

FILED
SUPREME COURT
STATE OF WASHINGTON
4/21/2021 10:15 AM
BY SUSAN L. CARLSON
CLERK

Mr. Carpenter
Clerk of Supreme Court

RE: Case No. 99601-6

State of Washington v. Louis James Thibodeaux

* I need a 7.2(2) granted for re-sentencing under Blake please.

On April 16th 2021, at 9:00 am, I had a hearing to vacate RCW 69.50.4013 under State of Washington v Blake on Feb 25, 2021, those affected my case which in open court the prosecutor stated that on Monday April 19th 2021 he'd file to vacate those points to resentence me. But they cannot resentence me until the Supreme Court issue permission jurisdiction to resentence me under the correct points range. My original points range was 9 points, once the 6 points gets vacated it'll be released from prison. They would sentence me with 3 points range. I already served 34 months on my conviction.

Please send copies of these pages to my attorney Mr. Peter Keller, the prosecutor Sean Brittain as well Cowlitz County Superior Court Clerk for Honorable Judge Michael Evans the permission from the Supreme Court giving jurisdiction to resentence me immediately. Thank you for your co-operation.

April 20th 2021.

Sincerely

Louis James Thibodeaux

* Please send me copies as well of the permission for jurisdiction

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SUPREME COURT OF WASHINGTON WESTERN DISTRICT

STATE OF WASHINGTON,
Plaintiff,

vs.

LOWES JAMES THIBODEAUX,
Defendant.

NO. 99601-6

COWLITZ COUNTY NO. 17-1-00825-8

APPEAL NO. 53091-1-II

NO. 17-1-01383-08

MOTION GRANTING Cowlitz County
SUPERIOR COURT JURISDICTION FOR
RE-SENTENCING UNDER STATE OF
WASHINGTON v. Blake (7.2)

[CLERK'S ACTION REQUIRED]

Defendant request this court to issue a 7.2 granting
Cowlitz County Superior Court jurisdiction for re-sentencing under
State of Washington v. Blake, to vacate 6 points from defendants
original 9 points sentencing range, to resentence defendant to
3 points sentence range, under crime seriousness level 1, due
to the Cowlitz County vacate hearing under RCW 69.50.403.
statute, 4 points removed under the prosecutor's appendix see

MOTION FOR JURISDICTION TO COWLITZ COUNTY FOR RESENTENCING-1 (7.2)

- 1 Exhibit 3 - page 1 & 2, No's 1-6. Remove No. 4 (EX 5)
- 2 Counts 1 & 2 possession of meth count 1, RCW 69.50.4013 and
- 3 Count 2 forged application for transfer of a vehicle title, that washes and
- 4 isn't a serious traffic offense. - 2 pt. - #13-1-0157-6-2/16/14
- 5 Remove No 3 Cowlitz County conviction for attempted possession
- 6 in Dec 2013, RCW 69.50.4013, its vacated - remove - 1 pt. See
- 7 Ex 3, under Joint Sentencing No 3 Dec 5 2013
- 8 Remove # 6, p. 2, a cowlitz County conviction for attempted
- 9 possession of meth, RCW 69.50.4013 vacated - Remove - 1 point. Ex 7
- 10 Remove 1 point from Pense No. 17-1-01383-08, conviction on
- 11 December 18 2018, vacated under RCW 69.50.4013 State v. Blake (Ex 8)
- 12 (see Ex 6) Remove No. 5 & forged Application washes not serious traffic
- 13 Not Computable - Remove 1 points washes. That's a total of
- 14 6 points removed, from my original 9 points equal 3 points
- 15 for resentencing. On April 16th 2021, I had a vacate hearing
- 16 done, can't get a sentence hearing for 3 point until Supreme Court
- 17 immediately send Cowlitz County Superior Court a letter stating I
- 18 be re-sentenced to 3 points range, under level 1 to 3 points only.

MEMO FOR JURISDICTION TO COWLITZ COUNTY FOR RESENTENCING - 2 (7.2)

1 I was told by the prosecutor and judge I needed to get the
2 jurisdiction from the Supreme Court sent to Cowlitz County for me
3 to get re-sentenced, after they vacated my simple possession under
4 the Supreme Court's ruling in Blake, reducing my original 9 points
5 range, to be resentenced for my three deliveries, counts 1 through
6 3, to the correct range of 3 points. I need a 7.2 (2) permission

7 Conclusion

8 Defendant prays this court to respectfully send the jurisdiction to the
9 Superior Court of Cowlitz County to resentence me to only 3 points range
10 instead of his original 9 points range, under level one crime seriousness *
11 level for the vacate hearing that took place in Cowlitz County Superior
12 Court on April 16th, 2021, at 9:00 am, needing jurisdiction from Supreme
13 Court, authorizing Cowlitz County with jurisdiction to re-sentence
14 defendant according to Blake's RCW 69.50.4013, grant a 7.2 (2).

15 Dated: April 19th, 2021.

Louis J. Thibodeaux
Louis J. Thibodeaux 4/19/21
SCCC/H6-A05L
Pl Constantine Way
Aberdeen, WA 98520

16
17
18* Please forward copy of jurisdiction to Sean Battin and Louis Thibodeaux, and
Attorney Peter Tiller immediately. Thank you

19 MOTION FOR JURISDICTION TO COWLITZ COUNTY FOR RE-SENTENCING - 3 (7.2)

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5 SUPREME COURT OF THE STATE OF WASHINGTON

6 WESTERN DISTRICT OF WASHINGTON

7 LOUIS JAMES THIBODEAUX

Petitioner

NO. 99601-6

DECLARATION IN SUPPORT OF

PETITION VACATE MOTION

(7.2 needed)

v.

8
9 STATE OF WASHINGTON,

Respondent.
10
11

12 I, Louis J. Thibodeaux, declares the following: (7.2) granting

13 1. I am over 18 years old, competent to testify to facts alleged

14 herein, relating to the prosecutor Sean Britton's fraudulent misuse of

15 his office, in violation of Petitioner Criminal Rights Rules, fraudulent

16 executing charges to extend Petitioner's lengthy sentence range.

17 2. That the Laws of the State of Washington protects

18 petitioner from mis carriage of justice and prosecutorial misconduct.
19

DECLARATION IN SUPPORT (7.2(2)) - 1

1 3. That on June 3rd 2020 this court denied defendants 7.8
2 as untimely. Defendant's Order re CrR 7.8 Motion.

3 4. On October 21, 2020 and Order modifying defendants
4 Judgment and Sentence as to Community Custody Supervision
5 Fee giving defendant access of a timely CrR 7.8 motion; I
6 need on 7.2(2) permission so Clatsop County can modify & resentence me.

7 5. That I have proof the prosecutor only place 6 prior
8 conviction using 2 Oregon convictions from 1987 and 2000,
9 both should be washed and never used. See Ex 3 p. 1 & 2,
10 numbers 1 and 2. Furthermore numbers 3-6 were pleaded
11 down by Prosecutor Jason Laurine #36871 to attempt on a
12 Class C felony which make them gross misdemeanors where
13 0-12 months. Because of circumstances within the agreement,
14 made those, were never to be used as points at later dates.
15 So minus those 4 charges defendant has No points. But the
16 1 point of the first conviction for possession on December 18,
17 2018, which should have been sentenced to 0-6 months. My
18 17-1-01383-08 was incorrect as well for the possession charge. Ex 3

1. 6. Exhibit 2, is Sean Brittan's Statement of
2. Defendant's Criminal History p. 1 & 2
3. 7. Ex 3, p. 1 & 2 of 6 are both 2014 convictions of attempt
4. Drug Crimes & Forged Application or Transfer of Vehicle Title, pleaded
5. down as gross misdemeanors, not to be used as points per
6. circumstantial plea agreement by defendant and Prosecutor Jason
7. Laurine #388713 and Daniel Morgan Defendants Attorneys.
8. p. 1 of 6. Unranked 0-12 months, now vacated under Blake ^{see} EX 5
9. 8. EX 3, p. 2 of 6 Forged Application or Transfer of
10. Vehicle Title, 14-1-01028-9 9/3/15 unranked plea down to
11. 0-12 months, same as 2014 agreement by Prosecutor Laurine
12. p. 4 of 6. See EX 6
13. 9. Ex 3, p. 1 & 2 Attempted Vuesaz, unranked plead down
14. again 0-12, gross misdemeanor not to be used as points by
15. Prosecutor Laurine, per circumstances in plea deal, same as
16. other charges, lack these 4 points #3-6 used by
17. Prosecutor Brittan, leave me at 0 points. Offender Score
18. under Level II, 12+ to 20 months, at 0-2 points
See EX 7 vacated under Blake.

DECLARATION IN SUPPORT (A.2(2)) - 3

1 10. That Prosecutor Sean Brittain said in Open Court on April
2 16th 2021, Cowlitz County Vacate Hearing motions that he'd vacate my
3 convictions for possessions pursuant to State of Washington v. Blake, and
4 cannot resentence me because Supreme Court need to send him and
5 Cowlitz County Superior Court jurisdiction permission to do so, That
6 he'd vacate for re-sentencing on April 19th 2021.

7 I declare under penalty of perjury under the laws of the
8 State of Washington, upon beliefs, the said documents to be true to
9 upon information from hearing on April 16, 2021, by Zoom telephonic.

10 Executed April 19th 2021, in Aberdeen WA, at SCCC.

11 Louis James Thibodeaux

12
13 * Please grant my 7.2(2) to Cowlitz County to change my 84 mo.
14 sentence the action was heard by Cowlitz County on April 16th 2021,
15 can't be done until the Supreme Court grants permission prior to my
16 re-sentencing under Blakea (2-25-21)

17 Louis Thibodeaux



Cowlitz County Clerk's Office
and Ex-Officio Clerk of Superior Court
Staci L. Myklebust, County Clerk

Hall of Justice
312 SW 1st Avenue, Room 233
Kelso, WA 98626
TEL (360) 577-3016
www.co.cowlitz.wa.us/clerk

March 8, 2021

Mr. Thibodeaux,

This letter is to confirm we have received and filed your motion. A hearing is set for April 5, 2021 at 9:00.

*Re Scheduled
4-16-21 at 9 am
Zoom hearing
Vacated 6 points*

Thank you,

Cowlitz County Clerk's Office

*I need a 7.2 from Supreme Court immediately
please grant my request.*

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SUPERIOR COURT OF WASHINGTON FOR COWLITZ COUNTY

STATE OF WASHINGTON,
Plaintiff
vs.
LOUIS JAMES THIBODEAUX,
Defendant.

Case No. 17-1-00825-08

MOTION PURSUANT TO SUPREME COURT'S
RULING ON SIMPLE POSSESSION (State of
WASHINGTON V. BLAKE 2/18/21)

10 Defendant respectfully moves the above-entitled court pursuant to
11 facts stipulated that void's simple possession in State of Washington
12 v. Blake declaring that Rev. 69.50.401(3) (Washington's simple
13 possession of a controlled substance statute) violates the due process
14 clause of both the state and federal constitution and therefore is void.

15 1. Defendant makes this motion out of good faith pursuant to
16 violations of his due process clause, which affects his sentencing on
17 December 18 2018, once this court hears my arguments I'd be released.

18 2. Due to the new facts and legal authority showings of the

1. manifest error in the prior rulings have made the points null and
2. void, under offender's score of having 9 points sentencing range down
3. to only 3 points or less. Records will reflect resentencing defendant
4. will release him immediately, to only having only 3 points or less,
5. could not have been brought to this court's attention earlier, with
6. reasonable diligence. This court has jurisdiction, because his appeal
7. was mandated on December 7th 2020. See attach mandate. Due
8. to complication of my due process violations, Defendant request this
9. court void his 9 points and sentence him accordingly, for immediate
10. release from confinement.

11. 3. Defendant further states mistakes is found in his Judgment
12. and Sentence, a miscalculation of his offender score of 9 points.
13. to less than 3.

14. 4. Defendant's criminal history consists almost exclusively of
15. felony convictions except with the exception misdemeanors are not
16. to be calculated into his offender score. The exception a current
17. conviction of non violent driving offenses or traffic offenses, where
18. no serious traffic offenses are included in the offender score. Defendant


1 doesn't have serious traffic offenses, so the prosecutor's criminal history
2 reflect on Nos 4 & 5, should be removed -3 points; No's 3 & 6
3 should be removed as well another 2 points; and case No 17-1-
4 D1383-08 removed and voided. That's a total of -6 points
5 from 9 points, requires resentencing and immediate release from
6 confinement.

7 5. This court should resentence Defendant accordingly.

8 CONCLUSION

9 Defendant respectfully request immediate release from custody
10 as required by laws of the State of Washington's, and the state
11 and federal constitution due process clause. Defendant respectfully
12 request this Court order's defendant to be transported to Cowlitz
13 County Jail immediately to avoid further miscarriage of justice.

14 Executed this 3rd day of March 2021.

15 
16 Louis James Thibodeaux #941031
17 Stafford Creek Corrections Center
18 191 Constantine Way
Aberdeen, WA 98520

Ex 1

COURT OF APPEALS
DIVISION II
2021 MAR 29 AM 8:48
State of Washington
BY JIT
CLERK

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,
Respondent,

v.

LOUIS JAMES THIBODEAUX,
Appellant.

No. 53091-1-II

RULING RECALLING MANDATE

Cowlitz County Cause No. 17-1-00825-4

THIS MATTER comes before the undersigned to recall the Mandate in the above-entitled matter on August 20, 2020. The Mandate was inadvertently issued to clerical error and should be recalled to allow the Supreme Court to review this matter. Accordingly it is

ORDERED that the Mandate is recalled and the Cowlitz County Clerk is directed to return the Mandate to the Clerk of this Court.

DATED this 29th day of March, 2021.



COURT CLERK

Luis James Thibodeaux
DOC#941031
Stafford Creek Corrections Center
191 Constantine Way
Aberdeen, WA 98520

Sean M. Brittain, Cowlitz Co. Prosecutor
Hall of Justice
312 SW 1st Avenue
Kelso, WA 98626-1739
brittains@co.cowlitz.wa.us

EX 2
p1 of 2

ENDORSED FILED
SUPERIOR COURT
SEP 04 2018
COWLITZ COUNTY
STACI MYKLEBUST, Clerk

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SUPERIOR COURT OF WASHINGTON FOR COWLITZ COUNTY

STATE OF WASHINGTON

Plaintiff,

No. 17-1-00825-08

vs.

SECOND AMENDED

LOUIS JAMES THIBODEAUX,

PROSECUTOR'S STATEMENT OF
DEFENDANT'S CRIMINAL HISTORY

Defendant.

Crime	Sentencing Date	Adult / Juv.	Date of Crime	Jurisdiction	Cause Number
ROBBERY 2 = ROBBERY 2 (10 YEARS) (PAROLED 08/17/90)	09-28-1989	A	08-22-1987	MULT CO., OR	870834535
VUCSA - POSS (WASHES) (PV ON ROB 2) (PAROLED 12/10/93)	01-05-1992	A	02-10-1991	LANE CO., OR	109102733
FORGERY (WASHES)	05-09-1994	A	04-06-1994	LANE CO., OR	109403156
FORGERY (WASHES) (PAROLED 05/19/95)	03-07-1995	A	04-06-1994	LANE CO., OR	109412632A
ELUDE (NOT CONVICTED)	10-10-2000	A	09-18-2000	MULT CO., OR	000937139

- 1 pt
Not Comp

STATEMENT OF DEFENDANT'S CRIMINAL HISTORY - 1

Cowlitz County Prosecuting Attorney
312 SW 1St Ave
Kelso, WA 98626
Telephone (360) 577-3080

[Signature]
p.1 Criminal

EX 27
p262


Not
Completed

1	ROBBERY I	12-21-2000	A	02-08-2000	LANE CO., OR	200015935	→ mistak
2	SUPPLY CONTRABAND (120 MO PRISON) (N/A) (PAROLED 04/23/10) (Camp)	12-21-2000	A		LANE CO., OR	200100881	
3							
4	FORGERY (N/A) (13 MO PRISON) (Camp) (PAROLED 03/04/13)	06-22-2012	A	05-12-2011	LANE CO., OR	201104030	
5							
6	ATTEMPTED DRUG CRIMES - POSS METH	02-06-2014	A	12-05-2013	COWLITZ CO., WA	13-1-01574-6	Vacated
7	FORGED APPLICATION FOR TRANSFER OF VEH TITLE	02-06-2014	A	12-05-2013	COWLITZ CO., WA	13-1-01574-6	Waste
8							
9	FORGED APPLICATION FOR TRANSFER OF VEH TITLE	08-21-2014	A	09-03-2015	COWLITZ CO., WA	14-1-0128-9	was Camp is Mistakenly all of this
10							
11	ATTEMPTED DRUG CRIMES - POSS METH	04-27-2015	A	09-03-2015	COWLITZ CO., WA	15-1-00459-7	Vacated 4-16-21
12	PENDING:						
13							
14							
15							

Vacated
on 4-16-21
Vacated
4-16-21
Not comp
4-16-21
Not comp

*Prior convictions counted as one offense in determining the offender score. RCW 9.94A.525(5)(a)(i).


DATE: 08/31/2018

SIGNED: 

Sean Britain/ WSBA #36804
Deputy Prosecuting Attorney

STATEMENT OF DEFENDANT'S CRIMINAL
HISTORY - 2

Cowlitz County Prosecuting Attorney
312 SW 1St Ave
Kelso, WA 98626
Telephone (360) 577-3080

p2 Criminal
History 

EX 3
p 1 of 2

No. 53091-1-II

The jury found Thibodeaux guilty of three counts of unlawful possession of a controlled substance, methamphetamine.³

IV. JOINT SENTENCING

The trial court sentenced Thibodeaux on both the delivery and the possession charges on December 18, 2018.

On the delivery case, the trial court determined that the offender score for each of the three offenses was 9 points. Based on this offender score, the trial court sentenced Thibodeaux to 84 months of confinement on counts I and III, which included 24-month school bus stop route sentencing enhancements, and to 60 months of confinement on count II. The court ran all three sentences concurrently.

An appendix to the judgment and sentence for the delivery charges shows that Thibodeaux's criminal history included the following offenses:

- (1) A 1989 Oregon conviction for second degree robbery committed in 1987;
- (2) A 2000 Oregon conviction for first degree robbery committed in 2000;
- (3) A 2014 Cowlitz County conviction for attempted possession of methamphetamine committed on December 5, 2013;
- (4) A 2014 Cowlitz County conviction for forged application for transfer of a vehicle title committed on December 5, 2013, and charged under the same cause number as the 2014 conviction for attempted possession of methamphetamine;
- (5) A second 2014 Cowlitz County conviction for forged application for transfer of a vehicle title committed in 2014 and charged under a different cause number than the first similar conviction; and

³ The jury also found by special verdict that Thibodeaux had committed counts I and III within 1,000 feet of a school bus route stop. Thibodeaux does not challenge these special verdicts.

EX 3
p2 of 2

No. 53091-1-II

- (6) A 2015 Cowlitz County conviction for attempted possession of methamphetamine committed in 2015.

The list of prior offenses did not include any offenses charged in 2018.

On the possession case, the trial court again calculated Thibodeaux's offender score for his single conviction as 9 points. Based on this offender score, the trial court sentenced him to 12 months and a day in custody and to 12 months of community custody. The trial court ran this sentence concurrent to the sentences imposed in the delivery case. The appendices in both cases showed the same criminal history.

During the sentencing hearing, the trial court did not discuss any legal financial obligations (LFOs), costs, or fees or inquire into Thibodeaux's ability to pay LFOs. In the judgment and sentences for both cause numbers, the trial court ordered that "[w]hile on community custody, the defendant shall: . . . pay supervision fees as determined by [the Department of Corrections]." Clerk's Papers (CP) (no. 53091-1-II) at 171 (sec. 4.2(B)(7)); CP (no. 53095-3-II) at 100 (sec. 4.2(B)(7)). Thibodeaux did not object to the requirement that he pay the community custody supervision fees.

Thibodeaux appeals his convictions, his sentences, and the imposition of the community custody supervision fees.

ANALYSIS

I. SUFFICIENCY OF THE EVIDENCE – MAY 3, 2016 TRANSACTION

Thibodeaux first argues that the evidence was insufficient to support the conviction based on the May 3 transaction. He argues that there is insufficient evidence that he "delivered anything to the [PO] on May 3, 2016." Br. of Appellant (no. 53091-1-II) at 11. We disagree.

EX 4
p 1 of 3

DETERMINING THE OFFENDER SCORE

Offender score is one factor which affects a felony sentence. Offender score is measured on the horizontal axis of the sentencing guidelines grid. An offender may receive from 0 to 9+ points on that axis. In general, the number of points an offender receives depends on five factors: (1) the number of prior felony criminal convictions; (2) the relationship between any prior offense(s) and the current offense of conviction; (3) the presence of multiple prior or current convictions; (4) whether the crime was committed while the offender was on community placement; and (5) the period of crime-free behavior between offenses.

The following discussion deals with the calculation of the offender score. Relevant factors include collecting criminal history, scoring history, scoring multiple current convictions and scoring the offender's status.

CRIMINAL HISTORY COLLECTION

RCW 9.94A.030(13) defines criminal history as including the defendant's prior adult convictions in this state, in federal court and elsewhere, as well as dispositions in juvenile court. Some rules on criminal history refer to the felony class of the crime (Class A, Class B or Class C). Appendix B contains a list of felony offenses by class and an explanation of how to determine the class of a felony.

Adult Criminal History

The Criminal Justice Information Act (RCW 10.98) established the Washington State Patrol Identification and Criminal History Section as the primary source of information on state felony conviction histories. After filing charges, prosecutors contact the Section for an offender's Washington criminal history. The Act directs judges to ensure that the felony defendant has been fingerprinted and an arrest and fingerprint form has been transmitted to the Washington State Patrol (RCW 10.98.050(2)). For out-of-state or federal criminal history information, prosecutors need to contact the Federal Bureau of Investigation for referral to the appropriate sources.

An offender's criminal history consists almost exclusively of *felony* convictions. With one exception, misdemeanors are not calculated into the offender score. The exception is current convictions of felony traffic offenses¹, where serious traffic offenses² are included in the offender score. Offenders who have participated in a program of deferred prosecution for a felony offense do not meet the definition of a First-time Offender under RCW 9.94A.030(25). Information about deferred prosecution, if it is available, is likely to be available only through county records.

¹ Vehicular Homicide, Vehicular Assault, Hit-and-Run Injury Accident and Attempting to Elude a Pursuing Police Vehicle.

² RCW 9.94A.030(36) provides: "Serious traffic offense" means: (a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or (b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

- Prior Class C (juvenile or adult) felony convictions other than sex offenses are not included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or since the entry of judgment and sentence, the offender had spent five consecutive years in the community without having been convicted of any crime.
- Prior (juvenile or adult) serious traffic convictions are not included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or since the entry of judgment and sentence, the offender had spent five years in the community without having been convicted of any crime.

The Sentencing Reform Act allows the record of conviction to be vacated under certain conditions. RCW 9.94A.640 provides that vacated convictions "shall not be included in the offender's criminal history for purposes of determining a sentence in any subsequent conviction." Vacation of conviction record does not affect or prevent the use of an offender's prior conviction in a later criminal prosecution.

The eligibility rules for vacation of conviction record are similar to the "wash-out" rules. Because the wash-out rules are automatic and do not require court action, an offense will "wash out" before formal record vacation occurs. (The main distinction between vacation of record of conviction and "wash-out" is that, after vacation, an offender may indicate on employment forms that he or she was not convicted of that crime.)

Federal, Out-of-state or Foreign Convictions

For a prior federal, out-of-state or foreign conviction, the elements of the offense in other jurisdictions must be compared with Washington State laws to determine how to score the offense (RCW 9.94A.525(3)). If there is no clearly comparable offense under Washington State law, or if the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense is scored as a Class C felony equivalent if it was a felony under the relevant federal statute. Judicial decisions on the comparability of non-Washington convictions occur at the sentencing hearing.

SCORING CRIMINAL HISTORY

Once the relevant prior convictions have been identified, the criminal history portion of the offender score may be calculated. The rules for scoring prior convictions are contained in RCW 9.94A.525. To make application of these rules easier, the offense reference sheets and scoring forms found in Section III of this Manual indicate the correct number of points for each prior conviction depending on the current offense. To use these forms correctly, an understanding of the criminal history rules is necessary. For example, the forms do not repeat the "wash-out" rules. The scoring rules for some offenses are calculated differently, depending upon the category of the offense. (*See RCW 9.94A.525*).

SCORING MULTIPLE CURRENT CONVICTIONS

Multiple convictions may also influence the offender score. For multiple current offenses, separate sentence calculations are necessary for *each* offense because the law requires that each receive a

ATTEMPTS, CONSPIRACIES AND SOLICITATIONS TO VIOLATE THE UNIFORMED CONTROLLED SUBSTANCES ACT ("VUCSA" OFFENSES)

The sentencing of anticipatory VUCSA drug offenses (RCW 69.50) is more complicated than sentencing of anticipatory offenses under RCW 9A.28.

An attempt or conspiracy to commit a drug offense is specifically addressed in RCW 69.50.407, which states that such offenses are punishable by "...imprisonment or fine or both which may not exceed the maximum punishment prescribed for the offense..." The appellate courts have consistently held that for VUCSA offenses, RCW 69.50.407 takes precedence over RCW 9A.28. Although current statute and case law should be reviewed for definitive guidance in this area, the following reflects current sentencing practices:

An attempt or conspiracy to commit a drug offense is typically sentenced as an "unranked" offense (0-12 months) following state case law. In State v. Mendoza, the Court of Appeals held that "inasmuch as a conspiracy conviction under RCW 69.50.407 has no sentencing directions from the Legislature, it is punished under the unspecified crimes provisions of RCW 9.94A.505(2)(b)." 63 Wn. App. 373 (1991).

A *solicitation* to commit a drug offense is not specifically addressed in RCW 69.50. It is usually charged under RCW 9A.28 and sentenced under RCW 9.94A.510(2) at 75 percent of the standard range. Solicitations to commit VUCSA offenses are not considered "drug offenses", but do score as such and are subject to the multiple "scoring" requirement. See RCW 9.94A.525(4),(6) and *State v. Howell*, 102 Wn. App. 288, 6 P.3d 1201 (2000).

A solicitation to commit a Class C felony is a gross misdemeanor under RCW 9A.28.

FELONY TRAFFIC ENHANCEMENT

The 1998 Legislature added a two-year enhancement to the presumptive sentence for Vehicular Homicide while Under the Influence of Intoxicating Liquor or any Drug, under RCW 46.61.502. A two-year enhancement is added for *each prior offense* as defined in RCW 46.61.505⁵. The enhancement portion is subject to earned release time.

⁵ RCW 46.61.505(1): A "prior offense" means any of the following:

- (i) A conviction of a violation of RCW 46.61.502 or equivalent local ordinance;
 - (ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;
 - (iii) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;
 - (iv) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;
 - (v) A conviction for a violation of RCW 46.61.5249 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or RCW 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or RCW 46.61.522;
 - (vi) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (iii), (iv), or (v) of this subsection if committed in this state;
 - (vii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, RCW 46.61.504, or an equivalent local ordinance; or
 - (viii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522; and
- (b) "Within seven years" means that the arrest for a prior offense occurred within seven years of the arrest for the current offense

EX 5
P1062

- 2pt vacated on 4-16-21 hearing
4-19-21

FILED
SUPERIOR COURT

2014 FEB -6 A 10: 5b

COWLITZ COUNTY
BEVERLY R. LITTLE, CLERK

BY AB

SUPERIOR COURT OF WASHINGTON FOR COWLITZ COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

LOUIS JAMES THIBODEAUX,

Defendant.

No. 13-1-01574-6

Felony Judgment and Sentence (FJS)

Prison RCW 9.94A.507 Prison Confinement
 Jail One Year or Less RCW 9.94A.507 Prison Confinement

First-Time Offender

Special Sexual Offender Sentencing Alternative

Special Drug Offender Sentencing Alternative

Clerk's Action Required, para 4.5 (DOSAs), 4.7 and 4.8 (SSOSA) 4.15.2, 5.3, 5.6 and 5.8

Sam

SID: WA14365595

If no SID, use DOB: 09/03/1961

14 9 00315 0

I. Hearing

1.1 The court conducted a sentencing hearing this date FEB 6, 2014; the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

II. Findings

There being no reason why judgment should not be pronounced, in accordance with the proceedings in this case, the court **Finds:**

2.1 **Current Offenses:** The defendant is guilty of the following offenses, based upon

guilty plea on February 10, 2014 jury-verdict bench trial:

Count	Crime	RCW	Date of Crime
I	ATTEMPTED DRUG CRIMES - VIOLATION UNIFORM CONTROLLED SUBSTANCES ACT - POSSESSION - METHAMPHETAMINE	69.50.407 69.50.4013(1)	12/5/2013
II	FORGED APPLICATION OR TRANSFER OF VEHICLE TITLE	46.12.750(1)(a)	3/30/2013 - 4/1/2013

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

Additional current offenses are attached in Appendix 2.1.

The **burglary** in Count _____ involved a theft or intended theft.

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

The defendant is a sex offender subject to indeterminate sentencing under **RCW 9.94A.507**.

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.533(9).

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.

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The following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):

The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

2.3 Sentencing Data:

Count No.	Offender Score	Serious-ness Level	Standard Range (not including enhancements)	Plus Enhancements*	Total Standard Range (including enhancements)	Maximum Term
I		Unranked	0-12 Months		0-12 Months	5 Years
II		Unranked	0-12 Months		0-12 Months	10 Years

* (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).

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:

within below the standard range for Count(s) _____.

above the standard range for Count(s) _____.

The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.

Aggravating factors were stipulated by the defendant, found by the court after the defendant waived jury trial, found by jury, by special interrogatory.

Findings of fact and conclusions of law are attached in Appendix 2.4. Jury's special interrogatory is attached. The Prosecuting Attorney did did not recommend a similar sentence.

2.5 Ability to Pay Legal Financial Obligations. 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. 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):

~ A.

Total 3,225⁰⁰
 15-1-00459-7
 14-1-01028-9
 13-1-01574-6

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 SUPERIOR COURT

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COWLITZ COUNTY
 STACEY L. MYRLEBUST, CLERK

BY [Signature]

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 -1 pt.

SUPERIOR COURT OF WASHINGTON COUNTY OF COWLITZ

STATE OF WASHINGTON, Plaintiff,

No. 14-1-01028-9

vs.

Felony Judgment and Sentence --

Jail One Year or Less

(FJS)

LOUIS JAMES THIBODEAUX,
 Defendant.
 DOB: 9/3/1961
 PCN:
 SID: WA14365595

Clerk's Action Required, 2.1, 4.1, 4.3, 4.8, 5.2, 5.3, 5.5, 5.7

Defendant Used Motor Vehicle

15 9 01446 0

[Signature]

I. Hearing

1.1 The court conducted a sentencing hearing this date 9/13/2015; 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

guilty plea (date) 09/03/2015 jury-verdict (date) _____ bench trial (date) _____: MHE

Count	Crime	RCW (w/subsection)	Class	Date of Crime
I	FORGED APPLICATION OR TRANSFER OF VEHICLE TITLE	46.12.750(1)(a)	FB	08/21/14

Class: FA (Felony-A), FB (Felony-B), FC (Felony-C)

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

Additional current offenses are attached in Appendix 2.1a.

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

The **burglary** in Count _____ involved theft or intended theft.

GV For the crime(s) charged in Count _____, **domestic violence** was pled and proved. RCW 10.99.020.

The defendant used a **firearm** in the commission of the offense in Count _____. RCW 9.94A.825, RCW 9.94A.533.

The defendant used a **deadly weapon other than a firearm** in committing the offense in Count _____. RCW 9.94A.825, 9.94A.533.

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Ex 7
P1062

Vacated 4-19-21
4-16-21 by Prosecutor at hearing

FILED
SUPERIOR COURT

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COWLITZ COUNTY
STACIL H. KLEBUST, CLERK

BY *[Signature]*

SUPERIOR COURT OF WASHINGTON COUNTY OF COWLITZ

STATE OF WASHINGTON, Plaintiff,

No. 15-1-00459-7

vs.

Felony Judgment and Sentence --

Jail One Year or Less

(FJS)

LOUIS JAMES THIBODEAUX,
Defendant.
DOB: 9/3/1961
PCN:
SID: WA14365595

- Clerk's Action Required, 2.1, 4.1, 4.3, 4.8, 5.2, 5.3, 5.5, 5.7
- Defendant Used Motor Vehicle

[Signature]

I. Hearing 15 9 01449 4

1.1 The court conducted a sentencing hearing this date 9/3/2015; 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
 guilty plea (date) 09/03/2015 jury-verdict (date) _____ bench trial (date) _____ : MHE

Count	Crime	RCW (w/subsection)	Class	Date of Crime
1	ATTEMPTED VUCSA POSSESSION - METHAMPHETAMINE	69.50.407, 69.50.4013(1)	FC	04/27/15

Class: FA (Felony-A), FB (Felony-B), FC (Felony-C)

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

Additional current offenses are attached in Appendix 2.1a.

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

The burglary in Count _____ involved theft or intended theft.

GV For the crime(s) charged in Count _____, domestic violence was pled and proved. RCW 10.99.020.

The defendant used a firearm in the commission of the offense in Count _____. RCW 9.94A.825, RCW 9.94A.533.

The defendant used a deadly weapon other than a firearm in committing the offense in Count _____. RCW 9.94A.825, 9.94A.533.

Felony Judgment and Sentence (FJS) (Jail One Year or Less)
(RCW 9.94A.500, .505)(WPF CR 84.0400 (07/2013))

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2.3 Sentencing Data:

Count No.	Offender Score	Serious-ness Level	Standard Range (not including enhancements)	Plus Enhancements*	Total Standard Range (including enhancements)	Maximum Term
I		UNRANKED	0-12M		0-12M	10 YEARS

* (F) Firearm, (D) Other deadly weapons, (RPh) Robbery of a pharmacy, (CSG) criminal street gang involving minor, (P16) Passenger(s) under age 16.

Additional current offense sentencing data is attached in Appendix 2.3.

2.4 **Exceptional Sentence.** The court finds substantial and compelling reasons that justify an exceptional sentence:

- below the standard range for Count(s) _____.
 - above the standard range for Count(s) _____.
 - The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.
 - Aggravating factors were stipulated by the defendant, found by the court after the defendant waived jury trial, found by jury, by special interrogatory.
 - within the standard range for Count(s) _____, but served consecutively to Count(s) _____.
- Findings of fact and conclusions of law are attached in Appendix 2.4. Jury's special interrogatory is attached. The Prosecuting Attorney did did not recommend a similar sentence.

2.5 **Legal Financial Obligations/Restitution.** The court has considered the total amount owing, the defendant's 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 makes the following specific findings:

- 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 costs for its emergency response are reasonable. RCW 38.52.430 (effective August 1, 2012).

2.6 **Felony Firearm Offender Registration.** The defendant committed a felony firearm offense as defined in RCW 9.41.010.

- The court considered the following factors:
 - the defendant's criminal history.
 - whether the defendant has previously been found not guilty by reason of insanity of any offense in this state or elsewhere.
 - evidence of the defendant's propensity for violence that would likely endanger persons.
 - other: _____
- The court decided the defendant should should not register as a felony firearm offender.

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 _____ in the charging document.

EX 8
p. 1062

Vacated
4-16-2021
ROW 69 50-4013

FILED
SUPERIOR COURT

'18 DEC 19 P4:18

- 1pt.

COWLITZ CO CLERK
STACI L. MYKLEBUST

BY _____

IN THE SUPERIOR COURT OF WASHINGTON FOR COWLITZ COUNTY

STATE OF WASHINGTON
Plaintiff,

Cause # 17-1-01383-08

-VS-

LOUIS JAMES THIBODEAUX
Defendant.

WARRANT OF COMMITMENT

I, STACI L. MYKLEBUST, COUNTY CLERK AND EX-OFFICIO CLERK OF THE STATE OF WASHINGTON, COUNTY OF COWLITZ, do hereby certify the foregoing to be a true copy of the Judgment and Sentence now on record in my office. DATED THIS 19TH DAY OF DECEMBER, 2018.

STACI L. MYKLEBUST, COUNTY CLERK

BY [Signature]
Deputy Clerk



STATE OF WASHINGTON TO:

The Cowlitz County Corrections Department and to the proper officers of the STATE Department of Corrections. The above named defendant has been convicted in this court of the crime(s) of:

CT 1: VUCSA POSSESSION - METHAMPHETAMINE.

and the Court has ordered that the defendant be punished by serving not more than:

CT 1: 12 MONTHS PLUS 1 DAY IN PRISON; CONCURRENT WITH COWLITZ COUNTY CAUSE 17-1-00825-08.

DNA TESTING

COWLITZ COUNTY CORRECTIONS DEPARTMENT IS COMMANDED to take and deliver the above named defendant to the proper officers of the STATE Department of Corrections and THE PROPER OFFICERS OF THE STATE DEPARTMENT OF CORRECTIONS ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence.

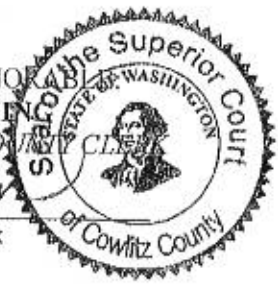
DATED THIS 19TH DAY OF DECEMBER, 2018.

I, STACI MYKLEBUST, Clerk of the Superior Court of Cowlitz County, State of Washington, hereby certify that this instrument is a true and correct copy of the original on file in my office. DEC 19 2018

By [Signature], Deputy

By the direction of the HONORABLE
STEPHEN WARREN
STACI L. MYKLEBUST, COUNTY CLERK

BY: [Signature]
Deputy Clerk



Ex 8
P202

- 2.6 **Felony Firearm Offender Registration.** The defendant committed a felony firearm offense as defined in RCW 9.41.010, and:
- The defendant should register as a felony firearm offender. The court considered the following factors in making this determination:
 - the defendant's criminal history.
 - whether the defendant has previously been found not guilty by reason of insanity of any offense in this state or elsewhere.
 - evidence of the defendant's propensity for violence that would likely endanger persons.
 - other: _____
 - The defendant must register as a felony firearm offender because the offense was committed in conjunction with an offense committed against a person under the age of 18, or a serious violent offense or offense involving sexual motivation as defined in RCW 9.94A.030.

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 _____ in the charging document.

IV. Sentence and Order

It is ordered:

- 4.1 **Confinement.** The court sentences the defendant to total confinement as follows:
- (a) **Confinement.** RCW 9.94A.589. A term of total confinement in the custody of the Department of Corrections (DOC):
- | | |
|-------------------------------------|-----------------------------|
| <u>12+</u> months on Count <u>I</u> | _____ months on Count _____ |
| _____ months on Count _____ | _____ months on Count _____ |
| _____ months on Count _____ | _____ months on Count _____ |
- The confinement time on Count(s) _____ contain(s) a mandatory minimum term of _____.
- The confinement time on Count _____ includes _____ months as enhancement for firearm deadly weapon YUCSA in a protected zone manufacture of methamphetamine with juvenile present impaired driving.
- Actual number of months of total confinement ordered is: 12 + 1 day
- (b) **Confinement.** RCW 10.95.030 (Aggravated murder and under age 18.) The court orders the following:
- | | | | |
|----------------|------------------------|---------------------------|--|
| Count <u>I</u> | minimum term: <u>X</u> | maximum term: <u>Life</u> | |
| Count _____ | minimum term: _____ | maximum term: <u>Life</u> | |
- All counts shall be served concurrently, except for the portion of those counts for which there is an enhancement as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: _____
- This sentence shall run concurrently with the sentence in the following cause number(s) (see RCW 9.94A.589(3)): COWLITZ COUNTY 17-1-00825-08
- Confinement shall commence immediately unless otherwise set forth here: _____
- (c) **Credit for Time Served.** The defendant shall receive credit for eligible time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The jail shall compute time served.

Your Honor,

This Court, however is one that must evaluate whether the statute comports with my constitutional due process guarantees

I ask you to do that today, and hold that the statute indeed violates those guarantees

The prosecution has attached severe harsh penalties for three non violent felony conviction, a lengthy prison sentence, as well many collateral consequences that accompanied four drug convictions under RCW 69.50.4013, strict liability felony drug possession statute forbids to be unconstitutional as in State of Washington v. Blake on February 25, 2021, No. 96873-0

In 1936 the Supreme Court said the police power is an attribute of sovereignty, an essential element of the power to govern, and a function that cannot be surrendered. It exists without express declaration, and the only limitation upon it is that it must reasonably tend to correct some evil or promote some interest of the state, and not violate any direct or positive mandate of the Constitution. "Shea v. Olson, 185 Wash. 143, 153, 53 P.2d 615 (1936) Citing Jones v. Aberdeen, 58 Wash. 535, 542, 109 P.369 (1910); State ex rel. Davis-Smith Co. v. Chasen, 65 Wash. 156, 178, 117 P.1101 (1911)

But the police power is not infinite. If it were, "the result would be a police state, and the legislative branch of the government would be omnipotent." Peterson v. Hagan, 56 Wn.2d 48, 53, 351 P.2d 127 (1960)

Under both the state and federal constitutions, a statute must have "a reasonable and substantial relation to the accomplishment of some purpose fairly within the legitimate range or scope of the police power and must not violate any direct or positive mandate of the constitution." Ragan v. City of Seattle, 58 Wn.2d 779, 783, 372 P.2d 916 (1962)

April 16th 2021

Vacate Hearing

② Rogan and its progeny were overruled by *Chong Fung v. City of Seattle*, 194 Wn.2d 682, 451 P.3d 694 (2019) to the extent they "required heightened scrutiny in article I, section 3, substantive due process challenges to laws regulating the use of property." Rogan's application outside the property use context remains unaffected by *Yim*.

The Supreme Court explicitly rooted the limits of the police power in "the guaranty of due process" that "the law shall not be unreasonable, arbitrary or capricious" and "the means selected shall have a real and substantial ~~relation~~ relation to the object sought to be attained." 291 U.S. at 525, in *Nebbia*.

The "constitutional protections afforded certain personal liberties" implicated by RCW 69.50.4013 are (1) the principle that "the existence of a mens rea is the rule of, rather than the exception to, the principles of Anglo-American criminal jurisprudence," and (2) the rule that ~~the~~ the government cannot criminalize "essentially innocent" conduct. *City of Seattle v. Pullman*, 82 Wn.2d 744, 500 P.2d 1059 (1973); (1) *Staples v. United States*, 511 U.S. 600, 605, 114 S.Ct. 1793, 128 L.Ed.2d 608 (1994)

With regards to the first constitutional limit, the principle that mens rea is generally a prerequisite to criminalization in "Anglo American jurisprudence, it is certainly true that this general rule has exceptions.

In Washington, for example, the legislature can still create strict liability crimes in certain circumstances: "our legislature has the plenary power to criminalize conduct regardless of whether the actor intended wrongdoing." *State v. Yushmanel*, 195 Wn.2d 155, 163, 456 P.3d 1172 (2020) (citing *State v. Brady*, 130 Wn.2d 394, 604, 925 P.2d 978 (1996)).

In particular, the legislature may create, strict liability offenses to protect the public from the harms that have come with modern life by putting the burden of care on those in the best position to avoid those harms. *Moressette v. United States*, 342 U.S. 246, 255, 72 S.Ct. 240, 96 L.Ed.2d 288 (1952).

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Vacate Hearing EX9
P2063

But the second constitutional limit, the rule against criminalizing (3)
"essentially innocent conduct, does not have such exceptions, and it applies with
special force to passive conduct - or nonconduct that is unaccompanied ^{by} intent,
knowledge, or mens rea.

The strict liability drug possession statute challenged in my case is
similar to the strict liability offense ordinance challenged in Blake and Pullman.

Pullman stands for the rule that the states' ~~legislature's~~ legislature's exercise of its
otherwise plenary police power to criminalize entirely passive and innocent nonconduct
with no mens rea or guilty mind violates the due process clause of the state and
federal constitutions.

The legislature criminalized exactly that sort of passive and innocent
nonconduct in Blake's case.

The Supreme Court holds that this felony drug possession statute is just
as unconstitutional as well the law in Lambert, Paga Christu, and Pullman and
now Blake.

Washington was the only state that continues to criminalize this innocent
nonconduct. See Bradshaw, 152 W.2d at 534 (citing Jenkins v. Maryland, 313 Md. 635,
649 n.7, 547 A.2d 1041 (1988)) (recognizing Washington and North Dakota as the only
"exceptions" to the general trend of criminalizing only knowing possessors.

And now Washington's strict liability drug possession statute, like Louisiana's
strict liability drug possession statute, is therefore unconstitutional.

I ask this Court vacate my 84 months sentence, and sentence me
accordingly to the offender score of 0 to 3 points, and release me immediately
from custody.

Since I've also completed the year & a day of the drug possession under
RCW 9A.57.4013, I'd ask this Court to strike the 12 months of community custody
DOC as well.

April 16, 2021

Vacate Hearing EX9, 383

INMATE

April 21, 2021 - 10:15 AM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 99601-6
Appellate Court Case Title: State of Washington v. Louis James Thibodeaux
Superior Court Case Number: 17-1-00825-4

DOC filing of THIBODEAUX Inmate DOC Number 941031

The following documents have been uploaded:

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The DOC Facility Name is Stafford Creek Corrections Center.
The Inmate The Inmate/Filer's Last Name is THIBODEAUX.
The Inmate DOC Number is 941031.
The CaseNumber is 996016.
The Comment is 1OF1.
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