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Court of Appeals
Division II
State of Washington

NO. 49799-9-II

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

STATE OF WASHINGTON, Respondent

v.

STEPHANIE MARELDA SALYERS, Petitioner

FROM THE SUPERIOR COURT FOR CLARK COUNTY
CLARK COUNTY SUPERIOR COURT CAUSE NO.16-1-00452-1

RESPONSE TO PERSONAL RESTRAINT PETITION

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IDENTITY OF RESPONDENT AND AUTHORITY FOR RESTRAINT

The State of Washington was the plaintiff in the trial court and is Respondent herein. The judgment and sentence on one count of custodial interference in the first degree was entered on March 18, 2016 in Clark County Superior Court Cause No. 16-1-00452-1.

STATEMENT OF THE CASE

Stephanie Salyers (hereafter 'Salyers') was charged by information with three counts of custodial interference in the first degree for taking her children away from the care of a babysitter a court-appointed guardian had entrusted the three children to, without the permission of the guardian or the babysitter. *See* Appendix A – Information; Appendix B – Declaration of Probable Cause. Salyers was provided court-appointed counsel to aid in her defense. *See* Appendix C – Clerk's Minutes from Arraignment. On March 18, 2016, Salyers decided to change her plea to guilty to one count of custodial interference in the first degree, in exchange for dismissal of the other two counts, and an agreed recommendation as to a term of confinement and other conditions, including no contact with the three children. *See* Appendix D – Statement of Defendant on Plea of Guilty. The trial court accepted her guilty plea and sentenced her to a standard range sentence. *See* Appendix E – Felony Judgment and Sentence.

On February 16, 2016, Vancouver Police Officers responded to Salyers' residence, where she lived with her husband and their three children, in response to Salyers' mother and sister's report that Salyers' husband had assaulted her. *See* Appendix F – VPD Police Report 16-2749. A contentious exchange ensued at Salyers' residence in response to police contact. *Id.* Police made entry into the residence to confirm the safety of Salyers and investigate whether an assault had occurred. *Id.* At the time, Salyers also had a warrant out for her arrest from Cowlitz County for failing to appear on a driving while suspended charge. *Id.* Salyers argued with police and was verbally and physically confrontational. *Id.* Police arrested Salyers on her warrant and her husband on suspicion of assault in the fourth degree domestic violence. *Id.* Police took the three children into protective custody and out of the parents' care. *Id.*

On February 19, 2016, the Clark County Superior Court held a shelter care hearing regarding Salyers' three children. *See* Appendix G – Shelter Care Hearing Order. At that time, the Court awarded legal guardianship of the three children to the State of Washington. Appendix B. Salyers was present at the hearing. *Id.* The three children were to live with Tiffany Lahmann. Exhibit H – CCSO Police Report 16-1993. Ms. Lahmann took the three children to their uncle's, Ricky Salyers', house for him to watch them while she ran errands. *Id.* On February 21, 2016,

Salyers learned that her children were at Ricky's, and went to Ricky's house. *Id.* Salyers told her brother that she could visit her children because she did not receive any paperwork while at court. *Id.*

While at Ricky's house, Salyers took her children into a bedroom and fled out a window in the room so as not to alert Ricky that she was leaving with the children. *Id.* Ricky, Salyers' brother, realized they were missing after he thought things were really quiet and found the bedroom window open and scuff marks on the outside of the window. *Id.* He also saw that the vehicle Salyers had arrived in was gone. *Id.*

Police started a search for Salyers and the children, first going to Salyers' residence. *Id.* Sgt. Barsness of the Clark County Sheriff's Office remained near Salyers' residence and conducted surveillance. *Id.* He observed two adults placing items in the back seat and the cargo area of an SUV. *Id.* Sgt. Barsness asked patrol to respond for cover, and he approached the SUV. *Id.* Sgt. Barsness observed two women in the front seats of the vehicle, and a large amount of bedding in the back seat and cargo area. *Id.* The driver of the SUV was identified as Sjenna Macky. *Id.* the passenger orally identified herself as "Ray." *Id.* Sgt. Barsness removed Ms. Macky from the vehicle and interviewed her outside the car. *Id.* Ms. Macky told Sgt. Barsness that the passenger was indeed Salyers, and that Salyers had emailed her the day before asking if she and her three children

could stay with Ms. Macky for a few days. *Id.* Ms. Macky told Sgt. Barsness the three children were at her house with Salyers' husband. *Id.*

Sgt. Barsness then re-contacted Salyers and asked her to step out of the vehicle, but she refused. *Id.* She was eventually removed from the vehicle and detained. *Id.* When Sgt. Barsness told her he wanted to talk to her, she stated "I plead the 5th." *Id.* Sgt. Barsness asked her no questions. *Id.* He arrested Salyers on suspicion of three counts of kidnapping and transported her to the county jail. *Id.* At the jail, Salyers told Sgt. Barsness that she did not kidnap her children and that she was never given any paperwork saying she could not have her children. *Id.*

Police responded to Ms. Macky's residence in an effort to locate the children. *Id.* Upon entering, they found that the three children, all under 5 years of age, were alone in the apartment; two of the children were completely naked. *Id.* CPS then took custody of the children. *Id.*

One police report indicates that Det. Sandy Aldridge told the authoring officer that she had been present in court at the shelter care hearing and that the court had awarded the custody of the children to the state and that Salyers had been given paperwork explaining this. *Id.* A later report indicated that Det. Aldridge had not been at the shelter care hearing and that it was a misunderstanding by the originating officer that

she had. *Id.* Det. Aldridge had been in contact with Rachel Whitney, a DSHS caseworker, who had been present at the hearing. *Id.*

The State charged Salyers with three counts of custodial interference in the first degree. *See* Appendix A. Salyers had court-appointed counsel, and with his assistance entered a guilty plea to a negotiated resolution on March 18, 2016. *See* Appendix D.[1] The plea agreement contemplated that Salyers would plead guilty to one count of custodial interference and serve 30 days, community custody, and no contact with the victims, and in exchange the State agreed to dismiss the other two counts initially charged, to allow the no contact provision to be subject to the family court determinations, and not to seek additional time in confinement above the 30 days agreed to. *Id.* Salyers signed the plea agreement below where it indicated that the agreed recommendation is for no contact with the victims. *Id.*

Salyers filed a motion pursuant to CrR 7.8 in July 2016, arguing that the probable cause affidavit was not signed under penalty of perjury and therefore the trial court lacked jurisdiction over her. *See* Appendix I –

[1] The document entitled "Statement of Defendant on Plea of Guilty" attached as Appendix D to the State's response differs in content from the document so entitled in Salyers' petition. As filed with the superior court, the document included a copy of Salyers' criminal history, and a copy of the plea agreement entered into between the State and Salyers. The State appends the exact copy of this document as taken from the superior court file for this case, without removing or adding any pages or portions thereof.

CrR 7.8 Motion, July 11, 2016. Salyers also argued that there was no order prohibiting her from having contact with her children and therefore the judgment against her is void. *Id.* The Superior Court transferred this motion to this Court for consideration as a personal restraint petition after it found Salyers had not made a substantial showing that she was entitled to relief or that an evidentiary hearing would be necessary. *See* Appendix J – Order re CrR 7.8 Motion. This Court then dismissed the petition for want of prosecution on September 15, 2016. *See* Appendix K – Ruling Dismissing Petition. Salyers then filed the instant petition as another CrR 7.8 motion on December 5, 2016. This motion was transferred to this Court to be considered as a personal restraint petition by the superior court.

In early March, 2016, VPD notified Sgt. Hamlin that an internal investigation had been initiated regarding his delayed and warrantless entry into Salyers' residence. *See* Appendix L – IA Notification. In February 2017, VPD notified Sgt. Hamlin that they had finished investigating the allegations and entered a finding of "exonerated," specifically finding that Sgt. Hamlin's and his fellow officers' entry into Salyers' home was lawful and appropriate. *See* Appendix M – Findings on IA Investigation. Detective Sandy Aldridge was not a party to this internal affairs investigation as Salyers appears to suggest in her petition. *See id.*

NOTICE OF OBJECTION TO AND DISPUTE OF FACTS AS SET FORTH BY PETITIONER

The petitioner has submitted over 500 pages as appendices and exhibits to her petition. A significant portion of these pages are of purported transcripts of hearings or interviews. *See* Petitioner's Appendices Y, Z, AA, BB, CC, EE, Ex. 1, Ex. 2. However none of the transcripts are certified, nor do they have any markings to indicate who transcribed what. There is no way for the State to know whether these transcripts are accurate, whether they were transcribed by a court certified transcriptionist, or whether they accurately reflect the times, dates, and identification of the parties present, let alone whether they accurately reflect the content of the hearings, interviews, and 911 calls the transcripts purport to reflect. The State objects to this Court's reliance on Petitioner's Appendices Y, Z, AA, BB, CC, EE, Ex. 1, Ex 2 as these documents cannot be verified as authentic, clearly contain significant errors, misspellings, grammar errors, etc, and fail to identify the speakers, the time when the hearings occurred, and those present in the courtroom at the time of the hearings. Furthermore, the State objects to the inclusion by petitioner of inaccurate appendices wherein pages have been omitted from the original version of the documents in an attempt to influence the strength of the petitioner's arguments. *See* Petitioner's Appendices D, M.

RAP 16.9(a) indicates the Respondent "should also identify in the response all material disputed questions of fact." The State hereby declares that any fact averred by the petitioner that would in any way dispute, refute, rebut, negate, contradict, undermine, or undercut any facts included in the police reports as a whole, the probable cause statement, the clerk's minutes, and court orders that can be verified as accurate through comparison with the superior court file, then it is a disputed question of fact. If the fact in question is germane to this Court's consideration of this personal restraint petition such that the petition cannot be decided without settling the matter, this Court is then required by RAP 16.11 to remand this matter to the Superior Court for a reference hearing, wherein a trier of fact can settle the factual disputes. This Court is not a trier of fact and cannot settle factual disagreements. *State v. Rafay*, 168 Wn.App. 734, 822, 285 P.3d 83 (2012); *State v. Macon*, 128 Wn.2d 784, 801-02, 911 P.2d 1004 (1996).

Notably, a lawyer's statements in a motion or personal restraint petition are not evidence, and cannot be considered as such by this Court. A significant portion of Salyers' "Facts" section of her brief are at best misleading, and at worst patently false. Few claimed facts are supported by actual evidence as required by the personal restraint petition process. The State disputes every misleading statement made by Salyers in her

"Facts" section of her brief; the State disputes every false statement made by Salyers in her "Facts" section of her brief; and the State disputes every unsupported statement of fact Salyers makes in her brief, including those purported to be supported by uncertified, inauthentic transcripts of interviews, hearings, and phone calls.

The State also objects to every statement of fact included in Salyers' brief which is not supported by a citation to the record. Specifically, on page 5 of Salyers' CrR 7.8 motion, first paragraph, it states, "[o]fficers from VPD and the DOC grabbed her forcibly." This statement has no citation to the record, and is unsupported by any appendix included by the petitioner.

Salyers also includes several statements which she claims are supported by various appendices, yet which include no such statement. On page 5 of her CrR 7.8 motion, Salyers makes several statements that she cites to Appendix Q to support, specifically that Officer Musser "choked Mrs. Salyers unconscious," and "Sandra Aldridge at this time forcibly pulled apart Mrs. Salyers' fingers, causing injury to her fingers." Appendix Q, police reports from Vancouver Police Department in case 16-2749 do not support these statements. There are only statements to the contrary regarding the consciousness of Salyers during this interaction with police, and there is no police report that states Det. Aldridge caused

injury to Salyers' fingers. Nothing in Appendix Q supports these statements claimed by Salyers.

In further citation to Appendix Q, Salyers, states that Det. Aldridge and Sgt. Hamlin "illegally arrested" Salyers' husband "in retaliation…." *See* CrR 7.8 Mtn, p. 5. Nowhere in Appendix Q, or any other appendix supplied by Salyers does it state that Det. Aldridge or Sgt. Hamlin acted in retaliation towards Salyers or her husband for any actions.

Salyers also claims Det. Aldridge "omitted" certain facts from her probable cause statement, facts which are not "facts" at all, only false accusations by Salyers. Salyers' brief states,

> Sandra Aldridge intentionally and entirely omitted from her probable cause affidavit that she, Sandra Aldridge, had ripped Mrs. Salyers' fingers apart after she illegally entered the home. Aldridge omitted causing the injury to Mrs. Salyers [*sic*] fingers. She omitted the fact that multiple other officers on scene examined Mrs. Salyers' fingers and hands prior to the unlawful entry and confirmed that there were no injuries…..

See CrR 7.8 Mtn., p 5-6. During this paragraph Salyers also, once again, makes the claim the police choked her to the point where she lost consciousness. *Id.* Det. Aldridge cannot "omit" facts that do not exist. These "facts" are disputed facts.

Salyers also claims in her factual statement that Sgt. Hamlin and Det. Aldridge "sought favors from individuals at the Clark County Jail so

that Mrs. Salyers could be booked into jail and her children taken into State custody." *See* CrR 7.8 Mtn., p. 6. Salyers supports this "fact" with citation to a transcript of a purported dispatch recording. However, this transcript cannot be shown to be accurate as it is not certified. Furthermore, none of the speakers are identified by name, so Salyers' proclamation that it is either Det. Aldridge *or* Sgt. Hamlin is merely speculation on her part that she sets forth as proven fact. Also, even if the transcript were accurate, it does not show any "favor" being solicited or sought. The portion of the transcript Salyers refers to shows only a speaker informing another person that Salyers would be admitted to the jail on that date. *See* Petitioner's Appendix AA, p. 12. This is a disputed fact.

The State also disputes any and all facts Salyers relates regarding the shelter care hearing that was held on February 19, 2016. Salyers claims the court said that the children would be taken into State custody the following Tuesday, referencing Appendix BB to support this statement. *See* CrR 7.8 Mtn, p. 8. However, even if the transcript were accurate (which the State in no way agrees is, and the State continues its objection to all transcripts included in Salyers's motion/petition), they do not support this claim. The transcripts would only support a claim that the court made it clear that the children would *remain* in State custody for the foreseeable future, where they already were. *See* Petitioner's Appendix

BB. The State further disputes Salyers' representation of how the events at the shelter care hearing proceeded. Salyers claims she and her husband left court without any order having been entered, and the court waited until after they left to enter an order. *See* CrR 7.8 Mtn., p. 8. However, even if Appendix BB were accurate (this remains disputed), it does not support Salyers' contention as to this point because the transcript does not indicate any time that any discussion occurred, nor does it record who some speakers are or which persons are present in the courtroom at any given time.

Many of Salyers' statements of "fact" are misleading, and to this extent they are also disputed. Her factual statement claims she went to "see" her children and "spend time with them." *See* CrR 7.8 Mtn, p. 9. The State disputes this as a "fact" as it is clear from the State's statement of the case above that the facts that would have been presented at trial show that Salyers intentionally took her children away, in secret, and attempted to hide them at an undisclosed location to keep them from State custody.

Salyers claims that she received "a mere six minutes of legal counsel." CrR 7.8 mtn, p. 10. The State disputes this claimed fact. Initially, this factual statement is not supported by reference to the record and as such it should be stricken. Furthermore, the documentation that Salyers provides in her petition that could support this claim show only

that one attorney visited her for six minutes on a certain day at the jail. There is no discussion in any of Salyers' voluminous appendices how long Salyers spent discussing the case with her attorney over the phone or in the courthouse during the numerous court hearings she had, and at which there is typically opportunity to discuss the case with her lawyer. Furthermore, Salyers failed to obtain an affidavit from her attorney at the trial court level verifying this claimed fact. This remains a disputed fact.

Salyers' claim on page 12 of her CrR 7.8 motion that there was "no mention in the statement on plea that a no contact order with her children would be part of the prosecutor's recommendation" is patently false and verifiably so. Salyers makes reference to Appendix D to support this claim, however, Appendix D omits several pages from the exact copy of the document entitled "Statement of Defendant on Plea of Guilty" that is contained in the superior court case file and attached to the State's response as Appendix D. Salyers specifically omitted the pages of her statement that included a copy of the plea agreement between herself and the State, a copy that she signed. *See* Appendix D. This plea agreement notes that there will be no contact with the victims for 5 years, yet this is amended to indicate that contact as allowed by the family court will be allowed. *Id.* The plea agreement clearly includes no contact as a provision of the State's and Salyers' agreement on this matter; Salyers omitted these

pages from the document as it was presented to the superior court at the time of her guilty plea. Salyers' claim that she had no knowledge of the possibility of a no contact order between herself and her children lacks credibility. This is a disputed fact.

Salyers further claims in her factual statements that Det. Aldridge "has a practice of retaliating against citizens by taking their children away from them," that she "uses a shovel to dig a hole…to solve the problems she has with certain people," and that she "hid[es] evidence by disabling the Mobile Data Center in her vehicle while taking improper action." *See* CrR 7.8 Mtn., p. 13. Salyers cites to her appendix W to support these contentions. Petitioner's Appendix W does not support these statements; they are a far stretch of anyone's imagination and have no basis in fact. These are disputed facts. Based on that same email, Salyers also claims that Det. Aldridge expresses disdain for officers who do not "quickly plac[e] children into protective custody" and uses an alternative method to solve this type of problem. *See* CrR 7.8 Mtn., p. 14. Once again, Salyers' claims of fact are only a wild imagination at play and the email she appended to her petition in no way supports her claim. These are disputed facts.

ARGUMENT AS TO WHY PETITION SHOULD BE DISMISSED

A personal restraint petition is not a substitute for a direct appeal. *In re Pers. Restraint of Hagler*, 97 Wn.2d 818, 823-24, 650 P.2d 1103 (1982). A personal restraint petitioner must prove either a constitutional error that caused actual prejudice or a nonconstitutional error that caused a complete miscarriage of justice. *In re Pers. Restraint of Cook*, 114 Wn.2d 802, 813, 792 P.2d 506 (1990).

In a personal restraint petition, the petitioner bears the burden of showing prejudicial error. *State v. Brune*, 45 Wn. App. 354, 363, 725 P.2d 454 (1986); *In re Pers. Restraint of Monschke*, 160 Wn. App. 479, 489, 251 P.3d 884 (2010). Bare allegations unsupported to citation to authority, references to the record, or persuasive reasoning cannot sustain this burden of proof. *Brune*, 45 Wn. App. at 363. The petitioner must support the petition with the facts upon which the claim of unlawful restraint rests and she may not rely solely on conclusory allegations. *Monschke*, 160 Wn. App. at 488; *Cook*, 114 Wn.2d at 813-14; RAP 16.7(a)(2)(i). When the allegations are based on matters outside the existing record, the petitioner must demonstrate that he has competent, admissible evidence to establish the facts that entitle him to relief. *Monschke*, 160 Wn. App. at 488; *In re Pers. Restraint of Rice*, 118 Wn.2d 876, 886, 828 P.2d 1086 (1992). This evidence must consist of "more than speculation, conjecture, or

inadmissible hearsay." *Rice*, 118 Wn.2d at 886. If the petitioner fails to make this threshold showing, then he cannot meet his burden of showing prejudicial error. *Monschke*, 160 Wn. App. at 489.

In evaluating a personal restraint petition, the Court may: (1) dismiss the petition if the petitioner fails to make a prima facie showing of constitutional or nonconstitutional error; (2) remand for a full hearing if the petitioner makes a prima facie showing but the merits of the contentions cannot be determined solely from the record; or (3) grant the personal restraint petition without further hearing if the petitioner has proven actual prejudice or a miscarriage of justice. *Cook*, 114 Wn.2d at 810-11; *In re Pers. Restraint of Hews*, 99 Wn.2d 80, 88, 660 P.2d 263 (1983).

A motion to withdraw a guilty plea that is brought post-entry of the judgment is governed by CrR 7.8. CrR 4.2(f). Pursuant to CrR 7.8, a motion to withdraw a guilty plea may be transferred to the appellate court for treatment as a personal restraint petition. CrR 7.8(c)(2). Under CrR 7.8, a court may grant relief from a final judgment for mistakes, newly discovered evidence, fraud, when a judgment is void, or any other reason justifying relief. CrR 7.8. The "catchall provision" of "any other reason justifying relief" is only for situations "where the interests of justice most urgently require." *State v. Shove*, 113 Wn.2d 83, 88, 776 P.2d 132 (1989).

Generally, a guilty plea "bars a later collateral attack based on newly discovered evidence." *State v. Mendoza,* 157 Wn.2d 582, 587, 141 P.3d 49 (2006) (quoting CrR 4.2(f)); *In re Pers. Restraint of Reise*, 146 Wn.App. 772, 783-84, 192 P.3d 949 (2008). A defendant has a demanding burden to meet when seeking to withdraw a guilty plea because ample safeguards exist to protect his rights before the trial court will accept a guilty plea. *State v. Taylor*, 83 Wn.2d 594, 596-97, 521 P.2d 633 (1974). A petitioner who pleads guilty and subsequently seeks relief from personal restraint, on the basis of newly discovered evidence, must show that her plea was coerced or obtained in violation of due process in order to obtain relief. *State v. Ice,* 138 Wn.App. 745, 748, 158 P.3d 1228 (2007) (citing to *In re Pers. Restraint of Crabtree,* 141 Wash.2d 577, 588, 9 P.3d 814 (2000)).

"Due process requires that a defendant's guilty plea be knowing, voluntary, and intelligent." *In re Pers. Restraint of Isadore*, 151 Wn.2d 294, 297, 88 P.3d 390 (2004); *see also* CrR 4.2(d). Voluntariness of a guilty plea means a plea free from coercion. *See Woods v. Rhay*, 68 Wn.2d 601, 605, 414 P.2d 601, *cert. denied*, 385 U.S. 905, 87 s. Ct. 215, 17 L. Ed. 2d 135 (1966); *State v. Swindell*, 22 Wn. App. 626, 630, 590 P.2d 1292 (1979). Whether a guilty plea was made voluntarily "is determined by ascertaining whether the defendant was sufficiently informed of the

direct consequences of the plea that existed *at the time* of the plea." *State v. Lamb*, 175 Wn.2d 121, 129, 285 P.3d 27 (2012) (citing to *Brady v. U.S.*, 397 U.S. 742, 757, 90 S.Ct. 1463, 25 L.Ed.2d 747 (1970)) (emphasis original). In order for a plea to be made knowingly and intelligently, it must be made with a correct understanding of the charge and the consequences of pleading guilty. CrR 4.2(d); *State v. Walsh*, 143 Wn.2d 1, 6, 17 P.3d 591 (2001); *State v. Wakefield*, 130 Wn.2d 464, 472, 925 P.2d 183 (1996); *State v. Paul*, 103 Wn. App. 487, 494-95, 12 P.3d 1036 (2000).

Salyers entered her guilty plea knowingly, intelligently, and voluntarily. None of the bases for relief found in CrR 7.8(b) exist in her case, nor do the "interests of justice most urgently require" the vacation of the judgment entered in this case. Salyers' petition should be dismissed.

I. Petitioner is not entitled to relief due to newly discovered evidence.

Salyers argued that newly discovered evidence warrants a new trial because this new evidence shows she is actually innocent of the crime. Salyers cannot meet the legal standard for newly discovered evidence, nor can she prove prejudice. Salyers' claim fails.

CrR 7.8(b)(2) provides that a court may relieve a party from a final judgment for "newly discovered evidence which by due diligence could

not have been discovered in time to move for a new trial under rule 7.5." A defendant's motion pursuant to CrR 7.8 based on a claim newly discovered evidence may only be granted if the defendant demonstrates that the evidence "(1) will probably change the result of the trial; (2) was discovered since the trial; (3) could not have been discovered before trial by the exercise of due diligence; (4) is material; and (5) is not merely cumulative or impeaching." *State v. Williams,* 96 Wn.2d 215, 223, 634 P.2d 868 (1981). The defendant must prove every one of these factors in order to receive a new trial. *Id.*

Under the first factor, in considering whether the new evidence will probably change the result of the trial, the court considers the credibility, significance, and cogency of the new evidence. *State v. Barry*, 25 Wn.App. 751, 758, 611 P.2d 1262 (1980). Salyers argues that the new evidence shows that she did not know about the court's entry of a custody order and therefore she is innocent of the crime of custodial interference in the first degree. Salyers argues that the new evidence would change the result as she would not be convicted if she went to trial.

To convict a defendant of custodial interference in the first degree, the State has the burden of proving that the defendant, being a relative of the child at issue, having intent to deny access to the child by a guardian or agency or other person having a lawful right to physical custody of the

child, did take, retain, detain, or conceal the child from the guardian, agency, or other person having a lawful right to physical custody of the child and intended to hold the child permanently or for a protracted period. RCW 9A.40.060. Despite Salyers' contentions, a no contact order or a guardianship order is not an element of the crime of custodial interference in the first degree. The term "lawful right to physical custody" is not synonymous with "parenting plan" or "court order." *See State v. Kirwin*, 166, Wn.App. 659, 665-67, 271 P.3d 310 (2012). In fact, nowhere in the criminal code is the phrase "lawful right to physical custody" further defined. *Id.* at 665. "The plain meaning of a statute is discerned by examining everything the legislature has said in the statute itself and any related statutes that reveal legislative intent regarding the provision at issue." *Id.* at 665-66 (citing *In re Custody of E.A.T.W.*, 168 Wn.2d 335, 343, 227 P.3d 1284 (2010)). When the legislature uses certain phrases in one part of the code and others in another part, courts presume the legislature intends the phrases to have different meanings. *Densley v. Dep't of Ret. Sys.*, 162 Wn.2d 210, 219, 173 P.3d 885 (2007). The legislature clearly knew of the difference between a general phrase of "lawful right to physical custody" and "physical custody granted by court order" or "parenting plan" or "custody order" or even "shelter care order." Yet the legislature chose not to use any of those phrases in its definition of

the crime of custodial interference in the first degree. Salyers would have this court read an additional element into the crime, one which simply does not exist.

To support her argument, Salyers cites to *State v. Boss*, 167 Wn.2d 710, 719-20, 223 P.3d 506, 511-12 (2009). Salyers takes a quote from *Boss* out of context to argue that every case of custodial interference must necessarily include the existence of a court order that has been served upon the defendant. However, the Court's holding in *Boss* is specific to the facts. There, the Supreme Court considered whether the lawfulness of a court's custody order was a question of fact for the jury to decide, or a matter of law within the province of the trial court to determine. *Boss*, 167 Wn.2d at 718-19. The Court also considered whether knowledge of C.P.S.'s right to the physical custody of the child was an element of the crime of custodial interference in the facts at hand. *Id.* at 719. The Court reasoned that when intent to deprive C.P.S. of custody of a child to whom they have a lawful right to physical custody is proven, knowledge of the existence of the order involved in this case is automatically proven. *Id.* The Court in *Boss* did not hold, as Salyers' argument appears to suggest, that the Supreme Court added an element to the crime of custodial interference that there must exist a court order, documented in writing,

that was served upon the defendant. The case simply does not stand for this proposition, and Salyers' arguments to the contrary are misleading.

Furthermore, the evidence Salyers claims is "newly discovered" would not have provided for her acquittal had she chosen not to enter a guilty plea and instead proceeded to trial. The evidence at trial would have shown that Salyers was informed that her children were being turned over to the custody of DSHS upon her and her husband's arrests, and that she was also present in court when the court found there was a legal basis to maintain custody of the children with the State. Furthermore, the evidence that Salyers took her children without the permission of or knowledge of the babysitter (her brother), secreted them out a window in a bedroom, and then hid them at her friend's house, where they were found without any adult supervision, proves that Salyers knew that the State had a lawful right to physical custody of her children. This evidence also shows that Salyers intended to hold the children for a prolonged amount of time. Even with the evidence Salyers claims was newly discovered she would have been convicted at trial of three counts of custodial interference in the first degree.

The second and third factors that Salyers must show to prove newly discovered evidence warrants a withdrawal of her guilty plea is that the evidence was newly discovered since the trial and could not have been

discovered prior to trial. To prove this factor, Salyers must show that the evidence *could not have been discovered* prior to trial by the exercise of due diligence. *In re Pers. Restraint of Crabtree*, 141 Wn.2d 577, 588, 9 P.3d 814 (2000). It is not enough for Salyers to simply claim she did not have this evidence until after her guilty plea, but she must show that she could not have discovered it, period, prior to when the case would have gone to trial. Her argument that she could not have discovered this evidence prior to trial is unconvincing. Salyers gave this exact defense to police upon her arrest for her crimes. Salyers told police that she had not received any paperwork from the court and therefore she had the right to take her children. Salyers was present at the hearing, she clearly knew she had not received paperwork, and she therefore *did* discover the evidence prior to pleading guilty. Furthermore, the shelter care hearing and orders were discussed in the police reports that were initially provided in discovery; Salyers and her attorney could have followed up and obtained the evidence prior to trial had they so desired. However, what's likely is that Salyers' lawyer advised her that simply because she was not provided a copy of the written order while in court, that her knowledge of C.P.S.'s right to physical custody of her children was what the State had to prove, not service of an order. Furthermore, her attorney likely advised her that her actions of taking her children, secretly, by escaping through a window

with them and driving them away to an apartment where they were left, seemingly completely alone, after she had asked a friend if she and her children could stay for a while, proved her guilty knowledge. Salyers has not shown how the "new evidence" could not have been obtained prior to a trial.

The fourth factor involved in a newly discovered evidence analysis is whether the evidence is material. This factor looks to whether the new evidence would have changed the outcome of the trial had it been presented to the jury at an original trial. *State v. Peele*, 67 Wn.2d 724, 727, 409 P.2d 663 (1966). This factor requires that the reviewing court look at the evidence actually presented at trial and determine that this new evidence would have resulted in an acquittal despite everything the jury saw and heard. *Id.* at 730-31. In Salyers's case, as she did not go to trial, this court should look at all the evidence the jury would have seen and heard at a trial, had Salyers not chosen to enter a guilty plea, and determine whether the new evidence would have resulted in an acquittal. This factor also fails. As discussed above, the State had damning evidence to present to a jury had it gone to trial. Salyers' argument that she was not aware of C.P.S.'s lawful right to physical custody of her children is simply not believable. No rational juror would have acquitted her had she taken

her case to trial and presented the evidence she claims is newly discovered.

The fifth factor looks to whether the evidence is merely cumulative or impeaching. As the State likely would have presented video from the shelter care hearing at trial, the fact would be before the jury already, thus making Salyers' presentation of evidence that she did not sign the shelter care order in court redundant.

If any one of these five factors is not met, then Salyers has failed to sustain her burden of proving that newly discovered evidence warrants a new trial. *Williams*, 96 Wn.2d at 223. Salyers has failed to show any of these factors are present. Her claim for relief based on newly discovered evidence fails.

II. Salyers received effective assistance of counsel.

Salyers argues that she received ineffective assistance of counsel because her lawyer failed to tell her that her guilty plea would result in a no contact order with her children. Salyers received the benefit of effective counsel. Her claim should be denied.

The Sixth Amendment to the United States Constitution and article I, section 22 of the Washington Constitution guarantee the right of a criminal defendant to effective assistance of counsel. *Strickland v. Washington*, 466 U.S. 668, 685-86, 104 S. Ct. 2052, 80 L. Ed. 2d 674

(1984); *State v. Thomas*, 109 Wn.2d 222, 229, 743 P.2d 816 (1987). In *Strickland*, the United States Supreme Court set forth the prevailing standard under the Sixth Amendment for reversal of criminal convictions based on ineffective assistance of counsel. *Id.* Under *Strickland*, ineffective assistance is a two-pronged inquiry:

> First, the defendant must show that counsel's performance was deficient. This requires showing that counsel made errors so serious that counsel was not functioning as the 'counsel' guaranteed the defendant by the Sixth Amendment. Second, the defendant must show that the deficient performance prejudiced the defense. This requires showing that counsel's errors were so serious as to deprive the defendant of a fair trial, a trial whose result is reliable. Unless a defendant makes both showings, it cannot be said that the conviction ... resulted from a breakdown in the adversary process that renders the result unreliable.

Thomas, 109 Wn.2d at 225-26 (quoting *Strickland*, 466 U.S. at 687); *see also State v. Cienfuegos*, 144 Wn.2d 222, 226, 25 P.3d 1011 (2011) (stating Washington had adopted the *Strickland* test to determine whether counsel was ineffective).

Under this standard, trial counsel's performance is deficient if it falls "below an objective standard of reasonableness." *Strickland*, 466 U.S. at 688. The threshold for the deficient performance prong is high, given the deference afforded to decisions of defense counsel in the course of representation. To prevail on an ineffective assistance claim, a defendant alleging ineffective assistance must overcome "a strong

presumption that counsel's performance was reasonable." *State v. Kyllo*, 166 Wn.2d 856, 862, 215 P.3d 177 (2009). Accordingly, the defendant bears the burden of establishing deficient performance. *State v. McFarland*, 127 Wn.2d 322, 335, 899 P.2d 1251 (1995). A defense attorney's performance is not deficient if his conduct can be characterized as legitimate trial strategy or tactics. *Kyllo*, 166 Wn.2d at 863; *State v. Garrett*, 124 Wn.2d 504, 520, 881 P.2d 185 (1994) (holding that it is not ineffective assistance of counsel if the actions complained of go to the theory of the case or trial tactics) (citing *State v. Renfro*, 96 Wn.2d 902, 909, 639 P.2d 737 (1982)).

A defendant can rebut the presumption of reasonable performance of defense counsel by demonstrating that "there is no conceivable legitimate tactic explaining counsel's performance." *State v. Reichenbach*, 153 Wn.2d 126, 130, 101 P.3d 80 (2004); *State v. Aho*, 137 Wn.2d 736, 745-46, 975 P.2d 512 (1999). Not all strategies or tactics on the part of defense counsel are immune from attack. "The relevant question is not whether counsel's choices were strategic, but whether they were reasonable." *Roe v. Flores-Ortega*, 528 U.S. 470, 481, 120 S. Ct. 1029, 145 L. Ed. 2d 985 (2000) (finding that the failure to consult with a client about the possibility of appeal is usually unreasonable).

To satisfy the second prong of the *Strickland* test, the prejudice

prong, the defendant must establish, within reasonable probability, that "but for counsel's deficient performance, the outcome of the proceedings would have been different." *Kyllo*, 166 Wn.2d at 862. "A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Strickland*, 466 U.S. at 694; *Thomas*, 109 Wn.2d at 266; *Garrett*, 124 Wn.2d at 519. In determining whether the defendant has been prejudiced, the reviewing court should presume that the judge or jury acted according to the law. *Strickland*, 466 U.S. at 694-95. The reviewing court should also exclude the possibility that the judge or jury acted arbitrarily, with whimsy, caprice or nullified, or anything of the like. *Id.*

Also, in making a determination on whether defense counsel was ineffective, the reviewing court must attempt to eliminate the "distorting effects of hindsight, to reconstruct the circumstances of counsel's challenged conduct, and to evaluate the conduct from the counsel's perspective at the time." *Id.* at 689. The reviewing courts should be highly deferential to trial counsel's decisions. *State v. Michael*, 160 Wn. App. 522, 526, 247 P.3d 842 (2011). A strategic or tactical decision is not a basis for finding error in counsel's performance *Strickland*, 466 U.S. at 689.

In the guilty plea context, "effective assistance of counsel" merely requires that counsel "actually and substantially [assist] his client in

deciding whether to plead guilty." *State v. Cameron*, 30 Wn.App. 229, 232, 633 P.2d 901, *rev. denied*, 96 Wn.2d 1023 (1981). Furthermore, an "alleged infrequency or brevity of counsel's meetings with [the petitioner] is not enough to demonstrate ineffective assistance of counsel." *Id.* (citing *Brinkley v. Lefevre*, 621 F.2d 45 (2d Cir. 1980)). To satisfy the prejudice prong in the guilty plea context, the petitioner must show that but for her attorney's errors, it is reasonably probable that she would not have pleaded guilty and would have insisted on going to trial. *In re Pers. Restraint of Riley*, 122 Wn.2d 772, 780-81, 863 P.2d 554 (1993).

As discussed at length above, even if Salyers had presented the additional evidence at trial, had her attorney not assisted her with her decision to plead guilty, but had instead represented her at trial, there is no likelihood that she would have been acquitted. The evidence that Salyers argues her attorney was ineffective for failing to discover would not have changed the outcome of the case. Instead, Salyers would have been convicted of three counts of custodial interference in the first degree instead of the one count that her attorney negotiated for her via a guilty plea. Salyers cannot prove that her counsel's performance was deficient or that she was prejudiced by any deficiency. Moreover, Salyers received a very beneficial plea agreement wherein two of the three counts were dismissed, and the State agreed to recommend the trial court restrict her

contact with her children only so far as to comport with the family court orders.[2] Thus, she cannot show prejudice. Her claim of ineffective assistance of counsel fails.

III. Salyers was not misadvised of the consequences of her guilty plea.

Salyers argues that she was not informed of a consequence of her guilty plea – the fact that entry of a no contact order may follow – and that this renders her plea involuntary. However, Salyers has not shown that her plea was not knowingly, intelligently or voluntarily made. Furthermore, the evidence of her guilty plea, as contained in the State's Appendix D, shows that Salyers was indeed aware of the potential for the court to enter a no contact order, and that she in fact agreed to it.

A defendant must be informed of all the direct consequences of his plea prior to acceptance of a guilty plea. *State v. Barton*, 93 Wn.2d 301, 305, 609 P.2d 1353 (1980). A defendant need not be advised of all collateral consequences of a plea. *Id.* (citing *Cuthrell v. Director*, 475 F.2d 1364 (4th Cir. 1973)). A direct consequence of a guilty plea is one that represents a definite, immediate and largely automatic effect on the range of the defendant's punishment. *Id.* (citing *Cuthrell, supra* at 1366). A

[2] Of note, the trial court rescinded the no contact order on April 15, 2016, less than a month after Salyers entered her guilty plea. *See* Appendix N - Order to Rescind Post-Conviction No-Contact Order.

collateral consequence is one that is not automatically imposed as a consequence from the plea. *See id.* A habitual criminal proceeding has been held to be a collateral consequence of a guilty plea because it is not automatically imposed after a defendant has entered a guilty plea, and this proceeding is a subsequent independent trial. *See id.* at 306. When a consequence is collateral, rather than direct, a defendant need not be advised of that possibility upon his guilty plea. *Id.*

Entry of a no contact order squarely falls within the realm of collateral consequences of a guilty plea. A conviction for custodial interference does not automatically require the entry of a no contact order, and thus it is within the trial court's discretion whether to enter one or not. As it is not automatically imposed, it is not a direct consequence of a person's guilty plea to custodial interference. Failure of the court to advise Salyers of the potential or likely imposition of a no contact order as a result of her guilty plea does not render her plea involuntary, unknowing, or unintelligent.

Furthermore, Salyers' claim that she was unaware of the possibility the court may enter a no contact order is disingenuous. As State's Appendix D clearly shows, the plea agreement Salyers entered into with the State shows that the parties agreed to recommend no contact with the victims as a condition of her sentence. That the trial court then followed

this agreement surely cannot be the basis for rendering Salyers' plea involuntary, unknowing, or unintelligently made.

Not only was this a collateral consequence of her guilty plea, and one which the court did not need to advise her, it was a consequence of which Salyers was well aware. Salyers' plea was made knowingly, intelligently and voluntarily; her claim is without merit.

IV. Salyers is not entitled to relief because the PC statement did not contain a perjury clause or because she now wants to argue that a prior search of her residence was unlawful.

Salyers argues that the trial court had no factual basis upon which to find probable cause or find her guilty because the police officer did not include a perjury clause in her PC statement. The trial court had sufficient evidence from which to find a factual basis for her plea. Furthermore, Salyers has waived her right to contest any potential errors that occurred prior to arraignment, and she cannot prove prejudice from the trial court holding her on bail pre-trial. Her claims fail.

A defendant who pleads guilty waives her right to appeal potential errors committed prior to arraignment, including an illegal search or seizure. *State v. Cross,* 156 Wn.2d 580, 618, 132 P.3d 80 (2006) (quoting 13 Royce A. Ferguson, Jr. Washington Practice: Criminal Practice and Procedure, sec 3718, at 101 (2004)). A guilty plea forecloses a defendant's

right to appeal except for the validity of the statute to which she entered a guilty plea, sufficiency of the information, jurisdiction of the court, or circumstances surrounding the plea. *State v. Saylors*, 70 Wn.2d 7, 9, 422 P.2d 477 (1966). Salyers did not object to the trial court finding probable cause or holding her on bail pending trial, she has therefore waived any right to contest these alleged errors now. Furthermore, Salyers cannot prove prejudice resulted from holding her pre-trial. Salyers argues she was prejudiced by being held in custody prior to trial because she was unable to find the evidence she claims exculpates her. However, she had an attorney appointed to represent her, and she chose to plead guilty, thus ending any investigation her attorney was engaged in, and choosing not to find evidence to support the defense she already had created in her statements to police.

Salyers has also waived her right to bring any motions to suppress evidence based on illegal searches or seizures that occurred prior to arraignment by pleading guilty. *See Cross, supra*, at 618. However, even if Salyers would have raised an issue pertaining to what she describes as an illegal entry into her residence, this would not have changed the evidence available to the State at trial. In essence, Salyers attempts to argue that the trial court would not have had jurisdiction to hear the criminal charges against her because the police's initial removal of her children and

placement into State custody was based on an unlawful entry into her home. However, this argument is folly. The superior court later found the children would remain in State custody, and it is this extension of the State's custody that Salyers interfered with when she took her children and tried to hide them from the State. The potential illegality of the entry into her home several days prior would not have resulted in the suppression of any evidence the State could have presented at trial. This argument is akin to arguing that when an underlying domestic violence charge is dismissed, the State cannot prosecute a defendant for violations of the no contact order the trial court entered when he was arraigned on the underlying charge. The validity of the court's order would not be nullified by the subsequent dismissal of the underlying charge, just as the superior court's shelter care order would not have been nullified by a finding that the officers unlawfully entered Salyers home.

V. There was a sufficient factual basis for Salyers' plea.

Salyers argues there was no sufficient factual basis for her guilty plea and as such she should be allowed to withdraw her plea. The trial court had a sufficient basis to accept her plea and thus Salyers' claim fails.

The factual basis requirement for a guilty plea is a procedural requirement set forth in CrR 4.2(d); it is not a constitutional mandate. *State v. Branch*, 129 Wn.2d 635, 642, 919 P.2d 1228 (1996). A trial court

need not be convinced beyond a reasonable doubt that a defendant is in fact guilty in order to accept a guilty plea. *State v. Easterlin*, 159 Wn.2d 203, 210, 149 P.3d 366 (2006). The court need only find sufficient evidence from which it can conclude the defendant is guilty. *Id.* The source of the evidence can come from any source the trial court finds reliable, including a prosecutor's summary of the evidence to be presented at trial. *In re Pers. Restraint of Fuamaila*, 131 Wn.App. 908, 924, 131 P.3d 318 (2006) (citing *State v. Newton*, 87 Wn.2d 363, 370, 552 P.2d 682 (1976)).

In Salyers' case, the trial court accepted evidence from a reliable source, and Salyers agreed that a jury could find her guilty based on the evidence. As discussed above, there was significant evidence to prove Salyers' guilt. There was therefore a sufficient factual basis for the trial court to accept her plea. Her claim fails.

VI. Salyers's claims against Det. Aldridge are patently false and lack any support in the record.

Salyers spends a significant portion of her brief arguing that Det. Aldridge acted improperly, lied, routinely breaks the law, and retaliates by arresting people and taking their children. Salyers completely fails to support any of her outlandish allegations with any real evidence. Salyers argues the charge against her should be dismissed pursuant to CrR 8.3(b)

for governmental misconduct. Curiously, Salyers cites to no authority that CrR 8.3(b) is an appropriate post-judgment motion, let alone one that could be heard in the appellate court. Nearly all the superior court criminal rules proscribe pre-judgment and pre-trial actions, with only a few that specifically indicate they apply post-judgment, namely CrR 7.8 and CrR 7.5. Instead, Salyers' claim appears to be a claim that the State withheld exculpatory evidence pursuant to *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963) and that this suppression requires reversal of her conviction.

The Due Process Clause of the U.S. Constitution requires that the State provide any exculpatory information to the defense. *Brady*, 373 U.S. at 87. A violation of *Brady* occurs when three elements are established: (1) "The evidence at issue must be favorable to the accused, either because it is exculpatory, or because it is impeaching;" (2) "that evidence must have been suppressed by the State, either willfully or inadvertently; and" (3) "prejudice must have ensued." *Strickler v. Greene*, 527 U.S. 263, 281-82, 119 S.Ct. 1936, 144 L.Ed.2d 286 (1999). If the evidence could have been discovered by the defense, there is no *Brady* violation. *State v. Mullen*, 171 Wn.2d 881, 896, 259 P.3d 158 (2011). This Court reviews an alleged due process violation de novo. *State v. Autrey*, 136 Wn.App. 460, 467, 150 P.3d 580 (2006).

The evidence that Salyers claims warrants a dismissal of the charges under CrR 8.3, which the State interprets as a claim pursuant to *Brady v. Maryland*, was not suppressed by the State, and was in fact discovered by the defense. In *Mullen*, 171 Wn.ed at 896, the Supreme Court discussed that no *Brady* violation occurs if the evidence could have been discovered by the defense. As previously discussed, it is clear that Salyers was aware of the defense she now purports she would want to raise at a trial, and that she could have easily obtained the information prior to trial had she not insisted on pleading guilty. Indeed, by her own admission, her attorney received the complained-of evidence a week after she entered her guilty plea. The evidence was not suppressed by the State, and therefore there has been no *Brady* violation.

Salyers also cannot show prejudice resulted. As discussed at length above, the addition of the evidence Salyers claims to have newly discovered would not have changed the outcome of any potential trial. Under both the prejudice requirement for a personal restraint petition, and the prejudice requirement for a *Brady* claim, Salyers has not shown she was prejudiced by any action the State took in this case.

Salyers again uses this opportunity to fling accusations at Det. Aldridge, accusations which are wholly baseless. As this type of misconduct, which if true, could be impeaching evidence, never occurred,

the State had no evidence to turn over to Salyers regarding Det. Aldridge's alleged acts of retaliation, pursuit of "favors," false reporting, and acting to intentionally deprive parents of custody of their children without just cause. As these allegations are entirely unfounded, there was nothing for the State to turn over to Salyers. But even if there were, Salyers chose to plead guilty prior to the completion of discovery, prior to doing whatever additional investigation she wanted to do. No one forced Salyers to plead guilty and she was not induced into doing so by false promises, trickery, or governmental misconduct. This claim fails.

Even if this Court finds CrR 8.3(b) can apply to a post-judgment motion in the Court of Appeals, Salyers has not met her burden to show dismissal would be warranted. Pursuant to CrR 8.3, a trial court may dismiss an action when arbitrary action or governmental misconduct prejudiced the rights of the defendant and there has been a material effect on the defendant's right to a fair trial. CrR 8.3(b). Dismissal therein is an extraordinary remedy that is only appropriate when there has been such prejudice that no other action would ensure a fair trial. *State v. Garza*, 99 Wn.App. 291, 295, 994 P.2d 868 (2000).

A dismissal under CrR 8.3(b) is an "'extraordinary remedy.'" *State v. Rohrich*, 149 Wn.2d 647, 658, 71 P.3d 638 (2003) (quoting *State v. Baker*, 78 Wn.2d 327, 332, 474 P.2d 254 (1970)). A trial court may only

dismiss criminal charges pursuant to CrR 8.3(b) if the defendant has shown, by a preponderance of the evidence, (1) arbitrary action or governmental misconduct; and (2) prejudice affecting the defendant's right to a fair trial. *Id.* at 654. A defendant must show actual prejudice to his right to a fair trial to warrant a dismissal. *Id.* at 657. A dismissal under CrR 8.3(b) is improper except in truly egregious cases of mismanagement or misconduct that materially prejudice the rights of the defendant. *State v. Moen*, 150 Wn.2d 221, 226, 76 P.3d 721 (2003). Though "simple mismanagement" may justify a dismissal if it prejudiced the defendant's right to a fair trial, the rule still requires some wrong-doing. *See Garza*, 99 Wn.App. at 295.

What's most notable about the standards for dismissal under CrR 8.3(b) is that Salyers has to prove misconduct by a preponderance of the evidence. Salyers has utterly failed to meet this burden. As discussed in detail in the disputed facts section above, Salyers' claims against Det. Aldridge are not based in any true facts, nor has she supported these claims with any evidence. Salyers claims that Det. Aldridge is a "bully who retaliates against citizens who exercise their constitutional rights, [*sic*] by 'getting their kids' and then going after them." *See* CrR 7.8 Mtn, p. 40. This claim is completely unfounded. Salyers has added words and context that are simply unreasonable leaps, to the brief response Det.

Aldridge made to a co-worker over email. There is absolutely no evidence that Det. Aldridge retaliated against Salyers. There is absolutely no evidence that Det. Aldridge routinely retaliates against anyone. There is absolutely no evidence that Det. Aldridge has ever removed children from a parent without just cause.

To continue with the trend, Salyers makes completely unfounded allegations that Det. Aldridge made false statements in her police reports and to others in order to get Salyers. In fact, Salyers describes Det. Aldridge's statements as "a bold face [*sic*] lie intended to 'get' Mrs. Salyers." *See* CrR 7.8 Mtn., p. 42. The only bold-faced lies in this case are the ones contained in Salyers' brief to this Court. There is no evidence from which this court could find the State engaged in any kind of misconduct in this case.[3] Salyers' claim fails.

CONCLUSION

Salyers, of her own free will, chose to plead guilty. She chose to give up her right to call witnesses on her behalf, to present evidence on her own behalf, to cross-examine the State's witnesses, and to force the State to prove the elements of the crime beyond a reasonable doubt. To that end,

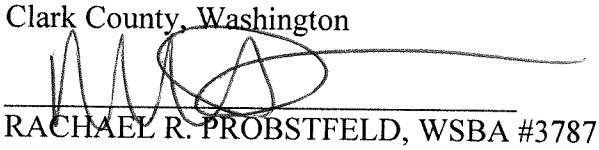
[3] Of particular note, the Internal Affairs Investigation into the actions of Sgt. Hamlin in entering Salyers' home without a warrant returned with a finding of exonerated. The findings also note the opinion that Sgt. Hamlin and his fellow officers' entry into the Salyers/Petrenko residence was appropriate and lawful. *See* Appendix M.

Salyers chose, freely, to terminate any investigation she and her attorney were doing to support her defense. Salyers has presented no evidence to show that there is any basis pursuant to CrR 7.8(b) under which she is entitled to relief. Her claims are without any merit, and her factual claims are nearly entirely fictitious. The State respectfully requests this Court deny Salyers' personal restraint petition.

DATED this 16 day of June, 2017.

Respectfully submitted:

ANTHONY F. GOLIK
Prosecuting Attorney
Clark County, Washington

By: 

RACHAEL R. PROBSTFELD, WSBA #37878
Senior Deputy Prosecuting Attorney
OID# 91127

APPENDIX A

2

#3

E-FILED

02-24-2016, 13:51

Scott G. Weber, Clerk
Clark County

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

STATE OF WASHINGTON, Plaintiff, v. STEPHANIE MARELDA SALYERS Defendant.	**INFORMATION** No. 16-1-00452-1 (CCSO 16-1993)

COMES NOW the Prosecuting Attorney for Clark County, Washington, and does by this inform the Court that the above-named defendant is guilty of the crime(s) committed as follows, to wit:

COUNT 01 - CUSTODIAL INTERFERENCE IN THE FIRST DEGREE - 9A.40.060(1)(a)
That she, STEPHANIE MARELDA SALYERS, in the County of Clark, State of Washington, on or about February 21, 2016, being a relative of M.S.P., with intent to deny access, did take, entice, retain, detain, or conceal a child under the age of eighteen years, to-wit: M.S.P., from the person having lawful right to physical custody of such person, and did intend to hold the child permanently or for a protracted period; contrary to Revised Code of Washington 9A.40.060(1)(a).

COUNT 02 - CUSTODIAL INTERFERENCE IN THE FIRST DEGREE - 9A.40.060(1)(a)
That she, STEPHANIE MARELDA SALYERS, in the County of Clark, State of Washington, on or about February 21, 2016 being a relative of E.P., with intent to deny access, did take, entice, retain, detain, or conceal a child under the age of eighteen years, to-wit: E.P., from the person having lawful right to physical custody of such person, and did intend to hold the child permanently or for a protracted period; contrary to Revised Code of Washington 9A.40.060(1)(a).

COUNT 03 - CUSTODIAL INTERFERENCE IN THE FIRST DEGREE - 9A.40.060(1)(a)
That she, STEPHANIE MARELDA SALYERS, in the County of Clark, State of Washington, on or about February 21, 2016 being a relative of M.P., with intent to deny access, did take, entice, retain, detain, or conceal a child under the age of eighteen years, to-wit: M.P., from the person having lawful right to physical custody of such person, and did intend to hold the

Arthur D. Curtis Children's Justice Center
P.O. Box 61992
Vancouver Washington 98666
(360) 397-6002

child permanently or for a protracted period; contrary to Revised Code of Washington 9A.40.060(1)(a).

ANTHONY F. GOLIK
Prosecuting Attorney in and for
Clark County, Washington

Date: February 24, 2016

BY: _____
Jeffery P. McCarty, WSBA #33134
Deputy Prosecuting Attorney

DEFENDANT: STEPHANIE MARELDA SALYERS				
RACE: W	**SEX:** F	**DOB:** 07/15/1989		
DOL: SALYESM114MN WA			**SID:** WA28284847	
HGT: 503	**125**		**EYES:** BLU	**HAIR:** BLN
WA DOC:			**FBI**: 431474TC9	
LAST KNOWN ADDRESS(ES):				
HOME - 1602 SE 145TH COURT, VANCOUVER WA				

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P.O. Box 61992
Vancouver Washington 98666
(360) 397-6002

APPENDIX B

3
m

CLARK COUNTY JAIL PRE-BOOK/PROBABLE CAUSE SHEET

(Please Attach Pink Sheet)

16-1-00452-1

Defendant

Last Name	First Name	Middle
SALYERS	STEPHANIE	M

DOB	Sex	Race	Hair	Eyes	Height	Weight
07.15.89	F	W	BLN	BLU		

Address	City	State	Zip
1602 SE 145th ct.	VANCOUVER	WA	9866

Phone		Place of Birth
360-609-4200		

Arrest Information

Arresting Agency	Officer & PSN	Transporting Officer & PSN
CLARK COUNTY SHERIFF	BARSNESS 3441	SAME

Date & Time of Arrest	Police Report Number
02-21-2016 2100	2015-1993

Incident Location: (City & State)

Arrest Location (City & State) 1602 SE 145th ct. Vancouver WA.

DUI OFFENSES: The suspect's criminal history indicates that this is a mandatory arrest situation under RCW 10.31.100(16) due to the existence of a prior offense as defined in RCW 46.61.5055 within ten years. The suspect shall remain in custody until release by a judicial officer on bail, personal recognizance, or court order. Yes ☐ No ☐

RECEIVED
FEB 22 2016
Clark County
Clerk's Office

AKA/Alias/Maiden Name

Name	Date of Birth

Scars/Marks/Location

Type	Location	Description

Intake/Triage Questions

		Yes	No
1	Does the arrestee have any observable medical problems?		X
2	Does the arrestee have any observable mental health problems?		X
3	Does the arrestee show any signs of suicidal behavior or attempts?		X
4	Has the arrestee shown any escape potential or violence propensity behaviors?		X
5	Does the transporting officer have any other information which we need to know concerning this matter?		X

Comments:

Charges (Circle If there is a **WARRANT** or **CITATION** number and include the bail amount.)

Charge(s)	Citation/Warrant#	RCW	LEA	Counts	Bail Amount
9A.40.030	KIDNAPPING 1 - DV			3	Ø

Domestic Violence

Victim	Date of Birth	Relationship to Defendant
PETRENKO, EZRA	12.18.12	SON
PETRENKO, MALACHI	11.02.11	SON.
PETRENKO, MOSES	02.20.15.	SON.

3

Copies: *White - P.A.* *Yellow - C.B.C.* *Pink - Arresting Offic*

Rev: 04/21/2015 PA Forms Committee MUST authorize any revisions MAD

ARRESTING OFFICER'S DECLARATION OF PROBABLE CAUSE

The undersigned law enforcement officer states that the person whose name appears on this Pre-book/Probable Cause sheet was arrested without a warrant on the date and time shown thereon for the crimes committed in Clark County, Washington based on the following circumstances. The Pre-Book for this sheet is hereby incorporated by evidence.

My information is derived from:
S1: Salyers, Stephanie M.
V1: Petrenko, Ezra
V2: Petrenko, Malachi
V3: Petrenko, Moses
W1: Macky Sjenna

Investigation Summary:
On Sunday February 21, 2016 I was contacted by Sgt. Christenson and asked to assist in the investigation of a Kidnapping.

I met with Sgt. Christenson who told me that earlier today he had talked to Ricky Salyers. Ricky told Sgt. Christenson that he had temporary custody of Ezra, Malachi and Moses Petrenko who had been removed from the custody of their biological parents, Stephanie Salyers and Ilya Petrenko. Stephanie had learned that Ricky was supervising the children and went to him home. Stephanie visited with the children for about 90 minutes. At that time, Ricky went to a different part of the house and Stephanie exited the residence through a bedroom window with the three children. See the original report by Sgt. Christenson for details. 2016-1993.

I contacted Rachel Whitney, case supervisor for Washington State Department of Social and Health Services. Rachel told me that the state had legal guardianship of the three Petrenko children and that the biological parents were issued the Shelter Care Hearing Order on Friday February 19, 2016 stating such. Rachel was able to provide me with a copy of this order.

At approximately 2000 hours I drove to the area of the Petrenko home and observed a dark colored four door SUV backed into the driveway of 1602 SE 145th Court. This is the listed address for Stephanie Salyers and Ilya Petrenko. The garage door of the residence was open and I could see an adult moving from the inside of the residence to the SUV placing items into the SUV. A short time later a second adult was seen also placing items into the back seat and cargo area of the SUV. Due to my distance from the residence I could not identify who the adults were or what was being placed into the SUV.

When the SUV began to leave the residence I was able to stop the SUV with assistance from Vancouver Police patrol units.

I contacted the driver of the SUV who identified herself as Sjenna Macky. A second female was seated in the passenger seat. I asked Sjenna what she had in the vehicle and she told me that she had picked up some personal belongings for a friend. I looked in the back seat and saw that the back seat and cargo area were filled with blankets and bedding.

The female in the passenger seat appeared to be in her mid 20's and matched the physical description of Stephanie Salyers. I asked the second female if she had some identification and she told me that she did not. I asked her what her name was and she told me that it was "Sam". I asked her if she was Stephanie Salyers and she told me that she was not.

I then interviewed the driver who told me that the passenger was in fact Stephanie Salyers. Sjenna went on to say that Stephanie had contacted her and asked her for help in getting some belongings from her home and if she and her family could stay with her for a few days. Sjenna said that Stephanie told her that in a couple days they were going to leave the area with the kids.

I detained the female who continued to deny that she was Stephanie Salyers. I attempted to speak to Stephanie who refused to listen to me and demanded to know why she was being detained. I advised Stephanie that I wanted to speak to her and ask her some questions and she told me that she "was taking the 5th" and did not want to speak to me. I did not ask her any additional questions.

Later, while at the jail, Stephanie would repeatedly tell me, the transporting VPD officer and the Corrections staff that she did not kidnap her children and that she was never given paperwork saying that she could not have her children.

Stephanie was transported to the Clark County Jail where she was booked on three counts of Kidnapping for removing Ezra, Malachi and Moses Petrenko from their legal guardian with the intent keep them and leave the state.

Signed this 21st Day of February 2016, in Vancouver, Clark County, Washington.

Signature _____ **PSN** 3441

The undersigned Judge/Magistrate/Commissioner hereby certifies that I have read or had read to me the above statement of probable cause to arrest and that I find probable cause to arrest is ✓ established ____ not established (release defendant).

Signed this 22 **day of** February **, 20**16 **in Vancouver, Clark County, Washington**

_____ **Time:** 9:15 **(am)/pm**

APPENDIX C

Sayler #40

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR CLARK COUNTY

Judge: VANDERWOOD | STATE OF WASHINGTON | 03/04/2016 ~~12:30~~ 1:33pm 2:04pm

PA: BRYANT (P) | V5. SALYERS STEPHANIE MARELDA | DOB: 07/15/89

Atty: waived standby Appt Rucker (P) | aka: STEPHANIE SALYERS & more

Reporter: CASSETTE | Cause# ~~NEW CHARGE~~ 16-1-00452-1

Clerk: ELLIOTT | Charge(s): KIDNAPPING I (3 cts)

P.O.:

Bkdt: 02/21/16 Cell: C1-8 Bail: 50,000.00 CFN: 224770

[MUST RETURN FOR CONDITIONS BEFORE RELEASE ON BAIL]

ASSIGNED DEPT # 1 2 (3) 4 5 6 7 8 9 10 Case Reassigned to: _____

1ST APPEAR ___ ARRAIGNMENT X CHANGE OF PLEA ___ SENT ___ VIOL ___ REV RELEASE ___ OMNIBUS ___ READINESS ___ OTHR ___

Defendant Appeared (Yes)/No In Custody (Yes)/No Warrant Authorized _____ Warrant Outstanding _____

Deft Answers to True Name as Charged X Advised of Civil & Constitutional Rights X

Probable Cause Found _____ Probable Cause Not Found _____

Order for Psych Eval at WSH ___ sgnd Attorney Steven Rucker [Appointed]/ Retained/ Waived

Personal Recognizance/ Supervised Release Granted / Denied . Release Revoked _____

X Bail $_____ With Conditions Set/ Return to Court to Be Set/ Previously set. Bail Posted By: _____

Diversion Referral/ Confirmation ____ Stay Granted ____ **PV: Admit** ____ **Deny** ____ **Set Hrg** ____

Next Court Appearance 3-17-2016 C Time 9:00 For Arraign _____ Omnibus X Payment Rev _____

PV tracking with _____ Trial in Dept # _____ Other _____

NOT GUILTY PLEA/MOTION TO CONTINUE

Information Served on Defendant _____

Not Guilty Plea Entered X % identified by Court %

Motion For Continuance of Trial Granted ____ Denied ____

Waiver of Speedy Trial Signed _____

Readiness Hearing Date 4-21-2016 RS 1:30PM

Trial Date 4-25-2016 @ 9AM 52]

GUILTY PLEA Original/ Amended

Statement on Plea of Guilty _____ Sgnd

Psych Evaluation Ordered _____

Pre-sentence Report Ordered _____

Dismissal of Counts # _____

Sentencing Date _____

SENTENCING

Courts Finds the Defendant:

_____ Guilty as Charged Based on Plea of Guilty

_____ Convicted by the Jury _____ Court _____

_____ in violation based on admissions

OMNIBUS

Def Omnibus _____ Sgnd State's Omnibus _____ Sgnd

Cut Off date _____

Defendant is Sentenced to Jail /DOC for _____ Days/ Months/ Years to be Served as Follows:

CTS _____ JAIL _____ WORK RELEASE _____ WORK CREW _____ COMM SERV _____ SSOSA _____ DOSA _____

Misdemeanor Sent. _____ days with _____ days suspended/ deferred on conditions for _____ months/ years.

Community Custody ____ Mos. HIV/ DNA ____ DNA Fee $_____ Other Costs $_____ DV Penalty $ _____

Court Costs $_____ Fine $_____ Drug Fund $_____ Atty Fees $_____ Extrdt $_____ Lab Fee $_____

Restitution $_____ Victim Assess $_____ Deft Served With Map to DOC/COLLECTIONS ____

Judgment & Sentence Signed _____ Defendant Fingerprinted Yes/No

Deft is Advised of His/ Her Rights to Appeal _____ Court Sets Appeal Bond at $_____ NCO [Granted]/ Denied

Notice for Dismissal is filed; Court Appt's ~~standby~~ Atty, Mr. Rucker

D asks Court to read Information

D refuses to "plea"

prior NCO's (x3) are rescinded

D request to reduce bail is denied

APPENDIX D

17
CE

FILED

MAR 18 2016
10:32AM
Scott G. Weber, Clerk, Clark Co

Superior Court of Washington for	
State of Washington, Plaintiff vs. STEPHANIE MARELDA SALYERS. Defendant	No.16-1-00452-1 **Statement of Defendant on Plea of Guilty to Non-Sex Offense (Felony) (STTDFG)**

1. My true name is: STEPHANIE MARELDA SALYERS.
2. My age is: 26 years (DOB:07-15-1989).
3. The last level of education I completed was: 14.
4. **I Have Been Informed and Fully Understand That:**
   (a) I have the right to representation by a lawyer and if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
   (b) I am charged with: **Count 1: Custodial Interference in the First Degree.**
   The elements are: **Amended Information is attached.**
5. **I Understand I Have the Following Important Rights, and I Give Them Up by Pleading Guilty:**
   (a) The right to a speedy and public trial by an impartial jury in the county where the crime was allegedly 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) The right to be presumed innocent unless the State proves the charge beyond a reasonable

doubt or I enter a plea of guilty;

(f) The right to appeal a finding of guilt after a trial.

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*	COMMUNITY CUSTODY	MAXIMUM TERM AND FINE
1	0	0 to 12 months	N/A	N/A	5yrs/$10k
2					
3					

*The sentencing enhancement codes are: (RPh) Robbery of a pharmacy, (CSG) Criminal street gang involving minor, (AE) Endangerment while attempting to elude. The following enhancements will run consecutively to all other parts of my entire sentence, including other enhancements and other counts: (F) Firearm, (D) Other deadly weapon, (V) VUCSA in protected zone, (JP) Juvenile present, (VH) Veh. Hom, see RCW 46.61.520, (P16) Passenger(s) under age 16.

(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 is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. 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 committed the above crime(s) while under age 18 and am sentenced to more than 20 years of confinement:

(i) As long as my conviction is not for aggravated first degree murder or certain sex crimes, and I have not been convicted of any crime committed after I turned 18 or committed a disqualifying serious infraction as defined by DOC in the 12 months before the petition is filed, I may petition the Indeterminate Sentence Review Board (Board) for early release after I have served 20 years.

(ii) If I am released early because my petition was granted or by other action of the Sentence Review Board, I will be subject to community custody under the supervision of the DOC for a period of time determined by the Board, up to the length of the court-imposed term of incarceration. I will be required to comply with any conditions imposed by the Board.

(iii) If I violate the conditions of community custody, the Board may return me to confinement for up to the remainder of the court-imposed term of incarceration.

(e) If I committed aggravated murder in the first degree and I was under the age of 18 at the time of the offense.

(i) If I was under the age of 16 at the time of the offense, the judge will impose a maximum term of life and impose a minimum term of total confinement of 25 years for that crime.

(ii) If I was at least 16 but less than 18 years old at the time of the offense, the judge will impose a maximum term of life and will impose a minimum term of total confinement that is at least 25 years and may be as long as life without the possibility of parole or early release for that crime.

(iii) During the minimum term, I will not be eligible for earned early release time, home detention, partial confinement, work release or any form of early release.

(iv) After the minimum term, if I am released by the Sentence Review Board (Board), I will be subject to community custody under the supervision of the DOC for a period of time determined by the board, and must comply with conditions imposed.

(v) If I violate the conditions of community custody, the Board may return me to confinement.

(f) 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.

(g) In addition to sentencing me to confinement, the judge will order me to pay $500.00 as a victim's compensation fund assessment and any mandatory fines or penalties that apply to my case. 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.

(h) <u>For crimes committed prior to July 1, 2000</u>: 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 total period of confinement is more than 12 months, and if this crime is a drug offense, 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 custody. 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 custody. The actual period of community custody may be longer than my earned early release period. During the period of community custody, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

<u>For crimes committed on or after July 1, 2000</u>: In addition to sentencing me to

confinement, under certain circumstances 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, but only if the crime I have been convicted of falls into one of the offense types listed in the following chart. For the offense of failure to register as a sex offender, regardless of the length of confinement, the judge will sentence me for up to 12 months of community custody. If the total period of confinement ordered is more than 12 months, and if the crime I have been convicted of falls into one of the offense types listed in the following chart, the court will sentence me to community custody for the term 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.729 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 term will be based on the offense type that dictates the longest term of community custody.

OFFENSE TYPE	COMMUNITY CUSTODY TERM
Serious Violent Offenses	36 months
Violent Offenses	18 months
Crimes Against Persons as defined by RCW 9.94A.411(2)	12 months
Offenses under Chapter 69.50 or 69.52 RCW (not sentenced under RCW 9.94A.660)	12 months
Offenses involving the unlawful possession of a firearm where the offender is a criminal street gang member or associate	12 months

Certain sentencing alternatives may also include community custody.

During the period of community custody I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me, including additional conditions of community custody that may be imposed by the Department of Corrections. 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.
If I violate the conditions of my community custody, the Department of Corrections may sanction me up to 60 days confinement per violation and/or revoke my earned early release, or the Department of Corrections may impose additional conditions or other stipulated penalties. The court also has the authority to impose sanctions for any violation.

(i) The prosecuting attorney will make the following recommendation to the judge: **30 days, credit for time served, balance may be served on Work Crew; Standard fees, fines and conditions.**
☒ The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

(j) 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. I understand the following regarding exceptional sentences:

(*i*) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.

(*ii*) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.

(*iii*) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.

(*iv*) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

If the court imposes a standard range sentence, then no one may appeal the sentence. If the court imposes an exceptional sentence after a hearing, either the State or I can appeal the sentence.

(k) 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.

(l) I may not possess, own, or have under my control any firearm, and under federal law any firearm or ammunition, unless my right to do so is restored by the court in which I am convicted or the superior court in Washington State where I live, and by a federal court if required. I must immediately surrender any concealed pistol license.

(m) I will be ineligible to vote until that right is restored in a manner provided by law. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.

(n) Government assistance may be suspended during any period of confinement.

(o) I will be required to have a biological sample collected for purposes of DNA identification analysis. I will be required to pay a $100.00 DNA collection fee.

Notification Relating to Specific Crimes: ***If any of the following paragraphs DO NOT APPLY, counsel and the defendant shall strike them out. The defendant and the judge shall initial all paragraphs that DO APPLY.***

_____ (p) 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.

SMS (q) 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 one year of community custody plus all of the conditions

described in paragraph 6(g). 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.

_____ (r) The judge may sentence me under the Parenting Sentencing Alternative if I qualify under RCW 9.94A.655. If I am eligible, the judge may order DOC to complete either a risk assessment report or a chemical dependency screening report, or both. If the judge decides to impose the Parenting Sentencing Alternative, the sentence will consist of 12 months of community custody and I will be required to comply with the conditions imposed by the court and by DOC. At any time during community custody, the court may schedule a hearing to evaluate my progress in treatment or to determine if I have violated the conditions of the sentence. The court may modify the conditions of community custody or impose sanctions. If the court finds I violated the conditions or requirements of the sentence or I failed to make satisfactory progress in treatment, the court may order me to serve a term of total confinement within the standard range for my offense.

_____ (s) If this crime involves kidnapping involving a minor, including unlawful imprisonment involving a minor who is not my child, or if this crime is promoting prostitution in the first or second degree and I have at least one prior conviction for promoting prostitution in the first or second degree, or if this crime is (human) trafficking in the first degree under RCW 9A.40.100(1)(a)(i)(A)(III) or (IV) or (1)(a)(i)(B) (relating to sexually explicit acts or commercial sex acts), I will be required to register where I reside, study or work. The specific registration requirements are set forth in the "Offender Registration" Attachment.

_____ (t) If this is a crime of domestic violence, I may be ordered to pay a domestic violence assessment of up to $115.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150. If I am convicted under RCW 26.50.110, for a violation of a domestic violence protection order issued under chapter 26.50 RCW, the court shall impose a mandatory fine of $15.00.

_____ (u) If this crime involves prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.

_____ (v) The judge may sentence me under the drug offender sentencing alternative (DOSA) if I qualify under RCW 9.94A.660. If I qualify and the judge is considering a residential chemical dependency treatment-based alternative, the judge may order that I be examined by DOC before deciding to impose a DOSA sentence. If the judge decides to impose a DOSA sentence, it could be either a prison-based alternative or a residential chemical dependency treatment-based alternative.

If the judge imposes the **prison-based alternative**, the sentence will consist of a period of total confinement in a state facility for one-half of the midpoint of the standard range, or 12 months, whichever is greater. During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose a term of community custody of one-half of the midpoint of the standard range.

If the judge imposes the **residential chemical dependency treatment-based alternative**, the sentence will consist of a term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, and I will have to enter

and remain in a certified residential chemical dependency treatment program for a period of ***three to six months***, as set by the court.

As part of this sentencing alternative, the court is required to schedule a progress hearing during the period of residential chemical dependency treatment and a treatment termination hearing scheduled three months before the expiration of the term of community custody. At either hearing, based upon reports by my treatment provider and the department of corrections on my compliance with treatment and monitoring requirements and recommendations regarding termination from treatment, the judge may modify the conditions of my community custody or order me to serve a term of total confinement equal to one-half of the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.701.

During the term of community custody for either sentencing alternative, the judge could prohibit me from using alcohol or controlled substances, require me to submit to urinalysis or other testing to monitor that status, require me to devote time to a specific employment or training, stay out of certain areas, pay $30.00 per month to offset the cost of monitoring and require other conditions, such as affirmative conditions, and the conditions described in paragraph 6(g). The judge, on his or her own initiative, may order me to appear in court at any time during the period of community custody to evaluate my progress in treatment or to determine if I have violated the conditions of the sentence. If the court finds that I have violated the conditions of the sentence or that I have failed to make satisfactory progress in treatment, the court may modify the terms of my community custody or order me to serve a term of total confinement within the standard range.

_____ (w) If I am subject to community custody and 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. Rehabilitative programs may include an order to obtain an evaluation for alcohol or controlled substance chemical dependency treatment. The court may also prohibit me from possessing or consuming alcohol or controlled substances without a valid prescription.

_____ (x) If this crime involves the manufacture, delivery, or possession with the intent to deliver methamphetamine, including its salts, isomers, and salts of isomers, or amphetamine, including its salts, isomers, and salts of isomers, and if a fine is imposed, $3,000 of the fine may not be suspended. RCW 69.50.401(2)(b).

_____ (y) If this crime involves a violation of the state drug laws, my eligibility for state and federal food stamps, welfare, and education benefits may be affected. 20 U.S.C. § 1091(r) and 21 U.S.C. § 862a.

_____ (z) I understand that RCW 46.20.285(4) requires that my driver's license be revoked if the judge finds I used a motor vehicle in the commission of this felony.

_____ (aa) If this crime involves the offense of vehicular homicide while under the influence of intoxicating liquor, or any drug, as defined by RCW 46.61.520, 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(14).

_____ (bb) If I am pleading guilty to felony driving under the influence of intoxicating liquor, or any drugs, or felony actual physical control of a motor vehicle while under the influence of intoxicating liquor, or any drug, in addition to the provisions of chapter 9.94A RCW, I will be required to undergo alcohol or chemical dependency treatment services during incarceration. I will be required to pay the costs of treatment unless the court finds that I am indigent. My driving privileges will be suspended, revoked or denied. Following the period of suspension, revocation or denial, I must comply with the Department of Licensing ignition interlock device requirements. In addition to any other costs of the ignition interlock device, I will be required to pay an additional fee of $20 per month.

_____ (cc) For the crimes of vehicular homicide committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)), or felony physical control under the influence (RCW 46.61.504(6)), the court shall add 12 months to the standard sentence range for each child passenger under the age of 16 who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.

_____ (dd) I am pleading guilty to the crime of driving without a required ignition interlock device (RCW 46.20.740), or the crime of circumventing or tampering with a required ignition interlock device (RCW 46.20.750(1)), and the offense occurred on or after September 26, 2015. The sentence for that offense must be served consecutively with any other sentence imposed for violations of either of those statutes and with any sentence imposed under RCW 46.61.502 (DUI), RCW 46.61.504 (physical control under the influence), or RCW 46.61.5055. The sentence for violation of RCW 46.20.750(1) also must be served consecutively with any sentence imposed under RCW 46.61.520(1)(a) or 46.61.522(1)(b) (vehicular homicide/assault while under the influence of alcohol/drugs).

_____ (ee) For the crimes of felony driving under the influence of intoxicating liquor, or any drug, for vehicular homicide while under the influence of intoxicating liquor, or any drug, or vehicular assault while under the influence of intoxicating liquor, or any drug, the court may order me to reimburse reasonable emergency response costs up to $2,500 per incident.

_____ (ff) The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. This law does not apply to crimes committed on or after July 24, 2005, by a juvenile who was tried as an adult after decline of juvenile court jurisdiction. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6(p).

_____ (gg) 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.

_____ (hh) The offense(s) I am pleading guilty to include(s) a Violation of the Uniform Controlled Substances Act in a protected zone enhancement or manufacture of methamphetamine when a juvenile was present in or upon the premises of manufacture enhancement. I

understand these enhancements are mandatory and that they must run consecutively to all other sentencing provisions.

_____ (ii) The offense(s) I am pleading guilty to include(s) a deadly weapon, firearm, or sexual motivation enhancement. Deadly weapon, firearm, or sexual motivation 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, firearm, or sexual motivation enhancements.

_____ (jj) If I am pleading guilty to (1) unlawful possession of a firearm(s) in the first or second degree and (2) felony theft of a firearm or possession of a stolen firearm, I am required to serve the sentences for these crimes consecutively to one another. If I am pleading guilty to unlawful possession of more than one firearm, I must serve each of the sentences for unlawful possession consecutively to each other.

_____ (kk) I may be required to register as a felony firearm offender under RCW 9.41.330. The specific registration requirements are in the "Felony Firearm Offender Registration" Attachment.

_____ (ll) 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 six 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.

_____ (mm) The judge may authorize work ethic camp. To qualify for work ethic authorization my term of total confinement must be more than twelve months and less than thirty-six months, I cannot currently be either pending prosecution or serving a sentence for violation of the uniform controlled substance act and I cannot have a current or prior conviction for a sex or violent offense.

7. I plead guilty to:

Count 1: Custodial Interference in the First Degree.

in the Amended Information. I have received a copy of that Information.

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: **I, Stephanie Marelda Salyers, in the County of Clark, State of Washington, have reviewed the evidence against me with my attorney and I believe there is sufficient credible evidence from which a jury could find me guilty, so I want to take advantage of the plea bargain and enter this guilty plea pursuant to *State v. Newton*.**
☒ 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.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and the "Offender Registration" Attachment, 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.

Stephanie M Salyers
Stephanie Marelda Salyers, Defendant

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

Jeffery P. McCarty, WSB#33134
Deputy Prosecuting Attorney

Steven J. Rucker
Steven J. Rucker, WSB#20407
Defendant's Lawyer

The defendant signed the foregoing statement 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 included below.

Interpreter's Declaration: I am a certified or registered interpreter, or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands. I have interpreted this document for the defendant from English into that language. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____, on (date) _____.

_____ _____

Interpreter Print Name

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: 3/18/16 _____

Judge

STATE OF WASHINGTON V. STEPHANIE MARELDA SALYERS - CAUSE NO 16-1-00452-1

CLARK COUNTY PROSECUTING ATTORNEY'S OFFICE OFFER OF SETTLEMENT

TO: DEFENSE ATTORNEY STEVEN J. RUCKER, WSBA #20407
The defendant is charged with the following:

Count	Charge	Score	Range	Enhancement	Total Range
01	CUSTODIAL INTERFERENCE IN THE FIRST DEGREE	2	0-12 months		0-12 months
02	CUSTODIAL INTERFERENCE IN THE FIRST DEGREE	2	0-12 months		0-12 months
03	CUSTODIAL INTERFERENCE IN THE FIRST DEGREE	2	0-12 months		0-12 months

The State makes the following Offer of Settlement. In accepting this offer, the defendant is agreeing to stipulate to its terms and recommendations, unless otherwise noted. The offer is: 1) based on the accompanying Declaration of Criminal History which the defendant acknowledges is accurate, true and complete and further that the resultant offender score calculations in this offer are correct; 2) supersedes any previous offer made in this case; 3) is exclusive to the above referenced cause number(s), unless otherwise noted. Furthermore, defendant understands and agrees that the failure of the defendant to declare disputed criminal history or to disclose additional criminal history or to dispute the resultant offender score calculations prior to entering any plea of guilty constitutes a breach of this agreement by the defendant.

This offer may be withdrawn at any time prior to the entry of a guilty plea, or it otherwise expires on Friday, March 25, 2016.

If the defendant pleads guilty to the following, the State will recommend confinement, costs, conditions and supervision as outlined in this offer.

Count	Charge	Score	Range	Enhancement	Total Range
01	CUSTODIAL INTERFERENCE IN THE FIRST DEGREE (include all three victims)	0	0-12 months		0-12 months
02	dismiss				
03	dismiss				

☐ In lieu of a plea of guilty, Defendant may be referred to the CCPA Diversion Unit for screening on the above charges. Defendant must waive speedy trial and agree to a delay in setting a trial date.

☐ The State will refer this case for Drug Court screening. Request for referral for Drug Court screening must be made prior to the expiration set out above and in any event not less than 30 days before the date set for trial.

RECOMMENDATION AS TO CONFINEMENT

30 ☒ Days ☐ Months in Total Confinement, and
_____ ☐ Days ☐ Months Partial Confinement [_____ days Work Crew; _____ days Work Release], and
_____ Days Community Restitution (Service) (Eight (8) hours per day)
_____ Days with _____ days suspended/deferred on a misdemeanor/gross misdemeanor
If the defendant does not qualify for partial confinement program(s), the recommendation will be for total confinement.

TERMS APPLICABLE TO ALL RECOMMENDATIONS

This offer includes credit for time served in custody solely on this case, up to the date of sentencing. It also includes standard conditions of supervision including reporting to DOC. This offer is exclusive to the above referenced cause number(s), unless otherwise noted.

All recommendations include court costs of $200.00; crime victim's compensations fee of $500; fine of $500; biological collection fee of $100.00; appointed attorney's fees, and *any* related defense

costs, such as investigator fees, expert witness fees, transcription fees, etc. which have been or will be paid by order of the court. To accept this offer, defendant agrees to pay restitution (in an amount presently understood to be _____) which could be established or modified by the court at a later date based on additional information. The defendant agrees to pay restitution to victims of uncharged crimes contained in the discovery, and/or dismissed counts. The Defendant is free to argue for reduction in financial obligations, other than restitution or those required by law, on the basis of indigency.

Defendant shall comply with directions of the DOC and the Clerk of the Court regarding reporting and paying any financial obligations and comply with financial monitoring as required by statute.

Other legal financial obligations include:

Drug Fund:	_____	Lab Fee:	_____	Warrant Fees:	_____
DV Assessment:	_____	Extradition Costs:	_____	Cleanup fine:	_____
Other of fees:	_____ for _____			Emergency Response Fee:	_____

SUPERVISION

☐ Community Custody for _____ months.
☐ First Offender Option with up to two years of supervision
☐ _____ Years of probation/supervision on misdemeanor/gross misdemeanor.

MANDATORY SENTENCE REQUIREMENTS

☒ No possession/use/ownership of firearms/surrender concealed pistol license
☒ Provide biological sample for DNA identification
☐ HIV testing
☐ Revocation/suspension of driver's license per RCW 46.20.285, RCW 69.50.420
☐ Register as Sex/Kidnapping Offender per RCW 9A.44.130 and RCW 10.01.200
☐ Domestic Violence Perpetrator's Program

OTHER CONDITIONS OF SUPERVISION AND AGREEMENT

(This list is non-exclusive – the State is free to recommend other usual conditions)

☐ The defendant shall perform affirmative acts necessary to monitor compliance with the orders of the court as required by the Department of Corrections (DOC) and shall comply with the instructions, rules and regulations of DOC for the conduct of the defendant during the period of community supervision/custody. Defendant shall receive permission from DOC prior to moving.
☐ Treatment for: ☐ substance abuse; ☐ mental health; ☐ anger control; ☐ other _____
☐ No use/ possession of alcohol and controlled substances. U/A and BA testing authorized.
☐ A chemical dependency screening report shall be ordered unless the defendant stipulates to having a chemical dependency that contributed to his/her offense.
☒ No violations of federal, state, or local criminal laws.
☒ No contact with Victim(s) for 5 years.
☐ Notify community corrections officer within 48 hours of any arrest or citation.
☐ No contact with other participants in the crime: _____
☐ Forfeiture of the following property: _____
☐ No possession of other people's identification.
☐ Register as a Firearm Offender per RCW 9.41.330 and 9.41.333.

☐ ***This agreement requires Defendant to admit relevant conduct. Absent advance notice and consent of the undersigned prosecutor, pleas which do not admit relevant conduct (Newton or Alford pleas) are not allowed. Defendant breaches this agreement if he enters such a plea without prior approval of the prosecutor.***

☒ OTHER No contact provision can be addressed post-conviction in conjunction with family court/dependency proceedings. State has no objection to balance of 30 days being served on work crew.

If the defendant fails to appear for sentencing, commits any additional crimes between pleading guilty and sentencing, or otherwise breaches this agreement or if Defendant later moves to withdraw this plea or collaterally attack the conviction under this cause number, the defendant understands and agrees that the State will be free to make any recommendation(s) it deems appropriate or to re-file any dismissed or withheld counts, enhancements or aggravating factors but that that the defendant may not withdraw his plea of guilty in the event the State elects any of these remedies.

In the event the State, defendant or the court requests a DOSA screening, the State makes no representation as to the eligibility of the defendant for a sentence under the DOSA provisions. If found not to be eligible, defendant understands and agrees that he is still bound by his plea of guilty.

I have reviewed the terms of this offer of settlement with my attorney and I understand the terms. I accept the terms of this offer.

This offer form must be attached to the Statement of Defendant on Plea of Guilty.

Jeffery P. McCarty
Deputy Prosecuting Attorney, WSBA #33134

3-18-16
Date

STEPHANIE MARELDA SALYERS

Steven J. Rucker, 20407

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

STATE OF WASHINGTON, Plaintiff, v. STEPHANIE MARELDA SALYERS Defendant.	**AMENDED INFORMATION** No. 16-1-00452-1 (CCSO 16-1993)

COMES NOW the Prosecuting Attorney for Clark County, Washington, and does by this inform the Court that the above-named defendant is guilty of the crime(s) committed as follows, to wit:

COUNT 01 - CUSTODIAL INTERFERENCE IN THE FIRST DEGREE - 9A.40.060(1)(a)
That she, STEPHANIE MARELDA SALYERS, in the County of Clark, State of Washington, on or about February 21, 2016 being a relative of M.S.P., M.P., and E.P., did take, entice, retain, detain, or conceal a child under the age of eighteen years, to-wit: M.S.P., M.P., and E.P, from the person having lawful right to physical custody of such person, and did intend to hold the child permanently or for a protracted period; contrary to Revised Code of Washington 9A.40.060(1)(a).

ANTHONY F. GOLIK
Prosecuting Attorney in and for
Clark County, Washington

Date: March 17, 2016

BY:_____
Jeffery P. McCarty, WSBA #33134
Deputy Prosecuting Attorney

DEFENDANT: STEPHANIE MARELDA SALYERS			
RACE: W	**SEX:** F	**DOB:** 07/15/1989	
DOL: SALYESM114MN WA		**SID:** WA28284847	
HGT: 503	**WGT:** 125	**EYES:** BLU	**HAIR:** BLN
WA DOC:		**FBI:** 431474TC9	
LAST KNOWN ADDRESS(ES):			
HOME - 1602 SE 145TH COURT, VANCOUVER WA			

CLARK COUNTY PROSECUTING ATTORNEY
1013 FRANKLIN STREET
PO BOX 5000
VANCOUVER, WASHINGTON 98666-5000
(360) 397-2261

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

STATE OF WASHINGTON, Plaintiff, v. STEPHANIE MARELDA SALYERS, Defendant Date of Birth: 7/15/1989	No. 16-1-00452-1 APPENDIX 2.2 DECLARATION OF CRIMINAL HISTORY

COME NOW the parties, and do hereby declare, pursuant to RCW 9.94A.525 that to the best of the knowledge of the defendant and his/her attorney, and the Prosecuting Attorney's Office, the defendant has the following undisputed prior criminal convictions:

CRIME	COUNTY/STATE CAUSE NO.	DATE OF CRIME	DATE OF SENTENCE	DV*? YES	PTS.
DRIVING WHILE SUSPENDED 3 (***PENDING***)	COWLITZ/WA 5Z1116019	12/16/2015			-
THEFT 3 (***DIVERSION***)	CLARK/WA 02-R-023160	4/4/2002	8/2/2002		-
ASSAULT 4	CLARK/WA 02-8-01296-1	12/3/2002	1/15/2003		-
PERMIT MINOR CONSUME/POSSESS LIQUOR	CLARK/WA 03-8-00598-9	6/13/2003	8/14/2003		-
ASSAULT 4	CLARK/WA 04-8-00204-0	3/2/2004	3/29/2004		-
MINOR POSSES/CONSUME LIQUOR	CLARK/WA 05-8-00526-8	5/15/2005	5/27/2005		-

*DV: Domestic violence was pled and proved.

CLARK COUNTY PROSECUTING ATTORNEY
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VANCOUVER, WASHINGTON 98666-5000
(360) 397-2261 (OFFICE)
(360) 397-2230 (FAX)

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

The Defendant's Offender Score is 0.

DATED this 18 day of March, 2016.

Defendant

copy rec'd only

~~PRO SE, WSBA#09999,~~
Attorney for Defendant

Jeffery P. McCarty, WSBA#33134
Deputy Prosecuting Attorney

CLARK COUNTY PROSECUTING ATTORNEY
1013 FRANKLIN STREET • PO BOX 5000
VANCOUVER, WASHINGTON 98666-5000
(360) 397-2261 (OFFICE)
(360) 397-2230 (FAX)

APPENDIX E

12
FT

Steven Rucker -C

WC

S3

FILED

MAR 18 2016
10:32AM
Scott G. Weber, Clerk, Clark Co

Superior Court of Washington
County of Clark

State of Washington, Plaintiff, vs. STEPHANIE MARELDA SALYERS, Defendant. SID: WA28284847 If no SID, use DOB: 7/15/1989	**No. 16-1-00452-1** **Felony Judgment and Sentence --** **Jail One Year or Less** **(FJS)** 16-9-01065-1 ☒ **Clerk's Action Required, 2.1, 4.1, 4.3, 5.2, 5.3, 5.5, 5.7** ☐ **Defendant Used Motor Vehicle** ☐ **Juvenile Decline** ☐ **Mandatory** ☐ **Discretionary**

I. Hearing

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

II. Findings

2.1 Current Offenses: The defendant is guilty of the following offenses, based upon ☒ guilty plea 3/18/2016 ☐ jury-verdict ☐ bench trial :

Count	*Crime*	*RCW (w/subsection)*	*Class*	*Date of Crime*
01	CUSTODIAL INTERFERENCE IN THE FIRST DEGREE	9A.40.060(1)(a)	FC	2/21/2016

Class: FA (Felony-A), FB (Felony-B), FC (Felony-C),
(If the crime is a drug offense, include the type of drug in the second column.)

☐ Additional current offenses are attached in Appendix 2.1a.

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

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

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

☐ The defendant used a **deadly weapon other than a firearm** in committing the offense in Count _____ _____. RCW 9.94A.825, 9.94A.533.

☐ In count _____ the defendant committed a robbery of a pharmacy as defined in RCW 18.64.011(21), RCW 9.94A.____

☐ Count _____ is a **criminal street gang**-related felony offense in which the defendant compensated, threatened, or solicited a **minor** in order to involve that minor in the commission of the offense. RCW 9.94A.833.

☐ Count _____ is the crime of **unlawful possession of a firearm** and the defendant was a **criminal street gang** member or associate when the defendant committed the crime. RCW 9.94A.702, 9.94A._____.

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

☐ Reasonable grounds exist to believe the defendant is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. RCW 9.94B.080

GY ☐ In Count _____, the defendant had (number of) _____ **passenger(s) under the age of 16** in the vehicle. RCW 9.94A.533.

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

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

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

	Crime	*Cause Number*	*Court (County & State)*	*DV* Yes*
1.				
2.				

* DV: Domestic Violence was pled and proved.

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

2.2 Criminal History:

	Crime	*Date of Crime*	*Date of Sentence*	*Sentencing Court (County & State)*	*A or J Adult, Juv.*	*Type of Crime*	*DV* Yes*
1	See attached criminal history						

* DV: Domestic Violence was pled and proved.

☒ Additional criminal history is attached in Appendix 2.2.

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

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

2.3 Sentencing Data:

Count No.	*Offender Score*	*Seriousness Level*	*Standard Range (not including enhancements)*	*Plus Enhancements**	*Total Standard Range (including enhancements)*	*Maximum Term*
01	0	0	0 DAYS to 365 DAYS		0 DAYS to 365 DAYS	5 YEARS

(F) Firearm , (D) Other deadly weapons, (RPh) Robbery of a pharmacy, (CSG) criminal street gang involving minor, (P16) Passenger(s) under age 16.

☐ Additional current offense sentencing data is attached in Appendix 2.3.

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

☐ below the standard range for Count(s) _____.

☐ above the standard range for Count(s) _____.

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

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

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

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

2.5 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:

☐ That the defendant has the ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

☒ That the defendant is presently indigent but is anticipated to be able to pay some financial obligations in the future. RCW 9.94A.753.

☐ That the defendant is indigent and disabled and is not anticipated to be able to pay financial obligations in the future. RCW 9.94A.753.

☐ Other: _____. RCW 9.94A.753.

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

_____.

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

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

☐ The court considered the following factors:

☐ the defendant's criminal history.

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

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

☐ other:_____.

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

III. Judgment

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

3.2 ☐ The court ***dismisses*** Counts _____in the charging document.

IV. Sentence and Order

It is ordered:

4.1 Confinement. The court sentences the defendant as follows:

(a) ***Confinement.*** RCW 9.94A.589. A term of total confinement in the custody of the county jail:

30 months/days on Count 01

Actual number of months of total confinement ordered is: 30 days.

All counts shall be served concurrently, except for the following which shall be served consecutively:

_____.

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

Confinement shall commence immediately unless otherwise set forth here:_____

_____.

☒ ***Partial Confinement***. The defendant may serve the sentence, if eligible and approved, in partial confinement in the following programs, subject to the following conditions:_____
Balance may be served on work crew.

☒ work crew RCW 9.94A.725 ☐ home detention RCW 9.94A.731, .190
☐ work release RCW 9.94A.731 ☐ electronic monitoring RCW 9.94A.030

☐ ***Conversion of Jail Confinement*** **(Nonviolent and Nonsex Offenses)**. RCW 9.94A.680(3). The county jail is authorized to convert jail confinement to an available county supervised community option, to reduce the time spent in the community option by earned release credit consistent with local correctional facility standards, and may require the offender to perform affirmative conduct pursuant to RCW 9.94A.

☐ The defendant shall receive credit for time served in an available county supervised community option prior to sentencing. The jail shall compute time served.

☐ ***Alternative Conversion***. RCW 9.94A.680. _____ days of total confinement ordered above are hereby converted to _____ hours of community restitution (service) (8 hours = 1 day, nonviolent offenders only, 30 days maximum) under the supervision of the Department of Corrections (DOC) to be completed on a schedule established by the defendant's community corrections officer but not less than _____ hours per month.

☐ ***Alternatives to total confinement*** were not used because of: _____

☐ criminal history ☐ failure to appear (finding required for nonviolent offenders only) RCW 9.94A.680.

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

4.2 Community Custody. RCW 9.94A.505, .702.

(A) The defendant shall serve _____ months (up to 12 months) in community custody.

The court may order community custody under the jurisdiction of DOC for up to 12 months if the defendant is convicted of a violent offense, a crime against a person under RCW 9.94A.411, or felony violation of chapter 69.50 or 69.52 RCW or an attempt, conspiracy or solicitation to commit such a crime. For offenses committed on or after June 7, 2006, the court shall impose a term of community custody under RCW 9.94A.701 if the offender is guilty of failure to register (second or subsequent offense) under RCW 9A.44.130(11)(a) and for offenses after June 12, 2008 for unlawful possession of a firearm with a finding that the defendant was a member or associate of a criminal street gang. The defendant shall report to DOC not later than 72 hours after release from custody at the address provided in open court or by separate document.

(B) While on community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while on community custody; (6) not own, use, or possess firearms or ammunition; (7) pay supervision fees as determined by DOC; (8) perform affirmative acts as required by DOC to confirm compliance with the orders of the court; and (9) abide by any additional conditions imposed by DOC under

RCW 9.94A.704 and .706. The defendant's residence location and living arrangements are subject to the prior approval of DOC while on community custody.

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

☐ not possess or consume alcohol.

☐ not possess or consume controlled substances, including marijuana, without a valid prescription.

☐ have no contact with: _____.

☐ remain ☐ within ☐ outside of a specified geographical boundary, to wit:

_____.

☐ participate in the following crime-related treatment or counseling services:

_____.

☐ undergo an evaluation for, and fully comply with, treatment for ☐ domestic violence ☐ chemical dependency ☐ mental health ☐ anger management.

☐ comply with the following crime-related prohibitions:_____

_____.

☐ Other conditions:

_____

_____

_____.

(C) The conditions of community custody shall begin immediately upon release from confinement unless otherwise set forth here:_____.

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

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

JASS CODE			
PCV	$ 500.00	Victim assessment	RCW 7.68.035
PDV	$_____	Domestic Violence assessment	RCW 10.99.080
	$_____	Violation of a DV protection order ($15 mandatory fine)	RCW 26.50.110
CRC	$_____	Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190	
		Criminal filing fee ~~$ 200.00~~ FRC	
		Witness costs $_____ WFR	
		Sheriff service fees $_____ SFR/SFS/SFW/WRF	
		Jury demand fee $_____ JFR	
		Extradition costs $_____ EXT	
		Other $_____	
PUB	~~$ 800.00~~	Fees for court appointed attorney	RCW 9.94A.760
WFR	$ _____	Court appointed defense expert and other defense costs	RCW 9.94A.760
	$_____	DUI fines, fees and assessments	
CDF/LDI/FCD NTF/SAD/SDI	$_____	Drug enforcement Fund # ☐ 1015 ☐ 1017 (TF)	RCW 9.94A.760
CLF	$_____	Crime lab fee ☐ suspended due to indigency	RCW 43.43.690

	$ 100.00	DNA collection fee	RCW 43.43.7541
FPV	$_____	Specialized forest products	RCW 76.48.140
	$_____	Other fines or costs for:_____	
DEF	$_____	Emergency response costs ($1,000 maximum, $2,500 max. effective Aug. 1, 2012) RCW 38.52.430 Agency: _____	
RTN/RJN	$_____	Restitution to: _____ (Name and Address--address may be withheld and provided confidentially to Clerk of the Court's office.)	
	$_____	***Total***	RCW 9.94A.760

☐ 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:

☐ shall be set by the prosecutor.

☐ is scheduled for_____(date).

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

☐ ***Restitution*** Schedule attached.

☐ Restitution ordered above shall be paid jointly and severally with:

RJN	**Name** of other defendant	**Cause Number**	Victim's name	Amount-$

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

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

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

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

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

4.4 DNA Testing. The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. This paragraph does not apply if it is established that the Washington State Patrol crime laboratory already has a sample from the defendant for a qualifying offense. RCW 43.43.754.

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

4.5 No Contact:

(b) If you have not completed your maximum term of total confinement and you are subject to a violation hearing and DOC finds that you committed the violation, DOC may return you to a state correctional facility to serve up to the remaining portion of your sentence. RCW 9.94A.633(2)(a).

5.5a Firearms. You may not own, use or possess any firearm, and under federal law any firearm or ammunition, unless your right to do so is restored by the court in which you are convicted or the superior court in Washington State where you live, and by a federal court if required. **You must immediately surrender any concealed pistol license.** (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 and RCW 9.41.047.

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

5.6 Reserved.

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

☐ Within two hours after driving or being in physical control of a vehicle, the defendant had an alcohol concentration of breath or blood (BAC) of ____;

☐ No BAC test result.

☐ BAC Refused. The defendant refused to take a test offered pursuant to RCW 46.20.308.

☐ Drug Related. The defendant was under the influence of or affected by any drug.

☐ THC level was_____ within two hours after driving.

☐ Passenger under age 16. The defendant committed the offense while a passenger under the age of sixteen was in the vehicle.

Vehicle Info.: ☐ Commercial Veh. ☐ 16 Passenger Veh. ☐ Hazmat Veh.

5.8 Other:_____.

5.9 Persistent Offense Notice

The crime(s) in count(s) _____ is/are "most serious offense(s)." Upon a third conviction of a "most serious offense", the court will be required to sentence the defendant as a persistent offender to life imprisonment without the possibility of early release of any kind, such as parole or community custody. RCW 9.94A.030, 9.94A.570

The crime(s) in count(s) _____ is/are one of the listed offenses in RCW 9.94A.030.(37)(b). Upon a second conviction of one of these listed offenses, the court will be required to sentence the defendant as a persistent offender to life imprisonment without the possibility of early release of any kind, such as parole or community custody.

Done in Open Court and in the presence of the defendant this date: 3/18/16.

Judge/Print Name:

Deputy Prosecuting Attorney WSBA No. 33134 Print Name: Jeffery P. McCarty	Attorney for Defendant WSBA No. 20407 Print Name: Steven J. Rucker	Defendant Print Name: STEPHANIE MARELDA SALYERS

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

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

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

Defendant's signature: Stephanie M Salazar

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

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at Vancouver, Washington on (date): _____

_____ Interpreter

_____ Print Name

I, Scott G. Weber, 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 the Defendant

STEPHANIE MARELDA SALYERS

16-1-00452-1

SID No: WA28284847 (If no SID take fingerprint card for State Patrol)

Date of Birth: 7/15/1989

FBI No. 431474TC9

Local ID No. 224770

PCN No. _____

Other _____

Alias name, DOB:

Race: W **Ethnicity:** **Sex:** F

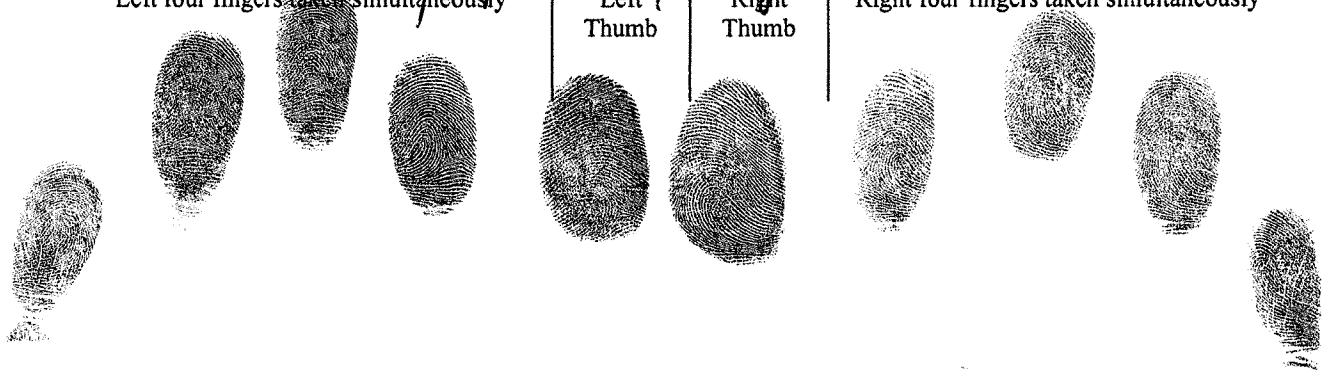
Fingerprints: I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto.

Clerk of the Court, Deputy Clerk, C. Elliott Dated: 3-18-2016

Seal of the Superior Court Of Clark County STATE OF WASHINGTON

The defendant's signature: Stephanie M Salyers WCCI-308

Left four fingers taken simultaneously	Left Thumb	Right Thumb	Right four fingers taken simultaneously



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

STATE OF WASHINGTON, Plaintiff, v. STEPHANIE MARELDA SALYERS, Defendant Date of Birth: 7/15/1989	No. 16-1-00452-1 APPENDIX 2.2 DECLARATION OF CRIMINAL HISTORY

COME NOW the parties, and do hereby declare, pursuant to RCW 9.94A.525 that to the best of the knowledge of the defendant and his/her attorney, and the Prosecuting Attorney's Office, the defendant has the following undisputed prior criminal convictions:

CRIME	COUNTY/STATE CAUSE NO.	DATE OF CRIME	DATE OF SENTENCE	DV*? YES	PTS.
DRIVING WHILE SUSPENDED 3 (***PENDING***)	COWLITZ/WA 5Z1116019	12/16/2015			-
THEFT 3 (***DIVERSION***)	CLARK/WA 02-R-023160	4/4/2002	8/2/2002		-
ASSAULT 4	CLARK/WA 02-8-01296-1	12/3/2002	1/15/2003		-
PERMIT MINOR CONSUME/POSSESS LIQUOR	CLARK/WA 03-8-00598-9	6/13/2003	8/14/2003		-
ASSAULT 4	CLARK/WA 04-8-00204-0	3/2/2004	3/29/2004		-
MINOR POSSES/CONSUME LIQUOR	CLARK/WA 05-8-00526-8	5/15/2005	5/27/2005		-

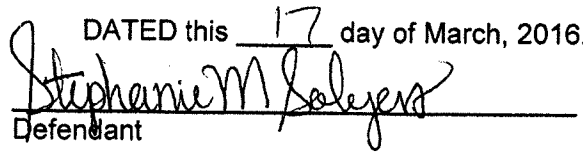
*DV: Domestic violence was pled and proved.

CLARK COUNTY PROSECUTING ATTORNEY
1013 FRANKLIN STREET • PO BOX 5000
VANCOUVER, WASHINGTON 98666-5000
(360) 397-2261 (OFFICE)
(360) 397-2230 (FAX)

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

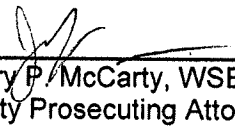
The Defendant's Offender Score is 0.

DATED this 17 day of March, 2016.



Defendant

PRO SE, WSBA#09999,
Attorney for Defendant



Jeffery P. McCarty, WSBA#33134
Deputy Prosecuting Attorney

CLARK COUNTY PROSECUTING ATTORNEY
1013 FRANKLIN STREET • PO BOX 5000
VANCOUVER, WASHINGTON 98666-5000
(360) 397-2261 (OFFICE)
(360) 397-2230 (FAX)

APPENDIX F

Vancouver Police Department

CASE NUMBER
GO 23 2016-2749

GENERAL OFFENSE

REPORTED DATE/TIME	OCCURRED DATE/TIME	REPORTING OFFICER/DEPUTY NAME & #
02/16/2016 2150	02/16/2016 1417	SKOLLINGSBERG, GUNNAR (231533)

LOCATION OF INCIDENT	PLACE
1602 SE 145TH CT, VANCOUVER	

COUNTY	DISTRICT	BEAT	GRID
CLARK	VP	42	

SEVERITY	FAMILY VIOLENCE	GANG INVOLVEMENT	BIAS	SPECIAL STUDY
MISDEMEANOR	YES		NONE (no bias)	

RELATED INCIDENT NUMBERS
AB 23 2016-782, AB 23 2016-994, GO 23 2016-2754, GO 23 2016-3582

TOTAL LOSS	TOTAL RECOVERED	DAMAGED TOTAL	DRUG TOTAL

CLEARANCE STATUS	EXCEPTIONAL CLEARANCE
CLEARED BY ARREST	NOT APPLICABLE

DATE/TIME CLEARED	CLEARED BY
02/18/2016	-

INTERNAL STATUS	APPROVED BY	APPROVED ON
ARREST - MISDEMEANOR	BLAISDELL, MARK (231278)	02/17/2016

OFFENSES [1]

OFFENSE	PREMISE TYPE
SIMPLE ASSAULT-MISD	RESIDENCE/HOME/APARTMENT

CRIMINAL ACTIVITY	WEAPON/FORCE USED
***GANG - NONE/UNKNOWN - For Violent Crimes	PERSONAL FORCE (hands, feet, teeth, etc.)

PERSON - ARREST CSTD #1

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
PETRENKO, ILYA SERGEYVICH	MALE	WHITE	02/19/1989	26

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
1602 SE 145TH CT, VANCOUVER WA 98683	6'00	190	BROWN	BROWN

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
	(216) 571-9115		

DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
PETREIS110CR (WA)	285-92-6503		NOT HISPANIC OR LATINO

CITIZENSHIP	MARITAL STATUS	LENSES/GLASSES	LANGUAGE
	MARRIED		ENGLISH

ARREST DATA

ARREST DATE	ARREST TYPE
02/16/2016	SELF INITIATED ARREST WITHIN YOUR JURISDICTION

CHARGES

STATUTE	CHARGE DESCRIPTION	BAIL	COURT DATE
WA 26.50.110(1)	DV, VIOLATION OF ORDER - GM, MISDEMEANOR, 2 COUNTS		

STATUTE	SUMMONS DESCRIPTION	BAIL	COURT DATE
WA 9A.36.041-DV	DV, ASSAULT IV - DV, MISDEMEANOR, CITE 6Z0241757		

PERSON - VICTIM #1

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
SALYERS, STEPHANIE M	FEMALE	WHITE	07/15/1989	26

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
1602 SE 145TH CT, VANCOUVER WA 98683	5'03	125	BLOND OR STRAWBERRY	BLUE

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
(360)	(360) 609-4200	(360)	

DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
SALYESM114MN (WA)	532-25-0908		NOT HISPANIC OR LATINO

CITIZENSHIP	MARITAL STATUS	LENSES/GLASSES	LANGUAGE
	MARRIED		

COMPLEXION	BUILD	HANDED	HAIR STYLE	FACIAL HAIR COLOR	FACIAL HAIR DESCRIPTION
	SLIM		LONG		

PERSON - W/KNOWLEDGE #1

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
CROWELL-DUNCAN, ESTHER	FEMALE	WHITE	06/25/1963	52

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
6204 SE FLAVEL CT, PORTLAND OR				

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
	(503) 984-7864		

DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY

PERSON - MENTIONED #2

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
SALYERS, DIANE L	FEMALE	WHITE	03/25/1961	54

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
KY				

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
(360)	(606) 367-7350	(360)	

DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
			NOT HISPANIC OR LATINO

PERSON - MENTIONED #1

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
JACKSON, ERICA	MALE	UNKNOWN		1

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
KY				

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
(360)	(606) 367-9481	(360)	

DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
			NOT HISPANIC OR LATINO

PERSON - OTHER #1

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
PETRENKO, MALACHI M	MALE	WHITE	11/02/2011	4

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
1602 SE 145TH CT, VANCOUVER WA 98683				

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS

DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
			UNKNOWN

PERSON - OTHER #2

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
PETRENKO, EZRA Z	MALE	WHITE	12/18/2012	3

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
1602 SE 145TH CT, VANCOUVER WA 98683				

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS

DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
			UNKNOWN

PERSON - OTHER #3

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
PETRENKO, MOSES S	MALE	WHITE	02/19/2015	0

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
1602 SE 145TH CT, VANCOUVER WA 98683				

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY UNKNOWN

SUPPLEMENTAL

AUTHOR	DATE/TIME
HAMLIN, ANDY (231095)	02/16/2016

SUBJECT
HAMLIN SUPPLEMENTAL

ACTION TAKEN:

On 2/16/2016 at approximately 1230 hrs. I was contacted by VPD Corporal Rickard by phone in reference to a call that they were currently involved with. Based on his request I responded to 1602 SE 145th Ct. along with Detective Aldridge, Detective Ahn and DOC Officer Smith.

I arrived and spoke with Corporal Rickard. He told me that a family member that resides out of state had reported that a female that was inside the residence had been assaulted by her husband. The female inside was identified as Stephanie Salyers and her husband Ilya Petrenko. The reporting party from out of state was Stephanie?s mother Diane Salyers. Diane reported that her daughter Stephanie told her that her husband Ilya had broken her fingers and her back. Diane also stated that she could hear a physical disturbance between Stephanie and Ilya and was confident that Stephanie was being assaulted. Cpl. Rickard said that he had seen Stephanie through the window and did not believe that she had broken fingers or a broken back. Cpl Rickard also advised that Stephanie had a misdemeanor warrant for her arrest. Cpl. Rickard also told me that there were three infant children in the house.

At that point my belief was that Stephanie and Ilya had been involved in some type of physical altercation. Although Stephanie had clearly not sustained the injuries that she had reported it was likely that she had been assaulted. I also knew that Stephanie had a misdemeanor warrant which gave us authority to enter her residence and arrest her.

I made verbal contact with who I believed was Stephanie and Ilya while they were in the garage which is in the front of the house. We attempted to open the garage door by using the remote in a vehicle in the driveway. The door was quickly closed and locked from inside prohibiting any further attempts.

I then went to the back of the house. All of the shades were drawn on the windows and we could not see in to the residence. I found a large window that was closed but not locked in the main living area. I opened the window and pulled up the blinds. Once I did this I could clearly see and communicate with Stephanie and Ilya who were in that room. Stephanie was holding her youngest child. Officer Donaldson also opened the other side of the window.

I spoke with both Stephanie and Ilya for several minutes. While talking to Stephanie I observed what appeared to be a minor injury to her right hand. It was an abrasion that appeared to be a very recent. I advised them that we would be coming in to their house if they did not exit based on the allegation of an assault and that Stephanie had an active warrant. I requested that they come out of the residence or open the front door to allow entry by other officers.

Shortly after I started talking to them Ilya began recording our interaction. Ilya and Stephanie were very resistive to entry in to

their house and told me that we did not have the right. Stephanie would come up to me and stand in front of the window in an attempt to prevent my entry.

After several minutes of discussion I made entry through the window. Prior to making entry I told Ilya to stay away from the window. I then directed Officer Skollingsberg that if Ilya came towards me while making entry to deploy his Taser. A bench had been placed outside of the window so it was possible to just step in to the living room area.

I stepped in through the window as Stephanie approached me still holding her child. Ilya stayed several feet away from me. Stephanie went by me and attempted to prevent Cpl. Musser from making entry. As she approached Cpl. Musser I grabbed Stephanie by the hair and pulled her away from the window. Several officers were then able to enter through the window. The front door was also opened to allow entry for others.

I assisted Officer Donaldson in directing Ilya to sit on the couch in the living room. I stayed in that position until Stephanie was secured and Ilya had calmed down.

While staying in front of Ilya I could hear and occasionally see the attempts to control Stephanie by Officer Skollingsberg, Cpl. Musser and Detective Aldridge. She was eventually handcuffed after several minutes of struggling with her.

Stephanie was placed in to handcuffs based on her demeanor and the active warrant for her arrest. Ilya was not handcuffed but was directed to stay seated on the couch until we had the opportunity to evaluate what had occurred.

After Detective Aldridge made several phone calls and had discussions with family that had arrived I spoke with her about the assault allegations. Based on the information that Detective Aldridge had obtained that is documented in her report, I believed that there was probable cause to arrest Ilya for Assault IV DV. He was placed in to handcuffs and transported to the CCSO jail. Soon after that Stephanie was transported to the CCSO jail and booked on her confirmed warrant.

Detective Ahn was directed to stay at the residence with family members and assist CPS when they arrived. I then left the scene.

ACTION RECOMMENDED:

Refer to original report.

CASE SUMMARY

AUTHOR	DATE/TIME
SKOLLINGSBERG, GUNNAR (231533)	02/16/2016 2151

SUBJECT
CASE SUMMARY

[20RCW01] Summary - RCW - Distribution v.150611

Case Summary
[DISPATCHED TO A PHYSICAL DISTURBANCE. UNCOOPERATIVE VICTIM AND SUSPECT INSIDE RESIDENCE. ENTRY MADE AND BOTH PERSONS DETAINED. ILYA ARRESTED FOR ASSAULT 4 DV. STEPHANIE ARRESTED ON HER WARRANT.]

Attachments
If you have MORE than the box allows create a new Narrative (NT)
In the subject line put "Attachment List", list all attachments
In the box below List Attachments or put "See Attachment List"
[PRE BOOK SHEET]

RCW		Counts	V1	V2	V3	V4
[9A.36.041-DV]	[ASSAULT IV - DV]	[1]	[X]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

How to route to Specialty Unit, Court, or PA
When finished with this form:
1. In the MRE Select "Routing" tab
2. Select correct organization from drop down

If the case needs to go to an External Distribuition, or to CMC or BMC

1. Fill out Information below
2. When done with form to to the "Routing" tab on the MRE
3. Select "DEXT" (Distro - External) from the drop down list.

Distribution 1 [ ]
Distribution 2 [ ]
Distribution 3 [ ]
Distribution 4 [ ]

Referral Info / External Distribution / "OTHER"
[ ]
External Distribution? [No]

NARRATIVE

AUTHOR	DATE/TIME
SKOLLINGSBERG, GUNNAR (231533)	02/16/2016 2151

SUBJECT
NARRATIVE

On 2/16/2106 at 1134 hours I was dispatched to the report of a physical disturbance at 1602 SE 145th Ct in Vancouver, WA.

Call notes stated Stephanie M. Salyers called her sister and told her she was being beaten up by her husband Ilya, that he was "Killing her" and that he broke her fingers.

It was relayed over the radio that Ilya was about to leave or had left in a black Ford pickup truck.

I arrived with Ofc. Donaldson at approximately 1137 hours and observed a white female matching the same description as the victim, later identified as Stephanie, standing in the cul de sac. After seeing me approaching from approximately 50 feet away she turned and quickly walked back into the residence at 1602 SE 145th Ct and closed the garage door while yelling " I have nothing to say to you".

I approached the house and observed a black Ford pickup was parked in the driveway in the spot closest to the front door to the residence. All the windows of the residence were covered with closed blinds. I knocked on the door and announced my name, that I was with the Vancouver Police Department, and that we needed to check to make sure everyone was okay. Stephanie yelled through the door she wanted me to go away and she did not want police at her house and called me a "Foreign agent". It was later discovered that Stephanie had a misdemeanor warrant for her arrest and that there were three children in the residence, all of which were under the age 4.

Several more attempts were made to contact Stephanie and she would intermittently answer mine and other officer's attempts to hail her through the door. More officers arrived and one contacted the original reporting party and one contacted Stephanie's mother because they had knowledge of the situation. Other officers attempted to call Ilya's phone to check on his welfare as well.

As I waited for a supervisor to respond to scene I heard Stephanie yelling at someone in the residence concerning bringing police to her home I also heard one loud banging sound as if someone slammed something heavy and hard on a counter once. I then went and spoke with the neighbor in the duplex who stated she did not hear anything that morning that sounded like a fight or even argument.

Stephanie yelled through the windows at officers that we were "Foreign agents", that everyone outside must provide her with three forms of ID and our social security numbers, that she was a corporation, that we were all from an "illegal conglomerate", and that and that she did not recognize our authority.

At approximately 1240 hours I observed a male, later identified as Ilya Petrenko, lift the blinds at the rear of the residence and set them down again. Ilya went to the sliding glass door, then each window and looked through the blinds. Multiple attempts to speak with Ilya through the window were unsuccessful and officers asked both Ilya and Stephaine to come

to the window and speak with us, or show us they were uninjured and neither did so.

At 1325 hours after the DV unit responded to scene they began to make entry through a rear window of the residence after several more attempts to check on the welfare of the persons inside. I went to the rear from covering the front and observed Sgt. Hamlin at an open window closest to the sliding door. Ofc. Donaldson was opening the right hand side of the same window and I saw Stephanie and Ilya attempting to close the window on Sgt Hamlin. I stated I would cover with Taser and Stephanie yelled "Don't tase my husband!" then attempted to slam the window shut on Ofc. Donaldson's hands.

Sgt. Hamlin repeatedly told Stephanie and Ilya to step away from the window and that he was coming inside and Stephanie placed herself in front of the open window and yelled at us that she would not let us inside. Stephanie was holding a baby that appeared to be approximately one year old as she did this and Ilya appeared to be recording the interaction with a cell phone. Sgt Hamlin then entered the residence and Stephanie grabbed at his left shoulder. Cpl. Musser then went in the residence and Stephanie raised her voice and clenched her hand in a fist. I entered through the window behind Cpl. Musser and grabbed onto Stephanie's clenched fist which was raised. I held her right arm and placed myself behind her while she held the baby in her left arm. I directed Stephanie to set the child down on the couch multiple times and she said "No". Cpl Musser then grabbed the baby and Det. Aldridge and I slowly removed Stephanie's arm from around the baby while I held her right arm behind her in a wrist lock.

After the baby had been removed Stephanie attempted to pull away and was pushing her body weight against me. I moved to her left side and lowered her in a controlled manner to the ground in the dining area of the home. I told Stephanie to roll over onto her stomach and she refused. I attempted to roll her onto her stomach by moving her left arm across her body and she posted her right arm on the floor, and was kicking her legs. Both myself and Det. Aldridge were unable to roll her over by over-powering her and Stephanie was still trying to pull her arms in and get free as she yelled. As I attempted to roll Stephanie over her hair got caught on my gloved hand and as she pushed her hand our I heard hair tearing. Cpl Musser then applied a carotid restraint and Stephanie was rolled over and placed in handcuffs without further incident. I checked the handcuffs for fit and double locked them.

AMR was called to respond to the scene and they evaluated Stephanie.

Both Stephanie and Ilya were spoken to and I was advised by Det. Ahn that probable cause existed to arrest Ilya for Assault 4 DV. At 1417 hours I placed Ilya in handcuffs, checked them for fit and double locked them. As I walked Ilya to my patrol vehicle and without prompting Ilya stated he did not consent to being arrested, that he had been making hot cocoa and just shrugged causing the phone to drop out of Stephanie's hand and her mother, who was on the phone with her at the time was overreacting.

I transported Ilya to the Clark County Jail without incident where he was booked for one count of Assault 4 Domestic Violence.

SUPPLEMENTAL

AUTHOR	DATE/TIME
MUSSER, HOLLY (231408)	03/05/2016 0828

SUBJECT
(ARREST CSTD #1) PETRENKO, ILY

ACTION TAKEN

On 03/05/2016 at approximately 0700 hours, I observed in my work mailbox, a certified letter from Ilya Petrenko. The letter was addressed "[wo] man: Holly Musser" with the VPD headquarters address. Upon opening the letter, the first page had a "notice" entitled "wrongdoer." The following pages were addressed from Ilya Petrenko vs me with the subject matter of Ilya alleging that I still had his "property."

Ilya documents his property exhibits A-D, listing his wife Stephanie and their three children. Ilya said he would be charging the "wrongful holder" one dollar per second for as long as the property was not returned to him.

Ilya signs the document he created on 02/25/2016 and includes a partial fingerprint in blue ink.

These documents were scanned into this report with the originals being entered into TraQ Evidence.

RECOMMENDATION

For information only

IMAGE ATTACHMENT (580710)

notice:

wrongdoer

1

IMAGE ATTACHMENT (580715)

notice:

wrongdoer

1

i, man, verify all herein be true:

Federal Court

at

District Court of Washington for Clark County

- Ilya Sergeyvich Petrenko
- v.
- Holly Musser
- Cause Of Action: the Administration of Property w/o right

1

1. i, Ilya Sergeyvich Petrenko, gave no entity the right to administrate my property;

2. i say that:

- Exhibit A, a.k.a. Crown, a.k.a. Steph, a.k.a Phunny,
- Exhibit B, a.k.a. Crown Jewel, a.k.a Malachi, a.k.a. Mally,
- Exhibit C, a.k.a. Crown Jewel, a.k.a. Ezra, a.k.a. EZ,
- Exhibit D, a.k.a. Crown Jewel, a.k.a Moses, a.k.a. Mosey,

is my property;

3. i say no [wo]man will make a claim, saying my claim is untrue,

4. i want my property returned to me, and;

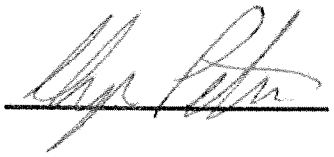
5. said property is to be totally under my control , posthaste;

6. i will charge the wrongful holder $1.00 for each second said property is not returned to me starting on the 23 day after they have received their notice to answer my claim. This charge will remain in effect until said property is returned.

i verify now and will affirm, in open court that all inhere be true...

1. 02-25-2016

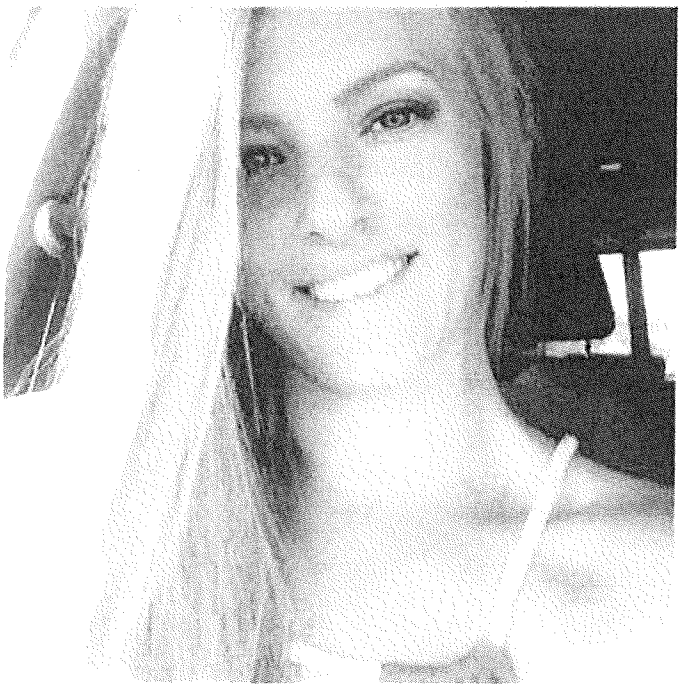
2. Ilya Sergeyvich Petrenko

3. 

4.

1

Exhibit A



a.k.a. Crown

a.k.a. Steph

a.k.a. Phunny

Exhibit B

a.k.a. Crown Jewel

a.k.a. Malachi

a.k.a. Mally

IMAGE ATTACHMENT (580717)

Exhibit C

a.k.a. Crown Jewel

a.k.a. Ezra

a.k.a. EZ

IMAGE ATTACHMENT (580719)

Exhibit D

a.k.a. Crown Jewel

a.k.a. Moses

a.k.a. Mosey

FOLLOWUP REPORT #1

ASSIGNED TO	RANK
MUSSER, HOLLY (231408)	
ORG UNIT	CAPACITY
WEST PATROL	1-INVESTIGATOR, SECONDARY

ASSIGNED ON	ASSIGNED BY	SUBMITTED ON	APPROVED ON	APPROVED BY
02/16/2016	MUSSER, HOLLY	02/16/2016	02/16/2016	JOHNS, PAT

SUPPLEMENTAL

AUTHOR	DATE/TIME
MUSSER, HOLLY (231408)	02/16/2016 1618

SUBJECT
SALYERS DV SUPPLEMENTAL

TRAQ DIGITAL: Photos of Stephanie Salyers

ACTION TAKEN

On 02/16/2016 at approximately 1132 hours I responded to assist other officers on a physical disturbance at 1602 SE 145th Ct. The reporting party, Ericka Jackson stated she is out of state and was talking to her sister, Stephanie Salyers over the phone. Ericka explained Stephanie told her that her husband was "beating her up" and "killing her." Ericka also said Stephanie mentioned that her fingers were broken.

Ericka identified the husband as Ilya Petrenko and said he has "PTSD." While enroute to the address, Ericka said she could hear "screaming" on the phone and that Stephanie told her that Ilya had given her a "black eye, broke her fingers, and kicked her in the tail bone." Ericka also advised Ilya was following Stephanie around and would not leave her alone.

As officers arrived on scene, Ericka got off the phone with the dispatcher. Upon my arrival, I observed Ofc Skollingsberg and Ofc Donaldson were already on scene. They advised they had observed Stephanie outside when they arrived and she refused to talk to them. Stephanie went back inside the residence, closing the garage door behind her. Stephanie continued to be uncooperative and would yell out at officers we needed to show her "proof of authority" and that no one could "trust the government."

Dispatch advised that a check of Stephanie's name showed she had a misdemeanor warrant and according to Ericka, three children under 5 years of age should be in the residence.

The warrant was confirmed more than once.

Stephanie continued to randomly shout at officers behind the door and refused to open the door or the window blinds. Stephanie would also have a conversation with someone inside the residence and would not answer her phone when called by any officer. Ericka called Dispatch again to explain she had talked to Stephanie who knew the police were outside.

Ericka said Stephanie told her she is "afraid for her life."

While trying to maintain communication with Stephanie, Ofc Donaldson was able to peer through the top portion of the front door and get a quick visual of Stephanie. Ofc Donaldson advised it didn't appear as if Stephanie had any obvious finger or facial injuries from his vantage point.

While trying to convince Stephanie to come outside and speak with us, lots of banging and movement could be heard inside the residence. Initally I was standing near the garage and could hear children crying and Stephanie talking to an unknown person.

As Corporal Rickard and Ofc O'Meara were attempting to obtain more information from Ericka and other family members, I tried to explain to Stephanie why we were there. Stephanie shouted at me that she "didn't trust men" and "I'm a woman. You need to demonstrate where your authority comes from! This is North America and I don't want you here. I don't need help! I'm okay! You are scaring me with this nonsense. I want to know where your authority comes from."

Stephanie would then stop yelling at us and go back to talking inside to someone.

Officer O'Meara was able to contact Ericka and her mom, obtaining additional information about what had been heard. For that conversation, refer to Ofc O'Meara's report.

Corporal Rickard was able to get ahold of DV Detective Ahn while I briefly spoke to DV Detective Aldridge. Both Detectives advised they would speak with DV Sgt Hamlin and would respond to the scene to assist.

While waiting for the DV Units to arrive, Ilya confirmed his presence briefly by opening the blinds and showing himself to officers outside. It also appeared as if Ilya was holding up a phone or a type of recording device. Shortly after Ilya went back into the residence out of view, Sgt Hamlin, Detective Ahn, Detective Aldridge and DOC Officer Conroy arrived on scene.

As some officers were trying to make contact from the backside of the residence the garage began to open a few inches off the ground. Stephanie could be heard shouting to someone and there was the sound of glass breaking. Ilya was then heard coming to the garage where he shouted at us that "no one wants to talk to you!" The garage door then shut and lots of stomping and movement could be heard.

A few minutes later, Sgt Hamlin was able to make verbal and visual contact with Ilya and Stephanie who was holding a small child. Both Ilya and Stephanie were yelling at Sgt Hamlin that he could not speak to them and there was no reason to speak to them separately. Sgt Hamlin had his hand on a window pane that had the glass window part open.

Sgt Hamlin continued to talk to Ilya and Stephanie and explained why we were there. Sgt Hamlin explained several times about domestic violence and how important it is to make sure we properly investigation the allegations that were being made.

Ofc Donaldson was able to open the other side of the window which caused Stephanie to get more upset. Several times Stephanie tried to close the window on whichever officer was trying to keep it open. Sgt Hamlin, who was standing on a small bench to better access the window, explained to Stephanie and Ilya that if they would not open the front door, he would

come through the window.

Ilya was verbally upset but did not try and stop Sgt Hamlin from entering through the window. Sgt Hamlin repeatedly asked for either of them to open the front door so that we could come in and question them both separately. Stephanie, while holding her child, (identified later as 11 month old Moses Petrenko), would continually walk in front of the window, in an attempt to block Sgt Hamlin from coming inside.

Sgt Hamlin would put his hand up, palm out to touch Stephanie and ask her to move away from the window. Ilya repeatedly told Stephanie to move away from the window while he shouted at us to "get a warrant." When Sgt Hamlin touched her, Stephanie shouted "He's abusing me. That's assault! I hope you're recording this!"

As Sgt Hamlin announced his intention to go through the window and as he went through the window, Stephanie acted as if she was going to try and push him back out. I immediately followed Sgt Hamlin in through the window who stepped in between Stephanie and Ilya to separate them. While I went through the window, Stephanie hit the blinds with her free hand, causing them to slide down, almost knocking me in the face.

Detective Aldridge and Ofc Skollingsberg came in after me and were able to get Stephanie out of the way of the window. I then went to the front door and opened it to allow other officers inside to assist.

When I turned back around, I observed Stephanie, still holding her child, trying to either push by officers to get to Ilya or trying to push other officers from getting in by using her body to block the small space. As Stephanie became more agitated, I observed she was squeezing the mid section of Moses, causing him to look uncomfortable and in pain.

In order to prevent possible injury to Moses, Detective Aldridge grabbed one of Stephanie's arms while Ofc Skollingsberg grabbed the other. On my count, they both peeled Stephanie's hands/arms off of Moses where I was able to grab him without further incident. I held Moses briefly before passing him to DOC Officer Conroy.

When I turned back around, I observed that Stephanie was on the ground struggling with Ofc Skollingsberg and Detective Aldridge. Stephanie continually shouted at us to leave her alone and to give her back Moses. Stephanie refused to listen to commands and continually tried to get up off the floor.

I went to assist Ofc Skollingsberg and Detective Aldridge who were advising Stephanie several times she need to calm down. Stephanie had twisted a part of her body so that she was partially on her side and partially on her back, facing towards Ofc Skollingsberg. I tried to pull her left arm from out beneath her but was unable to do so because of how she had positioned her body. Stephanie was highly emotional and animated, and it appeared to me that if she was not placed under control quickly, she could injury someone or herself.

As I was positioned near Stephanie's head, I applied a neck restraint by encircling her neck with my left arm. I then used my right hand to position

Stephanie's head into the crook of my arm where it was snug and tight. As I began to squeeze harder, my left arm was placing direct pressure onto the sides of Stephanie's neck (where the carotid arteries are located).

While maintaining my hold, I then used my right arm to come behind Stephanie's head for further support. While maintaining this position, I was able to rotate Stephanie's body so that she was on her stomach. While I was maneuvering Stephanie, Ofc Skollingsberg and Detective Aldridge were able to take control of Stephanie's hands and secure her in handcuffs.

During the time I held the hold around Stephanie, I continually talked to her about what I was doing. She responded by saying "I can't breathe!" to which I responded that if she could talk to me, she could still breathe. I told Stephanie that if she stopped resisting and allowed the officers to handcuff her, I would release the pressure around her neck. I also advised her that if she didn't listen, I would apply more pressure until she became unconscious.

Almost immediately, Stephanie stopped squirming around, saying "Okay, I'll relax" and I was able to release the pressure, but still maintain the hold. At no point did Stephanie lose consciousness and she was able to maintain her breathing although it would change depending on how much pressure I had around her neck.

Once Stephanie was handcuffed, I released the hold and stayed next to Stephanie who was lying face down on the kitchen floor. I asked her if she wanted to sit up and she said "No, I'm okay right here." I stayed on my knees and bent down to talk to her. I asked Stephanie if she was hurt or wanted medical attention. Stephanie said she only hoped her hair would grow back because Ofc Skollingsberg had "taken a chunk" while they were on the ground.

Stephanie did not want to go to the hospital and said she wasn't injured. I did ask AMR to respond to check Stephanie's neck and throat area to make sure there were no injuries.

While waiting for AMR to arrive, Stephanie calmed down significantly. Stephanie said she felt "better" and said this whole incident is "my mom's fault." I asked her why and she responded "My mom never said why she was calling you guys. Ilya never hurt me. We are one flesh. I can't trust other men, I was sexually assaulted in the Marine Corps, I just can't trust anyone else but him." Stephanie continued and said "I talked to my mom an hour before you came. I'm fine. Can't you see that I am fine? My mom's in Kentucky and has no idea what's going on."

I asked Stephanie if her mom had misheard anything over the phone. Stephanie said "She did this to my sister before. She's making this up because she's upset we moved out here. I knew you were all out there but because of my PTSD, I was scared of being surrounded. Actually, I wasn't scared, just upset that no one would leave us alone. I don't want any help. He didn't do anything to me."

Stephanie would not elaborate if she had gotten into an argument with Ilya prior to our arrival or if any threats or assaults had taken place.

When AMR arrived, I walked outside with Stephanie and observed some markings on her neck. I observed these marks were red and spread in the front of her throat area and below her right ear. I also observed that Stephanie had multiple layers of foundation makeup on her face, making it difficult to see if she had any facial injuries.

I asked Stephanie about the marks on her neck and she explained "I take the fifth. I don't know how those got there. It wasn't from Ilya." I explained to her that based upon my training, I knew that the marks on her neck were not from the hold I had used earlier. Stephanie said "Yeah, I know. My breathing was totally fine for that. It's much better now that I don't have your arm around my neck constricting my airway."

I also explained to Stephanie that she had a warrant which had been confirmed. Stephanie was upset and explained she had asked the court to delay her court appearance. I explained to Stephanie that just because she sent an email, doesn't mean the warrant is invalid. Sgt Hamlin had also come outside and explained the warrant had been confirmed (again).

AMR checked Stephanie and her vitals were normal. Stephanie explained she didn't want to go to the hospital and had no need for medical treatment.

I took photos of Stephanie and entered those photos into TraQ Digital later at Vancouver East Precinct.

After talking with Stephanie, I was advised by Sgt Hamlin there was also probable cause for Ilya's arrest for Assault IV-DV. Ilya was transported to CCSO Jail by Ofc Skollingsberg.

Stephanie was transported to Jail by Ofc Donaldson for her warrant. For the disposition of her children, refer to other supplemental reports.

Once Staphenie was transported, I cleared from the scene.

RECOMMENDATION

Attach to Original

FOLLOWUP REPORT #2

ASSIGNED TO	RANK
RICKARD, DOUG (231193)	
ORG UNIT	**CAPACITY**
EAST PATROL	1-INVESTIGATOR, SECONDARY

ASSIGNED ON	ASSIGNED BY	SUBMITTED ON	APPROVED ON	APPROVED BY
02/16/2016	RICKARD, DOUG	02/16/2016	02/17/2016	BLAISDELL, MARK

NARRATIVE

AUTHOR	DATE/TIME
RICKARD, DOUG (231193)	02/16/2016 1132

SUBJECT
ILYA PETRENKO

SUPPLEMENTAL REPORT:
On 02/16/16 I was assigned to uniformed patrol in the City of Vancouver. At about 1133 hrs dispatch broadcast a physical disturbance occurring at 1602 SE 145th Ct. The call indicated that a female, Stephanie Salyers, was being assaulted by her husband, Ilya Petrenko. The caller, Erica Jackson who is Stephanie's out of state sister, said that Stephanie had called her and that Ilya was beating her up at the time of the call. Notes in the call indicated that Ilya was "killing her", "broke her fingers", "Gave her a black eye" and "kicked her in the tailbone x2"

Several VPD units were dispatched to that location. I requested that two additional units respond as the call indicated that Ilya may be trying to leave in a black Ford pick up. I responded from the area of SR-500 and I-205. While enroute, Dispatch advised that Stephanie had a misdemeanor warrant out of Cowlitz County. Upon arrival I contacted Ofc. S. Donaldson who advised that when they arrived the female walked into the garage and shut the door. They had attempted contact with Stephanie, but she refused to cooperate, converse or open the residence door to speak with them. Ofc. Donaldson was able to see in the upper windows of the front door. He saw Stephanie inside of the residence and she did not to appear to be suffering from the afflictions that were noted in the call for service. He didn't see a black eye or disfigured fingers. Also when Stephanie walked into the garage, she didn't appear to be disabled from a back injury.

I knocked on the front door. A female voice, which I assumed to be Stephanie yelled for me to quit knocking and ringing the door bell because she had a kid trying to sleep. I identified myself and asked her to open the door in order to ascertain that he was unharmed. Stephanie said that she was fine and that we needed to go away. I explained to her that we were obligated to investigate any reports of assault or domestic disturbances. She again refused to cooperate. This back and forth between her and I went on for 10-15 minutes. Cpl. Musser advised that the next door neighbors (attached duplex) said that they heard no disturbance prior to our arrival.

I went to the back of the residence and was able to hear her in that area. I knocked on the glass sliding door several times and was able to get her to answer me. I asked her to show me her hands to see if she had any injuries. After some prompting, Stephanie pulled the blinds slightly back and showed her hands. I saw no injuries or disfigurement. She pulled her hands out of view and demanded that we leave the area.

Ofc. O'Meara had contacted Stephanie's mother as well as Erica to obtain

more information. (see Ofc. O'Meara's supplemental report.). He advised me that the mother believed that both Stephanie and Ilya suffer from undiagnosed PTSD as well as paranoia.

Due to the fact that we were unable to examine Stephanie and Ilya to determine if any injury had occurred, Stephanie's refusal to cooperate and that there were 3 children, under the age of 4, inside of the house, I telephoned Det. Ahn of the Domestic Violence Investigation unit. I briefed him of the situation. He conferred with Sgt. Hamlin and called me back. Det. Ahn advised that the decision was ours of what to do. He did advised that Sgt. Hamlin advised if he was in our situation, he would "go in". I presumed this to mean that he would make entry into the secured residence to check the welfare of those inside to ascertain if a crime had occurred.

Armed with this information, I called Sgt. Hamlin to brief him of the situation and seek his guidance. He also gave me the same advice. To ensure that Sgt. Hamlin had a full and complete picture of the situation, I asked him and his detective unit to respond to our location.

Upon arrival I advised Sgt. Hamlin of the situation up to date. I was standing near the front of the residence with DOC Ofc. Conroy when, after about 10-15 minutes on the scene, Sgt. Hamlin and others were at the back of the residence. I heard some yelling and commands being given (Open the door, step back from the window). I went to the rear and saw that the left sliding back window was open and Sgt. Hamlin was standing on a bench telling Stephanie to open the front door so he wouldn't have to enter through the window. Ofc. Donaldson opened the right window. I went to the front door to receive any persons who may open the door.

Det. Aldridge came to the front and said, " Boot the door. Either kick it open or provide a distraction." Ofc. O'Meara advised her that he would not force entry into the residence. Before either Det. Ahn or I could make the attempt, somebody opened the door (I don't remember who the officer was). I entered the residence and saw Sgt Hamlin and Ofc. Donaldson talking with Ilya who was seated on the sofa in the living room. I saw Cpl. Musser and Ofc. Skollingsberg attempting to gain control of Stephanie who was screaming and thrashing about. Det. Aldridge assisted in calming and detaining Stephanie.

I assisted Det. Ahn in completing a safety sweep of the upstairs bedrooms. We found two boys aged 3 and 4 in the hallway. No other persons were located. After some investigation, Sgt. Hamlin advised that Ilya would be arrested for Assault-IV, Domestic Violence. Stephanie, who was still handcuffed for her aggressive behavior, was placed under arrest for the outstanding warrant. Due to Cpl. Musser placing a neck restraint on Stephanie, AMR was summoned to the location to assess her physical condition. After being medically cleared, Stephanie was transported to the CCSO jail for booking on the warrant. Ilya was transported for the charge of Assault-IV, DV.

The Domestic Violence detectives made arrangements with CPS for the care of the three children.

ACTION RECOMMENDED:
Attach to case file.

FOLLOWUP REPORT #3

ASSIGNED TO	RANK
ALDRIDGE, SANDRA (231409)	
ORG UNIT	**CAPACITY**
DOMESTIC VIOLENCE	1-INVESTIGATOR, LEAD

ASSIGNED ON	ASSIGNED BY	SUBMITTED ON	APPROVED ON	APPROVED BY
02/17/2016	HAMLIN, ANDY	03/08/2016	03/08/2016	HAMLIN, ANDY

SUPPLEMENTAL

AUTHOR	DATE/TIME
ALDRIDGE, SANDRA (231409)	02/18/2016 1619

SUBJECT

ORPHAN DOCUMENTS:

Probable Cause Statement

ACTIONS TAKEN:

On 02/16/16, I was contacted by Cpl. Musser regarding a patrol call (domestic violence related) that she and several other officers were handling at 1602 SE 145th Ct. Cpl Musser explained to me the call; stating that an out of town family member called Vancouver Police to report an assault in progress with her sister, identified as Stephanie Salyers, and Stephanie's husband, Ilya Petrenko. However, neither party would speak to officers, come outside so officers could verify that everyone was safe or allow officers inside to investigate the alleged assault.

I spoke to Sgt. Hamlin about this call and it was determined that the DV Unit would respond to the address. Upon arrival I spoke to Cpl. Rickard and other officers regarding the status of the situation. It was confirmed that both Stephanie (who had an outstanding warrant for her arrest) and Ilya were in the home with their three children, all under 5 years old. I also tried to make verbal contact with either Ilya or Stephanie as I heard talking in the garage. I asked Ilya to step outside and speak to officers and to allow officers to see the family to verify that everyone was safe and uninjured. He only continued to say they were fine and that no one was injured but would not make personal contact with officers.

A short time later, I went to the rear of the residence and saw Sgt. Hamlin at an open back window, attempting to speak with Stephanie and Ilya. Stephanie was holding a small child that appeared to be about 1 year of age. Both Ilya and Stephanie made statements about the police being "Foreign Agents" and not recognizing our authority. Sgt. Hamlin attempted numerous times, in a calm voice, to explain to both Stephanie and Ilya that there was a report of an assault and that we needed to investigate this prior to leaving their residence. Sgt. Hamlin further explained to Ilya that he wished to speak to Stephanie outside of his presence. Ilya stated Stephanie could speak to him through the open window but Sgt. Hamlin explained to Ilya that this was not acceptable. While at the window, I noticed that Stephanie had an injury (a scrape and red mark) on her right hand, between her middle and ring finger. It also appeared as though the top/back of her hand was beginning to bruise. When Stephanie saw me looking at her hand, she became agitated and told me to stop looking at her.

By this time, Sgt. Hamlin had been conversing with Ilya and Stephanie for some time (conservatively 10 minutes) and was getting no where with cooperation from either of them. Ilya continued to video the incident with his phone and Stephanie continued to yell at officers while holding her small child. During his contact with Ilya and Stephanie, Sgt. Hamlin explained clearly that officers were going to enter the residence, the reason for the entry and that things would be easier for everyone if Ilya or Stephanie would simply open the door and allow us to speak to each of them for 5 minutes. Ilya and Stephanie continued the same behavior.

At this time, my concern was for the safety of Sgt. Hamlin when he entered the window as this is an extremely vulnerable position for an officer when a person, especially uncooperative, is inside the room the officer is to enter. Given that both Ilya and Stephanie were inside and that Stephanie had approached and blocked the window several times, while still holding her child, I told Sgt. Hamlin that I would go to the front door and attempt entry there. With the knowledge I had at the time about the alleged assault, the visible injury to Stephanie and Stephanie's arrest warrant, I felt justified and comfortable with forcing entry though the front door, if necessary. As I walked to the front door where other officers were standing I decided at least to start with a rouse of forcing entry to the front door in hopes it would distract Stephanie or Ilya and they would come to the front door, creating less of an obstacle for Sgt. Hamlin, making it safer for him and other officers to enter through the open window and not creating damage to the residence. I quickly explained this to officers at the front door, specifically asking Det. Ahn if he felt comfortable completing this task as he is stronger and would more effectively be able to kick a door in than I would be. Det. Ahn stated he would be able to do this. However, by this time I heard a significant increase in conversation and commotion coming from the back of the residence so I returned to that location. I then saw Cpl. Musser and Ofc. Skollingsberg entering through the window and entered after them. Once I entered. Ofc. Skollingsberg was attempting to control/arrest Stephanie who was still holding her child. I assisted Ofc. Skollingsberg and was soon joined by Cpl. Musser. I explained to Cpl. Musser and Ofc. Skollingsberg that I was going to remove Stephanie's arm from around her baby and Cpl. Musser was to take control of the child. When this was happening, Stephanie was holding very tightly to the child around his mid-section. I removed Stephanie's arm by prying her fingers back. Once her arm was no longer controlling the child, Stephanie tried to trap the child's body between her thigh and chest by bringing those two body parts together, effectively pinching the child between her chest and thigh. Cpl. Musser was able to take the child from this spot and ultimately handed the child to DOC Ofc. Tanis Smith (referred to in other reports as DOC Ofc. Conroy; married/maiden name).

Ofc. Skollingsberg and I then attempted to control and arrest Stephanie but she continued to resist. I explained to Stephanie that she did have a warrant and was being arrested, to stop resisting, but she continued. Stephanie was able to move her body in ways to defeat our control techniques and we were soon joined again by Cpl. Musser. It was clear that Stephanie was going to continue to resist arrest and I was concerned there her or officers would be injured because of this. I had control over one arm and Ofc. Skollingsberg had control of the other. When Cpl. Musser assisted, I suggested, if she was able, that she perform a neck restraint in an effort to quickly and safely affect the arrest as I did now want to let go of Stephanie's arm that I had control of to perform the restraint myself. I also know that Cpl. Musser is a certified defensive tactics instructor and that she has successfully performed neck restraints in the field on previous occasions. Cpl. Musser moved behind Stephanie and placed her into the neck restraint, talking calmly to her throughout the process. I heard Cpl. Musser explain what she was doing throughout the event and provide directions to Stephanie to place her hands behind her back so she could be handcuffed. Ofc. Skollingsberg and I were then able to place Stephanie into cuffs which were double locked by me after being checked for proper fit. Throughout this event, while the neck restraint was applied, Stephanie's body stayed tense and she would move in response to our touch and commands. At no time did I feel her body relax or go limp suggesting she went unconscious nor did I hear her stop talking back and forth with Cpl. Musser.

Once Stephanie was in handcuffs, Cpl. Musser let go of Stephanie and we offered for her to sit/get up. Stephanie stated she was fine where she was on the floor and we allowed her a few moments to collect herself. After a minute or two, we helped her to a position where she was able to sit on a stool. Stephanie began to calm down and Cpl. Musser stayed with her while I spoke with Sgt. Hamlin. I explained to him that I wished to contact the original reporting party to learn more about the call made by Stephanie.

I walked outside to call the reporting party and was met with an adult female pulling into the driveway. She identified herself as Stephanie's aunt and that she had received a call about what was going on from her sister, Diane. I directed her to stay outside of the residence and she ultimately helped watch over the three kids, Moses, Malachi and Ezra. I then called Stephanie's mother, Diane Salyer, and identified myself. I asked Diane to explain to me what took place today and learned the following in summary:

Both Ilya and Stephanie were in the US Marine Corp and both have PTSD from their experience in the military. Stephanie was sexually assaulted while in the Marine Corps and her PTSD was a result from that. Ilya and Stephanie have had a tumultuous relationship almost from the beginning and the family has believed there to be abuse by Ilya for some time. Diane specifically referred to a Facebook post from December 2015 in which Stephanie posted a picture of herself with blood on her mouth, stating that Ilya caused the injury. I asked Diane to please forward me that information and then asked her about what, specifically, happened today. Diane explained that she, her husband and their daughter, Erika, were all watching a movie when Stephanie called. She answered the phone and immediately Stephanie began to make statements that "he" was going to kill her and that she was going to die today. Diane said she tried to question Stephanie as to what was going on and that Stephanie was crying and yelling. However, the phone then was dropped or taken away and Diane could only hear what she was confident was a physical altercation. Diane added that it sounded as though Stephanie was being choked (strangled) as she could hear Stephanie gasping for breath. Stephanie ultimately got back on the phone and Diane said she could tell that Ilya was following Stephanie around the home. Diane told Stephanie to try to go to a room where Ilya was not but this proved challenging. Stephanie then made statements to Diane that on the previous day Ilya kneed her in the tail bone (aggravating an older tail bone injury) and that "now", Ilya has broken her fingers. Diane stated she asked about Ilya hitting her and Stephanie told her that Ilya hits her everyday. Diane also added that Stephanie told her the argument started with her getting upset with Ilya for buying video games instead of putting the money towards diapers and food for the kids.

I thanked Diane for her time and explained that I would likely be calling her back soon. Diane was very emotional when she spoke to me and was very frustrated; saying that when Stephanie calls like this (inferring that she has on previous occasions) and tells her about the abuse, Diane never knows what to do and what does Stephanie want from her, for her to just keep putting up with Ilya beating her daughter? Diane felt the family had no other option but to call law enforcement. I reassured Diane that if she felt Stephanie was in danger, that she did the right thing and ended my conversation with her.

I then went back inside the home and spoke to Stephanie. I asked Stephanie about her call to her mother today and she stated that she did call her mother today and told her about how she was frustrated about Ilya buying video games and not things for the children. Stephanie then told me that when she confronted Ilya about this, he told her that he was the man in the relationship, she was the woman and was beneath him; therefore she had to obey him. I asked if there was a physical confrontation and Stephanie stated there was not. I asked Stephanie about the injury to her hand and she asked which one. I told her on her right hand and she was able to pull her hands around to her right side, while still handcuffed, and view her right hand. I pointed out the scrape and red mark between her fingers and she hesitated and said maybe they were from doing the dishes. I explained that it didn't look like an injury that would come from dish washing but Stephanie did not comment further about it.

I then spoke to Stephanie about her mother calling us and asked why her mother would tell us that she thought Stephanie was being assaulted. I also asked Stephanie about the dropping of the phone. Stephanie stated that she threw the phone during the conversation but did not explain why. She then went on to say that her mother got her sister sent to prison for 7 years. I asked Stephanie to tell me about this. Stephanie explained that another sister, not Erika who was with her mom in KY, was in a relationship with a man that abused her child. Stephanie's sister claimed to have been the one abusing the child so her boyfriend/the child's father (Stephanie was not clear as to which) did not go to prison. Hence, she went to prison for not standing up to her boyfriend. I asked Stephanie, that based on what she told me, did her sister go to prison because of her mother, or, perhaps, because of her own actions or inactions. Stephanie said it was due to her sister's own actions, her mother just reported it. I referenced that it seems her mother is in that same position again and that something happened today to make her mother feel as though they needed to call the police. Stephanie continued to deny that anything physical happened.

By this time I had received text messages from Diane containing photos from a Facebook post, reportedly posted by Stephanie. The photo was of her face and blood was coming out of her mouth. I showed this photo to Stephanie and asked about it, with the knowledge that Diane stated Stephanie told her the injury was from Ilya hitting her. Stephanie explained that she was just spitting out blood, that most of the fluid seen was actually only spit. I mentioned what Diane had told me and Stephanie stated that was not the case, that Ilya did not hit her. I asked several times why her mother would say these things and Stephanie said it was because her mother wanted to take her back to Kentucky. I explained to Stephanie that if the allegations made by Diane

were not true, it would in no way help her mother get Stephanie and the kids back to KY with the family. That actually, it would do the opposite. Stephanie had no other comment about this.

I then discussed what I had learned with Sgt. Hamlin and my belief that there was probable cause to arrest Ilya for Assault IV DV based on the statements made by Diane and the injuries visible on Stephanie. During this time, I was also able to see red marks on both sides of Stephanie's neck and on her throat. Cpl. Musser confirmed that these marks did not come from the neck restraint used by her. Sgt. Hamlin directed patrol officers to take Ilya into custody while I worked on placement of the children. Also during this time, I received information from a friend of Stephanie's named Elizabeth. Elizabeth called me and briefly told me that when Stephanie posted the bloody picture of Facebook, she asked her why she would post such a thing. Elizabeth told me that Stephanie explained that she had "mouth off" at Ilya so he punched her in the mouth and the picture posted was a result of that punch. I explained to Elizabeth that there were things I needed to deal with on scene but that I would re contact her if needed and she stated she was willing to help with whatever was needed. I thanked her for her time and ended my conversation with her. I then mentioned to Stephanie what I had learned from Elizabeth and asked if everyone was lying about the assaults. Stephanie turned away from me and stated she was not testifying against her husband. She would not state anything further.

Ilya and Stephanie were separately transported to the CCSO Jail. I responded to the jail and provided a probable cause statement for the charge against Ilya. While at the jail I informed Stephanie that her children were placed into protective custody. She appeared emotional and we talked about possible placement. I told her that it appeared that her children were going to be placed with a member of her family and she seemed relieved by that information.

After booking Ilya, I went to DSHS and signed a transfer of custody for the children in this case.

RECOMMENDATIONS:

Please attach this report to the original and forward to DVPC PA J. Randall as he is the assigned PA for the case.

FOLLOWUP REPORT #4

ASSIGNED TO	RANK
DONALDSON, SEAN (231544)	
ORG UNIT	**CAPACITY**
EAST PATROL	1-INVESTIGATOR, SECONDARY

ASSIGNED ON	ASSIGNED BY	SUBMITTED ON	APPROVED ON	APPROVED BY
02/18/2016	DONALDSON, SEAN	02/18/2016	02/18/2016	TRUMPF, ROD

SUPPLEMENTAL

AUTHOR	DATE/TIME
DONALDSON, SEAN (231544)	02/18/2016 1115

SUBJECT
OFC S DONALDSON SUPPLEMENTAL

On 02/16/2016 at 1132 hours, while working uniformed patrol as 2E32, I responded to the report of a physical disturbance at 1602 SE 145th Ct in Vancouver, WA. The caller, identified as JACKSON, Erica, was reporting that her sister, identified as SALYERS, Stephanie, was involved in a fight with her husband, identified as PETRENKO, Ilya. Erica told Dispatch that Stephanie had called her to report the disturbance. Erica said that Stephanie reported her finger had been broken and that Ilya was killing her. Erica reported that there were 3 young kids in the residence.

Upon arrival with Ofc. Skollingsberg (2E44), I observed a white female, who was later identified as Stephanie, walking in the middle of the street at the end of the cul-de-sac. Stephanie saw us as we approached and yelled out that she didn't need our help. She also told us to go away. Before we could reach her, Stephanie fled inside the garage of the residence and closed the garage door. We could heard Stephanie yelling from inside at us to go away.

Dispatch alerted me that Stephanie had a misdemeanor warrant for her arrest at that time. Dispatch provided a description which matched the female we had seen in the street. It was confirmed via DOL photo that they were one and the same.

I attempted to contact Stephanie at the front door. She engaged in conversation with me at times but was unwilling to open the door. I was able to look through the top window of the door to see her. She reached one of her hands up to cover the window. I saw that the other hand was holding her cell phone to her ear. It appeared that she was talking to someone on the phone. Neither of her hands appeared to be injured. I was unable to get a clear look at her face and could not confirm whether or not she had any facial injuries.

I informed Cpl. Rickard (2X68) of my observations. I then stood by as a cover officer while other officers attempted to converse with Stephanie and other persons inside.

While I was in the backyard, I saw the window blinds on the back windows lift up several times. It appeared that a male subject, who was later identified as Ilya, was lifting the blinds. I saw that he was holding a cell phone in his hand. He was yelling that he was filming us and that we were violating his rights. I heard other officers attempt to reason with him to allow us to check on the family's wellbeing but he declined assistance.

At approximately 1300 hours, I saw detective units with the Domestic

Violence unit arrive at the front of the house. Sgt. Hamlin (2K70) was able to make contact with Stephanie and Ilya through a window on the rear side of the residence. I heard Sgt. Hamlin attempt to reason with both subjects but neither subject was willing to allow officers inside the residence to conduct an investigation.

I heard Sgt. Hamlin inform both parties several times that he intended to enter the residence. They declined to open the front door for officers to come inside. I heard Sgt. Hamlin inform them that officers would enter through the window if they would not open the door. Stephanie and Ilya still declined to open the front door.

Based on my vantage point at the time, I was unable to assist or cover Sgt. Hamlin. Therefore, I opened the window on the other side to cover him as he was at a position of disadvantage if Stephanie or Ilya wished to harm him. When I opened the window, Stephanie attempted to slam it shut several times.

After I heard Sgt. Hamlin announce his intention to enter the residence, I saw Stephanie attempt to block the window. I saw Sgt. Hamlin place his hand on Stephanie's shoulder and move her out of the way with minimal force. I then saw Cpl. Musser and Ofc. Skollingsberg enter the residence. I followed Ofc. Skollingsberg. I saw that Cpl. Musser and Ofc. Skollingsberg were busy attempting to control Stephanie. I saw that Ilya had backed away from the window and was not interfering at that time but he was extremely agitated and was yelling.

I placed my right hand on Ilya's shoulder and instructed him to sit down on the couch. I guided him to the couch and told him to sit. He complied but continued yelling. He attempted to get up several times. Each time, I used minimal force to hold him on the couch with one hand while instructing him to calm down. After several minutes, Ilya calmed down and spoke with me.

During my contact with Ilya, he admitted that he had become angry with Stephanie after she confronted him about making an online purchase on his video game system. Ilya said Stephanie woke him up to argue with him and he was upset. He said that he went downstairs to make hot cocoa and she continued to berate him. Ilya said that Stephanie grabbed him by the arm which made him spill his cocoa and he said "I shrugged her off". He then made a shrugging motion with his right arm in demonstration. I asked if he had hit her and he said no.

I stood by with Ilya while the DV detectives conducted the investigation. At approximately 1417 hours, I was informed by Sgt. Hamlin that Ilya was to be arrested for Assault IV - DV. I stood by as a cover officer while Ofc. Skollingsberg took Ilya into custody without incident.

I was then instructed by Sgt. Hamlin to transport Stephanie to jail for her warrant. I confirmed with Dispatch that the warrant had been confirmed. I placed Stephanie into the back seat of my patrol vehicle and I transported her to jail where I booked her into jail for her warrant. See VPD #23 16-2754 for further details.

At that time, I cleared from the call and thus ended my involvement in the investigation.

Attach supplemental report to original and forward to DVPC.

FOLLOWUP REPORT #5

ASSIGNED TO	RANK
O'MEARA, ROBERT (231334)	
ORG UNIT	**CAPACITY**
EAST PATROL	1-INVESTIGATOR, SECONDARY

ASSIGNED ON	ASSIGNED BY	SUBMITTED ON	APPROVED ON	APPROVED BY
02/18/2016	O'MEARA, ROBERT	02/19/2016	02/19/2016	TRUMPF, ROD

SUPPLEMENTAL

AUTHOR	DATE/TIME
O'MEARA, ROBERT (231334)	02/18/2016 1102

SUBJECT
SUPPLEMENTAL NOTES

On 2/16/2016 at 1144 hours, I arrived at 1602 SE 145th Ct to assist other officers investigating an allegation of domestic violence occurring at that address.

On scene, I spoke with Erica Jackson (sister of Stephanie Salyers and the original 911 caller) and her mother Diane Salyers on the phone. Both women reside in the state of Kentucky.

In summary, Erica overheard Diane in a phone conversation with Stephanie who apparently made statements indicating her (Stephanie's) husband had broken her fingers, given her a black eye, and broken her back. Erica then called 911 in Vancouver to check on her sister.

While on scene, I had Diane call Stephanie and request she come outside to speak with officers. Diane indicated Stephanie was refusing and recanting that any assault had occurred. Diane further indicated that Stephanie suffers from paranoia and bi-polar disorder and didn't trust the "government."

Stephanie repeatedly told officers she did not want them there and was not injured. As confirmation, and at the request of VPD Cpl Rickard, I observed Stephanie show her hands (front and back) at the back glass slider area in the back of the house. I observed no signs of injury or distortion of her fingers as was indicated in the original 911 call.

End of supplemental notes.

IMAGE ATTACHMENT (545395) PRE-BOOK

CLARK COUNTY JAIL PRE-BOOK/PROBABLE CAUSE SHEET

(Please Attach Pink Sheet)

Defendant

Last Name	First Name	Middle
Petrenko	Ilya	Sergeevich

DOB	Sex	Race	Hair	Eyes	Height	Weight
2/19/1989	M	W	BRO	BRO	600	190

Address	City	State	Zip
11602 SE 145th Ct.	Vancouver	WA	98661

Phone		Place of Birth
216 571 9115		Portland

Arrest Information

Arresting Agency	Officer & PSN	Transporting Officer & PSN
VPD	Skollinasberg 1533	Skollinasberg 1533

Date & Time of Arrest	Police Report Number
1417 2/16/2016	2016-2749

Incident Location: (City & State) 11602 SE 145th Ct Vancouver WA

Arrest Location (City & State) SAME

DUI OFFENSES: The suspect's criminal history indicates that this is a mandatory arrest situation under RCW 10.31.100(16) due to the existence of a prior offense as defined in RCW 46.61.5055 within ten years. The suspect shall remain in custody until release by a judicial officer on bail, personal recognizance, or court order. Yes ☐ No ☐ N/A

AKA/Alias/Maiden Name

Name	Date of Birth

Scars/Marks/Location

Type	Location	Description

Intake/Triage Questions

		Yes	No
1	Does the arrestee have any observable medical problems?		✓
2	Does the arrestee have any observable mental health problems?		✓
3	Does the arrestee show any signs of suicidal behavior or attempts?		✓
4	Has the arrestee shown any escape potential or violence propensity behaviors?		✓
5	Does the transporting officer have any other information which we need to know concerning this matter?		✓

Comments:

Charges (Circle if there is a **WARRANT** or **CITATION** number and include the bail amount.)

Charge(s)	Citation/Warrant#	RCW	LEA	Counts	Bail Amount
Assault IV-DV	6Z0-417579A	36.01	VPD	1	None

Domestic Violence

Victim	Date of Birth	Relationship to Defendant
Stephanie M. Salgers	7/15/1989	wife

Copies: *White - P.A.* *Yellow - C.B.C.* *Pink - Arresting Officer*

Rev: 04/21/2015 PA Forms Committee MUST authorize any revisions

2016-2749

***** END OF HARDCOPY *****

APPENDIX G

9
m

STATE OF WASHINGTON } ss.
COUNTY OF CLARK }

I, Scott G. Weber, County Clerk and Clerk of the Superior Court of Clark County, Washington, DO HEREBY CERTIFY that this document, consisting of 9 page(s), is a true and correct copy of the original now on file and of record in my office and, County Clerk, I am the legal custodian thereof.

Signed and sealed at Vancouver, Washington this date: 4/18/16

Scott G. Weber, County Clerk
By _____ Deputy

Seal of the Superior Court STATE OF WASHINGTON Of Clark County

FILED
FEB 19 2016
Scott G. Weber, Clerk, Clark Co.
5:00 pm

SUPERIOR COURT OF WASHINGTON
COUNTY OF CLARK
JUVENILE COURT

Dependency of:

PETRENKO, EZRA
DOB: 12/18/12
PETRENKO, MALACHI
DOB: 11/02/11
PETRENKO, MOSES
DOB: 02/20/15

No: 16-7-00163-9
16-7-00164-7 ✓
16-7-00165-5

Shelter Care Hearing Order
☐ Agreed as to ☐ mother ☐ father ☐ other
☒ Contested as to ☒ mother ☒ father ☐ other
☐ Default as to ☐ mother ☐ father ☐ other
(SCOR)

☒ Clerk's Action Required: Paragraphs 3.5 (EDL), 3.11

ORIGINAL

ATTORNEY GENERAL OF WASHINGTON
1220 Main Street, Suite 510
Vancouver, WA 98660
(360) 759-2100

The parties shall:

☐ Hold a case conference _____:

On: _____, at _____ a.m./p.m.
At: Clark County Superior Court, Family Law Annex.
Address: 601 West Evergreen Blvd., Vancouver, Washington 98660

☐ Not hold a case conference at this time because the parent ☐ did not appear at shelter care ☐ did not want to participate.

The court shall:

☒ Conduct a Shelter Care hearing: - presentation of orders

On: 2-23-16, at 2:30 pm ~~a.m./p.m.~~
At: Clark County Superior Court, Family Law Annex.
Address: 601 West Evergreen Blvd., Vancouver, Washington 98660

☒ Conduct a 30-Day Shelter Care Review hearing:

On: March 15, 2016, at 8:30 a.m.
At: Clark County Superior Court, Family Law Annex.
Address: 601 West Evergreen Blvd., Vancouver, Washington 98660

I. Hearing

1.1 **Petition**: A dependency petition was filed in this matter on _____, by ☒ DSHS ☐ Licensed Child Placement Agency _____ ☐Other _____. The child was removed from the parents' care on February 16, 2016, by ☐ court order ☒ protective custody ☐ hospital/doctor hold ☐ voluntary placement agreement. The court held a shelter care hearing on this date or on February 19, 2016.

1.2 **Appearance**: The following persons appeared at the hearing:

☐	Child	☐	Child's Lawyer
☒	Mother	☐	Mother's Lawyer
☒	Father	☐	Father's Lawyer
☐	Alleged Father _____	☐	Alleged Father's Lawyer _____
☐	Guardian or Legal Custodian	☐	Guardian's or Legal Custodian's Lawyer
☒	Child's GAL/CASA	☐	GAL's Lawyer
☒	DSHS/Supervising Agency Worker	☒	Agency's Lawyer
☐	Tribal Representative	☐	Current Caregiver
☐	Interpreter for ☐ mother ☐ father	☐	Other _____

1.3 **Basis**: The court considered the dependency petition, declarations, testimony, if any, and the relevant court records.

☐ The child is 12 years old or older and the court made the inquiry required by RCW 13.34.100(6).

//

II. Findings

2.1 **Notice**: The petitioner gave adequate notice as required under RCW 13.34.062 to the ☒ mother ☒ father ☐ child if age 12 or older ☐ guardian ☐ legal custodian ☐ other: _____

The petitioner ☐ has ☐ has not made reasonable efforts to provide notice to the ☐ mother ☐ father ☐ child ☐ guardian ☐ legal custodian ☐ other: _____ and to inform them of their rights.

2.2 **Child's Indian status**:

The petitioner ☒ has ☐ has not made a good faith effort to determine whether the child is an Indian Child.

☒ Based upon the following, the child is not an Indian child as defined in RCW 13.38.040, and the federal and Washington State Indian Child Welfare Acts do not apply to these proceedings: Per maternal relatives, the children have no Native heritage.

☐ Based upon the following information currently available to the court, the child may be an Indian child as defined in RCW 13.38.040, and the federal and Washington State Indian Child Welfare Acts do apply to these proceedings: _____

☐ Based upon the following, the child is an Indian child as defined in RCW 13.38.040, and the federal and Washington State Indian Child Welfare Acts do apply to these proceedings: _____

☐ The petitioner ☐ has ☐ has not made preliminary efforts to notify all tribes to which the petitioner or court knows or has reason to know the child may be a member or eligible for membership of these proceedings.

2.3 **Rights**: The parties present at the hearing were informed of their rights pursuant to RCW 13.34.065 and 13.34.090.

2.4 **Waiver of shelter care hearing**: The ☐ mother ☐ father ☐ guardian ☐ legal custodian requested a waiver of the shelter care hearing. The court determined that the parent, guardian, or legal custodian ☐ was ☐ was not represented by an attorney and the waiver of the shelter care hearing was knowing and voluntary.

2.5 **Shelter Care Factors**:

The court considered the following factors:

(a) What services DSHS/Supervising Agency provided to the family to prevent or eliminate the need for removal of the child from the child's home.
☐ If lack of suitable housing was a significant factor in removal of the child, whether DSHS/Supervising Agency provided housing assistance to the family.

(b) Whether the child can be safely returned to the home pending the dependency fact-finding hearing.

(c) Whether restraining orders or orders excluding an allegedly abusive household member from the house of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home.

(d) What efforts DSHS/Supervising Agency made to place the child with a relative or other suitable person known to the child and with whom the child has a relationship. The court inquired whether DSHS/Supervising Agency has discussed this issue with the parents.

(e) Whether the placement proposed by DSHS/Supervising Agency is the least disruptive and most family-like setting that meets the needs of the child.

(f) Appointment of an attorney or guardian *ad litem* for the child's parent, guardian, or legal custodian, or for the child.

ATTORNEY GENERAL OF WASHINGTON
1220 Main Street, Suite 510
Vancouver, WA 98660
(360) 759-2100

(g) The terms and conditions for parental, sibling, and family visits.

2.6 **Reasonable efforts:**

☒ Petitioner made reasonable efforts to prevent or eliminate the need for removal of the child from the child's home. For the reasons set forth in the dependency petition, supporting declarations and affidavits, and/or the testimony presented to the court:

- ☒ The risk of imminent harm to the child as assessed by petitioner establishes reasonable cause for the continued out-of-home placement of the child pending the fact finding hearing; and/or
- ☒ Specific services offered or provided to the parent(s) have been unable to remedy the unsafe conditions in the home and make it possible for the child to return home; and/ or
- ☒ Returning the child to the home would seriously endanger the child's health, safety, and welfare.
- ☐ Additional reasonable efforts findings: _____

2.7 **Shelter care:**

☐ The court does not find reasonable cause to believe that shelter care is needed.

☒ It is currently contrary to the welfare of the child to remain in or return home. The child is in need of shelter care because there is reasonable cause to believe:

- ☒ The child has no parent, guardian, or legal custodian to provide supervision or care for such child; and/or
- ☒ The release of the child would present a serious threat of substantial harm to the child; and/or
- ☐ The parent, guardian or custodian to whom the child could be released is alleged to have violated RCW 9A.40.060 or 9A.40.070.

2.8 **Placement:**

☒ A ☒ relative or ☐ suitable person is available or willing to care for the child and to meet any special needs of the child or to facilitate the child's visitation with siblings.

- ☒ Placement with the relative or other suitable person is in the child's best interests.
- ☐ DSHS/Supervising Agency needs to further investigate the character and suitability of the proposed relative or other suitable person to determine if the placement is in the child's best interests.
- ☐ Placement with the relative or other suitable person is not in the child's best interests as there is reasonable cause to believe that placement of the child with the relative or suitable person would ☐ jeopardize the health, safety or welfare of the child ☐ hinder efforts to reunite the parent and child.

☐ A ☐ relative or ☐ suitable person is not available or willing to care for the child and to meet any special needs of the child or to facilitate the child's visitation with siblings.

☐ DSHS/Supervising Agency made the following efforts toward placement with a relative or other suitable person: _____

//

//

2.9 **Restraining order**:

☐ The court finds reasonable cause to believe that an incident of sexual or physical abuse has occurred and that a restraining order is necessary pursuant to RCW 26.44.063(2).

☐ A restraining order ☐ has been ☐ shall be entered pursuant RCW 26.44.063 and shall be incorporated by reference into this order. Placement of the child with _____ _____ [name] shall be contingent on continued compliance with the terms of the restraining order.

2.10 **Services**:

The court inquired into whether the child, the parent or parent(s), or the legal guardian requires examinations, evaluations, or immediate services. The court also inquired into whether the parent(s) agree(s) to any recommended services, and the parent(s) agree(s) to participate in the services listed in the Order.

☐ The Department recommends the following examinations, evaluations, or immediate services for the child: _____

☐ The child is 12 or older and ☐ agrees to the services ☐ was notified of the services ☐ was notified that he/she may request an attorney.

2.11 **Education status**:

☒ The child is not of school age.

☐ The court considered whether it is in the best interest of the child to remain enrolled in the _____ [name of school, developmental program, or child care] the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care.

☐ The child should not remain enrolled in the child's present school, developmental program, or child care and the reasons for the transfer to a new school, developmental program, or child care are: _____

☐ DSHS/Supervising Agency should enroll the child in school, developmental program, or child care immediately and within seven school days and request transfer of records.

☒ DSHS/Supervising Agency is responsible for coordinating the student's educational information.

☐ The child meets the criteria for appointment of an educational liaison. DSHS/Supervising Agency recommends that the court appoint (name) _____ as the child's educational liaison.

☐ The parents are not able to serve as the educational liaison because: _____ _____

2.12 ☐ **Other**: _____ _____

//

III. Order

3.1 **Placement:**

☐ The child is released to the child's parent, guardian or legal custodian:

Name(s): _____
Address: _____

Subject to the following conditions: _____

☒ The child is placed in or shall remain in shelter care, in the temporary custody and under the supervision of DSHS/Supervising Agency, which shall have the authority to place the child in:

☐ Licensed foster care.
☒ Relative placement with Monica Slavist & Tiffani Lahmann [name].
☐ Placement with a suitable person: _____ [name].

Placement with the relative or suitable person is contingent upon the caregiver's cooperation with the DSHS/Supervising Agency case plan and compliance with this, and all subsequent court orders related to the care and supervision of the child, including but not limited to parent-child contact, sibling contacts, and any other conditions imposed by the court.

Placement conditions Other: The parental/foster/relative/suitable person placement is authorized to take the child into the State of Oregon for a time period not to exceed 72 hours without prior court order.

The parental/foster/relative/suitable person placement is also authorized to take the child into another state within the United States for a time period not to exceed 7 days without prior court order; provided that the Department will notify the CASA/GAL/Child's attorney, parent(s) and their attorney(s), at least 14 days prior to the travel. If the attorney for any party notifies the Department that the party objects to the travel within 7 days after receiving notice, the Department will cite on a motion for travel and the court may hear the matter on short notice.

For any out of state travel, the parental/foster/relative/suitable person placement must have advance approval from the agency worker.

☐ DSHS/Supervising Agency shall continue to make reasonable efforts to locate and investigate an appropriate relative or other suitable person who is available and willing to care for the child, and is authorized to share information with potential relative or other suitable person placement resources as necessary to determine their suitability and willingness as a placement for the child.

☐ DSHS/Supervising Agency shall have authority to place the child with an appropriate relative with prior reasonable notice to the parties, subject to review by the court.

3.2 **Visitation:** DSHS/Supervising Agency shall provide visits between the child and parent, guardian, or legal custodian as follows:

☐ Per visitation attachment.
☒ As follows: as arranged by the assigned social worker.

If siblings are not placed together, DSHS/Supervising Agency shall provide sibling visits or contact as follows: _____

☐ Visitation may be expanded upon agreement of the parties.

3.3 **Attorney/GAL Appointments**: Attorney and guardian *ad litem* appointments are as follows:

☐ attorney ☐ guardian *ad litem* _____ for _____ [Name].
☐ attorney ☐ guardian *ad litem* _____ for _____ [Name].
☐ attorney ☐ guardian *ad litem* _____ for _____ [Name].
☐ attorney ☐ guardian *ad litem* _____ for _____ [Name].

3.4 **Services**:

☐ DSHS/Supervising Agency shall offer or provide and the parent/guardian/custodian shall participate in the following agreed upon examinations, evaluations, or immediate services:

☐ The mother shall participate in the following: _____

☐ The father shall participate in the following: _____

☐ The alleged father _____ [name] shall participate in the following: _____
_____

☐ The guardian/legal custodian shall participate in the following: _____
_____

☐ DSHS/Supervising Agency shall provide and the child shall participate in the following examinations, evaluations, or immediate services: _____
_____

☐ Per attached service plan.

☐ Other: _____

3.5 **Education**:

☐ DSHS/Supervising Agency or its designee shall immediately and within seven school days timely enroll the child in school and request transfer of records.
☐ DSHS/Supervising Agency or its designee shall provide the child's school with a certified copy of the Order and Authorization Re Health Care and Education.
☐ (Name) _____ is appointed as the child's educational liaison to carry out the responsibilities described in Laws of 2013, ch. 182, §5. The educational liaison must complete criminal background checks required by DSHS/Supervising Agency.

3.6 **Parental Cooperation**:

The parents shall cooperate with DSHS/Supervising Agency and provide a current address and phone number to the social worker at all times. Within two weeks of the entry of this order, the parents shall provide additional information necessary for placement and notice purposes including:

(a) The names, addresses, and phone number of any relatives or other suitable persons who may be placement resources for the child.

(b) The names, addresses, phone numbers and other identifying information of any alleged parent(s) of the child.
(c) Any known information regarding possible membership in or descent from an Indian tribe.
(d) Information necessary to determine financial eligibility for services or foster care.
(e) Other: _____

The parents shall sign and maintain current releases of information during the course of these proceedings for exchange of information between all evaluators and service providers, DSHS/Supervising Agency, CASA/GAL, Juvenile Court, AAG, and the parents' attorneys.

3.7 **Paternity**:

☐ The alleged father(s) _____ shall cooperate in the establishment of paternity and shall complete all interviews, paperwork, and genetic testing within _____ days of the entry of this order.
☐ The mother shall cooperate in the establishment of paternity and shall complete all interviews, paperwork, and genetic testing within _____ days of the entry of this order.
☐ The child shall be made available for genetic testing.
☐ If paternity has not been established regarding the child, the court authorizes the _____ _____ County Prosecutor's Office to proceed in the _____ County Superior Court, Family Law Division, on the issue of paternity, current and past child support, and costs.

3.8 **Release of Information**:

All court-ordered service providers shall make all records and all reports available to DSHS, attorney for DSHS, parent's attorney, the guardian ad litem and attorney for the child. Parents shall sign releases of information and allow all court-ordered service providers to make all records available to DSHS and the guardian ad litem or attorney for the child. Such information shall be provided immediately upon request. All information, reports, records, etc., relating to the provision of, participation in, or parties' interaction with services ordered by the court or offered by DSHS may be subject to disclosure in open court unless specifically prohibited by state or federal law or regulation.

3.9 **General**:

DSHS/Supervising Agency shall have the right to access, inspect, and copy all records pertaining to the above-named child, including but not limited to health, medical, mental health and educational records.

DSHS/Supervising Agency may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary emergency care.

DSHS/Supervising Agency shall make reasonable efforts to advise the child's ☒ mother ☒ father ☐ legal guardian or custodian of the status of this case, including the date and time of the hearing(s) scheduled below and their rights under RCW 13.34.090.

3.10 **Restraining Order**:

☐ The court signed a separate restraining order on this date.
☐ The restraining order entered pursuant to RCW 26.44.063 is incorporated into this order.

Placement of the child with _____ is contingent on continued compliance with the terms of this restraining order. Failure to comply with any and all terms of this order may result in removal of the child.

The person having physical custody of the child has an affirmative duty to assist in the enforcement of this restraining order and to notify law enforcement, DSHS/ Supervising Agency, and the court as necessary to request assistance and/or report violations of the order.

3.11 All parties shall appear at the next scheduled hearing (see page one).

3.12 **Continued Shelter Care:**

~~Pursuant to RCW 13.34.065, an ex parte order authorizing continued shelter care will be entered no later than 30 days from the date of this order. A party may request a modification of the shelter care decision of placement upon a showing of a change of circumstances.~~

3.13 Other: Parents declined court appointed attorneys.

Dated: 2/19/16

Judge/Commissioner

Presented by:

ROBERT W. FERGUSON
Attorney General

SARRA M. YAMIN, WSBA No. 44694
Assistant Attorney General

COPY RECEIVED; APPROVED FOR ENTRY;
NOTICE OF PRESENTATION WAIVED.

Signature of Mother, STEPHANIE SALYERS
☐ Pro Se, Advised of Right to Counsel

, WSBA No.
Mother's Lawyer

Signature of Father, ILYA PETRENKO
☐ Pro Se, Advised of Right to Counsel

, WSBA No.
Father's Lawyer

CLARK COUNTY C.A.S.A. PROGRAM
Signature of Children's GAL

APPENDIX H

CLARK COUNTY SHERIFF'S OFFICE

707 W 13TH ST
VANCOUVER, WA 98666
(360) 397-2211

INCIDENT REPORT

CASE NUMBER	SUPPLEMENT NUMBER
16001993	
CASE TYPE	CAD EVENT NUMBER
ASSAULT - MISD (RESTRAIN/P	
REPORTING OFFICER	REPORT DATE
3109/3109 - CHRISTENSEN, CH	02/21/2016

INCIDENT

LOCATION				OCCURRED	DATE	TIME	DAY
18711 NE 119TH AVE BATTLE GROUND,				ON OR FROM	02/21/2016	09:30	
PREMISE NAME			JURISDICTION CCSO	TO			
PRECINCT 20	BEAT 81		SQUAD	REPORTED	02/21/2016	15:34	

NATURE OF INCIDENT

- ☐ ALCOHOL RELATED
- ☐ SENIOR CITIZEN
- ☐ HATE / BIAS
- ☐ ARSON
- ☐ CHILD ABUSE
- ☐ GANG RELATED
- ☐ OFFICER ASSAULT
- ☐ DRUG RELATED
- ☐ DOMESTIC VIOLENCE
- ☐ JUVENILE

RELATED CASE NUMBERS

SYNOPSIS

On February 21, 2016 Stephanie Salyers unlawfully removed her three childrenfrom the residence of their legal guardian. Stephanie then made arrangementsto stay at a freinds home in order to avoid being found by law enforcement.Stephanie was located and arrested for three counts of Kidnapping

ADDITIONAL INFORMATION

☐ AED	☐ NALOXONE
USE OF FORCE	

STATUS

CASE STATUS	CASE STATUS DATE	DISPOSITION	DISPOSITION DATE	APPROVAL	APPROVAL DATE
CLOSED				3357/3109 - NELSON, DAVID	02/22/2016

INCIDENT REPORT	CLARK COUNTY SHERIFF'S OFFICE	CASE NUMBER 16001993

OFFENSES

ENTRY NO	VIOLATION/STATUTE	OFFENSE DESCRIPTION
1	1399	VIOLATION RESTRAINING ORDER

ATTEMPTED	LEVEL	DEGREE	COUNTS	NCIC CODE	BCS CODE	DISPOSITION	DISPOSITION DATE
N			0				

AGENCY CLASSIFICATION	LOCATION OF OFFENSE
	RESIDENCE/HOME/APARTMENT

GOC	MODIFIER 1	MODIFIER 2	MODIFIER 3

COURT	COURT DATE	JUDGE

COMMENT

OTHERS

ENTRY NO	INVOLVEMENT	NAME: LAST, FIRST, MIDDLE
1	BOOKED	SALYERS, STEPHANIE M

HOME ADDRESS	MAILING ADDRESS
1602 SE 145TH CT VANCOUVER WA 98683	

EMPLOYER	EMPLOYER ADDRESS	OCCUPATION

HOME PHONE	CELL PHONE	OTHER PHONE	EMPLOYER PHONE
	(360) 609-4200		

DOB	AGE	SEX	RACE	JUV	ETH	HEIGHT	WEIGHT	HAIR	EYES	POB	RESIDENCY	CITIZEN	GANG IDENTIFICATION
07/15/1989	27	F	W	N	N	503	125	BLN	BLU		NONRESI		

DL NUMBER	DL ST	SSN	FBI ID	STATE ID	LOCAL	ID1	ID2
SALYESM114MN	WA	532-25-0908					

COMMENT

ARREST - 1 BOOKED SALYERS, STEPHANIE M

ARREST NUMBER	ARREST DATE	OFFICER	ARREST LOCATION
	02/21/2016 00:00	/	

CITATION NUMBERS

COMMENT
SELF INITIATED ARREST WITHIN YOUR JURISDICTION

ENTRY NO	INVOLVEMENT	NAME: LAST, FIRST, MIDDLE
2	WITNESS	MACKY, SJENNA LYNN

HOME ADDRESS	MAILING ADDRESS
14913 SE MILL PLAIN BLVD VANCOUVER WA 98684	

EMPLOYER	EMPLOYER ADDRESS	OCCUPATION

HOME PHONE	CELL PHONE	OTHER PHONE	EMPLOYER PHONE
(360) 353-8576			

DOB	AGE	SEX	RACE	JUV	ETH	HEIGHT	WEIGHT	HAIR	EYES	POB	RESIDENCY	CITIZEN	GANG IDENTIFICATION
02/28/1989	27	F	W	N	N						NONRESI		

DL NUMBER	DL ST	SSN	FBI ID	STATE ID	LOCAL	ID1	ID2

COMMENT

ENTRY NO	INVOLVEMENT	NAME: LAST, FIRST, MIDDLE
3	MENTIONED	PETRENKO, ILYA SERGEYEVICH

HOME ADDRESS	MAILING ADDRESS
1602 SE 145TH CT VANCOUVER WA 98683	

EMPLOYER	EMPLOYER ADDRESS	OCCUPATION

HOME PHONE	CELL PHONE	OTHER PHONE	EMPLOYER PHONE
	(216) 571-9115		

DOB	AGE	SEX	RACE	JUV	ETH	HEIGHT	WEIGHT	HAIR	EYES	POB	RESIDENCY	CITIZEN	GANG IDENTIFICATION
02/19/1989	27	M	W	N	N	600	175	BRO	BLK		RESIDEN		

DL NUMBER	DL ST	SSN	FBI ID	STATE ID	LOCAL	ID1	ID2
PETREIS110CR	WA	285-92-6503					

COMMENT

ENTRY NO	INVOLVEMENT	NAME: LAST, FIRST, MIDDLE
4	VICTIM	PETRENKO, EZRA

HOME ADDRESS	MAILING ADDRESS
1602 SE 145TH CT VANCOUVER WA 98683	

EMPLOYER	EMPLOYER ADDRESS	OCCUPATION

HOME PHONE	CELL PHONE	OTHER PHONE	EMPLOYER PHONE

DOB	AGE	SEX	RACE	JUV	ETH	HEIGHT	WEIGHT	HAIR	EYES	POB	RESIDENCY	CITIZEN	GANG IDENTIFICATION
12/18/2012	3	M	W	Y	N						NONRESI		

DL NUMBER	DL ST	SSN	FBI ID	STATE ID	LOCAL	ID1	ID2

COMMENT

ENTRY NO	INVOLVEMENT	NAME: LAST, FIRST, MIDDLE
5	VICTIM	PETRENKO, MALACHI

INCIDENT REPORT	CLARK COUNTY SHERIFF'S OFFICE	CASE NUMBER 16001993

HOME ADDRESS: 1602 SE 145TH CT VANCOUVER WA 98683
MAILING ADDRESS:
EMPLOYER:
EMPLOYER ADDRESS:
OCCUPATION:
HOME PHONE:
CELL PHONE:
OTHER PHONE:
EMPLOYER PHONE:

DOB	AGE	SEX	RACE	JUV	ETH	HEIGHT	WEIGHT	HAIR	EYES	POB	RESIDENCY	CITIZEN	GANG IDENTIFICATION
11/02/2011	5	M	W	Y	N						RESIDEN		

DL NUMBER	DL ST	SSN	FBI ID	STATE ID	LOCAL	ID1	ID2

COMMENT:

ENTRY NO 6
INVOLVEMENT: MENTIONED
NAME: LAST, FIRST, MIDDLE: LAHMANN, TIFFANY M
HOME ADDRESS: 2802 NW 7TH ST BATTLE GROUND WA 98604
MAILING ADDRESS:
EMPLOYER:
EMPLOYER ADDRESS:
OCCUPATION:
HOME PHONE: (360) 903-0371
CELL PHONE:
OTHER PHONE:
EMPLOYER PHONE:

DOB	AGE	SEX	RACE	JUV	ETH	HEIGHT	WEIGHT	HAIR	EYES	POB	RESIDENCY	CITIZEN	GANG IDENTIFICATION
09/07/1983	33	F	W	N	U						RESIDEN		

DL NUMBER	DL ST	SSN	FBI ID	STATE ID	LOCAL	ID1	ID2

COMMENT:

ENTRY NO 7
INVOLVEMENT: MISSING
NAME: LAST, FIRST, MIDDLE: PETRENKO, EZRA
HOME ADDRESS: 1602 SE 145TH CT VANCOUVER 98683
MAILING ADDRESS:
EMPLOYER:
EMPLOYER ADDRESS:
OCCUPATION:
HOME PHONE:
CELL PHONE:
OTHER PHONE:
EMPLOYER PHONE:

DOB	AGE	SEX	RACE	JUV	ETH	HEIGHT	WEIGHT	HAIR	EYES	POB	RESIDENCY	CITIZEN	GANG IDENTIFICATION
12/18/2011	4	M	W	Y	U						RESIDEN		

DL NUMBER	DL ST	SSN	FBI ID	STATE ID	LOCAL	ID1	ID2

COMMENT:

ENTRY NO 8
INVOLVEMENT: MENTIONED
NAME: LAST, FIRST, MIDDLE: SALYERS, RICKY A
HOME ADDRESS: 18711 NE 119TH AVE BATTLE GROUND WA 98604
MAILING ADDRESS:
EMPLOYER:
EMPLOYER ADDRESS:
OCCUPATION:
HOME PHONE:
CELL PHONE: (606) 369-6163
OTHER PHONE:
EMPLOYER PHONE:

DOB	AGE	SEX	RACE	JUV	ETH	HEIGHT	WEIGHT	HAIR	EYES	POB	RESIDENCY	CITIZEN	GANG IDENTIFICATION
02/10/1984	32	M	W	N	U	511					RESIDEN		

DL NUMBER	DL ST	SSN	FBI ID	STATE ID	LOCAL	ID1	ID2

COMMENT:

ENTRY NO 9
INVOLVEMENT: VICTIM
NAME: LAST, FIRST, MIDDLE: PETRENKO, MOSES S
HOME ADDRESS: 1602 SE 145TH CT VANCOUVER WA 98683
MAILING ADDRESS:
EMPLOYER:
EMPLOYER ADDRESS:
OCCUPATION:
HOME PHONE:
CELL PHONE:
OTHER PHONE:
EMPLOYER PHONE:

DOB	AGE	SEX	RACE	JUV	ETH	HEIGHT	WEIGHT	HAIR	EYES	POB	RESIDENCY	CITIZEN	GANG IDENTIFICATION
02/20/2015	1	M	W	Y	N						RESIDEN		

DL NUMBER	DL ST	SSN	FBI ID	STATE ID	LOCAL	ID1	ID2

COMMENT:

ENTRY NO 10
INVOLVEMENT: MENTIONED
NAME: LAST, FIRST, MIDDLE: KUDLA, SARA J
HOME ADDRESS: 18711 NE 119TH AVE BATTLE GROUND WA 98604
MAILING ADDRESS:
EMPLOYER:
EMPLOYER ADDRESS:
OCCUPATION:
HOME PHONE:
CELL PHONE: (773) 339-5481
OTHER PHONE:
EMPLOYER PHONE:

DOB	AGE	SEX	RACE	JUV	ETH	HEIGHT	WEIGHT	HAIR	EYES	POB	RESIDENCY	CITIZEN	GANG IDENTIFICATION
10/23/1986	30	F	W	N	U						RESIDEN		

DL NUMBER	DL ST	SSN	FBI ID	STATE ID	LOCAL	ID1	ID2

COMMENT:

NARRATIVE

[20RCW01] Summary - RCW - Distribution v.150825

Case Summary

[On Friday 02/19/2016, Biological mother Stephanie Salyers was informed by Coourt Commisioner Sheinborn(?) that the three children of Salyers, were to be taken from her and placed into State custody on a temporary shelter basis, until a further decision was to be decided.

On this date Salyers learned of the location of the children, went to that address and left with the children un noticed by care givers, in violation of the court order.]

Attachments

[ ]

RCW Counts V1 V2 V3 V4

[INFO.RPT] [ ] [ ] [ ][ ][ ][ ]

[ ] [ ] [ ] [ ][ ][ ][ ]

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[ ] [ ] [ ] [ ][ ][ ][ ]

Distribution 1 Distribution 3

[ ] [ ]

Distribution 2 Distribution 4

[ ] [ ]

Referral Info / External Distribution / "OTHER"

[ ]

CLARK COUNTY SHERIFF'S OFFICE

707 W 13TH ST
VANCOUVER, WA 98666
(360) 397-2211

SUPPLEMENT INCIDENT REPORT	
CASE NUMBER 16001993	SUPPLEMENT NUMBER 1
CASE TYPE ASSAULT - MISD (SUPPLEME	CAD EVENT NUMBER
REPORTING OFFICER 3109/3109 - CHRISTENSEN, CH	REPORT DATE 02/21/2016

INCIDENT

LOCATION				DATE 02/21/2016	TIME 16:39
PREMISE NAME					
PRECINCT	BEAT		SQUAD	JURISDICTION	

STATUS

WORK FLOW STATUS	APPROVAL	APPROVAL DATE
APPROVED	3357/3109 - NELSON, DAVID	11/18/2016

NARRATIVE

On 02/21/16, I was requested to call SGT Andy Hamlin of VPD. He advised me of a violation of a court order which occurred in the county. He stated that there had been a court hearing in the commissioners court room on Friday the 19th, where the State had taken custody of three children, and now the mother Stephanie Salyers had located them and removed them from the safety of the home they were at.

Dispatch had evented a call of Kidnap with the address of 18711 NE 119th Ave, Battle Ground, where this occurred. Further Hamlin advised me that VPD units were now at the Salyers residence watching so no one would leave in case the children were there, this address is 1602 SE 145 Ct, Vancouver.

I contacted the residents at 18711 NE 119th Ave. I met with the owners Ricky Salyers and Sara Kulda. Also present was Tiffany Lahmann. Tiffany told me that she had been chosen by the State to care and house the three children, Malachi 4 yrs, Ezra 3 yrs and Moses 1 yr. Tiffany is a ex-sister in law of Stephanie.

The night prior Tiffany had brought the children to this address, the home of Sara and Ricky who is the brother of the biological mother Stephanie. Ricky and Sara agreed to watch the children as Tiffany had errands to run. The children spent the night with Ricky and Sara. Today, the 21st, Stephanie happened to call her brother Ricky and while talking to him she heard her children in the background. A short time later she showed up at their home and talked to her brother who invited her inside. She stated to him that since she was not given any paper work at the court hearing she could visit her children and he relented to her request. Ricky told me that she was there for about 1 1/2 hours and he went to the kitchen. While he was in the kitchen Stephanie apparently took the kids into a nearby bedroom and left the house through a window, apparently so not to use the front door alerting Ricky. Ricky said that he noticed it

being quiet and when he checked in the front room they were gone. He found the open bedroom window and scuffs outside the window.

Ricky told me that she had driven over in a black pickup truck and that it was gone when he checked.

Vancouver Police who had been watching the house where the children resided with their parents. They checked on the home and made entry to check on the safety of the children due to this situation. No one was home, two vehicles were in the driveway a gold colored van and a black truck, no other identifiers.

I called county records but they could not locate any documents of this court order awarding the state custody. I called and spoke to VPD officer Sandy Aldridge who was familiar with this case. She told me she was present at this hearing when the court commissioner awarded the children to the state and that the mother was given paperwork explaining this.

At this time it is unknown the whereabouts of the children, there mother Stephanie or husband Ilya Petrenko.

I contacted SGT Todd Barsness of MCU and advised him of this incident. SGT Barsness was made aware of the current information and is active in location attempts of the children.

Needed is a copy of the court documents from the hearing on Friday the 19th, wherein the children were awarded to the State.

CLARK COUNTY SHERIFF'S OFFICE
707 W 13TH ST
VANCOUVER, WA 98666
(360) 397-2211

SUPPLEMENT INCIDENT REPORT

CASE NUMBER 16001993	SUPPLEMENT NUMBER 2
CASE TYPE ASSAULT - MISD (SUPPLEME	CAD EVENT NUMBER
REPORTING OFFICER 3441 - BARSNESS, TODD	REPORT DATE 02/21/2016

INCIDENT

LOCATION					DATE 02/21/2016	TIME 23:30
PREMISE NAME						
PRECINCT	BEAT		SQUAD	JURISDICTION CCSO		

STATUS

WORK FLOW STATUS	APPROVAL	APPROVAL DATE
APPROVED	3357 - NELSON, DAVID	03/02/2016

NARRATIVE

On Sunday February 21, 2016 I was contacted by Sgt. Christensen and asked to assist in a kidnapping investigation.

I responded to Central Precinct where I met with Sgt. Christensen. Please see his original report under this case number for details. In summary, Sgt. Christensen told me that he had responded earlier in the day to a reported kidnapping. Sgt. Christensen had talked with Ricky Salyers, Monica Sigrist and Tiffani Lahmann. Tiffani had explained that she had been appointed the temporary legal guardians of Ricky's nephews, Era, Malachi and Moses Petrenko. The children, ages 1, 4 and 5 had been removed from the biologiacal parents, Stephanie Salyers and Ilya Petrenko, in a court decision on Friday February 19th, 2016. She went on to tell Sgt. Christensen that due to a prearranged event, the children had been put into the care of Ricky Salyers on the night of the 20th with the intent to pick them back up on the afternoon of the 21st.

Ricky told Sgt. Christensen that around 0900 on the morning of the 21st Stephanie had called him and learned that he had the children at his home in the Battle Ground area. Ricky told Sgt. Christensen that Stephanie came out to the house to visit the children and stayed for around 90 minutes. At that point, Ricky went to the kitchen and when he returned he found that Stephanie had removed the children from the home via a bedroom window and had left the residence.

Sgt. Christensen was able to provide me with cell phone numbers for both

Stephanie and Ilya and due to the nature of the abduction and the concern for the welfare to the children I requested that he have dispatch attempt to 'ping' the phones. This process allows the cell phone providers to provide a GPS based location for the phones. Multiple pings all showed that the two cell phones were in the area of Stephanie and Ilya's home located at 1602 SE 145th Court in Vancouver, Washington.

I contacted Detective Sandy Aldridge with the Vancouver Police Department. Sandy was able to provide me with some background information on the case because she had been at the CPS hearing on Friday the 19th and had worked on the case with the CPS case officer. Sandy told me that she had serious concerns about the children's welfare and the biological parents ability to care for them.

I contacted Rachel Whitney by telephone. Rachel is a case supervisor for the Washington State Department of Social and Health Services. Rachel confirmed for me that the state had legal guardianship of the three Petrenko children and that the biological parents were issued the Shelter Care Hearing Order on Friday the 19th stating such. Rachel was able to provide me with a copy of this order. Rachel further confirmed that if we were able to locate the children they were to be placed into CPS custody.

I then contacted Detective Marler and he responded to Central Precinct where we began the process of attempting to locate the Petrenko children. As part of this effort, I drove to the listed address for the family, 1602 SE 145th Court in Vancouver.

When I arrived on 145th Court I drove past the house and noted that it was a two story duplex at the end of a cul-de-sac. I also noted that the garage door of the residence was open and that there were two vehicles in the driveway. One vehicle was a light colored mini-van. The van's windows were frosted and it did not appear to have been recently used. The second vehicle was a dark, four door SUV with dealer plates. The rear hatch of the SUV was open.

I drove down the street approximately four houses and parked so I could observe the residence. As I watched I observed an adult exit the residence by the garage door and place items into the cargo area of the SUV. A short time later I observed a second adult placing items into the back seat and

the cargo area. Due to the distance from the residence I could not confirm the identities of the two adults or what was being placed into the SUV. As I watched, the adults entered the front seats of the SUV and the vehicle was started. At this point I made a request for patrol units to come to my location to assist me in contacting the SUV. Although I could not confirm what was placed into the SUV I believed that children could have been put into the backseat area.

The patrol unit arrived just as the SUV began to drive away from the residence. The patrol vehicle approached the SUV with his overhead lights activated and the SUV pulled to the side of the road.

I exited my vehicle and approached the SUV. I noted that there were to adult females in the front seats and what appeared to be a large amount of bedding in the back seat and rear cargo area of the SUV. I asked the driver her name and she told me that she was Sjenna Macky. I asked her where she was going with the bedding and she told me that a friend had asked her to pick them up and deliver them to her later.

At this point I noticed that the female in the passenger seat was shifting back and forth in her seat and appeared agitated. She asked me if there was a problem and if they could leave. I told her that they could not and as I attempted to tell her why she demanded to know if she was under arrest. The female in the passenger seat appeared to be in her mid-twenties and I began to suspect that she was Stephanie Salyers. I asked her if she was Stephanie and she said, "No, my name is Ray." I asked her if she had any identification and she told me that she did not. I asked her if she had anything with her name and picture on it and she said that she did not. The driver then produced a Washington State Driver's License. I told the driver that I was investigating a possible kidnapping and asked her if she would mind if I asked her some questions. The driver said, "sure". I asked her if she would mind stepping out of the vehicle and she opened the door to step out.

Once out of the vehicle I explained to her that I was looking for the Petrenko children and that I was concerned for their safety. Sjenna told me that the passenger was Stephanie Salyers and that the children were with Stephanie's husband, Ilya. Sjenna said that she did not know where Ilya

was but that he was supposed to bring the children over to her house at any minute.

I asked Sjenna if she was aware of the fact that the state had removed the children from Stephanie and Ilya and that we believed that Stephanie had kidnapped them earlier in the day. Sjenna said that she was not. Sjenna explained that Stephanie, who was a friend of hers, had contacted her by e-mail yesterday and asked if she and her children could stay with her for a few days. According to Sjenna, Stephanie told her that they were being evicted and just needed a few days to get some things together before they left the area. Sjenna said that she was aware that the children had been taken from Stephanie the week before and had asked her how she was able to get them back. According to Sjenna, Stephanie would not answer this question and just changed the subject.

With this information I asked Stephanie to step out of the vehicle and she refused. Stephanie demanded to know if she was under arrest and what legal authority I had to have her step out. I attempted to explain that I was conducting an investigation into a kidnapping but she refused to listen to me and only cut off my answer with more questions.

Eventually Stephanie was removed from the vehicle and detained. After a few minutes I opened the rear door of the patrol car and explained to Stephanie that I wanted to ask her some questions. Before I could say anything more Stephanie told me, "I plead the 5th" Based on this statement I did not make any attempts to question her about the abduction of the children.

By this point Detective Marler had arrived at the location of the stop and he and I decided that I would facilitate the arrest of Stephanie and that he would work on recovering the children.

Stephanie was transported to the Clark County Jail by the assisting Vancouver Police patrol unit. Once there she was booked on three counts of Kidnapping.

While at the jail Stephanie would repeatedly tell me, the transporting VPD officer and the Corrections staff that she did not kidnap her children and that she was never given paperwork saying that she could not have her children.

CLARK COUNTY SHERIFF'S OFFICE
707 W 13TH ST
VANCOUVER, WA 98666
(360) 397-2211

SUPPLEMENT INCIDENT REPORT

CASE NUMBER	SUPPLEMENT NUMBER
16001993	3
CASE TYPE: ASSAULT - MISD (SUPPLEME	CAD EVENT NUMBER:
REPORTING OFFICER: 3441 - BARSNESS, TODD	REPORT DATE: 02/22/2016

INCIDENT

LOCATION					DATE	TIME
					02/22/2016	00:16
PREMISE NAME						
PRECINCT	BEAT		SQUAD	JURISDICTION: CCSO		

STATUS

WORK FLOW STATUS	APPROVAL	APPROVAL DATE
APPROVED	3357 - NELSON, DAVID	03/02/2016

NARRATIVE

[20RCW01] Summary - RCW - Distribution v.150825

Case Summary

[On February 21, 2016 Stephanie Salyers unlawfully removed her three children from the residence of their legal guardian. Stephanie then made arrangements to stay at a freinds home in order to avoid being found by law enforcement. Stephanie was located and arrested for three counts of Kidnapping]

Attachments

[ ]

RCW Counts V1 V2 V3 V4

[ ] [ ] [ ] [ ][ ][ ][ ]

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Distribution 1 Distribution 3

[ ] [ ]

Distribution 2 Distribution 4

[ ] [ ]

Referral Info / External Distribution / "OTHER"

[ ]

CLARK COUNTY SHERIFF'S OFFICE
707 W 13TH ST
VANCOUVER, WA 98666
(360) 397-2211

SUPPLEMENT INCIDENT REPORT

CASE NUMBER	SUPPLEMENT NUMBER
16001993	4
CASE TYPE: ASSAULT - MISD (SUPPLEME	CAD EVENT NUMBER:
REPORTING OFFICER: 3221/3221 - MARLER, CRAIG	REPORT DATE: 02/22/2016

INCIDENT

LOCATION					DATE	TIME
					02/22/2016	09:05
PREMISE NAME						
PRECINCT	BEAT		SQUAD	JURISDICTION: CCSO		

STATUS

WORK FLOW STATUS	APPROVAL	APPROVAL DATE
APPROVED	3357/3221 - NELSON, DAVID	02/23/2016

NARRATIVE

Persons involved: Names have been entered in original report

Stephanie M. Salyor 07/15/1989 - Mother/suspect

Malachi Petrenko 11/02/2011 - suspect's juvenile son

Ezra Petrenko 12/18/2012 - suspect's juvenile son

Moses Petrenko 02/20/2015 - suspect's juvenile son

Sjenna L. Macky 02/28/1989 - mentioned but no criminal involvement

Shelter care hearing order numbers 16-7-00163-9, 16-7-00164-7 and 16-7-00165-5 are all encompassed on one document.

On 02/21/2016 at approximately 1730 I was contacted at home by Sergeant T. Barsness in reference to a kidnapping which occurred earlier in the day. Please see sergeant Barsness and Sergeant Christensen's report for further details.

I met with Sgt. Barsness at Central Precinct and he filled me in with the details.

I learned that after court proceedings, three juvenile children were placed with family members. At some point, their mother Stephanie Salyers absconded with the children and took them to an unknown location. Through surveillance of the residence, Sgt. Barsness located Stephanie as she was leaving with a female, identified as Sjenna Macky.

I responded to Sgt. Barsness' location and observed Ms. Salyers in the back of a VPD patrol vehicle. As she was seated, Sgt. Barsness opened the door in an effort to speak with her and she immediately put both feet out

onto the ground. She said that she needed to go to her residence because she had to use the bathroom. It was explained that we would facilitate a restroom as soon as possible, but she would not be going to her home at this time. She then began to argue as to why she couldn't be released and asked if she was being detained. It was explained that she was being detained and Sgt. Barsness picked her feet up and moved them back in the car. She did not fight or resist her having her feet moved, however she stated not to touch her. When Sgt. Barsness attempted to speak to her, she stated "I plead the Fifth".

As Sgt. Barsness was dealing with Stephanie, I made arrangements to follow Sjenna to her residence where the children had been staying.

While I was waiting for another officer to arrive, a man known only as "Vincent" exited Sjenna's apartment. Vincent advised that he just stopped by to pick up his backpack and that he saw no adults in the apartment. He said that he only saw the kids in the living room and he thought they were alone.

We then entered the apartment to find the two youngest children running around naked. The eldest boy was in a bedroom playing in a toy box.

There was a burnt pizza sitting on the counter and there was a slight haze of smoke that had been lingering from the burnt pizza. No adult was present in the home.

I notified CPS and we brought the children across the street to VPD East Precinct where we waited.

Other than the two children being completely naked and no diapers present in the home, the kids appeared relatively clean. Their hair appeared clean and they did not appear malnourished.

We had gathered some of the clothing and Sjenna got them dressed.

While we waited at VPD East Precinct, the children were a bit rambunctious, but played with each other and interacted with me and other officers who were in the office writing reports. The youngest appeared very tired and was definitely ready for a rest.

CPS caseworker Troy Harris responded and took custody of the children.

**For clarification, it was mentioned in previous reports that detective Sandra Aldridge was at the court proceedings, however this is not correct.

Detective Aldridge was in direct communication with Washington State Department of Social and Health Services caseworker Rachel Whitney, who was at the hearing. Ms. Whitney provided her direct information as to what was transpiring during the court proceedings. This was originally a misinterpretation by the originating officer.

It should also be noted that this report should be referenced to VPD report number 23 2016-2749 in which the father, Ilya was arrested on 02/18/2016 for assaulting the children's mother, Stephanie Salyers.

Refer this report to the original report.

This report has been routed to the DVPC for information.

APPENDIX I

29
AW

cc: dept. 3

FILED

2016 JUL 12 PM 3:22

SCOTT G. WEBER, CLERK
CLARK COUNTY

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

STATE OF WASHINGTON, RESPONDENT, vs. STEPHANIE MARELDA SALYERS, nka STEPHANIE MARELDA PETRENKO APPELLANT.	))))))))))	No. 16-1-00452-1 MOTION AND DECLARATION FOR ORDER TO VOID JUDGEMENT PURSUANT TO RULE CrR 7.8 FOR A LACK OF JURISDICTION AND FRAUD UPON THE COURT

Request for relief from this felony conviction is now made on direct appeal to Clark County Superior Court pursuant to CrR 7.8 (b). This motion is not time barred by RCW 10.73.090, .100, .130 or .140. The Appellant's submission is qualified on appeal and shows that she is entitled to relief by means of both statutory law and by case law. The referenced authorities are grounded in historical precedence of which the court has a nondiscretionary duty to vacate a void judgment.

I, Stephanie Marelda Salyers now known as Stephanie Marelda Petrenko, do hereby testify under penalty of perjury, that the information presented in this document is true and accurate.

Respectfully submitted, on this 11th day of July, 2016.

Signed: Stephanie M Petrenko

I. STATEMENT OF RELIEF SOUGHT

Appellant respectfully requests Clark County Superior Court to void judgment and all of the attached orders in the matter of the State v. Stephanie Marelda Salyers, case No. 16-1-00452-1, thereby vacating the felony conviction and all orders associated with it.

II. FACTS RELATIVE TO MOTION

On February 21, 2016, Appellant was taken into custody and arrested for violation of a restraining order (ROV). (Exhibit A) Order was alleged to have been made by Clark County Commissioner Carin Scheinberg during a 72 hour Shelter Care Hearing held on Friday, February 19, 2016. Video record of the hearing has confirmed that at no time on the record had a restraining order been stated verbally or presented for authentication in the form of a written order by Commissioner Schienberg.

> ***"Where the court failed to observe safe guards, it amounts to a denial of the due process of law, court is deprived of juris." Merritt v. Hunter C.A. Kansas 170 F2d 739***

On February 22, 2016, the Appellant made her first appearance on the ROV. The charge was escalated to Kidnapping in the First Degree. However, unknown to the Appellant at the time, Clark County Sheriff's Deputy, Sgt. Todd Barsness failed incorporate within his declaration of probable cause (Exhibit B) the statement "made under the penalty of perjury." If perjury cannot reach the accuser, then there is no accusation. If there is no accusation, then there is no competent fact witness and jurisdiction can be lost***; No petition in the record of the case, Brown v. VanKeuren, Supreme Court of Illinois 340 Ill. 118, 122 (1930)***

The CCSO incident report detailing the events, 2016-1993, (Exhibit C) had a total of 3 deputies complete various elements of the report. One of the three deputies, CCSO, Sgt. Charles

Christensen, stated the following on page 4 of 10;

> *"I called county records but they could not locate any documents of this court order awarding the state custody. I called and spoke to VPD officer Sandy Aldridge who was familiar with this case. She told me she was present at this hearing when the court commissioner awarded the children to the state and that the mother was given paperwork explaining this."*

Sgt. Christensen is then credited with the statement,

> "I contacted Sgt. Todd Barsness of MCU and advised him of the incident. Needed is a copy of the court documents from the hearing on Friday the 19th, wherein the children were awarded to the state."

The CCSO was not able to produce a copy of the order that showed the Appellant was restrained from having contact with her children. Where an order/judgment is based on a void order/ judgment, that order/judgment is also void; ***Austin v. Smith, 114 US App. D.C. 312 F.2d 337, 343 (1962); English v English, 72 Ill. App. 3d 736, 393 N.E.2d 18 (1st Dist. 1979)***

During the February 22nd first appearance hearing, Appellant denies the offer of a court appointed attorney and proceeded pro se. Court video captures the Appellant's challenge to the court of the existence of the alleged restraining order. Judge Derek Vanderwood ignores the Appellant's challenge by shifting the conversation to prosecuting attorney, Jeff Sinclair.

> ***A judgment is a void judgment if the court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process. Fed. Rules Civ. Proc., Rule 60(b)(4), 28 U.S.C.A., U.S.C.A. Const. Amend. 5 - Klugh v. U.S., 620 F. Supp. 892 (D.S.C. 1985)***

On March 4, 2016, Appellant is arraigned on the amended charge of Custodial Interference in the First Degree. No prior notice was given or explanation provided to the appellant regarding the amended information. The Appellant filed a handwritten Notice of Dismissal (Exhibit D) in the court record stating lack of jurisdiction and fictitious reporting. For the second time, the court ignored the Appellant's request challenging the existence of the alleged restraining order.

> *A void judgment is not entitled to the respect accorded a valid adjudication, but may be entirely disregarded or declared inoperative by any tribunal in which effect is sought to be given to it. It is attended by none of the consequences of a valid adjudication. It has no legal or binding force or efficacy for any purpose or at any place... It is not entitled to enforcement... All proceedings founded on the void judgment are themselves regarded as invalid.* **SCOTUS 30 Am Jur Judgments 44, 45**

On March 18, 2016, the Appellant accepted the terms offered in a plea bargain made by the prosecuting attorney, Jeffrey McCarty. The acceptance of the offer was in exchange for the prompt release from custody. The Appellant pled guilty to a conviction for Custodial Interference in the First Degree. The plea was made pursuant to State v. Newton whereby the Appellant was able to still maintain her innocence.

> *A void judgment must be vacated whenever the lack of jurisdiction comes to light.*
>
> ***Mitchell v. Kitsap County, 59. Wash. App. 177, 180-81, 797 P.2d 516 (1990)***
>
> *Also, a court has a nondiscretionary duty to vacate a void judgment.*
>
> ***Leen v. Demopolis, 62 Wash. App. at 478 (1991);***
>
> ***In re Marriage of Markowski, 50 Wash. App. 633, 635, 749 P.2d 754 (1988);***
>
> ***Brickum Inv. Co. v. Vernham Corp., 46 Wash. App. 517, 520, 731 P.2d 533 (1987)***

III. GROUNDS FOR RELIEF

The request for relief under CrR 7.8 (b) is qualified by virtue of the prima facie evidence as presented in this motion. The court also has a nondiscretionary duty to vacate a void judgment. Given what is now known, the Appellant is entitled relief. Please void judgment with great haste.

LIST OF EXHIBITS

Exhibit A	Shelter Care Hearing Order	9 pages
Exhibit B	Pre-book Probable Cause Statement	3 pages
Exhibit C	CCSO Incident Report 2016-1993	10 pages
Exhibit D	Handwritten Notice to Dismissal	1 page

TABLE OF AUTHORITIES

Merrit v. Hunter	C.A. Kansas 170 F2d 739 (1995)	2
Brown v. VanKeuren	340 Ill. 118, 122 (1930)	2
Austin v. Smith	114 U.S. App D.C. 312 F.2d 337, 343 (1962)	3
English v. English	72 Ill. App. 3d 736, 393 N.E.2d 18 (1979)	3
Fed. Rules Civ. Proc.	Rule 60(b)(4), 28 U.S.C.A.	3
Klugh v. U.S.	D.C.S.C. 620 F. Supp. 892 (D.S.C. 1985)	3
SCOTUS	30A Am Jur Judgments '' 44, 45	4
Mitchell v. Kitsap County	59 Wash. App. 177, 180-81 P.2d 516	4
Leen	62 Wash. App. At 478	4
In re Marriage of Markowski	50 Wash. App. 633, 635, 749 P.2d 754 (1988)	4
Brickum Inv. Co. v. Vernham Corp.	46 Wash. App. 517, 520, 731 P.2d (1987)	4

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STATE OF WASHINGTON } ss.
COUNTY OF CLARK

I, Scott G. Weber, County Clerk and Clerk of the Superior Court of Clark County, Washington, DO HEREBY CERTIFY that this document, consisting of 9 page(s), is a true and correct copy of the original now on file and of record in my office and, County Clerk, I am the legal custodian thereof.

Signed and sealed at Vancouver, Washington this date: 4/18/16

Scott G. Weber, County Clerk
By _____ Deputy

Seal of the Superior Court Of Clark County State of Washington

FILED
FEB 19 2016
Scott G. Weber, Clerk, Clark Co.
5:00 pm

SUPERIOR COURT OF WASHINGTON
COUNTY OF CLARK
JUVENILE COURT

Dependency of:

PETRENKO, EZRA
DOB: 12/18/12
PETRENKO, MALACHI
DOB: 11/02/11
PETRENKO, MOSES
DOB: 02/20/15

No: 16-7-00163-9
16-7-00164-7
16-7-00165-5

Shelter Care Hearing Order
☐ Agreed as to ☐ mother ☐ father ☐ other
☒ Contested as to ☒ mother ☒ father ☐ other
☐ Default as to ☐ mother ☐ father ☐ other
(SCOR)

☒ Clerk's Action Required. Paragraphs 3.5 (EDL), 3.11

ORIGINAL

The parties shall:

☐ Hold a case conference _____:

On: _____, at _____ a.m./p.m.
At: Clark County Superior Court, Family Law Annex.
Address: 601 West Evergreen Blvd., Vancouver, Washington 98660

☐ Not hold a case conference at this time because the parent ☐ did not appear at shelter care ☐ did not want to participate.

The court shall:

☒ Conduct a Shelter Care hearing: - presentation of orders

On: 2-23-16, at 2:30 pm ~~a.m./p.m.~~
At: Clark County Superior Court, Family Law Annex.
Address: 601 West Evergreen Blvd., Vancouver, Washington 98660

☒ Conduct a 30-Day Shelter Care Review hearing:

On: March 15, 2016, at 8:30 a.m.
At: Clark County Superior Court, Family Law Annex.
Address: 601 West Evergreen Blvd., Vancouver, Washington 98660

I. Hearing

1.1 **Petition**: A dependency petition was filed in this matter on _____, by ☒ DSHS ☐ Licensed Child Placement Agency _____ ☐ Other _____. The child was removed from the parents' care on February 16, 2016, by ☐ court order ☒ protective custody ☐ hospital/doctor hold ☐ voluntary placement agreement. The court held a shelter care hearing on this date or on February 19, 2016.

1.2 **Appearance**: The following persons appeared at the hearing:

☐	Child	☐	Child's Lawyer
☒	Mother	☐	Mother's Lawyer
☒	Father	☐	Father's Lawyer
☐	Alleged Father _____	☐	Alleged Father's Lawyer _____
☐	Guardian or Legal Custodian	☐	Guardian's or Legal Custodian's Lawyer
☒	Child's GAL/CASA	☐	GAL's Lawyer
☒	DSHS/Supervising Agency Worker	☒	Agency's Lawyer
☐	Tribal Representative	☐	Current Caregiver
☐	Interpreter for ☐ mother ☐ father	☐	Other _____

1.3 **Basis**: The court considered the dependency petition, declarations, testimony, if any, and the relevant court records.

☐ The child is 12 years old or older and the court made the inquiry required by RCW 13.34.100(6).

//

II. Findings

2.1 **Notice**: The petitioner gave adequate notice as required under RCW 13.34.062 to the ☒ mother ☒ father ☐ child if age 12 or older ☐ guardian ☐ legal custodian ☐ other: _____

The petitioner ☐ has ☐ has not made reasonable efforts to provide notice to the ☐ mother ☐ father ☐ child ☐ guardian ☐ legal custodian ☐ other: _____ and to inform them of their rights.

2.2 **Child's Indian status**:

The petitioner ☒ has ☐ has not made a good faith effort to determine whether the child is an Indian Child.

☒ Based upon the following, the child is not an Indian child as defined in RCW 13.38.040, and the federal and Washington State Indian Child Welfare Acts do not apply to these proceedings: Per maternal relatives, the children have no Native heritage.

☐ Based upon the following information currently available to the court, the child may be an Indian child as defined in RCW 13.38.040, and the federal and Washington State Indian Child Welfare Acts do apply to these proceedings: _____

☐ Based upon the following, the child is an Indian child as defined in RCW 13.38.040, and the federal and Washington State Indian Child Welfare Acts do apply to these proceedings: _____

☐ The petitioner ☐ has ☐ has not made preliminary efforts to notify all tribes to which the petitioner or court knows or has reason to know the child may be a member or eligible for membership of these proceedings.

2.3 **Rights**: The parties present at the hearing were informed of their rights pursuant to RCW 13.34.065 and 13.34.090.

2.4 **Waiver of shelter care hearing**: The ☐ mother ☐ father ☐ guardian ☐ legal custodian requested a waiver of the shelter care hearing. The court determined that the parent, guardian, or legal custodian ☐ was ☐ was not represented by an attorney and the waiver of the shelter care hearing was knowing and voluntary.

2.5 **Shelter Care Factors**:

The court considered the following factors:

(a) What services DSHS/Supervising Agency provided to the family to prevent or eliminate the need for removal of the child from the child's home.
☐ If lack of suitable housing was a significant factor in removal of the child, whether DSHS/Supervising Agency provided housing assistance to the family.

(b) Whether the child can be safely returned to the home pending the dependency fact-finding hearing.

(c) Whether restraining orders or orders excluding an allegedly abusive household member from the house of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home.

(d) What efforts DSHS/Supervising Agency made to place the child with a relative or other suitable person known to the child and with whom the child has a relationship. The court inquired whether DSHS/Supervising Agency has discussed this issue with the parents.

(e) Whether the placement proposed by DSHS/Supervising Agency is the least disruptive and most family-like setting that meets the needs of the child.

(f) Appointment of an attorney or guardian *ad litem* for the child's parent, guardian, or legal custodian, or for the child.

ATTORNEY GENERAL OF WASHINGTON
1220 Main Street, Suite 510
Vancouver, WA 98660
(360) 759-2100

(g) The terms and conditions for parental, sibling, and family visits.

2.6 **Reasonable efforts:**

☒ Petitioner made reasonable efforts to prevent or eliminate the need for removal of the child from the child's home. For the reasons set forth in the dependency petition, supporting declarations and affidavits, and/or the testimony presented to the court:

- ☒ The risk of imminent harm to the child as assessed by petitioner establishes reasonable cause for the continued out-of-home placement of the child pending the fact finding hearing; and/or
- ☒ Specific services offered or provided to the parent(s) have been unable to remedy the unsafe conditions in the home and make it possible for the child to return home; and/ or
- ☒ Returning the child to the home would seriously endanger the child's health, safety, and welfare.
- ☐ Additional reasonable efforts findings: _____

2.7 **Shelter care:**

☐ The court does not find reasonable cause to believe that shelter care is needed.

☒ It is currently contrary to the welfare of the child to remain in or return home. The child is in need of shelter care because there is reasonable cause to believe:

- ☒ The child has no parent, guardian, or legal custodian to provide supervision or care for such child; and/or
- ☒ The release of the child would present a serious threat of substantial harm to the child; and/or
- ☐ The parent, guardian or custodian to whom the child could be released is alleged to have violated RCW 9A.40.060 or 9A.40.070.

2.8 **Placement:**

☒ A ☒ relative or ☐ suitable person is available or willing to care for the child and to meet any special needs of the child or to facilitate the child's visitation with siblings.

- ☒ Placement with the relative or other suitable person is in the child's best interests.
- ☐ DSHS/Supervising Agency needs to further investigate the character and suitability of the proposed relative or other suitable person to determine if the placement is in the child's best interests.
- ☐ Placement with the relative or other suitable person is not in the child's best interests as there is reasonable cause to believe that placement of the child with the relative or suitable person would ☐ jeopardize the health, safety or welfare of the child ☐ hinder efforts to reunite the parent and child.

☐ A ☐ relative or ☐ suitable person is not available or willing to care for the child and to meet any special needs of the child or to facilitate the child's visitation with siblings.

☐ DSHS/Supervising Agency made the following efforts toward placement with a relative or other suitable person: _____

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ATTORNEY GENERAL OF WASHINGTON
1220 Main Street, Suite 510
Vancouver, WA 98660
(360) 759-2100

2.9 **Restraining order**:

☐ The court finds reasonable cause to believe that an incident of sexual or physical abuse has occurred and that a restraining order is necessary pursuant to RCW 26.44.063(2).

☐ A restraining order ☐ has been ☐ shall be entered pursuant RCW 26.44.063 and shall be incorporated by reference into this order. Placement of the child with _____ _____ [name] shall be contingent on continued compliance with the terms of the restraining order.

2.10 **Services**:

The court inquired into whether the child, the parent or parent(s), or the legal guardian requires examinations, evaluations, or immediate services. The court also inquired into whether the parent(s) agree(s) to any recommended services, and the parent(s) agree(s) to participate in the services listed in the Order.

☐ The Department recommends the following examinations, evaluations, or immediate services for the child: _____

☐ The child is 12 or older and ☐ agrees to the services ☐ was notified of the services ☐ was notified that he/she may request an attorney.

2.11 **Education status**:

☒ The child is not of school age.

☐ The court considered whether it is in the best interest of the child to remain enrolled in the _____ [name of school, developmental program, or child care] the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care.

☐ The child should not remain enrolled in the child's present school, developmental program, or child care and the reasons for the transfer to a new school, developmental program, or child care are: _____

☐ DSHS/Supervising Agency should enroll the child in school, developmental program, or child care immediately and within seven school days and request transfer of records.

☒ DSHS/Supervising Agency is responsible for coordinating the student's educational information.

☐ The child meets the criteria for appointment of an educational liaison. DSHS/Supervising Agency recommends that the court appoint (name) _____ as the child's educational liaison.

☐ The parents are not able to serve as the educational liaison because: _____ _____

2.12 ☐ **Other**: _____ _____

//

III. Order

3.1 **Placement**:

☐ The child is released to the child's parent, guardian or legal custodian:

Name(s): _____
Address: _____

Subject to the following conditions: _____

☒ The child is placed in or shall remain in shelter care, in the temporary custody and under the supervision of DSHS/Supervising Agency, which shall have the authority to place the child in:

☐ Licensed foster care.
☒ Relative placement with Monica Siarist & Tiffani Lahmann [name].
☐ Placement with a suitable person: _____ [name].

Placement with the relative or suitable person is contingent upon the caregiver's cooperation with the DSHS/Supervising Agency case plan and compliance with this, and all subsequent court orders related to the care and supervision of the child, including but not limited to parent-child contact, sibling contacts, and any other conditions imposed by the court.

Placement conditions Other: The parental/foster/relative/suitable person placement is authorized to take the child into the State of Oregon for a time period not to exceed 72 hours without prior court order.

The parental/foster/relative/suitable person placement is also authorized to take the child into another state within the United States for a time period not to exceed 7 days without prior court order; provided that the Department will notify the CASA/GAL/Child's attorney, parent(s) and their attorney(s), at least 14 days prior to the travel. If the attorney for any party notifies the Department that the party objects to the travel within 7 days after receiving notice, the Department will cite on a motion for travel and the court may hear the matter on short notice.

For any out of state travel, the parental/foster/relative/suitable person placement must have advance approval from the agency worker.

☐ DSHS/Supervising Agency shall continue to make reasonable efforts to locate and investigate an appropriate relative or other suitable person who is available and willing to care for the child, and is authorized to share information with potential relative or other suitable person placement resources as necessary to determine their suitability and willingness as a placement for the child.

☐ DSHS/Supervising Agency shall have authority to place the child with an appropriate relative with prior reasonable notice to the parties, subject to review by the court.

3.2 **Visitation**: DSHS/Supervising Agency shall provide visits between the child and parent, guardian, or legal custodian as follows:

☐ Per visitation attachment.
☒ As follows: as arranged by the assigned social worker.

If siblings are not placed together, DSHS/Supervising Agency shall provide sibling visits or contact as follows: _____

☐ Visitation may be expanded upon agreement of the parties.

3.3 **Attorney/GAL Appointments**: Attorney and guardian *ad litem* appointments are as follows:

☐ attorney ☐ guardian *ad litem* _____ for _____ [Name].
☐ attorney ☐ guardian *ad litem* _____ for _____ [Name].
☐ attorney ☐ guardian *ad litem* _____ for _____ [Name].
☐ attorney ☐ guardian *ad litem* _____ for _____ [Name].

3.4 **Services**:

☐ DSHS/Supervising Agency shall offer or provide and the parent/guardian/custodian shall participate in the following agreed upon examinations, evaluations, or immediate services:

☐ The mother shall participate in the following: _____

☐ The father shall participate in the following: _____

☐ The alleged father _____ [name] shall participate in the following: _____
_____

☐ The guardian/legal custodian shall participate in the following: _____
_____

☐ DSHS/Supervising Agency shall provide and the child shall participate in the following examinations, evaluations, or immediate services: _____
_____

☐ Per attached service plan.

☐ Other: _____

3.5 **Education**:

☐ DSHS/Supervising Agency or its designee shall immediately and within seven school days timely enroll the child in school and request transfer of records.
☐ DSHS/Supervising Agency or its designee shall provide the child's school with a certified copy of the Order and Authorization Re Health Care and Education.
☐ (Name) _____ is appointed as the child's educational liaison to carry out the responsibilities described in Laws of 2013, ch. 182, §5. The educational liaison must complete criminal background checks required by DSHS/Supervising Agency.

3.6 **Parental Cooperation**:

The parents shall cooperate with DSHS/Supervising Agency and provide a current address and phone number to the social worker at all times. Within two weeks of the entry of this order, the parents shall provide additional information necessary for placement and notice purposes including:

(a) The names, addresses, and phone number of any relatives or other suitable persons who may be placement resources for the child.

(b) The names, addresses, phone numbers and other identifying information of any alleged parent(s) of the child.
(c) Any known information regarding possible membership in or descent from an Indian tribe.
(d) Information necessary to determine financial eligibility for services or foster care.
(e) Other: _____

The parents shall sign and maintain current releases of information during the course of these proceedings for exchange of information between all evaluators and service providers, DSHS/Supervising Agency, CASA/GAL, Juvenile Court, AAG, and the parents' attorneys.

3.7 **Paternity**:

☐ The alleged father(s) _____ shall cooperate in the establishment of paternity and shall complete all interviews, paperwork, and genetic testing within _____ days of the entry of this order.
☐ The mother shall cooperate in the establishment of paternity and shall complete all interviews, paperwork, and genetic testing within _____ days of the entry of this order.
☐ The child shall be made available for genetic testing.
☐ If paternity has not been established regarding the child, the court authorizes the _____ _____ County Prosecutor's Office to proceed in the _____ County Superior Court, Family Law Division, on the issue of paternity, current and past child support, and costs.

3.8 **Release of Information**:

All court-ordered service providers shall make all records and all reports available to DSHS, attorney for DSHS, parent's attorney, the guardian ad litem and attorney for the child. Parents shall sign releases of information and allow all court-ordered service providers to make all records available to DSHS and the guardian ad litem or attorney for the child. Such information shall be provided immediately upon request. All information, reports, records, etc., relating to the provision of, participation in, or parties' interaction with services ordered by the court or offered by DSHS may be subject to disclosure in open court unless specifically prohibited by state or federal law or regulation.

3.9 **General**:

DSHS/Supervising Agency shall have the right to access, inspect, and copy all records pertaining to the above-named child, including but not limited to health, medical, mental health and educational records.

DSHS/Supervising Agency may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary emergency care.

DSHS/Supervising Agency shall make reasonable efforts to advise the child's ☒ mother ☒ father ☐ legal guardian or custodian of the status of this case, including the date and time of the hearing(s) scheduled below and their rights under RCW 13.34.090.

3.10 **Restraining Order**:

☐ The court signed a separate restraining order on this date.
☐ The restraining order entered pursuant to RCW 26.44.063 is incorporated into this order.

Placement of the child with _____ is contingent on continued compliance with the terms of this restraining order. Failure to comply with any and all terms of this order may result in removal of the child.

The person having physical custody of the child has an affirmative duty to assist in the enforcement of this restraining order and to notify law enforcement, DSHS/ Supervising Agency, and the court as necessary to request assistance and/or report violations of the order.

3.11 All parties shall appear at the next scheduled hearing (see page one).

3.12 **Continued Shelter Care:**

~~Pursuant to RCW 13.34.065, an ex parte order authorizing continued shelter care will be entered no later than 30 days from the date of this order. A party may request a modification of the shelter care decision of placement upon a showing of a change of circumstances.~~

3.13 Other: Parents declined court appointed attorneys.

Dated: 2/19/16

~~Judge~~/Commissioner

Presented by:

ROBERT W. FERGUSON
Attorney General

SARRA M. YAMIN, WSBA No. 44694
Assistant Attorney General

COPY RECEIVED; APPROVED FOR ENTRY;
NOTICE OF PRESENTATION WAIVED.

Signature of Mother, STEPHANIE SALYERS
☐ Pro Se, Advised of Right to Counsel

, WSBA No.
Mother's Lawyer

Signature of Father, ILYA PETRENKO
☐ Pro Se, Advised of Right to Counsel

, WSBA No.
Father's Lawyer

CLARK COUNTY C.A.S.A. PROGRAM
Signature of Children's GAL

3
mm

CLARK COUNTY JAIL PRE-BOOK/PROBABLE CAUSE SHEET

(Please Attach Pink Sheet)

16-1-00452-1

Defendant

Last Name	First Name	Middle
SALYERS	STEPHANIE	M

DOB	Sex	Race	Hair	Eyes	Height	Weight
07.15.89	F	W	BLN	BLU		

Address	City	State	Zip
1602 SE 145th ct	VANCOUVER	WA	9866

Phone		Place of Birth
360-609-4200		

Arrest Information

Arresting Agency	Officer & PSN	Transporting Officer & PSN
CLARK COUNTY SHERIFF	BARSNESS 3441	SAME

Date & Time of Arrest	Police Report Number
02.21.2016 2100	2015-1993

Incident Location: (City & State)

Arrest Location (City & State) 1602 SE 145th ct. Vancouver WA.

DUI OFFENSES: The suspect's criminal history indicates that this is a mandatory arrest situation under RCW 10.31.100(16) due to the existence of a prior offense as defined in RCW 46.61.5055 within ten years. The suspect shall remain in custody until release by a judicial officer on bail, personal recognizance, or court order. Yes ☐ No ☐

RECEIVED
FEB 22 2016
Clark County
Clerk's Office

AKA/Alias/Maiden Name

Name	Date of Birth

Scars/Marks/Location

Type	Location	Description

Intake/Triage Questions

		Yes	No
1	Does the arrestee have any observable medical problems?		X
2	Does the arrestee have any observable mental health problems?		X
3	Does the arrestee show any signs of suicidal behavior or attempts?		X
4	Has the arrestee shown any escape potential or violence propensity behaviors?		X
5	Does the transporting officer have any other information which we need to know concerning this matter?		X

Comments:

Charges (Circle if there is a **WARRANT** or **CITATION** number and include the bail amount.)

Charge(s)	Citation/Warrant#	RCW	LEA	Counts	Bail Amount
9A.40.030	KIDNAPPING 1	DV		3	Ø

Domestic Violence

Victim	Date of Birth	Relationship to Defendant
PETRENKO, EZRA	12.18.12	SON
PETRENKO, MALACHI	11.02.11	SON.
PETRENKO, MOSES	02.20.15.	SON.

3

Copies: *White - P.A.* *Yellow - C.B.C.* *Pink - Arresting Offic*

Rev: 04/21/2015 PA Forms Committee MUST authorize any revisions MAD

ARRESTING OFFICER'S DECLARATION OF PROBABLE CAUSE

The undersigned law enforcement officer states that the person whose name appears on this Pre-book/Probable Cause sheet was arrested without a warrant on the date and time shown thereon for the crimes committed in Clark County, Washington based on the following circumstances. The Pre-Book for this sheet is hereby incorporated by evidence.

My information is derived from:
S1: Salyers, Stephanie M.
V1: Petrenko, Ezra
V2: Petrenko, Malachi
V3: Petrenko, Moses
W1: Macky Sjenna

Investigation Summary:
On Sunday February 21, 2016 I was contacted by Sgt. Christenson and asked to assist in the investigation of a Kidnapping.

I met with Sgt. Christenson who told me that earlier today he had talked to Ricky Salyers. Ricky told Sgt. Christenson that he had temporary custody of Ezra, Malachi and Moses Petrenko who had been removed from the custody of their biological parents, Stephanie Salyers and Ilya Petrenko. Stephanie had learned that Ricky was supervising the children and went to him home. Stephanie visited with the children for about 90 minutes. At that time, Ricky went to a different part of the house and Stephanie exited the residence through a bedroom window with the three children. See the original report by Sgt. Christenson for details. 2016-1993.

I contacted Rachel Whitney, case supervisor for Washington State Department of Social and Health Services. Rachel told me that the state had legal guardianship of the three Petrenko children and that the biological parents were issued the Shelter Care Hearing Order on Friday February 19, 2016 stating such. Rachel was able to provide me with a copy of this order.

At approximately 2000 hours I drove to the area of the Petrenko home and observed a dark colored four door SUV backed into the driveway of 1602 SE 145th Court. This is the listed address for Stephanie Salyers and Ilya Petrenko. The garage door of the residence was open and I could see an adult moving from the inside of the residence to the SUV placing items into the SUV. A short time later a second adult was seen also placing items into the back seat and cargo area of the SUV. Due to my distance from the residence I could not identify who the adults were or what was being placed into the SUV.

When the SUV began to leave the residence I was able to stop the SUV with assistance from Vancouver Police patrol units.

I contacted the driver of the SUV who identified herself as Sjenna Macky. A second female was seated in the passenger seat. I asked Sjenna what she had in the vehicle and she told me that she had picked up some personal belongings for a friend. I looked in the back seat and saw that the back seat and cargo area were filled with blankets and bedding.

The female in the passenger seat appeared to be in her mid 20's and matched the physical description of Stephanie Salyers. I asked the second female if she had some identification and she told me that she did not. I asked her what her name was and she told me that it was "Sam". I asked her if she was Stephanie Salyers and she told me that she was not.

I then interviewed the driver who told me that the passenger was in fact Stephanie Salyers. Sjenna went on to say that Stephanie had contacted her and asked her for help in getting some belongings from her home and if she and her family could stay with her for a few days. Sjenna said that Stephanie told her that in a couple days they were going to leave the area with the kids.

I detained the female who continued to deny that she was Stephanie Salyers. I attempted to speak to Stephanie who refused to listen to me and demanded to know why she was being detained. I advised Stephanie that I wanted to speak to her and ask her some questions and she told me that she "was taking the 5th" and did not want to speak to me. I did not ask her any additional questions.

Later, while at the jail, Stephanie would repeatedly tell me, the transporting VPD officer and the Corrections staff that she did not kidnap her children and that she was never given paperwork saying that she could not have her children.

Stephanie was transported to the Clark County Jail where she was booked on three counts of Kidnapping for removing Ezra, Malachi and Moses Petrenko from their legal guardian with the intent keep them and leave the state.

STATE OF WASHINGTON } ss.
COUNTY OF CLARK }

I, Scott G. Weber, County Clerk and Clerk of the Superior Court of Clark County, Washington, DO HEREBY CERTIFY that this document, consisting of THREE page(s), is a true and correct copy of the original now on file and of record in my office and, as County Clerk, I am the legal custodian thereof.

Signed and sealed at Vancouver, Washington this date: APRIL 18, 2016

Scott G. Weber, County Clerk

By _____ Deputy

Seal of the Superior Court STATE OF WASHINGTON Of Clark County

Signed this 21st Day of February 2016, in Vancouver, Clark County, Washington.

Signature _____ **PSN** 3441

The undersigned Judge/Magistrate/Commissioner hereby certifies that I have read or had read to me the above statement of probable cause to arrest and that I find probable cause to arrest is ✓ established ____ not established (release defendant).

Signed this 22 **day of** February **, 20**16 **in Vancouver, Clark County, Washington**

_____ **Time:** 9:15 **(am)/pm**

Clark County Sheriff's Office

CASE NUMBER
GO 20 2016-1993

GENERAL OFFENSE

REPORTED DATE/TIME	OCCURRED DATE/TIME	REPORTING OFFICER/DEPUTY NAME & #
02/21/2016 1534	02/21/2016 0930	CHRISTENSEN, CHARLES (203109)

LOCATION OF INCIDENT	PLACE
18711 NE 119TH AVE, BATTLE GROUND	

COUNTY	DISTRICT	BEAT	GRID
CLARK	CC	81	

SEVERITY	FAMILY VIOLENCE	GANG INVOLVEMENT	BIAS	SPECIAL STUDY
	NO		NONE (no bias)	

RELATED INCIDENT NUMBERS

TOTAL LOSS	TOTAL RECOVERED	DAMAGED TOTAL	DRUG TOTAL

INTERNAL STATUS	APPROVED BY	APPROVED ON
OPEN (UNDER INVESTIGATION)	NELSON, DAVID (203357)	02/22/2016

OFFENSES [1]

OFFENSE	PREMISE TYPE
VIOLATION RESTRAINING ORDER	RESIDENCE/HOME/APARTMENT

PERSON - ARREST CSTD #1

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
SALYERS, STEPHANIE M	FEMALE	WHITE	07/15/1989	26

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
1602 SE 145TH CT, VANCOUVER WA 98683	5'03	125	BLOND OR STRAWBERRY	BLUE

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
(360)	(360) 609-4200	(360)	

DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
[redacted]	[redacted]		NOT HISPANIC OR LATINO

CITIZENSHIP	MARITAL STATUS	LENSES/GLASSES	LANGUAGE
	MARRIED		

COMPLEXION	BUILD	HANDED	HAIR STYLE	FACIAL HAIR COLOR	FACIAL HAIR DESCRIPTION
	SLIM		LONG		

ARREST DATA

ARREST DATE	ARREST TYPE
02/21/2016	SELF INITIATED ARREST WITHIN YOUR JURISDICTION

PERSON - VICTIM #1

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
PETRENKO, EZRA	MALE	WHITE	12/18/2012	3

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
1602 SE 145TH CT, VANCOUVER WA 98683				

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
(360)	(360)	(360)	

DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
			NOT HISPANIC OR LATINO

PERSON - VICTIM #2

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
PETRENKO, MALACHI	MALE	WHITE	11/02/2011	4

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
1602 SE 145TH CT, VANCOUVER WA 98683				

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
(360)	(360)	(360)	
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
			NOT HISPANIC OR LATINO

PERSON - VICTIM #3

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
PETRENKO, MOSES S	MALE	WHITE	02/20/2015	1

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
1602 SE 145TH CT, VANCOUVER WA 98683				

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
(360)	(360)	(360)	
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
			NOT HISPANIC OR LATINO

PERSON - WITNESS #1

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
MACKY, SJENNA LYNN	FEMALE	WHITE	02/28/1989	26

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
14913 SE MILL PLAIN BLVD, Apt. U128, VANCOUVER WA 98684				

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
(360) 353-8576	(360)	(360)	
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
			NOT HISPANIC OR LATINO

PERSON - MENTIONED #1

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
PETRENKO, ILYA SERGEYEVICH	MALE	WHITE	02/19/1989	27

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
1602 SE 145TH CT, VANCOUVER WA 98683	6'00	175	BROWN	BLACK

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
	(216) 571-9115		
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
[redacted]	[redacted]		NOT HISPANIC OR LATINO

CITIZENSHIP	MARITAL STATUS	LENSES/GLASSES	LANGUAGE
	MARRIED		ENGLISH

PERSON - MENTIONED #2

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
LAHMANN, TIFFANY M	FEMALE	WHITE	09/07/1983	32

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
2802 NW 7TH ST, BATTLE GROUND WA 98604				

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
(360) 903 0371			
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
			UNKNOWN

PERSON - MENTIONED #3

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
SALYERS, RICKY A	MALE	WHITE	02/10/1984	32

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
18711 NE 119TH AVE, BATTLE GROUND WA 98604				

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
	(606) 369-6163		
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
			UNKNOWN

PERSON - MENTIONED #4

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
KUDLA, SARA J	FEMALE	WHITE	10/23/1986	29

VIOLATION RESTRAINING ORDER

Clark County Sheriff's Office

CASE NUMBER
GO 20 2016-1993

HOME ADDRESS - STREET, CITY ZIP			HEIGHT	WEIGHT	HAIR COLOR	EYES
18711 NE 119TH AVE, BATTLE GROUND WA 98604						
HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS			
	(773) 339-5481					
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY			
			UNKNOWN			

PERSON - MISSING #2

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
PETRENKO, EZRA	MALE	WHITE	12/18/2011	4

HOME ADDRESS - STREET, CITY ZIP			HEIGHT	WEIGHT	HAIR COLOR	EYES
1602 SE 145TH CT, VANCOUVER 98683						
HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS			
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY			
			UNKNOWN			

NARRATIVE

AUTHOR	DATE/TIME
CHRISTENSEN, CHARLES (203109)	02/21/2016 1639

SUBJECT
NARRATIVE

On 02/21/16, I was requested to call SGT Andy Hamlin of VPD. He advised me of a violation of a court order which occurred in the county. He stated that there had been a court hearing in the commissioners court room on Friday the 19th, where the State had taken custody of three children, and now the mother Stephanie Salyers had located them and removed them from the safety of the home they were at.

Dispatch had evented a call of Kidnap with the address of 18711 NE 119th Ave, Battle Ground, where this occurred. Further Hamlin advised me that VPD units were now at the Salyers residence watching so no one would leave in case the children were there, this address is 1602 SE 145 Ct, Vancouver.

I contacted the residents at 18711 NE 119th Ave. I met with the owners Ricky Salyers and Sara Kulda. Also present was Tiffany Lahmann. Tiffany told me that she had been chosen by the State to care and house the three children, Malachi 4 yrs, Ezra 3 yrs and Moses 1 yr. Tiffany is a ex-sister in law of Stephanie.

The night prior Tiffany had brought the children to this address, the home of Sara and Ricky who is the brother of the biological mother Stephanie. Ricky and Sara agreed to watch the children as Tiffany had errands to run. The children spent the night with Ricky and Sara. Today, the 21st, Stephanie happened to call her brother Ricky and while talking to him she heard her children in the background. A short time later she showed up at their home and talked to her brother who invited her inside. She stated to him that since she was not given any paper work at the court hearing she could visit her children and he relented to her request. Ricky told me that she was there for about 1 1/2 hours and he went to the kitchen. While he was in the kitchen Stephanie apparently took the kids into a nearby bedroom and left the house through a window, apparently so not to use the front door alerting Ricky. Ricky said that he noticed it being quiet and when he checked in the front room they were gone. He found the open bedroom window and scuffs outside the window.

Ricky told me that she had driven over in a black pickup truck and

that it was gone when he checked.

Vancouver Police who had been watching the house where the children resided with their parents. They checked on the home and made entry to check on the safety of the children due to this situation. No one was home, two vehicles were in the driveway a gold colored van and a black truck, no other identifiers.

I called county records but they could not locate any documents of this court order awarding the state custody. I called and spoke to VPD officer Sandy Aldridge who was familiar with this case. She told me she was present at this hearing when the court commissioner awarded the children to the state and that the mother was given paperwork explaining this.

At this time it is unknown the whereabouts of the children, there mother Stephanie or husband Ilya Petrenko.

I contacted SGT Todd Barsness of MCU and advised him of this incident. SGT Barsness was made aware of the current information and is active in location attempts of the children.

Needed is a copy of the court documents from the hearing on Friday the 19th, wherein the children were awarded to the State.

TEXT TEMPLATE

AUTHOR	DATE/TIME
CHRISTENSEN, CHARLES (203109)	02/21/2016 1637

SUBJECT
NARRATIVE

[20RCW01] Summary - RCW - Distribution v.150825

Case Summary
[On Friday 02/19/2016, Biological mother Stephanie Salyers was informed by Coourt Commisioner Sheinborn(?) that the three children of Salyers, were to be taken from her and placed into State custody on a temporary shelter basis, until a further decision was to be decided.

On this date Salyers learned of the location of the children, went to that address and left with the children un noticed by care givers, in violation of the court order.]

Attachments
[ ]

RCW		Counts	V1	V2	V3	V4
[INFO.RPT]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

Distribution 1 [ ]
Distribution 3 [ ]

Distribution 2 Distribution 4

[ ] [ ]

Referral Info / External Distribution / "OTHER"
[ ]

FOLLOWUP REPORT #1

ASSIGNED TO	RANK
MARLER, CRAIG (203221)	
ORG UNIT	**CAPACITY**
DOMESTIC VIOLENCE	INVESTIGATOR(S)

ASSIGNED ON	ASSIGNED BY	SUBMITTED ON	APPROVED ON	APPROVED BY
02/22/2016	MARLER, CRAIG	02/22/2016	02/23/2016	BARSNESS, TODD

SUPPLEMENTAL

AUTHOR	DATE/TIME
MARLER, CRAIG (203221)	02/22/2016 0905

SUBJECT
SUPPLEMENTAL REPORT

Persons involved: Names have been entered in original report

Stephanie M. Salyor 07/15/1989 - Mother/suspect
Malachi Petrenko 11/02/2011 - suspect's juvenile son
Ezra Petrenko 12/18/2012 - suspect's juvenile son
Moses Petrenko 02/20/2015 - suspect's juvenile son
Sjenna L. Macky 02/28/1989 - mentioned but no criminal involvement

Shelter care hearing order numbers 16-7-00163-9, 16-7-00164-7 and 16-7-00165-5 are all encompassed on one document.

On 02/21/2016 at approximately 1730 I was contacted at home by Sergeant T. Barsness in reference to a kidnapping which occurred earlier in the day. Please see sergeant Barsness and Sergeant Christensen's report for further details.

I met with Sgt. Barsness at Central Precinct and he filled me in with the

details.

I learned that after court proceedings, three juvenile children were placed with family members. At some point, their mother Stephanie Salyers absconded with the children and took them to an unknown location.

Through surveillance of the residence, Sgt. Barsness located Stephanie as she was leaving with a female, identified as Sjenna Macky.

I responded to Sgt. Barsness' location and observed Ms. Salyers in the back of a VPD patrol vehicle. As she was seated, Sgt. Barsness opened the door in an effort to speak with her and she immediately put both feet out onto the ground. She said that she needed to go to her residence because she had to use the bathroom. It was explained that we would facilitate a restroom as soon as possible, but she would not be going to her home at this time. She then began to argue as to why she couldn't be released and asked if she was being detained. It was explained that she was being detained and Sgt. Barsness picked her feet up and moved them back in the car. She did not fight or resist her having her feet moved, however she stated not to touch her. When Sgt. Barsness attempted to speak to her, she stated "I plead the Fifth".

As Sgt. Barsness was dealing with Stephanie, I made arrangements to follow Sjenna to her residence where the children had been staying.
While I was waiting for another officer to arrive, a man known only as "Vincent" exited Sjenna's apartment. Vincent advised that he just stopped by to pick up his backpack and that he saw no adults in the apartment. He said that he only saw the kids in the living room and he thought they were alone.

We then entered the apartment to find the two youngest children running around naked. The eldest boy was in a bedroom playing in a toy box.

There was a burnt pizza sitting on the counter and there was a slight haze of smoke that had been lingering from the burnt pizza. No adult was present in the home.

I notified CPS and we brought the children across the street to VPD East Precinct where we waited.

Other than the two children being completely naked and no diapers present in the home, the kids appeared relatively clean. Their hair appeared clean and they did not appear malnourished.

We had gathered some of the clothing and Sjenna got them dressed.

While we waited at VPD East Precinct, the children were a bit rambunctious, but played with each other and interacted with me and other officers who were in the office writing reports. The youngest appeared very tired and was definitely ready for a rest.

CPS caseworker Troy Harris responded and took custody of the children.

**For clarification, it was mentioned in previous reports that detective Sandra Aldridge was at the court proceedings, however this is not correct.

Detective Aldridge was in direct communication with Washington State Department of Social and Health Services caseworker Rachel Whitney, who was at the hearing. Ms. Whitney provided her direct information as to what was transpiring during the court proceedings. This was originally a misinterpretation by the originating officer.

It should also be noted that this report should be referenced to VPD report number 23 2016-2749 in which the father, Ilya was arrested on 02/18/2016 for assaulting the children's mother, Stephanie Salyers.

Refer this report to the original report.

This report has been routed to the DVPC for information.

FOLLOWUP REPORT #2

ASSIGNED TO	RANK
BARSNESS, TODD (203441)	
ORG UNIT	**CAPACITY**
MAJOR CRIMES UNIT	INVESTIGATOR(S)

ASSIGNED ON	ASSIGNED BY	SUBMITTED ON	APPROVED ON	APPROVED BY
02/21/2016	BARSNESS, TODD	03/02/2016	03/02/2016	WADDELL, BRENT

CASE SUMMARY

AUTHOR	DATE/TIME
BARSNESS, TODD (203441)	02/21/2016 2330

SUBJECT
SUMMARY

On Sunday February 21, 2016 I was contacted by Sgt. Christensen and asked to assist in a kidnapping investigation.

I responded to Central Precinct where I met with Sgt. Christensen. Please see his original report under this case number for details. In summary, Sgt. Christensen told me that he had responded earlier in the day to a reported kidnapping. Sgt. Christensen had talked with Ricky Salyers, Monica Sigrist and Tiffani Lahmann. Tiffani had explained that she had been appointed the temporary legal guardians of Ricky's nephews, Era, Malachi and Moses Petrenko. The children, ages 1, 4 and 5 had been removed from the biologiacal parents, Stephanie Salyers and Ilya Petrenko, in a court decision on Friday February 19th, 2016. She went on to tell Sgt. Christensen that due to a prearranged event, the children had been put into the care of Ricky Salyers on the night of the 20th with the intent to pick them back up on the afternoon of the 21st.

Ricky told Sgt. Christensen that around 0900 on the morning of the 21st Stephanie had called him and learned that he had the children at his home in the Battle Ground area. Ricky told Sgt. Christensen that Stephanie came out to the house to visit the children and stayed for around 90 minutes. At that point, Ricky went to the kitchen and when he returned he found that Stephanie had removed the children from the home via a bedroom window and had left the residence.

Sgt. Christensen was able to provide me with cell phone numbers for both Stephanie and Ilya and due to the nature of the abduction and the concern for the welfare to the children I requested that he have dispatch attempt to 'ping' the phones. This process allows the cell phone providers to

provide a GPS based location for the phones. Multiple pings all showed that the two cell phones were in the area of Stephanie and Ilya's home located at 1602 SE 145th Court in Vancouver, Washington.

I contacted Detective Sandy Aldridge with the Vancouver Police Department. Sandy was able to provide me with some background information on the case because she had been at the CPS hearing on Friday the 19th and had worked on the case with the CPS case officer. Sandy told me that she had serious concerns about the children's welfare and the biological parents ability to care for them.

I contacted Rachel Whitney by telephone. Rachel is a case supervisor for the Washington State Department of Social and Health Services. Rachel confirmed for me that the state had legal guardianship of the three Petrenko children and that the biological parents were issued the Shelter Care Hearing Order on Friday the 19th stating such. Rachel was able to provide me with a copy of this order. Rachel further confirmed that if we were able to locate the children they were to be placed into CPS custody. I then contacted Detective Marler and he responded to Central Precinct where we began the process of attempting to locate the Petrenko children. As part of this effort, I drove to the listed address for the family, 1602 SE 145th Court in Vancouver.

When I arrived on 145th Court I drove past the house and noted that it was a two story duplex at the end of a cul-de-sac. I also noted that the garage door of the residence was open and that there were two vehicles in the driveway. One vehicle was a light colored mini-van. The van's windows were frosted and it did not appear to have been recently used. The second vehicle was a dark, four door SUV with dealer plates. The rear hatch of the SUV was open.

I drove down the street approximately four houses and parked so I could observe the residence. As I watched I observed an adult exit the residence by the garage door and place items into the cargo area of the SUV. A short time later I observed a second adult placing items into the back seat and the cargo area. Due to the distance from the residence I could not confirm the identities of the two adults or what was being placed into the SUV. As I watched, the adults entered the front seats of the SUV and the vehicle was started. At this point I made a request for patrol units to come to my location to assist me in contacting the SUV. Although I could not confirm what was placed into the SUV I believed that children could have been put into the backseat area.

The patrol unit arrived just as the SUV began to drive away from the residence. The patrol vehicle approached the SUV with his overhead lights activated and the SUV pulled to the side of the road.

I exited my vehicle and approached the SUV. I noted that there were to adult females in the front seats and what appeared to be a large amount of bedding in the back seat and rear cargo area of the SUV. I asked the driver her name and she told me that she was Sjenna Macky. I asked her where she was going with the bedding and she told me that a friend had asked her to pick them up and deliver them to her later.

At this point I noticed that the female in the passenger seat was shifting

back and forth in her seat and appeared agitated. She asked me if there was a problem and if they could leave. I told her that they could not and as I attempted to tell her why she demanded to know if she was under arrest. The female in the passenger seat appeared to be in her mid-twenties and I began to suspect that she was Stephanie Salyers. I asked her if she was Stephanie and she said, "No, my name is Ray." I asked her if she had any identification and she told me that she did not. I asked her if she had anything with her name and picture on it and she said that she did not. The driver then produced a Washington State Driver's License. I told the driver that I was investigating a possible kidnapping and asked her if she would mind if I asked her some questions. The driver said, "sure". I asked her if she would mind stepping out of the vehicle and she opened the door to step out.

Once out of the vehicle I explained to her that I was looking for the Petrenko children and that I was concerned for their safety. Sjenna told me that the passenger was Stephanie Salyers and that the children were with Stephanie's husband, Ilya. Sjenna said that she did not know where Ilya was but that he was supposed to bring the children over to her house at any minute.

I asked Sjenna if she was aware of the fact that the state had removed the children from Stephanie and Ilya and that we believed that Stephanie had kidnapped them earlier in the day. Sjenna said that she was not. Sjenna explained that Stephanie, who was a friend of hers, had contacted her by e-mail yesterday and asked if she and her children could stay with her for a few days. According to Sjenna, Stephanie told her that they were being evicted and just needed a few days to get some things together before they left the area. Sjenna said that she was aware that the children had been taken from Stephanie the week before and had asked her how she was able to get them back. According to Sjenna, Stephanie would not answer this question and just changed the subject.

With this information I asked Stephanie to step out of the vehicle and she refused. Stephanie demanded to know if she was under arrest and what legal authority I had to have her step out. I attempted to explain that I was conducting an investigation into a kidnapping but she refused to listen to me and only cut off my answer with more questions.

Eventually Stephanie was removed from the vehicle and detained. After a few minutes I opened the rear door of the patrol car and explained to Stephanie that I wanted to ask her some questions. Before I could say anything more Stephanie told me, "I plead the 5th" Based on this statement I did not make any attempts to question her about the abduction of the children.
By this point Detective Marler had arrived at the location of the stop and he and I decided that I would facilitate the arrest of Stephanie and that he would work on recovering the children.

Stephanie was transported to the Clark County Jail by the assisting Vancouver Police patrol unit. Once there she was booked on three counts of Kidnapping.

While at the jail Stephanie would repeatedly tell me, the transporting VPD officer and the Corrections staff that she did not kidnap her children and

that she was never given paperwork saying that she could not have her children.

CASE SUMMARY

AUTHOR	DATE/TIME
BARSNESS, TODD (203441)	02/22/2016 0016

SUBJECT
ARREST

[20RCW01] Summary - RCW - Distribution v.150825

Case Summary
[On February 21, 2016 Stephanie Salyers unlawfully removed her three children from the residence of their legal guardian. Stephanie then made arrangements to stay at a freinds home in order to avoid being found by law enforcement.

Stephanie was located and arrested for three counts of Kidnapping]

Attachments
[ ]

RCW		Counts	V1	V2	V3	V4
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
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[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

Distribution 1 Distribution 3
[ ] [ ]

Distribution 2 Distribution 4

[ ] [ ]

Referral Info / External Distribution / "OTHER"
[ ]

I, woman, am Sovereign; sui juris,
TM Stephanie-Marelda: Salyers©
NON DOMESTIC
1602 SE 145TH CT
Vancouver, Washington [98683]

16-1-00452-1

February 22nd, 2016

FILED

MAR 04 2016
1:47pm
Scott G. Weber, Clerk, Clark Co

State of Washington
County of Clark

CC: JUDGE, David V.
CC: Prosecutor, R.S. WSBA#: 3577

RE: Notice of Dismissal for Lack of Jurisdiction / Fictitious Reporting (Domestic Violence, No Contact order) Release of No Contact order and 3 counts of kidnapping / AS WELL AS IMMEDIATE RELEASE FROM CLARK COUNTY JAIL CUSTODY.

Demands: JUDGE AND PROSECUTOR

- Oath to office (UPHOLD THE CONSTITUTION)
- BAR 'LICENSE' (State Certificate)
- FOREIGN AGENTS statements (Required by law, 1938)
- GSA STANDARD FORM 24 BID BOND (Wet ink signature) (CIVIL NOT CRIMINAL)(DEBT)
- Injured Party and/or damaged property report (ACCUSER)

United States Constitution Article 21
ANY crime (s) May only be prosecuted / tried in Common Law (SPEEDY Jury Trial)
a) must present an injured party or damaged property report (Non Existent)
OR; Admiralty / Maritime Law
a) must present a contract that was breeched (UCC 1-308 All Rights Reserved; i, woman, deny any such contract exists)

Pursuant to the Oath's to office, this matter is ceased and dismissed
Acknowledge; Any Future proceedings, prove the Judge and Prosecutor's ABANDONMENT of their Oath to Office, surrendering their positions and Title, ALSO Leaving the matter to cease and dissist. There are no criminal procedures to defend against statutory law prosecution.
NO CONTACT ORDER FOR (3) three SONS is fraudulent as well as NULL and VOID.
*Fact Check (NO DOMESTIC VIOLENCE, EVER) REMOVE, IMMEDIATELY.

ALL ACTIONS AND PROCEEDINGS ARE IN VIOLATION, AS WELL AS OATH TO OFFICE, consisting of...
(13th Amendment: slavery and indentured servitude
Human Trafficking... USC TITLE 18 part 1 chapter 77; peonage and slavery
Palermo Protocol 2000 UNITED NATIONS... kidnapping, slavery and human trafficking, especially in women and children, to prevent TRANSNATIONAL ORGANIZED CRIME (GSA SF 24 BID BOND))
USC Title 18 part 1 chapter 13 § 241 Deprivation of rights under the color (force) of law
USC Title 18 part 1 chapter 13 § 242 conspiracy against rights. $250,000 - $500,000 per occurrence per 15 minutes.
UCC 3-304 No Legislation may be passed that superceeds (makes impossible) a common law action.
I have the right to discharge any debt by the HJR 192 of 1933; for GSA SF 24 Bid Bond

Signed,
TM Stephanie-Marelda: Salyers©
UCC 1-308 All Rights Reserved.
Stephanie M Salyers
Authorized Representative
02/27/16

10

CJE

APPENDIX J

FILED

2016 AUG -2 PM 4:21

SCOTT G. WEBER, CLERK
CLARK COUNTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR CLARK COUNTY

THE STATE OF WASHINGTON, Plaintiff, vs. STEPHANIE MARELDA SALYERS, Defendant.	No. 16-1-00452-1 **ORDER RE CrR 7.8 MOTION** **CLERK'S ACTION REQUIRED** Copies to Defendant and Prosecuting Attorney

THIS MATTER having come before the Court for initial consideration on the motion and affidavit(s) of Defendant herein, pursuant to Criminal Rule 7.8, and the Court being fully advised in the premises, the Court:

☐ Having determined that the motion is barred by RCW 10.73.090 as the Defendant filed the motion more than one year after the judgment and sentence was final, hereby transfers this matter to the Court of Appeals for its consideration as a personal restraint petition.

The judgment and sentence was final on _____ (date judgment and sentence was filed, or date mandate disposing of the appeal was issued, or date petition for certiorari to the U.S. Supreme Court was denied, whichever is latest), and the motion was filed on _____.

☒ Having determined that the motion is not barred by RCW 10.73.090 (motion was filed within one year of date judgment and sentence became final or judgment and sentence is invalid on its face), but having determined that the Defendant has not made a substantial showing that s/he is entitled to relief or that an evidentiary hearing will be necessary to resolve the motion on the merits, hereby transfers this matter to the Court of Appeals for its consideration as a personal restraint petition.

☐ Having determined that the motion is not barred by RCW 10.73.090, and, either:

- ☐ having determined that the Defendant has made a substantial showing that s/he is entitled to relief; or
- ☐ determination of this matter will require an evidentiary hearing to resolve the motion on the merits;

hereby directs the Clark County Prosecuting Attorney to appear on _____ at _____ and show cause as to why the relief requested should not be granted.

DATED this 2 day of August, 2016.

JUDGE DEREK VANDERWOOD

AMS

APPENDIX K

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

FILED
COURT OF APPEALS
DIVISION II
2016 SEP 15 PM 2:49
STATE OF WASHINGTON
BY DEPUTY

IN RE THE PERSONAL RESTRAINT PETITION OF: STEPHANIE SALYERS, Petitioner.	No. 49276-8-II RULING DISMISSING PETITION

THIS MATTER came on for hearing of the clerk's motion to dismiss on the ground of abandonment as petitioner has not paid a filing fee or filed a statement of finances. Petitioner has not responded to the Clerk's letter dated August 19, 2016, and it appears that the petition was taken for delay and should be dismissed for want of prosecution. RAP 18.9(a)-(b). Accordingly, it is

ORDERED that this petition is dismissed.

DATED this 15th day of September, 2016.

COURT CLERK

Stephanie Marelda Salyers (via USPS)
1602 SE 145th CT
Vancouver, WA 98683

APPENDIX L

VANCOUVER POLICE DEPARTMENT

James P. McElvain, Ph.D.
Chief of Police

OFFICE CORRESPONDENCE

DATE: March 8, 2016

TO: Sergeant Andrew Hamlin | DVPC

FROM: Sergeant Kevin Hatley | Professional Standards Unit

RE: **IAC 2016-0014**

CC: VPOG

An internal investigation was initiated reference a complaint filed by Officer B. O'Meara regarding officers' delayed and warrantless entry of a residence at a reported domestic violence incident. This incident occurred on **February 16, 2016** and was related to **GO 23 2016-2749**. The Professional Standards Unit has assigned the complaint the following tracking number: **IAC #2016-0014**. I have been assigned as the investigator for this incident. I will be contacting you in the near future to schedule a date and time for an interview, if necessary.

Pursuant to Vancouver Police Department (VPD) Policy 902 – Internal Affairs Investigations, you are being notified that I anticipate this investigation will be completed by **June 6, 2016**. If this date is extended, you will be notified in writing of the new due date and an explanation as to why the date was extended. Following the completion of the investigation, you will have an opportunity to review the final report and submit a written response prior to the report being forwarded to the Office of the Chief of Police (or Decision-Maker) for a disposition.

Summary of events:

On February 16, 2016, at 1134 hours, numerous VPD officers, including two corporals, responded to [redacted] in Vancouver, WA. The reporting party, Ms. Erica Jackson, told 911 call-takers at CRESA that she was on the telephone with her sister, Ms. Stephanie Salyers, and that Ms. Salyers, husband, Mr. Ilya Petrenko, was "beating her up," and "killing her." According to Ms. Jackson's report to CRESA, Ms. Salyers was believed to have sustained injuries which included broken fingers, and possibly a black eye, and broken tailbone.

When the first VPD officers arrived, they observed Ms. Salyers in the cul-de-sac, near her residence. She saw the officers, and told them, in effect, that she wanted nothing to do with them. She went into the residence before the officers could contact her further outside the residence, but they were unable to observe any injuries to her at that time.

Additional officers responded to the scene. Some contact was made with the involved parties through the closed doors and windows of the residence. According to the submitted police reports, those officers were unable to observe any injuries to any involved parties present at the scene. Eventually, the DV Unit was

notified by Corporal D. Rickard and elected to respond at his request. Once at the residence, you attempted to gain entry to the home by accessing the garage door opener in a vehicle in their driveway. When that proved unsuccessful, you gained entry to the residence through an unsecured window in the back of the residence.

After several minutes of talking to Mr. Petrenko and Ms. Salyers, while he recorded the incident on his cell phone, you entered the residence through the window. Several officers followed you inside. Mr. Petrenko was eventually arrested for Assault IV-DV, and Ms. Salyers was arrested on a warrant. The minor children were placed in temporary care of the State.

Officer O'Meara, who was present at the scene, lodged a complaint alleging unlawful entry into the residence. Mr. Petrenko and Ms. Salyers authored separate written complaints, which were also filed in court.

The Vancouver Police Department policies under review for this incident are:

I. CHAPTER 12. APPREHENSION AND ARREST

12.03.00 RESPECT FOR CONSTITUTIONAL RIGHTS

1. Individuals may not be deprived of their constitutional rights merely because they are suspected of committing a crime. An officer who lawfully acts within the scope of authority does not deprive persons of their civil liberties. Officers may, within their scope of authority, make reasonable inquires, conduct investigations, and arrest based on probable cause.

II. CHAPTER 7 - RULES OF CONDUCT

7.13.3 CONFORMANCE TO LAWS

Members shall obey all laws of the United States and of any state and local jurisdiction in which they are present. Members must strictly obey and properly follow any lawful order issued by any supervisor of higher rank or classification. Members must be familiar with and conform to the policies and procedures of the Vancouver Police Department. Members who violate any rules, regulations or policy of the Department are subject to disciplinary action which may include, but is not limited to, a written reprimand, suspension without pay, reduction in rank, or dismissal from the Department.

The attached materials are for your information to assist you in preparing for the upcoming interview. Please retain all of these materials, including the Administrative Proceedings Rights form, until the conclusion of this investigation. Should you have any questions or concerns, you may contact me at **487-7471**.

Received by: _____

Date: _____

** ***Please sign and return this original to the author noted above.***
** ***Keep a copy for your information.***

APPENDIX M

VANCOUVER POLICE DEPARTMENT

James P. McElvain, Ph.D.
Chief of Police

Vancouver
WASHINGTON

To: Sergeant. A. Hamlin

From: Lieutenant T. Price

Subject: Findings / IAC 2016-0014 – **Exonerated**

Date: February 28, 2017

I have completed my investigation of IAC 2016-0014. This investigation stemmed from a complaint that was lodged by Officer W. O'Meara on or about February 18, 2016.

You were notified of this investigation by Sergeant (now Lieutenant) Hatley via his memo dated March 8, 2016. On or about January 10, 2017 you were notified by Sergeant Barbara Kipp that the PSU investigation was concluded and that you were being afforded the opportunity to review the final report upon request. You reviewed the final report and opted not to write a response.

The matter was sent to me for review and a decision on or about February 3, 2017. This letter serves to indicate that I have completed my review of Officer O'Meara's complaint and have rendered a decision.

The complaint from Officer O'Meara alleges that without lawful authority you entered the residence of Ilya Petrenko and Stephanie Salyers during the investigation of a report of Domestic Violence on February 16, 2016.

In the Notice provided to you by the Professional Standards Unit, the policies under review for this incident were:

- Chapter 12.03 APPRESHENSION AND ARREST (Respect for Constitutional Rights), and;

- Chapter 7.13.3 RULES OF CONDUCT (Conformance to Laws)

Officer O'Meara disagreed with your decision to enter the residence and based on his understanding of the facts and law, did not believe you had lawful authority to do so. Although he did not communicate his concerns with you, he did speak with Cpl. Rickard and Sgt. Trumpf.

I have reviewed the investigation conducted by PSU to include the interviews, documentation, CAD call (CRESA Incident Drill-Down), video supplied by the suspect (Ilya Petrenko) and police reports. I did not find evidence that your actions violated Chapter 12 or Chapter 7.

My review of the investigation into this matter focused on whether your entry into the residence was lawful.

The operative facts that gave rise to your involvement in this incident are summarized below:

On February 16, 2016 at approximately 1132 hours, CRESA received a telephone call from Erica Jackson. Erica Jackson identified herself as the sister of Stephanie Salyers, the victim in this incident. Erica reported that her mother, Diane Salyers was on the telephone with Stephanie and Stephanie complained that her husband had been assaulting her. According to Erica, Stephanie related that her husband had broken her fingers and her back. Erica identified Stephanie's husband as Ilya Petrenko.

The following pertinent information was entered into the call by the CRESA dispatcher:

- RP IS ON FON W/SISTER—HUSBAND IS BEATING HER UP TOLD RP HE IS KILLING HER
- --BROKE HER FINGERS
- HE HAS PTSD

- 3 CHILDREN IN THE HOME---OLDEST IS 4YO
- UNK WEAPONS
- RP SAYS JUST SCREAMING ON THE PHONE
- BUT THEY THINK HE HAS A RIFLES & PISTOLS—NO IDEA WHERE KEPT
- SHE SAYS HE GAVE HER A BLK EYE…BROKE HER FINGERS…KICKED HER IN TAILBONE 2X
- HX OF BROKEN TAILBONE MAY BE BROKEN AGAIN
- HE IS FOLLOWING HER AROUND HOUSE & WONT LEAVE HER ALONE\
- 6M ON STEPHANIE OUT OF KELSO
- 2E44—COMMUNICATIN THRU THE DOOR… REQ SUPVSR EARLIER & 2X68 ALRDY ENR
- 2E44—HEARD A LOUD BANG INSIDE .. FEM IS STILL YELLING
- 2D43—VISIUAL CON W/PERPORTED VIC DOESNT APPR TO HAVE BROKEN FINGERS
- 2X68—MAKING ENTRY W/THE DV UNIT AT 1324

The PSU investigation and information provided by Erica Jackson on the date of the occurrence indicated that she and her mother live in Kentucky and were calling from Kentucky at the time of this incident. The information relayed to the 911 dispatcher was obtained via a telephone conversation between Diane Salyer and Stephanie Salyer. As the conversation progressed, Diane Salyer relayed the information to Erica Jackson who was present with Diane. Erica contacted CRESA and provided the information which gave rise to this call for service.

Patrol units, including the complainant, responded to the area and observed a female (later identified as the victim, Stephanie Salyers) react to their presence by entering the garage of the target residence and closing the door.

The victim refused to cooperate with patrol officers' investigation into the reported assault. Officers were able to view the victim through the windows of the home and made the determination that the victim was not injured in the manner described by the reporting party to the CRESA dispatcher.

It was noted by the dispatcher that the victim had an active warrant for her arrest out of Kelso, WA.

The patrol officers on-scene were unable to continue their investigation due to the lack of cooperation on the part of the victim and the suspect. They would not allow the officers to enter the home and refused to exit. The suspect and victim continued to demand that officers provide them with their names and social security numbers and identified the officers as "foreign agents".

A decision was made by the on-scene supervisor, Cpl. Rickard, to contact the Domestic Violence unit to obtain direction and assistance. Det. Ahn was initially contacted, and he notified you of the request. Detective Ahn, Detective Aldridge, D.O.C. officer Smith and you responded to the scene.

Page 9 line 15 of your PSU interview transcript documents that you were aware that Stephanie Salyer had a warrant for her arrest. Your knowledge of the arrest warrant was established prior to entering the residence.

With the assistance of patrol officers and detectives from the Domestic Violence unit, you entered the apartment via an unsecured rear window.

Subsequently, Ilya Petrenko was arrested for Assault IV-DV and Stephanie Salyer was arrested on the misdemeanor warrant.

RELEVANT POLICIES AND LAWS

12.03.00 **APPREHENSION AND ARREST**
RESPECT FOR CONSTITUTIONAL RIGHTS

Individuals may not be deprived of their constitutional rights merely because they are suspected of committing a crime. An officer who lawfully acts within the scope of authority does not deprive persons of their civil liberties. Officers may, within their scope of authority, make reasonable inquiries, conduct investigations, and arrest based on probable cause.

7.13.3 **RULES OF CONDUCT**
CONFORMANCE TO LAWS

Members shall obey all laws of the United States and of any state and local jurisdiction in which they are present. Members must strictly obey and properly follow any lawful order issued by any supervisor of higher rank or classification. Members must be familiar with and conform to the policies and procedures of the Vancouver Police Department. Members who violate any rules, regulations or policy of the Department are subject to disciplinary action which may include, but is not limited to, a written reprimand, suspension without pay, reduction in rank, or dismissal from the Department.

U.S. Constitution

FOURTH AMENDMENT

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ANALYSIS

My decision on this investigation is based on the single issue of whether your entry into the residence was lawful. In determining the lawfulness of that action, I looked to controlling U.S. law on the subject of entering a home without a warrant to effect an arrest. I have highlighted selected text for clarity.

In U.S. v. Gooch, the 9th Circuit stated the following:

"We hold that **a valid arrest warrant issued by a neutral magistrate judge, including a properly issued bench warrant for failure to appear, carries with it the limited authority to enter a residence in order to effectuate the arrest** as provided for under Payton. The Fourth Amendment presumption against warrantless entries into the home is designed to protect privacy interests against uncabined police discretion. Payton, 445 U.S. at 586 ("**[W]e have long adhered to the view that the warrant**

procedure minimizes the danger of needless intrusions [into the home]."). **Those interests are sufficiently safeguarded when an entry is premised on the execution of a valid arrest warrant issued by a judge or magistrate, regardless of whether that warrant is for a felony, a misdemeanor, or simply a bench warrant for failure to appear**. United States v. Goodch, 506 F.3d 1156, 1159 (9th Cir. 2007)

Based on the Gooch case, <u>your entry into the residence was lawful.</u>

Based on established case law, the Fourth Amendment rights of Stephanie Salyers and Ilya Petrenko were not violated by your entry into the residence and subsequent arrest of Salyers. As such, there is no legal basis for Officer O'Meara's complaint.

I have reviewed the video supplied by Ilya Petrenko where he video recorded your interaction with him and Stephanie Salyers at the window of the residence, and your subsequent entry. Your repeated explanation for your lawful purpose at the residence was abundantly clear – you were there to determine if the occupants of the residence were safe and uninjured. The fact that you used the valid arrest warrant as a basis for lawfully entering the residence to achieve that purpose has been viewed by the courts as a permissive action - the Fourth Amendment regulates conduct, not intent or thoughts (see Bond v. U.S. below).

The cases listed below were cited in Ashcroft v. al-Kidd, 563 U.S. 731, 736, 131 S. Ct. 2074, 2080, 179 L.Ed.2d 1149, 1155-56 (2011) in evaluating the Fourth Amendment as it pertained to the facts of that case. Although your investigation was based on a dissimilar set of facts, the wisdom of the court in its application of Fourth Amendment principles is directly related to your actions at the 145th Court address on February 16, 2016.

- In City of Indianapolis v. Edmund 531 U.S. 32, 47, 121 S. Ct. 447, 148 L. Ed. 2d 333, the court held that the Fourth Amendment **reasonableness "is predominantly an objective inquiry."**

- In Scott v. United States, 436 U.S. 128, 138, 98 S. Ct. 1717, 56 L. Ed. 2d 168 (1978) the court stated, **"We ask**

whether the circumstances viewed objectively, justify [the challenged] action."

- "If so, that action was reasonable whatever the subjective intent motivating the relevant officials." Whren v. United States, 517 U.S. 806, 814, 116 S. Ct. 1769, 135 L. Ed. 2nd 89 (1996).

- The court in Bond v. United States, 529 U.S. 334, 338, n. 2, 120 S. Ct. 1462, 146 L. Ed. 2d 365 (2000) stated that the Whren court "approach recognizes that the Fourth Amendment regulates conduct rather than thoughts."

As detailed above, the action complained of, i.e. your entry into the residence DID occur. But your actions were legal and justified and therefore neither violated policy Chapters 7 or 12, nor did they violate the Fourth Amendment rights of the occupants of the residence. I am rendering a finding of "Exonerated".

Please sign and return this copy acknowledging that you have received it. You may keep a copy for your records.

Sergeant A. Hamlin — Date 2/28/17

Lieutenant T. Price — Date 2/28/17

Cc: Commander Amy foster
Assistant Chief Mike Lester
Corporal Neil Martin, VPOG President
Jonathan Young, CA
File Copy

APPENDIX N

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CW
CCSO

FILED
DEC 22 2016
9:44am
Scott G. Weber, Clerk, Clark Co.

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

STATE OF WASHINGTON, Plaintiff, v. Stephanie Salyers, Defendant.	No. 16-1-00452-1 **ORDER TO RESCIND** ☐ PRE-ARRAIGNMENT ☐ POST-ARRAIGNMENT ☒ POST-CONVICTION ☒ DOMESTIC VIOLENCE ☐ HARASSMENT **NO-CONTACT ORDER** ***CLERK'S ACTION REQUIRED***

THIS MATTER came before the Court upon the State of Washington's Motion for an Order to Rescind ☐ Pre-Arraignment; ☐ Post-Arraignment; ☒ Post-Conviction; ☒ Domestic Violence ☐ Harassment No-Contact Order filed on April 15, 2016. The Court having considered the motion and supporting documentation and otherwise being fully informed regarding this matter, NOW IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

The ☐ Pre-Arraignment; ☐ Post-Arraignment; ☒ Post-Conviction; ☒ Domestic Violence ☐ Harassment No-Contact Order filed on April 15, 2016 in Case No./Report No. 16-1-00452-1 is now rescinded as of this date.

The Clerk of the Court shall transmit a certified copy of this Order to Clark County Sheriff's Office Records Department.

DATED THIS 22 day of December, 2016.

SUPERIOR COURT JUDGE

Presented by:

_____, WSBA # 33134
Deputy Prosecuting Attorney

ORDER TO RESCIND
(05/2015)

CLARK COUNTY PROSECUTING ATTORNEY
1013 FRANKLIN STREET
PO BOX 5000
VANCOUVER, WASHINGTON 98666-5000
(360) 397-2261

4 8 LF

CLARK COUNTY PROSECUTING ATTORNEY

June 16, 2017 - 4:36 PM

Transmittal Information

Filed with Court:	Court of Appeals Division II
Appellate Court Case Number:	49799-9
Appellate Court Case Title:	Personal Restraint Petition of Stephanie Marelda Salyers
Superior Court Case Number:	16-1-00452-1

The following documents have been uploaded:

- 5-497999_Personal_Restraint_Petition_20170616163608D2211466_8387.pdf
  This File Contains:
  Personal Restraint Petition - Response to PRP/PSP
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A copy of the uploaded files will be sent to:

- Angus@angusleelaw.com

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Clark County Prosecuting Attorney
PO Box 5000
Vancouver, WA, 98666
Phone: (360) 397-2261 EXT 4476

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