

original

NO. 35405-5-II

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON, Respondent

v.

JERRY WAYNE STALLINGS, Appellant

FROM THE SUPERIOR COURT FOR CLARK COUNTY
THE HONORABLE ROBERT L. HARRIS
CLARK COUNTY SUPERIOR COURT CAUSE NO. 06-1-00902-9

BRIEF OF RESPONDENT

Attorneys for Respondent:

ARTHUR D. CURTIS
Prosecuting Attorney
Clark County, Washington

MICHAEL C. KINNIE, WSBA #7869
Senior Deputy Prosecuting Attorney

Clark County Prosecuting Attorney
1013 Franklin Street
PO Box 5000
Vancouver WA 98666-5000
Telephone (360) 397-2261

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I. STATEMENT OF FACTS

The defendant by way of Amended Information was charged with multiple counts of Rape of a Child in First Degree, Sexual Exploitation of a Minor and other charges. As part of the Amended Information, the State put the defendant on notice that an exceptional sentence could be given because the defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth. A copy of the Amended Information (CP 4) is attached hereto and by this reference incorporated herein.

The parties stipulated and agreed to an exceptional sentence of 25 years. Although the 25 years was not exceptional under the circumstances, it appeared that the original offer was for 35 years (which would have been an exceptional sentence) but was later modified to the 25 years. Nevertheless, the defendant pled guilty on July 6, 2006, to Count 1 – Rape of a Child in the First Degree, Count 2 – Rape of Child in the First Degree and Count 4 – Sexual Exploitation of a Minor. Findings of Fact and Conclusions of Law for an Exceptional Sentence (CP 32) were entered and signed on July 6, 2006. The document contains the signature of the prosecutor, the defense attorney, and the defendant and was approved by the Superior Court Judge. A copy of the Statement of

Defendant on Plea of Guilty to Sex Offense (CP 7) and a copy of the Findings of Fact and Conclusions of Law for an Exceptional Sentence (CP 32) are attached here to and by this reference incorporated herein. The Judgment and Sentence contained language consistent with State v. Clarke, 156 Wn.2d 880, 134 P.3d 188 (2006).

At the time of the change of plea, the defendant acknowledged to the court that he had reviewed the Findings of Fact concerning the exceptional sentence and was in agreement that the court could consider this information. (RP 23-24). Counsel also advised the trial court that they anticipated an in camera review by the court of the video taping of this young child. (RP 25-26).

A pre-sentence investigation was then ordered and sentencing took place on August 24, 2006. The trial court acknowledged that the parties had agreed to 25 years but he felt that he could go as high as 500 months because of the nature of what he had observed and seen both in the video tape that he had reviewed and in the pre-sentence investigation report that he also reviewed. (RP 29). The trial court then set an exceptional sentence of 400 months on counts 1 and 2. There was discussion about the range on the other count (count 4) and it was determined that it was 120 months maximum and yet the court actually entered an amount above that which obviously is in error. A copy of the Felony Judgment and

Sentence (Prison-Community Placement/Community Custody) (CP 47) is attached hereto and by this reference incorporated herein.

II. RESPONSE TO ASSIGNMENT OF ERROR NO. 1

The first assignment of error raised by the defendant is that the trial court had denied the defendant his sixth amendment rights by accepting stipulated sentencing facts when the defendant had not waived his right to a sentencing jury. The remedy being sought by the defense is not to withdraw the plea but to sentence within the standard range.

Two cases have resolved this issue recently. In State v. Ermels, 156 Wn.2d 528, 131 P.3d 299 (2006), the defendant did not challenge the validity of his entire plea agreement but instead sought the remedy of a sentence within his standard range. The defendant had pled guilty to manslaughter in the second degree and as part of the agreement he had stipulated to facts supporting an exceptional sentence based on the victim vulnerability and he stipulated that there was a legal basis for the exceptional sentence. The remedy he wanted was to be sentenced within the standard range. However, the Supreme Court ruled that the defendant is unable to challenge the validity of his appeal waiver without challenging his entire plea.

Ermels limited request for remedy is fatal because it does not appear that he can challenge the validity of his exceptional sentence without challenging the validity of the

entire plea. We have recognized that plea agreements often involve one bargain or a “packaged deal.” State v. Turley, 149 Wn.2d 395, 400, 69 P.3d 338 (2003); see also State v. Bisson, 156 Wn.2d 507, 130 P.3d 820 (2006). Even where the plea agreement involves multiple counts or charges, the agreement is indivisible where the charges are made at the same time, described in one document, and accepted in a single proceeding. Turley, 149 Wn.2d at 400. . . . His plea agreement is indivisible under Turley and Ermels cannot claim that his stipulation to the factual and legal validity of an exceptional sentence is separable from the rest of his plea agreement. Ermels cannot challenge his stipulations without challenging the entire agreement.

- State v. Ermels, 156 Wn.2d at 540-541.

The second case is out of Division II, State v. Steele, 134 Wn. App. 844, 142 P.3d 649 (2006). Steele had stipulated to aggravating facts that enabled the court to impose an exceptional sentence. He entered a statement that acknowledged a jury waiver, a statement that a sentence outside of the standard range could be imposed, an incorporated plea agreement, which also included stipulated facts supporting an exceptional sentence, and an expressed desire to take advantage of the plea agreement. On appeal, he was arguing that he should be allowed to be sentenced within the standard range. Division II first held that the statement of defendant on plea of guilty itself contained a jury waiver and a statement advising him that the court could impose a sentence outside the standard range. (Steele, 134 Wn. App. at 851-852). The court also found that there was a specific finding of an exceptional sentence in this case that had been

stipulated to by the defendant. Division II followed the reasoning of State v. Ermels, supra, and held that Steele's stipulation to facts supporting an exceptional sentence was indivisible from his plea agreement. Because Steele, like Ermels, did not challenge the validity of the entire plea agreement, but instead sought the remedy of a sentence within his standard range, Steele could not challenge his stipulations. (Steele, 134 Wn. App. at 852).

In our case, there was a specific Findings of Fact and Conclusions of Law for an Exceptional Sentence (CP 32) which set forth that he was waiving his right to a jury to determine justification for an exceptional sentence and referred specifically to Apprendi and Blakely. Further, this defendant, like Ermels and Steele, is not challenging the underlying plea but just the exceptional circumstances. The case law clearly indicates that he cannot do this.

III. RESPONSE TO ASSIGNMENT OF ERROR NO. 2

The second assignment of error deals with the plea on count 4 which was for Sexual Exploitation a Class B felony. The State agrees that the 129 months is not appropriate and it should be reduced to the 120 months. The State submits that this appears to be a clerical error and as

such would not require resentencing but merely modification of the judgment form. State v. Snapp, 119 Wn. App. 614, 626, 82 P.3d 252 (2004).

IV. CONCLUSION

The plea of the defendant was knowingly, voluntarily and intelligently entered into. He stipulated to the facts surrounding the concept of an exceptional sentence and agreed that the court could consider those facts. The trial court did so and gave him an exceptional sentence. The matter should be affirmed with the understanding that the clerical error on count 4 should be modified to reflect 120 months instead of 129 months.

DATED this 12 day of April, 2007.

Respectfully submitted:

ARTHUR D. CURTIS
Prosecuting Attorney
Clark County, Washington

By:


MICHAEL C. KINNIE, WSBA#7869
Senior Deputy Prosecuting Attorney

APPENDIX "A"
AMENDED INFORMATION

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FILED

JUL 06 2006

JoAnne McBride, Clerk, Clark Co.

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

STATE OF WASHINGTON,
Plaintiff,
v.
KRISTINA LYNN STALLINGS,
AKA KRISTINA TAUTFEST
And
JERRY WAYNE STALLINGS
Defendant.

AMENDED INFORMATION

No. 06-1-00901-1

No. 06-1-00902-9
(RPD 06-390)

COMES NOW the Prosecuting Attorney for Clark County, Washington, and does by this inform the Court that the above-named defendant is guilty of the crime(s) committed as follows, to wit:

COUNT 01 - RAPE OF A CHILD IN THE FIRST DEGREE - 9A.44.073

That he, JERRY WAYNE STALLINGS, in the County of Clark, State of Washington, between December 2, 2003 and April 1, 2005, on an occasion separate from Counts 2 and 3, did have sexual intercourse with M.T.S., who was less than twelve years old and not married to the defendant and the defendant was at least twenty-four months older than the victim; contrary to Revised Code of Washington 9A.44.073.

12-2-92

And further, the defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to: extreme youth.

This crime is a "most serious offense" pursuant to the Persistent Offender Accountability Act (RCW 9.94A.030(28), RCW 9.94A.030(32), RCW 9.94A.505(2)(a)(v) and RCW 9.94A.570).

COUNT 02 - RAPE OF A CHILD IN THE FIRST DEGREE - 9A.44.073/9A.08.020(3)

That he, JERRY WAYNE STALLINGS, in the County of Clark, State of Washington, between December 2, 2004 and January 1, 2006, on an occasion separate from Counts 1 and 3, did have sexual intercourse with M.T.S., who was less than twelve years old and not married to the defendant and the defendant was at least twenty-four months older than the victim; contrary to Revised Code of Washington 9A.44.073.

12-2-97

And further, the defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to: extreme youth.

This crime is a "most serious offense" pursuant to the Persistent Offender Accountability Act (RCW 9.94A.030(28), RCW 9.94A.030(32), RCW 9.94A.505(2)(a)(v) and RCW 9.94A.570).

AMENDED INFORMATION - 1
CC

CLARK COUNTY PROSECUTING ATTORNEY
CHILD ABUSE INTERVENTION CENTER
PO BOX 61992
VANCOUVER, WASHINGTON 98666
(360) 397-6002 / FAX (360) 695-1760

9

1 **COUNT 03 - RAPE OF A CHILD IN THE FIRST DEGREE - 9A.44.073/9A.08.020(3)**

2 That he, JERRY WAYNE STALLINGS, in the County of Clark, State of Washington, between December
3 2, 2004 and January 1, 2006, on an occasion separate from Counts 1 and 2, did have sexual intercourse
4 with M.T.S., who was less than twelve years old and not married to the defendant and the defendant was
5 at least twenty-four months older than the victim; contrary to Revised Code of Washington 9A.44.073.

6 And further, the defendant knew or should have known that the victim of the current offense was
7 particularly vulnerable or incapable of resistance due to: extreme youth.

8 This crime is a "most serious offense" pursuant to the Persistent Offender Accountability Act (RCW
9 9.94A.030(28), RCW 9.94A.030(32), RCW 9.94A.505(2)(a)(v) and RCW 9.94A.570).

10 **COUNT 04 - SEXUAL EXPLOITATION OF A MINOR - 9.68A.040**

11 That he, JERRY WAYNE STALLINGS, in the County of Clark, State of Washington, between December
12 2, 2004 and January 1, 2006, being a parent, legal guardian or person having custody or control of a
13 minor, permitted the minor, to-wit M.T.S., to engage in sexually explicit conduct, knowing that the conduct
14 would be photographed or part of a live performance; contrary to Revised Code of Washington
15 9.68A.040(a), (b) and (c). *12-2-1997*

16 **COUNT 05 - DEALING IN DEPICTIONS OF A MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT
- 9.68A.050**

17 That she, KRISTINA LYNN STALLINGS also known as KRISTINA TAUTFEST, in the County of Clark,
18 State of Washington, between December 2, 2004 and January 1, 2006, did (1) knowingly develop,
19 duplicate, publish, print, disseminate, exchange, finance, attempt to finance, or sell visual or printed
20 matter which depicted a minor engaged in an act of sexually explicit conduct or (2) did possess with intent
21 to develop, duplicate, publish, print, disseminate, exchange, or sell visual or printed matter which depicted
22 a minor engaged in an act of sexually explicit conduct; contrary to Revised Code of Washington
23 9.68A.050 (1) and (2).

24 **COUNT 06 - POSSESSION OF DEPICTIONS OF A MINOR ENGAGED IN SEXUALLY EXPLICIT
CONDUCT - 9.68A.070**

25 That they, KRISTINA LYNN STALLINGS also known as KRISTINA TAUTFEST and JERRY WAYNE
26 STALLINGS, together and each of them, in the County of Clark, State of Washington, between December
27 2, 2004 and January 1, 2006, did knowingly possess visual or printed matter depicting a minor engaged
28 in sexually explicit conduct; contrary to Revised Code of Washington 9.68A.070.

29
ARTHUR D. CURTIS
Prosecuting Attorney in and for
Clark County, Washington

Date: July 6, 2006

BY: 
Alan E. Harvey, WSBA #25785
Deputy Prosecuting Attorney

DEFENDANT: KRISTINA LYNN STALLINGS, AKA KRISTINA TAUTFEST			
RACE: W	SEX: F	DOB: 12/20/1962, AKA 12/28/1962	
DOL: STALLKL385R8 WA		SID: WA14318391	
HGT: 505	WGT: 140	EYES: BLK	HAIR: BLK
WA DOC:		FBI: 165031KA6	
LAST KNOWN ADDRESS(ES):			
HOME - 933 N 7 ST AVE, RIDGEFIELD WA 98642			

Amended
INFORMATION - 2
CC

CLARK COUNTY PROSECUTING ATTORNEY
CHILD ABUSE INTERVENTION CENTER
PO BOX 61992
VANCOUVER, WASHINGTON 98666
(360) 397-6002 / FAX (360) 695-1760

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DEFENDANT: JERRY WAYNE STALLINGS			
RACE: W	SEX: M	DOB: 10/12/1963	
DOL: STALLJW374PK WA		SID: WA16325693	
HGT: 600	WGT: 165	EYES: HAZ	HAIR: BRO
WA DOC: 958472		FBI: 21247KA6	
LAST KNOWN ADDRESS(ES):			
HOME - 933 N 1ST AVE, RIDGEFIELD WA 98642			

AMENDED INFORMATION - 3
CC

CLARK COUNTY PROSECUTING ATTORNEY
CHILD ABUSE INTERVENTION CENTER
PO BOX 61992
VANCOUVER, WASHINGTON 98666
(360) 397-6002 / FAX (360) 695-1760

APPENDIX "B"

STATEMENT OF DEFENDANT ON PLEA OF GUILTY TO SEX OFFENSE

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
FOR AN EXCEPTIONAL SENTENCE**

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FILED

JUL 06 2006

JoAnne McBride, Clerk, Clark Co.

SUPERIOR COURT OF WASHINGTON
FOR

STATE OF WASHINGTON _____

Plaintiff

vs.

JERRY WAYNE STALLINGS _____

Defendant

NO. 06-1-00901-1

STATEMENT OF DEFENDANT ON
PLEA OF GUILTY TO SEX OFFENSE
(STTDFG)

1. My true name is: Jerry Wayne Stallings.
2. My age is: 42.
3. I went through the 11th grade.
4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:
 - (a) 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.
 - (b) I am charged with: 2 Counts of Rape of a Child in the First Degree; Sexual Exploitation of a Minor; ~~Dealing in Depictions of a Minor Engaged in Sexually Explicit Conduct~~
The elements are: See Attached Information
5. I UNDERSTAND I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:
 - (a) 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) The right to remain silent before and during trial, and the right to refuse to testify against myself;
 - (c) The right at trial to hear and question the witnesses who testify against me;
 - (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be

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made to appear at no expense to me;

- (e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a finding of guilt after a trial.

6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:

- (a) Each crime with which I am charged carries a maximum sentence, a fine, and a STANDARD SENTENCE RANGE as follows:

COUNT NO.	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	COMMUNITY CUSTODY RANGE (Only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph 6(f).)	MAXIMUM TERM AND FINE
1	9+	240 – 318	N/A	240 – 318	To be determined by ISRC	Life, \$50,000
2	9+	240 – 318	N/A	240 – 318	To be determined by IRSC	Life, \$50,000
4	9+	60 Months	N/A	60 Months		
5	9+					

*(F) Firearm, (D) other deadly weapon

- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.
- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.
- (e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.

(f) For sex offenses committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community supervision if the total period of confinement ordered is not more than 12 months. If the period of confinement is more than one year, the judge will order me to serve three years of community custody or up to the period of earned early release, whichever is longer. During the period of community custody, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me:

~~For sex offenses committed on or after July 1, 2000 but prior to September 1, 2001: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, the judge will sentence me to community custody for a period of 36 to 48 months or up to the period of earned release, whichever is longer. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me:~~

For sex offenses committed on or after September 1, 2001:

(i) Sentencing under RCW 9.94A.712: If this offense is for any of the offenses listed in subsections (aa) or (bb), below, the judge will impose a maximum term of confinement consisting of the statutory maximum sentence of the offense and a minimum term of confinement either within the standard range for the offense or outside the standard range if an exceptional sentence is appropriate. The minimum term of confinement that is imposed may be increased by the Indeterminate Sentence Review Board if the Board determines by a preponderance of the evidence that it is more likely than not that I will commit sex offenses if released from custody. In addition to the period of confinement, I will be sentenced to community custody for any period of time I am released from total confinement before the expiration of the maximum sentence. During the period of community custody I will be under the supervision of the Department of Corrections and I will have restrictions and requirements placed upon me and I may be required to participate in rehabilitative programs.

(aa) If the current offense is any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree committed when I was at least 18 years old	Rape of a child in the second degree committed when I was at least 18 years old
Child molestation in the first degree committed when I was at least 18 years old	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Burglary in the first degree	

(bb) If the current offense is any sex offense and I have a prior conviction for any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree	Rape of a child in the second degree
Child molestation in the first degree	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Burglary in the first degree	

(ii) If this offense is for a sex offense that is not listed in paragraph 6(f)(i), then in addition to sentencing me to a term of confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, the judge will sentence me to community custody for a period of 36 to 48 months or up to the period of earned release, whichever is longer. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

(g) The prosecuting attorney will make the following recommendation to the judge: _____
See Attached Appendix

The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

(h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless there is a finding of substantial and compelling reasons not to do so. I understand the following regarding exceptional sentences:

- (i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.
- (ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.
- (iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.
- (iv) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a

reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

I understand that if a standard range sentence is imposed, the sentence cannot be appealed by anyone. If an exceptional sentence is imposed after a contested hearing, either the State or I can appeal the sentence.

- (i) 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.
- (j) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040.
- (k) I understand that I will be ineligible to vote until that right is restored in a manner described in RCW 10.64 ____ [2005 Wash. Laws 246 § 1]. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.
- (l) Public assistance will be suspended during any period of imprisonment.
- (m) I will be required to register where I reside, study or work. The specific registration requirements are described in the "Offender Registration" Attachment.
- (n) I will be required to have a biological sample collected for purposes of DNA identification analysis. For offenses committed on or after July 1, 2002, I will be required to pay a \$100.00 DNA collection fee.
- (o) I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.

NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE.

- [p] This offense is a most serious offense or strike as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole. In addition, if this offense is (i) rape in the first degree, rape of a child in the first degree, rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child molestation in the first degree, or (ii) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation, or (iii) any attempt to commit any of the offenses listed in this sentence and I have at least one prior conviction for one of these listed offenses in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

[q] Special sex offender sentencing alternative:

~~For offenses committed before September 1, 2001: The judge may suspend execution of the standard range term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under former RCW 9.94A.120(8) (for offenses committed before July 1, 2001) or RCW 9.94A.670 (for offenses committed on or after July 1, 2001). If the judge suspends execution of the standard range term of confinement, I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater; I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me, and I will be subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.~~

For offenses committed on or after September 1, 2001: The judge may suspend execution of the standard range term of confinement or the minimum term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under RCW 9.94A.670. If the judge suspends execution of the standard range term of confinement for a sex offense that is not listed in paragraph 6(f)(i), I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater. If the judge suspends execution of minimum term of confinement for a sex offense listed in paragraph 6(f)(i), I will be placed on community custody for the length of the statutory maximum sentence of the offense. In addition to the term of community custody, I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me; and I will be subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

[r] If this is a crime of domestic violence, the court may order me to pay a domestic violence assessment of up to \$100.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

~~[s] If the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.~~

~~[t] If this offense involves a motor vehicle, my driver's license or privilege to drive will be suspended or revoked.~~

~~[u] The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6[p].~~

[v] I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.

[w] I understand that the offense(s) I am pleading guilty to include a deadly weapon or firearm enhancement. Deadly weapon or firearm enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon or firearm enhancements.

7. I plead guilty to:

count 1- Rape of a Child in the First Degree _____

count 2- Rape of a Child in the First Degree _____

count 4 - Sexual exploitation of a Minor _____

in the Original Information. I have received a copy of that 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. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement:

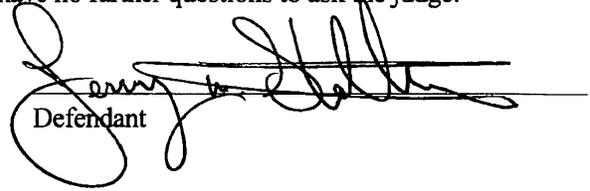
3 April 5 AEW
In Clark County WA, between December 2, 2004 and January 1, 2006, on an occasions separate from counts 2 and 3, I did have sexual intercourse with M.T.S, who was less than twelve years old and not married to me and I was at least twenty-four months older than the victim.

In Clark County WA, between December 2, 2004 and January 1, 2006, on an occasions separate from counts 1 and 3, I did have sexual intercourse with M.T.S, who was less than twelve years old and not married to me and I was at least twenty-four months older than the victim.

In Clark County, WA, between December 2, 2004 and January 1, 2006, being a parent, legal guardian or person having custody or control of a minor, permitted the minor, to wit: M.T.S. to engage in sexually explicit conduct, knowing that the conduct would be photographed or part of a live performance.

[] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and the "Offender Registration" Attachment. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.


Defendant

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

Prosecuting Attorney WSBA No.

Print Name

18281

Defendant's Lawyer WSBA No.

Burns, Jeff

Print Name

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- (a) The defendant had previously read the entire statement above and that the defendant understood it in full;
- (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: _____

Paul Horn

Judge

INTERPRETER'S DECLARATION

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands, and I have translated the _____ for the defendant from English into that language.

(Identify document being translated)

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: _____

Interpreter

Location : _____

Case Name: _____ Cause No.: _____

“OFFENDER REGISTRATION” ATTACHMENT: sex offense, or kidnapping offense involving a minor as defined in RCW 9A.44.130. (If required, attach to Statement of Defendant on Plea of Guilty.)

Because this crime involves a sex offense, or a kidnapping offense involving a minor as defined in RCW 9A.44.130, I will be required to register with the sheriff of the county of the state of Washington where I reside. If I am not a resident of Washington but I am a student in Washington or I am employed in Washington or I carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register immediately upon being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has me in custody and I must also register within 24 hours of my release with the sheriff of the county of the state of Washington where I will be residing, or if not residing in the state of Washington, where I am a student, where I am employed, or where I carry on a vocation.

If I leave this state following my sentencing or release from custody but later move back to Washington, I must register within 30 days after moving to this state or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections. If I leave this state following my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry on a vocation in Washington, or attend school in Washington, I must register within 30 days after attending school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections.

If I change my residence within a county, I must send written notice of my change of residence to the sheriff within 72 hours of moving. If I change my residence to a new county within this state, I must send written notice of the change of address at least 14 days before moving to the county sheriff in the new county of residence, I must register with the sheriff of the new county within 24 hours of moving, and I must also give written notice of my change of address to the sheriff of the county where last registered within 10 days of moving. If I move out of Washington State, I must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom I last registered in Washington State.

If I move to another state, or if I work, carry on a vocation, or attend school in another state I must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. I must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom I last registered in Washington State.

If I am a resident of Washington and I am admitted to a public or private institution of higher education, I shall, within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff of the county of my residence of my intent to attend the institution.

If I lack a fixed residence, I am required to register. Registration must occur within 24 hours of release in the county where I am being supervised if I do not have a residence at the time of my release from custody or within 48 hours, excluding weekends and holidays, after ceasing to have a fixed residence. If I enter a different county and stay there for more than 24 hours, I will be required to register in the new county. I must also report in person to the sheriff of the county where I am registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and shall occur during normal business hours. I am required to provide a list of the locations where I have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make me subject to disclosure to the public at large pursuant to RCW 4.24.550.

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

Date: _____

Defendant's signature

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

STATE OF WASHINGTON,
Plaintiff,
v.
KRISTINA LYNN STALLINGS,
AKA KRISTINA TAUTFEST
And
JERRY WAYNE STALLINGS
Defendant.

AMENDED INFORMATION

No. 06-1-00901-1

No. 06-1-00902-9
(RPD 06-390)

COMES NOW the Prosecuting Attorney for Clark County, Washington, and does by this inform the Court that the above-named defendant is guilty of the crime(s) committed as follows, to wit:

COUNT 01 - RAPE OF A CHILD IN THE FIRST DEGREE - 9A.44.073

That he, JERRY WAYNE STALLINGS, in the County of Clark, State of Washington, between December 2, 2003 and April 1, 2005, on an occasion separate from Counts 2 and 3, did have sexual intercourse with M.T.S., who was less than twelve years old and not married to the defendant and the defendant was at least twenty-four months older than the victim; contrary to Revised Code of Washington 9A.44.073.

And further, the defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to: extreme youth.

This crime is a "most serious offense" pursuant to the Persistent Offender Accountability Act (RCW 9.94A.030(28), RCW 9.94A.030(32), RCW 9.94A.505(2)(a)(v) and RCW 9.94A.570).

COUNT 02 - RAPE OF A CHILD IN THE FIRST DEGREE - 9A.44.073/9A.08.020(3)

That he, JERRY WAYNE STALLINGS, in the County of Clark, State of Washington, between December 2, 2004 and January 1, 2006, on an occasion separate from Counts 1 and 3, did have sexual intercourse with M.T.S., who was less than twelve years old and not married to the defendant and the defendant was at least twenty-four months older than the victim; contrary to Revised Code of Washington 9A.44.073.

And further, the defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to: extreme youth.

This crime is a "most serious offense" pursuant to the Persistent Offender Accountability Act (RCW 9.94A.030(28), RCW 9.94A.030(32), RCW 9.94A.505(2)(a)(v) and RCW 9.94A.570).

AMENDED INFORMATION - 1
CC

CLARK COUNTY PROSECUTING ATTORNEY
CHILD ABUSE INTERVENTION CENTER
PO BOX 61992
VANCOUVER, WASHINGTON 98665
(360) 397-6002 / FAX (360) 695-1760

1 **COUNT 03 - RAPE OF A CHILD IN THE FIRST DEGREE - 9A.44.073/9A.08.020(3)**

2 That he, JERRY WAYNE STALLINGS, in the County of Clark, State of Washington, between December
3 2, 2004 and January 1, 2006, on an occasion separate from Counts 1 and 2, did have sexual intercourse
4 with M.T.S., who was less than twelve years old and not married to the defendant and the defendant was
5 at least twenty-four months older than the victim; contrary to Revised Code of Washington 9A.44.073.

6 And further, the defendant knew or should have known that the victim of the current offense was
7 particularly vulnerable or incapable of resistance due to: extreme youth.

8 This crime is a "most serious offense" pursuant to the Persistent Offender Accountability Act (RCW
9 9.94A.030(28), RCW 9.94A.030(32), RCW 9.94A.505(2)(a)(v) and RCW 9.94A.570).

10 **COUNT 04 - SEXUAL EXPLOITATION OF A MINOR - 9.68A.040**

11 That he, JERRY WAYNE STALLINGS, in the County of Clark, State of Washington, between December
12 2, 2004 and January 1, 2006, being a parent, legal guardian or person having custody or control of a
13 minor, permitted the minor, to-wit: M.T.S. to engage in sexually explicit conduct, knowing that the conduct
14 would be photographed or part of a live performance; contrary to Revised Code of Washington
15 9.68A.040(a), (b) and (c).

16 **COUNT 05 - DEALING IN DEPICTIONS OF A MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT
17 - 9.68A.050**

18 That she, KRISTINA LYNN STALLINGS also known as KRISTINA TAUTFEST, in the County of Clark,
19 State of Washington, between December 2, 2004 and January 1, 2006, did (1) knowingly develop,
20 duplicate, publish, print, disseminate, exchange, finance, attempt to finance, or sell visual or printed
21 matter which depicted a minor engaged in an act of sexually explicit conduct or (2) did possess with intent
22 to develop, duplicate, publish, print, disseminate, exchange, or sell visual or printed matter which depicted
23 a minor engaged in an act of sexually explicit conduct; contrary to Revised Code of Washington
24 9.68A.050 (1) and (2).

25 **COUNT 06 - POSSESSION OF DEPICTIONS OF A MINOR ENGAGED IN SEXUALLY EXPLICIT
26 CONDUCT - 9.68A.070**

27 That they, KRISTINA LYNN STALLINGS also known as KRISTINA TAUTFEST and JERRY WAYNE
28 STALLINGS, together and each of them, in the County of Clark, State of Washington, between December
29 2, 2004 and January 1, 2006, did knowingly possess visual or printed matter depicting a minor engaged
in sexually explicit conduct; contrary to Revised Code of Washington 9.68A.070.

ARTHUR D. CURTIS
Prosecuting Attorney in and for
Clark County, Washington

Date: July 6, 2006

BY: 
Alan E. Harvey, WSBA #25785
Deputy Prosecuting Attorney

DEFENDANT: KRISTINA LYNN STALLINGS, AKA KRISTINA TAUTFEST			
RACE: W	SEX: F	DOB: 12/20/1962, AKA 12/28/1962	
DOL: STALLKL385R8 WA		SID: WA14318391	
HGT: 505	WGT: 140	EYES: BLK	HAIR: BLK
WA DOC:		FBI: 165031KA6	
LAST KNOWN ADDRESS(ES):			
HOME - 933 N 7 ST AVE, RIDGEFIELD WA 98642			

AMENDED
INFORMATION - 2
CC

CLARK COUNTY PROSECUTING ATTORNEY
CHILD ABUSE INTERVENTION CENTER
PO BOX 61992
VANCOUVER, WASHINGTON 98666
(360) 397-6002 / FAX (360) 695-1760

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DEFENDANT: JERRY WAYNE STALLINGS			
RACE: W	SEX: M	DOB: 10/12/1963	
DOL: STALLJW374PK WA		SID: WA16325693	
HGT: 600	WGT: 165	EYES: HAZ	HAIR: BRO
WA DOC: 958472		FBI: 21247KA6	
LAST KNOWN ADDRESS(ES):			
HOME - 933 N 1ST AVE, RIDGEFIELD WA 98642			

AMENDED INFORMATION - 3
CC

CLARK COUNTY PROSECUTING ATTORNEY
CHILD ABUSE INTERVENTION CENTER
PO BOX 61992
VANCOUVER, WASHINGTON 98666
(360) 397-6002 / FAX (360) 695-1760

(1) Should the Defendant plead guilty to:

Cou nt	Charge	Score	SERIOUSNESS LEVEL	Enhancement	MINIMUM STANDARD RANGE SENTENCE	MAXIMUM TERM SENTENCE
1.	RAPE OF A CHILD IN THE FIRST DEGREE	9+	XII		240-318	Life
2.	RAPE OF A CHILD IN THE FIRST DEGREE	9+	XII		240-318	Life
3.	SEXUAL EXPLOITATION OF A MINOR	9+	IX		60 months	60 moths
4.	POSSESSION OF DEPICTIONS OF A MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT	9+	UR		60 months	60 months
5.	<p>State will dismiss count 3 in exchange for the plea of guilty. The agreed recommendation by the state and the defense will be for 35 years with Counts 1 and 2 running concurrent to each other, but consecutive to counts 4 and 5. Counts 4 and 5 running consecutive each other. The</p> <p>In the event the matter proceeds to trial, the state will seek a lifetime commitment on the RCW 9.94A.712 offenses</p>					

The defendant shall also be sentenced to Community Custody under the supervision of the Department of Corrections and the ISRB for any period of time the person is released from confinement before the expiration of the maximum sentence.

(2) then the State and the defense stipulate that the sentence shall be:

- sentencing within the standard range
 remain free to recommend any sentence
 that sentence shall be An Agreed recommendation for a 35 year

JS
25 Agreed

- G) Filing Fee \$ 200.00 (unless case filed prior to 7/24/05, then \$110.00)
 Victim's Comp. Fee: \$ 500.00
 Court Appointed Attorney Fee: \$ 1400.00
 Court Appointed Investigator Fee: \$ TO BE SET
 Restitution for Victim: \$ TO BE SET
 Rape Exam (if applicable) \$ TO BE SET

PRETRIAL OFFER - 2

Revised: June 20, 2006

SSOSA Evaluation Fee:	\$ TO BE SET
Fine	\$ 500.00
Sheriff's Office Service Fee:	\$ TO BE SET
DNA Sample Fee:	\$100.00
Other: _____	\$
_____	\$

(3) Should the defendant be placed on any release conditions prior to sentencing and violate any of those conditions then the State's above offer is null and void, and the State shall be free to make any recommendation.

(4) Defense stipulates to a waiver of RCW 9.94A.753 for the setting of restitution and waives the defendant's presence at a restitution hearing. This stipulation of restitution shall include loss of wages, costs of counseling, and other related expenses for the victim and their immediate family as a result of this criminal act. The hearing shall consist of documents, affidavits, and argument only, pursuant to ER 1101.

(5) By accepting this offer, the defendant stipulates to the conditions as set forth herein of the conditions of sentence/community custody and/or supervision.

(6) This stipulated agreement and recommendation is binding on the Prosecuting Attorney, the Defense Attorney, and the defendant only, and shall not bind any investigating officer.

(7) The defense shall only use the Statement of Defendant on Plea of Guilty form as indicated by the Child Abuse Intervention Center. (If you need a copy of this form, please contact the Child Abuse Intervention Center at (360) 397-6002).

"APPENDIX A"
9.94A.712

STIPULATED CONDITIONS OF SENTENCE/COMMUNITY CUSTODY

1. You shall commit no law violations.
2. You shall report to and be available for contact with the assigned community corrections officer as directed.
3. You shall work at a Department of Corrections approved education program, employment program, and/or community service program as directed.
4. You shall not possess, consume, or deliver controlled substances, except pursuant to a lawfully issued prescription.
5. You shall pay a community placement/supervision fee as determined by the Department of Corrections.
6. You shall not have any direct or indirect contact with the victims, including but not limited to personal, verbal, telephonic, written, or through a third person without prior written permission from his community corrections officer, his therapist, the prosecuting attorney, and the court only after an appropriate hearing. This condition is for the statutory maximum sentence of Life, and shall also apply during any incarceration.

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE
UNDER CHAPTER 10.99 RCW AND WILL SUBJECT THE
VIOLATOR TO ARREST; ANY ASSAULT OR RECKLESS
ENDANGERMENT THAT IS A VIOLATION OF THIS ORDER
IS A FELONY.

7. You shall not enter into or frequent business establishments or areas that cater to minor children without being accompanied by a responsible adult. Such establishments may include but are not limited to video game parlors, parks, pools, skating rinks, school grounds, malls or any areas routinely used by minors as areas of play/recreation.
8. You shall not have any contact with minors. This provision begins at time of sentencing. This provision shall not be changed without prior written approval by the community corrections officer, the therapist, the prosecuting attorney, and the court after an appropriate hearing.

PRETRIAL OFFER - 4

Revised: June 20, 2006

9. You shall remain within, or outside of, a specified geographical boundary as ordered by your community corrections officer.
10. Your residence location and living arrangements shall be subject to the prior approval of your community corrections officer and shall not be changed without the prior knowledge and permission of the officer.
11. You must consent to allow home visits by the Department of Corrections to monitor compliance with supervision. Home visits include access for the purpose of visual inspection of all areas of residence in which the offender lives or has exclusive/joint control/access.
12. Your employment locations and arrangements shall be subject to prior approval of your community corrections officer and shall not be changed without the prior knowledge and permission of the officer.
13. You shall not possess, use, or own any firearms, ammunition, or deadly weapon. Your community corrections officer shall determine what those deadly weapons are.
14. You shall not possess or consume alcohol.
15. You shall submit to urine, breath, or other screening whenever requested to do so by the program staff or your community corrections officer.
16. You shall not possess any paraphernalia for the use of controlled substances.
17. You shall not be in any place where alcoholic beverages are the primary sale item.
18. You shall take antabuse per community corrections officer's direction.
19. You shall attend an evaluation for abuse of drugs, alcohol, mental health, anger management, or parenting and shall attend and successfully complete all phases of any recommended treatment as established by the community corrections officers and/or treatment facility.
20. You shall enter into, cooperate with, fully attend and successfully complete all inpatient and outpatient phases of a Washington State certified sexual deviancy treatment program as established by the community corrections officer and/or the treatment facility. You shall not change sex offender treatment providers or

PRETRIAL OFFER - 5

Revised: June 20, 2006

treatment conditions without first notifying the prosecutor, community corrections officer and shall not change providers without court approval after a hearing if the prosecutor and/or community corrections officer object to the change. "Cooperate with" means you shall follow all treatment directives, accurately report all sexual thoughts, feelings and behaviors in a timely manner and cease all deviant sexual activity.

The sex offender therapist shall submit quarterly reports on your progress in treatment to the court, Department of Corrections, and prosecutor and you shall execute a release of information to the community corrections officer, prosecutor and the court so that the treatment provider can discuss the case with them. The quarterly report shall reference the treatment plan and include the following, at a minimum: dates of attendance, your compliance with requirements, treatment activities, and your relative progress in treatment.

21. During the time you are under order of the court, you shall, at your own expense, submit to polygraph examinations at the request of the Community Corrections Order and/or the Prosecuting Attorney's office (but in no event less than twice yearly). Copies shall be provided to the Prosecuting Attorney's office upon request. Such exams will be used to ensure compliance with the conditions of community supervision/placement, and the results of the polygraph examination can be used by the State in revocation hearings.
22. You shall submit to plethysmography exams, at your own expense, at the direction of the community corrections officer and copies shall be provided to the Prosecutor's Office upon request.
23. You shall register as a sex offender with the County Sheriff's Office in the county of residence as defined by RCW 9.94A.030.
24. You shall not use/possess sexually explicit material; meaning any pictorial material displaying direct physical stimulation of unclothed genitals, masturbation, sodomy (i.e. bestiality or oral or anal intercourse), flagellation or torture in the context of a sexual relationship, or emphasizing the depiction of adult or child human genitals: provided however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition as defined in RCW 9.68.130(2).
25. You shall sign necessary release information documents as required by Department of Corrections or the Prosecuting Attorney, to monitor your compliance with any of the conditions of this Judgment and Sentence.

PRETRIAL OFFER - 6

Revised: June 20, 2006

26. You shall have no association with persons known to be on probation, parole or community placement.
27. If the offense was committed on or after July 24, 2005, you may not reside within eight hundred eighty (880) feet of the facilities and grounds of a public or private school. RCW 9.94A.030
28. You must consent to allow home visits by Department of Corrections to monitor compliance with supervision. This includes search of the defendant's person, residence, automobile, or other personal property, and home visits include access for the purposes of inspection of all areas the defendant lives or has exclusive/joint control or access. RCW 9.94A.631
29. If you are in the SSOSA program you shall enter into sex offender treatment with a State certified provider within thirty (30) days of sentencing or release from custody, whichever comes first.
30. If you are in the SSOSA program, your treatment plan shall include polygraph exams as set forth in condition number 19. Your treatment provider and/or the defendant will be required to provide quarterly reports on March 1, June 1, September 1, and December 1 (including the polygraph results) of your compliance with the conditions of treatment. These reports shall go to the community corrections officer and the prosecuting attorney's office. Failure to comply with this provision shall be grounds for the court to mandate transfer of the patient to a different treatment provider.

The undersigned defendant agrees that he has read this Appendix A, or it has been read and explained to him; that he understands it, agrees with it, and has no questions about it. This is a binding agreement upon the undersigned defendant that is entered into knowingly, voluntarily and intelligently, as part of the plea of guilty and Judgment and Sentence.

Dated: _____ Signed: _____(Defendant)

Print name: _____(Defendant)

FILED

JUL 06 2006

JoAnne McBride, Clerk, Clark Co.

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

STATE OF WASHINGTON,
Plaintiff,
v.
JERRY WAYNE STALLINGS,
Defendant

No.
APPENDIX 2.2
DECLARATION OF CRIMINAL HISTORY

COME NOW the parties, and do hereby declare, pursuant to RCW 9.94A.100 that to the best of the knowledge of the defendant and his/her attorney, and the Prosecuting Attorney's Office, the defendant has the following undisputed prior criminal convictions:

CRIME	COUNTY/STATE CAUSE NO.	DATE OF CRIME	DATE OF SENTENCE	PTS.
CARRY CONCEALED WEAPON/POSSESS FIREARM	PORTLAND/OR 890130183	12/18/1988	7/12/1989	
UNAUTHORIZED USE MOTOR VEHICLE	PORTLAND/OR 890130183	12/18/1988	7/12/1989	
CRIMINAL MISCHIEF 2	MCMINNVILLE/OR 55775		7/20/1989	
POSS CONTROLLED SUBSTANCE	PORTLAND/OR 890331533		8/23/1989	1
UNAUTHORIZED USE MOTOR VEHICLE	ASTORIA/OR CC891063		11/17/1989	1
DELIVERY MARIJUANA OVER 40 GRAMS	PACIFIC/WA 93-1-00023-3		4/23/1993	1
DELIVERY MARIJUANA OVER 40 GRAMS	PACIFIC/WA 93-1-00023-3		4/23/1993	1
FORGERY	COWLITZ/WA 99-1-00265-0	3/24/1999	9/28/1999	1
THEFT 2	COWLITZ/WA 99-1-00635-3	7/8/1999	9/28/1999	1
PCS	COWLITZ/WA 99-1-00635-3	7/8/1999	9/28/1999	1
THEFT 2	CLARK/WA 02-1-01463-1	10/26/2001	7/24/2003	1
THEFT 2	CLARK/WA 02-1-01463-1	11/7/2001	7/24/2003	1

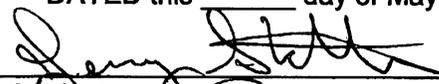
DECLARATION OF CRIMINAL HISTORY
Revised 9/14/2000

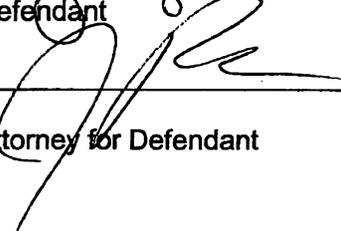
CLARK COUNTY PROSECUTING ATTORNEY
1013 FRANKLIN STREET
PO BOX 5000
VANCOUVER WA 98666-5000
(360) 397-2261

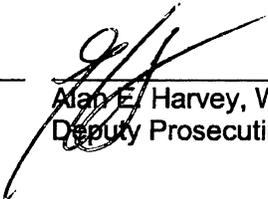
1	THEFT 2	CLARK/WA 02-1-01463-1	11/8/2001	7/24/2003	1
2	THEFT 2	CLARK/WA 02-1-01463-1	11/8/2001	7/24/2003	1
3	THEFT 2	CLARK/WA 02-1-01463-1	7/25/2002	7/24/2003	1

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

7 DATED this _____ day of May, 2006.

8 
9 _____
10 Defendant

11 
12 _____
13 Attorney for Defendant

14 
15 _____
16 Alan E. Harvey, WSBA#25785
17 Deputy Prosecuting Attorney

FILED

JUL 06 2006

JoAnne McBride, Clerk, Clark Co.

SUPERIOR COURT OF WASHINGTON
COUNTY OF CLARK

STATE OF WASHINGTON, Plaintiff,

No. No. 06-1-00902-9

v.

**FINDINGS OF FACT AND CONCLUSIONS OF
LAW FOR AN EXCEPTIONAL SENTENCE**

JERRY WAYNE STALLINGS ,
Defendant.

APPENDIX 2.4 JUDGMENT AND SENTENCE

An exceptional sentence above within below the standard range should be imposed based upon the following Findings of Fact and Conclusions of Law:

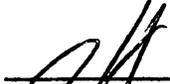
I. FINDINGS OF FACT

The defendant and the state agree that it is in the interest of justice to sentence the defendant to an exceptional sentence above the standard range, and further, the defendant knew have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to her extreme youth, as to counts 1,2,and 3.

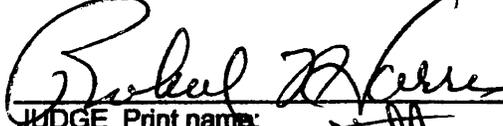
II. CONCLUSIONS OF LAW

The court finds that given that both parties are in agreement as to a recommended sentence above the standard range, and further that it is in the interest of justice to order an exceptional sentence above the standard range. The defendant waives his right to have a jury determine any issues related to the imposition of an exceptional sentence upward, specifically as it relates to the issue of: the defendant knowing or that he should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to her extreme youth. *Apprendi v. New Jersey*, 530 U.S. 466, 120 S. Ct. 2348, 147 L. Ed. 2d 435 (2000). *Blakely v. Washington*, ___ U.S. ___, 124 S. Ct. 2531, 159 L. Ed. 2d 403 (2004)

Dated: 7/6/06


Deputy Prosecuting Attorney
WSBA #
Print name: Alan Skery


Attorney for Defendant
WSBA #
Print name: 18281


JUDGE Print name:

Defendant

Findings of Fact/Conclusions Exceptional Sentence
RCW 9.94A.110., .120)(WPF CR 84.0400 (8/1999))

CLARK COUNTY PROSECUTING ATTORNEY
1200 FRANKLIN STREET • PO BOX 5000
VANCOUVER, WASHINGTON 98866-5000
(360) 397-2261 (OFFICE)
(360) 397-2230 (FAX)

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APPENDIX "C"

**FELONY JUDGMENT AND SENTENCE
PRISON – COMMUNITY PLACEMENT/COMMUNITY CUSTODY**

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c

FILED

AUG 24 2006

JoAnne McBride, Clerk, Clark Co.

SUPERIOR COURT OF WASHINGTON
COUNTY OF CLARK

STATE OF WASHINGTON, Plaintiff,

v.

JERRY WAYNE STALLINGS,

Defendant.

SID: WA16325693

DOB: 10/12/1963

06 9 05427 9

No. 06-1-00902-9

**FELONY JUDGMENT AND SENTENCE
(JS)**

**PRISON – COMMUNITY
PLACEMENT/COMMUNITY CUSTODY**

**NON PERSISTENT OFFENDER –
RCW 9.94A.712**

**Clerk's Action Required; Paragraph 4.5
(SDOSA), 4.15.2, 5.3, 5.6 and 5.8**

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 (Date)
by plea jury-verdict bench trial of:

COUNT	CRIME	RCW	DATE OF CRIME
01	RAPE OF A CHILD IN THE FIRST DEGREE	9A.44.073	12/2/2004 to 1/1/2006
02	RAPE OF A CHILD IN THE FIRST DEGREE	9A.44.073	12/2/2004 to 1/1/2006
04	SEXUAL EXPLOITATION OF A MINOR	9.68A.040	12/2/2004 to 1/1/2006

as charged in the Amended Information.

Additional current offenses are attached in Appendix 2.1.

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- The Court finds that the defendant is subject to sentencing under **RCW 9.94A.712.**
- A special verdict/finding for use of **firearm** was returned on Count(s) _____
RCW 9.94A.602, 510
- A special verdict/finding for use of **deadly weapon** other than a firearm was returned on
Count(s) _____. RCW 9.94A.602
- A special verdict/finding of **sexual motivation** was returned on Count(s) _____
RCW 9.94A.835
- A special verdict/finding for **Violation of the Uniform Controlled Substances Act** was returned on
Count(s) _____, RCW 69.50.401 and
RCW 69.50.435, taking place in a school, school bus, within 1000 feet of the perimeter of a school
grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public
park, public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of,
a civic center designated as a drug-free zone by a local government authority, or in a public housing
project designated by a local governing authority as a drug-free zone.
- A special verdict/finding that the defendant committed a crime involving the manufacture of
methamphetamine, including its salts, isomers, and salts of isomers, **when a juvenile was present
in or upon the premises of manufacture** was returned on Count(s) _____. RCW 9.94A.605,
RCW 69.50.401, RCW 69.50.440.
- The defendant was convicted of **vehicular homicide** which was proximately caused by a person
driving a vehicle while under the influence of intoxicating liquor or drug or by the operation of a
vehicle in a reckless manner and is therefore a violent offense. RCW 9.94A.030.
- This case involves **kidnapping** in the first degree, kidnapping in the second degree, or unlawful
imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not
the minor's parent. RCW 9A.44.130
- The court finds that the offender has a **chemical dependency** that has contributed to the offense(s).
RCW 9.94A.607.
- The crimes charged in Count(s) _____ is/are **Domestic Violence**
offense(s) as that term is defined in RCW 10.99.020:
- Current offenses encompassing the same criminal conduct and counting as one crime in determining
the offender score are Count(s) _____. RCW 9.94A.589
- Additional misdemeanor crime(s) pertaining to this cause number are contained in a separate
Judgment and Sentence.
- 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	Ar.J Adult, Juv.	TYPE OF CRIME
See Attached Criminal History and Appendix 2.2					

- Additional criminal history is attached in Appendix 2.2.
- The defendant committed a current offense while on community placement (adds one point to score).
RCW 9.94A.525
- The court finds that 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: _____

- The State has moved to dismiss count(s) 03 (Rape Of A Child In The First Degree).
- The defendant is found NOT GUILTY of Counts

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
01	9	XII	240 MONTHS to 318 MONTHS		240 MONTHS to 318 MONTHS	LIFE \$50,000
02	9	XII	240 MONTHS to 318 MONTHS		240 MONTHS to 318 MONTHS	LIFE \$050000
04	9	IX	129 MONTHS to 171 MONTHS		129 MONTHS to 171 MONTHS	10 YEARS \$20,000

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

Additional current offense sentencing data is attached in Appendix 2.3.

2.4 EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence above within below the standard range for Count(s) _____.

The defendant and the 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 to by the defendant, admitted by the defendant in the guilty plea, found by the court after the defendant waived jury trial, found by jury by special interrogatory.

The defendant stipulates and waives his right to have a jury determine any issues regarding the imposition of an exceptional sentence upward. *Apprendi v. New Jersey, 530 U.S. 466, 120 S. Ct 2348, 147 L. Ed 2d 435 (2000), Blakely v. Washington, ___ U.S. ___, 124 S. Ct. 2531, 159 L. Ed. 2d 403 (2004).*

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 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.750/753.

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

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

If no formal written plea agreement exists, the agreement is as set forth in the Defendant's Statement on Plea of Guilty.

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 03 (Rape Of A Child In The First Degree).

The defendant is found NOT GUILTY of Counts _____.

3.3 There do do not exist substantial and compelling reasons justifying an exceptional sentence outside the presumptive sentencing range.

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court:

RTN/RJN	TBS	Restitution to be paid to: <input checked="" type="checkbox"/> Victim(s) and amounts to be set by separate court order	RCW 9.94A.750/.753
PCV	\$500.00	Victim Assessment	RCW 7.68.035
	\$ _____	DV Penalty Assessment	RCW 10.99.080
CRC		Court Costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190	
FRC	\$ 200.00	Criminal filing fee	RCW 9.94A.505
WFR	\$ _____	Witness costs	RCW 10.01.160 and RCW 2.40.010
SFR/SFS/SFW/WRF	\$ _____	Sheriff Service Fees	RCW 10.01.160 and 36.18.040
JFR	\$ _____	Jury Demand Fee \$ 250.00	RCW 10.01.160 and 10.46.190
EXT	\$ _____	Extradition costs	RCW 9.94A.505
	\$ _____	Other Costs _____	RCW 9.94A.760
PUB	\$1400.00 \$ _____	Fees for court appointed attorney Trial per diem if applicable	RCW 9.94A.505/.760/.030
WFR	\$ _____	Court appointed defense expert and other defense costs	RCW 9.94A.505, .760, 9.94A.030
FCM/MTH	\$500.00	Fine	RCW 9A.20.021
CDF/LDI/FCD/NTF/SAD/SDI	\$ _____	Drug fund contribution to be paid within two (2) years Fund # <input type="checkbox"/> 1015 <input type="checkbox"/> 1017 (TF)	RCW 9.94A.760
CLF	\$ _____	Crime lab fee - <input type="checkbox"/> Suspended due to Indigency	RCW 43.43.690
	\$100.00	Felony DNA Collection fee (for crimes committed on or after July 1, 2002)	RCW 43.43.7541

RTN/RJN	\$ _____	Emergency response costs (Vehicular Assault, Vehicular Homicide only, \$1000 maximum) To: _____ (List Law Enforcement Agency)	RCW 38.52.430
	\$ _____	Other Costs for: _____	RCW 9.94A.760

- The above financial obligations do not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.750/753. A restitution hearing:
- shall be set by the prosecutor
 - is scheduled for _____
- The defendant has stipulated that restitution shall include loss of wages, costs of counseling, and other related expenses for the victim and their immediate family as a result of the criminal acts.
- Restitution ordered above shall be joint and several with the co-defendants listed in the Information or identified below: _____.
- The Department of Corrections may immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602
- All payments shall be made in accordance with the policies of the clerk and on a schedule established by the Department of Corrections, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ _____ per month commencing _____. RCW 9.94A.760
- The defendant shall report as directed by the Superior Court Clerk and provide financial information as requested. RCW 9.94A.760(7)(b). The defendant shall report in person no later than the close of business on the next working day after the date of sentencing or release from custody. A map has been provided to the defendant showing the location of the Superior Court Clerk Collections Unit, 500 West 8th Street, Suite 50, Vancouver, Washington. The defendant must report any changes in address and phone numbers to the Collections Unit within 72 hours of moving.
- In addition to the other costs imposed herein, the Court finds that the defendant has the means to pay for the cost of incarceration and is ordered to pay such costs at the statutory rate of \$ _____. (JRL) RCW 9.94A.760
- The financial obligations imposed in this judgment shall bear interest from the date of the Judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160. The defendant shall pay the cost of services to collect unpaid legal financial obligations. This is an annual fee which will be automatically renewed until financial obligations are completed. RCW 9.94A.780 and RCW 36.18.190
- 4.2 **DNA TESTING.** The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency, the county or Department of Corrections, shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754
- HIV TESTING.** The defendant shall be tested and counseled for HIV as soon as possible and the defendant shall fully cooperate in the testing and counseling. RCW 70.24.340.
- Failure to provide the DNA/HIV testing sample is a violation of the Judgment and Sentence and a warrant may be issued to compel compliance.
- 4.3 The defendant shall not have contact with M S (Female, 12/2/1997) including, but not limited to, personal, verbal, telephonic, electronic, written or contact through a third party for 1.5 years (not to exceed the

maximum statutory sentence). Any modifications of this order must occur by further order of the court after an appropriately scheduled hearing with notice to all parties and only after the defendant has secured a recommendation of approval, in writing, from the community corrections officer and the therapist. This condition applies during any period of incarceration.

Supplemental Domestic Violence Protection Order or Antiharassment Order attached as Form 4.3.

4.4 OTHER: _____

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

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

127 days/months on Count 04

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).

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 term(s) of confinement (sentence) imposed herein shall be served consecutively to any other term of confinement (sentence) which the defendant may be sentenced to under any other cause in either District Court or Superior Court unless otherwise specified herein:

Confinement shall commence immediately unless otherwise set forth here: _____

(b) CONFINEMENT 9.94A.712. The Defendant is sentenced to the following term of confinement in the custody of the Department of Corrections:

COUNT	Minimum Term	Maximum Term
01	400 months	1.5c
02	400 months	1.5c

(c) The defendant shall receive credit for time served of 117 days, that confinement being solely under this cause number. RCW 9.94A.505.

Credit for 117 days time served prior to this date is given, said confinement being solely related to the crimes for which the defendant is being sentenced.

4.6 COMMUNITY PLACEMENT is ordered on Counts _____ for _____ months

COMMUNITY CUSTODY for count(s) 1 and 2 sentenced under RCW 9.94A.712 is ordered for any period of time the Defendant is released from total confinement before the expiration of the maximum sentence.

COMMUNITY CUSTODY is ordered on Count 4 for a range from _____ to _____ months 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.700 and .705 for community placement offenses, which include serious violent offenses, second degree assault, any crime against a person with a deadly weapon finding and Chapter 69.50 or 69.52 RCW offenses not sentenced under RCW 9.94A.660 committed before July 1, 2000. See RCW 9.94A.715 for community custody range offenses, which include sex offenses not sentenced under RCW 9.94A.712 and violent offenses committed on or after July 1, 2000. Use paragraph 4.7 to impose community custody following work ethic camp.]

On or after July 1, 2003, DOC shall supervise the defendant if DOC classifies the defendant in the A or B risk categories; or, DOC classifies the defendant in the C or D risk categories and at least one of the following apply:

a) the defendant committed a current or prior:		
i) Sex offense	ii) Violent offense	iii) Crime against a person (RCW 9.94A.411)
iv) Domestic violence offense (RCW 10.99.020)		v) Residential burglary offense
vi) Offense for manufacture, delivery or possession with intent to deliver methamphetamine		
vii) Offense for delivery of a controlled substance to a minor, or attempt, solicitation or conspiracy (vi, vii)		
b) the conditions of community placement or community custody include chemical dependency treatment.		
c) the defendant is subject to supervision under the interstate compact agreement, RCW 9.94A.745.		

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 Department of Corrections-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 the Department of Corrections; (6) perform affirmative acts necessary to monitor compliance with the orders of the court as required by the Department of Corrections. The residence location and living arrangements and employment are subject to the prior approval of the Department of Corrections 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's conditions of Community Placement/Community Custody include the following:

- The defendant shall not consume any alcohol.
- Defendant shall have no contact with _____
- Defendant shall remain within the prescribed geographical boundary specified by his community corrections officer.
- If the offense was committed on or after July 24, 2005, you may not reside within eight hundred eighty (880) feet of the facilities and grounds of a public or private school. RCW 9.94A.030
- For Sentences imposed under RCW 9.94A.712, other conditions may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency by the Department of Corrections. Emergency conditions shall not remain in effect longer than seven working days unless approved by the Indeterminate Sentence Review Board pursuant to law. RCW 9.94A.713.
- Other conditions may be imposed by the court or Department during community custody, or are set forth here: _____
- The conditions of community supervision/community custody shall begin immediately or upon the defendant's release from confinement unless otherwise set forth here: _____
- Defendant shall not violate any federal, state or local criminal laws, and shall not be in the company of any person known by him/her to be violating such laws.

- Defendant shall not commit any like offenses.
- Defendant shall notify his/her community corrections officer within forty-eight (48) hours of any arrest or citation.
- Defendant shall not initiate or permit communication or contact with persons known to him/her to be convicted felons, or presently on probation, community supervision/community custody or parole for any offense, juvenile or adult, except immediate family or as authorized by his/her community corrections officer for treatment/housing purposes. Additionally, the defendant shall not initiate or permit communication or contact with the following persons:

 - Defendant shall not have any contact with other participants in the crime, either directly or indirectly.
 - Defendant shall not initiate or permit communication or contact with persons known to him/her to be substance abusers.
 - Defendant shall not possess, use or deliver drugs prohibited by the Uniform Controlled Substances Act, or any legend drugs, except by lawful prescription. The defendant shall notify his/her community corrections officer on the next working day when a controlled substance or legend drug has been medically prescribed.
 - Defendant shall not possess or use any paraphernalia that can be used for the ingestion or processing of controlled substances or that can be used to facilitate the sale or transfer of controlled substances including scales, pagers, cellular phones, police scanners, and hand held electronic scheduling and data storage devices.
 - Defendant shall not frequent known drug activity areas or residences.
 - Defendant shall not use or possess alcoholic beverages at all to excess.
The defendant will will not be required to take monitored antabuse per his/her community corrections officer's direction, at his/her own expense, as prescribed by a physician.
 - Defendant shall not be in any place where alcoholic beverages are sold by the drink for consumption or are the primary sale item.
 - Defendant shall undergo an evaluation for treatment for substance abuse mental health anger management treatment parenting program and fully comply with all recommended treatment.
 - Defendant shall enter into, cooperate with, fully attend and successfully complete all in-patient and outpatient phases of a substance abuse mental health anger management treatment parenting program as established by the community corrections officer and/or the treatment facility.
 - Defendant shall participate in a **domestic violence perpetrator program** as approved under RCW 26.50.150 and fully comply with all recommended treatment. RCW 9.94A.505 (11).
 - Based upon the Pre-Sentence Report, the court finds reasonable grounds to exist to believe the defendant is a mentally ill person, and this condition was likely to have influenced the offense. Accordingly, the court orders the defendant to undergo a mental status evaluation and participate in outpatient mental health treatment. Further, the court may order additional evaluations at a later date, if deemed appropriate.
 - Treatment shall be at the defendant's expense and he/she shall keep his/her account current if it is determined that the defendant is financially able to afford it.
 - Defendant shall submit to urine, breath or other screening whenever requested to do so by the

treatment program staff and/or the community corrections officer.

- Defendant shall not associate with any persons known by him/her to be gang members or associated with gangs.
- Defendant shall not wear or display any clothing, apparel, insignia or emblems that he/she knows are associated with or represent gang affiliation or membership as determined by the community corrections officer.
- Defendant shall not possess any gang paraphernalia as determined by the community corrections officer.
- Defendant shall not use or display any names, nicknames or monikers that are associated with gangs.
- Defendant shall comply with a curfew, the hours of which are established by the community corrections officer.
- Defendant shall attend and successfully complete a shoplifting awareness educational program as directed by the community corrections officer.
- Defendant shall attend and successfully complete the Victim Awareness Educational Program as directed by the community corrections officer.
- Defendant shall not accept employment in the following field(s):

-
- Defendant shall not possess burglary tools.
 - Defendant shall not possess ammunition or deadly weapons. The community corrections officer shall determine what meets the definition of a deadly weapon for supervision purposes.
 - Defendant's privilege to operate a motor vehicle is suspended/revoked for a period of one year; two years if the defendant is being sentenced for a vehicular homicide.
 - Defendant shall not operate a motor vehicle without a valid driver's license and proof of liability insurance in his/her possession.
 - Defendant shall not possess a checkbook or checking account.
 - Defendant shall not possess any type of access device or P.I.N. used to withdraw funds from an automated teller machine.
 - Defendant shall submit to affirmative acts necessary to monitor compliance with the orders of the court as required by the Department of Corrections.
 - Defendant shall not be eligible for a Certificate of Discharge until all financial obligations are paid in full and all conditions/requirements of sentence have been completed including no contact provisions.
 - Defendant shall not enter into or frequent business establishments or areas that cater to minor children without being accompanied by a responsible adult. Such establishments may include but are not limited to video game parlors, parks, pools, skating rinks, school grounds, malls or any areas routinely used by minors as areas of play/recreation.
 - Defendant shall not have any contact with minors. Minors mean persons under the age of 18 years. This provision shall not be changed without prior written approval by the community corrections officer, the therapist, the prosecuting attorney, and the court after an appropriate hearing.
 - Defendant shall enter into, cooperate with, fully attend and successfully complete all in-patient and outpatient phases of a Washington State certified sexual deviancy treatment program as

established by the community corrections officer and/or the treatment facility. Defendant shall not change sex offender treatment providers or treatment conditions without first notifying the Prosecutor, community corrections officer and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change.

"Cooperate with" means the defendant shall follow all treatment directives, accurately report all sexual thoughts, feelings and behaviors in a timely manner and cease all deviant sexual activity.

The sex offender therapist shall submit quarterly reports on your progress in treatment to the court, Department of Corrections, and prosecutor and the defendant shall execute a release of information to the community corrections officer, Prosecuting Attorney and the Court so that the treatment provider can discuss the case with them. The quarterly report shall reference the treatment plan and include the following, at a minimum: dates of attendance, the defendant's compliance with requirements, treatment activities, and relative progress in treatment.

- Defendant shall, at his/her own expense, submit to periodic polygraph examinations at the direction of his/her community corrections officer and/or Prosecuting Attorney to ensure compliance with the conditions of community placement/custody. This shall occur no less than twice yearly. Copies of the examination results shall be provided to the Prosecuting Attorney's office upon request. Such exams will be used to ensure compliance with the conditions of community supervision/placement, and the results of the polygraph examination can be used by the State in revocation hearings.
- Defendant shall, at his own expense, submit to periodic plethysmograph examinations at the direction of his/her community corrections officer to ensure compliance with the conditions of community placement/custody. Copies of the examination results shall be provided to the Prosecuting Attorney's office upon request.
- Defendant shall not possess or use any pornographic material, defined as any pictorial material displaying direct physical stimulation of unclothed genitals, masturbation, sodomy (i.e. bestiality or oral or anal intercourse), flagellation or torture in the context of a sexual relationship, or emphasizing the depiction of adult or child human genitals: provided however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition as defined in RCW 9.68.130(2). or any equipment of any kind used for sexual gratification and defendant shall not frequent establishments that provide such materials or equipment for view or sale.
- Defendant shall sign necessary release of information documents as required by the Department of Corrections.
- Defendant shall adhere to the following additional crime-related prohibitions or conditions of community placement/community custody: **As listed in the attached Department of Corrections "Appendix F" and the Prosecutor's Pretrial Offer Appendix "A".**

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

4.8 The Bail or release conditions previously imposed are hereby exonerated and the clerk shall disburse it to the appropriate person(s).

4.9 This case shall not be placed on inactive or mail-in status until all financial obligations are paid in full.

4.10 When there is reasonable cause to believe that the defendant has violated a condition or requirement of this sentence, the defendant shall allow, and the Department of Corrections can conduct searches of the defendant's person, residence, automobiles or other personal property. Residence searches shall include access, for the purpose of visual inspection, all areas of the residence in which the defendant lives or has exclusive/joint control/access and automobiles owned and possessed by the defendant.

4.11 Other:

V. NOTICES AND SIGNATURES

- 5.1 **COLLATERAL ATTACK ON JUDGMENT.** Any petition or motion for collateral attack on this judgment and sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, 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 ten (10) years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purposes 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 9.94A505(5). The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).
- 5.3 **NOTICE OF INCOME-WITHHOLDING ACTION.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections 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.7606
- 5.4 **RESTITUTION HEARING.**
 Defendant waives any right to be present at any restitution hearing (sign initials): _____
- 5.5 Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. RCW 9.94A.634
- 5.6 **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, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment). RCW 9.41.040, 9.41.047

Cross off if not applicable:

- 5.7 **SEX AND KIDNAPPING OFFENDER REGISTRATION.** RCW 9A.44.130, 10.01.200.
1. General Applicability and Requirements: Because this crime involves a sex offense or kidnapping offense involving a minor as defined in Chapter 9A.44.130, you are required to register with the sheriff of the county of the state of Washington where you reside. If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register immediately upon being sentenced unless you are in custody, in which case you must register within 24 hours of your release.
2. Offenders Who Leave the State and Return: If you leave the state following your sentencing or

release from custody but later move back to Washington, you must register within 3 business days after moving to this state or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections. If you leave this state following your sentencing or release from custody but later while not a resident of Washington you become employed in Washington, carry out a vocation in Washington, or attend school in Washington, you must register within 3 business days after starting school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections.

3. Change of Residence Within State and Leaving the State: If you change your residence within a county, you must send signed, written notice of your change of residence to the sheriff within 72 hours of moving. If you change your residence to a new county within this state, you must send signed written notice of your change of residence to the sheriff of your new county of residence at least 14 days before moving, register with that sheriff within 24 hours of moving and you must give signed written notice of your change of address to the sheriff of the county where last registered within 10 days of moving. If you move out of Washington State, you must also send written notice within 10 days of moving to the county sheriff with whom you last registered in Washington State.

4. Additional Requirements Upon Moving to Another State: If you move to another state, or if you work, carry on a vocation or attend school in another state, you must register a new address, fingerprints and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation or attend school in the new state. You must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State.

5. Notification Requirement when Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12): If you are a resident of Washington and you are admitted to a public or private institution of higher education, you are required to notify the sheriff of the county of your residence of your intent to attend the institution within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier. If you become employed at a public or private institution of higher education, you are required to notify the sheriff for the county of your residence of your employment by the institution within 10 days of accepting employment or by the first business day after beginning to work at the institution, whichever is earlier. If your enrollment or employment at a public or private institution of higher education is terminated, you are required to notify the sheriff for the county of your residence of your termination of enrollment or employment within 10 days of such termination. (Effective September 1, 2006) If you attend, or plan to attend a public or private school regulated under Title 28A RCW or chapter 72.40 RCW, you are required to notify the sheriff of the county of your residence of your intent to attend the school. You must notify the sheriff within 10 days of enrolling or 10 days prior to arriving at the school to attend classes, whichever is earlier. If you are enrolled on September 1, 2006, you must notify the sheriff immediately. The sheriff shall promptly notify the principal of the school.

6. Registration by a Person Who Does Not Have a Fixed Residence: Even if you do not have a fixed residence, you are required to register. Registration must occur within 24 hours of release in the county where you are being supervised if you do not have a residence at the time of your release from custody. Within 48 hours excluding weekends and holidays after losing your fixed residence you must send signed written notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than 24 hours, you will be required to register in the new county. You must also report weekly in person to the sheriff of the county where you are registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require you to list the locations where you have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550

7. Reporting Requirements for Persons Who Are Risk Level II or III: If you have a fixed residence and are designated as a risk level II or III, you must report in person every 90 days to the sheriff of the county where you are registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. If you comply with the 90-day reporting requirement with no violations for at least five years in the community, you may petition the Superior Court to be relieved of the duty to report every 90 days.

8. Application for a Name Change: If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your name,

you must submit a copy of the order to the county sheriff of the county of your residence and to the state patrol within 5 days of the entry of the order. RCW 9A.44.130(7).

5.8 The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. The court clerk is directed to immediately punch the defendant's Washington Driver's license or permit to drive with a "C" as directed by the Department of Licensing pursuant to RCW 46.20.270.

5.9 If the defendant is or becomes subject to a court-ordered mental health or chemical dependency treatment, the defendant must notify the Department of Corrections and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.

5.10 Persistent Offense

The crime(s) in count(s) 1 + 2 is/are "most serious offense(s)." Upon a third conviction of a "most serious offense", the court will be required to sentence the defendant as a persistent offender to life imprisonment without the possibility of early release of any kind, such as parole or community custody. RCW 9.94A.030 (28 & 32(a)), 9.94A.505

The crime(s) in count(s) 1 + 2 is/are one of the listed offenses in RCW 9.94A.030 (32)(b). Upon a second conviction of one of these listed offenses, the court will be required to sentence the defendant as a persistent offender to life imprisonment without the possibility of early release of any kind, such as parole or community custody.

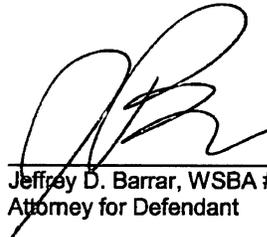
5.11 OTHER: _____

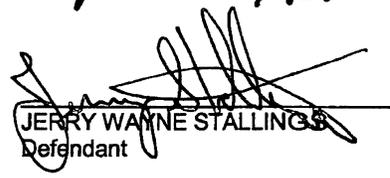
DONE in Open Court and in the presence of the defendant this date: _____


JUDGE OF THE SUPERIOR COURT

Print Name: Robert A. Harris


Alan E. Harvey, WSBA #25785
Deputy Prosecuting Attorney


Jeffrey D. Barrar, WSBA #18281
Attorney for Defendant


JERRY WAYNE STALLINGS
Defendant

SUPERIOR COURT OF WASHINGTON - COUNTY OF CLARK

STATE OF WASHINGTON, Plaintiff,

v.

JERRY WAYNE STALLINGS,
Defendant.

SID: WA16325693
DOB: 10/12/1963

NO. 06-1-00902-9

**WARRANT OF COMMITMENT TO STATE
OF WASHINGTON DEPARTMENT OF
CORRECTIONS**

THE STATE OF WASHINGTON, to the Sheriff of Clark County, Washington, and the State of Washington, Department of Corrections, Officers in charge of correctional facilities of the State of Washington:

GREETING:

WHEREAS, the above-named defendant has been duly convicted in the Superior Court of the State of Washington of the County of Clark of the crime(s) of:

COUNT	CRIME	RCW	DATE OF CRIME
01	RAPE OF A CHILD IN THE FIRST DEGREE	9A.44.073	12/2/2004 to 1/1/2006
02	RAPE OF A CHILD IN THE FIRST DEGREE	9A.44.073	12/2/2004 to 1/1/2006
04	SEXUAL EXPLOITATION OF A MINOR	9.68A.040	12/2/2004 to 1/1/2006

and Judgment has been pronounced and the defendant has been sentenced to a term of imprisonment in such correctional institution under the supervision of the State of Washington, Department of Corrections, as shall be designated by the State of Washington, Department of Corrections pursuant to RCW 72.13, all of which appears of record; a certified copy of said judgment being endorsed hereon and made a part hereof,

NOW, THIS IS TO COMMAND YOU, said Sheriff, to detain the defendant until called for by the transportation officers of the State of Washington, Department of Corrections, authorized to conduct defendant to the appropriate facility, and this is to command you, said Superintendent of the appropriate facility to receive defendant from said officers for confinement, classification and placement in such correctional facilities under the supervision of the State of Washington, Department of Corrections, for a term of confinement of :

COUNT	CRIME	Minimum Term	Maximum Term
01	RAPE OF A CHILD IN THE FIRST DEGREE	400 months	Life
02	RAPE OF A CHILD IN THE FIRST DEGREE	400 months	Life
04	SEXUAL EXPLOITATION OF A MINOR	129 months	10 years

These terms shall be served concurrently to each other unless specified herein:

The defendant has credit for 117 days served.

The term(s) of confinement (sentence) imposed herein shall be served consecutively to any other term of confinement (sentence) which the defendant may be sentenced to under any other cause in either District Court or Superior Court unless otherwise specified herein:

And these presents shall be authority for the same.

HEREIN FAIL NOT.

WITNESS, Honorable

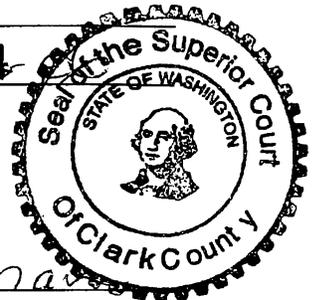
Richard A. Stearns

JUDGE OF THE SUPERIOR COURT AND THE SEAL THEREOF THIS DATE: 8-24

JOANNE McBRIDE, Clerk of the
Clark County Superior Court

By:

Kelly Coleman
Deputy



VOTING RIGHTS STATEMENT: I acknowledge that my right to vote has been lost due to felony conviction. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.660.

Defendant's signature: *Jerry Wayne Stallings*

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

Interpreter signature/Print name: _____

I, JOANNE McBRIDE, 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.

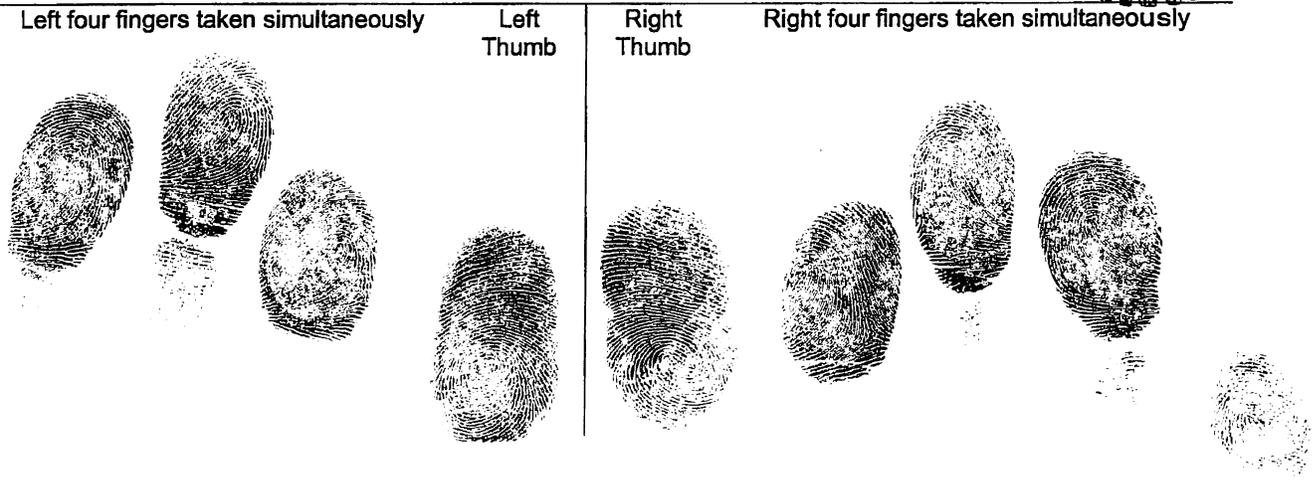
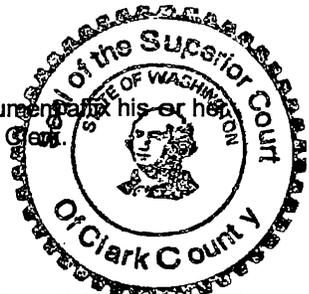
WITNESS my hand and seal of the said Superior Court affixed this date: _____

Clerk of said County and State, by: _____, Deputy Clerk

IDENTIFICATION OF DEFENDANT JERRY WAYNE STALLINGS	
SID No. WA16325693 (If no SID take fingerprint card for State Patrol)	Date of Birth 10/12/1963
Race: W	Sex: M
Driver License No. STALLJW374PK	Driver License State: WA
FBI No. 21247KA6	Local ID No. (CFN): 155478
Alias name, SSN, DOB:	Corrections No. 958472
Other _____	

FINGERPRINTS I attest that I saw the same defendant who appeared in Court on this document take his or her fingerprints and signature thereto. Clerk of the Court: *Kelly Colvin*, Deputy Clerk
Dated: *8-24-06*

DEFENDANT'S SIGNATURE: *Jerry Wayne Stallings*



**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK**

STATE OF WASHINGTON)	Cause No.: 06-1-00902-9
)	
Plaintiff)	JUDGEMENT AND SENTENCE (FELONY)
v.)	APPENDIX F
STALLINGS, Jerry Wayne)	ADDITIONAL CONDITIONS OF SENTENCE
Defendant)	
)	
DOC No. 958472)	

CRIME RELATED PROHIBITIONS

STANDARD CONDITIONS:

1. You shall report to and be available for contact with the assigned Community Corrections Officer as directed.
2. You are to pay a community placement/supervision fee as determined by the Department of Corrections.
3. You shall remain within or outside of a specified geographical boundary as ordered by your Community Corrections Officer.
4. Your residence location and living arrangements shall be subject to the prior approval of your Community Corrections Officer and shall not change without the knowledge and permission of the Officer.
5. You shall not possess, use or own firearms, ammunition or deadly weapons. Your Community Corrections Officer shall determine what those deadly weapons are.
6. You shall not possess, use, or deliver drugs prohibited by the Uniform Controlled Substance Act, except by lawful prescription.

SPECIAL CONDITIONS:

1. You shall not have any direct or indirect contact with the victim, including, but not limited to, personal, verbal, telephonic, written or through a third party without prior written permission from your Community Corrections Officer, therapist, and the Court, after an appropriate hearing.
2. You shall not loiter in parks, arcades, malls or any area routinely used by minors as areas of play/recreation.
3. You shall not enter or remain in areas where children are known to congregate.
4. You shall not have any contact with minors. ^{you not included,} This provision shall not be changed without prior written approval of your Community Corrections Officer, therapist and the Court, after an appropriate hearing.
5. Your employment location and arrangements shall be subject to the prior approval of your Community Corrections Officer and shall not be changed without the knowledge and permission of your Officer.
6. You shall not possess or consume alcohol.
7. You shall submit to urine, breath, or other screening whenever requested to do so by the program staff or your Community Corrections Officer.
8. You shall not possess any paraphernalia for the use of ingestion of controlled substances.
9. You shall not be in any place where alcoholic beverages are the primary sale item.
10. You shall take Antabuse per your Community Corrections Officer's direction, if so ordered.
11. You shall attend and successfully complete all inpatient and/or outpatient phases of any treatment program established by your Community Corrections Officer and/or treatment facility, if available.
12. You shall participate in sexual deviancy treatment as directed by your Community Corrections Officer and you shall not terminate treatment until successfully discharged by the therapist.
13. At the request of your Community Corrections Officer, and at your own expense, you shall submit to periodic polygraph examinations. Said examinations will be used to ensure compliance with the conditions of the Community Corrections Officer.
14. You shall submit to plethysmograph examinations, at your own expense, at the direction of your Community Corrections Officer.
15. You shall register as a sex offender with the sheriff's office in the county of residence as defined by RCW9.94A.030.

16. You shall not possess/use sexually explicit material or equipment of any kind.
17. You shall sign necessary release of information documents as required by the Department of Corrections.
18. You shall not associate with people known to be on probation, parole, or community placement.
19. You shall submit to HIV/DNA testing as required by law.
20. Must consent to allow home visits by DOC to monitor compliance with supervision. Home Visits include access for the purpose of visual inspection of all areas in which the offender lives or has exclusive/joint control/access.

24 August 2006
DATE


JUDGE, CLARK COUNTY SUPERIOR COURT

SF

APPENDIX "A"
(9.94A.712)

For the following crimes which occurred after September 1, 2001: Rape I, Rape II, Rape Child I, Rape Child II, Child Molest I, Indecent Liberties (w/force) and the following crimes if charged with Sexual Motivation: Kidnap I, Kidnap II, Assault I, Assault II, Assault Child I or an attempt to commit any of the above.

STATE v. JERRY WAYNE STALLINGS

CAUSE NUMBER: 06-1-00902-9

DATE: 6/20/06

PROSECUTOR: Alan E. Harvey, WSBA# 25785

The state makes the following Offer of Settlement. In accepting this offer, the defendant is agreeing to stipulate to its terms, unless otherwise noted. It is based on the attached State of Washington Declaration of Criminal History which the defendant stipulates is accurate, true and complete. It may be withdrawn at any time prior to the entry of a guilty plea, or it otherwise expires on: 6/27/06. It supersedes any previous offer made in this case. Failure of the defendant to declare disputed criminal history or to disclose additional criminal history renders this offer null and void.

Should the defendant wish to accept the following offer, this form shall be attached to the Statement of The Defendant of Plea of Guilty and Judgment and Sentence:

THE FOLLOWING IS THE STIPULATION OF PROSECUTION AND DEFENSE ATTORNEY:

PRETRIAL OFFER - 1

Revised: June 20, 2006

(1) Should the Defendant plead guilty to:

Count	Charge	Score	SERIOUSNESS LEVEL	Enhancement	MINIMUM STANDARD RANGE SENTENCE	MAXIMUM TERM SENTENCE
1.	RAPE OF A CHILD IN THE FIRST DEGREE	9+	XII		240-318	Life
2.	RAPE OF A CHILD IN THE FIRST DEGREE	9+	XII		240-318	Life
3.	SEXUAL EXPLOITATION OF A MINOR	9+	IX		60 months	60 months
4.	POSSESSION OF DEPICTIONS OF A MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT	9+	UR		60 months	60 months
5.	State will dismiss count 3 in exchange for the plea of guilty. The agreed recommendation by the state and the defense will be for 35 years with Counts 1 and 2 running concurrent to each other, but consecutive to counts 4 and 5. Counts 4 and 5 running consecutive each other. The In the event the matter proceeds to trial, the state will seek a lifetime commitment on the RCW 9.94A.712 offenses					

The defendant shall also be sentenced to Community Custody under the supervision of the Department of Corrections and the ISRB for any period of time the person is released from confinement before the expiration of the maximum sentence.

(2) then the State and the defense stipulate that the sentence shall be:

- sentencing within the standard range
- remain free to recommend any sentence
- that sentence shall be An Agreed recommendation for a 35 year

JS
35 Agreed

- G) Filing Fee \$ 200.00 (unless case filed prior to 7/24/05, then \$110.00)
Victim's Comp. Fee: \$ 500.00
Court Appointed Attorney Fee: \$ 1400.00
Court Appointed Investigator Fee: \$ TO BE SET
Restitution for Victim: \$ TO BE SET
Rape Exam (if applicable) \$ TO BE SET

PRETRIAL OFFER - 2

Revised: June 20, 2006

SSOSA Evaluation Fee:	\$ TO BE SET
Fine	\$ 500.00
Sheriff's Office Service Fee:	\$ TO BE SET
DNA Sample Fee:	\$100.00
Other: _____	\$
_____	\$

(3) Should the defendant be placed on any release conditions prior to sentencing and violate any of those conditions then the State's above offer is null and void, and the State shall be free to make any recommendation.

(4) Defense stipulates to a waiver of RCW 9.94A.753 for the setting of restitution and waives the defendant's presence at a restitution hearing. This stipulation of restitution shall include loss of wages, costs of counseling, and other related expenses for the victim and their immediate family as a result of this criminal act. The hearing shall consist of documents, affidavits, and argument only, pursuant to ER 1101.

(5) By accepting this offer, the defendant stipulates to the conditions as set forth herein of the conditions of sentence/community custody and/or supervision.

(6) This stipulated agreement and recommendation is binding on the Prosecuting Attorney, the Defense Attorney, and the defendant only, and shall not bind any investigating officer.

(7) The defense shall only use the Statement of Defendant on Plea of Guilty form as indicated by the Child Abuse Intervention Center. (If you need a copy of this form, please contact the Child Abuse Intervention Center at (360) 397-6002).

"APPENDIX A"
9.94A.712

STIPULATED CONDITIONS OF SENTENCE/COMMUNITY CUSTODY

1. You shall commit no law violations.
2. You shall report to and be available for contact with the assigned community corrections officer as directed.
3. You shall work at a Department of Corrections approved education program, employment program, and/or community service program as directed.
4. You shall not possess, consume, or deliver controlled substances, except pursuant to a lawfully issued prescription.
5. You shall pay a community placement/supervision fee as determined by the Department of Corrections.
6. You shall not have any direct or indirect contact with the victims, including but not limited to personal, verbal, telephonic, written, or through a third person without prior written permission from his community corrections officer, his therapist, the prosecuting attorney, and the court only after an appropriate hearing. This condition is for the statutory maximum sentence of Life, and shall also apply during any incarceration.

**VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE
UNDER CHAPTER 10.99 RCW AND WILL SUBJECT THE
VIOLATOR TO ARREST; ANY ASSAULT OR RECKLESS
ENDANGERMENT THAT IS A VIOLATION OF THIS ORDER
IS A FELONY.**

7. You shall not enter into or frequent business establishments or areas that cater to minor children without being accompanied by a responsible adult. Such establishments may include but are not limited to video game parlors, parks, pools, skating rinks, school grounds, malls or any areas routinely used by minors as areas of play/recreation.
8. You shall not have any contact with minors. This provision begins at time of sentencing. This provision shall not be changed without prior written approval by the community corrections officer, the therapist, the prosecuting attorney, and the court after an appropriate hearing.

PRETRIAL OFFER - 4

Revised: June 20, 2006

9. You shall remain within, or outside of, a specified geographical boundary as ordered by your community corrections officer.
10. Your residence location and living arrangements shall be subject to the prior approval of your community corrections officer and shall not be changed without the prior knowledge and permission of the officer.
11. You must consent to allow home visits by the Department of Corrections to monitor compliance with supervision. Home visits include access for the purpose of visual inspection of all areas of residence in which the offender lives or has exclusive/joint control/access.
12. Your employment locations and arrangements shall be subject to prior approval of your community corrections officer and shall not be changed without the prior knowledge and permission of the officer.
13. You shall not possess, use, or own any firearms, ammunition, or deadly weapon. Your community corrections officer shall determine what those deadly weapons are.
14. You shall not possess or consume alcohol.
15. You shall submit to urine, breath, or other screening whenever requested to do so by the program staff or your community corrections officer.
16. You shall not possess any paraphernalia for the use of controlled substances.
17. You shall not be in any place where alcoholic beverages are the primary sale item.
18. You shall take antabuse per community corrections officer's direction.
19. You shall attend an evaluation for abuse of drugs, alcohol, mental health, anger management, or parenting and shall attend and successfully complete all phases of any recommended treatment as established by the community corrections officers and/or treatment facility.
20. You shall enter into, cooperate with, fully attend and successfully complete all inpatient and outpatient phases of a Washington State certified sexual deviancy treatment program as established by the community corrections officer and/or the treatment facility. You shall not change sex offender treatment providers or

PRETRIAL OFFER - 5

Revised: June 20, 2006

treatment conditions without first notifying the prosecutor, community corrections officer and shall not change providers without court approval after a hearing if the prosecutor and/or community corrections officer object to the change. "Cooperate with" means you shall follow all treatment directives, accurately report all sexual thoughts, feelings and behaviors in a timely manner and cease all deviant sexual activity.

The sex offender therapist shall submit quarterly reports on your progress in treatment to the court, Department of Corrections, and prosecutor and you shall execute a release of information to the community corrections officer, prosecutor and the court so that the treatment provider can discuss the case with them. The quarterly report shall reference the treatment plan and include the following, at a minimum: dates of attendance, your compliance with requirements, treatment activities, and your relative progress in treatment.

21. During the time you are under order of the court, you shall, at your own expense, submit to polygraph examinations at the request of the Community Corrections Order and/or the Prosecuting Attorney's office (but in no event less than twice yearly). Copies shall be provided to the Prosecuting Attorney's office upon request. Such exams will be used to ensure compliance with the conditions of community supervision/placement, and the results of the polygraph examination can be used by the State in revocation hearings.
22. You shall submit to plethysmography exams, at your own expense, at the direction of the community corrections officer and copies shall be provided to the Prosecutor's Office upon request.
23. You shall register as a sex offender with the County Sheriff's Office in the county of residence as defined by RCW 9.94A.030.
24. You shall not use/possess sexually explicit material; meaning any pictorial material displaying direct physical stimulation of unclothed genitals, masturbation, sodomy (i.e. bestiality or oral or anal intercourse), flagellation or torture in the context of a sexual relationship, or emphasizing the depiction of adult or child human genitals: provided however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition as defined in RCW 9.68.130(2).
25. You shall sign necessary release information documents as required by Department of Corrections or the Prosecuting Attorney, to monitor your compliance with any of the conditions of this Judgment and Sentence.

PRETRIAL OFFER - 6

Revised: June 20, 2006

26. You shall have no association with persons known to be on probation, parole or community placement.
27. If the offense was committed on or after July 24, 2005, you may not reside within eight hundred eighty (880) feet of the facilities and grounds of a public or private school. RCW 9.94A.030
28. You must consent to allow home visits by Department of Corrections to monitor compliance with supervision. This includes search of the defendant's person, residence, automobile, or other personal property, and home visits include access for the purposes of inspection of all areas the defendant lives or has exclusive/joint control or access. RCW 9.94A.631
29. If you are in the SSOSA program you shall enter into sex offender treatment with a State certified provider within thirty (30) days of sentencing or release from custody, whichever comes first.
30. If you are in the SSOSA program, your treatment plan shall include polygraph exams as set forth in condition number 19. Your treatment provider and/or the defendant will be required to provide quarterly reports on March 1, June 1, September 1, and December 1 (including the polygraph results) of your compliance with the conditions of treatment. These reports shall go to the community corrections officer and the prosecuting attorney's office. Failure to comply with this provision shall be grounds for the court to mandate transfer of the patient to a different treatment provider.

The undersigned defendant agrees that he has read this Appendix A, or it has been read and explained to him; that he understands it, agrees with it, and has no questions about it. This is a binding agreement upon the undersigned defendant that is entered into knowingly, voluntarily and intelligently, as part of the plea of guilty and Judgment and Sentence.

Dated: _____ Signed: _____(Defendant)

Print name: _____(Defendant)

PRETRIAL OFFER - 7

Revised: June 20, 2006

