

FILED
Court of Appeals
Division II
State of Washington
4/13/2018 4:22 PM

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

IN RE THE PERSONAL)	NO. 51647-1-II
RESTRAINT PETITION OF)	
)	RESPONSE TO
)	PERSONAL RESTRAINT
BRIAN COX)	PETITION

Comes now Jon Tunheim, Prosecuting Attorney in and for Thurston County, State of Washington, by and through Joseph J.A. Jackson, Deputy Prosecuting Attorney, and files its response to petitioner's personal restraint petition pursuant to RAP 16.9.

I. BASIS OF CURRENT RESTRICTIONS ON LIBERTY

The Petitioner, Brian Cox, was convicted of two counts of solicitation to commit first degree murder and one count of violation of a domestic violence protective order. For counts one and three, the jury affirmatively answered that Cox and the victim were members of the same family or household. CP 75, 76. He was sentenced to a total of 393.63 months in prison. CP 109. His conviction was affirmed on appeal, State v. Cox, No. 45971-0-II, Personal Restraint Petition at Appendix 104-37. Cox is currently serving his sentence in the custody of the Department of Corrections.

II. STATEMENT OF PROCEEDINGS

1. Procedural Facts:

On June 13, 2013, Cox was charged by way of criminal information with a single count of criminal solicitation for murder in the first degree (domestic violence). CP 9. On September 5, 2013, the State filed a First Amended Information alleging criminal solicitation for murder in the first degree (domestic violence), criminal solicitation for murder in the first degree, and violation of pretrial no contact order (domestic violence). CP 14-15. A corrected Second Amended Information was filed on September 6, 2013, with the same alleged charges. CP 16-17. Finally, a Third Amended Information was filed on February 7, 2014, again correcting information in the same charges. CP 20-21. Trial occurred February 11-20, 2014. RP 3.

Following the trial, the jury found Cox guilty as charged of all three offenses and affirmatively returned special verdicts that the victim was a family or household member with regard to counts 1 and 3. CP 92, 74-77. Cox was sentenced to a total term of confinement of 398.63 months. CP 109.

2. Substantive Facts:

Cox worked at the Washington State Department of Financial Institutions (DFI) with Ramon Lopez-Ortiz, since 2007 and though they maintained a professional relationship, they rarely worked together. RP 275, 278, 687. They hadn't talked to each other for over two years when they found themselves riding in the same elevator at DFI near the end of April 2013. RP 279-280, 688. Cox mentioned that he was "going through an ugly divorce." RP 688. As they exited the elevator, Cox stated that he had a \$250,000 life insurance policy on his wife and said that he would give Lopez-Ortiz half of it if he "would make his wife permanently disappear." RP 281. Lopez-Ortiz indicated:

"He just asked me if I wanted to do it or if I knew somebody, and I told him I didn't want to do it but I could probably find someone to do it."

RP 283. Troubled by the encounter, Lopez-Ortiz reported it to his program manager who in turn reported it to law enforcement. RP 197, 261, 270-71, 288.

On June 6, 2013, Lopez-Ortiz called Cox at "his state-issued phone." RP 299. Tumwater Police Detective Jennifer Kolb was

recording the conversation. RP 212. During the call, Lopez-Ortiz asked Cox if he was serious about their prior conversation concerning his wife. When Cox asked if the call was being recorded, Lopez-Ortiz assured him it was not and said that he was calling because he was in need of money. State's Exhibit 7 at 2. Cox indicated that he had said many things in the past out of anger but suggested they meet in person to make sure they were talking about the same thing. State's Exhibit 7 at 2. Lopez-Ortiz reiterated that he was in need of money, explaining he was "in debt with the IRS" for several thousand dollars. State's Exhibit 7 at 3. Cox told him he was "willing to borrow money – I am willing to go into debt for you...if you do this for me." State's Exhibit 7 at 3-4. He then laughed before the two ended the call by agreeing to meet the following week. State's Exhibit 7, at 3-4. In the interim, they exchanged several emails, and in response to Lopez-Ortiz's inquiries as to whether Cox was really serious, Cox answered, saying they needed to talk to make sure they were on the same page. RP 315, State's Exhibit 4.

Five days later, the two met at DFI for about eight minutes. RP 226-28, 313. Lopez-Ortiz was wearing a wire and the conversation

was audio-video recorded by law enforcement. RP 322-33; State's Exhibits 6 and 8. The conversation started with Cox admitting he had been pissed off and asking Lopez-Ortiz what he had previously told him. State's Exhibit 8 at 1. As the conversation continued, Cox asked Lopez-Ortiz if he was "fucking serious." State's Exhibit 8 at 1. Lopez-Ortiz responded with the same question. State's Exhibit 8 at 1. After patting Lopez-Ortiz down to see if he was wearing a wire, Cox said he was "totally serious" but no longer had access to the life insurance policy, commenting that he still wanted, "that bitch dead" and that it was worth \$10,000, reasoning he was going to pay more as a result of the divorce. State's Exhibit 8 at 1-2. He stated, "Dude, we're talking murder here, man." State's Exhibit 8 at 2. They talked about Lopez-Ortiz finding someone else to do it and that Cox had an "injury settlement" coming "that is worth six figures." State's Exhibit 8 at 4.

Cox was taken into custody shortly thereafter. RP 232, 433, 451. Following his advisement and waiver of his rights, Cox agreed to provide a statement to law enforcement. RP 547-548. Cox told law enforcement that he and his wife were going through a divorce, and

that she had called the police on him four times, had called the FBI, and had called him a terrorist. RP 549. He indicated that his wife was trying to get all of his money and that he had made her some offers and she wouldn't take them. RP 549. Cox indicated that he thought his wife was trying to ruin him. RP 550.

When confronted with the allegation that he had tried to hire Lopez-Ortiz, Cox initially denied trying to hire Lopez-Ortiz. RP 550. Cox denied talking about certain things that were on the recordings such as soliciting Lopez-Ortiz or talking about money. RP 551. Cox indicated that Lopez-Ortiz was setting him up, stating, "he's trying to set me up." RP 552, 555. When specifically asked why he would offer somebody money to get rid of his wife, Cox indicated that he was just joking around and that he was not serious about it. RP 557. Cox later indicated that he had talked to Lopez-Ortiz about hiring him to slash tires. RP 564-65.

While in custody in the Thurston County jail, Cox was a cellmate with Kenneth Parmley from "June 21st into July, towards the end of July." RP 472-74. Parmley indicated that Cox told him during this time that "he thought that he was - - he was going to be convicted

unless something was done with the witness.” RP 481. Cox told Parmley, “that the only chance he had was Mr. Ortiz to disappear.” RP 481. Parmley testified “[Cox] asked me if I knew anybody who or if I could - - if I were out, if I could help him out with that.” RP 482. Parmley clarified that Cox indicated that he meant that he wanted the witness to disappear and Parmley took that to mean that Cox wanted him killed. RP 481-482. Parmley said that he played along and said that he knew somebody who could do it. RP 482. Parmley indicated that he did so because he was trying to get a break in his case. RP 482-483.

Parmley testified that after he told Cox that he knew somebody who could assist in making Lopez-Ortiz disappear, Cox “wanted to try to figure out how to get [Parmley] out of jail.” RP 483. Parmley indicated that Cox was going to try to get somebody to bail him out of jail who would not be related to Cox, because “he just didn’t want any suspicion drawn to him and when Mr. Ortiz disappeared.” RP 483-484.

Parmley said that Cox asked how much it would cost to make Mr. Ortiz disappear and Parmley responded that “it could cost

somewhere in the neighborhood of \$20,000 probably.” RP 485. Cox gave Parmley the location of where Lopez-Ortiz lived and the address of where they worked. RP 485. Cox said that once Cox and Parmley were out of jail, they would meet up, and Cox would give Parmley “some money to operate on to get up there and talk to the person who was going to do it.” RP 486. Parmley told Cox that his friend had a pig farm and the two discussed disposing the body at the pig farm. RP 487. Parmley indicated that Cox “kind of smiled” when they discussed the pig farm. RP 488.

Parmley said that the conversations with Cox were extensive and probably occurred on a daily basis. RP 488. A week to ten days after the conversations started, Parmley met with Tumwater Detective Kolb and informed her of the conversations that they he had been having with Cox regarding wanting him to get somebody to take care of his witness, make him disappear and the money involved. RP 494.

Parmley indicated that he asked Kolb for help in his case but was never promised anything. RP 494-495. While waiting to see to hear from Det. Kolb, Parmley continued talking with Cox. RP 496. Parmley testified

“there was one day that he thought about - - he talked

about maybe his wife and Mr. Ortiz could both disappear, solve two problems, and then he changed that because he got to thinking that there be no credit card activity. I mean just, he thought that if both disappeared maybe people would think that they ran off together, and then he brought up the fact that, well, the credit cards, there would be no activity, and kind of shot that down.”

RP 497.

Parmley testified that his attorney told him the prosecutor was not going to do anything for him, and “thought about it and [he] just told his attorney that [he] felt like [he] needed to do it anyway. RP 504. Parmley indicated that he “just wanted to do the right thing, and [he] was actually concerned if he got the wrong person, got ahold of the wrong person, that some of this stuff might actually happen.” RP 504.

During the case against Cox, an Order for Protection was issued restraining Cox from, harassing, following, or having any contact whatsoever with his wife Lisa Cox. RP 193-94; State’s Exhibit 3 at 2. The order was entered in open court in Cox’s presence and Cox signed the order. RP 660; State’s Exhibit 3 at 5. After the order had been entered, Lisa was driving about two blocks from her residence that she had shared with Cox. RP 149. She heard “a lot of

honking behind [her],” and noticed Cox speeding up in a car behind her. RP 150. She was familiar with the car because it belonged to a friend of theirs. RP 150.

Cox accelerated and very quickly came up close behind Lisa. RP 151-152. Lisa indicated she “couldn’t even step on [her] brakes to slow down to turn.” RP 152. Lisa testified, “If I had stepped on my brakes at all, he’d have hit my car. That’s how close he was.” RP 152. Lisa positively identified Cox as the person driving the vehicle, and testified that, “he was flipping me the bird.” RP 153.

Lisa Cox’s friend, Suzanne Fucal, witnessed the incident, and testified during the trial:

“I was pulling up to the stop sign on Lisa’s road and the Shell Station is directly in front of me, and Lisa’s car was coming this way towards me and behind her there was a blue Mazda honking and - - like so close to her bumper if they stood on the hood he could have touched her, and honking and doing obscene gestures.”

RP 175-176, 178.

3. Facts related to Kenneth Parmley Prosecution

Kenneth Parmley was charged with attempted robbery in the first degree on June 26, 2013. Appendix 7. Parmley’s prosecution was handled by Thurston County Senior Deputy Prosecuting Attorney

Mark Thompson. Declaration of Mark Thompson, Appendix 5, at 1. On July 1, 2013, Thompson was contacted by Tami Edwards, a corrections deputy with the Thurston County jail, and advised that Parmley had information regarding another inmate, Brian Cox, who was being prosecuted by DPA Craig Juris. Id.

Thompson then reached out to the Thurston County Public Defender's Office and learned that attorney Karl Hack had been appointed to represent Parmley. Thompson spoke to Hack about Parmley's case as well as Parmley's willingness to testify against Cox without receiving any consideration in return. Id. During their discussions, it was discovered that the victim in Parmley's case had impeccable criminal history. Hack further indicated that Parmley had been clean and sober and crime free for about 5-6 years before relapsing in 2012-2013. Appendix 5 at 1-2.

Thompson agreed that the Thurston County jail's chemical dependency program would be an acceptable outcome for Parmley's case. Appendix 5 at 2. On July 29, 2013, Thompson sent Hack an email indicating that he would be sending an email to Deputy Prosecuting Attorney Craig Juris asking if he had interest in using

Parmley's testimony in the case against Cox. In the email, Thompson noted that he was sending DPA Juris his case parameters, meaning that he expected the case to be resolved potentially as an amendment to robbery 2. Id. Thompson had been discussing such a resolution with Hack prior to his email to Hack on July 29, 2013, and his subsequent email to DPA Juris. Appendix 5, at 1-2.

Also on July 29, 2013, Thompson sent an email to DPA Juris in which he indicated, "if you're needing Mr. Parmley's testimony against Brian Cox, you have my authority to offer plead to...robbery 2." Emails of Mark Thompson, Appendix 2, at 5, Declaration of Craig Juris, Appendix 4, at 1; Appendix 5, at 3. Despite Thompson granting Juris such authority, no offer contingent upon Parmley's testimony against Cox was ever conveyed to Parmley or his attorney. Declaration of Karl Hack, Appendix 3, at 1; Appendix 4 at 1; Appendix 5, at 3.

On August 13, 2013, Thompson extended an offer to Hack an amended charge of robbery in order for Parmley to participate in the CDP program. Thompson indicated that as long as Juris was okay with the resolution, it would not be conditioned upon Parmley

testifying against Cox. Appendix 5, at 4. Thompson's motivation for the plea recommendation was for Parmley to participate in the CDP program, coupled with the fact that the victim in the case had impeachable priors, and due to the time that Parmley had spent in the community without obtaining criminal convictions. Thompson understood at the time that Parmley had not had a felony conviction since 2005. Appendix 5, at 4; Prosecutor's Statement of Criminal History, Appendix 10.

On August 21, 2013, Parmley pled guilty to one count of robbery in the second degree. Statement of Defendant on Plea of Guilty, Appendix 8. His plea was contained no agreement to testify against Cox. Appendix 8, at 4. Parmley was sentenced on the same day to 12 months in custody with the option of partial confinement in the CDP program. Judgment and Sentence, Appendix 9, at 4-5.

Parmley eventually testified in the trial against Cox on February 13, 2014, several months after his robbery case had been resolved. RP 4. At the time of his testimony, Parmley was still in the custody of the Thurston County jail and all parties were aware of that fact. RP 34. He was brought into the courtroom in custody. RP 34, 472-473.

Thompson was called to testify in Cox's trial and described how he was notified that Parmley may have information relevant to Cox's case. RP 462. Thompson indicated that Parmley's attorney did not make any request for considerations in some kind of deal for Parmley and Thompson did not provide any special consideration in exchange for the information that Parmley provided to law enforcement. RP463-464. Thompson indicated that the resolution was based on other considerations that had nothing to do with the Cox matter. RP 466. Thompson also indicated that when a cooperation agreement is reached, "we normally have the sentencing or even perhaps a plea set after the person appears before the court as a witness or else it becomes much more complicated to undo something afterwards." RP 466-467. Thompson went on to note:

"Mr. Parmley was allowed to plead guilty to the reduced charged based upon some evidence concerns. Some - or the primary victim, complaining witness had a prior criminal history that would come to the trier of fact's attention, and so there were considerations based upon the facts itself, and we also did so to allow Mr. Parmley to avail himself of a - - dispositional option that he wouldn't have had on the first degree which seemed appropriate based upon his time in the community that he had been successfully able to remain crime free."

RP 467.

At the time of his testimony, jurisdictions outside of Thurston County had authorized bench warrants for Parmley. Petition, Appendix, at 68, 78, 93, 22-42, 52-58, 87-92. Prior to Cox's trial, Deputy Prosecuting Attorney Craig Juris provided his understanding of Parmley's criminal history to Cox's attorney Paul Strophy. Appendix 4, at 2. Juris did not research or review Parmley's outstanding warrant history because he did not believe it was relevant to Parmley's testimony or admissible at trial. Appendix 4, at 2.

III. RESPONSE TO ISSUES RAISED

In this personal restraint petition, Cox argues that the State presented false evidence and that the State failed to disclose that Parmley had received consideration in his case in exchange for his testimony against Parmley and that Parmley had outstanding bench warrants at the time that he testified.

A PRP is not a substitute for a direct appeal and relief in a collateral attack is limited. In re Pers. Restraint of Brockie, 178 Wn.2d 532, 539, 309 P.3d 498 (2013). To obtain relief by means of a personal restraint petition, the petitioner must establish either constitutional error that caused actual and substantial prejudice to her

case or nonconstitutional error that caused a fundamental defect resulting in a complete miscarriage of justice. In re Pers. Restraint of Cook, 114 Wn.2d 802, 810-13, 792 P.2d 506 (1990). The petitioner bears the burden of establishing that her restraint is unlawful. In re Pers. Restraint of Isadore, 151 Wn.2d 294, 299, 88 P.3d 390 (2004).

A petitioner must make at least a prima facie showing that his allegations have merits. In re Personal Restraint of Rice, 118 Wn.2d 876, 828 P.2d 1086 (1992):

Thus, a mere statement of evidence that the petitioner *believes* will prove his factual allegations is not sufficient. If the petitioner's allegations are based on matters outside the existing record, the petitioner must demonstrate that he has competent, admissible evidence to establish the facts that entitle him to relief. If the petitioner's evidence is based on knowledge in the possession of others, he may not simply state what he thinks those others would say, but must present their affidavits or other corroborative evidence. The affidavits, in turn, must contain matters to which the affiants may competently testify. In short, the petitioner must present evidence showing that his factual allegations are based on more than speculation, conjecture, or inadmissible hearsay.

Rice, 118 Wn.2d at 886.

After establishing the appropriateness of collateral review, a petitioner still has the ultimate burden of proof. The petitioner must

show the existence of an error, and must show by a preponderance of the evidence that he or she was prejudiced by the asserted error. Cook, 114 Wn.2d at 814. If the petitioner fails to meet this burden, she is not entitled to relief.

A personal restraint petition is not an appeal. It is a collateral challenge to a judgment and sentence, and relief granted in a collateral attack is extraordinary. In re Pers. Restraint of Coats, 173 Wn.2d 123, 132, 267 P.3d (2011). “[O]ur respect for settled judgments remains.” Id. at 133. Here, Cox cannot meet his burden of showing that an error occurred or prejudiced his defense.

1. The State has the obligation to disclose to the defense any potentially exculpatory or impeachment information known to the State.

The State’s obligation to disclose information to the defense is described in Brady v. Maryland, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963). To prove a violation of the State’s duty, a defendant must demonstrate that (1) the evidence at issue is favorable to him either because it was exculpatory or impeaching; (2) the evidence was either willfully or inadvertently suppressed by the State, and (3) he was prejudiced by the failure to disclose. State v.

Mullen, 171 Wn.2d 881, 895, 259 P.3d 158 (2011). Regarding the third element, the evidence is “material” or “prejudicial” “if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different.” Id. at 897, quoting Kyles v. Whitley, 514 U.S. 419, 433-34, 115 S. Ct. 1555, 131 L. Ed. 2d 490 (1995). The defendant need not prove he would have been acquitted had the State disclosed the suppressed evidence, but only that the suppression of information undermined confidence in the outcome of the trial. State v. Davila, 184 Wn.2d 55, 73, 357 P.3d 636 (2015). The effect of the omission must be evaluated cumulatively and in the context of the entire trial record. Id. at 78.

There is no Brady violation “if the defendant, using reasonable diligence, could have obtained the information” at issue. In re Pers. Restraint of Benn, 134 Wn.2d 868, 916, 952 P.2d 116 (1998).

The question as to the materiality of the Brady evidence is a legal issue reviewed de novo. Davila, 184 Wn.2d at 74.

- A. The State did not fail to disclose the existence of a cooperation agreement because there was no consideration given in exchange for Parmley’s testimony.

Cox argues that the testimony of Senior Deputy Prosecuting Attorney Mark Thompson was false based on an email sent by Thompson on July 29, 2013, to Deputy Prosecuting Attorney Craig Juris regarding Parmley. Petition, at Appendix 4. Deputy Prosecutor Thompson did send that email to Deputy Prosecutor Juris as an internal email. On July 30, 2013, Juris responded:

“Thanks for the info. I just sent an email to Jen Kolb asking her what she thinks of using Parmley for info. As soon as I talk to her, I will let you know where we stand. Also, I see an email from Hack indicating that Parmley would be willing to help with no consideration. Somehow, I don’t believe that but you have a better sense of this guy than I do. What is your thought? No use selling the farm if we don’t need to.”

Emails of Craig Juris, Appendix 1, at 1. In fact, Parmley’s attorney sent an email to Thompson and Juris on July 29, 2013, stating, “Thanks Much, like I said, Parmley is offering to help Craig for zero consideration. The other dude is plain dangerous.” Emails of Karl Hack, Appendix 3, at 3. No offer was conveyed to Parmley contingent on his testimony. Juris responded to Hack asking,

“Are you saying that Mr. Parmley doesn’t want a deal in connection to my case? If that is the situation then I will have Detective Kolb interview him ASAP.”

Emails of Craig Juris, Appendix 1, at 3. Hack responded,

“If he gets consideration in Mark’s case for his cooperation then all the better, but he’s not asking for any promises in Mark’s case. He thinks your guy needs to be off the street. Go ahead and have Det. Kolb interview Mr. Parmley.”

Appendix 3, at 4. Parmley was never given an offer contingent on his cooperation in Cox’s case. Appendix 4; Appendix 5; Appendix 6.

In fact, though Thompson left open the possibility that Juris and Hack would work out a cooperation agreement, he was also considering a reduction to robbery in the second degree in order for Parmley to participate in the Thurston County jail’s chemical dependency program. Emails of Mark Thompson, Appendix 2 at 4, 5, 17, Appendix 5, at 2. Ultimately, Parmley was allowed to enter a plea to robbery in the second degree that was not contingent upon cooperation in the case against Cox. In an email to Karl Hack dated August 13, 2013, Thompson specifically noted:

“First, we continued yesterday’s PT one week to 8/19/13. Because our trial is set for the following week (8/26/13), you agreed that you would join me in a motion to continue the trial at least a few weeks (or longer) while we attempt to decide the ‘next step’ in this case given that nothing had really happened during the past two weeks due to your vacation (week of 7/29) and my vacation (week of 8/5), including whether DPA Craig Juris would likely use your client’s testimony in his case against Brian Cox.

Secondly, I'll indicate that I am willing to give your client the 'Robbery 2' based upon his lack of violent history and his request for drug treatment through CDP. But I want to get that entered sooner-than-later, in order to get him onto the waiting list for CDP ASAP so that he can have time to fully participate in at least Phases I and II. The plea to Robbery 2 would be via 'In re Barr' as this was not a completed robbery and, therefore, the PC facts do not establish Robbery 2.

Finally, with respect to your client's involvement as a possible witness in DPA Craig Juris' attempted murder case involving Brian Cox, you have represented to me that your client has already given a statement to law enforcement about conversations he had with Mr. Cox while Cox's cellmate, which involved Mr. Cox soliciting your client to possibly "tamper" (at the very least) with a witness in the Cox case. Your client provided his statement to Detective Kolb about this situation prior to any representations or promises by me about what I was going to do specifically with my case against him (Mr. Parmley). However, I believe that prior to Mr. Parmley's statement to Detective Kolb in the Cox case, I had at least sent a "cc" to you or email inquiries I made to Lt. Peters about the jail's CDP program, which would only be possible if I were later agreeing to reduce the current Attempted Robbery 1 charge to Robbery 2. I'm uncertain whether you had shared my e-mails with your client prior to his statement to Det. Kolb. In any event, you have indicated that your client is willing to truthfully testify against Mr. Cox should he be needed by Craig, and that such truthful testimony would be consistent with his statement to Det. Kolb and be provided without me needing to condition my case's outcome on your client's testimony. I am tentatively indicating to you that my offer of Robbery 2 will not be conditioned on your client's testimony. I am tentatively indicating to you that my offer of Robbery 2 will not be conditioned on your client's cooperation as a witness in the Cox case, **but I**

want to first ask Craig if he is “okay” with this? If he is, it appears that we can immediately look into wrapping Mr. Parmley’s case up. However, despite the information and “timing” noted above, I still believe Craig would have to disclose to Cox’s counsel at least the “arguable” influence of my case on Mr. Parmley’s offered information to forward to Cox’s counsel after you have either confirmed or clarified the information outlined above.”

Appendix 2, at 17. DPA Thompson’s emails make it very clear that Parmley’s resolution was not contingent upon cooperation in the prosecution of Cox.

At trial, Thompson testified that he did not give Parmley any special consideration for his plea, and the only discussion that was had in that regard with Karl Hack was that “Mr. Parmley had felt that this was wrong what he had heard from Mr. Cox, and that he just wanted to come forward and let somebody know what had been said.”

RP 463. Thompson’s testimony was truthful and supported by the emails between DPA Thompson, DPA Juris and Karl Hack. The declarations of Thompson, Juris and Hack, make clear that no special offer was made to Parmley and Parmley’s attorney never asked for considerations for a deal for Mr. Parmley. Appendix 4, Appendix 5, Appendix 6. In fact, it is clear that Deputy Prosecutor Thompson was

considering a reduction to robbery in the second degree in Parmley's case even before Parmley provided a statement to law enforcement regarding Cox. Appendix 2, at 17, Appendix 5 at 2.

Thompson testified truthfully regarding Mr. Parmley's case and the reasons why he agreed to resolve Parmley's case in the fashion that he did. Contrary to Cox's assertion, the State did not present false testimony. Cox simply looked at one internal email and extrapolated from that email that Thompson's testimony must be false. However, it is clear that while Thompson authorized Juris to discuss a cooperation agreement with Mr. Hack, Hack quickly made it clear that Parmley was not asking for consideration and neither Juris nor Thompson ever offered him any consideration in exchange for his testimony. Even in regard to criminal history, it is clear that Thompson was considering the time that Parmley had spent in the community without convictions. Even looking at the criminal history attached to Cox's Petition, Parmley did not have any convictions from 2006 until 2013, and his last felony conviction at the time of his plea to the robbery charge had been in 2005. Appendix 5, at 4; Petition at 11-12, Appendix 10, CP 28.

Both DPA Juris and Karl Hack indicated that after his plea, Parmley sent a letter, dated September 10, 2013, complaining about his jail status and asking for help. Appendix 4, at 1-2, Appendix 6, at 1-2. That letter was provided to defense counsel Paul Strophy. Appendix 4, at 2. In fact, Strophy questioned Parmley regarding his September 10 letter to Juris during cross examination. RP 524. Specifically, Strophy questioned Parmley, "You were asking Mr. Juris to come speak to you because you were wanting because your wanting his help regarding your housing?" RP 525. As the declaration of Karl Hack makes clear, this was the only time that Parmley's defense attorney was aware of a request for any assistance in exchange for Parmley's testimony. Appendix 6. The record makes clear that Parmley's request was disclosed to Cox's counsel and Parmley was adequately cross examined regarding the matter.

- B. Senior DPA Thompson testified truthfully regarding his reasons for entering a plea bargain with Parmley and Parmley testified truthfully that he did not receive any consideration for his plea.

Cox makes the serious allegation that the State knowingly presented false testimony. In order for relief to be granted on such a claim, the petitioner must establish that the testimony was false and

that the prosecutor knowingly used the perjured testimony. United States v. Polizzi, 801 F.2d 1543, 1549-50 (9th Cir. 1986). If those two prongs are established, a conviction must be set aside if there is any reasonable likelihood that the false testimony could have affected the outcome of the trial. United States v. Bagley, 473 U.S. 667, 105 S.Ct. 3375, 3382, 87 L.ed.2d 481 (1985). Although a prosecutor's presentation of tainted evidence is viewed seriously and its effects are exceedingly carefully scrutinized, a new trial is not automatically granted, a finding of materiality of the evidence is required. Giglio v. United States, 405 U.S. 150, 154, 31 L.Ed.2d 104, 92 S.Ct. 763 (1972). As the Declaration of Mark Thompson makes clear, there was no false testimony from either Thompson or Parmley. Parmley did not receive a benefit for his testimony against Cox. Thompson clearly stated his reasons for entering the agreement with Parmley, which were not related to the prosecution of Cox. As shown by the Declarations and emails attached to this response, the testimony at trial was truthful. Appendix 1, 2, 3, 4, 5, 6.

Cox cannot meet the burden of showing that the prosecutor knowingly offered false testimony. To the contrary, the appendices

make clear that the testimony was a truthful recitation of the proceedings.

- C. Cox has not shown that evidence regarding outstanding warrants was favorable to his case. The evidence was neither helpful nor admissible.

To be material under *Brady*, “undisclosed information or evidence acquired through that information must be admissible,” U.S. v. Kennedy, 890 F.2d 1056, 1059 (9th Cir. 1989), or capable of being used “to impeach a government witness.” U.S. v. Price, 566 F.3d 900, 911-12 (9th Cir. 2009).

Cox alleges that Parmley had five outstanding warrants for his arrest at the time of his testimony and that somehow that information could have been used for impeachment purposes. Parmley testified on February 13, 2014. It is undisputed that the State disclosed Parmley’s criminal history. Petition at 12; Appendix 5 at 2. Deputy Prosecutor Juris indicated that he did not research or review Parmley’s warrant history because he did not believe it was relevant to his testimony or admissible at trial. Appendix 5, at 2. A close look at Parmley’s warrants reveals that none of his warrants would have been admissible and even if admissible would have added little or

nothing to the trial of Cox.

It is difficult to discern from Cox's brief which of Parmley's prior history had warrants and what the warrants were issued for. However, the State will address those that it believes Cox raises issue with. Parmley was in the custody of the Thurston County jail from approximately June 21, 2013, and was still in custody for his robbery conviction at the time of his testimony. RP 473-474. Cox indicates that Parmley had a DUI out of Grays Harbor in 2013 that was on warrant status at the time of his testimony. Petition, at 12. Cox attached a case history for Grays Harbor County cause number 2013181 WSP. The history shows that Parmley was charged by summons on June 5, 2013, and the noticed was returned and re-mailed on June 13, 2013. A warrant was then entered on June 18, 2013. Petition, Appendix at 78. There is nothing even potentially exculpatory about this warrant. Parmley was charged by summons, which the docket indicates was returned to the Court. There is no indication that he was aware of the hearing. Moreover, Parmley was not convicted of the offense at the time of his testimony. The docket notes that he entered a deferred prosecution on December 16, 2015.

Petition, Appendix at 84. This DUI would not have been admissible during Mr. Cox's trial. There was no conviction.

Cox also indicates that a warrant was outstanding for Parmley for driving while license suspended in the third degree out of Aberdeen Municipal Court. Petition at 12. The criminal history printout provided by Cox shows that Parmley pled guilty to the offense on March 25, 2013, and a warrant issued on May 1, 2013, because Parmley had failed to comply with a one day jail sentence. Petition, Appendix at 93. Again, nothing about this conviction would be admissible for impeachment. Driving while license suspended in the third degree is a misdemeanor offense, is not a crime of dishonesty, and would almost never be admissible under ER 609.

Cox also points to a warrant for Failure to Transfer Title out of Jefferson County. Petition, at 12. Failure to Transfer Title is not a crime of dishonesty. Moreover, this charge did not result in a conviction until February 24, 2014. Petition, Appendix at 68. There is no indication that this charge would have been material to Cox's defense or admissible at Cox's trial.

Cox further argues that Parmley had warrants out of King

County District Court cause number Y35D0182B; Aberdeen Municipal Court cause numbers C00047631, and C00048556, for charges of attempted possession of a controlled substance, possession of stolen property in the third degree, theft in the third degree and resisting arrest. Petition, at 11-12, Appendix to Petition, at 22-42, 52-58, 87-92.

On the attempted possession of a controlled substance charge, Parmley pled guilty and was sentence on March 24, 2004. Petition, Appendix at 39. A warrant was entered for failure to comply on March 24, 2004, and Parmley apparently contacted the Court on June 20, 2006 to indicate that he had just been released from prison. Petition, Appendix at 41. The warrant was quashed and the case appears to have closed in 2015. There is nothing about this conviction or warrant that would have been material in any way to Cox's guilty or innocence or the impeachment of either Parmley or Thompson at trial.

In the C00047631 and C00048556 cases, a warrant was issued for failure to comply in September of 2008, expired and was reissued in September of 2012, and was ultimately resolved shortly after Parmley was released from Thurston County custody. Petition,

Appendix at 57, 90-91. The fact that he had an outstanding allegation for failing to comply with his sentence in those matters was not material in any way to his testimony against Cox. The convictions in those matters were entered on May 18, 2004, and March 17, 2005. Petition, Appendix at 57, 88.

The warrants at issue were not favorable to a determination of Cox's guilt or for impeachment purposes. It is difficult to see how the warrants at issue here would have even been admissible during Cox's case. They certainly would not have been admissible to impeach Parmley. The warrants either involved pending cases, with no conviction, which would be inadmissible under ER 609, or failures to comply on cases that were very old.

The existence of a warrant in a specific case would be a specific incident of conduct. Under ER 608, specific instances of conduct of a witness, for the purpose of attacking or supporting the credibility of a witness may not be proved by extrinsic evidence. Specific instances may be allowed in the discretion of the court, but only if probative of truthfulness or untruthfulness. ER 608. Here none of the warrants at issue would address Parmley's truthfulness or

untruthfulness.

Moreover, the State stipulated to the admissibility of several crimes of dishonesty involving Parmley, CP 29. During pretrial motions in limine, Cox's attorney argued that Parmley had a pattern of crimes of dishonesty from 2000 through 2013. RP 32. The trial court also allowed the defense to question Parmley about a theft in the second degree conviction from 2000. RP 35.

During the trial, everyone was aware that Parmley was in custody. RP 473. The State went through and questioned Parmley regarding prior crimes of dishonesty that occurred in 2005, 2004, 2004, 2004, and 2000, and additionally brought out the fact that Parmley had been convicted of robbery in the second degree in 2013. RP 473-474. The existence or lack thereof of Parmley's bench warrants from other counties would have added nothing to the trial of Cox.

Cox implies that he may have been able to cross examine Thompson's testimony with regard to the warrants; however, even if Thompson had been asked about the warrants, Thompson's testimony was correct. Up until 2013, Parmley had not had a

conviction since 2006, and no felony convictions since 2005. Prior to his robbery conviction, the only conviction that he had since 2006 was for the misdemeanor offense of driving while license suspended in the third degree. Such an offense would add very little in determining whether Thompson's reasoning behind his plea agreement was valid.

The particular statement that Thompson made during trial was in regard to why he made the agreement with Parmley. RP 467. It is obvious that he truthfully testified regarding his thought process in coming to an agreement with Parmley. The fact that Thompson wasn't cross examined about misdemeanor bench warrants that Parmley had does not mean that Thompson did not testify truthfully or that Parmley got a deal in exchange for his testimony. He clearly did not.

- D. Cox cannot show a reasonable likelihood that the outcome of his trial would have been different had the State disclosed information regarding Parmley's misdemeanor bench warrants.

The law does not automatically require a new trial whenever a combing of the prosecutor's file after the trial has disclosed evidence

possibly useful to the defense but not likely to change the verdict. U.S. v. Bagley, 473 U.S. at 677. Here, Cox has combed the case records of King County, Aberdeen Municipal Court, Hoquiam Municipal Court, etc., and has located information regarding bench warrants that would have been inadmissible at Cox's trial, and would not have added anything to Cox's defense.

All parties at trial knew that Parmley was in custody at the time that he testified, that DPA Thompson had prosecuted him for robbery, and that he had multiple crimes of dishonesty. It is clear from the Declarations of Craig Juris, Mark Thompson, and Parmley's own attorney, Karl Hack, that Parmley was not given special consideration in exchange for his testimony against Cox.

The evidence against Cox was overwhelming, particularly in regards to counts 1 and 3. His discussions with Lopez-Ortiz, "talking murder" were both audio and video recorded. State's Exhibit 6 and 8, RP 322-333. The violation of a no contact order incident was witnessed by a third party. The existence or lack thereof of misdemeanor warrants for Kenneth Parmley meant absolutely nothing to those charges.

Parmley testified regarding Cox's criminal solicitation to murder Lopez-Ortiz. At the time that he testified, the jury knew that he had several convictions for crimes of dishonesty, knew he was in the custody of the Thurston County jail, and knew that Senior DPA Thompson had allowed him to plead to a lesser offense to take advantage of jail options. Even if his misdemeanor warrants may have been tangentially relevant in questioning Thompson's reasons for entered a plea bargain, it is still absolutely clear that Thompson did not make Parmley's plea contingent upon cooperation in the prosecution of Cox.

The existence of Parmley's warrants in other counties, at a time when he was serving a sentence in the Thurston County jail, would have virtually no chance of affecting the outcome of Parmley's trial. The warrants were simply not material to Cox's case or impeachment of witnesses and the State was not required to hunt their existence down and disclose them. There is no requirement that a prosecutor look through the case history of every charge that a witness has ever had. Deputy Prosecuting Attorney Juris disclosed Parmley's criminal history with care to focus on those that may be

admissible under ER 609. Cox received a fair trial.

2. A reference hearing is not required because the evidence before this court clearly demonstrates that the State did not present false testimony on withhold evidence that was favorable and material to Cox's case.

The appendices to this response make clear that Cox took the July 29, 2013, email from Thompson to Juris out of context. The record clearly demonstrates that Cox received a fair trial. A reference hearing is not a substitute for the petitioner's failure to provide evidence to support his claims. As the Supreme Court stated, "the purpose of a reference hearing is to resolve genuine factual disputes, not to determine whether the petitioner actually has evidence to support his allegations." In re Rice, 118 Wn.2d 876, 886, 828 P.2d 1086 (1992). "Bald assertions and conclusory allegations will not support the holding of a hearing," but the dismissal of the petition. Rice, at 886, Williams, at 364-365. A petitioner must present evidence showing that his factual allegations are based on more than speculation, conjecture, or inadmissible hearsay. In re Rice, 118 Wn.2d at 886.

Here, there is a genuine issue of fact, but the appendices should resolve the issue of fact. A reference hearing is not

necessary, Cox's petition should be dismissed.

If this Court believes that further factual development is necessary, however, a reference hearing would be appropriate.

IV. CONCLUSION

Cox has failed to demonstrate that the State knowingly presented false testimony or suppressed evidence that was favorable and material to Cox's defense. Parmley's plea of guilty to robbery in the second degree was not contingent in any way on his testimony against Cox. Evidence that he had warrants on old or pending cases would not have been admissible, and even if admissible and tangentially relevant would have had no likelihood of changing the outcome of Cox's trial. Cox received a fair trial and provides no basis for this Court to grant his personal restraint petition. The matter should be dismissed.

RESPECTFULLY SUBMITTED this 13 day of April, 2018.

JON TUNHEIM
Prosecuting Attorney



Joseph J.A. Jackson, WSBA #37306
Deputy Prosecuting Attorney

APPENDIX 1

Joseph Jackson

From: Craig Juris
Sent: Tuesday, July 30, 2013 8:05 AM
To: Mark Thompson
Subject: Fwd: Re: Confidential info Parmley/Cox 131009149 [Your def - Brian Cox]

Mark,

Thanks for the info. I just sent an email to Jen Kolb asking her what she thinks of using Parmley for info. As soon as I talk to her I will let you know where we stand. Also, I see an email from Hack indicating that Parmley would be willing to help with no consideration. Somehow I don't believe that but you have a better sense of this guy than I do. What is your thought? No use selling the farm if we don't need to.

Thanks.

Craig Juris
Deputy Prosecuting Attorney
Domestic Violence Team
Thurston County Prosecutor's Office
926 24th Way S.W., Ste. 100
Olympia, WA 98502
(360) 754-2989
jurisc@co.thurston.wa.us

>>> Mark Thompson 7/29/2013 5:09 PM >>>

UPDATE:

Craig,

My case is set for trial the week of 8/26 and I just continued my PT until 8/12/13 because I'm on vacation the end of this week and next week (back the 12th).

My current offer on Parmley is not much: plead "as is" - Attempted Robbery 1, and recommend 27 months (low-end) of a 27-36 month sentence range. Despite the fact that my victim has impeachable priors, it's a strong case.

However, if you're needing Mr. Parmley's testimony against Brian Cox, you have my authority to offer plead to (a "full") Robbery 2 (not merely attempt) in exchange for his truthful testimony (which could be verified by polygraph, etc.) against Mr. Cox, which would include a full discussion of his proposed testimony. Please make it clear that Robbery 2 is still a strike offense. However his range would drop to 6 - 12 months. I'd be willing to give him 12 months CDP or 10 months work release; I'm unsure if he's CDP eligible. You'll by "cc'ed" an e-mail that I'm sending to CDP staff to inquire about this. Karl Hack is his attorney.

Please let me know what you decide. I'll be monitoring e-mails "casually" while gone.

FYI/thanks...Mark

>>> Mark Thompson 07/01/2013 10:00 AM >>>

FYI,

I had emailed Tami a question to clarify the specifics of Parmley's comment. Apparently there weren't anymore specifics than that!

Mark

>>> Tami Edwards 07/01/2013 9:56 AM >>>

Hello,

He implied that was the case, "My roommate is involved in a high profile case." was a quote. But he wanted to speak with a detective or supervisor before he would elaborate.

Tami

>>> Mark Thompson 7/1/2013 9:11 AM >>>

P.S.

Sorry - I'm a little slow on the coffee intake today. I just connected the fact that "I/M Cox" is Brian Cox, who is Craig's Murder Solicitation defendant. So Craig stays in the loop.

Further, just to clarify: the description of the offer is written in a passive tense. I'm assuming that Parmley is saying that Cox was the one who made the offer?

Thanks...Mark

>>> Tami Edwards 06/30/2013 2:27 PM >>>

Hello,

Attached is an informational report. I/M Parley alleges he was offered to be bailed out in exchange for harming another.

Tami

Joseph Jackson

From: Craig Juris
Sent: Tuesday, July 30, 2013 8:07 AM
To: Mark Thompson;Karl Hack
Subject: RE: Ken Parmley

Karl,

Are you saying that Mr. Parmley doesn't want a deal in connection to my case? If that is the situation then I will have Detective Kolb interview him ASAP. If I am reading your email incorrectly let me know and I will wait to have Kolb talk to him until you, me, and Mark get a plan in place. I just got back from vacation so I am playing catch up on all of this.

Thanks.

Craig Juris
Deputy Prosecuting Attorney
Domestic Violence Team
Thurston County Prosecutor's Office
926 24th Way S.W., Ste. 100
Olympia, WA 98502
(360) 754-2989
jurisc@co.thurston.wa.us

>>> "Karl Hack" <attorneykarlhack@comcast.net> 7/29/2013 5:11 PM >>>

*** Thanks much! Like I said, Parmley is offering to help Craig for zero consideration. The other dude is plain dangerous.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]
Sent: Monday, July 29, 2013 5:06 PM
To: Karl Hack
Subject: Re: Ken Parmley

C-2 to 8/12. I'm not here next week.

BTW - I'm sending an e-mail to Craig Juris that if he has any interest in using Parmley, he can contact you. I have given him case parameters for my case (potential robbery 2 reduction) if he has such an interest.

I am also looking into CDP to see if it's even a possibility for a Robbery 2 dispo, as a Rob 2 would result in a 6 - 12 month sentence range. Robbery 2nd Degree is a "strike"/violent offense for which EHM is not authorized per RCW 9.94A.734(1)(a). I'm asking CDP (Lt. Val Peters) whether it is possible for person to do Phase I and II (only) of CDP and/or Phase III on continued work release.

Later!

Mark

>>> "Karl Hack" <attorneykarlhack@comcast.net> 07/29/2013 4:58 PM >>>

*** Mark -- Did we C-1 him to 8/5, or C-2 to 8/12?

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

Joseph Jackson

From: Craig Juris
Sent: Tuesday, July 30, 2013 9:57 AM
To: Mark Thompson
Subject: Fwd: Re: Confidential info Parmley/Cox 131009149 [Your def - Brian Cox]

Mark,

I have been emailing with Detective Kolb and with Karl. Parmley is willing to be interviewed about Cox with nothing in return. We had talked about a more in depth investigation but that is being put on hold. Karl said he would be appreciative of any consideration you give him but made very clear in my email that he is not expecting any. I am sending Jen in to interview him as soon as she has a chance.

Craig Juris
Deputy Prosecuting Attorney
Domestic Violence Team
Thurston County Prosecutor's Office
926 24th Way S.W., Ste. 100
Olympia, WA 98502
(360) 754-2989
jurisc@co.thurston.wa.us

>>> Mark Thompson 7/29/2013 5:09 PM >>>
UPDATE:

Craig,

My case is set for trial the week of 8/26 and I just continued my PT until 8/12/13 because I'm on vacation the end of this week and next week (back the 12th).

My current offer on Parmley is not much: plead "as is" - Attempted Robbery 1, and recommend 27 months (low-end) of a 27-36 month sentence range. Despite the fact that my victim has impeachable priors, it's a strong case.

However, if you're needing Mr. Parmley's testimony against Brian Cox, you have my authority to offer plead to (a "full") Robbery 2 (not merely attempt) in exchange for his truthful testimony (which could be verified by polygraph, etc.) against Mr. Cox, which would include a full discussion of his proposed testimony. Please make it clear that Robbery 2 is still a strike offense. However his range would drop to 6 - 12 months. I'd be willing to give him 12 months CDP or 10 months work release; I'm unsure if he's CDP eligible. You'll by "cc'ed" an e-mail that I'm sending to CDP staff to inquire about this. Karl Hack is his attorney.

Please let me know what you decide. I'll be monitoring e-mails "casually" while gone.

FYI/thanks...Mark

>>> Mark Thompson 07/01/2013 10:00 AM >>>
FYI,

I had emailed Tami a question to clarify the specifics of Parmley's comment. Apparently there weren't anymore specifics than that!

Mark

>>> Tami Edwards 07/01/2013 9:56 AM >>>
Hello,

He implied that was the case, "My roommate is involved in a high profile case." was a quote. But he wanted to speak with a detective or supervisor before he would elaborate.

Tami

>>> Mark Thompson 7/1/2013 9:11 AM >>>
P.S.

Sorry - I'm a little slow on the coffee intake today. I just connected the fact that "I/M Cox" is Brian Cox, who is Craig's Murder Solicitation defendant. So Craig stays in the loop.

Further, just to clarify: the description of the offer is written in a passive tense. I'm assuming that Parmley is saying that Cox was the one who made the offer?

Thanks...Mark

>>> Tami Edwards 06/30/2013 2:27 PM >>>
Hello,

Attached is an informational report. I/M Parley alleges he was offered to be bailed out in exchange for harming another.

Tami

Joseph Jackson

From: Craig Juris
Sent: Tuesday, July 30, 2013 3:48 PM
To: Jennifer Kolb
Cc: Mark Thompson
Subject: Fwd: RE: Ken Parmley

Thanks a ton! I look forward to reading all about it.

Craig Juris
Deputy Prosecuting Attorney
Domestic Violence Team
Thurston County Prosecutor's Office
926 24th Way S.W., Ste. 100
Olympia, WA 98502
(360) 754-2989
jurisc@co.thurston.wa.us

>>> "Jennifer Kolb" <JKOLB@ci.tumwater.wa.us> 7/30/2013 3:36 PM >>>

I got a recorded statement from Parmley today. He was very cooperative and provided some good information. He said that if need be, he is will to poly as well attesting to the info he provided. He is also will to wire up if needed.

FYI Mark...he's really hoping for a good deal (I think he said low of 12 months or something), but even if he doesn't get what he wants, he knows this guy needs to be kept off the streets.

Jen

>>> "Craig Juris" <jurisc@co.thurston.wa.us> 7/30/2013 9:53 AM >>>

Jen,

Here is the email I just got from Parmley's attorney giving you permission to interview him.

Have fun!

Craig Juris
Deputy Prosecuting Attorney
Domestic Violence Team
Thurston County Prosecutor's Office
926 24th Way S.W., Ste. 100
Olympia, WA 98502
(360) 754-2989
jurisc@co.thurston.wa.us

APPENDIX 2

Joseph Jackson

From: Mark Thompson
Sent: Monday, July 1, 2013 10:01 AM
To: Craig Juris;Jennifer Kolb
Subject: Fwd: Re: Confidential info Parmley/Cox 131009149

FYI,

I had emailed Tami a question to clarify the specifics of Parmley's comment. Apparently there weren't anymore specifics than that!

Mark

>>> Tami Edwards 07/01/2013 9:56 AM >>>
Hello,

He implied that was the case, "My roommate is involved in a high profile case." was a quote. But he wanted to speak with a detective or supervisor before he would elaborate.

Tami

>>> Mark Thompson 7/1/2013 9:11 AM >>>
P.S.

Sorry - I'm a little slow on the coffee intake today. I just connected the fact that "I/M Cox" is Brian Cox, who is Craig's Murder Solicitation defendant. So Craig stays in the loop.

Further, just to clarify: the description of the offer is written in a passive tense. I'm assuming that Parmley is saying that Cox was the one who made the offer?

Thanks...Mark

>>> Tami Edwards 06/30/2013 2:27 PM >>>
Hello,

Attached is an informational report. I/M Parley alleges he was offered to be bailed out in exchange for harming another.

Tami

Joseph Jackson

From: Mark Thompson
Sent: Friday, July 5, 2013 3:30 PM
To: Tracy Sims
Subject: Re: Kenneth Parmley, #13-1-00972-6

She's in. I'll have her call you.

>>> Tracy Sims 07/05/2013 3:28 PM >>>

I still don't have the case on my end. Don't know if it's a glitch with DAMION or what. I'll ask Annette again. Is she in today?

>>> Mark Thompson 7/5/2013 3:00 PM >>>

Tracy,

Per our conversation, could you please let me know when an attorney is assigned to represent Mr. Parmley on the above-noted matter?

Thanks...Mark

Joseph Jackson

From: Mark Thompson
Sent: Monday, July 8, 2013 9:05 AM
To: Tracy Sims
Subject: Re: Kenneth Parmley

That's funny - I was just talking to Hack as your e-mail came in.

Thanks!

BTW - Mr. Vern called. He said that his girlfriend had given him the fake ID as a gift. Very thoughtful girlfriend. ;) I let him know that if DOL finds that he has a counterfeit license, the "real one" gets suspended for one year. He was fine with it being destroyed.

Happy Monday!

Mark

>>> Tracy Sims 07/08/2013 8:59 AM >>>

Good morning. I have assigned this case to Karl Hack.

Tracy

Joseph Jackson

From: Mark Thompson
Sent: Monday, July 29, 2013 5:06 PM
To: Karl Hack
Subject: Re: Ken Parmley

C-2 to 8/12. I'm not here next week.

BTW - I'm sending an e-mail to Craig Juris that if he has any interest in using Parmley, he can contact you. I have given him case parameters for my case (potential robbery 2 reduction) if he has such an interest.

I am also looking into CDP to see if it's even a possibility for a Robbery 2 dispo, as a Rob 2 would result in a 6 - 12 month sentence range. Robbery 2nd Degree is a "strike"/violent offense for which EHM is not authorized per RCW 9.94A.734(1)(a). I'm asking CDP (Lt. Val Peters) whether it is possible for person to do Phase I and II (only) of CDP and/or Phase III on continued work release.

Later!

Mark

>>> "Karl Hack" <attorneykarlhack@comcast.net> 07/29/2013 4:58 PM >>>
*** Mark -- Did we C-1 him to 8/5, or C-2 to 8/12?

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

Joseph Jackson

From: Mark Thompson
Sent: Monday, July 29, 2013 5:09 PM
To: Craig Juris
Subject: Fwd: Re: Confidential info Parmley/Cox 131009149 [Your def - Brian Cox]

Importance: High

Categories: BlackBerry Red

UPDATE:

Craig,

My case is set for trial the week of 8/26 and I just continued my PT until 8/12/13 because I'm on vacation the end of this week and next week (back the 12th).

My current offer on Parmley is not much: plead "as is" - Attempted Robbery 1, and recommend 27 months (low-end) of a 27-36 month sentence range. Despite the fact that my victim has impeachable priors, it's a strong case.

However, if you're needing Mr. Parmley's testimony against Brian Cox, you have my authority to offer plead to (a "full") Robbery 2 (not merely attempt) in exchange for his truthful testimony (which could be verified by polygraph, etc.) against Mr. Cox, which would include a full discussion of his proposed testimony. Please make it clear that Robbery 2 is still a strike offense. However his range would drop to 6 - 12 months. I'd be willing to give him 12 months CDP or 10 months work release; I'm unsure if he's CDP eligible. You'll by "cc'ed" an e-mail that I'm sending to CDP staff to inquire about this. Karl Hack is his attorney.

Please let me know what you decide. I'll be monitoring e-mails "casually" while gone.

FYI/thanks...Mark

>>> Mark Thompson 07/01/2013 10:00 AM >>>

FYI,

I had emailed Tami a question to clarify the specifics of Parmley's comment. Apparently there weren't anymore specifics than that!

Mark

>>> Tami Edwards 07/01/2013 9:56 AM >>>

Hello,

He implied that was the case, "My roommate is involved in a high profile case." was a quote. But he wanted to speak with a detective or supervisor before he would elaborate.

Tami

>>> Mark Thompson 7/1/2013 9:11 AM >>>

P.S.

Sorry - I'm a little slow on the coffee intake today. I just connected the fact that "I/M Cox" is Brian Cox, who is Craig's Murder Solicitation defendant. So Craig stays in the loop.

Further, just to clarify: the description of the offer is written in a passive tense. I'm assuming that Parmley is saying

that Cox was the one who made the offer?

Thanks...Mark

>>> Tami Edwards 06/30/2013 2:27 PM >>>

Hello,

Attached is an informational report. I/M Parley alleges he was offered to be bailed out in exchange for harming another.

Tami

Joseph Jackson

From: Mark Thompson
Sent: Monday, July 29, 2013 5:11 PM
To: Craig Juris
Subject: Re: Fwd: Re: Confidential info Parmley/Cox 131009149 [Your def - Brian Cox] (Out of Office)

Okay...it's July 29th.

>>> Craig Juris 07/29/2013 5:09 PM >>>
I will be out of the office until July 29.

Craig Juris
Deputy Prosecuting Attorney
Domestic Violence Team
Thurston County Prosecutor's Office
926 24th Way S.W., Ste. 100
Olympia, WA 98502
(360) 754-2989
jurisc@co.thurston.wa.us

>>> Mark Thompson 07/29/13 17:09 >>>

UPDATE:

Craig,

My case is set for trial the week of 8/26 and I just continued my PT until 8/12/13 because I'm on vacation the end of this week and next week (back the 12th).

My current offer on Parmley is not much: plead "as is" - Attempted Robbery 1, and recommend 27 months (low-end) of a 27-36 month sentence range. Despite the fact that my victim has impeachable priors, it's a strong case.

However, if you're needing Mr. Parmley's testimony against Brian Cox, you have my authority to offer plead to (a "full") Robbery 2 (not merely attempt) in exchange for his truthful testimony (which could be verified by polygraph, etc.) against Mr. Cox, which would include a full discussion of his proposed testimony. Please make it clear that Robbery 2 is still a strike offense. However his range would drop to 6 - 12 months. I'd be willing to give him 12 months CDP or 10 months work release; I'm unsure if he's CDP eligible. You'll be "cc'ed" an e-mail that I'm sending to CDP staff to inquire about this. Karl Hack is his attorney.

Please let me know what you decide. I'll be monitoring e-mails "casually" while gone.

FYI/thanks...Mark

>>> Mark Thompson 07/01/2013 10:00 AM >>>
FYI,

I had emailed Tami a question to clarify the specifics of Parmley's comment. Apparently there weren't anymore specifics than that!

Mark

>>> Tami Edwards 07/01/2013 9:56 AM >>>
Hello,

He implied that was the case, "My roommate is involved in a high profile case." was a quote. But he wanted to speak with a detective or supervisor before he would elaborate.

Tami

>>> Mark Thompson 7/1/2013 9:11 AM >>>

P.S.

Sorry - I'm a little slow on the coffee intake today. I just connected the fact that "I/M Cox" is Brian Cox, who is Craig's Murder Solicitation defendant. So Craig stays in the loop.

Further, just to clarify: the description of the offer is written in a passive tense. I'm assuming that Parmley is saying that Cox was the one who made the offer?

Thanks...Mark

>>> Tami Edwards 06/30/2013 2:27 PM >>>

Hello,

Attached is an informational report. I/M Parley alleges he was offered to be bailed out in exchange for harming another.

Tami

Mark Thompson - CDP question

From: Mark Thompson
To: Becker, Teresa; Peters, Valerie
Date: 07/29/2013 5:11 PM
Subject: CDP question
CC: Hack, Karl; Juris, Craig
Attachments: Mark Thompson.vcf

Greetings!

I have an individual currently charged with Attempted Robbery 1 whom I am considering a reduction to Robbery 2nd Degree. Robbery 2nd Degree is a "strike"/violent offense for which EHM is not authorized per RCW 9.94A.734(1)(a).

This person says that he's never received drug treatment and this case is drug related. I'm not going to reduce the case further and it's obviously ineligible for Drug Court. However, the sentence range for Robbery 2 for this guy would be 6 - 12 months and he's asking for CDP. Is it possible for person to do Phase I and II (only) of CDP and/or Phase III on continued work release?

When the attorney asked me about CDP, I knew that the Robbery 2 made him ineligible for EHM, but I did not know if that "per se" made him ineligible for CDP. I actually would consider recommending him for CDP if we can get around the EHM prohibition.

Could you please let me know what - if anything - can be done here?

Thanks...Mark

P.S. Please note that I've "cc'ed" this to Craig Juris and Karl Hack, each of whom has a "passing interest" in the answer to this question as well.

Mark Thompson
Senior Deputy Prosecuting Attorney
Adult General Felony Section
Thurston County Prosecutor's Office
2000 Lakeridge Drive SW
Olympia, WA 98502
Phone: (360) 786-5540, ext. 6296
Fax: (360) 754-3358

thompson@co.thurston.wa.us

Office website: <http://www.co.thurston.wa.us/pao/index.htm>

IMPORTANT: e-mails to this office or to law enforcement presumptively and normally contain confidential and privileged material for the sole use of the intended recipient. E-mails to and from non-clients may be confidential and/or privileged. The use, distribution, transmittal or re-transmittal by an unintended recipient of any communication is prohibited without our express approval in writing or by e-mail. Any use, distribution, transmittal or re-transmittal by persons who are not intended recipients of this email may be a violation of law and is strictly prohibited. If you are not the intended recipient please contact the sender by e-mail and please delete all copies of any unintended e-mails without copying or disclosing the contents. Thank you

Joseph Jackson

From: Mark Thompson
Sent: Tuesday, July 30, 2013 10:05 AM
To: Craig Juris
Subject: Re: Confidential info Parmley/Cox 131009149 [Your def - Brian Cox]

Sounds good, Craig. I'm taking today off but will be back in tomorrow.

Sent from my Verizon Wireless 4G LTE DROID

Craig Juris <jurisc@co.thurston.wa.us> wrote:

>>> "Craig Juris" 2013-07-30T09:57:09.803263 >>>

Mark,

I have been emailing with Detective Kolb and with Karl. Parmley is willing to be interviewed about Cox with nothing in return. We had talked about a more in depth investigation but that is being put on hold. Karl said he would be appreciative of any consideration you give him but made very clear in my email that he is not expecting any. I am sending Jen in to interview him as soon as she has a chance.

Craig Juris
Deputy Prosecuting Attorney
Domestic Violence Team
Thurston County Prosecutor's Office
926 24th Way S.W., Ste. 100
Olympia, WA 98502
(360) 754-2989
jurisc@co.thurston.wa.us

>>> Mark Thompson 7/29/2013 5:09 PM >>>

UPDATE:

Craig,

My case is set for trial the week of 8/26 and I just continued my PT until 8/12/13 because I'm on vacation the end of this week and next week (back the 12th).

My current offer on Parmley is not much: plead "as is" - Attempted Robbery 1, and recommend 27 months (low-end) of a 27-36 month sentence range. Despite the fact that my victim has impeachable priors, it's a strong case.

However, if you're needing Mr. Parmley's testimony against Brian Cox, you have my authority to offer plead to (a "full") Robbery 2 (not merely attempt) in exchange for his truthful testimony (which could be verified by polygraph, etc.) against Mr. Cox, which would include a full discussion of his proposed testimony. Please make it clear that Robbery 2 is still a strike offense. However his range would drop to 6 - 12 months. I'd be willing to give him 12 months CDP or 10 months work release; I'm unsure if he's CDP eligible. You'll by "cc'ed" an e-mail that I'm sending to CDP staff to inquire about this. Karl Hack is his attorney.

Please let me know what you decide. I'll be monitoring e-mails "casually" while gone.

FYI/thanks...Mark

>>> Mark Thompson 07/01/2013 10:00 AM >>>
FYI,

I had emailed Tami a question to clarify the specifics of Parmley's comment. Apparently there weren't anymore specifics than that!

Mark

>>> Tami Edwards 07/01/2013 9:56 AM >>>
Hello,

He implied that was the case, "My roommate is involved in a high profile case." was a quote. But he wanted to speak with a detective or supervisor before he would elaborate.

Tami

>>> Mark Thompson 7/1/2013 9:11 AM >>>
P.S.

Sorry - I'm a little slow on the coffee intake today. I just connected the fact that "I/M Cox" is Brian Cox, who is Craig's Murder Solicitation defendant. So Craig stays in the loop.

Further, just to clarify: the description of the offer is written in a passive tense. I'm assuming that Parmley is saying that Cox was the one who made the offer?

Thanks...Mark

>>> Tami Edwards 06/30/2013 2:27 PM >>>
Hello,

Attached is an informational report. I/M Parley alleges he was offered to be bailed out in exchange for harming another.

Tami

Joseph Jackson

From: Mark Thompson
Sent: Wednesday, July 31, 2013 9:06 AM
To: Craig Juris
Subject: Fwd: Re: Confidential info Parmley/Cox 131009149 [Your def - Brian Cox]

Hi Craig,

You obviously saw me this a.m. so you know I'm in. Karl's e-mail seemed a little surprising, and you'll need to clarify this further. I was exploring the noted reduction to Robbery 2 with Karl after PTs on Monday and I'm have to believe that Karl let him know. Obviously, he had thrown out the inquiry that he wanted to speak with detectives or a prosecutor about Cox per the initial e-mail from the jail, and it was our decision to hold off interviewing him because he had been assigned counsel.

Drop me a line today to discuss this case further. I'm holding onto a small hope that I might take tomorrow (Thursday) and Friday off (still up in the air) and then next week (already planned and "firm").

Ext. 6296 (or you know where to find me!).

Mark

>>> Craig Juris 07/30/2013 8:04 AM >>>

Mark,

Thanks for the info. I just sent an email to Jen Kolb asking her what she thinks of using Parmley for info. As soon as I talk to her I will let you know where we stand. Also, I see an email from Hack indicating that Parmley would be willing to help with no consideration. Somehow I don't believe that but you have a better sense of this guy than I do. What is your thought? No use selling the farm if we don't need to.

Thanks.

Craig Juris
Deputy Prosecuting Attorney
Domestic Violence Team
Thurston County Prosecutor's Office
926 24th Way S.W., Ste. 100
Olympia, WA 98502
(360) 754-2989

jurisc@co.thurston.wa.us

>>> Mark Thompson 7/29/2013 5:09 PM >>>

UPDATE:

Craig,

My case is set for trial the week of 8/26 and I just continued my PT until 8/12/13 because I'm on vacation the end of this week and next week (back the 12th).

My current offer on Parmley is not much: plead "as is" - Attempted Robbery 1, and recommend 27 months (low-end) of a 27-36 month sentence range. Despite the fact that my victim has impeachable priors, it's a strong case.

However, if you're needing Mr. Parmley's testimony against Brian Cox, you have my authority to offer plead to (a "full") Robbery 2 (not merely attempt) in exchange for his truthful testimony (which could be verified by polygraph, etc.) against Mr. Cox, which would include a full discussion of his proposed testimony. Please make it clear that Robbery 2 is still a strike offense. However his range would drop to 6 - 12 months. I'd be willing to give him 12 months CDP or 10

months work release; I'm unsure if he's CDP eligible. You'll be "cc'ed" an e-mail that I'm sending to CDP staff to inquire about this. Karl Hack is his attorney.

Please let me know what you decide. I'll be monitoring e-mails "casually" while gone.

FYI/thanks...Mark

>>> Mark Thompson 07/01/2013 10:00 AM >>>
FYI,

I had emailed Tami a question to clarify the specifics of Parmley's comment. Apparently there weren't anymore specifics than that!

Mark

>>> Tami Edwards 07/01/2013 9:56 AM >>>
Hello,

He implied that was the case, "My roommate is involved in a high profile case." was a quote. But he wanted to speak with a detective or supervisor before he would elaborate.

Tami

>>> Mark Thompson 7/1/2013 9:11 AM >>>
P.S.

Sorry - I'm a little slow on the coffee intake today. I just connected the fact that "I/M Cox" is Brian Cox, who is Craig's Murder Solicitation defendant. So Craig stays in the loop.

Further, just to clarify: the description of the offer is written in a passive tense. I'm assuming that Parmley is saying that Cox was the one who made the offer?

Thanks...Mark

>>> Tami Edwards 06/30/2013 2:27 PM >>>
Hello,

Attached is an informational report. I/M Parley alleges he was offered to be bailed out in exchange for harming another.

Tami

Joseph Jackson

From: Mark Thompson
Sent: Tuesday, August 13, 2013 12:34 PM
To: Karl Hack
Cc: Craig Juris
Subject: Kenneth Parmley, #13-1-00972-6

Karl,

I'm sending you this e-mail "as promised" following yesterday's Pretrial, and "cc'ing" it to Craig so that he is aware of our discussion.

First, we continued yesterday's PT one week to 8/19/13. Because our trial is set for the following week (8/26/13), you agreed that you would join me in a motion to continue the trial at least a few weeks (or longer) while we attempt to decide the "next step" in this case given that nothing had really happened during the past two weeks due to your vacation (week of 7/29) and my vacation (week of 8/5), including whether DPA Craig Juris would likely use your client's testimony in his case against Brian Cox.

Secondly, I'll indicate that I am willing to give your client the "Robbery 2" based upon his lack of violent history and his request for drug treatment through CDP. But I want to get that entered sooner-than-later, in order to get him onto the waiting list for CDP ASAP so that he can have time to fully participate in at least Phases I and II. The plea to Robbery 2 would have to be via "in re Barr" as this was not a completed robbery and, therefore, the PC facts do not establish Robbery 2.

Finally, with respect to your client's involvement as a possible witness in DPA Craig Juris' attempted murder case involving Brian Cox, you have represented to me that your client has already given a statement to law enforcement about conversations he had with Mr. Cox while Cox's cellmate, which involved Mr. Cox soliciting your client to possibly "tamper" (at the very least) with a witness in the Cox case. Your client provided his statement to Detective Kolb about this situation prior to any representations or promises by me about what I was going to do specifically with my case against him (Mr. Parmley). However, I believe that prior to Mr. Parmley's statement to Detective Kolb in the Cox case, I had at least sent a "cc" to you of e-mail inquiries I made to Lt. Peters about the jail's CDP program, which would only be possible if I were later agreeing to reduce the current Attempted Robbery 1 charge to Robbery 2. I'm uncertain whether you had shared my e-mails with your client prior to his statement to Det. Kolb. In any event, you have indicated that your client is willing to truthfully testify against Mr. Cox should he be needed by Craig, and that such truthful testimony would be consistent with his statement to Det. Kolb and be provided without me needing to condition my case's outcome on your client's testimony. I am tentatively indicating to you that my offer of Robbery 2 will not be conditioned on your client's cooperation as a witness in the Cox case, **but I want to first ask Craig if he is "okay" with this?** If he is, it appears that we can immediately look into wrapping Mr. Parmley's case up. However, despite the information and "timing" noted above, I still believe that Craig would have to disclose to Cox's counsel at least the "arguable" influence of my case on Mr. Parmley's offered information against Mr. Cox. Therefore, I have spent time detailing the above so that Craig has this information to forward to Cox's counsel after you have either confirmed or clarified the information outlined above.

I'll send you specifics for the amended offer in a little bit.

Please confirm or clarify the information outline in this e-mail.

Thanks...Mark

Joseph Jackson

From: Mark Thompson
Sent: Tuesday, August 13, 2013 2:44 PM
To: Karl Hack
Cc: Craig Juris
Subject: Re: Kenneth Parmley, #13-1-00972-6; State's amended offer

Karl,

My offer, dated July 29, 2013, is amended as follows:

- Plead guilty to an amended charge of Robbery 2nd Degree. This plea should be via in re Barr, as the original charge does not involve a completed Robbery 1.
- The State's original recommendation is amended only insofar as noted below:
 - 12 months jail - may be served in Jail's Chemical Dependency Program (CDP) if eligible and to extent eligible.
 - As previously discussed via e-mails with Lt. Val Peters of the jail, "Phase III" normally involves EHM. However, RCW 9.94A.734(1)(a) prohibits EHM for a "violent" offense. The jail will still take a Robbery 2 non-prison sentence and if the person reaches Phase III, they'll likely just remain on work release if otherwise eligible.
 - 12 months of community custody (due to non-prison sentence, which reduces the community custody from 18 months if a prison-sentence is involved).
 - No contact with the victim for 5 years.
 - (New) Forfeit interest in seized "weapon".

Otherwise, all other recommendations contained in my July 29, 2013 offer remain the same.

I have confirmed with DPA Craig Juris that he is fine with us proceeding with a COPAS immediately. To hopefully obtain a COPAS next week, **please let me know ASAP if I can seek to enter a PTPO with your e-mail approval for next week.** Please just indicate what dates you are available. Again, I am trying to avoid next Friday if possible.

FYI/thanks...Mark

Joseph Jackson

From: Mark Thompson
Sent: Tuesday, August 13, 2013 2:47 PM
To: Stanley Phillips
Subject: Fwd: Re: Kenneth Parmley, #13-1-00972-6; State's amended offer

Just sent this to Hack.

I'll also forward to you another e-mail sent earlier about this case, just to give you more infor.

FYI...MT

>>> Mark Thompson 08/13/2013 2:43 PM >>>
Karl,

My offer, dated July 29, 2013, is amended as follows:

- Plead guilty to an amended charge of Robbery 2nd Degree. This plea should be via in re Barr, as the original charge does not involve a completed Robbery 1.
- The State's original recommendation is amended only insofar as noted below:
 - 12 months jail - may be served in Jail's Chemical Dependency Program (CDP) if eligible and to extent eligible.
 - As previously discussed via e-mails with Lt. Val Peters of the jail, "Phase III" normally involves EHM. However, RCW 9.94A.734(1)(a) prohibits EHM for a "violent" offense. The jail will still take a Robbery 2 non-prison sentence and if the person reaches Phase III, they'll likely just remain on work release if otherwise eligible.
 - 12 months of community custody (due to non-prison sentence, which reduces the community custody from 18 months if a prison-sentence is involved).
 - No contact with the victim for 5 years.
 - (New) Forfeit interest in seized "weapon".

Otherwise, all other recommendations contained in my July 29, 2013 offer remain the same.

I have confirmed with DPA Craig Juris that he is fine with us proceeding with a COPAS immediately. To hopefully obtain a COPAS next week, **please let me know ASAP if I can seek to enter a PTPO with your e-mail approval for next week.** Please just indicate what dates you are available. Again, I am trying to avoid next Friday if possible.

FYI/thanks...Mark

Joseph Jackson

From: Mark Thompson
Sent: Tuesday, August 13, 2013 2:47 PM
To: Stanley Phillips
Subject: Fwd: Kenneth Parmley, #13-1-00972-6

Part II

>>> Mark Thompson 08/13/2013 12:33 PM >>>
Karl,

I'm sending you this e-mail "as promised" following yesterday's Pretrial, and "cc'ing" it to Craig so that he is aware of our discussion.

First, we continued yesterday's PT one week to 8/19/13. Because our trial is set for the following week (8/26/13), you agreed that you would join me in a motion to continue the trial at least a few weeks (or longer) while we attempt to decide the "next step" in this case given that nothing had really happened during the past two weeks due to your vacation (week of 7/29) and my vacation (week of 8/5), including whether DPA Craig Juris would likely use your client's testimony in his case against Brian Cox.

Secondly, I'll indicate that I am willing to give your client the "Robbery 2" based upon his lack of violent history and his request for drug treatment through CDP. But I want to get that entered sooner-than-later, in order to get him onto the waiting list for CDP ASAP so that he can have time to fully participate in at least Phases I and II. The plea to Robbery 2 would have to be via "in re Barr" as this was not a completed robbery and, therefore, the PC facts do not establish Robbery 2.

Finally, with respect to your client's involvement as a possible witness in DPA Craig Juris' attempted murder case involving Brian Cox, you have represented to me that your client has already given a statement to law enforcement about conversations he had with Mr. Cox while Cox's cellmate, which involved Mr. Cox soliciting your client to possibly "tamper" (at the very least) with a witness in the Cox case. Your client provided his statement to Detective Kolb about this situation prior to any representations or promises by me about what I was going to do specifically with my case against him (Mr. Parmley). However, I believe that prior to Mr. Parmley's statement to Detective Kolb in the Cox case, I had at least sent a "cc" to you of e-mail inquiries I made to Lt. Peters about the jail's CDP program, which would only be possible if I were later agreeing to reduce the current Attempted Robbery 1 charge to Robbery 2. I'm uncertain whether you had shared my e-mails with your client prior to his statement to Det. Kolb. In any event, you have indicated that your client is willing to truthfully testify against Mr. Cox should he be needed by Craig, and that such truthful testimony would be consistent with his statement to Det. Kolb and be provided without me needing to condition my case's outcome on your client's testimony. I am tentatively indicating to you that my offer of Robbery 2 will not be conditioned on your client's cooperation as a witness in the Cox case, **but I want to first ask Craig if he is "okay" with this?** If he is, it appears that we can immediately look into wrapping Mr. Parmley's case up. However, despite the information and "timing" noted above, I still believe that Craig would have to disclose to Cox's counsel at least the "arguable" influence of my case on Mr. Parmley's offered information against Mr. Cox. Therefore, I have spent time detailing the above so that Craig has this information to forward to Cox's counsel after you have either confirmed or clarified the information outlined above.

I'll send you specifics for the amended offer in a little bit.

Please confirm or clarify the information outline in this e-mail.

Thanks...Mark

Joseph Jackson

From: Mark Thompson
Sent: Tuesday, August 13, 2013 2:58 PM
To: Karl Hack
Subject: Kenneth Parmley - Part III

FYI,

Per your client's info. that he knew the victim (Greg Hokanson) from their "old drug days", I did run criminal history on the victim, which I am disclosing to you per this e-mail.

Mr. Hokanson did have three convictions for felony drugs in 2005 (Thurston Co. #05-1-00350-6).

Prior to that, he had a 2003 (Assault 4/DV) conviction.

There are a lot of non-felony driving offenses between 2003 and going back to 1995. Mostly NVOL, then DWLS 3 offenses (about a dozen during that time).

He has a 2001 conviction for Forgery out of Grays Harbor (01-1-00619-6); this would be an impeachable offense.

He has three convictions from 1998 for non-felony UIBC out of Aberdeen (Muni. Ct. #980053); this would also involve impeachable offenses.

Mr. Hokanson also has what I believe are felony drug convictions in 2002 (1 count), 2001 (1 count), and 1995 (1 count).

Again, I'm not too worried about the victim's impeachables, in light of other evidence in this case including your client, on video, trying to hide a BB gun after the alleged robbery attempt.

FYI...Mark

Joseph Jackson

From: Mark Thompson
Sent: Tuesday, August 13, 2013 6:26 PM
To: Karl Hack
Subject: RE: Kenneth Parmley - Part III

You have what I have. I actually have not seen the video nor have we received it.

I'll contact OPD tomorrow and see if they can "express it" up to me. I'll contact you when I receive it.

Mark

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/13/2013 5:40 PM >>>

*** I got your formal offer and I'll try to see him tomorrow (remember Wednesdays kinda suck in my world). You say there's a video of the incident -- I have not received that. Might I viddy it sometime soon?

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]
Sent: Tuesday, August 13, 2013 2:58 PM
To: Karl Hack
Subject: Kenneth Parmley - Part III

FYI,

Per your client's info. that he knew the victim (Greg Hokanson) from their "old drug days", I did run criminal history on the victim, which I am disclosing to you per this e-mail.

Mr. Hokanson did have three convictions for felony drugs in 2005 (Thurston Co. #05-1-00350-6).

Prior to that, he had a 2003 (Assault 4/DV) conviction.

There are a lot of non-felony driving offenses between 2003 and going back to 1995. Mostly NVOL, then DWLS 3 offenses (about a dozen during that time).

He has a 2001 conviction for Forgery out of Grays Harbor (01-1-00619-6); this would be an impeachable offense.

He has three convictions from 1998 for non-felony UIBC out of Aberdeen (Muni. Ct. #980053); this would also involve impeachable offenses.

Mr. Hokanson also has what I believe are felony drug convictions in 2002 (1 count), 2001 (1 count), and 1995 (1 count).

Again, I'm not too worried about the victim's impeachables, in light of other evidence in this case including your client, on video, trying to hide a BB gun after the alleged robbery attempt.

FYI...Mark

Joseph Jackson

From: Mark Thompson
Sent: Tuesday, August 13, 2013 6:40 PM
To: Kristy Jack
Subject: OPD #2013-4130 (suspect Kenneth Parmley)

Hi Kristy,

I have Mr. Parmley's attorney asking for the video which is noted in the report which apparently shows Parmley tossing the BB gun in an aisle in Lowes. I'm hoping that law enforcement obtained a copy of this video, as it would be a pretty significant oversight if it was not.

Please let me know if you have a video from Lowes and, if so, how I might get a copy ASAP?

Thanks!

Mark

Joseph Jackson

From: Mark Thompson
Sent: Wednesday, August 14, 2013 9:58 AM
To: Kristy Jack
Subject: RE: OPD #2013-4130 (suspect Kenneth Parmley)

Whew! Glad to hear that we have it. I'll look forward to getting the copy and showing it to defense counsel.

Thanks, Kristy!

Mark

>>> Kristy Jack <kjack@ci.olympia.wa.us> 08/14/2013 7:19 AM >>>

Good morning!

It does appear we have a copy of the video surveillance. I'll make a copy and have it brought up to you this morning.

If you need anything else, just let me know.

Kristy

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]
Sent: Tuesday, August 13, 2013 6:40 PM
To: Kristy Jack
Subject: OPD #2013-4130 (suspect Kenneth Parmley)

Hi Kristy,

I have Mr. Parmley's attorney asking for the video which is noted in the report which apparently shows Parmley tossing the BB gun in an aisle in Lowes. I'm hoping that law enforcement obtained a copy of this video, as it would be a pretty significant oversight if it was not.

Please let me know if you have a video from Lowes and, if so, how I might get a copy ASAP?

Thanks!

Mark

Joseph Jackson

From: Mark Thompson
Sent: Thursday, August 15, 2013 12:25 PM
To: Karl Hack
Cc: Debbie Thompson
Subject: Re: Kenneth Parmley

I just spoke with Lt. Deb Thompson about this. I've got good news, good news, and more good news.

First the good news: if a person is sentenced to CDP and is found to be eligible for the program, the jail will try to work with whatever courts might have holds on the person to get those holds dropped prior to the person getting into Phase II, where having a hold would interfere with work release.

Next, the other good news: I can certainly assist with this. If he pleads guilty here and is sentenced to CDP and is found eligible, we can request Jefferson County to do a transport order (but would help if Mr. Parmley send to Jefferson County a request to clear the detainer as well, post-sentence). As soon as he's out, we can put a "hold" back on him so that he'll be returned here. I would be willing to reach out to Jefferson County and explain the situation here and, perhaps, they'll agree that any sentence that is imposed on the Failure to Transfer Title be served here and concurrently with the Thurston County case sentence.

Finally, more good news: Per Lt. Thompson, once sentenced in our case, Mr. Parmley is going to be on a waiting list for CDP for a bit anyway. (Note: I'll send out to you in a moment a recent CDP waiting list e-mail update from Lt. Val Peters.) If Mr. Parmley goes to Jefferson County as I discussed above, he still keeps his place on the waiting list, assuming that he's back when his # comes due for entering the program.

Just let me know what he wants to do. (But note: I probably cannot get Jefferson County to commit to anything about their case, but I'd be willing to ask.)

FYI...Mark

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/15/2013 12:04 PM >>>

*** Mark -- You can probably find this out quicker than I can. Parmley says he's been told there's a \$5,000 warrant on him out of Jefferson Co. for the heinous crime of Failure to Transfer Title Within 45 Days, and that Jefferson Co. actually wants him sent up there after he's done in TCJ! If this is the case, then how will this affect him being able to do CDP? Frankly Parmley's more interested in just doing some jail time and then getting treatment on community custody if you're open to letting him do that. He's not rejecting the offer, but questioning whether he'd be allowed to do CDP on a Rob 2 with this warrant out.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

Joseph Jackson

From: Mark Thompson
Sent: Thursday, August 15, 2013 2:05 PM
To: Karl Hack
Subject: RE: Kenneth Parmley

CDP was my main motivation for deciding to drop the charge to Robbery 2. If he has no interest in that, then I have to withdraw the offer until I can come up with another satisfactory justification for the reduction. Not saying that I wouldn't come back with Robbery 2, but I'll want an *acceptable* reason to justify it.

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/15/2013 12:32 PM >>>

*** OK, thanks for the info! I'll go see him this p.m. You insisting on CDP then, as opposed to something like a lower sentence of straight jail time and CDP while on community custody?

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]
Sent: Thursday, August 15, 2013 12:25 PM
To: Karl Hack
Cc: Debbie Thompson
Subject: Re: Kenneth Parmley

I just spoke with Lt. Deb Thompson about this. I've got good news, good news, and more good news.

First the good news: if a person is sentenced to CDP and is found to be eligible for the program, the jail will try to work with whatever courts might have holds on the person to get those holds dropped prior to the person getting into Phase II, where having a hold would interfere with work release.

Next, the other good news: I can certainly assist with this. If he pleads guilty here and is sentenced to CDP and is found eligible, we can request Jefferson County to do a transport order (but would help if Mr. Parmley send to Jefferson County a request to clear the detainer as well, post-sentence). As soon as he's out, we can put a "hold" back on him so that he'll be returned here. I would be willing to reach out to Jefferson County and explain the situation here and, perhaps, they'll agree that any sentence that is imposed on the Failure to Transfer Title be served here and concurrently with the Thurston County case sentence.

Finally, more good news: Per Lt. Thompson, once sentenced in our case, Mr. Parmley is going to be on a waiting list for CDP for a bit anyway. (Note: I'll send out to you in a moment a recent CDP waiting list e-mail update from Lt. Val Peters.) If Mr. Parmley goes to Jefferson County as I discussed above, he still keeps his place on the waiting list, assuming that he's back when his # comes due for entering the program.

Just let me know what he wants to do. (But note: I probably cannot get Jefferson County to commit to anything about their case, but I'd be willing to ask.)

FYI...Mark

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/15/2013 12:04 PM >>>

*** Mark -- You can probably find this out quicker than I can. Parmley says he's been told there's a \$5,000 warrant on him out of Jefferson Co. for the heinous crime of Failure to Transfer Title Within 45 Days, and that Jefferson Co. actually wants him sent up there after he's done in TCJ! If this is the case, then how will this affect him being able to do CDP? Frankly Parmley's more interested in just doing some jail time and then getting treatment on community custody if you're open to letting him do that. He's not rejecting the offer, but questioning whether he'd be allowed to do CDP on a Rob 2 with this warrant out.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

Joseph Jackson

From: Mark Thompson
Sent: Thursday, August 15, 2013 2:30 PM
To: Karl Hack
Subject: RE: Kenneth Parmley

Hopefully both e-mails that I sent you earlier will give him some comfort to go forward with CDP. He definitely needs it.

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/15/2013 2:14 PM >>>

*** I think his motivations for wanting straight jail time are (1) it'd probably be less total jail time, b/c CDP doesn't award good time and I told him I've had at least one client wait almost three (3) months (!) (name is Anthony Lujan) before he got started on CDP, and (2) he's concerned he wouldn't be allowed to finish CDP with the Jefferson Co. warrant issue. However, he said your offer is a good one so if you're saying, "Take it or leave it" then I'm pretty sure he'll take it.

I'll go see him as soon as I hear back from you. TIA!

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]
Sent: Thursday, August 15, 2013 2:05 PM
To: Karl Hack
Subject: RE: Kenneth Parmley

CDP was my main motivation for deciding to drop the charge to Robbery 2. If he has no interest in that, then I have to withdraw the offer until I can come up with another satisfactory justification for the reduction. Not saying that I wouldn't come back with Robbery 2, but I'll want an *acceptable* reason to justify it.

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/15/2013 12:32 PM >>>

*** OK, thanks for the info! I'll go see him this p.m. You insisting on CDP then, as opposed to something like a lower sentence of straight jail time and CDP while on community custody?

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]

Sent: Thursday, August 15, 2013 12:25 PM
To: Karl Hack
Cc: Debbie Thompson
Subject: Re: Kenneth Parmley

I just spoke with Lt. Deb Thompson about this. I've got good news, good news, and more good news.

First the good news: if a person is sentenced to CDP and is found to be eligible for the program, the jail will try to work with whatever courts might have holds on the person to get those holds dropped prior to the person getting into Phase II, where having a hold would interfere with work release.

Next, the other good news: I can certainly assist with this. If he pleads guilty here and is sentenced to CDP and is found eligible, we can request Jefferson County to do a transport order (but would help if Mr. Parmley send to Jefferson County a request to clear the detainer as well, post-sentence). As soon as he's out, we can put a "hold" back on him so that he'll be returned here. I would be willing to reach out to Jefferson County and explain the situation here and, perhaps, they'll agree that any sentence that is imposed on the Failure to Transfer Title be served here and concurrently with the Thurston County case sentence.

Finally, more good news: Per Lt. Thompson, once sentenced in our case, Mr. Parmley is going to be on a waiting list for CDP for a bit anyway. (Note: I'll send out to you in a moment a recent CDP waiting list e-mail update from Lt. Val Peters.) If Mr. Parmley goes to Jefferson County as I discussed above, he still keeps his place on the waiting list, assuming that he's back when his # comes due for entering the program.

Just let me know what he wants to do. (But note: I probably cannot get Jefferson County to commit to anything about their case, but I'd be willing to ask.)

FYI...Mark

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/15/2013 12:04 PM >>>

*** Mark -- You can probably find this out quicker than I can. Parmley says he's been told there's a \$5,000 warrant on him out of Jefferson Co. for the heinous crime of Failure to Transfer Title Within 45 Days, and that Jefferson Co. actually wants him sent up there after he's done in TCJ! If this is the case, then how will this affect him being able to do CDP? Frankly Parmley's more interested in just doing some jail time and then getting treatment on community custody if you're open to letting him do that. He's not rejecting the offer, but questioning whether he'd be allowed to do CDP on a Rob 2 with this warrant out.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

Joseph Jackson

From: Mark Thompson
Sent: Thursday, August 15, 2013 5:51 PM
To: Karl Hack
Cc: Craig Juris
Subject: Re: Kenneth Parmley

That's not quite what the jail has down for this incident. The letter (or kite?) that he was trying to send out was unreadable. The corrections officer asked him if the envelope was intended for his attorney (because then they would know to whom to address the envelope and also they would not read the contents)? He said "no." They then asked to whom he intended to address the envelope, and he said "Detective Kolb" himself. He had control over the situation. He could have asked to look at the envelope and asked to be allowed to rewrite it himself; or he could have told the CO (nicely) to look inside the envelope to figure it out from that (as they would likely inspect the contents anyway). Instead he blurred "Detective Kolb" out himself. He was the one who requested that he be segregated and be placed on PC. So he had control over this situation and seems to have created/orchestrated the entire situation.

I'll consider my offer rejected. We still need to continue his trial on Monday (*let's just plan on doing this at the start of Monday's docket, get it done and not risk running out of time*). Please find out in advance if we're moving the trial within the 30-day cure period over objection, or "farther out" by agreement. I'm suspecting that he's played me, making me believe that he's a stand-up guy ready to testify against an attempted murderer, self-recognizing the need for substance treatment, and then trying to create obstacles for doing what we thought he was willing to do but trying to keep the same reduction deal. That's the way I'm thinking about this case now and I'll leave it to you to convince me otherwise.

I'm "cc'ing" this to Craig because everything here is sounding a bit manipulative. [Craig - there are other e-mails besides just this one. Parmley is charged with an attempted Robbery 1 with a **27 - 36 months** sentence range. I was ready to allow him a Robbery 2 ("completed" - would have to be *in re Barr*) after, as I reference above, Parmley was indicating he'd only had treatment once before, that it was not much, and that he really needed treatment. And, besides, he was willing to be your witness "no strings attached". By dropping the charge to a completed Robbery 2, it dramatically drops the sentence range to only 6-12 months. But I was willing to allow him into CDP with a 10 month recommendation and made some calls to the jail to make sure they'd take a Robbery 2 into CDP and notwithstanding that EHM is not allowed for violent offenses, meaning CDP's Phase III's EHM was not going to happen. And CDP said "yes". Then Parmley is trying to avoid CDP due to a Jefferson Co. misdemeanor BW - which I've indicated can be easily addressed; then he came back with "how about just 9 months straight time?" I think I'm dealing with a smart con and I figured I'd better give you a head's up about this.]

Mark

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/15/2013 4:32 PM >>>

*** Mark -- I totally spaced asking what would happen with his Protective Custody status in jail if he does CDP? They put him on PC after one of the jail guards messed up and asked him over his pod intercom, "Hey Parmley, who is Detective Kolb" when Parmley sent out a kite to Det. Kolb (I don't even know if she got that kite either). He's not crazy about staying on PC status and has asked to be allowed to do kitchen work even if it might involve having to fight people off, but the jail insists on keeping him in PC. If you're wanting anything in jail longer than 9 months he says he's prefer to just go up to DOC.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

Joseph Jackson

From: Mark Thompson
Sent: Friday, August 16, 2013 10:51 AM
To: Karl Hack
Subject: RE: Kenneth Parmley

Sorry, I meant 12. Was doing too many things yesterday and still am. In any event, the offer's revoked. Let's reset the trial, either within 30 days or longer.

Mark

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/16/2013 9:49 AM >>>

*** Mark -- Your e-offer of 8/13 at 2:44 p.m. said 12 months on CDP, not 10 months. I tried to see you about this case yesterday afternoon just after 4:00 p.m. but you were on the phone with somebody and I couldn't hang around. If you meant "10 month recommendation" below on CDP then that's only one month more than his suggestion.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]
Sent: Thursday, August 15, 2013 5:51 PM
To: Karl Hack
Cc: Craig Juris
Subject: Re: Kenneth Parmley

That's not quite what the jail has down for this incident. The letter (or kite?) that he was trying to send out was unreadable. The corrections officer asked him if the envelope was intended for his attorney (because then they would know to whom to address the envelope and also they would not read the contents)? He said "no." They then asked to whom he intended to address the envelope, and he said "Detective Kolb" himself. He had control over the situation. He could have asked to look at the envelope and asked to be allowed to rewrite it himself; or he could have told the CO (nicely) to look inside the envelope to figure it out from that (as they would likely inspect the contents anyway). Instead he blurted "Detective Kolb" out himself. He was the one who requested that he be segregated and be placed on PC. So he had control over this situation and seems to have created/orchestrated the entire situation.

I'll consider my offer rejected. We still need to continue his trial on Monday (***let's just plan on doing this at the start of Monday's docket, get it done and not risk running out of time***). Please find out in advance if we're moving the trial within the 30-day cure period over objection, or "farther out" by agreement. I'm suspecting that he's played me, making me believe that he's a stand-up guy ready to testify against an attempted murderer, self-recognizing the need for substance treatment, and then trying to create obstacles for doing what we thought he was willing to do but trying to keep the same reduction deal. That's the way I'm thinking about this case now and I'll leave it to you to convince me otherwise.

I'm "cc'ing" this to Craig because everything here is sounding a bit manipulative. [Craig - there are other e-mails besides just this one. Parmley is charged with an attempted Robbery 1 with a **27 - 36 months** sentence range. I was ready to allow him a Robbery 2 ("completed" - would have to be *in re Barr*) after, as I reference above, Parmley was indicating he'd only had treatment once before, that it was not much, and that he really needed treatment. And, besides, he was willing to be your witness "no strings attached". By dropping the charge to a completed Robbery 2, it dramatically drops the sentence range to only 6-12 months. But I was willing to allow him into CDP with a 10 month

recommendation and made some calls to the jail to make sure they'd take a Robbery 2 into CDP and notwithstanding that EHM is not allowed for violent offenses, meaning CDP's Phase III's EHM was not going to happen. And CDP said "yes". Then Parmley is trying to avoid CDP due to a Jefferson Co. misdemeanor BW - which I've indicated can be easily addressed; then he came back with "how about just 9 months straight time?" I think I'm dealing with a smart con and I figured I'd better give you a head's up about this.]

Mark

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/15/2013 4:32 PM >>>

*** Mark -- I totally spaced asking what would happen with his Protective Custody status in jail if he does CDP? They put him on PC after one of the jail guards messed up and asked him over his pod intercom, "Hey Parmley, who is Detective Kolb" when Parmley sent out a kite to Det. Kolb (I don't even know if she got that kite either). He's not crazy about staying on PC status and has asked to be allowed to do kitchen work even if it might involve having to fight people off, but the jail insists on keeping him in PC. If you're wanting anything in jail longer than 9 months he says he's prefer to just go up to DOC.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

Joseph Jackson

From: Mark Thompson
Sent: Friday, August 16, 2013 3:35 PM
To: Val Peters;Karl Hack
Cc: Debbie Thompson
Subject: Re: Kenneth Parmley

Let's keep him in through Monday's pretrial hearing - we need him here to address his trial set the following week. I'll discuss your suggestion with Karl at the pretrial and we'll get back to you about that afterwards.

Thanks...Mark

>>> Valerie Peters 08/16/2013 2:49 PM >>>

Just an FYI, Mr. Parmley is currently on protective custody and has created some issues for himself in the unit he is housed in. It might be helpful for him to go to another jurisdiction for a bit to allow things to cool down.

Lt Valerie Peters
Thurston County Re-Entry Services
2000 Lakeridge Dr SW
Olympia, WA 98502
(360) 786-5510 ext. 6553
Petersv@co.thurston.wa.us

"Though no one can go back and make a brand-new start, anyone can start now and make a brand new ending."
Richard Bach

>>> Mark Thompson 8/15/2013 12:24 PM >>>

I just spoke with Lt. Deb Thompson about this. I've got good news, good news, and more good news.

First the good news: if a person is sentenced to CDP and is found to be eligible for the program, the jail will try to work with whatever courts might have holds on the person to get those holds dropped prior to the person getting into Phase II, where having a hold would interfere with work release.

Next, the other good news: I can certainly assist with this. If he pleads guilty here and is sentenced to CDP and is found eligible, we can request Jefferson County to do a transport order (but would help if Mr. Parmley send to Jefferson County a request to clear the detainer as well, post-sentence). As soon as he's out, we can put a "hold" back on him so that he'll be returned here. I would be willing to reach out to Jefferson County and explain the situation here and, perhaps, they'll agree that any sentence that is imposed on the Failure to Transfer Title be served here and concurrently with the Thurston County case sentence.

Finally, more good news: Per Lt. Thompson, once sentenced in our case, Mr. Parmley is going to be on a waiting list for CDP for a bit anyway. (Note: I'll send out to you in a moment a recent CDP waiting list e-mail update from Lt. Val Peters.) If Mr. Parmley goes to Jefferson County as I discussed above, he still keeps his place on the waiting list, assuming that he's back when his # comes due for entering the program.

Just let me know what he wants to do. (But note: I probably cannot get Jefferson County to commit to anything about their case, but I'd be willing to ask.)

FYI...Mark

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/15/2013 12:04 PM >>>

*** Mark -- You can probably find this out quicker than I can. Parmley says he's been told there's a \$5,000 warrant on him out of Jefferson Co. for the heinous crime of Failure

to Transfer Title Within 45 Days, and that Jefferson Co. actually wants him sent up there after he's done in TCJ! If this is the case, then how will this affect him being able to do CDP? Frankly Parmley's more interested in just doing some jail time and then getting treatment on community custody if you're open to letting him do that. He's not rejecting the offer, but questioning whether he'd be allowed to do CDP on a Rob 2 with this warrant out.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

Joseph Jackson

From: Mark Thompson
Sent: Friday, August 16, 2013 9:24 PM
To: Karl Hack
Cc: Craig Juris
Subject: RE: Kenneth Parmley

If he wants to take the CDP, I'll give it to him. We'll still need to continue the trial Monday simply because we're so close to it. I'll talk to Lt. Thompson about what we can do after the plea and sentencing and while he's on the waiting list. They'll need him to assess him; then they can probably send him to Jefferson County to clear the warrant, and then have him housed in Lewis County (as they do already due to overcrowding) until he enters CDP. Maybe that time will let things cool down.

But I'll also continue to wait for something that derails the plea and/or derails CDP. I'll just hope that he takes advantage of this opportunity.

I'll see you on Monday.

Mark

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/16/2013 4:57 PM >>>

*** We can set him for trial if you want, but in case you get bunched up on other trials . . . he'll take the 12 months on CDP however you want to work it. He did reiterate today that the jail won't let him out of PC even though he's requested it -- can the jail even confirm that?

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]
Sent: Friday, August 16, 2013 3:35 PM
To: Valerie Peters; Karl Hack
Cc: Debbie Thompson
Subject: Re: Kenneth Parmley

Let's keep him in through Monday's pretrial hearing - we need him here to address his trial set the following week. I'll discuss your suggestion with Karl at the pretrial and we'll get back to you about that afterwards.

Thanks...Mark

>>> Valerie Peters 08/16/2013 2:49 PM >>>

Just an FYI, Mr. Parmley is currently on protective custody and has created some issues for himself in the unit he is housed in. It might be helpful for him to go to another jurisdiction for a bit to allow things to cool down.

Lt Valerie Peters
Thurston County Re-Entry Services

2000 Lakeridge Dr SW
Olympia, WA 98502
(360) 786-5510 ext. 6553
Petersv@co.thurston.wa.us

"Though no one can go back and make a brand-new start, anyone can start now and make a brand new ending."
Richard Bach

>>> Mark Thompson 8/15/2013 12:24 PM >>>

I just spoke with Lt. Deb Thompson about this. I've got good news, good news, and more good news.

First the good news: if a person is sentenced to CDP and is found to be eligible for the program, the jail will try to work with whatever courts might have holds on the person to get those holds dropped prior to the person getting into Phase II, where having a hold would interfere with work release.

Next, the other good news: I can certainly assist with this. If he pleads guilty here and is sentenced to CDP and is found eligible, we can request Jefferson County to do a transport order (but would help if Mr. Parmley send to Jefferson County a request to clear the detainer as well, post-sentence). As soon as he's out, we can put a "hold" back on him so that he'll be returned here. I would be willing to reach out to Jefferson County and explain the situation here and, perhaps, they'll agree that any sentence that is imposed on the Failure to Transfer Title be served here and concurrently with the Thurston County case sentence.

Finally, more good news: Per Lt. Thompson, once sentenced in our case, Mr. Parmley is going to be on a waiting list for CDP for a bit anyway. (Note: I'll send out to you in a moment a recent CDP waiting list e-mail update from Lt. Val Peters.) If Mr. Parmley goes to Jefferson County as I discussed above, he still keeps his place on the waiting list, assuming that he's back when his # comes due for entering the program.

Just let me know what he wants to do. (But note: I probably cannot get Jefferson County to commit to anything about their case, but I'd be willing to ask.)

FYI...Mark

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/15/2013 12:04 PM >>>

*** Mark -- You can probably find this out quicker than I can. Parmley says he's been told there's a \$5,000 warrant on him out of Jefferson Co. for the heinous crime of Failure to Transfer Title Within 45 Days, and that Jefferson Co. actually wants him sent up there after he's done in TCJ! If this is the case, then how will this affect him being able to do CDP? Frankly Parmley's more interested in just doing some jail time and then getting treatment on community custody if you're open to letting him do that. He's not rejecting the offer, but questioning whether he'd be allowed to do CDP on a Rob 2 with this warrant out.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

Joseph Jackson

From: Mark Thompson
Sent: Thursday, August 22, 2013 5:42 PM
To: Val Peters;Debbie Thompson
Cc: Craig Juris
Subject: Re: Kenneth Parmley

Hi Deb and Val,

This is the guy about whom I had discussed with Deb about his eligibility for CDP for a Robbery 2 conviction. As I noted, Robbery 2 is a violent offense and is not allowed to have EHM as part of the sentence. Deb had indicated that if he was otherwise eligible, he could do Phase 3 on work release if his sentence still had time left on it.

Then he got put on PC. I have a written summary of what happened, based upon my discussions with Val, where he seemed to have possibly created the situation.

Yesterday, he pled guilty to and was sentenced to 12 months jail for Robbery 2. At our request, he was ordered to be permitted CDP if eligible. At this point, I'd like to discuss options (meaning, various alternative ways) for where we go from here. Some possibilities based upon past discussions with each of you about different matters include:

- He has a Jefferson County misdemeanor warrant. Deb had indicated that CDP will work with folks to try to clear up BWs. Possibly we can send him there to clear it, put a hold in place to get him back, and take care of this while he's on the CDP waiting list. It will also get him out of here in lieu of PC.
- As Val suggested, maybe we'll want to send him somewhere else to let things cool down, while he's on the CDP waiting list.
- Say "screw it", and just house him for 12 months (minus credit/good time) somewhere else.

I'm still hoping to get this guy into CDP, but I understand safety concerns. Also, if at anytime we're looking at sending him out, we'll possibly need him back to possibly testify as a witness in the Brian G. Cox case. The current trial date is 9/16/13; Craig Juris is the DPA and might have an update about if that trial is likely to go then.

Please drop me a line when convenient. I'll be at Steve Brook's funeral on Friday from 10 - mid p.m., however. Otherwise, I'm around.

Thanks...Mark (ext. 6296)

>>> Valerie Peters 08/16/2013 2:49 PM >>>

Just an FYI, Mr. Parmley is currently on protective custody and has created some issues for himself in the unit he is housed in. It might be helpful for him to go to another jurisdiction for a bit to allow things to cool down.

Lt Valerie Peters
Thurston County Re-Entry Services
2000 Lakeridge Dr SW
Olympia, WA 98502
(360) 786-5510 ext. 6553
Petersv@co.thurston.wa.us

"Though no one can go back and make a brand-new start, anyone can start now and make a brand new ending."

Richard Bach

>>> Mark Thompson 8/15/2013 12:24 PM >>>

I just spoke with Lt. Deb Thompson about this. I've got good news, good news, and more good news.

First the good news: if a person is sentenced to CDP and is found to be eligible for the program, the jail will try to work with whatever courts might have holds on the person to get those holds dropped prior to the person getting into Phase II, where having a hold would interfere with work release.

Next, the other good news: I can certainly assist with this. If he pleads guilty here and is sentenced to CDP and is found eligible, we can request Jefferson County to do a transport order (but would help if Mr. Parmley send to Jefferson County a request to clear the detainer as well, post-sentence). As soon as he's out, we can put a "hold" back on him so that he'll be returned here. I would be willing to reach out to Jefferson County and explain the situation here and, perhaps, they'll agree that any sentence that is imposed on the Failure to Transfer Title be served here and concurrently with the Thurston County case sentence.

Finally, more good news: Per Lt. Thompson, once sentenced in our case, Mr. Parmley is going to be on a waiting list for CDP for a bit anyway. (Note: I'll send out to you in a moment a recent CDP waiting list e-mail update from Lt. Val Peters.) If Mr. Parmley goes to Jefferson County as I discussed above, he still keeps his place on the waiting list, assuming that he's back when his # comes due for entering the program.

Just let me know what he wants to do. (But note: I probably cannot get Jefferson County to commit to anything about their case, but I'd be willing to ask.)

FYI...Mark

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/15/2013 12:04 PM >>>

*** Mark -- You can probably find this out quicker than I can. Parmley says he's been told there's a \$5,000 warrant on him out of Jefferson Co. for the heinous crime of Failure to Transfer Title Within 45 Days, and that Jefferson Co. actually wants him sent up there after he's done in TCJ! If this is the case, then how will this affect him being able to do CDP? Frankly Parmley's more interested in just doing some jail time and then getting treatment on community custody if you're open to letting him do that. He's not rejecting the offer, but questioning whether he'd be allowed to do CDP on a Rob 2 with this warrant out.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

APPENDIX 3

Joseph Jackson

From: "Karl Hack" <attorneykarlhack@comcast.net>
Sent: Tuesday, July 9, 2013 8:52 PM
To: Mark Thompson
Subject: Kenneth Parmley

*** Mark -- I think I know why you want to talk w/ me about this case. I'll try to snag you Wed.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

Joseph Jackson

From: "Karl Hack" <attorneykarlhack@comcast.net>
Sent: Monday, July 29, 2013 4:58 PM
To: Mark Thompson
Subject: Ken Parmley

*** Mark -- Did we C-1 him to 8/5, or C-2 to 8/12?

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

Joseph Jackson

From: "Karl Hack" <attorneykarlhack@comcast.net>
Sent: Monday, July 29, 2013 5:12 PM
To: Mark Thompson
Cc: Craig Juris
Subject: RE: Ken Parmley

*** Thanks much! Like I said, Parmley is offering to help Craig for zero consideration. The other dude is plain dangerous.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]
Sent: Monday, July 29, 2013 5:06 PM
To: Karl Hack
Subject: Re: Ken Parmley

C-2 to 8/12. I'm not here next week.

BTW - I'm sending an e-mail to Craig Juris that if he has any interest in using Parmley, he can contact you. I have given him case parameters for my case (potential robbery 2 reduction) if he has such an interest.

I am also looking into CDP to see if it's even a possibility for a Robbery 2 dispo, as a Rob 2 would result in a 6 - 12 month sentence range. Robbery 2nd Degree is a "strike"/violent offense for which EHM is not authorized per RCW 9.94A.734(1)(a). I'm asking CDP (Lt. Val Peters) whether it is possible for person to do Phase I and II (only) of CDP and/or Phase III on continued work release.

Later!

Mark

>>> "Karl Hack" <attorneykarlhack@comcast.net> 07/29/2013 4:58 PM >>>

*** Mark -- Did we C-1 him to 8/5, or C-2 to 8/12?

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

Joseph Jackson

From: "Karl Hack" <attorneykarlhack@comcast.net>
Sent: Tuesday, July 30, 2013 9:41 AM
To: Craig Juris
Cc: Mark Thompson
Subject: RE: Ken Parmley

*** If he gets consideration in Mark's case for his cooperation in yours then all the better, but he's not asking for any promises in Mark's case. He thinks your guy needs to be off the street. Go ahead and have Det. Kolb interview Mr. Parmley.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Craig Juris [mailto:jurisc@co.thurston.wa.us]
Sent: Tuesday, July 30, 2013 8:07 AM
To: Mark Thompson; Karl Hack
Subject: RE: Ken Parmley

Karl,
Are you saying that Mr. Parmley doesn't want a deal in connection to my case? If that is the situation then I will have Detective Kolb interview him ASAP. If I am reading your email incorrectly let me know and I will wait to have Kolb talk to him until you, me, and Mark get a plan in place. I just got back from vacation so I am playing catch up on all of this.

Thanks.

Craig Juris
Deputy Prosecuting Attorney
Domestic Violence Team
Thurston County Prosecutor's Office
926 24th Way S.W., Ste. 100
Olympia, WA 98502
(360) 754-2989
jurisc@co.thurston.wa.us

>>> "Karl Hack" <attorneykarlhack@comcast.net> 7/29/2013 5:11 PM >>>

*** Thanks much! Like I said, Parmley is offering to help Craig for zero consideration. The other dude is plain dangerous.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F

Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]
Sent: Monday, July 29, 2013 5:06 PM
To: Karl Hack
Subject: Re: Ken Parmley

C-2 to 8/12. I'm not here next week.

BTW - I'm sending an e-mail to Craig Juris that if he has any interest in using Parmley, he can contact you. I have given him case parameters for my case (potential robbery 2 reduction) if he has such an interest.

I am also looking into CDP to see if it's even a possibility for a Robbery 2 dispo, as a Rob 2 would result in a 6 - 12 month sentence range. Robbery 2nd Degree is a "strike"/violent offense for which EHM is not authorized per RCW 9.94A.734(1)(a). I'm asking CDP (Lt. Val Peters) whether it is possible for person to do Phase I and II (only) of CDP and/or Phase III on continued work release.

Later!

Mark

>>> "Karl Hack" <attorneykarlhack@comcast.net> 07/29/2013 4:58 PM >>>

*** Mark -- Did we C-1 him to 8/5, or C-2 to 8/12?

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

Joseph Jackson

From: "Karl Hack" <attorneykarlhack@comcast.net>
Sent: Tuesday, August 13, 2013 12:39 PM
To: Mark Thompson
Subject: RE: Kenneth Parmley, #13-1-00972-6

*** Hi Mark,

Funny -- I think your below e-mail crossed inside the server with my e-mail to you about leaving Det. Kolb a VM this morning. I've only told Parmley that you might let him take Robbery 2, but that you made no promises and that this possibility is not contingent on anything that Parmley may or may not do in the Cox case.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]
Sent: Tuesday, August 13, 2013 12:34 PM
To: Karl Hack
Cc: Craig Juris
Subject: Kenneth Parmley, #13-1-00972-6

Karl,

I'm sending you this e-mail "as promised" following yesterday's Pretrial, and "cc'ing" it to Craig so that he is aware of our discussion.

First, we continued yesterday's PT one week to 8/19/13. Because our trial is set for the following week (8/26/13), you agreed that you would join me in a motion to continue the trial at least a few weeks (or longer) while we attempt to decide the "next step" in this case given that nothing had really happened during the past two weeks due to your vacation (week of 7/29) and my vacation (week of 8/5), including whether DPA Craig Juris would likely use your client's testimony in his case against Brian Cox.

Secondly, I'll indicate that I am willing to give your client the "Robbery 2" based upon his lack of violent history and his request for drug treatment through CDP. But I want to get that entered sooner-than-later, in order to get him onto the waiting list for CDP ASAP so that he can have time to fully participate in at least Phases I and II. The plea to Robbery 2 would have to be via "in re Barr" as this was not a completed robbery and, therefore, the PC facts do not establish Robbery 2.

Finally, with respect to your client's involvement as a possible witness in DPA Craig Juris' attempted murder case involving Brian Cox, you have represented to me that your client has already given a statement to law enforcement about conversations he had with Mr. Cox while Cox's cellmate, which involved Mr. Cox soliciting your client to possibly "tamper" (at the very least) with a witness in the Cox case. Your client provided his statement to Detective Kolb about this situation prior to any representations or promises by me about what I was going to do specifically with my case against him (Mr. Parmley). However, I believe that prior to Mr. Parmley's statement to Detective Kolb in the Cox case, I had at least sent a "cc" to you of e-mail inquiries I made to Lt. Peters about the jail's CDP program, which would only be

possible if I were later agreeing to reduce the current Attempted Robbery 1 charge to Robbery 2. I'm uncertain whether you had shared my e-mails with your client prior to his statement to Det. Kolb. In any event, you have indicated that your client is willing to truthfully testify against Mr. Cox should he be needed by Craig, and that such truthful testimony would be consistent with his statement to Det. Kolb and be provided without me needing to condition my case's outcome on your client's testimony. I am tentatively indicating to you that my offer of Robbery 2 will not be conditioned on your client's cooperation as a witness in the Cox case, **but I want to first ask Craig if he is "okay" with this?** If he is, it appears that we can immediately look into wrapping Mr. Parmley's case up. However, despite the information and "timing" noted above, I still believe that Craig would have to disclose to Cox's counsel at least the "arguable" influence of my case on Mr. Parmley's offered information against Mr. Cox. Therefore, I have spent time detailing the above so that Craig has this information to forward to Cox's counsel after you have either confirmed or clarified the information outlined above.

I'll send you specifics for the amended offer in a little bit.

Please confirm or clarify the information outline in this e-mail.

Thanks...Mark

Joseph Jackson

From: "Karl Hack" <attorneykarlhack@comcast.net>
Sent: Tuesday, August 13, 2013 5:40 PM
To: Mark Thompson
Subject: RE: Kenneth Parmley - Part III

*** I got your formal offer and I'll try to see him tomorrow (remember Wednesdays kinda suck in my world). You say there's a video of the incident -- I have not received that. Might I viddy it sometime soon?

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]
Sent: Tuesday, August 13, 2013 2:58 PM
To: Karl Hack
Subject: Kenneth Parmley - Part III

FYI,

Per your client's info. that he knew the victim (Greg Hokanson) from their "old drug days", I did run criminal history on the victim, which I am disclosing to you per this e-mail.

Mr. Hokanson did have three convictions for felony drugs in 2005 (Thurston Co. #05-1-00350-6).

Prior to that, he had a 2003 (Assault 4/DV) conviction.

There are a lot of non-felony driving offenses between 2003 and going back to 1995. Mostly NVOL, then DWLS 3 offenses (about a dozen during that time).

He has a 2001 conviction for Forgery out of Grays Harbor (01-1-00619-6); this would be an impeachable offense.

He has three convictions from 1998 for non-felony UIBC out of Aberdeen (Muni. Ct. #980053); this would also involve impeachable offenses.

Mr. Hokanson also has what I believe are felony drug convictions in 2002 (1 count), 2001 (1 count), and 1995 (1 count).

Again, I'm not too worried about the victim's impeachables, in light of other evidence in this case including your client, on video, trying to hide a BB gun after the alleged robbery attempt.

FYI...Mark

Joseph Jackson

From: "Karl Hack" <attorneykarlhack@comcast.net>
Sent: Tuesday, August 13, 2013 7:15 PM
To: Mark Thompson
Subject: RE: Kenneth Parmley - Part III

*** Thanks!

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]
Sent: Tuesday, August 13, 2013 6:26 PM
To: Karl Hack
Subject: RE: Kenneth Parmley - Part III

You have what I have. I actually have not seen the video nor have we received it.

I'll contact OPD tomorrow and see if they can "express it" up to me. I'll contact you when I receive it.

Mark

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/13/2013 5:40 PM >>>

*** I got your formal offer and I'll try to see him tomorrow (remember Wednesdays kinda suck in my world). You say there's a video of the incident -- I have not received that. Might I viddy it sometime soon?

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]
Sent: Tuesday, August 13, 2013 2:58 PM
To: Karl Hack
Subject: Kenneth Parmley - Part III

FYI,

Per your client's info. that he knew the victim (Greg Hokanson) from their "old drug days", I did run criminal history on the victim, which I am disclosing to you per this e-mail.

Mr. Hokanson did have three convictions for felony drugs in 2005 (Thurston Co. #05-1-00350-6).

Prior to that, he had a 2003 (Assault 4/DV) conviction.

There are a lot of non-felony driving offenses between 2003 and going back to 1995. Mostly NVOL, then DWLS 3 offenses (about a dozen during that time).

He has a 2001 conviction for Forgery out of Grays Harbor (01-1-00619-6); this would be an impeachable offense.

He has three convictions from 1998 for non-felony UIBC out of Aberdeen (Muni. Ct. #980053); this would also involve impeachable offenses.

Mr. Hokanson also has what I believe are felony drug convictions in 2002 (1 count), 2001 (1 count), and 1995 (1 count).

Again, I'm not too worried about the victim's impeachables, in light of other evidence in this case including your client, on video, trying to hide a BB gun after the alleged robbery attempt.

FYI...Mark

Joseph Jackson

From: "Karl Hack" <attorneykarlhack@comcast.net>
Sent: Tuesday, August 13, 2013 7:15 PM
To: Mark Thompson
Subject: RE: Kenneth Parmley - Part III

*** Thanks!

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]
Sent: Tuesday, August 13, 2013 6:26 PM
To: Karl Hack
Subject: RE: Kenneth Parmley - Part III

You have what I have. I actually have not seen the video nor have we received it.

I'll contact OPD tomorrow and see if they can "express it" up to me. I'll contact you when I receive it.

Mark

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/13/2013 5:40 PM >>>

*** I got your formal offer and I'll try to see him tomorrow (remember Wednesdays kinda suck in my world). You say there's a video of the incident -- I have not received that. Might I viddy it sometime soon?

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]
Sent: Tuesday, August 13, 2013 2:58 PM
To: Karl Hack
Subject: Kenneth Parmley - Part III

FYI,

Per your client's info. that he knew the victim (Greg Hokanson) from their "old drug days", I did run criminal history on the victim, which I am disclosing to you per this e-mail.

Mr. Hokanson did have three convictions for felony drugs in 2005 (Thurston Co. #05-1-00350-6).

Prior to that, he had a 2003 (Assault 4/DV) conviction.

There are a lot of non-felony driving offenses between 2003 and going back to 1995. Mostly NVOL, then DWLS 3 offenses (about a dozen during that time).

He has a 2001 conviction for Forgery out of Grays Harbor (01-1-00619-6); this would be an impeachable offense.

He has three convictions from 1998 for non-felony UIBC out of Aberdeen (Muni. Ct. #980053); this would also involve impeachable offenses.

Mr. Hokanson also has what I believe are felony drug convictions in 2002 (1 count), 2001 (1 count), and 1995 (1 count).

Again, I'm not too worried about the victim's impeachables, in light of other evidence in this case including your client, on video, trying to hide a BB gun after the alleged robbery attempt.

FYI...Mark

Joseph Jackson

From: "Karl Hack" <attorneykarlhack@comcast.net>
Sent: Thursday, August 15, 2013 12:04 PM
To: Mark Thompson
Subject: Kenneth Parmley

*** Mark -- You can probably find this out quicker than I can. Parmley says he's been told there's a \$5,000 warrant on him out of Jefferson Co. for the heinous crime of Failure to Transfer Title Within 45 Days, and that Jefferson Co. actually wants him sent up there after he's done in TCJ! If this is the case, then how will this affect him being able to do CDP? Frankly Parmley's more interested in just doing some jail time and then getting treatment on community custody if you're open to letting him do that. He's not rejecting the offer, but questioning whether he'd be allowed to do CDP on a Rob 2 with this warrant out.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

Joseph Jackson

From: "Karl Hack" <attorneykarlhack@comcast.net>
Sent: Thursday, August 15, 2013 12:32 PM
To: Mark Thompson
Subject: RE: Kenneth Parmley

*** OK, thanks for the info! I'll go see him this p.m. You insisting on CDP then, as opposed to something like a lower sentence of straight jail time and CDP while on community custody?

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]
Sent: Thursday, August 15, 2013 12:25 PM
To: Karl Hack
Cc: Debbie Thompson
Subject: Re: Kenneth Parmley

I just spoke with Lt. Deb Thompson about this. I've got good news, good news, and more good news.

First the good news: if a person is sentenced to CDP and is found to be eligible for the program, the jail will try to work with whatever courts might have holds on the person to get those holds dropped prior to the person getting into Phase II, where having a hold would interfere with work release.

Next, the other good news: I can certainly assist with this. If he pleads guilty here and is sentenced to CDP and is found eligible, we can request Jefferson County to do a transport order (but would help if Mr. Parmley send to Jefferson County a request to clear the detainer as well, post-sentence). As soon as he's out, we can put a "hold" back on him so that he'll be returned here. I would be willing to reach out to Jefferson County and explain the situation here and, perhaps, they'll agree that any sentence that is imposed on the Failure to Transfer Title be served here and concurrently with the Thurston County case sentence.

Finally, more good news: Per Lt. Thompson, once sentenced in our case, Mr. Parmley is going to be on a waiting list for CDP for a bit anyway. (Note: I'll send out to you in a moment a recent CDP waiting list e-mail update from Lt. Val Peters.) If Mr. Parmley goes to Jefferson County as I discussed above, he still keeps his place on the waiting list, assuming that he's back when his # comes due for entering the program.

Just let me know what he wants to do. (But note: I probably cannot get Jefferson County to commit to anything about their case, but I'd be willing to ask.)

FYI...Mark

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/15/2013 12:04 PM >>>

*** Mark -- You can probably find this out quicker than I can. Parmley says he's been told there's a \$5,000 warrant on him out of Jefferson Co. for the heinous crime of Failure to Transfer Title Within 45 Days, and that Jefferson Co. actually wants him sent up there

after he's done in TCJ! If this is the case, then how will this affect him being able to do CDP? Frankly Parmley's more interested in just doing some jail time and then getting treatment on community custody if you're open to letting him do that. He's not rejecting the offer, but questioning whether he'd be allowed to do CDP on a Rob 2 with this warrant out.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

Joseph Jackson

From: "Karl Hack" <attorneykarlhack@comcast.net>
Sent: Thursday, August 15, 2013 2:13 PM
To: Mark Thompson
Subject: RE: Kenneth Parmley

*** I think his motivations for wanting straight jail time are (1) it'd probably be less total jail time, b/c CDP doesn't award good time and I told him I've had at least one client wait almost three (3) months (!) (name is Anthony Lujan) before he got started on CDP, and (2) he's concerned he wouldn't be allowed to finish CDP with the Jefferson Co. warrant issue. However, he said your offer is a good one so if you're saying, "Take it or leave it" then I'm pretty sure he'll take it.

I'll go see him as soon as I hear back from you. TIA!

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]
Sent: Thursday, August 15, 2013 2:05 PM
To: Karl Hack
Subject: RE: Kenneth Parmley

CDP was my main motivation for deciding to drop the charge to Robbery 2. If he has no interest in that, then I have to withdraw the offer until I can come up with another satisfactory justification for the reduction. Not saying that I wouldn't come back with Robbery 2, but I'll want an *acceptable* reason to justify it.

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/15/2013 12:32 PM >>>

*** OK, thanks for the info! I'll go see him this p.m. You insisting on CDP then, as opposed to something like a lower sentence of straight jail time and CDP while on community custody?

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]
Sent: Thursday, August 15, 2013 12:25 PM
To: Karl Hack

Cc: Debbie Thompson
Subject: Re: Kenneth Parmley

I just spoke with Lt. Deb Thompson about this. I've got good news, good news, and more good news.

First the good news: if a person is sentenced to CDP and is found to be eligible for the program, the jail will try to work with whatever courts might have holds on the person to get those holds dropped prior to the person getting into Phase II, where having a hold would interfere with work release.

Next, the other good news: I can certainly assist with this. If he pleads guilty here and is sentenced to CDP and is found eligible, we can request Jefferson County to do a transport order (but would help if Mr. Parmley send to Jefferson County a request to clear the detainer as well, post-sentence). As soon as he's out, we can put a "hold" back on him so that he'll be returned here. I would be willing to reach out to Jefferson County and explain the situation here and, perhaps, they'll agree that any sentence that is imposed on the Failure to Transfer Title be served here and concurrently with the Thurston County case sentence.

Finally, more good news: Per Lt. Thompson, once sentenced in our case, Mr. Parmley is going to be on a waiting list for CDP for a bit anyway. (Note: I'll send out to you in a moment a recent CDP waiting list e-mail update from Lt. Val Peters.) If Mr. Parmley goes to Jefferson County as I discussed above, he still keeps his place on the waiting list, assuming that he's back when his # comes due for entering the program.

Just let me know what he wants to do. (But note: I probably cannot get Jefferson County to commit to anything about their case, but I'd be willing to ask.)

FYI...Mark

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/15/2013 12:04 PM >>>

**** Mark -- You can probably find this out quicker than I can. Parmley says he's been told there's a \$5,000 warrant on him out of Jefferson Co. for the heinous crime of Failure to Transfer Title Within 45 Days, and that Jefferson Co. actually wants him sent up there after he's done in TCJ! If this is the case, then how will this affect him being able to do CDP? Frankly Parmley's more interested in just doing some jail time and then getting treatment on community custody if you're open to letting him do that. He's not rejecting the offer, but questioning whether he'd be allowed to do CDP on a Rob 2 with this warrant out.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

Joseph Jackson

From: "Karl Hack" <attorneykarlhack@comcast.net>
Sent: Thursday, August 15, 2013 2:34 PM
To: Mark Thompson
Subject: RE: Kenneth Parmley

*** Oh yeah, he needs the CD tx. And I see your other answer is, "Yep, take it or leave it," so I'll go see him tout de suite.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]
Sent: Thursday, August 15, 2013 2:30 PM
To: Karl Hack
Subject: RE: Kenneth Parmley

Hopefully both e-mails that I sent you earlier will give him some comfort to go forward with CDP. He definitely needs it.

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/15/2013 2:14 PM >>>

*** I think his motivations for wanting straight jail time are (1) it'd probably be less total jail time, b/c CDP doesn't award good time and I told him I've had at least one client wait almost three (3) months (!) (name is Anthony Lujan) before he got started on CDP, and (2) he's concerned he wouldn't be allowed to finish CDP with the Jefferson Co. warrant issue. However, he said your offer is a good one so if you're saying, "Take it or leave it" then I'm pretty sure he'll take it.

I'll go see him as soon as I hear back from you. TIA!

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]
Sent: Thursday, August 15, 2013 2:05 PM
To: Karl Hack
Subject: RE: Kenneth Parmley

CDP was my main motivation for deciding to drop the charge to Robbery 2. If he has no interest in that, then I have to withdraw the offer until I can come up with another satisfactory justification for the reduction. Not saying that I

wouldn't come back with Robbery 2, but I'll want an *acceptable* reason to justify it.

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/15/2013 12:32 PM >>>

*** OK, thanks for the info! I'll go see him this p.m. You insisting on CDP then, as opposed to something like a lower sentence of straight jail time and CDP while on community custody?

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]
Sent: Thursday, August 15, 2013 12:25 PM
To: Karl Hack
Cc: Debbie Thompson
Subject: Re: Kenneth Parmley

I just spoke with Lt. Deb Thompson about this. I've got good news, good news, and more good news.

First the good news: if a person is sentenced to CDP and is found to be eligible for the program, the jail will try to work with whatever courts might have holds on the person to get those holds dropped prior to the person getting into Phase II, where having a hold would interfere with work release.

Next, the other good news: I can certainly assist with this. If he pleads guilty here and is sentenced to CDP and is found eligible, we can request Jefferson County to do a transport order (but would help if Mr. Parmley send to Jefferson County a request to clear the detainer as well, post-sentence). As soon as he's out, we can put a "hold" back on him so that he'll be returned here. I would be willing to reach out to Jefferson County and explain the situation here and, perhaps, they'll agree that any sentence that is imposed on the Failure to Transfer Title be served here and concurrently with the Thurston County case sentence.

Finally, more good news: Per Lt. Thompson, once sentenced in our case, Mr. Parmley is going to be on a waiting list for CDP for a bit anyway. (Note: I'll send out to you in a moment a recent CDP waiting list e-mail update from Lt. Val Peters.) If Mr. Parmley goes to Jefferson County as I discussed above, he still keeps his place on the waiting list, assuming that he's back when his # comes due for entering the program.

Just let me know what he wants to do. (But note: I probably cannot get Jefferson County to commit to anything about their case, but I'd be willing to ask.)

FYI...Mark

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/15/2013 12:04 PM >>>

*** Mark -- You can probably find this out quicker than I can. Parmley says he's been told there's a \$5,000 warrant on him out of Jefferson Co. for the heinous crime of Failure to Transfer Title Within 45 Days, and that Jefferson Co. actually wants him sent up there after he's done in TCJ! If this is the case, then how will this affect him being able to do CDP? Frankly Parmley's more interested in just doing some jail time and then getting treatment on community custody if you're open to letting him do that. He's not rejecting the offer, but questioning whether he'd be allowed to do CDP on a Rob 2 with this warrant out.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

Joseph Jackson

From: "Karl Hack" <attorneykarlhack@comcast.net>
Sent: Thursday, August 15, 2013 4:32 PM
To: Mark Thompson
Subject: Kenneth Parmley

*** Mark -- I totally spaced asking what would happen with his Protective Custody status in jail if he does CDP? They put him on PC after one of the jail guards messed up and asked him over his pod intercom, "Hey Parmley, who is Detective Kolb" when Parmley sent out a kite to Det. Kolb (I don't even know if she got that kite either). He's not crazy about staying on PC status and has asked to be allowed to do kitchen work even if it might involve having to fight people off, but the jail insists on keeping him in PC. If you're wanting anything in jail longer than 9 months he says he's prefer to just go up to DOC.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

Joseph Jackson

From: "Karl Hack" <attorneykarlhack@comcast.net>
Sent: Friday, August 16, 2013 9:49 AM
To: Mark Thompson
Cc: Craig Juris
Subject: RE: Kenneth Parmley

*** Mark -- Your e-offer of 8/13 at 2:44 p.m. said 12 months on CDP, not 10 months. I tried to see you about this case yesterday afternoon just after 4:00 p.m. but you were on the phone with somebody and I couldn't hang around. If you meant "10 month recommendation" below on CDP then that's only one month more than his suggestion.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]
Sent: Thursday, August 15, 2013 5:51 PM
To: Karl Hack
Cc: Craig Juris
Subject: Re: Kenneth Parmley

That's not quite what the jail has down for this incident. The letter (or kite?) that he was trying to send out was unreadable. The corrections officer asked him if the envelope was intended for his attorney (because then they would know to whom to address the envelope and also they would not read the contents)? He said "no." They then asked to whom he intended to address the envelope, and he said "Detective Kolb" himself. He had control over the situation. He could have asked to look at the envelope and asked to be allowed to rewrite it himself; or he could have told the CO (nicely) to look inside the envelope to figure it out from that (as they would likely inspect the contents anyway). Instead he blurred "Detective Kolb" out himself. He was the one who requested that he be segregated and be placed on PC. So he had control over this situation and seems to have created/orchestrated the entire situation.

I'll consider my offer rejected. We still need to continue his trial on Monday (***let's just plan on doing this at the start of Monday's docket, get it done and not risk running out of time***). Please find out in advance if we're moving the trial within the 30-day cure period over objection, or "farther out" by agreement. I'm suspecting that he's played me, making me believe that he's a stand-up guy ready to testify against an attempted murderer, self-recognizing the need for substance treatment, and then trying to create obstacles for doing what we thought he was willing to do but trying to keep the same reduction deal. That's the way I'm thinking about this case now and I'll leave it to you to convince me otherwise.

I'm "cc'ing" this to Craig because everything here is sounding a bit manipulative. [Craig - there are other e-mails besides just this one. Parmley is charged with an attempted Robbery 1 with a **27 - 36 months** sentence range. I was ready to allow him a Robbery 2 ("completed" - would have to be *in re Barr*) after, as I reference above, Parmley was indicating he'd only had treatment once before, that it was not much, and that he really needed treatment. And, besides, he was willing to be your witness "no strings attached". By dropping the charge to a completed Robbery 2, it dramatically drops the sentence range to only 6-12 months. But I was willing to allow him into CDP with a 10 month recommendation and made some calls to the jail to make sure they'd take a Robbery 2 into CDP and notwithstanding that EHM is not allowed for violent offenses, meaning CDP's Phase III's EHM was not going to happen. And CDP said "yes". Then Parmley is trying to avoid CDP due to a Jefferson Co. misdemeanor BW - which I've indicated can be easily addressed; then he came back with "how about just 9 months straight time?" I think I'm dealing with a smart con and I figured I'd better give you a head's up about this.]

Mark

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/15/2013 4:32 PM >>>

*** Mark -- I totally spaced asking what would happen with his Protective Custody status in jail if he does CDP? They put him on PC after one of the jail guards messed up and asked him over his pod intercom, "Hey Parmley, who is Detective Kolb" when Parmley sent out a kite to Det. Kolb (I don't even know if she got that kite either). He's not crazy about staying on PC status and has asked to be allowed to do kitchen work even if it might involve having to fight people off, but the jail insists on keeping him in PC. If you're wanting anything in jail longer than 9 months he says he's prefer to just go up to DOC.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

Joseph Jackson

From: "Karl Hack" <attorneykarlhack@comcast.net>
Sent: Friday, August 16, 2013 11:00 AM
To: Mark Thompson
Subject: RE: Kenneth Parmley

*** 10-4.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]
Sent: Friday, August 16, 2013 10:51 AM
To: Karl Hack
Subject: RE: Kenneth Parmley

Sorry, I meant 12. Was doing too many things yesterday and still am. In any event, the offer's revoked. Let's reset the trial, either within 30 days or longer.

Mark

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/16/2013 9:49 AM >>>

*** Mark -- Your e-offer of 8/13 at 2:44 p.m. said 12 months on CDP, not 10 months. I tried to see you about this case yesterday afternoon just after 4:00 p.m. but you were on the phone with somebody and I couldn't hang around. If you meant "10 month recommendation" below on CDP then that's only one month more than his suggestion.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]
Sent: Thursday, August 15, 2013 5:51 PM
To: Karl Hack
Cc: Craig Juris
Subject: Re: Kenneth Parmley

That's not quite what the jail has down for this incident. The letter (or kite?) that he was trying to send out was unreadable. The corrections officer asked him if the envelope was intended for his attorney (because then they would know to whom to address the envelope and also they would not read the contents)? He said "no." They then asked to whom he intended to address the envelope, and he said "Detective Kolb" himself. He had control over the situation. He could have asked to look at the envelope and asked to be allowed to rewrite it himself; or he could have told the CO (nicely) to look inside the envelope to figure it out from that (as they would likely inspect the contents

anyway). Instead he blurted "Detective Kolb" out himself. He was the one who requested that he be segregated and be placed on PC. So he had control over this situation and seems to have created/orchestrated the entire situation.

I'll consider my offer rejected. We still need to continue his trial on Monday (*let's just plan on doing this at the start of Monday's docket, get it done and not risk running out of time*). Please find out in advance if we're moving the trial within the 30-day cure period over objection, or "farther out" by agreement. I'm suspecting that he's played me, making me believe that he's a stand-up guy ready to testify against an attempted murderer, self-recognizing the need for substance treatment, and then trying to create obstacles for doing what we thought he was willing to do but trying to keep the same reduction deal. That's the way I'm thinking about this case now and I'll leave it to you to convince me otherwise.

I'm "cc'ing" this to Craig because everything here is sounding a bit manipulative. [Craig - there are other e-mails besides just this one. Parmley is charged with an attempted Robbery 1 with a **27 - 36 months** sentence range. I was ready to allow him a Robbery 2 ("completed" - would have to be *in re Barr*) after, as I reference above, Parmley was indicating he'd only had treatment once before, that it was not much, and that he really needed treatment. And, besides, he was willing to be your witness "no strings attached". By dropping the charge to a completed Robbery 2, it dramatically drops the sentence range to only 6-12 months. But I was willing to allow him into CDP with a 10 month recommendation and made some calls to the jail to make sure they'd take a Robbery 2 into CDP and notwithstanding that EHM is not allowed for violent offenses, meaning CDP's Phase III's EHM was not going to happen. And CDP said "yes". Then Parmley is trying to avoid CDP due to a Jefferson Co. misdemeanor BW - which I've indicated can be easily addressed; then he came back with "how about just 9 months straight time?" I think I'm dealing with a smart con and I figured I'd better give you a head's up about this.]

Mark

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/15/2013 4:32 PM >>>

*** Mark -- I totally spaced asking what would happen with his Protective Custody status in jail if he does CDP? They put him on PC after one of the jail guards messed up and asked him over his pod intercom, "Hey Parmley, who is Detective Kolb" when Parmley sent out a kite to Det. Kolb (I don't even know if she got that kite either). He's not crazy about staying on PC status and has asked to be allowed to do kitchen work even if it might involve having to fight people off, but the jail insists on keeping him in PC. If you're wanting anything in jail longer than 9 months he says he's prefer to just go up to DOC.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

Joseph Jackson

From: "Karl Hack" <attorneykarlhack@comcast.net>
Sent: Friday, August 16, 2013 4:57 PM
To: Mark Thompson
Subject: RE: Kenneth Parmley

*** We can set him for trial if you want, but in case you get bunched up on other trials . . . he'll take the 12 months on CDP however you want to work it. He did reiterate today that the jail won't let him out of PC even though he's requested it -- can the jail even confirm that?

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]
Sent: Friday, August 16, 2013 3:35 PM
To: Valerie Peters; Karl Hack
Cc: Debbie Thompson
Subject: Re: Kenneth Parmley

Let's keep him in through Monday's pretrial hearing - we need him here to address his trial set the following week. I'll discuss your suggestion with Karl at the pretrial and we'll get back to you about that afterwards.

Thanks...Mark

>>> Valerie Peters 08/16/2013 2:49 PM >>>

Just an FYI, Mr. Parmley is currently on protective custody and has created some issues for himself in the unit he is housed in. It might be helpful for him to go to another jurisdiction for a bit to allow things to cool down.

Lt Valerie Peters
Thurston County Re-Entry Services
2000 Lakeridge Dr SW
Olympia, WA 98502
(360) 786-5510 ext. 6553
Petersv@co.thurston.wa.us

"Though no one can go back and make a brand-new start, anyone can start now and make a brand new ending."
Richard Bach

>>> Mark Thompson 8/15/2013 12:24 PM >>>

I just spoke with Lt. Deb Thompson about this. I've got good news, good news, and more good news.

First the good news: if a person is sentenced to CDP and is found to be eligible for the program, the jail will try to work with whatever courts might have holds on the person to get those holds dropped prior to the person getting into Phase II, where having a hold would interfere with work release.

Next, the other good news: I can certainly assist with this. If he pleads guilty here and is sentenced to CDP and is found eligible, we can request Jefferson County to do a transport order (but would help if Mr. Parmley send to Jefferson County a request to clear the detainer as well, post-sentence). As soon as he's out, we can put a "hold" back on him so that he'll be returned here. I would be willing to reach out to Jefferson County and explain the situation here and, perhaps, they'll agree that any sentence that is imposed on the Failure to Transfer Title be served here and concurrently with the Thurston County case sentence.

Finally, more good news: Per Lt. Thompson, once sentenced in our case, Mr. Parmley is going to be on a waiting list for CDP for a bit anyway. (Note: I'll send out to you in a moment a recent CDP waiting list e-mail update from Lt. Val Peters.) If Mr. Parmley goes to Jefferson County as I discussed above, he still keeps his place on the waiting list, assuming that he's back when his # comes due for entering the program.

Just let me know what he wants to do. (But note: I probably cannot get Jefferson County to commit to anything about their case, but I'd be willing to ask.)

FYI...Mark

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/15/2013 12:04 PM >>>

*** Mark -- You can probably find this out quicker than I can. Parmley says he's been told there's a \$5,000 warrant on him out of Jefferson Co. for the heinous crime of Failure to Transfer Title Within 45 Days, and that Jefferson Co. actually wants him sent up there after he's done in TCJ! If this is the case, then how will this affect him being able to do CDP? Frankly Parmley's more interested in just doing some jail time and then getting treatment on community custody if you're open to letting him do that. He's not rejecting the offer, but questioning whether he'd be allowed to do CDP on a Rob 2 with this warrant out.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

Joseph Jackson

From: "Karl Hack" <attorneykarlhack@comcast.net>
Sent: Sunday, August 18, 2013 2:03 PM
To: Mark Thompson
Subject: RE: Kenneth Parmley

*** Cool, thanks. And I believe Parmley will still cooperate in Craig's case if Craig needs him. I have one juvi case Monday morning but I can't let that delay me too long b/c I have ten PT's in TCSC.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]
Sent: Friday, August 16, 2013 9:24 PM
To: Karl Hack
Cc: Craig Juris
Subject: RE: Kenneth Parmley

If he wants to take the CDP, I'll give it to him. We'll still need to continue the trial Monday simply because we're so close to it. I'll talk to Lt. Thompson about what we can do after the plea and sentencing and while he's on the waiting list. They'll need him to assess him; then they can probably send him to Jefferson County to clear the warrant, and then have him housed in Lewis County (as they do already due to overcrowding) until he enters CDP. Maybe that time will let things cool down.

But I'll also continue to wait for something that derails the plea and/or derails CDP. I'll just hope that he takes advantage of this opportunity.

I'll see you on Monday.

Mark

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/16/2013 4:57 PM >>>

*** We can set him for trial if you want, but in case you get bunched up on other trials . . . he'll take the 12 months on CDP however you want to work it. He did reiterate today that the jail won't let him out of PC even though he's requested it -- can the jail even confirm that?

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]

Sent: Friday, August 16, 2013 3:35 PM
To: Valerie Peters; Karl Hack
Cc: Debbie Thompson
Subject: Re: Kenneth Parmley

Let's keep him in through Monday's pretrial hearing - we need him here to address his trial set the following week. I'll discuss your suggestion with Karl at the pretrial and we'll get back to you about that afterwards.

Thanks...Mark

>>> Valerie Peters 08/16/2013 2:49 PM >>>

Just an FYI, Mr. Parmley is currently on protective custody and has created some issues for himself in the unit he is housed in. It might be helpful for him to go to another jurisdiction for a bit to allow things to cool down.

Lt Valerie Peters
Thurston County Re-Entry Services
2000 Lakeridge Dr SW
Olympia, WA 98502
(360) 786-5510 ext. 6553
Petersv@co.thurston.wa.us

"Though no one can go back and make a brand-new start, anyone can start now and make a brand new ending."
Richard Bach

>>> Mark Thompson 8/15/2013 12:24 PM >>>

I just spoke with Lt. Deb Thompson about this. I've got good news, good news, and more good news.

First the good news: if a person is sentenced to CDP and is found to be eligible for the program, the jail will try to work with whatever courts might have holds on the person to get those holds dropped prior to the person getting into Phase II, where having a hold would interfere with work release.

Next, the other good news: I can certainly assist with this. If he pleads guilty here and is sentenced to CDP and is found eligible, we can request Jefferson County to do a transport order (but would help if Mr. Parmley send to Jefferson County a request to clear the detainer as well, post-sentence). As soon as he's out, we can put a "hold" back on him so that he'll be returned here. I would be willing to reach out to Jefferson County and explain the situation here and, perhaps, they'll agree that any sentence that is imposed on the Failure to Transfer Title be served here and concurrently with the Thurston County case sentence.

Finally, more good news: Per Lt. Thompson, once sentenced in our case, Mr. Parmley is going to be on a waiting list for CDP for a bit anyway. (Note: I'll send out to you in a moment a recent CDP waiting list e-mail update from Lt. Val Peters.) If Mr. Parmley goes to Jefferson County as I discussed above, he still keeps his place on the waiting list, assuming that he's back when his # comes due for entering the program.

Just let me know what he wants to do. (But note: I probably cannot get Jefferson County to commit to anything about their case, but I'd be willing to ask.)

FYI...Mark

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/15/2013 12:04 PM >>>

*** Mark -- You can probably find this out quicker than I can. Parmley says he's been told there's a \$5,000 warrant on him out of Jefferson Co. for the heinous crime of Failure to Transfer Title Within 45 Days, and that Jefferson Co. actually wants him sent up there after he's done in TCJ! If this is the case, then how will this affect him being able to do CDP? Frankly Parmley's more interested in just doing some jail time and then getting treatment on community custody if you're open to letting him do that. He's not

rejecting the offer, but questioning whether he'd be allowed to do CDP on a Rob 2 with this warrant out.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

APPENDIX 4

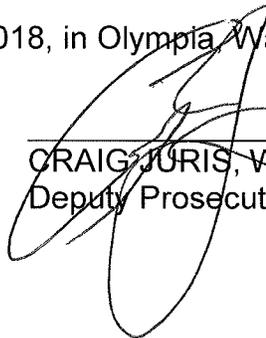
participate if something was not done to fix the situation. That letter was provided to Mr. Strophy prior to the trial of Mr. Cox.

Prior to Cox's trial, I provided my understanding of Parmley's criminal history to Cox's attorney Paul Strophy. This contained only appropriate prior criminal convictions. I did not research or review Parmley's outstanding warrant history as I did not believe it was relevant to his testimony or admissible at trial. To the best of my recollection I was never asked about any warrants when I provided Mr. Strophy with Parmley's criminal history.

I have reviewed the emails that were pulled from Thurston County archives by Deputy Prosecuting Attorney Joseph Jackson, between DPA Thompson, Karl Hack and myself, and they accurately reflect my recollection of the correspondence that occurred regarding Mr. Parmley's testimony against Mr. Cox.

I do solemnly swear and affirm, under the penalty of perjury under the laws of the State of Washington, that the above is true and correct.

Signed this 11th day of April, 2018, in Olympia, Washington.



CRAIG JURIS, WSBA #
Deputy Prosecuting Attorney

APPENDIX 5

Hokanson, would have theft-related and other criminal history. Any theft-related convictions might result in offenses with which the victim could be “impeached” at trial if he testified. During these discussions, Mr. Hack indicated that Mr. Parmley had been clean and sober for about 5-6 years (and crime-free) before relapsing in the past year (2012-13). His client recognized that he needed substance abuse treatment.

Mr. Hack asked if I would be interested in considering a reduction to Robbery 2nd Degree, which would result in sentence range of 6 – 12 months in *jail* (rather than prison, which would have been the case with the original charge of Attempted Robbery in the First Degree), and allowing Mr. Parmley to serve his sentence in the Jail’s Chemical Dependency Program. In order to be eligible for CDP, a defendant must be sentenced to a sentence that will cover custody status of approximately six (6) actual months in jail (excluding “good time” credit). The program is administered in three phases. Phase 1 involves approximately ten (10) weeks of intensive substance abuse treatment counseling while remaining in the jail’s “general population”; Phase 2 involves approximately another ten (10) weeks of continued but less-intensive treatment while participating in the work release program. Phase 3 involves even less-intensive treatment than Phase 2, and is normally an additional six (6) weeks served while the person is on electronic home monitoring (“EHM”). This program allows an individual to slowly transition into society during the slow reduction of ongoing treatment, all while subject to random urinalysis and location checks by CDP/work release corrections deputies which occur while the individual is on work release or EHM.

Both Mr. Hack and I have always agreed that CDP treatment is far superior to the out-patient treatment that an individual will receive during supervision by the Department of Corrections.

While I do not have notes as to the specific dates and conversations Mr. Hack and I had about this, I do recall the general background information being provided after Mr. Hack had met with Mr. Parmley. I also note that my email to DPA Juris, dated Wednesday, July 31, 2013, notes that:

“I was exploring the noted reduction to Robbery 2 with Karl after PTs [pre-trial hearings] on Monday [July 29, 2013]....”

In 2013, our pre-trial hearings were held in the morning court sessions. This helps me remember that the Robbery 2 reduction was being discussed with Mr. Hack prior to the emails I sent out on

July 29, 2013 emails after 5 p.m., referenced below.

On July 29, 2013, at 5:06 p.m. (per the email time) I emailed Mr. Hack to advise him that I was hoping to be on vacation for the next two weeks and that I would be sending an email to DPA Juris asking if he had interest in using Mr. Parmley's testimony in his case to contact Mr. Hack. In the email noted that I would be giving DPA Juris my "case parameters", meaning what I expected the case to be resolved at, and referencing a potential Robbery 2nd Degree conviction. I also noted in that email that I had already begun looking into the CDP request – which would only be available if the case was resolved at Robbery 2nd Degree. I would be looking into whether CDP would accept an individual whose sentence involved a "violent" offense and when the crime would not allow for EHM – normally part of CDP's "Phase 3", as noted, because Washington law prevented him from serving a sentence for this crime on EHM. I often type send these emails for cases after pre-trial or omnibus hearings simply to memorialize discussions about what either side may have stated it would do following the hearing. Again, this was done as part of the normal case negotiations and without any requirement or condition of Mr. Parmley's cooperation in the *Cox* case.

A few minutes later, in an email I sent to DPA Juris, dated July 29, 2013, with an indicated time of 5:09 p.m., I advised him that my pre-trial hearing was continued 2 weeks and that I'd be on vacation. I noted the parameters of what I was willing to do in Mr. Parmley's case if a consideration in my case was necessary for his (DPA Juris') case. As I noted in the email, I was expecting to be on vacation during part of the upcoming two weeks. My purpose in emailing him was to essentially allow him to use my case, if he needed, so long as the charge was not reduced below a Robbery 2nd Degree. No offer was conveyed in exchange for Mr. Parmley's testimony.

I also have found an email that I sent to the CDP program administrators at the time, Corrections Lt. Valerie Peters and Corrections Sergeant Teresa Becker, later that evening (July 29, 2013 at 5:11 p.m.) asking for their input as to these eligibility issues.

The following day, July 30, 2013, DPA Juris emailed me that Mr. Hack had said that Mr. Parmley would appreciate any consideration, but was very clear that he was not expecting any. I did not make an offer contingent upon Mr. Parmley's testimony against Mr. Cox.

Following the next pre-trial hearing in Mr. Parmley's case, held on August 12, 2013, I sent an email on August 13, 2013, in which I extended an offer to Mr. Hack for Mr. Parmley to

plead guilty to an amended charge of robbery in the second degree in order to allow for his participation in the CDP program that was tentatively not conditioned upon Mr. Parmley's cooperation in the case against Cox. I indicated that I wanted DPA Juris' approval prior to going forward. I confirmed that DPA Juris was fine with the resolution not being contingent upon Mr. Parmley's participation in the prosecution of Cox. Neither Mr. Parmley nor his attorney Karl Hack asked for special consideration in Parmley's prosecution in exchange for his testimony against Cox.

My main motivation for reducing Parmley's charge was based on my belief that Mr. Parmley and the community would benefit from his participation in the CDP program. I had also shared with Mr. Hack that the victim in Mr. Parmley's case had prior criminal history that would have been admissible. I was further motivated by Mr. Parmley's time in the community that he had been successful in not obtaining criminal convictions. At the time I was prosecuting him, my understanding was that he had not had a felony conviction since 2005. I truly believed that allowing Mr. Parmley to participate in the CDP program was the best outcome Mr. Parmley's case.

I have reviewed the emails that were pulled from Thurston County archives by Deputy Prosecuting Attorney Joseph Jackson, between DPA Juris, Karl Hack and myself, and they accurately reflect my recollection of the correspondence that occurred regarding Mr. Parmley's testimony against Mr. Cox. I have also reviewed Mr. Parmley's Statement of Defendant on Plea of Guilty, the Statement of Criminal History that I filed in conjunction with Mr. Parmley's plea of guilty and the Judgment and Sentence of Mr. Parmley which DPA Jackson informs me will be Appendices 8, 9 and 10 to his response to Cox's PRP and confirmed that they are true and correct copies of the documents entered in Mr. Parmley's case.

Finally, I would note that the emails from August 13, 2013 and afterwards clearly indicate that this plea agreement was based upon my motivation to have him participate in CDP and not as consideration for Mr. Parmley cooperating with the investigation in Mr. Cox's case nor providing later testimony. It was also my intent to be transparent in what the plea agreement was based on and what it was not.

- In my August 13, 2013 email (12:34 p.m.) I state:

Secondly, I'll indicate that I am willing to give your client the "Robbery 2" based upon his lack of violent history and his request for drug treatment through CDP.

I later indicated in the same email:

In any event, you have indicated that your client is willing to truthfully testify against Mr. Cox should he be needed by Craig, and that such truthful testimony would be consistent with his statement to Det. Kolb and be provided without me needing to condition my case's outcome on your client's testimony. I am tentatively indicating to you that my offer of Robbery 2 will not be conditioned on your client's cooperation as a witness in the Cox case, **but I want to first ask Craig if he is "okay" with this?** If he is, it appears that we can immediately look into wrapping Mr. Parmley's case up. However, despite the information and "timing" noted above, I still believe that Craig would have to disclose to Cox's counsel at least the "arguable" influence of my case on Mr. Parmley's offered information against Mr. Cox. Therefore, I have spent time detailing the above so that Craig has this information to forward to Cox's counsel after you have either confirmed or clarified the information outlined above.

- On August 15, 2013, I exchanged emails with Mr. Hack:

[Mr. Hack at 12:32 PM:] *** OK, thanks for the info! I'll go see him this p.m. You insisting on CDP then, as opposed to something like a lower sentence of straight jail time and CDP while on community custody?

[Mark Thompson, at 2:05 PM:] CDP was my main motivation for deciding to drop the charge to Robbery 2. If he has no interest in that, then I have to withdraw the offer until I can come up with another satisfactory justification for the reduction. Not saying that I wouldn't come back with Robbery 2, but I'll want an *acceptable* reason to justify it.

There is no reference to his cooperation or testimony in the *Cox* case being a basis for the Robbery 2nd Degree offer, and the assertion that I would withdraw the offer if he was not interested in CDP does not demonstrate any concern about any impact on Mr. Parmley's independent commitment to cooperate or testify in the *Cox* case.

- A series of emails exchanged between Mr. Hack and me on August 15-16, 2013, further indicate that I was ready to pull the offer when it appears that Mr. Parmley was trying to use pending warrants as an excuse for not doing CDP. Again, these emails do not demonstrate any connection with nor concern about the impact on Mr. Parmley's involvement with the *Cox* case.

///

///

///

///

///

///

I do solemnly swear and affirm, under the penalty of perjury under the laws of the State of Washington, that the above is true and correct.

Signed this 6th day of April, 2018, in Olympia, Washington.

A handwritten signature in black ink, appearing to read 'Mark Thompson', written over a horizontal line.

Mark Thompson, WSBA # 16477
Senior Deputy Prosecuting Attorney

APPENDIX 6

two page letter to forward to DPA Juris dated September 10, 2013, in which Parmley complained about being in E-tank (the hole) and being unable to start on CDP. Although Parmley reiterated on the first page that he ultimately decided to testify against Cox simply because it would be the right thing to do (and not as a condition of any deal for himself), on the second page Parmley did inform Juris that he would refuse to testify against Cox if something wasn't done about his situation in the jail. I do not have any further notes in my file regarding how Parmley's jail situation went or whether DPA Juris and I had any further conversations regarding the issue.

I have attached emails that I received from DPA Thompson regarding our negotiations in regard to Mr. Parmley which I located in my file.

I do solemnly swear and affirm, under the penalty of perjury under the laws of the State of Washington, that the above is true and correct.

Signed this 10th day of April, 2018, in Olympia, Washington.



KARL HACK, WSBA #26744
Defense Attorney

Karl Hack

From: Mark Thompson [thompsm@co.thurston.wa.us]
Sent: Thursday, August 15, 2013 2:05 PM
To: Karl Hack
Subject: RE: Kenneth Parmley

CDP was my main motivation for deciding to drop the charge to Robbery 2. If he has no interest in that, then I have to withdraw the offer until I can come up with another satisfactory justification for the reduction. Not saying that I wouldn't come back with Robbery 2, but I'll want an *acceptable* reason to justify it.

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/15/2013 12:32 PM >>>

*** OK, thanks for the info! I'll go see him this p.m. You insisting on CDP then, as opposed to something like a lower sentence of straight jail time and CDP while on community custody?

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

-----Original Message-----

From: Mark Thompson [mailto:thompsm@co.thurston.wa.us]
Sent: Thursday, August 15, 2013 12:25 PM
To: Karl Hack
Cc: Debbie Thompson
Subject: Re: Kenneth Parmley

I just spoke with Lt. Deb Thompson about this. I've got good news, good news, and more good news.

First the good news: if a person is sentenced to CDP and is found to be eligible for the program, the jail will try to work with whatever courts might have holds on the person to get those holds dropped prior to the person getting into Phase II, where having a hold would interfere with work release.

Next, the other good news: I can certainly assist with this. If he pleads guilty here and is sentenced to CDP and is found eligible, we can request Jefferson County to do a transport order (but would help if Mr. Parmley send to Jefferson County a request to clear the detainer as well, post-sentence). As soon as he's out, we can put a "hold" back on him so that he'll be returned here. I would be willing to reach out to Jefferson County and explain the situation here and, perhaps, they'll agree that any sentence that is imposed on the Failure to Transfer Title be served here and concurrently with the Thurston County case sentence.

Finally, more good news: Per Lt. Thompson, once sentenced in our case, Mr. Parmley is going to be on a waiting list for CDP for a bit anyway. (Note: I'll send out to you in a moment a recent CDP waiting list e-mail update from Lt. Val Peters.) If Mr. Parmley goes to Jefferson County as I discussed above, he still keeps his place on the waiting list, assuming that he's back when his # comes due for entering the program.

Just let me know what he wants to do. (But note: I probably cannot get Jefferson County to commit to anything about their case, but I'd be willing to ask.)

FYI...Mark

8/15/2013

>>> "Karl Hack" <attorneykarlhack@comcast.net> 08/15/2013 12:04 PM >>>

*** Mark -- You can probably find this out quicker than I can. Parmley says he's been told there's a \$5,000 warrant on him out of Jefferson Co. for the heinous crime of Failure to Transfer Title Within 45 Days, and that Jefferson Co. actually wants him sent up there after he's done in TCJ! If this is the case, then how will this affect him being able to do CDP? Frankly Parmley's more interested in just doing some jail time and then getting treatment on community custody if you're open to letting him do that. He's not rejecting the offer, but questioning whether he'd be allowed to do CDP on a Rob 2 with this warrant out.

Karl Hack, Attorney at Law
1101 Eastside St. SE, Suite F
Olympia, WA 98501-2440
Tel./Fax: 360-357-4344 / -3226

Karl Hack

From: Mark Thompson [thompsm@co.thurston.wa.us]
Sent: Tuesday, August 13, 2013 12:34 PM
To: Karl Hack
Cc: Craig Juris
Subject: Kenneth Parmley, #13-1-00972-6

Karl,

I'm sending you this e-mail "as promised" following yesterday's Pretrial, and "cc'ing" it to Craig so that he is aware of our discussion.

First, we continued yesterday's PT one week to 8/19/13. Because our trial is set for the following week (8/26/13), you agreed that you would join me in a motion to continue the trial at least a few weeks (or longer) while we attempt to decide the "next step" in this case given that nothing had really happened during the past two weeks due to your vacation (week of 7/29) and my vacation (week of 8/5), including whether DPA Craig Juris would likely use your client's testimony in his case against Brian Cox.

Secondly, I'll indicate that I am willing to give your client the "Robbery 2" based upon his lack of violent history and his request for drug treatment through CDP. But I want to get that entered sooner-than-later, in order to get him onto the waiting list for CDP ASAP so that he can have time to fully participate in at least Phases I and II. The plea to Robbery 2 would have to be via "in re Barr" as this was not a completed robbery and, therefore, the PC facts do not establish Robbery 2.

Finally, with respect to your client's involvement as a possible witness in DPA Craig Juris' attempted murder case involving Brian Cox, you have represented to me that your client has already given a statement to law enforcement about conversations he had with Mr. Cox while Cox's cellmate, which involved Mr. Cox soliciting your client to possibly "tamper" (at the very least) with a witness in the Cox case. Your client provided his statement to Detective Kolb about this situation prior to any representations or promises by me about what I was going to do specifically with my case against him (Mr. Parmley). However, I believe that prior to Mr. Parmley's statement to Detective Kolb in the Cox case, I had at least sent a "cc" to you of e-mail inquiries I made to Lt. Peters about the jail's CDP program, which would only be possible if I were later agreeing to reduce the current Attempted Robbery 1 charge to Robbery 2. I'm uncertain whether you had shared my e-mails with your client prior to his statement to Det. Kolb. In any event, you have indicated that your client is willing to truthfully testify against Mr. Cox should he be needed by Craig, and that such truthful testimony would be consistent with his statement to Det. Kolb and be provided without me needing to condition my case's outcome on your client's testimony. I am tentatively indicating to you that my offer of Robbery 2 will not be conditioned on your client's cooperation as a witness in the Cox case, **but I want to first ask Craig if he is "okay" with this?** If he is, it appears that we can immediately look into wrapping Mr. Parmley's case up. However, despite the information and "timing" noted above, I still believe that Craig would have to disclose to Cox's counsel at least the "arguable" influence of my case on Mr. Parmley's offered information against Mr. Cox. Therefore, I have spent time detailing the above so that Craig has this information to forward to Cox's counsel after you have either confirmed or clarified the information outlined above.

I'll send you specifics for the amended offer in a little bit.

Please confirm or clarify the information outline in this e-mail.

Thanks...Mark

8/13/2013

APPENDIX 7

FILED
SUPERIOR COURT
THURSTON COUNTY, WA

2013 JUN 26 PM 2: 27

BETTY J. GOULD, CLERK

**IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THURSTON COUNTY**

STATE OF WASHINGTON,

Plaintiff,

vs.

KENNETH VERL PARMLEY,
DESC: W/M/511/185/BRN/BRN
DOB: 12/05/1960
SID: WA11688611 FBI: 33935W9
BOOKING NO. C0180046
PCN: 767145241

Defendant.

NO. 13-1-00972-6

INFORMATION

MARK THOMPSON

Senior Deputy Prosecuting Attorney

Jointly Charged with Co-Defendant(s):

N/A

Comes now the Prosecuting Attorney in and for Thurston County, Washington, and charges the defendant with the following crime:

**COUNT I - ATTEMPTED ROBBERY IN THE FIRST DEGREE, RCW 9A.28.020 AND
RCW 9A.56.200(1)(a)(ii) - CLASS B FELONY:**

In that the defendant, KENNETH VERL PARMLEY, in the State of Washington, on or about June 22, 2013, with intent to commit Robbery in the First Degree, to wit: to unlawfully take personal property from Gregory S. Hokanson, and in the commission of or in immediate flight therefrom the defendant displayed what appeared to be a firearm or other deadly weapon, and thereafter did do an act which was a substantial step towards the commission of the crime of Robbery in the First Degree.

DATED this 26th day of June, 2013.



MARK THOMPSON, WSBA# 16477
Senior Deputy Prosecuting Attorney

APPENDIX 8

FILED
SUPERIOR COURT
THURSTON COUNTY, WA

2013 AUG 21 PM 2: 57

BETTY J. GOULD, CLERK

Superior Court of Washington
For Thurston County

No. 13-1-00972-6

STATE OF WASHINGTON _____,

Plaintiff

vs.

KENNETH V. PARMLEY, JR. _____,

Defendant

Statement of Defendant on Plea of
Guilty to Non-Sex Offense
(Felony)
(STTDFG)

A/O # 2

1. My true name is: Kenneth Verl Parmley, Jr.

2. My age is: 52

3. The last level of education I completed was 12th

4. **I Have Been Informed and Fully Understand That:**

(a) I have the right to representation by a lawyer and if I cannot afford to pay for a lawyer, one will be provided at no expense to me.

(b) I am charged with: Robbery in the Second Degree

do not fork in state information (1st Amendment)
The elements are: to unlawfully take personal property from the person of another or in his or her presence against his or her will by the use or threatened use of immediate force, violence, or fear of injury to that person or his or her property or the person or property of anyone, using such force or fear to obtain or retain possession of the property, or to prevent or overcome resistance to the taking, regardless of whether the taking of said property was completed without the knowledge of the person from whom taken as long as such knowledge was prevented by the use of force or fear.

5. **I Understand I Have the Following Important Rights, and I Give Them Up by Pleading Guilty:**

- (a) The right to a speedy and public trial by an impartial jury in the county where the crime was allegedly committed;
- (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
- (c) The right at trial to hear and question the witnesses who testify against me;
- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) The right to be presumed innocent unless the State proves the charge beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a finding of guilt after a trial.

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

- (a) Each crime with which I am charged carries a maximum sentence, a fine, and a **Standard Sentence Range** as follows:

COUNT NO.	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	COMMUNITY CUSTODY	MAXIMUM TERM AND FINE
1	1	6 – 12 months	N/A	12 months	10 years \$20,000.00

* Each sentencing enhancement will run consecutively to all other parts of my entire sentence, including other enhancements and other counts. The enhancement codes are: (F) Firearm, (D) Other deadly weapon, (V) VUCSA in protected zone, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present, (CSG) Criminal street gang involving minor, (AE) Endangerment while attempting to elude.

- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.
- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.

- (e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.
- (f) ~~For crimes committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the total period of confinement is more than 12 months, and if this crime is a drug offense, assault in the second degree, assault of a child in the second degree, or any crime against a person in which a specific finding was made that I or an accomplice was armed with a deadly weapon, the judge will order me to serve at least one year of community custody. If this crime is a vehicular homicide, vehicular assault, or a serious violent offense, the judge will order me to serve at least two years of community custody. The actual period of community custody may be longer than my earned early release period. During the period of community custody, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.~~

⊗ For offenses committed after July 1, 2000 but prior to July 26, 2009, the court may impose a community custody range as follows: ~~for serious violent offenses, 24 to 36 months; for crimes against persons, 9 to 12 months; for offenses under 69.50 and 69.52, 9 to 12 months.~~

↪ For crimes committed on or after July 1, 2000: In addition to sentencing me to confinement, under certain circumstances the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months, but only if the crime I have been convicted of falls into one of the offense types listed in the following chart. For the offense of failure to register as a sex offender, regardless of the length of confinement, the judge will sentence me to 36 months of community custody. If the total period of confinement ordered is more than 12 months, and if the crime I have been convicted of falls into one of the offense types listed in the following chart, the court will sentence me to community custody for the term established for that offense type unless the judge finds substantial and compelling reasons not to do so. If the period of earned release awarded per RCW 9.94A.728 is longer, that will be the term of my community custody. If the crime I have been convicted of falls into more than one category of offense types listed in the following chart, then the community custody term will be based on the offense type that dictates the longest term of community custody.

OFFENSE TYPE	COMMUNITY CUSTODY TERM
Serious Violent Offenses	36 months
Violent Offenses	18 months <i>(if prison)</i>
Crimes Against Persons as defined by RCW 9.94A.411(2)	12 months
Offenses under Chapter 69.50 or 69.52 RCW (not sentenced under RCW 9.94A.660)	12 months
Offenses involving the unlawful possession of a firearm where the offender is a criminal	12 months

street gang member or associate

Certain sentencing alternatives may also include community custody.

During the period of community custody I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me, including additional conditions of community custody that may be imposed by the Department of Corrections. My failure to comply with these conditions will render me ineligible for general assistance, RCW 74.04.005(6)(h), and may result in the Department of Corrections transferring me to a more restrictive confinement status or other sanctions.

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

- (g) The prosecuting attorney will make the following ^{if eligible} recommendation to the judge: 12 months custody doing TCI Chemical Dependency Program; \$500 CVC, \$200 costs, \$100 DNA; 12 months community custody w/ CD eval/tx if CDP not successfully completed, plus other standard drug and alcohol conditions per order of CCO; 10 years no contact w/ Gregory Steven Hokanson, restitution if any; Standard drug conditions & treatment as required by Community Corrections officer. State also agrees to assist with any necessary court order(s) to

The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference. allows defendant to clear warrants in other jurisdiction(s).

- (h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless it finds substantial and compelling reasons not to do so. I understand the following regarding exceptional sentences:

- (i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.
- (ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.
- (iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.
- (iv) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

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

- (i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law may be grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
- (j) I may not possess, own, or have under my control any firearm unless my right to do so is restored by a superior court in Washington State, and by a federal court if required. I must immediately surrender any concealed pistol license. RCW 9.41.040.
- (k) I will be ineligible to vote until that right is restored in a manner provided by law. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.
- (l) Government assistance may be suspended during any period of confinement.
- (m) I will be required to have a biological sample collected for purposes of DNA identification analysis. I will be required to pay a \$100.00 DNA collection fee.

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

- K.V.P (n) This offense is a most serious offense or "strike" as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.
- ~~_____ (o) The judge may sentence me as a first-time offender instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030. This sentence could include as much as 90 days' confinement and up to six months community custody (up to twelve months if treatment is ordered), plus all of the conditions described in paragraph (c). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.~~
- ~~_____ (p) The judge may sentence me under the Parenting Sentencing Alternative if I qualify under Laws of 2010, ch. 224, §2. If I am eligible, the judge may order DOC to complete either a risk assessment report or a chemical dependency screening report, or both. If the judge decides to impose the Parenting Sentencing Alternative, the sentence will consist of 12 months of community custody and I will be required to comply with the conditions imposed by the court and by DOC. At any time during community custody, the court may schedule a hearing to evaluate my progress in treatment or to determine if I have violated the conditions of the sentence. The court may modify the conditions of community custody or impose sanctions. If the court finds I violated the conditions or requirements of the sentence or I failed to make satisfactory progress in treatment, the court may order me to serve a term of total confinement within the standard range for my offense.~~
- ~~_____ (q) If this crime involves kidnapping involving a minor, including unlawful imprisonment involving a minor who is not my child, I will be required to register where I reside, study or work. The specific registration requirements are set forth in the "Offender Registration" Attachment.~~

- _____ (r) ~~If this is a crime of domestic violence, I may be ordered to pay a domestic violence assessment of up to \$100.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.~~
- _____ (s) ~~If this crime involves prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.~~
- _____ (t) ~~The judge may sentence me under the drug offender sentencing alternative (DOSA) if I qualify under RCW 9.94A.660. If I qualify and the judge is considering a residential chemical dependency treatment-based alternative, the judge may order that I be examined by DOC before deciding to impose a DOSA sentence. If the judge decides to impose a DOSA sentence, it could be either a prison-based alternative or a residential chemical dependency treatment-based alternative.~~

~~If the judge imposes the **prison-based alternative**, the sentence will consist of a period of total confinement in a state facility for one-half of the midpoint of the standard range, or 12 months, whichever is greater. During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose a term of community custody of one-half of the midpoint of the standard range.~~

~~If the judge imposes the **residential chemical dependency treatment-based alternative**, the sentence will consist of a term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, and I will have to enter and remain in a certified residential chemical dependency treatment program for a period of **three to six months**, as set by the court.~~

~~As part of this sentencing alternative, the court is required to schedule a progress hearing during the period of residential chemical dependency treatment and a treatment termination hearing scheduled three months before the expiration of the term of community custody. At either hearing, based upon reports by my treatment provider and the department of corrections on my compliance with treatment and monitoring requirements and recommendations regarding termination from treatment, the judge may modify the conditions of my community custody or order me to serve a term of total confinement equal to one-half of the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.701.~~

~~During the term of community custody for either sentencing alternative, the judge could prohibit me from using alcohol or controlled substances, require me to submit to urinalysis or other testing to monitor that status, require me to devote time to a specific employment or training, stay out of certain areas, pay \$30.00 per month to offset the cost of monitoring and require other conditions, such as affirmative conditions, and the conditions described in paragraph 6(e). The judge, on his or her own initiative, may order me to appear in court at any time during the period of community custody to evaluate my progress in treatment or to determine if I have violated the conditions of the sentence. If the court finds that I have violated the conditions of the sentence or that I have failed to make satisfactory progress in treatment, the court may modify the terms of my community custody or order me to serve a term of total confinement within the standard range.~~

- KJP (u) If I am subject to community custody and the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.
- _____ (v) ~~If this crime involves the manufacture, delivery, or possession with the intent to deliver methamphetamine, including its salts, isomers, and salts of isomers, or amphetamine, including its salts, isomers, and salts of isomers, a mandatory methamphetamine clean-up fine of \$3,000 will be assessed. RCW 69.50.401(2)(b).~~
- _____ (w) ~~If this crime involves a violation of the state drug laws, my eligibility for state and federal food stamps, welfare, and education benefits may be affected. 20 U.S.C. § 1091(r) and 21 U.S.C. § 862a.~~
- _____ (x) ~~I understand that RCW 46.20.285(4) requires that my driver's license be revoked if the judge finds I used a motor vehicle in the commission of this felony.~~
- _____ (y) ~~If this crime involves the offense of vehicular homicide while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, committed on or after January 1, 1999, an additional two years shall be added to the presumptive sentence for vehicular homicide for each prior offense as defined in RCW 46.61.5055(14).~~
- _____ (z) ~~If I am pleading guilty to felony driving under the influence of intoxicating liquor or any drugs, or felony actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, in addition to the provisions of chapter 9.94A RCW, I will be required to undergo alcohol or chemical dependency treatment services during incarceration. I will be required to pay the costs of treatment unless the court finds that I am indigent. My driving privileges will be suspended, revoked or denied. Following the period of suspension, revocation or denial, I must comply with ignition interlock device requirements.~~
- _____ (aa) ~~The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. This law does not apply to crimes committed on or after July 24, 2005, by a juvenile who was tried as an adult after decline of juvenile court jurisdiction. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6[n].~~
- _____ (bb) ~~I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.~~
- _____ (cc) ~~The offense(s) I am pleading guilty to include(s) a Violation of the Uniform Controlled Substances Act in a protected zone enhancement or manufacture of methamphetamine when a juvenile was present in or upon the premises of manufacture enhancement. I understand these enhancements are mandatory and that they must run consecutively to all other sentencing provisions.~~

- _____ (dd) ~~The offense(s) I am pleading guilty to include(s) a deadly weapon, firearm, or sexual motivation enhancement. Deadly weapon, firearm, or sexual motivation enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon, firearm, or sexual motivation enhancements.~~
- _____ (ee) ~~If I am pleading guilty to (1) unlawful possession of a firearm(s) in the first or second degree and (2) felony theft of a firearm or possession of a stolen firearm, I am required to serve the sentences for these crimes consecutively to one another. If I am pleading guilty to unlawful possession of more than one firearm, I must serve each of the sentences for unlawful possession consecutively to each other.~~
- _____ (ff) ~~If I am pleading guilty to the crime of unlawful practices in obtaining assistance as defined in RCW 74.08.331, no assistance payment shall be made for at least six months if this is my first conviction and for at least 12 months if this is my second or subsequent conviction. This suspension of benefits will apply even if I am not incarcerated. RCW 74.08.290.~~
- _____ (gg) ~~The judge may authorize work ethic camp. To qualify for work ethic authorization my term of total confinement must be more than twelve months and less than thirty-six months, I cannot currently be either pending prosecution or serving a sentence for violation of the uniform controlled substance act and I cannot have a current or prior conviction for a sex or violent offense.~~

7. I plead guilty to:

Count I: Robbery in the Second Degree

Count : _____

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

- 8. I make this plea freely and voluntarily.
- 9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.
- 10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.
- 11. The judge has asked me to state what I did in my own words that makes me guilty of this crime.

This is my statement: _____

I stipulate that the court could find me guilty of the original charge of Robbery Attempted Robbery 1st Degree and that the court can find me guilty of Robbery 2nd Degree pursuant to in re Barr -

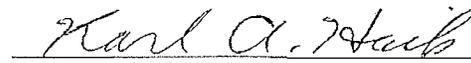
[] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

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


Defendant

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


Prosecuting Attorney


Defendant's Lawyer

Mr. Thompson
Print Name

16477
WSBA No.

Karl A. Hack 26744
Print Name

26744
WSBA No.

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

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

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

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

Interpreter

Print Name

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

Dated: 21 August, 2013


Judge
CAROL MURPHY

APPENDIX 9

2013 AUG 21 PM 2: 32

BETTY J. GOULD, CLERK

**SUPERIOR COURT OF WASHINGTON
THURSTON COUNTY**

STATE OF WASHINGTON,

Plaintiff,

vs.

KENNETH VERL PARMLEY, JR.

Defendant.

No. 13-1-00972-6

FELONY JUDGMENT AND SENTENCE (FJS)
(FOR CRIMES COMMITTED ON OR AFTER 7/1/00)

SID: WA11688611
DOB: 12/05/1960
PCN: 767145241
BOOKING NO. C0180046

JAIL ONE YEAR OR LESS (non-sex offense)

I. HEARING

1.1 A sentencing hearing was held on August 21, 2013 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 August 21, 2013
by plea jury-verdict bench trial of: _____
(Date)

COUNT	CRIME	RCW	DATE OF CRIME
I	ROBBERY IN THE SECOND DEGREE	9A.56.210(1)	06/22/2013

as charged in the FIRST information.

Additional current offenses are attached in Appendix 2.1.

A special verdict/finding for use of **deadly weapon other than a firearm** was returned on Count(s) _____
_____. RCW 9.94A.602, 9.94A.533.

This case involves **kidnapping** in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.

The court finds that the offender has a **chemical dependency** that has contributed to the offense(s). RCW 9.94A.607.

The crime charged in Count(s) _____ involve(s) **domestic violence**.

Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): _____

None of the current offenses constitute the same criminal conduct except the following: _____

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

CRIME	SENTENCE DATE	SENTENCING COURT	CRIME DATE	ADULT or JUV.	CRIME TYPE
Unlawful Possession of a Controlled Substance (Methamphetamine) ▶ <i>Note: appears to "wash"</i>	5/2/05	Grays Harbor Co., WA #05-1-00176-6	10/07/04	Adult	Non-Violent
Trafficking in Stolen Property -1 st Degree	5/2/05	Grays Harbor Co., WA #04-1-00508-9 S1 S14	09/27/04	Adult	Non-Violent
Theft-2 nd Degree (Not Firearm) ▶ <i>Note: appears to "wash"</i>	3/5/01	Grays Harbor Co., WA #00-1-00287-7	03/28/00	Adult	Non-Violent

- Additional criminal history is attached in Appendix 2.2.
- The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525.
- The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

None of the prior convictions listed above constitute the same criminal conduct except _____

2.3 SENTENCING DATA:

COUNT	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE	ENHANCEMENTS*	TOTAL STANDARD RANGE	MAXIMUM TERM
I	<i>1</i>	<i>IV</i>	<i>6-12 months</i>	<i>N/A</i>	<i>6-12 months</i>	<i>10 years</i>

- * (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present.
- Additional current offense sentencing data is attached in Appendix 2.3.

- 2.4 EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence:
- below the standard range for Count(s) _____.
 - above the standard range for Count(s) _____.
 - The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.
 - Aggravating factors were stipulated by the defendant, found by the court after the defendant waived jury trial, found by jury by special interrogatory.
- 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):
- _____

- 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 and Appendix 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:

JASS CODE

RTN/RJN

\$RESERVED Restitution to: _____

\$ _____ Restitution to: _____

\$ _____ Restitution to: _____

(Name and Address--address may be withheld and provided confidentially to Clerk of the Court's office.)

PCV \$500.00 Victim assessment RCW 7.68.035

\$ _____ Domestic Violence assessment RCW 10.99.080

CRC \$200.00 Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190

Criminal filing fee \$200 FRC

Witness costs \$ _____ WFR

Sheriff service fees \$ _____ SFR/SFS/SFW/WRF

Jury demand fee \$ _____ JFR

Extradition costs \$ _____ EXT

Other \$ _____

PUB \$ _____ Fees for court appointed attorney RCW 9.94A.760

WFR \$ _____ Court appointed defense expert and other defense costs RCW 9.94A.760

FCM/MTH \$ _____ Fine RCW 9A.20.021; [] VUCSA chapter 69.50 RCW, [] VUCSA additional fine deferred due to indigency RCW 69.50.430

CDF/LDI/FCD \$ _____ Drug enforcement fund of Thurston County RCW 9.94A.760

CLF \$ _____ Crime lab fee [] suspended due to indigency RCW 43.43.690

RTN/RJN \$100.00 Felony DNA collection fee [] not imposed due to hardship RCW 43.43.7541

\$ _____ Emergency response costs (Vehicular Assault, Vehicular Homicide only, \$1000 maximum) RCW 38.52.430

\$ _____ Thurston County Drug Court Fee

\$ _____ Costs for Incarceration in the Thurston County Jail (\$500 maximum @ \$50/day) RCW 9.94A.760

\$ _____ Other costs for: _____

\$ 800.00 TOTAL RCW 9.94A.760

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

RESTITUTION. Schedule attached.

Restitution ordered above shall be paid jointly and severally with:

<i>R/N</i>	NAME of other defendant	CAUSE NUMBER	(Victim's name)	(Amount-\$)

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

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

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

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

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

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

4.3 The defendant shall not have contact with Gregory J. Hokanson (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for 10 years (not to exceed the maximum statutory sentence).

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

4.4 OTHER: _____

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:

<u>12</u> days/months on Count <u>I</u>	_____ days/months on Count _____
_____ days/months on Count _____	_____ days/months on Count _____
_____ days/months on Count _____	_____ days/months on Count _____

Actual number of months of total confinement ordered is: Twelve (12) months

(b) **NON-FELONY COUNTS** (if applicable):

The sentence on counts _____ is/are suspended for _____ months on the condition that the defendant comply with all requirements outlined in the supervision section of this sentence.

_____ days of jail are suspended on Count _____
_____ days of jail are suspended on Count _____

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

The sentence herein shall run consecutively with the sentence in cause number(s) _____

but concurrently to any other felony cause not referred to in this Judgment. RCW 9.94A.589.

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: Pursuant to Chemical Dependency Program* (if eligible)

- work crew RCW 9.94A.725
- home detention RCW 9.94A.731, .190
- work release RCW 9.94A.731

* CDP: Phase I - "straight time"; Phase II - work release.
Note: Not eligible for home detention due to "violent" offense.
Parties advised by jail that Phase III can continue on work release.

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.

ALTERNATIVE CONVERSION. RCW 9.94A.680. _____ days of total confinement ordered above are hereby converted to _____ hours of community restitution (service) (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: _____

4.6 **COMMUNITY CUSTODY.** RCW 9.94A.505, .545. Defendant shall serve 12 months (up to 12 months) in community custody. Defendant shall report in person to the Department of Corrections, 715 8th Ave SE, Olympia, WA 98504 (360-586-0917), 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 and shall comply with the instructions, rules and regulations of DOC for the conduct of the defendant during the period of community custody and any other conditions of community custody stated in this Judgment and Sentence.

While on community 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 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.

Pay all court-ordered legal financial obligations

Report as directed to a community corrections officer

Notify the community corrections officer in advance of

Remain within prescribed geographical boundaries to be set

any change in defendant's address or employment by CCO

Defendant shall have no contact with: Gregory J. Hobanson or his work place

The defendant shall not consume any alcohol and shall submit to random breath testing as directed by DOC for purposes of monitoring compliance with this condition.

The defendant shall undergo evaluation and fully comply with all recommended treatment for the following:

Substance Abuse

Mental Health

Sexual Deviancy

Anger Management

Other: Department of Corrections may ^{consider} ~~accept~~ defendant's participation in Jail's Chemical Dependency Program in determining appropriate treatment while on

DV Treatment Review Hearing is set for _____ at _____. Community custody (if CDP Completed)

The defendant shall enter into and complete a Washington State certified domestic violence treatment program as required by DOC or as follows:

The defendant shall not use, possess, manufacture or deliver controlled substances without a valid prescription, not associate with those who use, sell, possess, or manufacture controlled substances and submit to random urinalysis at the direction of his/her CCO to monitor compliance with this condition.

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

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

The conditions of community supervision or community custody shall begin immediately unless otherwise set forth here: _____

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: _____

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). 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.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): _____.

5.5 Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. RCW 9.94A.633.

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 clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

5.7 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.

5.8 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.

5.9 OTHER: Bail previously posted, if any, is hereby exonerated and shall be returned to the posting party

DONE in Open Court and in the presence of the defendant this date: August 21, 2013.

Carol Murphy
Judge/Print name:

Mark Thompson
Deputy Prosecuting Attorney
WSBA No. 16477
Print name: MARK THOMPSON

CAROL MURPHY
Karl A. Hack
Attorney for Defendant
WSBA No. 26744
Print name: KARL A. HACK

VOTING RIGHTS STATEMENT: RCW 10.64.140. I acknowledge that my right to vote has been lost due to felony conviction. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: 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 92A.84.660.
Defendant's signature: [Signature]

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

Interpreter signature/Print name: _____

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

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

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

IDENTIFICATION OF DEFENDANT

SID No. WA11688611
(If no SID take fingerprint card for State Patrol)

Date of Birth 12/05/1960

FBI No. 33935W9

Local ID No. _____

PCN No. 767145241

Other _____

Alias name, DOB: _____

Race:

- Asian/Pacific Islander
- Black/African-American
- Caucasian
- Native American
- Other: _____

Ethnicity:

- Hispanic
- Non-Hispanic
- Male
- 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, _____ Dated: 08-21-13

DEFENDANT'S SIGNATURE: _____

Left four fingers taken simultaneously

Left Thumb

Right Thumb

Right four fingers taken simultaneously



APPENDIX 10

FILED
SUPERIOR COURT
THURSTON COUNTY, WA

2013 AUG 21 PM 2:57

BETTY J. GOULD, CLERK

IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THURSTON COUNTY

NO. 13-1-00972-6

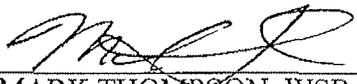
STATE OF WASHINGTON, Plaintiff,
vs.
KENNETH VERL PARMLEY, JR., Defendant.

PROSECUTOR'S STATEMENT OF
CRIMINAL HISTORY (ATTACHMENT
TO STATEMENT OF DEFENDANT ON
PLEA OF GUILTY)

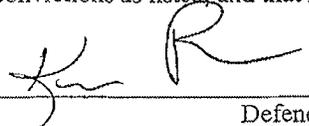
X The defendant's known criminal history:

CRIME	SENTENCE DATE	SENTENCING COURT	CRIME DATE	ADULT or JUV.	CRIME TYPE
Unlawful Possession of a Controlled Substance (Methamphetamine) ▶ Note: appears to "wash"	5/2/05	Grays Harbor Co., WA #05-1-00176-6	10/07/04	Adult	Non-Violent
Trafficking in Stolen Property -1 st Degree	5/2/05	Grays Harbor Co., WA #04-1-00508-9 S1 S14	09/27/04	Adult	Non-Violent
Theft-2 nd Degree (Not Firearm) ▶ Note: appears to "wash"	3/5/01	Grays Harbor Co., WA #00-1-00287-7	03/28/00	Adult	Non-Violent

DATED this 21st day of August, 2013.


MARK THOMPSON, WSBA #16477
Senior Deputy Prosecuting Attorney

I have reviewed the above felony criminal history with my attorney. I stipulate that this is complete and correct felony criminal history in Washington state; that any listed out-of-state convictions are complete and correct and the equivalent to the Washington State felony convictions as listed; and that I am the person named in each conviction(s).


Defendant

JON TUNHEIM
Thurston County Prosecuting Attorney
2000 Lakeridge Drive S.W.
Olympia, WA 98502
(360) 786-5540 Fax (360) 754-3358

KENNETH VERL PARMLEY
#13-1-00972-6

Version 20121231

ROBBERY SECOND DEGREE

RCW 9A.56.210
CLASS B – VIOLENT

OFFENDER SCORING RCW 9.94A.525(8)

If it was found that this offense was committed with sexual motivation (RCW 9.94A.533(8)) on or after 7/01/2006, use the General Violent Offense with a Sexual Motivation Finding scoring form on page 181.

If the present conviction is for a felony domestic violence offense where domestic violence was plead and proven, use the General Violent Offense Where Domestic Violence Has Been Plead and Proven scoring form on page 179.

ADULT HISTORY:

Enter number of serious violent and violent felony convictions $\frac{\text{"/ "}}{\text{"/ "}}$ x 2 = $\frac{\text{"/ "}}{\text{"/ "}}$
 Enter number of nonviolent felony convictions $\frac{\text{"/ "}}{\text{"/ "}}$ x 1 = $\frac{\text{"/ "}}{\text{"/ "}}$

JUVENILE HISTORY:

Enter number of serious violent and violent felony dispositions x 2 = _____
 Enter number of nonviolent felony dispositions x 1/2 = _____

OTHER CURRENT OFFENSES:

(Other current offenses that do not encompass the same conduct count in offender score)

Enter number of other serious violent and violent felony convictions x 2 = _____
 Enter number of other nonviolent felony convictions x 1 = _____

STATUS:

Was the offender on community custody on the date the current offense was committed?..... + 1 = _____

Total the last column to get the **Offender Score** (Round down to the nearest whole number)

$\frac{\text{"/ "}}{\text{"/ "}}$

SENTENCE RANGE

	Offender Score									
	0	1	2	3	4	5	6	7	8	9+
LEVEL IV	6m 3 - 9	9m 6 - 12	13m 12+ - 14	15m 13 - 17	17.5m 15 - 20	25.5m 22 - 29	38m 33 - 43	50m 43 - 57	61.5m 53 - 70	73.5m 63 - 84

- ✓ For attempt, solicitation, conspiracy (RCW 9.94A.595) see page 20 or for gang-related felonies where the court found the offender involved a minor (RCW 9.94A.833) see page 167 for standard range adjustments.
- ✓ For deadly weapon enhancement, see page 170.
- ✓ For sentencing alternatives, see page 160.
- ✓ For community custody eligibility, see page 168.
- ✓ For any applicable enhancements other than deadly weapon enhancement, see page 165.

The Caseload Forecast Council is not liable for errors or omissions in the manual, for sentences that may be inappropriately calculated as a result of a practitioner's or court's reliance on the manual, or for any other written or verbal information related to adult or juvenile sentencing. The scoring sheets are intended to provide assistance in most cases but do not cover all permutations of the scoring rules. If you find any errors or omissions, we encourage you to report them to the Caseload Forecast Council.

APPENDIX 11

CERTIFICATE OF SERVICE

I certify that I served a copy of Brief of Respondent on the date below as follows:

ELECTRONICALLY FILED AT DIVISION II

TO: DEREK M. BYRNE, CLERK
COURT OF APPEALS DIVISION II
950 BROADWAY, SUITE 300
TACOMA WA 98402-6045

VIA E- MAIL

TO: SUZANNE LEE ELLIOTT
1300 HOGE BUILDING
705 SECOND AVENUE
SEATTLE, WA 98104

SUZANNE@SUZANNEELLIOTTLAW.COM

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

Dated this 13th day of April, 2018, at Olympia, Washington.



JENA GREEN, PARALEGAL

THURSTON COUNTY PROSECUTING ATTORNEY'S OFFICE

April 13, 2018 - 4:22 PM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 51647-1
Appellate Court Case Title: In re the Personal Restraint Petition of Brian Glenn Cox
Superior Court Case Number: 13-1-00914-9

The following documents have been uploaded:

- 516471_Personal_Restraint_Petition_20180413162127D2480705_0209.pdf
This File Contains:
Personal Restraint Petition - Response to PRP/PSP
The Original File Name was COX_20180413162003.pdf

A copy of the uploaded files will be sent to:

- karim@suzanneelliottlaw.com
- suzanne-elliott@msn.com

Comments:

Sender Name: Jena Green - Email: greenj@co.thurston.wa.us

Filing on Behalf of: Joseph James Anthony Jackson - Email: jacksoj@co.thurston.wa.us (Alternate Email: PAOAppeals@co.thurston.wa.us)

Address:
2000 Lakedrige Dr SW
Olympia, WA, 98502
Phone: (360) 786-5540

Note: The Filing Id is 20180413162127D2480705