

FILED
Court of Appeals
Division II
State of Washington
10/15/2018 3:41 PM
No. 51186-0-II

COURT OF APPEALS, DIVISION II
STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

vs.

GARRETT ANTHONY WILLIAMS,

Appellant.

On Appeal from the Pierce County Superior Court
Cause No. 16-1-02116-8
The Honorable Frank Cuthbertson, Judge

SUPPLEMENTAL BRIEF OF APPELLANT

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TABLE OF CONTENTS

I. SUPPLEMENTAL ASSIGNMENT OF ERROR 1

II. SUPPLEMENTAL ISSUE PERTAINING TO THE ASSIGNMENT OF ERROR..... 1

III. SUPPLEMENTAL STATEMENT OF THE CASE 1

IV. SUPPLEMENTAL ARGUMENT & AUTHORITIES..... 1

V. CONCLUSION 3

TABLE OF AUTHORITIES

Engrossed Second Substitute House Bill 1783, 65th Leg.,
Reg. Sess. (Wash. 2018)..... 1

State v. Ramirez, ___ Wn.2d ___, ___ P.3d ___ (95249-
3) (2018 WL 4499761) (Sept. 20, 2018) 2

I. SUPPLEMENTAL ASSIGNMENT OF ERROR

Appellant's Judgment and Sentence contains cost provisions that are no longer authorized after enactment of House Bill 1783.

II. SUPPLEMENTAL ISSUE PERTAINING TO THE ASSIGNMENT OF ERROR

Should Appellant's case be remanded to the trial court to amend the Judgment and Sentence to strike cost provisions that are no longer authorized after enactment of House Bill 1783?

III. SUPPLEMENTAL STATEMENT OF THE CASE

Garrett A. Williams was sentenced on December 1, 2017. (A copy of the Judgment and Sentence is attached in the Appendix) The trial court imposed the then-mandatory \$500.00 crime victim assessment fee, \$100.00 DNA database collection fee, and \$200.00 criminal filing fee. (CP 58) The Judgment and Sentence also includes a provision stating that "[t]he financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full[.]" (CP 59) The trial court found that Williams did not have the financial resources to pay for his appeal and signed an Order of Indigency. (CP 80-81)

II. SUPPLEMENTAL ARGUMENT & AUTHORITIES

Engrossed Second Substitute House Bill 1783, 65th Leg., Reg. Sess. (Wash. 2018) (House Bill 1783) amended the legal

financial obligation (LFO) system in Washington State. As recently noted by our State Supreme Court:

House Bill 1783's amendments modify Washington's system of LFOs, addressing some of the worst facets of the system that prevent offenders from rebuilding their lives after conviction. For example, House Bill 1783 eliminates interest accrual on the nonrestitution portions of LFOs, it establishes that the DNA database fee is no longer mandatory if the offender's DNA has been collected because of a prior conviction, and it provides that a court may not sanction an offender for failure to pay LFOs unless the failure to pay is willful. Laws of 2018, ch. 269, §§ 1, 18, 7. ... House Bill 1783 amends the discretionary LFO statute, former RCW 10.01.160, to prohibit courts from imposing discretionary costs on a defendant who is indigent at the time of sentencing. Laws of 2018, ch. 269, § 6(3). It also prohibits imposing the \$200 filing fee on indigent defendants. *Id.* § 17.

State v. Ramirez, ___ Wn.2d ___, ___ P.3d ___ (95249-3) (2018 WL 4499761 at *6) (Sept. 20, 2018).

In Ramirez, the Court held that these amendments applied prospectively to Ramirez's case because it was still on appeal and his judgment was not yet final. ___ Wn.2d at ___ (2018 WL 4499761 at *6). The Court remanded his case for the trial court to amend the judgment and sentence to strike the criminal filing fee and other improperly imposed LFOs. ___ Wn.2d at ___ (2018 WL 4499761 at *8). Similarly, Williams' case is on appeal and his judgment is not yet final, so House Bill 1783's amendments apply to his case.

The trial court imposed a \$200.00 criminal filing fee, which can no longer be imposed on indigent defendants. (CP 58) Williams was found indigent at sentencing. (CP 80-81) Additionally, the Judgment and Sentence states that interest shall begin accruing immediately. (CP 59) But House Bill 1783 eliminates interest accrual on all non-restitution portions of LFOs.

Like Ramirez, Williams was sentenced before House Bill 1783 was enacted in 2018, and his case is still on direct appeal. Like Ramirez, Williams was subjected to LFOs that are no longer authorized under House Bill 1783. Williams' case should be remanded to the trial court to amend the judgement and sentence to strike the improper fees and the interest accrual provision.

III. CONCLUSION

Williams is entitled to relief from the statutory changes of House Bill 1783. Williams's case should be remanded for the trial court to amend the judgment and sentence.

DATED: October 15, 2018



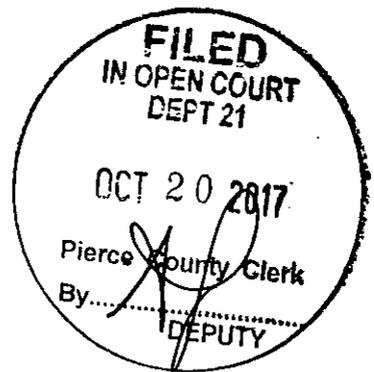
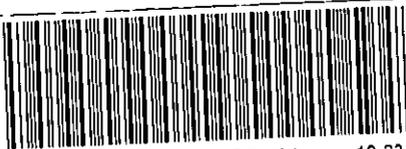
STEPHANIE C. CUNNINGHAM

WSB #26436

Attorney for Appellant Garrett A. Williams

APPENDIX

JUDGMENT AND SENTENCE



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO: 16-1-02116-8

vs.

GARRETT ANTHONY WILLIAMS,

Defendant.

WARRANT OF COMMITMENT

- 1) County Jail
- 2) Dept. of Corrections
- 3) Other Custody

THE STATE OF WASHINGTON TO THE DIRECTOR OF ADULT DETENTION OF PIERCE COUNTY:

WHEREAS, Judgment has been pronounced against the defendant in the Superior Court of the State of Washington for the County of Pierce, that the defendant be punished as specified in the Judgment and Sentence/Order Modifying/Revoking Probation/Community Supervision, a full and correct copy of which is attached hereto.

[] 1. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Pierce County Jail).

[] 2. YOU, THE DIRECTOR, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections, and

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

[] 3. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement or placement, not covered by Sections 1 and 2 above).

Dated: 10/20/17



By direction of the Honorable

[Handwritten Signature]

FRANK E. CUTHBERTSON

JUDGE

KEVIN STOCK

CLERK

By: *[Handwritten Signature]*

DEPUTY CLERK

CERTIFIED COPY DELIVERED TO SHERIFF

Date OCT 23 2017 By *[Handwritten Signature]* Deputy

STATE OF WASHINGTON

ss:

County of Pierce

I, Kevin Stock, Clerk of the above entitled Court, do hereby certify that this foregoing instrument is a true and correct copy of the original now on file in my office.

IN WITNESS WHEREOF, I hereunto set my hand and the Seal of Said Court this _____ day of _____,

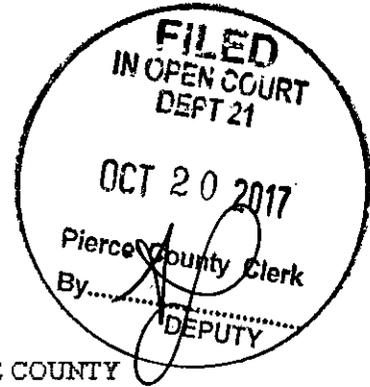
KEVIN STOCK, Clerk

By: _____ Deputy

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SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 16-1-02116-8

vs.

JUDGMENT AND SENTENCE (FJS)

GARRETT ANTHONY WILLIAMS

Defendant.

- Prison
- RCW 9.94A.712/9.94A.507 Prison Confinement
- Jail One Year or Less
- First-Time Offender
- Special Sexual Offender Sentencing Alternative
- Special Drug Offender Sentencing Alternative
- Alternative to Confinement (ATC)
- Clerk's Action Required, para 4.5 (SDOSA), 4.7 and 4.8 (SSOSA) 4.15.2, 5.3, 5.6 and 5.8
- Juvenile Decline Mandatory Discretionary

SID: WA14929124
DOB: 05/10/1972

I. HEARING

1.1 A sentencing hearing was held and the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

II. FINDINGS

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

2.1 CURRENT OFFENSE(S): The defendant was found guilty on 8/18, 2017 by plea jury-verdict bench trial of:

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO.
I	COMMUNICATION WITH A MINOR FOR IMMORAL PURPOSES (13B)	9.68A.090(2)		03/04/16-04/18/16	EDGEWOOD PD 1610901821

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Ham, See RCW 46.61.520, (JP) Juvenile present, (SM) Sexual Motivation, (SCF) Sexual Conduct with a Child for a Fee. See RCW 9.94A.533(8). (If the crime is a drug offense, include the type of drug in the second column.)

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as charged in the ORIGINAL Information

- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):
- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

	CRIME	DATE OF SENTENCE	SENTENCING COURT	DATE OF CRIME	A or J ADULT JUV	TYPE OF CRIME
1	DUI	05-14-1990	CHELAN DISTRICT COURT	05-16-1990	A	MISD
2	MIP		CHELAN DISTRICT COURT	03-22-1991	A	MISD
3	DWLS		CHELAN DISTRICT COURT	07-24-1991	A	MISD
4	MIP		CHELAN DISTRICT COURT	07-28-1991	A	MISD
5	DWLS 3		RENTON DIV, KCDC	12-02-1993	A	MISD
6	UPFGLM	09-29-1999	COWLITZ COUNTY DIST CT	08-26-1998	A	MISD

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

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	0	III	1-3 MONTHS		1-3 MONTHS	5 YRS/ \$10,000

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

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

above the standard range for Count(s) _____.

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

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

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

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

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

[] The following extraordinary circumstances exist that make payment of nonmandatory legal financial obligations inappropriate:

2.6 [] **FELONY FIREARM OFFENDER REGISTRATION.** The defendant committed a felony firearm offense as defined in RCW 9A.01.010.

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

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court: (Pierce County Clerk, 930 Tacoma Ave #110, Tacoma WA 98402)

JASS CODE

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

PCV \$ 500.00 Crime Victim assessment

DNA \$ 100.00 DNA Database Fee

PUB \$ _____ Court-Appointed Attorney Fees and Defense Costs

FRC \$ 200.00 Criminal Filing Fee

FCM \$ _____ Fine

OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)

\$ _____ Other Costs for: _____

\$ _____ Other Costs for: _____

\$ 800 TOTAL

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2703
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The above total does not include all restitution 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 12/15/17 a) 1:30 PM in 2-E

RESTITUTION. Order Attached

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, commencing immediately, unless the court specifically sets forth the rate herein: Not less than \$_____ per month commencing _____. RCW 9.94.760. If the court does not set the rate herein, the defendant shall report to the clerk's office within 24 hours of the entry of the judgment and sentence to set up a payment plan.

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)

COSTS OF INCARCERATION. In addition to other costs imposed herein, the court finds that the defendant has or is likely to have the means to pay the costs of incarceration, and the defendant is ordered to pay such costs at the statutory rate. RCW 10.01.160.

COLLECTION COSTS The defendant shall pay the costs of services to collect unpaid legal financial obligations per contract or statute. RCW 36.18.190, 9.94A.780 and 19.16.500.

INTEREST 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

COSTS ON APPEAL An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160.

4.1b **ELECTRONIC MONITORING REIMBURSEMENT.** The defendant is ordered to reimburse _____ (name of electronic monitoring agency) at _____ for the cost of pretrial electronic monitoring in the amount of \$_____.

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

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

4.3 **NO CONTACT**

The defendant shall not have contact with T.B. - (12/1/03) (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for 5 years (not to exceed the maximum statutory sentence) and no contact with minors

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

4.4 OTHER: Property may have been taken into custody in conjunction with this case. Property may be returned to the rightful owner. Any claim for return of such property must be made within 90 days. After 90 days, if you do not make a claim, property may be disposed of according to law.

Empty rectangular box for property claim details.

4.4a Property may have been taken into custody in conjunction with this case. Property may be returned to the rightful owner. Any claim for return of such property must be made within 90 days unless forfeited by agreement in which case no claim may be made. After 90 days, if you do not make a claim, property may be disposed of according to law.

4.4b BOND IS HEREBY EXONERATED

4.5 JAIL ONE YEAR OR LESS. The defendant is sentenced as follows:

(a) CONFINEMENT. RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the county jail:

2 days/months on Count I days/months on Count
days/months on Count days/months on Count

Actual number of months of total confinement ordered is: 2 months

[X] CONSECUTIVE/CONCURRENT SENTENCES: RCW 9.94A.589

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

The sentence herein shall run consecutively to all felony sentences in other cause numbers that were imposed prior to the commission of the crime(s) being sentenced.

The sentence herein shall run concurrently with felony sentences in other cause numbers that were imposed subsequent to the commission of the crime(s) being sentenced unless otherwise set forth here. [] The sentence herein shall run consecutively to the felony sentence in cause number(s)

The sentence herein shall run consecutively to all previously imposed misdemeanor sentences unless otherwise set forth here:

Confinement shall commence immediately unless otherwise set forth here:

[] PARTIAL CONFINEMENT. Defendant may serve the sentence, if eligible and approved, in partial confinement in the following programs, subject to the following conditions:

- [] Work Crew RCW 9.94A.725 [] Home Detention RCW 9.94A.731, .190
[] Work Release RCW 9.94A.731

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[] CONVERSION OF JAIL CONFINEMENT (Nonviolent and Nonsex Offenses). RCW 9.94A.680(3). The county jail is authorized to convert jail confinement to an available county supervised community option and may require the offender to perform affirmative conduct pursuant to RCW 9.94A.

[] ATC Facility

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

[] Alternatives to total confinement were not used because of: _____

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

(c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court:

48 days credit time served

4.6 COMMUNITY [] SUPERVISION CUSTODY. RCW 9.94A.505. Defendant shall serve 12 months (up to 12 months) in [] community supervision (Offense Pre 7/1/00) or community custody (Offense Post 6/30/00).

[On or after July 1, 2003, the court may order community custody under the jurisdiction of DOC for up to 12 months if the defendant is convicted of a sex offense, a violent offense, a crime against a person under RCW 9.94A.411, or felony violation of chapter 69.50 or 69.52 RCW or an attempt, conspiracy or solicitation to commit such a crime. For offenses committed on or after June 7, 2006, the court shall impose a term of community custody under RCW 9.94A.715 if the offender is guilty of failure to register (second or subsequent offense) under RCW 9A.44.130(11)(a).]

Defendant shall report to DOC, 514 South 13th St, Tacoma, not later than 72 hours after release from custody, and the defendant shall perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC. For sex offenses, defendant shall submit to electronic monitoring if imposed by DOC. Defendant shall comply with the instructions, rules and regulations of DOC for the conduct of the defendant during the period of community supervision or community custody and any other conditions of community supervision or community custody stated in this Judgment and Sentence or other conditions imposed by the court or DOC during community custody. The defendant shall:

- [] remain in prescribed geographic boundaries specified by the community corrections officer
- [] Cooperate with and successfully complete the program known as Alternative to Confinement (ATC)
- notify the community corrections officer of any change in defendant's address or employment
- [] not reside in a community protection zone (within 880 feet of the facilities and grounds of a public or private school). (RCW 9.94A.030(8)).

Other conditions: obtain a psychosexual evaluation and complete recommended treatment w/ state approved sex offender treatment provider

[] For sentences imposed under RCW 9.94A.702, other conditions, including electronic monitoring, may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency

by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than seven working days.

The community supervision or community custody imposed by this order shall be served consecutively to any term of community supervision or community custody in any sentence imposed for any other offense, unless otherwise stated. The maximum length of community supervision or community custody pending at any given time shall not exceed 24 months, unless an exceptional sentence is imposed. RCW 9.94A.589. The conditions of community supervision or community custody shall begin immediately unless otherwise set forth here: _____

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: _____

V. NOTICES AND SIGNATURES

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

5.2 LENGTH OF SUPERVISION. For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505. The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

5.3 NOTICE OF INCOME-WITHHOLDING ACTION. If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A may be taken without further notice. RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

5.4 RESTITUTION HEARING.

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

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5.5 **CRIMINAL ENFORCEMENT AND CIVIL COLLECTION.** Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. Per section 2.5 of this document, legal financial obligations are collectible by civil means. RCW 9.94A.634.

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

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

1. **General Applicability and Requirements:** Because this crime involves a sex offense or kidnapping offense (e.g., 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 defined in RCW 9A.44.130, you are required to register with the sheriff of the county of the state of Washington where you reside. If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register immediately upon being sentenced unless you are in custody, in which case you must register at the time of your release and within three (3) business days from the time of release.

2. **Offenders Who Leave the State and Return:** If you leave the state following your sentencing or release from custody but later move back to Washington, you must register within three (3) business days after moving to this state. If you are under the jurisdiction of this state's Department of Corrections, you must register within three (3) 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 out a vocation in Washington, or attend school in Washington, you must register within three (3) business days after starting school in this state or becoming employed or carrying out a vocation in this state.

3. **Change of Residence Within State and Leaving the 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 (3) business days of moving. If you change your residence to a new county within this state, you must register with that county sheriff within three (3) business days of moving, and must, within three (3) business days provide, by certified mail, with return receipt requested or in person, signed written notice of the change of address in the new county to the county sheriff with whom you last registered. If you move out of Washington State, you must send written notice within three (3) business days of moving to the county sheriff with whom you last registered in Washington State.

4. **Additional Requirements Upon Moving to Another State:** If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within three (3) business days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. You must also send written notice within three (3) days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State.

5. **Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12):** If you are a resident of Washington and you are admitted to a public or private institution of higher education, you are required to notify the sheriff of the county of your residence of your intent to attend the institution within three (3) business days prior to arriving at the institution. If you become employed at a public or private institution of higher education, you are required to notify the sheriff for the county of your residence of your employment by the institution within three (3) business days prior to beginning to work at the institution. If your enrollment or employment at a public or private institution of higher education is terminated, you are required to notify the sheriff for the county of your residence of your termination of enrollment or employment within three (3) business days of such termination. If you attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW, you are required to notify the sheriff of the county of your residence of your intent to

attend the school. You must notify the sheriff within three (3) business days prior to arriving at the school to attend classes. The sheriff shall promptly notify the principal of the school.

6. **Registration by a Person Who Does Not Have a Fixed Residence:** Even if you do not have a fixed residence, you are required to register. Registration must occur within three (3) 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 (3) business days after losing your fixed residence, you must provide signed written notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than 24 hours, you will be required to register in the new county within three (3) 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 may be required to provide a list the locations where you have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

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

5.8 [] The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.

5.9 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.

5.10 OTHER: Registered as a sex offender & DNA & HIV testing

DONE IN OPEN COURT and in the presence of the defendant this date: 10/20/17

JUDGE [Signature]
Print name Cuthbertson

[Signature]
Deputy Prosecuting Attorney

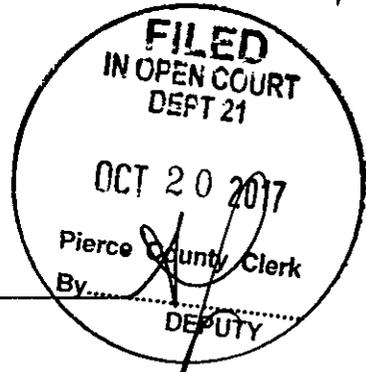
Print name: Heather de maine
WSB # 28216

[Signature]
Attorney for Defendant

Print name: Pimental
WSB # 23564

[Signature]
Defendant

Print name: Garnett williams



0046
02703
10/23/2017

1
2 **CERTIFICATE OF CLERK**

3 CAUSE NUMBER of this case: 16-1-02116-8

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

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

7 Clerk of said County and State, by: _____, Deputy Clerk

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9
10 **IDENTIFICATION OF COURT REPORTER**

11 Tim Regis
12 Court Reporter
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16-1-02116-8
10/23/2017 12:27:03

APPENDIX "E" -- ADDITIONAL CONDITIONS OF RELEASE

It is further ordered that the defendant, as a condition of his/her community supervision, as a first-time offender, shall:

- ___ FTO 1) Refrain from committing new offenses;
- ___ FTO 2) Devote time to a specific employment or occupation;
- ___ FTO 3) Enter and successfully complete Alternative to Confinement (ATC) or other available outpatient treatment for up to two years, or inpatient treatment as designated by Community Corrections Officer;
- ___ FTO 4) Pursue a prescribed, secular course of study or vocational training;

It is further ordered that the defendant, as a condition of his/her community supervision, shall:

- X 1) Remain within prescribed geographical boundaries. Notify the court or the community corrections officer prior to any change in the defendant's address or employment;
- X 2) Report as directed to the court and a community corrections officer;
- ___ 3) (NARC order) Refrain from entering certain geographical boundaries (designated by attachment);
- X 4) Not purchase, possess, or use any controlled substances without a lawful prescription from a licensed physician or practitioner. Provide a written prescription for controlled substances to the Community Corrections Officer within 24 hours of receipt. Submit to urinalysis as directed by the Community Corrections Officer;
- ___ 5) Refrain from associating with drug users or drug sellers;
- ___ 6) Comply with Alternative to Confinement (ATC) Program requirements, including participation in ATC recommended chemical dependency treatment;

X OTHER: obtain psycho sexual evaluation
complete treatment

IDENTIFICATION OF DEFENDANT

SID No. WA14929124
(If no SID take fingerprint card for State Patrol)

Date of Birth 05/10/1972

FBI No. 738670LA7

Local ID No. CHRI#20161472007

PCN No. 541615181

Other

Alias name, SSN, DOB:

Race:

Asian/Pacific Islander

Black/African-American

Caucasian

Ethnicity:

Hispanic

Sex:

Male

Native American

Other: :

Non-Hispanic

Female

FINGERPRINTS

Left four fingers taken simultaneously

Left Thumb



Right Thumb

Right four fingers taken simultaneously



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, _____

Dated: _____

DEFENDANT'S SIGNATURE

[Handwritten signature]

DEFENDANT'S ADDRESS:

74225 10th Ave S. Federal way, WA 98003

10/23/2017 2703

FILED
Court of Appeals
Division II
IN THE COURT OF APPEALS, DIVISION II
State of Washington
OF THE STATE OF WASHINGTON
10/15/2018 3:41 PM

STATE OF WASHINGTON,
Respondent,

vs.

GARRETT ANTHONY WILLIAMS,
Appellant.

Appeal No. 51186-0-II

DECLARATION OF SERVICE

I, Stephanie C. Cunningham, court-appointed counsel for Appellant Garrett A. Williams, certify that I caused to be placed in the mails of the United States, first class postage pre-paid, a true and complete copy of the SUPPLEMENTAL BRIEF OF APPELLANT and this CERTIFICATE OF MAILING, addressed to:

Garrett A. Williams
12415 27th St. East
Edgewood, WA 98372

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: October 15, 2018



STEPHANIE C. CUNNINGHAM, WSB #26436
Attorney for Appellant Garrett A. Williams

October 15, 2018 - 3:41 PM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 51186-0
Appellate Court Case Title: State of Washington, Respondent v. Garrett A. Williams, Appellant
Superior Court Case Number: 16-1-02116-8

The following documents have been uploaded:

- 511860_Affidavit_Declaration_20181015153931D2487819_4042.pdf
This File Contains:
Affidavit/Declaration - Service
The Original File Name was Williams Dec.pdf
- 511860_Briefs_20181015153931D2487819_5454.pdf
This File Contains:
Briefs - Appellants
The Original File Name was Williams SupBrf.pdf
- 511860_Motion_20181015153931D2487819_0318.pdf
This File Contains:
Motion 1
The Original File Name was Williams Motion.pdf

A copy of the uploaded files will be sent to:

- PCpatcecf@co.pierce.wa.us
- jschach@co.pierce.wa.us

Comments:

Sender Name: Stephanie Cunningham - Email: sccattorney@yahoo.com
Address:
4616 25TH AVE NE # 552
SEATTLE, WA, 98105-4183
Phone: 206-526-5001

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