referred to innocuous facts not in evidence?
3. Whether the defendant waived the issue of prosecutorial misconduct where the defendant failed to object to facts not in evidence and the jury had been properly instructed regarding the evidence?
4. Where the State presented certified copies of all of the defendant's previous convictions, whether the State proved the defendant's criminal history by a preponderance of evidence?
5. Where the trial court calculated the defendant's offender score as 8, but the judgment reflects a 9, whether the scrivener's error should be corrected?

B. STATEMENT OF THE CASE.

1. Procedure

On June 20, 2013, the Pierce County Prosecuting Attorney (State) charged the defendant, Mahdi Sharrieff, with one count of trafficking in stolen property in the first degree and one count of theft in the first degree. CP 1-2. The matter was assigned to Hon. Thomas Larkin for trial. RP 3 ff.

Before the jury was selected, the court conducted a hearing regarding the admissibility of the defendant's statements. RP 5 ff; *see* CrR 3.5. At the end of the hearing, the court ruled that a limited statement was admissible. RP 215, CP 238-[242]<sup>1</sup>. After hearing all the evidence, the jury found the defendant guilty of both counts, as charged. CP 94, 95.

On January 17, 2014, the court imposed standard range sentences of 60 months on Count I, and 22 months on Count II, concurrent. CP 209. The defendant filed a timely notice of appeal on February 4, 2014. CP 216.

2. Facts

In the afternoon of June 6, 2013, the defendant and another young man, later identified as Joseph Warren, entered Robi's Camera Center in Lakewood, Washington. RP 286, 299, 406. The defendant and Warren inquired of the salesman regarding a particular camera model. RP 286.

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<sup>1</sup>There may be an error in the numbering of the Clerk's Papers. The Findings and Conclusions signed and entered on 2/21/2014 are five pages long. However, the Clerk's Papers number this document 238-240. Order Setting Restitution is 241-244.

The young men told the salesman that they were interested in using the camera for making videos. *Id.* The salesman showed them a Cannon 5D MK III, and explained the features of the camera. *Id.* The defendant and Warren also asked about the Cannon 6D model. RP 289. The cameras, including the attached lenses, were valued at \$5400 and \$3500, respectively. RP 236.

The salesman showed the two men a third camera as a comparison. RP 290. The defendant left the store, claiming that he needed to get something in the car. *Id.* Warren diverted the salesman's attention to a lens behind the counter. *Id.* Warren then grabbed two of the cameras and ran out of the store. *Id.*

The salesman and store manager gave chase briefly, but could not see where the two men had gone. RP 232, 293. The store called the police. RP 234.

Robi's Cameras has a video surveillance system. RP 239. The store provided police with a video showing the defendant and Warren in the store. RP 238. Immediately after the theft, the manager and other store employees began to monitor the "Craigslist" and "eBay" websites for the cameras. RP 250. A few days after the theft, store employees saw a posting on Craigslist for cameras. RP 251. The manager called the posted phone number. RP 251. The seller described the cameras as Cannon 5D and 6D models. *Id.* The description of the cameras was similar to the



stolen ones. *Id.* The manager then arranged to meet the seller. *Id.* The manager notified police that he had arranged to meet the seller. *Id.*

The parties were to meet at a McDonald's restaurant near State Route 512, not far from the camera store. RP 251. Lakewood Police set up surveillance and arrest teams for the arranged meeting. RP 477. Investigator Martin was to pose as the buyer/caller. RP 253, 485. The manager told the seller that he would be near a black Jeep near the flagpole. *Id.*

Police had still photographs of the suspects from the store surveillance cameras, and a clothing description given by the seller for the meeting. RP 477. Investigator Martin sat inside the McDonald's and waited. RP 450, 485.

Investigator Martin saw the defendant approach the McDonald's entrance. RP 489. Martin recognized him from the store surveillance photograph. *Id.* Martin notified Lakewood Police Sgt. Suver that a confirmed suspect was entering the restaurant. RP 490. Sgt. Suver and Officer Hensen detained the defendant and brought him outside. RP 595. Sgt. Suver and Martin then closely compared the defendant to the surveillance photograph to confirm the identification. RP 492, 597.

After the defendant was detained, other officers checked the parking lot for the vehicle the defendant may have arrived in. Officer Hall saw two people in a black Mazda. RP 404. The male passenger in the rear

seat tried to hide from the officer's view, and the car pulled out. *Id.* Other units stopped the car nearby. RP 345. Warren was in the back seat. RP 347, 406. The cameras stolen from Robi's were on the floor in the back seat with Warren. RP 349, 455, 509.

C. ARGUMENT.

1. WITNESSES DID NOT COMMENT ON THE DEFENDANT'S RIGHT TO REMAIN SILENT.

A police witness may not comment on the silence of the defendant so as to infer guilt from a refusal to answer questions. *State v. Lewis*, 130 Wn.2d 700, 705, 927 P.2d 235 (1996). However, a remark that does not amount to a comment is considered a "mere reference" to silence and is not reversible error absent a showing of prejudice. *Id.*, at 706–707. The reviewing court focuses on the purpose of the remarks, to distinguish between "comments" and "mere references" to a suspect's prearrest right to silence.

The defendant cites a number of examples where appellate courts have reversed convictions where a witness or the prosecutor commented upon the defendant's silence. *State v. Easter*, 130 Wn. 2d 228, 922 P. 2d 1285 (1996) is a common example. There, the police officer commented that the defendant was a "smart drunk" because the defendant refused to answer questions. In another case cited by the defendant, *State v. Curtis*, 110 Wn. App. 6, 37 P. 3d 1274 (2002), the defendant had exercised his

right to silence per the Miranda<sup>2</sup> warnings, and requested an attorney. *Id.*, at 9. Nevertheless, the prosecutor asked the police witness if the defendant had said anything. 110 Wn. App. at 9. This was improper. *Id.*, at 12.

The recent case of *State v. Fuller*, 169 Wn. App. 797, 282 P. 3d 126 (2012) is an example of the prosecutor commenting on the defendant's right to silence. There, the prosecutor used the defendant's failure to deny being at the crime scene and failure to deny committing the crime as substantive evidence of guilt. This court held this improper. *Id.*, at 818.

Here, in the State's case, the prosecuting attorney questioned Officer Henson regarding the police contact with the defendant. Officer Henson stated that the defendant had nothing to say:

[Prosecutor] Q. Where do you go next after you've put him in handcuffs?

[Officer Henson] A. Sergeant Suver frisked him, sets him here and then it's determined that we need to check this area from where he was coming from to see if there's anyone else in that area to determine exactly how he got here. Did he arrive with someone else. Did he drive himself, something to that nature.

Q. Okay. Were you present for any statement made by the defendant?

A. *He made a few little statements. I'm not sure about the statement that he made. He essentially said that*

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<sup>2</sup> *Miranda v. Arizona*, 384 U.S. 436, 86 S. Ct. 1602, 16 L.Ed.2d 694 (1966).

*he didn't have anything to say to us.*

Q. How long do you think it was between the time that you effected the arrest of the defendant and the time you started directing your attention toward the other parts of the Park & Ride lot?

A. Three to five minutes, max.

12/9/2013 RP 339 (emphasis added).

Unlike the officer's testimony in *Easter*, which included the officer's opinion that Easter was hiding his guilt with his silence, the officer in this case made no comment on the defendant's silence. Unlike *Curtis*, the prosecutor did not deliberately elicit testimony that the defendant refused to talk with the police. Unlike *Fuller*, the prosecutor did not argue or even mention the defendant's silence, or that silence should imply guilt. In fact, during cross-examination of Officer Henson, when defense counsel began to ask about the defendant's silence, the prosecutor stopped her. He objected:

[DEFENSE COUNSEL]: And you said he said something to the effect he did not wish to --

[PROSECUTOR]: Objection. I need to be heard outside the presence of the jury.

12/9/2013 RP 372.

The prosecutor went on to explain that Officer Henson's remark was unsolicited and the State certainly was not going to use it as evidence of guilt:

[PROSECUTOR]: Your Honor, I think there may have been a very brief bleep reference to it earlier in the

direct testimony, but I didn't want to draw it out any more the fact that Mr. Sharrieff exercised his rights not to speak to the officers. It's absolutely beyond the scope anything the jury should be thinking about. I didn't want to ring the bell at the time. But I certainly don't want to revisit it during cross examination.

...

THE COURT: So what statement is that?

[DEFENSE COUNSEL]: That's regarding the cameras that, you don't have me on video stealing any cameras.

[PROSECUTOR]: That statement we will seek to admit *but his invocation of his right to remain silent we will not touch.*

[DEFENSE COUNSEL]: The door was opened when he testified to the fact that my -- he said it on the stand, Your Honor. I'm not covering any new ground. This is something that was introduced on direct.

[PROSECUTOR]: It was not intentionally introduced on direct. It was inadvertently answered by a question that I did not intend to elicit. And as I say, I was aware of it. I thought the best thing to do was to move on. It didn't appear that counsel was objecting at the time and I thought that it was at that point innocuous enough that we wouldn't be having a problem of it resonating --

THE COURT: And referring to the statement, you don't have me on video?

[PROSECUTOR]: No. That I'm trying to get in. *Him saying I don't want to talk to you guys is what I don't want in because it's him invoking his right.*

RP 372-373 (emphasis added).

In this case, the record reflects that the prosecutor was careful to keep out comments regarding the defendant's silence or his right to silence. The court had previously ruled that the defendant made a spontaneous statement to police. That was the only thing that the prosecutor meant to elicit from the witnesses.

The defendant must show prejudice from Officer Henson's passing reference. *See, Lewis*, 130 Wn. 2d at 706-707. Prejudice means that the error affected the outcome of the trial, the verdict. *See State v. Weber*, 159 Wn. 2d 252, 276, 149 P. 3d 646 (2006). In light of all the evidence against the defendant, he cannot show that this passing reference was the deciding factor in his conviction.

Officer Henson mentioned the defendant's response to questioning in passing. Henson did not highlight it or comment on it. The prosecutor did not mention it or argue it. The defendant does not show that this was a comment in the context of the 5<sup>th</sup> Amendment, nor does he demonstrate prejudice.

## 2. THE PROSECUTING ATTORNEY DID NOT COMMIT MISCONDUCT IN CLOSING.

In closing argument, the prosecuting attorney has wide latitude to argue reasonable inferences from the evidence. *State v. Hoffman*, 116 Wn.2d 51, 94-95, 804 P.2d 577 (1991); *State v. Boehning*, 127 Wn. App. 511, 519, 111 P.3d 899 (2005).

The defendant asserts that part of the prosecutor's closing argument improperly included facts not in evidence. App. Br. at 16. In arguing circumstantial evidence in the case, the prosecutor said:

But you shouldn't give it any less weight because it's a function of the circumstances. The circumstances are pretty damning in this case. I mean, Mr. Sharrieff --

there's an empty front passenger seat in the Mazda. Mr. Sharrieff we know is acquainted with Mr. Warren because we've seen them together in the video. We're told that Mr. Sharrieff has a relationship of some type with Ms. Ricketts, who's apparently the owner of this vehicle though it may actually be in someone else's name. He's the only one that got hungry? If he doesn't know anything about what's going on, why does he make that statement while Investigator Martin is showing Sergeant Suver the still photos from the theft, "You don't have me on video stealing any cameras."

12/11/2013 RP 639.

Officers Henson and Hall, and Det. Penney testified that the front passenger seat of the Mazda was empty. 12/9/2013 RP 342, 404, 12/10/2013 RP 455. Roger Young and Officer Martin identified the defendant and Warren in the store surveillance video. 12/9/2-13 RP 299, 12/10/2013 RP 492, 496. Officer Henson testified that Ms. Ricketts was the driver of the Mazda. 12/9/2013 RP 347.

There does not appear to be testimony regarding a relationship between the defendant and Ms. Ricketts. Nor does there appear to be evidence regarding the actual ownership or registration of the black Mazda.

The defendant failed to object to any of this part of the argument. Where there is a failure to object to improper statements, it constitutes a waiver unless the statement is so flagrant and ill-intentioned that it causes

an enduring and resulting prejudice that could not have been neutralized by a curative instruction. *State v. Dhaliwal*, 150 Wn.2d 559, 578, 79 P. 3d 432 (2003). Failure to object or move for mistrial at the time of the argument “strongly suggests to a court that the argument or event in question did not appear critically prejudicial to an appellant in the context of the trial.” *State v. Swan*, 114 Wn.2d 613, 661, 790 P. 2d 610 (1990); *see also State v. Monday*, 171 Wn.2d 667, 679, 257 P.3d 551 (2011).

When considering improper argument, a reviewing court will not reverse a conviction absent a showing of prejudice. *See State v. Warren*, 165 Wn.2d 17, 29, 195 P.3d 940 (2008). In other words, a conviction must be reversed only if there is a substantial likelihood that the alleged prosecutorial misconduct affected the verdict. *State v. Russell*, 125 Wn.2d 24, 86, 882 P.2d 747 (1994).

Although the prosecutor did include some facts that were not in evidence in his closing, the facts were completely innocuous. The defendant fails to show why evidence of a relationship between him and Ms. Ricketts and the title and registration of the car Ms. Ricketts was driving was fatally prejudicial. And, so prejudicial that it was not, or could not have been, cured by a proper instruction.

The prosecutor’s remarks are not evidence, and the trial court properly instructed the jury regarding that:



The lawyer's remarks, statements, and arguments are intended to help you understand the evidence and apply the law. It is important, however, for you to remember that the lawyers' statements are not evidence. The evidence is the testimony and the exhibits. The law is contained in my instructions to you. You must disregard any remark, statement, or argument that is not supported by the evidence or the law in my instructions.

Instruction 1, CP 72. *See* WPIC 1.02. Just before this segment, the court had instructed the jury that they could only decide the case based upon the evidence admitted by the court. Instruction 1, CP 71. This jury instruction explaining that the jury must not consider facts not in evidence would have cured any error.

The defendant went to the camera store with Warren. They were captured on surveillance video. When the camera store manager arranged to "purchase" the camera equipment back, the defendant showed up at the agreed meeting place with Warren and the stolen property. The defendant was the one who entered the McDonald's, as the parties had agreed. His spontaneous statement showed that he knew the cameras were stolen. None of the "additional" facts argued changed any of this evidence. None of the "additional" facts were even at issue in the case. They were irrelevant. There was no error.

3. THE DEFENDANT'S OFFENDER SCORE WAS CALCULATED CORRECTLY.

The State has the burden to prove an offender's criminal history by a preponderance of evidence. RCW 9.94A.500(1); *See State v. Ford*, 137 Wn.2d 472, 479-480, 973 P.2d 452 (1999). The best evidence of a prior conviction is a certified copy of the judgment. *State v. Mendoza*, 165 Wn.2d 913, 920, 205 P.3d 113 (2009). The appellate court reviews a calculation of an offender score de novo. *State v. Bergstrom*, 162 Wn.2d 87, 92, 169 P.3d 816 (2007).

The defendant was sentenced for two non-violent offenses. CP 205. Therefore, one point was counted for each adult felony and violent juvenile felony, and ½ point for each prior juvenile nonviolent felony. *See* RCW 9.94A.525(7). The State provided certified copies of all of the defendant's prior convictions. CP 108-192, 252. This included the conviction for Taking a Motor Vehicle without Owner's Permission (TMVOP) in the second degree in King County cause #03-8004445-0. 1/17/2014 RP 692; *See* sentencing exhibit #2. Appendix A.

The defendant argues that this TMVOP has never been used in an offender score before. App. Br., at 20. Whether or not the defendant's King County juvenile TMVOP was included in previous offender score calculations is completely irrelevant:

*(22) The fact that a prior conviction was not included in an offender's offender score or criminal history at a previous sentencing shall have no bearing on whether it is included in the criminal history or offender score for the current offense.* Prior convictions that were not counted in the offender score or included in criminal history under repealed or previous versions of the sentencing reform act shall be included in criminal history and shall count in the offender score if the current version of the sentencing reform act requires including or counting those convictions. Prior convictions that were not included in criminal history or in the offender score shall be included upon any resentencing to ensure imposition of an accurate sentence

RCW 9.94A.525(22)(emphasis added).

The trial court reviewed the evidence of prior convictions, including the certified copies. 1/17/2014 RP 704-706, CP 201-202, 252. The evidence supports the trial court's determination of the offender score. The trial court did not err in including the juvenile TMVOP in the offender score.

**4. A SCRIVENER'S ERROR REGARDING THE OFFENDER SCORE ON THE JUDGMENT SHOULD BE CORRECTED.**


The judgment and sentence reflects that the defendant's offender score is 9. CP 206. The court calculated the defendant's offender score as 8. 1/17/2014 RP 706-707; CP 202. The judgment should be corrected to reflect the offender score of 8.

D. CONCLUSION.

The defendant received a fair trial. The State did not, nor did any witness, comment upon the defendant's right to remain silent. The State proved the defendant's criminal history by a preponderance, through certified copies of prior judgments. The State respectfully requests that the conviction and sentence be affirmed.


DATED: October 28, 2014.

MARK LINDQUIST  
Pierce County  
Prosecuting Attorney

  
\_\_\_\_\_  
Thomas C. Roberts  
Deputy Prosecuting Attorney  
WSB # 17442

Certificate of Service:

The undersigned certifies that on this day she delivered by ~~US~~ mail or ABC-LMI delivery to the attorney of record for the appellant and appellant c/o his attorney true and correct copies of the document to which this certificate is attached. This statement is certified to be true and correct under penalty of perjury of the laws of the State of Washington. Signed at Tacoma, Washington, on the date below.

10/28/14 -   
Date Signature

## **APPENDIX “A”**

13-1-02499-5



FILE  
4/16/04

**CERTIFIED  
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**SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY JUVENILE DEPARTMENT**

STATE OF WASHINGTON )  
Plaintiff )  
v. )  
Mahdi Shimeff )  
Respondent )  
9/22/88 )  
DOB )

( ) Clerk's Action Required  
NO 03:8:04445.0  
ORDER OF DISPOSITION

**DOJ**

1.1 A disposition hearing was held in this case on: 4/15/04 **L BASIS**

2 Persons appearing at the hearing:

Juvenile  Parent (s) ( ) Juvenile Probation Counselor \_\_\_\_\_  
 Juvenile's Lawyer D. Sorenson  Other Family Members  
 Deputy Prosecuting Attorney C. Lind

**II. FINDINGS**

2.1 The above named juvenile was found guilty by :

Plea of guilty 4/15/04 ( ) Alford Plea \_\_\_\_\_ ( ) The court \_\_\_\_\_

( ) Deferred Disposition Revoked \_\_\_\_\_

Count I - TMVOP 2' ( ) as amended  
\_\_\_\_\_  
( ) as amended

III. ORDER

3.1 DISPOSITION ORDER

- Local Sanctions: 0-12 months supervision; 0-150 hours community service; \$0-\$500.00 fine; 0-30 days confinement.
- Chemical Dependency Disposition Alternative
- Special Sexual offender Disposition Alternative
  - Local Sanctions  Commitment
- Commitment
- Manifest Injustice: a disposition within the standard range for this offense would effectuate a manifest injustice.
- Option B
- Mental Health Disposition Alternative

COMMUNITY SUPERVISION:

Consecutive to: \_\_\_\_\_

Count <u>1</u>	Count _____	Count _____	Total Months
<u>0</u> months	_____ months	_____ months	<u>0</u>

Community Service

<u>0</u> hours	_____ hours	_____ hours	Rate of _____ hours per month <del>first due</del> _____
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For \_\_\_\_\_ hours of counseling, credit is given for \_\_\_\_\_ hours of community service.

Credit is given for \_\_\_\_\_ days served, \_\_\_\_\_ hours remain.

Confinement

Consecutive to: 0380 3556.6

<u>0</u> days	_____ days	_____ days	To commence on or before <u>1/15/04</u>
---------------	------------	------------	--

Credit is given for 2 days served       Secure detention       Work Crew

To be served on weekends       Passes authorized       To be served at JRA

Respondent is released to: \_\_\_\_\_

Respondent shall be referred to Alternatives to Secure Detention unless secure detention is specifically ordered.

ALL COUNTS WITHIN THIS NUMBER SHALL RUN CONSECUTIVELY



RESPONDENT SHALL ABIDE BY THE FOLLOWING TERMS AS DIRECTED BY THE JUVENILE PROBATION COUNSELOR.

- ( ) Counseling, which may include anger management.
- ( ) Drug/alcohol information/evaluation to be completed on or before \_\_\_\_\_.
- ( ) Neither use nor possess non-prescribed drugs and/or alcohol. Undergo random urinalysis as directed by JPC.
- ( ) Neither use nor possess any weapons.
- ( ) Reside in a JPC approved residence and abide by all home rules, including curfew of \_\_\_\_\_ pm Sunday through Thursday, and \_\_\_\_\_ pm Friday and Saturday, or as imposed by JPC/Parents.
- Have no contact, directly or indirectly, with Victim - Susan Nesper  
and/or Kelli Williams
- ( ) Respondent shall not drive any vehicle without a valid driver's license.
- ( ) JPC has authority to terminate supervision upon compliance with all conditions of community supervision.
- ( ) Other: \_\_\_\_\_

**ADDITIONAL CONDITIONS OF SUPERVISION:** That while on community supervision the juvenile offender shall be under the charge of a juvenile probation counselor and comply with the following conditions: (1) must have parent/guardian's permission regarding whereabouts, hours, and activities (2) must report any change in residence, school, and work status to juvenile probation counselor. (Obtain permission from juvenile probation counselor before changing residence) (3) must have juvenile probation counselor's permission for out-of-state travel (4) must keep all appointments with juvenile probation counselor (5) must enroll in and maintain regular school attendance/GED program with no unexcused absence, tardiness, suspension, expulsion, behavioral referral, and make best efforts to achieve passing grades and (6) shall commit no new probable cause offenses. Must further comply with all conditions as set forth in this order.

- ( ) Jurisdiction is extended to \_\_\_\_\_ for purposes of restitution/VPA/community supervision.
- ( ) Jurisdiction is transferred to \_\_\_\_\_ County.
- ( ) \_\_\_\_\_ retains jurisdiction.

( ) COMMITMENT

( ) Consecutive to: \_\_\_\_\_

( ) Respondent is committed to the Juvenile Rehabilitation Administration for:

Count I \_\_\_\_\_ weeks

Count II \_\_\_\_\_ weeks

Count III \_\_\_\_\_ weeks

( ) Commitment is suspended.

( ) Respondent shall comply with all conditions of Option B as set forth in order of supervision.

( ) Respondent shall comply with all conditions of SSODA (Special Sexual Offender Disposition Alternative), as set forth in appendix A.

( ) There shall be a hearing \_\_\_\_\_ for termination of the SSODA.

( ) Respondent shall comply with all conditions of CDDA (Chemical Dependency Disposition Alternative), as set forth in appendix B.

( ) There shall be a review of the treatment plan on \_\_\_\_\_ at \_\_\_\_\_ am/pm in Court \_\_\_\_\_.

( ) Respondent shall comply with all conditions of MHDA (Mental Health Disposition Alternative), as set forth in appendix C.

( ) There shall be a review of the treatment plan on \_\_\_\_\_ at \_\_\_\_\_ am/pm in Court \_\_\_\_\_.

( ) Credit is given for \_\_\_\_\_ days served.

The Department of Social and Health Services, Juvenile Rehabilitation Administration shall have authority to consent to medical, psychological, psychiatric, and dental care which may be deemed necessary by attending physicians, including such immunization as required of students in the public schools.

**ALL COUNTS SHALL RUN CONSECUTIVELY**

FINANCIAL OBLIGATIONS

( ) Restitution hearing is set for \_\_\_\_\_ at \_\_\_\_\_ am/pm in Court \_\_\_\_\_.  
( ) Respondent's presence is waived.

( ) Fine is ordered in the amount of \$ \_\_\_\_\_, due by \_\_\_\_\_.

The Victim Penalty Assessment is ordered in the amount of \$ 100.00 / ~~175.00~~.

( ) Restitution hearing shall be set by the state and heard within \_\_\_\_\_ days.  
( ) Respondent's presence is waived.

Financial obligations shall be paid at 50% of earnings while respondent is at JRA.  
Payment of \$ 10.00 shall be paid per month commencing 30 days from release from institution.

Trust account fees are waived.

RESTITUTION in the amount of \$ \_\_\_\_\_ shall be disbursed as follows:

Count	Amount	Victim
_____	_____	_____, ( ) see attached addendum
_____	_____	_____, ( ) see attached addendum
_____	_____	_____, ( ) see attached addendum

Co-respondents:

_____	_____	# _____
_____	_____	# _____
_____	_____	# _____

Total financial obligation, excluding Clerk's fees, is \$ 100.00, to be paid at the rate of \$ 10.00 per month.  
First payment is due 30 days after release from JRA

**ALL PAYMENTS ORDERED ABOVE ARE PAYABLE THROUGH THE REGISTRY OF THE COURT.  
THESE SHALL BE MADE BY CASH OR MONEY ORDER TO: KING COUNTY CLERK'S OFFICE  
1211 E. ALDER, SEATTLE, WASHINGTON 98122.**

NO. 4445.0

4.1 NOTIFICATION

(Required for respondent convicted of certain offenses as set forth in RCW 13.04.155) the principal of respondent's school shall be notified of the disposition of this case.

( ) School Notification

School: \_\_\_\_\_

School District: \_\_\_\_\_

( ) The Department of Licensing shall be notified of this conviction.

5.1 The following counts are hereby dismissed: \_\_\_\_\_.

That while detained, authorization is granted to provide necessary medical and dental examination and treatment as professionally prescribed.

NOTICE OF FEES

All payments ordered above are payable through the registry of the Court. A cost of \$10.00 shall be collected in addition to each fee, penalty, fine or cost collected by Juvenile Court. (There is no cost on payments under \$25.00).

( ) Parents were present in court for this hearing. This order shall serve as official notice of the disposition.

( ) WARRANT IS QUASHED/SERVED.

This order shall remain in full force and effect until further order of the court or until the same is revoked, modified, or changed, or terminated by an order of the court or by law.

1/15/04  
DATE

*CW*  
*10/24*

*[Signature]*  
JUDGE/COMMISSIONER

**FINGERPRINT(S)**

**CERTIFICATE**

I, \_\_\_\_\_  
Clerk of this court, certify that the above is a true  
Copy of the Order of Disposition in this action on  
record in my office.

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

Fingerprints of: \_\_\_\_\_

Attested by:  
\_\_\_\_\_  
Barbara Miner  
CLERK

\_\_\_\_\_  
Barbara Miner  
CLERK

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Deputy Prosecuting Attorney

\_\_\_\_\_  
Respondent

\_\_\_\_\_  
Juvenile Probation Counselor

\_\_\_\_\_  
Lawyer for Respondent

FINGERPRINTS

King County Cause Number(s): # 03-8-04045-0 SEA  
CH. I. TMVWOP  
STATE OF WASHINGTON vs. Madhi Elijah Shanniff



RIGHT HAND

RESPONDENT'S SIGNATURE: Madhi Shanniff

FINGERPRINTS OF:

RESPONDENT'S ADDRESS: 18904 127th PL  
SE Renton Wa

DATED: 1/15/04

ATTESTED BY: BARBARA MINER, SUPERIOR COURT CLERK

[Signature]  
JUDGE, KING COUNTY SUPERIOR COURT

BY: Smrita V. Anita  
DEPUTY CLERK

OFFENDER IDENTIFICATION

ICN NO. 200524

D.OB. 9/22/88

**PIERCE COUNTY PROSECUTOR**

**October 28, 2014 - 12:29 PM**

**Transmittal Letter**

Document Uploaded: 458764-Respondent's Brief.pdf

Case Name: State v. Sharrieff

Court of Appeals Case Number: 45876-4

**Is this a Personal Restraint Petition?** Yes  No

**The document being Filed is:**

Designation of Clerk's Papers Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: \_\_\_\_\_

Answer/Reply to Motion: \_\_\_\_\_

Brief: Respondent's

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: \_\_\_\_\_

Hearing Date(s): \_\_\_\_\_

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: \_\_\_\_\_

**Comments:**

No Comments were entered.

Sender Name: Therese M Kahn - Email: [tnichol@co.pierce.wa.us](mailto:tnichol@co.pierce.wa.us)

A copy of this document has been emailed to the following addresses:

[glinskilaw@wavecable.com](mailto:glinskilaw@wavecable.com)