

remember his name.

5) My lawyer at Plea was; I do not remember his name.

6) I did not appeal the Plea.

7) Since the time of the conviction I have not asked for any relief from any court for that conviction, This is the first time.

8) I explain here why I am attacking the judgment and sentence herein; I am attacking the Judgment and Sentence Number 85-1-00396-4. From Whatcom County because it effects my current incarceration, and the offender scoring of the Sentence Imposed. Thus effecting the length my Current incarceration.

I have served and Completed the Whole Sentence and Obligations. And the only Relief that can be granted for the Additional Incarceration that was served is vacation of the judgment and sentence.

GROUNDS FOR RELIEF.

(1)

A). THE TRIAL COURT ERRED WHEN CALCULATING THE OFFENDER SCORE USED. AND ADDED TWO JUVENILE CONVICTIONS FROM BEFORE PETITIONER TURNED 15 YEARS OF AGE IN VIOLATION OF THE SENTENCING REFORM ACT, AND DUE PROCESS CLAUSE OF THE UNITED STATES CONSTITUTIONS FIFTH, AND FOURTEENTH AMENDMENTS.

Under the Laws of the State of Washington 9.94A.345 The Court must use the Date of the crime for All Sentencing Purposes, and to Set any Sentence that is to be imposed. Lindsey v. Washington, 301 U.S. 397, 57 S.Ct. 797, 81 L.Ed.2d 1182 (1937); State v. Varga, 151 Wn.2d 179, 191,

86 P.3d 139 (2004); In Re Carrier, 173 Wn.2d 791, 808, 279 P.3d 249 (2012).

This Court must use the Laws that were in effect in 1985. And the laws this Court must address and use are found under RCW 9.94A.030, the Laws of 1984-85 read;

RCW 9.94A.030(8)(b) Laws of 1981 ch. 137.

(b) "Criminal History" includes a defendant's prior convictions in juvenile court if: (i) the conviction was for an offense which is a felony and is criminal as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time of the offense was committed; and (iii) with respect to prior juvenile class B and C felonies, the defendant had not reached his or her twenty third birthday at the time the offense for which he or she is being sentence was committed."

RCW 9.94A.030(12) Laws of 1985, Ch. 346, sect. 5.

"(b) For the purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen is not a previous felony conviction."

The Criminal History in the Whatcom County Judgment and Sentence. Appendix A. shows that the Court used Two (2) Prior Juvenile Convictions committed on April 17, 1980, and May 9, 1980, respectfully. (1) burglary in the second degree, and (2) Taking a motor vehicle as a juvenile.

Petitioner's Birth Date is January 1, 1966. That made Petitioner only Fourteen (14) years of age at the time of the Crimes of Burglary, and Taking a Motor Vehicle. And under the Law in 1985, they do not count in the offender score.

Under the Law the Offender Score is In error and must

be Corrected. In Re LaChapelle, 153 Wn.2d 1, 6-8, 100 P.3d 805 (2004); In Re Johnson, 131 Wn.2d 558 568, 933 P.3d 1019 (1997).

B). THE PRIOR JUDGMENT AND SENTENCE EFFECTS PETITIONER'S CURRENT SENTENCE.

Under the Decisions of the United State's Supreme Court, a Defendant/Petitioner can attack a prior decision that has been completed if it effects his/her current incarceration. See Lackawanna Dist. Ct. v. Cross, 532 U.S. 394, 121 S.Ct. 1567 (2001); Garlotte v. Fordice, 515 U.S. 39, 46, 115 S.Ct. 1948 (1995).

Herein, this petition, the fact that Petitioner was Sentence in Whatcom County to Additional Incarceration, and Additional Criminal History effects the Current incarceration of Petitioner.

(C) TIME LIMITATIONS DOES NOT APPLY.

The Time Limitations does not apply to a judgment and Sentence imposed in Excess of the Courts Jurisdiction. IN Re Goodwin, 146 Wn.2d 861, 865-67, 50 P.3d 618 (2002); In Re Johnson, 131 Wn.2d 558 568, 933 P.3d 1019 (1997).

ISSUE 2.

THE STATE/TRIAL COURT VIOLATED THE PLEA AGREEMENTS.

In the Plea Agreement for the Crimes listed herein, the State/Prosecution stated;

Page 4.

"I have been informed and fully understand that the standard range is based on the crime charged and my criminal history. Criminal History includes prior convictions, whether in this State, in federal court,

or elsewhere. Criminal history also includes convictions or guilty pleas at juvenile court that are felonies and which were committed "when I was fifteen years of age or older." Juvenile convictions count only "if" I was less than twenty three-years of age at the time I committed the present offense..."

Under the case law of the State "a plea agreement is invalid if the sentence agreed upon is beyond the sentencing courts authority to impose and enforce. State v. Miller, 110 Wn.2d 528, 529, 756 P.2d 122 (1988); state v. Codiga, 162 Wn.2d 912, 175 P.3d 1082, 1089-90, (2008).

Herein, this case the State placed in the Agreement Petitioner's Juvenile Crimes that were committed when he was 14 years old. And violated the very agreement made by the Prosecution, and excepted by the Trial Court. The State Used, and the Court Counted Two Prior Convictions that Violated the Plea Agreement when Sentencing Petitioner to 13 Months of Prison Time. When actually he would have Served a Sentence of 60-90 Days in the County Jail. And not been placed in Prison for the crime charged. Thus Invalidating the Plea Agreement and the Judgment and Sentence.

9). This Petition is the best way I know to get relief, because I have tried the Whatcom County Superior Court in a Prior CrR 7.8. Motion which not even Filed in that Court before it was Transferred to this Court. The Trial Court would and will not hear any Motion on a case this Old.

STATEMENT OF FINANCES

I cannot afford the \$250.00 filing fee or cannot afford to pay an attorney to help me fill out this form. I have attached a copy of my Institutional Prison Finance statement. See Attached.

- 1) I do ask the Court to file this without making me pay the \$250.00 filing fee because I am so poor, that I cannot pay the fee.
- 2) I have \$ 39.00 in my Spendable Institution Account.
(a) I have \$ 450.00 in my NON-Spendable Savings Account.
- 3) I do ask the Court to appoint Counsel.
- 4) I am employed by the Department of Corrections, and work in the Laundry as a porter, and I make between \$55.00 and \$100.00 per month.
- 5) During the past 12 months I did NOT get any money from;
(a) Business. Or self employment.
(b) Rent.
(c) Interests.
(d) Dividends.
(e) Any other money.
(f) Stocks.
(g) Nor do I own any property.
- 8) I am not married.
- 9) I do not have anyone depending upon me.
- 10) The Bills I owe are DOC. Crime Victims Fund, and other costs incurred under DOC and Court Restitutions.

D. RELIEF REQUESTED.

I ask this Court to Vacate the Judgment and Sentence in this cause.

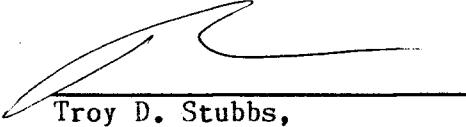
Dated this 12 day of APRIL, 2016

NO NOTARY AVAILABLE

5-6-16

**PETITIONER MAY FILE PETITION
WITHOUT PAYMENT OF FILING FEE**


COURT ADMINISTRATOR/CLERK


Troy D. Stubbs,

Troy D Stubbs
Troy D. Stubbs,
Stafford creek correction center
191 Constantine way,
Aberdeen, WA 98520

02/22/2016

Department of Corrections

PAGE : 01 OF 01

KFALLISON

STAFFORD CREEK CORRECTIONS CENTER

OIRPLRAR

10.2.1.18

**PLAIN FORMA PAUPER'S STATUS REPORT
FOR DEFINED PERIOD 07/31/2015 TO 07/31/2016**

DOC# : 0000912082

NAME : STUBBS TROY

ADMIT DATE : 11/02/2006

DOB : 01/10/1966

ADMIT TIME : 13:30

AVERAGE MONTHLY RECEIPTS	20% OF RECEIPTS	AVERAGE SPENDABLE BALANCE	20% OF SPENDABLE
161.44	32.29	75.01	15.00

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
OFFICE OF CORRECTIONAL OPERATIONS
STAFFORD CREEK CORRECTION CENTER
CERTIFIED BY: *[Signature]*

IN THE COURT OF APPEALS OF WASHINGTON

DIVISION I

IN THE PERSONAL :
RESTRAINT PETITION : CA: _____
OF: : AFFIDAVIT IN SUPPORT
TROY D. STUBBS, : PERSONAL RESTRAINT
Petitioner. : PETITION

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2016 APR 13 AM 10:29

1) I Troy Dean Stubbs, am a incarcerated inmate at the Stafford creek correction center, and swear that the following is true and correct to the best of my knowledge, the records of the Whatcom County Court, and Whatcom County Prosecutor. And I state;

- 2) That I am the Petitioner in this Petition.
- 3) That my Birthday is January 10, 1966.
- 4) That I was convicted in the Whatcom County Superior Court for crimes committed in Cause numbers 85-1-00348-1, and 85-1-00396-4.
- 5) That the Offender Scores were 4.5 and 3, respectfully.
- 6) That I was sentenced to 13 Months incarceration for those crimes.
- 7) That the Actual Offender Scores should have been 1 and 2 respectfully.
- 8) That I spent an Additional 6 to 8 Months of Incarceration.
- 9) That I was Sent to Prison, when I should have went to Jail.
- 10) That I was Sentenced to this Additional Incarcerated because of Juvenile Points.
- 10) That the Offender Score was in error because of three (3) Juvenile Points.
- 11) The Juvenile Points were from before my 15th Birthday.
- 12) The Juvenile Points were for Taking a Motor Vehicle, on 7-20-1980, and Burglary in the second degree. On April 23, 1980.
- 13) At the time of the Pleas to Cause Numbers 85-1-348-1, 85-1-396-4, I did not know the Juvenile convictions were part of the Sentence,
- 14) That I have completed, All requirements of the prior Causes.
- 15) That I did not discover the Error's until Late 2015.
- 16) I learned of the Errors through the help of the Whatcom County Court Clerk who gave me the Record of the court.

- 17) That in those records I found that the State/Court used Juvenile Convictions to Enhance my sentence above the Standard Range.
- 18) That I was Sent to Prison for crimes that should have only been Jail Time of only a Few Months.
- 20) That the Error was also included on the Plea Agreements.
- 21) That due to the Error, I suffered Mental and physical problems.
- 22) That I now seek to have my 1985 convictions Vacated.
- 24) That because of the Errors I am entitled to withdraw my pleas.
- 25) That based upon those Pleas, it effects my current incarceration.
- 26) That when this Court vacates the Convictions, it will change my criminal history from 6 to 2 points.
- 27) That the difference of several years.

I swear that the aforementioned is true and correct to the best of my knowledge, the records of the whatcom County Court, and the Prosecuting attorney therein.

Dated this 12 day of April, 2016



Troy D. Stubbs,
, 2016

Troy D. Stubbs
Troy D. Stubbs,
Stafford creek correction center
191 Constantine way,
Aberdeen, WA 98520

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR WHATCOM COUNTY

THE STATE OF WASHINGTON,
Plaintiff,
vs.
TROY STUBBS,
Defendant.

No. 85-1-00369-4

STATEMENT OF DEFENDANT
ON PLEA OF GUILTY

1985-2 JUN 5
KB

1. My true name is TROY STUBBS.

2. My age is 19.

3. I went through the 11th grade in school.

4. I have been informed and fully understand that I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is _____.

5. I have been informed and fully understand that I am charged with the crime(s) of BURGLARY IN THE SECOND DEGREE, COUNT I; TAKING A MOTOR VEHICLE WITHOUT THE OWNER'S PERMISSION, COUNT II.

that the elements of the crime(s) are: Ct II - That on or about the 20th day of August, 1985, the defendant took or drove away a motor vehicle without permission of the owner or person entitled to possession; that the defendant was acting intentionally; that the motor vehicle was the property of another; and that the acts occurred in Whatcom County, Washington.

and that the maximum sentence(s) for which is (are): _____

Statement of Defendant
on Plea of Guilty - 1

444 270

40826-499

_____ FIVE (5) _____ years
and/or _____ \$10,000 _____ fine(s).

In addition, I understand that I may have to pay restitution for crime(s) to which I enter a guilty plea and for any other uncharged crime(s) for which I have agreed to pay restitution. The standard sentence range for the crime is at least _____

_____ 2 _____ and no more than _____ 6 _____

_____ based upon my criminal history which I understand the Prosecutor says to be: 1985 Burglary Second Degree as an adult; 1980 Burglary Second Degree as a juvenile; 1980 Taking a Motor Vehicle as a juvenile.

() Criminal history attached as Appendix _____ and incorporated by reference.

I have been given a copy of the (Amended) Information.

() And I further understand that as a First Time Offender, the Court may decide not to impose the standard sentence range, and then the Court may sentence me to up to NINETY (90) days of total confinement and TWO (2) years of community supervision. (If First Offender provision is not applicable, this statement shall be stricken and initialed by the defendant and the judge.)

6. I have been informed and fully understand that:

(a) I have the right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed.

(b) I have the right to remain silent before and during the trial, and I need not testify against myself.

(c) I have the right to hear and question any witness who testifies against me.

(d) I have the right at trial to have witnesses testify for me. These witnesses can be made to appear at no expense to me.

(e) I am presumed innocent until the charge(s) is (are) proven beyond a reasonable doubt, or I enter a plea of guilty.

(f) I have the right to appeal a determination of guilt after a trial.

(g) If I plead guilty, I give up the rights in statements (a) through (f) of this paragraph 6.

7. I plead GUILTY to the crime(s) of _____
TAKING A MOTOR VEHICLE WITHOUT THE OWNER'S PERMISSION

as charged in the (Amended) Information.

8. I MAKE THIS PLEA FREELY AND VOLUNTARILY.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. I have been informed and fully understand that the Prosecuting Attorney will make the following recommendations to the Court: Recommendation 13 months ; pay court costs; pay \$50 victim fund assessment; pay attorney's fee; pay restitution.

12. I have been informed and fully understand that the standard sentencing range is based on the crime charged and my criminal history. Criminal history includes prior convictions, whether in this state, in federal court, or elsewhere. Criminal history also includes convictions or guilty pleas at juvenile court that are felonies and which were committed when I was fifteen years of age or older. Juvenile convictions count only if I was less than twenty-three years of age at the time I committed the present offense. I fully understand that if criminal history in addition to that listed in paragraph 5 is discovered, both the standard sentence range and the Prosecuting Attorney's recommendation may increase. Even so, I fully understand that my plea of guilty to this charge is binding upon me if accepted by the Court, and I cannot change my mind if additional criminal history is discovered and the standard sentence range and the Prosecuting Attorney's recommendation increases. _____

13. I have been informed and fully understand that the Court does not have to follow anyone's recommendation as to sentence. I have been fully informed and fully understand that the Court must impose a sentence within the standard sentence range unless the Court finds substantial and compelling reasons not to do so. If the Court goes outside the standard sentence range, either I or the State can appeal that sentence. If the sentence is within the standard sentence range, no one can appeal the sentence. I also

Statement of Defendant
on Plea of Guilty - 4

understand that the Court must sentence to a mandatory minimum term, if any, as provided in paragraph 14 and that the Court may not vary or modify that mandatory minimum term for any reason.

14. I have been informed and fully understand that the crime(s) of _____

_____ with which I am charged carries with it a term of total confinement of not less than _____ years. I have been advised that the law requires that a term of total confinement be imposed and does not permit any modification of this mandatory minimum term. (If not applicable, any or all of this paragraph shall be stricken and initialed by the defendant and the judge.)

15. I have been advised that the sentences imposed in Counts _____ will run consecutively/concurrently unless the Court finds substantial and compelling reasons to run the sentences concurrently/consecutively.

16. I understand that if I am on probation, parole, or community supervision, a plea of guilty to the present charge(s) will be sufficient grounds for a judge to revoke my probation or community supervision or for the Parole Board to revoke my parole. _____

17. I understand that if I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

Statement of Defendant
on Plea of Guilty - 5

18. The Court has asked me to state briefly in my own words what I did that resulted in my being charged with the crime(s) in the (Amended) Information. This is my statement: _____

On Aug 20th, I took a car from the
driveway of a residence located on Northwest
Avenue in Bellingham. I did not have the
owner's permission to take the car.

19. I have read or have had read to me and fully understand all of the numbered sections above (1 through 19) and have received a copy of this "Statement of Defendant on Plea of Guilty" form. I have no further questions to ask of the Court.

Troy Stubbs

TROY STUBBS
Defendant

David C. Cottingham

DAVID C. COTTINGHAM
Deputy Prosecuting Attorney

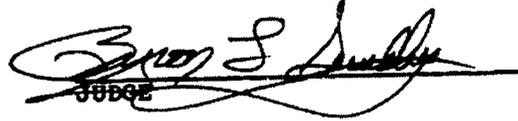
J. P. O'Connell

Attorney for Defendant

The foregoing statement was read by me or to the defendant and signed by the defendant in the presence of his or her attorney, and the undersigned Judge, in open court. The Court finds the defendant's plea of guilty to be knowingly, intelligently and voluntarily made, that the Court has informed the defendant of the nature of the charge and the consequences of the plea, that there is a factual basis for the plea, and that the defendant is guilty as charged.

Statement of Defendant
on Plea of Guilty - 6

DATED this 2nd day of October, 1985.


JUDGE

I am fluent in the _____ language,
and I have translated this entire document for the defendant from
English into that language. The defendant has acknowledged his or
her understanding of both the translation and the subject matter
of this document. I certify under penalty of perjury under the
laws of the State of Washington that the foregoing is true and
correct.

DATED this _____ day of _____, 19____.

Interpreter

Statement of Defendant
on Plea of Guilty - 7

FILED
JONIA GRANAM
COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR WHATCOM COUNTY

85 OCT -2 AM 11:50

THE STATE OF WASHINGTON,)	No. 85-1-00369-4
)	WASHINGTON
Plaintiff,)	
)	
vs.)	
)	
TROY STUBBS,)	JUDGMENT AND SENTENCE
)	(PELONY)
Defendant.)	
SID No.:)	

I. HEARING

- 1.1 A sentencing hearing in this case was held: October 2, 1985, the honorable BYRON L. SWEDBERG presiding.
- 1.2 Present were:
 Defendant: TROY STUBBS
 Defendant's Lawyer: JON E. OSTLUND
 (Deputy) Prosecuting Attorney: DAVID C. COTTINGHAM
 Other:
- 1.3 The State has moved for dismissal of Count(s) Count I.
- 1.4 Defendant was asked if there was any legal cause why judgment should not be pronounced, and none was shown.

II. FINDINGS

Based on the testimony heard, statements by defendant and/or victims, argument of counsel, the presentence report and case record to date, the Court finds:

- 2.1 CURRENT OFFENSE(S): The defendant was found guilty on October 2, 1985 by (plea) ~~(guilty)~~
~~of~~ of: TAKING A MOTOR VEHICLE WITHOUT THE OWNER'S PERMISSION, COUNT II.

ENTERED DEC 13 1988

444 271

*Copy file
JBC*

M.B. 26-497

JUDGMENT AND SENTENCE (PELONY) - 1
CONFINEMENT OVER ONE YEAR

Count No.: II

Crime: TAKING A MOTOR VEHICLE WITHOUT THE OWNER'S PERMISSION

RCW: (A.56.070(1))

Crime Code Class C

Date of Crime: August 20, 1985

Incident No. 85A 8910

Count No.: _____

Crime: _____

RCW: _____

Crime Code _____

Date of Crime: _____

Incident No. _____

Count No.: _____

Crime: _____

RCW: _____

Crime Code _____

Date of Crime: _____

Incident No. _____

With a special verdict/finding for use of deadly weapon on Count(s):

Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.400(1)):

JUDGMENT AND SENTENCE (FELONY) - 2
CONFINEMENT OVER ONE YEAR

[] Additional current offenses are attached in Appendix A.

2.2 CRIMINAL HISTORY: Criminal history used in calculating the offender score is (RCW 9.94A.360):

Crime: BURGLARY SECOND DEGREE
Sentencing Date: 5-30-85
Adult or Juvenile Crime: ADULT
Date of Crime: 5-14-85
Crime Type: Class B

Crime: BURGLARY SECOND DEGREE
Sentencing Date: 4-23-80
Adult or Juvenile Crime: JUVENILE
Date of Crime: 4-17-80
Crime Type: Class B

Crime: TAKING MOTOR VEHICLE
Sentencing Date: 7-20-80
Adult or Juvenile Crime: JUVENILE
Date of Crime: 5-9-80
Crime Type: Class C

Crime: _____
Sentencing Date: _____
Adult or Juvenile Crime: _____
Date of Crime: _____
Crime Type: _____

[] Additional criminal history is attached in Appendix B.

2.3 SENTENCING DATA:

	<u>Offender Score</u>	<u>Seriousness Level</u>	<u>Range</u>	<u>Maximum Term</u>
Count No. <u>II</u> :	<u>3</u>	<u>I</u>	<u>2 - 6</u>	<u>5 years</u>
Count No. _____ :	_____	_____	_____	_____
Count No. _____ :	_____	_____	_____	_____
Count No. _____ :	_____	_____	_____	_____

[] Additional current offenses sentencing information is attached in Appendix C.

2.4 EXCEPTIONAL SENTENCE:

[] Substantial and compelling reasons exist which justify a sentence (above) (below) the standard range for Count(s) _____ . Finding of Fact and Conclusions of Law are attached in Appendix D.

JUDGMENT AND SENTENCE (PELONY) - 3
CONFINEMENT OVER ONE YEAR

2.5 CATEGORY OF OFFENDER: The defendant is:

- (a) An offender who shall be sentenced to confinement over one year.
- (b) An offender who shall be sentenced to confinement one year or less.
- (c) A first time offender who shall be sentenced under the waiver of the presumptive sentence range (RCW 9.94A.030(12), .120(5)).
- (d) A sexual offender who is eligible for the special sentencing alternative and who shall be sentenced under the alternative because both the defendant and community will benefit from its use (RCW 9.94A.120(7)(a)).
- (e) A felony sexual offender who shall be sentenced to confinement of over one year but less than six years and shall be ordered committed for evaluation of defendant's amenability to treatment (RCW 9.94A.120(7)(b)).

III. JUDGMENT

IT IS ADJUDGED that defendant is guilty of the crime(s) of:
TAKING A MOTOR VEHICLE WITHOUT THE OWNER'S PERMISSION.
COUNT I.

IV. ORDER

IT IS ORDERED that defendant serve the determinate sentence and abide by the conditions set forth below.

4.1 Defendant shall pay to the Clerk of this Court:

- (a) \$70.00 court costs;
- (b) \$50.00 victim fund assessment;
- (c) \$to be determined restitution (with credit for amounts paid by co-defendants);
 Schedule of Restitution is attached as Appendix E.
- (d) \$ 225.00 recoupment for attorney's fees;

- (e) \$ _____ fine;
- (f) \$ _____ drug enforcement fund;
- (g) \$ _____ other costs for:

- (h) \$ _____ TOTAL MONETARY OBLIGATIONS.
- (i) Payments shall be made in the following manner:

- (j) This Court shall retain jurisdiction over the defendant for a period of TEN (10) years to assure payment of the above monetary obligations.

4.2 The Court DISMISSES Count(s) I

4.3 CONFINEMENT OVER ONE YEAR: Defendant is sentenced to a term of total confinement in the custody of the Department of Corrections as follows commencing immediately:

- 4 months for Count No. II.
- _____ months for Count No. _____.
- _____ months for Count No. _____.
- _____ months for Count No. _____.

[] The terms in Counts No. _____ are concurrent for a total term of _____ months.

[] The terms in Counts No. _____ are consecutive for a total term of _____ months.

The sentence herein shall run (concurrently) (consecutively) with the sentence in 85-1-00348-1 [Count(s) or Cause No.(s)]

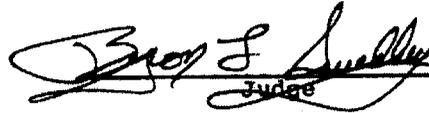
[] Credit is given for (time) [_____ days) served.

The following Appendices are attached to this Judgment and Sentence and are incorporated by reference:

- Appendix A, Additional Current Offenses
- Appendix B, Additional Criminal History
- Appendix C, Current Offense(s) Sentencing Information
- Appendix D, Findings of Fact and Conclusions of Law for an Exceptional Sentence
- Appendix E, Schedule of Restitution

That this judgment and sentence is signed in the presence of the defendant.

Date: October 2, 1985


Judge

Presented by:

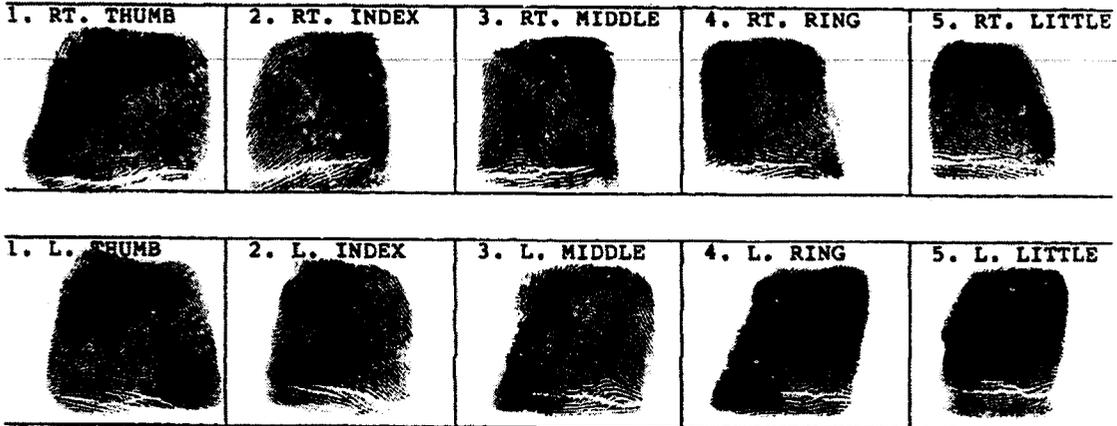
Approved as to form:


DAVID C. COTTINGHAM
(Deputy) Prosecuting Attorney


JON E. OSTLUND
Attorney for Defendant

FINGERPRINTS OF Tray Stubbs

CAUSE NO. 85-100369-4



Syria Burt
Officer Taking Fingerprints

WA0370000

STATE OF WASHINGTON)
COUNTY OF WHATCOM) ss.

I, JENNA GRAHAM, County Clerk of Whatcom County and ex-officio Clerk of the Superior Court of the State of Washington, for the County of Whatcom, do hereby attest that the fingerprints appearing on this order are those of the above-named defendant.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at my office at Bellingham, this 8th day of Oct, 19 85.

OFFENDER IDENTIFICATION

JENNA GRAHAM, Clerk

S.I.D. NO. _____
 Date of Birth _____
 Sex _____
 Race _____
 ORI _____
 OCA _____
 OIN _____
 DOA _____

By Kay Baddeley
Deputy Clerk

IN THE COURT OF APPEALS FOR WASHINGTON
IN AND FOR DIVISION I

IN THE PERSONAL :
RESTRAINT PETITION : CA: _____
OF: :
TROY D. STUBBS, : PERSONAL RESTRAINT
 : PETITION
 :
Petitioner. :

A. STATUS OF PETITIONER.

Petitioner Troy D. Stubbs, by and through Pro Se, is an inmate incarcerated at the Stafford creek correction center, located at 191 Constantine way, Aberdeen, Washington 98520, pursuant to a Judgment and Sentence.

1) The Court in which I was sentenced for my Current incarceration is; Pend Oreille County. But I am attacking a prior Judgment and Sentence imposed by Whatcom County. Cause Number #85-1-00369-4.

2) The Whatcom County crime was; Taking a Motor Vehicle without the owners permission.

3) I was sentenced after a Plea of Guilty. And sentenced with an Offender Score of 3, and a Sentence of 13 Months.

4) The Judge who imposed the sentence was; I do not

remember his name.

5) My lawyer at Plea was; I do not remember his name.

6) I did not appeal the Plea.

7) Since the time of the conviction I have not asked for any relief from any court for that conviction, This is the first time.

8) I explain here why I am attacking the judgment and sentence herein; I am attacking the Judgment and Sentence Number 85-1-00396-4. From Whatcom County because it effects my current incarceration, and the offender scoring of the Sentence Imposed. Thus effecting the length my Current incarceration.

I have served and Completed the Whole Sentence and Obligations. And the only Relief that can be granted for the Additional Incarceration that was served is vacation of the judgment and sentence.

GROUNDS FOR RELIEF.

(1)

A). THE TRIAL COURT ERRED WHEN CALCULATING THE OFFENDER SCORE USED. AND ADDED TWO JUVENILE CONVICTIONS FROM BEFORE PETITIONER TURNED 15 YEARS OF AGE IN VIOLATION OF THE SENTENCING REFORM ACT, AND DUE PROCESS CLAUSE OF THE UNITED STATES CONSTITUTIONS FIFTH, AND FOURTEENTH AMENDMENTS.

Under the Laws of the State of Washington 9.94A.345 The Court must use the Date of the crime for All Sentencing Purposes, and to Set any Sentence that is to be imposed. Lindsey v. Washington, 301 U.S. 397, 57 S.Ct. 797, 81 L.Ed.2d 1182 (1937); State v. Varga, 151 Wn.2d 179, 191,

86 P.3d 139 (2004); In Re Carrier, 173 Wn.2d 791, 808, 279 P.3d 249 (2012).

This Court must use the Laws that were in effect in 1985. And the laws this Court must address and use are found under RCW 9.94A.030, the Laws of 1984-85 read;

RCW 9.94A.030(8)(b) Laws of 1981 ch. 137.

(b) "Criminal History" includes a defendant's prior convictions in juvenile court if: (i) the conviction was for an offense which is a felony and is criminal as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time of the offense was committed; and (iii) with respect to prior juvenile class B and C felonies, the defendant had not reached his or her twenty third birthday at the time the offense for which he or she is being sentence was committed."

RCW 9.94A.030(12) Laws of 1985, Ch. 346, sect. 5.

"(b) For the purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen is not a previous felony conviction."

The Criminal History in the Whatcom County Judgment and Sentence. Appendix A. shows that the Court used Two (2) Prior Juvenile Convictions committed on April 17, 1980, and May 9, 1980, respectfully. (1) burglary in the second degree, and (2) Taking a motor vehicle as a juvenile.

Petitioner's Birth Date is January 1, 1966. That made Petitioner only Fourteen (14) years of age at the time of the Crimes of Burglary, and Taking a Motor Vehicle. And under the Law in 1985, they do not count in the offender score.

Under the Law the Offender Score is In error and must

be Corrected. In Re LaChapelle, 153 Wn.2d 1, 6-8, 100 P.3d 805 (2004); In Re Johnson, 131 Wn.2d 558 568, 933 P.3d 1019 (1997).

B). THE PRIOR JUDGMENT AND SENTENCE EFFECTS PETITIONER'S CURRENT SENTENCE.

Under the Decisions of the United State's Supreme Court, a Defendant/Petitioner can attack a prior decision that has been completed if it effects his/her current incarceration. See Lackawanna Dist. Ct. v. Cross, 532 U.S. 394, 121 S.Ct. 1567 (2001); Garlotte v. Fordice, 515 U.S. 39, 46, 115 S.Ct. 1948 (1995).

Herein, this petition, the fact that Petitioner was Sentence in Whatcom County to Additional Incarceration, and Additional Criminal History effects the Current incarceration of Petitioner.

(C) TIME LIMITATIONS DOES NOT APPLY.

The Time Limitations does not apply to a judgment and Sentence imposed in Excess of the Courts Jurisdiction. IN Re Goodwin, 146 Wn.2d 861, 865-67, 50 P.3d 618 (2002); In Re Johnson, 131 Wn.2d 558 568, 933 P.3d 1019 (1997).

ISSUE 2.

THE STATE/TRIAL COURT VIOLATED THE PLEA AGREEMENTS.

In the Plea Agreement for the Crimes listed herein, the State/Prosecution stated;

Page 4.

"I have been informed and fully understand that the standard range is based on the crime charged and my criminal history. Criminal History includes prior convictions, whether in this State, in federal court,

or elsewhere. Criminal history also includes convictions or guilty pleas at juvenile court that are felonies and which were committed "when I was fifteen years of age or older." Juvenile convictions count only "if" I was less than twenty three-years of age at the time I committed the present offense..."

Under the case law of the State "a plea agreement is invalid if the sentence agreed upon is beyond the sentencing courts authority to impose and enforce. State v. Miller, 110 Wn.2d 528, 529, 756 P.2d 122 (1988); state v. Codiga, 162 Wn.2d 912, 175 P.3d 1082, 1089-90, (2008).

Herein, this case the State placed in the Agreement Petitioner's Juvenile Crimes that were committed when he was 14 years old. And violated the very agreement made by the Prosecution, and excepted by the Trial Court. The State Used, and the Court Counted Two Prior Convictions that Violated the Plea Agreement when Sentencing Petitioner to 13 Months of Prison Time. When actually he would have Served a Sentence of 60-90 Days in the County Jail. And not been placed in Prison for the crime charged. Thus Invalidating the Plea Agreement and the Judgment and Sentence.

9). This Petition is the best way I know to get relief, because I have tried the Whatcom County Superior Court in a Prior CrR 7.8. Motion which not even Filed in that Court before it was Transferred to this Court. The Trial Court would and will not hear any Motion on a case this Old.

STATEMENT OF FINANCES

I cannot afford the \$250.00 filing fee or cannot afford to pay an attorney to help me fill out this form. I have attached a copy of my Institutional Prison Finance statement. See Attached.

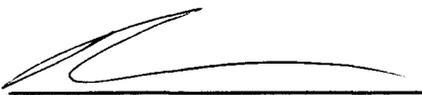
- 1) I do ask the Court to file this without making me pay the \$250.00 filing fee because I am so poor, that I cannot pay the fee.
- 2) I have \$ 39.00 in my Spendable Institution Account.
(a) I have \$ 450.00 in my NON-Spendable Savings Account.
- 3) I do ask the Court to appoint Counsel.
- 4) I am employed by the Department of Corrections, and work in the Laundry as a porter, and I make between \$55.00 and \$100.00 per month.
- 5) During the past 12 months I did NOT get any money from;
(a) Business. Or self employment.
(b) Rent.
(c) Interests.
(d) Dividends.
(e) Any other money.
(f) Stocks.
(g) Nor do I own any property.
- 8) I am not married.
- 9) I do not have anyone depending upon me.
- 10) The Bills I owe are DOC. Crime Victims Fund, and other costs incurred under DOC and Court Restitutions.

D. RELIEF REQUESTED.

I ask this Court to Vacate the Judgment and Sentence in this cause.

Dated this 12 day of APRIL, 2016

NO NOTARY AVAILABLE


Troy D. Stubbs,

Troy D Stubbs

Troy D. Stubbs,
Stafford creek correction center
191 Constantine way,
Aberdeen, WA 98520

02/22/2016

Department of Corrections

PAGE: 01 OF 01

KFALLISON

STAFFORD CREEK CORRECTIONS CENTER

OIRPLRAR

10.2.1.18

**PLRA IN FORMA PAUPERIS STATUS REPORT
FOR DEFINED PERIOD 07/31/2015 TO 07/31/2016**

DOC# :	0000912082	NAME :	STUBBS TROY	ADMIT DATE :	11/02/2006
DOB :	01/10/1966			ADMIT TIME :	13:30

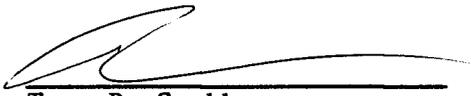
AVERAGE MONTHLY RECEIPTS	20% OF RECEIPTS	AVERAGE SPENDABLE BALANCE	20% OF SPENDABLE
161.44	32.29	75.01	15.00

STATE OF WASHINGTON
 DEPARTMENT OF CORRECTIONS
 OFFICE OF CORRECTIONAL OPERATIONS
 STAFFORD CREEK CORRECTION CENTER
 CERTIFIED BY: *[Signature]*

- 17) That in those records I found that the State/Court used Juvenile Convictions to Enhance my sentence above the Standard Range.
- 18) That I was Sent to Prison for crimes that should have only been Jail Time of only a Few Months.
- 20) That the Error was also included on the Plea Agreements.
- 21) That due to the Error, I suffered Mental and physical problems.
- 22) That I now seek to have my 1985 convictions Vacated.
- 24) That because of the Errors I am entitled to withdraw my pleas.
- 25) That based upon those Pleas, it effects my current incarceration.
- 26) That when this Court vacates the Convictions, it will change my criminal history from 6 to 2 points.
- 27) That the difference of several years.

I swear that the aforementioned is true and correct to the best of my knowledge, the records of the whatcom County Court, and the Prosecuting attorney therein.

Dated this 12 day of APRIL



Troy D. Stubbs,
, 2016

Troy D. Stubbs
Troy D. Stubbs,
Stafford creek correction center
191 Constantine way,
Aberdeen, WA 98520

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR WHEATCOM COUNTY

THE STATE OF WASHINGTON,
Plaintiff,
vs.
TROY STUBBS,
Defendant.

No. 85-1-00369-4

STATEMENT OF DEFENDANT
ON PLEA OF GUILTY

1. My true name is TROY STUBBS

2. My age is 19

3. I went through the 11th grade in school.

4. I have been informed and fully understand that I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is _____

5. I have been informed and fully understand that I am charged with the crime(s) of BURGLARY IN THE SECOND DEGREE, COUNT I; TAKING A MOTOR VEHICLE WITHOUT THE OWNER'S PERMISSION, COUNT II.

that the elements of the crime(s) are: Ct II - That on or about the 20th day of August, 1985, the defendant took or drove away a motor vehicle without permission of the owner or person entitled to possession; that the defendant was acting intentionally; that the motor vehicle was the property of another; and that the acts occurred in Whatcom County, Washington.

and that the maximum sentence(s) for which is (are): _____

Statement of Defendant
on Plea of Guilty - 1
46626-497

444 270

FIVE (5) _____ years
and/or \$10,000 _____ fine(s).

In addition, I understand that I may have to pay restitution for crime(s) to which I enter a guilty plea and for any other uncharged crime(s) for which I have agreed to pay restitution. The standard sentence range for the crime is at least _____ and no more than _____

_____ based upon my criminal history which I understand the Prosecutor says to be: 1985 Burglary Second Degree as an adult; 1980 Burglary Second Degree as a juvenile; 1980 Taking a Motor Vehicle as a juvenile.

() Criminal history attached as Appendix _____ and incorporated by reference.

I have been given a copy of the (Amended) Information.

() And I further understand that as a First Time Offender, the Court may decide not to impose the standard sentence range, and then the Court may sentence me to up to NINETY (90) days of total confinement and TWO (2) years of community supervision. (If First Offender provision is not applicable, this statement shall be stricken and initialed by the defendant and the judge.)

6. I have been informed and fully understand that:

(a) I have the right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed.

Statement of Defendant
on Plea of Guilty - 2

(b) I have the right to remain silent before and during the trial, and I need not testify against myself.

(c) I have the right to hear and question any witness who testifies against me.

(d) I have the right at trial to have witnesses testify for me. These witnesses can be made to appear at no expense to me.

(e) I am presumed innocent until the charge(s) is (are) proven beyond a reasonable doubt, or I enter a plea of guilty.

(f) I have the right to appeal a determination of guilt after a trial.

(g) If I plead guilty, I give up the rights in statements (a) through (f) of this paragraph 6.

7. I plead GUILTY to the crime(s) of _____
TAKING A MOTOR VEHICLE WITHOUT THE OWNER'S PERMISSION

as charged in the (Amended) Information.

8. I MAKE THIS PLEA FREELY AND VOLUNTARILY.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. I have been informed and fully understand that the Prosecuting Attorney will make the following recommendations to the Court: Recommendation 13 months ; pay court costs; pay \$50 victim fund assessment; pay attorney's fee; pay restitution.

12. I have been informed and fully understand that the standard sentencing range is based on the crime charged and my criminal history. Criminal history includes prior convictions, whether in this state, in federal court, or elsewhere. Criminal history also includes convictions or guilty pleas at juvenile court that are felonies and which were committed when I was fifteen years of age or older. Juvenile convictions count only if I was less than twenty-three years of age at the time I committed the present offense. I fully understand that if criminal history in addition to that listed in paragraph 5 is discovered, both the standard sentence range and the Prosecuting Attorney's recommendation may increase. Even so, I fully understand that my plea of guilty to this charge is binding upon me if accepted by the Court, and I cannot change my mind if additional criminal history is discovered and the standard sentence range and the Prosecuting Attorney's recommendation increases. _____

13. I have been informed and fully understand that the Court does not have to follow anyone's recommendation as to sentence. I have been fully informed and fully understand that the Court must impose a sentence within the standard sentence range unless the Court finds substantial and compelling reasons not to do so. If the Court goes outside the standard sentence range, either I or the State can appeal that sentence. If the sentence is within the standard sentence range, no one can appeal the sentence. I also

Statement of Defendant
on Plea of Guilty - 4

understand that the Court must sentence to a mandatory minimum term, if any, as provided in paragraph 14 and that the Court may not vary or modify that mandatory minimum term for any reason.

14. I have been informed and fully understand that the crime(s) of _____

with which I am charged carries with it a term of total confinement of not less than _____ years. I have been advised that the law requires that a term of total confinement be imposed and does not permit any modification of this mandatory minimum term. (If not applicable, any or all of this paragraph shall be stricken and initialed by the defendant and the judge.)

15. I have been advised that the sentences imposed in Counts _____ will run consecutively/concurrently unless the Court finds substantial and compelling reasons to run the sentences concurrently/consecutively.

16. I understand that if I am on probation, parole, or community supervision, a plea of guilty to the present charge(s) will be sufficient grounds for a judge to revoke my probation or community supervision or for the Parole Board to revoke my parole. _____

17. I understand that if I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

Statement of Defendant
on Plea of Guilty - 5

18. The Court has asked me to state briefly in my own words what I did that resulted in my being charged with the crime(s) in the (Amended) Information. This is my statement:

On Aug 20th, I took a car from the
driveway of a residence located on Northwest
Avenue in Bellingham. I did not have the
owner permission to take the car.

19. I have read or have had read to me and fully understand all of the numbered sections above (1 through 19) and have received a copy of this "Statement of Defendant on Plea of Guilty" form. I have no further questions to ask of the Court.

Troy Stubbs
TROY STUBBS
Defendant

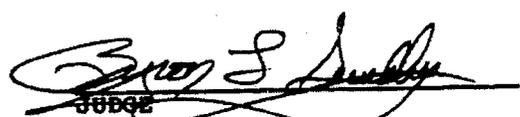
David C. Cottingham
DAVID C. COTTINGHAM
Deputy Prosecuting Attorney

J. P. O'Connell
Attorney for Defendant

The foregoing statement was read by me or to the defendant and signed by the defendant in the presence of his or her attorney, and the undersigned Judge, in open court. The Court finds the defendant's plea of guilty to be knowingly, intelligently and voluntarily made, that the Court has informed the defendant of the nature of the charge and the consequences of the plea, that there is a factual basis for the plea, and that the defendant is guilty as charged.

Statement of Defendant
on Plea of Guilty - 6

DATED this 2nd day of October, 1985.


JUDGE

I am fluent in the _____ language,
and I have translated this entire document for the defendant from
English into that language. The defendant has acknowledged his or
her understanding of both the translation and the subject matter
of this document. I certify under penalty of perjury under the
laws of the State of Washington that the foregoing is true and
correct.

DATED this _____ day of _____, 19____.

Interpreter

Filed
JENNA GRAHAM
COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR WHATCOM COUNTY

85 OCT -2 AM 11:56

THE STATE OF WASHINGTON,)	No. 85-1-00369-4
)	WASHINGTON
Plaintiff,)	
)	
vs.)	
)	
TROY STUBBS,)	JUDGMENT AND SENTENCE
)	(FELONY)
Defendant.)	
SID No.:)	

I. HEARING

- 1.1 A sentencing hearing in this case was held: October 2, 1985, the honorable BYRON L. SWEDBERG presiding.
- 1.2 Present were:
 Defendant: TROY STUBBS
 Defendant's Lawyer: JON E. OSTLUND
 (Deputy) Prosecuting Attorney: DAVID C. COTTINGHAM
 Other:
- 1.3 The State has moved for dismissal of Count(s) Count I.
- 1.4 Defendant was asked if there was any legal cause why judgment should not be pronounced, and none was shown.

II. FINDINGS

Based on the testimony heard, statements by defendant and/or victims, argument of counsel, the presentence report and case record to date, the Court finds:

- 2.1 CURRENT OFFENSE(S): The defendant was found guilty on October 2, 1985 by (plea) ~~(GUILTY)~~
~~of~~ of: TAKING A MOTOR VEHICLE WITHOUT THE OWNER'S PERMISSION, COUNT II.

ENTERED DEC 13 1988

444 271

*Copy done
1/1/86*

4. BB 26 497

JUDGMENT AND SENTENCE (FELONY) - 1
CONFINEMENT OVER ONE YEAR

Count No.: II

Crime: TAKING A MOTOR VEHICLE WITHOUT
THE OWNER'S PERMISSION

RCW: (A.56.070(1))

Crime Code Class C

Date of Crime: August 20, 1985

Incident No. 85A 8910

Count No.: _____

Crime: _____

RCW: _____

Crime Code _____

Date of Crime: _____

Incident No. _____

Count No.: _____

Crime: _____

RCW: _____

Crime Code _____

Date of Crime: _____

Incident No. _____

With a special verdict/finding for use of deadly weapon
on Count(s):

Current offenses encompassing the same criminal conduct
and counting as one crime in determining the offender score are
(RCW 9.94A.400(1)):

JUDGMENT AND SENTENCE (FELONY) - 2
CONFINEMENT OVER ONE YEAR

[] Additional current offenses are attached in Appendix A.

2.2 CRIMINAL HISTORY: Criminal history used in calculating the offender score is (RCW 9.94A.360):

Crime: BURGLARY SECOND DEGREE
Sentencing Date: 5-30-85
Adult or Juvenile Crime: ADULT
Date of Crime: 5-14-85
Crime Type: Class B

Crime: BURGLARY SECOND DEGREE
Sentencing Date: 4-23-80
Adult or Juvenile Crime: JUVENILE
Date of Crime: 4-17-80
Crime Type: Class B

Crime: TAKING MOTOR VEHICLE
Sentencing Date: 7-20-80
Adult or Juvenile Crime: JUVENILE
Date of Crime: 5-9-80
Crime Type: Class C

Crime: _____
Sentencing Date: _____
Adult or Juvenile Crime: _____
Date of Crime: _____
Crime Type: _____

[] Additional criminal history is attached in Appendix B.

2.3 SENTENCING DATA:

	<u>Offender Score</u>	<u>Seriousness Level</u>	<u>Range</u>	<u>Maximum Term</u>
Count No. <u>II</u> :	<u>3</u>	<u>I</u>	<u>2 - 6</u>	<u>5 years</u>
Count No. _____ :	_____	_____	_____	_____
Count No. _____ :	_____	_____	_____	_____
Count No. _____ :	_____	_____	_____	_____

[] Additional current offenses sentencing information is attached in Appendix C.

2.4 EXCEPTIONAL SENTENCE:

[] Substantial and compelling reasons exist which justify a sentence (above) (below) the standard range for Count(s) _____ . Finding of Fact and Conclusions of Law are attached in Appendix D.

JUDGMENT AND SENTENCE (PELONY) - 3
CONFINEMENT OVER ONE YEAR

2.5 CATEGORY OF OFFENDER: The defendant is:

- (a) An offender who shall be sentenced to confinement over one year.
- (b) An offender who shall be sentenced to confinement one year or less.
- (c) A first time offender who shall be sentenced under the waiver of the presumptive sentence range (RCW 9.94A.030(12), .120(5)).
- (d) A sexual offender who is eligible for the special sentencing alternative and who shall be sentenced under the alternative because both the defendant and community will benefit from its use (RCW 9.94A.120(7)(a)).
- (e) A felony sexual offender who shall be sentenced to confinement of over one year but less than six years and shall be ordered committed for evaluation of defendant's amenability to treatment (RCW 9.94A.120(7)(b)).

III. JUDGMENT

IT IS ADJUDGED that defendant is guilty of the crime(s) of:
TAKING A MOTOR VEHICLE WITHOUT THE OWNER'S PERMISSION,
COUNT II.

IV. ORDER

IT IS ORDERED that defendant serve the determinate sentence and abide by the conditions set forth below.

- 4.1 Defendant shall pay to the Clerk of this Court:
- (a) \$70.00 court costs;
 - (b) \$50.00 victim fund assessment;
 - (c) \$to be determined restitution (with credit for amounts paid by co-defendants);
 Schedule of Restitution is attached as Appendix E.
 - (d) \$ 225.00 recoupment for attorney's fees;

- (e) \$ _____ fine;
- (f) \$ _____ drug enforcement fund;
- (g) \$ _____ other costs for:

- (h) \$ _____ TOTAL MONETARY OBLIGATIONS.

(i) Payments shall be made in the following manner:

(j) This Court shall retain jurisdiction over the defendant for a period of TEN (10) years to assure payment of the above monetary obligations.

4.2 The Court DISMISSES Count(s) I

4.3 CONFINEMENT OVER ONE YEAR: Defendant is sentenced to a term of total confinement in the custody of the Department of Corrections as follows commencing immediately:

4 months for Count No. II.

_____ months for Count No. _____.

_____ months for Count No. _____.

_____ months for Count No. _____.

[] The terms in Counts No. _____ are concurrent for a total term of _____ months.

[] The terms in Counts No. _____ are consecutive for a total term of _____ months.

The sentence herein shall run (concurrently) (consecutively) with the sentence in 85-1-00348-1 [Count(s) or Cause No.(s)]

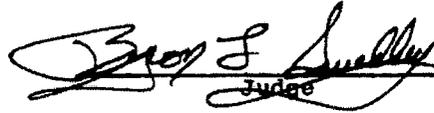
[] Credit is given for (time) [_____ days) served.

The following Appendices are attached to this Judgment and Sentence and are incorporated by reference:

- Appendix A, Additional Current Offenses
- Appendix B, Additional Criminal History
- Appendix C, Current Offense(s) Sentencing Information
- Appendix D, Findings of Fact and Conclusions of Law for an Exceptional Sentence
- Appendix E, Schedule of Restitution

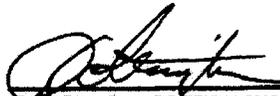
That this judgment and sentence is signed in the presence of the defendant.

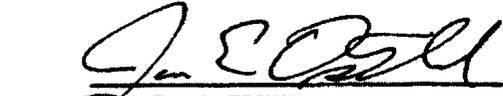
Date: October 2, 1985


Judge

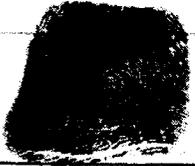
Presented by:

Approved as to form:


DAVID C. COTTINGHAM
(Deputy) Prosecuting Attorney


JON E. OSTLUND
Attorney for Defendant

FINGERPRINTS OF Tray Stubbins CAUSE NO. 85-100369-4

1. RT. THUMB 	2. RT. INDEX 	3. RT. MIDDLE 	4. RT. RING 	5. RT. LITTLE 
1. L. THUMB 	2. L. INDEX 	3. L. MIDDLE 	4. L. RING 	5. L. LITTLE 

Syria Burt
Officer Taking Fingerprints WA0370000

STATE OF WASHINGTON)
COUNTY OF WHATCOM) ss.

I, JENNA GRAHAM, County Clerk of Whatcom County and ex-officio Clerk of the Superior Court of the State of Washington, for the County of Whatcom, do hereby attest that the fingerprints appearing on this order are those of the above-named defendant.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at my office at Bellingham, this 8th day of Oct, 1985.

OFFENDER IDENTIFICATION
S.I.D. NO. _____
Date of Birth _____
Sex _____
Race _____
ORI _____
OCA _____
OIN _____
DOA _____

JENNA GRAHAM, Clerk
By Kay Baddley
Deputy Clerk

DECLARATION OF SERVICE BY MAIL
GR 3.1

I, TROY D. Stubbs, declare and say:

That on the 10th day of April, 2016, I deposited the following documents in the Stafford Creek Correction Center Legal Mail system, by First Class Mail pre-paid postage, under cause No. 85-1-00369-4 :

two Judgement and Sentence Copy's two Ples of Guilty of
two Personal Restaint Petition Copy's
two Statement of Finances Copy's
two Affidavit in support Personal Restraint Petition

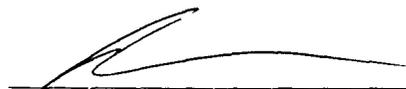
addressed to the following:

Court of Appeals
Division 1
One Unionsquare
600 University St.
Seattle, Wa, 98101

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2016 APR 13 AM 10:28

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED THIS 10th day of April, 2016, in the City of Aberdeen, County of Grays Harbor, State of Washington.



Signature

Troy D. Stubbs

Print Name

DOC 912082 UNIT H-6-B-122
STAFFORD CREEK CORRECTIONS CENTER
191 CONSTANTINE WAY
ABERDEEN WA 98520