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SUPERIOR COURT
THURSTON COUNTY, WA

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Linda J. ...
Thurston County Clerk

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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

STATE OF WASHINGTON

Plaintiff,

v.

GREG STEVEN MARTINEZ

Defendant.

NO. 05-1-01083-9

ORDER TRANSFERRING MOTION TO
COURT OF APPEALS FOR
CONSIDERATION AS PERSONAL
RESTRAINT PETITION UNDER CrR
7.8(c)

Clerk's action required

THIS MATTER came before the undersigned judge of the above entitled court upon ex parte review of:

1. Judgment and sentence, filed on 9/21/09,
2. The Defendant's "motion to modify community custody," filed on 6/6/16
3. Response, filed 16/23/16

After reviewing the defendant's written pleadings, the court now enters the following order under CrR 7.8(c)(2):

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FILED
SUPERIOR COURT
THURSTON COUNTY WA

'09 SEP 21 PM 3:34

SUPERIOR COURT OF WASHINGTON
COUNTY OF THURSTON

STATE OF WASHINGTON, Plaintiff,

vs.

GREG STEVEN MARTINEZ,
Defendant.

SID: WA22840263
If no SID, use DOB: 06/10/1986
PCN: 766837271 BOOKING NO. C0131904

No. 05-1-01083-9

1st Amended
FELONY JUDGMENT AND SENTENCE (FJS)

Prison RCW 9.94A.712 Prison Confinement

Jail One Year or Less RCW 9.94A.712 Prison Confinement

First-Time Offender

Special Sexual Offender Sentencing Alternative

Special Drug Offender Sentencing Alternative

Clerk's Action Required, para 4.5 (SDOSA), 4.15.2, 5.3, 5.6 and 5.8

I. HEARING

1.1 A sentencing hearing was held on September 27, 2006 wherein defendant was granted a Sepecial Sexual Offender Sentencing Alternative (SSOSA). Defendant's SSOSA is hereby revoked. *BASED ON VIOLATION HEARING ON 9-27-09.*

II. FINDINGS

There being no reason why judgment should not be pronounced, the court FINDS:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on September 21, 2009 by plea jury-verdict bench trial of:

COUNT	CRIME	RCW	DATE OF CRIME
I	RAPE OF A CHILD IN THE FIRST DEGREE	9A.44.073	MAY 2, 2005 to May 27, 2005

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

Additional current offenses are attached in Appendix 2.1.

A special verdict/finding that the offense was predatory was returned on Count(s) _____, RCW 9.94A. _____.

A special verdict/finding that the victim was under 15 years of age at the time of the offense was returned on Count(s) _____, RCW 9.94A. _____.

A special verdict/finding that the victim was developmentally disabled, mentally disordered, or a frail elder or vulnerable adult at the time of the offense was returned on Count(s) _____, RCW 9.94A. _____, 9A.44.010.

A special verdict/finding of **sexual motivation** was returned on Count(s) _____ 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.

The court finds that the defendant is subject to sentencing under RCW 9.94A.712.

FELONY JUDGMENT AND SENTENCE (FJS)
(RCW 9.94A.500, .505)(WPF CR 84.0400 (6/2005)

COPY TO DOC

COPY TO SHERIFF

- A special verdict/finding for use of **firearm** was returned on Count(s) _____ . RCW 9.94A.602, 9.94A.533.
- A special verdict/finding for use of **deadly weapon other than a firearm** was returned on Count(s) _____ . RCW 9.94A.602, 9.94A.533.
- A special verdict/finding for **Violation of the Uniform Controlled Substances Act** was returned on Count(s) _____, RCW 69.50.401 and RCW 69.50.435, taking 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.
- A special verdict/finding that 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** was returned on Count(s) _____ . RCW 9.94A.605, RCW 69.50.401, RCW 69.50.440.
- The defendant was convicted of **vehicular homicide** which was proximately caused by a person driving a vehicle while under the influence of intoxicating liquor or drug or by the operation of a vehicle in a reckless manner and is therefore a violent offense. RCW 9.94A.030.
- 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.
- The court finds that the offender has a **chemical dependency** that has contributed to the offense(s). RCW 9.94A.607.
- The crime charged in Count(s) _____ involve(s) **domestic violence**.
- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):
- None of the current offenses constitute same criminal conduct.
- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J Adult, Juv.	TYPE OF CRIME
1 NONE KNOWN					
2					
3					
4					
5					

- Additional criminal history is attached in Appendix 2.2.
- The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525.
- The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):
- None of the prior convictions constitutes same criminal conduct.
- The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUS-NESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS*	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	0	XII	93-123 mos To Life	--	93-123 mos To Life	LIFE

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present. (SM) Sexual motivation, RCW 9.94A.533(8).

Additional current offense sentencing data is attached in Appendix 2.3.

2.4 EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence:

within 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.

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 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS. The court has considered the total amount owing, the defendant's past, 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. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

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

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

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 Count II The defendant is found NOT GUILTY of Counts

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court:

JASS CODE

\$ RESERVED Restitution to: VICTIM – M.S.B.

RTN/RJN

\$ _____ Restitution to: _____

\$ _____ Restitution to: _____
(Name and Address--address may be withheld and provided confidentially to Clerk of the Court's office.)

PCV \$ 500.00 Victim assessment RCW 7.68.035

\$ _____ Domestic Violence assessment RCW 10.99.080

CRC \$ 200.00 Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190

Criminal filing fee \$ 200 FRC
Witness costs \$ _____ WFR
Sheriff service fees \$ _____ SFR/SFS/SFW/WRF
Jury demand fee \$ _____ JFR
Extradition costs \$ _____ EXT
Other \$ _____

PUB \$ _____ Fees for court appointed attorney RCW 9.94A.760

WFR \$ _____ Court appointed defense expert and other defense costs RCW 9.94A.760

FCM/MTH \$ _____ Fine RCW 9A.20.021; [] VUCSA chapter 69.50 RCW, [] VUCSA additional fine deferred due to indigency RCW 69.50.430

CDF/LDI/FCD \$ _____ Drug enforcement fund of _____ RCW 9.94A.760
NTF/SAD/SDI

CLF \$ _____ Crime lab fee [] suspended due to indigency RCW 43.43.690

\$ 100.00 Felony DNA collection fee [] not imposed due to hardship RCW 43.43.7541

RTN/RJN \$ _____ Emergency response costs (Vehicular Assault, Vehicular Homicide only, \$1000 maximum) RCW 38.52.430

\$ _____ Other costs for: _____

\$ 800.00 TOTAL RCW 9.94A.760

[X] The above total does not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

[X] shall be set by the prosecutor.

[] is scheduled for _____

[] RESTITUTION. Schedule attached.

[] Restitution ordered above shall be paid jointly and severally with:

NAME of other defendant CAUSE NUMBER (Victim's name) (Amount-\$)

RJN _____

[X] 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).

[X] 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 commencing _____ RCW 9.94A.760.

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

[] In addition to the other costs imposed herein, the court finds that the defendant has the means to pay for the cost of incarceration and is ordered to pay such costs at the rate of \$50.00 per day, unless another rate is specified here: _____ (JLR) RCW 9.94A.760.

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.

4.2 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. RCW 43.43.754.

[X] HIV TESTING. The defendant shall submit to HIV testing. RCW 70.24.340.

4.3 The defendant shall not have contact with **M.S.B. (DOB: 04/19/1996)** including, but not limited to, personal, verbal, telephonic, written or contact through a third party for **LIFE** (not to exceed the maximum statutory sentence).

Domestic Violence No-Contact Order, Antiharassment No-Contact Order, or Sexual Assault Protection Order is filed with this Judgment and Sentence, *ENTERED 9-27-06.*

[] 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 **OTHER: ALL CONDITIONS OF APPENDIX "H" ARE INCORPORATED HEREIN BY REFERENCE. REGISTER AS A SEX OFFENDER FOR LIFE – SEE 5.7**

4.5 **CONFINEMENT OVER ONE YEAR.** The defendant is sentenced as follows:

(a) **CONFINEMENT.** RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC):

SEE 4.5(b) months on Count _____ months on Count _____
_____ months on Count _____ months on Count _____
_____ months on Count _____ months on Count _____

Actual number of months of total confinement ordered is: 93 MONTH TO LIFE IMPRISONMENT.
(Add mandatory firearm, deadly weapons, and sexual motivation enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above.)

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

NON-FELONY COUNTS:

Sentence on counts _____ is/are suspended for _____ months on the condition that the defendant comply with all requirements outlined in the supervision section of this sentence.

_____ days of jail are suspended on Count _____
_____ days of jail are suspended on Count _____

All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm, other deadly weapon, or sexual motivation, UVCSA in a protected zone, or manufacture of methamphetamine with juvenile present as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: _____

The sentence herein shall run consecutively with the sentence in cause number(s) _____

but concurrently to any other felony cause not referred to in this Judgment. RCW 9.94A.589.

Confinement shall commence immediately unless otherwise set forth here: _____

(b) CONFINEMENT. RCW 9.94A.712 (Sex Offenses only): The defendant is sentenced to the following term of confinement in the custody of the DOC:

Count I minimum term 93 months maximum term LIFE
 Count _____ minimum term _____ maximum term _____

(c) 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 time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: 835 Days

4.6 COMMUNITY PLACEMENT is ordered as follows: Count _____ for _____ months;
 Count _____ for _____ months; Count _____ for _____ months.

COMMUNITY CUSTODY for count(s) _____, sentenced under RCW 9.94A.712, is ordered for any period of time the defendant is released from total confinement before the expiration of the maximum sentence.

COMMUNITY CUSTODY is ordered as follows:

Count _____ for a range from _____ to _____ months;
 Count _____ for a range from _____ to _____ months;
 Count _____ for a range from _____ to _____ months;

or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A.700 and .705 for community placement offenses, which include serious violent offenses, second degree assault, any crime against a person with a deadly weapon finding and chapter 69.50 or 69.52 RCW offenses not sentenced under RCW 9.94A.660 committed before July 1, 2000. See RCW 9.94A.715 for community custody range offenses, which include sex offenses not sentenced under RCW 9.94A.712 and violent offenses committed on or after July 1, 2000. Use paragraph 4.7 to impose community custody following work ethic camp.] **STATUTORY LIMIT ON SENTENCE.** Notwithstanding the length of confinement plus any community custody imposed on any individual charge, in no event will the combined confinement and community custody exceed the statutory maximum for that charge. Those maximums are: Class A felony--life in prison; Class B felony--ten (10) years in prison; Class C felony--5 (5) years in prison.

On or after July 1, 2003, DOC shall supervise the defendant if DOC classifies the defendant in the A or B risk categories; or, DOC classifies the defendant in the C or D risk categories and at least one of the following apply:

a) the defendant committed a current or prior:		
i) Sex offense	ii) Violent offense	iii) Crime against a person (RCW 9.94A.411)
iv) Domestic violence offense (RCW 10.99.020)		v) Residential burglary offense
vi) Offense for manufacture, delivery or possession with intent to deliver methamphetamine including its salts, isomers, and salts of isomers,		

- vii) Offense for delivery of a controlled substance to a minor; or attempt, solicitation or conspiracy (vi, vii)
- b) the conditions of community placement or community custody include chemical dependency treatment.
- c) the defendant is subject to supervision under the interstate compact agreement, RCW 9.94A.745.

While on community placement or 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 in community custody; (6) pay supervision fees as determined by DOC; and (7) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC; and (8) for sex offenses, submit to electronic monitoring if imposed by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

- The defendant shall not consume any alcohol.
- Defendant shall have no contact with: VICAM, OR ANY MINOR
- Defendant shall remain within outside of a specified geographical boundary, to wit: _____

Defendant shall not reside in a community protection zone (within 880 feet of the facilities or grounds of a public or private school). (RCW 9.94A.030(8)).

The defendant shall participate in the following crime-related treatment or counseling services: SEXUAL OFFENSE TREATMENT

The defendant shall undergo an evaluation for treatment for domestic violence substance abuse mental health anger management and fully comply with all recommended treatment.

The defendant shall comply with the following crime-related prohibitions: 4.4 AND APPENDIX "H"

Other conditions: 4.4 AND APPENDIX "H"

For sentences imposed under RCW 9.94A.712, other conditions, including electronic monitoring, may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than seven working days.

- 4.7 **WORK ETHIC CAMP.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6.
- 4.8 **OFF LIMITS ORDER** (known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the county jail or Department of Corrections: _____

V. NOTICES AND SIGNATURES

- 5.1 **COLLATERAL ATTACK ON JUDGMENT.** Any petition or motion for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.
- 5.2 **LENGTH OF SUPERVISION.** For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1,

2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her 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 or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.
- 5.4 **RESTITUTION HEARING.**
[] Defendant waives any right to be present at any restitution hearing (sign initials): _____.
- 5.5 Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. RCW 9.94A.634.
- 5.6 **FIREARMS.** You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

Cross off if not applicable:

5.7 SEX AND KIDNAPPING OFFENDER REGISTRATION. RCW 9A.44.130, 10.01.200.

1. General Applicability and Requirements: Because this crime involves a sex offense or kidnapping offense involving a minor as defined in RCW 9A.44.130, you are required to register with the sheriff of the county of the state of Washington where you reside.

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 immediately upon being sentenced unless you are in custody, in which case you must register within 24 hours of your release.

2. Offenders Who Leave the State and Return: If you leave the 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 or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections. 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 vocation in Washington, or attend school in Washington, you must register within three business days after starting school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections.

3. Change of Residence Within State and Leaving the State: If you change your residence within a county, you must send signed written notice of your change of residence to the sheriff within 72 hours of moving. If you change your residence to a new county within this state, you must send signed written notice of your change of residence to the sheriff of your new county of residence at least 14 days before moving, register with that sheriff within 24 hours of moving. You must also give signed written notice of your change of address to the sheriff of the county where last registered within 10 days of moving.

4. Additional Requirements Upon Moving to Another State: If you move out of Washington State, you must also send written notice within 10 days of moving to the county sheriff with whom you last registered in Washington State.

5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12): If you are a resident of Washington and you are admitted to a public or private institution of higher education, you are required to notify the sheriff of the county of your residence of your intent to attend the institution within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier. If you become employed at a public or private institution of higher education, you are required to notify the sheriff for the county of your residence of your employment by the institution within 10 days of accepting employment or by the first business day after beginning to work at the institution, whichever is earlier. If your enrollment or employment at a public or private institution of higher education is terminated, you are required to notify the sheriff for the county of your residence of your termination of enrollment or employment within 10 days of such termination. (Effective September 1, 2006) If you attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40

RCW, you are required to notify the sheriff of the county of your residence of your intent to attend the school. You must notify the sheriff within 10 days of enrolling or 10 days prior to arriving at the school to attend classes, whichever is earlier. If you are enrolled on September 1, 2006, you must notify the sheriff immediately. The sheriff shall promptly notify the principal of the school.

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 24 hours 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 48 hours excluding weekends and holidays after losing your 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 in 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 may be required to provide a list the locations where you have stayed during the last seven days. 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.

If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. You must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State

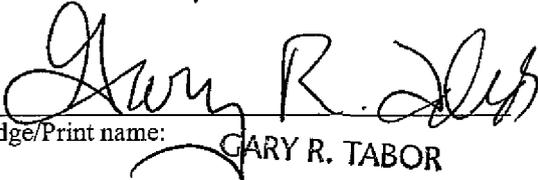
7. Reporting Requirements for Persons Who Are Risk Level II or III: If you have a fixed residence and you are designated as a risk level II or III, you must report, in person, every 90 days to the sheriff of the county where you are registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. If you comply with the 90-day reporting requirement with no violations for at least five years in the community, you may petition the superior court to be relieved of the duty to report every 90 days.

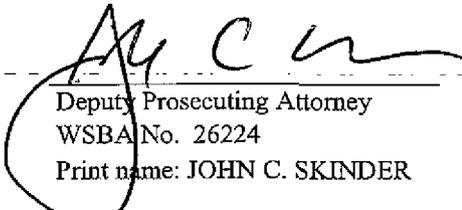
8. Application for a Name Change: If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your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

- 5.8 [] The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.
- 5.9 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.
- 5.10 OTHER: Bail previously posted, if any, is hereby exonerated and shall be returned to the posting party.

DONE in Open Court and in the presence of the defendant this date: 9-21-09

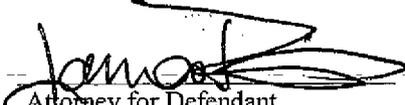
Judge/Print name:


GARY R. TABOR


Deputy Prosecuting Attorney

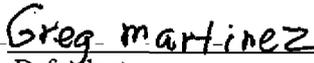
WSBA No. 26224

Print name: JOHN C. SKINDER


Attorney for Defendant

WSBA No18174

Print name: JAMES SHACKLETON


Defendant

Print name: GREG STEVEN MARTINEZ

VOTING RIGHTS STATEMENT: RCW 10.64.140. I acknowledge that my right to vote has been lost due to felony conviction. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: 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 92A.84.660.

Defendant's signature: Greg Martinez

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

Interpreter signature/Print name: _____

I, _____, Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action now on record in this office.

WITNESS my hand and seal of the said Superior Court affixed this date: _____.

Clerk of the Court of said county and state, by: _____, Deputy Clerk

IDENTIFICATION OF DEFENDANT

SID No. WA22840263
 (If no SID take fingerprint card for State Patrol)

Date of Birth 06/10/1986

FBI No. 359099JC5

Local ID No. _____

PCN No. 766837271

Other _____

Alias name, DOB: _____

Race:

- Asian/Pacific Islander Black/African-American Caucasian
 Native American Other: _____

Ethnicity:

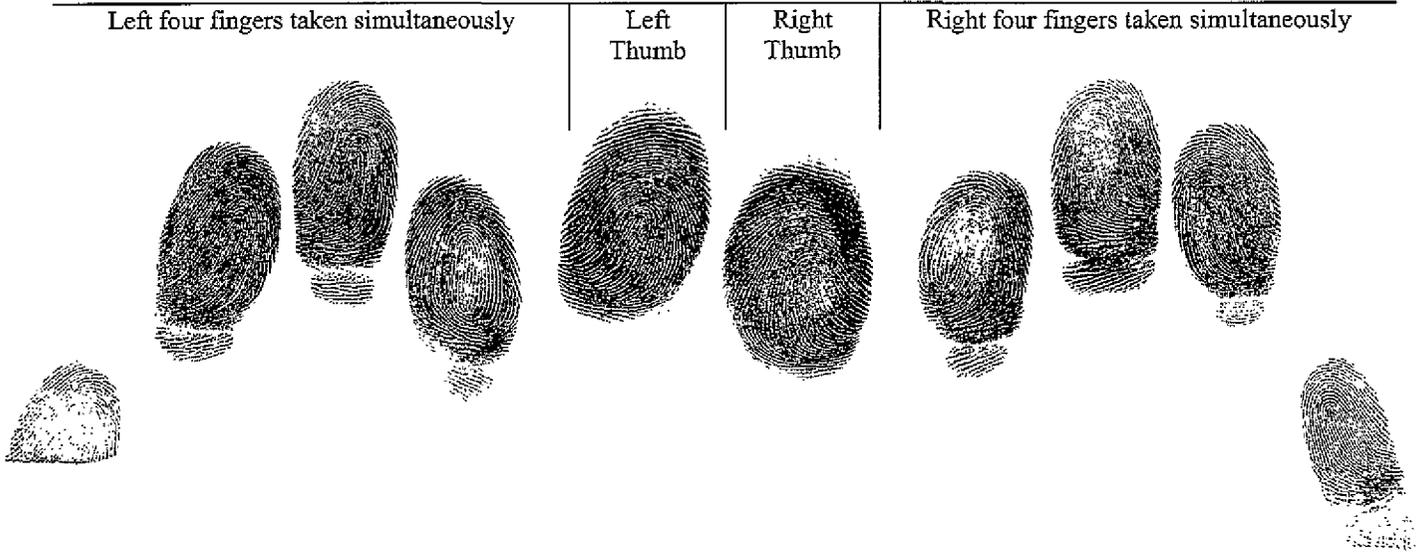
- Hispanic
 Non-Hispanic

Sex:

- Male
 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, Deputy Clerk, Monica Stankovic Dated: 09-26-2009

DEFENDANT'S SIGNATURE: Greg Martinez



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF THURSTON

STATE OF WASHINGTON

NO. 05-1-01083-9

Plaintiff,

vs.

WARRANT OF COMMITMENT ATTACHMENT TO
JUDGMENT AND SENTENCE (PRISON)

GREG STEVEN MARTINEZ,

Defendant.

DOB: 06/10/1986
SID: WA22840263 FBI: 359099JC5
PCN: 766837271
RACE: W
SEX: M
BOOKING NO: C0131904

THE STATE OF WASHINGTON TO:

The Sheriff of Thurston County and to the proper officer of the Department of Corrections.

The defendant GREG STEVEN MARTINEZ has been convicted in the Superior Court of the State of Washington for the crime(s) of:

RAPE OF A CHILD IN THE FIRST DEGREE

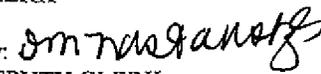
and the court has ordered that the defendant be sentenced to a term of imprisonment as set forth in the Judgment and Sentence.

YOU, THE SHERIFF, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections; and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence.

By direction of the Honorable:


GARY R. TABOR
BETTY J. GOULD
CLERK

By: 
DEPUTY CLERK

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

STATE OF WASHINGTON	]	Cause No.: 05-1-01083-9
]	
Plaintiff	]	JUDGEMENT AND SENTENCE (FELONY)
v.	]	APPENDIX H
Greg Steven Martinez	]	COMMUNITY PLACEMENT / CUSTODY
]	
Defendant]	
]	
DOC No. 897221]	

The court having found the defendant guilty of offense(s) qualifying for community placement, it is further ordered as set forth below.

COMMUNITY PLACEMENT/CUSTODY: Defendant additionally is sentenced on convictions herein, for the offenses under RCW 9.94A.712 committed on or after September 1, 2001 to include up to life community custody; for each sex offense and serious violent offense committed on or after June 6, 1996 to community placement/custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2) whichever is longer; and on conviction herein for an offense categorized as a sex offense or serious violent offense committed on or after July 1, 1990, but before June 6, 1996, to community placement for two years or up to the period of earned release awarded pursuant to RCW 9.94A.150 (1) and (2) whichever is longer; and on conviction herein for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, to a one-year term of community placement.

05-1-01083-9
Greg Steven Martinez 897221
Page 1 of 3

Community placement/custody is to begin either upon completion of the term of confinement or at such time as the defendant is transferred to community custody in lieu of early release.

- (a) **MANDATORY CONDITIONS:** Defendant shall comply with the following conditions during the term of community placement/custody:
- (1) Report to and be available for contact with the assigned Community Corrections Officer as directed;
 - (2) Work at Department of Corrections' approved education, employment, and/or community service;
 - (3) Not consume controlled substances except pursuant to lawfully issued prescriptions;
 - (4) While in community custody not unlawfully possess controlled substances;
 - (5) Pay supervision fees as determined by the Department of Corrections;
 - (6) Receive prior approval for living arrangements and residence location;
 - (7) Defendant shall not own, use, or possess a firearm or ammunition when sentenced to community service, community supervision, or both (RCW 9.94A, 120 (13));
 - (8) Notify community corrections officer of any change in address or employment; and
 - (9) Remain within geographic boundary, as set fourth in writing by the Community Corrections Officer.

WAIVER: The following above-listed mandatory conditions are waived by the Court:

- (b) **OTHER CONDITIONS:** Defendant shall comply with the following other conditions during the term of community placement / custody:
- 1) No contact with the victim and his immediate family for ten years;
 - 2) Obey all laws;
 - 3) Obey all rules of the Department of Corrections;
 - 4) No contact w/minors unless supervised by a responsible adult who is aware of your offense and has been approved in advance by your CCO and therapist;
 - 5) Do not enter into a relationship with any person who has minors in their care or custody without approval of your CCO and therapist;
 - 6) Hold no position of authority or trust involving minors or participate in any youth programs;
 - 7) Sexual Deviancy Treatment as directed by your CCO and comply with all rules of treatment;
 - 8) Not possess or peruse any sexually explicit material as defined by your CCO and therapist;
 - 9) Stay out of business establishments offering sexually explicit material or entertainment;
 - 10) Not frequent or loiter in areas where children congregate;
 - 11) Do not access the Internet or make use of any computer modem;
 - 12) Living conditions and residence location to be approved in advance by CCO;

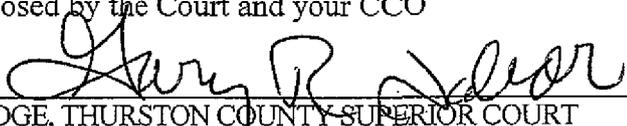
05-1-01083-9

Greg Steven Martinez 897221

Page 2 of 3

- 13) No possession or consumption of controlled substances unless by lawful prescription;
- 14) Submit to random urinalysis and/or breathalyzer;
- 15) Notify your employer of your conviction and rules of supervision and treatment;
- 16) Mandatory HIV test;
- 17) Mandatory DNA test;
- 18) Mandatory Sex Offender Registration;
- 19) Submit to polygraph/plethysmograph testing as required by your therapist/CCO to monitor compliance with sentence;
- 20) Abide by any other conditions imposed by the Court and your CCO

9-21-09
DATE



JUDGE, THURSTON COUNTY SUPERIOR COURT
GARY R. TABOR

05-1-01083-9

Greg Steven Martinez 897221
Page 3 of 3

28

FILED
SUPERIOR COURT
THURSTON COUNTY, WA

2016 JUN -6 AM 11:32

Laura J. ...
Thurston County Clerk

05-1-01083-9
MT
Motion
320805



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

STATE OF WASHINGTON,

Plaintiff,

vs.

GREG MARTINEZ,

Defendant.

NO. 05-1-01083-9

MOTION TO MODIFY
COMMUNITY CUSTODY
CONDITIONS

Date of Hearing:

MOTION

COMES NOW the Defendant, GREG MARTINEZ, by and through his attorney, Richard Woodrow and moves the court for an order modifying his conditions of community custody. This motion is based upon the attached declaration of counsel and Washington and United States Constitution and RCWs 9.94A.703 and 704.

DATED this 2nd day of June, 2016

MOTION

Richard Woodrow
3732 Pacific Ave SE
Olympia, WA 98501
360 352 9911
Fax 360 352 9955

1
2
3 Richard Woodrow WSBA #18680
4 Attorney for the Defendant

5 **DECLARATION**

6 Mr. Martinez was sentenced on September 21, 2009 by Judge Tabor. The
7 conditions of community custody are attached and incorporated by reference into
8 this motion as Attachment A.

9 The court can order an offender to do or not do certain actions.
10 RCW9.94A.703 gives the court the ability to order the offender to (3)(a) Remain
11 within, or outside of , a specified geographical boundary. DOC or the board does
12 not have the same authority granted to them under state law. Please see attachment
13 B.

14 RCW 9.94A.704 allows the department to (2)(b) remain within prescribed
15 geographical boundaries; Both the court and the department or board may order an
16 offender to not have contact with the victim. The department or the board does not
17 have the ability to order an offender to not enter into a county. Please see attachment
18 C.

19 Mr. Martinez was ordered by the board and the department to not enter into
20 Thurston County. Please see Attachment D. Under Additional Concerns: D You
21 must not enter Thurston County without prior written approval of your CCO and the
22 ISRB. This condition is not authorized by any RCW. Mr. Martinez is asking this
23 court to strike this provision of his community custody. This condition is beyond
24 the statutory authority of the executive branch of government. This issue is
25 important to Mr. Martinez because his CCO will not consider Mr. Martinez's
26 request to move back home with his parents because of this condition.

27 Mr. Martinez functions at a very low level. He spells at a first grade level.
28 All of his scores are from low to very low. Attachment E is a recent psychological
evaluation.

His parents are paying for him to live in Tacoma by himself. Mr. Martinez
has a job. He has one more month of treatment and he will be done with

Richard Woodrow
3732 Pacific Ave SE
Olympia, WA 98501
360 352 9911
Fax 360 352 9955

MOTION

1 psychosexual deviancy treatment. He is a level one offender.

2 Mr. Martinez's parents are concerned that if he doesn't come home he will
3 fail in his living conditions. Mr. Martinez doesn't know anyone where he is
4 currently living. He has no friends. He works and comes home but the area is
5 infested with gangs and drugs. This in the only place the parents could afford. If
6 this placement fails Greg will be transient.

7 Attached as F are letters from Greg, his mother and a family friend.

8 If the court removes the provision that Mr. Martinez cannot enter Thurston
9 County then DOC will look at allowing Mr. Martinez to move home to his parent's
10 house.

11 Counsel has asked Lorelei Thompson to continue on with Mr. Martinez's
12 treatment.

13 Mr. Martinez respectfully requests that this court dismiss the community
14 custody provision that was entered against him in violation of RCW 9.94A.703 and
15 704.

16 DATED this 2nd day of June, 2016

17 
18 Richard Woodrow WSBA #18680
19 Attorney for the Defendant

20
21
22
23
24
25
26
27 MOTION
28

Richard Woodrow
3732 Pacific Ave SE
Olympia, WA 98501
360 352 9911
Fax 360 352 9955

A

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

STATE OF WASHINGTON	]	Cause No.: 05-1-01083-9
]	
Plaintiff	]	JUDGEMENT AND SENTENCE (FELONY)
v.	]	APPENDIX H
Greg Steven Martinez	]	COMMUNITY PLACEMENT / CUSTODY
Defendant]	
]	
DOC No. 897221]	

The court having found the defendant guilty of offense(s) qualifying for community placement, it is further ordered as set forth below.

COMMUNITY PLACEMENT/CUSTODY: Defendant additionally is sentenced on convictions herein, for the offenses under RCW 9.94A.712 committed on or after September 1, 2001 to include up to life community custody; for each sex offense and serious violent offense committed on or after June 6, 1996 to community placement/custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2) whichever is longer; and on conviction herein for an offense categorized as a sex offense or serious violent offense committed on or after July 1, 1990, but before June 6, 1996, to community placement for two years or up to the period of earned release awarded pursuant to RCW 9.94A.150 (1) and (2) whichever is longer; and on conviction herein for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, to a one-year term of community placement.

05-1-01083-9
Greg Steven Martinez 897221
Page 1 of 3

Community placement/custody is to begin either upon completion of the term of confinement or at such time as the defendant is transferred to community custody in lieu of early release.

(a) **MANDATORY CONDITIONS:** Defendant shall comply with the following conditions during the term of community placement/custody:

- (1) Report to and be available for contact with the assigned Community Corrections Officer as directed;
- (2) Work at Department of Corrections' approved education, employment, and/or community service;
- (3) Not consume controlled substances except pursuant to lawfully issued prescriptions;
- (4) While in community custody not unlawfully possess controlled substances;
- (5) Pay supervision fees as determined by the Department of Corrections;
- (6) Receive prior approval for living arrangements and residence location;
- (7) Defendant shall not own, use, or possess a firearm or ammunition when sentenced to community service, community supervision, or both (RCW 9.94A, 120 (13));
- (8) Notify community corrections officer of any change in address or employment; and
- (9) Remain within geographic boundary, as set fourth in writing by the Community Corrections Officer.

WAIVER: The following above-listed mandatory conditions are waived by the Court:

(b) **OTHER CONDITIONS:** Defendant shall comply with the following other conditions during the term of community placement / custody:

- 1) No contact with the victim and his immediate family for ten years; *
- 2) Obey all laws;
- 3) Obey all rules of the Department of Corrections;
- 4) No contact w/minors unless supervised by a responsible adult who is aware of your offense and has been approved in advance by your CCO and therapist;
- 5) Do not enter into a relationship with any person who has minors in their care or custody without approval of your CCO and therapist;
- 6) Hold no position of authority or trust involving minors or participate in any youth programs;
- 7) Sexual Deviancy Treatment as directed by your CCO and comply with all rules of treatment;
- 8) Not possess or peruse any sexually explicit material as defined by your CCO and therapist;
- 9) Stay out of business establishments offering sexually explicit material or entertainment;
- 10) Not frequent or loiter in areas where children congregate;
- 11) Do not access the Internet or make use of any computer modem;
- 12) Living conditions and residence location to be approved in advance by CCO;

05-1-01083-9

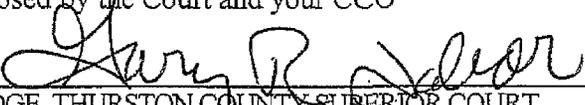
Greg Steven Martinez 897221

Page 2 of 3

- 13) No possession or consumption of controlled substances unless by lawful prescription;
- 14) Submit to random urinalysis and/or breathalyzer;
- 15) Notify your employer of your conviction and rules of supervision and treatment;
- 16) Mandatory HIV test;
- 17) Mandatory DNA test;
- 18) Mandatory Sex Offender Registration;
- 19) Submit to polygraph/plethysmograph testing as required by your therapist/CCO to monitor compliance with sentence;
- 20) Abide by any other conditions imposed by the Court and your CCO

DATE

9-21-09


JUDGE, THURSTON COUNTY SUPERIOR COURT

GARY R. TABOR

05-1-01083-9

Greg Steven Martinez 897221

Page 3 of 3

B

RCW 9.94A.703**Community custody—Conditions.**

When a court sentences a person to a term of community custody, the court shall impose conditions of community custody as provided in this section.

(1) **Mandatory conditions.** As part of any term of community custody, the court shall:

(a) Require the offender to inform the department of court-ordered treatment upon request by the department;

(b) Require the offender to comply with any conditions imposed by the department under RCW 9.94A.704;

(c) If the offender was sentenced under RCW 9.94A.507 for an offense listed in RCW 9.94A.507(1)(a), and the victim of the offense was under eighteen years of age at the time of the offense, prohibit the offender from residing in a community protection zone;

(d) If the offender was sentenced under RCW 9A.36.120, prohibit the offender from serving in any paid or volunteer capacity where he or she has control or supervision of minors under the age of thirteen.

(2) **Waivable conditions.** Unless waived by the court, as part of any term of community custody, the court shall order an offender to:

(a) Report to and be available for contact with the assigned community corrections officer as directed;

(b) Work at department-approved education, employment, or community restitution, or any combination thereof;

(c) Refrain from possessing or consuming controlled substances except pursuant to lawfully issued prescriptions;

(d) Pay supervision fees as determined by the department; and

(e) Obtain prior approval of the department for the offender's residence location and living arrangements.

(3) **Discretionary conditions.** As part of any term of community custody, the court may order an offender to:

(a) Remain within, or outside of, a specified geographical boundary;

(b) Refrain from direct or indirect contact with the victim of the crime or a specified class of individuals;

(c) Participate in crime-related treatment or counseling services;

(d) Participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community;

(e) Refrain from possessing or consuming alcohol; or

(f) Comply with any crime-related prohibitions.

(4) **Special conditions.**

(a) In sentencing an offender convicted of a crime of domestic violence, as defined in RCW 10.99.020, if the offender has a minor child, or if the victim of the offense for which the offender was convicted has a minor child, the court may order the offender to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

(b)(i) In sentencing an offender convicted of an alcohol or drug-related traffic offense, the court shall require the offender to complete a diagnostic evaluation by an alcohol or drug dependency agency approved by the department of social and health services or a qualified probation department, defined under RCW 46.61.516, that has been approved by the department of social and health services. If the offense was pursuant to chapter 46.61 RCW, the report shall be

forwarded to the department of licensing. If the offender is found to have an alcohol or drug problem that requires treatment, the offender shall complete treatment in a program approved by the department of social and health services under chapter **70.96A** RCW. If the offender is found not to have an alcohol or drug problem that requires treatment, the offender shall complete a course in an information school approved by the department of social and health services under chapter **70.96A** RCW. The offender shall pay all costs for any evaluation, education, or treatment required by this section, unless the offender is eligible for an existing program offered or approved by the department of social and health services.

(ii) For purposes of this section, "alcohol or drug-related traffic offense" means the following: Driving while under the influence as defined by RCW **46.61.502**, actual physical control while under the influence as defined by RCW **46.61.504**, vehicular homicide as defined by RCW **46.61.520(1)(a)**, vehicular assault as defined by RCW **46.61.522(1)(b)**, homicide by watercraft as defined by RCW **79A.60.050**, or assault by watercraft as defined by RCW **79A.60.060**.

(iii) This subsection (4)(b) does not require the department of social and health services to add new treatment or assessment facilities nor affect its use of existing programs and facilities authorized by law.

[2015 c 81 § 3. Prior: 2009 c 214 § 3; 2009 c 28 § 11; 2008 c 231 § 9.]

NOTES:

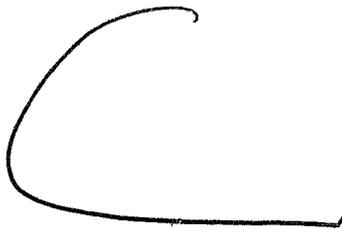
Short title—2009 c 214: "This act shall be known as the Eryk Woodruff public safety act of 2009." [2009 c 214 § 1.]

Effective date—2009 c 214: "This act takes effect August 1, 2009." [2009 c 214 § 4.]

Effective date—2009 c 28: See note following RCW **2.24.040**.

Intent—Application—Application of repealers—Effective date—2008 c 231: See notes following RCW **9.94A.701**.

Severability—2008 c 231: See note following RCW **9.94A.500**.



RCW 9.94A.704**Community custody—Supervision by the department—Conditions.**

(1) Every person who is sentenced to a period of community custody shall report to and be placed under the supervision of the department, subject to RCW 9.94A.501.

(2)(a) The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of community custody based upon the risk to community safety.

(b) Within the funds available for community custody, the department shall determine conditions on the basis of risk to community safety, and shall supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the court. The secretary shall adopt rules to implement the provisions of this subsection (2)(b).

(3) If the offender is supervised by the department, the department shall at a minimum instruct the offender to:

(a) Report as directed to a community corrections officer;

(b) Remain within prescribed geographical boundaries;

(c) Notify the community corrections officer of any change in the offender's address or employment;

(d) Pay the supervision fee assessment; and

(e) Disclose the fact of supervision to any mental health or chemical dependency treatment provider, as required by RCW 9.94A.722.

(4) The department may require the offender to participate in rehabilitative programs, or otherwise perform affirmative conduct, and to obey all laws.

(5) If the offender was sentenced pursuant to a conviction for a sex offense, the department may:

(a) Require the offender to refrain from direct or indirect contact with the victim of the crime or immediate family member of the victim of the crime. If a victim or an immediate family member of a victim has requested that the offender not contact him or her after notice as provided in RCW 72.09.340, the department shall require the offender to refrain from contact with the requestor. Where the victim is a minor, the parent or guardian of the victim may make a request on the victim's behalf.

(b) Impose electronic monitoring. Within the resources made available by the department for this purpose, the department shall carry out any electronic monitoring using the most appropriate technology given the individual circumstances of the offender. As used in this section, "electronic monitoring" has the same meaning as in RCW 9.94A.030.

(6) The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court-imposed conditions.

(7)(a) The department shall notify the offender in writing of any additional conditions or modifications.

(b) By the close of the next business day after receiving notice of a condition imposed or modified by the department, an offender may request an administrative review under rules adopted by the department. The condition shall remain in effect unless the reviewing officer finds that it is not reasonably related to the crime of conviction, the offender's risk of reoffending, or the safety of the community.

(8) The department shall notify the offender in writing upon community custody intake of the department's violation process.

(9) The department may require offenders to pay for special services rendered including electronic monitoring, day reporting, and telephone reporting, dependent on the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(10)(a) When an offender on community custody is under the authority of the board, the department shall assess the offender's risk of recidivism and shall recommend to the board any additional or modified conditions based upon the offender's risk to community safety and may recommend affirmative conduct or electronic monitoring consistent with subsections (4) through (6) of this section.

(b) The board may impose conditions in addition to court-ordered conditions. The board must consider and may impose department-recommended conditions. The board must impose a condition requiring the offender to refrain from contact with the victim or immediate family member of the victim as provided in subsection (5)(a) of this section.

(c) By the close of the next business day, after receiving notice of a condition imposed by the board or the department, an offender may request an administrative hearing under rules adopted by the board. The condition shall remain in effect unless the hearing examiner finds that it is not reasonably related to any of the following:

- (i) The crime of conviction;
- (ii) The offender's risk of reoffending;
- (iii) The safety of the community.

(d) If the department finds that an emergency exists requiring the immediate imposition of additional conditions in order to prevent the offender from committing a crime, the department may impose such conditions. The department may not impose conditions that are contrary to those set by the board or the court and may not contravene or decrease court-imposed or board-imposed conditions. Conditions imposed under this subsection shall take effect immediately after notice to the offender by personal service, but shall not remain in effect longer than seven working days unless approved by the board.

(11) In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

[2015 c 287 § 7; 2015 c 134 § 8; 2014 c 35 § 1; 2012 1st sp.s. c 6 § 3; 2009 c 375 § 6; 2009 c 28 § 12; 2008 c 231 § 10.]

NOTES:

Reviser's note: This section was amended by 2015 c 134 § 8 and by 2015 c 287 § 7, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date—2015 c 134: See note following RCW 9.94A.501.

Effective date—2012 1st sp.s. c 6 §§ 1, 3 through 9, and 11 through 14: See note following RCW 9.94A.631.

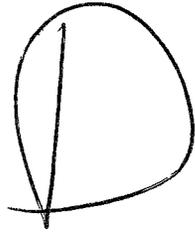
Application—2012 1st sp.s. c 6: See note following RCW 9.94A.631.

Application—2009 c 375: See note following RCW 9.94A.501.

Effective date—2009 c 28: See note following RCW 2.24.040.

Intent—Application—Application of repealers—Effective date—2008 c 231: See notes following RCW 9.94A.701.

Severability—2008 c 231: See note following RCW 9.94A.500.





STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
INDETERMINATE SENTENCE REVIEW BOARD
PO BOX 40907 • Olympia, Washington 98504-0907

IN THE MATTER OF:

Name: MARTINEZ, Greg
DOC#: 897221 Date of Birth: 06-10-1986
Time Start: 09-25-2009
Date of Sentence: 09-27-2006
Max Expiration: LIFE
Statutory Maximum Term: LIFE
County: Thurston Cause #:05-1-01083-9

**ORDER OF RELEASE AND SUPERVISION
CONDITIONS**

CCB Offenders

**RCW 9.94A.507
(Formerly RCW 9.94A.712)**

Release Date: 06-04-2015

After a careful review of all available information, the Indeterminate Sentence Review Board (ISRB) hereby orders the Secretary of the Department of Corrections (DOC) to release to community custody supervision Greg MARTINEZ, DOC #897221, an inmate of a Washington State Correctional Facility.

You will be on community custody supervision for the length of your statutory maximum term. The ISRB expects compliance with all conditions and your full cooperation with your DOC Community Corrections Officer (CCO).

You must comply with the court ordered conditions for your Thurston County, 05-1-01083-9 Judgment and Sentence. Those conditions are incorporated in this document and are enforceable by the ISRB. In addition, you must comply with the conditions ordered by your CCO. You must also comply with the following conditions. To request a change to any of the conditions of your release, you must write and have the approval of the Thurston County Superior Court for Court ordered conditions or the ISRB for all other conditions.

If you violate any condition of your release, either the ISRB or your CCO may issue an order for your arrest and detention. Pending a review of the alleged violation, the ISRB may revoke this release to community custody.

RELEASE TO COMMUNITY CUSTODY IS HEREBY GRANTED SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. **As required by RCW 9A.44.130-140, within 3 business days of release, you must register as a sex offender with the Sheriff of the county where you reside.**
2. Upon release from the Correctional Facility, you must report within one business day to your CCO or any other person designated by DOC. Thereafter, you must report as directed.
3. You may not leave the state of Washington without prior written permission from your supervising CCO.
4. You must obey all laws and court orders, including any conditions set forth in your Judgment and Sentence, and abide by all conditions imposed by the ISRB.
5. You are prohibited from owning, possessing, receiving, shipping, or transporting a firearm, deadly weapon, ammunition or explosives.
6. You must submit to a search of your person, residence, vehicle and/or possessions when requested by a CCO. This includes the search of your computer, cell phone and any other electronic devices.
7. You must consent to DOC home visits to monitor compliance with supervision. Home visits include access for the purpose of visual inspection of all areas of residence in which the offender lives or has exclusive or joint control or access.
8. You must reside at a location and under living arrangements that have been approved in advance by the CCO, and you must not change such arrangements/location without the prior approval of your CCO.

ADDITIONAL CONDITIONS
CCB, RCW 9.94A.507

MARTINEZ, Greg
Offender Name:

897221
DOC#:

Additional Specific Condition(s):

- A. You must enter into, successfully participate in, and complete the community phase of the Sex Offender Treatment Program. Sign all releases necessary to ensure that the CCO can consult with the treatment provider to monitor progress and compliance.
- B. You must not engage in a romantic and/or sexual relationship without first disclosing your status as a sex offender and the nature of your crime(s) and unadjudicated victims. You must also disclose any romantic and/or sexual relationships to your CCO and your sexual deviancy therapist.
- C. You must obtain a mental health evaluation within 60 days of your release and provide a copy of the evaluation to your CCO and the ISRB. You must enter into, successfully participate in and complete all recommended treatment protocols and sign all releases necessary to ensure that the CCO and ISRB can consult with the treatment provider to monitor progress and compliance.
- D. You must not enter Thurston County without prior written approval of your CCO and the ISRB.
- E. In releasing under this Order, both you and the State agree that the results of any polygraph examination required by your Judgment and Sentence shall be admissible in any violation hearings held before the ISRB.

INDETERMINATE SENTENCE REVIEW BOARD

04-30-2015
Date:

DocuSigned by:
Thomas N. Sehlberg
A966E2CC84EA4E0...
Member's signature

DocuSigned by:
Kacia Rongen
EE075BA698DCE49A...
Member's signature

I have read, or have had read to me, the foregoing conditions of my community custody and have been given a copy; I fully understand and I agree, in consideration of granting of community custody, to observe and abide by such conditions. I FURTHER UNDERSTAND THAT I AM ALSO ON SUPERVISION FOR THE FOLLOWING CONVICTION(S) for County Cause #

5-20-15
Date:

Greg Martinez
Offender's signature:
Greg MARTINEZ
Offender's name:


Witness's signature:

E



Advanced Behavioral Medicine
and
Neuropsychology Associates, PLLC

2013 South 19th Street
Tacoma, WA 98405
(253) 383-3355
FAX (253) 383-3627

Edwin L. Hill, Ph.D.
Donna M. Lidren, Ph.D.
Barbara Dahl, Ph.D.
Phillip S. Tate, Ph.D.
Amy Ross, Psy.D.

NEUROPSYCHOLOGICAL EVALUATION

Demographics:

- 29 y.o., ambidextrous, never married. Caucasian man with 12 yrs formal education.
- Lives at Clean and Sober House due to history of Level 1 sex offense; released 9 months ago after a 7 year term at Monroe Corrections.

Presenting Complaints:

- Possible Asperger's Syndrome: few friends, uncomfortable in social situations, problems recognizing social cues, indirect forms of communication, and emotional cues. Verbose in social interactions. Does not know how to end conversations.

Cognitive Complaints:

- Multitasking problems, loud speech, minor short-term memory issues.
- History of Dyslexia. Extremely poor phonetic spelling.

Activities of Daily Living:

- Reportedly independent in all spheres.

Current Medications:

- None.

Past Medical History:

- Possible concussion from a fall: age 8-9 y.o.

Family Medical History:

- ETOH Abuse. Diabetics: paternal grandfather.

Psychological History:

- Social Anxiety: clings to people he knows.
- Low motivation (4/10)
- Counseling in Monroe Corrections

ETOH/Substance History:

- ETOH Abuse or Illegal Drug Use: Denied.

Educational History:

- Graduated N. Thurston HS 2004.
- History of learning disabilities: reading speed, dyslexia, and poor spelling and writing abilities. Denied ADHD.

Employment History:

- TNT Exterminators part-time last 9 months: parent's business.

Social History:

- Never married. No long-term relationships or children. Desires friendships and social life.

Patient Name: Gregory Tower

Last 4 SSN #: 7458

Date of Birth: 06/10/86

Provider: Phillip S. Tate, Ph.D.

Referred By: Tanmi Gonzales, RT

Reason for Referral: Neuropsychological consultation to evaluate for Asperger's Syndrome and academic problems.

Tests Administered: Wechsler Adult Intell Scale-IV, Wechsler Memory Scale-IV, Rey Complex Figure, Rey Auditory Verbal Learning Test, Attention Process Test, Hooper VOT, FAS Word Fluency Test, Boston Naming Test, Wisconsin Card Sorting Test, Trail Making Test, Stroop Test, Portland Digit Recognition Test, TOMM, Beck Inventories, clinical interview & available records review.

Test Findings: Where possible, the raw data have been compared with currently available norms, which may include demographic corrections for age, gender, and/or education. See pages 2 - 3 for individual data scores.

Impressions: Abnormal neuropsychological profile: Learning disabilities in reading speed, spelling, written expression, and mathematics.

ICD Diagnoses:

F81.0 Specific Learning Disorder: Impaired Reading Speed & Dyslexia, Severe

F81.81 Specific Learning Disorder in Written Expression: Spelling, Severe

F81.2 Specific Learning Disorder in Mathematics, Moderate to severe

F84.5 Asperger's Syndrome

Cognitive: Mr. Tower is alert and fully oriented. Overall intellectual function is below average. Psychomotor speed is low. Simple auditory attention is WNL, but multitasking is very low. Auditory working memory is low to below average. Visual working memory is WNL. Grip strength is very low bilaterally; fine motor speed is low in his right hand. Attention to visual detail is below average, but graphomotor ability is superior. Conversational speech is WNL (fluent, grammatical, and free of paraphasic errors) but volume was loud. Timed word fluency is very low, vocabulary is below average and confrontation naming is low average. Understanding directions is below average. Verbal immediate and delayed memory for prose is average. Associative word learning is average. Repetitive auditory verbal list recall is very low at first but improved to below average after 5 trials. Short and long delayed wordlist recall is average; delayed recognition is above average. Immediate recall of visual abstract figures is below average but fell to low after a delay. Spatial memory is WNL. Graphomotor recall is WNL. Timed visual motor double-tracking with an executive component is very low. Higher level thinking, deductive reasoning, mental flexibility, and problem-solving is WNL. Nonverbal fluid reasoning is low average; quantitative reasoning was low. Verbal abstract reasoning is average. Comprehension of social conventions is WNL. Response inhibition is low.

Emotional/Behavioral: Mr. Tower was clean and groomed. He was attentive and cooperative. Mood was euthymic; affect was broad. Symptom validity test scores indicate he gave adequate effort during testing. Beck Inventory scores are WNL.

Summary and Conclusions: The results of neuropsychological testing documented learning disabilities in reading, written expression, and mathematics. Spelling is at 1st grade level and represents his most significant learning disorder. Scores on tests of multitasking were low to very low, indicating he has trouble screening out distractors and alternating his attention between different types of stimuli or tasks. Mr. Tower will need to find employment in jobs that are linear or "one task at a time", otherwise he will be overwhelmed by competing stimuli making failure likely. With auditory memory, his recall improves significantly with repetition, which can be used as a compensatory strategy in the workplace. Employers should be aware Mr. Tower requires time for repetition and rehearsal to recall necessary information. Mr. Tower has Asperger's Syndrome given his difficulty forming social relationships, missing social cues, and having restricted areas of interest. The combination of severe learning disorders and Asperger's Syndrome could make vocational placement difficult.

Recommendations:

1. **Vocational Placement:** Slower paced jobs involving repetition are recommended. Problems with working and short-term memory indicate repetition will be important for him to learn new tasks. His visuospatial and perceptual score suggest hands on work might be a good fit for him. Jobs requiring rapid decision-making, multitasking, or strong academic ability are not recommended.
2. **Vocational Training:** Vocational training requiring classroom work is not recommended in light of his severe learning disabilities. Any training should be visually oriented, hands-on, and involve repetition.
3. **Social Skills:** Mr. Tower might benefit from participation in a social skills group to help him better understand nuances of interpersonal interactions and social relationships. He might also receive some helpful feedback on his behavioral approach to social interactions that might result in improved workplace relationships.

Test Score Abbreviations: IS=Index Score, SS=Scaled Score, R=Raw Score. Percentiles: Very Superior ($\geq 98^{th}$), Superior (91^{st} - 97^{th}), Above Average (76^{th} - 90^{th}), Average (25^{th} - 75^{th}), Below Average (10^{th} - 24^{th}), Low (9^{th} - 3^{rd}), Very Low ($\leq 2^{nd}$). WNL: Within Normal Limits. DC: Discontinued.

INTELLECTUAL ABILITIES		Score	Percentile	Test Performance	
WAIS-IV	FULL SCALE IQ - IS	84	14	Below Average	
	Verbal Comprehension Index (VCI) - IS	89	23	Below Average	
	Perceptual Reasoning Index (PRI) - IS	94	34	Average	
	Working Memory Index (WMI) - IS	77	6	Low	
	Processing Speed Index (PSI) - IS	84	14	Below Average	
ACADEMIC ACHIEVEMENT		Score	Percentile	Grade EQ	Performance
READING	Passage Comprehension - SS	83	21	4.8	Below Average
	Reading Fluency - SS	78	7	3.4	Low
	Letter-Word Identification - SS	71	3	3.1	Low
	Word Attack - SS	73	4	2.4	Low
WRITTEN LANGUAGE	Spelling - SS	44	<1	1.3	Very Low
	Writing Samples - SS	92	31	7.0	Average
MATH ACHIEVEMENT	Calculation - SS	73	5	4.7	Low
	Math Fluency - SS	76	5	5.3	Low
MENTAL PROCESSING SPEED		Score	Percentile	Test Performance	
WAIS-IV	PROCESSING SPEED INDEX - IS	84	14	Below Average	
	Symbol Search - SS	9	37	Average	
	Coding - SS	5	5	Low	
AUDITORY ATTENTION & WORKING MEMORY		Score	Percentile	Test Performance	
ATTENTION PROCESS TEST	Simple Sustained Attention - R	29	37	Average	
	Complex Sustained Attention - R	14	<1	Very Low	
	Selective Attention - R	14	<1	Very Low	
	Alternating Attention - R	DC	<1	Very Low	
BRIEF TEST OF ATTENTION	Divided Attention (auditory/visual)-R	15	9	Low	
CONNERS CPT-2	Confidence - %	69.21	---	Matches Non-ADHD Sample	
	Atypical Test Scores - R	1/12	---	Inattention	
WAIS-IV	WORKING MEMORY INDEX - IS	77	6	Low	
	Digit Span - SS	5	5	Low	
	Arithmetic - SS	7	16	Below Average	
	Letter Number Sequencing - SS	7	16	Below Average	
VISUAL ATTENTION & WORKING MEMORY		Score	Percentile	Test Performance	
WMS-IV	VISUAL WORKING MEMORY INDEX - IS	106	66	Average	
	Spatial Addition - SS	12	75	Average (high)	
	Symbol Span - SS	10	50	Average	
TRAIL MAKING TEST	Part A - (seconds)	39	13	Below Average	
MOTOR ABILITIES		Score	Percentile	Test Performance	
GRIP STRENGTH	Right Hand - R	26.0	<1	Very Low	
	Left Hand - R	31.0	<1	Very Low	
FINGER TAPPING TEST	Right Hand - R	40.6	7	Low	
	Left Hand - R	44.8	42	Average	

VISUOSPATIAL / PERCEPTUAL ABILITIES		Score	Percentile	Test Performance
WAIS-IV	PERCEPTUAL REASONING INDEX - SS	94	34	Average
	Block Design - SS	8	25	Average (low)
	Visual Puzzles - SS	11	63	Average
	Picture Completion - SS	7	16	Below Average
HOOPER VOT	Visual Organization Test - R	25	66	Average
REY COMPLEX FIGURE	Copy - R	72	96	Superior
LANGUAGE		Score	Percentile	Test Performance
VERBAL FLUENCY	FAS - Phonemic Fluency - R	10	<1	Very Low
RECEPTIVE LANGUAGE	WI-3 Understanding Directions - SS	88	21	Below Average
VOCABULARY	WAIS-IV Vocabulary - SS	10	50	Average
NAMING	Boston Naming Test - R	54	25	Average (low)
MEMORY		Score	Percentile	Test Performance
WMS-IV (auditory + visual)	IMMEDIATE MEMORY INDEX - IS	96	39	Average
(auditory + visual)	DELAYED MEMORY INDEX - IS	90	25	Average (low)
	AUDITORY MEMORY INDEX - IS	97	42	Average
	VISUAL MEMORY INDEX - IS	90	25	Average (low)
AUDITORY MEMORY		Score	Percentile	Test Performance
WMS-IV	AUDITORY MEMORY INDEX - IS	97	42	Average
	Logical Memory I - R	11	63	Average
	Logical Memory II - R	10	50	Average
	Logical Memory II Recognition - R	22	17-25	Below Average
	Verbal Paired Associates I - R	9	37	Average
	Verbal Paired Associates II - R	8	25	Average (low)
	Verbal Paired Associates Recognition - R	40	>75	Above Average
RAVLT	Trial 1 - R	4/15	1	Very Low
	Trial 5 - R	10/15	14	Below Average
	Total Learning (> Trials 1 to 5)	43	1	Very Low
	Learning Slope (Trial 1 through Trial 5)	6	45	Average
	Short Delay Free Recall - R	10/15	34	Average
	Long Delay Free Recall - R	11/15	47	Average
	Delayed Recognition - R	15/15	84	Above Average
	Intrusion Errors - R	14	---	High
	Retention - R	-1.0	90	Above Average
	Retrieval Efficiency - R	4	19	Below Average
WAIS-IV	Information - SS	5	5	Low
VISUAL MEMORY		Score	Percentile	Test Performance
WMS-IV	VISUAL MEMORY INDEX - IS	90	25	Average (low)
	Visual Reproduction I - R	7	16	Below Average
	Visual Reproduction II - R	5	5	Low
	Visual Repro II Recognition - R	7	>75	Above Average
	Designs I - R	11	63	Average
	Designs II - R	11	63	Average
	Designs II Recognition - R	16	26-50	Average
REY COMPLEX FIGURE	30 Minute Recall - R	33	37	Average
EXECUTIVE FUNCTIONS		Score	Percentile	Test Performance
WAIS-IV	Matrix Reasoning - SS	8	25	Average (low)
	Figure Weights - SS	5	5	Low
	Similarities - SS	9	37	Average
	Comprehension - SS	8	25	Average (low)
WISCONSIN CARD SORT	Perseverative Errors - R	9	58	Average
	Number of Categories - R	6	66	Average
	Failure to Maintain Set - R	0	73	Average (high)
TRAIL MAKING TEST B	Time (seconds)	169	<1	Very Low
STROOP TEST	Time (seconds)	234	<10	Low
SYMPTOM VALIDITY		Score	Percentile	Test Performance
PORTLAND DIGIT RECOGNITION TEST	Easy - R	Above or Below	8/18	Below Chance
	Hard - R	Above or Below	12/18	WNL
TEST of MEMORY MALINGERING	Trial 1 - R	Cut-off = 45	50/50	WNL
	Trial 2 - R	Cut-off = 45	50/50	WNL
	Retention - R	Cut-off = 45	50/50	WNL

Ms. Gonzales, thank you for referring Greg Tower for neuropsychological evaluation. It has been a privilege to assist with his care. Please feel free to contact me if you have any questions about the results of Mr. Tower's evaluation.

Electronically signed by: Phillip S. Tate, Ph.D., on 02/12/16 at 2:00 p.m. PST.

F

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My name is Nancy Tower, I am writing this on behalf of my son, Greg Martinez.

Throughout Greg's entire life he has struggled with learning disabilities, reading and writing at a second grade level, an I.Q. below normal, and most recently has been diagnosed with Asperger's Syndrome. (See attached)

The last 18 months of his incarceration he attended and completed the SOTP offered by DOC.

Greg has been attending an after care sex offender therapy group, he has reported to his CCO without fail, past several U.A.'s, past 2 polygraph tests, his fines are current, and he has had no violations.

Since Greg's release in June of 2015 I have watched him struggle to make a way for himself, he has turn to DOC for help and support in finding employment and getting in touch with other services that could help him, but no one is interested in helping him achieve these things, so he has difficulties with filling out job applications because of his disability, and nowadays most are done on computers, which he has been denied use of.

Greg works one day a week for us up in the Pierce County area but it isn't enough to support him, and so I personally make up the difference so he is able to meet his obligations financially.

He currently resides in a halfway house living with 6 other sex offenders, in a neighborhood that is known as "Hilltop" where there is huge criminal element of drug pushers/users and prositution.

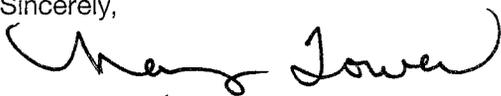
As a mother I fear for Greg's ability to thrive in this kind of environment, I feel without a change he will not be able to continue a life such as this of just getting by, with nothing to strive for, and he will be lost.

If he were allowed to return to Thurston County, his father & I could offer him support with employment, as we own and operate a business in the community for the past 20 years, we could mentor him, keep him accountable, and encourage him to seek appropriate avenues of social interaction.

I'm asking the courts to please lift the band on Thurston County so he can come home, have the support of his family, work a job so he can support himself, and start to build a life.

Thank you for your time in this very important matter.

Sincerely,



6/1/16

Nancy Tower
5112 24th Ave SE
Lacey, WA 98503
360-239-6794



Advanced Behavioral Medicine and Neuropsychology Associates, PLLC

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Tacoma, WA 98405
(253) 383-3355
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NEUROPSYCHOLOGICAL EVALUATION

Demographics:

- 29 y.o., ambidextrous, never married, Caucasian man with 12 yrs formal education.
- Lives at Clean and Sober House due to history of Level 1 sex offense; released 9 months ago after a 7 year term at Monroe Corrections.

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Cognitive Complaints:

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- History of Dyslexia. Extremely poor phonetic spelling.

Activities of Daily Living:

- Reportedly independent in all spheres.

Current Medications:

- None.

Past Medical History:

- Possible concussion from a fall: age 8-9 y.o.

Family Medical History:

- ETOH Abuse, Diabetes: paternal grandfather.

Psychological History:

- Social Anxiety: clings to people he knows.
- Low motivation (4/10)
- Counseling in Monroe Corrections

ETOH/Substance History:

- ETOH Abuse or Illegal Drug Use: Denied.

Educational History:

- Graduated N. Thurston HS 2004.
- History of learning disabilities: reading speed, dyslexia, and poor spelling and writing abilities. Denied ADHD.

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- TNT Exterminators part-time last 9 months: parent's business.

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- Never married. No long-term relationships or children. Desires friendships and social life.

Patient Name: Gregory Tower

Last 4 SSN #: 7458

Date of Birth: 06/10/86

Provider: Phillip S. Tate, Ph.D.

Referred By: Tammi Gonzales, RT

Reason for Referral: Neuropsychological consultation to evaluate for Asperger's Syndrome and academic problems.

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Recommendations:

1. **Vocational Placement:** Slower paced jobs involving repetition are recommended. Problems with working and short-term memory indicate repetition will be important for him to learn new tasks. His visuospatial and perceptual score suggest hands on work might be a good fit for him. Jobs requiring rapid decision-making, multitasking, or strong academic ability are not recommended.
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	Working Memory Index (WMI) - IS	77	6	Low	
	Processing Speed Index (PSI) - IS	84	14	Below Average	
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	Reading Fluency - SS	78	7	3.4	Low
	Letter-Word Identification - SS	71	3	3.1	Low
	Word Attack - SS	73	4	2.4	Low
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MATH ACHIEVEMENT	Calculation - SS	73	4	4.7	Low
	Math Fluency - SS	76	5	5.3	Low
MENTAL PROCESSING SPEED		Score	Percentile	Test Performance	
WAIS-IV	PROCESSING SPEED INDEX - IS	84	14	Below Average	
	Symbol Search - SS	9	37	Average	
	Coding - SS	5	5	Low	
AUDITORY ATTENTION & WORKING MEMORY		Score	Percentile	Test Performance	
ATTENTION PROCESS TEST	Simple Sustained Attention - R	29	37	Average	
	Complex Sustained Attention - R	14	<1	Very Low	
	Selective Attention - R	14	<1	Very Low	
	Alternating Attention - R	DC	<1	Very Low	
BRIEF TEST OF ATTENTION	Divided Attention (auditory/visual)-R	15	9	Low	
CONNERS CPT-2	Confidence - %	69.21	---	Matches Non-ADHD Sample	
	Atypical Test Scores - R	1/12	---	Inattention	
WAIS-IV	WORKING MEMORY INDEX - IS	77	6	Low	
	Digit Span - SS	5	5	Low	
	Arithmetic - SS	7	16	Below Average	
	Letter Number Sequencing - SS	7	16	Below Average	
VISUAL ATTENTION & WORKING MEMORY		Score	Percentile	Test Performance	
WMS-IV	VISUAL WORKING MEMORY INDEX - IS	106	66	Average	
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	Symbol Span - SS	10	50	Average	
TRAIL MAKING TEST	Part A - (seconds)	39	13	Below Average	
MOTOR ABILITIES		Score	Percentile	Test Performance	
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	Left Hand - R	31.0	<1	Very Low	
FINGER TAPPING TEST	Right Hand - R	40.6	7	Low	
	Left Hand - R	44.8	42	Average	

VISUOSPATIAL / PERCEPTUAL ABILITIES		Score	Percentile	Test Performance	
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	Block Design - SS	8	25	Average (low)	
	Visual Puzzles - SS	11	63	Average	
	Picture Completion - SS	7	16	Below Average	
HOOPER VOT	Visual Organization Test - R	25	66	Average	
REY COMPLEX FIGURE	Copy - R	72	96	Superior	
LANGUAGE		Score	Percentile	Test Performance	
VERBAL FLUENCY	FAS - Phonemic Fluency - R	10	<1	Very Low	
RECEPTIVE LANGUAGE	WJ-3 Understanding Directions - SS	88	21	Below Average	
VOCABULARY	WAIS-IV Vocabulary - SS	10	50	Average	
NAMING	Boston Naming Test - R	54	25	Average (low)	
MEMORY		Score	Percentile	Test Performance	
WMS-IV (auditory + visual)	IMMEDIATE MEMORY INDX - IS	96	39	Average	
(auditory + visual)	DELAYED MEMORY INDEX - IS	90	25	Average (low)	
	AUDITORY MEMORY INDEX - IS	97	42	Average	
	VISUAL MEMORY INDEX - IS	90	25	Average (low)	
AUDITORY MEMORY		Score	Percentile	Test Performance	
WMS-IV	AUDITORY MEMORY INDEX - IS	97	42	Average	
	Logical Memory I - R	11	63	Average	
	Logical Memory II - R	10	50	Average	
	Logical Memory II Recognition - R	22	17-25	Below Average	
	Verbal Paired Associates I - R	9	37	Average	
	Verbal Paired Associates II - R	8	25	Average (low)	
	Verbal Paired Associates Recognition - R	40	>75	Above Average	
RAVLT	Trial 1 - R	4/15	1	Very Low	
	Trial 5 - R	10/15	14	Below Average	
	Total Learning (Σ Trials 1 to 5)	43	1	Very Low	
	Learning Slope (Trial 1 through Trial 5)	6	45	Average	
	Short Delay Free Recall - R	10/15	34	Average	
	Long Delay Free Recall - R	11/15	47	Average	
	Delayed Recognition - R	15/15	84	Above Average	
	Intrusion Errors - R	14	---	High	
	Retention - R	-1.0	90	Above Average	
	Retrieval Efficiency - R	4	19	Below Average	
WAIS-IV	Information - SS	5	5	Low	
VISUAL MEMORY		Score	Percentile	Test Performance	
WMS-IV	VISUAL MEMORY INDEX - IS	90	25	Average (low)	
	Visual Reproduction I - R	7	16	Below Average	
	Visual Reproduction II - R	5	5	Low	
	Visual Repro II Recognition - R	7	>75	Above Average	
	Designs I - R	11	63	Average	
	Designs II - R	11	63	Average	
	Designs II Recognition - R	16	26-50	Average	
REY COMPLEX FIGURE	30 Minute Recall - R	33	37	Average	
EXECUTIVE FUNCTIONS		Score	Percentile	Test Performance	
WAIS-IV	Matrix Reasoning - SS	8	25	Average (low)	
	Figure Weights - SS	5	5	Low	
	Similarities - SS	9	37	Average	
	Comprehension - SS	8	25	Average (low)	
WISCONSIN CARD SORT	Perseverative Errors - R	9	58	Average	
	Number of Categories - R	6	66	Average	
	Failure to Maintain Set - R	0	73	Average (high)	
TRAIL MAKING TEST B	Time (seconds)	169	<1	Very Low	
STROOP TEST	Time (seconds)	234	<10	Low	
SYMPTOM VALIDITY		Score	Percentile	Test Performance	
PORTLAND DIGIT RECOGNITION TEST	Easy - R	Above or Below	8/18	---	Below Chance
	Hard - R	Above or Below	12/18	---	WNL
TEST of MEMORY MALINGERING	Trial 1 - R	Cut-off = 45	50/50	---	WNL
	Trial 2 - R	Cut-off = 45	50/50	---	WNL
	Retention - R	Cut-off = 45	50/50	---	WNL

Ms. Gonzales, thank you for referring Greg Tower for neuropsychological evaluation. It has been a privilege to assist with his care. Please feel free to contact me if you have any questions about the results of Mr. Tower's evaluation.

Electronically signed by: Phillip S. Tate, Ph.D., on 02/12/16 at 2:00 p.m. PST.

To Whom it may concern,

My name is Monica Kelley. I am writing this letter to the courts on behalf of Greg Martinez.

I met Mr. Martinez approximately 9 months ago while working for TNT Exterminators. I knew he was just being released from prison and the crime he had been convicted of. I had my reservations about meeting him or working with him for this reason. I can honestly say at the time I did not want to be anywhere near him. I had pre judged him based on his crime. However, 9 months ago TNT Exterminators had a big job to do and the meeting could no longer be avoided. I met Greg on the job site.

Upon meeting Greg, I realized my pre judgement and concerns while valid, were not at all accurate. Greg was very polite and considerate. Over the course of the last few months I have gotten to know Mr. Martinez pretty well. We now work together once a week. We have talked at great length of his crime several times. He has expressed his remorse and sadness at what he has done, to his entire family and the victim.

To my knowledge Greg has served his time, gone to treatment, reported to DOC, and followed every rule that has been set forth for him since being released in June 2015. He has followed all the rules of his DOC officer as well as his councilor. Greg has taken and passed 2 lie detector tests to prove this beyond a ~~show~~^{Shadow} of a doubt.

Mr. Martinez is not your "normal" 29 year old man. He functions at a much slower capacity. In some ways he reminds me of a teenage boy. He does not read or write well at all. He struggles with taking direction at work. You have to explain to him at each job site exactly what he needs to do. This makes it difficult for me to believe Greg will ever find full time employment outside of his parents business. Most companies would not employ Greg for the above reasons. However, most of the work TNT has is in Thurston County. This restriction only allows Greg to work 1 day a week.

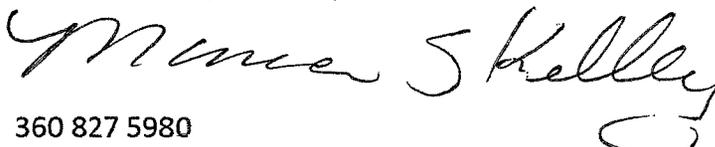
I do not believe Greg is a "threat" to anyone in Thurston County or anywhere else for that matter. I believe he should be allowed to return to his home to be with family and friends where he would be employed full time and have a strong support system in place with his parents.

Greg is all alone in Tacoma, with no family, no friends, no social life. He is basically stuck in a house with no one but sex offenders to talk to day in and day out. I do not believe this restriction is helping Greg to acclimate back into society at all. In fact, it is my personal belief that it is doing more harm than good. I have watched him slip more and more into a depressed state of mind for the last few months.

Again, I do believe Greg has done everything that has been asked of him, since his release from prison and Greg should be allowed to return to Thurston County to resume his life. He has paid his debt to society for the crime he committed. I do not believe this restriction is fair to Mr. Martinez or his parents. He should be allowed to return to his home and begin to pick up the pieces of his life now.

With all due respect,

Monica S Kelley

 5/29/16

360 827 5980

1331 Windsor Ave.

Centralia WA 98531

05-1-01083-9
RSP
Response
372525



FILED
SUPERIOR COURT
THURSTON COUNTY, WA

2016 JUN 23 AM 8:04

Linda J. Johnson
Thurston County Clerk

**IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THURSTON COUNTY**

STATE OF WASHINGTON,

vs.

GREG STEVEN MARTINEZ,

Plaintiff,

Defendant.

NO. 05-1-01083-9

State's Response to Modification Request

COMES NOW the plaintiff, through its attorney, JON TUNHEIM, by his deputy, Megan A. Winder, and moves this Court to transfer the Defendant's motion to modify conditions of community custody to the Court of Appeals as a personal restraint petition (PRP).

RELEVANT FACTS

On August 8, 2006, the Defendant pled guilty to one count of Rape of a Child in the First Degree. See Attachment A – Statement of Defendant on Plea of Guilty. On September 27, 2006 Judge Gary Tabor allowed the Defendant to enter a Special Sex Offender Sentencing Alternative, noting that the sentencing was subject to RCW 9.94A.712.

On September 21, 2009, the Defendant's Special Sex Offender Sentencing Alternative was revoked, based on a violation hearing on the same date. The Defendant was remanded to the custody of the Department of Corrections. Again, the First Amended Judgment and Sentence, entered on September 21, 2009, indicates that the sentencing was subject to RCW 9.94A.712, which subjected the Defendant to lifetime community custody in paragraph 4.6. See Attachment B – First Amended Judgment and Sentence.

State's Response to Modification Request

JON TUNHEIM
Thurston County Prosecuting Attorney
2000 Lakeridge Drive S.W.
Olympia, WA 98502
360/786-5540 Fax 360/754-3358

1 The Defendant was incarcerated with the Department of Corrections between 2009 and 2015. It
2 appears that the Indeterminate Sentencing Review Board (ISRB) conditionally released the Defendant in
3 2015 on several conditions, one of which was that he not enter Thurston County without prior written
4 approval of his Community Corrections Officer and the ISRB. The condition does not say that he can
5 never go to Thurston County; it states that he has to have written permission before he does so. The
6 Defendant signed the Order of Release and Supervision Conditions on May 20, 2015. See Attachment C -
7 Order of Release and Supervision Conditions.

8 The undersigned Deputy Prosecutor has been in contact with the Attorney General's Office,
9 responsible for representing the ISRB, and was informed that they appear when named as a Respondent
10 at the Courts of Appeals in Washington. This Deputy Prosecuting Attorney also spoke with the victim's
11 mother on June 21, 2016, and she further indicated that she and the victim have safety concerns and
12 oppose any modification of conditions set by the ISRB.

13 ARGUMENT & AUTHORITY

14 **A. The State moves this Court to transfer this case to the Court of Appeals.**

15 The proper course of action is for this court to transfer this matter to the court of appeals as a
16 personal restraint petition. The Court of Appeals would be in a better position than this Court to address
17 the issue, as the judicial officers at the Court of Appeals receive an expanded record explaining the basis
18 for the condition and why it was imposed by the ISRB.

19 **B. The Court delegated authority to supervise the Defendant to the Department of Corrections 20 and the Indeterminate Sentencing Review Board.**

21 This Court specifically indicated that the Defendant's sentence was imposed pursuant to RCW
22 9.94A.712, which was recodified as RCW 9.94A.507 pursuant to 2008 c 231 § 56, effective August 1,
23 2009. RCW 9.94A.507(6) states, in pertinent part, that:

1 (a) As part of any sentence under this section, the court shall also require
2 the offender to comply with **any conditions imposed by the board** under
3 RCW 9.95.420 through 9.95.435.

4 (emphasis added). The Defendant's plea of guilty has an interlineation on page 4 specifically identifying
5 that the Defendant was subject to RCW 9.94A.712, which included lifetime community custody and a
6 maximum term of life in prison.

7 The Defendant was subject to supervision by the Indeterminate Sentence Review Board, pursuant
8 to RCW 9.94A.712. The ISRB is required to make independent determinations as to community custody
9 conditions. The ISRB made a determination and imposed a condition; this was not imposed by the Court.

10 **C. The condition the Defendant is seeking to have modified is an ISRB condition, not one
11 imposed by the Court; therefore the Board is the appropriate Respondent to the Action, not
12 the Thurston County Prosecuting Attorney's Office.**

13 The Legislature identified that in order to minimize the trauma to the victim, the court may attach
14 conditions on release of an offender under RCW 9.95.062, regarding the whereabouts of the defendant,
15 contact with the victim, or other conditions, and indicated in RCW 9.95.064(2) that "offenders released
16 under RCW 9.95.420 are subject to crime-related prohibitions and affirmative conditions established by
17 the court, the department of corrections, or the board pursuant to RCW * 9.94A.712, 9.94A.704,
18 72.09.335, and 9.95.420 through 9.95.440."

19 The ISRB imposed additional affirmative conditions on the Defendant. This was contemplated by
20 the legislature, and does not "contravene" or "decrease" the court ordered conditions; it expands them
21 based on victim concerns. Specifically, RCW 9.95.420(2) states that "[t]he board shall impose the
22 conditions and instructions provided for in RCW 9.94A.704. The board shall consider the department's
23 recommendations and may impose conditions **in addition to those recommended by the department.**
The board **may impose or modify conditions of community custody following notice to the
offender.**" (emphasis added).

1 In this case, the Defendant signed the conditions on May 20, 2015. This constituted notice of the
2 condition to the Defendant.

3 The Prosecuting Attorney's Office is not privy to all the bases for the imposition of the conditions
4 by the ISRB; neither is this Court. The proper course of action would be to transfer this action to the
5 Court of Appeals as a personal restraint petition, where the ISRB will be represented by an Assistant
6 Attorney General, and the Court is provided with an expanded record as to the bases for the imposition of
7 conditions of community custody by the ISRB.

8 **D. The Defendant has not followed the Administrative Process to deal with a condition imposed
9 by the ISRB.**

10 RCW 9.94A.704 sets forth terms of community custody and provides an administrative process to
11 seek a remedy from a condition that a defendant is not in agreement with; there is no evidence that the
12 Defendant in this case sought to utilize this process.

13 RCW 9.94A.704(10)(c) states in pertinent part:

14 By the close of the next business day, after receiving notice of a condition
15 imposed by the board or the department, an offender may request an
16 administrative hearing under rules adopted by the board. The condition
17 shall remain in effect unless the hearing examiner finds that it is not
18 reasonably related to any of the following:

- 19 (i) The crime of conviction;
- 20 (ii) The offender's risk of reoffending;
- 21 (iii) The safety of the community.

22 The State is not in receipt of any information supporting the idea that the Defendant sought to
23 address the grievance through the process laid out in the statute.

**E. If this Court does Choose to Address this Condition, the State Opposes, based on Input from
the Victim and the ISRB.**

The Department of Corrections and the ISRB have the authority to impose a condition on where
the Defendant may or may not go; it is specifically enunciated in RCW 9.94A.703(3) As part of any term

1 of community custody, the court may order an offender to: “(a) **Remain within, or outside of, a**
2 **specified geographical boundary...**” (Emphasis added). The condition to remain outside of Thurston
3 County is squarely within the discretion of the Department of Corrections.

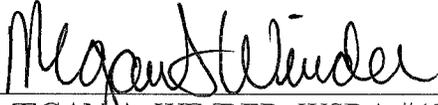
4 The victim and his family are in favor of the Defendant being required to stay out of Thurston
5 County. The State anticipates that the victim’s mother will be present at the hearing on June 30, 2016 and
6 available to address the Court.

7 CONCLUSION

8 The Thurston County Prosecuting Attorney’s Office (TCPAO) moves this Court to transfer this
9 case, as a personal restraint petition, to the Court of Appeals; the Court of Appeals is better equipped to
10 handle this case, and will receive a thorough record that the TCPAO does not have access to, to provide
11 to this Court. Additionally, the Court of Appeals would appoint the Attorney General’s office as the
12 Responded in this cause of action, which makes sense, as the AG’s office represents the ISRB, who
13 imposed the condition.

14 If this Court chooses to address the defendant’s motion on its merits, the State opposes, as the
15 condition imposed is squarely within the discretion delegated to the Department of Corrections and
16 ISRB, and the TCPAO was made aware of victim safety concerns.

17 Signed this 21st day of June, 2016

18 
19 _____
20 MEGAN A. WINDER, WSBA #42962
21 Deputy Prosecuting Attorney

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Attachment A: Statement of Defendant on Plea of Guilty – August 8, 2006

FILED
SUPERIOR COURT
SHERSTON COUNTY, WASH.

06 AUG -8 AM 10:34

BETTY J. GOULD, CLERK

BY [Signature]
DEPUTY

SUPERIOR COURT OF WASHINGTON
FOR

STATE OF WASHINGTON

Plaintiff

vs. Greg Martinez
Defendant.

NO. 05-1-1083-9

STATEMENT OF DEFENDANT ON
PLEA OF GUILTY
(STTDFG)

[Docket No. 3]

1. My true name is: Greg Martinez
2. My age is: 20
3. I went through the 12th grade.
4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:
 - (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
 - (b) I am charged with: Rape of Child 1^o
5. The elements are as set forth in the State's (original) information.
I UNDERSTAND I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:
 - (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
 - (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
 - (c) The right at trial to hear and question the witnesses who testify against me;
 - (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
 - (e) That I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
 - (f) The right to appeal a finding of guilt after a trial.

STATEMENT ON PLEA OF GUILTY (STTDFG) - 1
CrR 4.2(g) (10/2003)

SCANNED

6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:

- (a) Each crime with which I am charged carries a maximum sentence, a fine, and a STANDARD SENTENCE RANGE as follows:

COUNT NO.	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	COMMUNITY CUSTODY RANGE (Only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph 6(f))	MAXIMUM TERM AND FINE
1	0	93-123mos to life*	-	93-123mos to life*	4-42 mos LIFE*	1,172 20,000.00

*(F) Firearm, (D) other deadly weapon, (V) VUCSA in protected zone, (VH) Veh. Hom, Sec RCW 46.61.520, (JP) Juvenile present

- * RCW 9A.04A.712 APPLIES WHICH IMPOSES LIFE-TIME COMMUNITY CUSTODY AND THE MAXIMUM TERM OF LIFE IN PRISON
- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (c) The prosecuting attorney's statement of my criminal history has been filed with this statement. Unless I have attached a different statement, I stipulate and agree that the prosecuting attorney's statement is true, correct and complete, and that any federal or out of state convictions listed are properly classified under the laws of this state as a felony, that none of the convictions constitutes same criminal conduct, and I waive any and all challenges to that history. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.
- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.
- (e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.
- ~~(f) For crimes committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community supervision if the total period of confinement ordered is not more than 12 months. If this crime is a drug offense,~~

STATEMENT ON PLEA OF GUILTY (STTDFG) - 2
CrR 4.2(g) (10/2003)

SCANNED

~~assault in the second degree, assault of a child in the second degree, or any crime against a person in which a specific finding was made that I or an accomplice was armed with a deadly weapon, the judge will order me to serve at least one year of community placement. If this crime is a vehicular homicide, vehicular assault, or a serious violent offense, the judge will order me to serve at least two years of community placement. The actual period of community placement, community custody, or community supervision may be as long as my earned early release period. During the period of community placement, community custody, or community supervision, I will be under the supervision of the Department of Corrections, and I will have restrictions placed on my activities.~~

For crimes committed on or after July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the crime I have been convicted of falls into one of the offense types listed in the following chart, and I am sentenced to more than 12 months, the court will sentence me to community custody for the community custody range established for that offense type unless the judge finds substantial and compelling reasons not to do so. If the period of earned release awarded per RCW 9.94A.150 is longer, that will be the term of my community custody. If the crime I have been convicted of falls into more than one category of offense types listed in the following chart, then the community custody range will be based on the offense type that dictates the longest term of community custody. If the crime I have been convicted of is not listed in the following chart and I am sentenced to more than 12 months, then there will be no period of community custody.

OFFENSE TYPE	COMMUNITY CUSTODY RANGE
Serious Violent Offenses	24 to 48 months or up to the period of earned release, whichever is longer.
Violent Offenses	18 to 36 months or up to the period of earned release, whichever is longer.
Crimes Against Persons	9 to 18 months or up to the period of earned release, whichever is longer.
Offenses under Chapter 69.50 or 69.52 RCW	9 to 12 months or up to the period of earned release, whichever is longer.

During the period of community custody I will be under the supervision of the Department of Corrections, and I will have restrictions placed on my activities. My failure to comply with these conditions will render me ineligible for general assistance, RCW 74.04.005(6)(h), and may result in the Department of Corrections transferring me to a more restrictive confinement status or other sanctions.

(g) The prosecuting attorney will make the following recommendation to the judge: _____
Reserved as to Court 1

Ct 2 Dismissed

- (h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. If the judge goes outside the standard range, either the state or I can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.
- (i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
- (j) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040.
- (k) Public assistance will be suspended during any period of imprisonment.

NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE.

- RCW 9.94A.712 APPLIES WHICH IMPOSES LIFE-TIME COMMUNITY CUSTODY*
- [l] This offense is a most serious offense or "strike" as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole. *AND A MAXIMUM TERM OF LIFE IN PRISON*
 - [m] The judge may sentence me as a first-time offender instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030. This sentence could include as much as 90 days' confinement, and up to two years community supervision if the crime was committed prior to July 1, 2000, or up to two years of community custody if the crime was committed on or after July 1, 2000, plus all of the conditions described in paragraph (e). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.
 - [n] ~~If this crime involves a kidnapping offense involving a minor, I will be required to register where I reside, study or work. The specific registration requirements are set forth in Attachment "A."~~
 - [o] **For all sentencings on or after July 1, 2002, that involve a felony**, or stalking under RCW 9A.46.110, or harassment under RCW 9A.46.020, or communicating with a minor for immoral purposes under RCW 9.68A.090, I will be required to provide a biological sample for purposes of DNA identification analysis, and will be assessed a \$100 fee for this purpose.
 - [p] ~~If this is a crime of domestic violence, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.~~
 - [q] If this crime involves prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (AIDS) virus.

STATEMENT ON PLEA OF GUILTY (STTDFG) - 4
CrR 4.2(g) (10/2003)

S C A N N E D

- [r] The judge may sentence me under the special drug offender sentencing alternative (DOSA) if I qualify under former RCW 9.94A.120(6) (for offenses committed before July 1, 2001) or RCW 9.94A.660 (for offenses committed on or after July 1, 2001). This sentence could include a period of total confinement in a state facility for one-half of the midpoint of the standard range plus all of the conditions described in paragraph 6(e). During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose community custody of at least one-half of the midpoint of the standard range that must include appropriate substance abuse treatment, a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. Additionally, the judge could prohibit me from using alcohol or controlled substances, require me to devote time to a specific employment or training, stay out of certain areas, pay thirty dollars per month to offset the cost of monitoring and require other conditions, including affirmative conditions.
- [s] If the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.
- [t] If this crime involves the manufacture of methamphetamine, a mandatory clean-up fine of \$3,000.00 will be assessed. If this crime involves a felony violation of the Uniform Controlled Substances Act, then a mandatory \$1,000 drug enforcement fund penalty will be assessed, and shall be doubled if this is a subsequent controlled substances offense.
- [u] If this crime involves a violation of the state drug laws, my eligibility for state and federal food stamps, welfare, and education benefits will be affected. 20 U.S.C. § 1091(r) and 21 U.S.C. § 862a.
- [v] If this crime involves a motor vehicle, my driver's license or privilege to drive will be suspended or revoked. If I have a driver's license, I must now surrender it to the judge.
- [w] If this crime involves the offense of vehicular homicide while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, committed on or after January 1, 1999, an additional two years shall be added to the presumptive sentence for vehicular homicide for each prior offense as defined in RCW 46.61.5055(8).
- [x] The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. The law does not allow any reduction of this sentence.
- [y] I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.
- [z] I understand that the offense(s) I am pleading guilty to include a deadly weapon or firearm enhancement. Deadly weapon or firearm enhancements are mandatory, they must be

served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon or firearm enhancements.

[aa] I understand that the offenses I am pleading guilty to include both a conviction under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and one or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm. The sentences imposed for these crimes shall be served consecutively to each other. A consecutive sentence will also be imposed for each firearm unlawfully possessed.

[bb] I understand that if I am pleading guilty to the crime of unlawful practices in obtaining assistance as defined in RCW 74.08.331, no assistance payment shall be made for at least 6 months if this is my first conviction and for at least 12 months if this is my second or subsequent conviction. This suspension of benefits will apply even if I am not incarcerated. RCW 74.08.290.

7. I plead guilty to:

count Rape of Child 1^o
count _____
count _____

in the ORIGINAL Information. I have received a copy of that Information, discussed it with my attorney, and understand the nature of the charges to which I am pleading guilty.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement: _____

In May of 2005, I engaged in sexual intercourse with M.S.B. I was not married to him & I was 24 months older than him. This occurred in Thurston County. He was 90 years old at the time.

[] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

[] I do not believe I am guilty. However, I wish to plead guilty in order to take advantage of the State's plea offer. I agree that the State could produce sufficient evidence at trial from which a reasonable jury would likely find me guilty beyond a reasonable doubt of the above charges.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and Attachment "A," if applicable. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

x Greg Martinez
Defendant

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

[Signature]
Deputy Prosecuting Attorney, WSBA # 2611A

[Signature]
Defendant's Lawyer, WSBA # 25282

COURT'S FINDINGS

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- (a) The defendant had previously read the entire statement above and that the defendant understood it in full;
- (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: 8-8-06

[Signature]
JUDGE
GARY R. TABOR

INTERPRETER'S DECLARATION

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands, and I have translated the statement of defendant on plea of guilty for the defendant from English into that language. The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated: _____

Interpreter

Location: Olympia, Washington

STATEMENT ON PLEA OF GUILTY (STTDFG) - 7
CrR 4.2(g) (10/2003)

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Attachment B: First Amended Judgment and Sentence – September 21, 2009

15

FILED
SUPERIOR COURT
THURSTON COUNTY WA

09 SEP 21 10:27

SUPERIOR COURT OF WASHINGTON
COUNTY OF THURSTON

STATE OF WASHINGTON, Plaintiff,

vs.

GREG STEVEN MARTINEZ,
Defendant.

SID: WA22840263
If no SID, use DOB: 06/10/1986
PCN: 766837271 BOOKING NO. C0131904

No. 05-1-01083-9

1st Amended

FELONY JUDGMENT AND SENTENCE (FJS)

Prison RCW 9.94A.712 Prison Confinement

Jail One Year or Less RCW 9.94A.712 Prison Confinement

First-Time Offender

Special Sexual Offender Sentencing Alternative

Special Drug Offender Sentencing Alternative

Clerk's Action Required, para 4.5 (SDOSA), 4.15.2, 5.3, 5.6 and 5.8

I. HEARING

1.1 A sentencing hearing was held on September 27, 2006 wherein defendant was granted a Special Sexual Offender Sentencing Alternative (SSOSA). Defendant's SSOSA is hereby revoked. *BASED ON VICTIM'S HEARING ON 9-21-09.*

II. FINDINGS

There being no reason why judgment should not be pronounced, the court FINDS:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on September 21, 2009 by plea jury-verdict bench trial of:

COUNT	CRIME	RCW	DATE OF CRIME
I	RAPE OF A CHILD IN THE FIRST DEGREE	9A.44.073	MAY 2, 2005 to May 27, 2005

COPY TO SHERIFF

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

Additional current offenses are attached in Appendix 2.1.

A special verdict/finding that the offense was predatory was returned on Count(s) _____, RCW 9.94A. _____.

A special verdict/finding that the victim was under 15 years of age at the time of the offense was returned on Count(s) _____, RCW 9.94A. _____.

A special verdict/finding that the victim was developmentally disabled, mentally disordered, or a frail elder or vulnerable adult at the time of the offense was returned on Count(s) _____, RCW 9.94A. _____, 9A.44.010.

A special verdict/finding of sexual motivation was returned on Count(s) _____ 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.

The court finds that the defendant is subject to sentencing under RCW 9.94A.712.

FELONY JUDGMENT AND SENTENCE (FJS)
(RCW 9.94A.500, .505)(WPF CR 84.0400 (6/2005))

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Page 1

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- A special verdict/finding for use of **firearm** was returned on Count(s) _____ . RCW 9.94A.602, 9.94A.533.
- A special verdict/finding for use of **deadly weapon other than a firearm** was returned on Count(s) _____ . RCW 9.94A.602, 9.94A.533.
- A special verdict/finding for **Violation of the Uniform Controlled Substances Act** was returned on Count(s) _____ , RCW 69.50.401 and RCW 69.50.435, taking 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.
- A special verdict/finding that 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** was returned on Count(s) _____ . RCW 9.94A.605, RCW 69.50.401, RCW 69.50.440.
- The defendant was convicted of **vehicular homicide** which was proximately caused by a person driving a vehicle while under the influence of intoxicating liquor or drug or by the operation of a vehicle in a reckless manner and is therefore a violent offense. RCW 9.94A.030.
- 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.
- The court finds that the offender has a **chemical dependency** that has contributed to the offense(s). RCW 9.94A.607.
- The crime charged in Count(s) _____ involve(s) **domestic violence**.
- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):
- None of the current offenses constitute same criminal conduct.
- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J Adult, Juv.	TYPE OF CRIME
1 NONE KNOWN					
2					
3					
4					
5					

- Additional criminal history is attached in Appendix 2.2.
- The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525.
- The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):
- None of the prior convictions constitutes same criminal conduct.
- The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUS-NESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS*	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	0	XII	93-123 mos To Life	---	93-123 mos To Life	LIFE

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present. (SM) Sexual motivation, RCW 9.94A.533(8).

Additional current offense sentencing data is attached in Appendix 2.3.

2.4 EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence:

within 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.

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 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS. The court has considered the total amount owing, the defendant's past, 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. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

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

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

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 Count II The defendant is found NOT GUILTY of Counts

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court:

JASS CODE

\$ RESERVED Restitution to: VICTIM - M.S.B.

RTN/RJN

\$ _____ Restitution to: _____

FELONY JUDGMENT AND SENTENCE (FJS)
(RCW 9.94A.500, .505)(WPF CR 84.0400 (6/2005)

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\$ _____ Restitution to: _____
(Name and Address--address may be withheld and provided confidentially to Clerk of the Court's office.)

PCV \$ 500.00 Victim assessment RCW 7.68.035
\$ _____ Domestic Violence assessment RCW 10.99.080
CRC \$ 200.00 Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190
Criminal filing fee \$ 200 FRC
Witness costs \$ _____ WFR
Sheriff service fees \$ _____ SFR/SFS/SFW/WRF
Jury demand fee \$ _____ JFR
Extradition costs \$ _____ EXT
Other \$ _____
PUB \$ _____ Fees for court appointed attorney RCW 9.94A.760
WFR \$ _____ Court appointed defense expert and other defense costs RCW 9.94A.760
FCM/MTH \$ _____ Fine RCW 9A.20.021; [] VUCSA chapter 69.50 RCW, [] VUCSA additional fine deferred due to indigency RCW 69.50.430
CDF/LDI/PCD \$ _____ Drug enforcement fund of _____ RCW 9.94A.760
NTF/SAD/SDI
CLF \$ _____ Crime lab fee [] suspended due to indigency RCW 43.43.690
\$ 100.00 Felony DNA collection fee [] not imposed due to hardship RCW 43.43.7541
RTN/RJN \$ _____ Emergency response costs (Vehicular Assault, Vehicular Homicide only, \$1000 maximum) RCW 38.52.430
\$ _____ Other costs for: _____
\$ 800.00 TOTAL RCW 9.94A.760

[X] The above total does not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

[X] shall be set by the prosecutor.

[] is scheduled for _____

[] RESTITUTION. Schedule attached.

[] Restitution ordered above shall be paid jointly and severally with:

<u>NAME of other defendant</u>	<u>CAUSE NUMBER</u>	<u>(Victim's name)</u>	<u>(Amount-\$)</u>
<i>RJN</i>	_____	_____	_____
_____	_____	_____	_____

[X] 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).

[X] 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 commencing _____ RCW 9.94A.760.

FELONY JUDGMENT AND SENTENCE (FJS)
(RCW 9.94A.500, .505)(WPF CR 84.0400 (6/2005))

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

In addition to the other costs imposed herein, the court finds that the defendant has the means to pay for the cost of incarceration and is ordered to pay such costs at the rate of \$50.00 per day, unless another rate is specified here: _____ (JLR) RCW 9.94A.760.

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.

4.2 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. RCW 43.43.754.

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

4.3 The defendant shall not have contact with **M.S.B. (DOB: 04/19/1996)** including, but not limited to, personal, verbal, telephonic, written or contact through a third party for **LIFE** (not to exceed the maximum statutory sentence).

Domestic Violence No-Contact Order, Antiharassment No-Contact Order, or Sexual Assault Protection Order is filed with this Judgment and Sentence, **ENTERED 9-17-06.**

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 **OTHER: ALL CONDITIONS OF APPENDIX "H" ARE INCORPORATED HEREIN BY REFERENCE. REGISTER AS A SEX OFFENDER FOR LIFE - SEE 5.7**

4.5 **CONFINEMENT OVER ONE YEAR.** The defendant is sentenced as follows:

(a) **CONFINEMENT.** RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC):

SEE 4.5(b) _____ months on Count _____ months on Count _____
_____ months on Count _____ months on Count _____
_____ months on Count _____ months on Count _____

Actual number of months of total confinement ordered is: 93 MONTH TO LIFE IMPRISONMENT.
(Add mandatory firearm, deadly weapons, and sexual motivation enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above.)

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

NON-FELONY COUNTS:

Sentence on counts _____ is/are suspended for _____ months on the condition that the defendant comply with all requirements outlined in the supervision section of this sentence.

_____ days of jail are suspended on Count _____
_____ days of jail are suspended on Count _____

All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm, other deadly weapon, or sexual motivation, UVCSA in a protected zone, or manufacture of methamphetamine with juvenile present as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: _____

The sentence herein shall run consecutively with the sentence in cause number(s) _____

but concurrently to any other felony cause not referred to in this Judgment. RCW 9.94A.589.

Confinement shall commence immediately unless otherwise set forth here: _____

(b) CONFINEMENT. RCW 9.94A.712 (Sex Offenses only): The defendant is sentenced to the following term of confinement in the custody of the DOC:

Count I minimum term 93 months maximum term LIFE
Count _____ minimum term _____ maximum term _____

(c) 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 time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: 835 Days

4.6 COMMUNITY PLACEMENT is ordered as follows: Count _____ for _____ months;
Count _____ for _____ months; Count _____ for _____ months.

COMMUNITY CUSTODY for count(s) _____, sentenced under RCW 9.94A.712, is ordered for any period of time the defendant is released from total confinement before the expiration of the maximum sentence.

COMMUNITY CUSTODY is ordered as follows:

Count _____ for a range from _____ to _____ months;
Count _____ for a range from _____ to _____ months;
Count _____ for a range from _____ to _____ months;

or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A.700 and .705 for community placement offenses, which include serious violent offenses, second degree assault, any crime against a person with a deadly weapon finding and chapter 69.50 or 69.52 RCW offenses not sentenced under RCW 9.94A.660 committed before July 1, 2000. See RCW 9.94A.715 for community custody range offenses, which include sex offenses not sentenced under RCW 9.94A.712 and violent offenses committed on or after July 1, 2000. Use paragraph 4.7 to impose community custody following work ethic camp.] **STATUTORY LIMIT ON SENTENCE.** Notwithstanding the length of confinement plus any community custody imposed on any individual charge, in no event will the combined confinement and community custody exceed the statutory maximum for that charge. Those maximums are: Class A felony--life in prison; Class B felony--ten (10) years in prison; Class C felony--5 (5) years in prison.

On or after July 1, 2003, DOC shall supervise the defendant if DOC classifies the defendant in the A or B risk categories; or, DOC classifies the defendant in the C or D risk categories and at least one of the following apply:

a) the defendant committed a current or prior:		
i) Sex offense	ii) Violent offense	iii) Crime against a person (RCW 9.94A.411)
iv) Domestic violence offense (RCW 10.99.020)		v) Residential burglary offense
vi) Offense for manufacture, delivery or possession with intent to deliver methamphetamine including its salts, isomers, and salts of isomers,		

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- vii) Offense for delivery of a controlled substance to a minor; or attempt, solicitation or conspiracy (vi, vii)
- b) the conditions of community placement or community custody include chemical dependency treatment.
- c) the defendant is subject to supervision under the interstate compact agreement, RCW 9.94A.745.

While on community placement or 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 in community custody; (6) pay supervision fees as determined by DOC; and (7) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC; and (8) for sex offenses, submit to electronic monitoring if imposed by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

- The defendant shall not consume any alcohol.
- Defendant shall have no contact with: VICAM, OR ANY MINOR
- Defendant shall remain within outside of a specified geographical boundary, to wit: _____

Defendant shall not reside in a community protection zone (within 880 feet of the facilities or grounds of a public or private school). (RCW 9.94A.030(8)).

The defendant shall participate in the following crime-related treatment or counseling services: _____

- SEXUAL VIOLENCE TREATMENT
- The defendant shall undergo an evaluation for treatment for domestic violence substance abuse mental health anger management and fully comply with all recommended treatment.

The defendant shall comply with the following crime-related prohibitions: _____

4.4 AND APPENDIX "H"

Other conditions: 4.4 AND APPENDIX "H"

For sentences imposed under RCW 9.94A.712, other conditions, including electronic monitoring, may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than seven working days.

4.7 **WORK ETHIC CAMP.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6.

4.8 **OFF LIMITS ORDER** (known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the county jail or Department of Corrections: _____

V. NOTICES AND SIGNATURES

5.1 **COLLATERAL ATTACK ON JUDGMENT.** Any petition or motion for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.

5.2 **LENGTH OF SUPERVISION.** For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1,

2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her 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 or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.
- 5.4 **RESTITUTION HEARING.**
 Defendant waives any right to be present at any restitution hearing (sign initials): _____.
- 5.5 Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. RCW 9.94A.634.
- 5.6 **FIREARMS. You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record.** (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

Cross off if not applicable:

5.7 SEX AND KIDNAPPING OFFENDER REGISTRATION. RCW 9A.44.130, 10.01.200.

1. **General Applicability and Requirements:** Because this crime involves a sex offense or kidnapping offense involving a minor as defined in RCW 9A.44.130, you are required to register with the sheriff of the county of the state of Washington where you reside.

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 immediately upon being sentenced unless you are in custody, in which case you must register within 24 hours of your release.

2. **Offenders Who Leave the State and Return:** If you leave the 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 or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections. 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 vocation in Washington, or attend school in Washington, you must register within three business days after starting school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections.

3. **Change of Residence Within State and Leaving the State:** If you change your residence within a county, you must send signed written notice of your change of residence to the sheriff within 72 hours of moving. If you change your residence to a new county within this state, you must send signed written notice of your change of residence to the sheriff of your new county of residence at least 14 days before moving, register with that sheriff within 24 hours of moving. You must also give signed written notice of your change of address to the sheriff of the county where last registered within 10 days of moving.

4. **Additional Requirements Upon Moving to Another State:** If you move out of Washington State, you must also send written notice within 10 days of moving to the county sheriff with whom you last registered in Washington State.

5. **Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12):** If you are a resident of Washington and you are admitted to a public or private institution of higher education, you are required to notify the sheriff of the county of your residence of your intent to attend the institution within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier. If you become employed at a public or private institution of higher education, you are required to notify the sheriff for the county of your residence of your employment by the institution within 10 days of accepting employment or by the first business day after beginning to work at the institution, whichever is earlier. If your enrollment or employment at a public or private institution of higher education is terminated, you are required to notify the sheriff for the county of your residence of your termination of enrollment or employment within 10 days of such termination. (Effective September 1, 2006) If you attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40

RCW, you are required to notify the sheriff of the county of your residence of your intent to attend the school. You must notify the sheriff within 10 days of enrolling or 10 days prior to arriving at the school to attend classes, whichever is earlier. If you are enrolled on September 1, 2006, you must notify the sheriff immediately. The sheriff shall promptly notify the principal of the school.

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 24 hours 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 48 hours excluding weekends and holidays after losing your 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 in 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 may be required to provide a list the locations where you have stayed during the last seven days. 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.

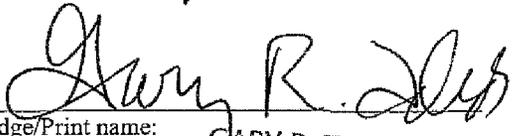
If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. You must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State

7. Reporting Requirements for Persons Who Are Risk Level II or III: If you have a fixed residence and you are designated as a risk level II or III, you must report, in person, every 90 days to the sheriff of the county where you are registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. If you comply with the 90-day reporting requirement with no violations for at least five years in the community, you may petition the superior court to be relieved of the duty to report every 90 days.

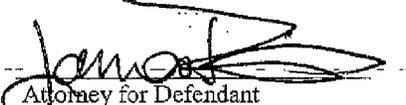
8. Application for a Name Change: If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your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

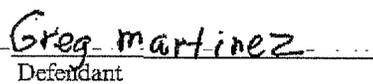
- 5.8 The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.
- 5.9 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.
- 5.10 OTHER: Bail previously posted, if any, is hereby exonerated and shall be returned to the posting party.

DONE in Open Court and in the presence of the defendant this date: 9-21-09


Judge/Print name: GARY R. TABOR


Deputy Prosecuting Attorney
WSBA No. 26224
Print name: JOHN C. SKINDER


Attorney for Defendant
WSBA No18174
Print name: JAMES SHACKLETON


Defendant
Print name: GREG STEVEN MARTINEZ

VOTING RIGHTS STATEMENT: RCW 10.64.140. I acknowledge that my right to vote has been lost due to felony conviction. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: 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 92A.84.660.

Defendant's signature: Greg Martinez

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

Interpreter signature/Print name: _____

I, _____, Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action now on record in this office.

WITNESS my hand and seal of the said Superior Court affixed this date: _____

Clerk of the Court of said county and state, by: _____, Deputy Clerk

IDENTIFICATION OF DEFENDANT

SID No. WA22840263
 (If no SID take fingerprint card for State Patrol)

Date of Birth 06/10/1986

FBI No. 359099JC5

Local ID No. _____

PCN No. 766837271

Other _____

Alias name, DOB: _____

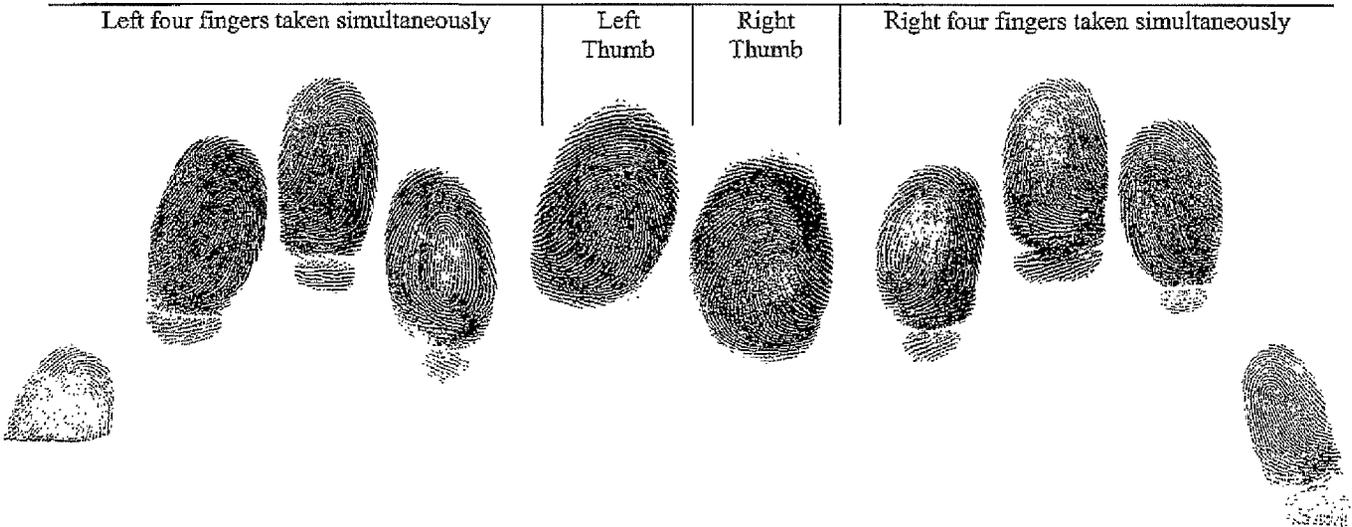
Race:
 Asian/Pacific Islander Black/African-American Caucasian
 Native American Other: _____

Ethnicity: Hispanic Non-Hispanic

Sex: Male 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, Deputy Clerk, Stromastanski Dated: 09-24-09

DEFENDANT'S SIGNATURE: Greg Martinez



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

STATE OF WASHINGTON

NO. 05-1-01083-9

Plaintiff,

vs.

WARRANT OF COMMITMENT ATTACHMENT TO
JUDGMENT AND SENTENCE (PRISON)

GREG STEVEN MARTINEZ,

Defendant.

DOB: 06/10/1986
SID: WA22840263 FBI: 359099JC5
PCN: 766837271
RACE: W
SEX: M
BOOKING NO: C0131904

THE STATE OF WASHINGTON TO:

The Sheriff of Thurston County and to the proper officer of the Department of Corrections.

The defendant GREG STEVEN MARTINEZ has been convicted in the Superior Court of the State of Washington for the crime(s) of:

RAPE OF A CHILD IN THE FIRST DEGREE

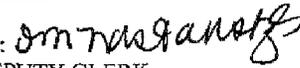
and the court has ordered that the defendant be sentenced to a term of imprisonment as set forth in the Judgment and Sentence.

YOU, THE SHERIFF, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections; and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence.

By direction of the Honorable:


GARY R. TABOR
BETTY J. GOULD
CLERK

By: 
DEPUTY CLERK

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

STATE OF WASHINGTON	]	Cause No.: 05-1-01083-9
]	
Plaintiff	]	JUDGEMENT AND SENTENCE (FELONY)
v.	]	APPENDIX H
Greg Steven Martinez	]	COMMUNITY PLACEMENT / CUSTODY
]	
Defendant]	
]	
DOC No. 897221]	

The court having found the defendant guilty of offense(s) qualifying for community placement, it is further ordered as set forth below.

COMMUNITY PLACEMENT/CUSTODY: Defendant additionally is sentenced on convictions herein, for the offenses under RCW 9.94A.712 committed on or after September 1, 2001 to include up to life community custody; for each sex offense and serious violent offense committed on or after June 6, 1996 to community placement/custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2) whichever is longer; and on conviction herein for an offense categorized as a sex offense or serious violent offense committed on or after July 1, 1990, but before June 6, 1996, to community placement for two years or up to the period of earned release awarded pursuant to RCW 9.94A.150 (1) and (2) whichever is longer; and on conviction herein for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, to a one-year term of community placement.

05-1-01083-9

Greg Steven Martinez 897221

Page 1 of 3

DOC 09-131 (F&P Rev. 06/18/04) OCO

APPENDIX H - FELONY COMMUNITY PLACEMENT

edd

Community placement/custody is to begin either upon completion of the term of confinement or at such time as the defendant is transferred to community custody in lieu of early release.

(a) **MANDATORY CONDITIONS:** Defendant shall comply with the following conditions during the term of community placement/custody:

- (1) Report to and be available for contact with the assigned Community Corrections Officer as directed;
- (2) Work at Department of Corrections' approved education, employment, and/or community service;
- (3) Not consume controlled substances except pursuant to lawfully issued prescriptions;
- (4) While in community custody not unlawfully possess controlled substances;
- (5) Pay supervision fees as determined by the Department of Corrections;
- (6) Receive prior approval for living arrangements and residence location;
- (7) Defendant shall not own, use, or possess a firearm or ammunition when sentenced to community service, community supervision, or both (RCW 9.94A, 120 (13));
- (8) Notify community corrections officer of any change in address or employment; and
- (9) Remain within geographic boundary, as set fourth in writing by the Community Corrections Officer.

WAIVER: The following above-listed mandatory conditions are waived by the Court:

(b) **OTHER CONDITIONS:** Defendant shall comply with the following other conditions during the term of community placement / custody:

- 1) No contact with the victim and his immediate family for ten years;
- 2) Obey all laws;
- 3) Obey all rules of the Department of Corrections;
- 4) No contact w/minors unless supervised by a responsible adult who is aware of your offense and has been approved in advance by your CCO and therapist;
- 5) Do not enter into a relationship with any person who has minors in their care or custody without approval of your CCO and therapist;
- 6) Hold no position of authority or trust involving minors or participate in any youth programs;
- 7) Sexual Deviancy Treatment as directed by your CCO and comply with all rules of treatment;
- 8) Not possess or peruse any sexually explicit material as defined by your CCO and therapist;
- 9) Stay out of business establishments offering sexually explicit material or entertainment;
- 10) Not frequent or loiter in areas where children congregate;
- 11) Do not access the Internet or make use of any computer modem;
- 12) Living conditions and residence location to be approved in advance by CCO;

05-1-01083-9

Greg Steven Martinez 897221

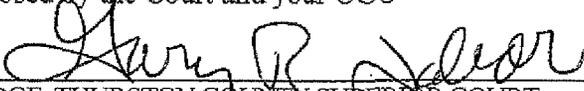
Page 2 of 3

- 13) No possession or consumption of controlled substances unless by lawful prescription;
- 14) Submit to random urinalysis and/or breathalyzer;
- 15) Notify your employer of your conviction and rules of supervision and treatment;
- 16) Mandatory HIV test;
- 17) Mandatory DNA test;
- 18) Mandatory Sex Offender Registration;
- 19) Submit to polygraph/plethysmograph testing as required by your therapist/CCO to monitor compliance with sentence;
- 20) Abide by any other conditions imposed by the Court and your CCO

DATE

9-21-09

JUDGE, THURSTON COUNTY SUPERIOR COURT


GARY R. TABOR

05-1-01083-9

Greg Steven Martinez 897221

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DOC 09-131 (F&P Rev. 06/18/041) OCO

APPENDIX H - FELONY COMMUNITY PLACEMENT

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Attachment C: Order of Release and Supervision Conditions



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
INDETERMINATE SENTENCE REVIEW BOARD
PO BOX 40907 • Olympia, Washington 98504-0907

IN THE MATTER OF:

Name: MARTINEZ, Greg
DOC#: 897221 Date of Birth: 06-10-1986
Time Start: 09-25-2009
Date of Sentence: 09-27-2006
Max Expiration: LIFE
Statutory Maximum Term: LIFE
County: Thurston Cause #:05-1-01083-9

**ORDER OF RELEASE AND SUPERVISION
CONDITIONS**

CCB Offenders

**RCW 9.94A.507
(Formerly RCW 9.94A.712)**

Release Date: 06-04-2015

After a careful review of all available information, the Indeterminate Sentence Review Board (ISRB) hereby orders the Secretary of the Department of Corrections (DOC) to release to community custody supervision Greg MARTINEZ, DOC #897221, an inmate of a Washington State Correctional Facility.

You will be on community custody supervision for the length of your statutory maximum term. The ISRB expects compliance with all conditions and your full cooperation with your DOC Community Corrections Officer (CCO).

You must comply with the court ordered conditions for your Thurston County, 05-1-01083-9 Judgment and Sentence. Those conditions are incorporated in this document and are enforceable by the ISRB. In addition, you must comply with the conditions ordered by your CCO. You must also comply with the following conditions. To request a change to any of the conditions of your release, you must write and have the approval of the Thurston County Superior Court for Court ordered conditions or the ISRB for all other conditions.

If you violate any condition of your release, either the ISRB or your CCO may issue an order for your arrest and detention. Pending a review of the alleged violation, the ISRB may revoke this release to community custody.

RELEASE TO COMMUNITY CUSTODY IS HEREBY GRANTED SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. As required by RCW 9A.44.130-140, within 3 business days of release, you must register as a sex offender with the Sheriff of the county where you reside.
2. Upon release from the Correctional Facility, you must report within one business day to your CCO or any other person designated by DOC. Thereafter, you must report as directed.
3. You may not leave the state of Washington without prior written permission from your supervising CCO.
4. You must obey all laws and court orders, including any conditions set forth in your Judgment and Sentence, and abide by all conditions imposed by the ISRB.
5. You are prohibited from owning, possessing, receiving, shipping, or transporting a firearm, deadly weapon, ammunition or explosives.
6. You must submit to a search of your person, residence, vehicle and/or possessions when requested by a CCO. This includes the search of your computer, cell phone and any other electronic devices.
7. You must consent to DOC home visits to monitor compliance with supervision. Home visits include access for the purpose of visual inspection of all areas of residence in which the offender lives or has exclusive or joint control or access.
8. You must reside at a location and under living arrangements that have been approved in advance by the CCO, and you must not change such arrangements/location without the prior approval of your CCO.

ADDITIONAL CONDITIONS
CCB, RCW 9.94A.507

MARTINEZ, Greg
Offender Name:

897221
DOC#:

Additional Specific Condition(s):

- A. You must enter into, successfully participate in, and complete the community phase of the Sex Offender Treatment Program. Sign all releases necessary to ensure that the CCO can consult with the treatment provider to monitor progress and compliance.
- B. You must not engage in a romantic and/or sexual relationship without first disclosing your status as a sex offender and the nature of your crime(s) and unadjudicated victims. You must also disclose any romantic and/or sexual relationships to your CCO and your sexual deviancy therapist.
- C. You must obtain a mental health evaluation within 60 days of your release and provide a copy of the evaluation to your CCO and the ISRB. You must enter into, successfully participate in and complete all recommended treatment protocols and sign all releases necessary to ensure that the CCO and ISRB can consult with the treatment provider to monitor progress and compliance.
- D. You must not enter Thurston County without prior written approval of your CCO and the ISRB.
- E. In releasing under this Order, both you and the State agree that the results of any polygraph examination required by your Judgment and Sentence shall be admissible in any violation hearings held before the ISRB.

INDETERMINATE SENTENCE REVIEW BOARD

04-30-2015
Date:

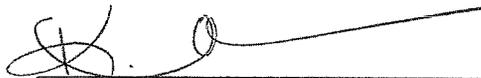
DocuSigned by:
Thomas N. Sahlberg
A96E26C24E44E9...
Member's signature

DocuSigned by:
Kecia Rongen
EE378DAB99DCE49A...
Member's signature

I have read, or have had read to me, the foregoing conditions of my community custody and have been given a copy; I fully understand and I agree, in consideration of granting of community custody, to observe and abide by such conditions. I FURTHER UNDERSTAND THAT I AM ALSO ON SUPERVISION FOR THE FOLLOWING CONVICTION(S) for County Cause #

5-20-15
Date:

Greg martinez
Offender's signature:
Greg MARTINEZ
Offender's name:


Witness's signature:

THURSTON SUPERIOR COURT

June 30, 2016 - 1:09 PM

Transmittal Letter

Document Uploaded: 0-noa-Martinez.pdf

Case Name: State of Washington vs Greg Steven Martinez

County Cause Number: 05-1-01083-9

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: Carol Murphy

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: All documents listed in the Order of Transfer

Co-Defendant Information:

No Co-Defendant information was entered.

Comments:

No Comments were entered.

Sender Name: J. Doug Bales