

COURT OF APPEALS DIVISION II
STATE OF WASHINGTON

STATE OF WASHINGTON,
Respondent,

No. 43995-6-II

v.

SUPPLEMENTAL BRIEF
TO STATEMENT OF
ADDITIONAL GROUNDS
(SAG)

RONALD HODGE HOLTZ,
Appellant.

FILED
COURT OF APPEALS
DIVISION II
2013 NOV 21 PM 1:41
STATE OF WASHINGTON
BY DEPUTY

I. - INTRODUCTION -

Appellant Ronald Holtz, moves this Court in a Supplemental (Motion) Brief To STATEMENT OF ADDITIONAL GROUNDS.

II. - STATEMENT OF FACTS -

Appellant Files this brief incorporating all arguments, evidence, documents, exhibits, and reflecting upon the records cited to (SAG) Filed June 17th or thereafter 2013.

TITLE ARGUMENT

MR. HOLTZ WAS DEPRIVED OF A FAIR TRIAL BY MULTIPLE BRADY VIOLATIONS WHICH PREJUDICED PROCEEDINGS

Appellant Ronald Holtz contends that distinct ensued by his being deprived of exculpatory evidence that was timely requested by him and if not for the state's failure to provide in discovery, it more likely than not would have change the outcome of proceedings. Mr. Holtz, filed an in depth motion for discovery on March 16, 2012 where he requested; the motel surveillance video, record of Holtz at Fife jail, 9-1-1 call record, information for interview of Fife jail officer "LARKINS". This would prove that officer Morales falsely stated that "Mr. Holtz" was linked to A.K.A. "KEAL" by dispatch, no contact order with name on it, that he was taken to Fife to be identified by officer LARKINS, and that he did not push "CLARE STRAIN". Thus, it would have changed the outcome of the June 4, 2012 hearing by defense to dismiss for lack of probable cause CrR 3.5 & 3.6. see; Findings and Conclusions on Admissibility of Evidence CrR 3.5 & 3.6 by Judge J. McCarthy Pg. #1 Ln. 19-21 where officer Morales testimony is alleged to be, "honest, credible, accurate, reasonable, and without bias or prejudice". see; Pg. #4 Ln. 11-13 It alleges this is how "Mr. Holtz" was identified. However, later this would be proven to be untrue yet, if proper discovery had been obtained or released and/or truth told Mr. Morales could have been discredited or impeached at the 6/4/12 hearing. [6/11/12 Pg. #1 Ln. 1-12; Pg. #5 Ln. 11-25; Pg. #6 Ln. 3-22; Pg. #9 Ln. 22-25; Pg. #10 Ln. 1-17; & Pg. #18 Ln. 6-25 Judge Confirms witness Pg. #22 Ln. 8-21 discovery request Filed Pg. #1-13, 9/6/12, Pg. #367 Ln. 1-25 & Pg. #368 Ln. 1-16, 8/9/12-

Pg. #3 Ln. 5-11; Pg. #8 Ln. 17-25; Pg. #9 Ln. 1-25; Pg. #10 Ln. 9-10.] THESE ARE JUST A FEW OF THE DATED TRANSCRIPTS THAT ATTEST TO THE FAILURE TO COMPLY WITH ITS OBLIGATION TO DISCLOSE EVIDENCE WHICH WAS A GROSS MISARRANGE OF JUSTICE AND A VIOLATION OF DEFENDANT'S RIGHT TO DUE PROCESS OF LAW. WASH. ST. CONST. ART. 1 § 3, ART. 1 § 22. STATE V. NORRIS, 157 Wn. App. 50, 236 P.3d 225 (WASH. APP. DIV. 2 2010). LET US REASON THAT THERE CANNOT BE A CAD REPORT WITHOUT A DISPATCH NOR A DISPATCHES RESPONSE WITHOUT A 9-1-1 CALL. The United States Supreme Court has since held that there is a duty to disclose such evidence even with when there has been no request by the accused, UNITED STATES V. AGURS, 427 U.S. 97, 107, 96 S. CT. 2392, 49 L. ED. 2D 342 (1976), AND THAT THE DUTY ENCOMPASSES IMPEACHMENT EVIDENCE AS WELL AS EXCULPATORY EVIDENCE, UNITED STATES V. BAGLEY, 473 U.S. 667, 676, 105 S. CT. 3375, 87 L. ED. 2D 481 (1985). SIGNIFICANT EVIDENCE KNOWN ONLY TO POLICE INVESTIGATORS, IN RE STENSON, 174 Wn. 2d 474, 276 P.3d 286 (WASH. 2012).

SIGNIFICANTLY, "[I]F THERE ARE THREE COMPONENTS OF A TRUE BRADY VIOLATION: THE EVIDENCE AT ISSUE MUST BE FAVORABLE TO THE ACCUSED, EITHER BECAUSE IT IS EXCULPATORY, OR BECAUSE IT IS [174 Wn. 2d 487] IMPEACHING; THAT EVIDENCE MUST HAVE BEEN SUPPRESSED BY THE STATE, EITHER WILLFULLY OR INADVERTENTLY; AND PREJUDICE MUST HAVE ENSUED." Id. AT 281-82, 119 S. CT. 1936. WITH RESPECT TO THE THIRD BRADY FACTOR, THE TERMS "MATERIAL" AND "PREJUDICIAL" ARE USED INTERCHANGEABLY SEE: UNITED STATES V. PRICE, 566 F.3d 900, 911 n. 12 (9th CIR. 2009).

CASE IN POINT, THAT PROSECUTORS HORIBE, SEEVERS, AND EGGERTSEN, HAD AN OBLIGATION TO DIVULGE THE TRUTH, IN ORDER TO UPHOLD JUSTICE NOT TO SUPPRESS, EXCLUDE, OR HIDE IT FOR A MERE EGO'S GAIN OF A WIN, AS IF BUT A GAME. THE SCOPE OF STATE'S DUTY UNDER BRADY AND DUE PROCESS PRINCIPLES TO DISCLOSE EVIDENCE FAVORABLE TO THE DEFENDANT INCLUDES THE INDIVIDUAL PROSECUTOR'S DUTY TO LEARN OF ANY FAVORABLE EVIDENCE KNOWN TO THE OTHERS ACTING ON THE GOVERNMENT'S BEHALF INCLUDING

the police, U.S.C.A. Const. Amend. 14. A major issue of disclosure is if Prosecutor E. Eggertsen had disclosed all discovery requested information as well as admitted prior to 6/4/12 and trial that "MR. Holtz" was not linked to "MR. KEAT" until 9/19/11 at 11:56 pm upon being booked into Pierce County jail officers Morales and Peterson, credibility, testimony, and statements would have been used prior to trial to impeach, moving to dismiss, showing that they did not know who he was and proved that he had in fact been arrested to be identified at Fife Police station. She only admits this in closing argument 9/6/12 Pg. #356 Ln. 20-22]

However, Ms. Eggertsen did not produce this fact at trial either. DEFENSES questioning of Fingerprint Specialist Kimberly Howard on 9/4/12 - Pg. #85 Ln. 7-18; 22-25; Pg. #86 Ln. 1-14 & 19; Pg. #104 Ln. 20-25 (Ln. 9); Pg. #105 Ln. 10-25; Pg. #106 Ln. 1-25 specifically Ln. 19-25]. This was not disclosed as she allowed officers Morales and Peterson to give false testimony as she did herself in efforts to conceal the truth. A showing of materiality, in context of a claimed Brady violation is not a sufficiency of evidence test, and, thus, does not require demonstration by a preponderance of the evidence test, that disclosure of the suppressed evidence would have resulted ultimately in the defendant's acquittal. Question of materiality, in context of a claimed Brady violation, is not whether the defendant would more than likely, not have received a different verdict with the undisclosed evidence, but whether in its absence he received a fair trial, understood as a trial resulting in a verdict worthy of confidence. To prove materiality, in context of a claimed Brady violation, defendant must show there is a reasonable probability that, had the evidence been disclosed to the defense, the result of proceedings would have been different, with "reasonable probability" of a different result being shown when the government's evidentiary suppression undermines confidence in the outcome of the trial.

The Factors of a Brady claim relating to whether the evidence

AT ISSUE IS FAVORABLE TO THE ACCUSED AND WHETHER THAT EVIDENCE WAS SUPPRESSED BY THE STATE ARE FACTUAL QUESTIONS.

IT IS PLAIN TO VIEW THAT THE FAILURE TO PRODUCE CRITICAL/CRUCIAL EXCULPATORY EVIDENCE "DISCOVERY" DID AFFECT THE OUTCOME OF PRIOR 3.5 & 3.6 HEARING AND ULTIMATELY TRIAL. THIS CHIEFLY DUE TO THE FACT THAT OFFICER'S TESTIMONY BEING CREDIBLE WAS A MAJOR ISSUE IN WHICH DECISIONS OF THE JUDGE AND JURY DEPENDDED UPON. AS THE MATERIALITY OF SUCH FALSE STATEMENTS TAKE US INTO ANOTHER ASPECT LEADING FROM BRADY

PROSECUTORIAL MISCONDUCT AND IMPEACHED FALSE TESTIMONY

APPELLANT IN LIGHT OF THE BRADY VIOLATIONS DISPLAYING AN ASPECT BEING FAILURE TO INFORM DEFENSE OF EXCULPATORY EVIDENCE WITH IMPEACHMENT OF PERJURED TESTIMONY AND ITS PREJUDICIAL EFFECT BEING A MATERIALITY ISSUE ON APPEAL IN THE CONTEXT OF "REASONABLE PROBABILITY" OF THIS CHANGING THE OUTCOME OF THE TRIAL.

ONE NEED NOT PONDER WHETHER PROSECUTORS WERE AWARE OF THE FALSE TESTIMONIES OF WITNESSES MORALES, PETERSON, AND ELLIOTT OR THEIR MISLEADING EFFECTS UPON JUDGE(S) AND JURY. FROM TESTIMONY OF FINGERPRINT EXPERT KIMBERLY HOWARD TO PROSECUTOR'S CLOSING ARGUMENT THAT MR. HOLTZ WAS TAKEN TO PIERCE COUNTY JAIL WHERE HE WAS BOOKED, FINGERPRINTED, AND IDENTIFIED. [9/6/12 Pg. #356 LN. 20-22] THIS WAS NOT ADMITTED UNTIL CLOSING ARGUMENT THOUGH THE DISCOVERY WOULD HAVE PROVED THIS WITHOUT HER ADMISSION. OFFICERS CLAIMED MR. HOLTZ WAS LINKED TO "MR. KEAL" BY DISPATCH, WHEN HE WAS NOT BOOKED UNTIL 11:56 PM NOR WAS EITHER NAMED LINKED FOR "HOLTZ" HAD NEVER BEEN FINGERPRINTED BY A.F.T.S. UNDER THIS NAME AS STATED BY K. HOWARD FINGERPRINT SPECIALIST. SEE: IN RE STENSON, 174 Wn.2d 474, 276 P.3d 286 (WASH. 2012); STATE V. SINGH, 167 Wn. App. 971, 275 P.3d 1156 (WASH. APP. DIV. 3 2012). (2) HEIGHTENED PROOF REQUIREMENTS FOR PERJURY ARE SATISFIED WHEN THE EVIDENCE OF THE KNOWINGLY FALSE STATEMENT IS RECORDED PRIOR TO THE HEARING

at which the perjury is subsequently committed; and First degree perjury is committed "if in any official proceeding" a person makes a materially false statement [167 Wn. App. 976] which he knows to be false under an oath required or authorized by law." Former RCW 9A.72.020(1) (1975). A "materially false statement" is one "which could have affected the course or outcome of the proceeding." RCW 9A.72.010(1). Prosecutors are unlike other attorneys and enjoy special status as "quasi-judicial officers." See *State v. Suarez-Brand*, 72 Wn. App. 359, 367, 864 P.2d 426 (1994). Along with the status, however, comes responsibility, including the duty to ensure that a defendant receives a constitutionally fair trial and to seek a verdict free of prejudice, based on reason and law. See *State v. Monday*, 171 Wn.2d 667, 257 P.3d 55 (2011); *Berger v. United States*, 295 U.S. 78, 88, 55 S. Ct. 629, 79 L.Ed. 2d 1314 (1935), overruled in part and on other grounds by *Stirone v. United States*, 361 U.S. 212, 80 S.Ct. 270, 4 L.Ed. 2d 252 (1960). As a result, a prosecutor must act in seeking justice instead of making himself a "partisan" who is trying to "win" a conviction at all costs. See *State v. Rivers*, 96 Wn. App. 672, 984 P.2d 16 (1999). *Hayes v. Woodford*, 301 F.3d 1054 (9th Cir. 2002) because it is impeaching prosecutor has a constitutional duty to correct evidence he knows is false. *Skinner v. Switzer*, 3 U.S. L.Ed. 2d 131 S.Ct. 1289 (2011); In *State v. LaPage*, 231 F.3d 488, 491 (9th Cir. 2000) "Due process clause entitles defendants in criminal cases to fundamentally fair procedures, and it is fundamentally unfair for prosecutor to knowingly present perjury to jury. U.S.C.A. Amend. 5... because use of perjury lies to obtain conviction violates due process of law, such a conviction must be reversed unless false testimony was harmless beyond reasonable doubt: conviction must be reversed if there is any reasonable likelihood that false testimony could have affected judgment of jury. U.S.C.A. Const. Amend. 5."

The due process clause entitles defendants in criminal cases to fundamentally fair procedures, it is fundamentally unfair for a prosecutor to knowingly present perjury to the jury. Over forty

YEARS AGO, THE SUPREME COURT MADE IT CLEAR THAT A CONVICTION OBTAINED THROUGH THE USE OF FALSE EVIDENCE, KNOWN TO BE SUCH BY REPRESENTATIVES OF THE STATE, MUST FALL UNDER THE FOURTEENTH AMENDMENT. THE RESULT OBTAINS WHEN THE STATE, ALTHOUGH NOT SOLICITING FALSE EVIDENCE ALLOWS IT TO GO UNCORRECTED WHEN IT APPEARS.

THE COURT EXPLAINED THAT THIS PRINCIPLE DOES NOT CEASE TO APPLY MERELY BECAUSE THE FALSE TESTIMONY GOES ONLY TO THE CREDIBILITY OF THE WITNESS. RATHER (A) LIE IS A LIE, NO MATTER WHAT IT'S SUBJECT. BECAUSE THE USE OF KNOWN LIES TO GET A CONVICTION DEPRIVES A DEFENDANT OF HIS CONSTITUTIONAL RIGHT TO DUE PROCESS OF LAW, WE MUST REVERSE LAPAGES CONVICTION UNLESS MANESS FALSE TESTIMONY WAS HARMLESS BEYOND A REASONABLE DOUBT, THAT IS, WE MUST REVERSE, IF THERE IS ANY REASONABLE LIKELIHOOD THAT THE FALSE TESTIMONY COULD HAVE AFFECTED THE JUDGMENT OF THE JURY." MESAROSH V. U.S., 352 U.S. 1, 164 2d 72, 77 S.Ct. 8 U.S. PA 1956) UNITED STATES GOVERNMENT WILL NOT ALLOW A CONVICTION OF A PERSON BASED ON TAINTED TESTIMONY OF A WITNESS TO STAND.

MR. HOLTZ, CONVICTION WAS OBTAINED BY PERJURED FALSE TESTIMONY, FAILURE TO DISCLOSE EXCULPATORY EVIDENCE BRADY VIOLATIONS, AND PROSECUTORIAL MISCONDUCT WHICH MUST BE REVERSED AND DISMISSED AS THE ONLY JUST REMEDY BY LAW.

SPEEDY TRIAL VIOLATIONS CR 3.3 AND INSUFFICIENCY OF RECORD ON APPEAL VIOLATING RIGHT TO APPEAL.

APPELLANT INCORPORATES THE FOLLOWING ARGUMENTS ON APPEAL WITH HIS STATEMENT OF ADDITIONAL GROUNDS VIOLATING HIS SPEEDY TRIAL RIGHTS AS THE RECORD IS CITED. TRANSCRIPTS:

A) 1/12/12, BEFORE JUDGE STOLZ: Pg. # 1, 1-3 SHE ADMITS ATTORNEY HARRY STEINMETZ WAS ALLOWED TO WITHDRAW ON THE DAY OF TRIAL WHICH DEFENDANT OBJECTED TO AND REQUESTED DISMISSAL. B) ATTORNEY

Robert Dejan, admits to Conflict of interest with defendant and Judge B. Grant disqualifying him. Pg. #5 Ln. 8-25; Pg. #6 Ln. 1-10 He objects. B) The Following ARE Speedy trial violations, ineffective Assistance of Counsel, Abuse of discretion by Judge Stolz with bias misconduct. Pg. #8 Ln. 5-25; Pg. #9 Ln. 1-6 & Ln. 12-25; Pg. #10-#13. Defines the speedy trial objections.

C) 2/14/12, Judge Stolz: Pg. #14-20 ineffective Assistance of Counsel, abuse of discretion, Judge misconduct and bias, Ln. 23-25, Pg. #20 Ln. 13-22 Speedy trial motion CrR 3.3 showing violation. Pg. #21 drug out of Court and assaulted by staff.

At Ln. 9 (The defendant was not present) Boneclub violation... Judge enters an order ex-parte "He may wish to represent himself."

D) 3/6/12 Judge Stolz, Pg. #22-27 - DEF. placed in a "Hobson's choice" to sign for Conflict Free Counsel (After being forced to hire his own) signs After 90 days Speedy trial violation under threat, duress, and coercion (DC).

E) 5/24/12 - Judge R.M. Stolz, Pg. #28-#34 signed by Attorney as motion in objection to speedy trial violations

Appellant incorporates as part of the trial record the continuance motions where he refuses to sign in order to present documented evidence "material" to the issue and argument in his (SAG) which will show his refusal/objection. Also, where it was necessary for him to agree/sign pursuant to CrR 3.3(E)(1), as well as verbal, and written objections. STATE V. SAUNDERS, 153 Wn. App. 209, 220 P.3d 1238 (Wash. App. Div. 2, 2009); WA. St. Const. Art. 1 § 22; STATE V. Kenyon, 167 WASH. 2D 216 P.3d 1024 (2009); STATE V. Iniguez, 167 WASH. 2D 273, 281-85, 290-95, 217 P.3d 768 (2009); STATE V. GEORGE, 160 WASH. 2D 727, 735, 158 P.3d 1169 (2007); STATE V. KONE, 165 Wn. App. 420, 266 P.3d 916 (Wash. App. Div. 1, 2011); STATE V. CHAVEZ-ROMERO, 285 P.3d 195 (Wash. App. Div. 3 2012). Even in light of the December 1, 2012 revision

of Superior Court Criminal Rule - Rights of Defendants - Rule 3.3 Time For Trial. Appellant's (SAG) argument with this Supplemental Brief/Motion is within the guidelines. Though, there has been objections in writing and on record even if one was to consider due to lack of record CCR 3.3(d)(4) loss of right to object. Adds further in such argument. [SEE exhibit #1]

- TRANSCRIPTS OF PROCEEDINGS REQUESTED -

DATES	COURT REPORTER	JUDGE
12/6/12, 11/29/11, 10/25/11	Angela McDougall	Edmund Murphy
3/20/12 & 4/19/12	Kim O'Neill	Katherine Stolz
5/12/12	Katrina Smith	Bryan Chushcoff
5/31/12	Syndie Hagarth	Beverly Grant

Appellant contends that these are crucial court transcripts that were during critical stages of proceedings which would make a clear showing from Attorney Harry Steinmetz being allowed to walk out of the courtroom on trial date 1/29/13 to showing his request for more time 10/25/11 yet, no motions being drafted to the speedy trial objections, ineffective assistance of counsel, discovery, numerous Brady violations, mental health issues, prosecutorial misconduct and much more. See, State v. Hanson, 62 Wash. 2d 64, 66, 381 P.2d 120 (1963). The entire verbatim report of proceedings was lost and the court concluded that Appellate Counsel, who had not acted as trial counsel, had no means by which to assess the sufficiency of the narrative summary provided by the trial court. 62 Wash. 2d at 67, 381 P.2d 120. And Tilton, 149 Wash. 2d at 783, 72 P.3d 735, two cases

in which our Supreme Court concluded that the record was insufficient for review. RAP 9.5(c). This prejudices the Appellant by an incomplete record on review denying Appellant of direct testimony enabling him to effectively identify and argue on appeal, particularly a claim for ineffective assistance of counsel based on mental health issues counsel's failure to raise a diminished capacity defense. *Tilton*, 149 Wash. 2d at 182-83. *State v. Harvey*, 175 Wn. 2d 922, 288 P.3d 1113 (2012). Under RAP 9 Appellant claims that the only just remedy by law is reversal, remand for either record reconstruction or dismissal. The October 17, 2013 ruling of Commissioner Schmidt states that there is no proceeding on record to be transcribed which a new trial will not rectify the enumerated violations that took place causing irreparable constitutional damage as a miscarriage of justice.

- CONCLUSION / RELIEF -

Appellant requests the relief of reverse, remand for suppression hearing and vacate / dismissal CR 8.3(b).

THIS 15th DAY OF NOVEMBER, 2013.


RONALD HOLTZ

EXHIBIT

"CONTINUANCE ORDERS"

1

153-977
153-977
J. M. B. B.

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

RONALD HOLTZ

Defendant.

NO. 11-1-03845-1

ORDER ON OMNIBUS HEARING
CHARGE: VNCO & ASSLT 4.

TRIAL DATE: 11-9-11

OOR

THIS MATTER having come before the court for an Omnibus Hearing, the State represented by:

Jennifer Sievers, and the defendant being present and represented by:

HARRY S. STEINHAUER

1. Regarding PROSECUTOR'S OBLIGATIONS, THE DEPUTY PROSECUTING ATTORNEY STATES that at least seven days prior to this order:

- The Prosecutor provided to defendant a complete list of the defendant's criminal convictions.
- The Prosecutor has provided to defense all discovery in their possession or control, pursuant to CR 4.7(a);
- The Prosecutor has contacted law enforcement agencies to request and/or obtain any additional supplemental police reports, forensic tests, and evidence and has made them available to defendant or defense counsel. The State is aware of the following reports, tests or evidence which has not been made available to the defendant: _____

Prosecutor has reviewed the discovery and criminal history and made an offer to the defense.

If prosecutor has not checked every box in this section, the court makes the following order:

2. Regarding DEFENSE ATTORNEY'S OBLIGATIONS, DEFENSE COUNSEL STATES that at least two days prior to this order:

Defense attorney has met with the defendant about this case.

- Defense attorney has received a plea offer from the State.
- Defense attorney has reviewed the discovery and the criminal history.
- Defense attorney has given discovery to prosecutor

If defense attorney has not checked every box in this section, the court makes the following order:

DEFENSE WILL IDENTIFY WITNESSES & PROVIDE STATEMENTS

3. Regarding DISCOVERY: The parties agree that Discovery is COMPLETE/NOT COMPLETE IN THE FOLLOWING RESPECTS: DEFENSE WILL PROVIDE STATEMENTS FROM WITNESSES

DISCOVERY must be completed by: _____

4. Regarding GENERAL NATURE OF DEFENSE:

The Defense states that the general nature of the defense is:

- General Denial Consent
- Alibi Diminished Capacity
- Insanity Self-defense
- Other (specify) _____

5. Regarding CUSTODIAL STATEMENTS by defendant, the parties agree that:

- No custodial statements will be offered in the State's case in chief, or in rebuttal.
- The statements of defendant will be offered in the State's case in rebuttal only.
- The statements referred to in the State's discovery will be offered and:
 - May be admitted into evidence without a pre-trial hearing, by stipulation of the parties.

A 3.5 conference is required and is estimated to require 1 (min/hr) and is set for day of trial.

6. Regarding PRIOR CRIMINAL CONVICTIONS OF THE DEFENDANT, the parties agree that if defendant testifies at trial:

- If the defendant testifies at trial, the prior record of convictions contained in the State's discovery
 - will will not be (stipulated to) by the defendant with the following exceptions:

There are no prior known convictions at this time. State will advise defendant promptly if it learns of prior convictions.

7. Regarding SUPPRESSION OF PHYSICAL EVIDENCE OR IDENTIFICATION, the parties agree that:

- No motion to suppress physical evidence or identification will be filed.

Or, THE COURT ORDERS THAT:

Defendant's written motion to suppress shall be filed by 2 WEEKS BY TRIAL. The State's response shall be filed by 1 WEEK BY TRIAL. Testimony will/will not be required.

State's written motion to suppress shall be filed by _____. The Defendant's

response shall be filed by _____ . Testimony will/will not be required.

8. Regarding OTHER PRE-TRIAL MOTIONS: No additional motions are anticipated, except:

TAI LIMINE

Briefing schedule: Affidavits and briefs of the moving party must be served and filed by: _____

Responsive Brief must be served and filed by: _____

The hearing will last about _____ (min/hr)

9. Regarding TRIAL

a. The trial will be jury non-jury, and will last about 3-4 days.

b. Is an interpreter needed: No Yes. Language: _____ (If an interpreter is needed, State will call interpreter services at ext. 6091)

10. Regarding WITNESSES:

There will be out-of-state witnesses yes no.

A child competency or child hearsay hearing is needed yes no.

State:

All witnesses have been disclosed.

A Witness List has been filed.

A witness list must be filed by: _____

Defense:

All witnesses have been disclosed.

A Witness List has been filed.

A witness list must be filed by: 1 WEEK BEFORE TRIAL.

11. Other

Defendant needs a competency examination.

Defendant is applying for drug court.

Defendant is seeking an evaluation which may necessitate a continuance.

12. The Court sets a Status Conference for _____ (date) for the purpose of:

13. Other orders: _____

Dated Oct. 25th 2011.

[Signature]
Defendant

[Signature]
Judge

[Signature]
Defendant's Attorney/Bar # 21813

Jennifer Sievers
Prosecuting Attorney/Bar # 35536

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,)
 Plaintiff)
 vs.)
RONALD MOLTZ)
 Defendant)

Cause No. 11-1-03845-1

ORDER CONTINUING TRIAL

Case Age 38 Prior Continuances 0 **IN**

This motion for continuance is brought by state defendant court.
 upon agreement of the parties pursuant to CrR 3.3(f)(1) or
 is required in the administration of justice pursuant to CrR 3.3(f)(2) and the defendant will not be prejudiced in his or her defense or
 for administrative necessity.

Reasons: BECAUSE ATTY NEEDS ADDITIONAL TIME TO DRAFT MOTIONS

RCW 10.46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim.

IT IS HEREBY ORDERED THE DEFENDANT SHALL BE PRESENT AND REPORT TO:

	DATE	TIME	COURT ROOM	ID NUMBER
<input type="checkbox"/> OMNIBUS HEARING				
<input type="checkbox"/> STATUS CONFERENCE HEARING				
<input type="checkbox"/>				
THE CURRENT TRIAL DATE OF: <u>11/9/11</u>	IS CONTINUED TO: <u>11/29/11</u> @ 8:30 am Room <u>260</u>			

Expiration date is: 12/14/11 (Defendant's presence not required) TFT days remaining: 30

DONE IN OPEN COURT this 25 day of Oct, 2011.

Ronald Moltz
 Defendant
[Signature]
 Attorney for Defendant/Bar #

[Signature]
 Judge
Jennifer Sievers
 Prosecuting Attorney/Bar # 355310

I am fluent in the _____ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

 Interpreter/Certified/Qualified Pierce County, Washington Court Reporter

4WB6

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,) Cause No. 11-1-03845-1
Plaintiff)
vs.)
ORDER CONTINUING TRIAL
Ronald Holtz,)
Defendant) Case Age 70 Prior Continuances 1 IC

This motion for continuance is brought by [] state [] defendant [X] court.
[] upon agreement of the parties pursuant to CrR 3.3(f)(1) or
[] is required in the administration of justice pursuant to CrR 3.3(f)(2) and the defendant will not be prejudiced in his or her defense or
[X] for administrative necessity.

Reasons: Defense Attorney was allowed to withdraw

[] RCW 10.46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim.

IT IS HEREBY ORDERED THE DEFENDANT SHALL BE PRESENT AND REPORT TO:

Table with columns: DATE, TIME, COURT ROOM, ID NUMBER. Rows include OMNIBUS HEARING, STATUS CONFERENCE HEARING, and RETURNING ATTORNEY with handwritten entries.

Expiration date is: 1/5/12 (Defendant's presence not required) TFT days remaining: 30

DONE IN OPEN COURT this 29th day of Nov, 2011

Refused to Sign
Defendant
Removed
Attorney for Defendant/Bar #

Judge
Jennifer Sievers
Prosecuting Attorney/Bar # 35536

I am fluent in the [] language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

Pierce County, Washington
Interpreter/Certified/Qualified Court Reporter

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,)
 Plaintiff)

Cause No. 11-1-03845-1

vs.)

ORDER CONTINUING TRIAL

Ronald Holtz,)
 Defendant)
 AKA: Ronald Holtz (Kesi)

Case Age 77 Prior Continuances 2 IC

This motion for continuance is brought by state defendant court.

upon agreement of the parties pursuant to CrR 3.3(f)(1) or

is required in the administration of justice pursuant to CrR 3.3(f)(2) and the defendant will not be prejudiced in his or her defense or

for administrative necessity.

Reasons: New defense counsel was assigned at defendant's request. He needs to get file and prepare, investigate, and negotiate.

RCW 10.46:085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim.

IT IS HEREBY ORDERED THE DEFENDANT SHALL BE PRESENT AND REPORT TO:

	DATE	TIME	COURT ROOM	ID NUMBER
<input checked="" type="checkbox"/> OMNIBUS HEARING	<u>2/14/12</u>	<u>1:30pm</u>	<u>260</u>	<u>2435277</u>
<input type="checkbox"/> STATUS CONFERENCE HEARING				<u>2435276</u>
<input checked="" type="checkbox"/> Pretrial	<u>1/12/12</u>	<u>1:30pm</u>	<u>270</u>	
THE CURRENT TRIAL DATE OF: <u>12/6/11</u>	IS CONTINUED TO: <u>3/6/12 @ 8:30 am Room 260</u>			

2435278

Expiration date is: 4/5/12 (Defendant's presence not required) TFT days remaining: 30+

DONE IN OPEN COURT this 6th day of Dec, 2011

Refused to Sign
 Defendant
[Signature]
 Attorney for Defendant/Bar # 17702

[Signature]
 Judge
Jennifer Severs
 Prosecuting Attorney/Bar # 35531

I am fluent in the _____ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

 Interpreter/Certified/Qualified Pierce County, Washington Court Reporter

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

Ronald Holtz

Defendant.

NO. 11-1-03845-1

ORDER ON OMNIBUS HEARING
CHARGE: VPO, ASH 4th DV

TRIAL DATE: 3/6/12

OOR

THIS MATTER having come before the court for an Omnibus Hearing, the State represented by:

Jennifer Sievers, and the defendant being present and represented by:

Robert Dejan

1. Regarding PROSECUTOR'S OBLIGATIONS, THE DEPUTY PROSECUTING ATTORNEY STATES that at ~~least seven days prior to this order:~~

- The Prosecutor provided to defendant a complete list of the defendant's criminal convictions.
- The Prosecutor has provided to defense all discovery in their possession or control, pursuant to CR 4.7(a);
- The Prosecutor has contacted law enforcement agencies to request and/or obtain any additional supplemental police reports, forensic tests, and evidence and has made them available to defendant or defense counsel. The State is aware of the following reports, tests or evidence which has not been made available to the defendant: _____
- Prosecutor has reviewed the discovery and criminal history and made an offer to the defense.

If prosecutor has not checked every box in this section, the court makes the following order:

2. Regarding DEFENSE ATTORNEY'S OBLIGATIONS, DEFENSE COUNSEL STATES that at least two days prior to this order:

- Defense attorney has met with the defendant about this case.

response shall be filed by _____ . Testimony will/will not be required.

8. Regarding OTHER PRE-TRIAL MOTIONS: No additional motions are anticipated, except:

Briefing schedule: Affidavits and briefs of the moving party must be served and filed by: _____

Responsive Brief must be served and filed by: _____

The hearing will last about _____ (min/hr)

9. Regarding TRIAL

a. The trial will be jury non-jury, and will last about 3 1/2 days.

b. Is an interpreter needed: No Yes. Language: _____ (If an interpreter is needed, State will call interpreter services at ext. 6091)

10. Regarding WITNESSES:

There will be out-of-state witnesses yes no.

A child competency or child hearsay hearing is needed yes no.

State:

All witnesses have been disclosed.

A Witness List has been filed.

A witness list must be filed by: _____

Defense:

All witnesses have been disclosed.

A Witness List has been filed.

A witness list must be filed by: as possible

11. Other

Defendant needs a competency examination.

Defendant is applying for drug court.

Defendant is seeking an evaluation which may necessitate a continuance.

12. The Court sets a Status Conference for _____ (date) for the purpose of:

13. Other orders: D. may ask to represent himself.

Dated 2/14/12 2012

Refused to Sign
Defendant

[Signature]
Defendant's Attorney/Bar # 177122

[Signature]
Judge

[Signature]
Prosecuting Attorney/Bar # 35536

IN THE SUPERIOR COURT FOR PIERCE COUNTY WASHINGTON

State of Washington,

Plaintiff

vs.

RONALD HOLTZ KEAL

Defendant

No 11-1-03845-1

SCHEDULING ORDER

IT IS HEREBY ORDERED that:

1. The following court dates are set for the defendant:

Hearing Type	Date & Time	Courtroom
PRE-TRIAL CONFERENCE	Thursday, Jan 12, 2012 1:00 PM	260
MOTION-WITHDRAWAL/SUBSTITUTION	Thursday, Jan 12, 2012 1:30 PM	260
OMNIBUS HEARING	Tuesday, Feb 14, 2012 1:30 PM	260
JURY TRIAL	Tuesday, Mar 6, 2012 8:30 AM	260

2. The defendant shall be present at these hearings and report to the courtroom indicated at
930 Tacoma Avenue South, County-City Building, Tacoma, Washington, 98402

~~FAILURE TO APPEAR WILL RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST~~

3. DAC; Defendant will be represented by Department of Assigned Counsel.
 Retained Attorney; Defendant will hire their own attorney or, if indigent, be Screened (interviewed) for Department of Assigned Counsel Appointment.

DATED: 01/09/12

Copy Received:

Ordered By:

SEE ORIGINAL

RONALD HOLTZ KEAL, Defendant

SEE ORIGINAL

JUDGE/COMMISSIONER

SEE ORIGINAL

ROBERT J. DEPAN
Attorney for Defendant/Bar #17902

SEE ORIGINAL

JENNIFER L SIEVERS
Prosecuting Attorney/Bar #35536

8. There will be out-of-state witnesses: [] yes [X] no

9. There may be witness scheduling problems: State: [] yes [X] no
Defense: [] yes [X] no

Why: _____

10. [] A child competency hearing is needed and [] set for _____ [] will be set.

11. Discovery. State: [X] Complete [] Incomplete. Defense: [] Complete [X] Incomplete
_____ to be provided to _____ on or before _____
_____ to be provided to _____ on or before _____

witness interview

12. The following motions will be made before the day of trial (motions of more than one hour ARE NOT to be heard on the day of trial without permission of CDPJ).

[X] CrR 3.5 [X] CrR 3.6 [X] Other I.D.

Motions are set for: Trial

Briefing Schedule: Motion(s) due: A due 5/10/12 Response due: Trial

13. Defendant needs a competency evaluation: [] yes [X] no

14. A juror questionnaire will be requested at the time of trial: [] yes [X] no

Comments: _____

15. An interpreter is required: [] yes [X] no. Language: _____

IF YES, THE ASSIGNED DPA IS RESPONSIBLE FOR NOTIFYING THE COURT'S INTERPRETER COORDINATOR AT x 6091.

Dated: May 10 2002

[Signature]
Defendant

[Signature]
Judge

[Signature]
Defendant's Attorney/Bar # 24652

Jennifer Sievers
Prosecuting Attorney/Bar # 35536

NEITHER THE DEPUTY PROSECUTING ATTORNEY, DEFENSE COUNSEL, NOR THE DEFENDANT IS RELEASED FROM ATTENDANCE UNTIL THE COURT APPROVES THIS ORDER.

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,)
 Plaintiff)
 vs.)
Ronald Holtz,)
 Defendant)

Cause No. 11-1-03845-1

ORDER CONTINUING TRIAL

Case Age 168 Prior Continuances 3 J.C.

This motion for continuance is brought by state defendant court.
 upon agreement of the parties pursuant to CrR 3.3(f)(1) or
 is required in the administration of justice pursuant to CrR 3.3(f)(2) and the defendant will not be prejudiced in his or her defense or
 for administrative necessity.

Reasons: Defendant wants to hire private attorney.

RCW 10.46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim.

IT IS HEREBY ORDERED THE DEFENDANT SHALL BE PRESENT AND REPORT TO:

	DATE	TIME	COURT ROOM	ID NUMBER
<input type="checkbox"/> OMNIBUS HEARING				
<input type="checkbox"/> STATUS CONFERENCE HEARING				
<input type="checkbox"/>				
THE CURRENT TRIAL DATE OF: <u>3/6/12</u>		IS CONTINUED TO: <u>3/20/12 @ 8:30 am Room 260</u>		

Expiration date is: 4/19/12 (Defendant's presence not required) TFT days remaining: 301

DONE IN OPEN COURT this 6th day of March, 2012

[Signature]
 Defendant
[Signature]
 Attorney for Defendant/Bar # 17102

[Signature]
 Judge
[Signature]
 Prosecuting Attorney/Bar # 35536

I am fluent in the _____ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

 Interpreter/Certified/Qualified Pierce County, Washington Court Reporter

1/2

3w B3

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,)
Plaintiff)

Cause No. 11-1-03845-1

vs.)

ORDER CONTINUING TRIAL

Ronald Keal)

AKA Ronald Hottz Defendant)

Case Age 182 Prior Continuances 4 IC

This motion for continuance is brought by state defendant court.

upon agreement of the parties pursuant to CrR 3.3(f)(1) or

is required in the administration of justice pursuant to CrR 3.3(f)(2) and the defendant will not be prejudiced in his or her defense or

for administrative necessity.

Reasons: Defendant plans to hire private counsel for trial.

RCW 10.46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim.

IT IS HEREBY ORDERED THE DEFENDANT SHALL BE PRESENT AND REPORT TO:

	DATE	TIME	COURT ROOM	ID NUMBER
<input type="checkbox"/> OMNIBUS HEARING				
<input type="checkbox"/> STATUS CONFERENCE HEARING				
<input type="checkbox"/>				
THE CURRENT TRIAL DATE OF: <u>3/20/12</u> IS CONTINUED TO: <u>4/19/12 @ 8:30 am Room 260</u> D CDPJ				

Expiration date is: 5/19/12 (Defendant's presence not required)

TFT days remaining: 30+

DONE IN OPEN COURT this 20th day of March 2012

PROSE
[Signature]
Defendant
[Signature]
Attorney for Defendant/Bar # 1775

[Signature]
Judge
Jennifer Sievers
Prosecuting Attorney/Bar # 35536

I am fluent in the _____ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

Pierce County, Washington

Interpreter/Certified/Qualified

Court Reporter

4528 1/2

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,)
Plaintiff)

Cause No. 11-1-03845-1

RONALD MUDGE HOLTZ,)

ORDER CONTINUING TRIAL

~~ATT. RONALD H. KEAL, AKA.~~)
Defendant)

Case Age 211 Prior Continuances 5

~~RONALD HOLTZ KEAL~~)

This motion for continuance is brought by state defendant court.

upon agreement of the parties pursuant to CrR 3.3(f)(1) or

is required in the administration of justice pursuant to CrR 3.3(f)(2) and the defendant will not be prejudiced in his or her defense or

for administrative necessity.

Reasons: It's off in trial and a just brief period
consect.

RCW 10.46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim.

IT IS HEREBY ORDERED THE DEFENDANT SHALL BE PRESENT AND REPORT TO:

	DATE	TIME	COURT ROOM	ID NUMBER
<input type="checkbox"/> OMNIBUS HEARING				
<input checked="" type="checkbox"/> STATUS CONFERENCE HEARING	<u>4/19/12</u>	<u>1:30 pm</u>	<u>260</u>	<u>0</u>
<input type="checkbox"/>				
THE CURRENT TRIAL DATE OF: <u>4/19/12</u>	IS CONTINUED TO: <u>May 24, 2012</u> @ 8:30 am Room <u>2100</u>			

Expiration date is: 5-23-12 (Defendant's presence not required) TFT days remaining: 300

DONE IN OPEN COURT this 19 day of April 20 12

Defendant [Signature]

Judge [Signature]

Attorney for Defendant/Bar # 24652

Prosecuting Attorney/Bar # 39608

I am fluent in the _____ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

Pierce County, Washington
Interpreter/Certified/Qualified Court Reporter

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

State of Washington,

Plaintiff,

No. 11-1-03845-1

v.

Status Conference

RONALD H. HOLTZ,
Defendant.

1. This case is expected to be a **guilty plea** on _____ or Plea date will be set.

2. The State has made a **plea offer** (complete and initial).

The defendant has been informed. The offer has been declined.

Defendant _____ Defense counsel _____

The plea offer remains valid through Trial

Prosecuting Attorney _____

3. An **amended information** will be filed on _____.

4. A **continuance** will be requested by _____ and is set for _____.

Reason: _____

5. **Jury trial is set for** 5/24, 2002.

Parties are **ready** for trial. State: yes no. Defense: yes no. ** witness interview*

6. Estimated **trial length**. State: 2-3 days. Defense: 2-3 days.

7. **Witness lists** have been **filed** and all witnesses **disclosed**.

State: yes no If no, witness list will be filed by _____, 2002.

Defense: yes no If no, witness list will be filed by 5/14/02, 2002

* witness interview of Connie Elliot may be telephonic unless she consents to an in-person interview. JS

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,)
 Plaintiff)
 vs.)
RONALD HOWARD HOLTZ)
 Defendant)

Cause No. 11-1-03845-1

ORDER CONTINUING TRIAL

Case Age 247 Prior Continuances 6

- This motion for continuance is brought by state defendant court.
 upon agreement of the parties pursuant to CrR 3.3(f)(1) or
 is required in the administration of justice pursuant to CrR 3.3(f)(2) and the defendant will not be prejudiced in his or her defense or
 for administrative necessity.

Reasons: IT counsel newly assigned and is available 5/24-5/25/12;
New discovery: witness interviews needed; probable cause & CR 3.6 hearing needs to be heard before trial; Interview of Amine Elliott
 RCW 10.46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim. must be done by end of day 5/24/12

IT IS HEREBY ORDERED THE DEFENDANT SHALL BE PRESENT AND REPORT TO:

	DATE	TIME	COURT ROOM	ID NUMBER
<input type="checkbox"/> OMNIBUS HEARING MOTION TO CONTINUE	<u>5/31/12</u>	<u>8:30am</u>	<u>260</u>	
<input type="checkbox"/> STATUS CONFERENCE HEARING	<u>5/31/12</u>	<u>8:30am</u>	<u>260</u>	
<input checked="" type="checkbox"/> PT HEARING (2 Hours)	<u>5/31/12</u>	<u>8:30am</u>	<u>260</u>	
THE CURRENT TRIAL DATE OF: <u>5/24/12</u>	IS CONTINUED TO: <u>5/31/12</u> @ 8:30 am Room 260			

Expiration date is: 6/30/12 (Defendant's presence not required) TFT days remaining: 30

DONE IN OPEN COURT this 24 day of May, 2012

Objections & Reports Dismissed
 Defendant
[Signature]
 Attorney for Defendant/Bar # 24652

[Signature]
 Judge
[Signature]
 Prosecuting Attorney/Bar # 42892

I am fluent in the _____ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

Pierce County, Washington

 Interpreter/Certified/Qualified

 Court Reporter

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,)
 Plaintiff)
 vs. AKA RONALD KEAL)
HOLTZ, RONALD,)
 Defendant)

Cause No. 11-1-03845-1

ORDER CONTINUING TRIAL

Case Age 254 Prior Continuances 7

16

This motion for continuance is brought by state defendant court.
 upon agreement of the parties pursuant to CrR 3.3(f)(1) or
 is required in the administration of justice pursuant to CrR 3.3(f)(2) and the defendant will not be prejudiced in his or her defense or
 for administrative necessity.

Reasons: DEFENSE JUST PROVIDED 3.6 MOTION TODAY, PRIMARY OFFICER UNAVAILABLE TILL NEXT WEEK

RCW 10.46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim.

IT IS HEREBY ORDERED THE DEFENDANT SHALL BE PRESENT AND REPORT TO:

	DATE	TIME	COURT ROOM	ID NUMBER
<input type="checkbox"/> OMNIBUS HEARING				
<input type="checkbox"/> STATUS CONFERENCE HEARING				
<input checked="" type="checkbox"/> 3.6 MOTION	6/4/12	8:30AM	260	
THE CURRENT TRIAL DATE OF: <u>5/31/12</u>	IS CONTINUED TO: <u>6/4/12 @ 8:30 am Room 260</u>			

Expiration date is: 7/3/12 (Defendant's presence not required) TFT days remaining: 30

DONE IN OPEN COURT this 31 day of May, 2012.

Objects and moves to dismiss
 Defendant [Signature]

[Signature]
 Judge

Attorney for Defendant/Bar # 21652

Prosecuting Attorney/Bar # 36724

I am fluent in the _____ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

Pierce County, Washington

Interpreter/Certified/Qualified _____ Court Reporter _____

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,)
 Plaintiff)
 vs.)
HOLTZ, RONALD)
 Defendant)

Cause No. 11-1-03845-1

ORDER CONTINUING TRIAL 16

Case Age 217 Prior Continuances 8

This motion for continuance is brought by state defendant court.
 upon agreement of the parties pursuant to CrR 3.3(f)(1) or
 is required in the administration of justice pursuant to CrR 3.3(f)(2) and the defendant will not be prejudiced in his or her defense or
 for administrative necessity.

Reasons: JUDGE DOES NOT HAVE SUFFICIENT AVAILABLE DAYS THIS WEEK TO COMPLETE TRIAL EFFICIENTLY

RCW 10.46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim.

IT IS HEREBY ORDERED THE DEFENDANT SHALL BE PRESENT AND REPORT TO:

	DATE	TIME	COURT ROOM	ID NUMBER
<input type="checkbox"/> OMNIBUS HEARING				
<input type="checkbox"/> STATUS CONFERENCE HEARING				
<input type="checkbox"/>				
THE CURRENT TRIAL DATE OF: <u>6/4/12</u>		IS CONTINUED TO: <u>6/5/12 @ 8:30 am Room 260</u>		

Expiration date is: _____ (Defendant's presence not required) TFT days remaining: 25

DONE IN OPEN COURT this 4 day of JUNE, 2012.

Oberto J. Asselt, Esq.
 Defendant

Judge

Attorney for Defendant/Bar # _____

Prosecuting Attorney/Bar # 36724

I am fluent in the _____ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

Pierce County, Washington

Interpreter/Certified/Qualified _____ Court Reporter _____

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,)
 Plaintiff)
 vs.)
RONALD HOLTZ,)
 AKA RONALD KAL Defendant)

Cause No. 11-1-03845-1

ORDER CONTINUING TRIAL

Case Age 248 Prior Continuances 9

1C

This motion for continuance is brought by state defendant court.
 upon agreement of the parties pursuant to CrR 3.3(f)(1) or
 is required in the administration of justice pursuant to CrR 3.3(f)(2) and the defendant will not be prejudiced in his or her defense or
 for administrative necessity.

Reasons: NO COURTROOMS AVAILABLE

RCW 10.46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim.

IT IS HEREBY ORDERED THE DEFENDANT SHALL BE PRESENT AND REPORT TO:

	DATE	TIME	COURT ROOM	ID NUMBER
<input type="checkbox"/> OMNIBUS HEARING				
<input type="checkbox"/> STATUS CONFERENCE HEARING				
<input type="checkbox"/>				
THE CURRENT TRIAL DATE OF: <u>6/5/12</u>	IS CONTINUED TO: <u>6/6/12 @ 8:30 am Room 260</u>			

Expiration date is: _____ (Defendant's presence not required) TFT days remaining: 24

DUL PRO TUNC TO
 DONE IN OPEN COURT this 5 day of JUNE, 2012

Object's Assg'ts Speedy Trial, and
Requests Dismissed
 Defendant # 29652

Prosecuting Attorney
 Judge

Attorney for Defendant/Bar # _____

Prosecuting Attorney/Bar # 36724

I am fluent in the _____ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

 Interpreter/Certified/Qualified

 Court Reporter

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,)
Plaintiff)

Cause No. 11-1-02845-1

vs.)

ORDER CONTINUING TRIAL 1C

RONALD H. HOETZ,)
Defendant)

Case Age 261 Prior Continuances 11

This motion for continuance is brought by state defendant court.
 upon agreement of the parties pursuant to CrR 3.3(f)(1) or
 is required in the administration of justice pursuant to CrR 3.3(f)(2) and the defendant will not be prejudiced in his or her defense or
 for administrative necessity.

Reasons: Case assigned to Judge Beckner and a filed affidavit of prejudice and continuing court remains available and Court Order Dept. of Superior Counsel and it's investigators to turn over

RCW 10.46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim.

IT IS HEREBY ORDERED THE DEFENDANT SHALL BE PRESENT AND REPORT TO:

	DATE	TIME	COURT ROOM	ID NUMBER
<input type="checkbox"/> OMNIBUS HEARING				
<input type="checkbox"/> STATUS CONFERENCE HEARING				
<input type="checkbox"/>				
THE CURRENT TRIAL DATE OF: <u>6/7/12</u>	IS CONTINUED TO: <u>6-11-12</u> @ 8:30 am Room <u>260</u>			

Expiration date is: _____ (Defendant's presence not required) TFT days remaining: 30

DONE IN OPEN COURT this 9th day of June, 2012

Ronald H. Hoetz Defendant [Signature] Judge
 Attorney for Defendant/Bar # 24654 Prosecuting Attorney/Bar # 36704

I am fluent in the _____ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

 Interpreter/Certified/Qualified Pierce County, Washington Court Reporter

IN THE SUPERIOR COURT FOR PIERCE COUNTY WASHINGTON

State of Washington,

Plaintiff

No 11-1-03845-1

vs.

NOT MY NAME

RONALD HOLTZ KEAL

Defendant

SCHEDULING ORDER

IT IS HEREBY ORDERED that:

- 1. The following court dates are set for the defendant:

Hearing Type	Date & Time	Courtroom
RETURN WITH ATTY	Monday, Jul 2, 2012 9:00 AM	260
JURY TRIAL	Wednesday, Jul 25, 2012 9:00 AM	NELS

- 2. The defendant shall be present at these hearings and report to the courtroom indicated at 930 Tacoma Avenue South, County-City Building, Tacoma, Washington, 98402

FAILURE TO APPEAR WILL RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST

- 3. DAC; Defendant will be represented by Department of Assigned Counsel.

Retained Attorney; Defendant will hire their own attorney or, if indigent, be Screened (interviewed) for Department of Assigned Counsel Appointment.

DATED: 06/11/12

Copy Received:

Ordered By:

SEE ORIGINAL

RONALD HOLTZ KEAL, Defendant

SEE ORIGINAL

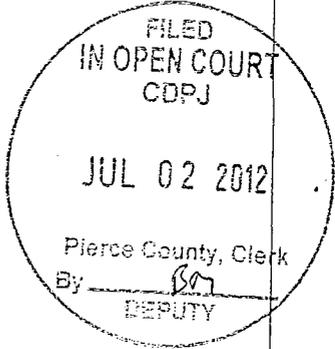
JUDGE/COMMISSIONER

SEE ORIGINAL

SEAN P. WICKENS
Attorney for Defendant/Bar #24652

SEE ORIGINAL

Erica L M Eggertsen
Prosecuting Attorney/Bar #40447



IN THE SUPERIOR COURT OF WASHINGTON, COUNTY OF PIERCE

STATE OF WASHINGTON,
v.
RONALD H. HOLTZ

Cause No: 11-1-03845-1
ORDER Re-appointing DAC
(OR)

THIS MATTER having come before the Court on Defendant's motion for new counsel, and the Court finding good cause to refer this matter to Dept. of Assigned Counsel it is therefore hereby:

ORDERED that Dept. of Assigned Counsel shall be re-appointed to represent Defendant herein.

DATED this 2nd day of July, 2012.

[Signature]
JUDGE BRIAN TOLLEFSON

[Signature]
Attorney for Plaintiff
WSBA #

[Signature]
Attorney for Defendant
WSBA# 24652

Object
Defendant

IN THE SUPERIOR COURT FOR PIERCE COUNTY WASHINGTON

State of Washington,
Plaintiff
vs.
RONALD HODGE HOLTZ
Defendant

No 11-1-03845-1

SCHEDULING ORDER

IT IS HEREBY ORDERED that:

1. The following court dates are set for the defendant:

Hearing Type	Date & Time	Courtroom
MOTION-WITHDRAWAL/SUBSTITUTION	Monday, Jul 23, 2012 8:30 AM	260
JURY TRIAL	Wednesday, Jul 25, 2012 9:00 AM	NELS

2. The defendant shall be present at these hearings and report to the courtroom indicated at
930 Tacoma Avenue South, County-City Building, Tacoma, Washington, 98402

FAILURE TO APPEAR WILL RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST

3. DAC; Defendant will be represented by Department of Assigned Counsel.

~~Retained Attorney; Defendant will hire their own attorney or if indigent be Screened (interviewed) for~~
Department of Assigned Counsel Appointment.

DATED: 07/18/12

Copy Received:

Ordered By:

SEE ORIGINAL

RONALD HODGE HOLTZ, Defendant

SEE ORIGINAL

JUDGE/COMMISSIONER

SEE ORIGINAL

SEAN P. WICKENS
Attorney for Defendant/Bar #24652

SEE ORIGINAL

Erica L M Eggertsen
Prosecuting Attorney/Bar #40447

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,)
 Plaintiff)
 vs.)
Ronald C. Watts)
 Defendant)

Cause No. 11-1-08845-1

Rev
 ORDER CONTINUING TRIAL

J/C

Case Age _____ Prior Continuances _____

This motion for continuance is brought by state defendant court.
 upon agreement of the parties pursuant to CrR 3.3(f)(1) or
 is required in the administration of justice pursuant to CrR 3.3(f)(2) and the defendant will not be prejudiced in his or her defense or
 for administrative necessity.

Reasons: New attorney associated

RCW 10.46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim.

IT IS HEREBY ORDERED THE DEFENDANT SHALL BE PRESENT AND REPORT TO:

	DATE	TIME	COURT ROOM	ID NUMBER
<input type="checkbox"/> OMNIBUS HEARING				
<input checked="" type="checkbox"/> STATUS CONFERENCE HEARING	7/26/12	9:00	CDS	
<input checked="" type="checkbox"/> Motion to Continue	7/25/12	9:00	Nelson	
THE CURRENT TRIAL DATE OF: <u>7/25/12</u>	IS-CONTINUED TO: <u>7/25/12 @ 8:30 am Room 315</u>			

Expiration date is: 8/25/12 (Defendant's presence not required) TFT days remaining: 30

DONE IN OPEN COURT this 23rd day of July, 2012

Refuses to sign
 Defendant

[Signature]
 Judge

[Signature]
 Attorney for Defendant/Bar # 1712

[Signature]
 Prosecuting Attorney/Bar # 40447

I am fluent in the _____ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

Pierce County, Washington

Interpreter/Certified/Qualified _____ Court Reporter _____

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,)
 Plaintiff)
 vs.)
Ronald Holtz,)
 Defendant)

Cause No. 11-1-03845-1

IC

ORDER CONTINUING TRIAL

Case Age 309 Prior Continuances _____

This motion for continuance is brought by state defendant court.
 upon agreement of the parties pursuant to CrR 3.3(f)(1) or
 is required in the administration of justice pursuant to CrR 3.3(f)(2) and the defendant will not be prejudiced in his or her defense or
 for administrative necessity.

Reasons: DPA is currently in another trial; Continuance requested is brief

RCW 10.46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim.

IT IS HEREBY ORDERED THE DEFENDANT SHALL BE PRESENT AND REPORT TO:

	DATE	TIME	COURT ROOM	ID NUMBER
<input type="checkbox"/> OMNIBUS HEARING				
<input checked="" type="checkbox"/> STATUS CONFERENCE HEARING / RWA	<u>8/1/12</u>	<u>7:00 am</u>	<u>315 / Dept. 13</u>	
<input type="checkbox"/>				
THE CURRENT TRIAL DATE OF: <u>7/25/12</u>	IS CONTINUED TO: <u>8/1/12 @ 8:30 am Room 315 315/Dept. 13</u>			

Expiration date is: 9/1/12 (Defendant's presence not required) TFT days remaining: 30

DONE IN OPEN COURT this 25th day of July, 2012

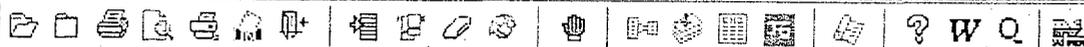
Present, objects, given copy
 Defendant
[Signature]
 Attorney for Defendant/Bar # 17902

[Signature]
 Judge
[Signature]
 Prosecuting Attorney/Bar # 35502

I am fluent in the _____ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

 Interpreter/Certified/Qualified
 Pierce County, Washington

 Court Reporter



Proceeding List for Cause 11-1-03845-1: HOLTZ, RONALD; HODGE

Type: INTERRUPTED TRIAL/HRG	Date: 08/30/12 09:00	Confirmed
Calendar: NELS DEPT 13 - JUDGE NELSON	Outcome: []	Est. Time: []
Judge: NELS KATHRYN J. NELSON	Date: 00/00/00 00:00	Id: 2541477
Type: TRIAL/HRG HEARING	Date: 08/28/12 08:45	Confirmed
Calendar: NELS DEPT 13 - JUDGE NELSON	Outcome: []	Est. Time: []
Judge: NELS KATHRYN J. NELSON	Date: 00/00/00 00:00	Id: 2541478
Type: INTERRUPTED TRIAL/HRG RESUME	Date: 08/27/12 09:00	Confirmed
Calendar: NELS DEPT 13 - JUDGE NELSON	Outcome: TRIAL/HRG RESUMED	Est. Time: []
Judge: NELS KATHRYN J. NELSON	Date: 08/27/12 09:29	Id: 2534705
Type: INTERRUPTED TRIAL/HRG RESUME	Date: 08/09/12 09:00	Confirmed
Calendar: NELS DEPT 13 - JUDGE NELSON	Outcome: TRIAL/HRG RESUMED	Est. Time: []
Judge: NELS KATHRYN J. NELSON	Date: 08/09/12 09:14	Id: 2531336
Type: STATUS CONFERENCE HEARING	Date: 08/01/12 09:00	Confirmed
Calendar: NELS DEPT 13 - JUDGE NELSON	Outcome: HELD	Est. Time: []
Judge: NELS KATHRYN J. NELSON	Date: 08/01/12 09:53	Id: 2528447
Type: INTERRUPTED TRIAL/HRG RESUME	Date: 08/01/12 09:00	Confirmed
Calendar: NELS DEPT 13 - JUDGE NELSON	Outcome: TRIAL/HRG RESUMED	Est. Time: []
Judge: NELS KATHRYN J. NELSON	Date: 08/01/12 09:13	Id: 2528448
Type: STATUS CONFERENCE HEARING	Date: 07/26/12 08:30	Confirmed
Calendar: CDPJ CRIM DIVISION - PRESIDING JUD	Outcome: CONTINUED	Est. Time: []
Judge: CDPJ CRIMINAL DIVISION - PRESIDING	Date: 07/25/12 09:40	Id: 2527123
Type: JURY TRIAL	Date: 07/25/12 09:00	Time for Trial: 59 Days Remaining
Calendar: NELS DEPT 13 - JUDGE NELSON	Outcome: INTERRUPTED - HEARING PENDING	Est. Time: []
Judge: NELS KATHRYN J. NELSON	Date: 08/27/12 09:30	Id: 2510425
Type: MOTION WITHDRAWAL/SUBSTITUTI	Date: 07/23/12 08:30	Confirmed
Calendar: CDPJ CRIM DIVISION - PRESIDING JUD	Outcome: HELD	Est. Time: []
Judge: CDPJ CRIMINAL DIVISION - PRESIDING	Date: 07/23/12 09:41	Id: 2525564

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 11-1-03845-1

vs.

Holtz, Ronald Hedge

Defendant.

ORDER ESTABLISHING CONDITIONS
PENDING TRIAL PURSUANT TO CrR 3.2

sentencing

Felony VPO

THE COURT HAVING found probable cause, establishes the following conditions that shall apply pending trial in this cause number or until entry of a later order; IT IS HEREBY ORDERED

Release conditions:

- Defendant is to be held in custody without bail (no bail hold).
- Defendant is to be released on personal recognizance.
- Defendant is to be released upon execution of a surety bond in the amount of \$ _____ or posting of cash in the amount of \$ _____.

Conditions that take effect upon release from custody:

- Defendant is released to the supervision of _____.
- Defendant is to reside/stay only at this address _____.
- Travel is restricted to Pierce, King, Thurston, and Kitsap Counties.
- Defendant is not to drive a motor vehicle without a valid license and insurance.
- Defendant is to keep in contact with defense attorney.

Conditions that take effect immediately:

- Defendant is to have no violations of the criminal laws of this state, any other state, any political subdivision of this state or any other state, or the United States, during the period of his/her release.

X

Defendant is to have no contact with the victim(s) or witness(es), to wit:

Clare Strain; Carrie Elliott

This includes any attempt to contact, directly or indirectly, by telephone and/or letter.

[] Pierce County jail shall monitor phone calls made by the defendant to insure compliance with this directive.

[] Defendant is to have no contact with minor children (under age 18) and is not to be on school grounds or playgrounds, except for:

[] Defendant is to report to the Pierce County jail by _____ for administrative booking procedure.

[] Defendant shall not possess weapons or firearms.

[] Defendant shall not consume or possess alcohol or non-prescription drugs, or associate with any known drug users or sellers.

[] Additional conditions of release are included in an attachment:

[] BTC [] Protective Order [] Other _____

[] Other _____

[] Defendant is hereby committed to the custody of the arresting law enforcement agency to be detained by the same until the above stated conditions of release have been met.

DATED this 6th day of September, 2002

[Signature]
JUDGE

I agree and promise to appear before this court or any other place as this court may order upon notice delivered to me at my address stated below or upon notice to my attorney. ~~I agree to appear for any court date set by my attorney~~ and I give my attorney full authority to set such dates. I understand that my failure to appear for any type of court appearance will be a breach of these conditions of release and a bench warrant may be issued for my arrest. I further agree and promise to keep my attorney or, if I am representing myself, the Office of the Prosecuting Attorney-informed of any change of either my address or my telephone number.

I have read the above conditions of release and any other conditions of release that may be attached. I agree to follow said conditions and understand that a violation will lead to my arrest. FAILURE TO APPEAR AFTER HAVING BEEN RELEASED ON PERSONAL RECOGNIZANCE OR BAIL IS AN INDEPENDENT CRIME, PUNISHABLE BY 5 YEARS IMPRISONMENT OR \$10,000, OR BOTH (RCW 10.19).

Address: _____ Phone: _____

Present, refused to sign
DEFENDANT

9-6-12
DATE

11-1-03845-1
Holtz, Ronald Hodge
Felony VPO

- EXHIBIT -

- CrR 3.5 & 3.6 FINDINGS
AND CONCLUSIONS -

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6 SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

7 STATE OF WASHINGTON,

8 Plaintiff,

CAUSE NO. 11-1-03845-1

9 vs.

10 RONALD HODGE HOLTZ,

FINDINGS AND CONCLUSIONS ON
ADMISSIBILITY OF EVIDENCE CrR
3.5 & 3.6

11 Defendant.

12 THIS MATTER having come on before the Honorable J. McCarthy on the 4th day of
13 June, 2012, and the court having rendered an oral ruling thereon, the court herewith makes the
14 following Findings and Conclusions as required by CrR 3.6.

15 FINDINGS OF FACT

16 1. The court heard live testimony from Officer Allen Morales and Connie Elliot, a manager
17 at the Sunshine Motel.

18
19 2. The court finds that Officer Morlaes is an experienced and well trained law enforcement
20 officer. The court finds that Officer Morales's testimony during this hearing was honest,
21 credible, accurate, reasonable, and without bias or prejudice.

22 3. The court finds that the testimony of Connie Elliot was honest, credible, accurate,
23 reasonable, and without bias or prejudice. T. D.

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4. On September 19, 2011, Connie Elliot was working as a manager at the Sunshine Motel at 3801 Pacific Hwy. E. in the city of Fife. Ms. Elliot observed the two guests, one male and one female, staying in room 116 at the Sunshine Motel engaged in a verbal argument.
 5. Ms. Elliot identified the defendant in court as the male guest she observed arguing with the female guest, who was identified as Clare Strain. Ms. Strain was the registered guest of room 116, and Ms. Elliot knew her because she had stayed at the motel on several other occasions. Ms. Elliot indicated that the defendant had stayed at the motel with Ms. Strain in the past as well, but she did not know him by name.
 6. When the two guests saw Ms. Elliot observing them, they went back into room 116 and closed the door. Ms. Elliot went on about her duties until she heard the defendant and Ms. Strain yelling again. When she looked over at room 116 she observed Ms. Strain backing out of the room, and then saw the defendant physically shove her backwards into the parking lot. Ms. Elliot's view was unobstructed, and she identified the defendant as the man she saw shove Ms. Strain. No I.D. - NOR SHOVE TESTIMONY @ FIFE
 7. Ms. Elliot called for police assistance and Officer Morales with the Fife Police Department was dispatched. Ofc. Morales requested another officer to assist, and Milton Police Officer Kevin Peterson went to the scene to assist.
 8. The Fife Police station is very close to the Sunshine Motel, and the officers arrived very quickly.
 9. Once on scene, Ofc. Morales went to room 116 based on the information Ms. Elliot provided to the dispatcher. Ofc. Morales contacted Ms. Strain and two other individuals in room 116. Ms. Strain indicated that she had been in an argument with her boyfriend,

1 the defendant, and pointed to the defendant who was standing in the doorway of room
2 117.

3 10. Ofc. Morales asked everyone to exit the motel room, which they did. No one was placed
4 into handcuffs at that point, no weapons were drawn, and no force was threatened or
5 used.

6 11. Both Ms. Strain and the defendant confirmed that they had been in a verbal argument but
7 said that no physical assault had occurred. After ascertaining that the other 2 occupants
8 of room 116 were not involved and indicated that they did not know anything about the
9 incident, they were told they could leave, which they did.

10 12. Ofc. Peterson stayed at room 116 with the defendant and Ms. Strain while Ofc. Morales
11 went to the motel office and contacted Ms. Elliot. Ms. Elliot related her observations to
12 Ofc. Morales, including that she had witnessed the defendant shove Ms. Elliot during
13 their argument.

14 * 13. Ms. Elliot provided Ofc. Morales with a detailed physical description of the defendant,
15 which included details about his hair and clothing that clearly differentiated the defendant
16 from the other male occupant of room 116. Ms. Strain was identified by name and with
17 sufficient particularity to differentiate her from the other female occupant of the room.

18 14. Ofc. Morales returned to room 116 and advised the defendant he was under arrest. The
19 defendant was placed into handcuffs and Ofc. Morales read him his Miranda warnings
20 from a card. Ofc. Morales had the card with him in court, and read the rights from the
21 card into the record as he had read them to the defendant.

22 15. At the time of the defendant's arrest, the officers reasonable grounds for suspicion
23 coupled with evidence of circumstances sufficiently strong in themselves to warrant a
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1 cautious and disinterested person in believing that the suspect is guilty of assault in the
2 forth degree, domestic violence related.

3 16. The court finds that all statements made by the defendant before he was advised of his
4 Miranda warnings were done at a time when a reasonable person would not believe that
5 they were in custody, and thus the statements are admissible because they were not the
6 product of custodial interrogation

7 17. Based on the admission of the defendant that he was the male participant in the argument
8 with Ms. Strain and Ms. Elliot's detailed description of him as the male who shoved Ms.
9 Strain, Ofc. Morales could readily and accurately identify him as the individual who
10 should be arrested for assaulting Ms. Strain.

11 18. A police dispatch records check revealed that the defendant had an active no contact
12 order from Lakewood Municipal Court that prohibited him from having any contact with
13 Clare Strain.

16 3.6 CONCLUSIONS OF LAW

- 17 1. At the time of the defendant's arrest, Ofc. Morales had probable cause to arrest him for
18 assault in the forth degree.
- 19 2. Since Ofc. Morales had probable cause to arrest the defendant, the defendant's motion to
20 dismiss and for other relief is DENIED.

3.5 CONCLUSIONS OF LAW

1 * 1. The court finds that all statements made by the defendant before he was advised of his
 2 Miranda warnings were done at a time when a reasonable person would not believe that
 3 they were in custody, and thus the statements are admissible because they were not the
 4 product of custodial interrogation.

7 DONE IN OPEN COURT this _____ day of September, 2012.

8 _____
 9 JUDGE

9 Presented by:

10 _____
 11 Neil Horibe
 12 Deputy Prosecuting Attorney
 13 WSB# 36724

13 [] Approved as to content and form by:
 14 [] Approved as to form by:

15 _____
 16 Kent Underwood
 17 Attorney for Defendant
 18 WSB#