

Court of Appeals No. _____

**IN THE COURT OF APPEALS FOR THE STATE OF WASHINGTON
DIVISION TWO**

In Re the Personal Restraint of:

RAYMOND WILLIAMS, JR.,

Petitioner.

**PERSONAL RESTRAINT PETITION WITH LEGAL ARGUMENT
AND AUTHORITIES**

Cowlitz County Superior Court No. 08-1-00735-6

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TABLE OF AUTHORITIES

United States Supreme Court Cases

<u>Furman v. Georgia</u> , 408 U.S. 238, 239, 92 S.Ct. 2726 (1972)	18
<u>Graham v. Florida</u> , 560 U.S. 48, 74, 130 S.Ct. 2011 (2010) ..	19, 20, 21, 22
<u>Johnson v. Texas</u> , 509 U.S. 350, 367, 113 S.Ct. 2658 (1993).....	23
<u>Kennedy v. Louisiana</u> , 554 U.S. 407, 128 S.Ct. 2641 (2008).....	21
<u>Kent v. United States</u> , 383 U.S. 541 (1966).....	4, 5, 8, 10
<u>Miller v. Alabama</u> , 132 S.Ct. 2455 (2012)	22, 23
<u>Roper v. Simmons</u> , 543 U.S. 551, 560, 125 S.Ct. 1183 (2005)...	18, 19, 20, 21, 22
<u>Roper</u> , 543 U.S. at 574.....	19
<u>Trop v. Dulles</u> , 356 U.S. 86, 100-101, 78 S.Ct. 590 (1958)	19

Statutes

former RCW 9.94A.560.....	3, 24
Juvenile Justice Act of 1977, chapter 13.40 RCW	6, 17
RCW 10.73.090	3, 17
RCW 10.73.100 (4).....	3
RCW 13.04.030	16
RCW 13.04.030(1)(e) (1995).....	13
RCW 13.04.030(1)(e)(i) (2000).....	14
RCW 13.04.030(1)(e)(v)(A) (1997)	15
RCW 13.04.030(1)(e)(v)(A) (2000)	14
RCW 13.04.030(1)(e)(v)(B) (1995).....	2
RCW 13.04.116	7
RCW 13.04.240	7
RCW 13.40.020 (15).....	8
RCW 13.40.020(14) (1997)	8
RCW 13.40.020(4).....	7
RCW 13.40.0357	7
RCW 13.40.080	7
RCW 13.40.110	6
RCW 13.40.110 (3) (1997).....	8
RCW 13.40.110(2) (1997)	4, 8, 9, 14
RCW 13.40.110(3).....	9, 15
RCW 13.40.140(10).....	9
RCW 13.40.140(9) (1981)	8, 9
RCW 13.40.150(3)(h)	7
RCW 13.40.160(2).....	7
RCW 13.40.300	7, 17

RCW 13.50.050	7
RCW 9.94A.030(37)(a)(v) (2002)	15
RCW 9.94A.570.....	3, 24

Washington Cases

<u>Dillenburg v. Maxwell</u> , 70 Wn.2d 331, 349, 355-56, 422 P.2d 783 (1967)	4, 14, 17, 18
<u>Dutil v. State</u> , 93 Wn.2d 84, 94, 606 P.2d 269 (1980).....	10
<u>In re Harbert</u> , 85 Wn.2d 719, 724, 538 P.2d 1212 (1975).	5
<u>In re Pers. Restraint of Frederick</u> , 93 Wash.2d 28, 30, 604 P.2d 953 (1980)	7
<u>In re Personal Restraint Petition of Dalluge</u> , 152 Wn.2d 772, 783,789, 100 P.3d 279 (2004).....	13, 14, 17
<u>State v. Bailey</u> , 179 Wn. App. 433, 335 P.3d 942 (Div. 3 2014).....	10, 11
<u>State v. Furman</u> , 122 Wn.2d 440, 447, 858 P.2d 1092 (1993)	5
<u>State v. Holland</u> , 98 Wn.2d 507, 515, 656 P.2d 1056 (1983).....	5
<u>State v. Massey</u> , 60 Wn. App. 131, 137, 803 P.2d 340 (1990).....	4
<u>State v. Posey</u> , 161 Wn.2d 638, 167 P.3d 560 (2007) (<i>Posey I</i>).....	15, 17
<u>State v. Posey</u> , 174 Wn.2d 131, 272 P.3d 840 (2012) (<i>Posey II</i>) .	15, 16, 17
<u>State v. Saenz</u> , 175 Wn.2d 167, 180, 283 P.3d 1094 (2012) ...	6, 7, 8, 9, 10, 11, 12, 17, 24
<u>State v. Sharon</u> , 100 Wn.2d 230, 231, 668 P.2d 584 (1983).....	8
<u>State v. Werner</u> , 129 Wn.2d 485, 918 P.2d 916 (1996).....	13

Federal Court Cases

<u>Black v. United States</u> , 122 U.S. App. D.C. 393, 355 F.2d 104, 105 (1965)	8
-------------------------------------------------------------------------------------------	---

Rules of Appellate Procedure

RAP 16.4.....	3
RAP 16.4(c)(2).....	1

Table of Contents

- I. STATUS OF PETITIONER..... 1
- II. GROUNDS FOR RELIEF 1
- III. STATEMENT OF FACTS RELEVANT TO RELIEF 2
 - A. Substantive Facts 2
- IV. ARGUMENTS AND AUTHORITY 5
 - A. The juvenile court’s transfer to adult court was invalid because the record does not reflect that Williams made a knowing and intelligent waiver and the juvenile court did not make findings that a transfer was in the best interest of Williams or the public..... 5
 - 1. Right to a Decline Hearing 5
 - 2. State v. Saenz and State v. Bailey allow an adult defendant who was deprived of a declination hearing to challenge the adult court’s jurisdiction even when that defendant waived his right to a hearing and stipulated to adult court jurisdiction. 8
 - B. Williams’ faulty transfer deprived the adult court of authority to enter any judgment or sentence against Williams. 15
 - C. A faulty transfer is sufficient to overcome RCW 10.73.090’s one-year time bar on a personal restraint petition 20
- V. CONCLUSION 20

I. STATUS OF PETITIONER

Raymond Mayfield Williams, Jr. is currently serving a life sentence in the custody of the Department of Corrections at Monroe Correctional Complex. Williams pled guilty to one count of Burglary in the First Degree and one count of Custodial Assault on July 8, 1997. He was sixteen years old when he committed the crimes and seventeen years old when he was charged with the crimes. Williams pled guilty to the aforementioned crimes at seventeen years old after he waived a decline hearing. Following his improper sentencing as an adult, he was convicted on two subsequent occasions of strike offenses. As a result, he was sentenced to life in prison under the persistent offender act.

II. GROUNDS FOR RELIEF

Williams' continued restraint is unlawful because his plea and sentence were entered in a criminal court which lacked competent jurisdiction. RAP 16.4(c)(1). Williams' continued restraint is additionally unlawful because there has been a significant change in the substantive law which is material to his plea and sentence and sufficient reasons exist to require retroactive application of the changed legal standard.

Specifically, Williams raises the following legal claims:

- A. The adult court lacked authority to enter a judgment and sentence because there is insufficient evidence in the record to show that Williams knowingly and intelligently waived his right to a decline hearing.
- B. The adult court lacked authority to enter a judgment and sentence because the juvenile court did not make findings that it was in the best interest of Williams or the public.
- C. Because the juvenile court did not properly transfer jurisdiction to the adult court, the adult court lacked competent jurisdiction to enter a judgment and sentence against Williams. Therefore, he is not procedurally barred from bringing this petition.

III. STATEMENT OF FACTS RELEVANT TO RELIEF

A. Substantive Facts

On October 15, 2008, Mr. Williams was convicted of Assault in the Second Degree. At sentencing, the trial court sentenced Mr. Williams as a persistent offender under the Persistent Offender Accountability Act (“POAA”), commonly known as the “three strikes and you're out law”. The trial court determined that Mr. Williams’ latest conviction qualified as the third strike. Thus, he was sentenced to the maximum sentence of life in prison without the possibility of release. See RCW 9.94A.570 (former RCW 9.94A.560). *See Appendix “A,” Judgment and Sentence, Cowlitz County Superior Court, Cause No. 08-1-00735-6.*

On February 9, 2004, Mr. Williams was convicted of Burglary in the First Degree in King County Superior Court. This conviction was

deemed to be his second strike offense. *See Appendix “B,” Judgment and Sentence, King County Superior Court, Cause No. 03-1-02507-7.*

On February 14, 1997, at sixteen years old, Mr. Williams was involved in criminal activity. He was subsequently charged on May 5, 1997 at seventeen years old in the Juvenile Division of the Thurston County Superior Court with Burglary in the First Degree, and two counts of Theft of a Firearm. *See Appendix “C,” Information, Thurston County Superior Court, Cause No. 97-8-00601.*

There was a decline hearing held on May 19, 1997 in the Thurston County Juvenile Department at the same time as his arraignment. *See Appendix “D,” Notice of Hearing, Thurston County Superior Court, Cause No. 97-8-00601.* In this hearing, the commissioner stated in the written Order the following:

“The Respondent having been charged with Burglary in the First Degree 9A.52.020(1)(a) and two counts of Theft of a Firearm RCW 9A.56.300, hereby waives his right to a decline hearing pursuant to RCW 13.40.110 and jurisdiction for the above named respondent shall be transferred to Superior Court.

Probable Cause has been established for the above enumerated charges

Pursuant to State v. Holland adopting US v. Kent 383 U.S. 541(1966), court finds that Respondent shall be declined to Adult Superior Court. Respondent to be held in Adult Thurston County Jail for further proceedings on this matter.” *See Appendix “E,” Order to Decline Raymond Williams to Adult Court Jurisdiction, Cause No. 97-8-00601.*

The juvenile court commissioner approved the waiver and transfer, but failed to make any written findings articulating why the juvenile court declined jurisdiction. Furthermore, there was not an express waiver to prove Mr. Williams was fully informed of his rights. Following the decline hearing, Mr. Williams was charged as an adult and ultimately plead guilty to Burglary in the First Degree and Custodial Assault in Thurston County Superior Court on July 8, 1997. *See Appendix “F,” Judgment and Sentence, Thurston County Superior Court, Cause No. 97-1-866-6.* The adult conviction of Burglary in the First Degree was determined to be a strike offense.

Williams’ current appellate counsel requested the verbatim record of proceedings of the decline hearing held on May 19, 1997 from the Juvenile Division of Thurston County Superior Court. After a thorough search by Chief Deputy Clerk, Tawni Sharp, it was determined that the oral record had either been destroyed or did not exist. *See Appendix “G,” Declaration of Jan Griffin, Judicial Services Manager, Thurston County Superior Court.* The declination order did not contain any written findings, but referenced “State v. Holland” and “US v. Kent.” *See Appendix E.*

But for this improper transfer to adult court, Mr. Williams would not have been sentenced as a persistent offender in 2008 because that

offense would have only been his second strike. Due to this error, he is unlawfully serving life in prison without parole.

IV. ARGUMENTS AND AUTHORITY

RAP 16.4 and RCW 10.73.090-.100 govern when a personal restraint petition can be filed. The one-year limitation does not apply if the sentence imposed was in excess of the court's jurisdiction or there has been a significant change in the law, whether substantive or procedural, which is material to the conviction, sentence, or other order entered in a criminal or civil proceeding instituted by the state or local government, and a court, in interpreting a change in the law that lacks express legislative intent regarding retroactive application, determines that sufficient reasons exist to require retroactive application of the changed legal standard. RCW 10.73.100 (4).

A. The juvenile court's transfer to adult court was invalid because the record does not reflect that Williams made a knowing and intelligent waiver and the juvenile court did not make findings that a transfer was in the best interest of Williams or the public.

1. Right to a Decline Hearing

At the time of Williams' conviction, it was already well established that before a juvenile court commissioner or judge could exercise its discretion and enter an order declining jurisdiction, it must afford the juvenile an opportunity to be heard as to whether he should be

tried as a juvenile or as an adult. Dillenburg v. Maxwell, 70 Wn.2d 331, 353, 422 P.2d 783 (1967). At the time of Williams' conviction, the juvenile court was required to find that a "declination of juvenile court jurisdiction would be in the best interest of the juvenile or the public" in order to decline jurisdiction. Former RCW 13.40.110(2) (1997). The State bears the burden of proving declination is appropriate by a preponderance of the evidence. State v. Massey, 60 Wn. App. 131, 137, 803 P.2d 340 (1990)

When a decline hearing is held, the juvenile court must consider the following factors laid out in Kent v. United States, 383 U.S. 541, 566-67 (1966): (1) the seriousness of the alleged offense and whether the protection of the community requires declination; (2) whether the alleged offense was committed in an aggressive, violent, premeditated or willful manner; (3) whether the alleged offense was against persons or against property; (4) prosecutive merit of the complaint; (5) the desirability of trial and disposition of the entire offense in one court when the juvenile's accomplices in the alleged offense are adults; (6) the juvenile's sophistication and maturity as determined by consideration of his or her home, environmental situation, emotional attitude, and pattern of living; (7) the juvenile's record and previous history; and (8) the prospects for adequate protection of the public and the likelihood of reasonable

rehabilitation of the juvenile by the use of procedures, services, and facilities available in the juvenile court. State v. Furman, 122 Wn.2d 440, 447, 858 P.2d 1092 (1993).

When the juvenile court does decline jurisdiction, its order must analyze the factors with enough “specificity to permit meaningful review.” In re Harbert, 85 Wn.2d 719, 724, 538 P.2d 1212 (1975).

In the instant case, despite the established law, the juvenile court abdicated its duty to determine whether transferring Williams to adult court was in his, or the public’s, best interest. In the juvenile court’s order declining jurisdiction, it baldly cited to State v. Holland, 98 Wn.2d 507, 515, 656 P.2d 1056 (1983), the case which adopted the Kent factors, and Kent, 383 U.S. 541, but made no actual findings. See *Appendix “E,” Decline Order*. This court is left with the juvenile court’s assertion that it considered the Kent factors, but without findings the reviewing court is deprived of any meaningful review. Further, there is no evidence that a decline hearing ever took place.

In this case, if the court had conducted a meaningful review there is a strong likelihood that Williams would have been sentenced as a juvenile. At seventeen years old, Williams was homeless, he had been a part of the juvenile system, he was addicted to drugs, his home life was not supportive, and his emotional attitude was immature. See *Appendix “H,”*

Declaration of Petitioner, Raymond Williams. His emotionally immature attitude at 17 years old was demonstrated by his custodial assault charge that he received along with the Burglary in the First Degree, where he was found guilty of kicking the door to his room while in custody at the Thurston County Youth Service Center, causing damage to the door. He was removed by staff and taken into the other room where he charged a staff member and hit them in the back with his fist. ***See Appendix “I,”***

Certification of Probable Cause. In light of all of the aforementioned, there should have at least been a meaningful review at the juvenile decline hearing.

2. State v. Saenz and State v. Bailey allow an adult defendant who was deprived of a declination hearing to challenge the adult court’s jurisdiction even when that defendant waived his right to a hearing and stipulated to adult court jurisdiction.

In 2012, the Washington Supreme Court held that “under RCW 13.40.110, a judge must carefully weigh whether declining jurisdiction is in the best interest of the juvenile or the public and enter findings to that effect, even where the parties waive the decline hearing and stipulate to transfer to adult court.” State v. Saenz, 175 Wn.2d 167, 180, 283 P.3d 1094 (2012).

Our Supreme Court spent a considerable amount of time discussing the history and purpose of the Juvenile Justice Act of 1977,

chapter 13.40 RCW (JJA). This discussion reveals a very good reason for its holding. The juvenile system is fundamentally different than the adult system. Juvenile courts are rehabilitative and not punitive. Id. at 173.

When Washington adopted the JJA it preserved that fundamental difference which was “manifest in the additional protections juveniles receive in juvenile court but not in adult court.” State v. Saenz, 175 Wn.2d 167, 173, 283 P.3d 1094 (2012).

Some of those additional protections include:

giving juvenile courts far more discretion to order alternative sentences, such as diversion agreements in lieu of prosecution, community supervision, and individualized programs involving employment, education, or treatment. See, e.g., RCW 13.40.080, .0357 (" Option B, Suspended Disposition Alternative"); RCW 13.40.020(4). In juvenile court, convicted offenders cannot be confined past the age of 21. RCW 13.40.300. Juvenile offenses are not generally considered crimes, so a juvenile cannot be convicted of a felony. RCW 13.04.240; In re Pers. Restraint of Frederick, 93 Wash.2d 28, 30, 604 P.2d 953 (1980). A juvenile cannot be sent to adult prison, or to any adult jail or holding facility. RCW 13.04.116. There are limitations on the use of juvenile records and the length of time they will be made public. See RCW 13.50.050. Juvenile courts can consider mitigating [283 P.3d 1098] factors at disposition hearings, RCW 13.40.150(3)(h), and can impose sentences outside standard sentencing ranges to prevent "manifest injustice." RCW 13.40.160(2).

Saenz, 175 Wn.2d at 173.

When a juvenile waives juvenile court jurisdiction he waives those increased protections. And the juvenile exits a “system designed to rehabilitate and enter[s] a system designed to punish.” Id. at 74. Once the

juvenile enters the adult system, he can never go back into the juvenile system. Id. citing former RCW 13.40.020(14 (1997))¹; State v. Sharon, 100 Wn.2d 230, 231, 668 P.2d 584 (1983).

“Thus, moving a case from juvenile court to adult court is a ‘critically important’ action determining vitally important statutory rights of the juvenile.” Saenz, 175 Wn.2d at 174 quoting Kent, 383 U.S. at 556, (quoting Black v. United States, 122 U.S. App. D.C. 393, 355 F.2d 104, 105 (1965)). This critical importance of transferring a juvenile to adult court prompted our legislature to include two very important statutory protections before the transfer can be made. Id.

First, a juvenile can only waive juvenile court jurisdiction and a decline hearing if he makes an “express waiver” and that waiver is “intelligently made” by the juvenile after the juvenile has been fully informed of the right being waived. Id. at 175 citing Former RCW 13.40.140(9) (1981).²

Second, “after a decline hearing but before transferring a case to adult court,” the juvenile court must make findings in the record that transfer to adult court is in the best interest of the juvenile or the public. Former RCW 13.40.110(2), (3) (1997). Under Saenz, both of these

¹ Now codified at RCW 13.40.020 (15)

statutory protections are required. The absence of one is fatal.

For example, in Saenz, the juvenile court did hold a decline hearing. But there was nothing in the record that affirmatively showed Saenz understood the important protections he was waiving. Saenz, 175 Wn.2d at 177. There was only a statement by Saenz’s attorney that she had “two conversations” with Saenz about the waiver. And the record did not indicate what was discussed, or whether he was fully informed of the rights being waived as required by former RCW 13.40.140(9) (1981). Id.

A waiver by the juvenile defendant alone is insufficient to transfer authority to adult court because the juvenile court’s consideration of the relevant reports, facts, opinions, and arguments presented by the parties and their counsel are mandatory. Id. at 179 citing Former RCW 13.40.110(2), (3) (1997). It is mandatory because the juvenile court has a “solemn responsibility to independently determine that a decline of jurisdiction is in the best interest of the juvenile or the public.” To ensure it upholds that responsibility, it must enter written findings to that effect before transferring the case. Saenz, 175 Wn.2d at 179 citing Former RCW 13.40.110(2), (3) (1997).

Written findings are required even if there is no hearing because “juvenile court judges are not simply potted palms adorning the courtroom

² Now codified at RCW 13.40.140(10).

and sitting idly by while parties stipulate to critically important facts. Instead, these judges enforce a juvenile code, 'designed with [juveniles'] special needs and limitations in mind.'" Saenz, 175 Wn.2d at 179-80 citing Dutil v. State, 93 Wn.2d 84, 94, 606 P.2d 269 (1980).

Here, Williams' mental health was at issue. He was sentenced to spend three months in Pacific Gateway mental hospital in Portland, Oregon in 1994 by Thurston County Juvenile Court. See *Appendix "F," Declaration of Ray Williams*. Williams was also committed to Kitsap County mental health facility in both 1995 and 1996. Id. Current appellant counsel attempted to obtain records from these cases to evidence that Mr. Williams was sentenced to the aforementioned mental health facilities, but the juvenile cases were sealed. See *Appendix "J," Declaration of Appellate Counsel, Corey Evan Parker*.

Despite all of his mental health issues, the court did not inquire. Because of Williams' past experience with the juvenile system, the court should have been aware that Williams had an unstable home life and that he battled drug addiction. They should have also taken note of his custodial assault and considered Mr. Williams maturity level with regard to that recent incident. All of the aforementioned circumstances should have been analyzed in light of the Kent factors. These legislatively mandated requirements cannot be erased by stipulating to a waiver. Saenz,

175 Wn.2d at 179-80.

In State v. Bailey, 179 Wn. App. 433, 335 P.3d 942 (Div. 3 2014), the Court of Appeals followed the Washington Supreme Court's analysis and reversed Stephen Bailey's sentence of life without parole. Bailey stipulated to a waiver of juvenile court jurisdiction and plead guilty to second degree robbery in adult court in 1998. Bailey, 179 Wn. App. at 436. When Bailey was convicted of first degree assault and intimidating a witness in 2008, the trial court allowed his earlier conviction to be used as a strike and convicted Bailey under the POAA. Bailey, 179 Wn. App. at 437. Bailey appealed and the Court of Appeals affirmed the conviction. Then Bailey moved for reconsideration in light of Saenz, 175 Wn.2d 167. At trial, the sentencing court reviewed the transcript of the 1998 guilty plea hearing and found that because Bailey had an attorney the court was satisfied that the stipulation was voluntary and intelligent. Bailey, 179 Wn. App. 433, 437-38.

However, when the Court of Appeals viewed Bailey's case in light of Saenz, it held that the transfer to adult court was similarly flawed because "although the court informed Mr. Bailey that his guilty plea to second degree assault was a 'very serious' matter that would result in 'a strike on [his] record,' Mr. Bailey was not advised that a strike conviction could later be used to sentence him to life without parole or of the

significant protections he would forever lose by exiting the juvenile system.” Bailey, 179 Wn. App. at 440. For example, juvenile offenses are generally not considered crimes and do not count as strikes under the POAA. Bailey, 179 Wn. App. at 441 citing Saenz, 175 Wn.2d at 173.

Here, too, the transfer to juvenile court was similarly flawed. In Saenz, only one of the procedural protections were violated and that was fatal. Here, both of the procedural protections were violated. First, the record in this case is even more deficient than in Saenz or Bailey. In Saenz, the defense counsel stated on the record that she had two conversations with Saenz about his waiver. In Bailey, the defendant was informed that the conviction would be a strike on his record. Here, there is no evidence that Williams’ counsel had any conversation with him about the waiver. There is no evidence at all that Williams knew the important protections under the JJA that he was waiving. The juvenile justice system prohibits confinement past the age of 21. Saenz, 175 Wn.2d at 173. Had Williams been sentenced in juvenile court his conviction would not have counted as a strike. Williams received a strike in adult court and his two subsequent strike offenses lead to him currently serving life without the possibility of release. There is no indication in the record that Williams understood the implication of being tried as an adult. In fact, Williams’ only thought was immediately escaping the inhumane condition of the

juvenile facility. *Appendix “F,” Declaration of Raymond Williams.*

In addition to the lack of evidence that Williams made a knowing and intelligent waiver, the juvenile court did not uphold its solemn responsibility to independently determine that declining jurisdiction was in the best interest of Williams or the public. Even if Williams’ waiver was valid, the juvenile court still had a duty to inquire whether declining jurisdiction was in Williams’ or the public’s best interest. Instead, it simply rested on a stipulation by the parties. This is the exact conduct that was condemned in Saenz and Bailey. The juvenile court’s duty did not end with a stipulation. Because neither of the statutory protections for transfer to adult court were adhered to, jurisdiction was not effectively transferred to the adult court and it lacked jurisdiction to enter a judgment and sentence against Williams.

B. Williams’ faulty transfer deprived the adult court of authority to enter any judgment or sentence against Williams.

In State v. Werner, 129 Wn.2d 485, 918 P.2d 916 (1996), the Washington Supreme Court clarified the nature of juvenile court jurisdiction. It specifically stated that the juvenile court is not a separate court, but a division of the superior court. Id. at 492.

However, by statute, only the juvenile division of the superior

court has the power to hear and determine certain juvenile matters. Werner, 129 Wn.2d 494. Juvenile divisions of the superior courts in Washington have exclusive original jurisdiction over all juvenile proceedings unless one of the exceptions in former RCW 13.04.030(1)(e) (1995)³ applies. See Id. at 491.

In re Personal Restraint Petition of Dalluge, 152 Wn.2d 772, 783,789, 100 P.3d 279 (2004) is illustrative. At first, Dalluge was charged with a serious violent offense, which prompted an automatic decline under RCW 13.04.030(1)(e)(v)(A) (2000). But, when the information was amended to exclude the serious violent offense, the juvenile court resumed its exclusive jurisdiction. At that point, the only way to transfer the case to adult criminal court was "upon a finding that the declination would be in the best interest of the juvenile or the public." Dalluge, 152 Wn.2d 772, 780 citing RCW 13.04.030(1)(e)(i) (2000) and former RCW 13.40.110(2) (1997).⁴ Because the trial court failed to do so, it lacked competent jurisdiction and Dalluge's petition was not procedurally barred by RCW 10.73.100. *Id.* at 778-79, 789.

Although "jurisdiction" may not have been the correct word, it

³ The current statute is substantially the same.

⁴ When Williams was convicted in 1997, this subsection was identical to the Statute referenced in Dalluge. It is now codified at RCW 13.40.110(3).

conveyed the right rule because the Dillenburg Court had already explained:

when we spoke of 'surrender of jurisdiction' and 'jurisdiction' in reference to juvenile and superior court proceedings in our original opinion in this case, we were not accurately using the word 'jurisdiction' in its true juridical and traditional sense. More properly, we were referring to the procedural steps required by our Juvenile Court Law and by due process concepts whereby the superior court, sitting in juvenile court 'session,' grants to prosecuting officials the 'authority to proceed,' in an appropriate case, with the criminal prosecution of a child under 18 years of age.

Dillenburg, 70 Wn.2d at 353.

Despite these cases, the issue of jurisdiction seemingly remained unclear and was again revisited in State v. Posey, 161 Wn.2d 638, 167 P.3d 560 (2007) (Posey I) and State v. Posey, 174 Wn.2d 131, 272 P.3d 840 (2012) (Posey II).

In 2003, 16-year-old Posey was charged in Yakima County Juvenile Court with three counts that were not a serious violent offense under former RCW 9.94A.030(37)(a)(v) (2002) and one that was a serious violent offense. Because one of the counts was classified as a serious violent offense, the juvenile court automatically declined jurisdiction over Posey pursuant to RCW 13.04.030(1)(e)(v)(A) (1997) and transferred the case to the Yakima County Superior Court. Posey I, 161 Wn.2d at 641-42.

The jury acquitted Posey of the charge that led to the automatic

declination of the juvenile jurisdiction, but the trial court sentenced Posey under the adult sentencing guidelines anyway. Id. The Washington Supreme Court affirmed Posey's convictions but remanded to the juvenile court for sentencing. Posey I, 161 Wn.2d at 647, 649. But, the mandate for the Court's opinion issued after Posey turned 21 years of age. When the Yakima County Juvenile Court conducted a sentencing hearing, Posey's counsel moved to dismiss because the juvenile court was without jurisdiction to sentence him since Posey was 21 years old. The juvenile court agreed and sentenced him under its authority as a superior court, but entered a standard range sentence according to the Juvenile Justice Act. The Supreme Court held in Posey II that the legislature cannot deprive the superior courts of their constitutional jurisdiction over felony offenses. 74 Wn.2d at 133-35.

Posey I and II did not overrule the previous cases that have held that the adult court has no authority to act unless the correct statutory procedures for declining jurisdiction and transferring the case to adult court are followed. Instead, the Court held that there is no limbo. There is no scenario where neither court has the authority to sentence an individual. "Where a person is no longer subject to the procedures governing juvenile adjudications, the superior court retains such constitutional jurisdiction." Posey II, 174 Wn.2d at 135.

The Washington Supreme Court affirmed this interpretation when the court again stated that juvenile courts have "exclusive original jurisdiction" over cases that involve juvenile defendants. State v. Maynard, 183 Wn.2d 253, 262-63, 351 P.3d 159 (2015) citing RCW 13.04.030. But, as the Court explained, when used in this context, the word "jurisdiction" is more properly understood as authority. Id. When properly understood "Title 13 RCW entitles a juvenile to the protections of the JJA" and "requires the juvenile division of the superior court to apply the JJA, with some exceptions, to a juvenile defendant." Id. at 263; See Posey II, 174 Wn.2d at 141; RCW 13.40.300.

As argued above, Williams' transfer to adult court was faulty. Because the juvenile court did not properly abdicate its jurisdiction, or more properly called authority, the adult court lacked authority to enter a judgment and sentence against Williams. Posey II makes it clear that just as there is no limbo, there is no concurrent jurisdiction. The adult court cannot exercise authority over a juvenile, who is not subject to automatic declination, unless the juvenile court properly transfers authority. Therefore, Williams was sentenced by a court who lacked competent jurisdiction and his judgment and sentence should be reversed.

C. A faulty transfer is sufficient to overcome RCW 10.73.090's one-year time bar on a personal restraint petition

RCW 10.73.090's time bar applies only if the judgment and sentence "[were] rendered by a court of competent jurisdiction." Dalluge, 152 Wn.2d at 778-79. A faulty transfer from the juvenile court to adult court leaves the adult court lacking in competent jurisdiction.

As pointed out in Posey II, the Court's discussion of jurisdiction has not been a "model of clarity." But, when Dalluge, Dillenburg, Posey I and II, Saenz, and Maynard are read together it is clear that, regardless of whether jurisdiction is the correct term, when a transfer to adult court is faulty the sentence or judgement imposed by the adult court is invalid. See Dalluge, 152 Wn.2d at 778-79, 789; Dillenburg, 70 Wn.2d at 355-56; Posey I, 161 Wn.2d at 647, 649; Posey II, 174 Wn.2d at 133-35; Saenz, 175 Wn.2d at 170, 176; Maynard, 183 Wn.2d at 262-63.

Because Williams' transfer was faulty and the adult court lacked competent jurisdiction, Williams is not procedurally barred from bringing this petition.

V. CONCLUSION

Williams' transfer to adult court was faulty because there is no evidence in the record that he knowingly and intelligently waived his right to a decline hearing and because the juvenile court did not make findings

that the transfer was in the best interest of Williams or the public. The transfer of Mr. Williams' 1997 juvenile charge to adult court was defective and his 1997 Burglary in the First Degree conviction in adult court cannot be used as a strike under the POAA. As a result, this Court should reverse the 2008 life without parole sentence imposed in Cowlitz County Superior Court and remand the case for imposition of a sentence on his most recent Assault in the Second Degree conviction within the standard range.

Respectfully Submitted this 28th day of November, 2016

LAW OFFICE OF COREY EVAN PARKER

Corey Evan Parker

Corey Evan Parker

WSBA #40006

Attorney for Petitioner

Appendix A

FILED
SUPERIOR COURT

2008 OCT 15 A 11:16

COWLITZ COUNTY
RONI A. BOOTH, CLERK

BY [Signature]

SUPERIOR COURT OF WASHINGTON FOR COWLITZ COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

RAYMOND MAYFIELD, *Williams*

Defendant.

No. 08-1-00735-6

Felony Judgment and Sentence (FJS)

Prison RCW 9.94A.712 Prison Confinement

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

First-Time Offender

Special Sexual Offender Sentencing Alternative

Special Drug Offender Sentencing Alternative

Clerk's Action Required, para 4.5 (DOSA), 4.7 and 4.8 (SSOSA) 4.15.2, 5.3, 5.6 and 5.8

SID: WA16455471

If no SID, use DOB:04-06-80

I. Hearing

08 9 02817 4 *jh*

1.1 The court conducted a sentencing hearing this date 10-15-2008; the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

II. Findings

There being no reason why judgment should not be pronounced, in accordance with the proceedings in this case, the court **Finds:**

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

guilty plea jury-verdict bench trial: 10-15-2008

Count	Crime	RCW	Date of Crime
I	ASSAULT SECOND DEGREE	9A.36.021(1)(c)	07-05-08

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

Additional current offenses are attached in Appendix 2.1.

The **burglary** in Count _____ involved a theft or intended theft.

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

The defendant is a sex offender subject to indeterminate sentencing under **RCW 9.94A.712**.

The defendant engaged, agreed, offered, attempted, solicited another, or conspired to engage a victim of child rape or child molestation in sexual conduct in return for a fee in the commission of the offense in Count _____.
RCW 9.94A.533(9).

28

Scanned

- The offense was predatory as to Count _____. RCW 9.94A.836.
- The victim was under 15 years of age at the time of the offense in Count _____ RCW 9.94A.837.
- The victim was developmentally disabled, mentally disordered, or a frail elder or vulnerable adult at the time of the offense in Count _____. RCW 9.94A.838, 9A.44.010.
- The defendant acted with **sexual motivation** in committing the offense in Count _____. RCW 9.94A.835.
- This case involves **kidnapping in the first degree**, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.
- The defendant used a **firearm** in the commission of the offense in Count _____. RCW 9.94A.602, 9.94A.533.
- The defendant used a **deadly weapon other than a firearm** in committing the offense in Count _____
_____. RCW 9.94A.602, 9.94A.533.
- Count _____, **Violation of the Uniform Controlled Substances Act (VUCSA)**, RCW 69.50.401 and RCW 69.50.435, took place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.
- The defendant committed a crime involving the manufacture of methamphetamine, including its salts, isomers, and salts of isomers, **when a juvenile was present in or upon the premises of manufacture** in Count _____
_____. RCW 9.94A.605, RCW 69.50.401, RCW 69.50.440.
- The defendant committed **vehicular homicide** **vehicular assault** proximately caused by driving a vehicle while under the influence of intoxicating liquor or drug or by operating a vehicle in a reckless manner. The offense is, therefore, deemed a violent offense. RCW 9.94A.030.
- The defendant has a **chemical dependency** that has contributed to the offense(s). RCW 9.94A.607.
- The crime(s) charged in Count _____ involve(s) **domestic violence**. RCW 10.99.020.
- The offense in Count _____ was committed in a **county jail or state correctional facility**. RCW 9.94A.533(5).
- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):

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

2.2 Criminal History (RCW 9.94A.525):

	Crime	Date of Sentence	Sentencing Court (County & State)	Date of Crime	A or J Adult, Juv.	Type of Crime
1	MAL MIS 2	10-31-95	THURSTON, WA	09-03-05	J	
2	MAL MIS 2	12-12-95	THURSTON, WA	11-21-95	J	
3	THEFT 2	07-21-95	THURSTON, WA	06-26-95	J	
4	PSP 2	09-07-95	THURSTON, WA	06-25-95	J	
5	PSP 2	09-07-95	THURSTON, WA	06-25-95	J	
6	BURG 1	07-08-97	THURSTON, WA	02-14-97	A	
7	CUST ASSAULT	07-08-97	THURSTON, WA	05-11-97	A	

8	BURG 1	02-09-04	KING, WA	09-13-03	A	
---	--------	----------	----------	----------	---	--

- 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 following prior offenses require that the defendant be sentenced as a **Persistent Offender** (RCW 9.94A.570): **BURG 1 1997, AND BURG 1 2004**

The following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):

The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

2.3 Sentencing Data:

Count No.	Offender Score	Seriousness Level	Standard Range (not including enhancements)	Plus Enhancements*	Total Standard Range (including enhancements)	Maximum Term
I	8	IV	53 - 70 MOS <i>if not a Persistent Offender</i>			CLASS B <i>if not a Persistent Offender</i>

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present, (SM) Sexual motivation, RCW 9.94A.533(8), (SCF) Sexual conduct with a child for a fee, RCW 9.94A.533(9).

Additional current offense sentencing data is attached in Appendix 2.3.

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

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

- within below the standard range for Count(s) _____.
- above the standard range for Count(s) _____.
- The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.
- Aggravating factors were stipulated by the defendant, found by the court after the defendant waived jury trial, found by jury, by special interrogatory.

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

2.5 Ability to Pay Legal Financial Obligations. The court has considered the total amount owing, the defendant's past, present, and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the

defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

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

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 defendant is found NOT GUILTY of Counts _____.

The court DISMISSES Counts _____.

IV. Sentence and Order

It is Ordered:

4.1a The defendant shall pay to the clerk of this court:

JASS CODE

RTN/RJN \$ TBD Restitution to: _____

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

PCV \$ 500.00 Victim assessment RCW 7.68.035

\$ _____ Domestic Violence assessment up to \$100 RCW 10.99.080

CRC \$ 350 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

Incarceration fee \$ 150.00 JLR

Other \$ _____

PUB \$ 805.00 Fees for court appointed attorney RCW 9.94A.760

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

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

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

MTH \$ _____ Meth/Amphetamine Clean-up fine \$3000. RCW 69.50.440,
69.50.401(a)(1)(ii).

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

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

RTN/RJN \$ _____ Emergency response costs (for incidents resulting in emergency response and conviction of driving, flying or boating under the influence, vehicular assault under the influence, or vehicular homicide under the influence, \$1000 max.) RCW 38.52.430

\$ _____ Urinalysis cost

\$ _____ Other costs for: _____

\$ 1755 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 _____.

Restitution ordered above shall be paid jointly and severally with:

Name of other defendant	Cause Number	(Amount-\$)
RJN		

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 the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ 50.00 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 finds that the defendant has the means to pay, in addition to the other costs imposed herein, for the cost of incarceration and the defendant is ordered to pay such costs at the rate of \$50 per day, unless another rate is specified here: _____. (JLR) RCW 9.94A.760.

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

4.1b **Electronic Monitoring Reimbursement.** The defendant is ordered to reimburse _____ (name of electronic monitoring agency) at _____, for the cost of pretrial electronic monitoring in the amount of \$ _____.

4.2 DNA Testing. The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.

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

4.3 No Contact: The defendant shall not have contact with CHAD T. GAYNOR 05-15-59 AND SASHA VANDUSON 04-24-87 (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for LIFE years (not to exceed the maximum statutory sentence).

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

The defendant shall not use, own or possess any **firearm** or ammunition while under the supervision of the Department of Corrections. RCW 9.94A.120.

The firearm, to wit: _____ is forfeited to _____, a law enforcement agency.

4.4 Other: _____

4.5 **Persistent Offender.** The court found the defendant to be a Persistent Offender. RCW 9.94A.570.

Count I is a most serious offense and the defendant has been convicted on at least two separate occasions of most serious offense felonies, at least one of which occurred before the commission of the other most serious offense for which the defendant was previously convicted.

Count _____ is a crime listed in RCW 9.94A.030(33)(b)(i) (e.g., rape in the first degree, rape of a child in the first degree (when the offender was 16 years of age or older when the offender committed the offense), child molestation in the first degree, rape in the second degree, rape of a child in the second degree (when the offender was 18 years of age or older when the offender committed the offense), or indecent liberties by forcible compulsion; or any of the following offenses with a finding of sexual motivation: murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or an attempt to commit any crime listed in RCW 9.94A.030(33)(b)(i)), and that the defendant has been convicted on at least one separate occasion, whether in this state or elsewhere, of a crime listed in RCW 9.94A.030(33)(b)(i) or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in RCW 9.94A.030(33)(b)(i).

The defendant's prior convictions are included in the offender score as listed in Section 2.2 of this Judgment and Sentence. RCW 9.94A.030(33), RCW 9.94A.525.

Confinement. RCW 9.94A.570. The court sentences the defendant to the following term of total confinement in the custody of the Department of Corrections:

Life without the possibility of early release	on Count	<u>I</u>
_____	months on Count	_____
_____	months on Count	_____
_____	months on Count	_____

Actual number of months of total confinement ordered is: life without the possibility of early release.

All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of firearm or other deadly weapon as set forth above at Section 2.3, and except for the following counts which shall be served consecutively:

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

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

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

4.6 **Other:** _____

V. Notices and Signatures

- 5.1 Collateral Attack on Judgment.** If you wish to petition or move for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, you must do so within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.
- 5.2 Length of Supervision.** If you committed your offense prior to July 1, 2000, you shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. If you committed your offense on or after July 1, 2000, the court shall retain jurisdiction over you, for the purpose of your compliance with payment of the legal financial obligations, until you have completely satisfied your obligation, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). **You are required to contact the Cowlitz County Collections Deputy, 312 SW First Avenue, Kelso, WA 98626 (360) 414-5532 with any change in address and employment or as directed. Failure to make the required payments or advise of any change in circumstances is a violation of the sentence imposed by the Court and may result in the issuance of a warrant and a penalty of up to 60 days in jail.** The clerk of the court has authority to collect unpaid legal financial obligations at any time while you remain under the jurisdiction of the court for purposes of your legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).
- This crime involves a Rape of a Child in which the victim became pregnant. The defendant shall remain under the court's jurisdiction until the defendant has satisfied support obligations under the superior court or administrative order, up to a maximum of twenty-five years following defendant's release from total confinement or twenty-five years subsequent to the entry of the Judgment and Sentence, whichever period is longer.
- 5.3 Notice of Income-Withholding Action.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections (DOC) or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.
- 5.4 Restitution Hearing.**
 I waive any right to be present at any restitution hearing (sign initials): _____.
- 5.5 Community Custody Violation.**
(a) If you are subject to a first or second violation hearing and DOC finds that you committed the violation, you may receive as a sanction up to 60 days of confinement per violation. RCW 9.94A.634.
(b) If you have not completed your maximum term of total confinement and you are subject to a third 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.737(2).
- 5.6 Firearms.** You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

Cross off or delete if not applicable:

5.7 Sex and Kidnapping Offender Registration. RCW 9A.44.130, 10.01.200.

1. General Applicability and Requirements: Because this crime involves a sex offense or kidnapping offense involving a ~~minor as defined in RCW 9A.44.130~~, you are required to register with the sheriff of the county of the state of Washington where you reside. If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register

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

2. Offenders Who Leave the State and Return: If you leave the state following your sentencing or release from custody but later move back to Washington, you must register within three business days after moving to this state or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections. If you leave this state following your sentencing or release from custody but later while not a resident of Washington you become employed in Washington, carry on a vocation in Washington, or attend school in Washington, you must register within three business days after starting school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections.

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

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

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

6. Registration by a Person Who Does Not Have a Fixed Residence: Even if you do not have a fixed residence, you are required to register. Registration must occur within 24 hours of release in the county where you are being supervised if you do not have a residence at the time of your release from custody. Within 48 hours excluding weekends and holidays, after losing your fixed residence, you must send signed written notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than 24 hours, you will be required to register in the new county. You must also report weekly in person to the sheriff of the county where you are registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. You may be required to provide a list the locations where you have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

7. Reporting Requirements for Persons Who Are Risk Level II or III: If you have a fixed residence

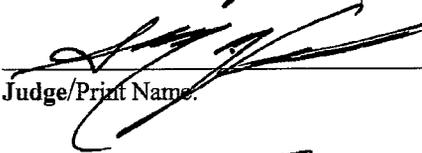
and you are designated as a risk level II or III, you must report, in person, every 90 days to the sheriff of the county where you are registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. If you comply with the 90-day reporting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

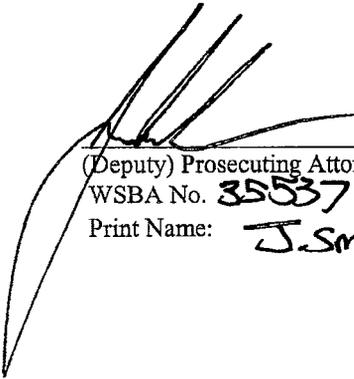
8. Application for a Name Change: If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your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

- 5.8 Count _____ is a felony in the commission of which you used a motor vehicle. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke your driver's license. RCW 46.20.285.
- 5.9 If you are or become subject to court-ordered mental health or chemical dependency treatment, you must notify DOC and you must release your treatment information to DOC for the duration of your incarceration and supervision. RCW 9.94A.562.
- 5.10 IF AN APPEAL IS PROPERLY FILED AND APPEAL BOND POSTED, THE DEFENDANT WILL REPORT TO THE DEPARTMENT OF CORRECTIONS, WHO WILL MONITOR THE DEFENDANT DURING THE PENDENCY OF THE APPEAL, SUBJECT TO ANY CONDITIONS IMPOSED BY DOC AND/OR INCULDED IN THIS JUDGMENT & SENTENCE AND SPECIFICALLY NOT STAYED BY THE COURT.**

5.11 Other: _____

Done in Open Court and in the presence of the defendant this date: 10/15/08


 Judge/Print Name: _____


 (Deputy) Prosecuting Attorney
 WSBA No. 35537
 Print Name: J. Smith

Attorney for Defendant
 WSBA No. _____
 Print Name: _____


 Defendant
 Print Name: _____

Voting Rights Statement: I acknowledge that my right to vote has been lost due to felony conviction. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.660.

Defendant's signature: 

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

Interpreter signature/Print name: _____

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

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

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

Identification of the Defendant

SID No. WA16455471 Date of Birth 04-06-80
 (If no SID take fingerprint card for State Patrol)

FBI No. 561188EB3 Local ID No. _____

PCN No. _____ Other _____

Alias name, DOB: _____

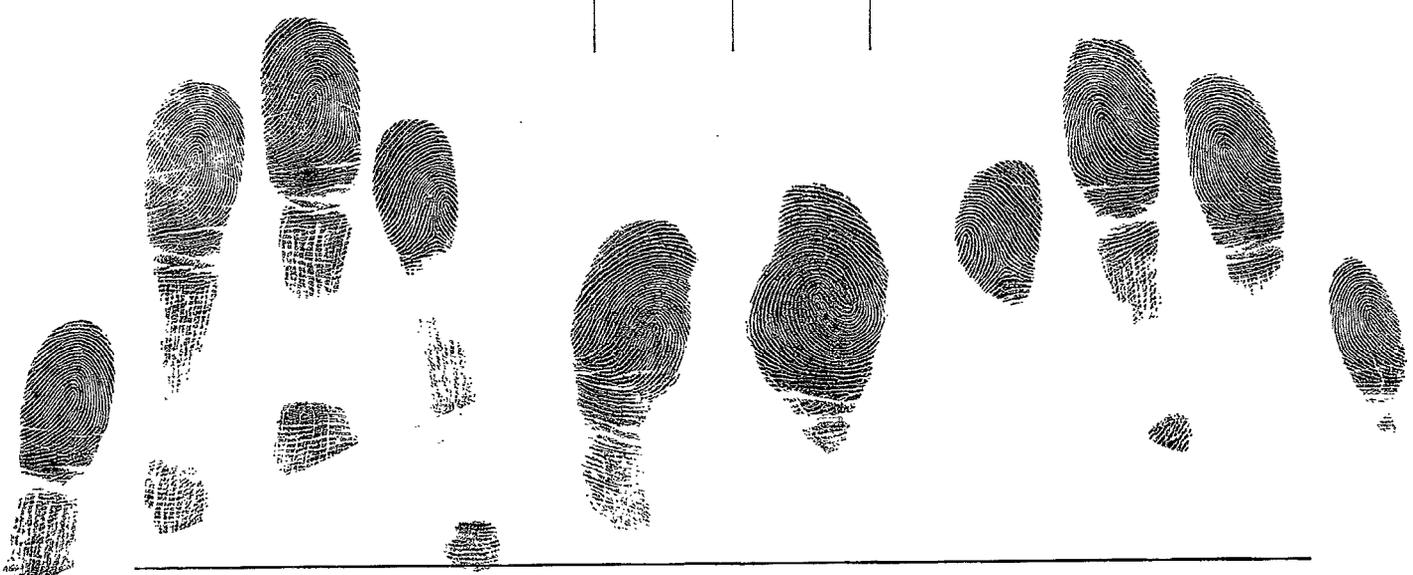
Race: Asian/Pacific Islander Black/African-American Caucasian Hispanic Male
 Native American Other: _____ Non-Hispanic Female

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

Clerk of the Court, Deputy Clerk, J. Will Dated: 10-15-08

The defendant's signature: _____

Left four fingers taken simultaneously	Left Thumb	Right Thumb	Right four fingers taken simultaneously
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Appendix B

DOC
COMMITMENT ISSUED APR 7 2004

FILED
2004 APR -7 AM 9:59
KING COUNTY, WASHINGTON
APR 07 2004
SEA
SUPERIOR COURT CLERK

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)
)
 Plaintiff,) No. 03-1-02507-7 SEA
)
 Vs.) JUDGMENT AND SENTENCE
) FELONY
 RAYMOND M. WILLIAMS)
)
 Defendant.)

I. HEARING

Bob Flanagan

I.1 The defendant, the defendant's lawyer, ~~DENNIS HOUGH~~ and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: _____

II. FINDINGS

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

2.1 **CURRENT OFFENSE(S)**: The defendant was found guilty on 2/9/2004 by plea of:

Count No.: 1 Crime: BURGLARY IN THE FIRST DEGREE
RCW 9A.52.020 Crime Code: 02306
Date of Crime: 9/13/2003 Incident No. _____

Count No.: _____ Crime: _____
RCW _____ Crime Code: _____
Date of Crime: _____ Incident No. _____

Count No.: _____ Crime: _____
RCW _____ Crime Code: _____
Date of Crime: _____ Incident No. _____

Count No.: _____ Crime: _____
RCW _____ Crime Code: _____
Date of Crime: _____ Incident No. _____

Additional current offenses are attached in Appendix A

SPECIAL VERDICT or FINDING(S):

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

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

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

- Criminal history is attached in **Appendix B**.
- One point added for offense(s) committed while under community placement for count(s) _____

2.4 SENTENCING DATA:

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
Count 1	5	VII	41 TO 54 MONTHS		41 TO 54 MONTHS	10 YRS AND/OR \$20,000
Count						
Count						
Count						

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

2.5 EXCEPTIONAL SENTENCE (RCW 9.94A.535):

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

III. JUDGMENT

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2.1 above and **Appendix A**.

The Court **DISMISSES** Count(s) _____

IV. ORDER

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

4.1 RESTITUTION AND VICTIM ASSESSMENT:

- Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E.
 - Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.753(2), sets forth those circumstances in attached Appendix E.
 - Restitution to be determined at future restitution hearing on (Date) 5-18-04 at 8:30 a.m.
 - Date to be set.
 - Defendant waives presence at future restitution hearing(s).
 - Restitution is not ordered.
- Defendant shall pay Victim Penalty Assessment pursuant to RCW 7.68.035 in the amount of \$500.

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

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

- 4.3 PAYMENT SCHEDULE: Defendant's **TOTAL FINANCIAL OBLIGATION** is: \$ 500.00 plus rest. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms: Not less than \$_____ per month; On a schedule established by the defendant's Community Corrections Officer or Department of Judicial Administration (DJA) Collections Officer. Financial obligations shall bear interest pursuant to RCW 10.82.090. **The Defendant shall remain under the Court's jurisdiction to assure payment of financial obligations: for crimes committed before 7/1/2000, for up to ten years from the date of sentence or release from total confinement, whichever is later; for crimes committed on or after 7/1/2000, until the obligation is completely satisfied.** Pursuant to RCW 9.94A.7602, if the defendant is more than 30 days past due in payments, a notice of payroll deduction may be issued without further notice to the offender. Pursuant to RCW 9.94A.760(7)(b), the defendant shall report as directed by DJA and provide financial information as requested.
- Court Clerk's trust fees are waived.
 - Interest is waived except with respect to restitution.

4.4 **CONFINEMENT OVER ONE YEAR:** Defendant is sentenced to a term of total confinement in the custody of the Department of Corrections as follows, commencing: immediately; [] (Date): _____ by _____ in _____.

48 months days on count [] ; _____ months/days on count _____ ; _____ months/day on count _____
_____ months/days on count _____ ; _____ months/days on count _____ ; _____ months/day on count _____

The above terms for counts _____ are consecutive / concurrent.

The above terms shall run [] CONSECUTIVE [] CONCURRENT to cause No.(s) _____

The above terms shall run [] CONSECUTIVE [] CONCURRENT to any previously imposed sentence not referred to in this order.

[] In addition to the above term(s) the court imposes the following mandatory terms of confinement for any special WEAPON finding(s) in section 2.1: _____

which term(s) shall run consecutive with each other and with all base term(s) above and terms in any other cause. (Use this section only for crimes committed after 6-10-98)

[] The enhancement term(s) for any special WEAPON findings in section 2.1 is/are included within the term(s) imposed above. (Use this section when appropriate, but for crimes before 6-11-98 only, per In Re Charles)

The TOTAL of all terms imposed in this cause is _____ months.

Credit is given for 247 ~~247~~ new days served [] days as determined by the King County Jail, solely for confinement under this cause number pursuant to RCW 9.94A.505(6).

4.5 **NO CONTACT:** For the maximum term of 10 years ~~10 years~~ defendant shall have no contact with Peter Suski

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

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

4.7 (a) [] **COMMUNITY PLACEMENT** pursuant to RCW 9.94A.700, for **qualifying crimes committed before 7-1-2000**, is ordered for _____ months or for the period of earned early release awarded pursuant to RCW 9.94A.728, whichever is longer. [24 months for any serious violent offense, vehicular homicide, vehicular assault, or sex offense prior to 6-6-96, 12 months for any assault 2°, assault of a child 2°, felony violation of RCW 69.50.52, any crime against person defined in RCW 9.94A.411 not otherwise described above.] **APPENDIX H** for Community Placement conditions is attached and incorporated herein.

(b) [] **COMMUNITY CUSTODY** pursuant to RCW 9.94.710 for any **SEX OFFENSE committed after 6-5-96 but before 7-1-2000**, is ordered for a period of 36 months or for the period of earned early release awarded under RCW 9.94A.728, whichever is longer. **APPENDIX H** for Community Custody Conditions and **APPENDIX J** for sex offender registration is attached and incorporated herein.

- (c) **COMMUNITY CUSTODY** - pursuant to RCW 9.94A.715 for qualifying crimes committed after 6-30-2000 is ordered for the following established range:
- Sex Offense, RCW 9.94A.030(38) - 36 to 48 months—when not sentenced under RCW 9.94A.712
 - Serious Violent Offense, RCW 9.94A.030(37) - 24 to 48 months
 - Violent Offense, RCW 9.94A.030(45) - 18 to 36 months
 - Crime Against Person, RCW 9.94A.411 - 9 to 18 months
 - Felony Violation of RCW 69.50.52 - 9 to 12 months
- or for the entire period of earned early release awarded under RCW 9.94A.728, whichever is longer.
Sanctions and punishments for non-compliance will be imposed by the Department of Corrections pursuant to RCW 9.94A.737.
- APPENDIX H** for Community Custody conditions is attached and incorporated herein.
 APPENDIX J for sex offender registration is attached and incorporated herein.

4.8 **WORK ETHIC CAMP:** The court finds that the defendant is eligible for work ethic camp, is likely to qualify under RCW 9.94A.690 and recommends that the defendant serve the sentence at a work ethic camp. Upon successful completion of this program, the defendant shall be released to community custody for any remaining time of total confinement. The defendant shall comply with all mandatory statutory requirements of community custody set forth in RCW 9.94A.700. **Appendix H** for Community Custody Conditions is attached and incorporated herein.

4.9 **ARMED CRIME COMPLIANCE, RCW 9.94A.475, 480.** The State's plea/sentencing agreement is attached as follows.

The defendant shall report to an assigned Community Corrections Officer upon release from confinement for monitoring of the remaining terms of this sentence.

Date: 4-6-04

Anthony P. Wartnik
JUDGE
Print Name: WARTNIK

Presented by:

Sheila Weirth
Deputy Prosecuting Attorney, WSBA# 21193
Print Name: S. Weirth

Approved as to form:

RA 74 426764
Attorney for Defendant, WSBA #
Print Name: Robert Ednaugh II

Appendix C

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THURSTON COUNTY
JUVENILE DIVISION

97 MAY -5 Pii 1:19
BETTY J. GOULD, CLERK

STATE OF WASHINGTON,

Plaintiff,

vs.

RAYMOND WILLIAMS,
DOB: 04-06-80
Juvis No. 336778
W,M,xxx,xxx,red,blu,
c/o Clark County Juvenile Detention
P.O. Box 5000
Vancouver, WA 98666-5000

Respondent.

NO.

97 BY 8 DE 00601 4

INFORMATION

Police Report No.:
OPD 97-1635

COMES NOW the Prosecuting Attorney in and for Thurston County, Washington, and charges the Respondent with the following offense:

COUNT I: BURGLARY IN THE FIRST DEGREE, A FELONY RCW 9A.52.020(1)(a):

RAYMOND WILLIAMS, in the County of Thurston, State of Washington, on or about the 14th day of February, 1997, with intent to commit a crime against a person or property therein, did enter or remain unlawfully in a building, and in entering or while in such building or immediate flight therefrom, was armed with a deadly weapon, to-wit: unlawfully entered the Prohaska residence and took firearms.

COUNT II: THEFT OF FIREARM, A FELONY, RCW 9A.56.300:

RAYMOND WILLIAMS, in the County of Thurston, State of Washington, on or about the 14th day of February, 1997, did commit a theft of a firearm regardless of value, to wit: Winchester 100 .308 rifle.

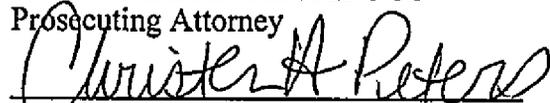
COUNT III: THEFT OF FIREARM, A FELONY, RCW 9A.56.300:

RAYMOND WILLIAMS, in the County of Thurston, State of Washington, on or about the 14th day of February, 1997, did commit a theft of a firearm regardless of value, to wit: Winchester 59/2 gauge shotgun .

DATED THIS 5th day of May, 1997.

BERNARDEAN BROADOUS

Prosecuting Attorney



CHRISTEN A. PETERS, WSBA #23559

Deputy Prosecuting Attorney

ORIGINAL

INFORMATION

BERNARDEAN BROADOUS
THURSTON COUNTY PROSECUTING ATTORNEY
2415 EVERGREEN PK. DR. S W, BLDG C
OLYMPIA, WASHINGTON 98502
(360) 357-2490 FAX (360) 754-3349

THURCOJ001000002200415501000039007

Appendix D

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

STUW-6 11:05 AM
FILED
BY [Signature] DEPUTY

STATE OF WASHINGTON

NO. 97-8-00601-4

vs.

NOTICE OF HEARING

Raymond Williams
RESPONDENT

To: Respondent, Attorney

YOU ARE NOTIFIED that:

A hearing is scheduled for the purpose of:

- Pre-trial Conference
- Trial (Fact Finding Hearing)
- Probation Violation
- Other Decline hearing

The Juvenile Offender is:

- Detained
- Not Detained

A juvenile hearing has been scheduled for May 19, 1997
(Date)
10:00 m., at Thurston County Juvenile Department/Youth Service
(Time)
Service Center, 1520 Irving Street S.W., Tumwater, Washington.

FAILURE OF THE JUVENILE OFFENDER TO APPEAR FOR THE SCHEDULED HEARING MAY RESULT IN ISSUANCE OF A BENCH WARRANT.

BETTY J. GOULD, County Clerk

[Signature]
Juvenile Court Clerk

Please contact your attorney at the earliest possible date for an appointment.

Your attorney is:

MARTIN D. MEYER
Attorney at Law
#12 U.S. Bank Bldg.
402 Capitol Way S.
Olympia, WA 98501
(206) 357-6335

CC: Respondent/Parents
Defense Attorney
Deputy Prosecuting Attorney
Probation Counselor

Date Information Filed 5-5-97
Arrestment Date _____
Probation Counselor Tom Nove

THURCO0010000022004155010000039005

Appendix E

SUPERIOR COURT
THURSTON COUNTY

97 MAY 19 AM 11:57

BETTY J. SOULD, CLERK

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

DEPUTY

STATE OF WASHINGTON,

Plaintiff,

vs.

Raymond Williams

Defendant.

NO. 978601-4

ORDER

to Decline Raymond Williams
to Adult Court Jurisdiction

IT IS HEREBY ORDERED that the Respondent having been charged with Burglary in the First Degree 9A.52.020(1)(a) and two counts of Theft of a Firearm RCW 9A.56.300, hereby waives his right to a decline hearing pursuant to RCW 13.40.110, and jurisdiction for the above named Respondent shall be transferred to Superior Court.

Probable Cause has been established for the above enumerated charges.

Pursuant to State v. Holland adopting US v. Kent 383 U.S. 541 (1966), court finds that Respondent shall be Declined to Adult Superior Court. Respondent to be held in Adult Thurston County Jail for further proceedings on this matter.

DATED: 5/19/97

PRESENTED BY:

M. Rendle #25721
Deputy Prosecuting Attorney

[Signature]
JUDGE

APPROVED BY:

[Signature]
Attorney for Defendant

[Signature]

BERNARDEAN BROADOUS
THURSTON COUNTY PROSECUTING ATTORNEY
2000 LAKEBRIDGE DRIVE SW
OLYMPIA, WASHINGTON 98502
(360) 786-5510 FAX (360) 786-5511

COPIES TO
P.O.
PROS. ATTY.
DEF ATTY.

MICROFILMED

ORDER

THURSTON00100000220041550100000399003

Appendix F

SUPERIOR COURT OF WASHINGTON
 COUNTY OF THURSTON

STATE OF WASHINGTON, Plaintiff,

No. 97-1-866-6

v.

RAYMOND M. WILLIAMS 97 JUL 8, P12 : 18
 Defendant.

JUDGMENT AND SENTENCE (JS)

SID:WA16455471
 If no SID, use DOB:4/6/80

3071 S. 6300. Ct.
 B1

- Prison
- Jail One Year or Less
- First Time Offender
- Special Sexual Offender Sentencing Alternative
- Special Drug Offender Sentencing Alternative

I. HEARING

1.1 A sentencing hearing was held on July 8, 1997 and the defendant, the defendant's lawyer and the deputy prosecuting attorney were present.

II. FINDINGS

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

2.1 CURRENT OFFENSE(S): The defendant was found guilty on July 8, 1997 by plea jury verdict bench trial of:

COUNT	CRIME	RCW	DATE OF CRIME
I	BURGLARY IN THE FIRST DEGREE	9A.52.020(1)(a)	February 14, 1997
II	CUSTODIAL ASSAULT	9A.36.100	May 11, 1997

as charged in the (First Amended) Information

- Additional current offenses are attached in Appendix 2.1
- A special verdict/finding for use of a firearm was returned on Count(s) _____ RCW 9.94A.125, .310
- A special verdict/finding for use of a deadly weapon other than a firearm was returned on Count(s) _____ RCW 9.94A.125, .310
- A special verdict/finding of sexual motivation was returned on Count(s) _____ RCW 9.94A.127
- A special verdict/finding for Violation of the Uniform Controlled Substances Act was returned on Count(s) _____, RCW 69.50.401 and RCW 69.50.435, taking place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, in a public transit vehicle, or in a public stop shelter.
- The defendant was convicted of vehicular homicide which was proximately caused by a person driving a vehicle while under the influence of intoxicating liquor or drug or by the operation of a vehicle in a reckless manner and is therefore a violent offense. RCW 9.94A.030
- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.400):
- Other current conviction listed under different cause numbers used in calculating the offender score are (list offense and cause number):

JASS

7-7-1070-7

17

2.2 CRIMINAL HISTORY: Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.360)

CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J Adult or Juv.	TYPE OF CRIME
Minor Poss. Firearm	8-10-95	Thurston Co., WA	5-13-95	J	N-V
PSP 2°	8-9-95	Thurston Co., WA	6-25-95	J	N-V
PSP 2°	8-9-95	Thurston Co., WA	6-25-95	J	N-V
Theft 2°	6-29-95	Thurston Co., WA	6-26-95	J	N-V
Malicious Mischief 2°	10-5-95	Thurston Co., WA	9-3-95	J	N-V

- Additional criminal history is attached in Appendix 2.2
- The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.360
- The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.360):

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	Plus enhancement for Firearm (F), other deadly weapon finding (D), or VECSA (V) in a protected zone	Total STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	3	VII	31-41 months		31-41 months	Life
II	3	III	9-12 months		9-12 months	5 Years

Additional current offense sentencing data in Appendix 2.3

2.4 EXCEPTIONAL SENTENCE: Substantial and compelling reasons exist which justify an exceptional sentence above within below the standard range for

Count(s) _____. Findings of fact and conclusions of law are attached in Appendix 2.4. The Prosecuting Attorney did did not recommend a similar sentence.

2.5 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS. The court has considered the total amount owing, the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.142

The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.142): _____

2.6 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are attached as follows: 31 Months Dept. of Corrections; \$110 court costs; \$500 crime victim compensation; Restitution (uncharged count) changed and
No criminal law violations; obey all rules of Dept. of Corrections; No contact with victims for life.

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 _____

3.3 [] The defendant is found NOT GUILTY of Counts _____

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of the Court

Restitution to: \$5,798.09 Pemco, P.O. Box 2985, Tacoma, WA 98401 - 2985

Restitution to: \$1,467.07 Stephen H. Prohaska, 1120 Fir Street SE, Olympia, WA 98501

Restitution to: _____
(Name and Address-address may be withheld and provided confidentially to Clerk's Office)

PCV \$ 500 Victim Assessment RCW 7.68.035

CRC \$ 110 Court costs, including: RCW 9.94A.030, 9.94A.120, 10.01.160, 10.46.190

Criminal Filing fee \$ 110 FRC
Witness costs \$ _____ WER
Sheriff service fees \$ _____ SFR/SFS/SPW/SRF
Jury demand fee \$ _____ IFR
Other \$ _____

PUB \$ _____ Fees for court appointed attorney RCW 9.94A.030

WFR \$ _____ Court appointed defense expert and other defense costs RCW 9.94A.030

FCM \$ _____ Fine RCW 9A.20.021; [] VUSCA additional fine deferred due to indigency RCW 69.50.430

CDP/LDV \$ _____ Drug enforcement fund of _____ RCW 9.94A.030

FCD/NTF/SAD/SDI \$ _____ Crime lab fee [] deferred due to indigency RCW 43.43.690

CLF \$ _____

EXT \$ _____ Extradition costs RCW 9.94A.120

\$ _____ Emergency response costs (Vehicular Assault, Vehicular Homicide only, \$1,000 maximum) RCW 38.52.430

\$ _____ Other costs for: _____

\$7,875.16 TOTAL, ~~in addition to Restitution to be set by later court order.~~ RCW 9.94A.145

~~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.142. A restitution hearing:
[] shall be set by the prosecutor Recharged and unchanged counts to include all injury to persons or property.
[] is scheduled for _____~~

[] RESTITUTION. Schedule attached, Appendix 4.1

Restitution ordered above shall be paid jointly and severally with:

NAME of other defendant CAUSE NUMBER (Victim Name) (Amount\$)
Wesley S. Irv #97-1-353-2: (1) Pemco \$5,798.09
(2) Stephen H Prohaska #1,467.07

The Department of Corrections may immediately issue a Notice of Payroll Deduction.
RCW 9.94A.200010

All payments shall be made in accordance with the policies of the clerk and on a schedule established by the Department of Corrections, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ _____ per month commencing _____ . RCW 9.94A.145

In addition to the other costs imposed herein the Court finds that the defendant has the means to pay for the cost of incarceration and is ordered to pay such costs at the statutory rate. RCW 9.94A.145

The defendant shall pay the costs of services to collect unpaid legal financial obligations. RCW 36.18.190

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

4.2 HIV TESTING. The Health Department or designee shall test and counsel the defendant for HIV as soon as possible and the defendant shall fully cooperate in the testing. RCW 70.24.340

DNA TESTING. The defendant shall have a blood sample drawn for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency, the county of Department of Corrections, shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754

4.3 The defendant shall not use, own, or possess firearms or ammunition while under the supervision of the Department of Corrections. RCW 9.94A.120

4.4 The Defendant shall not have contact with Stephen H. Prohaska, DOB 7-18-47, ^{his immediate family, residence, and work place of victim and family members.} including, but not limited to, personal, verbal, telephonic, written or contact through a third party for life years (not to exceed the maximum statutory sentence.).

Domestic Violence Protection Order or Anti-Harassment Order is attached as Appendix 4.4.

4.5 OTHER: No criminal law violations;
Obey all rules of Department of Corrections

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

(a) CONFINEMENT. RCW 9.94A.400. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections:

31 months on Count I _____ months on Count _____
10 months on Count II _____ months on Count _____
_____ months on Count _____ _____ months on Count _____

Actual number of months of total confinement ordered is: 31 Months
(Add mandatory firearm or deadly weapons enhancement: time to run consecutively to other counts, see Section 2.3, Sentencing Data, above)

All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm or other deadly weapon as set forth above at Section 2.3, and the following which shall be served consecutively: _____

The sentence herein shall run concurrently with the sentence in cause number(s) _____ but consecutively to any other felony cause not referred to in this Judgment. RCW 9.94A.400

Confinement shall commence immediately unless otherwise set forth here: _____

(b) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.120. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: _____

4.7 COMMUNITY PLACEMENT AND COMMUNITY CUSTODY. RCW 9.94A.120. Community placement is ordered for a community placement eligible offense (e.g., sex offense, serious violent offense, second degree assault, any crime against a person with a deadly weapon finding, Chapter 69.50 or 69.52 RCW offense), or community custody is ordered to follow work ethic camp if it is imposed, and standard mandatory conditions are ordered. Community Placement is ordered for the period of time provided by law. The defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at Department of Corrections-approved education, employment and/or community service; (3) not consume controlled substances except pursuant to lawfully issued prescriptions; (4) to unlawfully possess controlled substances while in community custody; (5) pay supervision fees as determined by the Department of Corrections. The residence location and living arrangements are subject to the prior approval of the Department of Corrections while in community placement or community custody.

The defendant shall not consume any alcohol.

Defendant shall have no contact with: Stephan H. Pookarka, DOB 7-18-47 his immediate family, residing, and workplace of victim and family members,

Defendant shall remain within outside of a specified geographical boundary, to wit: _____

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

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

Other conditions: No criminal law violations; obey all rules of Dept. of Corrections 4 81

WORK ETHIC CAMP. RCW 9.94A.137, RCW 72.09.410. The court finds that defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. If the defendant successfully completes work ethic camp, the department shall convert the period of work ethic camp confinement at the rate of one day of work ethic camp to three days of total standard confinement. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions of community custody. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.7.

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

V. NOTICES AND SIGNATURES

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

5.2 LENGTH OF SUPERVISION. The defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to ten years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations. RCW 9.94A.145.

5.3 NOTICE OF INCOME-WITHHOLDING ACTION. If the court has not ordered an immediate notice of payroll deduction in paragraph 4.1, you are notified that the Department of Corrections may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.200010 Other income-withholding action under RCW 9.94A may be taken without further notice. RCW 9.94A.200030

5.4 RESTITUTION HEARING.

~~Defendant~~ Defendant waives any right to be present at any restitution hearing (sign initials): _____

5.5 Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. RCW 9.94A.200

Cross off if not applicable:

~~5.6 FIREARMS. You may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The court clerk shall forward a copy of the defendant's driver's license, identicard, or comparable identification, to the Department of Licensing along with the date of conviction or commitment). RCW 9.41.040, 9.41.047~~

~~5.7 SEX OFFENDER REGISTRATION. RCW 9A.44.130, 10.01.200. Because this crime involves a sex offense, you are required to register with the sheriff of the county of the state of Washington where you reside. You must register immediately upon being sentenced unless you are in custody, in which case you must register within 24 hours of your release.~~

~~If you leave the state following your sentencing or release from custody but later move back to Washington, you must register within 30 days after moving to this state or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections.~~

~~If you change your residence within a county, you must send written notice of your change of residence to the sheriff within 10 days of moving. If you change your residence to a new county within this state, you must register with the sheriff of the new county and you must give written notice of your change of address to the sheriff of the county where last registered, both within 10 days of moving. If you move out Washington state, you must also send written notice within 10 days of moving to the county sheriff with whom you last registered in Washington state.~~

5.8 OTHER: _____

Done in Open Court in the presence of the defendant this date: _____

July 8, 1997

Paula Casey

JUDGE Print name: PAULA CASEY

[Signature]

Deputy Prosecuting Attorney
WSBA#16529
Print name: JAMES M. GILLIGAN

[Signature]

Attorney for Defendant
WSBA#20257
Print name: JAMES J. DIXON

Ray Williams Jr.

Defendant

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

CAUSE NUMBER of this case: 97-1-866-6

I, Betty J. Gould, 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 said County and State, by: _____, Deputy Clerk

IDENTIFICATION OF DEFENDANT

SID No. WA16455471 Date of Birth 4/6/80

(If no SID take fingerprints card for State Patrol)

FBI No. UNKNOWN Local ID No. B65394

PCN No. _____ Other _____

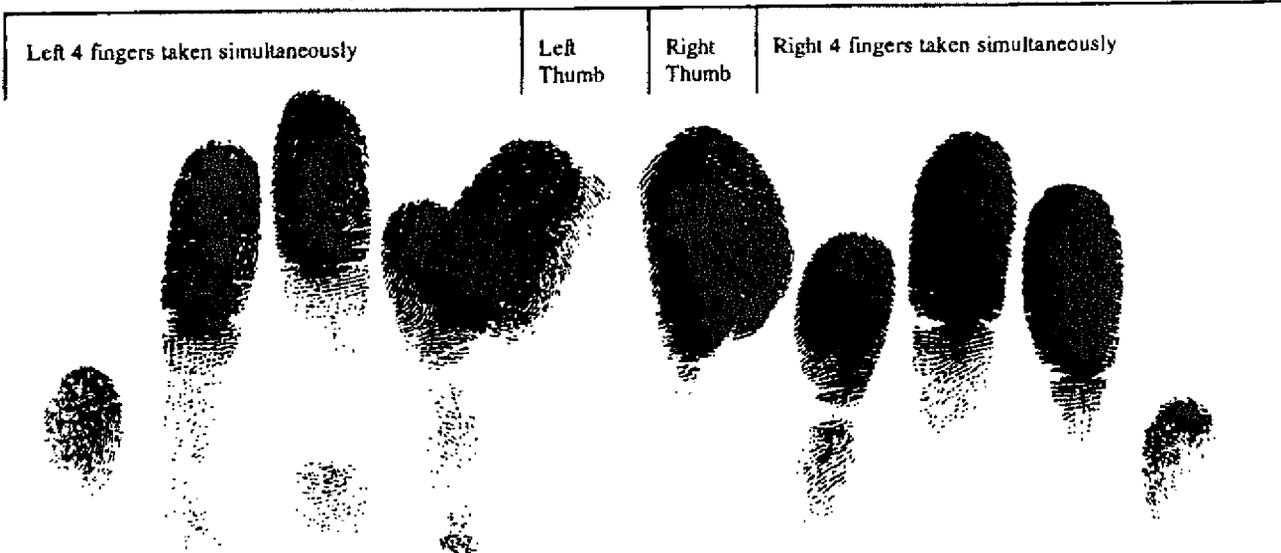
Alias name, SSN, DOB: _____

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

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

Clerk of the Court: *Betty J. Gould*, Deputy Clerk. Dated: 7-8-97

DEFENDANT'S SIGNATURE: *[Signature]*



Appendix G

1
2
3 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
4 IN AND FOR THE COUNTY OF THURSTON
5 IN JUVENILE COURT

6
7 STATE OF WASHINGTON,

8 Plaintiff,

9 vs.

10 RAYMOND MAYFIELD WILLIAMS JR.,

11 Respondent.

NO. 97-8-00601-4

DECLARATION OF JAN GRIFFIN,
JUDICIAL SERVICES MANAGER FOR
THE THURSTON COUNTY SUPERIOR
COURT FAMILY AND JUVENILE
COURT CLERK'S OFFICE

12
13 **I, Jan Griffin, declare as follows:**

- 14
- 15 1. I am the Judicial Services Manager for the Thurston County Superior Court Family
16 and Juvenile Court Clerk's Office.
 - 17 2. On August 19, 2016, Attorney Corey Evan Parker requested the audio recording of
18 Raymond Mayfield Williams Jr.'s court proceeding held on May 19, 1997. The related
19 case number is 97-8-00601-4.
 - 20 3. On October 10, 2016, after a thorough search by Thurston County Superior Court
21 Chief Deputy Clerk Tawni Sharp, I informed Mr. Parker that we were unable to locate
22 the audio from the above-mentioned proceeding.
 - 23 4. It is my understanding that the tapes have been destroyed and there is no possible way
24 of obtaining the record from that proceeding if such a record existed.
25

26 DECLARATION OF JAN GRIFFIN - 1

LAW OFFICE OF COREY EVAN PARKER
1275 12th Ave NW, Suite 1B
Issaquah, WA 98027
[PH] 425.221.2195 [FX] 1.877.802.8580
corey@parkerlawseattle.com

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I declare under penalty of perjury and the laws of the State of Washington that the foregoing is true and correct.

Dated this 18th day of October, 2016 at Tumwater, Washington.


Jan Griffin
Judicial Services Manager

Appendix H

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STATE OF WASHINGTON, Plaintiff, vs. RAYMOND MAYFIELD WILLIAMS JR., Respondent.	CAUSE NO. 97-8-00601-4 DECLARATION OF RAYMOND MAYFIELD WILLIAMS JR
------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------

I, Raymond M. Williams Jr., the petitioner in this matter, declare as follows:

1. In 1997, during the process of my declination of juvenile jurisdiction, I was not in the right frame of mind to make a rational decision about my future. I was emotionally unstable and had a long history up to that point struggling with mental illness, trauma, and drug addiction.
2. Three times in my teenage years prior to the declination of juvenile jurisdiction I was put into lockdown mental health facilities.
3. The first time was in 1993, as an alternative sentence by Thurston County Juvenile Court. I was sentenced to spend three months at Pacific Gateway in Portland, Oregon and I served my time there.
4. The second time, I was sent to Kitsap County Mental Health, as requested by Clark County Juvenile Court. If memory serves me correctly, this placement was done instead of detention time for a probation violation. This was approximately in 1994 or 1995.

- 1 5. The third time I was put into a lockdown mental health facility I was placed again in
2 Kitsap County Mental Health in 1995. This was a placement done as a hospital transfer
3 after a suspected suicide attempt, where I had overdosed on prescription pills. In this
4 instance, I had needed to be brought back to life with a resuscitator machine.
5
6 6. My youth, much to my demise, was filled with confused and self-destructive behavior. I
7 was hospitalized at least two other times for attempted suicide. Even while attending
8 elementary school, it was clear to my teachers that for various reasons I would do better
9 in school by attending special education classes.
10 7. My upbringing was very hostile and unsupportive. My first attempt of running away
11 from home was at the age of nine. By my early teens, Child Protective Services had
12 already played a major role in my life, and I had seen several foster homes and group
13 homes.
14 8. My inability to trust my well-being to adults or authority figures, I believe, played a
15 large role in my desire to be left to my own devices as a teen. This meant that my life
16 was spent homelessly wandering the streets. In those streets I turned to crime for
17 survival. This was a stupid decision, and as such it made sense to me at that age.
18
19 9. Looking back to those years, I even have trouble today understanding what was wrong
20 with me. Though several explanations could be made, one thing remains clear to me as
21 pertains to this case: something was wrong with me in particular, that put me at a
22 distinct disadvantage to be able to make such an important decision in knowing and
23 intelligent manner.
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1 10. Knowing was one of my biggest problems, as I thought I knew everything at that age.
2 And intelligence was several years away at best, as everything in the world was viewed
3 through an emotional, rather than a logical lens by me as a teen. While this mental and
4 emotional state is common in most teens, I believe I was at a greater disadvantage,
5 considering my mental and emotional make-up, than a normal teenager to make such a
6 decision. I was several years in mental and emotional maturity behind my peers at that
7 point in my life.

8
9 11. I truly needed to have my best interest represented through the process of my
10 declination. I needed more than most, the protections offered through the Juvenile
11 Justice Act, as I was wholly incapable of understanding what the decision I was pushing
12 for would mean to my life, or what the difference was between the adult justice system
13 and juvenile one.

14 12. What I distinctly remember was that I wanted out of Thurston County Juvenile
15 Detention Center. I had spent many months there throughout the years of my teens.
16 During these years I had suffered abuse at the hands of certain staff members.

17
18 13. I had, for example, spent several weeks before in a cell where I had to use a small hole
19 covered by a grate in the middle of the floor for bodily functions. Cell A-15, as I recall,
20 and forever will, the place where I had to mush my own feces through the grate with
21 little squares of toilet paper, being careful to not get any on my hands as there was no
22 access to a sink with which to wash.

23 14. I just wanted out of the juvenile facility. It was my understanding that if I was declined,
24 I would be transferred immediately. Being completely incapable of comprehending a
25

1 future past the next day, I pushed to get through the process and waived my right to the
2 hearing. At no point did my attorney or the Court discuss any of the potential
3 consequences with me.

4
5 15. My crime was not horrendous. It was a crime to be punished for, undoubtedly. Please
6 don't mistake my statement, as I don't mean to make light of my actions. I do take
7 personal responsibility. I did steal several items from the home in question including
8 firearms which were discovered in the residence, entering after watching the residents
9 of the house leave for a camping trip. This was a dishonest crime, and I have no pride in
10 it (or any other crime) whatsoever. But that crime might have found justice in the
11 Juvenile Division of our courts, had the law been applied properly to my case.

12
13 16. Had the courts took the time to consider and review my case through the declination
14 process, these issues of my mental health, and what might have been in both societies
15 and my own best interest could have been considered. I could have been tried in
16 Juvenile Court, and placed into a facility that could have given me the opportunity to
17 develop tools for life, which in turn could have prevented me from the continuance of
18 my criminal behavior. Would it all have happened that way will forever be a mystery,
19 but what is not a mystery is that there should have been the option.

20
21 17. I sit here today, serving life without parole as a persistent offender. This sentence has
22 been both the worst and the best thing to happen to me.

23
24 18. Many people who receive such sentences lose themselves completely to the prison
25 system, becoming involved with gangs, and a myriad of other negativities that prevail
26 within these walls and fences. I have instead found myself and I am today a completely

1 different person than the one who was incarcerated in 2008. A good person, maybe for
2 the first time since early adolescence.

3 19. My record in the prison system reflects this boast, as I am renowned for staying out of
4 trouble, for being a good role model to other inmates and mentoring them to shed their
5 criminal thought processes, as well as for being an outspoken proponent of violence
6 prevention. My D.O.C. record shows that I have been involved with sustainability
7 efforts in which I am credited for having saved the state tens of thousands of dollars. I
8 even played a major role in stopping the attempted murder of Corrections Officer
9 Breedlove at Clallam Bay Corrections Center on January 25, 2016.

10 20. I am ready to be a productive member of society. I am ready to be a father to my son, a
11 good neighbor, and someone who gives to the community around him.

12 21. As I write these things in this declaration, I don't know that they have any bearing
13 whatsoever on the legal process of my case. I would imagine that they do not. But I
14 can't help the feeling that I must declare not just what or where or how, but also who
15 brings forth this petition to the Court. Both who I was then, which prevented me from
16 understanding the ramifications of the events taking place around me at that age. And
17 who I am now, with so much to offer the world, but as a consequence of the previous,
18 prevented from doing so.
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I declare, under penalty of perjury under the laws of the State of Washington, that the foregoing
is true and correct.

Dated this 13th day of November, 2016 at Monroe, Washington.


Raymond Mayfield Williams Jr.
Petitioner

Appendix I

Appendix J

1
2
3 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
4 IN AND FOR THE COUNTY OF THURSTON
5 IN JUVENILE COURT

6 STATE OF WASHINGTON,

7 Plaintiff,

8 vs.

9 RAYMOND MAYFIELD WILLIAMS JR.,

10 Respondent.

11 CAUSE NO. 97-8-00601-4

12 DECLARATION OF COREY EVAN
13 PARKER

14 **I, Corey Evan Parker, declare as follows:**

- 15 1. I am an attorney licensed in Washington State under the bar number 40006.
- 16 2. I represent the Petitioner, Raymond Williams.
- 17 3. In preparation for this Personal Restraint Petition, I requested Mr. Williams' juvenile
18 records in Thurston County Juvenile Court to locate the Judgment and Sentence
19 ordering Mr. Williams to serve his sentence in a mental health facility.
- 20 4. An employee of Halo Messenger Services appeared in Thurston County Juvenile Court
21 to obtain the records and the clerk informed him that they were sealed and could not be
22 obtained.

23 I declare under penalty of perjury under the laws of the State of Washington that the foregoing
24 is true and correct.

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Dated this 27th day of November, 2016 at Issaquah, Washington.

Corey Evan Parker
Corey Evan Parker
Attorney for Petitioner
WSBA No. 40006

OATH

I declare under penalty of perjury under the laws of the State of Washington that I am the attorney for the petitioner, that I have read the petition, know its contents, and I believe the petition is true.

Respectfully submitted this 28th day of November, 2016.

LAW OFFICE OF COREY EVAN PARKER

By Corey Evan Parker
Corey Evan Parker, WSBA #40006
Attorney for Petitioner

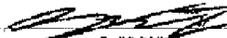
Case No. 08-1-00735-6

Personal Restraint Petition of Raymond Williams

Verification of Petitioner – RAP 16.7(a)(7) –

I declare that I have received a copy of the petition prepared by my attorney and that I consent to the petition being filed on my behalf.

Dated on November 28, 2016.



Raymond Williams, Petitioner

CERTIFICATE OF SERVICE

I, Corey Evan Parker, certify under penalty of perjury under the laws of the United States and of the State of Washington that on November 28, 2016, I caused to be served the document to which this is attached to the party listed below in the manner shown next to their name:

Ryan Jurvakainen
Cowlitz County Prosecuting Attorney
jurvakainen.ryan@co.cowlitz.wa.us

- By Email
- By Fax
- By Fed Express
- By Hand Delivery
- By Messenger

Corey Evan Parker

Corey Evan Parker
WSBA #40006
1275 12th Ave. NW Suite 1B
Issaquah, WA 98027
(425) 221-2195

LAW OFFICE OF COREY EVAN PARKER

November 28, 2016 - 2:09 PM

Transmittal Letter

Document Uploaded: 0-prp-Personal Restraint Petition-20161128.pdf

Case Name: In Re Personal Restraint Of Raymond Williams, Jr.

Court of Appeals Case Number:

Is this a Personal Restraint Petition? Yes No

The document being Filed is:

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

Statement of Arrangements

Motion: _____

Answer/Reply to Motion: _____

Brief: _____

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: _____

Hearing Date(s): _____

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: _____

Comments:

No Comments were entered.

Sender Name: Corey Parker - Email: corey@coreyevanparkerlaw.com

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

jurvakainen.ryan@co.cowlitz.wa.us