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FILED
CLALLAM COUNTY

MAR 18 2015

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BARBARA CHRISTENSEN CLERK

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

NO. 08-1-00340-9

STATE OF WASHINGTON,

Plaintiff,

vs.

COREAN OMARUS BARNES,

Defendant.

ORDER TRANSFERRING
DEFENDANT'S MOTION AS A
PERSONAL RESTRAINT PETITION
AS REQUIRED BY CrR7.8(c)(2)

Clerk's Action Required

THIS MATTER comes on regularly before the undersigned upon the Defendant's "Motion To Vacate his Convictions for First Degree Burglary and Unlawful Imprisonment" filed January 21, 2015. Having reviewed the Defendant's Motion, and the records and files herein, and the "State's Response to CrR 7.8 Motion", and being fully advised in the premises, the Court hereby determines as follows:

Since Defendant's Motion comes less than one year after the mandate was issued by the Court of Appeals disposing of his timely direct appeal from the conviction, it is therefore not time-barred under RCW 10.73.090. The Court finds that Defendant has not made a substantial showing that he is entitled to relief, and that resolution of the Motion does not require a factual hearing.



Record Certification: I Certify that the electronic copy is a correct copy of the original, on the date filed in this office, and was taken under the Clerk's direction and control
Clallam County Clerk, by Deputy #pages

1 - ORDER TRANSFERRING DEFENDANT'S MOTION AS A
PERSONAL RESTRAINT PETITION AS REQUIRED BY
CrR7.8(c)(2)

CLALLAM COUNTY
PROSECUTING ATTORNEY
Clallam County Courthouse
223 East Fourth Street, Suite 11
Port Angeles, Washington 98362-3015
(360) 417-2301 FAX 417-2469

1 The Court therefore concludes that the Defendant's Motion must be transferred to the
2 Court of Appeals as a Personal Restraint Petition pursuant to CrR 7.8(c)(2).

3 Based on the foregoing, it is hereby ORDERED that the Defendant's Motion to Vacate
4 shall be transferred to Division II of the Washington State Court of Appeals for consideration
5 as a Personal Restraint Petition.

6
7 DONE IN OPEN COURT this 18 day of March, 2015.

8 Christopher Key
9 JUDGE

10 Presented by:
11 MARK B. NICHOLS
12 Prosecuting Attorney

13 John Troberg WBA # 11548
14 (Deputy) Prosecuting Attorney
15 JT/at

16 Copy received, ^{argument made for the record} ~~approved for entry~~
17 notice of presentation waived:

18 Harry Gasnick WBA # _____
19 ~~HARRY GASNICK~~ ^{proc}
20 Attorney for Defendant

21
22
23
24 2 - ORDER TRANSFERRING DEFENDANT'S MOTION AS A
25 PERSONAL RESTRAINT PETITION AS REQUIRED BY
CrR7.8(c)(2)

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IN THE SUPERIOR COURT OF WASHINGTON FOR AND
IN CLALLAM COUNTY

FILED
CLALLAM COUNTY CLERK

2015 JAN 21 A 11:00

BARBARA CHRISTENS

STATE OF WASHINGTON,)
Plaintiff,)
)
VS.)
)
COREAN O. BARNES,)
Defendant,)
_____)

NO. 08-1-00340-9

Motion To Vacate Conviction
And/ Or Coram Nobis
(Pursuant To 7.8(b)(4),(5))

- I. Comes now the Defendant Corean Barnes, Pro Se Respectfully Requesting of this Honorable Court to Grant this Motion To Vacate his Convictions for First Degree Burglary and Unlawful Imprisonment.
- II. The Defendant appeared before the Honorable Judge Kenneth D. Williams.
- III. The State being represented by: Ann Lundwall, of the Clallam County Prosecutors office.
- IV. The Defendant being represented by: Alex Stalker and Harry Gasnick, of the Clallam County Public Defenders office.
- V. The Defendant went to Jury Trial and recieved a sentence of 126 months to life.

GROUNDS

The Authority and Reasons for this Honorable Court to Grant the above Motion To Vacate is set forth in the Brief in Support of that is attached hereto. (See Brief and Exhibits in Support)



Record Certification: I Certify that the electronic copy is a correct copy of the original, on the date filed in this office, and was taken under the Clerk's direction and control.
Clallam County Clerk, by *[Signature]* Deputy # pages: 189

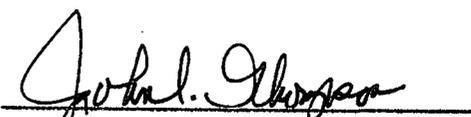
RELIEF SOUGHT

The Defendant Corean Barnes, Pro Se Respectfully Request of this Honorable Court To Grant this Motion To Vacate his conviction for Burglary in the First Degree and Unlawful Imprisonment and Grant him a New Trial and/or Dismiss with Prejudice in the interest of justice due to the reversal of the predicate offense thus removing the elements that is needed to sustain that conviction. (See Brief and Exhibits in Support)

I Corean Barnes declare under the penalty of perjury that the above is true and correct on this 24th day of December, 20 14. At Stafford Creek Correction Center.


Corean O. Barnes- 317817

Subscribed and Sworn To Before Me this 24 day of December, 20 14


Notary Public in and for the State of Washington.
Residing in Aberdeen, Wa.
My Comm. Expires 6/6/18



NO: 08-1-00340-9

IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR CLALLAM COUNTY

STATE OF WASHINGTON,
Plaintiff,

VS.

COREAN BARNES,
Defendant.

BRIEF IN SUPPORT

COREAN BARNES
Defendant-Pro Se

Corean Barnes- 317817
Stafford Creek Corr. Cntr.
191 Constantine Way
Aberdeen, Wa. 98520

TABLE OF AUTHORITIES

FEDERAL CASES :

In Re Winship, 397 u.s. 358,362,90 s.ct. 1068 (1970).....1
Jackson v. Virginia, 443 u.s. 307,361,99 s.ct. 2781 (1979).....3
United States v. Botello, 360 F. Supp. 620 (D. Haw. 1973).....3
U.S. v. Goodwin, 492 F.2d 1141 (1974).....5

STATE CASES :

In Re Martinez, 171 wn.2d 354, 256 p.3d 277 (2011).....1,3
City of Seattle v. Gellin, 112 wash.2d 58, 62, p.2d (1989).....3
Harris v. Halverson, 23 wash. 779, 63, p. 549 (1901).....3
Leda v. Whisnand, 150 Wash.App. 69, 207 p.3d 468 (2009).....2
State v. Davis, 177 Wn.App. 454, 311 p.3d 1278 (2013).....5
State v. Dow, 162 Wash. App. 324, 253 p.3d 476 (2011).....1
State v. Garcia, 318 p.3d 266 (2014).....3
State v. Gotcher, 52 Wn. App. 350, 759 p.2d 1216 (1988).....2
State v. Greathouse, 113 Wash. App. 889, 56 p.3d 569 (2002).....2
State v. Green, 94 wn.2d 216, 227, 616 p.2d 628 (1980).....4
State v. Hickman, 135 Wn.2d 97, 954 p.2d 900 (1998).....1
State v. Johnson, 172 Wn.App. 112, 297 p.3d 710 (2012).....4
State v. Kier, 164 Wash. 2d 798, 803, 194 p.3d 212 (2008).....5
State v. Kinchen, 92 Wash.App. 442, 963 p.2d 928 (1998).....6
State v. Kjorsvik, 117 Wash.2d 93, 101, 812 p.2d 86 (1991).....6
State v. Leach, 113 Wash. 2d 679, 782 p.2d 552 (1989).....1
State v. Michielle, 132 Wn.2d 229, 937 p.2d 587 (1997).....3
State v. Phuong, 299 p.3d (2013).....6
State v. Smith, 155 Wn.2d 496, 120 p.3d 559 (2005).....1
State v. Thomas, 71 Wash. App. 634, 643, 861 p.2d 492 (1993).....4
State v. Warfield, 103 Wn.App. 152, 5 p.3d 1260, 1283 (2000).....4
State v. Washington, 135 Wn.App. 42, 48, 143 p.3d 606 (2006).....2,4
State v. Zumwalt, 119 Wash. App. 126, 129-32, 82 p.3d 672 (2003).....5

CONSTITUTIONAL PROVISIONS :

U.S. CONST. AMEND. VI.....1
U.S. CONST. AMEND. XIV.....1,6
WA. CONST. ART. 1 sec. 3.....1
WA. CONST. ART. 1 sec. 22.....1

WASHINGTON STATUTES:

RCW 59.04.020.....2
RCW 59.18.200.....2
RCW 59.20.070.....2
RCW 59.20.073.....3
RCW 9A.40.040(1).....4
RCW 9A.52.020.....1

OTHER AUTHORITIES:

BLACK'S LAW DICTIONARY 559 (8th Ed. 2004).....1

The Court of Appeals Reversal of the predicate offense has
Removed a key Element That is Needed To Sustain The Crime
and/or Conviction of Burglary in The First Degree.

FIRST GROUND

The Due Process Clause of the Fourteenth Amendment requires the prosecution to prove beyond a reasonable doubt every element of a crime charged. U.S.C.A. Const. Amend. XIV; Rcw Const. Art 1 sec. 3. " Criminal defendants are presumed innocent, and the government must prove guilt beyond a reasonable doubt." In Re winship, 397 u.s. 358,362, 90 s.ct. 1068, 25 L.Ed.2d 368(1970); State v. Kjorsvik, 117 wash.2d 93, 101,812 p.2d 86(1991). "Elements" are the constituent parts of a crime, usually consisting of the actus reus, mens rea, and causation, that the prosecution must prove to sustain a conviction. Black's Law Dictionary 559 (8th Ed. 2004) "If a reviewing court finds insufficient evidence to prove an element of a crime, reversal is required." In Re Martinez, 171 wn.2d 354, 256 p.3d 277 (2011).

In order to prove First Degree Burglary as defined in RCW 9A.52.020 on the basis of an Assault committed therein, the State had to show that Mr. Barnes (1) Entered or Remained Unlawfully in a dwelling (2) With an intent to commit a crime against a person or property therein and (3) Assaulted any person. State V. Dow, 162 Wash.App. 324, 253 p.3d 476 (2011); State V. Hickman, 135 wn.2d 97, 954 p.2d 900(1998); State V. Smith, 155 wn.2d 496, 120 p.3d 559(2005). Under the "Essential Elements" rule a charging document must allege facts supporting every element of the offense, in addition to adequately identifying the crime charged. U.S.C.A. Const. Amend. VI; Wa. Const. Art.1 sec. 22. State V. Leach, 113 Wash.2d 679, 782 p.2d 552(1989);

State V. Greathouse, 113 wash.App. 889,56 p.3d 569(2002);
State V. Washington, 135 wn.App. 42,48,143 p.3d 606(2006).

In the case before this Honorable Court the prosecution has no longer met the burden that is needed to prove that Mr. Barnes committed the crime of Burglary in the First Degree. Mr. Barnes and Mr. Johnson lived together until the middle to the end of August. RP 306(Via Mr. Johnson's Testimony) Mr. Barnes moved into the residence of 121 Victoria View in July of 2008 with the verbal permission of the landlord with the understanding that he would pay the amount of 300 dollars a month and because this was a temporary basis Mr. Barnes was not put on the lease, his tenancy was from Month to Month. RCW 59.04.020. Mr. Barnes gave Mr. Johnson 150 dollars every two weeks to pay to the Landlord however Mr. Barnes did not get a receipt from Mr. Johnson or the Landlord. Upon Mr. Johnson's arrival to the Victoria View residence on August 19,2008 Mr. Barnes was doing laundry.RP 317. At no time did the landlord put anything in writing to evict Mr. Barnes from the Victoria View home as is required by Washington State Law. See RCWA 59.04.020; 59.18.200; 59.20.070 and as such Mr. Johnson did not have a legal right or authority to evict Mr. Barnes. See Leda V. Whisnand, 150 Wash.App. 69,207, p.3d 468(2009). At the time of Mr. Barnes' arrest all of his belongings were in the Victoria View residence. Mr. Johnson's own testimony from 2009 and 2012 established that nothing was ever placed in writing; and that Mr. Barnes was never informed of the new agreement about him being evicted.RP 309. Mr. Johnson's conflicting testimony is not sufficient evidence to sustain Mr. Barnes' First Degree Burglary Conviction, especially when legal court documents established that 121 Victoria View was in fact Mr. Barnes' legal residence(See Exhibits Attached). The prosecution has not met their burden to prove every element of the crime. State V. Gotcher, 52 wn.App. 350, 759 p.2d 1216(1988) " Conviction based on insufficient evidence implicates Due Process Clause of the Fourteenth

Amendment." Jackson V. Virginia , 443 u.s. 307, 316, 99 s. ct. 2781, 61 L.Ed.2d 560(1979); In Re Martinez, 171 wn.2d 354,256 p.3d 277(2011); State V. Garcia, 318 p.3d 266(2014)

Under the landlord-Tenant Act in order to evict Mr. Barnes a Twenty to Thirty Day notice had to be given by the Landlord which Mr. Johnson was not. See RCWA 59.20.073 (5),(6). United States V. Botello, 360 F.Supp. 620(D.Haw. 1973); Harris V. Halverson, 23 wash. 779, 63 p.549(1901). Mr. Barnes legally lived at 121 Victoria View in Sequim, Wa. therefore he did not Enter or Remain Unlawfully."The State has the burden of proving each element of the crime charged beyond a reasonable doubt." City of Seattle V. Gellin, 112 Wash. 2d 58, 62, 768 p.2d 470(1989). "Legislative intent is derived first and foremost from the language of the statute. When words in statute are clear and unequivocal, courts must apply statute as written." State V. Michielli, 132 wn.2d 229,937 p.2d 587(1997).

Moreover, the Appellate Courts Division II reversed the predicate offenses of both counts of Rape in the Second Degree, thus removing an element that is needed to sustain the conviction for First Degree Burglary(3. Assault Any Person). (See Exhibits Attached). The Burglary Conviction can not stand alone, the facts for the First Degree Burglary conviction is no longer there and with key elements missing the State has not met their burden and as such the First Degree Burglary Conviction must be Vacated, and Remanded Back to this Honorable Court. The prosecution alleged that Mr. Barnes Entered Mr. Johnsons' home without permission, with the intent to commit a crime, and that Mr. Barnes Assaulted Any Person(That person being Ms. Christina Russell) and that this occurred on August 15, 2008 in the State of Washington. With the Reversal of the predicate offenses Mr. Barnes is Actually Innocent of the crime of Burglary in the First Degree.

Also Mr. Johnson relayed to the mother of his child (Emily Beadle) that "He got Mr. Barnes arrested for something that he did not do." (See Exhibits Attached) Mr. Barnes' conduct does not support his conviction fo First Dgree Burglary therefore making the statute unconstitutionally vague and as such a violation of Mr. Barnes' rights to Due Process which is gauranteed by the Fourteenth Amendment.

THE DUE PROCESS AND EQUAL PROTECTION CLAUSE OF THE
FOURTEENTH AMENDMENT REQUIRES REVERSAL WHEN ON CRIME
MERGES WITH THE OTHER AND THERE HAS BEEN A REVERSAL
OF THE INITIAL PREDICATE CRIME.

To be guilty Unlawful Imprisonment Mr. Barnes must have knowledge of every fact necessary to constitute a "Restraint." A restraint that is merely incidental to the commission of another crime does not constitute kidnapping and probably does not constitute Unlawful Imprisonment. STATE V. WARFIELD, 103 Wn.App.152,5 p.3d 1280,1283(2000); STATE V. GREEN, 94 Wn.2d 216 227,616 p.2d 628(1980). For purposes of establishing that the crime of Unlawful Imprisonment has occured, a substantial interference with the victims' liberty is a real or material interference with the liberty of the victim as contrasted with a petty annoyance, a slight inconvinence, or an imaginary conflict. RCW 9A.40.040(1) STATE V. WASHINGTON, 135 Wn.App. 42,143 p.3d 606 (2006). The presence of a means of escape may help to defeat a prosecution for Unlawful Imprisonment. STATA V. THOMAS, 71 Wash. App. 634,643, 861 p.2d 492 (1993); STATE V. JOHNSON, 172 Wn. App. 112,297 p.3d 710 (2012).

In the present case before this Honorable Court, Mr. Barnes had to have knowledge that he was acting in an unlawful manner and that he was actually unlawfully restraining Ms. Russell. Ms. Russell came and left as she pleased never once being forced to stay with Mr. Barnes. At one point Ms. Russell even contemplated that if she left Mr. Barnes then her chance to get something on him to be arrested would be taken away. Ms. Russell's own willingness to stay does not support a conviction for Unlawful Restraint or Unlawful Imprisonment. Felony Unlawful Imprisonment requires proof that the accused acted knowingly. Thus, he must have been aware that he was restraining his victim, and that the restraint was unlawful. Mr. Barnes interacting with his intimate partner does not constitute Unlawful Imprisonment. "Guilt or Innocence, of accused as to particular crime should be determined solely on the basis of evidence relevant to that crime." U.S. V. GOODWIN, 492 F.2d 1141 (1974). Merger issues involve questions of law reviewed De Novo. "Where a defendant's act supports charges under two criminal statutes, a court weighing a double jeopardy challenge must determine whether, in light of legislative intent, the charged crimes constitute the same offense." STATE V. KIER, 164 Wash.2d 798, 803, 194 p.3d 212 (2008); STATE V. DAVIS, 177 Wn.App. 454, 311 p.3d 1278 (2013); STATE V. ZUMWALT, 119 Wash. App. 126, 129-32, 82 p.3d 672 (2003).

The State at sentencing conceded ~~ed that~~ the crime of Unlawful imprisonment Merged with the predicate offenses and as such one could not stand without the other. It was determined by the sentencing court that Mr. Barnes' convictions were all the same course of criminal conduct. See STATE V. KINCHEN, 92 Wash.

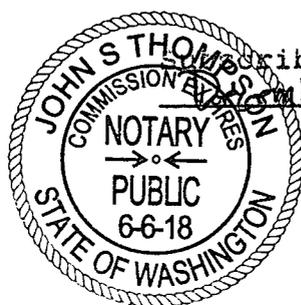
App. 442,963, p.2d 928 (1998); STATE V. PHUONG, 299 p.3d 37 (2013). Merger does not concern the evidences sufficiency, instead, where an offense is proved, that offense is thereafter exstinguished upon its merger into another offense. According to the State the entire event that day could have been considered Unlawful Imprisonment. Furthermore, the State in their brief to the Court of Appeals stated "That it does not believe that the "Hostage Holder"exception applies to these facts." (See Exhibits Attached). A "Hostage Holder" is someone that commits the crime of Unlawful Imprisonment however with the reversal of the predicate offenses the Unlawful Imprisonment charge cannot stand. To allow that conviction to stand would be a violation of Mr. Barnes' rights to Due Process which is provided by and through the Constitution. U.S.C.A. Const. Amend. XIV

RELIEF

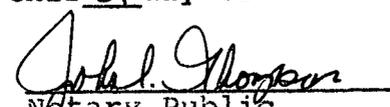
It is Respectfully Requested of this Honorable Court to Vacate Mr. Barnes' Conviction for Burglary in the First Degree and for Unlawful Imprisonment and Remand back to this Honorable Court for and New Trial and / or Dismiss with Prejudice.

I Corean Barnes declare that the adove is true and correct on this 24th day of December, 20 14 At Stafford Creek Corr. Cntr.


COREAN BARNES - 317817



scribed and Sworn to before me this 24 day of December 20 14


Notary Public
in and for the
State of Wa. Residin
Aberdeen, Wa.
My Comm. Expires 6/6/18

APPENDIX A

NO. 13

A person commits the crime of BURGLARY IN THE FIRST DEGREE when he or she enters or remains unlawfully in a building with intent to commit a crime against a person or property therein, and if, in entering or while in the building or in immediate flight therefrom, that person assaults any person.

NO. 14

To convict the Defendant of the crime of BURGLARY IN THE FIRST DEGREE as charged in Count III, each of the following elements of the crime must be proved beyond a reasonable doubt:

- (1) That on or about August 15, 2008, the Defendant entered or remained unlawfully in a building;
- (2) That the entering or remaining was with intent to commit a crime against a person or property therein;
- (3) That in so entering or while in the building or in immediate flight from the building, the Defendant assaulted a person; and
- (4) That the acts occurred in the State of Washington.

If you find from the evidence that each of these elements has been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all the evidence, you have a reasonable doubt as to any one of these elements, then it will be your duty to return a verdict of not guilty.

NO. 17

A person enters or remains unlawfully in or upon premises when he or she is not then licensed, invited, or otherwise privileged to so enter or remain.

No. 18

The defendant is charged in count III with BURGLARY IN THE FIRST DEGREE. If, after full and careful deliberation on this charge, you are not satisfied beyond a reasonable doubt that the defendant is guilty, then you will consider whether the defendant is guilty of the lesser crime of CRIMINAL TRESSPASS IN THE FIRST DEGREE.

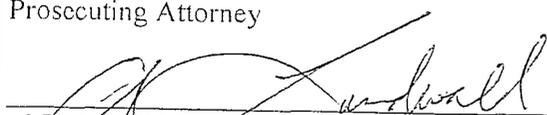
When a crime has been proved against a person, and there exists a reasonable doubt as to which of two or more crimes that person is guilty, he or she shall be convicted only of the lowest crime.

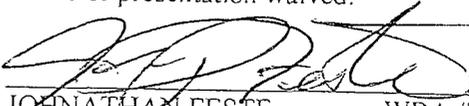
1
2 **DONE IN OPEN COURT** and in the presence of Defendant this date: June 25, 2009.

3
4 
KENNETH D. WILLIAMS, JUDGE
Print Name:

5 Presented by:
6 DEBORAH S. KELLY
Prosecuting Attorney

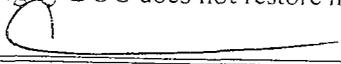
Copy received, approved for entry
notice of presentation waived: -

7 
8 ANN LUNDWALL WBA #27691
(Print Name.)
(Deputy) Prosecuting Attorney

9 
JOHNATHAN FESTE WBA # 29966
(Print Name.)
Attorney for Defendant

10 /am 
11 COREAN OMARUS BARNES, Defendant

12 **Voting Rights Statement:** I acknowledge that I have lost my right to vote because of this felony
13 conviction. If I am registered to vote, my voter registration will be cancelled. My right to vote may be
14 restored by: a) a certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) a court
15 order issued by the sentencing court restoring the right, RCW 9.92.066; c) a final order of discharge
16 issued by the indeterminate sentence review board, RCW 9.96.050; or d) a certificate of restoration
issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW
29A.84.660. Registering to vote before the right is restored is a class C felony, RCW 29A.84.140.
Termination of monitoring by DOC does not restore my right to vote.

Defendant's signature: 

17 I am a certified interpreter of, or the court has found me otherwise qualified to interpret, the
18 _____ language, which the defendant understands. I
19 translated this Judgment and Sentence for the defendant into that language.

20 Interpreter signature/Print name: _____

VI. IDENTIFICATION OF THE DEFENDANT

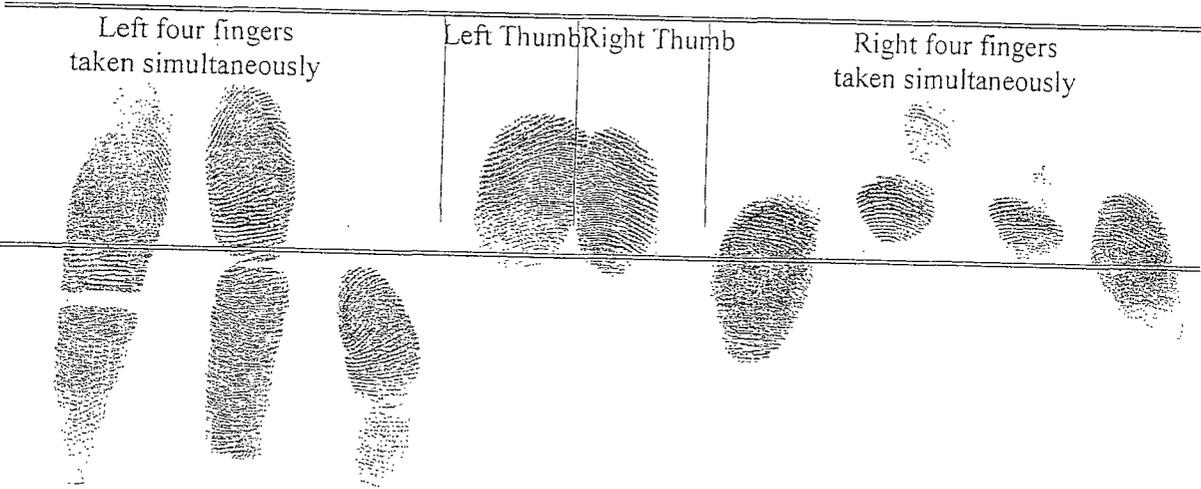
If no SID, complete a separate Applicant card (form FD-258) for State Patrol

SID No.	WA22113507	Date of Birth	11/12/1982
FBI No.	8209KB0	Date of Arrest	08/19/2008
DOL No. (for traffic convictions)		Local ID No. (pick one):	<input checked="" type="checkbox"/> WA0050000 (CCSO) <input type="checkbox"/> WA0050100 (PAPD) <input type="checkbox"/> WA0050200 (Forks PD) <input type="checkbox"/> WA0050300 (Sequim PD) <input type="checkbox"/> WAWSP8000 (WSP)
PCN No.	966012871	OCA	08-08578
		Other	DOC No. 317817
Alias name, DOB:	a/k/a Corgano Barnes, Cantrell Barnes, Lonney M. Barnes, Roosevelt Barnes, Roosevelt Times, Gerard Barnes, Lonnie Barnes, Kenrtrall Lear 5'11", 228 lbs., brown eyes, black hair		
LKA:	121 Victoria View, Sequim, Washington 98382		

Race:	Ethnicity:	Sex:
<input type="checkbox"/> Asian/Pacific Islander	<input checked="" type="checkbox"/> Black/African-American	<input type="checkbox"/> Hispanic
<input type="checkbox"/> Caucasian	<input type="checkbox"/> Native American	<input checked="" type="checkbox"/> Male
<input type="checkbox"/> Other:	<input checked="" type="checkbox"/> Non-Hispanic	<input type="checkbox"/> Female

Fingerprints: I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto.

Clerk of the Court: Seena Goss, Deputy Clerk. Dated: 6-25, 2009
 DEFENDANT'S SIGNATURE: KA



*12/02/2009 9:03 AM

D O C K E T

*DEFENDANT

BARNES, COREAN OMARUS
121 VICTORIA VIEW
SEQUIM WA 98382

*This is the address I
was living at but I
was charged with the
Burglary.*

CASE: 16288006 POP
Criminal Traffic
Agency No. C61255

*Home Phone: 3604403922

AKA BARNES, COREAN O

*** WARRANT ISSUED ***
*** FTA ISSUED ***

OFFICER

00716 POP HOLDEN, TREY

SGT

CHARGES

Violation Date: 10/19/2006	DV Plea	Finding
1 46.20.342.1B DWLS 2ND DEGREE	N Not Guilty	Guilty

TEXT

S 11/17/2006 Case Filed on 11/17/2006 EOS
 DEF 1 BARNES, COREAN OMARUS Added as Participant
 OFF 1 HOLDEN, TREY Added as Participant
 ARR YN Set for 12/11/2006 01:30 PM
 in Room 1 with Judge TSD

11/22/2006 Notice Issued for ARR YN on 12/11/2006 01:30 PM KME
 U 12/11/2006 DEFENDANT FAILS TO APPEAR. EOS
 CITY REPRESENTED BY BUSKIRK
 WARRANT ORDERED IN THE AMOUNT OF \$7500

S BENCH Warrant Ordered
 Print on or after 12/11/2006
 Warrant expires on 12/11/2011
 FTA Ordered

U -----DECKER
 S FTA Issued, Amount Due 500.00 SYS
 ARR YN: Not Held, Hearing Canceled EOS
 OTH: Held

12/18/2006 BENCH Warrant Issued for SYS
 Fail To Appear For Hearing
 Bail: 7,500.00 + 0.00 Warrant Fee; Total Bail 7,500.00

03/09/2007 OTH BW Set for 03/12/2007 01:30 PM KME
 in Room 1 with Judge TSD

U 03/12/2007 DEFENDANT FAILS TO APPEAR. EOS
 CITY REPRESENTED BY BUSKIRK
 WARRANT TO REMAIN OUTSTANDING

S -----DECKER
 OTH BW: Held

04/06/2007 OTH BW Set for 04/09/2007 01:30 PM KME
 in Room 1 with Judge TSD

U 04/09/2007 DEFENDANT FAILS TO APPEAR. EOS
 CITY REPRESENTED BY BUSKIRK
 WARRANT TO REMAIN OUTSTANDING

S -----CAULKINS
 OTH BW: Not Held, Hearing Canceled
 OTH: Held

CASE: 16288006 POP
Criminal Traffic
Agency No. C61255

DEFENDANT
BARNES, COREAN OMARUS

TEXT - Continued

S 05/28/2008 Revoked Suspended Jail : 30 D DMH
06/25/2008 PCN added to case MEP
U 07/22/2008 DEF APPEARED WITH COUNSEL, LITTLE CLP
CITY REPRESENTED BY BUSKIRK
PROOF OF DV TREATMENT COMPLIANCE FILED
DEF HAS A NEW VIOLATION
MOT & CERTIFICATE FOR ORDER REVOKING SUSPENDED SENTENCE FILED
DEF REQUESTS CONTINUANCE - GRANTED
S MOT REVOK Set for 09/16/2008 09:00 AM
in Room 1 with Judge TSD
U -----DECKER
S OTH COMP: Held
08/13/2008 RSJ Review Date Changed to 10/10/2008 EOS
08/25/2008 MOT REVOK on 09/16/2008 09:00 AM DMH
Changed to Room 316 with Judge TSD
U 09/03/2008 DEF HAS A NEW VIOLATION, FORWARDED TO PA CLP
09/04/2008 MOT & CERTIFICATE FOR ORDER REVOKING SUSPENDED SENTENCE FILED
09/16/2008 DEFENDANT FAILS TO APPEAR.
ATTY LITTLE PRESENT
CITY REPRESENTED BY MOSCA
WARRANT ORDERED IN THE AMOUNT OF \$5000
U -----DECKER
S MOT REVOK: Held
09/17/2008 BENCH Warrant Ordered
Print on or after 09/17/2008
Warrant expires on 09/17/2013
09/22/2008 BENCH Warrant Issued for SYS
Fail To Appear For Hearing
Bail: 5,000.00 + 0.00 Warrant Fee; Total Bail 5,000.00
10/15/2008 Imposed date for RSJ changed to 05/27/2008 DMH
U 10/17/2008 OCT PROB RPT - SENT INQUIRY TO JAIL RE: JAIL TIME
11/14/2008 OCTOBER PROB RPT - SENT INQUIRY TO JAIL RE: JAIL TIME EOS
S 11/17/2008 Defendant Complied with Revoked Suspended Jail
U 01/30/2009 JAN PROB RPT - NO NEW VIOLATIONS SINCE LAST RPT IN SEPT'08, CLP
CASE IS IN WARRANT STATUS
S 02/02/2009 ATY 1 ROVANG, W. DAVID Removed DMH
U 07/13/2009 JULY PROB RPT - NO NEW VIOLATIONS, CASE IS IN WARRANT STATUS CLP
10/13/2009 PETITION TO WAIVE PENALTY FOR TRAFFIC INFRACTION PURSUANT DMH
TO RCW 46.63.120(2) FILED BY DEF
LETTER DENYING REQUEST SENT TO DEF AT WALLA WALLA PRISON
10/30/2009 LETTER FROM DEF REQUESTING COPIES OF RECORD
11/04/2009 NOTICE OF IMPRISONMENT & REQUEST FOR FINAL DISPOSITION EOS
OF UNTRIED MISDEMEANOR INDICTMENT, INFORMATION OR COMPLAINT
FILED BY DEF.
DETAINER OR WARRANT RESOLUTION REQUEST FILED BY DEF
S MOT DEFYN Set for 12/08/2009 09:00 AM
in Room 316 with Judge TSD
* 11/05/2009 Notice Issued for MOT DEFYN on 12/08/2009 09:00 AM KME
U SUMMONS MAILED TO VICTORIA VIEW, SEQUIM ADDRESS EOS

PORT ORCHARD MUNICIPAL COURT
216 PROSPECT STREET PORT ORCHARD, WA 98366
PHONE: (360) 876-1701

RE: CITY OF PORT ORCHARD
November 05, 2009

vs. BARNES, COREAN OMARUS

YOUR ARRAIGNMENT WAS 07/17/2007

Cause No. 16288008 POP CN
Violation Date 01/30/2007
Violation

BARNES, COREAN OMARUS
121 VICTORIA VIEW
SEQUIM WA 98382

DV-PROTECTION ORDER VIOLATION

SUMMONS/NOTICE TO APPEAR

IN THE NAME OF THE STATE OF WASHINGTON, YOU ARE HEREBY SUMMONED AND ORDERED TO APPEAR ON THE FOLLOWING DATE AND TIME.

TIME: 09:00 AM

DATE: December 08 2009

DEFENSE MOTION

JUDGE: Court Rm 316 DECKER, TARRELL S

COURT APPEARANCE IS MANDATORY. YOUR FAILURE TO APPEAR
WILL RESULT IN THE ISSUANCE OF A WARRANT FOR YOUR ARREST.

cc: Pros. Atty.:
Officer:
Defense Atty.:
Bondsman:

ARRAIGNMENT
TRIAL
SENTENCING
X HEARING MOT DEFY

By: HUNT, DEBORAH M
Court Administrator

KME

PORT ORCHARD MUNICIPAL COURT
216 PROSPECT STREET PORT ORCHARD, WA 98366
PHONE: (360) 876-1701

RE: CITY OF PORT ORCHARD
November 05, 2009

vs. BARNES, COREAN OMARUS

YOUR ARRAIGNMENT WAS 07/17/2007

Cause No. 16288007 POP CN

Violation Date 11/30/2006

Violation

DV-PROTECTION ORDER VIOLATION

BARNES, COREAN OMARUS
121 VICTORIA VIEW
SEQUIM WA 98302

SUMMONS/NOTICE TO APPEAR

IN THE NAME OF THE STATE OF WASHINGTON, YOU ARE HEREBY SUMMONED AND ORDERED TO APPEAR ON THE FOLLOWING DATE AND TIME.

TIME: 09:00 AM

DATE: December 08 2009

DEFENSE MOTION

ARRAIGNMENT
TRIAL
SENTENCING
X HEARING MOT DEFY

JUDGE: Court Rm 316 DECKER, TARRELL S
 COURT APPEARANCE IS MANDATORY. YOUR FAILURE TO APPEAR
WILL RESULT IN THE ISSUANCE OF A WARRANT FOR YOUR ARREST.

cc: Pros. Atty.:
Officer:
Defense Atty.:
Bondsman:

By: HUNT, DEBORAH M
Court Administrator KME

PORT ORCHARD MUNICIPAL COURT

216 PROSPECT STREET PORT ORCHARD, WA 98366
PHONE: (360) 876-1701

RE: CITY OF PORT ORCHARD
November 05, 2009

vs. BARNES, COREAN OMARUS

YOUR ARRAIGNMENT WAS 07/17/2007

Cause No. 16288006 POP CT
Violation Date 10/19/2006
Violation

DWLS 2ND DEGREE

BARNES, COREAN OMARUS
121 VICTORIA VIEW
SEQUIM WA 98382

SUMMONS/NOTICE TO APPEAR

IN THE NAME OF THE STATE OF WASHINGTON, YOU ARE HEREBY SUMMONED AND ORDERED TO APPEAR ON THE FOLLOWING DATE AND TIME.

TIME: 09:00 AM

DATE: December 08 2009

DEFENSE MOTION

JUDGE: Court Rm 316 DECKER, TARRELL S

ARRAIGNMENT
TRIAL
SENTENCING
X HEARING MOT DEFYI

COURT APPEARANCE IS MANDATORY. YOUR FAILURE TO APPEAR
WILL RESULT IN THE ISSUANCE OF A WARRANT FOR YOUR ARREST.

cc: Pros. Atty.:
Officer:
Defense Atty.:
Bondsman:

By: HUNT, DEBORAH M
Court Administrator KME

Subject: Barnes--Emily Beadle

From: Leigh Hearon <leigh@hearoninvestigations.com>

Date: 9/9/2012 1:01 PM

To: Alex Stalker <astalkercpd@olypen.com>

Mr. Stalker,

I finally spoke to her this morning. She had a short relapse about six months ago, when I first tried to find her, but now is back in her parents' home in PA, with her son, and sober.

Emily remembers meeting Corean at Kenny Johnson's home a few months after her son was born on 2/9/08 (Kenny is the bio dad). Kenny introduced Corean as his new room mate who was going to help out around the house. Emily had seen Corean before at some local establishment working as a bouncer. Emily remembers talking to Corean for about five minutes. It was the only time that she spoke to Corean (other than showing him her ID in his professional capacity).

Emily couldn't place the date of this meeting any more clearly, but it sounds as if it occurred before August, 2008. She recalled that Corean definitely was in Kenny's "good graces" when she met him. She heard later that Corean and Kenny had had a big falling out.

There is no established parenting plan between Emily and Kenny. But Emily was allowing Kenny to take their son for a few hours at a time. Over time, this turned into overnight visits.

Emily knows that Kenny is now married and has a baby daughter (both of whom I met when I interviewed Kenny).

After Corean was arrested, Kenny told Emily that when he kicked him out of his house, he called the cops on Corean and had him arrested for something he didn't do. Emily said she stopped the conversation, not wanting to know more, but thinks Kenny was referring to "drugs or something," not a sex offense.

Emily said she doesn't know who the alleged victim is in this case. I asked her if the name Christina Russell was familiar to her. Emily said it was, and then recalled one of Kenny's babysitters named Christina, with whom he had an affair, who came by Emily's parent's home with Kenny, both before and after Corean's arrest. She said this Christina was about her height (5'5") or perhaps a bit taller, and had long brown hair. She said she would be willing to look at a photo of the AVV to see if it was the same person who accompanied Kenny to her parents' home.

Emily recently had a long court battle with Kenny and now has primary custody of their son.

Kenny could go back to court with a proposed parenting plan, she said, but she's heard through reliable sources that Kenny is once more strung out on meth, and may not be living in the same place.

Emily recently testified in a criminal court case--defendant's name is Guy Ralph (?); she said she got death threats and had to be escorted by the police to the courthouse to testify.

Corean has written to Emily at her parents' address, asking her if she remembers meeting him at Kenny's and if so if she would be willing to testify. Emily said Corean never wrote anything

about telling her what to say, and continually apologized in his letters for bothering her.

I'll be in Clallam County on Tuesday if you want me to get a more complete statement, subpoena her, and/or show her photographs (I have none).

Emily Beadle's contact info:

360-452-6960 (landline)
83 S. Maple Ln, PA 98362-8150
DOB 1/8/85

Best,

Leigh

P.S. Also checked Kenny's court record--only several criminal traffic stops since 2008.

Leigh Hearon
Hearon Investigative Services
www.hearoninvestigations.com
WA Lic #1744
360.732.0732 office
360.732.0017 fax
206.240.8324 cell

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Narrative Report

RUN DATE: 8/20/2008

Page 4

INVESTIGATION CONT'D:

Deputy Yarnes arrived at our location to transport Barnes to jail. After being placed in the back of Deputy Yarnes' vehicle Barnes indicated that he wanted an attorney.

Barnes left with Deputy Yarnes to be booked. Detective Sampson and I then contacted Kenneth Johnson, the renter of the residence located at 121 Victoria View. Mr. Johnson indicated to me that he had no knowledge that Barnes was inside his residence on Friday (15th). He said that if this were the case Barnes did not have permission to be inside the house, adding that he would be willing to provide a statement and file a complaint. Mr. Johnson then invited us into the house to allow for his interview.

VICTIM INTERVIEW - KENNETH JOHNSON: 08/19/2008, 1340 HOURS, 121 VICTORIA VIEW STREET, SEQUIM, WASHINGTON:

Mr. Johnson said that on July 4th (2008) Barnes was released from jail in Kitsap County and he (Barnes) contacted him in need of a place to stay. Johnson said that he spoke with his (Johnson's) landlord and received permission to allow Barnes to move in to the residence where he (Johnson) resides with his wife and child. Barnes moved in with the understanding that he was to pay rent of \$300.00 a month.

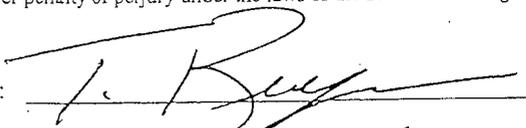
Johnson said that last month Barnes paid him \$200.00 for rent and then told him that he could no longer afford to pay and that he was going to move out. Johnson said that he offered to lower the rent for Barnes if he needed to stay. Johnson said that Barnes still could not afford to pay the rent so he told him (Barnes) that he needed to leave. Johnson said that he told Barnes that he hoped he was not offended by this, that they could still be friends, but this was a business relationship and he had a family to take care of and he was not going to have someone in the house that could not afford the bills.

Johnson said that about two weeks ago Barnes moved out of the residence taking some of his (Barnes') belongings and leaving some behind. Johnson said that he spoke with Barnes about a week ago and told him that he needed to get the rest of his (Barnes) stuff out of the house. Johnson said that Barnes was supposed to have someone come over two days ago and get it, but they did not show.

Johnson said that he arrived home today to find Barnes and his (Barnes') female friend inside the house. Johnson said that he confronted Barnes and asked why he was in the house. Johnson said that Barnes told him that he was there to get his stuff. Johnson said that he asked Barnes why he hadn't called first and Barnes commented that he thought it would be all right.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Written and signed in Clallam County.

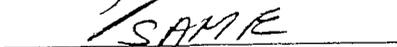
Detective:



Date:

8/20/08

Supervisor Approval:



Date:

24 back he would have to contact me or my wife to let
25 me know that he wanted to come back in to my home

22

1 and get his stuff.

2 Q. Did you tell this to him?

3 A. Yes, I did.

4 Q. Do you recall if he agreed to that?

5 A. Yes.

6 Q. Okay.

7 And do you recall approximately when he
8 moved out?

9 A. Um, I can't be sure exactly.

10 Q. Do you remember if -- well, do you
11 remember any -- do you remember Detective Reyes
12 showing up at your house?

13 A. I do.

14 Q. Do you remember how long prior to that
15 the Defendant had been asked to move out of your
16 house?

17 A. I'd say -- gosh, I'd say maybe about a
18 month at the most.

19 Q. Now, approximately in the week prior to
20 Detective Reyes coming to your house, did the
21 Defendant have permission to be there?

22 A. No, he did not.

23 Q. And do you see the Defendant here in
24 court today?

25 A. Yes, I do.

1 Q. Could you please identify him and
2 describe what he's wearing?

3 A. He's wearing a gray sweater with white
4 stripes and a white undershirt.

5 MS. LUNDWALL: Let the record reflect
6 the witness has identified the Defendant.

7 THE COURT: Ms. Lundwall?

8 MS. LUNDWALL: And I don't have any
9 other questions at this time.

10 THE COURT: Mr. Feste, you may inquire
11 on cross examination.

12 MR. FESTE: Yes, I have a few
13 questions.

14

15 CROSS EXAMINATION

16 BY MR. FESTE

17 Q. Good morning, Mr. Johnson?

18 A. Morning.

19 Q. Okay, um, you met Mr. Barnes through a
20 mutual friend; am I correct?

21 A. Yes.

22 Q. Okay, and um, you had a pretty friendly
23 relationship with Mr. Barnes too; am I correct?

24 A. Yes.

~~25~~ Q. And um, the agreements that you had

0

1 with him were simply verbal; am I correct?

~~2~~ A. Yes.

~~3~~ Q. Okay, so when you of described earlier
~~4~~ that you gave him notification you can't live here
~~5~~ as you have described, never put that in any sort of

6

writing of any sort; am I correct?

7

A. Yes.

8

Q. Okay.

9

Did you ever think about changing the

10

locks on your house?

11

A. No.

12

Q. Okay, but you had your wife and child

13

living there?

14

A. Yes.

15

Q. Okay.

16

And were you living at the Victoria

17

View residence pretty steadily throughout the months

18

of July and August 2008?

19

A. Yes.

20

Q. So you would sleep there at night?

21

A. Yes.

22

Q. And your wife and family would watch TV

23

and otherwise live there?

24

A. Yes.

25

Q. Okay.

1

Did you see Mr. Barnes or any of his

2

guests at that residence the Victoria View on the

3

13th of August?

4

A. Um, I can't be sure of that.

5

Q. Okay.

6

It is possible Mr. Barnes could have

7

been at the residence of Victoria View on the 13th

8

of August?

9

A. It could be possible.

Barnes 5-6-09 Day 3

10

Q. Okay.

11

And is your household usually home

12

during the early evening hours?

13

A. Um, no, mostly in the later evening

14

hours because my wife works late.

15

Q. Okay.

16

Um, now you never, um, bagged up his

17

clothes and put them on the porch did you?

18

A. No, I did not.

19

Q. Okay.

20

So, his items were still in particular

21

room in that house; am I correct?

22

A. Yes, they were.

23

Q. Okay.

24

Now, you're not certain when Mr. Barnes

25

last left your home; are you?

26

1

A. Not exactly.

2

Q. Okay.

3

So he had free access to this home but

4

you were somewhat hesitant -- excuse me, I mean he

5

still had free access to this home as he had a key;

6

am I correct?

7

A. He didn't have a key prior to that. I

8

found a key after he moved out because we never

9

agreed to him making a key.

10

Q. So the only means he had access to the

11

home is when you were there?

12

A. Yeah, but in explanation of that, the

13

fact that I lived in a very secure neighborhood, the

14

neighborhood watch lady was right next door to my

15 house and our doors were always open, I could leave
16 my garage door open with all my merchandise in there
17 and not have to worry about nothing.

18 Q. Okay.

19 So your house was always open and
20 accessible to Mr. Barnes to go there?

21 A. I -- yeah, I guess, I mean --

22 Q. Now, um, you had a chance to talk to
23 the detective on or about the 18th or 19th of
24 August; am I correct?

25 A. Yes.

27

1 Q. Okay.

2 And, um, he came to your house because
3 he thought Mr. Barnes could have been found there?

4 A. They came and asked me questions, if I
5 had seen him.

6 Q. Okay.

7 MR. FESTE: Madam clerk, I'd like to
8 have an item marked, and Ms. Lundwall I previously
9 provided this to you.

10 (Defense Exhibit 14 marked for
11 identification)

12 MR. FESTE: Thank you very much.

13

14 BY MR. FESTE

15 Q. Mr -- if I may approach the witness
16 Your Honor.

17 THE COURT: You may.

18

19

BY MR. FESTE

20

21

22

23

24

25

Q. Mr. Johnson, I'm showing you a document marked Defense Number 14. Take just a few moments to review that and I will inquire whether you recognize it.

(Witness reviewed Exhibit 14)

A. I recognize it.

28

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Q. And do you recognize the handwriting?

A. Yes.

Q. Who's handwriting is in that document?

A. It's mine.

Q. Okay, and is there a date on this particular document?

A. Yes, there is.

Q. Okay, and what is the date, sir?

A. August 26th of 08.

Q. And is this a letter, sir?

A. Yes, it is.

Q. And to whom is the letter addressed?

A. Corean.

Q. And you wrote this letter to him; am I correct?

A. Yes, I did.

Q. Okay.

Um, you were thinking that he was probably pretty confused and upset; right?

A. Right.

Q. Okay.

But you really wondered what he was going to do -- what you should do with all his

24 personal possessions; right?

25 A. Pretty much.

29

1 Q. This person you said -- Ms. Lundwall --
2 did not have permission to be in your house in the
3 month of August; right?

4 A. Right.

5 Q. You are saying he didn't pay you any
6 rent whatsoever; right?

7 A. I said --

8 Q. For August?

9 A. Right.

10 Q. And you didn't keep any receipts for
11 that?

12 A. Right.

13 Q. Isn't it correct you were still
14 sociable with Mr. Barnes in the month of August;
15 right.

16 A. Not so much.

17 Q. But isn't it correct that your wife
18 gave him a ride in August?

19 A. Uh, not to my knowledge.

20 Q. Okay.

21 So you have had no socializing really
22 with him at all in the month of August?

23 A. Um, not that I recall, no.

24 Q. So you are saying the only time you saw
25 him at your house during the month of August was on

1 the morning Detective Reyes was at your residence?

2 A. Yes.

3 Q. That is the only time he had otherwise
4 been there?

5 A. Yes, in the month of August, yes.

6 Q. So you are saying that he clearly knew
7 as of the first of August he could not live there;
8 right?

9 A. Yes, and he knew prior to that, but
10 yes.

11 Q. Okay.

12 Now, and yet you left his materials and
13 personal items in the house?

14 A. Yes.

15 Q. Okay.

16 You let him -- so, how -- you didn't
17 make any arrangements for those items to be returned
18 to him; did you?

19 A. I told him to call me to get hold of me
20 or my wife before he came to my house.

21 Q. And that is after he had -- after July?

22 A. After he moved out, yes.

23 Q. And are you aware that he had people
24 who visited him at the house in early August 2008?

25 A. Wasn't there.

1 Q. I'm not asking whether you were there
2 or not. I'm asking if you were aware of whether
3 guests of his visited at that house?

4 A. No.

~~Barnes~~ 5-6-09 Day 3

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Q. Okay.

So, your position is that if he was at the house at all in August of 2008, except for the day Deputy Reyes was there, you never saw him at all?

A. Right.

Q. And that no one in your family could have seen him at all?

A. They may have seen him but I -- I can't be sure of that.

Q. But you are saying you never saw him?

A. Right.

Q. Never gave him a letter?

A. I'm not saying I never gave him a letter. I sent this to the jail.

Q. This is the only letter you've ever sent to him; right?

A. Yeah.

Q. You never gave him any formal notice about anything, right, except for this?

A. Right.

Q. You never gave him receipts --

A. Right.

Q. And yet you still wanted to at least be sociable and accommodating to him; am I correct?

A. Right.

Q. Any this is a man who is trespassing in your house according to you?

A. Right.

Q. And yet you want to be sociable and you

Barnes 5-6-09 Day 3

10 are concerned about where you should put his items?

11 A. Right.

12 Q. Because a you still are concerned about
13 him; right?

14 A. He was a good friend of mine.

15 Q. He's a good friend of mine?

16 A. I said he was a good friend of mine.

17 Q. He was still a good friend of yours as
18 of August 26, '08?

19 A. I try to be there for people, I know
20 what it's like.

21 Q. Right. And so your earlier testimony
22 is when you said he was having a tough time making
23 ends meet, you adjusted the rent downward; am I
24 correct?

25 A. Right.

33

1 Q. So you were trying to find a way to
2 help your friend get a leg up; am I right?

3 A. Right.

4 Q. So he was -- you said earlier that he
5 was saying, man, I'm going to have to find different
6 arrangements; right?

7 A. Right.

8 Q. So the idea is he was transitioning
9 somewhere else but still able to keep his things at
10 your house until he was able to get to a different
11 place; right?

12 A. Right.

13 Q. And those items include maybe some

14 personal items including sheets, that sort of thing;
15 right?

16 A. Right.

17 Q. Okay, okay.

18 So he had things in your house that
19 were personal and important to his living?

20 A. Right.

21 Q. Okay.

22 And so, your statement is you got to
23 get out, you can't pay the rent, and yet on the
24 other hand you said, well, I will bust the rent
25 down, I will make it more easy for you because I

34

1 accommodate friends?

2 A. Right.

3 Q. Isn't that a contradiction, sir?

4 A. How do you figure?

5 Q. Let me ask you, you said, look, you
6 have to get out the end of July, and yet you said
7 I'll bust the rent down so I can accommodate you
8 including keeping your clothes?

9 A. That was afterwards. That was after I
10 busted down the rent. He still couldn't make the
11 rent so I told him he had to go.

12 Q. Okay.

13 And he had to go, and yet his items
14 were kept there, personal living items?

15 A. Right. He asked me if he could keep
16 those items there until he could make other
17 arrangements, and I said not a problem, just call me
18 before you come back and get them.

19 Q. Uh-huh. And so again, you are saying
20 you never saw him or anyone else at that house
21 related to him until the 19th of August?

22 A. Yes.

23 Q. And you saw a friend with him on the
24 19th of August; am I correct?

25 A. Yes.

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Q. And, um, they were in the house when
you were there; am I correct?

A. Yes.

Q. And they were collecting some of his
personal items; am I correct?

A. Yes.

Q. They were doing some laundry too;
right?

A. Yes.

Q. Okay.
And you visited with his friend too,
didn't you?

A. I was on the phone. I asked her what
was going on. He said -- or she said he was in the
bedroom getting his laundry and doing some laundry.

Q. And you had met her before; right?

A. Yes.

Q. Because she had been there -- over at
other times in the summer of 08?

A. Yes.

Q. Okay.

And so, all of his items weren't

23 Barnes 5-6-09 Day 3
removed on this day, were they?

24 A. No, they weren't.

25 Q. Okay.

36

1 So you still felt the need to keep
2 protection over these items; right?

3 A. That's why I wrote this letter as well,
4 asking him what he wanted me to do with this stuff.

5 Q. Okay.

6 And um, again you are trying to help a
7 friend here?

8 A. I was, yes.

9 Q. Uh-huh, okay.

10 And on that morning of the 19th,
11 Mr. Barnes continued to do his laundry; am I
12 correct?

13 A. Uh-huh.

14 Q. Okay.

15 You didn't tell him to get out of
16 there; did you?

17 A. I was a little upset with him and I
18 told him that.

19 Q. Fine. But you didn't tell him to
20 leave; did you?

21 A. I told him to finish getting his stuff
22 and go.

23 Q. Right. But he didn't get all his stuff
24 nor did his friend take it all?

25 A. Right.

1 Q. Okay.

2 So to this extent, Mr. Barnes on the
3 19th had a purpose to be at that house to get some
4 of his personal items; right?

5 A. He had a purpose to be there, yes, but
6 I didn't allow him to be there.

7 Q. Well, you did allow him to be there
8 though on the 19th to do his laundry or collect his
9 items before other issues came up; right?

10 A. He was there before I arrived at home.

11 Q. Right --

12 A. So he did not have my permission to be
13 in my home.

14 Q. And yet, you had never given him any
15 written or verbal -- written notice of what the new
16 relationship would be between you and him?

17 A. Right.

18 Q. Okay.
19 So you think he just understood; right?

20 A. Yeah.

21 Q. Okay.
22 Never even posted anything on the door;
23 right?

24 A. No.

25 Q. So you're just thinking that he should

understand; right?

1 A. Right.

2 Q. Right.

3 And again, this is you though who's

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always trying to accommodate a friend as best you can?

A. Right.

Q. You make the rules up as they come; right?

A. No.

MR. FESTE: Thank you, Mr. Johnson.

THE COURT: Ms. Lundwall, redirect?

REDIRECT EXAMINATION

BY MS. LUNDWALL

Q. Just a few questions.

I guess I just need to clarify some things that seem a little confusing.

The 19th, right before the police got there, can you describe how you found the Defendant?

A. Uh, as I pulled up in my driveway there was a car there that I knew of, I knew that it belonged to this mutual friend of ours.

And, uh, I was thinking to myself what's going on. So I pull in my garage and I go in

1 the house and I find Corean and this girl in my
2 house. And I was talking to her and asking her what
3 was going on. And then Corean was in the room and
4 she said he was getting his laundry and doing some
5 other things.

6 And, uh, so then I asked him what was
7 going on and he said I'm doing my laundry and
8 getting my stuff. And I said what are you doing

9 here, man, you are supposed to call me before you
10 come to your house.

11 Q. Did he have permission to be in your
12 house on the 19th?

13 A. No, he did not.

14 Q. How did you feel about that?

15 A. I was frustrated. I had other stuff
16 going on at the same time. I had a few important
17 phone calls I had to make, so I was on the phone the
18 same time I was dealing him.

19 Q. Did he contact you to be in permission
20 to be in your house on the 15th of August?

21 A. No.

22 Q. And the arrangement regarding the
23 stuff, why were you letting him keep his stuff in
24 your house?

25 A. Because he had nowhere else to put it

1 and I asked -- um, I believe I called Sheriff's
2 Department and asked them what to do with his stuff
3 as well afterwards, and they told me that I was --
4 that I had to keep it until arrangements were made.

5 MS. LUNDWALL: No further questions.

6 THE COURT: Mr. Feste, any further
7 cross?

8 MR. FESTE: Well, just very briefly.

9

10 RE-CROSS EXAMINATION

11 BY MR. FESTE

12 Q. Mr. Johnson, you just said you got
13 advice from the Sheriff's Office whether you had to

1 Johnson Junior.

2 THE COURT: Ms. Lundwall, you may inquire.

3

4 DIRECT EXAMINATION

5 BY MS. LUNDWALL

6 Q. Good afternoon. Are you married?

7 A. Yes, ma'am.

8 Q. And how long have you been married?

9 A. 5 years.

10 Q. And do you have any children?

11 A. Yes, ma'am.

12 Q. And how old are they?

13 A. My oldest is 10 and my youngest is 2.

14 Q. Now, I want to take you back to the summer of
15 2008. Where were you living?

16 A. I was living at 121 Victoria View Lane in
17 Sequim.

18 Q. Okay, and who was living with you?

19 A. Um, my wife Chelsea and my 2 boys and my son
20 -- or my friend.

21 Q. I'm going to now show you what's been admitted
22 to evidence as Prosecution's Exhibits 7, 8 and 9.

23 Are you familiar with this?

24 (Witness reviewed)

25 A. Yes, ma'am.

1 Q. And what are those?

2 A. Those are pictures of my house and my old
3 bedroom where my friend stayed.

4 Q. Okay. Now, do you have a nickname?

5 A. I do.

6 Q. And what is it?

7 A. Tiny.

8 Q. Now, you know the Defendant in this case,
9 Corean Barnes?

10 A. Yes, I do.

11 Q. And how do you know him?

12 A. Um, we met in the past between -- from a
13 mutual friend.

14 Q. Okay. Was there ever a point where he came to
15 live with you?

16 A. Yes, there was.

17 Q. Do you recall approximately when that was?

18 A. Um, I believe it was early July.

19 Q. Of 2008?

20 A. 8, yeah.

21 Q. And what was the arrangement with him living
22 with you?

23 A. Um, that he would pay \$300 for rent.

24 Q. Okay. And did he pay the \$300?

25 A. No.

1 Q. Okay. Was he able to give you anything?

2 A. Yes.

3 Q. What did he give you?

4 A. The first month he gave us \$200.

5 Q. Okay, and then what happened?

6 A. And then he was not able to make the rent and
7 I -- he was going to move out and I told him he
8 didn't have to, that we could -- that I could work
9 with him and I knocked his rent down to \$175.

10 Q. Was he able to come up with \$175?

11 A. No, he was not.

12 Q. Did there come a point when he ceased to live
13 with you?

14 A. Yes.

15 Q. Do you recall approximately when that would
16 have been?

17 A. Um, I believe it was end of August or some --
18 I believe middle of August, somewhere around in
19 there, I'm not sure. 3

20 Q. You're not sure, okay. Do you recall Detective
21 Reyes coming by your property in August 2008?

22 A. I do.

23 Q. When Detective Reyes came by your property was
24 the Defendant still living with you?

25 A. No, he was not.

1 Q. How long had he been out when Detective Reyes
2 came by?

3 A. About a couple of weeks.

4 Q. Now, when the Defendant left did he move out
5 entirely?

6 A. No, he did not.

7 Q. And what do you mean by that?

8 A. He couldn't take all of his things so I
9 allowed him to keep some of his things there at my
10 house.

11 Q. Was he still sleeping there?

12 A. No he was not.

13 Q. Was there any restrictions you put on him
14 being able to come into your house after he moved
15 out?

16 A. Yes.

17 Q. And what were those restrictions?

18 A. That he was allowed to come back and get his
19 things on the condition that he contacted me and
20 that I was home.

21 Q. Okay. Did -- was he provided an access key by
22 you?

23 A. No, he was not.

24 Q. Okay. Was there any kind of provision for him
25 to be there when you weren't there?

1 A. No.

2 Q. Okay. Did you tell this to the Defendant?

3 A. Did I what?

4 Q. Did you tell this to the Defendant, that he
5 was not allowed to be there if you were not there?

6 A. Yes, I did.

7 Q. Do you see the person that had previously been
8 living with you in 2008 in court today?

9 A. Yes, I do.

10 Q. Could you please identify him and describe
11 what he's wearing?

12 A. He's black male wearing a blue and grayish
13 flannel.

14 MS. LUNDWALL: I have nothing further from
15 this witness. Let the record reflect the witness
16 has identified the Defendant.

17 THE COURT: Mr. Stalker, you may inquire on
18 cross examination.

19 MR. STALKER: Thank you, Your Honor.

20

21 CROSS EXAMINATION

22 BY MR. STALKER

23 Q. Mr. Johnson, you said you initially made a
24 deal with Mr. Barnes to pay you \$300 rent and he
25 gave you \$200 of that; right?

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A. Right.

Q. And then you knocked it down to \$175 for the next month?

A. Right.

Q. And that's because you considered Mr. Barnes your friend in July and August of 2008?

A. Yes.

Q. Okay. So did you have any written agreement with Mr. Barnes as to a lease, anything like that?

A. No, I did not.

Q. So this was all done orally?

A. Yeah.

Q. When you told him he was not welcome in the house any more did you put anything in writing on that?

A. No.

Q. So this is based on a conversation you had with him?

A. Right.

Q. Okay. Now, when was the rent due, was it due at the beginning of the month or could he pay it through the month?

A. It was due on the first of every month.

Q. Okay, so you testified that -- or rather you couldn't remember the exact date that you saw

1 Detective Reyes -- excuse me, that you saw the
2 Detective sitting there come by and discuss this
3 with you; right?

4 A. I couldn't remember -- no, I couldn't remember
5 the exact date, but right, I guess you're right.

6 Q. Was it maybe August 19, 2008?

7 A. I know it was August, but I believe it was
8 towards the end of August, so --

9 Q. You don't think it was the 19th?

10 A. Um, it could be. I -- roughly -- I guess,
11 yeah, sorry.

12 Q. That's okay. So maybe this will refresh your
13 memory here, just see the date on the first page?

14 A. Oh, okay.

15 Q. Does that refresh your memory?

16 A. Yes.

17 Q. Do you remember what date it was?

18 A. August 19th.

19 Q. Okay, 2008?

20 A. 2008.

21 Q. And you said that -- you had told Mr. Barnes
22 that he needed to leave about 2 weeks earlier;
23 right?

24 A. Yeah.

25 Q. So that would have been about the first of

1 August?

2 A. Yeah, somewhere around in there I guess.

3 Q. The 19 minus 14 is the first of August; right?

4 A. Right.

5 Q. So, and the rent was due the first of every
6 month?

7 A. Right.

8 Q. So, Mr. Barnes couldn't pay the rent on the
9 first of August?

10 A. Right, yes.

11 Q. But then you said you knocked it down to 175?

12 A. Right.

13 Q. So did he have until the end of the day on the
14 first of August to pay 175?

15 A. No, it wasn't like that at all man, we were
16 friends and I didn't, you know, just kick him out on
17 the street and say there you go. Um, he had a chance
18 to come back. He's the one that chose to leave and
19 go elsewhere after, you know, after that point,
20 after that discussion.

21 Q. Okay. So you didn't so much kick him out as
22 you guys had a conversation about the rent and he
23 decided to leave because he couldn't pay it?

24 A. Basically, yeah.

25 Q. Okay. So that's how you remember your

1 conversation with him?

2 A. Basically, I mean --

3 Q. And you didn't put anything in writing though?

4 A. No, I just told him he was not allowed to come
5 back if I wasn't here, yeah.

6 Q. Because you were friends -- okay. Do you
7 remember on August 13, 2008, if Mr. Barnes was at
8 your house with some of his guests?

9 A. I do remember him being there, I couldn't --
10 again, it was probably around that date.

11 Q. So you're not sure the exact date?

12 A. Right.

13 Q. It's possible -- that's about a week after
14 you'd kicked him out?

15 A. Right.

16 Q. Or not that you kicked him out, that you'd had
17 a conversation and he decided to go elsewhere.

18 A. Right.

19 Q. So he was still welcome back at your house
20 after that.

21 A. On the conditions that I was home.

22 Q. Okay --

23 A. And that he contacted me.

24 Q. Now, the day you spoke with the detective,
25 August 19th, did you see Mr. Barnes?

1 A. Yes, I did.

2 Q. And he was at your house packing up some of
3 his things; correct?

4 A. Yes, and doing laundry.

5 Q. And so I have here. I think you identified
6 remembering this, State's Exhibit 7?

7 A. Right.

8 Q. Could you just kind of describe what this is
9 for me?

10 A. It's my far back bedroom, the right hand
11 corner of the house.

12 Q. Is that where Mr. Barnes was staying?

13 A. It was.

14 Q. And what is -- what are the black bags there?

15 A. Those are Mr. Barnes's things.

16 Q. He was gathering up on the 19th?

17 A. Um, there was a bunch of black bags that he
18 was gathering up after he was arrested.

19 Q. So on the 19th, is there a date on the picture
20 there?

21 A. Yeah.

22 Q. So those had been gathered up by the 19th;
23 correct?

24 A. Oh yeah, yeah, I guess you're right, oh yeah,
25 those are the black bags, sorry.

1 Q. So these are the black bags that Mr. Barnes
2 put his things into on the 19th?

3 A. Yeah, I'm sorry, they were black garage bags.
4 I didn't see because of the reflection, sorry.

5 Q. No problem. Now, you testified that you never
6 gave Mr. Barnes a key to your house; is that right?

7 A. Right.

8 Q. So how would he get in?

9 A. Well, I lived in a suburban neighborhood and
10 my door was always unlocked. We have neighborhood
11 watch and neighborhood garage sales, so my door was
12 always unlocked.

13 Q. The entire time you were living at that house?

14 A. Yep.

15 Q. Did you have a neighborhood watch at the time?

16 A. Yeah.

17 Q. And did you live next to the person running
18 the neighborhood watch?

19 A. I did.

20 Q. So is that why you weren't worried about
21 leaving your doors open?

22 A. It -- neighbors were very friendly ever since
23 day one I moved in.

24 Q. Okay. Now, after the 19th you wrote a letter
25 to Mr. Barnes; correct?

1 A. I did.

2 Q. And in that letter you wanted to know what you
3 should do with his things?

4 A. Right.

5 Q. And you did that because you were still
6 friends with him at the time?

7 A. Right.

8 Q. Do you remember discussing with Mr. Barnes any
9 sort of grace period on his moving out?

10 A. Um, pause -- I think I gave him a couple of
11 weeks to get his stuff out.

12 MR. STALKER: Okay. No further questions.

13 THE COURT: Ms. Lundwall, you may inquire on
14 redirect.

15
16 REDIRECT EXAMINATION

17 BY MS. LUNDWALL

18 Q. Okay, now, on the 19th when the police came to
19 your house you indicated that Mr. Barnes was already
20 there?

21 A. Yes.

22 Q. Okay. And how did you come to find Mr. Barnes
23 in your house?

24 A. Um, I was coming home because my wife reminded
25 me that I had to call the cable company and had to

1 do -- I had to call them to change something on our
2 bill, and found him there at my house.

3 Q. And were you normally there at that time
4 during the day?

5 A. Normally I am, normally I am home.

6 Q. Did he call you before coming over to get
7 permission to come in to your house?

8 A. No, he did not.

9 Q. How happy were you to find him there doing
10 laundry?

11 A. I did not (sic) --

12 Q. Did you indicate that to Mr. Barnes?

13 A. I did.

14 Q. Now, you said there was like a 2 week grace
15 period. Was that in regards to Mr. Barnes living
16 there or getting his stuff out?

17 A. Getting his stuff out.

18 Q. Did the 2 weeks grace period mean he could
19 come over whenever he wanted?

20 A. No.

21 Q. And again, what was the restrictions as to Mr.
22 Barnes's ability to be in your house?

23 A. For him to contact me to make sure I was home.

24 Q. Okay. Did he have permission to be in your
25 house on August 15, 2008?

1 A. No, he did not.

2 MS. LUNDWALL: Thank you.

3 THE COURT: Mr. Stalker, anything further?

4 MR. STALKER: Yes, Your Honor, just a second.

5

6 RE-CROSS EXAMINATION

7 BY MR. STALKER

8 Q. Mr. Johnson, what was your reaction on the
9 19th when you came home and you saw Mr. Barnes in
10 your house?

11 A. I asked him what the hell he was doing in my
12 house.

13 Q. And what was Mr. Barnes's reaction when he saw
14 you?

15 A. He said that he was getting his things and he
16 didn't think I would mind, so he was doing a couple
17 loads of laundry and he was getting his things and
18 getting out.

19 Q. Did he seem fearful at all?

20 A. Um, he -- well, he seemed pretty busy, I
21 mean --

22 Q. He was not concerned on seeing you?

23 A. No, no, he didn't seem like it bothered him.

24 MR. STALKER: Okay, no further questions.

25 THE COURT: Ms. Lundwall, anything further?

1 BY MS. LUNDWALL

2 Q. So your reaction to him was to ask him what
3 the hell he was doing?

4 A. Yes.

5 MS. LUNDWALL: Nothing further.

6 MR. STALKER: Nothing further.

7 THE COURT: All right. You may step down,
8 please watch your step. Is this witness excused from
9 further attendance?

10 MS. LUNDWALL: Yes, he is. Thank you Mr.
11 Johnson.

12 THE COURT: Mr. Stalker, any objection to
13 excusing Mr. Johnson?

14 MR. STALKER: No.

15 THE COURT: You are excused from further
16 attendance.

17 Members of the jury, that is going to conclude
18 presentation of evidence today in this case. It's
19 because we are down 2 judges and I have a meeting
20 that I have to go to at 4 o'clock so we're unable to
21 continue to 4:30 which is our normal time.

22 Tomorrow morning, for the same reason, I'm
23 told I will have a short calendar I will have to
24 deal with, although as I look at it, it will
25 probably take about half an hour.

APPENDIX B

CLALLAM COUNTY SHERIFF'S DEPARTMENT
CASE REPORT NARRATIVE

8/21/08 1:17 PM

PAGE NUMBER: 32

2008-8578

So it's uh 6:41 and I'm trying to get rid of Corean and I'm in Port Townsend where I took him to that class and I'm really afraid that he's gonna try to do something to me when we get back to Sequim or even before. And it's uh, but there's, I don't have any proof of anything. So I'm trying to go to the police station to tell them what's happening because he's at this class and he obviously has some kind of record here and there's no one at the police station. So I can't turn him in here. And I don't know what else to do because I'm afraid if I leave he will um get really mad and then I, I don't know. If I just leave him then he's not gonna, he's just gonna get really mad and then I won't be able to prove anything. It'll just be my word against his and there's no crime that happened so he'll just get really mad and then I'm gonna be afraid that he'll come to my house and do something really terrible to either my mom or just the house itself, like burn it down. I don't know, he's kinda crazy. He's got a lot of anger. And he's claiming that I'm not gonna leave tonight unless I have sex with him. Which is basically non-consensual sex because I don't want to do this and he's um gonna force me. And I don't want to be in this situation but there's no police here. And in order for me to be able to get him for a crime I have to take him somewhere where he does something um illegal. I guess, I don't know. I don't know my rights and the police aren't here. That's terrible.

Recording ends. Recording begins.

So I guess what I'm saying is I feel like I'm being forced by Corean to stay here and give him a ride home back to Sequim from Port Townsend and I'm afraid that if I don't stay here he will um somehow get home to Sequim and, and come to my house and he has a gun, I know he has a gun because I've seen it before and he's always talking about his gun and so I'm really afraid. I think he might bring the gun and do terrible things with the gun, shoot someone of course. But I, it's not provable, it's just hearsay so I can't do anything and I can't um I can't get him arrested and feel safe so I'm stuck. Because if I don't give him a ride he'll come back to Sequim really really angry and I'm really afraid he might hurt me or my mom, or funny to say my beloved cat, but I care about them very much, all of them. I don't want to get my mom involved in this and I'm just really worried. I don't know what to do so I have to go back now because it's 6:48 and he's done with that class at 7:30. I don't know if I should call the police because then they'll come there. And if they don't arrest him, then he's, what am I supposed to do. You know. If they don't arrest him then, then I'm still just stuck there and they'll just tell him to stay away from me and he'll know I called the police and that's just gonna be terrible. I'm just so afraid of him doing something. And I don't want to do this either. I just don't know what to do and the police aren't here. And what do I do, call them and they uh, all they want to do is take a statement but I can't do, it won't do anything. If they just take some stupid statement. It's useless. So I have to go back and um give him a ride. The reason I gave him a ride in the first place is cuz he said that if I didn't he was gonna blow up my car and blow up my house. He made threats that he knows people that can do things and he, I don't know if it got on the tape today but he made threats again about the same thing. That if I leave him here in Port Townsend I won't have a way to get to work tomorrow cuz something will have happened to my car. And I don't care what happens to my car. That's fine. I just, it's too scary to think of what could happen to someone I care about or to me. And he keeps saying things like, people don't

I certify under penalty of perjury that the forgoing is true and correct. Written and signed in Clallam County.

Deputy: _____

Date: 8-22-08

Supervisor: _____

Date: _____

52

1 that would be appropriately applied for the offender
2 score. And again, I calculate a 4. Last time we
3 got a 3, I'm not sure what was different.

4 MR. STALKER: I think my understanding in
5 looking at the record last time is the Court
6 determined that the unlawful imprisonment was the
7 same course of conduct as the rest of -- the State
8 argued then as it did in this case that basically
9 the entire series of events was the unlawful
10 imprisonment. I think on that basis the Court
11 correctly concluded it was the same course of
12 conduct.

13 THE COURT: Ms. Lundwall, do you want to argue
14 that issue?

15 MS. LUNDWALL: I'm not going to argue that
16 issue. It would basically -- the unlawful
17 imprisonment would merge with one or both of the
18 rapes under the circumstances.

19 THE COURT: Okay.

20 MS. LUNDWALL: There was the issue of
21 basically there was a long time ago and I believe it
22 was a possession of stolen property that went into
23 diversion that I don't think was ever revoked that
24 -- and I am not even sure what to do with that at
25 that particular point.

1 THE COURT: With that being the case, I will
2 find that same criminal conduct as well. The
3 offender score would be 3, standard range 102 to
4 136 months and I will hear from the State.

5 MS. LUNDWALL: Well, even if the Court does
6 find separate criminal conduct there was the
7 additional burglary finding that the burglary was
8 committed in this case, and although the Court is
9 finding that it's the same criminal conduct, there's
10 an additional charge for the State feels that it's
11 proper for the Court -- if that's the case you would
12 have the top of the range of 102 to 136 for the
13 rape, and you would have basically for the burglary
14 given that the first rape would not merge, um, it
15 would be 31 to 41 months, and I believe there's a 2
16 year enhancement with the finding of sexual
17 motivation on top of that.

18 In this particular case, the State is
19 continually troubled by Mr. Barnes's attitude in
20 this. He still seems even at this point not to
21 understand that no means no. I don't think I have
22 ever encountered, or if I have it does not come to
23 mind, anybody that has the degree of lack of empathy
24 and the sense of self entitlement that Mr. Barnes
25 has.

her will at the camper, penetrated against her will at Mr. Johnson's residence, and held at the Mr. Johnson's residence for the purpose of sexual assault.

~~Mr. Barnes alleges the trial court incorrectly applied the "hostage holder" exception to the recording. The State cannot find any such ruling. In any event, this deputy of the State does not believe the "hostage holder" exception applies to these facts. The statute permits law enforcement to record communications with a hostage holder. Even though the jury found that Mr. Barnes unlawfully imprisoned C.R., the recording was not made during a hostage situation.~~

ISSUE TWO

When the facts of the case show that the victim was dragged from her car to a camper and penetrated and then dragged from a couch to a bed, screaming all the time that she did not want to have sex with Mr. Barnes, did the trial court err when it refused to give an instruction about third degree rape.

There is simply nothing in the record that would support an instruction for third degree rape, i.e., that C.R. simply did not consent to sexual intercourse.

Standard of Review: A defendant is entitled to a jury instruction



NO. 22

A person commits the crime of unlawful imprisonment when he or she knowingly restrains the movements of another person in a manner that substantially interferes with the other person's liberty if the restraint was without legal authority and was without the other person's consent or accomplished by physical force.

The offense is committed only if the person acts knowingly in all these regards.

NO. 23

To convict the Defendant of the crime of UNLAWFUL IMPRISONMENT as charged in Count IV, each of the following five elements of the crime must be proved beyond a reasonable doubt:

- (1) That on or about August 15, 2008, the Defendant restrained the movements of Christina Russell. in a manner that substantially interfered with her liberty;
 - (2) That such restraint was
 - (a) without Christina Russell's consent or
 - (b) accomplished by physical force, intimidation, or deception, and
 - (3) That such restraint was without legal authority;
 - (4) That, with regard to elements (1), (2), and (3), the Defendant acted knowingly;
- and
- (5) That any of these acts occurred in the State of Washington.

If you find from the evidence that elements (1), (3), (4), and (5), and any of the alternative elements (2)(a), and (2)(b), have been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty. To return a verdict of guilty, the jury need not be unanimous as to which of alternatives (2)(a), or (2)(b), has been proved beyond a reasonable doubt, as long as each juror finds that at least one alternative has been proved beyond a reasonable doubt.

On the other hand, if, after weighing all the evidence, you have a reasonable doubt as to any one of elements (1), (2), (3), (4), or (5), then it will be your duty to return a verdict of not guilty.

No. 24

A person knows or acts knowingly or with knowledge with respect to a fact, circumstance or result when he or she is aware of that fact, circumstance, or result. It is not necessary that the person know that the fact, circumstance, or result is defined by law as being unlawful or an element of a crime.

If a person has information that would lead a reasonable person in the same situation to believe that a fact exists, the jury is permitted but not required to find that he or she acted with knowledge of that fact.

When acting knowingly as to a particular fact is required to establish an element of a crime, the element is also established if a person acts intentionally as to that fact.

NO. 25

A person acts with intent or intentionally when acting with the objective or purpose to accomplish a result which constitutes a crime, whether or not the person is aware that the result is a crime.

NO. 26

The State alleges that the Defendant committed acts of UNLAWFUL IMPRISONMENT on multiple occasions. To convict the Defendant of UNLAWFUL IMPRISONMENT, one particular act of UNLAWFUL IMPRISONMENT must be proved beyond a reasonable doubt, and you must unanimously agree as to which act has been proved. You need not unanimously agree that the Defendant committed all the acts of UNLAWFUL IMPRISONMENT.

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2
3
4 IN THE SUPERIOR COURT OF THE
5 STATE OF WASHINGTON
6 IN AND FOR THE COUNTY OF CLALLAM

7 STATE OF WASHINGTON,
8
9 Plaintiff,
10
11 vs.
12 COREAN OMARUS BARNES,
13 Defendant.

FILED
CLALLAM COUNTY

MAR 18 2015

9:14 AM

BARBARA CHRISTENSEN CLERK

NO. 08-1-00340-9

ORDER TRANSFERRING
DEFENDANT'S MOTION AS A
PERSONAL RESTRAINT PETITION
AS REQUIRED BY CrR7.8(c)(2)

Clerk's Action Required

12 THIS MATTER comes on regularly before the undersigned upon the Defendant's
13 "Motion To Vacate his Convictions for First Degree Burglary and Unlawful Imprisonment"
14 filed January 21, 2015. Having reviewed the Defendant's Motion, and the records and files
15 herein, and the "State's Response to CrR 7.8 Motion", and being fully advised in the premises,
16 the Court hereby determines as follows:

17 Since Defendant's Motion comes less than one year after the mandate was issued by the
18 Court of Appeals disposing of his timely direct appeal from the conviction, it is therefore not
19 time-barred under RCW 10.73.090. The Court finds that Defendant has not made a substantial
20 showing that he is entitled to relief, and that resolution of the Motion does not require a factual
21 hearing.



Record Certification: I Certify that the electronic copy is a
correct copy of the original, on the date filed in this office.
and was taken under the Clerk's direction and control
Clallam County Clerk, by Deputy #pages 2

22 1 - ORDER TRANSFERRING DEFENDANT'S MOTION AS A
23
24 PERSONAL RESTRAINT PETITION AS REQUIRED BY
25 CrR7.8(c)(2)

CLALLAM COUNTY
PROSECUTING ATTORNEY
Clallam County Courthouse
223 East Fourth Street, Suite 11
Port Angeles, Washington 98362-3015
(360) 417-2301 FAX 417-2469

1 The Court therefore concludes that the Defendant's Motion must be transferred to the
2 Court of Appeals as a Personal Restraint Petition pursuant to CrR 7.8(c)(2).

3 Based on the foregoing, it is hereby ORDERED that the Defendant's Motion to Vacate
4 shall be transferred to Division II of the Washington State Court of Appeals for consideration
5 as a Personal Restraint Petition.

6
7 DONE IN OPEN COURT this 18 day of March, 2015.

8 Christopher Key
9 JUDGE

10 Presented by:
11 MARK B. NICHOLS
12 Prosecuting Attorney

13 John Troberg WBA # 11548
14 (Deputy) Prosecuting Attorney
15 JT/at

16 Copy received, ^{argument made for the record} ~~approved for entry~~
17 notice of presentation waived:

18 HARRY GASNICK ^{proc} WBA # _____
19 Attorney for Defendant

20
21
22
23
24 2 - ORDER TRANSFERRING DEFENDANT'S MOTION AS A
25 PERSONAL RESTRAINT PETITION AS REQUIRED BY
CrR7.8(c)(2)

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FILED
CLALLAM COUNTY CLERK

2015 MAY 20 A 9:57

BARBARA J. CHRISTENSEN

09-9-00688-0

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

STATE OF WASHINGTON, Plaintiff,
vs.

COREAN OMARUS BARNES 11/12/1982

Defendant. DOB

PCN: 966012871

SID: WA22113507

CCSO No. 08-08578

NO. 08-1-00340-9

AMENDED

FELONY JUDGMENT AND SENTENCE

Prison (FJS)

RCW 9.94A.507 Prison Confinement
(Sex Offense and Kidnapping of a Minor)

Clerk's Action Required, para 2,1, 4.1,
4.3a, 4.3b, 4.8, 5.2, 5.3, 5.5 and 5.7

Defendant Used Motor Vehicle

Juvenile Decline

Mandatory

Discretionary

I. HEARING

1.1 The court conducted a sentencing hearing this date; the defendant, the defendant's lawyer, and the (deputy) prosecuting attorney were present.

II. FINDINGS

2.1 **Current Offenses:** The defendant is guilty of the following offenses, based upon

guilty plea / jury-verdict / bench trial (date) Sept 24, 2012

Count	Crime	RCW (w/subsection)	Class	Date of Crime
I	DISMISSED			
II	DISMISSED			
III	BURGLARY IN THE FIRST DEGREE WITH SEXUAL MOTIVATION #	9A.52.020	A	8/15/2008
IV	UNLAWFUL IMPRISONMENT #	9A.40.010(1)	A	8/15/2008

Class: FA (Felony-A), FB (Felony-B), FC (Felony-C)

(If the crime is a drug offense, include the type of drug in the second column.)

Additional current offenses are attached in Appendix 2.1a.

The defendant is a sex offender subject to indeterminate sentencing under RCW 9.94A.507.

The jury returned a special verdict or the court made a special finding with regard to the following:

GV For the crime(s) charged in Count _____, **domestic violence** was pled and proved. RCW 10.99.020.

The defendant used a **firearm** in the commission of the offense in Count _____ RCW 9.94A.825, 9.94A.533.

1 now RCW 9.94A.507

FELONY JUDGMENT AND SENTENCE (FJS) (Prison)
(Sex Offense and Kidnapping of a Minor Offense)
(RCW 9.94A.500, .505)
(WPF CR 84.0400 (07/2013))

Page 1 of _____

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FAKED
DOC



Record Certification: I certify that the electronic copy is a correct copy of the original on file in this office, and was filed under the Clerk's direction and control.
Clallam County Clerk by WP Deputy # 712 17

- The defendant used a **deadly weapon other than a firearm** in committing the offense in Count _____. RCW 9.94A.825, 9.94A.533.
- The defendant engaged, agreed, offered, attempted, solicited another, or conspired to engage a victim of child rape or child molestation in sexual conduct in return for a fee in the commission of the offense in Count _____. RCW 9.94A.839.
- In Count _____ an internet advertisement in which the victim of the crime was described or depicted was instrumental in facilitating the commission of the crime. RCW 9.68A.100, RCW 9.68A.101, or RCW 9.68A.102, Laws of 2013, ch. 9, §1.
- The offense was predatory as to Count _____. RCW 9.94A.836.
- The victim was under 15 years of age at the time of the offense in Count _____. RCW 9.94A.837.
- The victim was developmentally disabled, mentally disordered, or a frail elder or vulnerable adult at the time of the offense in Count _____. RCW 9.94A.838, 9A.44.010.
- The defendant acted with **sexual motivation** in committing the offense in Count III. RCW 9.94A.835.
- This case involves **kidnapping** in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.
- In Count _____ the defendant committed a robbery of a pharmacy as defined in RCW 18.64.011(21), RCW 9.94A.____.
- Count _____, **Violation of the Uniform Controlled Substances Act (VUCSA)**, RCW 69.50.401 and RCW 69.50.435, took place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.
- The defendant committed a crime involving the manufacture of methamphetamine, including its salts, isomers, and salts of isomers, **when a juvenile was present in or upon the premises of manufacture** in Count _____. RCW 9.94A.605, RCW 69.50.401, RCW 69.50.440.
- Count _____ is a **criminal street gang**-related felony offense in which the defendant compensated, threatened, or solicited a minor in order to involve that **minor** in the commission of the offense. RCW 9.94A.833.
- Count _____ is the crime of **unlawful possession of a firearm** and the defendant was a **criminal street gang** member or associate when the defendant committed the crime. RCW 9.94A.702, 9.94A.829.
- The defendant committed **vehicular homicide** **vehicular assault** proximately caused by driving a vehicle while under the influence of intoxicating liquor or drug or by operating a vehicle in a reckless manner. The offense is, therefore, deemed a violent offense. RCW 9.94A.030.
- GY** In Count _____, the defendant had (number of) _____ **passenger(s) under the age of 16** in the vehicle. RCW 9.94A.533.
- Count _____ involves **attempting to elude** a police vehicle and during the commission of the crime the defendant endangered one or more persons other than the defendant or the pursuing law enforcement officer. RCW 9.94A.834.

In Count _____ the defendant has been convicted of assaulting a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault, as provided under RCW 9A.36.031, and the defendant intentionally committed the assault with what appeared to be a firearm. RCW 9.94A.831, 9.94A.533.

Count _____ is a felony in the commission of which the defendant used a **motor vehicle**. RCW46.20.285.

The defendant has a **chemical dependency** that has contributed to the offense(s). RCW 9.94A.607.

In Count _____, Assault in the First Degree (RCW 9A.36.011) or Assault of a Child in the First Degree (RCW 9A.36.120), the offender used force or means likely to result in death or intended to kill the victim and shall be subject to a mandatory minimum term of 5 years (RCW 9.94A.540).

Counts III & IV encompass the same criminal conduct and count as one crime in determining the offender score (RCW 9.94A.589).

Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

	Crime	Cause Number	Court (county & state)	DV* Yes
1				
2				
3				

* DV:Domestic Violence was pled and proved.

Additional current convictions listed under different cause numbers used in calculating the offender score are attached in Appendix 2.1b.

2.2 Criminal History (RCW 9.94A.525):

	Crime	Date of Crime	Date of Sentence	Sentencing Court (County & State)	A or J adult, juvenile	Type of Crime	DV* Yes
1	<u>None</u>						
2							
3							
4							
5							

* DV:Domestic Violence was pled and proved.

Additional criminal history is attached in Appendix 2.2.

The defendant committed a current offense while on community placement/community custody (adds one point to score). RCW 9.94A.525.

The prior convictions listed as number(s) _____, above, or in Appendix 2.2, are one offense for purposes of determining the offender score (RCW 9.94A.525)

The prior convictions listed as number(s) _____, above, or in Appendix 2.2, are not counted as points but as enhancements pursuant to RCW 46.61.520.

2.3 Sentencing Data:

Count	Offender Score	Seriousness level	Standard range (not including enhancements)	Plus enhancements*	Total standard range (including enhancements)	Maximum term
1	N/A	.				
2	N/A		15-20		39-44	
3	D	VII	9-27	24m	45-51	LIFE
4	D	III	3-8	—	3-8	5 years
5			1-3		1-3	
6						
7						

TOTAL ENHANCEMENTS to be served consecutively (RCW 9.94A.310(3)(e) and (4)(e)) _____ months

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (RPh) Robbery of a pharmacy, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present, (SM) Sexual motivation, RCW 9.94A.533(8), (SCF) Sexual conduct with a child for a fee, RCW 9.94A.533(9), (CSG) criminal street gang involving minor, (AE) endangerment while attempting to elude, (ALF) assault law enforcement with firearm, RCW 9.94A.533(12), (P16) Passenger(s) under age 16.

Additional current offense sentencing data is attached in Appendix 2.3.

For violent offenses, most serious offenses, or armed offenders, recommended **sentencing agreements or plea agreements** are attached as follows: _____

no agreement

2.4 **Exceptional Sentence.** The court finds substantial and compelling reasons that justify an exceptional sentence:

below the standard range for Count(s) _____.

above the standard range for Count(s) _____.

The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.

Aggravating factors were stipulated by the defendant, found by the court after the defendant waived jury trial, found by jury, by special interrogatory.

within the standard range for Count(s) _____, but served consecutively to Count(s) _____.

Findings of fact and conclusions of law are attached in Appendix 2.4. Jury's special interrogatory is attached. The Prosecuting Attorney did did not recommend a similar sentence.

2.5 **Legal Financial Obligations/Restitution.** The court has considered the total amount owing, the defendant's present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. (RCW 10.01.160). The court makes the following specific findings:

The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753): _____

The defendant has the present means to pay costs of incarceration. RCW 9.94A.760.

_____'s (Name of agency) costs for its emergency response are reasonable. RCW 38.52.430 (effective August 1, 2012)

2.6 **Felony Firearm Offender Registration.** The defendant committed a felony firearm offense as defined in RCW 9.41.010.

The court considered the following factors:

the defendant's criminal history.

whether the defendant has previously been found not guilty by reason of insanity of any offense in this state or elsewhere.

evidence of the defendant's propensity for violence that would likely endanger persons.

other: _____.

The court decided the defendant should should not register as a felony firearm offender.

III. JUDGMENT

3.1 The defendant is **guilty** of the Counts and Charges listed in Paragraph 2.1 and Appendix 2.1.

3.2 The court **dismisses** Counts I and II in the charging document. - *Dismissed without prejudice by order of 1-22-15*

IV. SENTENCE AND ORDER

It is ordered:

4.1 **Confinement.** The court sentences the defendant to total confinement as follows:

(a) **Confinement.** RCW 9.94A.589. A term of total confinement in the custody of the Department of Corrections (DOC):

— months on Count I 3 months on Count IV

— months on Count II _____ months on Count _____

44 months on Count III _____ months on Count _____

The confinement time on Count(s) _____ contain(s) a mandatory minimum term of _____.

The confinement time on Count III includes 24 months as enhancement for firearm deadly weapon sexual motivation VUCSA in a protected zone manufacture of methamphetamine with juvenile present sexual conduct with a child for a fee.

Actual number of months of total confinement ordered is: 44

All counts shall be served concurrently, except for the portion of those counts for which there is an enhancement as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: _____.

This sentence shall run consecutively with the sentence in the following cause number(s) (see RCW 9.94A.589(3)): _____.

Confinement shall commence immediately unless otherwise set forth here: _____.

formerly 9.94A.712

(b) **Confinement.** RCW 9.94A.507 (Sex Offenses only): The court orders the following term of confinement in the custody of the DOC:

Count I minimum term: ~~1~~ ^{disin'd} maximum term: Statutory Maximum
 Count II minimum term: ~~2~~ ^{disin'd} maximum term: Statutory Maximum
 Count III minimum term: 44 maximum term: Statutory Maximum

(c) **Credit for Time Served.** The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The jail shall compute time served.

(d) **Work Ethic Program.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic program. The court recommends that the defendant serve the sentence at a work ethic program. Upon completion of work ethic program, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions in Section 4.2. Violation of the conditions of community custody may result in a return to total confinement for remaining time of confinement.

4.2 Community Custody. (To determine which offenses are eligible for or required for community custody see RCW 9.94A.701)

(A) The defendant shall be on community custody for

Count(s) III 36 months Sex Offenses
 Count(s) _____ 36 months for Serious Violent Offenses
 Count(s) _____ 18 months for Violent Offenses
 Count(s) IV 12 months (for crimes against a person, drug offenses, or offenses involving the unlawful possession of a firearm by a street gang member or associate)

(Sex offenses, only) For Count(s) III, sentenced under RCW 9.94A.507, for any period of time the defendant is released from total confinement before the expiration of the statutory maximum. (formerly 9.94A.712)

(B) While on community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while on community custody; (6) not own, use, or possess firearms or ammunition; (7) pay supervision fees as determined by DOC; (8) perform affirmative acts as required by DOC to confirm compliance with the orders of the court; (9) for sex offenses, submit to electronic monitoring if imposed by DOC; and (10) abide by any additional conditions imposed by DOC under RCW 9.94A.704 and .706. The defendant's residence location and living arrangements are subject to the prior approval of DOC while on community custody. For sex offenders sentenced under RCW 9.94A.709, the court may extend community custody up to the statutory maximum term of the sentence.

The court orders that during the period of supervision the defendant shall:

- consume no alcohol.
- have no contact with: _____
- remain within outside of a specified geographical boundary, to wit:
- not reside within 880 feet of the facilities or grounds of a public or private school (community protection zone). RCW 9.94A.030.

- participate in an education program about the negative costs of prostitution.
- participate in the following crime-related treatment or counseling services: _____
- undergo an evaluation for treatment for domestic violence substance abuse mental health anger management, and fully comply with all recommended treatment.
- comply with the following crime-related prohibitions: _____
- Other conditions: _____

- 1. You shall comply with the statutory requirements of community placement, RCW 9.94A.120(8)(b)(c), and other conditions as set forth in Judgment and Sentence.
- 2. You shall report as directed to the Office of Community Corrections or the Court.
- 3. You shall notify the Superior Court Clerk and Office of Community Corrections prior to any change of address or employment.
- 4. You shall pay monetary obligations as set forth in the Judgment and Sentence.
- 5. You shall remain within prescribed geographical boundaries, as follows: _____
- 6. You shall not contact or communicate with: _____
- 7. You shall not have direct or indirect contact with the following specified class of individuals: _____
- 8. You shall abstain from the use of alcohol and remain out of places where alcohol is the chief item of sale.
- 9. You shall abstain from the possession or use of ^{prescriptions} drugs unless prescribed by a medical professional, and shall provide copies of all prescriptions to Community Corrections Officer within seventy-two (72) hours.
- 10. During term of community supervision, you shall submit to physical and/or psychological testing whenever requested by Community Corrections Officer, at your own expense, to assure compliance with Judgment and Sentence or Department of Corrections requirements.
- 11. You shall undergo out-patient treatment as prescribed by the Court or the Office of Community Corrections as follows: _____
- 12. You shall undergo in-patient/out-patient sex offender treatment as set forth below or attached hereto and incorporated by reference: See Appendix "F"
- 13. Do not use or possess firearms.
- 14. Do not drive a motor vehicle.
- 15. Refrain from further violations of the law.

- 16. You shall pay the cost of counseling to the victim which is required as a result of your crime or crimes.
 - 17. Your residence and living arrangements shall be subject to the prior approval of DOC.
 - 18. You must consent to allow home visits by the Department to monitor compliance with supervision. Home visits include access for purposes of visual inspection of all areas of the residence in which the offender lives or has exclusive or joint control or access.
 - 19. Other crime-related prohibitions as follows: Conditions set forth in PSI, attached & incorporated as Appendix "F"
- Violations of these conditions will result in additional punishment.

(C) For sentences imposed under RCW 9.94A.507, the Indeterminate Sentence Review Board may impose other conditions (including electronic monitoring if DOC so recommends). In an emergency, DOC may impose other conditions for a period not to exceed seven working days.

Court Ordered Treatment: If any court orders mental health or chemical dependency treatment, the defendant must notify DOC and the defendant must release treatment information to DOC for the duration of incarceration and supervision. RCW 9.94A.562.

4.3a Legal Financial Obligations: The defendant shall pay to the clerk of this court:

IASS CODE PCV	\$ 500.00	Victim assessment (\$500.00 for felony and gross misdemeanor; \$250.00 for misdemeanor)	RCW 7.68.035
	\$ 100	Domestic Violence assessment	RCW 10.99.080
CRC	\$	Court costs, including:	RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190
		Criminal filing fee	\$ 200.00 FRC
		Witness costs	\$ WFR
		Sheriff's service fees	\$ 606.12 <i>waived</i> SFR/SFS/SFW/WRF
		Jury demand fee	\$ JFR
		Extradition costs	\$ EXT
		Other	\$
PUB	\$ 350	Fees for court appointed attorney <i>waived</i>	RCW 9.94A.760
WRF	\$	Court appointed defense expert and other defense costs	RCW 9.94A.760
FCM/ MTH	\$	Fine RCW 9A.20.021; <input type="checkbox"/> VUCSA chapter 69.50 RCW, <input type="checkbox"/> VUCSA additional fine deferred due to indigency	RCW 69.50.430
CDF/LDI /FCD NTF / SAD/SDI	\$	Drug enforcement fund of _____	RCW 9.94A.760
CLF	\$	Crime lab fee <input type="checkbox"/> suspended due to indigency	RCW 43.43.690

1	\$ 100.00	DNA collection fee <input type="checkbox"/> not imposed due to hardship	RCW 43.43.7541
2	\$	Specialized forest products	RCW 76.48.140
3	\$	Trafficking/Promoting prostitution/Commercial sexual abuse of minor fee (may be reduced by no more than two thirds upon a finding of inability to pay.)	RCW 9A.40.100, 9A.88.120, 9.68A.105
4	\$	Other fine or costs for: _____ i.e., Interpreter costs (CIS) Evaluations--court ordered (EVA) Lab/blood test (BBS) Investigator services (INS) Drug Court Program (DCT) Meth lab clean-up (MTH)	
5	RTN/RJN	Emergency response costs (\$1,000 maximum, \$2,500 max. effective Aug. 1, 2012.)	RCW 38.52.430
6		Agency: _____	
7		Address: _____	

(Name and address - address may be withheld and provided confidentially to Clerk of the Court's Office)

9 RTN
10 solely /
11 RJN joint
12 & several

\$	Restitution to:	
\$	Statutory assessment:	Drug enforcement fund of <u>Olympic Peninsula Narcotics Enforcement Team (OPNET)</u> County Code 118.000.010 Bars Code 351.50.01 <input type="checkbox"/> VUCSA chapter 69.50 RCW, <input type="checkbox"/> VUCSA additional fine deferred due to indigency
\$ <u>247.51</u>	Costs of: <u>wrong</u>	Clallam County Jail for medical treatment rendered while incarcerated in County Jail:
		\$ pre- + post-conviction medical costs (RCW 70.48.130)
		\$ Other costs:
		\$
		<input type="checkbox"/> hearing to be held _____, 20_
		<input type="checkbox"/> with review every three months thereafter.
		Dept code 001.840.000 Bars Code 349.23.00.00.20

22 \$2,002.63 TOTAL RCW 9.94A.760

23 The above total does not include all restitution or other legal financial obligations,
24 which may be set by later order of the court. An agreed restitution order may be entered.

25 FELONY JUDGMENT AND SENTENCE (FJS) (Prison)
(Sex Offense and Kidnapping of a Minor Offense)
(RCW 9.94A.500, .505)
(WPF CR 84.0400 (07/2013))

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RCW 9.94A.753. A restitution hearing:

shall be set by the prosecutor.

is scheduled for _____, 20____.

The defendant waives any right to be present at any restitution hearing (sign initials): _____

Restitution Schedule attached.

Restitution ordered above shall be paid jointly and severally with:

RJN	NAME of other defendant(s)	Cause Number	(Victim's name)	(Amount - \$)
				\$
				\$
				\$

The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

All payments shall be made in accordance with the policies of the clerk of the court and on a schedule established by DOC or the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$_____ per month ^{> as set by DOC} commencing _____. RCW 9.94A.760.

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(7)(b).

The court orders the defendant to pay costs of incarceration at the rate of \$_____ per day, (actual costs not to exceed \$100 per day). (JLR) RCW 9.94A.760. (This provision does not apply to costs of incarceration collected by DOC under RCW 72.09.111 and 72.09.480.)

The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160

4.3b **Electronic Monitoring Reimbursement.** The defendant is ordered to reimburse _____ (name of electronic monitoring agency) at _____ for the cost of pretrial electronic monitoring in the amount of \$_____.

4.4 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. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. This paragraph does not apply if it is established that the Washington State Patrol crime laboratory already has a sample from the defendant for a qualifying offense. RCW 43.43.754.

HIV Testing. The defendant shall submit to HIV testing. RCW 70.24.340.

4.5 No Contact:

The defendant shall not have contact with CR DOB 11-28-1977 (name) including, but not limited to, personal, verbal, telephonic, written or contact through a third party until LIFE (which does not exceed the maximum statutory sentence).

1 The defendant is excluded or prohibited from coming within _____ (distance)
of:

2 _____ (name of protected person(s))'s
 home/ residence work place school (other location(s)) _____

3 other location: _____, or
4 until _____ (which does not exceed the maximum statutory sentence).

5 A separate Domestic Violence No-Contact Order, Antiharassment No-Contact Order,
Stalking No-Contact Order, or Sexual Assault Protection Order is filed concurrent with this
Judgment and Sentence.

6 **4.6 Other:** _____
7 _____
8 _____
9 _____

10 **4.7 Off-Limits Order:** (Known drug trafficker). RCW 10.66.020. The following areas are off
11 limits to the defendant while under the supervision of the county jail or Department of
Corrections: _____
12 _____

13 **4.8 Exoneration:** The Court hereby exonerates any bail, bond and/or personal recognizance
conditions.

14 V. NOTICES AND SIGNATURES

15 **5.1 Collateral Attack on Judgment.** If you wish to petition or move for collateral attack on this
16 judgment and sentence, including but not limited to any personal restraint petition, state
17 habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion
18 for new trial or motion to arrest judgment, you must do so within one year of the final
19 judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.

20 **5.2 Length of Supervision.** If you committed your offense prior to July 1, 2000, you shall remain
21 under the court's jurisdiction and the supervision of the Department of Corrections for a
22 period up to 10 years from the date of sentence or release from confinement, whichever is
23 longer, to assure payment of all legal financial obligations unless the court extends the
24 criminal judgment an additional 10 years. If you committed your offense on or after July 1,
2000, the court shall retain jurisdiction over you, for the purpose of your compliance with
25 payment of the legal financial obligations, until you have completely satisfied your obligation,
regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5).
The clerk of the court has authority to collect unpaid legal financial obligations at any time
while you remain under the jurisdiction of the court for purposes of your legal financial
obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

5.3 Notice of Income-Withholding Action. If the court has not ordered an immediate notice of
payroll deduction in Section 4.1, you are notified that the Department of Corrections (DOC) or
the clerk of the court may issue a notice of payroll deduction without notice to you if you are

1 more than 30 days past due in monthly payments in an amount equal to or greater than the
2 amount payable for one month. RCW 9.94A.7602. Other income-withholding action under
3 RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

4 **5.4 Community Custody Violation.**

5 (a) If you are subject to a first or second violation hearing and DOC finds that you committed
6 the violation, you may receive as a sanction up to 60 days of confinement per violation. RCW
7 9.94A.633.

8 (b) If you have not completed your maximum term of total confinement and you are subject to
9 a third violation hearing and DOC finds that you committed the violation, DOC may return you
10 to a state correctional facility to serve up to the remaining portion of your sentence. RCW
11 9.94A.714.

12 **5.5a Firearms. You may not own, use or possess any firearm, and under federal law any
13 firearm or ammunition, unless your right to do so is restored by the court in which you are
14 convicted or the superior court in Washington State where you live, and by a federal court if
15 required. You must immediately surrender any concealed pistol license. (The clerk of
16 the court shall forward a copy of the defendant's driver's license, identicard, or comparable
17 identification to the Department of Licensing along with the date of conviction or
18 commitment.) RCW 9.41.040 and RCW 9.41.047.**

19 **5.5b Felony Firearm Offender Registration.** The defendant is required to register as a felony
20 firearm offender. The specific registration requirements are in the "Felony Firearm Offender
21 Registration" attachment.

22 **5.6 Sex and Kidnapping Offender Registration.** RCW 9A.44.128, 9A.44.130, 10.01.200.

23 **1. General Applicability and Requirements:** Because this crime involves a sex offense or
24 kidnapping offense involving a minor as defined in RCW 9A.44.128, you are required to
25 register.

If you are a resident of Washington, you must register with the sheriff of the county of the
state of Washington where you reside. You must register within three business days of
being sentenced unless you are in custody, in which case you must register at the time of
your release with the person designated by the agency that has jurisdiction over you. You
must also register within three business days of your release with the sheriff of the county of
the state of Washington where you will be residing.

If you are not a resident of Washington but you are a student in Washington or you are
employed in Washington or you carry on a vocation in Washington, you must register with the
sheriff of the county of your school, place of employment, or vocation. You must register
within three business days of being sentenced unless you are in custody, in which case you
must register at the time of your release with the person designated by the agency that has
jurisdiction over you. You must also register within three business days of your release with
the sheriff of the county of your school, where you are employed, or where you carry on a
vocation.

2. Offenders Who are New Residents or Returning Washington Residents: If you move
to Washington or if you leave this state following your sentencing or release from custody
but later move back to Washington, you must register within three business days after
moving to this state. If you leave this state following your sentencing or release from custody
but later while not a resident of Washington you become employed in Washington, carry on a

1 vocation in Washington, or attend school in Washington, you must register within three
2 business days after starting school in this state or becoming employed or carrying out a
3 vocation in this state.

4 **3. Change of Residence Within State:** If you change your residence within a county, you
5 must provide, by certified mail, with return receipt requested or in person, signed written
6 notice of your change of residence to the sheriff within three business days of moving. If you
7 change your residence to a new county within this state, you must register with the sheriff of
8 the new county within three business days of moving. Also within three business days, you
9 must provide, by certified mail, with return receipt requested or in person, signed written
10 notice of your change of address to the sheriff of the county where you last registered.

11 **4. Leaving the State or Moving to Another State:** If you move to another state, or if you
12 work, carry on a vocation, or attend school in another state you must register a new address,
13 fingerprints, and photograph with the new state within three business days after
14 establishing residence, or after beginning to work, carry on a vocation, or attend school in
15 the new state. If you move out of the state, you must also send written notice within three
16 business days of moving to the new state or to a foreign country to the county sheriff with
17 whom you last registered in Washington State.

18 **5. Notification Requirement When Enrolling in or Employed by a Public or Private
19 Institution of Higher Education or Common School (K-12):** You must give notice to the
20 sheriff of the county where you are registered within three business days:

- 21 i) before arriving at a school or institution of higher education to attend classes;
22 ii) before starting work at an institution of higher education; or
23 iii) after any termination of enrollment or employment at a school or institution of higher
24 education.

25 **6. Registration by a Person Who Does Not Have a Fixed Residence:** Even if you do not
have a fixed residence, you are required to register. Registration must occur within three
business days of release in the county where you are being supervised if you do not have a
residence at the time of your release from custody. Within three business days after losing
your fixed residence, you must send signed written notice to the sheriff of the county where
you last registered. If you enter a different county and stay there for more than 24 hours, you
will be required to register with the sheriff of the new county not more than three business
days after entering the new county. You must also report weekly in person to the sheriff of the
county where you are registered. The weekly report shall be on a day specified by the county
sheriff's office, and shall occur during normal business hours. You must keep an accurate
accounting of where you stay during the week and provide it to the county sheriff upon
request. The lack of a fixed residence is a factor that may be considered in determining an
offender's risk level and shall make the offender subject to disclosure of information to the
public at large pursuant to RCW 4.24.550.

7. Application for a Name Change: If you apply for a name change, you must submit a copy
of the application to the county sheriff of the county of your residence and to the state patrol
not fewer than five days before the entry of an order granting the name change. If you receive
an order changing your name, you must submit a copy of the order to the county sheriff of the
county of your residence and to the state patrol within three business days of the entry of the
order. RCW 9A.44.130(7)

1 5.7 **Department of Licensing Notice:** The court finds that Count _____ is a felony in
2 the commission of which a motor vehicle was used. **Clerk's Action** -The clerk shall forward
3 an Abstract of Court Record (ACR) to the DOL, which must revoke the Defendant's driver's
4 license. RCW 46.20.285. **Findings for DUI, Physical Control, Felony DUI or Physical**
5 **Control, Vehicular Assault, or Vehicular Homicide (ACR information):**

- 6 Within two hours after driving or being in physical control of a vehicle, the defendant
7 had an alcohol concentration of breath or blood (BAC) of _____.
8 No BAC test result.
9 BAC Refused. The defendant refused to take a test offered pursuant to RCW 46.20.308.
10 Drug Related. The defendant was under the influence of or affected by any drug.
11 THC level was _____ within two hours after driving.
12 Passenger under age 16. The defendant committed the offense while a passenger
13 under the age of sixteen was in the vehicle.

14 Vehicle Info.: Commercial Veh.; 16 Passenger Veh.; Hazmat Veh..

15 5.8 **Other:**

16 This matter comes on for re-sentencing
17 following a decision by the Court of Appeals,
18 Division II, cause 44075-0-II reversing
19 Counts I and II (both convictions for
20 Rape 2nd). The state decided not to
21 retry Counts I & II and these counts were
22 dismissed without prejudice April 22, 2015[Ⓞ]

23 The defendant is re-sentenced herein
24 on Count III, Burglary First Degree with
25 Sexual Motivation and Count IV, Unlawful
Imprisonment

The Court finds defendant indigent
and imposes only mandatory LFO's

Ⓞ None Pro Tunc to 3-18-15

1
2
3 **DONE IN OPEN COURT** and in the presence of Defendant this date: May 20, 2015.

4 [Signature]
5 JUDGE

6 [Signature]
7 JOHN FROBERG
(Deputy) Prosecuting Attorney
WBA No. 11548
8 (print name)

6 [Signature] 38677
7 ALEX STALKER
Attorney for Defendant
WBA No.
8 (print name)

6 [Signature]
7 COREAN OMARUS BARNES
Defendant
8 (print name)

9 JT/at

10 **Voting Rights Statement:** I acknowledge that I have lost my right to vote because of this felony conviction. If I am registered to vote, my voter registration will be cancelled

11 My right to vote is provisionally restored as long as I am not under the authority of DOC (not serving a sentence of confinement in the custody of DOC and not subject to community custody as defined in RCW 9.94A.030). I must re-register before voting. The provisional right to vote may be revoked if I fail to comply with all the terms of my legal financial obligations or an agreement for the payment of legal financial obligations.

12 My right to vote may be permanently restored by one of the following for each felony conviction: a) a certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) a court order issued by the sentencing court restoring the right, RCW 9.92.066; c) a final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) a certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 29A.84.660. Registering to vote before the right is restored is a class C felony, RCW 29A.84.140.

13 Defendant's signature: * [Signature]

14 I am a certified or registered interpreter, or the court has found me otherwise qualified to interpret, in the _____ language, which the defendant understands. I interpreted this Judgment and Sentence for the defendant into that language.

15 I CERTIFY UNDER PENALTY OF PERJURY under the laws of the state of Washington that the foregoing is true and correct

16 Signed at _____ on _____, 2015
17 (city) (state) (date)

18 _____
19 Interpreter (print name)

VI. IDENTIFICATION OF THE DEFENDANT

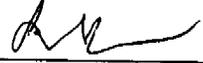
(If no SID complete a separate Applicant card (form FD-258) for State Patrol

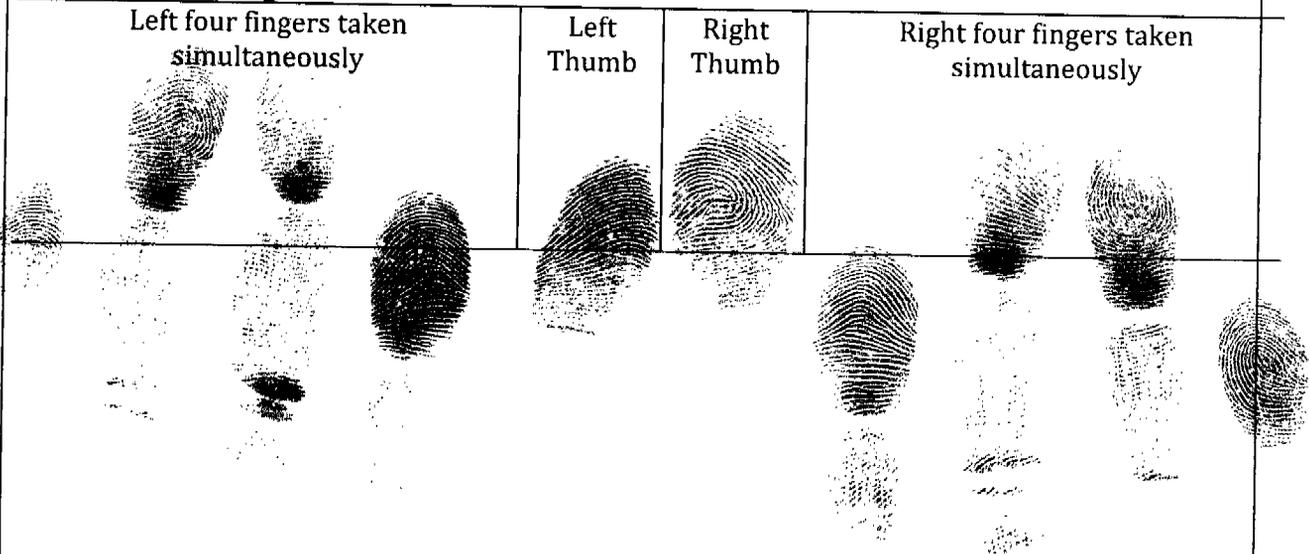
SID No.	<u>WA22113507</u>	Date of Birth	<u>11/12/1982</u>
FBI No.	<u>8209KB0</u>	Local ID No. (pick one):	<input checked="" type="checkbox"/> WA0050000 (CCSO) <input type="checkbox"/> WA0050100 (PAPD) <input type="checkbox"/> WA0050200 (Forks PD) <input type="checkbox"/> WA0050300 (Sequim PD) <input type="checkbox"/> WAWSP8000 (WSP)
PCN No.	<u>966012871</u>	OCA	<u>08-08578</u>
Alias name, DOB:	<u>a/k/a Corgano Barnes, Cantrell Barnes, Lonney M. Barnes, Roosevelt Barnes, Roosevelt Times, Gerard Barnes, Lonnie Barnes, Kentrall Lear. DOB: 11/12/1982, 5'11", 228 lbs., brown eyes, black hair</u>		
LKA:	<u>121 Victoria View, Sequim, Washington 98382</u>		

Race:	Ethnicity:	Sex:
<input type="checkbox"/> Asian/Pacific Islander <input checked="" type="checkbox"/> Black/African-American <input type="checkbox"/> Caucasian	<input type="checkbox"/> Hispanic	<input checked="" type="checkbox"/> Male
<input type="checkbox"/> Native American <input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> Non-Hispanic	<input type="checkbox"/> Female

Fingerprints: I attest that I saw the defendant who appeared in court affix his or her fingerprints and signature on this document.

Clerk of the Court: _____, Deputy Clerk. Dated: _____, 2015

The defendant's signature: 



CONDITIONS OF SUPERVISION, Clallam cause 08-1-00012-4, defendant Corean Barnes:

- 1) You shall comply with the statutory requirements of community custody and other conditions as set forth in Judgment and Sentence and as imposed by Department of Corrections.
- 2) You shall report as directed to the office of Community Corrections or the Court.
- 3) You shall notify the Superior Court Clerk and office of Community Corrections prior to any change of address or employment.
- 4) You shall pay monetary obligations as set forth in the Judgment and Sentence.
- 5) You shall remain within the prescribed geographical boundaries as follows: as directed by DOC.
- 6) You shall not have direct or indirect contact with the following specified individuals for the statutory maximum length of time: CR, the victim herein
- ~~7) You shall abstain from the possession or use of alcohol and remain out of places where alcohol is the chief item of sale.~~
- 8) You shall abstain from the possession or use of ^{prescription} drugs and drug paraphernalia except as prescribed by a medical professional, and shall provide copies of all prescriptions to Community Corrections Officer within seventy-two (72) hours.
- 9) During term of community custody, you shall submit to physical and/or psychological testing whenever requested by Community Corrections Officer, at your own expense, to assure compliance with Judgment and Sentence, Community Custody Board, or Department of Corrections' requirements.
- 10) You shall obtain a psychosexual evaluation from a State-certified provider (or out of state equivalent, if supervised out of state) and enter into, comply with, show progress in and successfully complete a sexual deviancy treatment program as recommended as a result of the evaluation.
- 11) Register as a sex offender in accordance with State law.
- 12) Do not use or possess firearms.
- 13) Must consent to allow home visits by the Department to monitor compliance with supervision. Home visits include access for the purposes of visual inspection of all areas of residence in which the offender lives or has exclusive/joint control/access.
- 14) Refrain from further violations of the law.
- 15) You shall pay the cost of counseling to the victim that is required as a result of your crime or crimes.
- 16) Your residence and living arrangements shall be subject to the prior approval of the Department of Corrections.
- 17) Other conditions as imposed by CCO and/or Community Custody Board.

RECEIVED
MAY 20 2015
Prosecuting Attorney

FILED
CLALLAM CO CLERK
2015 MAY 20 P 2:08
DANIEL CHRISTENSEN

SUPERIOR COURT OF WASHINGTON FOR CLALLAM COUNTY	
STATE OF WASHINGTON	Plaintiff
vs.	
COREAN O. BARNES	Defendant.

NO. 08-1-00340-9

MOTION TO PURSUE APPEAL AT
PUBLIC EXPENSE

COMES NOW the defendant, through his Court appointed counsel of record, Alex Stalker, and moves the Court for an Order of Indigency in the above matter.

THIS MOTION is based upon the records and files herein and upon the accompanying certification(s) in support of this motion.

The nature of the case being appealed is a conviction for Burglary in the First Degree with a finding of Sexual Motivation and Unlawful Imprisonment.

The issues that the defendant wishes to raise on appeal are:

- Improper admission into evidence of various items of testimony and/or physical evidence;
- including issues raised at CrR 3.5 and/or 3.6 hearing;
- Improper exclusion of relevant probative evidence;
- Ineffective assistance of counsel;
- sufficiency of the evidence;

MOTION FOR ORDER
OF INDIGENCY



Record Certification: I Certify that the electronic copy is a correct copy of the original, on the date filed in this office, and was taken under the Clerk's direction and control. Clallam County Clerk, by ALC Deputy #pages: 2

The defendant reserves the right to raise additional issues upon review of this case with counsel on appeal.

The costs that the defendant seeks to have waived or be provided at public expense are:

- Filing fee;
- Transcripts;
- Court records;
- Counsel on appeal

DATED this 20th day of May, 2015.

Respectfully submitted:

CLALLAM PUBLIC DEFENDER



ALEX STALKER #38677
Attorney for Defendant

CLALLAM SUPERIOR COURT

May 21, 2015 - 1:38 PM

Transmittal Letter

Document Uploaded: 0-prp-BARNESprpnacpkt.pdf

Case Name: STATE OF WASHINGTON VS. COREAN O. BARNES

County Cause Number: 08-1-00340-9

Court of Appeals Case Number:

- ✓ Personal Restraint Petition (PRP) Transfer Order
- ✓ Notice of Appeal/Notice of Discretionary Review

(Check All Included Documents)

- ✓ Judgment & Sentence/Order/Judgment
Signing Judge: GEORGE L. WOOD
- ✓ Motion To Seek Review at Public Expense
- ✓ Order of Indigency
Filing Fee Paid - Invoice No: ____
- ✓ Affidavit of Service

Clerk's Papers - Confidential Sealed

Supplemental Clerk's Papers

Exhibits - Confidential Sealed

Verbatim Report of Proceedings - No. of Volumes: ____

Hearing Date(s): _____

Administrative Record - Pages: ____ Volumes: ____

Other: _____

Co-Defendant Information:

No Co-Defendant information was entered.

Comments:

No Comments were entered.

Sender Name: Kimberly S Lane

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

astalkercpd@olympen.com

jespinoza@co.clallam.wa.us

tmartin@co.clallam.wa.us