

FILED  
Court of Appeals  
Division II  
State of Washington  
10/15/2018 10:54 AM  
No. 51402-8-II

COURT OF APPEALS, DIVISION II  
STATE OF WASHINGTON

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STATE OF WASHINGTON,

Respondent,

vs.

SERGEY VLADIMIR KOTLYAROV,

Appellant.

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On Appeal from the Pierce County Superior Court  
Cause No. 16-1-01143-0  
The Honorable Timothy Ashcraft, Judge

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SUPPLEMENTAL BRIEF OF APPELLANT

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Phone (206) 526-5001

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### **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**

Sergey V. Kotlyarov was sentenced on January 26, 2018. (A copy of the Judgment and Sentence is attached in the Appendix) The trial court considered Kotlyarov's financial circumstances and found that he was indigent and did not have the ability to repay discretionary legal financial obligations (LFOs). (CP 133) 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 133-34) 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 134) The trial court found that Kotlyarov did not have the financial resources to pay for his appeal and signed an Order of Indigency. (CP 146-47)

## 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, Kotlyarov's 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 \$100.00 DNA collection fee. (CP 133) But Kotlyarov has previously been convicted of a felony, so DNA has previously been collected. (CP 132) See RCW 43.43.7541 (mandatory DNA fee upon felony conviction).

The trial court imposed a \$200.00 criminal filing fee, which can no longer be imposed on indigent defendants. (CP 134) Kotlyarov was found indigent at sentencing. (CP 133, 146-47)

Finally, the Judgment and Sentence states that interest shall begin accruing immediately. (CP 134) But House Bill 1783 eliminates interest accrual on all non-restitution portions of LFOs.

Like Ramirez, Kotlyarov was sentenced before House Bill 1783 was enacted in 2018, and his case is still on direct appeal. Like Ramirez, Kotlyarov was subjected to LFOs that are no longer authorized under House Bill 1783. Kotlyarov's 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**

Kotlyarov is entitled to relief from the statutory changes of

House Bill 1783. Kotlyarov'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 Sergey V. Kotlyarov

**CERTIFICATE OF MAILING**

I certify that on 10/15/2018, I caused to be placed in the mails of the United States, first class postage pre-paid, a copy of this document addressed to: Sergey V. Kotlyarov, DOC# 405400, Washington State Penitentiary, 1313 N 13th Ave., Walla Walla, WA 99362.

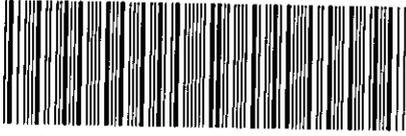


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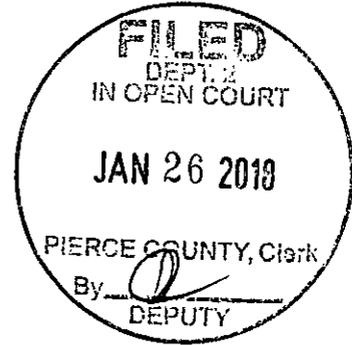
STEPHANIE C. CUNNINGHAM, WSBA #26436

# APPENDIX

JUDGMENT AND SENTENCE



16-1-01143-0 50681897 JDSWCD 01-29-18



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO: 16-1-01143-0

vs

SERGEY VLADIMIR KOTLYAROV,

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).

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

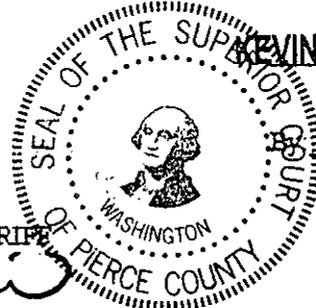
YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Department of Corrections custody).

WARRANT OF COMMITMENT -1

[ ] 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: 1-26-18

By direction of the Honorable  
*Timothy I. Ashcraft*  
JUDGE



**KEVIN STOCK**  
CLERK

*Betsy McGuire*  
DEPUTY CLERK

CERTIFIED COPY DELIVERED TO SHERIFF

JAN 29 2018 By *Betsy McGuire* 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. 16-1-01143-0

vs.

JUDGMENT AND SENTENCE (JS)

SERGEY VLADIMIR KOTLYAROV

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: WA22305633  
 DOB: 02/25/1977

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 12-14-17 by  plea  jury-verdict  bench trial of:

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO.
I	UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE, METH, SCH II (73M-FASE)	69.50.401(1)(2)(b)	FASE	03/11/16	LWPD 1607101410
II	UNLAWFUL POSSESSION OF A FIREARM IN THE SECOND DEGREE (GGG104)	9.41.010 9.41.040(2)(a)	NONE	03/11/16	LWPD 1607101410
III	UNLAWFUL POSSESSION OF A FIREARM IN THE SECOND DEGREE (GGG104)	9.41.010	NONE	03/11/16	LWPD 1607101410
IV	UNLAWFUL POSSESSION OF A FIREARM IN THE SECOND DEGREE (GGG104)	9.41.040(2)(a)	NONE	03/11/16	LWPD 1607101410

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO.
V	UNLAWFUL POSSESSION OF A FIREARM IN THE SECOND DEGREE (GGG104)	9.41.010	NONE	03/11/16	LWPD 1607101410

\* (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.)

as found guilty by jury:

- The court finds that the offender has a chemical dependency that has contributed to the offense(s). RCW 9.94A.607.
- 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	OBSTRUCTING		FEDERAL WAY MUNICIPAL COURT	02-25-2004	A	MISD
2	RECKLESS ENDANGERMENT		DES MOINES MUNICIPAL CT	04-22-2004	A	MISD
3	DWLS2		FEDERAL WAY MUNICIPAL COURT	10-24-2005	A	MISD
4	RECKLESS DRIVING		KING CO DISTRICT COURT	11-19-2005	A	MISD
5	DWLS3		KING CO DISTRICT COURT	11-19-2005	A	MISD
6	DWLS3		DISTRICT COURT I (TACOMA)	02-23-2006	A	MISD
7	ATTEMPT TO ELUDE	03-08-2005	SUPERIOR CT - PIERCE CTY	06-12-2004	A	NV

- 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	1	III	51 - 68 MOS	FASE - 18 MOS	69 - 86 MOS	5 YRS
II	1	III	1 - 3 MOS	NONE	1 - 3 MOS	5 YRS
III	1	III	1 - 3 MOS	NONE	1 - 3 MOS	5 YRS
IV	1	III	1 - 3 MOS	NONE	1 - 3 MOS	5 YRS
V	1	III	1 - 3 MOS	NONE	1 - 3 MOS	5 YRS

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):

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

*Defendant is indigent*

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 \_\_\_\_\_ [ ] 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	\$ _____	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

1  
2 FRC \$ 200.00 Criminal Filing Fee  
3 FCM \$ \_\_\_\_\_ Fine  
4 CLF \$ \_\_\_\_\_ Crime Lab Fee [ ] deferred due to indigency  
5 CDF/DFA-DFZ \$ \_\_\_\_\_ Drug Investigation Fund for \_\_\_\_\_ (agency)  
6 WFR \$ \_\_\_\_\_ Witness Costs

OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)

\$ \_\_\_\_\_ Other Costs for: \_\_\_\_\_

\$ \_\_\_\_\_ Other Costs for: \_\_\_\_\_

\$ 800 TOTAL

[ ] 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 \_\_\_\_\_

[ ] 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).

[X] 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 clerk per month commencing Per clerk. 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 [X] 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.

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4.3 NO CONTACT

The defendant shall not have contact with \_\_\_\_\_ (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for \_\_\_\_\_ years (not to exceed the maximum statutory sentence).

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

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 CONFINEMENT OVER ONE YEAR. 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 Department of Corrections (DOC):

*All Concurrent*

<u>4 2</u> months on Count	<u>1</u>	_____ months on Count	_____
<u>6</u> months on Count	<u>2</u>	_____ months on Count	_____
<u>6</u> months on Count	<u>3</u>	_____ months on Count	_____
<u>6</u> months on Count	<u>4</u>	_____ months on Count	_____
<u>6</u> months on Count	<u>5</u>	_____ months on Count	_____

A special finding/verdict having been entered as indicated in Section 2.1, the defendant is sentenced to the following additional term of total confinement in the custody of the Department of Corrections:

<u>18</u> months on Count No	<u>1</u>	_____ months on Count No	_____
_____ months on Count No	_____	_____ months on Count No	_____
_____ months on Count No	_____	_____ months on Count No	_____

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Sentence enhancements in Counts 1 shall run  
 concurrent  consecutive to each other.  
Sentence enhancements in Counts 1 shall be served  
 flat time  subject to earned good time credit

Actual number of months of total confinement ordered is: 60-months (18-Flat, followed by 42-subject to good time)  
(Add mandatory firearm, deadly weapons, and sexual motivation enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above).

The confinement time on Count(s) \_\_\_\_\_ contain(s) a mandatory minimum term of \_\_\_\_\_.

**CONSECUTIVE/CONCURRENT SENTENCES.** RCW 9.94A.589. All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm, other deadly weapon, sexual motivation, VUCSA in a protected zone, or manufacture of methamphetamine with

juvenile present as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: \_\_\_\_\_

The sentence herein shall run consecutively to all felony sentences in other cause numbers imposed prior to the commission of the crime(s) being sentenced. The sentence herein shall run concurrently with felony sentences in other cause numbers imposed after the commission of the crime(s) being sentenced except for the following cause numbers. RCW 9.94A.589: \_\_\_\_\_

Confinement shall commence immediately unless otherwise set forth here: \_\_\_\_\_

(c) **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. 211-days, minus DOC sanction time

4.6  **COMMUNITY PLACEMENT** (pre 7/1/00 offenses) is ordered as follows: three

Count \_\_\_\_\_ for \_\_\_\_\_ months;

**COMMUNITY CUSTODY** (To determine which offenses are eligible for or required for community custody see RCW 9.94A.701)

The defendant shall be on community custody for:

Count(s) \_\_\_\_\_ 36 months for Serious Violent Offenses

Count(s) \_\_\_\_\_ 18 months for Violent Offenses

Count(s) \_\_\_\_\_ 12 months (for crimes against a person, drug offenses, or offenses involving the unlawful possession of a firearm by a

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street gang member or associate)

Note: combined term of confinement and community custody for any particular offense cannot exceed the statutory maximum. RCW 9.94A.701.

(B) While on community placement or 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 in 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) abide by any additional conditions imposed by DOC under RCW 9.94A.704 and .706 and (10) for sex offenses, submit to electronic monitoring if imposed by DOC. The defendant's residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody.

Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

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

- consume no alcohol.
- have no contact with: \_\_\_\_\_
- remain  within  outside of a specified geographical boundary, to wit: \_\_\_\_\_

- not serve in any paid or volunteer capacity where he or she has control or supervision of minors under 13 years of age
- participate in the following crime-related treatment or counseling services: \_\_\_\_\_

- undergo an evaluation for treatment for  domestic violence  substance abuse  mental health  anger management and fully comply with all recommended treatment.

- comply with the following crime-related prohibitions: \_\_\_\_\_

- Other conditions: \_\_\_\_\_

- 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.

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.

PROVIDED: That under no circumstances shall the total term of confinement plus the term of community custody actually served exceed the statutory maximum for each offense

- 4.7  WORK ETHIC CAMP. RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the



N/A

5.8 [ ] The court finds that Court \_\_\_\_\_ 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

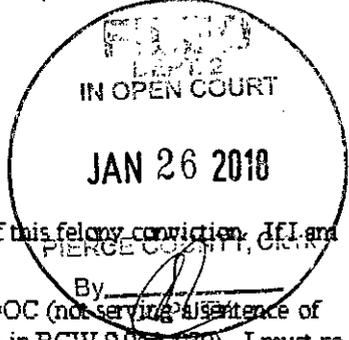
DONE IN OPEN COURT and in the presence of the defendant this date: 1-26-18

JUDGE *Sandy L. Ashcraft*  
Print name TIMOTHY L. ASHCRAFT

*13 [Signature]*  
Deputy Prosecuting Attorney  
Print name: Brian Hashimoto  
WSB # 170324

*[Signature]*  
Attorney for Defendant  
Print name: Talmy  
WSB # 22154

*[Signature]*  
Defendant  
Print name: \_\_\_\_\_



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

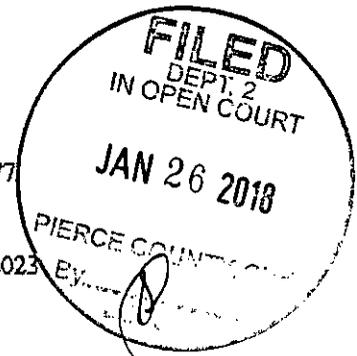
My right to vote may be permanently restored by one of the following for each felony conviction: a) a certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) a court order issued by the sentencing court restoring the right, RCW 9.92.066; c) a final order of discharge issued by the 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]*

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IDENTIFICATION OF DEFENDANT



SID No. WA22305633  
(If no SID take fingerprint card for State Patrol)

Date of Birth 02/25/1977

FBI No. 638731EC2

Local ID No. 20041662023

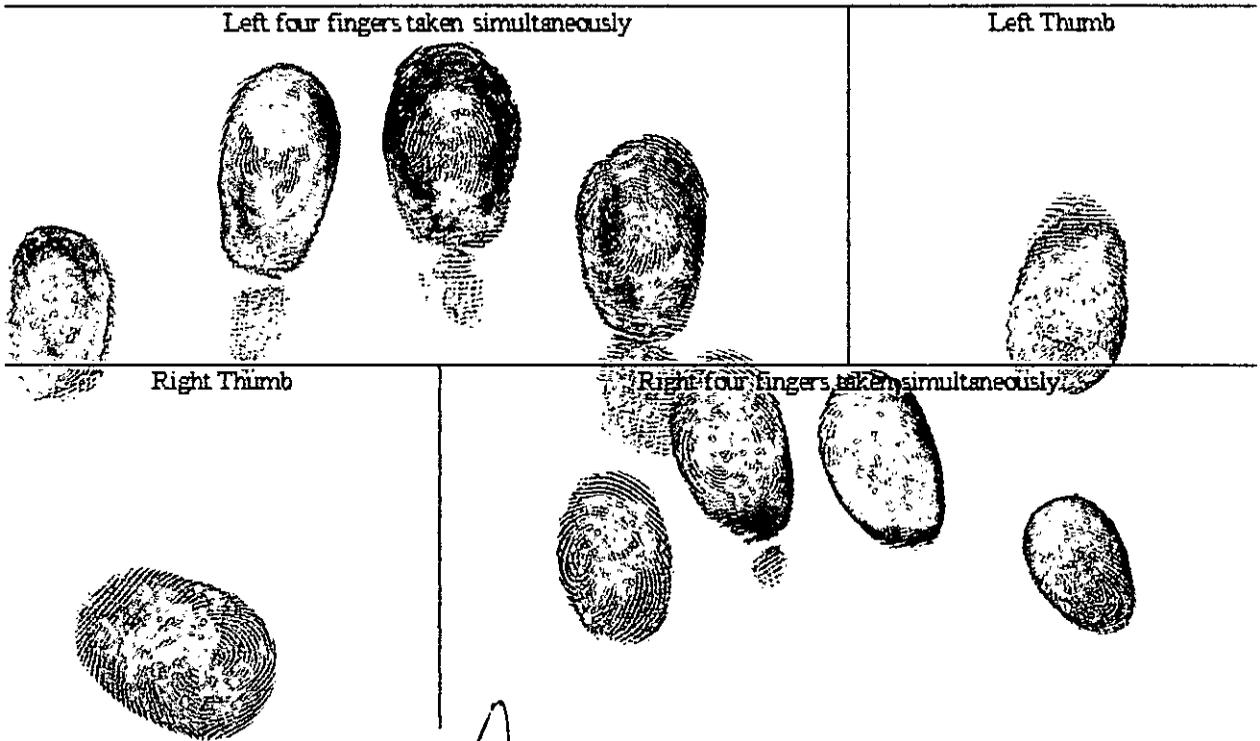
PCN No. 541569391

Other

Alias name, SSN, DOB: \_\_\_\_\_

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

FINGERPRINTS



I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court Deputy Clerk, [Signature] Dated: 1-26-2018

DEFENDANT'S SIGNATURE: \_\_\_\_\_

DEFENDANT'S ADDRESS: \_\_\_\_\_

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October 15, 2018 - 10:54 AM

**Transmittal Information**

**Filed with Court:** Court of Appeals Division II  
**Appellate Court Case Number:** 51402-8  
**Appellate Court Case Title:** State of Washington, Respondent v Sergey Vladimir Kotlyarov, Appellant  
**Superior Court Case Number:** 16-1-01143-0

**The following documents have been uploaded:**

- 514028\_Briefs\_20181015105410D2317046\_7065.pdf  
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*The Original File Name was Kotlyarov SupBrf.pdf*
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Motion 1  
*The Original File Name was Kotlyarov Motion.pdf*

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