

41505-4

COA NO. ~~37942-2-II~~
S.Ct. No. 83820-2

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,
RESPONDENT,

v.

DANIEL LONGAN,
PETITIONER,

PERSONAL RESTRAINT PETITION,

OPENING BREIF

DANIEL LONGAN
PETITIONER



DANIEL LONGAN 827885

STAFFORD CREEK CORRECTIONS CENTER
191 Constantine Way
Aberdeen Washington, 98520

TABLE OF CONTENTS

A.) IDENTITY OF PETITIONER.....v
B.) INTRODUCTION.....v
C.) ASSIGNMENT OF ERRORS.....v,vi,vii
D.) STATEMENT OF THE CASE.....vii
E.) LIBERAL CONSTRUCTION REQUEST.....ix
F.) ARGUMENT OF THE CASE.....1
G.) CONCLUSION..... 33

APPENDIXES A- P

TABLE OF AUTHORITIES

WASHINGTON CASES

In Re of Orange, 152Wn.2d 795,814,110 P.3d 291 (2004).2,8

State V. Alexander,64Wn.App.147,158,822P.2d 1250 (1992).33

State V. Bashaw, No 81633-6 (July 1st, 2010).....29,30

State V. Bone-Club, 128Wn.2d 254,258-59,906P.2d 325(1995)..
...1,3,8

State V. Brightman, 155Wn.2d,506,514,122P.3d 150(2005)....
3,4,7,8,12

State V. Coe, 101Wn.2d 772,789 684P.2d 668 (1984).....33

State V. Duckett,141Wn.App. 797,173P.3d 948 (2007).....8

State V. Easterling, 157Wn.2d 163,174 137P.3d 825 (2005)...
2,10,13

State V. Frawley,Wn.App.167P.3d 793(2007).....5,.....3,5,7

State V. Goldberg,149Wn.2d 888,892 72P.3d 1083 (2003).29,30
32

State V. Greiff, 141 Wn.2d 910,929, 10P.3d 390(2000).....33

State V. King,24 Wash.App. 495 499, 601P.2d 982(1979)....20

State V. Longan, COA # 37942-2-II.....

State V. McFarland, 127Wn.2d 322, 334-35,899P.2d 1255(1995)
.....14,14,18,21,23

State V. Marsh,126Wash.142 147,217P.705 (1923).....13

State V. Paumier, 155Wn.App. 673(Div II 2010).....6,7

State V. Robinson, 73Wn.App. 851,872P.2d 43(1994).....21

State V. Stephens, 93Wn.2d 186,190 907P.2d 304(1980).....29

State V. Strode,167Wn.2d (2009).....9

State V. White No. 25578-6-III.....9

FEDERAL CASES

Dickerson V. Wainwright, 626F.2d,1184(1980).....34

Dreiling V. Jain Wn.2d 900,903-04,93P.3d 861(2004).....12

Chambers V. Mississippi, 410 U.S. 284(1973).....34

Gaines V. Cannada, 305 U.S. 337(1970).....27

Goodwin V. Balcom, 684F.2d 794,804-05(11th Cir 1982)...16,24

Haines V. Kerner 404U.S. 519,520 (1972).....

Hearing V. New York,422 U.S. 853,862,95 S.Ct. 2550(1975).14,
23
(HIPCA) 42 U.S.C. § 1320d to 1320d-810

Kitchen V. United States, 227F.2d 1014(7thCir 2006).....18

People V. Yeager, 173Mich. 228.230 71 N.W. 491(1897).....3

Porter V. McCullum, 588U.S. __,(2009).....15

Presley V. Georgia_U.S._130Ct. 721,175L.Ed.2d 675(2010)9,10,
12

Press Enterprise I 464 U.S. 501(1984).....12

Reynoso V. Giurbino, 462F.3d 1090 Versus Law ¶169(9thCir 2006)
...24

Rampilla V. Beard, 545 U.S. 374,387 (2005).....15

Storer Broadcasting Co. V. Circuit Court,131Wis.2d 342 388
N.W. 633 (Wis.App.Ct. 1986).....5,6,7

Strickland V. Washington, 466 U.S. 682,689,104 S.Ct. 2052
80Ed.2d 64 (1984).....12,15,18,21,23

Tinsley V. U.S. 4868A.2d 867,879(D.C. 2005).....

U.S. V. Estrada-Plata 57F.3d 757(9th Cir 1995).....25

U.S. V. Porterfield, 624F.2d 122,124 (10th Cir 1980)....16,24

U.S. V. Teague, 953F.2d 1525,1532-35 (11th Cir) cert. denied
113 S.Ct. 127 (1992)(enBanc).....19

U.S. V. Tucker, 716F.2d576 Versus Law ¶ 36 (9th Cir 1983)16,
24

U.S. V. Wayte 710F.2d 1385,1387(9th Cir 1983) Affirmed 470
U.S. 598(1985).....25
Walker V. Georgia, 467 U.S. 39,46,104 S.Ct. 2210 81L.Ed.2d
31 (1984).....2
Wiggins V. Smith 539U.S.510,521 (2003).....14,15,18,23
Yick Wo V. Hopkins, 118 U.S. 356,469,.....27

STATUTES

RCW 9A.72.085.....34

CONSTITUTIONAL PROVISIONS

U.S. Const. Amend. I.....2
U.S. Const. Amend. VI.....2,11,20,33
U.S. Const. Amend. XIV.....20,27
Wash. Const. Art.1§22.....2,11,20,29
Wash. Const. Art1§10.....10

OTHER AUTHORITIES

Criminal Law 641.13(1).....

A. IDENTITY OF PETITIONER

I Daniel Raymond Longan , apply for relief from confinement in this brief.

B. INTRODUCTION

The petitioner seeks relief from confinement after exhausting all other state remedies. Direct appeal was filed in division II on August 25, 2009. Motion to reconsider was filed Pro-Se and by appeals counsel, and was denied October 20th, 2009. Petition for Discretionary review was filed on November 30, 2009. This was denied on March 30, 2010.

C. ASSIGNMENT OF ERRORS

- 1.) Did the trial court error when it failed to perform a **Bone-Club** analysis or its equivalent, before it removed a prospective juror from the public forum of the court?

- 2.) Was the petitioners trial counsel ineffective for failing to object to the lack of a **Bone-Club** analysis or its equivalent?

3.) Was the petitioners trial counsel ineffective for failing to make it known to the jury that there were pictures showing bullet holes in the rear of the vehicle that the petitioner drove, that were unexplained by the police involved in the case?

4.) Was the petitioners trial counsel ineffective for failing to retain and present relevant medical records for the petitioners defense that would have showed that he was stabbed shortly before his arrest?

5.) Was the petitioners trial counsel ineffective for failing to allow longan to testify in his own defense despite his request to do so?

6.) Was the petitioners trial counsel ineffective for failing to contact or investigate defense witnesses for his defense?

7.) Did the Cowlitz County Prosecutor error when She committed invidious discrimination against the petitioner by not providing him with a reasonable plea agreement when he was clearly willing to plea, and giving his co-defendant a plea of 15 years?

8.) Did the trial court error in instructing the jury it had to be unanimous on the answer to the special verdict?

9.) Did the cumulative effect of all of these errors deny the petitioner a fair trial?

D.) STATEMENT OF THE CASE

At about 3:30 A.M. on March 20, 2007, Officer Micheal Berdt saw a green honda turn into an alley without signaling. State V. Longan, Coa # 37942-2-II, unpublished opinion. Berdnt followed the vehicle into the ally. The vehicle accelerated to 50 mph and turned onto 32nd Avenue without signaling. Berndt activated his overhead lights and pursued the vehicle. Continuing to speed, the vehicle made a turn onto Washington Way without signaling. As the vehicle reached 60 mph, Berndt activated his siren. AS the vehicle

turned onto Nichols Boulevard, Berndt saw the passenger's arm out the window. After the vehicle turned onto 21st Avenue Berndt saw three flashes he believed to be gun shots from the passenger side of the vehicle, and heard three bangs. He notified dispatch that shots were fired at him and continued his pursuit. After the vehicle turned onto Cypress Street and back onto 20th Avenue, Berndt saw two more muzzle flashes at him from the passenger window and heard two more bangs. Id.

Officer Kevin Sawyer joined in the pursuit. The vehicle crossed the Lewis and Clark Bridge into Oregon. After the vehicle turned onto Highway 30, the vehicle continued to speed between 70 and 90 mph on highway 30 until it hit spike strips and crashed. The officers arrested the vehicle's driver, Longan, and the passenger, Heather Lee VanHooser, after they attempted to flee. Id. Longan was wearing a protective vest when he was arrested at the site of the crash. 3RP 98; 4 Rp6,45,50.

The State charged Longan with three counts of first degree assault, all with gun enhancements, and Taking a motor Vehicle without owners permission in the second degree with a firearm enhancement, and finally felony elude with a firearm enhancement.

The case proceeded to jury trial before the honorable Stephen M. Warning. The jury returned verdicts and found that Longan was armed with a firearm and knew that the victims were police officers performing their official duties. CP129-49. The court imposed a standard range sentence plus firearm enhancements for a total of 480 months confinement. CP181. Longan filed his timely appeal. Cp191. Longan also filed a statement of additional grounds for relief. (SAG10.10). The court of appeals denied Longan's appeal on August 25th, 2009 in an unpublished opinion. Longan then filed his motion to reconsider which was denied on October 20th, 2009. In this denial the courts stated that they believed the issues were better brought in the form of a Personal Restraint Petition. Then Longan filed his petition for review which was denied on March 30th, 2010.

E. LIBERAL CONSTRUCTION REQUEST

The petitioner respectfully requests that this court afford liberal construction to this petition keeping in accordance with Hanies V. Kerner, 404 U.S. 519,520 (1972).

F.) ARGUMENTS OF THE CASE

1.) THE TRIAL COURT VIOLATED THE APPELLANT'S CONSTITUTIONAL RIGHTS TO A PUBLIC TRIAL.

The trial judge permitted questioning of a venire person in private with only the judge and parties present. The judge did not weigh the right of a public trial against the prospective juror's privacy interests. Nor did the judge enter an order justifying the closure of a portion of Voir Dire. The trial court therefore violated Longan's constitutional rights to a public trial by prohibiting the public from observing this examination. Excluding the public from a criminal proceeding including Voir Dire without meeting the "Bone-Club" factors or the "Press-Enterprise" test, then does violence to more than the defendant's Sixth Amendment rights. It also violates the public's First Amendment right to attend proceedings, and even were waived for, example, when the defendant seeks

closure - the trial court is responsible for ensuring that the independent public interest in an open court room is protected. Tinsley V. U.S., 868A.2d 867,879(D.C. 2005), See also Press-Enterprise I, 464 U.S. 501(1984) passim. The violation of these rights constitutes structural error and reversal and remand for new trial.

Under both the Washington and United States constitutions, a defendant has a constitutional right to a speedy and public trial. Const. Art. I sect. 22; U.S. Const. Amend. VI; State V. Easterling, Wn.2d 167,174 137 P.3d (2006). Additionally article I Section 10 expressly guarantees to the public and press the right to open court proceedings. Easterling, 157 Wn.2d at 174. The first Amend. implicitly protects the same right. Waller V. Georgia, 467 U.S. 39, 46, 104 S.Ct. 2210 81 L.Ed 2d 31 (1984). Prejudice is presumed where there is violation of the public trial right.. In Personal Restraint of Orange, 152 Wn.2d 795,814 110P.3d 291 (2004). The remedy is reversal of the convictions and remand for a new trial. Orange, 152Wn.2d at 814. In other words the violation of the right to open court proceedings is structural error. Whether a trial court violated the defendants right to a public trial is a question of law this court reviews de novo. Easterling, 157

Wn.2d at 173-74.

The right to a public trial encompasses jury Voir Dire. State V. Brightman, 155Wn.2d 506, 515, 122 P.3d 150 (2005). Even where as in Longan's case, only part of jury selection is improperly closed to the public, such closure can violate a defendant's constitutional right to a public trial. See State V. Frawley, __ Wn.App. __, 167P.3d 593, 595-97 (2007).

The constitutional provisions and Amendments that guard the public trial right led to the five part Bone-Club analysis which follows. See State V. Bone-Club, 128Wn.2d 254 258-59 906P.2d 325 (1995).

The five parts are as follows:

- 1.) The proponent of closure...must make some showing (of compelling interest), and where that need is based on a right other than an accused's right to a fair trial, the proponent must show a "serious and eminent threat" to that right.
- 2.) Anyone present when the closure motion is made must be given an opportunity to object to the closure.
- 3.) The proposed method for curtailing open access must be the least restrictive means available for protecting the threatened interests.
- 4.) The court must weigh the competing interests of the proponent of closure and the public.
- 5.) The order must be no broader in its application or duration than necessary to serve its purpose.

In Brightman, the trial court told counsel it was barring all spectators from observing the jury selection because of safety concerns. Brightman, 155Wn.2d at 511. The court, however, failed to analyze the five Bone-Club factors the Brightman court held because the record indicated the trial court did not consider Brightman's public trial right as required by Bone-Club, it was unable to determine whether the closure was proper. Brighman, 155Wn.2d at 518. The court remanded for a new trial as it should here. The state argued Brightman failed to prove the trial court in fact closed the court room during jury selection and if it was closed, the closure was de minimis. Brightman, 155Wn.2d at 515-17. The court rejected both arguments. The court first ruled when the plain language of a trial judge's ruling calls for closure, the state bears the burden to overcome the strong presumption the courtroom was closed. Brightman, 155Wn.2d at 516. Second, the court held where jury selection or a part of the selection is closed, the closure is not de minimis or trivial. Brightman 155Wn.2d at 517.

In Longan's case, the trial court conducted individual Voir Dire of Juror 21 Janis Rea Wood at her request in private with only judge and parties present (except for Longan) present. See (VRP Mon. June 23, 2008, pg12 line24-25. pg107

line 19 through pg 109 line 14. Appendix L)

Where the trial judge took the juror into a restricted area to question in private. See (Appendix M) for a picture of this area and a map from Cowlitz county court house showing this as a restricted area.) Private Questioning of individual jurors violates the right to open trial. State V. Frawley, Wn.App167P.3d 593(2007); Storer Broadcasting Co. V. Circuit Court, 131 Wis.2d 342, 388 N.W. 633 (Wis.App. Ct.1986)

The trial court's conduct found to be improper in Storer is remarkably similar to that of Longan's trial judge. The judge in Storer allowed Private questioning, limited to three subjects, of prospective jurors who requested such an examination in open court. Storer, 131Wis.2d at 345-46. The court held no formal hearing and entered no factual findings. Storer, 131Wis.2d at 346. As in Washington Wisconsin's Supreme court required trial courts to follow a particular procedure before closing jury Voir Dire, which included the court to recite on the record the factors compelling closure and why those factors override the presumptive value of a public trial. Storer, 131Wis.2d at 348.

The Storer court held the trial court abused its discretion by failing to follow Supreme court procedure. Storer, 131 Wis.2d at 349-50. The reviewing court found the the trial court based its closure decision on its unsupported belief the defendant could not receive a fair trial without private Voir Dire. Storer, 131Wis.2d at 350. Using the easy method, the reviewing court held, would have obviated the risk of contaminating the entire panel without trampling on the public's right to know what was happening during trial. Storer, 131Wis.2d at 350.

The same alternative to private jury Voir Dire was available to Longan's trial judge. Rather than questioning the potential juror in private, the trial court could have removed the rest of the venire panel and conducted individual questioning in open court. By not considering this alternative, or applying the Bone-Club factors before barring the entire public from viewing Voir Dire, the trial judge violated Longan's right to a open and public trial. Orange, 152 Wn.2d at 812; State V. Paumier, 155Wn.App. 673 (Div. II 2010).

Even were it proper for this court to independently analyze the Bone-Club factors, the jury Voir Dire closure

was illegal. The record fails to show a compelling interest for the private jury Voir Dire. Nor did the trial court give anyone present in the court room a chance to object to being barred from observing an important part of a trial's proceedings. See affidavits from (Jennifer Journet, Patricia Bird-Hoffman, Victoria Ong, Katie Hoffman) In these affidavits they state that they were present at the time of closure yet were never given an opportunity to object to the private Voir Dire. Which violated their rights to open and public proceedings as well as the petitioners right to a public trial.

The state may also attempt to distinguish Longan's case from any of the other public trial cases, because only a portion of jury Voir Dire was Private. Such an argument is unavailing. The Brightman court ruled where jury selection or a portion of jury selection is closed, the closure is not de minimis or trivial. Brightman, 155Wn.2d at 517. The Wright Frawley Court also found the defendants right to a public trial violated where the trial court questioned individual venire members privately as to their answers to a questionnaire. Frawley, Wn.App. at 167P.3d as 595-97; see also Paumier 155Wn. App. 673; Storer, 131Wis.2d at 345-50. (Trial court abused

rule

its discretion by permitting limited questioning of selected jurors in chambers without first conducting a hearing or making factual findings supporting partial closure).

The state may also contend Longan's case is distinguishable because in Brightman, and Orange the trial courts closed the courtrooms rather than conducting partial Voir Dire in chambers. Such a claim would be baseless. The constitutional public trial right is the right to have a trial open to the public. Orange, 152Wn.2d at 804-05. This right is for the benefit of the accused because it guarantees the electorate may observe he is dealt with fairly and emphasizes to the court, prosecutors and jurors the importance of their responsibility and duties. Bone-Club, 128Wn.2d at 259.

In State V. Duckett, 141Wn.App. 797, 173P.3d 948 (2007). It was determined that "the trial court "MUST" engage in the 5 part Bone-Club analysis "BEFORE" conducting all or a portion of the Voir Dire outside the public forum of the courtroom". Duckett, 141Wn.App. at 802-03.

There was no consideration of the Bone-Club test

factors before closing the courtroom by interviewing the individual venire member in the restricted area behind the courtroom. Thus the court erred. There was no recognition of the public trial nature of the right to jury trial or a conscious decision by the defense to conduct a closed inquiry as is needed. State V. White, No. 25578-6-III, State V. Strode, 167Wn.2d(2009) Is very similar in that the trial court violated Tony Strode's right to a public trial by conducting a "Portion" of the jury selection in trial chambers in unexceptional circumstances without first performing the required Bone-Club analysis or its equivalent, and consequently his case was reversed. As it should be here due to the similarity in the circumstances.

Presley V. Georgia, U.S., 130 S.Ct. 721, 175L.Ed.2d 675(2010). A per curium opinion holding that under the First and Sixth Amendments, Voir Dire of prospective jurors MUST be open to the public. Presley, 130 S.Ct. at 723-24. This requirement is "binding on the States". Presley, 130 S.Ct. at 723. The court explained that while the accused has a right to insist that the Voir Dire of jurors be public. There are exceptions to this rule. The State might argue that a juror has the right to keep his or her medical condition and treatment private under the Federal Health Insurance and

Accountability act of 1996(HIPCA) 42 U.S.C § 1320d to 1320d-8 allows this private Voir Dire. Again Presley resolves the matter. As discussed above, Presley does not require all proceedings to be open in all circumstances. Presley requires a trial court to consider reasonable alternatives to closure, and make appropriate findings explaining why closure is necessary under the particular circumstances of the case ON the record BEFORE closing the proceedings. Which was not done in this case. No alternatives were considered and no findings were stated on the record. Accordingly a proceeding may be closed under Presley "ONLY" when these requirements are met. Presley,130 S.Ct. at 725..

Whether jury Voir Dire is conducted in a closed courtroom, a jury room, restricted Hallway, or judge's chambers is a distinction without a difference. The point of the Constitutional rights to a public and open trial is to guarantee access to the public, which the trial court failed to do when it conducted questioning of Longan's potential trier in private.

The trial court violated Longan's constitutional right to a public trial. His convictions should be reversed and the cause remanded for a new trial. Easterling, 157Wn.2d at 182; Presley,138 S.Ct. at 725.

2.) LONGAN'S TRIAL COUNSEL WAS INEFFECTIVE FOR FAILING TO OBJECT TO THE LACK OF A BONE-CLUB ANALYSIS, THUS ALLOWING LONGAN'S CONSTITUTIONAL RIGHT TO A OPEN AND PUBLIC TRIAL TO BE VIOLATED.

Longan's trial counsel was ineffective when he failed to object to the closure of a portion of the jury Voir Dire resulting in a constitutional violation of Longan's public trial right. The private Voir Dire of potential trier Janis Rea Wood Juror #21 See (VRP Monday June 23, 2008 pg 12 line 24-25. Pg107 line 19 through pg 109 line 14. Appendix L)

The lack of a Bone-Club analysis was a clear violation of the defendants right to a open and public trial. The right to public trial is guaranteed by the State and Federal Constitutions. Article I § 22 of the Washington Constitution provides. " In all criminal prosecutions the accused shall have the right ... to have a speedy and public trial."

The Sixth Amendment to the United States Constitution states "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial." Moreover, Article I § 10 of the Washington Constitution provides that "justice in all cases shall be administered openly, and without unnecessary delay." This provision secures the public's right to open and accessible proceedings. Which was denied to affiants Jennifer Journet, Patricia Bird-Hoffman

Victoria Ong, Katie Hoffman, And Daniel Longan
(See Appendix's B,C,D,E,F) Which will state
that they were present and witnessed the Voir
Dire in private of the potential trier, Yet
were not offered a chance to object to this
closure of proceedings to them.

These provisions assure a fair trial,
foster public understanding, and trust in the
judicial system, and give the judges the check of
public scrutiny. State V. Brightman, 155wn.2d
506, 514,122P.3d 150 (2005) at 514; Dreiling V.
Jain, Wn.2d 900,903-04 93P.3d 861(2004);
Presley V. Georgia, _U.S._,130S.Ct. 721,175,L.Ed.2d
675(2010).

Under Strickland V. Washington,466 U.S. 682,
689, 104 S.Ct. 2052, 80 Ed.2d 64 (1984) at 686;
State V. Mcfarland, 127Wn.2d,322,334-35,899P.2d
1251(1995) you must show that counsel was both
deficient and prejudicial to his defense.
Counsel's failure to object to the courtroom
closure or private Voir Dire Without first
weighing the issues on the record was ineffective.

Counsel was deficient when he advised Longan not to be present at the questioning of Juror #21 to avoid causing undo prejudice from said juror, while not advising Longan of his right to open proceedings. Further counsel failed to object to this private Voir Dire, Counsel failed to present any alternatives to the closure as did the trial judge. This lack of objection was prejudicial to Longan because it allowed the trial judge to proceed without a Bone-Club Analysis or its equivalent thus not allowing the public to protest or object to the Private Voir Dire.

This lack of objection from counsel was also prejudicial as well as deficient to his defense because it was a clear violation of Longans right to a public and open proceeding. This error is not subject to harmless error analysis, this is a fundamental right. Easterling, 157Wn.2d at 181; See also State V. Marsh, 126, Wash.142,147,217P.705 (1923).(holding that he has suffered actual injury) Quoting People V. Yeager,173 Mich. 228 230 71 N.W. 491(1897)

Counsel's performance was clearly ineffective and prejudice is presumed in this error. The remedy is reversal and remand of this cause for a new trial.

3.) The petitioner's trial counsel was ineffective for failing to conduct adequate investigation on the petitioner's behalf.

The petitioner's trial counsel was ineffective when he failed to conduct adequate investigation to prepare for trial. No aspect of an attorney's advocacy "could be more important than the opportunity to marshal evidence for each side before submission of the case to judgement" Herring V. New York, 422 U.S. 853,862,95 S.Ct.2550(1975). The petitioner's trial counsel neither investigated, nor made a reasonable decision not to investigate the state's case through discovery. This put at risk the petitioner's right to an ample opportunity to meet the case of the prosecution. "Counsel has a duty to make a reasonable investigation, or make a reasonable decision that makes a particular investigation unnecessary" Strickland U.S. at 691. State V. Mcfarland, 127Wn.2d 322,335,899 P.2d 1251 (1995). " In any ineffective case. A particular decision not to investigate must be directly assessed for reasonableness in all circumstances." Wiggins V. Smith,539 U.S. 510,521(2003).

There was clearly no reason not to investigate or present this evidence. (see appendix G.) Which shows the rear of the vehicle that the petitioner was driving. The vehicle had what could only be explained as bullet holes in the trunk of the vehicle. The police reports never said that they fired shots at the vehicle. This was clearly deficient performance by the petitioners trial counsel for not putting the police's statements to a true testing. If tested during trial the statements of the police officers would not have been as credible and the outcome of the trial would have been very different. These pictures and bullet holes were available for investigation as well as presentation before and during the trial. The fact that the petitioners trial counsel never examined these picture or the vehicle to determine the source of these holes shows deficient performance before the trial in the preparation stages. The pictures could have had a tremendous effect on the outcome of the jury deliberations, and decisions made. " A lawyers duty to conduct a through investigation of possible mitigating evidence is well established by (U.S. Supreme Court) cases. Porter V. McCullum, 588 U.S.,_ (2009)(slip op At 10); Rampilla V. Beard, 545 U.S. 374,387(2005); Wiggins V. Smith, 539 U.S. at 522-23; Willams V. Taylor, 529 U.S. 362,396 (2000); Strickland V. Washington, 466 U.S.

668,688 (1984). Counsel's unconsidered decision to fail to discharge this duty cannot be strategic.

Counsel did not properly prepare even obvious defense's or develop available evidence, and failed to expose the state's case to a meaningful adversarial testing. The petitioner was denied effective counsel.

Counsel's failure to investigate thoroughly resulted from inattention, not reasoned or strategic judgment. "Pretrial investigation and preparation are the keys to effective representation of counsel..courts have repeatedly stressed the importance of adequate investigation of potential defenses." See Goodwin V. Balcom, 684 F.2d 794, 804-05 (11th Cir 1982); United States V. Porterfield, 624 F.2d 122.124 (10th Cir 1980); United States V. Tucker, 716 F.2d 576 Versus Law ¶ 36 (9th Cir 1983).

Counsel's decision not to present this evidence to the jury, and to not investigate it constitutes prejudice to the petitioner's getting a fair trial. If presented to the jury this evidence could have called into question the credibility of the police officer's statements and the lack of an explanation offered by the police or the prosecution. This

could have had a tremendous effect on how the jury perceived the petitioner's actions when he failed to stop when his co-defendant fired at the police, which the state based its case on. The petitioner couldn't reasonably be expected to pull over and stop if there was a gun battle going on between police and his co-defendant. It would have put his life at more risk than it already was. (see appendix F) Were the petitioner explains what his testimony would have been.

Both prongs of the Strickland test have clearly been met here, and reversal is the only option a new trial is called for.

4.) The petitioner's trial counsel was ineffective for failing to retain relevant medical records showing that the petitioner was stabbed shortly before his arrest.

The petitioner asked his counsel on several occasions to obtain medical records from an emergency room visit by the petitioner. These medical records combined with the testimony of Longan and several other defense witnesses would have showed the jury how Longan's fear for his life led him to acquire the protective vest he was wearing at the time of his arrest. This decision not to investigate and present this medical evidence results from inattention, not reasoned

strategic judgment. Wiggins V. Smith, U.S. 510,526(2003).

When counsel omits a significant and obvious issue without legitimate strategic purpose his performance will (should) be deemed deficient. Kitchen V. United States, 227 F.3d 1014 (7th Cir 2000). This evidence was significant because it shows the petitioner's mindset and fear of bodily harm which he received previously by a unknown assailant.

To show counsel was ineffective the petitioner must show counsel was both deficient and prejudicial to his defense. Strickland V. Washington, 466 U.S. 682,689 104 S.ct. 2052 80 Ed.2d 64 (1984) at 686; State V. Mcfarland,127Wn.2d 322,335,899 P.2d 1251 (2003). The petitioner has already shown how counsels failure to investigate and present the medical records was deficient, because it left the explanation of why the petitioner wore his protective vest for speculation by the prosecution. which injured that Longan was out cop hunting. The petitioner could have expanded on the medical records and visit to the E.R., and explained to the jury why he felt he needed the vest. Thus not leaving this explanation up to the prosecution to speculate on to the jury.

This is a clear case of ineffective assistance of trial counsel which requires reversal and remand for a new trial.

5.) The petitioner's trial counsel was ineffective for failing to allow Longan to testify in his own defense.

The petitioner expressed his wish to testify in his own defense several times before trial. Longan's trial counsel refused to prepare beforehand and would not allow Longan to testify despite several requests to do so during trial breaks. His wish was ignored by counsel, and he was never allowed to testify. His trial counsel rested the case before he again be pressed to testify. The petitioner remained silent after his attorney rested his case out of fear and ignorance of the law.

This was a clear involuntary waiver of the petitioner's right to testify because this right was not waived by Longan but by trial counsel. His counsel said the risk outweighed the good it could do and would not call him to the stand. "A waiver must be made knowingly, voluntarily, and intelligently. Only the defendant has the right to decide whether or not to testify." U.S. V. Teague, 953 F.2d 1525, 1532-35 (11th Cir), Cert. denied, 113 S.Ct. 127 (1992) (enBanc).

The Sixth Amendment to the United States Constitution includes the right to self preservation, and the defendant's right to conduct his own defense by calling himself as a witness, "and that right to testify" is also a necessary collary to the Fifth Amendments guarantee against compelled testimony. United States Constitutional Amendment VI, XIV; Washington Constitution Article I §22. The court held that the right to testify is absolute, and may not be abrogated by defense counsel, State V. King, 24 Wash.App. 495,499,601 P.2d 982 (1979).

"It may be difficult to determine whether the defendant willingly accepted the attorney's advice or whether the attorney merely ignored the petitioner's wishes. However, courts are reluctant to hold that in the absence of coercion, silent defendants may not have the opportunity to prove that their attorneys prevented them from exercising this constitutionally protected right to testify. Such a holding could have the unfortunate result of placing the burden upon the defendant to speak up in court to make their desire to testify known. It is unreasonable to impose upon the defendants the burden of personally informing the court that their attorney is not acceding to their wishes to testify... defendants might feel intimidated to speak out of turn.

Requiring a defendant to object at trial against the wishes of counsel assumes a sophisticated defendant who is knowledgeable in both constitutional rights and criminal trial process." State V. Robinson, 138Wn.2d 752,764,982 P.2d 590 (1990)

This should be addressed as a claim of ineffective assistance of counsel under; Strickland V. Washington, 466, U.S. and; State V. McFarland, 127Wn.2d 322, 335,899P.2d 125 (1990). Which is what the Petitioner intends to do here. First it is clear that in denying Longan his right to testify his trial counsel fell below objectionable standards because he in essence denied Longan his constitutional right to testify in his own defense. This can not be said to be a tactical or strategic decision. Longan's testimony could have had a tremendous effect on the trial at several points. (See Appendix F) Were Longan explains his lack of knowledge before hand of any weapon, his fear for his life in thinking that he would be shot if he stopped the car. His prior stabbing which left him in fear of being hurt again, and caused him to purchase a protective vest. His repeated requests for his counsel to contact defense witnesses, and recover medical records about his Emergency room visit. Then finally about his fear of speaking out in trial against

his trial counsel.

Longan's trial counsel prejudiced him because he prevented Longan from exercising his constitutional right to testify in his own defense, kept him from telling his side of the events thus leaving events up to interpretation by the prosecution.

Remedy is reversal of the cause, and remand for a new trial.

6.) Trial counsel was ineffective for failing to investigate, interview or, contact any defense witnesses in Longan's behalf.

Trial counsel failed to contact any of the people who Longan asked him to, or who contacted him with requests to testify in Longan's defense. These witnesses could have been called to testify as to when and why Longan purchased a protective vest. They could have testified as to how Longan was afraid of being hurt again so he got protection.(see appendix's B,C,D,E)

Regardless of what they would have said they still should have been interviewed on Longan behalf. No aspect

of an attorney's advocacy" could be more important than the opportunity to finally marshal evidence for each side before submission of the case to judgement". Hearing V New York, 422 U.S. 853,862, 95 S.Ct. 2550(1975). Trial counsel neither investigated, nor made a reasonable decision not to investigate the potential defense witnesses on Longan's behalf. " Counsel has a duty to make a reasonable investigations or make a reasonable decision that makes a particular investigation unnecessary" Strickland V. Washington, 446 U.S. at 691. State V. Mcfarland, 127Wn.2d 322,335,899,P.2d 125 (1999). "In any ineffective case, a particular decision not to investigate must be directly assessed for reasonableness in all circumstances." Wiggins V. Smith, 539 U.S. 510,521 (2003); Quoting Strickland,466 U.S. at690-91. Counsels failure to investigate thouroughly resulted from inattention, not reasoned stratigic judgement as it did in Wiggins. The public defenders office in Cowlitz County was severly over burdend at the time and each public defender had more cases than they could handle properly.

Counsels unconsidered decision to fail to discharge this duty to investigate cannot be stratigic. " Counsel cannot be said to have made a tactical decision without first procuring the information necessary to make such a fa

decision" Reynoso V. Giurbino, 462 F.3d 1090 Versus law ¶69 (9th Cir 2006). The case here is very similar to Reynoso, in that here as well as there counsel failed to contact any witnesses supplied by the defendant. Patricia Bird-Hoffman would have been able to testify as to the reasoning behind the purchase of the protective vest, and how he was stabbed. As would have Jennifer Journet, Kathrine Hoffman, and victoria Ong. Victoria Ong would have also been able to supply the jury with the history behind her and the petitioners co-defendant Heather VanHooser. These things could have had a tremendous effect on how the jury saw things thus effecting the outcome of the trial.

Counsel was clearly ineffective in failing to investigate on the petitioners behalf. " Pretrial investigation and preparation are the keys to effective representation of counsel... courts have repeatedly stressed the importance of adequate consultation between attorney and client, the interviewing of important witnesses, and adequate investigation of potential defenses". See Goodwin V. Balcom, 684 F.2d 794 804-05 (11th Cir 1982); United States V. Porterfield, 624 F.2d 122,124 (10th Cir 1980); and United States V. Tucker, 716 F.2d 572 Versus law ¶36 (9th Cir 1983). His complete lack of communication with his clients recommended witnesses

clearly shows a lack of preparation for trial and cannot be said to be a statigic decision, because he had no facts to base this decision off of.

This decision by counsel clearly prejudiced the petitioners ability to present his case for judgement by the courts, and the jury. This prevented him from presenting the facts of his case to the jury. Which had a tramendous effect on how the case was decided. The remedy is reversal of this cause and remand for a new trial.

7.) The prosecutor is guilty of misconduct for failing to provide the petitioner with a plea agreement more closely suited to his co-defendants plea of fifteen years.

In order to challenge a prosecutor's plea bargaining or charging decision, the defendant must establish a Prima Facie case of invidious discrimination, by showing (1) others similarly situated were not prosecuted, or were given more favorable plea bargains; and (2) his prosecution was based on an impermisable motive such as discriminatory purpose or intent. U.S. V. Estrada-Plata, 57F.3d 757 (9thCir 1995), also U.S. V. Wayte, 710 F.2d 1385,1387 (9th Cir 1983) Afirmed 470 U.S. 598(1985).

Here the defendant was clearly Similarly situated with his co-defendant Heather Lee VanHooser. Both were charged with the same 3 assaults in the first degree, all with deadly weapons enhancements, takeing a motor vehicle without the owners permission again with a firearm enhancement, and felony eluding with a firearm enhancement. Thus meeting the first part of this two pronged test. His co-defendant was given a plea bargain of 15 years when they said that they belived that she was the person who fired at the police officers. Yet Longan's only plea agreement was for almost twice that at 29 years if he pleaded guilty to all counts and agreed to testify against his co-defendant. When he expressed his concern about testifying against his co-defendant saying he would not testify they wouldn't give him a better plea that would allow him to have a similar reduction in time to what his co-defendant recieved thus he went to trial and recived fourty years with all the enhancements he recieved. (see appendix J) For a copy of said plea agreement. After Longan expressed his desire not to testify against VanHooser at her trial and the plea agreement was completly pulled off the table dispite his desire to plea out. He proceeded to trial were it was stated by several state witnesses that all he did was drive.

While the police said that VanHooser was the shooter and that Longan drove the car he was prosecuted to the full extent of the law while she recieved a substatially reduced plea of fifteen years for two assaults in the first degree. This was a violation of the 14th Amendment to the United States Constitution. The guarenty of " Equal protection of the law is a pledge of protection of equal laws" Yick Wo V. Hopkins, 118 U.S. 356,469. When the law lays an unequal hand on those who have committed intrinsically the same quality of offense and sterilizes one and not the other, it has made as invidious a discrimination as if it had selected a particular race or nationality for oppresive treatment. Yick Wo V. Hopkins Supra; Gaines V. Canada, 305 U.S.337 (1970).

During the 3 hour sentancing of VanHooser by the same trial judge that the petitioner went to trial under several months prior, the judge was quoted as saying the fallowing " There was little question that Longan had been "the moving force in this case" and that VanHooser had certainly "faced some pretty horific life experiences". The judge also acknowledged that, because the case never went to trial, there was still some question as to whether she or Longan had fired the gun. This was after the same judge

presided over the petitioners trial. Were several police officers from two different divisions said that they saw VanHooser hanging out of the car widow shooting at them not Longan.(see appendix K for the news articles of this).

This shows a clear bias against Longan not only by the trial judge but by the prosecution as well in her refusal to go into plea negotiations with longans attorney. (see appendix's H-I for emails between attorney and prosecution showing Longan's willingness to plea out.) It was a clear case of bias against Longan and he was not given a fair chance to plea out as his co-defendant was. He was not dealt with fairly because he was the male and they made an example out of him while taking it easy on his co-defendant because she was the female and convinced them she was not at fault that she was the victim here when she was clearly the one who fired the shots.

This is a violation of the petitioners rights and the remedy is reversal.

8.) The trial court erred in instucting the jury it had to be unanimous on the answer to the special verdict.

The special verdict should be vacated because the jury was incorrectly instructed it had to be unanimous to answer "no" to the special verdict. Washington requires unanimous jury verdicts in criminal cases. Const. Art. I § 21; State V. Stephens, 93Wn.2d 186, 190, 907 P.2d 304 (1980). As for aggravating factors, jurors must be unanimous to find the state has proved the existence of the special verdict beyond a reasonable doubt. State V. Goldberg, 149Wn.2d 888, 892, 72P.3d 1083 (2003), State V. Bashaw, No 81633-6 (July 1st 2010). However, jury unanimity is not required to answer "no" Goldberg, 149 Wn.2d at 893, 72P.3d 1083. Where the jury is deadlocked or cannot decide, the answer to the special verdict is "no" Id. In Goldberg, the jury was given the following instruction.

In order to answer the special verdict form "yes", you must unanimously be satisfied beyond a reasonable doubt that "yes" is the correct answer. If you have a reasonable doubt as to the question, you must answer "no".

Id.

Although the Supreme Court vacated the Special verdict for other reasons, it did not find fault with this instruction.

instruction. Goldberg, 149Wn.2d at894, 72P.3d 1083.

By contrast in the case of State V. Bashaw, the jury was instructed quite differently.

If you find the defendant guilty, you will complete special verdict form A. **"Since this is a criminal case, all twelve of you must agree on the answer to the special verdict."** If you find from the evidence that the state has proved beyond a reasonable doubt that the defendant delivered the controlled substance to a person within one thousand feet of a school bus route stop designated by a school district, it will be your duty to answer the special verdict form A yes.

On the other hand, if, after weighing all of the evidence, you have a reasonable doubt that the defendant delivered a controlled substance to a person within one thousand feet of a school bus route stop designated by a school district, it will be your duty to answer... special verdict form A no.

(RP 464-66, emphasis added)

The court overturned the special verdict in Bashaw, due to the error in this instruction.

In the present case the instructions made to the jury in instructions number's 24 and 25 it states the following:

24. For purposes of a special verdict, the state must prove beyond a reasonable doubt

that the defendant was armed with a firearm at the time of the commission of the crime in counts I, II, III, IV, and/or V.

A person is armed with a firearm if, at the time of the commission of the crime, the firearm is easily accessible and readily available for offensive or defensive use. The state must prove beyond a reasonable doubt that there was a connection between the firearm and the crime. In determining whether this connection existed, you should consider the nature of the crime, the type of firearm, and the circumstances under which the firearm was found.

If one participant in a crime is armed, with a firearm, all accomplices to that participant are deemed to be so armed, even if only one firearm is involved.

A "firearm" is a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

25 You will be furnished with additional special verdict forms fill in the blanks with the answer " yes " or " no " according to the decisions you reach. In order to answer any question on the special verdict forms " yes ", you must unanimously be satisfied beyond a reasonable doubt that " yes " is the correct answer. If you have a reasonable doubt as to the question, you must answer "no".

When all of you have so agreed, fill in the special verdict forms to express your decisions. The presiding juror will sign them and notify the bailiff who will conduct you into court to declare your special verdicts.

(emphasis added)

This instruction incorrectly requires jury unanimity for the jury to answer "no" to the special verdict, contrary to Goldberg. Thus, if the jury was deadlocked, instead of just answering "no" it would feel compelled by this instruction to continue deliberations to reach unanimity. Since this instruction misstates the law, the special verdict must be stricken.

The jury was clearly not completely in agreement and had a doubt as they show in the jury question to the judge. (see appendix N-- P)for the instructions to the jury and the question to the judge from the jury.)

For the reasons stated, the special verdicts should be stricken on all five counts and the total sentence reduced by twenty one years.

9.) The cumulative effect of all these errors denied the petitioner a fair trial.

The petitioner argues that even if reversal is not required by one of the previously raised issues, the cumulative effect of these errors denied him a fair trial. Where a reviewing court finds a number of errors that are

harmless individually, their cumulative effect can sometimes require reversal. State V. Coe, 101Wn.2d 712, 789, 684 P.2d 668(1989). Under the cumulative error doctrine, a defendant may be entitled to a new trial when errors even though individually harmless but together they produced a trial that was unfair or prejudicial. State V. Grieff, 141Wn.2d 910, 929, 10P.3d; State V. Alexander, 64Wn.App. 147, 158 822P.2d 1250(1992); Chambers V. Mississippi, 410 U.S. 284 (1973) A combination of erroneous evidentiary rulings rose to the level of a 14th Amendment Due process violation, and deprived the defendant of a fair opportunity to defend himself .

The petitioners argues that the combined effect of the errors created by counsel's ineffective representation the trial judges abuse of discretion, and the prosecutor's invidious discrimination denied him his right to a fair and unbiased trial. U.S. Const. Amend. VI.

G.) CONCLUSION

The petitioner respectfully requests that this court grant the relief sought in the above arguments.

The removal of a potential trier from the public forum of the courtroom without first conducting a on the record Bone-Club analysis or its equivalent results in a complete miscarriage of justice.

The erroneous jury instruction requiring jury unanimity makes the sentence and the special verdicts facially invalid requiring this court to vacate the special verdict enhancements.

Finally the cumulative effect of all of the errors presented here combine to demonstrate a entitlement to relief on the merits. Thus reversal and remand are required as well as vacation of the special verdict on this cause.

Respectfully submitted November 30, 2010

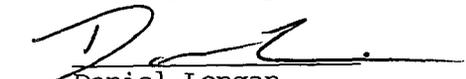

DOC#827885

Stafford Creek Corrections Center
191 Constantine Way
Aberdeen Wa, 98520

DECLARATION

I, Daniel Longan, state under oath pursuant to RCW 9A.72.085, that the fore-going facts are true to the best of my knowledge, based on personal observations, facts, evidence, experience, and conclusions, and that the appendix's A through N so attached here to are true and correct and are what they are represented to be. Dickerson V. Wainwright, 626 F.2d 1184(1980). Affidavit sworn as True and correct under penalty of perjury has full force of law and doesn't have to be verified by a notary republic.

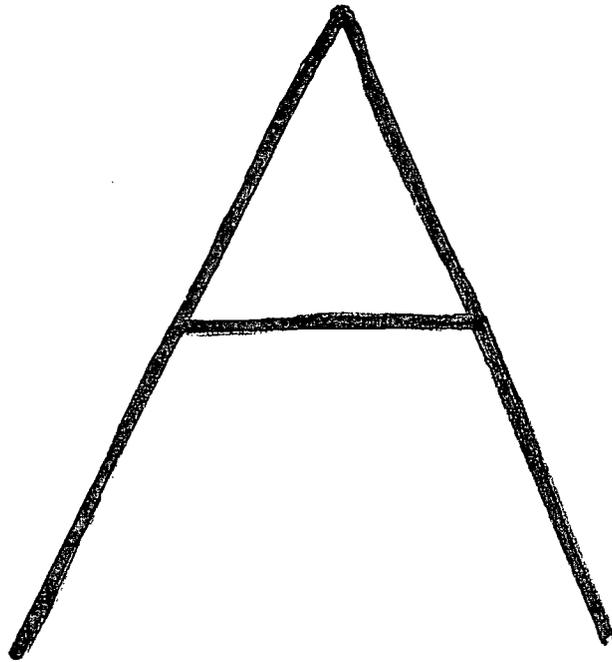
Under penalty of perjury I swear the above is true


Daniel Longan

_____ (order signature)

Judge

APPENDIX



IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

DANIEL RAYMOND LONGAN,

Appellant.

No. 37942-2-II

ORDER
DENYING MOTION FOR
RECONSIDERATION

Appellant Daniel Longan, through counsel and pro se, has moved for reconsideration of the court's unpublished opinion filed on August 25, 2009. Upon review, we deny the motion for reconsideration as the only potential issue raised is more appropriately brought as a Personal Restraint Petition.

IT IS SO ORDERED.

DATED this 20th day of October, 2009.

Van Deren, C.J.
Van Deren, C.J.

Houghton, J.
Houghton, J.

Bridgewater, J.
Bridgewater, J.

APPENDIX

B

APPENDIX B

AFFIDAVIT

Pursuant to 28 U.S.C. § 1746 No Notary Required

My name is Jennifer Gournet. I am 35 years old. I am currently working as a loan coordinator. I reside at 1007 NE 150th Ave. Vancouver, WA 98684. Despite several attempts by myself and my family, Mr. Thomas Ladouceur, Daniel Longan's attorney, failed to interview me or call me as a defense witness. While Mr. Ladouceur was offered and even pressed by us, he didn't once approach me on Daniel Longan's behalf. I am confident that I could have helped the jury understand my brother, Daniel Longan's character, childhood, and his state of mind. I was present every day at Daniel Longan's trial. This speaks to my availability and willingness to contribute.

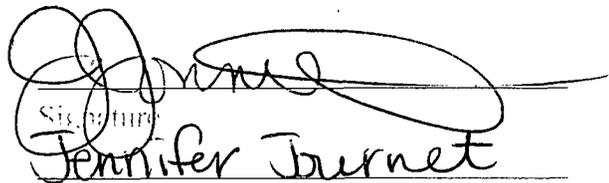
More than once during Daniel Longan's trial I heard snoring. I believe these noises were coming from the bench as a result of Judge Warnine sleeping. Intentional or not this is no behavior for a

Courtroom and can obviously affect Daniel Longan's chance for a fair trial. After reviewing the trial video provided by the court clerk, I can also confirm a juror was taken out into the hall way without asking if my family or anyone objected first to the court room closure. Please take these facts into consideration. The lack of defense provided by Mr. Ladouceur on Daniel Longan's behalf is alarming. Not one witness or expert was called. I only hope this helps bring Daniel Longan a fair trial and competent defense. Thank You. Respectfully,

I, Jennifer Jurnet, am over the age of majority and am also a U.S. citizen competent to testify and herein attest under penalty of perjury that all statements contained herein is the absolute truth.

Affidavit pursuant to 28 U.S.C. § 1746 and UNITED STATES v. KARR 928 F.2d 1138 (9th Cir. 1991), sworn as true and correct under penalty of perjury has full force of and is not required to be verified by notary public.

Respectfully submitted on this 30 day of August, 2010.


Signature
Jennifer Jurnet

Print Name

Institution

1007 NE 150th Ave

Address

Vancouver, WA 98684

City

State

Zip

APPENDIX

C

APPENDIX C

AFFIDAVIT

Pursuant to 28 U.S.C. § 1746 No Notary Required

I, Patricia A. Bird-Hoffman, am writing this affidavit to the court for Mr. Daniel Longan. I feel the court needs to be aware, that on several occasions, by phone and in person, I requested that Mr. Thomas Ladouceur, defense attorney for Mr. Longan, allow myself and others to testify as a witness for the defense. I offered ~~to~~ to testify not only to Mr. Longan's good character, but as to the reason Mr. Longan was wearing a bullet proof vest on the night in question. You see Mr. Longan had recently been stabbed in his back with a knife prior to the car chase incident. Mr. Longan was afraid for his life. I requested to testify to this on many occasions including the day of his trial. Each time Mr. Ladouceur would become rude and abusive to me. Mr. Ladouceur once responded to me with the words, "It is not that kind of trial. No character witnesses or any other kind will be called." On each occasion I protested

AFFIDAVIT

Pursuant to 28 U.S.C. § 1746 No Notary Required

and would remind him of the United States Constitution and the Bill of Rights and that it was within Mr. Longan's rights to call witnesses in his defense, as well as, to testify in his own defense. Mr. Ladouceur was irritated with me, but still would not allow anyone to testify for Mr. Longan's defense. I witnessed on the second day of Mr. Longan's trial, Mr. Longan himself ask Mr. Ladouceur if he could testify in his own behalf. Mr. Longan made this request at one of the breaks during the day the court takes. Mr. Ladouceur assured him that he would have the opportunity to do so. Mr. Ladouceur not only did not give him an opportunity to testify in his own defense, but Mr. Ladouceur offered no defense at all! When the prosecution rested, Mr. Ladouceur stood up and said, "The defense rests."

I feel it necessary to also point out that during the part of choosing the jurors, a woman with health issues asked to speak about those health issues privately. The Judge, Prosecutor, Defense Attorney and the woman all went out a side door into a restricted access

AFFIDAVIT

Pursuant to 28 U.S.C. 1746 No Notary Required

hallway, to discuss her health issues. Mr. Longan was in the courtroom during this time. The woman returned to the courtroom however, the Judge, Prosecutor and Mr. Ladouceur stayed in the hallway and discussed other jurors and other aspects of the trial. Mr. Longan was not present for the discussions and I, as well as the rest of the world, were not allowed to hear what was being discussed. I know that this clearly violated his, Mr. Longan's, right to a public trial. I have attached a photo of the Cowlitz County Court House and the public and restricted areas are clearly shown. I did this to clear up any question of whether or not, the hallway was public or restricted to the public. The hallway in question was and still is a restricted access hallway. The public is not allowed in that hallway at anytime. I pointed out this fact to Mr. Longan's Appeal Attorney. The appeal attorney's response to me was, "So sad, Too Bad, Too Late." I feel Mr. Longan's rights were violated before the trial, during the

AFFIDAVIT

Pursuant to 28 U.S.C. . 1746 No Notary Required

trial, and at his appeal.

I would also like to tell the court that during the entire trial the Judge had a dog under his bench. This does not seem legal. At the very least the animal had to be distracting. The Judge seemed to have trouble staying awake and focusing on the trial. The Judge even stated, at one point during the trial, that it was the dog snoring on him.

The Prosecutor's witnesses testified that that they did not find Mr. Langan's fingerprints on any keys that were introduced as evidence. The prosecutor's witnesses also testified that after a two week search, they were unable to find any weapon, shell casings, bullets or any other evidence that would or could be introduced into evidence against him, (Mr Langan). One police officer that was a witness for the prosecution, said the only crime he was aware of that Mr Langan committed was attempting to allude the police.

After the prosecution vested their case, it was less than 60

seconds, before Mr. Ladouceur stood up and stated "The Defense Rests." In other words, Mr. Langan was allowed no defense at all. Mr. Ladouceur did not allow Mr. Langan to testify in his own defense, as he had promised.

I am astonished that this actually happened in the United States of America.

I pray the courts correct this obvious miscarriage of justice.

I, Patricia A. Bird-Hoffman am over the age of majority and am also a U.S. citizen competent to testify and herein attest under penalty of perjury that all statements contained herein is the absolute truth.

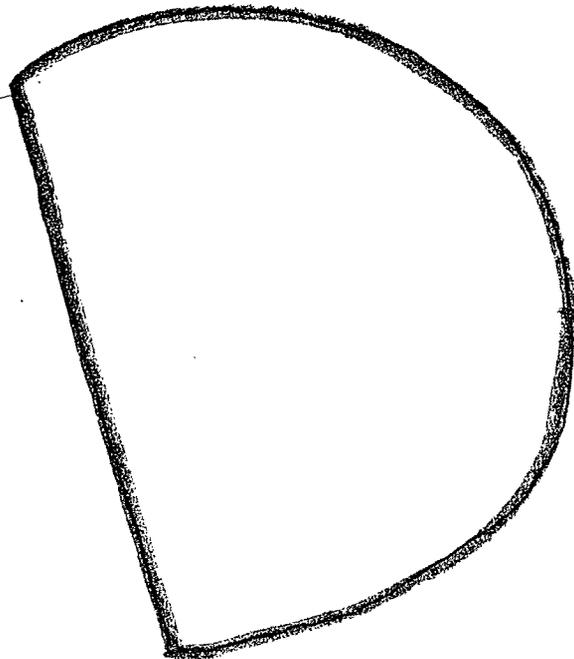
Affidavit pursuant to 28 U.S.C. § 1746 and UNITED STATES v. KARR 928 F.2d 1138 (9th Cir. 1991), sworn as true and correct under penalty of perjury has full force of and is not required to be verified by notary public.

Respectfully submitted on this 25th day of July, 2010.

Patricia A. Bird-Hoffman
Patricia A. Bird-Hoffman

8403 NE St. Johns Rd. #56
Vancouver, WA 98665

APPENDIX



APPENDIX D

AFFIDAVIT

Pursuant to 28 U.S.C. § 1746 No Notary Required

I, Victoria Ong Believe that if I had been allowed to testify on Daniel Longans behalf as a Character witness that it would have had a significant impact on the outcome of his trial. Daniel told me that his attorney, Mr. Redueier was supposed to contact me numerous times, in which he never did. I was present through the whole trial. At one point the Judge made a comment about his puppy snoring under his desk. At others it appeared to me that the judge was nodding off. I also witnessed counsel from both sides and the judge take a juror in to a private hallway. I also believe that Daniels lawyer misrepresented him. He gave absolutely, no fight or argument on his behalf. I truly believe this was because his lawyers opinion was that he was guilty before the trial had begun, which is absolutely wrong of him

I would also like to clarify that the reason Daniel had a bullet proof vest was for absolutely nothing else but protection. A short time before his arrest he was stabbed in his back and went to the hospital for his wounds. The hospital wanted to keep him for observation, and they also gave him antibiotics that he was allergic to, but he refused to stay. In my opinion his lawyer should have spoke up or it never should have counted as evidence.

in my opinion. Daniel Longan is a truly wonderful, kind hearted person. He stuck by me when no one would. He would make sure I was ok when I was pregnant, feed me, shelter me. I also know how his co-defendant portrayed him to the prosecutor. None of anything she said was true. I know her very well. She is and always has been a very manipulative, deceitful person, even towards me. If I were able to testify for him, I think the outcome would be totally different. It is a failure of the American Justice System what has happened. We are supposed to be fair. What is fair about what has happened to Daniel, his sentence, given the facts.

see back of previous page

I, Victoria Ong, am over the age of majority and am also a U.S. citizen competent to testify and herein attest under penalty of perjury that all statements contained herein is the absolute truth.

Affidavit pursuant to 28 U.S.C. § 1746 and UNITED STATES v. KARR 928 F.2d 1138 (9th Cir. 1991), sworn as true and correct under penalty of perjury has full force of and is not required to be verified by notary public.

Respectfully submitted on this 28 day of July, 2010.

Victoria Ong
Signature
Victoria Ong
Print Name

Institution

Address

City

State

Zip

WASHINGTON SHORT-FORM INDIVIDUAL ACKNOWLEDGMENT (RCW 42.44.100)

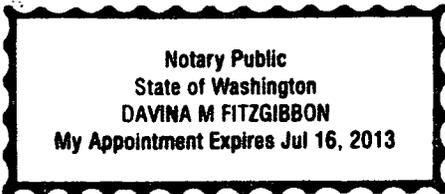
State of Washington }
County of CLARK } ss.

I certify that I know or have satisfactory evidence that VICTORIA ONG
Name of Signer

is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: JULY 28, 2010
Month/Day/Year

[Handwritten Signature]
Signature of Notarizing Officer



NOTARY PUBLIC
Title (Such as "Notary Public")

My appointment expires

JULY 16, 2013
Month/Day/Year of Appointment Expiration

Place Notary Seal Above

OPTIONAL

Although the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

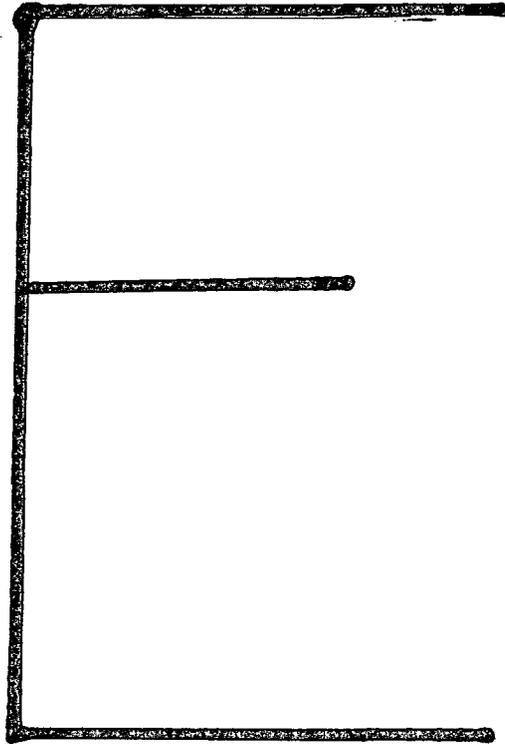
Title or Type of Document: AFFIDAVIT

Document Date: 7-28-2010 Number of Pages: 2

Signer(s) Other Than Named Above: N/A

Right Thumbprint of Signer
Top of thumb here

APPENDIX



APPENDIX **E**

AFFIDAVIT

Pursuant to 28 U.S.C. § 1746 No Notary Required

I Kathryn Hoffman would like to state that regardless of numerous requests to testify as a defense witness on Daniel Longers behalf, Mr. Ladauer refused to contact me. I believe my testimony as a character witness & defense would have had a great impact on the jury as it would have helped them to get to know what a kind and caring person Daniel really is. I believe my testimony would have made a difference to the trial and its outcome.

If I had been allowed to testify I also would have stated that prior to Daniel Longers arrest he had been stabbed and so in fear for his life he purchased a protective vest for his own safety and out of fear.

I would also like to state that during the trial I witnessed the Judge snoring throughout the entire trial. At one point he stated he had a service dog in training under his desk and that he was going to blame the dog for the snoring. For a trial of such serious matters I think it was extremely inappropriate.

I would also like to state that during the Viardire process one of the jurors was taken out into a private hallway for questioning by the Judge, defense and prosecutor. I was not given the opportunity to object to my exclusion from that portion of the Viardire. I believe this violated my constitutional rights.

During the trial breaks I witness Mr. Langan try and talk to Mr. Ladouceur repeatedly about his defense but Mr. Ladouceur cut him short before he could do so.

I just feel that Daniel Langan deserves another chance to have a trial that is fair and wish he can get better representation from his defence attorney. He, Daniel Langan, is a good person and at least deserves this.

I, Kathryn Hoffman, am over the age of majority and am also a U.S. citizen competent to testify and herein attest under penalty of perjury that all statements contained herein is the absolute truth.

Affidavit pursuant to 28 U.S.C. § 1746 and UNITED STATES v. KARR 928 F.2d 1138 (9th Cir. 1991), sworn as true and correct under penalty of perjury has full force of and is not required to be verified by notary public.

Respectfully submitted on this 27th day of July, 2010.

Kate Steffen
Kathryn Hoffman

8403 NE St Johns Rd.
#56

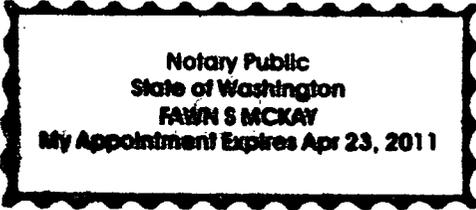
Vancouver WA 98665

WASHINGTON SHORT-FORM INDIVIDUAL ACKNOWLEDGMENT (RCW 42.44.100)

State of Washington }
County of Clark } ss.

I certify that I know or have satisfactory evidence that Kathryn Hoffman
Name of Signer

is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.



Dated: July 27, 2010
Month/Day/Year

Fawn S. McKay
Signature of Notarizing Officer

Notary Public
Title (Such as "Notary Public")

My appointment expires
April 23, 2011
Month/Day/Year of Appointment Expiration

Place Notary Seal Above

OPTIONAL

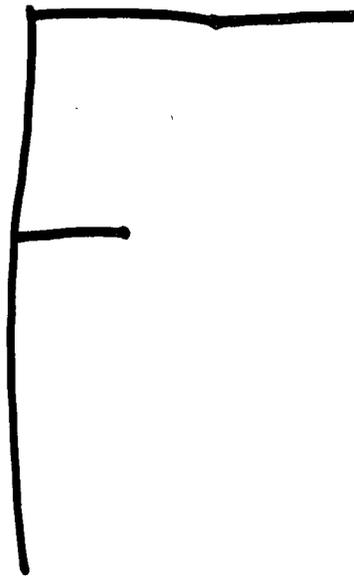
Although the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Affidavit
Document Date: 7-27-10 ⁷⁻²⁷⁻¹⁰ ~~7-25-10~~ Number of Pages: 2
Signer(s) Other Than Named Above: _____

Right Thumbprint of Signer
Top of thumb here

APPENDIX



APPENDIX F

AFFIDAVIT

Pursuant to 28 U.S.C. § 1746 No Notary Required

I Daniel Raymond Langen am writing this affidavit as a means of putting previously unknown facts on the record for the courts review. At several points during my incarceration awaiting trial, I contacted my attorney Thomas Ledouneur asking him to do several things in preparation for my trial. 1) I asked him on several occasions to contact the following people and interview them to see what they could offer as witnesses for my defense (Jennifer Journet, Patricia Bird-Hoffman Katherine Hoffman, Victoria Ong) He refused to contact and interview any of the listed people. When Patricia Bird-Hoffman attempted to contact him he became rude towards her. I asked my attorney to acquire my medical records from shortly before I was arrested to provide evidence to support my explanation as to why I was wearing a protective vest. Again he didn't accomplish this even after I signed a medical Waiver. Mr. Ledouneur failed to inquire into the bullet holes in the rear of the vehicle I drove during the alleged crimes when asked to do so.

During my trial I expressed on several occasions to Mr. Ledouneur I would like to testify on my own behalf and wasn't allowed to do so. When he rested his case I was afraid to speak up on my own to express this and believe if I had been allowed to testify it would have had a tremendous affect on the outcome of my trial.

If allowed to testify in my own defense I would have been able to tell my side of what transpired on March 20, 2007. My testimony would have been as follows. When the police turned in behind me in the ally way I panicked and sped away. After I started driving away my codefendant rolled down her window without my knowledge & fired shots at police officers in pursuit. At first I was unsure of what had just happened. The volume on the car stereo was very loud and I was concentrating on driving due to the slick road conditions. Only after she fired the second set of shots did I realize what had just happened and realize just how serious things just became. At the time I was a very serious meth addict & had been up for several days & was in fear of being shot myself due to a stabbing by a stranger a couple of weeks earlier and a prior attempt by my codefendant to overdose me with a hot shot of Meth a week prior. Yet I loved her & believed I could change her for the better. Only she was beyond my saving & these events transpired instead. At the point when I realized what happened I was scared that if I stopped the vehicle either she would shoot me or she would get into a shoot out with police in which I would be shot.

In retrospect my decision not to stop is the worst decision I've ever made. But at the time it seemed like the only safe decision. So I kept driving until they disabled the car at which time I reeked into the side of a back store. When the car stopped it burst into flames and without thinking I ran away from the burning vehicle, her, and the police. Plain & simple. I ran because I was scared, high, awake to long to think straight and it was a very big mistake. But I believe if I would have been allowed to convey this to the jury it would have changed the outcome of my trial.

Also during my trial Vein Dine juror #21 Janis Wood was taken into a side hallway which is restricted in its access to only prisoners in transport, but clerks & judges and jail correctional staff. This back hallway is clearly inaccessible to the public. I was asked if I would like to attend this meeting, but advised by counsel not to so as not to create an enemy on the jury if she was selected due to the fact that they were to discuss her medical conditions. So I waived my right to be present at this meeting in private. In no way was I aware of my right to a public trial. I never waived my right to a public trial. And the judge never considered an alternative to this closure. If I had been aware of my right to a public trial I never would have let this happen I would have objected to the denial of my denial of my right to testify and my right to public trial.

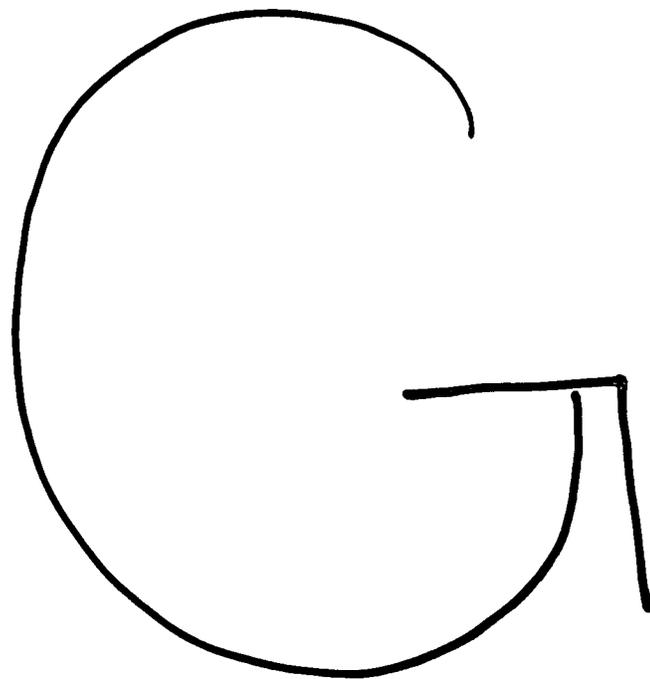
I, Dan, am over the age of majority and am also a U.S. citizen competent to testify and herein attest under penalty of perjury that all statements contained herein is the absolute truth.

Affidavit pursuant to 28 U.S.C. § 1746 and UNITED STATES v. KARR 928 F.2d 1138 (9th Cir. 1991), sworn as true and correct under penalty of perjury has full force of and is not required to be verified by notary public.

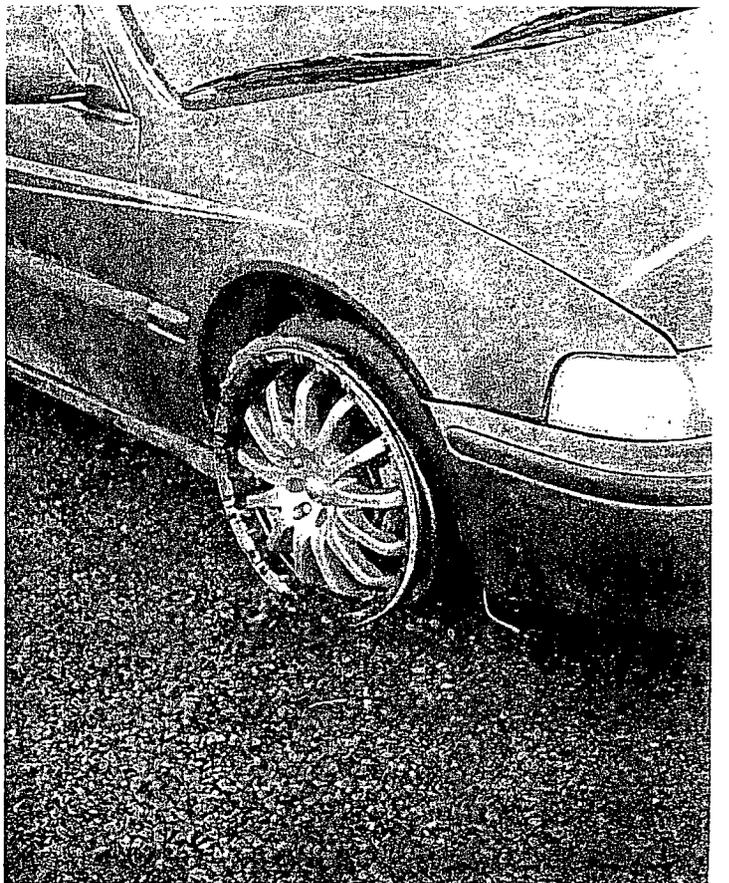
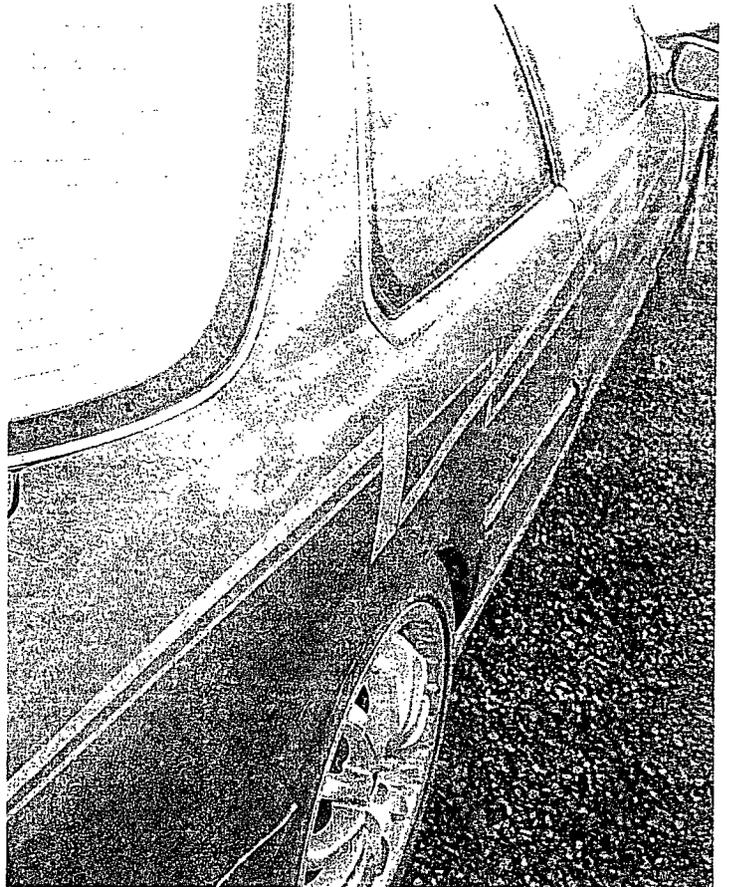
Respectfully submitted on this 30 day of September, 20 10.

Dan
Signature
Daniel Longan
Print Name
Stafford Creek Corrections Center
Institution
191 Constance Way
Address
Aberdeen WA 98520
City State Zip

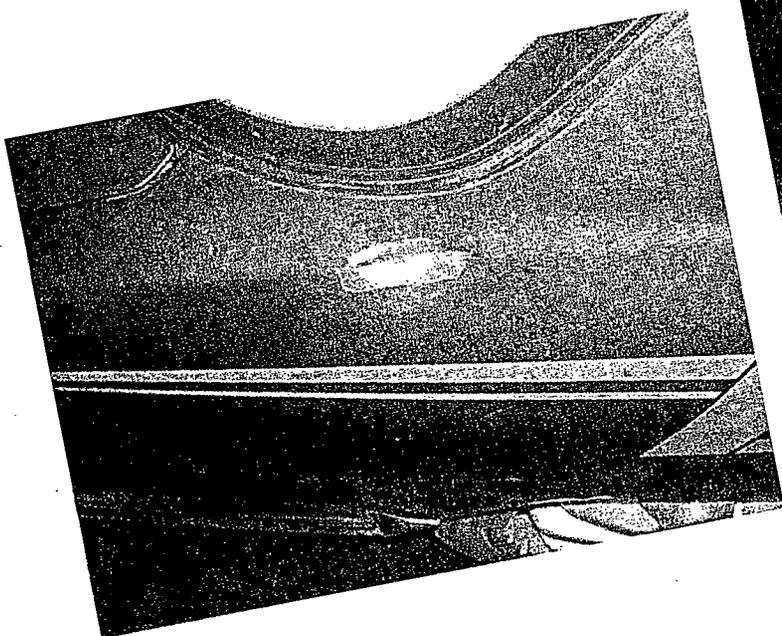
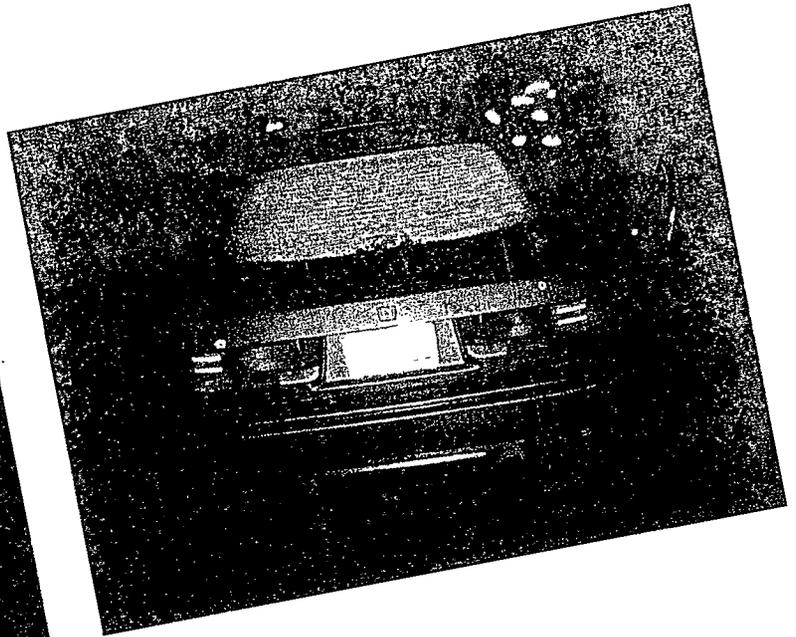
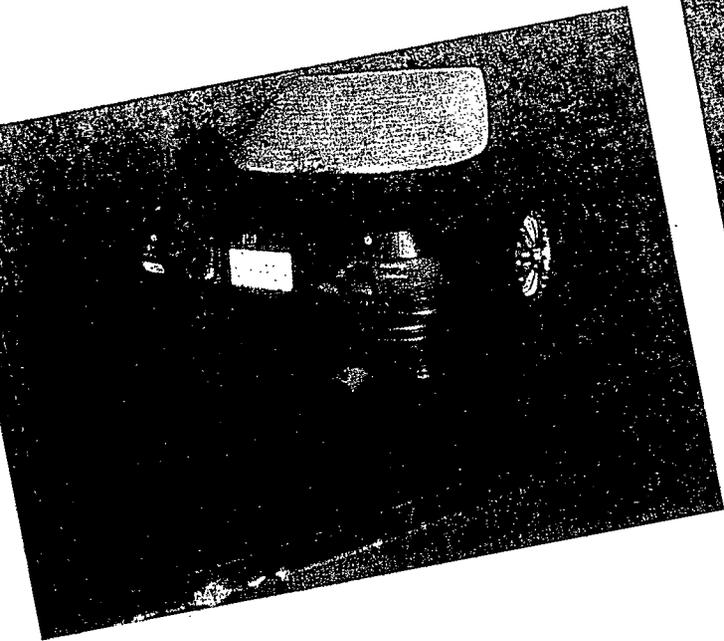
APPENDIX



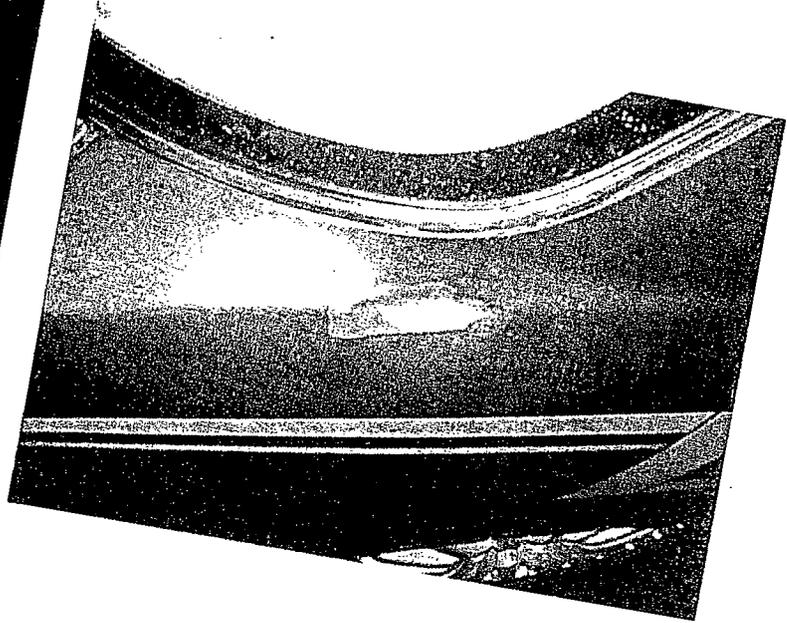
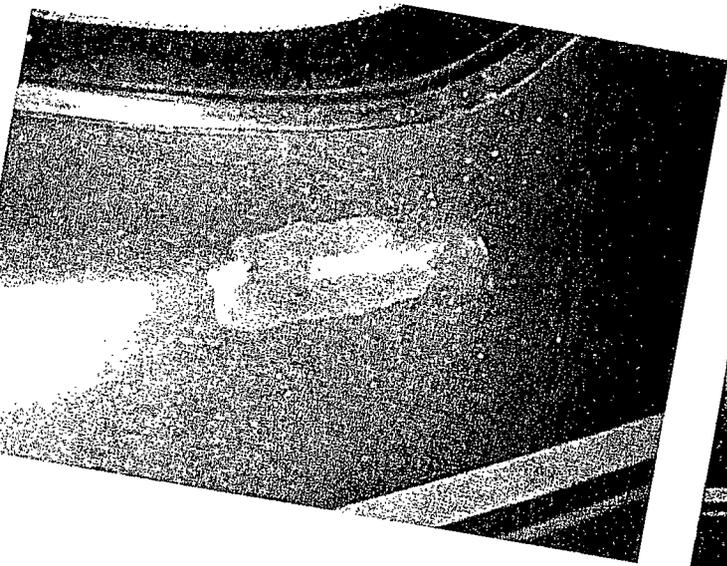
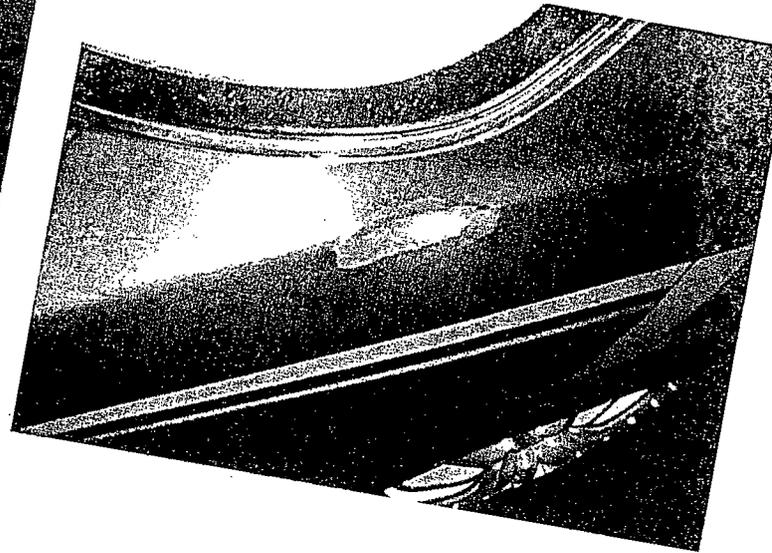
APPENDIX **G**



Digital Photos from St Helens PD



Digital Photos from LPD Patrol



APPENDIX

H

APPENDIX

H

Ladouceur, Tom

From: Shaffer, Michelle
Sent: Monday, December 10, 2007 1:47 PM
To: Ladouceur, Tom
Subject: Longan

Hey there... there is a slight chance I will be running a little late to our 2:30 hearing tomorrow as I have a COA oral argument in Tacoma that morning, but I should make it back in plenty of time.

We have never really negotiated concerning a resolution in this case. If your client would like to discuss a possible plea agreement after tomorrow, that will require a speedy trial waiver and new trial date. I won't have time during trial prep the rest of the week to carry on negotiations on this. Just wanted to give you the heads up in case you needed to discuss that with him before court.

Also, there are still 8 or 9 trials that have a serious chance of going beginning 12/17. At least one of them is likely to have priority over our case. Again, just an FYI in case you wanted to discuss that with your client before court.

Ladouceur, Tom

From: Shaffer, Michelle
Sent: Tuesday, December 11, 2007 8:23 AM
To: Ladouceur, Tom
Subject: RE: Longan

I don't see the judge having a problem with it. Your client is facing the possibility of decades in prison and there's a possibility the case could be resolved short of a several-day trial. Judge Warme is very reasonable on those matters.

I didn't respond to the proposal because it didn't seem like a serious one. Even your client acknowledged in his letter to me that 48 months with no responsibility taken for the assaults was low.

As the person with the burden of proof, I have a lot to do this week. Offers on a case like this require meetings with the victims (in the case, Longview Police Officers who are on days off or are swamped with a murder investigation) and also consideration of how it might impact the co-defendant's case (that case is being continued tomorrow, by the way). So at this point, with the trial being set for Monday, I have time to prep or negotiate.

-----Original Message-----

From: Ladouceur, Tom
Sent: Monday, December 10, 2007 6:14 PM
To: Shaffer, Michelle
Subject: RE: Longan

I conveyed your message to my client and if he wishes to waive speedy trial we can do that tomorrow. Do you really think we need even more time to negotiate a resolution? I can imagine the judge asking what we have done thus far and why more time is needed for this purpose. I e-mailed you a proposal about three months ago and have not heard from you. If you have an offer to make I would be happy to speak with my client about it. It seems to me there is still time to discuss potential resolutions if you want to.

From: Shaffer, Michelle
Sent: Monday, December 10, 2007 1:47 PM
To: Ladouceur, Tom
Subject: Longan

Hey there... there is a slight chance I will be running a little late to our 2:30 hearing tomorrow as I have a COA oral argument in Tacoma that morning, but I should make it back in plenty of time.

We have never really negotiated concerning a resolution in this case. If your client would like to discuss a possible plea agreement after tomorrow, that will require a speedy trial waiver and new trial date. I won't have time during trial prep the rest of the week to carry on negotiations on this. Just wanted to give you the heads up in case you needed to discuss that with him before court.

Also, there are still 8 or 9 trials that have a serious chance of going beginning 12/17. At least one of them is likely to have priority over our case. Again, just an FYI in case you wanted to discuss that with your client before court.

APPENDIX

I

APPENDIX I

Ladouceur, Tom

From: Shaffer, Michelle
Sent: Tuesday, February 05, 2008 3:01 PM
To: Ladouceur, Tom
Subject: Longan

Importance: High

Unbelievable... I just got word from Van Hooser's attorney that she "may" want to testify against your guy. I wish I had something more definite to tell you than that (I would really like to know myself). The attorney couldn't talk at length today so we're talking in the morning.

Unfortunately, I think Thursday morning would be the earliest I would know. Her readiness hearing is also scheduled for Thursday AM... she will be asking for a continuance to get a BWS eval (based on childhood abuse).

Additionally, I failed to include in the offer I gave you the possibility that I could get a promise from the feds not to prosecute your client and also work something out with Clark County about concurrent time for whatever he gets convicted of down there. If you end up asking for the continuance (which given the circumstances I would never object to), we can throw that into the negotiations.

Let me know if you would like to add this on for later in the docket on Thursday or whether you just want to wait and see what I find out.

APPENDIX

J

APPENDIX J

If the court does not find the convictions arose "from separate and distinct criminal conduct" under RCW 9.94A.589 (therefore the base sentences for the serious violent offenses run concurrent to each other):

One count of Assault 1 (off. score of 6) = 162 - 216 months = 13 ½ - 18 years
Add FA enhancement = 222 - 276 months = 18 ½ - 23 years

Two counts of Assault 1 (off. score of 9) = 240 - 318 months = 20 - 26 ½ years
Add one FA enhancement = 300 - 378 months = 25 - 31 ½ years
Add two FAE* = 360 - 438 months = 30 - 36 ½ years

* FAEs are required to be run consecutive to each other and the base sentence.

Three counts of Assault 1 (off. score of 12) = 240 - 318 months = 20 - 26 ½ years
Add one FA enhancement = 300 - 378 months = 25 - 31 ½ years
Add two FAE = 360 - 438 months = 30 - 36 ½ years
Add three FAE = 420 - 498 months = 35 - 41 ½ years

If the court finds the convictions arose "from separate and distinct criminal conduct" under RCW 9.94A.589 (therefore the base sentences for the serious violent offenses run consecutive to each other with the first being scored without including the others in the offender score and the other two being scored as a zero):

Assault 1 (off. score of 6 = 162 - 216 months) + Assault 1 (off. score of 0 = 93 - 123 months) +
Assault 1 (off. score of 0 = 93 - 123 months) = 255 - 339 months = 21 ¼ - 28 ¼ years
Add one FAE = 315 - 399 months = 25 ¼ - 33 ¼ years
Add two FAE = 375 - 459 months = 31 ¼ - 38 ¼ years

Assault 1 (off. score of 6 = 162 - 216 months) + Assault 1 (off. score of 0 = 93 - 123 months) +
Assault 1 (off. score of 0 = 93 - 123 months) = 348 - 462 months. = 29 - 38 ½ years
Add one FAE = 408 - 522 months = 34 - 43 ½ years
Add two FAE = 468 - 582 months = 39 - 48 ½ years
Add three FAE = 528 - 642 months = 44 - 53 ½ years

Additionally, the State has filed notice of intent to seek an exceptional sentence up to the maximum for the crime, which is life in prison.

SUSAN I. BAUR
COWLITZ COUNTY PROSECUTING ATTORNEY

CHIEF CIVIL DEPUTY
Ronald S. Marshall



CHIEF CRIMINAL DEPUTY
Michelle L. Shaffer

Patricia Anderson
Michael H. Evans
Amie L. Hunt
Michelle Nisle
James Smith

DEPUTY PROSECUTING ATTORNEYS

Teresa Barnett
Tim Gojio
Jason Laurine
Jeff Riback
Barbara Vining

Eric Bentson
Megan Hallin
Michael Nguyen
Sarah Silberger
Rebekah Ward

Deri Moore, Administrative Secretary

PLEA AGREEMENT

Cause number(s): 07-1-00431-6 Defendant: Daniel Longan

Deputy Prosecuting Attorney: Shaffer

Attorney for the Defendant: Ladouceur

The above-named individuals agree to enter into this plea agreement, which is accepted only by a guilty plea on a date agreed to by the parties if a signed plea agreement is received by Tuesday, February 5 at 9:00 a.m. and the plea takes place by February 12. Upon receipt of the signed plea agreement, the parties agree the court may strike the current trial date. If the defendant fails to plead on the agreed date, the defendant waives any right to claim a speedy trial violation based on any continuance granted as a result of her failure to plead on the agreed date.

The defendant shall plead guilty to Count I: Assault 1 with a deadly weapon enhancement, Count II: Assault 1 (no DWE) and Count III: Assault 1 (no DWE) of the amended information. The defendant must agree to testify truthfully against Heather Van Hooser if that case should go to trial. Prior to entry of the plea, defendant must interview with the Longview Police Department detectives to determine whether testimony will be truthful. If so, the defendant must sign a written statement acknowledging the truth of the testimony. If the defendant later fails to testify truthfully against Van Hooser, the parties agree the State may withdraw the guilty plea and prosecute the defendant on the original charges.

The State also agrees not to file Intimidating a Witness charges for the letter to Van Hooser.

The defendant agrees that the Prosecutor's Statement of the Defendant's Criminal History is accurate and that all out-of-state convictions used to calculate the offender score are the equivalent of Washington felonies. If there are other convictions that exist and the defendant does not reveal them prior to pleading guilty, this agreement is void and the Prosecutor may proceed on all charges, and the defendant will be re-sentenced upon conviction according to his or her correct and complete criminal history.

The defendant agrees that his standard range on each count is as follows:

- Count I: 240 - 318 months + 60-month FAE = 300 - 378 months = 25 - 31 ½ years
- Count II: 240 - 318 months
- Count III: 240 - 318 months

The parties agree to the following sentence:

- Count I:
 - 348 months (29 years) prison
 - 24 - 48 months community custody

- Counts II - III:
 - 240 months (20 years) prison on each count, concurrent to count I sentence,
 - 24 - 48 months community custody on each count, concurrent to Count I community custody.

The State agrees to run the sentences concurrent to any sentence currently being served, with credit for time served since the date of arrest on this matter in Oregon (March 2, 2007).

The parties agree any challenge to any of the above convictions and/or the agreed-upon sentence will be grounds for the withdrawal of the pleas and the State may proceed against the defendant on the original charges and any additional charges.

Defendant Date: _____



Deputy Prosecuting Attorney Date: 2-1-08

Defendant's Attorney Date: _____

APPENDIX

K

APPENDIX



Vancouver man's trial for 2007 chase, shooting opens

By *Leslie Slape*

If a passenger in a fleeing car shoots at police, is the driver responsible?

That's what jurors must decide in the trial of Daniel Raymond Longan, which began Monday in Cowlitz County Superior Court.

Longan, 28, of Vancouver is accused of leading Longview police on a 26-mile chase March 20, 2007, from Longview to St. Helens, Ore., while his passenger, Heather Lee Van Hooser, 31, of Vancouver fired at pursuing officers.

Both are charged with three counts of first-degree assault with a deadly weapon, second-degree taking a motor vehicle with a firearm and attempt to elude police with a firearm. Van Hooser's trial is set for Sept. 23.

In her opening statement, chief criminal deputy prosecuting attorney Michelle Shaffer recapped the chase.

Patrol officer Michael Berndt pulled behind a vehicle at 3:30 a.m. in an alley in the Highlands, and it immediately sped off, she said. The driver ran several red lights and stop signs during a high-speed chase that continued into the Old West Side.

"During the chase around the lake, at one point a female passenger leaned out the window and fired three shots at Officer Berndt," Shaffer said. The driver, Longan, showed "no hesitation in driving" during the gunfire, she said. The passenger fired two more times after Officer Kevin Sawyer joined the pursuit and once more as the suspect vehicle rounded the curve off the Lewis and Clark Bridge onto Highway 30, Shaffer said.

Although the car ran over spike strips in St. Helens, Longan continued driving as the tire was shredded off and sparks were igniting the undercarriage, Shaffer said. After police arrested the pair in St. Helens, they discovered that Longan was wearing a bulletproof vest, she said.

"An accomplice is somebody who aids someone else in committing a crime," Shaffer told the jury. "The defendant was his passenger's accomplice. ... He was equally liable for the shooting. As the driver, he was ready, willing and actively helping her fire at police officers."

Longan's defense attorney, Tom Ledouceur, disagreed.

"No he wasn't actively helping her," he told the jury in his opening statement. "The state's not going to be able to prove that."

He acknowledged that his client tried to elude police and that he stole the vehicle.

"The evidence is overwhelming on that," he said. "But as you just heard, it was the passenger in this car that was doing the shooting: Heather Van Hooser."

He noted that police never found the weapon, and therefore there are no fingerprints to link it to his



client (police believe it was tossed from the vehicle after the final shot).

“He was there, but just being there isn’t enough,” he said. “There’s no evidence Longan helped her, encouraged her or assisted her.”

The trial is expected to conclude Tuesday.

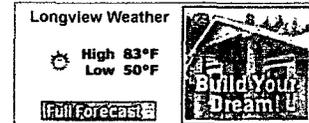
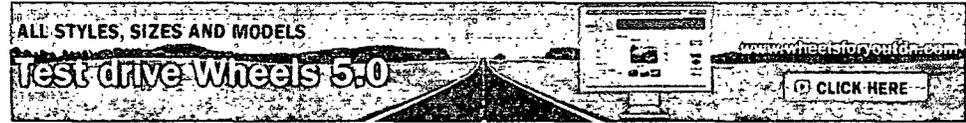
Monday, September 8, 2008



Rentals Local US/World Sports Business Community Entertainment TownSquare Classifieds Customer Service

Search Advanced Search Archives

Contests



Home > Area News

Vancouver man sentenced to 40 years for role in police chase

Thursday, July 3, 2008 10:11 AM PDT
By Leslie Slape

Printable version E-mail this article 24 comment(s)

Font Size:

Daniel Raymond Longan, the man who led police on a 26-mile pursuit in which his passenger fired a gun at Longview officers, was sentenced Wednesday to 40 years in prison.

"There is no doubt in my mind that Mr. Longan was at least as culpable as the individual actually firing the shots," Judge Stephen Warning said at Longan's sentencing hearing.

Longan, 28, of Vancouver made no statement.

After a two-day trial that began June 23, jurors deliberated one hour before finding Longan guilty of three counts of first-degree assault (two against Officer Michael Berndt and one against Officer Kevin Sawyer), taking a motor vehicle without permission and attempting to elude police, all on March 20, 2007. The jury later returned additional special verdicts, finding that Longan or his accomplice had been armed with a firearm during each crime and that the assaults were committed against law enforcement officers who were doing their official duties at the time.

The sentence includes a mandatory 15 years for the various firearms enhancements.

"Even with credit for good time, he will be in his 60s when he is released," Warning said. "The sentence seems appropriate."

The chase began in Longview at 3:30 a.m. March 20, 2007, when Berndt pulled behind a green Honda as it turned onto the 3000 block of Alder Street. Longan accelerated down the alley, pulled onto 32nd Avenue without stopping and sped up as Berndt followed.

The chase continued at 50-60 mph through several Longview streets and alleys without stopping, then continued at 90 mph over the Lewis and Clark Bridge into Oregon, finally ending in St. Helens after the car ran over spike strips. Total length of the pursuit was 25.9 miles.

The Honda had been stolen from a Vancouver man.

During the Washington portion of the pursuit, Longan's female passenger is alleged to have fired three times at Berndt, then two more times after Sawyer joined the chase. As the cars rounded the curve off the bridge toward Rainier, she allegedly fired two more shots.

The passenger, Heather Lee Vanhooser, 31, is scheduled to go to trial on assault charges in September in Cowlitz County Superior Court. After her case in Washington, she faces similar charges in Columbia County Circuit Court.

At Longan's sentencing hearing, Warning ruled that the two counts of assault against Berndt were the "same criminal conduct" and therefore would be counted as one conviction. Had they been ruled separate and distinct, as the state desired, Longan's standard sentencing range would have been 47 to 56 1/2 years in prison.

Longan will be transferred to Clark County, where he faces charges of residential burglary, third-degree malicious mischief and bail jumping.

Longan's mother, Patricia Bird-Hoffman of Vancouver, told the judge she had her son's power of attorney. She moved for a mistrial, asked that his defense attorney, Tom Ledouceur, be replaced and said she wanted all charges be dismissed because his rights of speedy trial were violated.

Warning told her that power of attorney does not give her power to represent her son in court and said even if it did, he would deny all motions.

Previous Article Next Article



Cowlitz PUD serves electricity to 46,700 residential, commercial, industrial and street lighting customers. We also provide water service to about 3,700 Longview-Kelso area customers.

951 12th in Longview
423-2210 or (800) 631-1131

Past Month's Most Commented Stories

- Longview Patin family proudly hears news that relative is McCain's pick for V.P. (165)
- Palin mocks Obama; McCain claims nomination (156)
- Gov. Patin says daughter is pregnant (126)
- Two women take on county over service animal policies (118)
- 9.9 percent average raise for Kelso school administrators (113)
- Kelso schools forced to slash special ed (112)
- Weekend marijuana raid yields 900 plants, no arrests (75)
- Video: Legalize it? (63)
- Longview, Kelso lag behind state average on WASL (59)
- Primary points to another close race for governor (53)

Woman gets 15 years for firing at Longview police

Thursday, February 5, 2009 12:53 PM PST

By Tony Lystra

Walt Vanhooser told a Superior Court judge Wednesday that he understands what it's like to be shot at. The retired Portland police sergeant said he'd once worried for himself and his fellow officers as a suspect opened fire on him with a shotgun.

Still, he said he hoped Superior Court Judge Stephen Warning would take mercy on his 32-year-old daughter, Heather Lee Vanhooser, who was sentenced to 15 years in prison Wednesday for hanging out the window of a speeding car and blasting away at Longview police officers.

"If I had one wish," he said, "I'd wish the judge would look at the totality of the circumstances. I think Heather is a worthy person. Her big mistake was getting in with the wrong people at the wrong time of her life."

Heather Vanhooser, of Vancouver, pleaded guilty in December to two counts of first-degree assault. Police said she fired five shots at officers Michael Berndt and Kevin Sawyer during a 27-mile chase through Longview and Columbia County in the early morning hours of March 20, 2007. No one was injured.

Her accomplice, Daniel Longan, 28, also of Vancouver, was sentenced in July to 40 years in prison.

"My officers were out there that night, and for doing their jobs they almost lost their lives," Longview Police Detective Doug Kazinsky, who investigated the case; told the court.

Kazinsky pointed out that one of the officers became a father less than a month ago. "It's only by some miracle" that none of the bullets killed an officer or someone sleeping in their home, he said.

Police said they clearly saw Vanhooser as she opened fire on them, but Vanhooser's attorneys denied that she fired the gun, saying she was the driver for much of the chase and that she and Longan switched seats toward the end of the pursuit.

Nonetheless, defense attorney Shannon Connall said her client pleaded guilty largely because both defendants were considered equally culpable, no matter who pulled the trigger.

Vanhooser, who has been held in the Cowlitz County jail since the incident, sobbed throughout the three-hour hearing Wednesday as her friends and family tried to convince Warning that she had committed herself to a new life.

Connall argued that Vanhooser, a mother of four, had been battered and bounced between a

series of horrible relationships, that she became addicted to methamphetamine and fell under Longan's influence. Connall said Longan even "prostituted" Vanhooser out to his friends.

"This is a nonviolent person," Connall said of Vanhooser, who, it was revealed in court, has the word "hate" tattooed on one of her hands.

Two psychologists, one called by the defense, one by the prosecution, testified that Vanhooser has post traumatic stress disorder.

Warning said there was little question that Longan had been "the moving force in this case" and that Vanhooser had certainly "faced some pretty horrific life experiences." Warning also acknowledged that, because the case never went to trial, there was still some question as to whether she or Longan had fired the gun.

Still, he said, "There were two people acting in concert who could have happily killed some police officers. That is the overriding factor in this case. ... I can't get past that. I can't look past that."

Tom LeCompte, a forensic psychologist at Western State Hospital in Tacoma, testified that Vanhooser told him she'd been drinking and repeatedly injecting herself with methamphetamine in the hours leading up to the chase. By around 3:20 a.m., she and Longan were racing at speeds of up to 60 mph through Longview and 90 mph over the Lewis and Clark Bridge, police said.

Authorities said Vanhooser fired as many as six shots throughout the chase, which ended after police laid a spike strip on Highway 30. Police said Vanhooser and Longan continued to drive on a shredded tire before fleeing the car, which had been stolen in Vancouver.

Vanhooser's friends and family said she had started life anew in jail. Members of a Vancouver church for addicts and ex-convicts said they would continue to work with her to keep her drug-free when she was released. Seanna Bozarth, who said she met Vanhooser while they were incarcerated together in Cowlitz County jail, said Vanhooser "gave me hope."

"She sat down and reintroduced Christ to me," said Bozarth, who was held in 2007 on a forgery charge.

As Warning leveled the 15-year sentence and Vanhooser began to sob uncontrollably in the barred courtroom cell where she had been observing the proceedings, one of her friends muttered, "Hold on, sister. Hold on." and "Help her, Lord."

Vanhooser's father, who spent 28 years as Multnomah County sheriff's deputy and nine years as a Portland police sergeant, recalled his shock as he heard of his daughter's arrest on the morning news.

As a child, Walt Vanhooser said, Heather had spent time with plenty of police officers and considered them part of her family. He said his daughter has "a kind heart" but that she is "a follower."

Heather Vanhooser's older sister, Hollie Neth, who is raising Heather's four children, said, "I think the family was hoping for a lighter sentence."



"We're a law enforcement family," she said. "We know what the officers were going through."

But, of her little sister, she said, "You also want to see your family member come home and have a good life."

Related articles:

Vancouver man sentenced to 40 years for role in police chase (July 3, 2008)

Police not able to find weapon used in shooting, wild car chase (March 26, 2007)

Chase suspects charged in Oregon (March 22, 2007)

Car chase, gunfire in Longview leads to two arrests in St. Helens, Ore. (March 21, 2007)

Copyright © 2009, The Daily News All rights reserved.

APPENDIX

L

1 that causes anybody to start off with any problems, or
2 strong feelings, one way or the other?

3 Okay. We anticipate that this case will
4 finish up sometime tomorrow, the presentation of the
5 case. I can't tell you how long your deliberations will
6 take, that's strictly up to you. We aren't going to
7 keep you sequestered, or locked together, during the
8 case. You'll be free to leave at the noon hour. Today,
9 we're going to break at approximately a quarter after
10 4:00. And if you are on the jury, the first thing we do
11 is make sure that you get access to a phone.

12 Is there anybody here who knows of any reason
13 whatsoever why you might not be able to sit on this
14 case? We usually get one or two hands.

15 Okay, yes, ma'am?

16 JUROR: I do have a health problem that could cause
17 me to be late, or not be very efficient.

18 THE COURT: Okay.

19 If -- if you know what our schedule is, can
20 you make that work?

21 JUROR: I -- there's -- it's doubtful -- I mean,
22 there's a doubt that I can.

23 THE COURT: Okay.

24 JUROR: If you'd like, I could talk to you
25 privately, if you'd like to know more about that.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT: All right, we'll come back to it.

What is your name?

JUROR: Janice Wood.

THE COURT: Okay, we will come back to it, if need be.

All right, anyone else?

Okay, before I turn this over to the lawyers for their questions, let me tell you a little bit about this process.

In the State of Washington, we use what's called the struck jury method for selecting jurors. Basically, what that means is the lawyers are going to be talking to you, generally, as a group. When I first started doing this as a lawyer, we would start with Juror No. 1, and each side would ask Juror No. 1 all their questions; then we'd go to Juror No. 2 and ask all the question; and so on. And by the time we'd get down to about Juror No. 14, you've heard it a few times; okay? The lawyers may, from time to time, ask questions of individual jurors, but generally, they're talking to everybody at once.

This is also sometimes called the "Donahue Method." It got that name, probably, because of Judge Donahue, who was, at that time, a Judge over in Spokane County, was the first to use it. I'm pretty sure the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Do you think they all lie?

JUROR: No, but anybody can lie. Just because they have a badge on doesn't mean they don't.

MR. LADOUCEUR: All right.

Well, thank you for that; and, once again, thank you very much.

THE COURT: All right, Counsel, want to approach?

Ladies and gentlemen, I told you a little while ago that each side can strike some jurors, if they wish, without giving a reason. That's the process we're going to be going through. It will take us about five minutes, that's why nobody is asking you questions.

MR. LADOUCEUR: Can I just have a minute?

THE COURT: Sure.

Counsel, approach, please.

(Bench conference begins at 11:23 a.m.)

THE COURT: Ladies and gentlemen, if you'd give us just a moment.

Ms. Wood, if you would step out here with us.

(Hall conference begins at 11:25 a.m.)

(The following proceedings occurred outside the presence of the jurors.)

THE COURT: I was looking at that again, and I -- I don't think this is a problem; all right?

Hang on just a moment, until Mr. Ladouceur

1 comes out.

2 Okay, I just wanted to ask you about the
3 medical situation, preferably without a whole lot of
4 people hearing.

5 JUROR:: Yes, I appreciate that.

6 It's kind of complicated. First, I have
7 [inaudible] and I just -- and that's a blood disease, by
8 the way, okay? So -- which causes me to have -- to need
9 phlebotomies, that type of things.

10 But now I have a secondary condition, and for
11 some reason, I'm having to go to the bathroom. Like
12 this morning, I thought I would be late because I was in
13 the bathroom a lot. And, so, that's -- that was my
14 concern, that I wouldn't even be here on times.

15 So, that -- if I were on the [inaudible] the
16 jury --

17 THE COURT: We take a break about every hour and a
18 half, or so, and if -- I always tell the jury if anybody
19 wants a break raise your hand and we'll take one, I'm
20 not gonna ask you why.

21 JUROR: Oh.

22 THE COURT: Would that be sufficient for you, do
23 you think?

24 JUROR: If I could do that -- I can -- that ad they
25 have on tv for a while, that's kind of me, you know,

1 right now:

2 THE COURT: Yeah, so, you think that'll be
3 sufficient for you?

4 JUROR: Yes, but then like -- what happens if I'm
5 late, like this morning? See, I just -- I could've been
6 late.

7 THE COURT: Yeah, okay.

8 JUROR: Now, I'm fine now, it just seems like I
9 just have that -- that one time in the morning, and, so
10 that was -- but I'm just fine to be [inaudible] here if
11 you don't want me having to do that.

12 THE COURT: Okay.

13 All right. Thank you, ma'am.

14 JUROR: Sure. Thank you.

15 MS. SHAFFER: I think we're going to need
16 [inaudible] the record.

17 THE COURT: Mr. Ladouceur, for the record, at this
18 point, your client was comfortable with not coming out
19 here to participate in this?

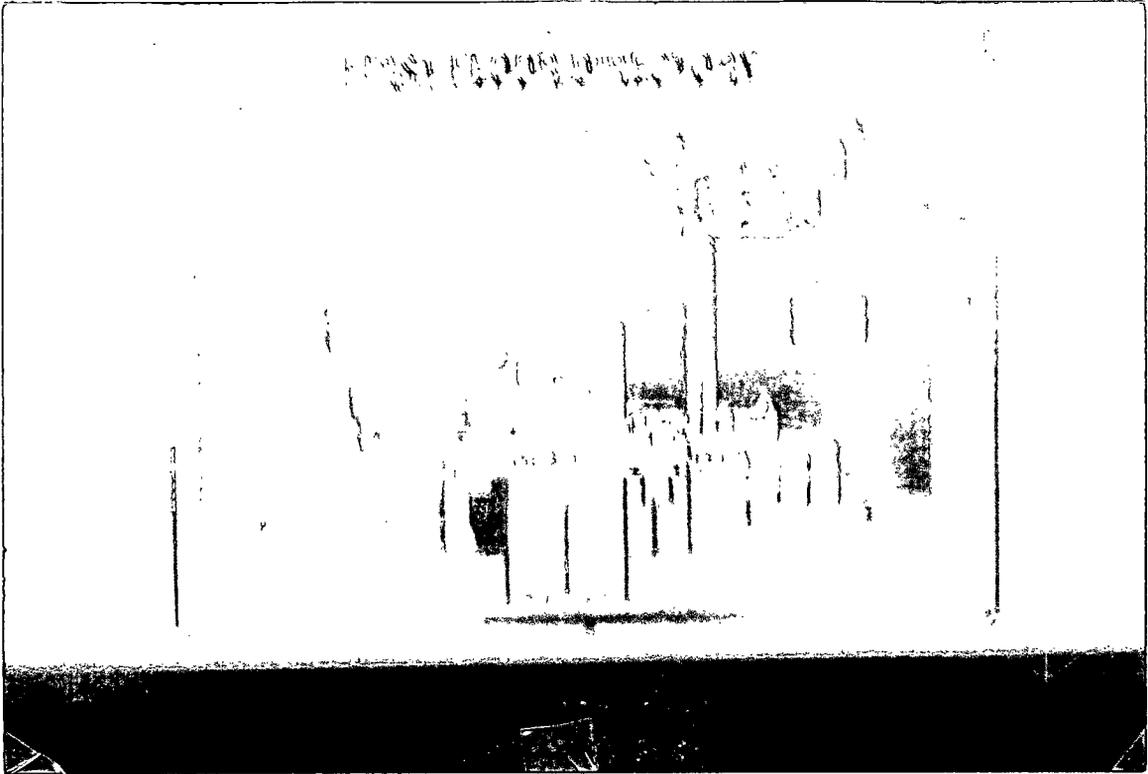
20 MR. LADOUCEUR: I specifically advised him of his
21 right to do so, and he indicated that he had no problem
22 with my advice; that he would decline the invitation;
23 and would be happy to put that on the record --

24 THE COURT: Okay, yeah, we'll do that outside the
25 presence of the jury.

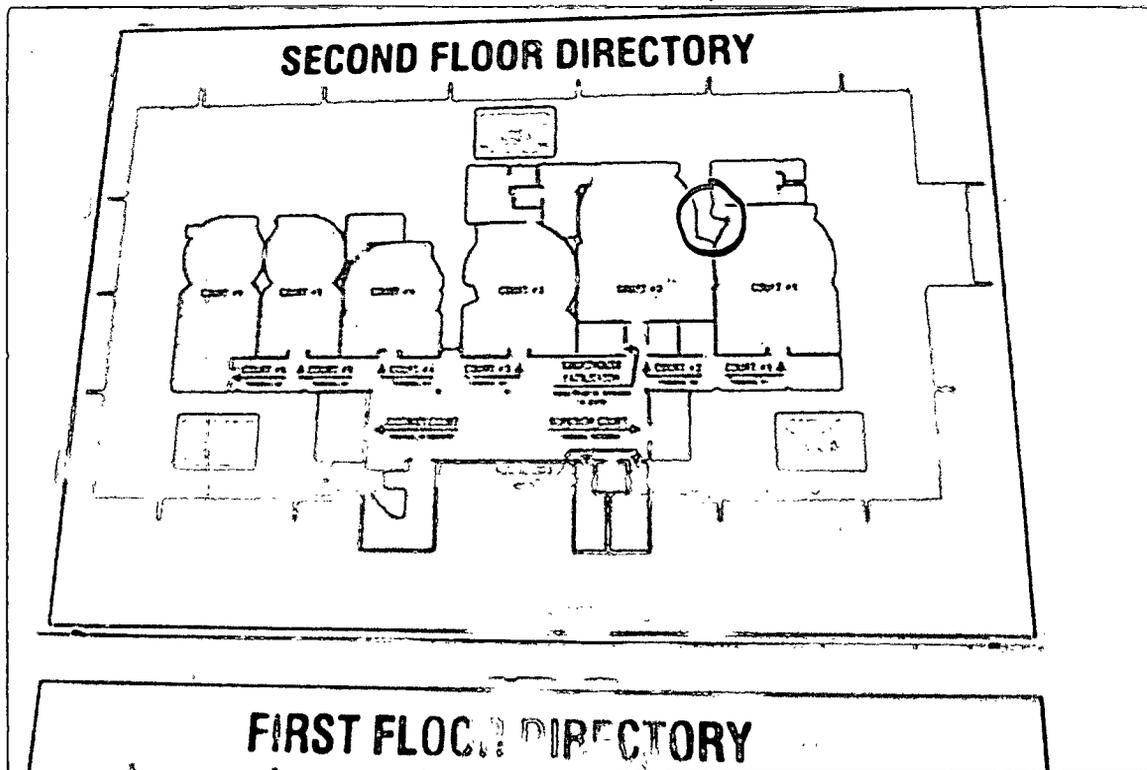
APPENDIX

M

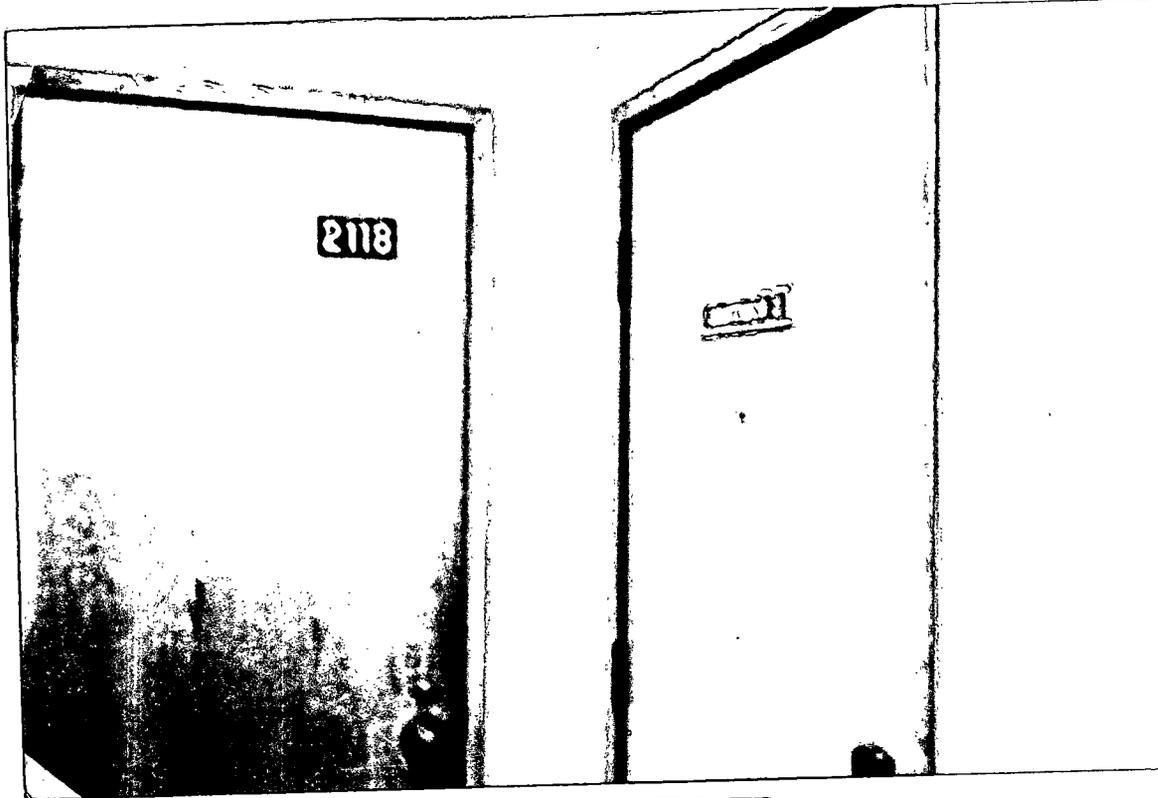
APPENDIX M



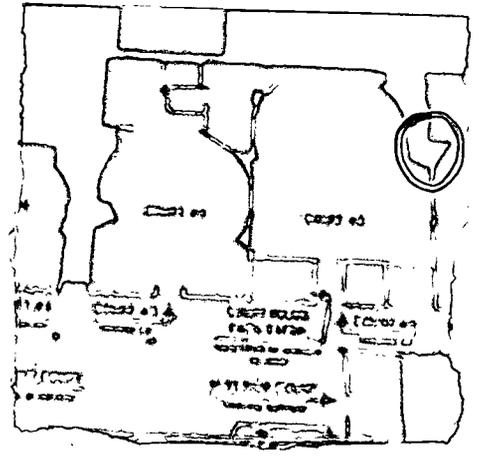
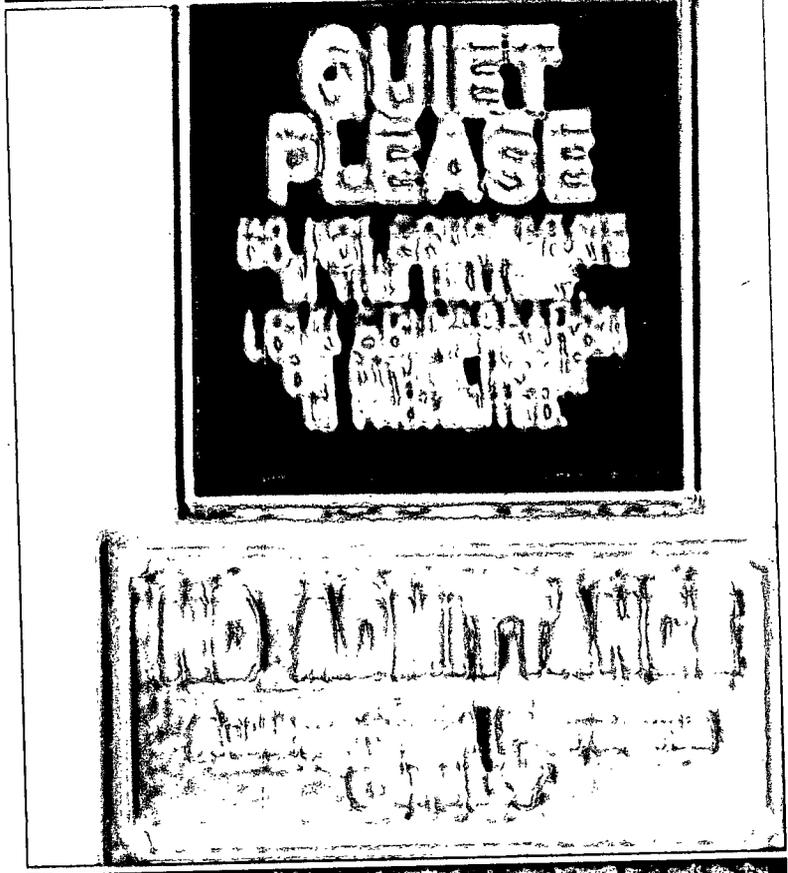
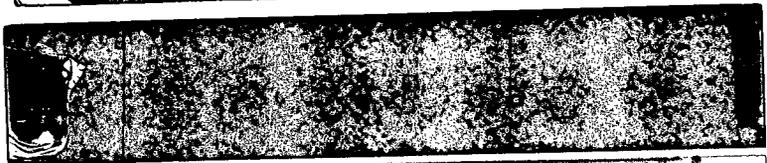
First and Second Floor Directory



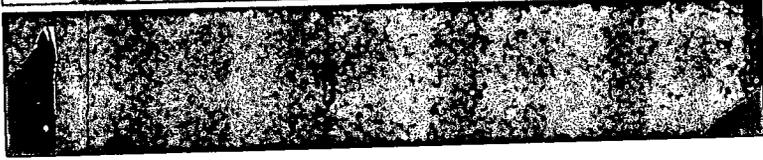
Shows the areas near the Juror was taken to Question which is clearly in the blue restricted area behind Court room 2



Show's
the area
were
the
Juror
was
taken



sign
outside
Courtroom
2



APPENDIX

N

APPENDIX N

INSTRUCTION NO. 24

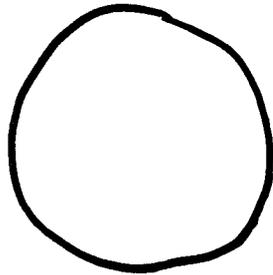
For purposes of a special verdict, the State must prove beyond a reasonable doubt that the defendant was armed with a firearm at the time of the commission of the crime in Counts I, II, III, IV and/or V.

A person is armed with a firearm if, at the time of the commission of the crime, the firearm is easily accessible and readily available for offensive or defensive use. The State must prove beyond a reasonable doubt that there was a connection between the firearm and the defendant or an accomplice. The State must also prove beyond a reasonable doubt that there was a connection between the firearm and the crime. In determining whether this connection existed, you should consider the nature of the crime, the type of firearm, and the circumstances under which the firearm was found.

If one participant in a crime is armed with a firearm, all accomplices to that participant are deemed to be so armed, even if only one firearm is involved.

A "firearm" is a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

APPENDIX



APPENDIX 0

INSTRUCTION NO. 25

You will be furnished with additional special verdict forms. Fill in the blanks with the answer "yes" or "no" according to the decisions you reach. In order to answer any question on the special verdict forms "yes", you must unanimously be satisfied beyond a reasonable doubt that "yes" is the correct answer. If you have a reasonable doubt as to the question, you must answer "no".

When all of you have so agreed, fill in the special verdict forms to express your decisions. The presiding juror will sign them and notify the bailiff, who will conduct you into court to declare your special verdicts.



JUDGE

APPENDIX

P

APPENDIX

P

II. DECLARATION / CERTIFICATION OF INDIGENCE

I, Daniel Raymond Longan, Appellant pro se, certify I am the Appellant in this action and I wish to appeal the judgment that was entered in the above entitled cause. I further certify as follows:

- 1. That I () do not have any money in checking and/or savings accounts () I have \$ 00 grand total in all checking and savings accounts.
- 2. That I am: () not married () married and my wife's monthly income is: \$ 0
- 3. That I own: () No personal property other than my personal effects.
 () Personal property (automobile, money, inmate account, motors, tools, etc) valued at \$ 0
 () No real property () Real property valued at \$ 0
 () Stocks, bonds, notes, or other valuables (NOT furniture, clothes or household goods) worth: \$ 0
- 4. That I have the following income: () No income from any source
 () Income from **employment**, disability payments, SSI, insurance, annuities, stocks, bonds, interests, dividends, rental payments, etc., in the amount of \$ 0 on an average monthly basis.
 I received \$ 0 after taxes over the past 12 months. The name and address of my employer is:
- 5. That I have: () No debts () Debts in the total amount from all debts owed of \$ 15,000.00 +
- 6. I am without other means to prosecute an appeal and desire that public funds be expended for that purpose.
- 7. I can contribute the following amount toward the expense of review: \$ 00
- 8. The following is a brief statement of the nature of the case and the issue sought to be reviewed.

I am reviewing my current conviction. With the court of

Appeals.

- 9. I ask the court to provide the following at public expense: all filing fees, attorney fees, preparation, reproduction, and distribution of briefs, preparation of verbatim report of proceedings, and preparation of necessary clerk's papers.
- 10. I authorize the court to obtain verification information regarding my financial status from banks, employers, or other individuals or institutions, if appropriate.
- 11. I certify that I will immediately report any change in my financial status to the court.
- 12. I certify that review is being sought in good faith. I declare that all of the above is true and correct under penalty of perjury of the laws of the State of Washington.

Done this 26 day of November, 20 10.

Signed:  DOC # 827885

Print name: Daniel Raymond Longan

Stafford Creek Correction Center, Unit:
191 Constantine Way
Aberdeen, WA 98520

TRUST ACCOUNT STATEMENT

DOC: 0000827885 Name: LONGAN, DANIEL RAYMOND
LOCATION: S01-315-H2128L

DOB: 11/03/1979

ACCOUNT BALANCES Total: 26.60 CURRENT: 26.60 HOLD:
05/01/2010 10/31/2010

SUB ACCOUNT	START BALANCE	END BALANCE
SPENDABLE BAL	0.13	6.47
SAVINGS BALANCE	21.98	26.04
WORK RELEASE SAVINGS	0.00	0.00
EDUCATION ACCOUNT	0.00	0.00
MEDICAL ACCOUNT	0.00	0.00
POSTAGE ACCOUNT	31.41	0.00
COMM SERV REV FUND ACCOUNT	0.00	0.00

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

DEBTS AND OBLIGATIONS

TYPE	PAYABLE	INFO NUMBER	AMOUNT OWING	AMOUNT PAID	WRITE OFF AMT.
CVCS	CRIME VICTIM COMPENSATION/07112000	07312001	UNLIMITED	34.27	0.00
COIS	COST OF INCARCERATION /07112000	07312001	UNLIMITED	136.05	0.00
WPBD	WR ROOM AND BOARD DEBT	05102002	0.00	540.00	0.00
COPI	COPY COSTS DEBT	04212009	0.00	9.74	0.00
MEDD	MEDICAL COPAY DEBT	07292010	0.00	3.00	0.00
MEDD	MEDICAL COPAY DEBT	11072001	0.00	11.65	0.00
MEDD	MEDICAL COPAY DEBT	12122003	0.00	9.00	0.00
COI	COST OF INCARCERATION	07312001	UNLIMITED	42.01	0.00
CVC	CRIME VICTIM COMPENSATION	07312001	UNLIMITED	59.29	0.00
TVD	TV CABLE FEE DEBT	06122010	0.00	0.54	0.00
TVD	TV CABLE FEE DEBT	09082001	0.00	3.01	0.00
TVD	TV CABLE FEE DEBT	05082004	0.00	1.08	0.00
TVD	TV CABLE FEE DEBT	11082008	0.00	1.71	0.00
COSFD	COS - FELONY DEBT (206)	10282003	0.00	1300.00	0.00
LFO	LEGAL FINANCIAL OBLIGATIONS	20040126	UNLIMITED	79.93	0.00
POSD	POSTAGE DEBT	04032002	0.00	1.25	0.00
POSD	POSTAGE DEBT	12192008	0.00	2.72	0.00
TVRTD	TV RENTAL FEE DEBT	06162010	0.00	1.00	0.00
TVRTD	TV RENTAL FEE DEBT	04162009	0.00	0.00	0.00
HYGA	INMATE STORE DEBT	11232010	4.52	0.00	0.00
HYGA	INMATE STORE DEBT	03232004	0.00	2.31	0.00
HYGA	INMATE STORE DEBT	12152003	0.00	98.87	0.00
HYGA	INMATE STORE DEBT	11172008	0.00	5.39	0.00
LMD	LEGAL MAIL DEBT	03102009	0.00	10.63	0.00
DRYD	DRY GOODS DAMAGE DEBT	10052004	0.00	124.00	0.00
MISCD	MISCELLANEOUS DEBT	05282002	0.00	35.96	0.00
MISCD	MISCELLANEOUS DEBT	05102004	0.00	2.64	0.00
644D	CSRF LOAN DEBT	HQ CK#2120	0.00	150.00	0.00
UPSD	PERSONAL PROPERTY POSTAGE	05102002	0.00	16.37	0.00

Department of Corrections
STAFFORD CREEK CORRECTIONS CENTER
TRUST ACCOUNT STATEMENT

DOC: 0000827885

Name: LONGAN, DANIEL RAYMOND

DOB: 11/03/1979

LOCATION: S01-315-H2128L

DEBTS AND OBLIGATIONS

TYPE	PAYABLE	INFO NUMBER	AMOUNT OWING	AMOUNT PAID	WRITE OFF AMT.
------	---------	-------------	--------------	-------------	----------------

DEBT

TRANSACTION DESCRIPTIONS		SPENDABLE BAL	SUB-ACCOUNT
DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT
05/04/2010	OTH	OTHER DEPOSITS-62345 UNKNOWN	10.00
05/04/2010	DED	Deductions-LFO-20040126 D D	(0.13)
05/07/2010	TIR	Transfer In Reg, Sav, Ed, Med from ABI	10.00
05/08/2010	TV	I05 - TV CABLE FEE	(0.50)
05/13/2010	CRS	CRS SAL ORD #5746424STR	(9.28)
05/13/2010	CEC	CEC SAL ORD #5746424	1.44
05/14/2010	TVRNT	TV RENTAL FEE-MAY 2010-H2	(1.00)
05/24/2010	CRS	CRS SAL ORD #5765013STR	(2.12)
06/02/2010	CRS	CRS SAL ORD #5780775STR	(6.80)
06/11/2010	CRS	CRS SAL ORD #5797811STR	(1.46)
06/12/2010	TVD	TV CABLE FEE DEBT	0.22
06/12/2010	TV	I05 - TV CABLE FEE	(0.50)
06/16/2010	TVRTD	TV RENTAL FEE DEBT	1.00
06/16/2010	TVRNT	TV RENTAL FEE JUNE 10 H2	(1.00)
06/18/2010	OTH	OTHER DEPOSITS-HOFFMAN, K	10.00
06/23/2010	CRS	CRS SAL ORD #5816220STR	(8.49)
07/02/2010	CRS	CRS SAL ORD #5833371STR	(1.17)
07/10/2010	TVD	TV CABLE FEE DEBT	0.16
07/10/2010	TV	I05 - TV CABLE FEE	(0.50)
07/19/2010	OTH	OTHER DEPOSITS-HOFFMAN, PATRICIA	9.99
07/19/2010	CLB	Insideout fundraiser	(5.00)
07/19/2010	TVRNT	TV RENTAL FEE H2 July	(1.00)
07/23/2010	CRS	CRS SAL ORD #5867504STR	(3.78)
07/29/2010	MEDD	MEDICAL COPAY DEBT	3.00
07/29/2010	MED	I05 - MEDICAL COPAY	(3.00)
08/02/2010	OTH	OTHER DEPOSITS-HOFFMAN, PATRICIA	9.99
08/02/2010	DED	Deductions-LFO-20040126 D D	(0.20)
08/03/2010	CRS	CRS SAL ORD #5883890STR	(9.17)
08/14/2010	TV	I05 - TV CABLE FEE	(0.50)
08/16/2010	P3	CLASS 3 GRATUITY July Food Service	6.75
08/19/2010	OTH	OTHER DEPOSITS-FRAZE, VIOLET	10.00
08/19/2010	DED	Deductions-LFO-20040126 D D	(2.00)
08/19/2010	DED	Deductions-CVCS-07312001 D D	(0.50)
08/19/2010	DED	Deductions-SAV-03152010 D D	(1.00)
08/19/2010	DED	Deductions-COIS-07312001 D D	(2.00)
08/19/2010	DED	Deductions-MEDD-07292010 D D	(1.58)
08/19/2010	TVRNT	TV RENTAL FEE-AUGUST 2010 - H2	(1.00)
08/23/2010	CRS	CRS SAL ORD #5916750STR	(8.51)
09/11/2010	TVD	TV CABLE FEE DEBT	0.01
09/11/2010	TV	I05 - TV CABLE FEE	(0.50)
09/14/2010	OTH	OTHER DEPOSITS-HOFFMAN, KATIE	10.00

TRUST ACCOUNT STATEMENT

DOC: 0000827885

Name: LONGAN, DANIEL RAYMOND

DOB: 11/03/1979

LOCATION: S01-315-H2128L

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
09/15/2010	P3	CLASS 3 GRATUITY-Food Service-Aug/2010	31.95	41.95
09/15/2010	DED	Deductions-CVC-07312001 D D	(1.60)	40.35
09/15/2010	DED	Deductions-MEDD-07292010 D D	(1.42)	38.93
09/15/2010	DED	Deductions-TVD-06122010 D R	(0.39)	38.54
09/15/2010	DED	Deductions-MISCD-05102004 D R	(0.36)	38.18
09/15/2010	DED	Deductions-TVRTD-06162010 D R	(1.00)	37.18
09/17/2010	TVRNT	TV RENTAL FEE	(1.00)	36.18
09/21/2010	OTH	OTHER DEPOSITS-MUSIC BY MAIL	1.00	37.18
09/21/2010	DED	Deductions-LFO-20040126 D D	(0.20)	36.98
09/21/2010	DED	Deductions-CVCS-07312001 D D	(0.05)	36.93
09/21/2010	DED	Deductions-SAV-03152010 D D	(0.10)	36.83
09/21/2010	DED	Deductions-COIS-07312001 D D	(0.20)	36.63
09/21/2010	CRS	CRS SAL ORD #5963749STR	(20.09)	16.54
09/21/2010	WTS	REC FEE - WEIGHTS-4th Quarter 2010	(5.00)	11.54
10/01/2010	CRS	CRS SAL ORD #5980801STR	(11.19)	0.35
10/09/2010	TVD	TV CABLE FEE DEBT	0.15	0.50
10/09/2010	TV	I05 - TV CABLE FEE	(0.50)	0.00
10/15/2010	P3	CLASS 3 GRATUITY-FOOD SERVICE SEPT 2010	12.90	12.90
10/15/2010	DED	Deductions-CVC-07312001 D D	(0.65)	12.25
10/15/2010	DED	Deductions-TVD-06122010 D D	(0.15)	12.10
10/19/2010	TVRNT	TV RENTAL FEE	(1.00)	11.10
10/19/2010	OT	Sub-Account Transfer	0.29	11.39
10/19/2010	POS	POSTAGE	(1.22)	10.17
10/19/2010	POS	POSTAGE	(1.22)	8.95
10/20/2010	CRS	CRS SAL ORD #6009464STR	(2.48)	6.47

TRANSACTION DESCRIPTIONS --

SAVINGS BALANCE SUB-ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
05/07/2010	TIR	Transfer In Reg, Sav, Ed, Med from ABI	2.96	24.94
08/19/2010	DED	Deductions-SAV-03152010 D D	1.00	25.94
09/21/2010	DED	Deductions-SAV-03152010 D D	0.10	26.04

TRANSACTION DESCRIPTIONS --

WORK RELEASE SUB-ACCOUNT SAVINGS

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
05/07/2010	TIR	Transfer In Reg, Sav, Ed, Med from ABI	0.00	0.00

TRANSACTION DESCRIPTIONS --

EDUCATION ACCOUNT SUB-ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
05/07/2010	TIR	Transfer In Reg, Sav, Ed, Med from ABI	0.00	0.00

TRANSACTION DESCRIPTIONS --

MEDICAL ACCOUNT SUB-ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
05/07/2010	TIR	Transfer In Reg, Sav, Ed, Med from ABI	0.00	0.00

Department of Corrections
STAFFORD CREEK CORRECTIONS CENTER
T R U S T A C C O U N T S T A T E M E N T

DOC: 0000827885 Name: LONGAN, DANIEL RAYMOND
LOCATION: S01-315-H2128L

DOB: 11/03/1979

TRANSACTION DESCRIPTIONS --			POSTAGE ACCOUNT SUB-ACCOUNT	
DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
05/07/2010	TIR	Transfer In Reg, Sav, Ed, Med from ABi	0.00	31.41
05/10/2010	SPOST	POSTAGE SUBACCOUNT WITHDRAWAL	(3.94)	27.47
05/24/2010	SAPOS	SAPOS SAL ORD #5767184STR	(9.60)	17.87
06/03/2010	SPOST	POSTAGE SUBACCOUNT WITHDRAWAL	(0.34)	17.53
06/09/2010	SPOST	POSTAGE SUBACCOUNT WITHDRAWAL	(0.34)	17.19
07/07/2010	SPOST	POSTAGE SUBACCOUNT WITHDRAWAL	(0.17)	17.02
07/12/2010	SAPOS	SAPOS SAL ORD #5846671STR	(4.80)	12.22
07/14/2010	SPOST	POSTAGE SUBACCOUNT WITHDRAWAL	(1.22)	11.00
08/05/2010	SPOST	POSTAGE SUBACCOUNT WITHDRAWAL	(0.17)	10.83
08/12/2010	SAPOS	SAPOS SAL ORD #5899039STR	(4.80)	6.03
09/08/2010	SPOST	POSTAGE SUBACCOUNT WITHDRAWAL	(1.90)	4.13
09/10/2010	SAPOS	SAPOS SAL ORD #5946794STR	(3.84)	0.29
10/19/2010	OT	Sub-Account Transfer	(0.29)	0.00

TRANSACTION DESCRIPTIONS --			COMM SERV REV SUB-ACCOUNT FUND ACCOUNT	
DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
05/07/2010	TIR	Transfer In Reg, Sav, Ed, Med from ABi	0.00	0.00

11/23/2010
GLHARP

DEPARTMENT OF CORRECTIONS
STAFFORD CREEK CORRECTIONS CENTER

Page 1 of 1
OIRPLRAR
6.03.1.0.1.2

PLRA IN FORMA PAUPERIS STATUS REPORT
FOR DEFINED PERIOD : 05/01/2010 TO 10/31/2010

DOC : 0000827885 NAME : LONGAN DANIEL ADMIT DATE : 07/31/2001
DOB : 11/03/1979 ADMIT TIME : 00:00

AVERAGE MONTHLY RECEIPTS	20% OF RECEIPTS	AVERAGE SPENDABLE BALANCE	20% OF SPENDABLE
20.92	4.18	5.50	1.10

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