

FILED
COURT OF APPEALS
DIVISION II

11 JUL 26 PM 2:31

42058-9-II

STATE OF WASHINGTON
BY 
DEPUTY

**COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON**

State of Washington

v.

DANIEL E. M. KLEIN

42058-9

On Appeal from the Superior Court of Clallam County

Cause No. 09-1-00458-6

The Honorable George Wood

BRIEF OF APPELLANT

**Jordan B. McCabe, WSBA 22711
Counsel for Appellant, Daniel E. M. Klein**

McCABE LAW OFFICE
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I. ASSIGNMENTS OF ERROR AND ISSUES

A. Assignments of Error

1. The trial court failed to comply with this Court’s remand order to provide a new sentencing with a different judge.
2. The trial court was ineffectual in communicating to Appellant that the court did not have to follow the State’s sentencing recommendation.
3. The community custody condition ordering Appellant to avoid pornography is unconstitutionally vague.

B. Issue Underlying the Assignments of Error

1. Did the superior court comply with this Court’s order to conduct a new sentencing proceeding with a different judge when the second judge was inextricably involved in the first proceeding and presumably decided the sentence that was vacated?
2. Was Appellant able to make a knowing, intelligent and voluntary decision to accept specific performance of the plea agreement instead of withdrawing his guilty plea where the court did not advise him that, notwithstanding

this Court's order vacating the first Judgment and Sentence and ordering the State to recommend the agreed sentence, the sentencing judge was not required to follow the State's recommendation but could reimpose the same top-of-the-range sentence that was vacated on appeal?

3. Is a community custody condition unconstitutionally vague in violation of the First Amendment where pornography is not defined but is left to the ad hoc subjective opinion of a therapist or Community Corrections Officer?

II. STATEMENT OF THE CASE

Appellant, Daniel E. M. Klein, pleaded guilty on March 22, 2010, to two counts of communicating with a minor for immoral purposes. In exchange, the State promised to recommend a low-end standard range sentence of 51 months. Unpublished Opinion No. 40683-7-II, 159 Wn. App. 1016, 2011 WL 101735, filed February 22, 2011, Slip Op. at 1 (attached as Appendix A). Because of Klein's prior history, the offenses were Class C felonies with a standard range of 51–60 months and a statutory maximum of five years. Slip Op. at 1.

Clallam County Superior Court Judge George Wood accepted Mr. Klein's guilty plea. CP 57. Judge Wood ordered a Pre-Sentence Investigation (PSI). Sub. 68, Supp. CP at _____. The Department of Corrections directed the PSI report to the attention of Judge Wood. Sub. 73, PSI filed April 23, 2010, Supp. CP _____. Attached to the PSI report and filed with it is a proposed Judgment and Sentence Appendix F prepared with Judge Wood's name printed under the signature line. *Id.* at Sub. 73, pp.15-16. The State addressed a motion to continue the sentencing to Judge Wood. Sub. 70, filed March 26, 2010, Supp CP _____.

As it happened, Clallam County Superior Court Judge Kenneth Williams presided over the actual sentencing on April 29, 2010, and signed the Judgment and Sentence. CP 32, 44. Judge Williams lined out Judge Wood's name on the Appendix F and wrote in a couple of modifications to the conditions. CP 46-47.

Despite the State's agreement to recommend 51 months, the low end of the standard range, however, at this original sentencing, the prosecutor asked the court to impose a sentence of between 51 and 60 months. Slip Op. at 1. The court imposed 60 months on each count. CP 35.

Klein appealed. This Court vacated the Judgment and Sentence and remanded with instructions for the Prosecutor to comply with the plea agreement and recommend 51 months. This Court also ordered that Klein was entitled to have the new sentencing performed by a "different judge." Slip Op. at 2.

On remand, the Judgment and Sentence was withdrawn. Minute Order Withdrawing Judgment & Sentence, Supp CP _____. Rather than withdraw his plea, Klein elected to enforce specific performance of the plea bargain. CP 25; RP 2, 6.

Contrary to the "different judge" order, Judge Wood presided over the resentencing on remand, despite his continuous involvement with the

proceedings leading up to the vacated Judgment and Sentence. Judge Wood further contravened the order to give Klein a different judge by consulting the minutes of the vacated sentencing. RP 3.

The State asked the court to follow the recommendation in the plea agreement. RP 8. Defense asked the court to follow the State's recommendation for 51 months. RP 11. Counsel advised the court that the recommendation was the result of a "very long" process of negotiations. RP 11. Judge Wood advised Klein that he was not bound by the State's recommendation but could impose up to 60 months. Klein acknowledged that he understood this. RP 7.

Defense counsel objected to the "pornography" condition in Appendix F to the Judgment and Sentence. Counsel complained it was inadequately defined and left the definition of pornography to the subjective opinion of Klein's therapist and Community Corrections Officer. RP 8. Counsel argued that this did not give Klein adequate notice of what constituted a pornography violation. RP 9. The court ruled that it was a standard condition and left it the way it was. RP 9-10.

Mr. Klein filed a timely notice of appeal. CP 34.

III. ARGUMENT

1. JUDGE WOOD WAS NOT A “DIFFERENT JUDGE” AS CONTEMPLATED BY THIS COURT’S REMAND ORDER.

There are two possible remedies where the State breaches a plea agreement. The defendant may choose to withdraw his plea or to receive specific performance of the agreement. *State v. Harrison*, 148 Wn.2d 550, 557, 61 P.3d 1104 (2003). If he chooses specific performance, fairness requires that he must be resentenced by a different judge. *State v. Klein*, Slip Op. at 1, citing *State v. Harrison*, 148 Wn. 2d 550, 557, 61 P.3d 1104 (2003). This is not to “cast aspersions” on any judge, but simply recognizes that the appearance of fairness calls for a different judge who has not indicated his views. *State v. Sledge*, 133 Wn.2d 828, 846, n.9, 947 P.2d 1199 (1997).

Accordingly, when this Court vacated the initial invalid Judgment and Sentence, the remand order instructed the superior court to assign the new sentencing proceeding to a different judge. Slip Op. at 2. This did not happen. Although Judge Williams signed the first Judgment and Sentence and Judge Wood signed the second, the “difference” is illusory. Judge Wood and Judge Williams essentially constituted a single judicial entity, virtually alternating on the bench throughout Klein’s prosecution. Clerk’s Minutes, Supp. CP ____ (attached as Appendix B.)

It cannot be claimed that Judge Williams was in any way independent from Judge Wood. As the proceedings approached the critical stages, Wood emerged as the primary judge. Judge Wood took the plea, and the record strongly suggests that Wood intended to do the sentencing. Judge Williams substituted when the State changed the sentencing date from April 15 to April 29, 2010. Sub. 70, CP _____. It was Wood who reviewed and accepted Klein's Statement on Plea of Guilty. And it was Wood who read the Pre-Sentence Investigation report.

Therefore, it is barely conceivable that Judge Wood would not have communicated to Judge Williams his preference regarding sentencing. Accordingly, to observe both the letter and the spirit of this Court's remand order, a "different judge" — that is, a judge other than either Wood or Williams — should have conducted the resentencing on remand. For Judge Wood to do it effectively denied Klein the benefit of a different judge.

The appearance of fairness demands that Mr. Klein be sentenced yet again before an independent judge. This will not cause undue hardship as Clallam County has visiting judges available. One of these, Judge, Verser, conducted a Klein hearing on April 15, 2010. Supp. CP _____. Although a third Clallam County judge, S. Brooke Taylor, is technically available, by the third go-round there is a risk he might perceive an assault

on the integrity of the court and be inclined to circle the wagons by re-entering the sentence. For sure, Mr. Klein likely would not have confidence in a Clallam County judge at this point.

This Court should again vacate the sentence and remand for resentencing with instructions to assign the matter without comment to a visiting judge.

2. KLEIN'S ELECTION NOT TO WITHDRAW HIS GUILTY PLEA ON REMAND WAS NOT KNOWING, INTELLIGENT AND VOLUNTARY.

There is a strong public policy in encouraging voluntary and intelligent plea agreements. *State v. Klein*, Slip Op. at 1, citing *In re Pers. Restraint of Breedlove*, 138 Wn.2d 298, 309, 979 P.2d 417 (1999). This policy contemplates that plea agreements will benefit both sides. The sentencing reform act prohibits the court from relying on unstipulated facts to justify a sentence outside the presumptive range. *State v. Swanson*, 45 Wn. App. 712, 714, 726 P.2d 1039 (1986). Where the government and the defendant have negotiated a plea agreement wherein the prosecutor has promised to recommend a particular sentence, the strong public policy encouraging plea bargaining requires that the concept of "presumptive range" be extended to include such negotiated sentences in the "real facts" prohibition.

At minimum, if the sentencing court feels the negotiated sentence is inconsistent with the interests of justice, it should advise both the prosecutor and the defendant that the court is not inclined to go along with the agreement and clearly alert the defendant and defense counsel that they might wish to consider withdrawing the plea. RCW 9.94A.431.

That did not happen here. Klein bargained in good faith with the State to surrender the full panoply of trial rights guaranteed him by Wash. Const art. 1, § 22 and the Fifth Amendment, in exchange for a modest break in sentencing. Klein kept his part of the bargain and pleaded guilty. But the consideration for his performance turned out to be illusory. The nine-month reduction in prison time was Klein's sole incentive to plead. Had he known he would receive the statutory maximum, he would not have pleaded. "This is not fair, man. It is not fair. The deal was 51 months. The deal was 51 months." RP 16. Klein gained nothing by pleading and had nothing to lose by going to trial. He was induced to sell his birthright for a "mess of pottage"¹ and did not even receive that. He threw away his rights for nothing.

¹ A biblical reference to Esau. Cited in *Crodle v. Dodge*, 99 Wash. 121, 126, 168 P. 986 (1917). (The *Crodle* court vacated the agreement. *Crodle*, 99 Wash. at 133.)

When this Court vacated the first Judgment and Sentence, Klein had the option either to withdraw his guilty plea or to seek specific performance of the State's promise to recommend the low end of the standard range. Slip Op. at 2. Klein opted for specific performance. RP 2, 6. And the sentencing court duly reminded Klein that it was not obliged to follow the State's sentencing recommendation. RP 7. It is clear from the record, however, that Klein did not understand this. He was stunned and distraught when Wood imposed the same sentence. RP 15-16.

Klein had been off his medications for two weeks. RP 18. But regardless, the court should have discussed the Court of Appeals remand order in its colloquy and ascertained on the record that Klein understood — not only that the judge could ignore the State's recommendation — but also that this Court's remand order likewise did not oblige the court to sentence Klein to 51 months instead of 60 months.

The Court should remand for a new sentencing hearing at which Klein has the opportunity to make an fully informed decision whether to withdraw his plea or gamble once again on the good faith and integrity of the prosecutor and the court.

3. THE PORNOGRAPHY RESTRICTION IS
UNCONSTITUTIONALLY VAGUE.

Appendix F to the Judgment and Sentence contains additional conditions of sentence, including crime-related prohibitions. CP 23.

Number 17 purports to restrict Klein's use of pornography:

Do not purchase, possess or peruse pornographic materials unless given prior approval by your sexual deviancy therapist and supervising CCO [Community Corrections Officer]. Pornographic materials are to be defined by the therapist and/or CCO.

CP 24.

As a preliminary matter, a vagueness challenge to a condition of community custody is now deemed ripe for review on direct appeal. *State v. Valencia*, 169 Wn.2d 782, 795, 239 P.3d 1059 (2010) (definition of drug paraphernalia.)

A sentencing condition is presumed constitutional unless the party challenging it proves otherwise beyond a reasonable doubt. *State v. Smith*, 130 Wn. App. 721, 726-727, 123 P.3d 896 (2005). Nevertheless, this condition is unconstitutionally vague under First Amendment principles that are well established in Washington. In the matter of First Amendment protection, Washington law is more protective than federal law. *State v. Bahl*, 164 Wn.2d 739, 757, 193 P.3d 678 (2008).

The definitions in Washington criminal statutes do not provide adequate notice of the meaning of pornography. *Bahl*, 164 Wn.2d at 757. Adult pornography is protected speech. *Bahl*, 164 Wn.2d at 757. Accordingly, any restriction must comport with the First Amendment. *Id.* Therefore, blanket prohibitions on pornography such as the one included in Klein's Judgment and Sentence are unconstitutionally vague, because they leave probationers to wonder what the term encompasses. *State v. Sansone*, 127 Wn. App. 630, 634, 111 P.3d 1251 (2005). A trial court cannot abdicate its responsibility to set release conditions by delegating it to the community corrections officer. *Sansone*, 127 Wn. App. at 642, quoting *United States v. Loy*, 237 F.3d 251, 266 (3d Cir. 2001).

We conclude that the restriction on accessing or possessing pornographic materials is unconstitutionally vague. The fact that the condition provides that Bahl's community corrections officer can direct what falls within the condition only makes the vagueness problem more apparent, since it virtually acknowledges that on its face it does not provide ascertainable standards for enforcement.

Bahl, 164 Wn.2d at 758.

Specifically, the sentencing court may not impose a pornography condition whereby a community corrections officer will decide arbitrarily what falls within the condition. *Bahl*, 164 Wn.2d at 755-56. Doing so does not provide ascertainable standards for enforcement. Essentially, it leaves the probationer subject to sanctions depending on what his CCO

happens to find titillating. *Id.*, citing *United States v. Guagliardo*, 278 F.3d 868, 872 (9th Cir.2002).

The remedy is to vacate the Judgment and Sentence and remand for resentencing. *Valencia*, 169 Wn.2d at 795.

III. CONCLUSION

For the foregoing reasons, the Court should vacate the Judgment and Sentence and remand for a new hearing before a truly independent judge at which Mr. Klein is to be fully advised of the consequences of pleading guilty and has the option to withdraw his plea.

Respectfully submitted this 22nd day of July, 2011.

A handwritten signature in black ink, reading "Jordan B. McCabe". The signature is written in a cursive style and is positioned above a horizontal line.

Jordan B. McCabe, WSBA No. 27211
Counsel for Daniel Klein

~~FILED~~
COURT OF APPEALS
DIVISION II

11 JUL 26 PM 2:31

STATE OF WASHINGTON

BY _____
DEPUTY

CERTIFICATE OF SERVICE

Jordan McCabe certifies that she mailed this day, first class postage prepaid, a copy of this Appellant's Brief to:

Brian Wendt
Clallam County Prosecutors Office
223 East 4th Street, Suite 1
Port Angeles, WA 98362-3015

Daniel E. M. Klein, DOC #321779
Washington State Penitentiary
1313 North 13th Avenue
Walla Walla WA 9962



Date: July 22, 2011

Jordan B. McCabe, WSBA No. 27211
Bellevue, Washington

APPENDIX A

FILED
COURT OF APPEALS
DIVISION II

11 JAN -6 PM 1:03

STATE OF WASHINGTON

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

No. 40683-7-II

Respondent,

v.

DANIEL M. KLEIN,

UNPUBLISHED OPINION

Appellant.

QUINN-BRINTNALL, J. — Daniel Elijahshua M. Klein agreed to plead guilty to the third amended information charging him with two counts of communicating with a minor for immoral purposes of a sexual nature in violation of RCW 9.68A.090(2). Because Klein has a history of prior sex offenses, the crimes are Class C felonies with standard ranges of 51-60 months and a maximum penalty of five years' imprisonment. In exchange for Klein's guilty plea, the State agreed to dismiss several charges and recommend a sentence of 51 months, the low end of the standard range.¹ At sentencing, however, the deputy prosecutor misstated the parties' agreement:

Your Honor, this is a joint recommendation. We're asking the Court to impose a 51 to 60 months on Count 1 and 2. We're asking for 36 months community custody.

¹ The statement of defendant on plea of guilty contains the following: "The prosecuting attorney will make the following recommendation to the judge: [XXXX] Standard Range Sentence; 51 months incarceration, with credit for time served; with crime related prohibitions and affirmative obligations for purposes of assuring compliance with such prohibitions; court costs; restitution \$TBD. The State agrees to dismiss counts 3 through 7 with prejudice. The State agrees not to file any charges against me arising from conditions of release on this case. This resolves all charges against me from this investigation." Clerk's Papers at 40.

40683-7-II

We're asking that the Court follow the recommendations as set forth in the presentence investigation, appendix F, and that be incorporated in to the judgment and sentence.

Report of Proceedings (April 29, 2010) at 3.

The court sentenced Klein to 60 months' incarceration, the top of the standard range, and to 36 months' community custody on conditions outlined by the community corrections officer's presentence report, with the condition that the combined total of incarceration and community custody was not to exceed 60 months.

On appeal, Klein argues that the State violated the plea bargain when it failed to recommend the agreed sentence. The State correctly concedes error.

There is a strong public policy in enforcing plea agreements that are voluntarily and intelligently made. *In re Pers. Restraint of Breedlove*, 138 Wn.2d 298, 309, 979 P.2d 417 (1999). A plea agreement is analogous to a contract. *State v. Harrison*, 148 Wn.2d 550, 556, 61 P.3d 1104 (2003). When the prosecution breaches its plea agreement, even inadvertently, the defendant has the right to choose to remedy the breach either by obtaining specific performance of the plea agreement or withdrawing his plea. *State v. Miller*, 110 Wn.2d 528, 536, 756 P.2d 122 (1988). If the defendant elects to withdraw his plea, the case returns to its pre-plea posture and he may be held to answer all charges, including those dismissed pursuant to the agreement. *State v. Oestreich*, 83 Wn. App. 648, 649-50, 922 P.2d 1369 (1996). If the defendant chooses specific performance, he should be resentenced by a different judge. *Harrison*, 148 Wn.2d at 557.

40683-7-II

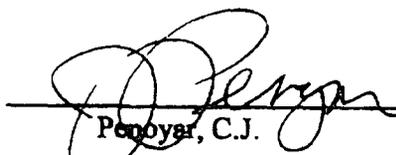
Accordingly, we accept the State's concession and remand to the trial court for further proceedings consistent with this opinion.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record pursuant to RCW 2.06.040, it is so ordered.


Quinn-Brintnall, J.

We concur:


Armstrong, J.


Penoyer, C.J.

APPENDIX B

FILED
CLALLAM CO CLERK

2009 NOV -2 P 3:02

BARBARA CHRISTENSEN

SCANNED - 1

CLALLAM COUNTY SUPERIOR COURT
CRIMINAL MINUTES

CAUSE# 09-1-00458-6

CAUSE# _____

NAME: KLEIN, DANIEL

APPEARING: YES NO IN CUSTODY: YES NO

H GASNICK _____ J HAYDEN _____ J FESTE _____

L OAKLEY _____ R PETERSEN _____ F LOCKHART

Representing P.D.'s office

OTHERS APPEARING _____

COURTROOM 1 2 3

DATE: November 02, 2009

JUDGE: KEN WILLIAMS

CLERK: SERENA GORSS

RPRTR: LISA MCANENY 2:40/2009

D KELLY _____

A LUNDWALL

C KOLLMAR _____

J TROBERG _____

E SOUBLET _____

CCO: _____

P KAYS _____

INITIAL APPEARANCE

ORD DETERMINING PROBABLE CAUSE/PRELIMINARY APPEARANCE

INFORMATION FURNISHED TO DEFENDANT

ACKNOWLEDGEMENT OF DEF'S RIGHTS

APPT'D PUBLIC DEFENDER/CONFLICT _____

ORD ON CONDITIONS OF RELEASE/MOD DEF ADVISED

FILE INFORMATION _____ @ 1:00 3:00

ARRAIGNMENT 11-13-09 @ 9:00 1:30

BASED ON DEF'S CRIMINAL OR WARRANT HISTORY/CHARGES ST RQ BAIL \$ 40,000.00

ARRAIGNMENT/RESET

_____ WAIVED READING INFORMATION

_____ NOT GUILTY AS CHARGED

_____ TRL SET ON _____ FOR _____ DAYS

_____ STATUS HRG _____ @ 1PM 1:30

_____ OR SETTING TRIAL & PRE-TRL HRGS/RESET

_____ ORDER CONTINUING TRIAL

STATUS/COP

_____ PLEA OFFER ACCEPTED/REJECTED

_____ READINESS ORDER

_____ STATEMENT OF DEFENDANT ON PLEA OF GUILTY

_____ CHANGE OF PLEA SET ON _____ @ 9:00 1:00 3:00

SENTENCING

_____ JUDGMENT & SENTENCE

_____ WARRANT OF COMMITMENT

_____ NOTIFICATION OF FIREARMS

_____ OR PLACING DEF ON PAY/APPEAR PRG

NO CONTACT OR/DEF ADVISED & SERVED

_____ ORDER FOR RESIDENTIAL TREATMENT

_____ ORDER FOR DOSA EVAL/PSI REPORT

MISC

_____ OR QUASHING BW

_____ DRUG COURT CONTRACT **NEXT HEARING DATE:** _____ DEF ADV OF DATE/TIME _____

_____ DIVERSION AGREEMENT/ORDER

_____ OR SETTING RST/DISBURSE FUNDS **REV TRTMNT/CSW/RESTITUTION** _____ DEF ADVISED _____

_____ DEFENDANT FAILS TO APPEAR, OR FOR BW SIGNED WITH BAIL SET AT& _____

_____ STATE GIVES NOTICE THAT A BAIL JUMP CHARGE MAY BE FILED _____

THIS MATTER CAME ON FOR: WARRANT OF ARREST

COURT SIGNED: _____

MINUTES: State presents recommendations. Court

will set the bail @ 100,000.00 due to the Court's

concern to public safety of the allegations. Defendant

addresses the Court regarding his mental health problem.

FILED
CLALLAM CO CLERK

2009 NOV 13 P 3:00

SCANNED - 1

CLALLAM COUNTY SUPERIOR COURT
CRIMINAL MINUTES

BARBARA GUNDEL

CAUSE# 09-1-00458-6
CAUSE# _____

NAME: KLEIN, DANIEL

APPEARING: (YES) NO IN CUSTODY: (YES) NO

H GASNICK _____ J HAYDEN _____ J FESTE _____
L OAKLEY _____ R PETERSEN _____ F LOCKHART ✓

OTHERS APPEARING _____

COURTROOM 1 (2) 3
DATE: November 13, 2009

JUDGE: KEN WILLIAMS

CLERK: SERENA GORSS

RPRTR : LISA MCANENY 2:01/2:03

D KELLY _____

A LUNDWALL _____

C KOLLMAR ✓

J TROBERG _____

J ESPINOZA _____

CCO: _____

P KAYS _____

INITIAL APPEARANCE

_____ ORD DETERMINING PROBABLE CAUSE/PRELIMINARY APPEARANCE
_____ INFORMATION FURNISHED TO DEFENDANT
_____ ACKNOWLEDGEMENT OF DEF'S RIGHTS
_____ APPT'D PUBLIC DEFENDER/CONFLICT
_____ ORD ON CONDITIONS OF RELEASE/MOD _____ DEF ADVISED
_____ FILE INFORMATION _____ @ 1:00 3:00
_____ ARRAIGNMENT _____ @ 9:00 1:30
_____ BASED ON DEF'S CRIMINAL OR WARRANT HISTORY/CHARGES ST RQ BAIL \$ _____

ARRAIGNMENT/RESET

✓ WAIVED READING INFORMATION
✓ NOT GUILTY AS CHARGED
✓ TRL SET ON 1-11-10 FOR 3 DAYS
✓ STATUS HRG 12-11-09 @ 1PM (1:30)
✓ OR SETTING TRIAL & PRE-TRL HRGS/RESET
_____ ORDER CONTINUING TRIAL

STATUS/COP

_____ PLEA OFFER ACCEPTED/REJECTED
_____ READINESS ORDER
_____ STATEMENT OF DEFENDANT ON PLEA OF GUILTY
_____ CHANGE OF PLEA SET ON _____ @ 9:00 1:00 3:00

SENTENCING

_____ JUDGMENT & SENTENCE
_____ WARRANT OF COMMITMENT
_____ NOTIFICATION OF FIREARMS
_____ OR PLACING DEF ON PAY/APPEAR PRG
_____ NO CONTACT OR/DEF ADVISED & SERVED
_____ ORDER FOR RESIDENTIAL TREATMENT
_____ ORDER FOR DOSA EVAL/PSI REPORT

MISC

_____ OR QUASHING BW
_____ DRUG COURT CONTRACT **COURT SIGNED:** _____
_____ DIVERSION AGREEMENT/ORDER **NEXT HEARING DATE:** _____ DEF ADV OF DATE/TIME _____
_____ OR SETTING RST/DISBURSE FUNDS **REV TRTMNT/CSW/RESTITUTION** _____ DEF ADVISED _____
_____ DEFENDANT FAILS TO APPEAR, OR FOR BW SIGNED WITH BAIL SET AT&
_____ STATE GIVES NOTICE THAT A BAIL JUMP CHARGE MAY BE FILED _____

THIS MATTER CAME ON FOR: ARRAIGNMENT

MINUTES: Agreed dates are set.

CC: LINDY
TRIAL STRICKEN

FILED
CLALLAM CO CLERK

2009 DEC 11 P 1:55

BARBARA CHRISTENSEN

SCANNED - 1
CLALLAM COUNTY SUPERIOR COURT
CRIMINAL MINUTES

CAUSE# 09-1-00458-6
CAUSE# _____

NAME: KLEIN, DANIEL-ELIYAHSHUA MAGRILL

APPEARING: (YES) NO IN CUSTODY: (YES) NO

H GASNICK _____ J HAYDEN _____ J FESTE _____
L OAKLEY _____ A STALKER _____ F LOCKHART ✓

OTHERS APPEARING _____

COURTROOM (1) 2 3
DATE: December 11, 2009
JUDGE: George L Wood
CLERK: SERENA GORSS
JAN: 1:47:06 / 1:48:56

D KELLY _____
A LUNDWALL ✓
C KOLLMAR _____
J TROBERG _____
J ESPINOZA _____
CCO: _____
P KAYS _____

INITIAL APPEARANCE

_____ ORD DETERMINING PROBABLE CAUSE/PRELIMINARY APPEARANCE
_____ INFORMATION FURNISHED TO DEFENDANT
_____ ACKNOWLEDGEMENT OF DEF'S RIGHTS
_____ APPT'D PUBLIC DEFENDER/CONFLICT _____
_____ ORD ON CONDITIONS OF RELEASE/MOD _____ DEF ADVISED
_____ FILE INFORMATION _____ @ 1:00 3:00
_____ ARRAIGNMENT _____ @ 9:00 1:30
_____ BASED ON DEF'S CRIMINAL OR WARRANT HISTORY/CHARGES ST RQ BAIL \$ _____

ARRAIGNMENT/RESET

_____ WAIVED READING INFORMATION
_____ NOT GUILTY AS CHARGED
_____ TRL SET ON _____ FOR _____ DAYS
_____ STATUS HRG _____ @ 1PM 1:30
_____ OR SETTING TRIAL & PRE-TRL HRGS/RESET
_____ ORDER CONTINUING TRIAL

STATUS/COP

_____ PLEA OFFER ACCEPTED/REJECTED
_____ READINESS ORDER
_____ STATEMENT OF DEFENDANT ON PLEA OF GUILTY
_____ CHANGE OF PLEA SET ON _____ @ 9:00 1:00 3:00

SENTENCING

_____ JUDGMENT & SENTENCE
_____ WARRANT OF COMMITMENT
_____ NOTIFICATION OF FIREARMS
_____ OR PLACING DEF ON PAY/APPEAR PRG
_____ NO CONTACT OR/DEF ADVISED & SERVED
_____ ORDER FOR RESIDENTIAL TREATMENT
_____ ORDER FOR DOSA EVAL/PSI REPORT

MISC

_____ OR QUASHING BW
_____ DRUG COURT CONTRACT
_____ DIVERSION AGREEMENT/ORDER
_____ OR SETTING RST/DISBURSE FUNDS
_____ DEFENDANT FAILS TO APPEAR, OR FOR BW SIGNED WITH BAIL SET AT \$ _____
_____ STATE GIVES NOTICE THAT A BAIL JUMP CHARGE MAY BE FILED _____

COURT SIGNED: _____

NEXT HEARING DATE: Status 12-18-09 @ 1:30 DEF ADV OF DATE/TIME ✓

REV TRTMNT/CSW/RESTITUTION _____ DEF ADVISED _____

THIS MATTER CAME ON FOR: STATUS

MINUTES: Defense has received a new plea & move to continue one week. No objections. Court grants.

FILED
CLALLAM CO CLERK

2009 DEC 18 P 2:35

SCANNED - 1

CLALLAM COUNTY SUPERIOR COURT
CRIMINAL MINUTES

BARBARA CHRISTENSEN

COURTROOM 1 (2) 3

DATE: December 18, 2009

JUDGE: S BROOKE TAYLOR

CLERK: SERENA GORSS

RPRTR: LISA MCANENY 2:16/2:20

CAUSE# 09-1-00458-6

CAUSE# _____

NAME: KLEIN, DANIEL

APPEARING: YES NO IN CUSTODY: YES NO

H GASNICK J HAYDEN _____ J FESTE _____
L OAKLEY _____ A STALKER _____ F LOCKHART _____

OTHERS APPEARING _____

D KELLY _____
A LUNDWALL
C KOLLMAR _____
J TROBERG _____
J ESPINOZA _____
CCO: _____
P KAYS _____

INITIAL APPEARANCE

_____ ORD DETERMINING PROBABLE CAUSE/PRELIMINARY APPEARANCE
_____ INFORMATION FURNISHED TO DEFENDANT
_____ ACKNOWLEDGEMENT OF DEF'S RIGHTS
_____ APPT'D PUBLIC DEFENDER/CONFLICT _____
_____ ORD ON CONDITIONS OF RELEASE/MOD _____ DEF ADVISED
_____ FILE INFORMATION _____ @ 1:00 3:00
_____ ARRAIGNMENT _____ @ 9:00 1:30
_____ BASED ON DEF'S CRIMINAL OR WARRANT HISTORY/CHARGES ST RQ BAIL \$ _____

ARRAIGNMENT/RESET

_____ WAIVED READING INFORMATION
_____ NOT GUILTY AS CHARGED
_____ TRL SET ON _____ FOR _____ DAYS
_____ STATUS HRG _____ @ 1PM 1:30
_____ OR SETTING TRIAL & PRE-TRL HRGS/RESET
_____ ORDER CONTINUING TRIAL

STATUS/COP

_____ PLEA OFFER ACCEPTED/REJECTED
_____ READINESS ORDER
_____ STATEMENT OF DEFENDANT ON PLEA OF GUILTY
_____ CHANGE OF PLEA SET ON _____ @ 9:00 1:00 3:00

SENTENCING

_____ JUDGMENT & SENTENCE
_____ WARRANT OF COMMITMENT
_____ NOTIFICATION OF FIREARMS
_____ OR PLACING DEF ON PAY/APPEAR PRG
_____ NO CONTACT OR/DEF ADVISED & SERVED
_____ ORDER FOR RESIDENTIAL TREATMENT
_____ ORDER FOR DOSA EVAL/PSI REPORT

MISC

_____ OR QUASHING BW
_____ DRUG COURT CONTRACT
_____ DIVERSION AGREEMENT/ORDER
_____ OR SETTING RST/DISBURSE FUNDS
_____ DEFENDANT FAILS TO APPEAR, OR FOR BW SIGNED WITH BAIL SET AT \$ _____
_____ STATE GIVES NOTICE THAT A BAIL JUMP CHARGE MAY BE FILED _____

COURT SIGNED: _____

NEXT HEARING DATE: Status 12-22-09 @ 9:00 DEF ADV OF DATE/TIME

THIS MATTER CAME ON FOR: STATUS

MINUTES: Defense has taken the case from another public defender & has not had a chance to review with the defendant. Court will special set a status for 12-22-09 @ 9:00.

FILED
CLERK

2009 DEC 22 A 9:32

BARBARA CHRISTENSEN

SCANNED - 1

CLALLAM COUNTY SUPERIOR COURT
CRIMINAL MINUTES

CAUSE# 09-1-00458-6
CAUSE# _____

NAME: KLEIN, DANIEL

APPEARING YES NO IN CUSTODY: YES NO

H GASNICK J HAYDEN _____ J FESTE _____
L OAKLEY _____ A STALKER _____ C COMMERE _____

OTHERS APPEARING _____

COURTROOM 1 (2) 3

DATE: December 22, 2009

JUDGE: KEN WILLIAMS

CLERK: SERENA GORSS

RPRTR: LISA MCANENY 9:09/9:12

D KELLY for Lundwall

A LUNDWALL _____

E SOUBLET _____

J TROBERG _____

J ESPINOZA _____

CCO: _____

P KAYS _____

INITIAL APPEARANCE

_____ ORD DETERMINING PROBABLE CAUSE/PRELIMINARY APPEARANCE
_____ INFORMATION FURNISHED TO DEFENDANT
_____ ACKNOWLEDGEMENT OF DEF'S RIGHTS
_____ APPT'D PUBLIC DEFENDER/CONFLICT _____
_____ ORD ON CONDITIONS OF RELEASE/MOD _____ DEF ADVISED
_____ FILE INFORMATION _____ @ 1:00 3:00
_____ ARRAIGNMENT _____ @ 9:00 1:30
_____ BASED ON DEF'S CRIMINAL OR WARRANT HISTORY/CHARGES ST RQ BAIL \$ _____

ARRAIGNMENT/RESET

_____ WAIVED READING INFORMATION
_____ NOT GUILTY AS CHARGED
_____ TRL SET ON _____ FOR _____ DAYS
_____ STATUS HRG _____ @ 1PM 1:30
_____ OR SETTING TRIAL & PRE-TRL HRGS/RESET
_____ ORDER CONTINUING TRIAL

STATUS/COP

PLEA OFFER ACCEPTED REJECTED
_____ READINESS ORDER
_____ STATEMENT OF DEFENDANT ON PLEA OF GUILTY
_____ CHANGE OF PLEA SET ON _____ @ 9:00 1:00 3:00

SENTENCING

_____ JUDGMENT & SENTENCE
_____ WARRANT OF COMMITMENT
_____ NOTIFICATION OF FIREARMS
_____ OR PLACING DEF ON PAY/APPEAR PRG
_____ NO CONTACT OR/DEF ADVISED & SERVED
_____ ORDER FOR RESIDENTIAL TREATMENT
_____ ORDER FOR DOSA EVAL/PSI REPORT

MISC

_____ OR QUASHING BW
_____ DRUG COURT CONTRACT **NEXT HEARING DATE:** _____ DEF ADV OF DATE/TIME _____
_____ DIVERSION AGREEMENT/ORDER
_____ OR SETTING RST/DISBURSE FUNDS **REV TRTMNT/CSW/RESTITUTION** _____ DEF ADVISED _____
_____ DEFENDANT FAILS TO APPEAR, OR FOR BW SIGNED WITH BAIL SET AT \$ _____
_____ STATE GIVES NOTICE THAT A BAIL JUMP CHARGE MAY BE FILED _____

COURT SIGNED: _____

THIS MATTER CAME ON FOR: STATUS HRG

MINUTES: Defense has spoken with his client & will not be accepting the State's plea offer & will be proceeding to trial. 3.5 hearing will be the morning of trial.

FILED
CLALLAM CO CLERK

2010 JAN -7 A 10:59

BARBARA CHRISTENSEN

SCANNED -2

CLALLAM COUNTY SUPERIOR COURT
CRIMINAL MINUTES

CAUSE# 09-1-00458-6
CAUSE# _____

NAME: Klein, Daniel

APPEARING: YES NO IN CUSTODY: YES NO

H GASNICK J HAYDEN _____ F LOCKHART _____
L OAKLEY _____ A STALKER _____ J FESTE _____

OTHERS APPEARING _____

COURTROOM: 1
DATE: 1/7/10
JUDGE: George L Wood
CLERK: Nikki Ebra
JAVS REPORTER: 9:47:58 | 10:02:37

D KELLY _____ E SOUBLET _____
J ESPINOZA _____ A LUNDWALL
C KOLLMAR _____ J TROBERG _____

CCO: _____
P KAYS _____

INITIAL APPEARANCE

_____ ORD DETERMINING PROBABLE CAUSE/PRELIMINARY APPEARANCE
_____ INFORMATION FURNISHED TO DEFENDANT
_____ ACKNOWLEDGEMENT OF DEF'S RIGHTS
_____ APPT'D PUBLIC DEFENDER/CONFLICT _____
_____ ORD ON COND OF RELEASE/MOD _____ DEF ADVISED
_____ FILE INFORMATION _____ @ 1:00 3:00
_____ ARRAIGNMENT _____ @ 9:00 1:30
_____ BASED ON DEF'S CRIMINAL OR WARRANT HISTORY / CHARGES ST RQ BAIL \$ _____

ARRAIGNMENT/RESET

_____ WAIVED READING INFORMATION
_____ NOT GUILTY AS CHARGED
 TRL SET ON 1-19-10 FOR 3 DAYS
_____ STATUS HRG _____ @ 1:00 1:30 9:00
 OR SETTING TRIAL & PRE-TRL HRGS/RESET
 ORDER CONTINUING TRIAL
_____ DEF ADVISED OF STATUS/TRIAL DATES

STATUS/COP

_____ READINESS ORDER
_____ PLEA OFFER ACCEPTED/REJECTED
_____ STATEMENT OF DEFENDANT ON PLEA OF GUILTY
_____ CHANGE OF PLEA SET ON _____ @ 9:00 1:00 3:00

SENTENCING

_____ JUDGMENT & SENTENCE
_____ WARRANT OF COMMITMENT
_____ NOTIFICATION OF FIREARMS
_____ OR PLACING DEF ON PAY/APPEAR PRG
_____ NO CONTACT OR/DEF ADVISED & SERVED
_____ ORDER FOR RESIDENTIAL TREATMENT
_____ ORDER FOR DOSA EVAL/PSI REPORT

MISC

_____ ORDER FOR BW
_____ OR QUASHING BW
_____ DRUG COURT CONTRACT
_____ DIVERSION AGREEMENT/ORDER
_____ OR SETTING RST/DISBURSE FUNDS
_____ DEFENDANT FAILS TO APPEAR, OR FOR BW SIGNED WITH BAIL SET AT \$ _____
_____ STATE GIVES NOTICE THAT A BAIL JUMP CHARGE MAY BE FILED _____

COURT SIGNED: _____

NEXT HRG DATE: _____ DEF ADV OF DATE/TIME _____

REV TRTMNT/CSW/RESTITUTION _____ DEF ADVISED _____

THIS MATTER CAME ON FOR: mt to continue / status

MINUTES: State advises defense interviews are set up w/ child victims, but not sure if all will be accomplished by monday. Speedy trial end on 1-12-10. Defense counsel will be in trial on 1-11-10 in a case also involving a speedy trial issue. Court finds that a continuance is

FILED
CLALLAM CO CLERK

2010 JAN 14 P 3:43

BARBARA CHRISTENSEN
COURTROOM: 1

DATE: JANUARY 14th, 2010

JUDGE: GEORGE L WOOD

CLERK: NIKKI IHRIG

JAVS REPORTER: 3:00:52 | 3:19:41

SCANNED -1

CLALLAM COUNTY SUPERIOR COURT
CRIMINAL MINUTES

CAUSE# 09-1-00458-6

CAUSE# _____

NAME: KLEIN, DANIEL

APPEARING: (YES) NO IN CUSTODY: (YES) NO

H GASNICK _____ J HAYDEN _____ P JACKSON _____
L OAKLEY X C COMMERE _____ A STALKER _____

OTHERS APPEARING Mr. Gasnick - By Phone

D KELLY _____ E SOUBLET _____
A LUNDWALL X _____
J ESPINOZA _____ J TROBERG _____

CCO: _____
P KAYS _____

INITIAL APPEARANCE

_____ ORD DETERMINING PROBABLE CAUSE/PRELIMINARY APPEARANCE
_____ INFORMATION FURNISHED TO DEFENDANT
_____ ACKNOWLEDGEMENT OF DEF'S RIGHTS
_____ APPT'D PUBLIC DEFENDER/CONFLICT _____
_____ ORD ON COND OF RELEASE/MOD _____ DEF ADVISED
_____ FILE INFORMATION _____ @ 1:00 3:00
_____ ARRAIGNMENT _____ @ 9:00 1:30
_____ BASED ON DEF'S CRIMINAL OR WARRANT HISTORY / CHARGES ST RQ BAIL \$ _____

ARRAIGNMENT/RESET

_____ WAIVED READING INFORMATION
_____ NOT GUILTY AS CHARGED
_____ TRL SET ON _____ FOR _____ DAYS
_____ STATUS HRG _____ @ 1:00 1:30 9:00
_____ OR SETTING TRIAL & PRE-TRL HRGS/RESET
_____ ORDER CONTINUING TRIAL
_____ DEF ADVISED OF STATUS/TRIAL DATES

STATUS/COP

_____ READINESS ORDER
_____ PLEA OFFER ACCEPTED/REJECTED
_____ STATEMENT OF DEFENDANT ON PLEA OF GUILTY
_____ CHANGE OF PLEA SET ON _____ @ 9:00 1:00 3:00

SENTENCING

_____ JUDGMENT & SENTENCE
_____ WARRANT OF COMMITMENT
_____ NOTIFICATION OF FIREARMS
_____ OR PLACING DEF ON PAY/APPEAR PRG
_____ NO CONTACT OR/DEF ADVISED & SERVED
_____ ORDER FOR RESIDENTIAL TREATMENT
_____ ORDER FOR DOSA EVAL/PSI REPORT

MISC

_____ ORDER FOR BW
_____ OR QUASHING BW
_____ DRUG COURT CONTRACT
_____ DIVERSION AGREEMENT/ORDER
_____ OR SETTING RST/DISBURSE FUNDS
_____ DEFENDANT FAILS TO APPEAR, OR FOR BW SIGNED WITH BAIL SET AT \$ _____
_____ STATE GIVES NOTICE THAT A BAIL JUMP CHARGE MAY BE FILED _____

COURT SIGNED: _____

Review atty appointment

NEXT HRG DATE: 1-15-10 @ 1:30 DEF ADV OF DATE/TIME _____

REV TRTMNT/CSW/RESTITUTION _____ DEF ADVISED _____

THIS MATTER CAME ON FOR: APPT NEW COUNSEL

MINUTES: Defendant makes motion to appoint new counsel, Argument is given. Court is not satisfied.

Mr. Gasnick addresses the court by phone. Advises his relationship ^{w/his client} has been difficult, but believes they can proceed to trial. State addresses the court. Defendant

FILED
CLALLAM CO CLERK

2010 JAN 15 P 3:44

BARBARA CHRISTENSEN

SCANNED - 1

CLALLAM COUNTY SUPERIOR COURT
CRIMINAL MINUTES

CAUSE# 09-1-00458-6

CAUSE# _____

NAME: KLEIN, DANIEL

APPEARING: YES NO IN CUSTODY: YES NO

H GASNICK _____ J HAYDEN _____ J FESTE _____

L OAKLEY A STALKER _____ C COMMERE _____

OTHERS APPEARING for Gasnick -

COURTROOM 1 (2) 3

DATE: JANUARY 15, 2010

JUDGE: KEN WILLIAMS

CLERK: SERENA GORSS

RPRTR: LISA MCANENY 3:04/3:08

D KELLY _____

A LUNDWALL

E SOUBLET _____

J TROBERG _____

J ESPINOZA _____

CCO: _____

P KAYS _____

INITIAL APPEARANCE

_____ ORD DETERMINING PROBABLE CAUSE/PRELIMINARY APPEARANCE

_____ INFORMATION FURNISHED TO DEFENDANT

_____ ACKNOWLEDGEMENT OF DEF'S RIGHTS

_____ APPT'D PUBLIC DEFENDER/CONFLICT _____

_____ ORD ON CONDITIONS OF RELEASE/MOD _____ DEF ADVISED

_____ FILE INFORMATION _____ @ 1:00 3:00

_____ ARRAIGNMENT _____ @ 9:00 1:30

_____ BASED ON DEF'S CRIMINAL OR WARRANT HISTORY/CHARGES ST RQ BAIL \$ _____

ARRAIGNMENT/RESET

_____ WAIVED READING INFORMATION

_____ NOT GUILTY AS CHARGED

_____ TRL SET ON _____ FOR _____ DAYS

_____ STATUS HRG _____ @ 1PM 1:30

_____ OR SETTING TRIAL & PRE-TRL HRGS/RESET

_____ ORDER CONTINUING TRIAL

STATUS/COP

_____ PLEA OFFER ACCEPTED/REJECTED

_____ READINESS ORDER

_____ STATEMENT OF DEFENDANT ON PLEA OF GUILTY

_____ CHANGE OF PLEA SET ON _____ @ 9:00 1:00 3:00

SENTENCING

_____ JUDGMENT & SENTENCE

_____ WARRANT OF COMMITMENT

_____ NOTIFICATION OF FIREARMS

_____ OR PLACING DEF ON PAY/APPEAR PRG

_____ NO CONTACT OR/DEF ADVISED & SERVED

_____ ORDER FOR RESIDENTIAL TREATMENT

_____ ORDER FOR DOSA EVAL/PSI REPORT

MISC

_____ OR QUASHING BW

_____ DRUG COURT CONTRACT

_____ DIVERSION AGREEMENT/ORDER

_____ OR SETTING RST/DISBURSE FUNDS _____ REV TRTMNT/CSW/RESTITUTION _____ DEF ADVISED _____

_____ DEFENDANT FAILS TO APPEAR, OR FOR BW SIGNED WITH BAIL SET AT \$ _____

_____ STATE GIVES NOTICE THAT A BAIL JUMP CHARGE MAY BE FILED _____

THIS MATTER CAME ON FOR: REVIEW ATTY APPT

COURT SIGNED: Waiver of speedy trial

NEXT HEARING DATE: That setting 1-19-10 @ 9:00 DEF ADV OF DATE/TIME

MINUTES: Court reviews with the defendant if he wants to waive his speedy trial. Defendant says "yes". Court will not appt new Counsel at this time as another member of the Public Defender's office could take the case.

FILED
CLALLAM CO CLERK
2010 JAN 19 P 1:35
BARBARA CHRISTENSEN

SCANNED - 1
CLALLAM COUNTY SUPERIOR COURT
CRIMINAL MINUTES

CAUSE# 09-1-09458-6
CAUSE# _____

NAME: KLEIN, DANIEL

APPEARING: YES NO IN CUSTODY: YES NO

H GASNICK J HAYDEN _____ J FESTE _____
L OAKLEY _____ A STALKER _____ C COMMERCIE _____

OTHERS APPEARING For Stalker & Commerce

COURTROOM 1 2 3
DATE: JANUARY 19, 2010
JUDGE: George Wood
CLERK: SERENA GORSE
RPRTR: LISA MCANULTY 1:12/1:15

D KELLY For Lundwall
A LUNDWALL _____
E SOUBLET _____
J TROBERG _____
J ESPINOZA _____
CCO: _____
P KAYS _____

INITIAL APPEARANCE

_____ ORD DETERMINING PROBABLE CAUSE/PRELIMINARY APPEARANCE
_____ INFORMATION FURNISHED TO DEFENDANT
_____ ACKNOWLEDGEMENT OF DEF'S RIGHTS
_____ APPT'D PUBLIC DEFENDER/CONFLICT _____
_____ ORD ON CONDITIONS OF RELEASE/MOD _____ DEF ADVISED
_____ FILE INFORMATION _____ @ 1:00 3:00
_____ ARRAIGNMENT _____ @ 9:00 1:30
_____ BASED ON DEF'S CRIMINAL OR WARRANT HISTORY/CHARGES ST RQ BAIL \$ _____

ARRAIGNMENT/RESET

_____ WAIVED READING INFORMATION
_____ NOT GUILTY AS CHARGED
 TRL SET ON 3-1-10 FOR 3-4 DAYS
 STATUS HRG _____ @ 1PM 1:30
 OR SETTING TRIAL & PRE-TRL HRGS/RESET
_____ ORDER CONTINUING TRIAL

STATUS/COP

_____ PLEA OFFER ACCEPTED/REJECTED
_____ READINESS ORDER
_____ STATEMENT OF DEFENDANT ON PLEA OF GUILTY
_____ CHANGE OF PLEA SET ON _____ @ 9:00 1:00 3:00

SENTENCING

_____ JUDGMENT & SENTENCE
_____ WARRANT OF COMMITMENT
_____ NOTIFICATION OF FIREARMS
_____ OR PLACING DEF ON PAY/APPEAR PRG
_____ NO CONTACT OR/DEF ADVISED & SERVED
_____ ORDER FOR RESIDENTIAL TREATMENT
_____ ORDER FOR DOSA EVAL/PSI REPORT

MISC

_____ OR QUASHING BW
_____ DRUG COURT CONTRACT **NEXT HEARING DATE:** _____ DEF ADV OF DATE/TIME _____
_____ DIVERSION AGREEMENT/ORDER
_____ OR SETTING RST/DISBURSE FUNDS **REV TRTMT/CSW/RESTITUTION** _____ DEF ADVISED _____
_____ DEFENDANT FAILS TO APPEAR, OR FOR BW SIGNED WITH BAIL SET AT \$ _____
_____ STATE GIVES NOTICE THAT A BAIL JUMP CHARGE MAY BE FILED _____

COURT SIGNED: _____

THIS MATTER CAME ON FOR: TRIAL RESET

MINUTES: Agreed dates are next

CC: LINDY
TRIAL STICKEN

FILED
CLALLAM CO CLERK

2010 FEB 18 P 2:43

BARBARA CHRISTENSEN

SCANNED - 1

CLALLAM COUNTY SUPERIOR COURT
CRIMINAL MINUTES

CAUSE# 09-1-00458-6
CAUSE# _____

NAME: KLEIN, DANIEL-ELIJAHSHUA MAGRILL

APPEARING: YES (NO) IN CUSTODY: (YES) NO

H GASNICK _____ J HAYDEN _____ P JACKSON _____
L OAKLEY _____ C COMMERE _____ A STALKER X

OTHERS APPEARING _____

COURTROOM: 1
DATE: February 18th, 2010
JUDGE: GEORGE L. WOOD
CLERK: NIKKI IHRIG
JAVS REPORTER: 2:07:184/2:1

D KELLY _____ E SOUBLET _____
A LUNDWALL X
J ESPINOZA _____ J TROBERG _____

CCO: _____
P KAYS _____

INITIAL APPEARANCE

_____ ORD DETERMINING PROBABLE CAUSE/PRELIMINARY APPEARANCE
_____ INFORMATION FURNISHED TO DEFENDANT
_____ ACKNOWLEDGEMENT OF DEF'S RIGHTS
_____ APPT'D PUBLIC DEFENDER/CONFLICT
_____ ORD ON COND OF RELEASE/MOD _____ DEF ADVISED
_____ FILE INFORMATION _____ @ 1:00 3:00
_____ ARRAIGNMENT _____ @ 9:00 1:30
_____ BASED ON DEF'S CRIMINAL OR WARRANT HISTORY / CHARGES ST RQ BAIL \$ _____

ARRAIGNMENT/RESET

_____ WAIVED READING INFORMATION
_____ NOT GUILTY AS CHARGED
_____ TRL SET ON _____ FOR _____ DAYS
_____ STATUS HRG _____ @ 1:00 1:30 9:00
_____ OR SETTING TRIAL & PRE-TRL HRGS/RESET
_____ ORDER CONTINUING TRIAL
_____ DEF ADVISED OF STATUS/TRIAL DATES

STATUS/COP

_____ READINESS ORDER
_____ PLEA OFFER ACCEPTED/REJECTED
_____ STATEMENT OF DEFENDANT ON PLEA OF GUILTY
_____ CHANGE OF PLEA SET ON _____ @ 9:00 1:00 3:00

SENTENCING

_____ JUDGMENT & SENTENCE
_____ WARRANT OF COMMITMENT
_____ NOTIFICATION OF FIREARMS
_____ OR PLACING DEF ON PAY/APPEAR PRG
_____ NO CONTACT OR/DEF ADVISED & SERVED
_____ ORDER FOR RESIDENTIAL TREATMENT
_____ ORDER FOR DOSA EVAL/PSI REPORT

MISC

_____ ORDER FOR BW
_____ OR QUASHING BW
_____ DRUG COURT CONTRACT
_____ DIVERSION AGREEMENT/ORDER
_____ OR SETTING RST/DISBURSE FUNDS
_____ DEFENDANT FAILS TO APPEAR, OR FOR BW SIGNED WITH BAIL SET AT \$ _____
_____ STATE GIVES NOTICE THAT A BAIL JUMP CHARGE MAY BE FILED _____

COURT SIGNED: _____

NEXT HRG DATE: _____ DEF ADV OF DATE/TIME _____

REV TRTMNT/CSW/RESTITUTION _____ DEF ADVISED _____

THIS MATTER CAME ON FOR: ARRAIGN ON AMENDED INFORMATION

MINUTES: Court sets matter over to 1:30 tomorrow to allow defense to talk w/ his client.

FILED
CLALLAM CO CLERK

2010 FEB 19 P 2:54

SCANNED - 1

CLALLAM COUNTY SUPERIOR COURT
CRIMINAL MINUTES

BARBARA CHRISTENSEN COURTROOM: 1

CAUSE# 09-1-00458-6
CAUSE# _____

DATE: 2/19/10
JUDGE: S Brooke Taylor
CLERK: N. Inrig
JAVS REPORTER: 2:42:39/2150:48

NAME: Klein, Daniel-Eliyashua Magrill

APPEARING: YES NO IN CUSTODY: YES NO

D KELLY _____ E SOUBLET _____
A LUNDWALL _____
J ESPINOZA _____ J TROBERG X

H GASNICK _____ J HAYDEN _____ P JACKSON _____
L OAKLEY _____ C COMMEREE _____ A STALKER X

OTHERS APPEARING _____

CCO: _____
P KAYS _____

INITIAL APPEARANCE

ORD DETERMINING PROBABLE CAUSE/PRELIMINARY APPEARANCE

INFORMATION FURNISHED TO DEFENDANT

ACKNOWLEDGEMENT OF DEF'S RIGHTS

APPT'D PUBLIC DEFENDER/CONFLICT

ORD ON COND OF RELEASE/MOD _____ DEF ADVISED

FILE INFORMATION _____ @ 1:00 3:00

ARRAIGNMENT _____ @ 9:00 1:30

BASED ON DEF'S CRIMINAL OR WARRANT HISTORY / CHARGES ST RQ

ARRAIGNMENT/RESET

WAIVED READING INFORMATION - amend
 NOT GUILTY AS CHARGED
 TRL SET ON 3/22/10 FOR 3-4 DAYS

STATUS HRG _____ @ 1:00 1:30 9:00
 OR SETTING TRIAL & PRE-TRL HRGS/RESET
 ORDER CONTINUING TRIAL
 DEF ADVISED OF STATUS/TRIAL DATES

BAIL \$ _____

STATUS/COP

READINESS ORDER

PLEA OFFER ACCEPTED/REJECTED

STATEMENT OF DEFENDANT ON PLEA OF GUILTY

CHANGE OF PLEA SET ON _____ @ 9:00 1:00 3:00

SENTENCING

JUDGMENT & SENTENCE

WARRANT OF COMMITMENT

NOTIFICATION OF FIREARMS

OR PLACING DEF ON PAY/APPEAR PRG

NO CONTACT OR/DEF ADVISED & SERVED

ORDER FOR RESIDENTIAL TREATMENT

ORDER FOR DOSA EVAL/PSI REPORT

MISC

ORDER FOR BW

OR QUASHING BW

DRUG COURT CONTRACT

DIVERSION AGREEMENT/ORDER

OR SETTING RST/DISBURSE FUNDS

DEFENDANT FAILS TO APPEAR, OR FOR BW SIGNED WITH BAIL SET AT \$ _____

STATE GIVES NOTICE THAT A BAIL JUMP CHARGE MAY BE FILED _____

COURT SIGNED: _____

NEXT HRG DATE: _____ DEF ADV OF DATE/TIME _____

REV TRTMNT/CSW/RESTITUTION _____ DEF ADVISED _____

THIS MATTER CAME ON FOR: arraign on amended info

MINUTES: Defense makes motion to continue trial.
Court resets trial dates. State is not in a position to respond.
Defense enters a not guilty plea on behalf of the def on the amended info.
NO objections from the defendant.

FILED
CLALLAM CO CLERK
2010 MAR 17 A 9:49
BARBARA CHRISTENSEN

SCANNED - 1
CLALLAM COUNTY SUPERIOR COURT
CRIMINAL MINUTES

CAUSE# 09-1-00458-6
CAUSE# _____

NAME: KLEIN, DANIEL

APPEARING: (YES) NO IN CUSTODY: (YES) NO

H GASNICK _____ J HAYDEN _____ P JACKSON _____
L OAKLEY _____ C COMMERE _____ A STALKER X

OTHERS APPEARING _____

COURTROOM: 1
DATE: MARCH 17TH, 2010
JUDGE: GEORGE L WOOD
CLERK: NIKKI INRIG
JAVS REPORTER: 9:25:20/9:47:32

D KELLY _____ E SOUBLET _____
A LUNDWALL X
J ESPINOZA _____ J TROBERG _____

CCO: _____
P KAYS _____

INITIAL APPEARANCE

_____ ORD DETERMINING PROBABLE CAUSE/PRELIMINARY APPEARANCE
_____ INFORMATION FURNISHED TO DEFENDANT
_____ ACKNOWLEDGEMENT OF DEF'S RIGHTS
_____ APPT'D PUBLIC DEFENDER/CONFLICT _____
_____ ORD ON COND OF RELEASE/MOD _____ DEF ADVISED
_____ FILE INFORMATION _____ @ 1:00 3:00
_____ ARRAIGNMENT _____ @ 9:00 1:30
_____ BASED ON DEF'S CRIMINAL OR WARRANT HISTORY / CHARGES ST RQ BAIL \$ _____

ARRAIGNMENT/RESET

_____ WAIVED READING INFORMATION
_____ NOT GUILTY AS CHARGED
_____ TRL SET ON _____ FOR _____ DAYS
_____ STATUS HRG _____ @ 1:00 1:30 9:00
_____ OR SETTING TRIAL & PRE-TRL HRGS/RESET
_____ ORDER CONTINUING TRIAL
_____ DEF ADVISED OF STATUS/TRIAL DATES

STATUS/COP

_____ READINESS ORDER
_____ PLEA OFFER ACCEPTED/REJECTED
_____ STATEMENT OF DEFENDANT ON PLEA OF GUILTY
_____ CHANGE OF PLEA SET ON _____ @ 9:00 1:00 3:00

SENTENCING

_____ JUDGMENT & SENTENCE
_____ WARRANT OF COMMITMENT
_____ NOTIFICATION OF FIREARMS
_____ OR PLACING DEF ON PAY/APPEAR PRG
_____ NO CONTACT OR/DEF ADVISED & SERVED
_____ ORDER FOR RESIDENTIAL TREATMENT
_____ ORDER FOR DOSA EVAL/PSI REPORT

MISC

_____ ORDER FOR BW
_____ OR QUASHING BW
_____ DRUG COURT CONTRACT
_____ DIVERSION AGREEMENT/ORDER
_____ OR SETTING RST/DISBURSE FUNDS
_____ DEFENDANT FAILS TO APPEAR, OR FOR BW SIGNED WITH BAIL SET AT \$ _____
_____ STATE GIVES NOTICE THAT A BAIL JUMP CHARGE MAY BE FILED _____

COURT SIGNED: _____

mt to sever/bifercate

NEXT HRG DATE: 3/18/10 @ 9:00 DEF ADV OF DATE/TIME _____

REV TRTMNT/CSW/RESTITUTION _____ **DEF ADVISED** _____

THIS MATTER CAME ON FOR: MT TO SEVER/BIFERCATE

MINUTES: State has no objection to the motion to sever
count #1 from counts 2-7, but gives objections to
bifercation. Case law is presented. Defense gives
argument for motion to sever & bifercate. Court will review
CC: LINDY IE case law presented, matter is set over.
TRAIL DATE STRICKEN _____

FILED
CLALLAM CO CLERK

2010 MAR 18 A 11:23

BARBARA CHRISTENSEN

SCANNED -2

CLALLAM COUNTY SUPERIOR COURT
CRIMINAL MINUTES

CAUSE# 09-1-00458-6
CAUSE#

NAME: KLEIN, DANIEL

APPEARING: YES NO IN CUSTODY: YES NO

H GASNICK _____ J HAYDEN _____ P JACKSON _____
L OAKLEY _____ C COMMERE _____ A STALKER

OTHERS APPEARING _____

COURTROOM: 1

DATE: MARCH 18TH, 2010

JUDGE: GEORGE L WOOD

CLERK: NIKKI IHRIG

JAVS REPORTER: 9:46:09/10:00:55

D KELLY _____ E SOUBLET _____

A LUNDWALL

J ESPINOZA _____ J TROBERG _____

CCO: _____

P KAYS _____

INITIAL APPEARANCE

_____ ORD DETERMINING PROBABLE CAUSE/PRELIMINARY APPEARANCE
_____ INFORMATION FURNISHED TO DEFENDANT
_____ ACKNOWLEDGEMENT OF DEF'S RIGHTS
_____ APPT'D PUBLIC DEFENDER/CONFLICT _____
_____ ORD ON COND OF RELEASE/MOD _____ DEF ADVISED
_____ FILE INFORMATION _____ @ 1:00 3:00
_____ ARRAIGNMENT _____ @ 9:00 1:30
_____ BASED ON DEF'S CRIMINAL OR WARRANT HISTORY / CHARGES ST RQ BAIL \$ _____

ARRAIGNMENT/RESET

WAIVED READING INFORMATION- amend
 NOT GUILTY AS CHARGED
_____ TRIAL SET ON _____ FOR _____ DAYS
_____ STATUS HRG _____ @ 1:00 1:30 9:00
_____ OR SETTING TRIAL & PRE-TRL HRGS/RESET
_____ ORDER CONTINUING TRIAL
_____ DEF ADVISED OF STATUS/TRIAL DATES

STATUS/COP

_____ READINESS ORDER
_____ PLEA OFFER ACCEPTED/REJECTED
_____ STATEMENT OF DEFENDANT ON PLEA OF GUILTY
_____ CHANGE OF PLEA SET ON _____ @ 9:00 1:00 3:00

SENTENCING

_____ JUDGMENT & SENTENCE
_____ WARRANT OF COMMITMENT
_____ NOTIFICATION OF FIREARMS
_____ OR PLACING DEF ON PAY/APPEAR PRG
_____ NO CONTACT OR/DEF ADVISED & SERVED
_____ ORDER FOR RESIDENTIAL TREATMENT
_____ ORDER FOR DOSA EVAL/PSI REPORT

MISC

_____ ORDER FOR BW
_____ OR QUASHING BW
_____ DRUG COURT CONTRACT
_____ DIVERSION AGREEMENT/ORDER
_____ OR SETTING RST/DISBURSE FUNDS
_____ DEFENDANT FAILS TO APPEAR, OR FOR BW SIGNED WITH BAIL SET AT \$ _____
_____ STATE GIVES NOTICE THAT A BAIL JUMP CHARGE MAY BE FILED _____

COURT SIGNED: order for amended information

NEXT HRG DATE: _____ DEF ADV OF DATE/TIME _____

REV TRTMNT/CSW/RESTITUTION _____ DEF ADVISED _____

THIS MATTER CAME ON FOR: MT TO SEVER/BIFERCATE

MINUTES: Court denies motion to bifercate as to prior history of the defendant. State presents amended information and order changing court one, now court #7. Defense has no objection. Court sign order. Defense makes motion to continue trial, Adnuses they

FILED
CLALLAM CO CLERK

2010 MAR 22 A 11:14

BARBARA CHRISTENSEN

SCANNED - 2

CLALLAM COUNTY SUPERIOR COURT
CRIMINAL MINUTES

CAUSE# 09-1-00458-6
CAUSE# _____

NAME: KLEIN, DANIEL

APPEARING: (YES) NO IN CUSTODY: (YES) NO

H GASNICK _____ J HAYDEN _____ P JACKSON _____
L OAKLEY _____ A STALKER _____ C COMMERE ✓

OTHERS APPEARING _____

COURTROOM 1 (2) 3

DATE: MARCH 22, 2010

JUDGE: George Wood

CLERK: SERENA GORSS

RPRT: LISA MCANENY 9:04/9:08

9:20/9:29

D KELLY _____

A LUNDWALL ✓

E SOUBLET _____

J TROBERG _____

J ESPINOZA _____

CCO: _____

P KAYS _____

INITIAL APPEARANCE

_____ ORD DETERMINING PROBABLE CAUSE/PRELIMINARY APPEARANCE
_____ INFORMATION FURNISHED TO DEFENDANT
_____ ACKNOWLEDGEMENT OF DEF'S RIGHTS
_____ APPT'D PUBLIC DEFENDER/CONFLICT _____
_____ ORD ON CONDITIONS OF RELEASE/MOD _____ DEF ADVISED
_____ FILE INFORMATION _____ @ 1:00 3:00
_____ ARRAIGNMENT _____ @ 9:00 1:30
_____ BASED ON DEF'S CRIMINAL OR WARRANT HISTORY/CHARGES ST RQ BAIL \$ _____

ARRAIGNMENT/RESET

✓ WAIVED READING INFORMATION *forwarded informat*
_____ NOT GUILTY AS CHARGED
_____ TRL SET ON _____ FOR _____ DAYS
_____ STATUS HRG _____ @ 1PM 1:30
_____ OR SETTING TRIAL & PRE-TRL HRGS/RESET
_____ ORDER CONTINUING TRIAL

STATUS/COP

_____ PLEA OFFER ACCEPTED/REJECTED
_____ READINESS ORDER
✓ STATEMENT OF DEFENDANT ON PLEA OF GUILTY
_____ CHANGE OF PLEA SET ON _____ @ 9:00 1:00 3:00

SENTENCING

_____ JUDGMENT & SENTENCE
_____ WARRANT OF COMMITMENT
_____ NOTIFICATION OF FIREARMS
_____ OR PLACING DEF ON PAY/APPEAR PRG
_____ NO CONTACT OR/DEF ADVISED & SERVED
_____ ORDER FOR RESIDENTIAL TREATMENT
✓ ORDER FOR DOSA EVAL (PSI REPORT)

MISC

_____ OR QUASHING BW
_____ DRUG COURT CONTRACT **NEXT HEARING DATE:** Sentencing 4-15-10 @ 9:00 DEF ADV OF DATE/TIME ✓
_____ DIVERSION AGREEMENT/ORDER
_____ OR SETTING RST/DISBURSE FUNDS **REV TRTMNT/CSW/RESTITUTION** _____ DEF ADVISED _____
_____ DEFENDANT FAILS TO APPEAR, OR FOR BW SIGNED WITH BAIL SET AT \$ _____
_____ STATE GIVES NOTICE THAT A BAIL JUMP CHARGE MAY BE FILED _____

COURT SIGNED: Order for awarded information

THIS MATTER CAME ON FOR: COP

MINUTES: State hands forward agreed order on awarded information. Court begins. Defense needs some more time with his client - Court grants. 9:20/ Court reconvenes. Defense hands forward a statement of defendant on plea of guilty. Defendant pleads guilty. Court finds a

FILED
CLALLAM CO CLERK

2010 APR 29 A 11:51

SCANNED - 2

CLALLAM COUNTY SUPERIOR COURT
CRIMINAL MINUTES

BARBARA CHRISTENSEN COURTROOM 2

CAUSE# 09-1-00458-6
CAUSE#

DATE: 4/29/2010
JUDGE: KEN WILLIAMS
CLERK: BONNIE MOYER
RPTR # LISA MCANENY

NAME: KLEIN, DANIEL

D KELLY
J TROBERG
E SOUBLET
J ESPINOZA
A LUNDWALL

APPEARING: YES NO IN CUSTODY: YES NO

H GASNICK J HAYDEN P JACKSON
L OAKLEY A STALKER C COMMERE

OTHERS APPEARING

CCO:
P KAYS

INITIAL APPEARANCE

ORD DETERMINING PROBABLE CAUSE/PRELIMINARY APPEARANCE
INFORMATION FURNISHED TO DEFENDANT
ACKNOWLEDGEMENT OF DEF'S RIGHTS
APPT'D PUBLIC DEFENDER/CONFLICT
ORD ON CONDITIONS RELEASE//MOD DEF ADVISED
FILE INFORMATION @ 1:00 3:00
ARRAIGNMENT @ 9:00 1:30
BASED ON DEF'S CRIMINAL OR WARRANT HISTORY/CHARGES ST RQ BAIL \$

ARRAIGNMENT/RESET

WAIVED READING INFORMATION
NOT GUILTY AS CHARGED
TRL SET ON FOR DAYS
STATUS HRG @ 1PM 1:30
OR SETTING TRIAL & PRE-TRL HRGS/RESET
ORDER CONTINUING TRIAL
DEF ADVISED OF STATUS/TRIAL DATES

STATUS/COP

PLEA OFFER ACCEPTED/REJECTED
READINESS ORDER
STATEMENT OF DEFENDANT ON PLEA OF GUILTY
CHANGE OF PLEA SET ON @ 9:00 1:00 3:00

SENTENCING

JUDGMENT & SENTENCE
WARRANT OF COMMITMENT
NOTIFICATION OF FIREARMS
OR PLACING DEF ON PAY/APPEAR PRG
NO CONTACT OR/DEF ADVISED & SERVED
ORDER FOR RESIDENTIAL TREATMENT
ORDER FOR DOSA EVAL/PSI REPORT

MISC

ORDER FOR BW
OR QUASHING BW
DRUG COURT CONTRACT
DIVERSION AGREEMENT/ORDER
OR SETTING RST/DISBURSE FUNDS
DEFENDANT FAILS TO APPEAR, OR FOR BW SIGNED WITH BAIL SET AT \$
STATE GIVES NOTICE THAT A BAIL JUMP CHARGE MAY BE FILED

COURT SIGNED:

NEXT HRG DATE: DEF ADV OF DATE/TIME
REV TRTMT/CSW/RESTITUTION 7/25/10 @ 1:30 PM DEF ADVISED

THIS MATTER CAME ON FOR: SENTENCING

MINUTES: Court received PSI & has reviewed. Counsel both received & Defense Counsel feels couple of legal conclusions in PSI but will argue that in his recommendation. State gave sentencing recommendation.

FILED
CLALLAM CO CLERK

2010 JUL 23 P 2:29

BARBARA CHRISTENSEN

SCANNED - 1

CLALLAM COUNTY SUPERIOR COURT
CRIMINAL MINUTES

CAUSE# 09-1-00458-6
CAUSE# _____

NAME: KLEIN, DANIEL

APPEARING: YES NO IN CUSTODY YES NO

H GASNICK _____ J HAYDEN _____ P JACKSON _____
L OAKLEY _____ C COMMERE _____ A STALKER

OTHERS APPEARING _____

COURTROOM: 2
DATE: JULY 23rd, 2010
JUDGE: KEN WILLIAMS
CLERK: NIKKI IHRIG
REPORTER: LISA MCANENY 2:11/2:11

D KELLY _____ E SOUBLET _____
A LUNDWALL _____
J ESPINOZA _____ J TROBERG _____

CCO: _____
P KAYS _____

INITIAL APPEARANCE

_____ ORD DETERMINING PROBABLE CAUSE/PRELIMINARY APPEARANCE
_____ INFORMATION FURNISHED TO DEFENDANT
_____ ACKNOWLEDGEMENT OF DEF'S RIGHTS
_____ APPT'D PUBLIC DEFENDER/CONFLICT _____
_____ ORD ON COND OF RELEASE/MOD _____ DEF ADVISED
_____ FILE INFORMATION _____ @ 1:00 3:00
_____ ARRAIGNMENT _____ @ 9:00 1:30
_____ BASED ON DEF'S CRIMINAL OR WARRANT HISTORY / CHARGES ST RQ BAIL \$ _____

ARRAIGNMENT/RESET

_____ WAIVED READING INFORMATION
_____ NOT GUILTY AS CHARGED
_____ TRL SET ON _____ FOR _____ DAYS
_____ STATUS HRG _____ @ 1:00 1:30 9:00
_____ OR SETTING TRIAL & PRE-TRL HRGS/RESET
_____ ORDER CONTINUING TRIAL
_____ DEF ADVISED OF STATUS/TRIAL DATES

STATUS/COP

_____ READINESS ORDER
_____ PLEA OFFER ACCEPTED/REJECTED
_____ STATEMENT OF DEFENDANT ON PLEA OF GUILTY
_____ COP & SENTENCING SET ON _____ @ 9:00 1:00 3:00

SENTENCING

_____ JUDGMENT & SENTENCE
_____ WARRANT OF COMMITMENT
_____ NOTIFICATION OF FIREARMS
_____ OR PLACING DEF ON PAY/APPEAR PRG
_____ NO CONTACT OR/DEF ADVISED & SERVED
_____ ORDER FOR RESIDENTIAL TREATMENT
_____ ORDER FOR DOSA EVAL/PSI REPORT

MISC

_____ ORDER FOR BW
_____ OR QUASHING BW
_____ DRUG COURT CONTRACT
_____ DIVERSION AGREEMENT/ORDER
_____ OR SETTING RST/DISBURSE FUNDS
_____ DEFENDANT FAILS TO APPEAR, OR FOR BW SIGNED WITH BAIL SET AT \$ _____
_____ STATE GIVES NOTICE THAT A BAIL JUMP CHARGE MAY BE FILED _____

COURT SIGNED: _____
Renew Sher. ff Serv. Fee!
NEXT HRG DATE: 8/6/10 @ 1:30 DEF ADV OF DATE/TIME _____

REV TRTMNT/CSW/RESTITUTION _____ DEF ADVISED _____

THIS MATTER CAME ON FOR: REVIEW SHERIFF SERV FEES/REST HRG

MINUTES: State advises ^{of} no restitution info. They also need more info from the sheriff's office. Court sets matter over.

CC: LINDY

FILED
CLERK
2008-08-06 P 3:05
ROBERTA STENSEN

SCANNED - 1

CLALLAM COUNTY SUPERIOR COURT
CRIMINAL MINUTES

COURTROOM 1 2 3
DATE: AUGUST 6, 2010
JUDGE: KEN WILLIAMS
CLERK: SERENA GORSS
RPRTR: Lacey Fors 2:09/

CAUSE# 09-1-00458-6
CAUSE# _____

NAME: KLEIN, DANIEL

APPEARING: YES (NO) IN CUSTODY: YES NO

H GASNICK _____ J HAYDEN _____ P JACKSON _____
L OAKLEY _____ A STALKER C COMMERE _____

D KELLY _____
A LUNDWALL _____
E SOUBLET _____
J TROBERG _____
J ESPINOZA for Lundwall
CCO: _____
P KAYS _____

OTHERS APPEARING _____

INITIAL APPEARANCE

_____ ORD DETERMINING PROBABLE CAUSE/PRELIMINARY APPEARANCE
_____ INFORMATION FURNISHED TO DEFENDANT
_____ ACKNOWLEDGEMENT OF DEF'S RIGHTS
_____ APPT'D PUBLIC DEFENDER/CONFLICT
_____ ORD ON CONDITIONS OF RELEASE/MOD _____ DEF ADVISED
_____ FILE INFORMATION _____ @ 1:00 3:00
_____ ARRAIGNMENT _____ @ 9:00 1:30
_____ BASED ON DEF'S CRIMINAL OR WARRANT HISTORY/CHARGES ST RQ BAIL \$ _____

ARRAIGNMENT/RESET

_____ WAIVED READING INFORMATION
_____ NOT GUILTY AS CHARGED
_____ TRL SET ON _____ FOR _____ DAYS
_____ STATUS HRG _____ @ 1PM 1:30
_____ OR SETTING TRIAL & PRE-TRL HRGS/RESET
_____ ORDER CONTINUING TRIAL

STATUS/COP

_____ PLEA OFFER ACCEPTED/REJECTED
_____ READINESS ORDER
_____ STATEMENT OF DEFENDANT ON PLEA OF GUILTY
_____ CHANGE OF PLEA SET ON _____ @ 9:00 1:00 3:00

SENTENCING

_____ JUDGMENT & SENTENCE
_____ WARRANT OF COMMITMENT
_____ NOTIFICATION OF FIREARMS
_____ OR PLACING DEF ON PAY/APPEAR PRG
_____ NO CONTACT OR/DEF ADVISED & SERVED
_____ ORDER FOR RESIDENTIAL TREATMENT
_____ ORDER FOR DOSA EVAL/PSI REPORT

MISC

_____ OR QUASHING BW
_____ DRUG COURT CONTRACT
_____ DIVERSION AGREEMENT/ORDER
_____ OR SETTING RST/DISBURSE FUNDS
_____ DEFENDANT FAILS TO APPEAR, OR FOR BW SIGNED WITH BAIL SET AT \$ _____
_____ STATE GIVES NOTICE THAT A BAIL JUMP CHARGE MAY BE FILED _____

COURT SIGNED: _____

NEXT HEARING DATE: _____ DEF ADV OF DATE/TIME _____

REV TRTMNT/CSW/RESTITUTION _____ DEF ADVISED _____

THIS MATTER CAME ON FOR: REVIEW SHERIFF SERV FEE

MINUTES: State moves to strike today's hearing.
Defense clarifies if sheriff fees are set at zero.
State agrees. Court grants of strikes to day's hearing.

CC: LINDY _____

FILED
CLALLAM CO CLERK

2011 MAR 18 P 3:04

BARBARA CHRISTENSEN

SCANNED - 1

CLALLAM COUNTY SUPERIOR COURT
CRIMINAL MINUTES

COURTROOM 1 2 3

DATE: MARCH 18, 2011

JUDGE: KEN WILLIAMS

CLERK: SERENA GORSS

RPRTR: LACEY FORS 2:26/2:29

CAUSE# 09-1-00458-6

CAUSE# _____

NAME: KLEIN, DANIEL

APPEARING: YES (NO) IN CUSTODY: YES NO

H GASNICK ✓ J HAYDEN _____ P JACKSON _____
L OAKLEY _____ A STALKER _____ C COMMEREE _____

OTHERS APPEARING _____

D KELLY ✓

A LUNDWALL _____

J ESPINOZA _____

J TROBERG _____

CCO: _____

P KAYS _____

INITIAL APPEARANCE

_____ ORD DETERMINING PROBABLE CAUSE/PRELIMINARY APPEARANCE
_____ INFORMATION FURNISHED TO DEFENDANT
_____ ACKNOWLEDGEMENT OF DEF'S RIGHTS
✓ _____ APPT'D PUBLIC DEFENDER/CONFLICT
_____ ORD ON CONDITIONS OF RELEASE/MOD _____ DEF ADVISED
_____ FILE INFORMATION _____ @ 1:00 3:00
_____ ARRAIGNMENT _____ @ 9:00 1:30
_____ BASED ON DEF'S CRIMINAL OR WARRANT HISTORY/CHARGES ST RQ BAIL \$ _____

ARRAIGNMENT/RESET

_____ WAIVED READING INFORMATION
_____ NOT GUILTY AS CHARGED
_____ TRL SET ON _____ FOR _____ DAYS
_____ STATUS HRG _____ @ 1PM 1:30
_____ OR SETTING TRIAL & PRE-TRL HRGS/RESET
_____ ORDER CONTINUING TRIAL

STATUS/COP

_____ PLEA OFFER ACCEPTED/REJECTED
_____ READINESS ORDER
_____ STATEMENT OF DEFENDANT ON PLEA OF GUILTY
_____ CHANGE OF PLEA SET ON _____ @ 9:00 1:00 3:00

SENTENCING

_____ JUDGMENT & SENTENCE
_____ WARRANT OF COMMITMENT
_____ NOTIFICATION OF FIREARMS
_____ OR PLACING DEF ON PAY/APPEAR PRG
_____ NO CONTACT OR/DEF ADVISED & SERVED
_____ ORDER FOR RESIDENTIAL TREATMENT
_____ ORDER FOR DOSA EVAL/PSI REPORT

MISC

_____ OR QUASHING BW
_____ DRUG COURT CONTRACT
_____ DIVERSION AGREEMENT/ORDER
_____ OR SETTING RST/DISBURSE FUNDS
_____ DEFENDANT FAILS TO APPEAR, OR FOR BW SIGNED WITH BAIL SET AT \$ _____
_____ STATE GIVES NOTICE THAT A BAIL JUMP CHARGE MAY BE FILED

COURT SIGNED: Order for transport

NEXT HEARING DATE: Resentance 4:15-11 @ 1:30 DEF ADV OF DATE/TIME _____

THIS MATTER CAME ON FOR: RESENTENCING MANDATE

MINUTES:

Defendant is in prison. Court signs an order for transport & reappoints the public defender's office

CC: LINDY _____

FILED
CLALLAM CO CLERK

2011 APR 15 P 1:47

BARBARA CHRISTENSEN

SCANNED - 1

CLALLAM COUNTY SUPERIOR COURT
CRIMINAL MINUTES

CAUSE# 09-1-00458-6

CAUSE# _____

NAME: KLEIN, DANIEL-ELIYAHSHUA

APPEARING: (YES) NO IN CUSTODY: (YES)

*Doc
NO
Transfer*

H GASNICK _____ J HAYDEN _____ P JACKSON _____

L OAKLEY _____ A STALKER ✓ C COMMERE _____

OTHERS APPEARING _____

COURTROOM 2

DATE: APRIL 15, 2011

JUDGE: KEN WILLIAMS

CLERK: SERENA GORSS

RPRTR: LISA MCANENY

TIME: 1:26 / 1:32

D KELLY _____

A LUNDWALL ✓

J ESPINOZA _____

J TROBERG _____

CCO: _____

P KAYS _____

INITIAL APPEARANCE

_____ ORD DETERMINING PROBABLE CAUSE/PRELIMINARY APPEARANCE

_____ INFORMATION FURNISHED TO DEFENDANT

_____ ACKNOWLEDGEMENT OF DEF'S RIGHTS

_____ APPT'D PUBLIC DEFENDER/CONFLICT

Amended

✓ _____ ORD ON CONDITIONS OF RELEASE/MOD _____ DEF ADVISED

_____ FILE INFORMATION _____ @ 1:00 3:00

_____ ARRAIGNMENT _____ @ 9:00 1:30

✓ _____ BASED ON DEF'S CRIMINAL OR WARRANT HISTORY/CHARGES ST RQ BAIL \$ 100,000.00

ARRAIGNMENT/RESET

_____ WAIVED READING INFORMATION

_____ NOT GUILTY AS CHARGED

_____ TRL SET ON _____ FOR _____ DAYS

_____ STATUS HRG _____ @ 1PM 1:30

_____ OR SETTING TRIAL & PRE-TRL HRGS/RESET

_____ ORDER CONTINUING TRIAL

SENTENCING

_____ JUDGMENT & SENTENCE

_____ WARRANT OF COMMITMENT

_____ NOTIFICATION OF FIREARMS

_____ OR PLACING DEF ON PAY/APPEAR PRG

_____ NO CONTACT OR/DEF ADVISED & SERVED

_____ ORDER FOR RESIDENTIAL TREATMENT

_____ ORDER FOR DOSA EVAL/PSI REPORT

STATUS/COP

_____ PLEA OFFER ACCEPTED/REJECTED

_____ READINESS ORDER

_____ STATEMENT OF DEFENDANT ON PLEA OF GUILTY

_____ CHANGE OF PLEA SET ON _____ @ 9:00 1:00 3:00

MISC

_____ OR QUASHING BW

_____ DRUG COURT CONTRACT

_____ DIVERSION AGREEMENT/ORDER

_____ OR SETTING RST/DISBURSE FUNDS

_____ DEFENDANT FAILS TO APPEAR, OR FOR BW SIGNED WITH BAIL SET AT \$ _____

_____ STATE GIVES NOTICE THAT A BAIL JUMP CHARGE MAY BE FILED _____

THIS MATTER CAME ON FOR: RESENTENCE

COURT SIGNED: minute order

_____ NEXT HEARING DATE: Review 4-22-11 @ 9:00 DEF ADV OF DATE/TIME ✓

_____ REV TRTMNT/CSW/RESTITUTION _____ DEF ADVISED _____

_____ STATE GIVES NOTICE THAT A BAIL JUMP CHARGE MAY BE FILED _____

MINUTES: Defense has not had a chance to discuss with his client & would request the defendant left here in our custody & vacate of S. No objection from the State. Defense moves to lower bail. Court will grant the states recommendations.

FILED
CLALLAM CO CLERK

2011 APR 22 A 9 38

BARBARA CHRISTENSEN

SCANNED - 1

CLALLAM COUNTY SUPERIOR COURT
CRIMINAL MINUTES

CAUSE# 09-1-00458-6
CAUSE# _____

NAME: KLEIN, DANIEL

APPEARING: YES NO IN CUSTODY: YES NO

H GASNICK _____ J HAYDEN _____ P JACKSON _____
L OAKLEY _____ C COMMERE _____ A STALKER

OTHERS APPEARING _____

COURTROOM: 1
DATE: APRIL 22nd, 2011
JUDGE: GEORGE L WOOD
CLERK: NIKKI IHRIG
JAVS RECORDER: 9:16:40/9:21:40

D KELLY _____ J TROBERG
A LUNDWALL _____
J ESPINOZA _____

CCO: _____
P KAYS _____

INITIAL APPEARANCE

_____ ORD DETERMINING PROBABLE CAUSE/PRELIMINARY APPEARANCE
_____ INFORMATION FURNISHED TO DEFENDANT
_____ ACKNOWLEDGEMENT OF DEF'S RIGHTS
_____ APPT'D PUBLIC DEFENDER/CONFLICT _____
_____ ORD ON COND OF RELEASE/MOD _____ DEF ADVISED
_____ FILE INFORMATION _____ @ 1:00 3:00
_____ ARRAIGNMENT _____ @ 9:00 1:30
_____ BASED ON DEF'S CRIMINAL OR WARRANT HISTORY / CHARGES ST RQ BAIL \$ _____

ARRAIGNMENT/RESET

_____ WAIVED READING INFORMATION
_____ NOT GUILTY AS CHARGED
_____ TRL SET ON _____ FOR _____ DAYS
_____ STATUS HRG _____ @ 1:00 1:30 9:00
_____ OR SETTING TRIAL & PRE-TRL HRGS/RESET
_____ ORDER CONTINUING TRIAL
_____ DEF ADVISED OF STATUS/TRIAL DATES

STATUS/COP

_____ READINESS ORDER
_____ PLEA OFFER ACCEPTED/REJECTED
_____ STATEMENT OF DEFENDANT ON PLEA OF GUILTY
_____ COP & SENTENCING SET ON _____ @ 9:00 1:00 3:00

SENTENCING

_____ JUDGMENT & SENTENCE
_____ WARRANT OF COMMITMENT
_____ NOTIFICATION OF FIREARMS
_____ OR PLACING DEF ON PAY/APPEAR PRG
_____ NO CONTACT OR/DEF ADVISED & SERVED
_____ ORDER FOR RESIDENTIAL TREATMENT
_____ ORDER FOR DOSA EVAL/PSI REPORT

MISC

_____ ORDER FOR BW
_____ OR QUASHING BW
_____ DRUG COURT CONTRACT
_____ DIVERSION AGREEMENT/ORDER
_____ OR SETTING RST/DISBURSE FUNDS
_____ DEFENDANT FAILS TO APPEAR, OR FOR BW SIGNED WITH BAIL SET AT \$ _____
_____ STATE GIVES NOTICE THAT A BAIL JUMP CHARGE MAY BE FILED _____

COURT SIGNED: _____ possible
Review Hearing/Sentencing
NEXT HRG DATE: 4/26/11 @ 9:00 DEF ADV OF DATE/TIME

REV TRTMNT/CSW/RESTITUTION _____ DEF ADVISED _____

THIS MATTER CAME ON FOR: REVIEW HRG

MINUTES: Defense needs time to talk to his client. Court sets matter over - Agreed.

SCANNED - 2

CLALLAM COUNTY SUPERIOR COURT
CRIMINAL MINUTES

CAUSE# 09-1-00458-6
CAUSE# _____

NAME: KLEIN, DANIEL

APPEARING: (YES) NO IN CUSTODY: (YES) NO

H GASNICK _____ J HAYDEN _____ P JACKSON _____
L OAKLEY _____ A STALKER ✓ C COMMERE _____

OTHERS APPEARING _____

COURTROOM 1
DATE: APRIL 26, 2011
JUDGE: GEORGE L WOOD
CLERK: SERENA GORSS

JAVS : _____
TIME: 1:59:29 / 2:26:29
D KELLY _____
A LUNDWALL ✓
J ESPINOZA _____
J TROBERG _____

CCO: _____
P KAYS _____

INITIAL APPEARANCE

_____ ORD DETERMINING PROBABLE CAUSE/PRELIMINARY APPEARANCE
_____ INFORMATION FURNISHED TO DEFENDANT
_____ ACKNOWLEDGEMENT OF DEF'S RIGHTS
_____ APPT'D PUBLIC DEFENDER/CONFLICT _____
_____ ORD ON CONDITIONS OF RELEASE/MOD _____ DEF ADVISED
_____ FILE INFORMATION _____ @ 1:00 3:00
_____ ARRAIGNMENT _____ @ 9:00 1:30
_____ BASED ON DEF'S CRIMINAL OR WARRANT HISTORY/CHARGES ST RQ BAIL \$ _____

ARRAIGNMENT/RESET

_____ WAIVED READING INFORMATION
_____ NOT GUILTY AS CHARGED
_____ TRL SET ON _____ FOR _____ DAYS
_____ STATUS HRG _____ @ 1PM 1:30
_____ OR SETTING TRIAL & PRE-TRL HRGS/RESET
_____ ORDER CONTINUING TRIAL

STATUS/COP

_____ PLEA OFFER ACCEPTED/REJECTED
_____ READINESS ORDER
_____ STATEMENT OF DEFENDANT ON PLEA OF GUILTY
_____ CHANGE OF PLEA SET ON _____ @ 9:00 1:00 3:00

SENTENCING

✓ JUDGMENT & SENTENCE
✓ WARRANT OF COMMITMENT
_____ NOTIFICATION OF FIREARMS
_____ OR PLACING DEF ON PAY/APPEAR PRG
✓ NO CONTACT OR/DEF ADVISED & SERVED
_____ ORDER FOR RESIDENTIAL TREATMENT
_____ ORDER FOR DOSA EVAL/PSI REPORT

MISC

_____ OR QUASHING BW
_____ DRUG COURT CONTRACT **NEXT HEARING DATE:** _____ DEF ADV OF DATE/TIME _____
_____ DIVERSION AGREEMENT/ORDER
_____ OR SETTING RST/DISBURSE FUNDS **REV TRTMNT/CSW/RESTITUTION** _____ DEF ADVISED _____
_____ DEFENDANT FAILS TO APPEAR, OR FOR BW SIGNED WITH BAIL SET AT \$ _____
_____ STATE GIVES NOTICE THAT A BAIL JUMP CHARGE MAY BE FILED _____

COURT SIGNED: Minute order

THIS MATTER CAME ON FOR: SENTENCING

MINUTES: Defense reports they are prepared to go to sentencing today. Court signs a minute order reflecting the defendant does not wish to withdraw his plea. State presents recommendations 2:14 Chelsea Edger (writer) addresses the Court. Defense reports this is an agreed recommendation.

RCW 9.94A.431. Plea agreements–Information to court–Approval or disapproval–Sentencing judge not bound

(1) If a plea agreement has been reached by the prosecutor and the defendant pursuant to RCW 9.94A.421, they shall at the time of the defendant's plea state to the court, on the record, the nature of the agreement and the reasons for the agreement. The prosecutor shall inform the court on the record whether the victim or victims of all crimes against persons, as defined in RCW 9.94A.411, covered by the plea agreement have expressed any objections to or comments on the nature of and reasons for the plea agreement. The court, at the time of the plea, shall determine if the agreement is consistent with the interests of justice and with the prosecuting standards. If the court determines it is not consistent with the interests of justice and with the prosecuting standards, the court shall, on the record, inform the defendant and the prosecutor that they are not bound by the agreement and that the defendant may withdraw the defendant's plea of guilty, if one has been made, and enter a plea of not guilty.

(2) The sentencing judge is not bound by any recommendations contained in an allowed plea agreement and the defendant shall be so informed at the time of plea.

Laws 1995 c 288 § 2.