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JUL 10 11 10 AM '08  
TACOMA, WASHINGTON

IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

IN RE THE PERSONAL RESTRAINT  
PETITION OF:

KEVIN HENDRICKSON,

Petitioner.

#34445-9

NO. 78619-4

FILED  
COURT CLERK  
JUL 10 11 10 AM '08  
TACOMA, WASHINGTON

STATE'S RESPONSE TO PERSONAL  
RESTRAINT PETITION AND  
EMERGENCY MOTION FOR  
RELEASE.

A. ISSUES PERTAINING TO PERSONAL RESTRAINT PETITION:

1. Must the petition be dismissed where the petitioner cannot show actual prejudice to a constitutional right because he failed to provide a record for review?

B. STATUS OF PETITIONER:

Petitioner, KEVIN HENDRICKSON, is restrained pursuant to a Judgment and Sentence (Appendix "A") entered in Pierce County Cause No. 04-1-04088-6, for the offense of identity theft in the second degree (three counts). Petitioner received a sentence of 48 months on all counts, concurrent. (Appendix "A").

1 On April 18, 2006, the court entered an order dismissing Count 1 (which had  
2 resulted in a hung jury at trial) without prejudice. (Appendix B & C). All other counts  
3 remained valid. (Appendix A).

4 Defendant's matter is currently pending direct appeal in the Court of Appeals,  
5 Division II, No. 34445-9. (Appendix D).

6 Defendant files this, his first personal restraint petition, while his direct appeal is  
7 pending. Defendant has also filed an "EMERGENCY MOTION FOR RELEASE FROM  
8 ILLEGAL CONFINEMENT."

9  
10 C. ARGUMENT:

- 11 1. PETITIONER HAS FAILED TO MEET HIS BURDEN OF  
12 SHOWING ACTUAL PREJUDICE ARISING FROM AN  
13 ERROR OF CONSTITUTIONAL MAGNITUDE TO AVOID  
14 DISMISSAL OF THIS PETITION.

15 Personal restraint procedure has its origins in the State's habeas corpus remedy,  
16 guaranteed by article 4, section 4, of the State Constitution. Fundamental to the nature of  
17 habeas corpus relief is the principle that the writ will not serve as a substitute for appeal.  
18 A personal restraint petition, like a petition for a writ of habeas corpus, is not a substitute  
19 for an appeal. In re Hagler, 97 Wn.2d 818, 823-24, 650 P.2d 1103 (1982). Collateral  
20 relief undermines the principles of finality of litigation, degrades the prominence of the  
21 trial, and sometimes costs society the right to punish admitted offenders. These are  
22 significant costs, and they require that collateral relief be limited in state as well as federal  
23 courts. Hagler, Id.

1 In this collateral action, the petitioner has the duty of showing constitutional error and  
2 that such error was actually prejudicial. The rule that constitutional errors must be shown to be  
3 harmless beyond a reasonable doubt has no application in the context of personal restraint  
4 petitions. In re Mercer, 108 Wn.2d 714, 718-21, 741 P.2d 559 (1987); Hagler, 97 Wn.2d at 825.  
5 Mere assertions are insufficient in a collateral action to demonstrate actual prejudice. Inferences,  
6 if any, must be drawn in favor of the validity of the judgment and sentence and not against it. In  
7 re Hagler, 97 Wn.2d at 825-26. To obtain collateral relief from an alleged nonconstitutional  
8 error, a petitioner must show "a fundamental defect which inherently results in a complete  
9 miscarriage of justice." In re Cook, 114 Wn.2d 802, 812, 792 P.2d 506 (1990). This is a higher  
10 standard than the constitutional standard of actual prejudice. Id. at 810.  
11

12 Reviewing courts have three options in evaluating personal restraint petitions:

- 13 1. If a petitioner fails to meet the threshold burden of showing actual  
14 prejudice arising from constitutional error or a fundamental defect  
resulting in a miscarriage of justice, the petition must be dismissed;
- 15 2. If a petitioner makes at least a prima facie showing of actual prejudice,  
16 but the merits of the contentions cannot be determined solely on the  
17 record, the court should remand the petition for a full hearing on the  
18 merits or for a reference hearing pursuant to RAP 16.11(a) and RAP  
19 16.12;
- 20 3. If the court is convinced a petitioner has proven actual prejudicial error,  
the court should grant the personal restraint petition without remanding  
the cause for further hearing.

21 In re Hews, 99 Wn.2d 80, 88, 660 P.2d 263 (1983).

22 The petition must include a statement of the facts upon which the claim of unlawful  
23 restraint is based and the evidence available to support the factual allegations. RAP 16.7(a)(2);

1 Petition of Williams, 111 Wn.2d 353, 365, 759 P.2d 436 (1988). If the petitioner fails to provide  
2 sufficient evidence to support his challenge, the petition must be dismissed. Williams at 364.  
3 Affidavits, transcripts, and clerk's papers are readily available forms of evidence which a  
4 petitioner may employ to support his claims. Id. at 364-365. A reference hearing is not a  
5 substitute for the petitioner's failure to provide evidence to support his claims. As the Supreme  
6 Court stated, "the purpose of a reference hearing is to resolve genuine factual disputes, not to  
7 determine whether the petitioner actually has evidence to support his allegations." In re Rice,  
8 118 Wn.2d 876, 886, 828 P.2d 1086 (1992). "Bald assertions and conclusory allegations will not  
9 support the holding of a hearing," but the dismissal of the petition. Rice at 886; Williams at  
10 364-365.

11  
12 a. Absent a record for review, dismissal of the petition is  
13 warranted.

14 Petitioner has failed to meet this demanding standard in the presentation of his claims  
15 because he provides no record for review. Defendant makes claims of (1) insufficient evidence,  
16 (2) illegal search and seizure, (3) loss of evidence, and (4) "lack of authority to convict." All of  
17 these claims are dependent on an examination of the record. Defendant provides no transcripts,  
18 supporting affidavits, or any form of record for this court to review. A complete dismissal of the  
19 petition is warranted.

20 If this court feels dismissal is not warranted, the State requests transfer of the petition to  
21 the Court of Appeals, for consolidation with his direct appeal pursuant to RAP 16.3 (c) and RAP  
22 3.3 (b).

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b. Emergency Motion.

Defendant also petitions this court for an "Emergency Motion for Release from Illegal Confinement." Again, defendant has failed to meet his burden of establishing a basis for relief. Defendant claims in his motion that his case was dismissed outright. Defendant conveniently omits the actual order of dismissal which shows that only Count I was dismissed without prejudice. (Appendix B). The remaining three counts for which he was convicted remain valid and no emergency relief is warranted.

C. CONCLUSION:

For the foregoing reasons the State respectfully requests that this dismiss this petition, or in the alternative transfer it to the Court of Appeals for consolidation with his direct appeal.

DATED: May 22, 2006.

GERALD A. HORNE  
Pierce County Prosecuting Attorney  
  
MICHELLE LUNA-GREEN  
Deputy Prosecuting Attorney  
WSB # 27088

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

5/22/06 Johnson  
Date Signature

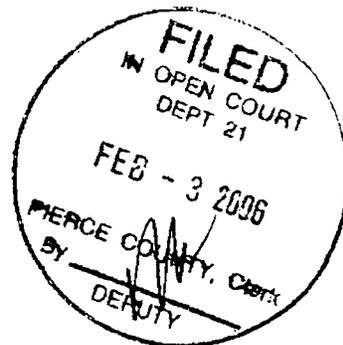
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BY CLERK

# **APPENDIX “A”**

*Judgment and Sentence*



04-1-04088-6 24509953 JDSWCD 02-06-06



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO: 04-1-04088-6

FEB 06 2006

vs.

KEVIN LAWRENCE HENDRICKSON,

Defendant.

WARRANT OF COMMITMENT

- 1)  County Jail
- 2)  Dept. of Corrections
- 3)  Other Custody

THE STATE OF WASHINGTON TO THE DIRECTOR OF ADULT DETENTION OF PIERCE COUNTY:

WHEREAS, Judgment has been pronounced against the defendant in the Superior Court of the State of Washington for the County of Pierce, that the defendant be punished as specified in the Judgment and Sentence/Order Modifying/Revoking Probation/Community Supervision, a full and correct copy of which is attached hereto.

[ ] 1. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Pierce County Jail).

[X] 2. YOU, THE DIRECTOR, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections, and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Department of Corrections custody).

04-1-04088-6

[ ] 3. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement or placement not covered by Sections 1 and 2 above).

By direction of the Honorable

*[Signature]*  
\_\_\_\_\_  
JUDGE

Dated: 2/3/06

KEVIN STOCK

CLERK

By: *Mehar Engler*  
\_\_\_\_\_  
DEPUTY CLERK

CERTIFIED COPY DELIVERED TO SHERIFF

FEB 06 2006 *Mehar Engler*  
Date By Deputy

STATE OF WASHINGTON

ss:

County of Pierce

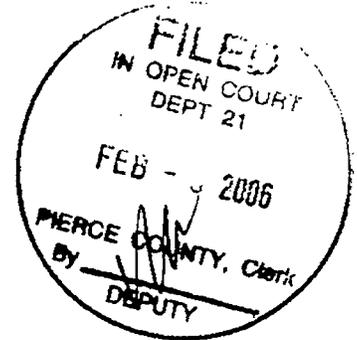
I, Kevin Stock, Clerk of the above entitled Court, do hereby certify that this foregoing instrument is a true and correct copy of the original now on file in my office.

IN WITNESS WHEREOF, I hereunto set my hand and the Seal of Said Court this \_\_\_\_\_ day of \_\_\_\_\_.

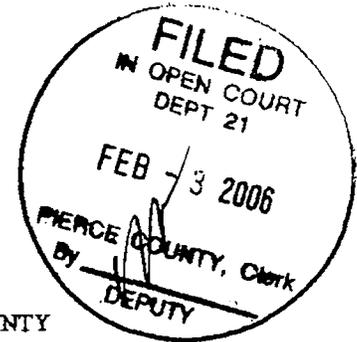
KEVIN STOCK, Clerk

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

R



04-1-04088-6



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

FEB 06 2006

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 04-1-04088-6

vs

JUDGMENT AND SENTENCE AS TO COUNTS XII, XVI AND XVIII (JS)

KEVIN LAWRENCE HENDRICKSON

Defendant.

- Prison
- Jail One Year or Less
- First-Time Offender
- SSOSA
- DOSA
- Breaking The Cycle (BTC)

SID: UNKNOWN  
DOB: 2/21/1955

I. HEARING

1.1 A sentencing hearing was held and 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, the court FINDS:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on by  plea  jury-verdict  bench trial of:

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO.
XII	IDENTITY THEFT IN THE SECOND DEGREE (AA39)	9.35.020(1), 9.35.020(2)(b)		8/23/04	042360275
XVI	IDENTITY THEFT IN THE SECOND DEGREE (AA39)	9.35.020(1), 9.35.020(2)(b)		8/23/04	042360275
XVIII	IDENTITY THEFT IN THE SECOND DEGREE (AA39)	9.35.020(1), 9.35.020(2)(b)		8/23/04	042360275

\* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Horn, See RCW 46.61.520, (JP) Juvenile present.

00-9-01611-5

04-1-04088-6

as charged in the Second Amended Information

- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):
- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

## 2.2 CRIMINAL HISTORY (RCW 9.94A.525):

	CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J ADULT JUV	TYPE OF CRIME
1	ATT. UPCS	4/4/85	Pierce Co., WA	2/28/84	A	NV
2	VUCSA-UPCS	4/3/85	Pierce Co., WA	7/26/84	A	NV
3	VUCSA-UPCS W/INT DEL	4/3/85	Pierce Co., WA	7/26/84	A	NV
4	VUCSA-UPCS W/INT DEL	9/21/87	Pierce Co., WA	11/26/86	A	NV
5	UNL POSS. OF FIREARM	9/21/87	Pierce Co., WA	11/26/86	A	NV
6	PSP 2	8/14/98	King Co., WA	1/16/98	A	NV
7	IDENTITY THEFT	12/11/05	Snohomish Co., WA	1/20/00	A	NV
8	FORGERY (2X)	12/11/02	Snohomish Co., WA	1/20/00	A	NV
9	VUCSA-UPCS	12/11/02	Snohomish Co., WA	1/20/00	A	NV
10	THEFT 2	12/11/02	Snohomish Co., WA	1/20/00	A	NV
11	FORGERY	11/7/02	Snohomish Co., WA	5/7/01	A	NV

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

## 2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
XII	14	II	43-57 MOS		43-57 MOS	5YRS/ \$10,000
XVI	14	II	43-57 MOS		43-57 MOS	5YRS/ \$10,000
XVIII	14	II	43-57 MOS		43-57 MOS	5YRS/ \$10,000

- 2.4  **EXCEPTIONAL SENTENCE.** Substantial and compelling reasons exist which justify an exceptional sentence  above  below the standard range for Count(s) \_\_\_\_\_. Findings of fact and conclusions of law are attached in Appendix 2.4. The Prosecuting Attorney  did  did not recommend a similar sentence.

- 2.5 **LEGAL FINANCIAL OBLIGATIONS.** The judgment shall upon entry be collectable by civil means, subject to applicable exemptions set forth in Title 6, RCW, Chapter 379, Section 22, Laws of 2003.

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

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[ ] The following extraordinary circumstances exist that make payment of nonmandatory legal financial obligations inappropriate:

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

III. JUDGMENT

3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1.

3.2 [ ] The court DISMISSES Counts \_\_\_\_\_ [ ] The defendant is found NOT GUILTY of Counts \_\_\_\_\_

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court: (Pierce County Clerk, 930 Tacoma Ave #110, Tacoma WA 98402)

JASS CODE

RIN/RIN \$ \_\_\_\_\_ Restitution to: \_\_\_\_\_

\$ \_\_\_\_\_ Restitution to: \_\_\_\_\_ (Name and Address--address may be withheld and provided confidentially to Clerk's Office).

PCV \$ 500.00 Crime Victim assessment

DNA \$ 100.00 DNA Database Fee

PUB \$ 1000.00 Court-Appointed Attorney Fees and Defense Costs

FRC \$ 110.00 Criminal Filing Fee

FCM \$ \_\_\_\_\_ Fine

OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)

\$ \_\_\_\_\_ Other Costs for: \_\_\_\_\_

\$ \_\_\_\_\_ Other Costs for: \_\_\_\_\_

\$ 1,710.00 TOTAL

[X] All payments shall be made in accordance with the policies of the clerk, commencing immediately, unless the court specifically sets forth the rate herein: Not less than \$ \_\_\_\_\_ per month commencing \_\_\_\_\_ RCW 9.94.760. If the court does not set the rate herein, the defendant shall report to the clerk's office within 24 hours of the entry of the judgment and sentence to set up a payment plan.

4.2 RESTITUTION

[X] The above total does not include all restitution which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

[ ] shall be set by the prosecutor.

[X] is scheduled for None

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[ ] defendant waives any right to be present at any restitution hearing (defendant's initials): \_\_\_\_\_

[ ] RESTITUTION. Order Attached

[X] Restitution ordered above shall be paid jointly and severally with:

NAME of other defendant	CAUSE NUMBER	(Victim name)	(Amount-\$)
RJN			

4.3 COSTS OF INCARCERATION

[ ] In addition to other costs imposed herein, the court finds that the defendant has or is likely to have the means to pay the costs of incarceration, and the defendant is ordered to pay such costs at the statutory rate. RCW 10.01.160.

4.4 COLLECTION COSTS

The defendant shall pay the costs of services to collect unpaid legal financial obligations per contract or statute. RCW 36.18.190, 9.94A.780 and 19.16.500.

4.5 INTEREST

The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090

4.6 COSTS ON APPEAL

An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW. 10.73.

4.7 [ ] HIV TESTING

The Health Department or designee shall test and counsel the defendant for HIV as soon as possible and the defendant shall fully cooperate in the testing. RCW 70.24.340.

4.8 [X] DNA TESTING

The defendant shall have a blood/biological sample drawn for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency, the county or DOC, shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.

4.9 NO CONTACT

The defendant shall not have contact with any victims or witnesses (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for \_\_\_\_\_ years (not to exceed the maximum statutory sentence).

[ ] Domestic Violence Protection Order or Antiharassment Order is filed with this Judgment and Sentence.

4.10 OTHER:


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4.11 BOND IS HEREBY EXONERATED

4.12 CONFINEMENT OVER ONE YEAR. The defendant is sentenced as follows:

(a) CONFINEMENT. RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC):

<u>48</u>	months on Count	<u>12</u>	months on Count	_____
<u>48</u>	months on Count	<u>16</u>	months on Count	_____
<u>48</u>	months on Count	<u>18</u>	months on Count	_____

Actual number of months of total confinement ordered is: \_\_\_\_\_

(Add mandatory firearm and deadly weapons enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above).

CONSECUTIVE/CONCURRENT SENTENCES. RCW 9.94A.589. All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm or other deadly weapon as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: \_\_\_\_\_

The sentence herein shall run consecutively to all felony sentences in other cause numbers prior to the commission of the crime(s) being sentenced. \_\_\_\_\_

Confinement shall commence immediately unless otherwise set forth here: \_\_\_\_\_

(b) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: 11

4.13 [ ] COMMUNITY PLACEMENT (pre 7/1/00 offenses) is ordered as follows:

Count \_\_\_\_\_ for \_\_\_\_\_ months;

Count \_\_\_\_\_ for \_\_\_\_\_ months;

Count \_\_\_\_\_ for \_\_\_\_\_ months;

[ ] COMMUNITY CUSTODY is ordered as follows:

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Count \_\_\_\_\_ for a range from: \_\_\_\_\_ to \_\_\_\_\_ Months;

Count \_\_\_\_\_ for a range from: \_\_\_\_\_ to \_\_\_\_\_ Months;

Count \_\_\_\_\_ for a range from: \_\_\_\_\_ to \_\_\_\_\_ Months;

LL  
FF

or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A for community placement offenses -- serious violent offense, second degree assault, any crime against a person with a deadly weapon finding, Chapter 69.50 or 69.52 RCW offense. Community custody follows a term for a sex offense -- RCW 9.94A. Use paragraph 4.7 to impose community custody following work ethic camp.]

While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community service; (3) not consume controlled substances except pursuant to lawfully issued prescriptions; (4) not unlawfully possess controlled substances while in community custody; (5) pay supervision fees as determined by DOC; and (6) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

- The defendant shall not consume any alcohol.
- Defendant shall have no contact with: \_\_\_\_\_
- Defendant shall remain  within  outside of a specified geographical boundary, to wit: \_\_\_\_\_
- The defendant shall participate in the following crime-related treatment or counseling services: \_\_\_\_\_
- The defendant shall undergo an evaluation for treatment for  domestic violence  substance abuse
- mental health  anger management and fully comply with all recommended treatment.
- The defendant shall comply with the following crime-related prohibitions: \_\_\_\_\_

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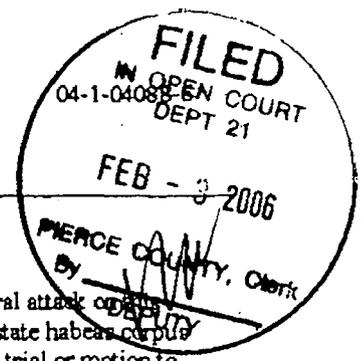
Other conditions may be imposed by the court or DOC during community custody, or are set forth here: \_\_\_\_\_

4.14  **WORK ETHIC CAMP.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.13.

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FF

4.15 **OFF LIMITS ORDER** (known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the County Jail or Department of Corrections: \_\_\_\_\_

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V. NOTICES AND SIGNATURES

- 5.1 **COLLATERAL ATTACK ON JUDGMENT.** Any petition or motion for collateral attack on Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.
- 5.2 **LENGTH OF SUPERVISION.** For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505.
- 5.3 **NOTICE OF INCOME-WITHHOLDING ACTION.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A may be taken without further notice. RCW 9.94A.7602.
- 5.4 **CRIMINAL ENFORCEMENT AND CIVIL COLLECTION.** Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. Per section 2.5 of this document, legal financial obligations are collectible by civil means. RCW 9.94A.634.
- 5.5 **FIREARMS.** You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The court clerk shall forward a copy of the defendant's driver's license, identicaid, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.
- 5.6 **SEX AND KIDNAPPING OFFENDER REGISTRATION.** RCW 9A.44.130, 10.01.200. N/A
- 5.7 **OTHER:** \_\_\_\_\_

DONE in Open Court and in the presence of the defendant this date 2-3-06

Karen D Platt  
 Deputy Prosecuting Attorney  
 Print name: Karen D Platt  
 WSB # 17290

JUDGE [Signature]  
 Print name Frank C. Libbaker  
 Attorney for Defendant [Signature]  
 Print name: J A SCHOENBERGER  
 WSB # 33603

[Signature]  
 Defendant  
 Print name: KEVIN L. HENRIKSON

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**CERTIFICATE OF CLERK**

CAUSE NUMBER of this case: 04-1-04088-6

I, KEVIN STOCK Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action now on record in this office.

WITNESS my hand and seal of the said Superior Court affixed this date: \_\_\_\_\_.

Clerk of said County and State, by: \_\_\_\_\_, Deputy Clerk

04-1-04088-6

IDENTIFICATION OF DEFENDANT

SID No. UNKNOWN  
(If no SID take fingerprint card for State Patrol)

Date of Birth 2/21/1953

FBI No. UNKNOWN

Local ID No. UNKNOWN

PCN No. UNKNOWN

Other

Alias name, SSN, DOB:

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

FINGERPRINTS

Left four fingers taken simultaneously



Left Thumb



Right Thumb



Right four fingers taken simultaneously



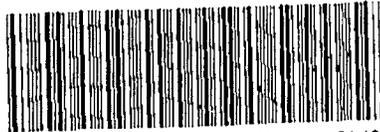
I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk, Valerie Meade Dated: 2/3/06

DEFENDANT'S SIGNATURE: KZ#

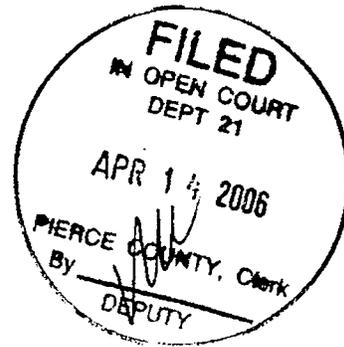
DEFENDANT'S ADDRESS:

## **APPENDIX “B”**

*Motion and Order for Dismissal Without Prejudice*



04-1-04088-6 25309590 ORDSM 04-18-06



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 04-1-04088-6 APR 18 2006

vs.

KEVIN LAWRENCE HENDRICKSON,

MOTION AND ORDER FOR  
DISMISSAL WITHOUT PREJUDICE

Defendant.

DOB: 02/21/55

SID #: WA10188398

MOTION

Comes now the plaintiff, herein, by its attorney, GERALD A. HORNE, Prosecuting Attorney for Pierce County, and moves the court for an order dismissing Count I without prejudice the above entitled action, on the grounds and for the reason that the state anticipates that some counts will be retired after appeal and this count can be refiled at the same time.

DATED: this 14th day of April, 2006

*none pro tunc to  
march 8-2006*

GERALD A. HORNE  
Pierce County Prosecuting Attorney

by: *Karen D. Platt*

KAREN D. PLATT  
Deputy Prosecuting Attorney

WSB#: 17290

04-1-04088-6

ORDER

The above entitled matter having come on regularly for hearing on motion of GERALD A. HORNE, Prosecuting Attorney, and the Court being fully advised in the premises, it is hereby;

ORDERED that Count I of the above entitled action be and same is hereby dismissed *w. out* ~~without~~ prejudice, bail is hereby exonerated.

DATED the 14th day of April, 2006.

*Nunc pro tunc to 3-8-06*

*Frank Culbertson*

JUDGE

kdp

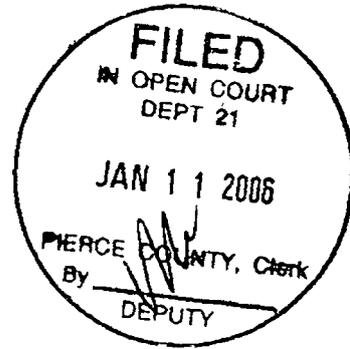


# APPENDIX "C"

*Verdict Forms*



04-1-04088-6 24401801 VRD 01-18-06



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 04-1-04088-6

vs.

KEVIN HENDRICKSON

VERDICT FORM D

Defendant.

We, the jury, find the defendant Guilty (Not Guilty or Guilty) of the crime of IDENTITY THEFT IN THE SECOND DEGREE as charged in Count XVIII.

Mark Greenland  
PRESIDING JUROR

ORIGINAL



04-1-04088-6 24401500 VRD 01-18-06



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 04-1-04088-6

vs.

KEVIN HENDRICKSON

VERDICT FORM B

Defendant.

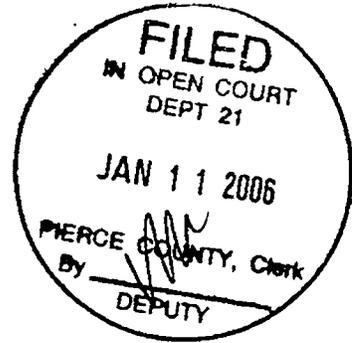
We, the jury, find the defendant Guilty (Not Guilty or Guilty) of the crime of IDENTITY THEFT IN THE SECOND DEGREE as charged in Count XII.

Mark Greenlund  
PRESIDING JUROR

ORIGINAL



04-1-04088-6 24401599 VRD 01-18-06



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 04-1-04088-6

vs.

KEVIN HENDRICKSON

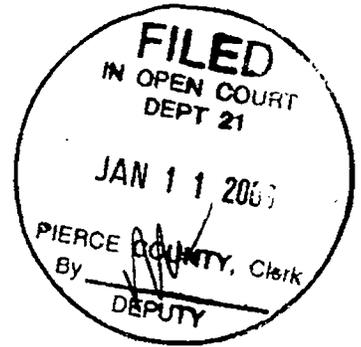
VERDICT FORM C

Defendant.

We, the jury, find the defendant Guilty (Not Guilty or Guilty) of the crime of IDENTITY THEFT IN THE SECOND DEGREE as charged in Count XVI.

Mark Greenland  
PRESIDING JUROR

ORIGINAL



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 04-1-04088-6

vs.

KEVIN HENDRICKSON

VERDICT FORM A

Defendant.

We, the jury, find the defendant \_\_\_\_\_ (Not Guilty or Guilty) of the crime of Possessing Stolen Property in the First Degree as charged in Count I.

\_\_\_\_\_  
PRESIDING JUROR

**ORIGINAL**

## **APPENDIX “D”**

*Clerk’s Papers for Direct Appeal*



04-1-04088-6 25339197 CLPP 04-21-06

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A.M. APR 21 2006 P.M.  
PIERCE COUNTY, WASHINGTON  
KEVIN STOCK, County Clerk  
DEPUTY

**PIERCE COUNTY SUPERIOR COURT, STATE OF WASHINGTON**

STATE OF WASHINGTON  
  
Plaintiff,  
  
vs.  
  
KEVIN LAWRENCE HENDRICKSON  
  
Defendant.

APRIL 21, 2006  
  
NO. 04-1-04088-6  
COURT OF APPEALS DIV II NO. 34445-9  
  
CLERK'S PAPERS PER  
REQUEST OF THE APPELLANT  
TO THE COURT OF APPEALS DIV II

HONORABLE FRANK E. CUTHBERTSON  
Trial Judge

SHERI LYNN ARNOLD  
PO Box 7718  
TACOMA, WA 98406-0718

ATTORNEY FOR APPELLANT

KATHLEEN PROCTOR  
PIERCE COUNTY PROSECUTING ATTORNEY  
946 COUNTY CITY BLDG  
FELONY DIVISION  
TACOMA, WA 98402

ATTORNEY FOR RESPONDENT

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**PIERCE COUNTY SUPERIOR COURT, STATE OF WASHINGTON**

STATE OF WASHINGTON

APRIL 21, 2006

Plaintiff,

NO. 04-1-04088-6

vs.

COURT OF APPEALS DIV II NO. 34445-9

KEVIN LAWRENCE HENDRICKSON

CLERK'S PAPERS PER  
REQUEST OF THE APPELLANT

TO THE COURT OF APPEALS DIV II

Defendant.

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