

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

IN RE THE PERSONAL RESTRAINT
PETITION OF:

THEODORE R. RHONE

Petitioner.

NO. 51517-2-II

STATE'S SUPPLEMENTAL
RESPONSE TO PERSONAL
RESTRAINT PETITION—SECOND
SUPPLEMENTAL BRIEF

I. ISSUES PERTAINING TO PERSONAL RESTRAINT PETITION:

1. Is this petition time barred?
2. Does *State v. Erickson* retroactively apply to this case?
3. Does *State v. Jefferson* retroactively apply to this case?
4. Must the petition be dismissed where the petitioner cannot show actual prejudice to a constitutional right?

II. STATUS OF PETITIONER:

Petitioner, Theodore R. Rhone, is restrained pursuant to a Judgment and Sentence (Appendix "A") entered in Pierce County Cause No. 03-1-02581-1.

1 III. ARGUMENT

2 A. THE PETITION IS TIME BARRED.

3 Petitioner relies upon the exception to RCW 10.73.090 provided in RCW
4 10.73.100(6)

5 There has been a significant change in the law, whether substantive or
6 procedural, which is material to the conviction, sentence, or other order
7 entered in a criminal or civil proceeding instituted by the state or local
8 government, and either the legislature has expressly provided that the change
9 in the law is to be applied retroactively, or a court, in interpreting a change in
the law that lacks express legislative intent regarding retroactive application,
determines that sufficient reasons exist to require retroactive application of
the changed legal standard.

10 *Id.* The instant petition should be rejected because: (1) petitioner has not demonstrated a
11 significant change in the law; (2) petitioner has not shown that sufficient reasons exist to
12 support retroactive application of *State v. Erickson* and *State v. Jefferson*, and (3)
13 petitioner has not demonstrated actual and substantial prejudice to a constitutional right.

14 1. Petitioner has not demonstrated a “significant change in the
15 law” pursuant to RCW 10.73.100(6).

16 “A significant change in state law [under RCW 10.73.100(6)] occurs “where an
17 intervening opinion has effectively overturned a prior appellate decision that was originally
18 determinative of a material issue.” *In re Yung-Cheng Tsai*, 183 Wn.2d 91, 104, 351 P.3d
19 138, 145 (2015) (quoting *In re Pers. Restraint of Greening*, 141 Wn.2d 687, 697, 9 P.3d
20 206 (2000)).

21 Petitioner asserts that *State v. Jefferson*, 192 Wn.2d 225, 243, 429 P.3d 467, 477
22 (2018) effectively overturned *Seattle v. Erickson*, 188 Wn.2d 721, 734, 398 P.3d 1124,
23 1131 (2017). Supp. Petition at 9. *Jefferson* did not effectively overturn *Erickson*. *State*
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25

1 *v. Jefferson* is a brand-new prophylactic rule.¹ *City of Seattle v. Erickson*, 188 Wn.2d
2 721, 734, 398 P.3d 1124, 1131 (2017) remains vital to this day. Any defendant who can
3 satisfy the *Erickson* standard (which requires a finding of purposeful discrimination)
4 necessarily satisfies the *State v. Jefferson* standard where “the relevant question is whether
5 an objective observer could view race or ethnicity as a factor in the use of the peremptory
6 challenge.” *Jefferson*, 192 Wn.2d at 249. *Erickson* was not “effectively overturned,” it
7 was augmented.

8
9 Petitioner states that *Erickson* effectively overturned *State v. Rhone*, 168 Wn.2d
10 645, 229 P.3d 752, 755 (2010). That statement is also incorrect. *Rhone* is unambiguously
11 an application of settled law: *Batson v. Kentucky*, 476 U.S. 79, 106 S.Ct. 1712, 90
12 L.Ed.2d 69 (1986).² *Batson* could not possibly be “effectively overturned” by *Erickson*.
13 *Rhone* determined that a prima facie case of racial discrimination under *Batson* was not
14 established under the facts of that particular case. *Rhone* doubtless stands as good law—as
15 an interpretation of the traditional *Batson* standard in the State of Washington. *Erickson*
16 was a decision that determined “whether the traditional *Batson* analysis should be
17 amended or replaced to ensure the promise of equal protection.” *Erickson*, 188 Wn.2d at
18 730 (citing *State v. Saintcalle*, 178 Wn.2d 34, 51, 309 P.3d 326 (2013)). The *Erickson*
19 Court elected to amend the *Batson* process. *Erickson*, 188 Wn.2d at 723. Such
20 amendment was anticipated and permitted by *Batson* itself. See *Erickson*, 188 Wn.2d at
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24 ¹ “As a prophylactic measure to ensure a robust equal protection guaranty, we must now adopt a new
framework for the third part of the *Batson* challenge.” *State v. Jefferson*, 192 Wn.2d at 242–43.

25 ² We hold that the trial court applied the correct standard of review under *Batson* and that the trial court's
determination that Rhone failed to establish a prima facie case of discrimination was not clearly erroneous.
Accordingly, we affirm the Court of Appeals' decision and Rhone's conviction. *State v. Rhone*, 168 Wn.2d
645, 658, 229 P.3d 752, 758 (2010).

1 730 (citing *Ford v. Georgia*, 498 U.S. 411, 423, 111 S. Ct. 850, 112 L. Ed. 2d 935
2 (1991)³).

3 *Batson* and *Ford*, expressly encouraged local variation. The Washington Supreme
4 Court, supported by the United States Supreme Court, has unequivocally embraced the need
5 for experimentation when addressing racial discrimination in jury selection:

6 The *Batson* Court anticipated that state procedures would vary to
7 accommodate unique jury selection processes. 476 U.S. at 99 n.24, 106 S.Ct.
8 1712; *Saintcalle*, 178 Wn.2d at 51. This court agrees; we have held that we
9 have “great discretion to amend or replace the *Batson* requirements if
10 circumstances so require.” *Erickson*, 188 Wn.2d at 727 (citing *Saintcalle*,
11 178 Wn.2d at 51). In fact, as we stated in *Saintcalle*, this court can modify
12 *Batson* using its authority under federal law to create new procedures within
13 existing Fourteenth Amendment frameworks. *Saintcalle*, 178 Wash.2d at 51,
14 309 P.3d 326 (citing *Smith v. Robbins*, 528 U.S. 259, 273, 120 S.Ct. 746,
15 145 L.Ed.2d 756 (2000) (discussing the Court’s “established practice, rooted
16 in federalism, of allowing the States wide discretion, subject to the minimum
17 requirements of the Fourteenth Amendment, to experiment with solutions to
18 difficult problems of policy”).

19 *State v. Jefferson*, 192 Wn.2d at 242. This passage demonstrates that *Jefferson* and
20 *Erickson* were most emphatically not decided under independent state grounds. This is
21 not an instance where Washington has gone its own way and implemented its own opinion
22 of equal protection. This is an instance where the Supreme Court is using its inherent
23 authority and the authority provided by the United States Supreme Court to establish rules
24 implementing and safeguarding the federal Equal Protection Clause.
25

³ “The appropriateness in general of looking to local rules for the law governing the timeliness of a constitutional claim is, of course, clear. In *Batson* itself, for example, we imposed no new procedural rules and declined either “to formulate particular procedures to be followed upon a defendant’s timely objection to a prosecutor’s challenges,” or to decide when an objection must be made to be timely. 476 U.S., at 99–100, 106 S.Ct., at 1724–1725. Instead, we recognized that local practices would indicate the proper deadlines in the contexts of the various procedures used to try criminal cases, and we left it to the trial courts, with their wide “variety of jury selection practices,” to implement *Batson* in the first instance. *Ford v. Georgia*, 498 U.S. at 423.

1 The vitally important need “to experiment with solutions” to address the persistent
2 and intractable problem of racial discrimination in jury selection is expressly demonstrated
3 in *Erickson* and *Jefferson*. It may very well also be demonstrated in future cases.

4 Amendment of the *Batson* procedure in future cases does not imply “effectively
5 overturning” prior *Batson* procedure in past cases. Such a destructive approach would kill
6 experimentation because any innovative approach would unravel too many final cases.

7 The Supreme Court is fully aware of this problem and did not intend retroactive
8 application in either *Erickson* or *Jefferson*.⁴

9
10 *In re Tsai* compels no different result. *In re Tsai* took care to demonstrate that
11 *Padilla v. Kentucky*, 559 U.S. 356, 130 S. Ct. 1473, 176 L. Ed. 2d 284 (2010) effectively
12 overruled a line of cases where “Washington appellate courts have routinely rejected the
13 possibility that such a failure [to advise a defendant of the immigration consequences of a
14 conviction] could ever be ineffective assistance of counsel.” *In re Tsai*, 183 Wn.2d at
15 105-07. *Padilla* effectively overturned those cases. *Id.* That is why *In re Tsai* concluded
16 that *Padilla v. Kentucky* was a significant change in the law. *Id.* The *Batson* cases are
17 distinguishable because they represent a series of progressive attempts to work the equal
18 protection guarantee into Washington’s jury selection process.

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23 ⁴ The prospective application of evolving *Batson* procedure was expressed in the Court’s opinion in
24 *Erickson*: “Then Chief Justice Madsen’s concurrence added that although applying such a rule would be
25 inappropriate in the case before her, it could legitimately be applied “going forward.” *Id.* Justice Madsen
clarified this statement in *State v. Meredith*, 178 Wn.2d 180, 306 P.3d 942 (2013). She reasoned that
because the parties were not on notice of a bright-line rule in *Rhone* itself, it was inappropriate to apply such
a rule under *Rhone*’s facts. *Id.* at 186, 306 P.3d 942 (Madsen, C.J., concurring). However, she explained that
“this alternative method of establishing the prima facie case [i.e., the bright-line rule] should be available
once trial courts, prosecuting attorneys, and defendants and their counsel are on notice that this rule may be
followed.” *Id.* at 186, 306 P.3d 942. *Erickson*, 188 Wn.2d at 731.

1 2. Alternatively, petitioner has not demonstrated that sufficient
2 reasons exist to require retroactive application of the changed
3 legal standard.

4 “[D]etermining whether a decision is a change in the law is an inquiry distinct from
5 determining whether it is applied retroactively.” *Matter of Colbert*, 186 Wn.2d 614, 619,
6 380 P.3d 504, 507 (2016). *Batson*, and its procedural modifications, are not retroactively
7 applied.

8 A habeas petitioner whose case was final when *Batson* was decided sought to
9 obtain the benefit of *Batson* in *Allen v. Hardy*, 478 U.S. 255, 106 S. Ct. 2878, 92 L. Ed. 2d
10 199 (1986). The Supreme Court in *Allen v. Hardy* held that *Batson* was not available to
11 habeas petitioners for several reasons. The first consideration centered around whether the
12 new rule was “designed to enhance the accuracy of criminal trials.” *Allen v. Hardy*, 478
13 U.S. at 259. The Court noted that the *Batson* rule was designed “to serve multiple ends,
14 only the first of which may have some impact on truthfinding.” (Internal quotation
15 omitted).⁵ *Id.* The Supreme Court’s conclusion regarding this factor applies equally well
16 in this case:

17 Significantly, the new rule joins other procedures that protect a defendant's
18 interest in a neutral factfinder. Those other mechanisms existed prior to our
19 decision in *Batson*, creating a high probability that the individual jurors
20 seated in a particular case were free from bias. Accordingly, we cannot say
21 that the new rule has such a fundamental impact on the integrity of factfinding
22 as to compel retroactive application.

23 *Id.*, 478 U.S. at 259. The Supreme Court next concluded that “the factors concerning
24 reliance on the old rule and the effect of retroactive application on the administration of
25 justice weigh heavily in favor of nonretroactive effect. *Id.* at 260. Finally, the court

⁵ The other reasons were ensuring that States do not discriminate against citizens who are summoned to sit in judgment against a member of their own race and to strengthen public confidence in the administration of justice. *Id.*

1 discussed how “retroactive application of the *Batson* rule on collateral review of final
2 convictions would seriously disrupt the administration of justice.” *Id.* at 260-61. These
3 very important considerations are each operative in this case.

4 *Griffith v. Kentucky*, 479 U.S. 314, 328, 107 S. Ct. 708, 716, 93 L. Ed. 2d 649
5 (1987) held *Batson* “is to be applied retroactively to all cases, state or federal, pending on
6 direct review or not yet final, with no exception for cases in which the new rule constitutes
7 a ‘clear break’ with the past.” *Griffith v. Kentucky*, 479 U.S. at 327-28. This is further
8 evidence, that *Batson* was limited to cases on direct review.

9
10 In *Teague v. Lane*, 489 U.S. 288, 294, 109 S. Ct. 1060, 103 L. Ed. 2d 334 (1989),
11 another petitioner whose case was final at the time of *Batson* was decided sought to obtain
12 the benefit of *Batson*. *Id.* The Supreme Court held that “We find that *Allen v. Hardy* is
13 dispositive, and that petitioner cannot benefit from the rule announced in *Batson*.” *Id.*, 489
14 U.S. at 296.

15 Washington unambiguously adheres to the *Teague* analysis, as it applies to *Allen v.*
16 *Hardy*, and *Batson*. *In re Gentry*, 179 Wn.2d 614, 630, 316 P.3d 1020, 1028 (2014).⁶
17 Petitioner argues that *Teague* does not apply because *Jefferson* and *Erickson* were
18 decided on “independent state grounds.” Supp. PRP at 10-13. That is not correct. *State v.*
19 *Jefferson*, 192 Wn.2d at 242. *In re Tsai*, 183 Wn.2d 91, 96, 351 P.3d 138, 141 (2015)
20 applied *Teague* as regards the retroactive application of RCW 10.73.100(6).⁷
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23 ⁶ “*Teague* itself involved claims of racial bias under *Batson v. Kentucky*, 476 U.S. 79, 106 S.Ct. 1712, 90
24 L.Ed.2d 69 (1986), and the court recognized the *Batson* rule did not apply retroactively. *Teague*, 489 U.S. at
25 295–96, 109 S.Ct. 1060 (citing *Allen v. Hardy*, 478 U.S. 255, 106 S.Ct. 2878, 92 L.Ed.2d 199 (1986)
and *Linkletter v. Walker*, 381 U.S. 618, 85 S.Ct. 1731, 14 L.Ed.2d 601 (1965)). Following *Teague*, we
cannot conclude that the rule announced in *Monday* applies retroactively. (Emphasis added). *Id.*

⁷ “It is against this backdrop that we consider whether [*Padilla v. Kentucky*, 559 U.S. 356, 130 S. Ct. 1473,
176 L. Ed. 2d 284 (2010)] applies retroactively under RCW 10.73.100(6) and *Teague v. Lane*, 489 U.S. 288,
109 S. Ct. 1060, 103 L. Ed. 2d 334 (1989). *In re Tsai*, 183 Wn.2d 91, 100, 351 P.3d 138, 143 (2015).

1 Neither *Jefferson* nor *Erickson* place any kind of conduct “beyond the power of
2 the state to proscribe.” *In re Markel*, 154 Wn.2d 268-69, 111 P.3d 249 (2005). Nor do
3 *Jefferson* or *Erickson* “require the observance of procedures implicit in the concept of
4 ordered liberty.” *Id.* *Batson* itself certainly did not present such a rule. *Batson*, 478 U.S.
5 at 259. It follows that the cases implementing *Batson* also do not have “such a
6 fundamental impact on the integrity of factfinding as to compel retroactive application.”
7 *Id.* The procedures expressed in *Jefferson* and *Erickson* are not watershed rules, but are
8 efforts intended, from the very beginning, to be part of a diverse nationwide attempt to
9 vindicate the principles of equal protection in jury selection. *See* Brief of Respondent at
10 20-21. Petitioner has not demonstrated that sufficient reasons exist to warrant retroactive
11 application of either *Erickson* or *Jefferson*.

13 B. ALTERNATIVELY, PETITIONER FAILS TO DEMONSTRATE
14 ACTUAL PREJUDICE.

15 “To prevail on a PRP alleging constitutional error, the petitioner must show by a
16 preponderance that the error has caused him actual prejudice.” (braces omitted) *In re*
17 *Meredith*, 191 Wn.2d 300, 306, 422 P.3d 458, 462 (2018) (quoting *In re Lord*, 152 Wn.2d
18 182, 188, 94 P.3d 952 (2004)).

19 The meaning of “actual and substantial prejudice” has evolved over decades
20 of decisions by this court, settling into the clear and stable definition we use
21 today: the petitioner must show that the outcome of the guilty plea
22 proceedings would more likely than not have been different had the error not
23 occurred.
24 *State v. Buckman*, 190 Wn.2d 51, 60, 409 P.3d 193, 198–99 (2018). Simply pointing out
25 a procedural mistake is insufficient to demonstrate actual and substantial prejudice. “We
now reaffirm that ‘actual and substantial prejudice,’ as the phrase implies, requires that
there be a defect of *substance*, not simply of procedure.” *Id.*, 190 Wn.2d at 68. Like the

1 petitioner in *In re Phelps*, 190 Wn.2d 155, 171, 410 P.3d 1142 (2018), petitioner cannot
2 demonstrate that failure to adhere to the (not-yet-expressed) rule of either *Erickson* or
3 *Jefferson* “threatened the fundamental fairness of his trial.” *Id.*

4 Petitioner’s claim in the Supplemental Petition is founded upon the Equal
5 Protection Clause. The Equal Protection Clause bars purposeful discrimination.⁸ *Batson*
6 *v. Kentucky*, 476 U.S. 79, 96, 106 S. Ct. 1712, 90 L. Ed. 2d 69 (1986), *Seattle v. Erickson*,
7 188 Wn.2d 721, 736, 398 P.3d 1124 (2017). Petitioner, presenting no new evidence, has
8 not proven by a preponderance of the evidence that purposeful discrimination has occurred
9 in his case.⁹

10
11 Petitioner demonstrates no more than the state’s (quite understandable) failure to
12 adhere to the procedures contained in *State v. Jefferson*, 192 Wn.2d 225, 243, 429 P.3d
13 476 (2018). Petitioner has not established that the prophylactic rule of *Jefferson* actually
14 failed in this case because his case never got past phase one of the *Batson* inquiry and no
15 new evidence is presented in the petition.¹⁰ Furthermore, noncompliance with *Jefferson*’s
16 prophylactic rule does not equate to a purposeful violation of the equal protection clause.
17 Noncompliance with *Jefferson* only demonstrates, absent further factual findings, that “an
18 objective observer could view race as a factor in the use of the peremptory challenge” in
19 this case. *State v. Jefferson*, 192 Wn.2d at 249. That standard is sufficient for an appeal,
20 but it is wholly inadequate to demonstrate the purposeful discrimination necessary to
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24 ⁸ “Rhone is not arguing that the state equal protection clause differs significantly from the federal equal
protection clause” Second Supplemental Brief of Petitioner at 12-13.

25 ⁹ *State v. Rhone* concluded that petitioner did not even establish a prima facie case of discrimination. *Id.*,
168 Wn.2d at 658.

¹⁰ Petitioner has presented no proof on the issues of phase 2 or phase 3 of the *Batson* inquiry. *Batson* is not
the only way of proving purposeful discrimination. *See State v. Jefferson*, 192 Wn.2d at 242.

1 support a personal restraint petition alleging an equal protection violation. *State v.*
2 *Meredith, supra, State v. Buckman, supra.*

3 IV. CONCLUSIONS:

4 *Batson* and its many diverse and evolving progeny were never intended to apply
5 retroactively. Petitioner has demonstrated no good reason why *Erickson* and *Jefferson*
6 should be extended to personal restraint petitions. Petitioner has not proven by a
7 preponderance of the evidence that he was prejudiced by the state's failure to comply with
8 standards that had not even been articulated yet. The personal restraint petition should be
9 dismissed.

10 DATED: February 28, 2019

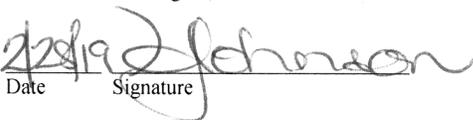
11
12 MARY E. ROBNETT
13 Pierce County
14 Prosecuting Attorney



15 Mark von Wahlde
16 Deputy Prosecuting Attorney
17 WSB #18373

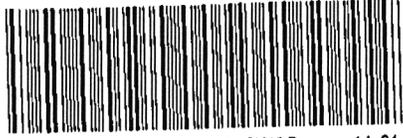
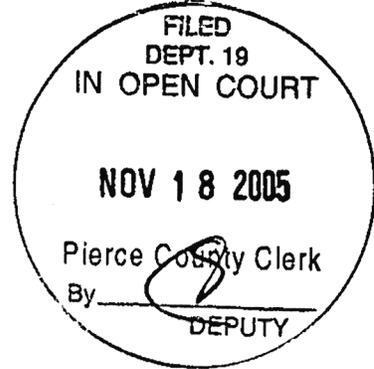
18 Certificate of Service:

19 The undersigned certifies that on this day she delivered by U.S. mail or
20 ABC-LMI delivery to the attorney of record for the appellant and appellant
21 c/o his or her attorney or to the attorney of record for the respondent and
22 respondent c/o his or her attorney true and correct copies of the document to
23 which this certificate is attached. This statement is certified to be true and
24 correct under penalty of perjury of the laws of the State of Washington. Signed
25 at Tacoma, Washington, on the date below.

26 
27 
28 Date Signature

APPENDIX “A”

Judgment and Sentence



03-1-02581-1 24082367 JDSWCD 11-21-05

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO: 03-1-02581-1

vs.

THEODORE ROOSEVELT RHONE,

Defendant.

WARRANT OF COMMITMENT

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

NOV 21 2005

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).

[] 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).

By direction of the Honorable

Dated: 11/18/05

Kevin Stock

JUDGE
KEVIN STOCK

CLERK

By: *B. Knight*

DEPUTY CLERK

CERTIFIED COPY DELIVERED TO SHERIFF

NOV 21 2005 By *B. Knight*

FILED
DEPT. 19
IN OPEN COURT

NOV 18 2005
Pierce County Clerk
By *B. Knight*
DEPUTY

STATE OF WASHINGTON

ss:

County of Pierce

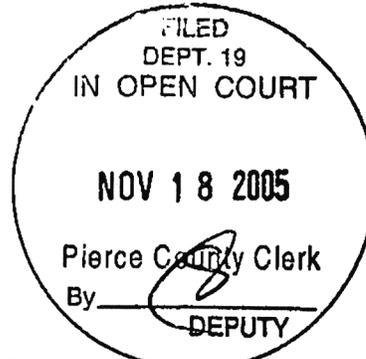
I, Kevin Stock, Clerk of the above entitled Court, do hereby certify that this foregoing instrument is a true and correct copy of the original now on file in my office.

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

KEVIN STOCK, Clerk

By: _____ Deputy

kls



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 03-1-02581-1

vs.

JUDGMENT AND SENTENCE (JS)

THEODORE ROOSEVELT RHONE

Defendant.

- Prison
- Jail One Year or Less
- First-Time Offender
- SSOSA
- DOSA
- Breaking The Cycle (BTC)

SID: 16536308
DOB: 1/19/1958

NOV 21 2005

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 05/05/05 by plea jury-verdict bench trial of:

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO.
I	UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO DELIVER (J2)	69.50.401(a)(1)(i) 9.41.010 9.94A.310/9.94A.510 9.94A.370/9.94A.530	FASE	05/30/03	031500923
II	ROBBERY IN THE FIRST DEGREE (AAA1)	9A.56.190 9A.56.200(1)(a)(i) 9.41.010 9.94A.310/9.94A.510 9.94A.370/9.94A.530	FASE	5/30/03	031500923
III	UNLAWFUL POSSESSION OF A	9.41.010(12) 9.41.040(1)(a)		5/30/03	031500923

Office of Prosecuting Attorney
946 County-City Building
Tacoma, Washington 98402-2171
Telephone: (253) 798-7400

05-9-13727-5

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO.
	FIREARM IN THE FIRST DEGREE (GGG66)				
IV	BAIL JUMPING (EE7D)	9A.76.170(1) 9a.76.170(3)(c)		07/17/03	031500923

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, See RCW 46.61.520, (JP) Juvenile present.

as charged in the SECOND AMENDED (JURY VERDICT) Information

- A special verdict/finding for use of firearm was returned on Count(s) I AND II RCW 9.94A.602, .510.
 The court finds that the offender has a chemical dependency that has contributed to the offense(s). RCW 9.94A.
 Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):
 Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

	CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J ADULT JUV	TYPE OF CRIME
1	FELON IN POSS OF WEAPON		Portland, OR	05/05/81	A	NV
2	ROBRY 1		Portland, OR	05/05/81	A	V
3	ESCAPE 2	07/02/86	Portland, OR	06/26/86	A	NV
4	PERJURY	05/10/89	Eugene, OR	11/17/87	A	NV
5	UPCS	05/10/89	Eugene, OR	11/17/87	A	NV
6	ASLT 2	05/23/89	Portland, OR	09/28/88	A	V
7	HIT & RUN	05/23/89	Portland, OR	09/28/88	A	NV
8	FORGERY 1		Salem, OR	06/07/89	A	NV
9	RBRY 1	06/30/93	Clark Co.	01/26/93	A	V

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	12	2	60-120 MOS	36 MOS	96-156 MOS	LIFE
II	15	9	129-171 MOS	60 MOS	189-231 MOS	LIFE
III	12	7	87-116 MOS		87-116 MOS	10 YRS
IV	12	5	72-96 MOS		72-96 MOS	10 YRS

2.4 **EXCEPTIONAL SENTENCE.** Substantial and compelling reasons exist which justify an exceptional sentence above below the standard range for Count(s) _____. Findings of fact and

conclusions of law are attached in Appendix 2.4. The Prosecuting Attorney [] did [] did not recommend a similar sentence.

2.5 LEGAL FINANCIAL OBLIGATIONS. The judgment shall upon entry be collectable by civil means, subject to applicable exemptions set forth in Title 6, RCW. Chapter 379, Section 22, Laws of 2003.
[] 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 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are [] attached [] as follows:

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

RTN/RJN	\$ _____	Restitution to: _____
	\$ _____	Restitution to: _____
	(Name and Address--address may be withheld and provided confidentially to Clerk's Office).	
PCV	\$ <u>500.00</u>	Crime Victim assessment
DNA	\$ <u>100.00</u>	DNA Database Fee
PUB	\$ 100.00 <u>1,000.00</u>	Court-Appointed Attorney Fees and Defense Costs
FRC	\$ <u>110.00</u>	Criminal Filing Fee
FCM	\$ _____	Fine
CLF	\$ _____	Crime Lab Fee [] deferred due to indigency
CDF/DFA-DFZ	\$ _____	Drug Investigation Fund for _____ (agency)
JFR	\$ _____	Jury Fee

OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)

\$ _____ Other Costs for: _____

\$ _____ Other Costs for: _____
\$ 1710.00 TOTAL

[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 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.

4.2 RESTITUTION

[] 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 _____

[] defendant waives any right to be present at any restitution hearing (defendant's initials): _____

[] RESTITUTION. Order Attached

[Signature] [X] Restitution ordered above shall be paid jointly and severally with:

	NAME of other defendant	CAUSE NUMBER	(Victim name)	(Amount-\$)
RJN	Cortez Sebastian Brown			
	Phyllis M Burg			

4.3 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.

4.4 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.

4.5 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

4.6 COSTS ON APPEAL

An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW. 10.73.

4.7 [] 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.

4.8 [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.

4.9 NO CONTACT

The defendant shall not have contact with Isaac Miller, 8/23/80 (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for Life years (not to exceed the maximum statutory sentence).

Domestic Violence Protection Order or Antiharassment Order is filed with this Judgment and Sentence.

4.10 OTHER:

4.11 BOND IS HEREBY EXONERATED

4.12 CONFINEMENT OVER ONE YEAR: PERSISTENT OFFENDER. The defendant was found to be a Persistent Offender.

The court finds Count 1 + 2 is a most serious offense and that the defendant has been convicted on at least two separate occasions of most serious offense felonies, at least one of which occurred before the commission of the other most serious offense for which the defendant was previously convicted.

The court finds Count _____ is a crime listed in RCW 9.94A.030(31)(b)(i) (e.g., rape in the first degree, rape of a child in the first degree (when the offender was sixteen years of age or older when the offender committed the offense), child molestation in the first degree, rape in the second degree, rape of a child in the second degree (when the offender was eighteen years of age or older when the offender committed the offense) or indecent liberties by forcible compulsion; or any of the following offenses with a finding of sexual motivation: murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree; or an attempt to commit any crime listed in RCW 9.94A.030(31)(b)(i)), and that the defendant has been convicted on at least one separate occasion, whether in this state or elsewhere, of a crime listed in RCW 9.94A.030(31)(b)(i) or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in RCW 9.94A.030(31)(b)(i).

Those prior convictions are included in the offender score as listed in Section 2.2 of this Judgment and Sentence. RCW 9.94A.030, RCW 9.94A.

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

Life without the possibility of early release on Count 1 + 2
116 months on Count III
96 months on Count IV
18 months on Count _____

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

(b) 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 firearm or other deadly weapon as set forth above at Section 2.3, and except for the following counts which shall be served consecutively:

The sentence herein shall run consecutively 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: _____

4.13 OTHER: _____

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4.12 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):

<u>Life w/out parole</u> months on Count <u>I</u>	<u>Life w/out parole</u> months on Count <u>II</u>
<u>116</u> months on Count <u>III</u>	<u>96</u> months on Count <u>IV</u>
_____ months on Count _____	_____ 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>36</u> months on Count No <u>I</u>	<u>60</u> months on Count No <u>II</u>
_____ months on Count No _____	_____ months on Count No _____
_____ months on Count No _____	_____ months on Count No _____

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

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:

_____ months on Count No <u>I</u>	_____ months on Count No <u>II</u>
_____ months on Count No <u>III</u>	_____ months on Count No <u>IV</u>
<u>30</u> months on Count No _____	_____ months on Count No <u>30</u>

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

Actual number of months of total confinement ordered is: Life w/out possibility of parole + 36 mos. flat-time + 60 mos. flat-time
 (Add mandatory firearm and deadly weapons enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above).

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 or other deadly weapon as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: _____

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

Confinement shall commence immediately unless otherwise set forth here: _____

(b) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.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:

379 days

4.13 [] COMMUNITY PLACEMENT (pre 7/1/00 offenses) is ordered as follows:

Count _____ for _____ months;

Count _____ for _____ months;

Count _____ for _____ months;

[x] COMMUNITY CUSTODY is ordered as follows:

Count I for a range from: 9 to 12 Months;

Count II for a range from: 18 to 36 Months;

Count III for a range from: _____ to _____ Months;

Count IV For a range from: _____ To _____ Months.

or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A for community placement offenses -- serious violent offense, second degree assault, any crime against a person with a deadly weapon finding, Chapter 69.50 or 69.52 RCW offense. Community custody follows a term for a sex offense -- RCW 9.94A. Use paragraph 4.7 to impose community custody following work ethic camp.]

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 service; (3) not consume controlled substances except pursuant to lawfully issued prescriptions; (4) not unlawfully possess controlled substances while in community custody; (5) pay supervision fees as determined by DOC; and (6) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC. The 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 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 defendant shall not consume any alcohol.

[] Defendant shall have no contact with: _____

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

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

[] The defendant shall undergo an evaluation for treatment for [] domestic violence [] substance abuse

[] mental health [] anger management and fully comply with all recommended treatment.

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

Other conditions may be imposed by the court or DOC during community custody, or are set forth here: _____

4.14 [] **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 sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.13.

4.15 **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.
- 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 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.7602.
- 5.4 **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.
- 5.5 **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.
- 5.6 **SEX AND KIDNAPPING OFFENDER REGISTRATION.** RCW 9A.44.130, 10.01.200. N/A

5.7 OTHER: _____

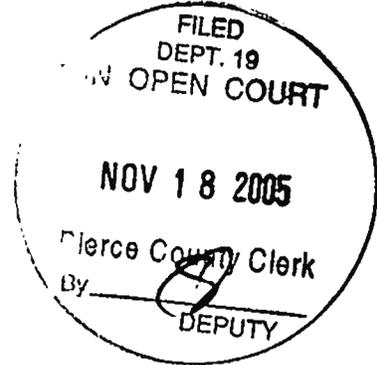
DONE in Open Court and in the presence of the defendant this date: 11/18/05

JUDGE _____
Print name _____

P. Dishu
Deputy Prosecuting Attorney
Print name: P. Dishu
WSB # 26045

HARRY S. STRAIN
Attorney for Defendant
Print name: HARRY S. STRAIN
WSB # 24863

Theodore Rhone
Defendant
Print name: Theodore Rhone



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CERTIFICATE OF CLERK

CAUSE NUMBER of this case: 03-1-02581-1

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

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

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

APPENDIX "F"

The defendant having been sentenced to the Department of Corrections for a:

- sex offense
- serious violent offense
- assault in the second degree
- any crime where the defendant or an accomplice was armed with a deadly weapon
- any felony under 69.50 and 69.52 committed after July 1, 1988 is also sentenced to one (1) year term of community placement on these conditions:

The offender shall report to and be available for contact with the assigned community corrections officer as directed:

The offender shall work at Department of Corrections approved education, employment, and/or community service;

The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions:

An offender in community custody shall not unlawfully possess controlled substances;

The offender shall pay community placement fees as determined by DOC:

The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement.

The offender shall submit to affirmative acts necessary to monitor compliance with court orders as required by DOC.

The Court may also order any of the following special conditions:

- (I) The offender shall remain within, or outside of, a specified geographical boundary: per CCO
- (II) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals: Victim Isaac Miller
- (III) The offender shall participate in crime-related treatment or counseling services;
- (IV) The offender shall not consume alcohol;
- (V) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections, or
- (VI) The offender shall comply with any crime-related prohibitions.
- (VII) Other: Forfeit firearm in evidence

IDENTIFICATION OF DEFENDANT

SID No. 16536308
(If no SID take fingerprint card for State Patrol)

Date of Birth 1/19/1958

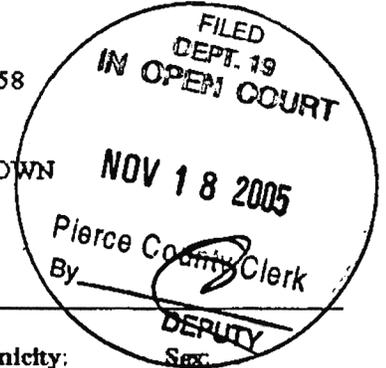
FBI No. 638440P1

Local ID No. UNKNOWN

PCN No. 537830603

Other

Alias name, SSN, DOB: RIVERS, TERRANCE LEE, 08/22/1958

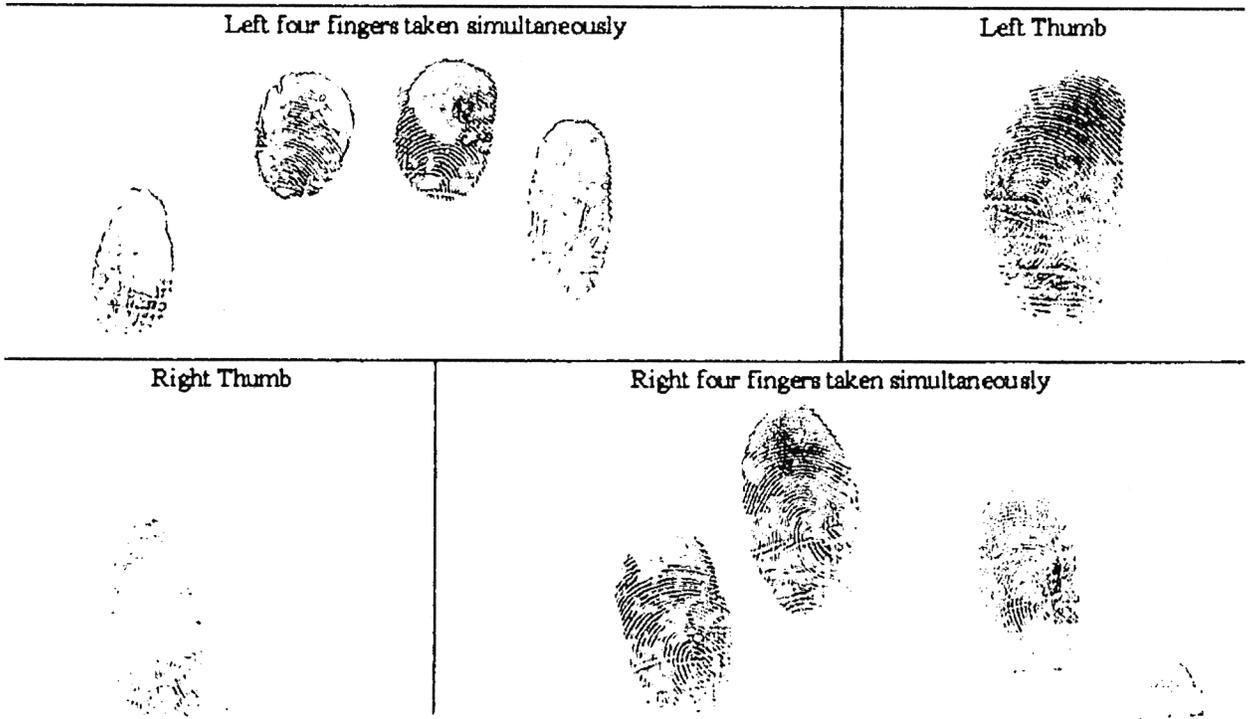


Race:

[] Asian/Pacific Islander [X] Black/African-American [] Caucasian [] Hispanic [X] Male

[] Native American [] Other: : [X] Non-Hispanic [] Female

FINGERPRINTS

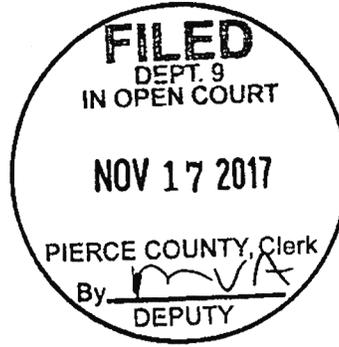


I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk, [Signature] Dated: _____

DEFENDANT'S SIGNATURE: X 119-170th E. Spanaway wa,

DEFENDANT'S ADDRESS: _____

[Signature] 11-18-05



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 03-1-02581-1

vs.

THEODORE ROOSEVELT RHONE,

MOTION AND ORDER AMENDING
JUDGMENT AND SENTENCE
VACATING COUNTS I AND III

Defendant.

CLERK'S ACTION REQUIRED

THIS MATTER coming before the Honorable Edmund Murphy, with the state represented by Deputy Prosecutor Patrick Cooper, Theodore Rhone being present and represented by Peter Reich and Joseph Evans. This hearing is a result of the March 30, 2017, mandate of Division II of the Court of Appeals, 46960-0-II, vacating his convictions for counts I (UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO DELIVER) and III (UNLAWFUL POSSESSION OF A FIREARM IN THE FIRST DEGREE). The defendant was originally convicted of the crime(s) of UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO DELIVER (Count I-UPCSWID); ROBBERY IN THE FIRST DEGREE WITH A FIREARM ENHANCEMENT (Count II); UNLAWFUL POSSESSION OF A FIREARM IN THE FIRST DEGREE (Count III-UPOF 1); and BAIL JUMPING (Count IV).

ORIGINAL

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The State moves that the court conform the Judgment and Sentence to the mandate issued by the Court of Appeals in State v. Rhone, 46960-0-II, by amending as follows, deleting all reference to Count I-UPCSWID and Count II-UPOF 1:

- 1) In Section 2.1, Current Offenses, Counts I-UPCSWID and III-UPOF 1 are deleted.
- 2) In Section 2.3, Sentencing Data, Counts I-(UPCSWID) and III-(UPOF 1) are deleted. Count II-Robbery in the First Degree should read an offender score of "13" instead of "15." Count IV-Bailjumping should read an offender score of "10" instead of 12.
- 3) In Section 4.12, Confinement over one year: Persistent offender. Count "I" (UPCSWID) is deleted.
- 4) In Section 4.12(a) Confinement. Count "I" (UPCSWID) is deleted from "Life without the possibility of early release on Count..."
- 5) In Section 4.12 Confinement over one year (a) "'Life w/out parole' months on Count I" is deleted. "116 months on Count III" is deleted. "36 months on Count No. I" is deleted.
- 6) In Section 4.12 under "Actual number of months of total confinement ordered is:" delete "+ 36 months flat-time".
- 7) In Section 4.13 Community Custody, delete "Count I for a range from 9 to 12 months."

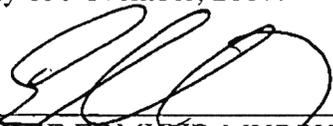
The State, moves for an order vacating Count I, UPCSWID, and Count III, UPOF 1. The conviction for Count II-Robbery in the First Degree with a firearm enhancement is affirmed.

IT IS HEREBY

ORDERED, ADJUDGED AND DECREED that Count I-UPCSWID and Count III-UPOF 1, on this cause number be vacated to conform to the Court of Appeals decision, State v. Rhone, 46960-0-II. The specific deletions shall be as outlined in this motion. All other terms and

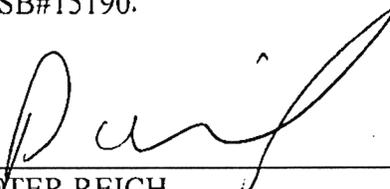
1 conditions of the original Judgment and Sentence shall remain in full force and effect as if set
2 forth in full herein. The conviction for robbery in the first degree with a firearm enhancement is
3 affirmed. IT IS FURTHER
4 ORDERED that the Clerk of the Court shall attach a copy of this order to the judgment filed on
5 November 18, 2005, so that anyone obtaining a certified copy of the judgment will also obtain a
6 copy of this order.

7
8
9 DONE IN OPEN COURT this 17th day of November, 2017.

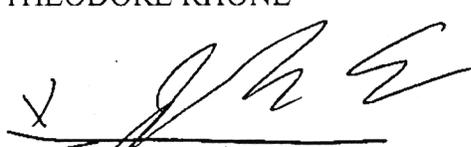
10
11 
12 JUDGE EDMUND MURPHY

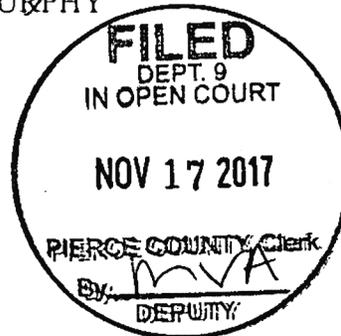
13 Presented by:

14 
15 PATRICK COOPER
16 Deputy Prosecuting Attorney
WSB#15190.

17
18 
19 PETER REICH
20 Attorney for Defendant
WSB# 37926

21 THEODORE RHONE

22
23 
24 ~~Evans #37681~~



0018
3161
11/21/2017

State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned 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 herunto set my hand and the Seal of said
Court this 28 day of February, 2019



Kevin Stock, Pierce County Clerk

By /S/Grace Beardemphl, Deputy.

Dated: February 28, 2019 08:29 AM



Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Court, sign on to:

<https://linxonline.co.pierce.wa.us/linxweb/Case/CaseFiling/certifiedDocumentView.cfm>,

enter **SerialID: 133D3965-2157-4977-9CC9D0930475DBA8**.

This document contains 19 pages plus this sheet, and is a true and correct copy of the original that is of record in the Pierce County Clerk's Office. The copy associated with this number will be displayed by the Court.

PIERCE COUNTY PROSECUTING ATTORNEY

February 28, 2019 - 10:25 AM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 51517-2
Appellate Court Case Title: State of Washington, Respondent v. Theodore Rhone, Appellant
Superior Court Case Number: 03-1-02581-1

The following documents have been uploaded:

- 515172_Personal_Restraint_Petition_20190228102430D2474204_7725.pdf
This File Contains:
Personal Restraint Petition - Other
The Original File Name was Rhone Supp Response.pdf

A copy of the uploaded files will be sent to:

- Liseellnerlaw@comcast.net
- valerie.liseellner@gmail.com

Comments:

Supplemental Response to PRP

Sender Name: Heather Johnson - Email: hjohns2@co.pierce.wa.us

Filing on Behalf of: Mark Von Wahlde - Email: mvonwah@co.pierce.wa.us (Alternate Email: PCpatcecf@piercecountywa.gov)

Address:
930 Tacoma Ave S, Rm 946
Tacoma, WA, 98402
Phone: (253) 798-7875

Note: The Filing Id is 20190228102430D2474204