

**NO. 44637-5-II**

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

**DIVISION II**

---

**STATE OF WASHINGTON,**

**Appellant,**

**vs.**

**Dwight A. Finch,**

**Respondent.**

---

**BRIEF OF RESPONDENT**

---

**John A. Hays, No. 16654  
Attorney for Respondent**

**1402 Broadway  
Suite 103  
Longview, WA 98632  
(360) 423-3084**

**TABLE OF CONTENTS**

	Page
A. TABLE OF AUTHORITIES .....	iii
B. STATEMENT OF THE CASE .....	1
C. ARGUMENT	
<b>I. POLYGRAPHS ARE ADMISSIBLE WITHOUT STIPULATION IN ALL COURT PROCEEDINGS EXCEPT TRIALS AND ARE IMPORTANT EVALUATIVE TOOLS ...</b>	<b>7</b>
<b>II. THE TRIAL COURT’S DECISION TO COMPEL A CONVICTED SEX OFFENDER TO SUBMIT TO A POLYGRAPH WHILE HE IS SERVING A SSODA SENTENCE THAT SPECIFICALLY ALLOWS FOR THE USE OF A POLYGRAPH DOES NOT VIOLATE PUBLIC POLICY .....</b>	<b>9</b>
<b>III. THE TRIAL COURT’S ORDER THAT ALW SUBMIT TO A POLYGRAPH IS AN IMPLEMENTATION OF HIS EXISTING SSODA SENTENCE, NOT A MODIFICATION OF THAT SENTENCE .....</b>	<b>11</b>
D. CONCLUSION .....	13
E. APPENDIX	
A. Probable Cause Statement in <i>State v. ALW</i> .....	A1
B. Information in <i>State v. ALW</i> .....	A4
C. Amended Information in <i>State v. ALW</i> .....	A7
D. Disposition Order in <i>State v. ALW</i> .....	A10
E. Motion and Affirmation for Modification in <i>State v. ALW</i> .	A21
F. Order Modifying Disposition in <i>State v. ALW</i> .....	A24

**TABLE OF AUTHORITIES**

	Page
<i>Cases</i>	
<i>In re Dependency of D.C-M.</i> , 162 Wn.App. 149, 253 P.3d 112 (2011) . . .	8
<i>State v. Bartholomew</i> , 101 Wn.2d 631, 683 P.2d 1079 (1984) . . . . .	7
<i>State v. Combs</i> , 102 Wn.App. 949, 10 P.3d 1101 (2000) . . . . .	8
<i>State v. Justesen</i> , 121 Wn.App. 83, 86 P.3d 1259 (2004) . . . . .	7
<i>State v. Reay</i> , 61 Wn.App. 141, 810 P.2d 512 (1991) . . . . .	7
<i>Constitutional Provisions</i>	
Washington Constitution, Article 1, § 3 . . . . .	9
United States Constitution, Fourteenth Amendment . . . . .	9
<i>Statutes and Court Rules</i>	
RCW 10.58.038 . . . . .	9
RCW 71.09.096 . . . . .	8

## STATEMENT OF THE CASE

On June 6, 2011, the Wahkiakum County Prosecutor filed a probable cause statement and an information alleging that between January and June of 2011, ALW (DOB: 4/22/98) sexually abused his little brother on multiple occasions. *See Response Opposing Motion for Discretionary Review*, Appendix A and Appendix B.<sup>1</sup> The information charged ALW with the crimes of first degree rape of a child and first degree child molestation. *Id.* ALW later plead guilty to the second count of first degree child molestation as part of a plea bargain under an amended information whereby the Wahkiakum County Prosecutor agreed to dismiss the rape charge in Count I. *See Response Opposing Motion for Discretionary Review*, Appendix C. At disposition, ALW requested a suspended sentence under the Special Sex

---

<sup>1</sup>In the case at bar the trial court apparently took judicial notice of a number of documents in the Wahkiakum County Juvenile Court file in *State v. ALW*, No. 11-8-00005-3. Indeed, the trial court entered the order herein at least in partial reliance upon documents from this file. *See State v. Cross*, 156 Wn.App. 568, 234 P.3d 288 (2010) (Under ER 201(b)(2) the trial court is entitled to take judicial notice of its own and similar files).

Although copies of the documents were never filed with the Superior Court in this case, they were made a part of the record on appeal as appendices attached to the Amended Response Opposing Motion for Discretionary Review. In fact the Commissioner did consider them in granting the state's Motion for Discretionary Review. Thus, they are available for consideration as Appendices as part of that pleading in this case. They are also attached hereto as appendices to this brief for ease of consideration. Finally, the state's third argument on appeal specifically refers to the trial court's reliance upon these documents and orders.

Offender Disposition Alternative (SSODA) found in RCW 13.40.162. *See Response Opposing Motion for Discretionary Review*, Appendix D. Following a sentencing hearing, the court granted ALW's request and sentenced him to a term of from 15 to 36 weeks incarceration suspended for two years. *Id.* The Honorable Judge Michael Sullivan presided at this hearing.

As part of the suspended sentence, the court imposed the following conditions:

1. The respondent shall participate in counseling as directed by his/her probation officer.
2. The respondent will participate in community-based rehabilitation programs as directed by his/her probation officer, RCW 13.40.020. These programs may include but are not limited to functional family therapy and/or aggression replacement therapy.
3. The respondent shall submit to random UA tests as required by the probation office.
4. The respondent will sign a release of information for the probation office to receive evaluations and information.
5. The respondent will follow the treatment recommendations as set out in Appendix A which is attached and incorporated herein.
6. Respondent shall report as required by his/her probation officer.
7. Respondent shall not change his/her residence without prior permission of the juvenile department.
8. Respondent shall attend school. Respondent will have no periods of suspension and/or expulsion from school. These conditions may be waived at the discretion of the probation officer.

9. Respondent shall not Leave Wahkiakum County or Pacific County for more than three (3) consecutive days without prior permission from the juvenile department.

10. Respondent shall obey all municipal, county, state and federal laws.

11. Respondent shall abide by a curfew as directed by his/her probation officer.

12. Respondent shall not possess any firearms or weapons.

13. The respondent will have no contact with: WAW.

14. The respondent will not change any treatment providers without court approval.

15. The respondent will notify the probation officer prior to any change in respondent's address, education program, or employment.

16. The respondent shall not attend the public or private elementary, middle, or high school attended by the victim or the victim's siblings.

*See Response Opposing Motion for Discretionary Review, Appendix C, pages 4-7 (bold and capitals in original; numbering added for convenience and clarity).*

An attachment to the judgment and sentence added further conditions as follows:

1. Participate in a qualified SSODA program, either on a group or individual basis.

2. Participate in weekly treatment for an estimated 24 months, depending on treatment progress. Treatment issues shall include the following:

- increase sexual knowledge

- increase general comfort around sexual issues
- increase social skills
- development of a personal safety plan (*relapse prevention*)
- increase victim empathy
- dating skills

3. Have no unsupervised contact with youth two or more years younger than the respondent.

4. Victim clarification required prior to contact with respondent's younger brother (*recognize problem, complete treatment, apologize to brother and assure him it will never happen again*).

5. Respondent is prohibited from accessing pornography. Installation of blocking software is required, and computer use shall be supervised.

6. Treatment compliance could be monitored every 6 months through a polygraph, if available.

*See Response Opposing Motion for Discretionary Review, Appendix D, (italics in original; numbering added for convenience and clarity).*

On August 2, 2012, the Wahkiakum County Prosecutor filed a motion and affidavit to modify the disposition order upon a claim that ALW violated the conditions of his SSODA sentence. *See Response Opposing Motion for Discretionary Review, Appendix E.* The prosecutor alleged the following in his supporting affidavit.

On July 16, 2012, defendant snuck out of his residence and went to his grandfather's home and viewed pornography on his grandfather's computer. This is a violation of his SSODA program requirement as outlined in Appendix A of his order of disposition, to-wit: "Respondent is prohibited from accessing pornography. Installation of blocking software is required, and computer use shall be

supervised.”

*See Response Opposing Motion for Discretionary Review*, Appendix E, page 2

On August 20, 2012, the Wahkiakum County Juvenile Court, again with Judge Sullivan presiding, held a hearing on this motion and found that the state had proven that ALW had wilfully violated the conditions of his SSODA sentence. *See Response Opposing Motion for Discretionary Review*, Appendix F. Although the court allowed the SSODA sentence to stay in place, the court did impose a sanction of 14 days in custody. *Id.*

By information filed June 12, 2012, and amended on October 8, 2012, the Wahkiakum County prosecutor charged the defendant Dwight A. Finch with one count of first degree rape of a child and two counts of first degree child molestation. CP 10-11, 12-14. This information alleged that the defendant committed these offenses against ALW between April of 2004 and April of 2008. *Id.* Following charging in this case the defendant submitted to a polygraph test indicating that the defendant was truthful when he denied any sexual contact with ALW. CP 15-18. The defendant thereafter moved that the trial court order that the complaining witness take a polygraph to determine whether or not he was violating the conditions of his SSODA sentence by making a false allegation against the defendant in this case. CP 15-18, 21-32, 102-107, 108-110. After a number of hearings, the Honorable

Judge Michael Sullivan of the Wahkiakum County Superior Court ordered that ALW submit to a polygraph examination at the court's expense with the report of the examination submitted directly to the court. CP 111-113.

Following entry of this order the state filed a notice and motion for discretionary review of this order and the clerk of this court later entered a stay prohibiting enforcement of the superior court's order and granted the motion for discretionary review. *See Order Granting Review.*

## ARGUMENT

### I. POLYGRAPHS ARE ADMISSIBLE WITHOUT STIPULATION IN ALL COURT PROCEEDINGS EXCEPT TRIALS AND ARE IMPORTANT EVALUATIVE TOOLS

In this case the state argues that “[b]ecause they are not recognized as reliable evidence, the results of polygraph tests are not admissible in Washington courts absent stipulation from the parties.” *See* Brief of Petitioner, page 9. This claim is not supported by Washington statutes or case law. The correct statement of law is actually that polygraph results are generally not admissible as evidence in trials absent a stipulation by the parties. *State v. Justesen*, 121 Wn.App. 83, 95, 86 P.3d 1259 (2004). However there are many types of proceedings, including some trials, which the court may admit and consider the results of polygraphs.

For example, in *State v. Bartholomew*, 101 Wn.2d 631, 683 P.2d 1079 (1984) ( *Bartholomew II*), the court held that polygraph tests are admissible in the penalty phase of capital cases even absent stipulation. By further example, in *State v. Reay*, 61 Wn.App. 141, 810 P.2d 512 (1991), a mother and father brought a mandamus action to compel a medical examiner to enter findings that their daughter had not committed suicide. After their writ was denied, they appealed, arguing in part that the trial court had erred when it admitted evidence that their son-in-law had passed a polygraph in which he denied any involvement with his wife’s death. The trial court upheld the

polygraph results were relevant and admissible because this had been one of many pieces of evidence upon which the medical examiner relied in making his determination of death by suicide.

In addition, as has already been noted, the courts may order polygraph testing to monitor compliance with sex offender treatment and other conditions of a sentence. *State v. Combs*, 102 Wn.App. 949, 10 P.3d 1101 (2000). Also, under RCW 71.09.096 a court may order that a person committed as a sexually violent predator submit to a polygraph prior to consideration for release or imposition of a lesser restrictive alternative. In dependency cases a trial court has “inherent authority” to order that a party submit to a psychosexual evaluation that includes the requirement of a psychosexual polygraph if sufficient evidence supports the court’s order. *In re Dependency of D.C-M.*, 162 Wn.App. 149, 253 P.3d 112 (2011).

In its brief the state also argues that the trial court erred because the defendant did not “identify, much less prove, the existence of a ‘compelling reason’ to force A.L.W. to submit to a polygraph,” and that “[i]t is more likely, however, that [the defendant] sought to compel A.L.W. to take a polygraph for purely selfish reasons.” Both of these arguments are irrelevant. The issue before this court is not what the defendant identified or the defendant’s motivation. Rather, the issue before this court is whether or not the trial court had authority to take the action it did. In this case the trial

court did have such authority as part of the SSODA sentence it had previously imposed on ALW.

**II. THE TRIAL COURT'S DECISION TO COMPEL A CONVICTED SEX OFFENDER TO SUBMIT TO A POLYGRAPH WHILE HE IS SERVING A SSODA SENTENCE THAT SPECIFICALLY ALLOWS FOR THE USE OF A POLYGRAPH DOES NOT VIOLATE PUBLIC POLICY.**

The state's second argument is that "compelling a victim to submit to a polygraph is contrary to public policy," particularly in light of RCW 10.58.038. *See* Brief of Petitioner, page 13. Initially it should be noted that the state's claim begs the question whether or not ALW is actually a "victim" of sexual abuse as he claims. For this court to adopt the state's argument it would have to abandon the presumption of innocence as it has always applied in all criminal proceeding as part of the due process rights guaranteed under Washington Constitution, Article 1, § 3, and United States Constitution, Fourteenth Amendment, and then hold that any person who makes a claim of sexual abuse is, *ipso facto*, a "victim" for whom public policy prohibits the use of a polygraph.

In addition, a review of RCW 10.58.038 does not support the state's argument as it claims. This statute states:

A law enforcement officer, prosecuting attorney, or other government official may not ask or require a victim of an alleged sex offense to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of the offense. The refusal of a victim to submit to a polygraph examination

or other truth telling device shall not by itself prevent the investigation, charging, or prosecution of the offense. For the purposes of this section, "sex offense" is any offense under chapter 9A.44 RCW.

RCW 10.58.038.

A careful review of this statute reveals a number of facts concerning its intent and applicability. First, the statute only applies to the actions of "[a] law enforcement officer, prosecuting attorney, or other government official." It specifically does not attempt to prevent a court from compelling a polygraph. Second, this statute only prohibits the state from compelling a polygraph "as a condition for proceeding with the investigation" of a claim of abuse or for filing a charge of abuse. Thus, to the extent that this statute could be seen as a statement of public policy, it applies solely to the actions of the police and the prosecutor, not to the actions of the court.

Third, and most important, the state's general claim of public policy to support its argument ignores the specific facts of this case and the limited action the trial court took in ordering the polygraph. These facts were as follows: (1) ALW is a convicted sex offender, (2) ALW is currently on a suspended sentence in which he is required to comply with a number of prohibitions and positive conditions, including treatment, (3) as part of the SSODA sentence ALW is subject to periodic polygraphs to monitor his compliance with his sentence, (4) one of the conditions the court imposed in

the SSODA sentence was to “obey all municipal, county, state and federal laws,” (5) ALW has already once violated the conditions of his sentence, (6) the defendant in this case has denied ALW’s allegation of abuse and supported that denial with a favorable polygraph test, and (7) if ALW has made a false allegation of abuse as the defendant’s favorable polygraph has a tendency to indicate, ALW has again violated the conditions of his sentence by committing the offense of false reporting.

Under these facts, it is entirely reasonable for the court to require that ALW submit to a polygraph to evaluate the veracity of his claims. While the state is correct that the results would not be admissible in the defendant’s criminal trial, they would certainly be admissible as part of a probation violation proceeding against ALW. The fact that the state does not want ALW subjected to a polygraph or that the defendant does is irrelevant. What is relevant is that the same judge who sentenced ALW and presided over his prior probation violation proceeding wants to see and use the polygraph results. Thus, the court’s order in this case does not violate public policy.

**III. THE TRIAL COURT’S ORDER THAT ALW SUBMIT TO A POLYGRAPH IS AN IMPLEMENTATION OF HIS EXISTING SSODA SENTENCE, NOT A MODIFICATION OF THAT SENTENCE.**

In the third argument in the state’s brief the state claims that the trial court erred when it ordered a polygraph because “[a] juvenile disposition

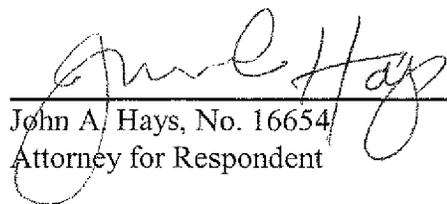
order may only be modified in accordance with RCW 13.40.190 and 13.40.200.” *See* Brief of Petitioner, page 16. Respondent agrees with the prosecutor’s general statement on this principal of law. However, the argument is not apropos in this case because the defendant did not ask for a modification of ALW’s SSODA sentence and the court did not order a modification of that sentence. Rather, as a review of ALW’s disposition order reveals, the court had already provided for the use of polygraphs to monitor ALW’s compliance with all of the conditions of his sentence, including the requirement that he comply with all local, state and federal laws. Thus, in the case at bar, the trial court did not violate ALW’s due process rights when it ordered that he submit to a polygraph examination as was already required in his sentence.

**CONCLUSION**

The trial court did not exceed its authority or violate public policy when it ordered ALW to submit to a polygraph examination.

DATED this 9th day of September 2013.

Respectfully submitted,

  
\_\_\_\_\_  
John A. Hays, No. 16654  
Attorney for Respondent

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

STATE OF WASHINGTON,  
Respondent,

vs.

DWIGHT A. FINCH,  
Appellant.

NO. 44637-5-II

AFFIRMATION OF  
OF SERVICE

---

Donna Baker states the following under penalty of perjury under the laws of Washington State. On September 9, 2013, I e-filed the following documents to the indicated parties:

1. BRIEF OF RESPONDENT
2. AFFIRMATION OF SERVICE

Dwight Finch  
372 Salmon Creek Rd.  
Naselle, WA. 98638

Pamela B. Loginsky  
206 10<sup>th</sup> Ave. S.E.  
Olympia, WA. 98501

Dated this 9th day of September, 2013, at Longview, Washington.



---

Donna Baker  
Legal Assistant to John A. Hays  
Attorney at Law

# Appendix A

WAHKIAKUM COUNTY  
PROBABLE CAUSE STATEMENT

FILED

11 JUN -6 PM 3:05

JULY M. HOLLAND, CLERK  
WAHKIAKUM COUNTY, WA

DEPUTY

On 06/03/11 at about 1400 Detective Mike Balch took information over the phone from a person who advised that ALW had been viewing pornography on a computer and had raped WAW (DOB 1-14-03) back in March 2011. Myself and Detective Balch went to the Wirkkala residence and ALW was outside the residence. He began walking towards us. I asked where WAW was and he stated across the yard at the neighbors. I asked where his father was and he said at work and the he would be home around 4. It was 4 o'clock at that time. I told ALW that I needed to talk to him and I got his name, birthday, address and phone number. I told him that the situation was pretty serious. I asked him if he had a computer. He said that he didn't have a computer. I asked him what computer he was using, and he said he sometimes used his neighbor's computer. I asked him if he viewed pornographic web sites when he was on his neighbor's computer. He said he didn't. I told him that the computer memory doesn't lie and I could look at the computer history and see what he had been doing. He said that he did go to pornography web sites on his neighbor's computer. I asked him if he was viewing girls or boys. He said girls. I told him that I was here about a serious situation involving WAW. He seemed to know what I was talking about. I told him that I needed to make sure both him and WAW were safe. ALW, became very upset. I asked him to tell me where he has been touching WAW. He said that he has only touched WAW on his "butt". I asked him if WAW had his clothes on or off. He said he had his clothes on. I said then what happened in the shower? He said, "I didn't do nothing in the shower, I just touched his butt". I said well you were taking a shower with WAW so he had to be naked and you were naked is that right. He said "yes". I said, so you touched his butt while he was naked and you were naked and he said "yes". His father then pulled into the drive way. I then asked him how long this had been happening and he said 6 months or so. I could hear Detective Balch advising ALW's father why we were here. His father began yelling and telling Detective Balch that it was all lies and not true. I told ALW that he just needed to tell his father the truth so we could get the truth in the open and start working on things. As ALW's father yelled more and more I told him to stop, that the allegations were true and we were just trying to get everything out in the open. I then asked ALW if he ever put his penis inside of WAW. He said that he didn't. I told him that WAW would be going to the doctor for a full medical exam. He said that he did "put it in his butt just once." I asked him

K<sub>2</sub>

# WAHKIAKUM COUNTY PROBABLE CAUSE STATEMENT

where he was when this happened and he said in the living room. I asked him if he ejaculated and he said that he didn't. I asked him how long ago this incident happened and he said "a couple months ago". While I was talking with ALW Det. Balch was talking with WAW and his dad, Ed Wirkkala. Det. Balch told me that WAW told him that ALW did touch him in his "private" and pointed to his crotch. Anthony told WAW: "not to tell." WAW said that this occurred after his last birthday in January. And according to Det Balch when WAW was describing the touching, he described the touching as "rubbing" his private while inside WAW'S room. The residence that this occurred in was at 35 Raistakka Road, Rosburg, WA, which is inside the geographical boundaries of Wahkiakum county, Washington. After obtaining the corroborating statement from WAW, ALW was placed under arrest and advised of his Miranda warnings and juvenile warnings. Ed, his dad, was yelling for us to "take him, just take him."  
ALW is 13 years old, born 04/22/98      WAW      is  
8 and was born 01/14/03.

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

06/03/2011 Cathlamet, Washington  
DATE AND PLACE

 WCSO  
SIGNATURE AND AGENCY

PRINTED NAME OF ARRESTING OFFICER: Deputy Helen Coubra #21

## LAW ENFORCEMENT POSITION ON RELEASE

(WOULD SAFETY OF THE INDIVIDUAL OR PUBLIC BE THREATENED IF SUSPECT RELEASED ON BAIL OR RECOGNIZANCE [CONSIDER HISTORY OF VIOLENCE, MENTAL ILLNESS, DRUG DEPENDANCY; BE SPECIFIC]? ANY OTHER REASONS WHY SUSPECT SHOULD NOT BE RELEASED [CONSIDER PRIOR FAILURES TO APPEAR, LACK OF TIES TO THE COMMUNITY; BE SPECIFIC].) Yes see above

# Appendix B

FILED

11 JUN -6 PM 12:23

JAY S. ... CLERK  
WAHKLAKUM COUNTY, WA

BY: ..... DEPUTY

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

Juvenile Department

STATE OF WASHINGTON,

Plaintiff,

vs.

A. L. W.

d.o.b. 04-22-98

18

2011

Defendant.

Cause No. 11-8-00005-3

Referral No. \_\_\_\_\_

INFORMATION

Sex: Male	Race: White	Hgt:	Wgt:
Hair: Bro	Eyes:	WSDOL#: N/A	JUVIS#:
Address: 35 Raistakka Road Rosburg, Washington 98643			

Count I: Rape of a Child in the 1<sup>st</sup> Degree

By way of this information, the Prosecuting Attorney accuses you of the crime of RAPE OF A CHILD IN THE 1<sup>ST</sup> DEGREE, Count I, which is a violation of RCW 9A.44.073, the maximum penalty for which is life imprisonment and/or a \$50,000.000 fine pursuant to RCW 9A.44.073(2) and RCW 9A.20.021(1)(a), plus restitution, assessments, and court costs in that the above-named Defendant, on or about, between and including, the 14<sup>th</sup> day of January, 2011, and the 3<sup>rd</sup> day of June, 2011, in the State of Washington, did have sexual intercourse with W.A.W., who was less

INFORMATION  
Page 1 of 2

**COPY ORIGINAL**

Daniel H. Bigelow  
Prosecuting Attorney  
P.O. Box 397  
Cathlamet, Washington 98612  
(360) 795-3652

1 than twelve years old and not married to the Defendant and the Defendant was at least twenty-four  
2 months older the W.A.W.

3  
4 **Count II: Child Molestation in the 1<sup>st</sup> Degree**

5 By way of this Information, the Prosecuting Attorney accuses you of the crime of **CHILD**  
6 **MOLESTATION IN THE 1<sup>ST</sup> DEGREE**, Count II, which is a violation of RCW 9A.44.083, the  
7 maximum penalty for which is life imprisonment and/or a \$50,000.000 fine pursuant to RCW  
8 9A.44.083(2) and RCW 9A.20.021(1)(a), plus restitution, assessments, and court costs in that the  
9 above-named Defendant, on or about , between and including, the 14<sup>th</sup> day of January, 2011, and the  
10 3<sup>rd</sup> day of June, 2011, in the State of Washington, being at least thirty-six (36) months older than  
11 W.A.W., had sexual contact with W.A.W., who was at less than twelve (12) years old and not  
12 married to the Defendant.

13  
14  
15 DATED this 6<sup>th</sup> day of June, 2011.

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
  
JOHN G. WETLE  
Deputy Prosecuting Attorney  
WSBA No. 7533

# Appendix C

FILED

11 JUN 27 AM 11:43

KAY P. COLLA, CLERK  
WAHKIAKUM COUNTY, WA

BY \_\_\_\_\_ DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF WAHKIAKUM

Juvenile Department

STATE OF WASHINGTON,

Cause No. 11-8-00005-3

Plaintiff,

Referral No. \_\_\_\_\_

vs.

AMENDED  
INFORMATION

A.L.W.

d.o.b. 04-22-98

Defendant.

Sex: Male	Race: White	Hgt.: 5'8"	Wgt.: 135
Hair: Blnd	Eyes: Blue	WSDOL#: N/A	JUVIS#:
Address: 35 Raistaikka Road Rosburg, Washington 98643			

Count I: Rape of a Child in the 1<sup>st</sup> Degree

By way of this Information, the Prosecuting Attorney accuses you of the crime of **RAPE OF A CHILD IN THE 1<sup>ST</sup> DEGREE**, Count I, which is a violation of RCW 9A.44.073, the maximum penalty for which is life imprisonment and/or a \$50,000.000 fine pursuant to RCW 9A.44.073(2) and RCW 9A.20.021(1)(a), plus restitution, assessments, and court costs in that the above-named Defendant, on or about, between and including, the 14<sup>th</sup> day of January, 2011, and the 3<sup>rd</sup> day of June, 2011, in the County of Wahkiakum, State of Washington, did have sexual intercourse with W.A.W.,

AMENDED INFORMATION  
Page 1 of 2

**ORIGINAL**

Daniel H. Bigelow  
Prosecuting Attorney  
P.O. Box 397  
Cathlamet, Washington 98612  
(360) 795-3652

1 who was less than twelve years old and not married to the Defendant and the Defendant was at least  
2 twenty-four months older the W.A.W..

3  
4 **Count II: Child Molestation in the 1<sup>st</sup> Degree**

5 By way of this Information, the Prosecuting Attorney accuses you of the crime of **CHILD**  
6 **MOLESTATION IN THE 1<sup>ST</sup> DEGREE**, Count II, which is a violation of RCW 9A.44.083, the  
7 maximum penalty for which is life imprisonment and/or a \$50,000.000 fine pursuant to RCW  
8 9A.44.083(2) and RCW 9A.20.021(1)(a), plus restitution, assessments, and court costs in that the  
9 above-named Defendant, on or about , between and including, the 14<sup>th</sup> day of January, 2011, and the  
10 3<sup>rd</sup> day of June, 2011, in the County of Wahkiakum, State of Washington, being at least thirty-six  
11 (36) months older than W.A.W., had sexual contact with W.A.W., who was less than twelve (12)  
12 years old and not married to the Defendant.

13  
14  
15 **DATED** this 10<sup>th</sup> day of June, 2011.

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
  
\_\_\_\_\_  
JOHN G. WETLE  
Deputy Prosecuting Attorney  
WSBA No. 7533

Daniel H. Bigelow  
Prosecuting Attorney  
P.O. Box 397  
Cathlamet, Washington 98612  
(360) 795-2657

# Appendix D

FILED  
12 JAN -9 AM 11:53  
KAY H. HOLLAND, CLERK  
WAHKIAKUM COUNTY, WA  
BY D DEPUTY

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

Juvenile Department

STATE OF WASHINGTON,	)	Cause No. 11-8-00005-3
	)	
Plaintiff,	)	
	)	ORDER OF DISPOSITION
vs.	)	SPECIAL SEX OFFENDER
	)	DISPOSITION ALTERNATIVE
A.L.W.	)	
	)	
Respondent.	)	
d.o.b. 04-22-98	)	

I. HEARING

1.1 The Respondent was found guilty by  plea, or  the Court, of the offense(s) charged in Count(s) II of the Information:

**CHILD MOLESTATION IN THE 1<sup>ST</sup> DEGREE**

1.2 Persons appearing at the disposition were:

<input checked="" type="checkbox"/>	Respondent	<u>A.L.W.</u>
<input checked="" type="checkbox"/>	Respondent's Attorney:	<u>Michael W. Frev</u>
<input checked="" type="checkbox"/>	(Deputy) Prosecuting Attorney:	<u>John G. Wetle</u>
<input checked="" type="checkbox"/>	Probation Counselor:	<u>Scott Jacot</u>
<input type="checkbox"/>	Respondent's Parent(s)/Guardian(s)	<u>Edwin A. Wirkkala</u>
<input type="checkbox"/>	Other:	_____

**ORIGINAL K**

Daniel H. Bigelow  
Prosecuting Attorney  
P.O. Box 397  
Cathlamet, Washington 98612  
(360) 795-3652

35

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

**II. FINDINGS**

Based on the testimony heard and the case record to date, the Court finds:

**2.1 STANDARD RANGE OF PUNISHMENT IS:**

- Count I: \_\_\_\_\_  
 Count II: 15-36 months weeks  
 Count III: \_\_\_\_\_

**2.2** The Court has considered whether any aggravating or mitigating factors apply as set forth on the record.

**2.3**  ADJUDICATIONS FOR THEFT OR A MOTOR VEHICLE, POSSESSION OF A STOLEN MOTOR VEHICLE, TAKING MOTOR VEHICLE WITHOUT PERMISSION FIRST OR SECOND DEGREE.

**2.4 MANIFEST INJUSTICE**

A disposition within the sentencing powers, determined by the category of offender, would effectuate a manifest injustice. Reasons are set forth in the record and written Findings of Facts and Conclusions of Law shall be entered.

**2.5 RESTITUTION**

- Damage was done to the Victim(s) in the amount of: \$ \_\_\_\_\_  
 Amount of loss cannot be determined at this time.  
 The juvenile does not have the present ability to pay. However, the juvenile will likely develop the ability to pay \$ \_\_\_\_\_  
 The juvenile does not have the present ability to pay and cannot reasonably acquire the means to pay.  
 Extension of jurisdiction is necessary to complete execution of this order.

**III. ORDER**

**3.1 COMMUNITY SUPERVISION**

Count I, \_\_\_\_\_ months      Count II, 24 months      Count III, \_\_\_\_\_ months

Total Months of Community Supervision: 24

1  
2 **3.2 COMMUNITY RESTITUTION**

3 Count I, \_\_\_\_\_ hours Count II, \_\_\_\_\_ hours Count III, \_\_\_\_\_ hours

4 **Total Hours of Community Restitution: \_\_\_\_\_ to be completed no later than \_\_\_\_\_.**

5 **3.3 FINES**

6 Count I, \$ \_\_\_\_\_ Count II, \$ \_\_\_\_\_ Count III, \$ \_\_\_\_\_

7 **Total Amount of Fines \$ \_\_\_\_\_ to be paid no later than \_\_\_\_\_.**

8 **3.4 RESTITUTION**

9 Count I, \$ \_\_\_\_\_ Count II, \$ \_\_\_\_\_ Count III, \$ \_\_\_\_\_

10  Restitution to be determined at a later date by ( ) prosecuting attorney, or  
11 (  ) the Court.

12  Restitution to be paid on a schedule as set by probation office.

13  Restitution to be paid at the rate of \$ \_\_\_\_\_ per month. Payment to  
14 commence on \_\_\_\_\_.

15  Restitution to be paid, jointly and severally, as follows:  
16 \_\_\_\_\_  
17 \_\_\_\_\_

18  Restitution shall be disbursed as follows:

19 \$ \_\_\_\_\_ to \_\_\_\_\_

20 \$ \_\_\_\_\_ to \_\_\_\_\_

21 \$ \_\_\_\_\_ to \_\_\_\_\_

22 **3.5 PENALTIES/COSTS**

23  \$ 100<sup>00</sup> Crime Victims Assessment to be paid by 1-12-13

24  \$ \_\_\_\_\_ Crime Lab Assessment Fund to be paid by \_\_\_\_\_

25  \$ \_\_\_\_\_ Penalties/Costs Waived

26 **3.6**  All payments ordered above are payable to the **Wahkiakum County Clerk**  
27 at **64 Main Street, P.O. Box 116, Cathlamet, Washington 98612**

28  All payments ordered above are payable to the \_\_\_\_\_ County Clerk.

1 3.7 CONFINEMENT

2 Count I, \_\_\_\_\_ days      Count II, \_\_\_\_\_ days      Count III, \_\_\_\_\_ days

3  Total Days: \_\_\_\_\_  
4  \_\_\_\_\_ days credit for time already served

5 to be served as follows:

- 6  As arranged by the probation office.
- 7  The Wahkiakum County Sheriff or his designee shall transport the Respondent to a detention facility.
- 8  If the detention is served after the juvenile's 18<sup>th</sup> birthday, it is to be served at the Wahkiakum County Jail. If served at the jail, it must be completed no later than \_\_\_\_\_.
- 9  Other: \_\_\_\_\_

10  
11 3.8 COMMITMENT

12  The Respondent is committed to the Department of Social and Health Services, Juvenile Rehabilitation Administration, for a period of:

13  
14 Count I, minimum of 15 weeks with a maximum of 36 weeks.  
15 Count II, minimum of \_\_\_\_\_ weeks with a maximum of \_\_\_\_\_ weeks.  
16 Count III, minimum of \_\_\_\_\_ weeks with a maximum of \_\_\_\_\_ weeks.  
17  Total weeks minimum 15 with a maximum of 36 weeks.  
18  \_\_\_\_\_ days credit for time already served.

19 THE COMMITMENT TO JUVENILE REHABILITATION ADMINISTRATION IS SUSPENDED ON CONDITION THAT THE RESPONDENT HAVE NO VIOLATIONS OF THE DISPOSITION ORDER. IT IS ALSO SUSPENDED ON THE CONDITION THAT THE RESPONDENT DOES NOT FAIL IN MAKING SATISFACTORY PROGRESS IN TREATMENT.

20  
21 3.9 COUNSELING

22  The Respondent shall participate in counseling as directed by his/her probation officer.

23  The Respondent will participate in community-based rehabilitation programs as directed by his/her probation officer, RCW 13.40.020. These programs may include but are not limited to Functional Family Therapy and/or Aggression Replacement Therapy.

- 1
- 2  The Respondent shall obtain a Drug/Alcohol Evaluation by \_\_\_\_\_ and
- 3 follow the recommendations made therein.
- 4  The Respondent shall submit to random UA tests as required by the probation
- 5 office.
- 6  The Respondent shall obtain a Mental Health Intake and Assessment by \_\_\_\_
- 7 \_\_\_\_\_ and follow the recommendation for counseling made therein.
- 8  The Respondent will obtain a Mental Health Evaluation by \_\_\_\_\_ and
- 9 follow the recommendations for counseling made therein.
- 10  The Respondent will sign a Release of Information for the probation office to
- 11 receive evaluations and information.
- 12  The Respondent will follow the treatment recommendations as set out in
- 13 Appendix A which is attached and incorporated herein.
- 14  FURTHER, the Respondent shall: \_\_\_\_\_
- 15 \_\_\_\_\_
- 16 \_\_\_\_\_

15 3.10 ALCOHOL/DRUG RELATED OFFENSES, POSSESSION OF FIREARM IN  
 16 VEHICLE/ARMED WITH FIREARM IN VEHICLE INTEGRAL FUNCTION,  
 17 ARMED WITH OR POSSESSION OF FIREARM.

- 18  First Offense: The Respondent's driving privileges shall be revoked for a period
- 19 one (1) year or until the Respondent's 17<sup>th</sup> birthday, whichever is longer.
- 20  Second/subsequent Offense(s): The Respondent's driving privileges shall be
- 21 revoked for a period of two (2) years or until the Respondent's 18<sup>th</sup> birthday,
- 22 whichever is longer.
- 23  The Respondent may petition the Court for early reinstatement of his/her driving
- 24 privileges 90 days from the date of this Order or 90 days after the date the
- 25 juvenile turns 16, whichever is later, for a first offense and one (1) year from
- the day of this order for second or subsequent offense(s), or when the juvenile
- turns 17, whichever is later.
- The Respondent shall surrender his/her driver's license or permit to the Juvenile
- Court Administrator or his designee at the time of disposition of this case.

1 3.11 INELIGIBLE TO POSSESS FIREARM OFFENSE, RCW 9.41

2  The Respondent has been convicted of an offense, which makes him/her  
3 ineligible to possess a firearm. The Respondent shall not possess a firearm  
4 unless his/her right to do so is restored by a Court order.

5 3.12 The Respondent shall be required to abide by and fulfill the following conditions of  
6 community supervision/supervised probation:

7  Respondent shall report as required by his/her probation officer.

8  Respondent shall not change his/her residence without prior permission of the  
9 Juvenile Department.

10  Respondent shall attend school. Respondent will have NO periods of  
11 suspension and/or expulsion from school. These conditions may be waived at  
12 the discretion of the probation officer.

13  Respondent shall not leave Wahkiakum County <sup>or Pacific County</sup> for more than three (3)  
14 consecutive days without prior permission from the Juvenile Department.

15  Respondent shall not possess or consume any alcohol or drugs, unless prescribed  
16 by a physician.

17  Respondent shall obey all Municipal, County, State and Federal laws.

18  Respondent shall not associate with any known or suspected juvenile or adult  
19 offender(s) under the Court's and/or probation department's supervision,  
20 specifically: \_\_\_\_\_

21  Respondent shall abide by a curfew as directed by his/her probation officer.

22  Respondent shall not possess any firearms or weapons.

23  The Respondent will have NO contact with: WAW

24  The Respondent will NOT change any treatment providers without Court  
25 approval.

The Respondent will notify the probation officer prior to any change in the  
Respondent's address, educational program, or employment.

1  THE RESPONDENT SHALL NOT ATTEND THE PUBLIC OR  
2 PRIVATE ELEMENTARY, MIDDLE, OR HIGH SCHOOL ATTENDED  
BY THE VICTIM OR THE VICTIM'S SIBLINGS.

3  Other: Treatment provider will provide  
4 quarterly reports to the court

5 3.13 If the Respondent is detained, authorization is granted to provide the necessary medical  
6 and dental examinations and/or treatments, as professionally prescribed.

7 3.14 The Respondent will submit to a blood draw for DNA testing as required by the  
8 Juvenile Rehabilitation Administration.

9 3.15 **SEX RELATED OFFENSES**

10  Pursuant to RCW 70.24.340, the Health Department or its designee shall test the  
11 Respondent for HIV and DNA testing as soon as possible and the Respondent  
12 shall fully cooperate in said testing.

13  Pursuant to RCW 9A.44.130, the Respondent shall register as a sex offender. If  
14 the Respondent is not sentenced to serve a term of confinement, immediately  
15 upon sentencing he/she shall report to the Wahkiakum County Sheriff to  
16 register.

17 3.16  Pursuant to RCW 43.43.754, the juvenile will provide a biological sample  
18 collected for the purpose of DNA identification analysis.

19 3.17 **MOTOR VEHICLE OFFENSES**

20 [ ] THE JUVENILE HAS BEEN ADJUDICATED OF THEFT OF A MOTOR  
21 VEHICLE OR POSSESSION OF A STOLEN VEHICLE OR TAKING A  
22 MOTOR VEHICLE WITHOUT OWNER'S PERMISSION IN THE FIRST  
23 DEGREE OR SECOND DEGREE. A SENTENCE OF LOCAL SANCTIONS  
24 HAS BEEN IMPOSED.

25 [ ] The juvenile will participate in an evaluation to determine whether the juvenile  
is in need of community-based rehabilitation services and will complete any  
treatment recommended by the probation office as a result of the evaluation.

3.18 **EXTENSION OF JURISDICTION**

[ ] Jurisdiction is extended in this case to the Respondent's \_\_\_\_\_ birthday.

3.19 All counts within this cause shall run consecutively, unless otherwise specified.

1 3.20 IT IS FURTHER ORDERED that SSODA report is sealed  
2 except Juv Dept, Pres. Atty, Dist Atty, Treatment  
3 Provider

4 3.21 IT IS ORDERED that Count I (~~one~~) (is) hereby dismissed.

5 3.22 [ ] Jurisdiction and supervision is transferred to \_\_\_\_\_ County,  
6 which is the County of the Respondent's residence.

7 The Clerk will transfer the file to the Clerk in \_\_\_\_\_ County.

8 3.23 [✓] A TREATMENT REVIEW HEARING IS SET FOR THE 17  
9 DAY OF December, 2012, AT 10:30 AM AM/PM AT THE  
10 SUPERIOR COURT, CATHLAMET, WASHINGTON.

11 THE RESPONDENT IS REQUIRED TO APPEAR AT THE HEARING.

12 3.24 [✓] The Juvenile Department shall provide the school principal where the  
13 Respondent is enrolled a copy of this Order of Disposition - SSODA.

14 Dated: 1/9, 2012

[Signature]  
15 JUDGE

16 Presented by:

[Signature]  
17 JOHN G. WETLE  
18 Deputy Prosecuting Attorney  
19 WSBA No. 7533

[Signature]  
20 SCOTT JACOT  
21 Probation Officer

[Signature]  
22 MICHAEL W. FREY  
23 Attorney for Respondent  
24 WSBA No. 26087  
25

FINGERPRINTS	CERTIFICATE
	<p data-bbox="941 357 1242 493">KAY HOLLAND, Clerk of the Court, certify that the foregoing is a true copy of the Order of Disposition in this action on record in my office.</p> <p data-bbox="941 504 1242 535">Dated: _____</p> <p data-bbox="941 577 1242 640">By: _____ Deputy Clerk</p>

DATE: 01, 09, 2012

ATTESTED BY:

**Kay M. Holland**  
Clerk of Court

FINGERPRINTS OF:  
Anthony L. Wirkkala

By Donna [Signature]  
Deputy

Presented by:

[Signature]  
SCOTT JACOT  
Juvenile Probation Officer

- A.L.W.  
Defendant

[Signature]  
JOHN G. WETLE  
Deputy Prosecuting Attorney  
WSBA No. 7533

[Signature]  
MICHAEL W. FREY  
Attorney for Defendant  
WSBA No. 26087

1  
2  
3  
4  
**APPENDIX A**  
SSODA PROGRAM REQUIREMENTS

State v. Anthony L. Wirkkala  
Cause No. 11-8-00005-3

- 5 [X] Participate in a qualified SSODA program, either on a group or individual basis.
- 6 [X] Participate in weekly treatment for an estimated 24 months, depending on treatment progress. Treatment issues shall include the following:
- 7 • Increase sexual knowledge
  - 8 • Increase general comfort around sexual issues
  - 9 • Increase social skills
  - 10 • Development of a personal safety plan (*relapse prevention*)
  - 11 • Increase victim empathy
  - 12 • Dating skills
- 13 [X] Have no unsupervised contact with youth two or more years younger than the Respondent.
- 14 [X] Victim clarification required prior to contact with Respondent's younger brother (*recognize problem, complete treatment, apologize to brother and assure him it will never happen again*).
- 15 [X] Respondent is prohibited from accessing pornography. Installation of blocking software is required, and computer use shall be supervised.
- 16 [X] Treatment compliance ~~shall~~ be monitored every 6 months through a polygraph, **if available**.  
*Could*

17 Dated: 1/9, 2012

*Michael Bull*  
JUDGE

19  
20 *Scott Jacot*  
SCOTT JACOT  
Juvenile Probation Officer

*A.L.W.*  
Defendant

22  
23 *John G. Wetle*  
JOHN G. WETLE  
Deputy Prosecuting Attorney  
WSBA No. 7533

*Michael W. Frey*  
MICHAEL W. FREY  
Attorney for Defendant  
WSBA No. 26087

# Appendix E

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

FILED  
12 AUG -2 AM 10:36  
KAY M. HOLLAND, CLERK  
WAHKIAKUM COUNTY, WA  
BY R DEPUTY

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

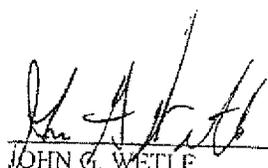
Juvenile Department

STATE OF WASHINGTON,	)	Cause No. 11-8-00005-3
	)	
Plaintiff,	)	MOTION AND AFFIDAVIT
	)	FOR HEARING ON MODIFICATION
vs.	)	OF COURT ORDER
	)	
A.L.W.	)	
	)	
Defendant,	)	
d.o.b. 04-22-98	)	
	)	

I. MOTION

The undersigned moves the court for an order modifying the dispositional order of January 9, 2012.

Dated: August 2, 2012.

  
 \_\_\_\_\_  
 JOHN G. WETLE  
 Deputy Prosecuting Attorney  
 WSBA No. 7533

MOTION & AFFIDAVIT FOR HEARING ON  
MODIFICATION OF COURT ORDER  
Page 1 of 2

**ORIGINAL**

**K**

Daniel H. Bigelow  
 Prosecuting Attorney  
 P.O. Box 397  
 Cathlamet, Washington 98612  
 (360) 795-3652

46



# Appendix F

FILED

12 AUG 20 AM 11:34

KAY M. HOLLAND, CLERK  
WAHKIAKUM COUNTY, WA

BY WJH DEPUTY

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

Juvenile Department

STATE OF WASHINGTON,	)	Cause No. 11-8-00005-3
	)	
Plaintiff,	)	
	)	ORDER MODIFYING
vs.	)	DISPOSITION
	)	
A. L. W.	)	
	)	
Defendant,	)	
d.o.b. 04-22-98	)	
	)	

I. HEARING

1.1 A motion to modify the dispositional order of January 9, 2012, was filed.

1.2 Persons appearing at the modification hearing held on August 20, 2012, were:

<input checked="" type="checkbox"/>	Juvenile.	
<input checked="" type="checkbox"/>	Juvenile's Lawyer:	<u>MR. Gray</u>
<input checked="" type="checkbox"/>	(Deputy) Prosecuting Attorney:	<u>John G. Wetle</u>
<input checked="" type="checkbox"/>	Probation Counselor:	<u>Scott Jacot</u>
<input checked="" type="checkbox"/>	Juvenile's Parent(s):	<u>Minnie Howerton</u>
<input type="checkbox"/>	Other:	_____

1.3 Testimony was taken from (see Clerk's minutes):

ORDER MODIFYING DISPOSITION  
Page 1 of 3

**ORIGINAL**

Daniel H. Bigelow  
Prosecuting Attorney  
P.O. Box 397  
Cathlamet, Washington 98612  
(360) 795-3652

S  
52

1  
2 **II. FINDINGS**

3 Based on the testimony heard and the case record to date, the Court finds:

4 2.1 That the State (has) (has not) proven by a preponderance of the evidence that the prior  
5 dispositional order was violated by failure to:

- 6  perform community service  pay a fine  
7  pay Crime Victim's assessment  make restitution payments as  
8 of \$\_\_\_\_\_ by \_\_\_\_\_. directed by probation counselor.  
9  report for detention scheduled on:  other: *Not access pornography as  
10 outlined in Appendix A of his Order  
11 of Disposition.*

11 The juvenile:

12  has shown that the violation was not a willful refusal to comply with the prior dispositional  
13 order.

14  has shown that he/she did not have the means to make the payments required or to perform  
15 community service.

16  has failed to show that the violation was not a willful refusal to comply with the prior  
17 dispositional order.

18  
19 **III. ORDER**

20 **IT IS ORDERED** that:

21  The disposition order shall remain in full force and effect.

22  The disposition order be modified as follows: \_\_\_\_\_  
23 \_\_\_\_\_  
24 \_\_\_\_\_  
25 \_\_\_\_\_

ORDER MODIFYING DISPOSITION  
Page 2 of 3

Daniel H. Bigelow  
Prosecuting Attorney  
P.O. Box 397  
Cathlamet, Washington 98612  
(360) 795-3652

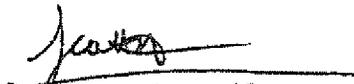
1  
2  The willful violation of the Court's order shall be punished by 14 days of  
3 confinement. Anthony will be released on 9/3/12 by noon.

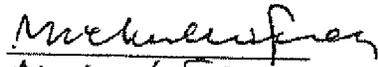
4  
5 Dated: August 20<sup>th</sup>, 2012

  
JUDGE/COMMISSIONER

6  
7 Presented by:

8  
9   
10 JOHN G. WETLE  
11 Deputy Prosecuting Attorney  
12 WSBA No. 7533

  
Juvenile Office

13   
14 Michael Frey  
15 Attorney for Defendant  
WSBA No. 26087

# HAYS LAW OFFICE

**September 09, 2013 - 9:47 AM**

## Transmittal Letter

Document Uploaded: 446375-Respondent's Brief.pdf

Case Name: State vs. Dwight A. Finch

Court of Appeals Case Number: 44637-5

**Is this a Personal Restraint Petition?** Yes  No

### The document being Filed is:

Designation of Clerk's Papers                      Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: \_\_\_\_

Answer/Reply to Motion: \_\_\_\_

Brief: Respondent's

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: \_\_\_\_

Hearing Date(s): \_\_\_\_\_

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: \_\_\_\_\_

### Comments:

No Comments were entered.

Sender Name: Cathy E Russell - Email: [jahayslaw@comcast.net](mailto:jahayslaw@comcast.net)

A copy of this document has been emailed to the following addresses:

[donnabaker@qwestoffice.net](mailto:donnabaker@qwestoffice.net)

[pamloginsky@waprosecutors.org](mailto:pamloginsky@waprosecutors.org)