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Court of Appeals
Division II
State of Washington
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NO. 51685-3-II

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

STATE OF WASHINGTON, Respondent

v.

RICKY LEON CARROLL, Appellant

FROM THE SUPERIOR COURT FOR CLARK COUNTY
CLARK COUNTY SUPERIOR COURT CAUSE NO. 17-1-00443-0

RESPONSE TO POST SENTENCE PETITION

Attorneys for Respondent:

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Prosecuting Attorney
Clark County, Washington

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IDENTITY OF RESPONDENT

The State of Washington, by and through its attorney of record, Rachael Rogers, Senior Deputy Prosecuting Attorney in the Clark County Prosecuting Attorney's Office is a respondent in this matter.

STATEMENT OF THE CASE

The Clark County Prosecuting Attorney's Office prosecuted Ricky Carroll (hereafter 'Carroll') in Clark County Superior Court case number 17-1-00443-0 for an original charge of Failure to Register as a Sex Offender with two or more prior convictions, occurring after 6/10/2010. *See Appendix A – Information.* Through plea negotiations, the State agreed to amend the charge against Carroll to an Attempted Failure to Register as a Sex Offender with two or more prior convictions, occurring after 6/10/2010, and Carroll agreed to enter a guilty plea to that amended charge, and the parties made a stipulated recommendation of a mid-range sentence of 36 months confinement and 24 months of community custody. *See Appendix B – Amended Information; Appendix C – Statement of Defendant on Plea of Guilty.* The trial court sentenced Carroll as recommended, to 36 months incarceration, and 24 months community custody. *See Appendix D – Judgment and Sentence.*

The Department of Corrections (hereafter 'DOC') filed a post-sentence petition, petitioning this Court for review of the sentence imposed by the Superior Court in this matter claiming that no community custody should have been imposed because Attempted Failure to Register as a Sex Offender with two or more prior convictions is not a sex offense or a crime against a person for which community custody may be imposed. DOC argues the Superior Court had no authority to sentence Carroll to community custody and asks this Court to direct the Superior Court to resentence Carroll to a sentence that does not include community custody.

The State hereby submits this response.

ARGUMENT

The issue before this Court is whether Attempted Failure to Register as a sex offender with two or more prior convictions occurring after 6/10/2010 carries community custody pursuant to the SRA. As the SRA provides that "sex offenses" shall carry a term of community custody of 36 months, and Attempted Failure to Register as a sex offender with two or more prior convictions occurring after 6/10/2010 is a "sex offense," the trial court properly sentenced Carroll to a term of community custody

and DOC's request that this Court order the Superior Court to strike Carroll's term of community custody should be denied.

The SRA provides for mandatory terms of community custody upon the sentencing for certain crimes. RCW 9.94A.701 provides:

- (1) If an offender is sentenced to the custody of the department for one of the following crimes, the court shall, in addition to the other terms of the sentence, sentence the offender to community custody for three years:
 - a. A sex offense not sentenced under RCW 9.94A.507;
 - b. A serious violent offense.
- (2) A court shall, in addition to the other terms of the sentence, sentence an offender to community custody for eighteen months when the court sentences the person to the custody of the department for a violent offense that is not considered a serious violent offense.
- (3) A court shall, in addition to the other terms of the sentence, sentence an offender to community custody for one year when the court sentences the person to the custody of the department for:
 - a. Any crime against persons under RCW 9.94A.411(2)
 - b. An offense involving unlawful possession of a firearm under RCW 9.41.040, where the offender is a criminal street gang member or associate;
 - c. A felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000; or
 - d. A felony violation of RCW 9A.44.132(1) (failure to register) that is the offender's first violation for a felony failure to register.
- (4) If an offender is sentenced under the drug offender sentencing alternative, the court shall impose community custody as provided in RCW 9.94A.660.
- (5) If an offender is sentenced under the special sex offender sentencing alternative, the court shall impose community custody as provided in RCW 9.94A.670.

- (6) If an offender is sentenced to a work ethic camp, the court shall impose community custody as provided in RCW 9.94A.690.
- (7) If an offender is sentenced under the parenting sentencing alternative, the court shall impose a term of community custody as provided in RCW 9.94A.655.
- (8) If a sex offender is sentenced as a nonpersistent offender pursuant to RCW 9.94A.507, the court shall impose community custody as provided in that section.
- (9) The term of community custody specified by this section shall be reduced by the court whenever an offender's standard range term of confinement in combination with the term of community custody exceeds the statutory maximum for the crime as provided in RCW 9A.20.021.

RCW 9.94A.701. The term "sex offense" is defined in RCW

9.94A.030(XX) as:

(47) "Sex offense" means:

- (a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;
- (ii) A violation of RCW 9A.64.020;
- (iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;
- (iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or
- (v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;
- (b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

RCW 9.94A.030(47). DOC argues that Attempted Failure to Register is not a "sex offense" as defined by RCW 9.94A.030(47) because subsection

(a)(iv) only applies to the preceding subsections (a)(i)-(iii), and because Attempted Failure to Register is not a felony violation of RCW 9A.44.132(1).

The State agrees that the structure of statutes that use the phrase “such [noun]” refers back to something previously identified within the statute. *See Jepson v. Dept. of Labor and Industries*, 89 Wn.2d 394, 404, 573 P.2d 10 (1977) (citing *C.J Tower & Sons of Buffalo, Inc. v. U.S.*, 295 F.Supp. 1104, 1108 (Cust.Ct. 1969); *Campbell v. Mueller*, 159 F.2d 803, 806 (6th Cir. 1947); *Luciani v. Certified Grocers of Ill., Inc.*, 105 Ill.App.2d 448, 245 N.E.2d 523 (1969); *Richardson-Merrell, Inc. v. Main*, 240 Or. 533, 402 P.2d 746 (1965)). Thus the State agrees with DOC that Attempted Failure to Register is not a “sex offense” because of the application of RCW 9.94A.030(47)(a)(iv). However, Attempted Failure to Register as charged in Thompson’s case is a “sex offense” pursuant to RCW 9.94A.030(47)(a)(v).

DOC further argues that attempted Failure to Register is not a crime in Washington State because it is an impossibility. However, it is no defense to an attempt crime that the crime was legally or factually impossible under the circumstances. *State v. Luther*, 157 Wn.2d 63, 73-74, 134 P.3d 205 (2006); RCW 9A.28.020(2). The elements of an attempt crime come from both the attempt statute (RCW 9A.28.020) and the

statute criminalizing the completed version of the crime. *See State v. Patel*, 170 Wn.2d 476, 480, 242 P.3d 856 (2010). The attempt statute goes on to classify the level of crime for conviction of attempt based on the underlying statute the person is guilty of attempting to violate. RCW 9A.28.020(3)(a)-(e). It is clear that when a person commits an attempted crime, he or she violates both the attempt statute and the underlying criminal statute. Thus when Carroll was found guilty of attempting to fail to register as a sex offender, he violated both RCW 9A.28.020 and RCW 9A.44.132. As Carroll was originally charged with the completed crime of failure to register as a sex offender with two or more prior offenses, a class B felony, his conviction for attempt of that crime is a class C felony. RCW 9A.28.020(3)(c). Thus, this conviction falls within the definition of “sex offense” contained in RCW 9.94A.030(47)(v), “[a] felony violation of RCW 9A.44.132(1)....”

The way that anticipatory offenses, such as attempt, are treated under our criminal statutes show that an attempt is a violation of the underlying criminal statute. The SRA clearly deals with attempt crimes based on their completed versions. RCW 9.94A.595 provides that the standard sentencing range for an attempt to commit a crime is based on the standard sentencing range for the completed version of that crime. RCW 9.94A.525 provides that an attempt to commit a crime shall be scored the

same as if it were a conviction for the completed offense. The Washington State Sentencing Guidelines Manual contains no scoring sheet for a violation of RCW 9A.28.020. Instead, the manual instructs users to calculate a sentencing range for an attempted offense by using the scoring sheet for the completed offense and adjusting the amount of time indicated by calculating 75% of sentence. 2016 Washington State Adult Sentencing Guidelines Manual, p. 23 (referencing RCW 9.94A.595). The Pattern Jury Instructions for an attempt crime instructs that in addition to giving the elements for attempt, the trial court must also instruct the jury on the elements of the completed crime. Note on Use to WPIC 100.02.

Furthermore, the information in this case shows the State charged Carroll with an offense that violates both RCW 9A.28.020 and RCW 9A.44.132. *See* Appendix B. The Legislature's treatment of attempt crimes shows the inherent understanding that an attempt to commit a crime is a violation of the underlying criminal statute.

DOC relies upon *In re Personal Restraint of Hopkins*, 137 Wn.2d 897, 976 P.2d 616 (1999) to support its argument that attempted failure to register is not a violation of RCW 9A.44.132. However, DOC's reliance on *Hopkins* is misplaced. There, our Supreme Court analyzed whether a conviction for solicitation to deliver cocaine was subject to the doubling provision found within RCW ch. 69.50. *Hopkins*, 137 Wn.2d at 899-902.

The Court specifically analyzed whether solicitation to commit a drug offense under RCW ch. 69.50 was a violation of that chapter when ch. 69.50 specifically included only attempt and conspiracy offenses as specific offenses under the chapter. *Id.* at 900-01. The *Hopkins* case cannot be applied to other chapters of the RCWs as its analysis is unique to the specific language of RCW ch. 69.50 and that chapter's specific inclusion of two inchoate offenses and its exclusion of the third. RCW 9A.28.010 classifies anticipatory offenses based on crimes defined under other titles located in RCW Title 9A. *Id.* at 901; RCW 9A.28.010. Thus the analysis in *Hopkins* is inapplicable to Carroll's case as this case does deal with the application of an inchoate offense to a crime defined under Title 9A of the RCWs.

DOC's reliance upon *In re Postsentence Review of Leach*, 161 Wn.2d 180, 163 P.3d 782 (2007) is also misplaced. There the Supreme Court analyzed whether the list of "crimes against persons" defined in RCW 9.94A.411(2) was an exhaustive list. As there was no provision for "similar" or "like" offenses, the Court found the specific crimes listed in RCW 9.94A.411(2) were "plainly meant" to be the "exclusive and complete list of 'crimes against persons.'" *Leach*, 161 Wn.2d at 186. The list did not specifically include attempted assault and therefore that crime was not a "crime against a person" as defined by RCW 9.94A.411(2).

However, unlike the statute involved in *Leach*, the statute at issue here defines a “sex offense” as a “felony violation of RCW 9A.44.132.” As discussed above, an attempt to commit that crime is a violation of the underlying statute. Thus Carroll’s felony conviction for Attempted Failure to Register as a sex offender was a “felony violation of RCW 9A.44.132” and as such is a “sex offense” as defined in RCW 9.94A.030(47) and therefore carries with it a 36 month term of community custody under RCW 9.94A.701.

CONCLUSION

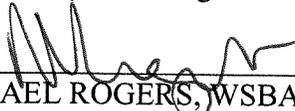
Carroll was convicted of a “sex offense” as defined by RCW 9A.44.030(47). The sentencing court was thus compelled to impose a term of community custody pursuant to RCW 9.94A.701. DOC’s request that this Court order the Superior Court to strike Carroll’s term of community custody should be denied.

DATED this 27 day of June, 2018.

Respectfully submitted:

ANTHONY F. GOLIK
Prosecuting Attorney
Clark County, Washington

By:


RACHAEL ROGERS, WSBA #37878
Senior Deputy Prosecuting Attorney
OID# 91127

APPENDIX A

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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.

RICKY LEON CARROLL

Defendant.

INFORMATION

No. 17-1-00443-0

(CCSO 17-1430)

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

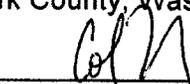
COUNT 01 - FAIL TO REGISTER AS A SEX OFFENDER (OCCURRING ON OR AFTER 6/10/2010 - WITH TWO OR MORE PRIOR CONVICTIONS) - 9A.44.132(1)(b)

That he, RICKY LEON CARROLL, in the County of Clark, State of Washington, on or about or between January 24, 2017 and February 15, 2017 having a duty to register under RCW 9A.44.130 for a felony sex offense as defined in that section, to-wit: Cowlitz County Superior Court Cause Number 89-1-00531-7, Rape in the Second Degree, convicted on or about January 24, 1990, and having been convicted in this state or pursuant to the laws of another state of a felony failure to register as a sex offender on two or more prior occasions, to-wit: Clark County Superior Court Cause Number 06-1-01507-0, convicted on or about September 2, 2006; Clark County Superior Court Cause Number 06-1-02434-6, convicted on or about February 22, 2007; and Clark County Superior Court Cause Number 12-1-01319-5, convicted on or about September 20, 2012; did knowingly fail to comply with any of the requirements of RCW 9A.44.130; contrary to Revised Code of Washington 9A.44.132(1)(b).

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

Date: March 1, 2017

BY:



Colin P. Hayes, WSBA #35387
Deputy Prosecuting Attorney

INFORMATION - 1
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CLARK COUNTY PROSECUTING ATTORNEY
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|--|-----------------|------------------------|------------------|
| DEFENDANT: RICKY LEON CARROLL | | | |
| RACE: W | SEX: M | DOB: 01/26/1958 | |
| DOL: CARRORL424B6 WA | | SID: WA11391185 | |
| HGT: 602 | WGT: 250 | EYES: BLU | HAIR: BRO |
| WA DOC: 297088 | | FBI: 529780V10 | |
| LAST KNOWN ADDRESS(ES): | | | |
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| JIS - 5900 NE 127TH ST, VANCOUVER WA 98686 | | | |

INFORMATION - 2
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APPENDIX B

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Scott G. Weber, Clerk, Clark Co.

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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.

RICKY LEON CARROLL

Defendant.

AMENDED INFORMATION

No. 17-1-00443-0

(CCSO 17-1430)

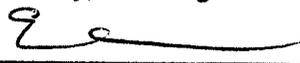
COMES NOW the Prosecuting Attorney for Clark County, Washington, and does by this inform the Court that the above-named defendant is guilty of the crime(s) committed as follows, to wit:

COUNT 01 - 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)

That he, RICKY LEON CARROLL, in the County of Clark, State of Washington, between January 24, 2017 and February 15, 2017 with intent to commit the crime of FAIL TO REGISTER AS A SEX OFFENDER (2 PRIOR AFTER 6/10/2010), the elements of which are having a duty to register under RCW 9A.44.130 for a felony sex offense as defined in that section, to-wit: Cowlitz County Superior Court Cause Number 89-1-00531-7, Rape in the Second Degree, convicted on or about January 24, 1990, and having been convicted in this state or pursuant to the laws of another state of a felony failure to register as a sex offender on two or more prior occasions, to-wit: Clark County Superior Court Cause Number 06-1-01507-0, convicted on or about September 2, 2006; Clark County Superior Court Cause Number 06-1-02434-6, convicted on or about February 22, 2007; and Clark County Superior Court Cause Number 12-1-01319-5, convicted on or about September 20, 2012; did knowingly fail to comply with any of the requirements of RCW 9A.44.130, did an act which was a substantial step toward the commission of that crime contrary to Revised Code of Washington 9A.44.132(1)(b) and 9A.28.020(3)(c).

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

Date: January 4, 2018

BY: 
Erin K. Culver, WSBA #35678
Deputy Prosecuting Attorney

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|--|-----------------|------------------------|------------------|
| DEFENDANT: RICKY LEON CARROLL | | | |
| RACE: W | SEX: M | DOB: 01/26/1958 | |
| DOL: CARRORL424B6 WA | | SID: WA11391185 | |
| HGT: 602 | WGT: 250 | EYES: BLU | HAIR: BRO |
| WA DOC: 297088 | | FBI: 529780V10 | |
| LAST KNOWN ADDRESS(ES): | | | |
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APPENDIX C

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Scott G. Weber, Clerk, Clark Co.

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| Superior Court of Washington for | |
| <u>State of Washington</u> | Plaintiff |
| v. | |
| <u>RICKY LEON CARROLL</u> | Defendant |

No. 17-1-00443-0

**Statement of Defendant on Plea of
Guilty to Sex Offense
(Felony)
(STDFG)**

1. My true name is: Ricky Leon Carroll
2. My age is: 59, DOB 1/26/58
3. The last level of education I completed was: Associates Degree
4. **I Have Been Informed and Fully Understand That:**
 - (a) I have the right to representation by a lawyer and if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
 - (b) I am charged with: Attempted Failure to Register as a Sex Offender (Occurring on or After 6/10/2010 – With Two or More Prior Convictions)
The elements are: See attached information.
5. **I Understand I Have the Following Important Rights, and I Give Them Up by Pleading Guilty:**
 - (a) The right to a speedy and public trial by an impartial jury in the county where the crime was allegedly committed;
 - (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
 - (c) The right at trial to hear and question the witnesses who testify against me;

- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) The right to be presumed innocent unless the State proves the charge beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a finding of guilt after a trial.

6. **In Considering the Consequences of My Guilty Plea, I Understand That:**

- (a) My right to appeal is limited.
- (b) Each crime with which I am charged carries a maximum sentence, a fine, and a **Standard Sentence Range** as follows:

| COUNT NO. | OFFENDER SCORE | STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements) | PLUS Enhancements* | COMMUNITY CUSTODY | MAXIMUM TERM AND FINE |
|--|----------------|--|--------------------|-------------------|-----------------------|
| 1 Attempted Failure to Register as a Sex Offender (Occurring on or After 6/10/2010 – With Two or More Prior Convictions) | 9+ | 32.25 – 42.75 months | N/A | 36 months | 5 years and \$10,000 |

*The sentencing enhancement codes are: (RPh) Robbery of a pharmacy, (CSG) Criminal street gang involving minor, (AE) Endangerment while attempting to elude. The following enhancements will run consecutively to all other parts of my entire sentence, including other enhancements and other counts: (F) Firearm, (D) Other deadly weapon, (SM) Sexual Motivation, RCW 9.94A.533(8), (SCF) Sexual conduct with a child for a fee, RCW 9.94A.533(9), (P16) Passenger(s) under age 16.

- (c) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (d) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.
- (e) If I committed the above crime(s) while under age 18 and am sentenced to more than 20 years of confinement:
 - (i) As long as my conviction is not for aggravated first degree murder or certain sex crimes, and I have not been convicted of any crime committed after I turned 18 or committed a major disqualifying serious infraction as defined by DOC in the 12 months before the petition is filed, I may petition the Indeterminate Sentence Review Board (Board) for early release after I have served 20 years.
 - (ii) If I am released early because my petition was granted or by other action of the Board, I will be subject to community custody under the supervision of the DOC

for a period of time determined by the Board, up to the length of the court-imposed term of incarceration. I will be required to comply with any conditions imposed by the Board.

- (iii) If I violate the conditions of community custody, the Board may return me to confinement for up to the remainder of the court-imposed term of incarceration.
- (f) If I committed aggravated murder in the first degree and I was under the age of 18 at the time of the offense:
- (i) If I was under the age of 16 at the time of the offense, the judge will impose a maximum term of life and impose a minimum term of total confinement of 25 years for that crime.
 - (ii) If I was at least 16 but less than 18 years old at the time of the offense, the judge will impose a maximum term of life and will impose a minimum term of total confinement that is at least 25 years and may be as long as life without the possibility of parole or early release for that crime.
 - (iii) During the minimum term, I will not be eligible for earned early release time, home detention, partial confinement, work release, or any form of early release.
 - (iv) After the minimum term, if I am released by the Sentence Review Board (Board), I will be subject to community custody under the supervision of the DOC for a period of time determined by the board, and must comply with conditions imposed.
 - (v) If I violate the conditions of community custody, the Board may return me to confinement.
- (g) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.
- (h) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment and any mandatory fines, fees, assessments, or penalties that apply to my case. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees, and the costs of incarceration.
- (i) For sex offenses committed prior to September 1, 2001: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, the judge will sentence me to community custody for 36 months. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and

requirements placed upon me.

For sex offenses committed on or after September 1, 2001: (i) Sentencing under RCW 9.94A.507: If this offense is any of the offenses listed in subsections (aa) or (bb), below, the judge will impose a maximum term of confinement consisting of the statutory maximum sentence of the offense and a minimum term of confinement either within the standard range for the offense or outside the standard range if an exceptional sentence is appropriate. The minimum term of confinement that is imposed may be increased by the Indeterminate Sentence Review Board if the Board determines by a preponderance of the evidence that it is more likely than not that I will commit sex offenses if released from custody. In addition to the period of confinement, I will be sentenced to community custody for any period of time I am released from total confinement before the expiration of the maximum sentence. During the period of community custody I will be under the supervision of the Department of Corrections and I will have restrictions and requirements placed upon me, which may include electronic monitoring, and I may be required to participate in rehabilitative programs.

(aa) If the current offense is any of these offenses or attempt to commit any of these offenses:

| | |
|--|---|
| Rape in the first degree | Rape in the second degree |
| Rape of a child in the first degree committed when I was at least 18 years old | Rape of a child in the second degree committed when I was at least 18 years old |
| Child molestation in the first degree committed when I was at least 18 years old | Indecent liberties by forcible compulsion |
| 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 | Burglary in the first degree |

(bb) If the current offense is any sex offense and I have a prior conviction for any of these offenses or attempt to commit any of these offenses:

| | |
|--|---|
| Rape in the first degree | Rape in the second degree |
| Rape of a child in the first degree | Rape of a child in the second degree |
| Child molestation in the first degree | Indecent liberties by forcible compulsion |
| 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 | Burglary in the first degree |

(ii) If this offense is a sex offense that is not listed in paragraph 6(i)(i), then in addition to sentencing me to a term of confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, or if my crime is failure to register as a sex

offender, and this is my second or subsequent conviction of that crime, the judge will sentence me to community custody for 36 months. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me, which may include electronic monitoring.

For sex offenses committed on or after March 20, 2006: For the following offenses and special allegations, the minimum term shall be either the maximum of the standard sentence range for the offense or 25 years, whichever is greater:

- 1) If the offense is rape of a child in the first degree, rape of a child in the second degree or child molestation in the first degree and the offense includes a special allegation that the offense was predatory.
- 2) If the offense is rape in the first degree, rape in the second degree, indecent liberties by forcible compulsion, or kidnapping in the first degree with sexual motivation and the offense includes a special allegation that the victim of the offense was under 15 years of age at the time of the offense.
- 3) If the offense is rape in the first degree, rape in the second degree with forcible compulsion, indecent liberties with forcible compulsion, or kidnapping in the first degree with sexual motivation and this offense includes a special allegation that the victim of the offense was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult.

Community Custody Violation: If I violate the conditions of my community custody, the Department of Corrections may sanction me up to 60 days' confinement per violation and/or revoke my earned early release, or the Department of Corrections may impose additional conditions or other stipulated penalties. The court also has the authority to impose sanctions for any violation.

- (j) The prosecuting attorney will make the following recommendation to the judge:

[X] The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

- (k) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so (except as provided in paragraph 6(i)). I understand the following regarding exceptional sentences:
- (i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.
 - (ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.
 - (iii) The judge may also impose an exceptional sentence above the standard range if

the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.

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

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

- (l) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
- (m) I may not possess, own, or have under my control any firearm, and under federal law any firearm or ammunition, unless my right to do so is restored by the court in which I am convicted or the superior court in Washington State where I live, and by a federal court if required. I must immediately surrender any concealed pistol license.
- (n) I will be ineligible to vote until that right is restored in a manner provided by law. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3; RCW 29A.04.079; RCW 29A.08.520.
- (o) Government assistance may be suspended during any period of confinement.
- (p) I will be required to register where I reside, study, or work. The specific registration requirements are described in the "Offender Registration" Attachment.
- (q) I will be required to have a biological sample collected for purposes of DNA identification analysis, unless it is established that the Washington State Patrol crime laboratory already has a sample from me for a qualifying offense. I will be required to pay a \$100.00 DNA collection fee.
- (r) I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.

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

- _____ (s) This offense is a most serious offense or "strike" as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole. In addition, if this offense is (i) rape in the first degree, rape of a child in the first degree, rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child molestation in the first degree; or (ii) 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, with a finding of sexual motivation; or (iii) any attempt to commit any of the offenses listed in this sentence and I have at least one prior conviction for one of these listed offenses in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

- _____ (t) **Special sex offender sentencing alternative:** In addition to other eligibility requirements under RCW 9.94A.670, to be eligible for the special sex offender sentencing alternative, I understand that I must voluntarily and affirmatively admit that I committed all of the elements of the crime(s) to which I am pleading guilty. I make my voluntary and affirmative admission in my statement in paragraph 11.

For offenses committed before September 1, 2001: The judge may suspend execution of the standard range term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under former RCW 9.94A.120(8) (for offenses committed before July 1, 2001) or RCW 9.94A.670 (for offenses committed on or after July 1, 2001). If the judge suspends execution of the standard range term of confinement, I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater; I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me; and I will be subject to all of the conditions described in paragraph 6(h). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

For offenses committed on or after September 1, 2001: The judge may suspend execution of the standard range term of confinement or the minimum term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under RCW 9.94A.670. If the judge suspends execution of the standard range term of confinement for a sex offense that is not listed in paragraph 6(i)(i), I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater. If the judge suspends execution of the minimum term of confinement for a sex offense listed in paragraph 6(i)(i), I will be placed on community custody for the length of the statutory maximum sentence of the offense. In addition to the term of community custody, I will be ordered to serve up to 180 days of total confinement if I committed the crime prior to July 1, 2005, or up to 12 months with no early release if I committed the crime on or after July 1, 2005; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me, which may include electronic monitoring; and I will be subject to all of the conditions described in paragraph 6(h). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

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

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mandatory fine of \$15.00.

- (v) If I am subject to community custody and the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty. Rehabilitative programs may include an order to obtain an evaluation for alcohol or controlled substance chemical dependency treatment. The court may also prohibit me from possessing or consuming alcohol or controlled substances without a valid prescription.
- (w) I understand that RCW 46.20.285(4) requires that my driver's license be revoked if the judge finds I used a motor vehicle in the commission of this felony.
- (x) I understand that RCW 46.20.265 requires that my driver's license be revoked if (a) the current offense is a violation under RCW chapter 69.41 [Legend drug], 69.50 [VUCSA], or 69.52 [Imitation drugs], and I was under the age of 21 at the time of the offense OR (b) the current offense is a violation under RCW 9A.040 (unlawful possession of firearm), and I was under the age of 18 at the time of the offense OR (c) the current offense is a violation under RCW chapter 66.44 [Alcohol], and I was under the age of 18 at the time of the offense, AND if (a), (b), or (c) applies, the court finds that I previously committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.
- (y) If I am pleading guilty to felony driving under the influence of intoxicating liquor, or any drugs, or felony actual physical control of a motor vehicle while under the influence of intoxicating liquor, or any drug, in addition to the provisions of chapter 9.94A RCW, I will be required to undergo alcohol or chemical dependency treatment services during incarceration. I will be required to pay the costs of treatment unless the court finds that I am indigent. My driving privileges will be suspended, revoked, or denied. Following the period of suspension, revocation, or denial, I must comply with the Department of Licensing ignition interlock device requirements. In addition to any other costs of the ignition interlock device, I will be required to pay an additional fee of \$20 per month.
- (z) For the crimes of vehicular homicide committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)), or felony physical control under the influence (RCW 46.61.504(6)), the court shall add 12 months to the standard sentence range for each child passenger under the age of 16 who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.
- (aa) I am pleading guilty to the crime of driving without a required ignition interlock device (RCW 46.20.740), or the crime of circumventing or tampering with a required ignition interlock device (RCW 46.20.750(1)), and the offense occurred on or after September 26, 2015. The sentence for that offense must be served consecutively with any other sentence imposed for violations of either of those statutes and with any sentence imposed under RCW 46.61.502 (DUI), RCW 46.61.504 (physical control under the influence), or RCW 46.61.5055. The sentence for violation of RCW 46.20.750(1) also must be served consecutively with any sentence imposed under RCW 46.61.520(1)(a) or 46.61.522(1)(b)

(vehicular homicide/assault while under the influence of alcohol/drugs).

- _____ (bb) For the crimes of felony driving under the influence of intoxicating liquor, or any drug, for vehicular homicide while under the influence of intoxicating liquor, or any drug, or vehicular assault while under the influence of intoxicating liquor, or any drug, the court may order me to reimburse reasonable emergency response costs up to \$2,500 per incident.
- _____ (cc) The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. This law does not apply to crimes committed on or after July 24, 2005, by a juvenile who was tried as an adult after decline of juvenile court jurisdiction. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6(s).
- _____ (dd) I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.
- _____ (ee) If I am pleading guilty to a felony firearm offense as defined in RCW 9.41.010, I may be required to register as a felony firearm offender under RCW 9.41.330. I will be required to register as a felony firearm offender if I committed the felony firearm offense in conjunction with an offense committed against a person under age 18, or a serious violent offense or offense involving sexual motivation as defined in RCW 9.94A.030. The specific registration requirements are in the "Felony Firearm Offender Registration" Attachment.
- _____ (ff) The offense(s) I am pleading guilty to include a deadly weapon, firearm, or sexual motivation enhancement. Deadly weapon, firearm, or sexual motivation enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon, firearm, or sexual motivation enhancements.
- _____ (gg) For crimes committed on or after July 22, 2007: If I am pleading guilty to rape of a child in the first, second, or third degree or child molestation in the first, second, or third degree, and I engaged, agreed, or offered to engage the victim in sexual intercourse or sexual contact for a fee, or if I attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in sexual intercourse or sexual contact for a fee, then a one-year enhancement shall be added to the standard sentence range. If I am pleading guilty to more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement.
- _____ (hh) If I am pleading guilty to patronizing a prostitute or commercial sexual abuse of a minor, a condition of my sentence will be that I not be subsequently arrested for patronizing a prostitute or commercial sexual abuse of a minor. The court will impose crime-related geographical restrictions on me, unless the court finds they are not feasible. If this is my first offense, the court will order me to attend a program designed to educate me about the negative costs of prostitution.

_____ (ii) If I am pleading guilty to possession of depictions of a minor engaged in sexually explicit conduct in the first or second degree, the court will impose a fee of \$1,000 for each depiction or image that is a separate conviction.

7. I plead guilty to:

count 1 Attempted Failure to Register as a Sex Offender (Occurring On or After 6/10/2010 – With Two or More Prior Convictions)

count _____

count _____

count _____

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

8. I make this plea freely and voluntarily.

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

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

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement: On or between January 24, 2017 and February 15, 2017, having a duty to register under RCW 9A.44.130 for a felony sex offense as defined in that sections, to-wit: Cowlitz County Superior Court Cause Number 89-1-00531-7, Rape in the Second Degree, convicted on or about January 24, 1990, and having been convicted in this state of a felony failure to register as a sex offender on two or more prior occasions, to-wit: Clark County Superior Court Cause Number 06-1-01507-0, convicted on or about September 2, 2016; Clark County Superior Court Cause Number 06-1-02434-6, convicted on or about February 22, 2007; and Clark County Superior Court Cause Number 12-1-01319-5, convicted on or about September 20, 2012; I, with intent to commit the crime of Failure to Register as a Sex Offender (Occurring On or After 6/10/2010 – With Two or More Prior Convictions), did an act which is a substantial step toward the commission of that crime, by knowingly failing to comply with any of the requirements of RCW 9A.44.130.

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

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

+ Rocky L. Carroll
Defendant

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

[Signature]
Prosecuting Attorney

[Signature]
Defendant's Lawyer

CULVER 35678
Print Name WSBA No.

Whitney Hawke 48239
Print Name WSBA No.

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

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

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

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

Interpreter Print Name

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

Dated: 1/4/18

[Signature]
Judge

“Offender Registration” Attachment: sex offense, or kidnapping offense involving a minor as defined in RCW 9A.44.128. (If required, attach to Statement of Defendant on Plea of Guilty.)

1. General Applicability and Requirements: Because this crime involves a sex offense, or a kidnapping offense involving a minor as defined in RCW 9A.44.128, I will be required to register.

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

While in custody, if I am approved for partial confinement, I must register when I transfer to partial confinement with the person designated by the agency that has jurisdiction over me. I must also register within three business days from the end of partial confinement or release from confinement with the sheriff of the county where I reside.

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

2. Offenders Who Are New Residents, Temporary Residents, or Returning Washington Residents: If I move to Washington or if I leave this state following my sentencing or release from custody but later move back to Washington, I must register within three business days after moving to this state. If I leave this state following my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry on a vocation in Washington, or attend school in Washington, I must register within three business days after attending school in this state or becoming employed or carrying out a vocation in this state. If I am visiting and intend to reside or be present 10 or more days in Washington, then I must register the location where I plan to stay or my temporary address with the sheriff of each county where I will be staying within 3 business days of my arrival.

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

4. Leaving the State or Moving to Another State: If I move to another state, or if I work, carry on a vocation, or attend school in another state, I 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 I move out of state, I 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 I last registered in Washington State.

5. Travel Outside the United States: If I intend to travel outside the United States, I must provide signed, written notice of the details of my plan to travel out of the country to the sheriff of the county

where I am registered. Notice must be provided at least 21 days before I travel. Notice may be provided to the sheriff by certified mail, with return receipt requested, or in person.

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

If I travel routinely across international borders for work, or if I must travel unexpectedly due to a family or work emergency, I must personally notify the sheriff at least 24 hours before I travel. I must explain to the sheriff in writing why it is impractical for me 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): I must give notice to the sheriff of the county where I am 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 I do not have a fixed residence, I am required to register. Registration must occur within three business days of release in the county where I am being supervised if I do not have a residence at the time of my release from custody. Within three business days after losing my fixed residence, I must send signed written notice to the sheriff of the county where I last registered. If I enter a different county and stay there for more than 24 hours, I will be required to register with the sheriff of the new county not more than three business days after entering the new county. I must also report in person to the sheriff of the county where I am registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and shall occur during normal business hours. I must keep an accurate accounting of where I 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 a sex offender's risk level and shall make me subject to disclosure to the public at large pursuant to RCW 4.24.550.

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

Date: 1/3/18

Rocky L. Carroll
Defendant's signature

FELONY SEX OFFENSE PRETRIAL SETTLEMENT AGREEMENT - NON-ISR

STATE v. RICKY LEON CARROLL
CAUSE NUMBER: 17-1-00443-0
DATE: October 02, 2017
PROSECUTOR: Erin K. Culver, WSBA # 35678

TO: DEFENSE ATTORNEY WHITNEY HAWKE, WSBA #48239

The following is the pretrial settlement agreement between the Clark County Prosecuting Attorney's Office, defense counsel, and the defendant. In entering into this agreement, all parties stipulate to its terms unless otherwise noted. It is based on the attached State of Washington Declaration of Criminal History, which all parties stipulate is accurate, true and complete. The Prosecuting Attorney's agreement may be withdrawn at any time prior to the entry of a guilty plea, or it otherwise expires on: **Jan. 4, 2018**. The State makes the following offer in hopes that the Defendant will accept responsibility at the outset of the case. If the Defendant chooses to engage in pretrial interviews of the victim or other State witnesses, the State may revoke this offer. The decision whether to revoke this offer will be based on the State's assessment of the strength of its case after any interview. This agreement supersedes any previous settlement agreements considered in this case. Failure of the defendant to declare disputed criminal history or to disclose additional criminal history renders this offer null and void. This form shall be signed by all parties and attached to the Statement of Defendant on Plea of Guilty.

The Defendant is charged with:

| Count | Charge | Offender Score | Seriousness Level | Standard Range | Community Custody |
|-------|---|----------------|-------------------|----------------|-------------------|
| 01 | FAIL TO REGISTER AS A SEX OFFENDER (OCCURRING ON OR AFTER 6/10/2010 - WITH TWO OR MORE PRIOR CONVICTIONS) | 9+ | II | 43 - 57 months | 36 months |

The prosecuting attorney is alleging factors that would make the defendant eligible for a sentence outside the standard range and will request an exceptional sentence after trial.

Should the Defendant plead guilty to an amended information alleging:

| Count | Charge | Offender Score | Seriousness Level | Standard Range | Community Custody |
|-------|---|----------------|-------------------|----------------------|-------------------|
| 01 | ATTEMPTED FAIL TO REGISTER AS A SEX OFFENDER (OCCURRING ON OR AFTER 6/10/2010 - WITH TWO OR MORE PRIOR CONVICTIONS) <i>Class C, sex offense</i> | 9+ | II | 32.25 - 42.75 months | 36 months |

The Prosecuting Attorney, defense attorney, and defendant stipulate that the sentence recommendation will be 36 months' confinement with 24 months' Community Custody (so as not to exceed the 60 month statutory maximum). The defendant is NOT free to argue for SSOSA.

Absent advance notice and consent of the undersigned prosecutor, pleas which do not admit relevant conduct (Newton or Alford pleas) are not permitted pursuant to this plea offer. Defendant breaches this agreement if s/he enters such a plea without prior approval of the undersigned prosecutor.

The court shall sentence the defendant to community custody under the supervision of the Department of Corrections for 36 months to commence upon completion of the term of prison confinement. RCW 9.94A.701(1)(a) & RCW 9.94A.707(1)(a). The term of community custody shall be 12 months for terms of confinement of one year or less. RCW 9.94A.702.

The Defendant stipulates that the conditions of any suspended misdemeanor sentence shall be for twenty-four (24) months. RCW 9.95.210(1)(a), 9.92.060(1), 9.92.064. In addition, the Defendant stipulates to community custody for twelve (12) months on any misdemeanor offense that qualifies under RCW 9.94A.501(1). RCW 9.94A.501(2), 9.95.210(4), 9.92.060, 9.95.204(1).

Should additional criminal history be discovered prior to sentencing, the defendant stipulates to the corresponding higher standard ranges and an alteration to the State's sentencing recommendation.

LEGAL FINANCIAL OBLIGATIONS

The Prosecuting Attorney, defense attorney, and defendant stipulate to the following costs, fines, fees, and restitution:

| | |
|--|-----------------------------------|
| Filing Fee, RCW 10.46.190: | \$ 200.00 (mandatory) |
| Crime Victim's Compensation Fund, RCW 7.68.035(1): | \$ 500.00 (mandatory) |
| DNA Collection Fee, RCW 43.43.7541: | \$ 100.00 (mandatory) |
| Fine: | \$ none |
| Court Appointed Attorney Fee: | \$ TO BE SET |
| Related Defense Costs: | \$ TO BE SET |
| Restitution for Victim: | \$ TO BE SET |
| Sexual Assault Medical Exam (if applicable): | \$ TO BE SET |
| Sheriff's Office Service Fees: | \$ TO BE SET |
| <input type="checkbox"/> WSP crime lab fee, RCW 43.43.690: | \$100.00 (waivable for indigence) |
| <input type="checkbox"/> Other: _____ | \$ _____ |

The Defendant must stipulate to pay *any* related defense costs, such as investigator fees, expert witness fees, transcription fees, etc., which have been or will be paid by order of the court. The defendant agrees to pay restitution to victims of uncharged crimes contained in the discovery, and/or dismissed counts. The Defendant is free to argue for reduction in financial obligations, other than restitution or those required by law, on the basis of indigence.

Restitution shall include loss of wages, costs of counseling, sexual assault medical exams, and other related expenses for the victim and their immediate family as a result of this criminal act. The parties stipulate that any contested restitution hearing shall consist of documents, affidavits, and argument only, pursuant to ER 1101

MANDATORY SENTENCE REQUIREMENTS

- No possession, use, ownership of firearms; surrender any concealed pistol license
- Provide biological sample for DNA identification, RCW 43.43.754
- HIV testing, RCW 70.24.340
- Register as Sex Offender per RCW 9A.44.128(10) and RCW 9A.44.130

OTHER CONDITIONS OF SUPERVISION AND AGREEMENT

The defendant stipulates to the conditions of the sentence and community custody as set forth in the attached "Appendix A." The Defendant stipulates that Appendix A shall be attached to and incorporated in the Judgment and Sentence. Further, the defendant stipulates to incorporate any other conditions as suggested by the DOC Pre-Sentence Investigator.

The defense attorney shall use the most current Statement of Defendant on Plea of Guilty form for Sex Offenses. The defense shall also attach to the Statement of Defendant on Plea of Guilty a copy of the most current Sex Offender Registration Requirements. Both forms are found at the Washington Courts website at <http://www.courts.wa.gov/forms/>.

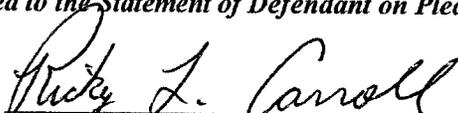
The defense attorney shall provide the assigned deputy prosecuting attorney with a completed copy of the defendant's Statement on Plea of Guilty for review no less than 24 hours prior to the scheduled change of plea.

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

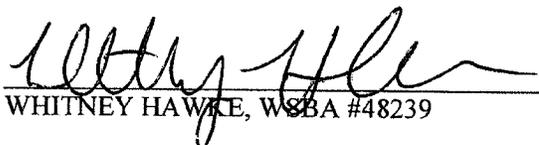
I have reviewed the terms of this offer of settlement with my attorney and I understand the terms. I accept the terms of this offer.

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

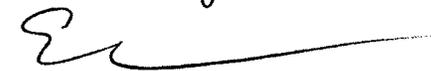
1/3/18
Date


RICKY LEON CARROLL

1/3/18
Date


WHITNEY HAWKE, WSBA #48239

1/3/18
DATE


Erin K. Culver, WSBA# 35678

“APPENDIX A”

STIPULATED CONDITIONS OF SENTENCE AND OF COMMUNITY CUSTODY

1. You shall commit no law violations. You shall notify your community corrections officer within 48 hours of any arrest or citation for an alleged violation of the law.
2. You shall register as a sex offender as required under RCW 9A.44.130.

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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.
RICKY LEON CARROLL,
Defendant
Date of Birth: 1/26/1958

No. 17-1-00443-0

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 | COWLITZ/WA UNKNOWN | 10/11/1978 | 10/11/1978 | | - |
| ROBBERY 2 | GRAYS HARBOR/WA CR482 | 11/5/1979 | 3/7/1980 | | 1 |
| FORGERY | COWLITZ/WA 7063 | 1/31/1980 | 4/1/1980 | | - |
| DRIVING UNDER THE INFLUENCE | CLARK/WA UNKNOWN | 4/4/1983 | 6/14/1983 | | - |
| FAIL TO COMPLY | CLARK/WA UNKNOWN | 9/6/1983 | 9/7/1983 | | - |
| UNLAWFUL ISSUANCE OF BANK CHECKS | CLARK/WA 83-1-00514-1 | 9/6/1983 | 10/18/1983 | | 1 |
| FORGERY | CLARK/WA 85-1-000227-0 | 3/21/1985 | 4/5/1985 | | 1 |
| FORGERY | CLARK/WA 85-1-000227-0 | 3/21/1985 | 4/5/1985 | | 1 |
| UNLAWFUL ISSUANCE OF BANK CHECKS | CLARK/WA 83009 | 11/24/1984 | 6/19/1985 | | - |

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. |
|---------------------------------------|----------------------------|------------------|---------------------|-------------|------|
| THEFT 3 | CLARK/WA 80914 | 4/24/1986 | 5/14/1986 | | - |
| PROBATION VIOLATION | CLARK/WA 85-1-000227-0 | | 12/8/1986 | | - |
| CRIMINAL IMPERSONATION | COWLITZ/WA CR16123 | 11/17/1989 | 1/11/1990 | | - |
| UNLAWFUL ISSUANCE OF BANK CHECKS | CLARK/WA 89054 | 11/17/1989 | 1/12/1990 | | - |
| RAPE 2 | COWLITZ/WA 89-1-00531-7 | 11/24/1989 | 2/8/1990 | | 3 |
| ROBBERY 2 | COWLITZ/WA 89-1-00531-7 | 11/24/1989 | 2/8/1990 | | 1 |
| THEFT 3 | CLARK/WA 13615 | 4/18/1988 | 9/10/1990 | | - |
| THEFT 3 | CLARK/WA 13615 | 4/18/1988 | 9/10/1990 | | - |
| MALICIOUS MISCHIEF 3 | COWLITZ/WA 6000806 | 12/27/1997 | 6/18/1998 | | - |
| DRIVING WHILE SUSPENDED 3 | CLARK/WA 191379 | 2/11/1999 | 2/12/1999 | | - |
| DRIVING WHILE SUSPENDED 3 | CLARK/WA 257764 | 2/11/1999 | 2/12/1999 | | - |
| THEFT 2 (NOT FIREARM) | CLARK/WA 98-1-00732-0 | 4/28/1998 | 2/23/1999 | | 1 |
| DRIVING WHILE SUSPENDED 3 | CLARK/WA 264103 | 1/15/2001 | 4/16/2001 | | - |
| PROBATION VIOLATION | CLARK/WA 98-1-00732-0 | | 9/20/2001 | | - |
| ATTEMPT TO ELUDE | CLARK/WA 01-1-01354-8 | 8/1/2001 | 9/20/2001 | | 1 |
| REFUSAL TO COOPERATE WITH OFFICER | CLARK/WA 01-1-01354-8 | 8/1/2001 | 9/20/2001 | | - |
| FORGERY | CLARK/WA 04-1-00952-9 | 5/6/2004 | 5/24/2004 | | 1 |
| FORGERY | COWLITZ/WA 04-1-00423-1 | 2/27/2004 | 7/6/2004 | | 1 |
| FORGERY | COWLITZ/WA 04-1-00423-1 | 2/27/2004 | 7/6/2004 | | 1 |
| FAIL TO REGISTER AS A SEX OFFENDER | CLARK/WA 06-1-01507-0 | 5/31/2006 | 9/20/2006 | | 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. |
|---------------------------------------|---------------------------|------------------|---------------------|-------------|------|
| OBSTRUCT LAW ENFORCEMENT OFFICER | CLARK/WA 101737 | 1/11/2007 | 2/22/2007 | | — |
| FAIL TO REGISTER AS A SEX OFFENDER | CLARK/WA 06-1-02434-6 | 10/17/2006 | 3/22/2007 | | 1 |
| FAIL TO REGISTER AS A SEX OFFENDER | CLARK/WA 12-1-01319-5 | 5/4/2012 | 9/20/2012 | | 1 |
| UNLAWFUL IMPRISONMENT | CLARK/WA 12-1-01370-5 | 5/13/2012 | 10/19/2012 | | 1 |
| BURGLARY 2 | CLARK/WA 12-1-01370-5 | 5/13/2012 | 10/19/2012 | | 1 |
| THEFT 3 | CLARK/WA 6Z0973949 | 10/2/2016 | 9/5/2017 | | — |

*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 4 day of January, 2018.

Rock L. Carroll

Defendant

Whitney Hawke

Whitney Hawke, WSBA#48239,
Attorney for Defendant

Erin K. Culver

Erin K. Culver, WSBA#35678
Deputy Prosecuting Attorney

FILED

JAN 04 2018

Scott G. Weber, Clerk, Clark Co.

3.13

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

STATE OF WASHINGTON,
Plaintiff,
v.
RICKY LEON CARROLL
Defendant.

AMENDED INFORMATION

No. 17-1-00443-0
(CCSO 17-1430)

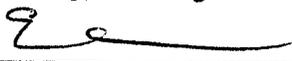
COMES NOW the Prosecuting Attorney for Clark County, Washington, and does by this inform the Court that the above-named defendant is guilty of the crime(s) committed as follows, to wit:

COUNT 01 - 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)

That he, RICKY LEON CARROLL, in the County of Clark, State of Washington, between January 24, 2017 and February 15, 2017 with intent to commit the crime of FAIL TO REGISTER AS A SEX OFFENDER (2 PRIOR AFTER 6/10/2010), the elements of which are having a duty to register under RCW 9A.44.130 for a felony sex offense as defined in that section, to-wit: Cowlitz County Superior Court Cause Number 89-1-00531-7, Rape in the Second Degree, convicted on or about January 24, 1990, and having been convicted in this state or pursuant to the laws of another state of a felony failure to register as a sex offender on two or more prior occasions, to-wit: Clark County Superior Court Cause Number 06-1-01507-0, convicted on or about September 2, 2006; Clark County Superior Court Cause Number 06-1-02434-6, convicted on or about February 22, 2007; and Clark County Superior Court Cause Number 12-1-01319-5, convicted on or about September 20, 2012; did knowingly fail to comply with any of the requirements of RCW 9A.44.130, did an act which was a substantial step toward the commission of that crime contrary to Revised Code of Washington 9A.44.132(1)(b) and 9A.28.020(3)(c).

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

Date: January 4, 2018

BY: 
Erin K. Culver, WSBA #35678
Deputy Prosecuting Attorney

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|--|-----------------|------------------------|------------------|
| DEFENDANT: RICKY LEON CARROLL | | | |
| RACE: W | SEX: M | DOB: 01/26/1958 | |
| DOL: CARRORL424B6 WA | | SID: WA11391185 | |
| HGT: 602 | WGT: 250 | EYES: BLU | HAIR: BRO |
| WA DOC: 297088 | | FBI: 529780V10 | |
| LAST KNOWN ADDRESS(ES): | | | |
| DOL - 507 E FOURTH PLAIN BLVD, VANCOUVER WA 98663 | | | |
| JIS - 5900 NE 127TH ST, VANCOUVER WA 98686 | | | |

APPENDIX D

CSO
BB
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Whitney Hawke - C

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FILED

JAN 04 2018

Scott G. Weber, Clerk, Clark Co.

3.22

Superior Court of Washington
County of Clark

State of Washington, Plaintiff,

vs.

RICKY LEON CARROLL,
Defendant.

SID: WA11391185
If no SID, use DOB: 1/26/1958

No. 17-1-00443-0

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

18-9-00037-7

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 1/4/2018 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.28.0 20(3)(c) | FC | 1/24/2017 to 2/15/2017 |

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 as defined in:

RCW 10.99.020(3)

RCW 9A.36.041(4)

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 (12/2017))

- 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):

| | <i>Crime</i> | <i>Cause Number</i> | <i>Court (county & state)</i> | <i>DV*</i> <i>Yes</i> |
|----|--------------|---------------------|-----------------------------------|--------------------------|
| 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):

| | <i>Crime</i> | <i>Date of Crime</i> | <i>Date of Sentence</i> | <i>Sentencing Court (County & State)</i> | <i>A or J Adult, Juv.</i> | <i>Type of Crime</i> | <i>DV*</i> <i>Yes</i> |
|---|-------------------------------|----------------------|-------------------------|--|---------------------------|----------------------|--------------------------|
| 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:

| <i>Count No.</i> | <i>Offender Score</i> | <i>Seriousness Level</i> | <i>Standard Range (not including enhancements)</i> | <i>Plus Enhancements*</i> | <i>Total Standard Range (including enhancements)</i> | <i>Maximum Term</i> |
|------------------|-----------------------|--------------------------|--|---------------------------|--|---------------------|
| 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 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.
- 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):

36 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: _____.

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 01 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) 1, ²⁷ ~~36~~ months for ~~Sex Offenses~~ ^{SEX OFFENSE} (TOTAL CONFINEMENT PLUS COMM. CUST. = 60 MO.)
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) _____, _____ 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:

AS DIRECTED BY DEPARTMENT OF
CORRECTIONS AND AS OUTLINED IN
ATTACHED APPENDIX "A"

(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 | \$ <u>200.00</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 | \$ <u>1,000.00</u> | Fees for court appointed attorney | RCW 9.94A.760 |
| WFR | \$ _____ | Court appointed defense expert and other defense costs | RCW 9.94A.760 |
| FCM/MTH | \$ _____ | <input type="checkbox"/> Fine RCW 9A.20.021 | |
| | | <input type="checkbox"/> VUCSA fine RCW 69.50.430 | |
| | | <input type="checkbox"/> Deferred due to indigency | |
| CDF/LDI/PCD 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 **Department of Licensing Notice – Defendant under age 21 only.**

Count _____ is (a) a violation of RCW chapter 69.41 [Legend drug], 69.50 [VUCSA], or 69.52 [Imitation drugs], and the defendant was under 21 years of age at the time of the offense **OR** (b) a violation under RCW 9.41.040 [unlawful possession of firearm], and the defendant was under the age of 18 at the time of the offense **OR** (c) a violation under RCW chapter 66.44 [Alcohol], and the defendant was under the age of 18 at the time of the offense, **AND** the court finds that the defendant previously committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.

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 46.20.265

5.9 Other:

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

1/4/18

[Signature]
Judge/Print Name

[Signature]

Deputy Prosecuting Attorney
WSBA No. 35678
Print Name: Erin K. Culver

[Signature]

Attorney for Defendant
WSBA No. 48239
Print Name: Whitney Hawke

[Signature]

Defendant
Print Name:
RICKY LEON CARROLL

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:

[Signature]

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

RICKY LEON CARROLL

17-1-00443-0

SID No: WA11391185

Date of Birth: 1/26/1958

(If no SID take fingerprint card for State Patrol)

FBI No. 529780V10

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

[Handwritten Signature]

Dated: 1-4-18

The defendant's signature:

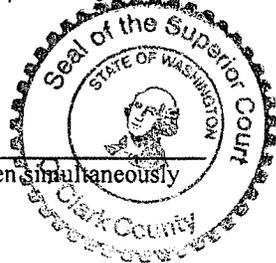
Ricky L. Carroll

Left four fingers taken simultaneously

Left Thumb

Right Thumb

Right four fingers taken simultaneously



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

STATE OF WASHINGTON,
Plaintiff,
v.
RICKY LEON CARROLL,
Defendant
Date of Birth: 1/26/1958

No. 17-1-00443-0

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 | COWLITZ/WA UNKNOWN | 10/11/1978 | 10/11/1978 | | - |
| ROBBERY 2 | GRAYS HARBOR/WA CR482 | 11/5/1979 | 3/7/1980 | | 1 |
| FORGERY | COWLITZ/WA 7063 | 1/31/1980 | 4/1/1980 | | - |
| DRIVING UNDER THE INFLUENCE | CLARK/WA UNKNOWN | 4/4/1983 | 6/14/1983 | | - |
| FAIL TO COMPLY | CLARK/WA UNKNOWN | 9/6/1983 | 9/7/1983 | | - |
| UNLAWFUL ISSUANCE OF BANK CHECKS | CLARK/WA 83-1-00514-1 | 9/6/1983 | 10/18/1983 | | 1 |
| FORGERY | CLARK/WA 85-1-000227-0 | 3/21/1985 | 4/5/1985 | | 1 |
| FORGERY | CLARK/WA 85-1-000227-0 | 3/21/1985 | 4/5/1985 | | 1 |
| UNLAWFUL ISSUANCE OF BANK CHECKS | CLARK/WA 83009 | 11/24/1984 | 6/19/1985 | | - |

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. |
|---------------------------------------|----------------------------|------------------|---------------------|-------------|------|
| THEFT 3 | CLARK/WA 80914 | 4/24/1986 | 5/14/1986 | | - |
| PROBATION VIOLATION | CLARK/WA 85-1-000227-0 | | 12/8/1986 | | - |
| CRIMINAL IMPERSONATION | COWLITZ/WA CR16123 | 11/17/1989 | 1/11/1990 | | - |
| UNLAWFUL ISSUANCE OF BANK CHECKS | CLARK/WA 89054 | 11/17/1989 | 1/12/1990 | | - |
| RAPE 2 | COWLITZ/WA 89-1-00531-7 | 11/24/1989 | 2/8/1990 | | 3 |
| ROBBERY 2 | COWLITZ/WA 89-1-00531-7 | 11/24/1989 | 2/8/1990 | | 1 |
| THEFT 3 | CLARK/WA 13615 | 4/18/1988 | 9/10/1990 | | - |
| THEFT 3 | CLARK/WA 13615 | 4/18/1988 | 9/10/1990 | | - |
| MALICIOUS MISCHIEF 3 | COWLITZ/WA 6000806 | 12/27/1997 | 6/18/1998 | | - |
| DRIVING WHILE SUSPENDED 3 | CLARK/WA 191379 | 2/11/1999 | 2/12/1999 | | - |
| DRIVING WHILE SUSPENDED 3 | CLARK/WA 257764 | 2/11/1999 | 2/12/1999 | | - |
| THEFT 2 (NOT FIREARM) | CLARK/WA 98-1-00732-0 | 4/28/1998 | 2/23/1999 | | 1 |
| DRIVING WHILE SUSPENDED 3 | CLARK/WA 264103 | 1/15/2001 | 4/16/2001 | | - |
| PROBATION VIOLATION | CLARK/WA 98-1-00732-0 | | 9/20/2001 | | - |
| ATTEMPT TO ELUDE | CLARK/WA 01-1-01354-8 | 8/1/2001 | 9/20/2001 | | 1 |
| REFUSAL TO COOPERATE WITH OFFICER | CLARK/WA 01-1-01354-8 | 8/1/2001 | 9/20/2001 | | - |
| FORGERY | CLARK/WA 04-1-00952-9 | 5/6/2004 | 5/24/2004 | | 1 |
| FORGERY | COWLITZ/WA 04-1-00423-1 | 2/27/2004 | 7/6/2004 | | 1 |
| FORGERY | COWLITZ/WA 04-1-00423-1 | 2/27/2004 | 7/6/2004 | | 1 |
| FAIL TO REGISTER AS A SEX OFFENDER | CLARK/WA 06-1-01507-0 | 5/31/2006 | 9/20/2006 | | 1 |

DECLARATION OF CRIMINAL HISTORY
Revised 9/14/2000

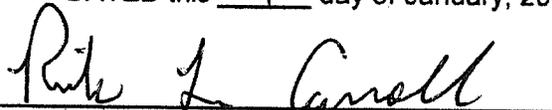
CLARK COUNTY PROSECUTING ATTORNEY
1013 FRANKLIN STREET • PO BOX 5000
VANCOUVER, WASHINGTON 98666-5000
(360) 397-2261 (OFFICE)
(360) 397-2230 (FAX)

| CRIME | COUNTY/STATE CAUSE NO. | DATE OF CRIME | DATE OF SENTENCE | DV*? YES | PTS. |
|------------------------------------|------------------------|---------------|------------------|----------|------|
| OBSTRUCT LAW ENFORCEMENT OFFICER | CLARK/WA 101737 | 1/11/2007 | 2/22/2007 | | - |
| FAIL TO REGISTER AS A SEX OFFENDER | CLARK/WA 06-1-02434-6 | 10/17/2006 | 3/22/2007 | | 1 |
| FAIL TO REGISTER AS A SEX OFFENDER | CLARK/WA 12-1-01319-5 | 5/4/2012 | 9/20/2012 | | 1 |
| UNLAWFUL IMPRISONMENT | CLARK/WA 12-1-01370-5 | 5/13/2012 | 10/19/2012 | | 1 |
| BURGLARY 2 | CLARK/WA 12-1-01370-5 | 5/13/2012 | 10/19/2012 | | 1 |
| THEFT 3 | CLARK/WA 6Z0973949 | 10/2/2016 | 9/5/2017 | | - |

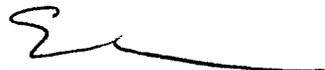
*DV: Domestic violence was pled and proved.

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

DATED this 4 day of January, 2018.


 Defendant


 Whitney Hawke, WSBA#48239,
 Attorney for Defendant


 Erin K. Culver, WSBA#35678
 Deputy Prosecuting Attorney

"APPENDIX A"

STIPULATED CONDITIONS OF SENTENCE AND OF COMMUNITY CUSTODY

1. You shall commit no law violations. You shall notify your community corrections officer within 48 hours of any arrest or citation for an alleged violation of the law.
2. You shall register as a sex offender as required under RCW 9A.44.130.

SUPERIOR COURT OF WASHINGTON - COUNTY OF CLARK

STATE OF WASHINGTON, Plaintiff,

v.

RICKY LEON CARROLL,

Defendant.

SID: WA11391185

DOB: 1/26/1958

NO. 17-1-00443-0

**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) | 1/24/2017 to 2/15/2017 |

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 72.02, 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) | 36 Days <u>Months</u> |

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

Department of Corrections to determine any credit for time 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

D. A. T. /

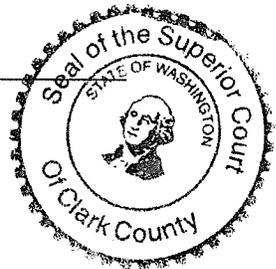
JUDGE OF THE SUPERIOR COURT AND THE SEAL THEREOF THIS DATE:

1/4/18

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

By:

S. Bugger
Deputy



CLARK COUNTY PROSECUTING ATTORNEY

June 22, 2018 - 2:29 PM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 51685-3
Appellate Court Case Title: In re the Post Sentence Review of: Ricky L. Carroll
Superior Court Case Number: 17-1-00443-0

The following documents have been uploaded:

- 516853_Answer_Reply_to_Motion_20180622142411D2544843_4886.pdf
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Answer/Reply to Motion - Response
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- Sarahc8@atg.wa.gov
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Response to Post Sentence Petition

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