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COURT OF APPEALS  
DIVISION II

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STATE OF WASHINGTON

BY

DEPUTY

COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION TWO

STATE OF WASHINGTON,

Plaintiff- Appellee,

v.

NAAMAN SAMAL WASHINGTON,

Defendant Appellant.

NO. 44492-5-II

APPELLANT'S PRO SE  
STATEMENT OF ADDITIONAL  
GROUNDS FOR RELIEF

RAP 10.10.

A. Trial Counsel's Representation of  
Washington Was Ineffective And  
Fell Below an Objective Standard  
of Reasonableness.

1. On May 22, 2011, Washington

State Patrol Trooper Meldrum (Meldrum), was

driving northbound on Interstate I-5 just

North of the 38<sup>th</sup> Street overpass and  
was traveling behind a green Ford Taurus  
(Ford), with Washington license plate  
number 465ZUH. Meldrum contacted  
WSP Communications and asked for a  
return on the registration.

2. Meldrum was advised that the  
registered owner of the vehicle was  
California Smith-Usher, that Smith-  
Usher was listed as DWLS 3<sup>rd</sup> by the  
DOL, Meldrum was provided with

Smith-Usher's date of birth and physical description. Meldrum pulled next to the Ford and verified that the physical description of the driver approximately resembled the description of the registered owner as advised by WSP Communications. Meldrum pulled behind the vehicle and pulled the vehicle over.

3. Once the driver of the vehicle pulled over, Meldrum

approached the vehicle on the driver's side and noticed that there were two occupants inside the vehicle.

4. Meldrum noticed that while contacting the driver he could smell what he recognized from his training and experience, to be the strong odor of marijuana coming from inside the vehicle.

5. After asking for and learning that the driver did not have, a

driver's license, Meldrum observed a light colored plastic Taco Bell bag sitting on the passenger side floor.

Meldrum could see into the top of the bag and recognized what appeared to be marijuana

6. When questioned by Meldrum, Washington, a passenger of the vehicle who sat in the front passenger's seat, claimed the marijuana, stating he was a caretaker for a medical marijuana.

patient. Meldrum directed Washington to exit the vehicle, then placed Washington under arrest.

7. Once Washington was secured in Meldrum's police vehicle, Meldrum contacted Washington and Washington advised Meldrum that he was a named caregiver and thus could legally have in his possession up to one-pound of marijuana. Washington provided Meldrum several documents that named

a medical marijuana patient as  
Latoya Cole, and a document naming  
him, Washington, as Ms. Cole's  
designated provider that includes  
transporting Marijuana to the patient.

8. At trial, on direct examination  
by the State, Meldrum was handed  
Plaintiff's Exhibit No. 15, and was  
asked to take a look at it and  
tell whether he recognized it. See,  
URP, January 17, 2013, pg. 35. Whereupon

the following colloquy ensued:

A. This would be the copy that I made of the paperwork.

Q. What's that paperwork describing?

A. It describes documentation of physical authorization to engage in the medical use of marijuana in Washington State.

Q. Is there any imprint on there that gave you some type of satisfaction as to the document being what it purported to be?

A. It's signed by a nursing practitioner, an ARNP.

Q. Okay. Were you comfortable with that?

A. As to the paperwork?

Q. Yeah.

A. I was comfortable with it, if it was Ms. Cole. I would have been, yes.

Q. Handing you Plaintiff's Exhibit 6, do you recognize that?

A. I do.

Q. What is it?

A. This would be the designated provider authorization form provided to me by Mr. Washington.

Q. Okay. What's the problem with that document?

A. The problem I had was it was crossed out and there was a name written on it. Mr. Washington's name was added to it as a designated provider.

Q. The seizure based off of this documentation and your disagreement with Washington, was it an open question to sitting in the back of the patrol car?

A. Correct.

Q. Did you tell Mr. Washington that?

A. I did.

Q. What did you tell him with respect to the pot and the documentation and your concerns about the authenticity of the second document?

A. That was my main concern. I informed him that I didn't believe him when he handed me this document, and that the paper work that he showed me allowed

Ms. Cole to be in possession  
of it but not him.

Q. Okay. What was your source  
of discomfort with that  
second document that had  
Mr. Washington's name on it?

A. The fact that there was a  
name crossed out on top  
and his name was added  
to it.

See, URP, January 17, 2013, pg. 34 -

37.

9. Under Washington State law, the  
use of medical marijuana is now  
permissible for some patients with

terminal or debilitating medical

conditions. In enacting RCW 69.51,

the Legislature found:

There is medical evidence that some patients with terminal or debilitating medical conditions may, under their health care professional's care, benefit from the medical use of cannabis.

See, RCW 69.51.005.<sup>1</sup>

10. Patient Latoya E. Cole, date of

birth = 08-31-1981, obtained Documentation

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<sup>1</sup> The 2007 version of this statute was in effect at the time the patient in this case was authorized to use marijuana and Washington was given designated provider authorization.

of Physical Authorization to Engage in the  
Medical Use of Marijuana in Washington  
State effective October 14, 2010 through  
October 14, 2011. See, Exhibit 15.

11. On October 14, 2010, Patient  
Latoya Cole authorized Washington to  
be her Designated provider as stipulated  
under RCW 69.51A. See, Exhibit<sup>14</sup>~~15~~ That  
document, exhibit b, was a legally binding  
Contract between the parties and  
authorized Washington, as the Designated

Provider, to obtain, grow, secure, prepare,  
repackage and transport medical cannabis  
for Ms. Cole. Id.

12. According to RCW 69.51A.040:

The medical use of cannabis in accordance with the terms and conditions of this chapter does not constitute a crime and a qualifying patient or designated provider in compliance with the terms and conditions of this chapter may not be arrested, prosecuted, or subject to other criminal sanctions or civil consequences, for possession, manufacture, or delivery of, or for possession with intent

to manufacture or deliver,  
cannabis under state law, and  
investigating, peace officers  
and law enforcement agencies  
may not be held civilly liable  
for failure to seize cannabis  
in this circumstance, if:

(1)(a) The qualifying patient or  
designated provider possesses no  
more than fifteen cannabis  
plants and:

(i) no more than twenty-four  
ounces of usable cannabis

See, RCW 69.51A.040(1)(a)(i) (2007).

13. Meldrum seized five plastic  
bags of green vegetable material which

contained 14.0 grams, 13.2 grams, 13.0  
grams, 25.2 grams, and 13.3 grams,  
respectively, which were analyzed and  
found to contain marijuana. See,  
Exhibit 20.

14. The evidence presented at trial  
establishes Washington possessed an amount of  
marijuana which was well within the amount  
he was legally authorized to possess and  
transport for Ms. Cole.

15. Although Washington advised Meldrum during his arrest that he had Designated Provider Authorization and Meldrum testified at trial that his source of discomfort with the Designated Provider Authorization was the fact that there was a name crossed out on top and Washington's name was added to it; and it was well established law at the time of Washington's arrest that a designated provider who possess or transport's medical mari; uana

may [not] be arrested, prosecuted, or  
subject to other criminal sanctions  
or civil consequences, for his possession  
of cannabis under state law, trial  
counsel failed to call witnesses or to  
otherwise present evidence to establish  
the authenticity of Washington's  
Designated Provider Authorizations.

16. Both the Federal and State  
Constitutions guarantee criminal  
defendants the right to the effective

assistance of counsel. State v. Hawkins,

157 Wn. App. 739, 747, 238 P.3d 1226

(2010); Strickland v. Washington, 466

U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d

676 (1984), U.S. Const. VI; Const.

art I, § 22. "In evaluating

ineffective assistance claims, courts must

be highly deferential to counsel's

decisions and there is a strong

presumption that counsel performed

adequately. Hawkins, 157 Wn. App.

at 747. But for counsel to be constitutionally adequate, "[m]ore than the mere presence of an attorney is required.

The attorney must perform to the standards of the profession," *Id.* An attorney who does not provide "professionally competent assistance" is constitutionally ineffective if the deficient performance prejudices the defendant. Strickland, 4166 U.S., at 690, 693.

17. To show prejudice, "[+] the defendant must show that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different.

A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Id.* at 694. Washington does not, however, need to "show that counsel's deficient conduct more likely than not altered the outcome in the case."

Id. at 693. Where a defendant establishes that he has received ineffective assistance of counsel, the proper remedy is reversal of the conviction and remand for retrial. State v. Kylla, 166 Wn.2d 856, 871, 215 P.3d 177 (2009),

18. In light of the circumstances heretofore presented, this Court should find that counsel's failure to move to have Washington's Unlawful Possession With Intent to Deliver Marijuana charge dismissed

constitutes deficient performance, and that there exists a reasonable probability, that but for counsel's deficient performance, the result of the proceeding would have been different.

### B. MISCALCULATED OFFENDER SCORE

#### 19. The Sentencing Court Erred

#### In Counting Washington's 2009 Drug

Convictions Separately Washington

plead guilty to conspiracy to commit

violation of the Uniform Controlled

Substance Act/Deliver MDMA (Ecstasy), in

violation of RCW 9A.28.040, 69.50.101

+ 69.50.407, an unranked felony, and

violation of the Uniform Controlled Substance

Act, possess MDMA (Ecstasy), in violation

of RCW 69.50.4013, on February 26,

2009. He was sentenced the same day.

20. The standard sentence range for

Washington's unranked felony was 0-12

months, the court imposed 6 months. The

standard range for the possession was

determined to be 6+ to 18 months, the Court imposed 6-months.

21. Pursuant to RCW 9A.04.525 (5) (a):

In the case of multiple prior convictions, for purposes of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9A.04.589 (1) (a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently, whether those offenses shall be

Counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9A.04.0589(1)(a)...

22. RCW 9A.04.0589(1)(a), defines "same criminal conduct" as two or more crimes that (1) require the same criminal intent, (2) are committed at the same time and place, and (3) involve the same victim. RCW 9A.04.0589(1)(a).

All three prongs must be met; the absence of any one of them prevents a

finding of "same criminal conduct." State

v. Leskey, 118 Wn.2d 773, 778, 827 P.2d

996 (1992).

23. Washington's two drug convictions

for which he was sentenced in King County

Case No. 08-1-00262-1 KWT were committed

at the same time and place and involved the

same victim (the public at large). See,

State v. Rodriguez, 61 Wash. App. 812, 816,

812 P.2d 868, review denied, 118 Wn.2d

1006, 822 P.2d 288 (1991). The two

crimes also shared the same criminal

intent. See, Attached Certification For

Determination of Probable Cause; Information;

First Amended Information, and; Judgment

and sentence. Accordingly, this Court should find that the sentencing court erred in calculating Washington's two prior drug convictions separately into the offender score calculation of his underlying offense.

C. THE STATE FAILED TO PROVE THAT WASHINGTON POSSESSED A FIREARM UNLAWFULLY; THE UNLAWFUL POSSESSION OF FIREARM CONVICTION MUST BE VACATED

24. In order to uphold a jury's verdict on appeal, the evidence presented in a criminal case must be sufficient to allow a reasonable person to find that the State proved every

essential element of the crime beyond

a reasonable doubt. In re Whipple, 397

U.S. 358, 364, 90 Sct. 1068, 25 L. Ed. 2d

368 (1970). A conviction for first-

degree unlawful possession of a

firearm requires the State to prove

that the defendant "[unlawfully]

possessed a firearm after having

previously been convicted ... of any serious

offense as defined in" Rev. 9.41.

25. Not only have cases handed

down by the Supreme Court of Washington

required the State to include in the charging documents the essential elements of the crime alleged, City of Auburn v. Brooke, 119 Wn.2d 623, 627, 836 P.2d 212 (1992), they have also interpreted the essential elements rule to require the State's charging document to allege Facts supporting every element of the offense. State v. Leach, 113 Wn.2d 679, 689, 782 P.2d 552 (1989).

"Elements" are the facts that the State must prove beyond a reasonable

doubt to establish the defendant committed the charged crime. State v. Johnstone,

96 Wn. App. 839, 844, 982 P.2d 119

(1999). Here, the State failed to prove

Washington "unlawfully" possessed a

firearm.

26. The Oxford American Dictionary,

Herald College Edition (1980), defines

the word "unlawful" as: (1) not according

to law; illegal. Thus, in order to convict

Washington of the crime of unlawful

possession of a firearm in the first degree,

the State had to prove beyond a reasonable doubt that Washington possessed a Firearm "Unlawfully," i.e., not according to law; illegally.

27. To prove that Washington possessed a Firearm "unlawfully," the evidence the State presented at trial had to establish not only that Washington has a prior "serious offense" within the meaning of RCW 9.41, but also that Washington had prior notice that he was prohibited from possessing a Firearm. There are no [F]acts in the record upon

which the jury could have found that Washington had prior notice that he was lawfully prohibited from possessing a firearm.

Because the evidence presented to the jury failed to establish the essential facts to

sustain a unlawful possession of a

firearm in the first degree conviction,

Washington's conviction of Unlawful Possession of Firearm in the First Degree must be

vacated.

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D. CONCLUSION

28. WHEREFORE, premises considered,  
the Court should REMAND for new trial  
Washington's conviction for unlawful possession  
of marijuana with intent to deliver, and  
VACATE Washington's conviction for  
unlawful possession of a firearm in the  
first degree.

DATED this 8<sup>th</sup> day of November, 2013

Respectfully submitted,  
BY THE APPELLANT:

N.T.H.  
NAAMAN JAMAL WASHINGTON  
DOC No. 744016, C4-G-2-1  
Airway Heights Corrections Center  
P.O. Box 2049  
Airway Heights, WA 99001

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SUMMONS ISSUED  
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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE STATE OF WASHINGTON,	)
	)
Plaintiff,	)
	)
v.	)
	)
NAAMAN JAMAL WASHINGTON,	)
	)
	)
	)
Defendant.	)

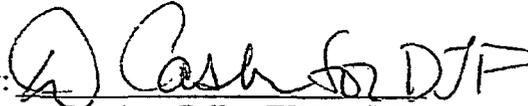
No. 08-1-00262-1 KNT  
INFORMATION

I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse NAAMAN JAMAL WASHINGTON of the crime of **Violation of the Uniform Controlled Substances Act**, committed as follows:

That the defendant NAAMAN JAMAL WASHINGTON in King County, Washington, on or about November 23, 2007, unlawfully and feloniously did possess with intent to manufacture or deliver MDMA (ecstasy), a controlled substance, and did know it was a controlled substance;

Contrary to RCW 69.50.401(1), (2)(c), and against the peace and dignity of the State of Washington.

DANIEL T. SATTERBERG  
Prosecuting Attorney

By:   
Deanna Jennings Fuller, WSBA #7914  
Senior Deputy Prosecuting Attorney

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KING COUNTY  
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KENT, WA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON, )  
)  
Plaintiff, ) No. 08-1-00262-1 KNT  
)  
vs. )  
) FIRST AMENDED INFORMATION  
NAAMAN JAMAL WASHINGTON, )  
)  
Defendant, )  
)

COUNT I

I, Dan Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse NAAMAN JAMAL WASHINGTON, of the crime of **Conspiracy to Commit Violation of the Uniform Controlled Substance Act**, committed as follows:

That the defendant NAAMAN JAMAL WASHINGTON,, in King County, Washington, on or about November 23, 2007, with the intent to commit the crime of Violation of the Uniform Controlled Substances Act, Delivery of a Controlled Substance, to wit, MDMA (ecstasy), did feloniously agree with persons known and unknown, to engage in and cause the performance of such conduct, and, one of the parties so agreeing did perform an overt act pursuant to such agreement.

Contrary to RCW 69.50.401 and 69.50.407, and against the peace and dignity of the State of Washington.

COUNT II

44

1 And I, Dan Satterberg, Prosecuting Attorney for King County in the name and by the  
2 authority of the State of Washington, do accuse NAAMAN JAMAL WASHINGTON, of the  
crime of **Violation of the Uniform Controlled Substance Act**, committed as follows:

3 That the defendant NAAMAN JAMAL WASHINGTON,, in King County,  
4 Washington, on or about November 23, 2007, unlawfully and feloniously did possess ~~more~~  
~~than 40 grams of marijuana~~, a controlled substance;

~~MDMA~~

5 Contrary to RCW 69.50.4013, and against the peace and dignity of the State of  
6 Washington.

8 Dan Satterberg,  
9 Prosecuting Attorney

10   
11 By Tod Bergstrom, WSBA# 17973  
12 Senior Deputy Prosecuting Attorney

08-1-00262-1 KNT

**CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE:**

That Detective T. Rogers is a detective with the Federal Way Police Department and has reviewed the investigation conducted in Federal Way Police Department Case # 07-17232

There is probable cause to believe that:

**WASHINGTON, NAAMAN, JAMAL DOB/07-26-1977**

**committed the crime of VUCSA Possession of Ecstasy with Intent to Deliver, VUCSA Possession of Prescription Dug without a Prescription and Possession of Marijuana over 40 grams.**

This belief is predicated on the following facts and circumstances:

On 11-23-2007 Officer Jimenez was on duty as a police officer in a fully marked patrol vehicle and police uniform. Officer Jimenez observed vehicle Lic/016WCU traveling southbound on Pacific Highway with loud music coming from the vehicle, from more than 50 feet away. Officer Jimenez activated his emergency lights and stopped the vehicle.

Upon contacting the driver and only occupant of the vehicle he was identified as WASHINGTON. A DOL check of WASHINGTON showed him to be DWLS 3<sup>rd</sup> and he was arrested. Search incident to arrest a clear plastic bag containing 102 pills fell from WASHINGTON'S rights pants area to his right foot. WASHINGTON stated "Oh shit I forgot I had those". Through Officer Jimenez's training and experience he recognized this to be ecstasy. Officer Jimenez read WASHINGTON his Miranda rights which he stated he understood. WASHINGTON denied owning the pills that had fallen out of his pants but did admit to ownership of the marijuana inside his car. Officer Jimenez located a single white oblong tablet in the driver's door handle area of the vehicle. This tablet had the name WATSON/387 on one side of it. Officer Jimenez began searching the vehicle and located several \$20.00 bills on the driver floor board of the vehicle directly under the middle console area of the front seat. Officer Jimenez also located a baggie of suspected marijuana in the vehicle and at this time stopped his search and called for a narcotic K-9 to continue this search.

Narcotics K-9 handler Officer Schwan and his K-9 "Caleb" arrived on scene to search the vehicle. The narcotics K-9 gave a positive alert on the center console area of the vehicle. Officer Schwan searched the center console and located a gallon zip-lock baggy of suspected marijuana. The money located inside the vehicle was placed into a paper bag along with two other empty paper bags and the narcotics K-9 "Caleb" conducted a sniff test on the bags, giving a positive hit to the bag containing the currency located inside the vehicle.

Officer Jimenez field-tested the suspected ecstasy and marijuana both of which returned with positive results for there perspective drug. The marijuana had a weight of 45.23 grams and there were 102 ecstasy pills. Officer Jimenez used the Drug Bible and discovered the one prescription pill was Hydrocodone (a schedule III drug)

Uder penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this Wednesday, November 28, 2007 at Federal Way, King County, Washington.

**Detective T. Rogers #77  
Special Investigations Unit  
Federal Way Police Department**



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CAUSE NO. 08-1-00262-1 KNT

PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR  
CONDITIONS OF RELEASE

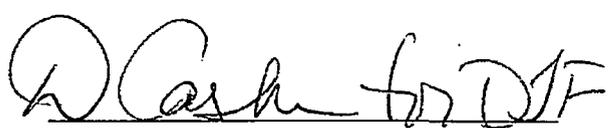
The State incorporates by reference the Certification for Determination of Probable Cause written by Detective T. Rogers, Federal Way Police Department, under case number 07-17232.

In addition, the events described all occurred in Federal Way, King County, Washington.

REQUEST FOR BAIL

The State requests that a summons issue directing the defendant to appear in court. The defendant's criminal history includes convictions for Burglary 2 (1995), Att. Theft 2 (1998), VUFA (Poss. Firearm 2) (2006), Expired Veh. License tabs (2003), Driving Without Insurance (2003), Fail to display vehicle license (2003), DWLS 3 (2003, 2001 x2, 1999, 1998 x 4, 1997 x2, 1996), Assault (1997), Theft (1996), NVOLOP (1996), Obstruction (1999), Poss. Marijuana (2001), Following too close (2001).

Signed this 29 day of January, 2008.

  
Deanna Jennings Fuller, WSBA #7914



**SPECIAL VERDICT or FINDING(S):**

- (a)  While armed with a **firearm** in count(s) \_\_\_\_\_ RCW 9.94A.510(3).
- (b)  While armed with a **deadly weapon** other than a firearm in count(s) \_\_\_\_\_ RCW 9.94A.510(4).
- (c)  With a **sexual motivation** in count(s) \_\_\_\_\_ RCW 9.94A.835.
- (d)  A V.U.C.S.A offense committed in a **protected zone** in count(s) \_\_\_\_\_ RCW 69.50.435.
- (e)  **Vehicular homicide**  Violent traffic offense  DUI  Reckless  Disregard.
- (f)  **Vehicular homicide** by DUI with \_\_\_\_\_ prior conviction(s) for offense(s) defined in RCW 41.61.5055, RCW 9.94A.510(7).
- (g)  **Non-parental kidnapping** or unlawful imprisonment with a minor victim. RCW 9A.44.130.
- (h)  **Domestic violence** offense as defined in RCW 10.99.020 for count(s) \_\_\_\_\_.
- (i)  Current offenses **encompassing the same criminal conduct** in this cause are count(s) \_\_\_\_\_ RCW 9.94A.589(1)(a).

2.2 **OTHER CURRENT CONVICTION(S):** Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): \_\_\_\_\_

2.3 **CRIMINAL HISTORY:** Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.525):

Criminal history is attached in **Appendix B**.

One point added for offense(s) committed while under community placement for count(s) \_\_\_\_\_

**2.4 SENTENCING DATA:**

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
Count I	3	UNRANKD	0 TO 12 MONTHS		0 TO 12 MONTHS	5 YRS AND/OR \$10,000
Count II	3	I	6+ TO 18 MONTHS		6+ TO 18 MONTHS	5 YRS AND/OR \$10,000
Count						
Count						

Additional current offense sentencing data is attached in **Appendix C**.

2.5 **EXCEPTIONAL SENTENCE (RCW 9.94A.535):**

Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) \_\_\_\_\_. Findings of Fact and Conclusions of Law are attached in **Appendix D**. The State  did  did not recommend a similar sentence.

**III. JUDGMENT**

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2.1 above and **Appendix A**.  
 The Court **DISMISSES** Count(s) \_\_\_\_\_

IV. ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below.

4.1 RESTITUTION AND VICTIM ASSESSMENT:

- Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E.
- Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.753(2), sets forth those circumstances in attached Appendix E.
- Restitution to be determined at future restitution hearing on (Date) \_\_\_\_\_ at \_\_\_\_\_ m.
  - Date to be set.
  - Defendant waives presence at future restitution hearing(s).
- Restitution is not ordered.

Defendant shall pay Victim Penalty Assessment pursuant to RCW 7.68.035 in the amount of \$500.

4.2 OTHER FINANCIAL OBLIGATIONS: Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:

- (a)  \$ \_\_\_\_\_, Court costs;  Court costs are waived; (RCW 9.94A.030, 10.01.160)
- (b) \$100 DNA collection fee (RCW 43.43.754)(mandatory for crimes committed after 7/1/02);
- (c)  \$ \_\_\_\_\_, Recoupment for attorney's fees to King County Public Defense Programs;  Recoupment is waived (RCW 9.94A.030);
- (d)  \$ \_\_\_\_\_, Fine;  \$1,000, Fine for VUCSA;  \$2,000, Fine for subsequent VUCSA;  VUCSA fine waived (RCW 69.50.430);
- (e)  \$ \_\_\_\_\_, King County Interlocal Drug Fund;  Drug Fund payment is waived; (RCW 9.94A.030)
- (f)  \$ \_\_\_\_\_, State Crime Laboratory Fee;  Laboratory fee waived (RCW 43.43.690);
- (g)  \$ \_\_\_\_\_, Incarceration costs;  Incarceration costs waived (RCW 9.94A.760(2));
- (h)  \$ \_\_\_\_\_, Other costs for: \_\_\_\_\_

4.3 PAYMENT SCHEDULE: Defendant's TOTAL FINANCIAL OBLIGATION is: \$ 600. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms:  Not less than \$ \_\_\_\_\_ per month;  On a schedule established by the defendant's Community Corrections Officer or Department of Judicial Administration (DJA) Collections Officer. Financial obligations shall bear interest pursuant to RCW 10.82.090. **The Defendant shall remain under the Court's jurisdiction to assure payment of financial obligations: for crimes committed before 7/1/2000, for up to ten years from the date of sentence or release from total confinement, whichever is later; for crimes committed on or after 7/1/2000, until the obligation is completely satisfied.** Pursuant to RCW 9.94A.7602, if the defendant is more than 30 days past due in payments, a notice of payroll deduction may be issued without further notice to the offender. Pursuant to RCW 9.94A.760(7)(b), the defendant shall report as directed by DJA and provide financial information as requested.

- Court Clerk's trust fees are waived.
- Interest is waived except with respect to restitution.

4.4 CONFINEMENT ON E YEAR OR LESS: Defendant shall serve a term of confinement as follows, commencing:  immediately;  (Date): 3-23-09 by 4 a.m./p.m.: 6 (months) days on count I; 6 (months) days on count II; \_\_\_\_\_ months/ days on count \_\_\_\_\_

This term shall be served:

in the King County Jail or if applicable under RCW 9.94A.190(3) in the Department of Corrections.

in King County Work/Education Release subject to conditions of conduct ordered this date.

in King County Electronic Home Detention subject to conditions of conduct ordered this date.

For burglary or residential burglary offense, before entering Electronic Home Detention, 21 days must be successfully completed in Work/Education Release.

The terms in Count(s) No. \_\_\_\_\_ are consecutive/ concurrent.

This sentence shall run  CONSECUTIVE  CONCURRENT to the sentence(s) in cause \_\_\_\_\_

The sentence(s) herein shall run  CONSECUTIVE  CONCURRENT to any other term previously imposed and not referenced in this order.

Credit is given for  \_\_\_\_\_ day(s) served  days determined by the King County Jail solely for confinement under this cause number pursuant to RCW 9.94A.505(6).  Jail term is satisfied; defendant shall be released under this cause.

ALTERNATIVE CONVERSION PURSUANT TO RCW 9.94A.680: 30 days of confinement are hereby converted to:

240 days/ hours community service under the supervision of the Department of Corrections to be completed:  on a schedule established by the defendant's Community Corrections Officer; or  as follows: \_\_\_\_\_

Alternative conversion was not used because:  Defendant's criminal history,  Defendant's failure to appear,  Other: \_\_\_\_\_

4.5 COMMUNITY  SUPERVISION, for crimes committed before 7-1-2000,  CUSTODY, for crimes committed on or after 7-1-2000, is ordered pursuant to RCW 9.94A.545 for a period of 12 months. The defendant shall report to the Department of Corrections within 72 hours of this date or of his/her release if now in custody; shall comply with all the rules, regulations and conditions of the Department for supervision of offenders (RCW 9.94A.720); shall comply with all affirmative acts required to monitor compliance; shall not possess any firearms or ammunition; and shall otherwise comply with terms set forth in this sentence.

The court finds that chemical dependency contributed to this offense justifying treatment conditions imposed herein (RCW 9.94A.607).

Appendix F, Additional Conditions is attached and incorporated.

4.6  NO CONTACT: For the maximum term of \_\_\_\_\_ years, defendant shall have no contact with \_\_\_\_\_

4.7 DNA TESTING. The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing, as ordered in Appendix G.

HIV TESTING: For sex offense, prostitution offense, drug offense associated with the use of hypodermic needles, the defendant shall submit to HIV testing as ordered in Appendix G.

4.8  OFF-LIMITS ORDER: (known drug trafficker) Appendix I is an off limits order that is part of and incorporated by reference into this Judgment and Sentence.

4.9  SEX OFFENDER REGISTRATION: (sex offense conviction) Appendix J covering sex offender registration, is attached and incorporated by reference into this Judgment and Sentence.

Date: 2-26-09

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

JUDGE

Print Name: \_\_\_\_\_

Presented by:

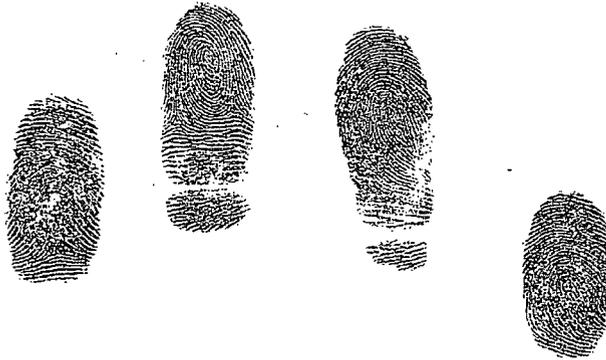
[Signature]

Deputy Prosecuting Attorney, WSBA# 36633  
Print Name: N.K.M.

Approved as to form:

[Signature]  
\_\_\_\_\_  
Attorney for Defendant WSBA# 31736  
Print Name: J. Jamon

FINGERPRINTS



RIGHT HAND  
FINGERPRINTS OF:

DEFENDANT'S SIGNATURE: N.J.

DEFENDANT'S ADDRESS: 4120 38~~TH~~ AVE S  
SEA, WA 98108

NAAMAN JAMAL WASHINGTON

DATED: 2-26-09

ATTESTED BY: BARBARA MINER,  
SUPERIOR COURT CLERK

BY: WENDY VICKERY  
DEPUTY CLERK

JUDGE, KING COUNTY SUPERIOR COURT

CERTIFICATE

OFFENDER IDENTIFICATION

I, \_\_\_\_\_,  
CLERK OF THIS COURT, CERTIFY THAT  
THE ABOVE IS A TRUE COPY OF THE  
JUDGEMENT AND SENTENCE IN THIS  
ACTION ON RECORD IN MY OFFICE.  
DATED: \_\_\_\_\_

S.I.D. NO. WA17680137

DOB: JULY 26, 1977

SEX: M

RACE: B

CLERK

BY: \_\_\_\_\_

DEPUTY CLERK

**SUPERIOR COURT OF WASHINGTON FOR KING COUNTY**

STATE OF WASHINGTON,	)	
	)	
Plaintiff,	)	No. 08-1-00262-1 KNT
	)	
vs.	)	APPENDIX G
	)	ORDER FOR BIOLOGICAL TESTING
NAAMAN JAMAL WASHINGTON	)	AND COUNSELING
	)	
Defendant,	)	
	)	

---

**(1) DNA IDENTIFICATION (RCW 43.43.754):**

The Court orders the defendant to cooperate with the King County Department of Adult Detention, King County Sheriff's Office, and/or the State Department of Corrections in providing a biological sample for DNA identification analysis. The defendant, if out of custody, shall promptly call the King County Jail at 296-1226 between 8:00 a.m. and 1:00 p.m., to make arrangements for the test to be conducted within 15 days.

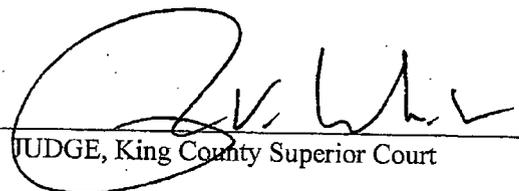
**(2)  HIV TESTING AND COUNSELING (RCW 70.24.340):**

(Required for defendant convicted of sexual offense, drug offense associated with the use of hypodermic needles, or prostitution related offense.)

The Court orders the defendant contact the Seattle-King County Health Department and participate in human immunodeficiency virus (HIV) testing and counseling in accordance with Chapter 70.24 RCW. The defendant, if out of custody, shall promptly call Seattle-King County Health Department at 205-7837 to make arrangements for the test to be conducted within 30 days.

If (2) is checked, two independent biological samples shall be taken.

Date: 2-26-09

  
\_\_\_\_\_  
JUDGE, King County Superior Court

**SUPERIOR COURT OF WASHINGTON FOR KING COUNTY**

STATE OF WASHINGTON,	)	
	)	
Plaintiff,	)	No. 08-1-00262-1 KNT
	)	
vs.	)	JUDGMENT AND SENTENCE
	)	APPENDIX H
NAAMAN JAMAL WASHINGTON	)	COMMUNITY PLACEMENT OR
	)	COMMUNITY CUSTODY
Defendant,	)	

The Defendant shall comply with the following conditions of community placement or community custody pursuant to RCW 9.94A.700(4), (5):

- 1) Report to and be available for contact with the assigned community corrections officer as directed;
- 2) Work at Department of Corrections-approved education, employment, and/or community service;
- 3) Not possess or consume controlled substances except pursuant to lawfully issued prescriptions;
- 4) Pay supervision fees as determined by the Department of Corrections;
- 5) Receive prior approval for living arrangements and residence location;
- 6) Not own, use, or possess a firearm or ammunition. (RCW 9.94A.720(2));
- 7) Notify community corrections officer of any change in address or employment; and
- 8) Remain within geographic boundary, as set forth in writing by the Department of Corrections Officer or as set forth with SODA order.

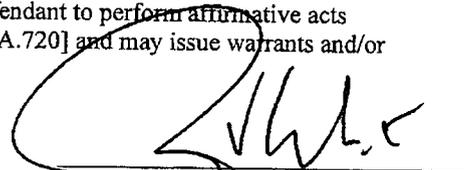
**OTHER SPECIAL CONDITIONS:**

- The defendant shall not consume any alcohol.
- Defendant shall have no contact with: \_\_\_\_\_
- Defendant shall remain  within  outside of a specified geographical boundary, to wit: \_\_\_\_\_
- The defendant shall participate in the following crime-related treatment or counseling services:  
Obtain Substance abuse eval + follow recommended TX.  
provide proof to CCC
- The defendant shall comply with the following crime-related prohibitions: \_\_\_\_\_
- \_\_\_\_\_

Other conditions may be imposed by the court or Department during community custody.

Community Placement or Community Custody shall begin upon completion of the term(s) of confinement imposed herein or when the defendant is transferred to Community Custody in lieu of earned early release. The defendant shall remain under the supervision of the Department of Corrections and follow explicitly the instructions and conditions established by that agency. The Department may require the defendant to perform affirmative acts deemed appropriate to monitor compliance with the conditions [RCW 9.94A.720] and may issue warrants and/or detain defendants who violate a condition [RCW 9.94A.740].

Date: 2-26-09

  
\_\_\_\_\_  
JUDGE

**SUPERIOR COURT OF WASHINGTON FOR KING COUNTY**

STATE OF WASHINGTON,

Plaintiff,

vs.

NAAMAN JAMAL WASHINGTON

Defendant,

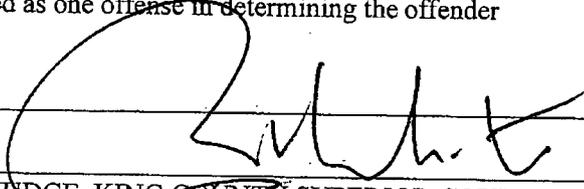
)  
)  
) No. 08-1-00262-1 KNT  
)  
) JUDGMENT AND SENTENCE,  
) (FELONY) - APPENDIX B,  
) CRIMINAL HISTORY  
)  
)  
)

2.2 The defendant has the following criminal history used in calculating the offender score (RCW 9.94A.525):

Crime	Sentencing Date	Adult or Juv. Crime	Cause Number	Location
FIREARM POSSESSION UNL-2	4/7/2006	ADULT	051092927	KING CO
BURGLARY 2 <sup>ND</sup> DEGREE	1/12/1996	ADULT	951070031	KING CO

[ ] The following prior convictions were counted as one offense in determining the offender score (RCW 9.94A.525(5)):

Date: 2/26/09

  
\_\_\_\_\_  
JUDGE, KING COUNTY SUPERIOR COURT

(This was attached to your pre-trial motion to suppress.)

# DESIGNATED PROVIDER AUTHORIZATION

Prusuant to the Washington Medical Cannabis Act RCW 69.51A

Patient Name:

LaToya Cole

Address

1726 E. 56th St # 2  
Tacoma, WA 98704  
(253) 330-0059

Designated Provider Name:

NAAMAN J. WASHINGTON

Address

4128 38th AVE S.  
SEATTLE, WA 98118  
(206) 725-6221

## AGREEMENT

The above named patient hereby authorizes the above named Designated Provider as his/her legally recognized Designated Provider as stipulated under RCW 69.51A and this document is a legally binding contract between the parties. The patient hereby authorizes the Designated Provider to obtain, grow, secure, prepare, repackage and transport medical cannabis for the patient. This agreement further authorizes the Designated Provider to obtain, secure and transport any other medication recommended or prescribed by the patients medical providers.

This agreement becomes effective upon execution by the patient and expires upon either the patient's written revocation of the agreement by the patient, or upon the patient's death.

This authorization is exclusive to, and solely valid within, the legal boundaries of the state of Washington.

This agreement is not transferable, assignable, or otherwise extended to assignees or designates.

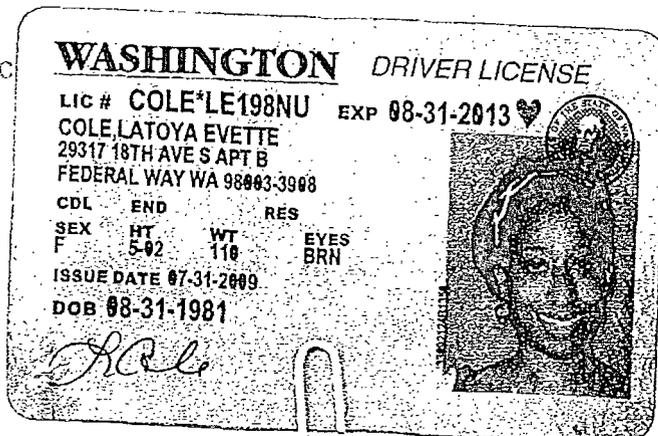
The patient agrees to defend and hold harmless the Designated Provider and gives full authority to the Designated Provider to carry out the action specified herein. I further testify that I am of sound mind at the time of this agreement and have been given an opportunity to review this document prior to signing and authorizing the power described herein.

Patient Signature:

[Signature]  
Date: 10/14/10

Designated Provider Signature:

[Signature]  
Date: 10/14/10



This Document should have been admitted at trial. Designated provider name not scratched and ID of patient and designated provider copied to document.