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Court of Appeals
Division II
State of Washington
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NO. 50767-6-II

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

POST SENTENCE REVIEW OF

MICHAEL THOMPSON,
Respondent.

ON APPEAL FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR CLARK COUNTY

Clark Cause No. 17-1-00160-1

The Honorable Gregory M. Gonzales, Judge

RESPONSE TO POST-SENTENCE PETITION

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**Appendix A: Felony Judgment and Sentence
Clark County Cause No. 17-1-00160-1**

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A. ISSUES

1. Can the state legally sentence a person to attempted failure to register as a sex offender when it is impossible to attempt to fail to register?

2. Did the trial court erred by imposing community custody for attempted failure to register as a sex offender because the relevant statutes: RCW 9.94A.701(3); RCW 9.94A.030(47(a) do not recognize an attempted failure to register, and may not even constitute a crime?

B. STATEMENT OF THE CASE

Mr. Thompson was convicted of failure to register as a sex offender in 2013 and 2014. Appendix A, p. 16. He was also convicted of attempted failure to register as a sex offender in 2017. For the 2017 conviction, the trial court imposed 27.75 months of community custody. Appendix A, p. 6. The Department of Corrections challenged the community custody as not statutorily authorized. Department of Corrections' Post Sentence Petition, p. 1.

C. ARGUMENTS

1. THE TRIAL COURT ERRED BY SENTENCING THOMPSON TO ATTEMPTED FAILURE TO REGISTER AS A SEX OFFENDER BECAUSE IT IS NOT A CRIME.

Attempted failure to register as a sex offender is not a crime.

In Washington, a person commits the crime of failure to register if the person "has a duty to register" and "knowingly fails to comply." See RCW 9A.44.132(1). Failing to comply is an essential element of this crime. *Id.*

There is no such crime attempted failure to register as a sex offender because a person either fails to register or registers. *State v. Williams*, 103 So.3d 412, 414, (La.App. 2 Cir. (2012)).

Louisiana's registration for sex offender statute, like that in Washington and California, mandate that certain sex offenders provide police with current information as to their residence or living situation. La.R.S. 15:542.1.4; Cal.Penal Code section 290.010.

LSA - R.S. 15:542.1.4 provides:

- (1) A person who fails to register, periodically renew and update registration, provide proof of residence or notification of change of address or other registration information, or provide

community notification as required by the provisions of this Chapter, and a person who knowingly provides false information to a law enforcement agency as provided in R.S. 15:542(C)(3), shall, upon first conviction, be fined not more than one thousand dollars and imprisoned with hard labor for not less than two years nor more than ten years without benefit of parole, probation, or suspension of sentence.

Cal.Penal Code section 290.010 provides in relevant part:

If the person who is registering has more than one residence address at which he or she regularly resides, he or she shall register in accordance with the Act in each of the jurisdictions in which he or she regularly resides, regardless of the number of days or nights spent there. If all of the addresses are within the same jurisdiction, the person shall provide the registering authority with all of the addresses where he or she regularly resides.

Cal.Penal Code section 290.010.

The attempt statutes in Washington, Louisiana and California are legally similar. The attempt statute in Washington, RCW 9A.28.020, provides in relevant part:

(1) A person is guilty of an attempt to commit a crime if, with intent to commit a specific crime, he or she does any act which is a substantial step toward the commission of that crime.

RCW 9A.28.020. LSA-RS 14:27 provides in relevant part:

A. Any person who, having a specific intent to commit a crime, does or omits an act for the purpose of and tending directly toward the accomplishing of his object is guilty of an attempt to commit the offense intended; and it shall be immaterial whether, under the circumstances, he would have actually accomplished his purpose.

B. (1) Mere preparation to commit a crime shall not be sufficient to constitute an attempt; but lying in wait with a dangerous weapon with the intent to commit a crime, or searching for the intended victim with a dangerous weapon with the intent to commit a crime, shall be sufficient to constitute an attempt to commit the offense intended.

LSA-RS 14:27. California Penal Code section 664 provides in relevant part:

Every person who attempts to commit any crime, but fails, or is prevented or intercepted in its perpetration, shall be punished where no provision is made by law for the punishment of those attempts,

Id.

Each of these attempt provisions requires both an attempt and a failure to commit the intended crime. “The test appears to be -would defendant have been guilty of a crime if his intention had been fully consummated? “LSA-RS 14:27 (Reporters Comment 1950).

The mental state required for criminal attempt, specific intent, is the highest mental state requirement defined by statute.

State v. Johnson, 173 Wn.2d 895, 905, 270 P.3d 591 (2012). This level of intent is required to prove an attempt crime because criminal attempt focuses on the dangerousness of the actor, not the act. *Johnson*, 173 Wn.2d at 905. An attempt requires a direct ineffectual act done in furtherance of the crime. *People v. Kipp*, 18 Cal. 4th 349, 376 (1998).

In *Williams*, the Court explained that “[c]riminal laws generally prohibit people from doing something, such as driving while under the influence.” However for the crime of failure to register as a sex offender, “the law compels a person to do something—register as a sex offender.” Accordingly, an “attempt requires a specific intent to commit the crime and an overt act in furtherance of the crime. Mere preparation is not sufficient.” *Williams*, 103 So.3d at 413.

In *Williams*, the Court held that because failure to register is an act of omission, “an attempt was a legal impossibility.” *Williams*, 103 So.3d 413. The Court further stated: “[t]here is no such crime as an attempt to not register as a sex offender. The crime of failure to register is not a specific intent crime. One either fails to register or not. One cannot attempt to not

register.” *Williams*, 103 So.3d at 414.

In a 2015 unpublished opinion (cited under GR 14.11 without precedential value) the Court held that failure to attempt to register as a sex offender is not a crime because it is a legal impossibility. One cannot attempt to fail to do an act. *Nonette*, 2015 WL 4975202.

Here, in Washington, indistinguishable from *Williams*, and *Nonette*, one either registers as a sex offender or does not. "Attempted failure to register" is illogical because the state does not have to prove the person intended not to register. The state must only prove the person knew of the duty to register, and did not register. See *In re Richey*, 162 Wn.2d 865, 175 P.3d 585 (2008) (Holding that crime of "attempted felony murder" does not exist and burdens the State with proving defendant intended to commit a crime that does not have an intent element).

These cases provide the irrefutable logic that the crime

1 GR 14.1.

Unpublished opinions of the Court of Appeals are those opinions not published in the Washington Appellate Reports. Unpublished opinions of the Court of Appeals have no precedential value and are not binding upon any court. However, unpublished opinions of the Court of Appeals filed on or after March 1, 2013, may be cited as non-binding authorities, if identified as such by the citing party, and may be accorded such persuasive value as the court deems appropriate.

Thompson pleaded guilty to was not a crime because a failure to fail to register negates the essential element of “failure”. When Thompson failed to fail to register, he registered - which is not a crime. For this reason, any sentenced imposed on a non-crime is illegal and must be vacated.

2. A SENTENCE IS ILLEGAL IF BASED ON A NON-EXISTENT CRIME BECAUSE ONE CANNOT PLEAD GUILTY TO A NON-EXISTENT CRIME.

A judgment and sentence is invalid on its face when the trial court exceeds its statutory authority in entering the judgment or sentence. *In re Pers. Restraint of Coats*, 173 Wn.2d 123, 135, 267 P.3d 324 (2011); *In re Wheeler*, 188 Wn. App. 613, 617, 354 P.3d 950 (2015). When a defendant is convicted of a nonexistent crime, the judgment and sentence is invalid on its face. *In re Pers. Restraint of Hinton*, 152 Wn.2d 853, 860, 100 P.3d 801 (2004).

Here, Thompson pleaded guilty to a non-existent crime and was sentenced for a non-existent crime. *Hinton*; *In re Taylor*, 162 Wn. App. 791, 259 P.3d 289 (2011); and *Wheeler*, 188 Wn. App. 613, control the outcome of this issue.

In *Hinton*, the state Supreme Court reversed convictions for the then non-existent crime of felony murder based on assault as

the predicate felony. *Hinton*, 152 Wn.2d at 857-58. The Court held that Hinton and the other petitioners was prejudiced and entitled to reversal and dismissal of the crimes because they were convicted and sentenced for nonexistent crimes. *Hinton*, 152 Wn.2d at 859-61.

When a court exceeds its jurisdiction, the errors render a judgment invalid under RCW 10.73.090. *Hinton*, 152 Wn.2d at 859-61; *Wheeler*, 188 Wn. App. at 621; *Taylor*, 162 Wn. App. at 801. See Also, *Thompson*, 141 Wn.2d at 719 (judgment and sentence invalid when defendant pleaded guilty to “an offense which was not criminal at the time he committed it”).

In 1988 Taylor, the defendant was convicted of third degree statutory rape under former RCW 9A.44.090 (1979). *Taylor*, 162 Wn. App. at 793-94. One year later the Legislature repealed this statute. In 2009 the state charged Taylor with Taylor with failure to register as a sex offender in violation of former RCW 9A.44.130 (2006), listing the 1988 statutory rape conviction as his predicate offense. *Taylor*, 162 Wn. App. at 794 n.1. The Court in *Taylor* reversed Taylor’s conviction because the predicate sex offense for the 2009 charge of failure to register was no longer a crime under

RCW 9A.44. *Taylor*, 162 Wn. App. at 801.

More recently this Court addressed the same legal issue in terms of a previously repealed statutory rape crime under RCW 9A.44. *Wheeler*, 188 Wn. App. at 618-19. In 1985, Wheeler pleaded guilty to a now repealed version of the third degree statutory rape under former RCW 9A.44.090 (1979). *Wheeler*, 188 Wn., App. at 619. In 2000, Wheeler pleaded guilty to failure to register as a sex offender between September 1997 and April 1998. At that time registration was required under former RCW 9A.44.130(1) (1997) which previously considered the statutory rape to be a sex offense under the now repealed statutory rape charge under RCW 9A.44. *Wheeler*, 188 Wn., App. at 619.

This Court held that under the reasoning in *Taylor*, because statutory rape was repealed in 1988, it was not a “sex offense” in 2000 and therefore could not serve as the predicate offense for failure to register as a sex offender in 2000. *Wheeler*, 188 Wn. App. at 619-21. In sum Wheeler’s 2000 judgment and sentence was invalid on its face. *Wheeler*, 188 Wn. App. at 621.

Under *Hinton*, *Wheeler* and *Taylor*, because attempted failure to register as a sex offender never was or could be a crime

because it is a legal impossibility, any sentence is also invalid. Accordingly, this Court must remand for dismissal with prejudice both the conviction and sentence.

3. THE TRIAL COURT ERRED BY IMPOSING COMMUNITY CUSTODY THAT WAS NOT STATUTORILY AUTHORIZED.

Mr. Thompson agrees with the facts and legal arguments presented in the Department of Corrections' Post Sentence Petition and Reply briefs.

To avoid redundant and unnecessary repetition and restatement of the facts and arguments, pursuant to RAP 10.1(g)(2), Mr. Thompson adopts and incorporates by reference the facts and legal arguments in their entirety.

D. CONCLUSION

Michael Thompson respectfully requests this Court vacate his community custody and reverse his conviction and remand for dismissal with prejudice.

DATED this 11th day of January 2018.

Respectfully submitted,



LISE ELLNER
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Attorney for Respondent

I, Lise Ellner, a person over the age of 18 years of age, served the Clark County Prosecutor's Office rachael.probstfeld@clark.wa.gov and prosecutor@clark.wa.gov; Mandy Rose mandyr@atg.wa.gov; and Michael Thompson/DOC#845536, Stafford Creek Corrections Center, 191 Constantine Way, Aberdeen, WA 98520 a true copy of the document to which this certificate is affixed on January 11, 2018. Service was made by electronically to the prosecutor and Michael Thompson by depositing in the mails of the United States of America, properly stamped and addressed.



Signature

APPENDIX A

APPENDIX A

Jail

Dustin Richardson -C

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Scott G. Weber, Clerk, Clark Co

**Superior Court of Washington
County of Clark**

State of Washington, Plaintiff,

vs.

MICHAEL PAUL THOMPSON,
Defendant.

SID: WA17124171
If no SID, use DOB: 2/17/1978

No. 17-1-00160-1

17-9-01140-1

**Felony Judgment and Sentence --
Prison**

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

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

Defendant Used Motor Vehicle

Juvenile Decline Mandatory Discretionary

I. Hearing

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

II. Findings

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

guilty plea 3/31/2017 jury-verdict bench trial :

Count	Crime	RCW (w/subsection)	Class	Date of Crime
01	ATTEMPTED FAIL TO REGISTER AS A SEX OFFENDER (OCCURRING ON OR AFTER 6/10/2010 - WITH TWO OR MORE PRIOR CONVICTIONS)	9a.44.132(1)(b)/9A.28.020(3)(c)	FC	11/22/2016 to 12/28/2016

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

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

Additional current offenses are attached in Appendix 2.1a.

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

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

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

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

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

*Felony Judgment and Sentence (FJS) (Prison)
(Sex Offense and Kidnapping of a Minor Offense)
(RCW 9.94A.500, .505)(WPF CR 84.0400 (07/2015))
Page 1 of 14*

- Count _____, is aggravated murder in the first degree committed while the defendant was under 16 years of age 16 or 17 years of age when the offense was committed.
- Count _____, was committed while the defendant was under 18 years of age and the time of confinement is over 20 years.
- The defendant engaged, agreed, offered, attempted, solicited another, or conspired to engage a victim of child rape or child molestation in sexual conduct in return for a fee in the commission of the offense in Count _____. RCW 9.94A.839.
- In count _____ an internet advertisement in which the victim of the crime was described or depicted was instrumental in facilitating the commission of the crime. RCW 9.68A.100, RCW 9.68A.101, or RCW 9.68A.102, Laws of 2013, ch. 9, §1.
- The offense was predatory as to Count _____. RCW 9.94A.836.
- The victim was under 15 years of age at the time of the offense in Count _____ RCW 9.94A.837.
- The victim was developmentally disabled, mentally disordered, or a frail elder or vulnerable adult at the time of the offense in Count _____. RCW 9.94A.838, 9A.44.010.
- The defendant acted with **sexual motivation** in committing the offense in Count _____. RCW 9.94A.835.
- This case involves **kidnapping** in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.
- In count _____ the defendant committed a robbery of a pharmacy as defined in RCW 18.64.011(21), RCW 9.94A._____.
- Count _____, **Violation of the Uniform Controlled Substances Act (VUCSA)**, RCW 69.50.401 and RCW 69.50.435, took place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.
- The defendant committed a crime involving the manufacture of methamphetamine, including its salts, isomers, and salts of isomers, **when a juvenile was present in or upon the premises of manufacture** in Count _____. RCW 9.94A.605, RCW 69.50.401, RCW 69.50.440.
- Count _____ is a **criminal street gang**-related felony offense in which the defendant compensated, threatened, or solicited a minor in order to involve that **minor** in the commission of the offense. RCW 9.94A.833.
- Count _____ is the crime of **unlawful possession of a firearm** and the defendant was a **criminal street gang** member or associate when the defendant committed the crime. RCW 9.94A.702, 9.94A.829.
- The defendant committed **vehicular homicide** **vehicular assault** proximately caused by driving a vehicle while under the influence of intoxicating liquor or drug or by operating a vehicle in a reckless manner. The offense is, therefore, deemed a violent offense. RCW 9.94A.030.
- GY** In Count _____, the defendant had (number of) _____ **passenger(s) under the age of 16** in the vehicle. RCW 9.94A.533.
- Count _____ involves **attempting to elude** a police vehicle and during the commission of the crime the defendant endangered one or more persons other than the defendant or the pursuing law enforcement officer. RCW 9.94A.834.
- In Count _____ the defendant has been convicted of assaulting a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault, as provided under RCW 9A.36.031, and the defendant intentionally committed the assault with what appeared to be a firearm. RCW 9.94A.831, 9.94A.533.
- Count _____ is a felony in the commission of which the defendant used a **motor vehicle**. RCW 46.20.285.
- The defendant has a **chemical dependency** that has contributed to the offense(s). RCW 9.94A.607.
- Reasonable grounds exist to believe the defendant is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. RCW 9.94B.080

- In Count _____, assault in the 1st degree (RCW 9A.36.011) or assault of a child in the 1st degree (RCW 9A.36.120), the offender used force or means likely to result in death or intended to kill the victim and shall be subject to a mandatory minimum term of 5 years (RCW 9.94A.540).
- Counts _____ encompass the same criminal conduct and count as one crime in determining the offender score (RCW 9.94A.589).
- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

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

*DV: Domestic Violence was pled and proved

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

2.2 Criminal History (RCW 9.94A.525):

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

*DV: Domestic Violence was pled and proved

- Additional criminal history is attached in Appendix 2.2.
- The defendant committed a current offense while on community placement/community custody (adds one point to score). RCW 9.94A.525.
- The prior convictions listed as number(s) _____, above, or in appendix 2.2, are one offense for purposes of determining the offender score (RCW 9.94A.525)
- The prior convictions listed as number(s) _____, above, or in appendix 2.2, are not counted as points but as enhancements pursuant to RCW 46.61.520.

2.3 Sentencing Data:

Count No.	Offender Score	Seriousness Level	Standard Range (not including enhancements)	Plus Enhancements*	Total Standard Range (including enhancements)	Maximum Term
01	9	II-75%	32.25 MONTHS to 42.75 MONTHS		32.25 MONTHS to 42.75 MONTHS	5 YEARS

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

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

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

- 2.4** **Exceptional Sentence.** The court finds substantial and compelling reasons that justify an exceptional sentence:
 below the standard range for Count(s) _____.

- above the standard range for Count(s) _____.
- The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.
- Aggravating factors were stipulated by the defendant, found by the court after the defendant waived jury trial, found by jury, by special interrogatory.
- within the standard range for Count(s) _____ but served consecutively to Count(s) _____. Findings of fact and conclusions of law are attached in Appendix 2.4. Jury's special interrogatory is attached. The Prosecuting Attorney did did not recommend a similar sentence.
- In the case of more than one aggravating factor, the Court finds that the same sentence would be imposed if any one of the aggravating factors is not upheld on appeal.

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 to pay the legal financial obligations imposed herein. RCW 9.94A.753.
- That the defendant is presently indigent but is anticipated to be able to pay financial obligations in the future. RCW 9.94A.753.
- That the defendant is indigent ⁶⁶ ~~and disabled~~ and is not anticipated to be able to pay financial obligations in the future. RCW 9.94A.753.
- Other: _____ . RCW 9.94A.753.
- The following extraordinary circumstances exist that make restitution inappropriate. (RCW 9.94A.753):

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

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

- The court considered the following factors:
 - the defendant's criminal history.
 - whether the defendant has previously been found not guilty by reason of insanity of any offense in this state or elsewhere.
 - evidence of the defendant's propensity for violence that would likely endanger persons.
 - other: _____
- The court decided the defendant should should not register as a felony firearm offender.

III. Judgment

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

3.2 The court **dismisses** Counts _____ in the charging document.

IV. Sentence and Order

It is ordered:

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

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

32.25 months on Count 01

- The confinement time on Count(s) contain(s) a mandatory minimum term of
The confinement time on Count includes months as enhancement for firearm deadly weapon sexual motivation VUCSA in a protected zone manufacture of methamphetamine with juvenile present sexual conduct with a child for a fee.

Actual number of months of total confinement ordered is: 32.25

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

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

Confinement shall commence immediately unless otherwise set forth here:

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

Count 11 minimum term maximum term Statutory Maximum

- (c) Confinement. RCW 10.95.030 (Aggravated murder and under age 18.) The court orders the following:

Count minimum term: maximum term: Life

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

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

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

- (A) The defendant shall be on community placement or community custody for the longer of:

- (1) the period of early release. RCW 9.94A.728(1)(2); or
(2) the period imposed by the court, as follows:

Count(s), 36 months for Serious Violent Offenses
Count(s), 18 months for Violent Offenses

Count(s) _____, 12 months (for crimes against a person, drug offenses, or offenses involving the unlawful possession of a firearm by a street gang member or associate)

Count(s) 01, 37.75 months. RCW 9.94A.701(9)

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

The total time of incarceration and community supervision/custody shall not exceed the statutory maximum for the crime.

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

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

not possess or consume alcohol.

have no contact with: _____

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

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

participate in an education program about the negative costs of prostitution.

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

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

comply with the following crime-related prohibitions: _____

Other conditions:

Do not commit any criminal law violations. Register as required as a sex offender.

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

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

(D) If the defendant committed the above crime(s) while under age 18 and is sentenced to more than 20 years of confinement:

- (i) As long as the defendant's conviction is not for aggravated first degree murder or certain sex crimes, and the defendant has not been convicted of a crime committed after he or she turned 18 or committed a disqualifying serious infraction as defined by DOC in the 12 months before the petition is filed, the defendant may petition the Indeterminate Sentence Review Board (Board) for early release after the defendant has served 20 years.
- (ii) If the defendant is released early because the petition was granted or by other action of the Sentence Review Board, the defendant will be subject to community custody under the supervision of the DOC for a period of time determined by the Board, up to the length of the court-imposed term of incarceration. The defendant will be required to comply with any conditions imposed by the Board.
- (iii) If the defendant violates the conditions of community custody, the Board may return the defendant to confinement for up to the remainder of the court-imposed term of incarceration.

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

JASS CODE

PCV	\$ <u>500.00</u>	Victim assessment	RCW 7.68.035
PDV	\$ _____	Domestic Violence assessment	RCW 10.99.080
	\$ _____	Violation of a DV protection order (\$15 mandatory fine)	RCW 26.50.110
FRC	\$ 200.00 <u>266</u>	Criminal filing fee, RCW 10.46.190	
CRC	\$ _____	Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190	
		Witness costs \$ _____ WFR	
		Sheriff service fees \$ _____ SFR/SFS/SFW/WRF	
		Jury demand fee \$ _____ JFR	
		Extradition costs \$ _____ EXT	
		Other \$ _____	
PUB	\$ 1,000.00	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; <input type="checkbox"/> VUCSA chapter 69.50 RCW, <input type="checkbox"/> VUCSA additional fine deferred due to indigency	RCW 69.50.430
CDF/LDI/FCF NTF/SAD/SDI	\$ _____	Drug enforcement Fund # <input type="checkbox"/> 1015 <input type="checkbox"/> 1017 (TF)	RCW 9.94A.760
CLF	\$ _____	Crime lab fee <input type="checkbox"/> suspended due to indigency	RCW 43.43.690
	\$ <u>100.00</u>	DNA collection fee	RCW 43.43.7541
FPV	\$ _____	Specialized forest products	RCW 76.48.140
PPI	\$ _____	Trafficking/Promoting prostitution/Commercial sexual abuse of minor fee (may be reduced by no more than two thirds upon a finding of inability to pay.)	RCW 9A.40.100, 9A.88.120, 9.68A.105
	\$ _____	Fee for Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct (\$1,000 fee for each separate conviction)	RCW 9.68A.070
	\$ _____	Other fines or costs for: _____	
DEF	\$ _____	Emergency response costs (\$1,000 maximum, \$2,500 max. effective Aug. 1, 2012)	RCW 38.52.430

Agency: _____

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

\$ _____ **Total** RCW 9.94A.760

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

- shall be set by the prosecutor.
- is scheduled for _____ (date).

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

Restitution Schedule attached.

Restitution ordered above shall be paid jointly and severally with:

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

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

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

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

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

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

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

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

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

4.5 No Contact:

- The defendant shall not have contact with _____ including, but not limited to, personal, verbal, telephonic, written or contact through a third party until _____ (which does not exceed the maximum statutory sentence).
- The defendant is excluded or prohibited from coming within:
 - 500 feet 880 feet 1000 feet of:
 - _____ (name of protected person(s))'s
 - home/ residence work place school
 - (other location(s)) _____
 - other location _____,
 - until _____ (which does not exceed the maximum statutory sentence).
- A separate Domestic Violence No-Contact Order, Antiharassment No-Contact Order, or Sexual Assault Protection Order is filed concurrent with this Judgment and Sentence.

4.6 Other: _____

4.7 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: _____

4.8 Exoneration: The Court hereby exonerates any bail, bond and/or personal recognizance conditions. Unit, if not on Community Custody for supervision.

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). The clerk of the court has authority to collect unpaid legal financial obligations at any time while you remain under the jurisdiction of the court for purposes of your legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

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

(a) If you are subject to a violation hearing and DOC finds that you committed the violation, you may receive a sanction of up to 30 days of confinement. RCW 9.94A.633(1).

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

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

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

5.6 Sex and Kidnapping Offender Registration Laws of 2010, ch. 367 § 1, 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.44.128, you are required to register.

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

While in custody, if you are approved for partial confinement, you must register when you transfer to partial confinement with the person designated by the agency that has jurisdiction over you. You must also register within three business days from the end of partial confinement or release from confinement with the sheriff of the county 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 within three business days of being sentenced unless you are in custody, in which case you must register at the time of your release with the person designated by the agency that has jurisdiction over you. You must also register within three business days of your release with the sheriff of the county of your school, where you are employed, or where you carry on a vocation.

2. Offenders Who are New Residents, Temporary Residents, or Returning Washington Residents: If you move to Washington or if you leave this state following your sentencing or release from custody but later move back to Washington, you must register within three business days after moving to this state. If you leave this state following your sentencing or release from custody but later while not a resident of Washington you become employed in Washington, carry on a 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. If you are visiting and intend to reside or be present 10 or more days in Washington, then you must register the location where you plan to stay or your temporary address with the sheriff of each county where you will be staying within three business days of your arrival.

3. Change of Residence Within State: If you change your residence within a county, you must provide, by certified mail, with return receipt requested or in person, signed written notice of your change of residence to the sheriff within three business 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 within three business days of moving. Also within three business days, you must provide, by certified mail, with return receipt requested or in person, signed written notice of your change of address to the sheriff of the county where you last registered.

4. Leaving the State or 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 three business days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. If you move out of the state, you must also send written notice within three business 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. Travel Outside the United States: If you intend to travel outside the United States, you must provide signed written notice of the details of your plan to travel out of the country to the sheriff of the county where you are registered. Notice must be provided at least 21 days before you travel. Notice may be provided to the sheriff by certified mail, with return receipt requested, or in person.

If you cancel or postpone this travel, you must notify the sheriff within three days of canceling or postponing your travel or on the departure date you provide in your notice, whichever is earlier.

If you travel routinely across international borders for work, or if you must travel unexpectedly due to a family or work emergency, you must personally notify the sheriff at least 24 hours before you travel. You must explain to the sheriff in writing why it is impractical for you to comply with the notice required by RCW 9A.44.130(3).

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

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

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

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 three business days of the entry of the order. RCW 9A.44.130(7).

- 5.7** **Department of Licensing Notice:** The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. **Clerk's Action** –The clerk shall forward an Abstract of Court Record (ACR) to the DOL, which must revoke the Defendant's driver's license. RCW 46.20.285. **Findings for DUI, Physical Control, Felony DUI or Physical Control, Vehicular Assault, or Vehicular Homicide (ACR information):**
- Within two hours after driving or being in physical control of a vehicle, the defendant had an alcohol concentration of breath or blood (BAC) of _____.
 - No BAC test result.

- BAC Refused. The defendant refused to take a test offered pursuant to RCW 46.20.308.
- Drug Related. The defendant was under the influence of or affected by any drug.
- THC level was _____ within two hours after driving.
- Passenger under age 16. The defendant committed the offense while a passenger under the age of sixteen was in the vehicle.

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

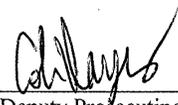
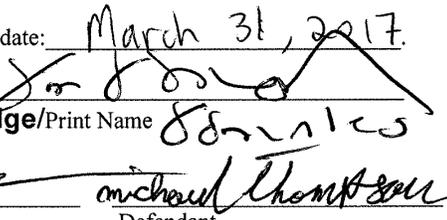
5.8 Other: _____

5.9 Persistent Offense Notice

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

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

Done in Open Court and in the presence of the defendant this date: March 31, 2017.

		
Deputy Prosecuting Attorney	Attorney for Defendant	Defendant
WSBA No. 35387	WSBA No. 34094	Print Name:
Print Name: Colin P. Hayes	Print Name: Dustin D. Richardson	MICHAEL PAUL THOMPSON

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

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

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

Defendant's signature: Michael Thompson

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

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

Signed at Vancouver, Washington on (date): _____

Interpreter

Print Name

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

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

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

Identification of the Defendant

MICHAEL PAUL THOMPSON

17-1-00160-1

SID No: WA17124171

Date of Birth: 2/17/1978

(If no SID take fingerprint card for State Patrol)

FBI No. 848780VB7

Local ID No.

PCN No. _____

Other _____

Alias name, DOB:

Race: W

Ethnicity:

Sex: M

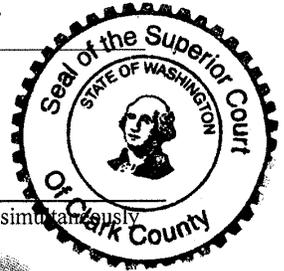
Fingerprints: I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto.

Clerk of the Court, Deputy Clerk,

[Signature]

Dated:

3-31-17



The defendant's signature:

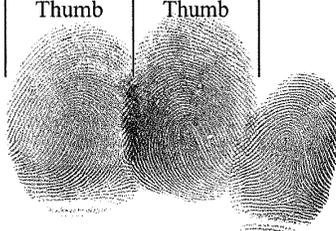
Michael Thompson

Left four fingers taken simultaneously

Left
Thumb

Right
Thumb

Right four fingers taken simultaneously



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

STATE OF WASHINGTON,
Plaintiff,
v.
MICHAEL PAUL THOMPSON,
Defendant
Date of Birth: 2/17/1978

No. 17-1-00160-1

APPENDIX 2.2
DECLARATION OF CRIMINAL HISTORY



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

CRIME	COUNTY/STATE CAUSE NO.	DATE OF CRIME	DATE OF SENTENCE	DV*? YES	PTS.
THEFT 3 (**PENDING**)	WASCO/OR 1300184M	6/6/2013			
THEFT 3 (**PENDING**)	WASCO/OR 1300184M	6/6/2013			
POSSESS CONTROLLED SUBSTANCE - MARIJUANA <1 OZ (**PENDING**)	WASCO/OR 1300048V	6/6/2013			
INCEST (SSODA)	SKAMANI/WA 94-8-00011-3	8/1/1992	8/10/1994		3
CRIMINAL MISCHIEF 2	WASCO/OR 0200036M	2/15/2002	4/15/2002		
MENACING	THE DALLES/OR S02105	6/27/2002	6/27/2002		
PROBATION VIOLATION	WASCO/OR 0200036M		8/22/2002		
ASSAULT 3	SKAMANIA/WA 02-1-00081-7	12/7/2002	1/2/2003		1

DECLARATION OF CRIMINAL HISTORY
Revised 9/14/2000

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

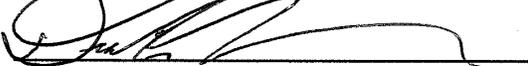
CRIME	COUNTY/STATE CAUSE NO.	DATE OF CRIME	DATE OF SENTENCE	DV*? YES	PTS.
GIVING FALSE INFORMATION FOR ISSUANCE/SERVICE OF CITATION/WARRANT	HOOD RIVER/OR 040053CN	3/20/2004	3/24/2004		
PROBATION VIOLATION	WASCO/OR 0200036M		4/2/2004		
HARASSMENT	SKAMANIA/WA 60002254	11/22/2006	2/8/2007		
HARASSMENT	SKAMANIA/WA 60002254	11/22/2006	2/8/2007		
DELIVERY OF CONTROLLED SUBSTANCE - HYDROCODONE	SKAMANIA/WA 07-1-00025-7	3/2/2007	8/30/2007		1
DISORDERLY CONDUCT (DOMESTIC VIOLENCE)	SKAMANIA/WA CR0018916	3/5/2013	4/4/2013		
DOMESTIC VIOLENCE COURT ORDER VIOLATION	SKAMANIA/WA CR0018918	3/26/2013	4/4/2013		
PROBATION VIOLATION	SKAMANIA/WA 02-1-00081-7		4/26/2013		
FAIL TO REGISTER AS A SEX OFFENDER	SKAMANIA/WA 13-1-00058-8	7/7/2013	10/17/2013		1
FINANCIAL FRAUD	SKAMANIA/WA 13-1-00058-8	8/3/2013	10/17/2013		1
FAIL TO REGISTER AS A SEX OFFENDER	SKAMANIA/WA 13-1-00101-1	11/25/2013	1/30/2014		1
DOMESTIC VIOLENCE COURT ORDER VIOLATION	WEST KLICKITAT/WA CR0005377	3/12/2013	10/5/2016		

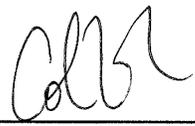
*DV: Domestic violence was pled and proved.

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

DATED this 31 day of March, 2017.


 Defendant


 Dustin D. Richardson, WSBA#34094,
 Attorney for Defendant


 Colin Hayes, WSBA#35387
 Deputy Prosecuting Attorney

DECLARATION OF CRIMINAL HISTORY
 Revised 9/14/2000

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

SUPERIOR COURT OF WASHINGTON - COUNTY OF CLARK

STATE OF WASHINGTON, Plaintiff,
 v.
 MICHAEL PAUL THOMPSON,
 Defendant.
 SID: WA17124171
 DOB: 2/17/1978

NO. 17-1-00160-1

**WARRANT OF COMMITMENT TO STATE
 OF WASHINGTON DEPARTMENT OF
 CORRECTIONS**

THE STATE OF WASHINGTON, to the Sheriff of Clark County, Washington, and the State of Washington, Department of Corrections, Officers in charge of correctional facilities of the State of Washington:

GREETING:

WHEREAS, the above-named defendant has been duly convicted in the Superior Court of the State of Washington of the County of Clark of the crime(s) of:

COUNT	CRIME	RCW	DATE OF CRIME
01	ATTEMPTED FAIL TO REGISTER AS A SEX OFFENDER (OCCURRING ON OR AFTER 6/10/2010 - WITH TWO OR MORE PRIOR CONVICTIONS)	9a.44.132(1)(b)/9A.28.020(3)(c)	11/22/2016 to 12/28/2016

and Judgment has been pronounced and the defendant has been sentenced to a term of imprisonment in such correctional institution under the supervision of the State of Washington, Department of Corrections, as shall be designated by the State of Washington, Department of Corrections pursuant to RCW 72.13, all of which appears of record; a certified copy of said judgment being endorsed hereon and made a part hereof,

NOW, THIS IS TO COMMAND YOU, said Sheriff, to detain the defendant until called for by the transportation officers of the State of Washington, Department of Corrections, authorized to conduct defendant to the appropriate facility, and this is to command you, said Superintendent of the appropriate facility to receive defendant from said officers for confinement, classification and placement in such correctional facilities under the supervision of the State of Washington, Department of Corrections, for a term of confinement of :

COUNT	CRIME	TERM
01	ATTEMPTED FAIL TO REGISTER AS A SEX OFFENDER (OCCURRING ON OR AFTER 6/10/2010 - WITH TWO OR MORE PRIOR CONVICTIONS)	32.25 Days /Months

These terms shall be served concurrently to each other unless specified herein:

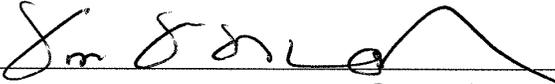
The defendant has credit for 36 days served.

The term(s) of confinement (sentence) imposed herein shall be served consecutively to any other term of confinement (sentence) which the defendant may be sentenced to under any other cause in either District Court or Superior Court unless otherwise specified herein:

And these presents shall be authority for the same.

HEREIN FAIL NOT.

WITNESS, Honorable _____



JUDGE OF THE SUPERIOR COURT AND THE SEAL THEREOF THIS DATE: 3-31-17

SCOTT G. WEBER, Clerk of the
Clark County Superior Court

By: _____



Deputy



LAW OFFICES OF LISE ELLNER

January 11, 2018 - 2:48 PM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 50767-6
Appellate Court Case Title: Post Sentence Review of: Michael P. Thompson
Superior Court Case Number: 17-1-00160-1

The following documents have been uploaded:

- 507676_Other_20180111144602D2303584_0394.pdf
This File Contains:
Other - PRP
The Original File Name was Thompson - Personal Restraint Petition.pdf
- 507676_Personal_Restraint_Petition_20180111144602D2303584_7110.pdf
This File Contains:
Personal Restraint Petition - Response to PRP/PSP
The Original File Name was Thompson - Response.pdf

A copy of the uploaded files will be sent to:

- CntyPA.GeneralDelivery@clark.wa.gov
- mandyr@atg.wa.gov
- prosecutor@clark.wa.gov
- rachael.probstfeld@clark.wa.gov

Comments:

Sender Name: Lise Ellner - Email: liseellnerlaw@comcast.net
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