

FILED
Court of Appeals
Division II
State of Washington
5/20/2019 11:47 AM

FILED
KITSAP COUNTY CLERK
2019 MAY 15 AM 10:24
ALISON H. SONNTAG

SUPERIOR COURT OF WASHINGTON FOR KITSAP COUNTY

STATE OF WASHINGTON,

Plaintiff,

v.

STEVE ALLEN PEMBERTON

Defendant.

No. 17-1-01554-5

ORDER DENYING MOTION FOR
RECONSIDERATION, GRANTING
MOTION FOR CLIENT FILE, AND
TRANSFERRING DEFENDANT'S
MOTION AS PERSONAL
RESTRAINT PETITION PURSUANT
TO CrR 7.8(c)(2)

CLERK'S ACTION REQUIRED

THIS MATTER is before the Court on numerous motions filed by defendant Steve Pemberton. On June 8, 2018, Mr. Pemberton was found guilty by jury verdict of one count of Attempted Rape of a Child in the Second Degree, one count of Attempted Commercial Sexual Abuse of a Minor, one count of Communication with a Minor for Immoral Purposes, and one count of Possession of a Controlled Substance (Methamphetamine). After the verdict but prior to sentencing, Mr. Pemberton moved to proceed pro se. This motion was granted after a hearing held July 6, 2018.

On July 23, 2018, Mr. Pemberton filed numerous motions, which were captioned: (1) Motion to Dismiss Supplemental Information; (2) Dismissal; (3) Motion to Dismiss Prosecution Misconduct with Prejudice; (4) Motion for New Trial CrR 7.5; (5) CrR 7.5 New Trial Extend Time; (6) Motion

17-1-01554-5
CTD 186
Courts Decision
5619047



1 to Arrest Judgment CrR 7.4; and (7) Request for Extention to File CrR 7.4 Arrest Judgment.¹ On
2 August 20, 2018, Mr. Pemberton filed a “Motion to Dismiss CrR 8.3(b) Violation of Right to a Fair
3 Trial (with Prejudice).” The Court held a hearing on Mr. Pemberton’s Motions on August 20, 2018,
4 testimony was taken, at the conclusion of which the Court made oral rulings² denying all of Mr.
5 Pemberton’s motions. The Court then continued Mr. Pemberton’s sentencing to September 10, 2018.

6 On August 29, 2018, Mr. Pemberton filed a “Motion to Reconsider Outrageous
7 Governmental Misconduct Violating Due Process Right to Fundamental Fairness.” On September
8 7, 2018, Mr. Pemberton filed a document titled “Relief from Judgment or Order” and a “Motion for
9 a New Trial.”

10 This matter came on for sentencing on September 10, 2018. At the hearing, the Court stated
11 that Mr. Pemberton’s newly filed motions simply reargued issues already ruled upon at the August
12 20, 2018 hearing. The Court entered written Findings of Fact and Conclusions of Law regarding the
13 August 20th rulings and the sentencing was continued to September 19, 2018. Mr. Pemberton then
14 filed a motion dated September 11, 2018, titled “Rule CrR 7.8 Relief from Judgment or Order (New
15 Evidence).” At the September 19th sentencing hearing, the Court sentenced Mr. Pemberton to a total
16 of 234 months.³

17 On October 29, 2018, Mr. Pemberton filed a Motion to Compel Pimentel and Associates to
18 provide all documents regarding his case and noted the motion for hearing on November 9th at 9AM.
19 Mr. Pemberton did not appear for the hearing, which was then stricken.

20 On January 14, 2019, Mr. Pemberton filed several motions, including a “Motion to Vacate
21 CrR 7.8 Relief from Judgment and Order,” “Motion to Reconsider Outrageous Governmental
22 Misconduct Violating Due Process Right to Fundamental Fairness,” and “Motion for a New Trial.”
23 The February 8th hearing was stricken and then rescheduled for hearing on March 15, 2019. At the
24

25 ¹ On July 23, 2018, Mr. Pemberton also filed materials titled “Statement of Additional Grounds,” “Supplemental
26 Information for Outrageous Government Conduct,” “Outrageous Governmental Misconduct Violating Due Process to
27 Fundamental Fairness Additional Information,” “Outrageous Governmental Misconduct Violating Due Process to
28 Fundamental Fairness,” “Ineffective Assistance of Counsel Additional Information,” “Ineffective Assistance of Counsel
29 Supplemental Information,” and “Ineffective Assistance of Counsel (Trial Counsel).”

30 ² On September 10, 2018, the Court entered written Findings of Fact and Conclusions of Law for Hearing on CrR 7.4
Motion to Arrest Judgment, CrR 7.5 Governmental Misconduct and Ineffective Assistance of Counsel, consistent with
the oral rulings issued August 20, 2019.

³ Mr. Pemberton filed a notice of appeal and he was appointed counsel on October 4, 2018, Court of Appeals No. 52468-
6-II.

1 March 15th hearing the Court requested responsive briefing from the State⁴ and took the pending
2 matters under advisement. Based upon a review of the file, the Court now addresses Mr. Pemberton's
3 motions:

- 4 1. Mr. Pemberton's "Motion to Reconsider Outrageous Governmental Misconduct Violating Due
5 Process Right to Fundamental Fairness," filed January 14, 2019. Having concluded that this
6 motion states insufficient basis for reconsideration under CR 59, this motion will be denied.
- 7 2. Mr. Pemberton's "Motion for a New Trial," filed January 14, 2019. This motion argues that the
8 State committed misconduct, violating Mr. Pemberton's due process rights, that he was
9 prejudiced by trial counsel for not investigating an entrapment defense, that the jury should
10 have been given an entrapment jury instruction, and that substantial justice has not been done.
11 This is a refile of the exact same motion filed by Mr. Pemberton on September 7, 2018, which
12 was previously reviewed and denied by this Court.⁵ Therefore, the Court finds that Mr.
13 Pemberton has not "made a substantial showing that...he is entitled to relief," nor does
14 "resolution of the motion...require a factual hearing" as required by CrR 7.8(c)(2). The Court
15 therefore concludes that the Defendant's Motion must be transferred to the Court of Appeals as
16 a personal restraint petition pursuant to CrR 7.8(c)(2).
- 17 3. Mr. Pemberton's "Motion to Vacate CrR 7.8 Relief from Judgment and Order" filed January
18 14, 2019. This motion argues that this court "abused its discretion by failing to forward 2
19 previous motions to vacate to the court of appeals." This motion states that the motions in
20 question, one dated September 1, 2018⁶ and another dated September 11, 2018⁷, were both
21 submitted prior to sentencing on September 19, 2018. As stated in the State's Response, at the
22 time these CrR 7.8 motions were submitted, there was no "final judgment" in the case from
23

24 ⁴ On April 22, 2019, Mr. Pemberton filed an affidavit claiming that he had not received the Response and that that none
25 had been filed with the Court as of April 15th, and therefore his CrR 7.8 motions for a new trial should be granted. The
26 record shows that the State filed its Response on April 15, 2019 and mailed Mr. Pemberton a copy of the Response on
the same date.

27 ⁵ Both motions were dated August 30, 2018. The sole difference appears to be that the newly filed motion comes with
numerous exhibits attached.

28 ⁶ This appears to refer to Mr. Pemberton's "Relief from Judgment or Order," dated September 1, 2018, and refiled with
this motion on January 14, 2019.

29 ⁷ This appears to refer to Mr. Pemberton's "CrR 7.8 Relief from Judgment or Order," dated September 11, 2018, and
30 refiled with this motion on January 14, 2019.

1 which Mr. Pemberton could seek relief pursuant to CrR 7.8. Therefore the September 1st and
2 September 11th motions were properly denied and this new CrR 7.8 motion has not “made a
3 substantial showing that...he is entitled to relief,” nor does “resolution of the motion...require
4 a factual hearing” as required by CrR 7.8(c)(2). The Court therefore concludes that the
5 Defendant’s Motion must be transferred to the Court of Appeals as a personal restraint petition
6 pursuant to CrR 7.8(c)(2).

- 7 4. On October 29, 2018, Mr. Pemberton’s “Motion to Compel,” seeking an order “to compel
8 Pimentel and Associates to provide all documents to [Mr. Pemberton] in regards to this case,”
9 filed October 29, 2018. As stated in the State’s Response, Mr. Pemberton is entitled to his client
10 file. It is unclear from the record whether the file has since been provided to Mr. Pemberton.
11 Therefore, the Court will order production of the file if it has not been previously provided.

12 Based upon the foregoing, it is hereby,

13 ORDERED that Mr. Pemberton’s “Motion to Reconsider Outrageous Governmental
14 Misconduct Violating Due Process Right to Fundamental Fairness,” filed January 14, 2019, is
15 DENIED. It is further

16 ORDERED that, if not already provided, Pimentel and Associates provide Mr. Pemberton
17 his client file. It is further

18 ORDERED that Mr. Pemberton’s “Motion to Vacate CrR 7.8 Relief from Judgment and
19 Order,” and “Motion for New Trial,” both filed January 14, 2019, shall be transferred to Division II
20 of the Washington State Court of Appeals for consideration as a personal restraint petition.
21

22 Dated: May 15, 2019

23 
24 _____
25 JUDGE SALLY F. OLSEN

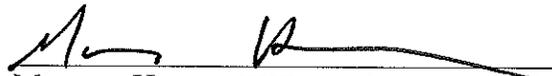
CERTIFICATE OF SERVICE

I, Marcus Hauer, certify under penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above entitled action, and competent to be a witness herein.

Today, I caused a copy of the foregoing document to be served in the manner noted on the following:

John L. Cross Kitsap County Prosecuting Attorney's Office 614 Division St., MS-35 Port Orchard, WA 98366-4681	<input checked="" type="checkbox"/> Interdepartmental Mail
Steve Pemberton DOC# 876309 Coyote Ridge C.C. PO Box 769 Connell, WA 99326	<input checked="" type="checkbox"/> Via U.S. Mail
Adrian Pimentel Pimentel & Associates PLLC 813 Division St Port Orchard, WA 98366-4511	<input checked="" type="checkbox"/> Via U.S. Mail

DATED this 15th day of May 2019, at Port Orchard, Washington.


MARCUS HAUER, WSBA #46539
Staff Attorney, Kitsap County Superior Court

8-30-18

IN THE KITSAP COUNTY SUPERIOR COURT.
NO. 17-1-01554-5

FILED

JAN 14 2019

ALISON H. SOMMAYAG
KITSAP COUNTY CLERK

STATE OF WASHINGTON
PLAINTIFF

V.
STEVEN A. PEMBERTON
DEFENDANT

MOTION FOR A
NEW TRIAL

COMES NOW THE DEFENDANT STEVEN PEMBERTON

ISSUE(S) PRESENTED

1) DID THE STATE ACT IN MISCONDUCT BY IMPROPER TARGET SELECTION IN THEIR INVESTIGATION?
ANSWER: YES

2) DID LAW ENFORCEMENT'S MISCONDUCT VIOLATE DEFENDANT'S RIGHT TO DUE PROCESS?
ANSWER: YES

3) WAS DEFENDANT PREJUDICED BY TRIAL COUNSEL BY NOT INVESTIGATING ENTRAPMENT DEFENSE?
ANSWER: YES

4) SHOULD HAVE ENTRAPMENT JURY INSTRUCTION BEEN PROVIDED TO JURY?
ANSWER: YES

17-1-01554-5
MT 164
Motion
4713674



5) HAS SUBSTANTIAL JUSTICE BEEN DONE IN REGARDS TO THIS CASE?

ANSWER: NO

ARGUMENT

ISSUE 1) ENTRAPMENT CAN OCCUR NOT ONLY WHEN THE MODE OF FACILITATING OR INDUCING AN OFFENSE IS IMPROPER, BUT ALSO WHEN A TARGET FOR INVESTIGATION IS SELECTED IN AN IMPROPER WAY. IT IS WRONG TO FACILITATE OR INDUCE THE COMMISSION OF AN OFFENSE IF THE TARGET IS NOT REASONABLY SUSPECTED OF ALREADY BEING PREPARED TO COMMIT THAT KIND OF OFFENSE.

RANDOMLY TEMPTING PEOPLE THEREFORE ALWAYS CARRIES SOME RISK OF INDUCING CRIMINAL ACTIVITY BY PERSONS WHO WOULD OTHERWISE HAVE STAYED WITHIN THE BOUNDS OF THE LAW.

SELECTING A TARGET WITHOUT REASONABLE SUSPICION IS IMPROPER AND VIOLATES DUE PROCESS, ENTRAPPING THE ACCUSED.

ISSUE 2.) THE DEFENDANT WAS TARGETED AND PURSUED WITH NO PREDISPOSITION TO COMMIT THE CRIME. THE LAW DOES NOT TOLERATE GOVERNMENT ACTION TO PROVOKE A LAW ABIDING CITIZEN TO COMMIT A CRIME IN ORDER TO PROSECUTE HIM/HER WITH THAT CRIME. AFTER PLACING A LEGAL AD FOR AN ADULT ENCOUNTER, THE GOVERNMENT INDUCED THE DEFENDANT BY TACTICS

OF BADGERING, CAYLING, IMPORTUNING AND OTHER AFFIRMATIVE ACTS TO INDUCE AN AGREEMENT TOWARDS COMMISSION OF A CRIME. THESE ILLEGAL TACTICS AGAINST RANDOM INDIVIDUALS VIOLATE THE RIGHT TO DUE PROCESS.

ISSUE 3.) AS EARLY AS 35 MINUTES AFTER MY ARREST I WAS QUESTIONING ENTRAPMENT WITH LAW ENFORCEMENT EVERY MEETING WITH MY TRIAL COUNSEL I ASKED FOR THE ENTRAPMENT DEFENSE. MY TRIAL COUNSEL PREJUDICED ME AND DID NOT PROVIDE EFFECTIVE ASSISTANCE OF COUNSEL BY NOT PURSUING SAID DEFENSE. TRIAL COUNSEL TESTIFIED "THAT THE ENTRAPMENT DEFENSE WAS NOT WORKING." THAT WAS AN ERRONEOUS STATEMENT. WITH A SIMPLE GOOGLE SEARCH ONLINE YOU WILL FIND HUNDREDS OF CASES INVOLVING ICAC, TO CATCH A PREDATOR AND LAW ENFORCEMENT INVESTIGATION WHERE ENTRAPMENT DEFENSES ARE PREVAILING. APPELLATE COURTS ARE OVERTURNING CONVICTIONS ALL OVER THE UNITED STATES FOR THE ILLEGAL TACTICS OF LAW ENFORCEMENT.

THE DEFENDANT HAS A RIGHT TO COMPULSORY PROCESS. "IN PLAIN TERMS THE RIGHT TO PRESENT A DEFENSE.... THIS RIGHT IS A FUNDAMENTAL ELEMENT OF DUE PROCESS LAW." WASHINGTON V. TEXAS, 388 U.S. 14, 19, 87 S.Ct. 1920, 18 L.Ed. 2d 1019 (1967)

"THE DEFENDANTS INTEREST IN FULLY INVESTIGATING EVERY POSSIBLE DEFENSE TO CHARGES LEVELED AGAINST HIM IS NOT TO BE LIGHTLY DENIED." STATE V. GONZALEZ, 110 WASH.2D 738, 748, 757 P.2D 925 (1988)

"A VIOLATION OF THE DEFENDANTS CONSTITUTIONAL RIGHT TO COMPULSORY PROCESS IS PRESUMED TO BE PREJUDICIAL." STATE V. BIRRI, 87 WASH.2D 175, 181, 550 P.2D 507 (1976)

ISSUE 4.) IF EXTRADITION DEFENSE WAS PROCEEDED, AS WAS WAS THE DEFENDANTS INTENTION THE WHOLE TIME THE JURY INSTRUCTION WOULD'VE BEEN GIVEN TO THE JURY, BUT THIS FAILED TO HAPPEN BECAUSE THE DEFENDANT WAS PREJUDICED BY TRIAL COUNSEL.

ISSUE 5.) SUBSTANTIAL JUSTICE HAS NOT BEEN DONE IN THE CASE AS THERE HAS BEEN PREJUDICE SHOWN TOWARDS THE DEFENDANT AND THE DEFENDANTS CONSTITUTIONAL RIGHTS TO A FAIR TRIAL, DUE PROCESS, COMPULSORY PROCESS AND FUNDAMENTAL FAIRNESS HAVE BEEN VIOLATED.

CONCLUSION

IT IS WITHIN THE COURTS DISCRETION TO REVERSE THE JURY'S CONVICTION AND ORDER A

NEW TRIAL SO THE DEFENDANT CAN RAISE AN ENTRAPMENT DEFENSE, WHICH HAS BEEN DONE IN NUMEROUS OCCASIONS. PEOPLE V. VILAPANCO 2013 WL 2471586 (CAL APP JUNE 10, 2013) ALSO PEOPLE V. ~~AGUIRE~~ AGUIRE.

ALTHOUGH ONLINE STINGS ARE IMPORTANT, WHAT IS BEING DONE IS ILLEGAL. LAW ENFORCEMENT ARE VIOLATING OUR CONSTITUTIONAL RIGHT TO DUE PROCESS AND A FAIR TRIAL BY IMPROPERLY SELECTING TARGETS WITH NO PREDISPOSITION. "THIS IS A MATTER OF LAW AND THE LAW DOES NOT TOLERATE GOVERNMENT ACTION TO PROVOKE A LAW ABIDING CITIZEN TO COMMIT A CRIME IN ORDER TO PROSECUTE THEM WITH THAT CRIME."

THE COURT SHOULD FIND IN FAVOR OF THIS MOTION AND GRANT A NEW TRIAL

RESPECTFULLY SUBMITTED

STRET

STEVEN PEMBORTON



Kitsap County Prosecuting Attorney's Office

Tina R. Robinson
Prosecuting Attorney
Office ID #91103

August 27, 2018

Please reply to: Adult Criminal & Administrative Divisions

Carol I. Maves
Office Administrator

Adrian Blas Pimentel
623 Dwight Street
Port Orchard, Wa 98366-4619

Ione S. George
Chief General
Counsel

Re: *State of Washington v. STEVEN ALLEN PEMBERTON*
Kitsap County Superior Court Cause No. 17-1-01554-5
Washington State Patrol Report No. 2017SP031394; Our File No. 17-126038-26

Justin B. Zaug
District/Municipal
Division Chief

Greetings-

Chad M. Enright
Felony and Juvenile
Division Chief

Exclusive Custody. In an effort to comply with discovery obligations imposed upon the prosecuting authority by constitutions, statutes, criminal rules and case law, we are supplying you with confidential investigative reports. By law and rule these materials and any copies (photocopies, handwritten copies or copies of recordings) made are for your use and should remain in your exclusive custody. **You may not release a copy of any materials to the defendant unless you have made appropriate redactions which are approved by the prosecuting authority or order of the Court.** The legal authority requiring the material(s) to be kept in your exclusive custody includes CrR 4.7(h)(3), CrRLJ 4.7(g)(3), RCW 10.97 and 42.56.

Jacquelyn M.
Aufderheide
Civil Division Chief

The following supplemental discovery has been received by our office and is enclosed for your review:

Holly G. Banks
Family Support
Division Chief

- | | |
|---|--|
| <input type="checkbox"/> 911 Call(s) | <input type="checkbox"/> Photograph(s) |
| <input type="checkbox"/> Body Cam Video | <input type="checkbox"/> Search Warrant Documents |
| <input type="checkbox"/> DOL Records: | <input type="checkbox"/> Supplemental Reports: |
| <input type="checkbox"/> Certified Court Documents: | <input type="checkbox"/> Surveillance Video: |
| <input type="checkbox"/> Criminal History - Witnesses | <input type="checkbox"/> Transcripts: |
| <input type="checkbox"/> Dash Cam Video | <input type="checkbox"/> Triple I / Criminal History |
| <input type="checkbox"/> Drug Test Results | <input checked="" type="checkbox"/> Other: |
| <input type="checkbox"/> Jail Records | |
| <input type="checkbox"/> Medical Records | |

Exhibit 5 and 6 from trial

Sincerely yours,

TINA R. ROBINSON
Prosecuting Attorney

Marti E. Blair
MARTI E. BLAIR, 360-337-4668
Legal Assistant

Enclosures

Adult Criminal & Administrative Divisions • 614 Division Street, MS-35 • Port Orchard, Washington 98366-4681 • (360) 337-7174 • FAX (360) 337-4949
Juvenile Criminal Division • 614 Division Street, MS-35 • Port Orchard, Washington 98366-4681 • (360) 337-5500 • FAX (360) 337-4949
Special Assault Unit • 614 Division Street, MS-35 • Port Orchard, Washington 98366-4681 • (360) 337-7148 • FAX (360) 337-4949

Bainbridge Island Municipal Court Division • 614 Division Street, MS-35 • Port Orchard, Washington 98366 • (360) 337-7174 • FAX (360) 337-4949
Port Orchard Municipal Court Division • 614 Division Street, MS-35 • Port Orchard, Washington 98366-4681 • (360) 337-7174 • FAX (360) 337-4949

Civil Division • 614 Division Street, MS-35A • Port Orchard, Washington 98366-4681 • (360) 337-4992 • FAX (360) 337-7083
Family Support Division • 614 Division Street, MS-35B • Port Orchard, Washington 98366-4681 • (360) 337-7020 • FAX (360) 337-5733





Extraction Report

DEFENDANTS PHONE

Cellebrite UFED Reports

SMS Messages (50)

#	Folder	Party	Time	All timestamps	SMSC	Status	Message	Deleted
1	Inbox	From +13603429640	10/14/2017 2:12:18 AM (UTC+0)		+12085978 931	Unread	test text	
2	Inbox	From +13603429640	10/14/2017 2:10:48 AM (UTC+0)		+12085978 931	Unread	test text	
3	Inbox	From +13603429640	10/14/2017 1:57:08 AM (UTC+0)		+12085978 931	Read	I'm in the park	
4	Inbox	From +13603429640	10/14/2017 1:53:38 AM (UTC+0)		+12085978 931	Read	walking now	
5	Inbox	From +13603429640	10/14/2017 1:51:14 AM (UTC+0)		+12085978 931	Read	blueberry park?	
6	Inbox	From +13603429640	10/14/2017 1:49:55 AM (UTC+0)		+12085978 931	Read	ok where?	
7	Inbox	From +13603429640	10/14/2017 1:47:54 AM (UTC+0)		+12085978 931	Read	yes apparently its cheap rent per mom.	
8	Inbox	From +13603429640	10/14/2017 1:39:45 AM (UTC+0)		+12085978 931	Read	sorry we had to find a piece of mail	
9	Inbox	From +13603429640	10/14/2017 1:39:17 AM (UTC+0)		+12085978 931	Read	421 E 31st street but don't go to the front door that's the landlord. go to right side of house there Anna lives in the basement apartment the door is just to the back on the right side.	
10	Inbox	From +13603429640	10/14/2017 1:33:27 AM		+12085978 931	Read	i'm confused you don't want my	

			(UTC+0)				address	
11	Inbox	From +13603429640	10/14/2017 1:30:50 AM (UTC+0)		+12085978 931	Read	want to just come to the house?	
12	Inbox	From +13603429640	10/14/2017 1:29:05 AM (UTC+0)		+12085978 931	Read	we're a 15 minute walk is that ok?	
13	Inbox	From +13603429640	10/14/2017 1:26:16 AM (UTC+0)		+12085978 931	Read	i answered. i'm not a cop or you?	
14	Inbox	From +13603429640	10/14/2017 1:23:10 AM (UTC+0)		+12085978 931	Read	I'm no cop that's 4sure	
15	Inbox	From +13603429640	10/14/2017 1:15:27 AM (UTC+0)		+12085978 931	Read	I'm not a bot	
16	Inbox	From +13603429640	10/14/2017 1:14:15 AM (UTC+0)		+12085978 931	Read	I'm not a bot	
17	Inbox	From +13603429640	10/14/2017 1:08:44 AM (UTC+0)		+12085978 931	Read	do you still want to come over?	
18	Inbox	From +13603429640	10/14/2017 12:53:34 AM (UTC+0)		+12085978 931	Read	do you got some? maybe we could do it before we do it	
19	Inbox	From +13603429640	10/14/2017 12:52:06 AM (UTC+0)		+12085978 931	Read	a friend told me she tried it and the sex on meth was amazing	
20	Inbox	From +13603429640	10/14/2017 12:50:43 AM (UTC+0)		+12085978 931	Read	I've been curious about meth	
21	Inbox	From +13603429640	10/14/2017 12:42:04 AM (UTC+0)		+12085978 931	Read	whatcha have babe?	
22	Inbox	From +13603429640	10/14/2017 12:39:20 AM (UTC+0)		+12085978 931	Read	aside from trying to get laid from guys we meet on craigslist? lol we smoke weed don't really like the taste of alcohol, haven't tried anything else	
23	Inbox	From +13603429640	10/14/2017 12:33:26 AM		+12085978 931	Read	we done that it's just not the same	

			(UTC+0)				kind of cum experience
24	Inbox	From +13603429640	10/14/2017 12:30:47 AM (UTC+0)		+12085978 931	Read	last i checked she doesn't have a dick
25	Inbox	From +13603429640	10/14/2017 12:27:04 AM (UTC+0)		+12085978 931	Read	i'm horny as fuck!
26	Inbox	From +13603429640	10/14/2017 12:24:00 AM (UTC+0)		+12085978 931	Read	yeah i didn't think that one through
27	Inbox	From +13603429640	10/14/2017 12:20:30 AM (UTC+0)		+12085978 931	Read	sounds good. we got a shower here too
28	Inbox	From +13603429640	10/14/2017 12:07:41 AM (UTC+0)		+12085978 931	Read	Anna lives close to the 7/11 on Wheaton way across from the starbucks we can meet you there and we can drive back to the house
29	Inbox	From +13603429640	10/14/2017 12:01:59 AM (UTC+0)		+12085978 931	Read	how far away from east bremerton are you?
30	Inbox	From +13603429640	10/13/2017 11:57:29 PM (UTC+0)		+12085978 931	Read	gotcha
31	Inbox	From +13603429640	10/13/2017 11:53:05 PM (UTC+0)		+12085978 931	Read	you want to come over now i thought you changed your mind
32	Inbox	From +13603429640	10/13/2017 11:45:28 PM (UTC+0)		+12085978 931	Read	i didn't ask for money for sex why when we want it i just need a phone card
33	Inbox	From +13603429640	10/13/2017 11:37:25 PM (UTC+0)		+12085978 931	Read	im the one that needs a phone card if you want to pay her for sex you can lol
34	Inbox	From +13603429640	10/13/2017 11:18:20 PM (UTC+0)		+12085978 931	Read	what u think w're able to fuck a guy three way with my

							in the kitchen	
35	Inbox	From +13603429640	10/13/2017 11:17:11 PM (UTC+0)		+12085978 931	Read	Anna's mom job takes out of town for like a week a few months then we get to do our own thing	
36	Inbox	From +13603429640	10/13/2017 11:05:42 PM (UTC+0)		+12085978 931	Read	who is savannah?	
37	Inbox	From +13603429640	10/13/2017 10:36:32 PM (UTC+0)		+12085978 931	Read	at anna's place her mom's out of town	
38	Inbox	From +13603429640	10/13/2017 10:30:21 PM (UTC+0)		+12085978 931	Read	why's that	
39	Inbox	From +13603429640	10/13/2017 10:21:22 PM (UTC+0)		+12085978 931	Read	40 it will get me more minutes for my phone	
40	Inbox	From +13603429640	10/13/2017 10:18:37 PM (UTC+0)		+12085978 931	Read	yes babe. and a few bucks for it that cool?	
41	Inbox	From +13603429640	10/13/2017 10:05:13 PM (UTC+0)		+12085978 931	Read	thought the three of us were gonna do some condom testing lol	
42	Inbox	From +13603429640	10/13/2017 9:52:23 PM (UTC+0)		+12085978 931	Read	my friend anna i'm hanging at her house	
43	Inbox	From +13603429640	10/13/2017 9:38:45 PM (UTC+0)		+12085978 931	Read	thought you were gonna hook up with us today	
44	Inbox	From +13603429640	10/13/2017 9:26:20 PM (UTC+0)		+12085978 931	Read	hi again i'm so sorry about earlier i didn't mean to bug you so i waited alittle. you still want to come over?	
45	Inbox	From +13603429640	10/13/2017 7:01:15 PM (UTC+0)		+12085978 931	Read	ha my pelvic sorcery has caused you to go silent	
46	Inbox	From +13603429640	10/13/2017 6:37:10 PM (UTC+0)		+12085978 931	Read	whatcha want then babe	



Extraction Report
DEFENDANTS PHONE
 Cellebrite UFED Reports

SMS Messages (45)

#	Folder	Party	Time	All timestamps	Status	Message	Deleted
1	Sent	To +13603429640	10/14/2017 1:51:42 AM (UTC+0)		Sent	Ya	
2	Sent	To +13603429640	10/14/2017 1:50:42 AM (UTC+0)		Sent	Go down to the little park	
3	Sent	To +13603429640	10/14/2017 1:49:20 AM (UTC+0)		Sent	You are gonna have to meet me up the road	
4	Sent	To +13603429640	10/14/2017 1:45:17 AM (UTC+0)		Sent	Basement apartment????	
5	Sent	To +13603429640	10/14/2017 1:37:46 AM (UTC+0)		Sent	So are you walking to Starbucks or whats the plan ?	
6	Sent	To +13603429640	10/14/2017 1:34:31 AM (UTC+0)		Sent	What is the address	
7	Sent	To +13603429640	10/14/2017 1:31:30 AM (UTC+0)		Sent	Thought it was right up the street	
8	Sent	To +13603429640	10/14/2017 1:30:19 AM (UTC+0)		Sent	Geez 15 minutes is damn near for forever	
9	Sent	To +13603429640	10/14/2017 1:27:55 AM (UTC+0)		Sent	I've done more time in prison then you have been alive. So I guess there is only one way yo find out what's up huh. Time to put up or shut up. How long until you can get to Starbucks	
10	Sent	To +13603429640	10/14/2017 1:23:14 AM (UTC+0)		Sent	What no comment	
11	Sent	To +13603429640	10/14/2017 1:17:35 AM (UTC+0)		Sent	Wasn't thinking a bot. More like praying you're not a cop	

12	Sent	To +13603429640	10/14/2017 1:11:21 AM (UTC+0)		Sent	Well I am very curious if you are real or not	
13	Sent	To +13603429640	10/14/2017 1:02:25 AM (UTC+0)		Sent	Well I never made it home to change my clothes and shower	
14	Sent	To +13603429640	10/14/2017 12:52:36 AM (UTC+0)		Sent	That is a very true statement	
15	Sent	To +13603429640	10/14/2017 12:51:21 AM (UTC+0)		Sent	Why have you been curious about meth	
16	Sent	To +13603429640	10/14/2017 12:48:25 AM (UTC+0)		Sent	Something other than weed and alcohol	
17	Sent	To +13603429640	10/14/2017 12:40:50 AM (UTC+0)		Sent	Are you just keeping it at weed or you wanting to try other things?	
18	Sent	To +13603429640	10/14/2017 12:35:28 AM (UTC+0)		Sent	So do guys do anything else for fun? Drink, smoke, or whatever	
19	Sent	To +13603429640	10/14/2017 12:32:23 AM (UTC+0)		Sent	But she has a mouth	
20	Sent	To +13603429640	10/14/2017 12:30:14 AM (UTC+0)		Sent	Oh ya and your friend Anna doesn't help you out with your hornyness?	
21	Sent	To +13603429640	10/14/2017 12:24:44 AM (UTC+0)		Sent	You just are to eager wanting to get in one with me is all	
22	Sent	To +13603429640	10/14/2017 12:23:11 AM (UTC+0)		Sent	Ya but then I'd have to change back in to dirty clothes	
23	Sent	To +13603429640	10/14/2017 12:14:58 AM (UTC+0)		Sent	Well I just need to go home and clean up. Not trying to show up with work stank on me or in my work clothes	
24	Sent	To +13603429640	10/14/2017 12:02:37 AM (UTC+0)		Sent	Not to far at all, depending on the traffic	
25	Sent	To +13603429640	10/13/2017 11:58:01 PM (UTC+0)		Sent	Soöoo	
26	Sent	To	10/13/2017		Sent	I had a late day at work. I'm	

			(UTC+0)			looking at my phone every 30 seconds wall on top of a house	
41	Sent	To +13603429640	10/13/2017 6:31:49 PM (UTC+0)		Sent	I wasn't asking for any nudes	
42	Sent	To +13603429640	10/13/2017 6:07:29 PM (UTC+0)		Sent	It sure looks like it	
43	Sent	To +13603429640	10/13/2017 5:54:55 PM (UTC+0)		Sent	Didn't I see that one already	
44	Sent	To +13603429640	10/13/2017 5:43:41 PM (UTC+0)		Sent	And I asked for pics first	
45	Sent	To +13603429640	10/13/2017 5:41:53 PM (UTC+0)		Sent	Good morning?? It's almost 11	

CRAIGSLIST AD

reply

prohibited 

Posted less than a minute ago

☆ crazy and young. looking to explore - w4m (Bremerton) 

Bored and home alone...been watching videos all day. really looking to meet a clean ddf guy that can teach me what its like to be an adult. hmu if interested ;) im lots of fun.

- do NOT contact me with unsolicited services or offers

post id: 6342861327

posted: less than a minute ago

email to friend

best of 

DETECTIVES PHONE Detail for 360-342-9640

Date	Time	Number	Type	Direction	Content	Min.	File Name	MD5 Hash
2017/10/12	12:29:37 PM	PD1360-443-0340	SMS	Outgoing	hi babe its Brandi		2017-10-12_12-29-37_PDT.txt	
2017/10/12	01:43:24 PM	PD1360-443-0340	SMS	Incoming	Hey Brandi whats good with you today??		2017-10-12_13-43-24_PDT.txt	
2017/10/12	02:05:39 PM	PD1360-443-0340	SMS	Outgoing	hang out looking for some fun. you down with me being 13		2017-10-12_14-05-39_PDT.txt	
2017/10/12	02:06:18 PM	PD1360-443-0340	SMS	Outgoing	btw whats your name babe		2017-10-12_14-06-18_PDT.txt	
2017/10/12	02:08:52 PM	PD1360-443-0340	SMS	Incoming	My name is Steve. Whereabouts are you located at??		2017-10-12_14-08-52_PDT.txt	
2017/10/12	02:09:39 PM	PD1360-443-0340	SMS	Outgoing	hi Steve i'm hanging in east bremerton. where u @		2017-10-12_14-09-39_PDT.txt	
2017/10/12	02:10:21 PM	PD1360-443-0340	SMS	Incoming	I'm in po		2017-10-12_14-10-21_PDT.txt	
2017/10/12	02:10:44 PM	PD1360-443-0340	SMS	Incoming	Not to far away		2017-10-12_14-10-44_PDT.txt	
2017/10/12	02:11:26 PM	PD1360-443-0340	SMS	Outgoing	im looking for a daddy who i can have some fun with and get me some roses		2017-10-12_14-11-26_PDT.txt	
2017/10/12	02:13:05 PM	PD1360-443-0340	SMS	Incoming	Roses??		2017-10-12_14-13-05_PDT.txt	
2017/10/12	02:15:57 PM	PD1360-443-0340	SMS	Outgoing	that's the word my friend told me to use <u>money</u>		2017-10-12_14-15-57_PDT.txt	
2017/10/12	02:18:06 PM	PD1360-443-0340	SMS	Incoming	Your friend gonna have boys showing up with flowers for you lol		2017-10-12_14-18-06_PDT.txt	
2017/10/12	02:20:01 PM	PD1360-443-0340	SMS	Outgoing	LOL so would be showing up with ll for some time with me		2017-10-12_14-20-01_PDT.txt	
2017/10/12	02:36:43 PM	PD1360-443-0340	SMS	Outgoing	guess you dont want what i have later		2017-10-12_14-36-43_PDT.txt	
2017/10/12	02:39:10 PM	PD1360-443-0340	SMS	Incoming	And what's that ??		2017-10-12_14-39-10_PDT.txt	
2017/10/12	02:40:53 PM	PD1360-443-0340	SMS	Outgoing	huh? thought you wanted some fun with me		2017-10-12_14-40-53_PDT.txt	
2017/10/12	02:56:34 PM	PD1360-443-0340	SMS	Incoming	We would have to discuss that in person		2017-10-12_14-56-34_PDT.txt	
2017/10/12	03:07:00 PM	PD1360-443-0340	SMS	Incoming	???		2017-10-12_15-07-00_PDT.txt	
2017/10/12	08:04:16 PM	PD1360-443-0340	SMS	Outgoing	sorry my phone died		2017-10-12_20-04-16_PDT.txt	
2017/10/12	08:17:01 PM	PD1360-443-0340	SMS	Incoming	Damn and you ain't have a charger with ya lol		2017-10-12_20-17-01_PDT.txt	

He didn't answer

looking for money

what's that

He's not responding

Space from 2pm to 10 pm.

Detail for 360-342-9640

15
+

Date	Time	Number	Type	Direction	Content	Min.	File Name	MD5 Hash
2017/10/12	08:18:48 PM	PD1360-443-0340	SMS	Outgoing	i suck lol		2017-10-12_20-18-48_PDT.txt	
2017/10/12	08:19:24 PM	PD1360-443-0340	SMS	Outgoing	maybe i can suck you for a phone charger ☺		2017-10-12_20-19-24_PDT.txt	She's —
2017/10/12	08:19:29 PM	PD1360-443-0340	SMS	Incoming	Oh really now		2017-10-12_20-19-29_PDT.txt	
2017/10/12	08:23:20 PM	PD1360-443-0340	SMS	Outgoing	i can do more to you if you want		2017-10-12_20-23-20_PDT.txt	
2017/10/12	08:25:52 PM	PD1360-443-0340	SMS	Incoming	Ummmm.. If you want to kick it sometime then we can talk In person I'm not even trying to catch some criminal charges		2017-10-12_20-25-52_PDT.txt	NOT Trying to catch Criminal Charges
2017/10/12	08:29:42 PM	PD1360-443-0340	SMS	Outgoing	gotcha have a nice day		2017-10-12_20-29-42_PDT.txt	
2017/10/12	08:33:19 PM	PD1360-443-0340	SMS	Incoming	What?? I'm not trying to talk about anything over texts I said we can talk face to face but if that's not ok with you then you have a nice day		2017-10-12_20-33-19_PDT.txt	
2017/10/12	08:36:08 PM	PD1360-443-0340	SMS	Outgoing	i dont want a time waster later		2017-10-12_20-36-08_PDT.txt	
2017/10/12	08:39:27 PM	PD1360-443-0340	SMS	Incoming	No one was wasting your time. You're gonna be the one to end up losing		2017-10-12_20-39-27_PDT.txt	
2017/10/12	08:40:08 PM	PD1360-443-0340	SMS	Outgoing	hows that mister		2017-10-12_20-40-08_PDT.txt	
2017/10/12	09:01:08 PM	PD1360-443-0340	SMS	Incoming	Mister?? Lol anyways I'm the one that has everything you wanting		2017-10-12_21-01-08_PDT.txt	Truth or lie
2017/10/12	09:01:38 PM	PD1360-443-0340	SMS	Outgoing	have a big dick that what i want		2017-10-12_21-01-38_PDT.txt	
2017/10/12	09:12:29 PM	PD1360-443-0340	SMS	Outgoing	BOOO i scared you!		2017-10-12_21-12-29_PDT.txt	
2017/10/12	09:15:27 PM	PD1360-443-0340	SMS	Incoming	You haven't scared me one bit your not big enough to scare me		2017-10-12_21-15-27_PDT.txt	
2017/10/12	09:24:19 PM	PD1360-443-0340	SMS	Outgoing	maybe i'm a witch		2017-10-12_21-24-19_PDT.txt	
2017/10/12	09:47:55 PM	PD1360-443-0340	SMS	Incoming	I doubt it		2017-10-12_21-47-55_PDT.txt	
2017/10/12	09:59:28 PM	PD1360-443-0340	SMS	Incoming	Now who's the scared one or did your phone die again		2017-10-12_21-59-28_PDT.txt	

What?? I'm not trying to talk about anything over texts I said we can talk face to face but if that's not ok with you then you have a nice day

NOT Trying to catch Criminal Charges

Truth or lie

Detail for 360-342-9640

Date	Time	Number	Type	Direction	Content	Min.	File Name	MD5 Hash
2017/10/12	10:01:33 PM	PD1360-443-0340	SMS	Outgoing	i was in the shower what are you doing?		2017-10-12_22-01-33_PDT.txt	
2017/10/12	10:03:21 PM	PD1360-443-0340	SMS	Incoming	I'm getting ready to shower. Whatcha got planned for the morning tomorrow		2017-10-12_22-03-21_PDT.txt	
2017/10/12	10:04:26 PM	PD1360-443-0340	SMS	Outgoing	probably still trying to find someone to fuck me LOL		2017-10-12_22-04-26_PDT.txt	
2017/10/12	10:05:18 PM	PD1360-443-0340	SMS	Incoming	You gonna be awake around 7?		2017-10-12_22-05-18_PDT.txt	
2017/10/12	10:06:02 PM	PD1360-443-0340	SMS	Outgoing	hell no that's early		2017-10-12_22-06-02_PDT.txt	
2017/10/12	10:06:32 PM	PD1360-443-0340	SMS	Incoming	What I get up at 445 every day		2017-10-12_22-06-32_PDT.txt	
2017/10/12	10:06:59 PM	PD1360-443-0340	SMS	Outgoing	good god that's early		2017-10-12_22-06-59_PDT.txt	
2017/10/12	10:08:16 PM	PD1360-443-0340	SMS	Incoming	Uh ya I know. Guess that means you don't want to <u>kick it with me</u> before I go to work then		2017-10-12_22-08-16_PDT.txt	Kick it
2017/10/12	10:11:46 PM	PD1360-443-0340	SMS	Outgoing	I'll pass to early for me. interested later in the day when the living are awake lol		2017-10-12_22-11-46_PDT.txt	
2017/10/12	10:12:09 PM	PD1360-443-0340	SMS	Incoming	Like what time is that		2017-10-12_22-12-09_PDT.txt	
2017/10/12	10:13:18 PM	PD1360-443-0340	SMS	Outgoing	like 3		2017-10-12_22-13-18_PDT.txt	
2017/10/12	10:13:42 PM	PD1360-443-0340	SMS	Incoming	Seriously 3 is when you wake up		2017-10-12_22-13-42_PDT.txt	
2017/10/12	10:15:59 PM	PD1360-443-0340	SMS	Outgoing	no i get up before that but i got stuff to do		2017-10-12_22-15-59_PDT.txt	
2017/10/12	10:19:05 PM	PD1360-443-0340	SMS	Incoming	Damn to bad then		2017-10-12_22-19-05_PDT.txt	
2017/10/12	10:20:23 PM	PD1360-443-0340	SMS	Outgoing	so you dont want to play with me so sad 😞		2017-10-12_22-20-23_PDT.txt	
2017/10/12	10:22:27 PM	PD1360-443-0340	SMS	Incoming	You don't want to wake up early so sad		2017-10-12_22-22-27_PDT.txt	
2017/10/12	10:27:09 PM	PD1360-443-0340	SMS	Outgoing	if something changes for you hit me up tomorrow then		2017-10-12_22-27-09_PDT.txt	
2017/10/12	10:28:26 PM	PD1360-443-0340	SMS	Incoming	Whatcha mean		2017-10-12_22-28-26_PDT.txt	

Do you know his schedule

Detail for 360-342-9640

would you agree written language can be arranged

Date	Time	Number	Type	Direction	Content	Min.	File Name	MD5 Hash
2017/10/12	10:33:46 PM	PD1360-443-0340	SMS	Outgoing	i'm not good for morning you not good for afternoon		2017-10-12_22-33-46_PDT.txt	
2017/10/12	10:38:24 PM	PD1360-443-0340	SMS	Incoming	I never said I couldn't do afternoon. was just trying to kick it with ya sooner was all		2017-10-12_22-38-24_PDT.txt	
2017/10/12	10:42:39 PM	PD1360-443-0340	SMS	Outgoing	you can try hit me up before 3 but no guarantee i'll kick it		2017-10-12_22-42-39_PDT.txt	
2017/10/12	10:43:01 PM	PD1360-443-0340	SMS	Incoming	And why is that ??		2017-10-12_22-43-01_PDT.txt	
2017/10/12	10:46:05 PM	PD1360-443-0340	SMS	Outgoing	what time you get off work?		2017-10-12_22-46-05_PDT.txt	
2017/10/12	10:46:51 PM	PD1360-443-0340	SMS	Incoming	Usually around 2ish but since I own the company I kinda do what I want		2017-10-12_22-46-51_PDT.txt	
2017/10/12	10:47:45 PM	PD1360-443-0340	SMS	Outgoing	so 3 works for you HA! got you		2017-10-12_22-47-45_PDT.txt	
2017/10/12	10:48:38 PM	PD1360-443-0340	SMS	Incoming	Ya but 230 would be better hell 215 would be the best tho		2017-10-12_22-48-38_PDT.txt	
2017/10/12	10:52:39 PM	PD1360-443-0340	SMS	Outgoing	maaaaybe 230ish LOL		2017-10-12_22-52-39_PDT.txt	
2017/10/12	10:53:17 PM	PD1360-443-0340	SMS	Incoming	And where you gonna be at around that time??		2017-10-12_22-53-17_PDT.txt	
2017/10/12	10:55:18 PM	PD1360-443-0340	SMS	Outgoing	if i told you than you'd know ☺		2017-10-12_22-55-18_PDT.txt	
2017/10/12	10:55:45 PM	PD1360-443-0340	SMS	Outgoing	somewhere in bremerston		2017-10-12_22-55-45_PDT.txt	
2017/10/12	10:55:53 PM	PD1360-443-0340	SMS	Incoming	Uh ya that's kinda why I asked		2017-10-12_22-55-53_PDT.txt	
2017/10/12	10:57:08 PM	PD1360-443-0340	SMS	Outgoing	i might hang by the ferry for a bit		2017-10-12_22-57-08_PDT.txt	
2017/10/12	10:58:06 PM	PD1360-443-0340	SMS	Incoming	Well why not just catch the foot ferry over to p.o. then		2017-10-12_22-58-06_PDT.txt	
2017/10/12	10:58:56 PM	PD1360-443-0340	SMS	Outgoing	i dont know anyone in port orchard my friends are here and i got no money		2017-10-12_22-58-56_PDT.txt	
2017/10/12	11:00:12 PM	PD1360-443-0340	SMS	Incoming	Well hit me up tomorrow sometime if you find the time		2017-10-12_23-00-12_PDT.txt	
2017/10/12	11:01:48 PM	PD1360-443-0340	SMS	Outgoing	i'll definitely find time babe		2017-10-12_23-01-48_PDT.txt	
2017/10/12	11:02:41 PM	PD1360-443-0340	SMS	Incoming	Well I guess we shall see. Do you have any other pics of you that you can send me		2017-10-12_23-02-41_PDT.txt	

Kick it

f

Detail for 360-342-9640

Date	Time	Number	Type	Direction	Content	Min.	File Name	MD5 Hash
2017/10/12	11:10:37 PM	PD1360-443-0340	SMS	Outgoing	do you have a pic for me?		2017-10-12_23-10-37_PDT.txt	
2017/10/13	05:08:50 AM	PD1360-443-0340	SMS	Incoming	Yes I do		2017-10-13_05-08-50_PDT.txt	
2017/10/13	10:40:32 AM	PD1360-443-0340	SMS	Outgoing	good morning ☺ so do i get to see the picture		2017-10-13_10-40-32_PDT.txt	
2017/10/13	10:41:53 AM	PD1360-443-0340	SMS	Incoming	Good morning?? It's almost 11		2017-10-13_10-41-53_PDT.txt	
2017/10/13	10:42:30 AM	PD1360-443-0340	SMS	Outgoing	i know crazy shit i normally sleep longer		2017-10-13_10-42-30_PDT.txt	
2017/10/13	10:43:41 AM	PD1360-443-0340	SMS	Incoming	And I asked for pics first		2017-10-13_10-43-41_PDT.txt	
2017/10/13	10:53:43 AM	PD1360-443-0340	MMS	Outgoing	I'm the one in the front. My friend Sam is behind me		2017-10-13_10-53-43_PDT_1.jpg	
2017/10/13	10:54:55 AM	PD1360-443-0340	SMS	Incoming	Didn't I see that one already		2017-10-13_10-54-55_PDT.txt	
2017/10/13	11:04:05 AM	PD1360-443-0340	SMS	Outgoing	i dont think so		2017-10-13_11-04-05_PDT.txt	
2017/10/13	11:07:29 AM	PD1360-443-0340	SMS	Incoming	It sure looks like it		2017-10-13_11-07-29_PDT.txt	
2017/10/13	11:27:10 AM	PD1360-443-0340	SMS	Outgoing	we aren't sending any nudes		2017-10-13_11-27-10_PDT.txt	
2017/10/13	11:31:49 AM	PD1360-443-0340	SMS	Incoming	I wasn't asking for any nudes		2017-10-13_11-31-49_PDT.txt	
2017/10/13	11:37:10 AM	PD1360-443-0340	SMS	Outgoing	whatcha want then babe		2017-10-13_11-37-10_PDT.txt	
2017/10/13	12:01:14 PM	PD1360-443-0340	SMS	Outgoing	ha my pelvic sorcery has caused you to go silent		2017-10-13_12-01-14_PDT.txt	
2017/10/13	12:35:42 PM	PD1360-443-0340	SMS	Incoming	Oh no that's far from it at all let's me and you go silent is not looking at my phone every 30 seconds wall on top of a house		2017-10-13_12-35-42_PDT.txt	
2017/10/13	02:26:19 PM	PD1360-443-0340	SMS	Outgoing	hi again i'm so sorry about earlier i didn't mean to bug you so i waited alittle. you still want to come over?		2017-10-13_14-26-19_PDT.txt	
2017/10/13	02:34:47 PM	PD1360-443-0340	SMS	Incoming	Over to where		2017-10-13_14-34-47_PDT.txt	
2017/10/13	02:38:44 PM	PD1360-443-0340	SMS	Outgoing	thought you were gonna hook up with us today		2017-10-13_14-38-44_PDT.txt	
2017/10/13	02:48:08 PM	PD1360-443-0340	SMS	Incoming	Us??		2017-10-13_14-48-08_PDT.txt	
2017/10/13	02:52:23 PM	PD1360-443-0340	SMS	Outgoing	my friend anna i'm hanging at her house		2017-10-13_14-52-23_PDT.txt	
2017/10/13	02:55:30 PM	PD1360-443-0340	SMS	Incoming	What's y'all's plans		2017-10-13_14-55-30_PDT.txt	

Did he send a pic

Deer Antler photos

← ?

Detail for 360-342-9640

Date	Time	Number	Type	Direction	Content	Min.	File Name	MD5 Hash
2017/10/13	03:05:12 PM	PD1360-443-0340	SMS	Outgoing	thought the three of us were gonna do some condom testing lol		2017-10-13_15-05-12_PDT.txt	
2017/10/13	03:11:07 PM	PD1360-443-0340	SMS	Incoming	Oh is that what you're needing		2017-10-13_15-11-07_PDT.txt	
2017/10/13	03:18:36 PM	PD1360-443-0340	SMS	Outgoing	yes babe. and a few bucks for it that cool?		2017-10-13_15-18-36_PDT.txt	
2017/10/13	03:20:00 PM	PD1360-443-0340	SMS	Incoming	Hmmmmmm..... What's a few bucks		2017-10-13_15-20-00_PDT.txt	
2017/10/13	03:20:16 PM	PD1360-443-0340	SMS	Incoming	????		2017-10-13_15-20-16_PDT.txt	
2017/10/13	03:21:22 PM	PD1360-443-0340	SMS	Outgoing	40 it will get me more minutes for my phone		2017-10-13_15-21-22_PDT.txt	
2017/10/13	03:26:30 PM	PD1360-443-0340	SMS	Incoming	Interesting. Very very interesting		2017-10-13_15-26-30_PDT.txt	
2017/10/13	03:30:20 PM	PD1360-443-0340	SMS	Outgoing	why's that		2017-10-13_15-30-20_PDT.txt	
2017/10/13	03:32:59 PM	PD1360-443-0340	SMS	Incoming	And where is this gonna happen at???		2017-10-13_15-32-59_PDT.txt	
2017/10/13	03:36:32 PM	PD1360-443-0340	SMS	Outgoing	at anna's place her mom's out of town		2017-10-13_15-36-32_PDT.txt	
2017/10/13	04:00:57 PM	PD1360-443-0340	SMS	Incoming	Savannah's mom just goes out of town and leaves her the house to do whatever she wants to		2017-10-13_16-00-57_PDT.txt	
2017/10/13	04:05:42 PM	PD1360-443-0340	SMS	Outgoing	who is savannah?		2017-10-13_16-05-42_PDT.txt	
2017/10/13	04:07:00 PM	PD1360-443-0340	SMS	Incoming	It was supposed to say so Anna not Savannah		2017-10-13_16-07-00_PDT.txt	
2017/10/13	04:17:10 PM	PD1360-443-0340	SMS	Outgoing	Anna's mom job takes out of town for like a week a few months then we get to do our own thing		2017-10-13_16-17-10_PDT.txt	
2017/10/13	04:18:20 PM	PD1360-443-0340	SMS	Outgoing	what u think w're able to fuck a guy three way with my in the kitchen		2017-10-13_16-18-20_PDT.txt	
2017/10/13	04:32:36 PM	PD1360-443-0340	SMS	Incoming	Freeway huh. So you get money and Anna doesn't?		2017-10-13_16-32-36_PDT.txt	

That's NOT inappropriate

is he playing you?

yo?

Detail for 360-342-9640

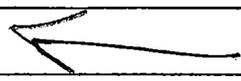
Date	Time	Number	Type	Direction	Content	Min.	File Name	MD5 Hash
2017/10/13	04:37:25 PM	PD1360-443-0340	SMS	Outgoing	im the one that needs a phone card if you want to pay her for sex you can lol		2017-10-13_16-37-25_PDT.txt	
2017/10/13	04:39:57 PM	PD1360-443-0340	SMS	Incoming	I never said I was paying for sex. I was just helping you out with some phone time		2017-10-13_16-39-57_PDT.txt	
2017/10/13	04:45:28 PM	PD1360-443-0340	SMS	Outgoing	i didn't ask for money for sex why when we want it i just need a phone card		2017-10-13_16-45-28_PDT.txt	
2017/10/13	04:46:43 PM	PD1360-443-0340	SMS	Incoming	Where is Anna's place at??		2017-10-13_16-46-43_PDT.txt	
2017/10/13	04:53:05 PM	PD1360-443-0340	SMS	Outgoing	you want to come over now i thought you changed your mind		2017-10-13_16-53-05_PDT.txt	
2017/10/13	04:54:58 PM	PD1360-443-0340	SMS	Incoming	I had a late day at work. I'm just wrapping up for the day		2017-10-13_16-54-58_PDT.txt	
2017/10/13	04:57:29 PM	PD1360-443-0340	SMS	Outgoing	gotcha		2017-10-13_16-57-29_PDT.txt	
2017/10/13	04:58:02 PM	PD1360-443-0340	SMS	Incoming	Soooo		2017-10-13_16-58-02_PDT.txt	
2017/10/13	05:01:59 PM	PD1360-443-0340	SMS	Outgoing	how far away from east bremerton are you?		2017-10-13_17-01-59_PDT.txt	
2017/10/13	05:02:38 PM	PD1360-443-0340	SMS	Incoming	Not to far at all, depending on the traffic		2017-10-13_17-02-38_PDT.txt	
2017/10/13	05:07:41 PM	PD1360-443-0340	SMS	Outgoing	Anna lives close to the 7/11 on Wheaton way across from the starbucks we can meet you there and we can drive back to the house		2017-10-13_17-07-41_PDT.txt	
2017/10/13	05:14:59 PM	PD1360-443-0340	SMS	Incoming	Well I just need to go home and clean up. Not trying to show up with work stank on me or in my work clothes		2017-10-13_17-14-59_PDT.txt	
2017/10/13	05:20:29 PM	PD1360-443-0340	SMS	Outgoing	sounds good. we got a shower here too		2017-10-13_17-20-29_PDT.txt	
2017/10/13	05:23:12 PM	PD1360-443-0340	SMS	Incoming	Ya but then I'd have to change back in to dirty clothes		2017-10-13_17-23-12_PDT.txt	

* Big lie

Detail for 360-342-9640

*Separate sex
against sex
offenders
from men
that
are horny
as fuck*

Date	Time	Number	Type	Direction	Content	Min.	File Name	MD5 Hash
2017/10/13	05:24:00 PM	PD1360-443-0340	SMS	Outgoing	yeah i didn't think that one through		2017-10-13_17-24-00_PDT.txt	
2017/10/13	05:24:45 PM	PD1360-443-0340	SMS	Incoming	You just are to eager wanting to get in one with me is all		2017-10-13_17-24-45_PDT.txt	
2017/10/13	05:27:04 PM	PD1360-443-0340	SMS	Outgoing	I'm horny as fuck!		2017-10-13_17-27-04_PDT.txt	
2017/10/13	05:30:15 PM	PD1360-443-0340	SMS	Incoming	Oh ya and your friend Anna doesn't help you out with your hornyness?		2017-10-13_17-30-15_PDT.txt	
2017/10/13	05:30:47 PM	PD1360-443-0340	SMS	Outgoing	last i checked she doesn't have a dick		2017-10-13_17-30-47_PDT.txt	
2017/10/13	05:32:24 PM	PD1360-443-0340	SMS	Incoming	But she has a mouth		2017-10-13_17-32-24_PDT.txt	
2017/10/13	05:33:25 PM	PD1360-443-0340	SMS	Outgoing	we done that it's just not the same kind of cum experience		2017-10-13_17-33-25_PDT.txt	
2017/10/13	05:35:29 PM	PD1360-443-0340	SMS	Incoming	So do guys do anything else for fun? Drink, smoke, or whatever		2017-10-13_17-35-29_PDT.txt	
2017/10/13	05:39:19 PM	PD1360-443-0340	SMS	Outgoing	aside from trying to get laid from guys we meet on craigslist? lol we smoke weed don't really like the taste of alcohol. haven't tried anything else		2017-10-13_17-39-19_PDT.txt	
2017/10/13	05:40:51 PM	PD1360-443-0340	SMS	Incoming	Are you just keeping it at weed or you wanting to try other things?		2017-10-13_17-40-51_PDT.txt	
2017/10/13	05:42:03 PM	PD1360-443-0340	SMS	Outgoing	whatcha have babe?		2017-10-13_17-42-03_PDT.txt	
2017/10/13	05:48:26 PM	PD1360-443-0340	SMS	Incoming	Something other than weed and alcohol		2017-10-13_17-48-26_PDT.txt	
2017/10/13	05:50:43 PM	PD1360-443-0340	SMS	Outgoing	I've been curious about meth		2017-10-13_17-50-43_PDT.txt	
2017/10/13	05:51:21 PM	PD1360-443-0340	SMS	Incoming	Why have you been curious about meth		2017-10-13_17-51-21_PDT.txt	
2017/10/13	05:52:06 PM	PD1360-443-0340	SMS	Outgoing	a friend told me she tried it and the sex on meth was amazing		2017-10-13_17-52-06_PDT.txt	
2017/10/13	05:52:36 PM	PD1360-443-0340	SMS	Incoming	That is a very true statement		2017-10-13_17-52-36_PDT.txt	



*He's
opening
up*

Detail for 360-342-9640

Date	Time	Number	Type	Direction	Content	Min.	File Name	MD5 Hash
2017/10/13	05:53:33 PM	PD1360-443-0340	SMS	Outgoing	do you got some? maybe we could do it before we do it ☺		2017-10-13_17-53-33_PDT.txt	
2017/10/13	06:02:26 PM	PD1360-443-0340	SMS	Incoming	Well I never made it home to change my clothes and shower		2017-10-13_18-02-26_PDT.txt	
2017/10/13	06:08:43 PM	PD1360-443-0340	SMS	Outgoing	do you still want to come over?		2017-10-13_18-08-43_PDT.txt	
2017/10/13	06:11:22 PM	PD1360-443-0340	SMS	Incoming	Well I am very curious if you are real or not		2017-10-13_18-11-22_PDT.txt	
2017/10/13	06:14:14 PM	PD1360-443-0340	SMS	Outgoing	I'm not a bot		2017-10-13_18-14-14_PDT.txt	
2017/10/13	06:17:36 PM	PD1360-443-0340	SMS	Incoming	Wasn't thinking a bot. More like praying you're not a cop		2017-10-13_18-17-36_PDT.txt	
2017/10/13	06:23:09 PM	PD1360-443-0340	SMS	Outgoing	I'm no cop that's 4sure		2017-10-13_18-23-09_PDT.txt	
2017/10/13	06:23:15 PM	PD1360-443-0340	SMS	Incoming	What no comment		2017-10-13_18-23-15_PDT.txt	
2017/10/13	06:26:15 PM	PD1360-443-0340	SMS	Outgoing	i answered, i'm not a cop or you?		2017-10-13_18-26-15_PDT.txt	
2017/10/13	06:27:56 PM	PD1360-443-0340	SMS	Incoming	I've done more time in prison then you have been alive. So I guess there is only one way yo find out what's up huh. Time to put up or shut up. How long until you can get to Starbucks		2017-10-13_18-27-56_PDT.txt	
2017/10/13	06:29:03 PM	PD1360-443-0340	SMS	Outgoing	we're a 15 minute walk is that ok?		2017-10-13_18-29-03_PDT.txt	
2017/10/13	06:30:20 PM	PD1360-443-0340	SMS	Incoming	Geez 15 minutes is damn near for forever		2017-10-13_18-30-20_PDT.txt	
2017/10/13	06:30:49 PM	PD1360-443-0340	SMS	Outgoing	want to just come to the house?		2017-10-13_18-30-49_PDT.txt	
2017/10/13	06:31:31 PM	PD1360-443-0340	SMS	Incoming	Thought it was right up the street		2017-10-13_18-31-31_PDT.txt	
2017/10/13	06:33:26 PM	PD1360-443-0340	SMS	Outgoing	I'm confused you don't want my address		2017-10-13_18-33-26_PDT.txt	
2017/10/13	06:34:32 PM	PD1360-443-0340	SMS	Incoming	What is the address		2017-10-13_18-34-32_PDT.txt	
2017/10/13	06:37:47 PM	PD1360-443-0340	SMS	Incoming	So are you walking to Starbucks or whats the plan ?		2017-10-13_18-37-47_PDT.txt	

This is supported by all the physical evidence

This is his intent

He's playing along

He's in the area

He doesn't believe her

you said it was up the street

Now you're saying 15 min

Well I am very curious if you are real or not

I've done more time in prison then you have been alive. So I guess there is only one way yo find out what's up huh. Time to put up or shut up. How long until you can get to Starbucks

we're a 15 minute walk is that ok?

Geez 15 minutes is damn near for forever

want to just come to the house?

Thought it was right up the street

I'm confused you don't want my address

What is the address

So are you walking to Starbucks or whats the plan ?

Detail for 360-342-9640

Date	Time	Number	Type	Direction	Content	Min.	File Name	MD5 Hash
2017/10/13	06:39:15 PM	PD1360-443-0340	SMS	Outgoing	421 E 31st street but don't go to the front door that's the landlord. go to right side of house there Anna lives in the basement apartment the door is just to the back on the right side.		2017-10-13_18-39-15_PDT.txt	
2017/10/13	06:39:44 PM	PD1360-443-0340	SMS	Outgoing	sorry we had to find a piece of mail		2017-10-13_18-39-44_PDT.txt	
2017/10/13	06:45:19 PM	PD1360-443-0340	SMS	Incoming	Basement apartment????		2017-10-13_18-45-19_PDT.txt	
2017/10/13	06:47:53 PM	PD1360-443-0340	SMS	Outgoing	yes apparently its cheap rent per mom		2017-10-13_18-47-53_PDT.txt	
2017/10/13	06:49:21 PM	PD1360-443-0340	SMS	Incoming	You are gonna have to meet me up the road		2017-10-13_18-49-21_PDT.txt	*
2017/10/13	06:49:54 PM	PD1360-443-0340	SMS	Outgoing	ok where?		2017-10-13_18-49-54_PDT.txt	
2017/10/13	06:50:43 PM	PD1360-443-0340	SMS	Incoming	Go down to the little park		2017-10-13_18-50-43_PDT.txt	
2017/10/13	06:51:13 PM	PD1360-443-0340	SMS	Outgoing	blueberry park?		2017-10-13_18-51-13_PDT.txt	
2017/10/13	06:51:43 PM	PD1360-443-0340	SMS	Incoming	Ya		2017-10-13_18-51-43_PDT.txt	
2017/10/13	06:53:37 PM	PD1360-443-0340	SMS	Outgoing	walking now		2017-10-13_18-53-37_PDT.txt	
2017/10/13	06:57:08 PM	PD1360-443-0340	SMS	Outgoing	i'm in the park		2017-10-13_18-57-08_PDT.txt	
2017/10/13	07:10:47 PM	PD1360-443-0340	SMS	Outgoing	test text		2017-10-13_19-10-47_PDT.txt	
2017/10/13	07:12:18 PM	PD1360-443-0340	SMS	Outgoing	test text		2017-10-13_19-12-18_PDT.txt	

FILED

JAN 14 2019

ALISON H. SONNTAG
KITSAP COUNTY CLERK

IN THE KITSAP COUNTY SUPERIOR COURT
STATE OF WASHINGTON } NO. 17-1-01554-5

PLAINTIFF

v.

STEVEN A. PEMBERTON

DEFENDANT

MOTION TO VACATE CrR 7.8

BRIEF FROM JUDGEMENT AND ORDER

17-1-01554-5
MT 158
Motion
4713387



COMES NOW THE DEFENDANT STEVEN A. PEMBERTON, Pro Se.

ISSUE(S) PRESENTED

① DID TRIAL COURT ABUSE ITS DISCRETION BY FAILING TO FORWARD, 2 PREVIOUS MOTIONS TO VACATE TO THE COURT OF APPEALS? YES

② IS THERE NEWLY DISCOVERED EVIDENCE, WHICH BY DUE DILIGENCE COULD NOT HAVE BEEN DISCOVERED IN TIME TO MOVE FOR A NEW TRIAL? YES

③ WAS THE DEFENDANT'S CONSTITUTIONAL RIGHT TO DUE PROCESS VIOLATED WHEN HE WAS NOT ALLOWED TO CHOOSE HIS DEFENSE? YES

④ DID LAW ENFORCEMENT VIOLATE THE DEFENDANT'S FOURTEENTH AMENDMENT RIGHT TO FUNDAMENTAL FAIRNESS WITH ITS CRIMINAL CONDUCT? YES

⑤ DID DEFENDANT RECEIVE INEFFECTIVE COUNSEL FROM ADRIAN PIMENTEL WHEN :

Ⓐ HE FAILED TO ARGUE EVIDENCE PROVING ME INNOCENT? YES

⑥ FAILED TO PROPERLY CROSS EXAMINE WITNESSES DUE TO OVER SIGHT OF EVIDENCE? YES

⑦ DID MR. PIMENTEL'S ACTIONS PREJUDICE THE DEFENDANT? YES

STATEMENT OF FACTS

① PRIOR TO SENTENCING, ON SEPTEMBER 19, 2018 THE DEFENDANT SUBMITTED 2 MOTIONS FOR RELIEF OF JUDGEMENT AND ORDER. ONE DATED 9-1-18 AND ONE DATED 9-11-18. HON. SALLY OLSEN STATED SHE HAD ALREADY MADE RULINGS ON THESE NEW MOTIONS, WHICH WERE NOT PREVIOUSLY ARGUED. SHE ALSO ABUSED HER DISCRETION BY NOT FORWARDING THESE MOTIONS TO THE COURT OF APPEALS VIOLATING CrR 7.8. (ATTACHED ARE COPIES OF THE MOTIONS FILED)

② ON SEPTEMBER 1, 2018 I RECEIVED COPIES OF EVIDENCE EXHIBITS 5 AND 6 (CELL PHONE EXTRACTS FROM DEFENDANT'S PHONE) ALMOST 90 DAYS AFTER TRIAL FROM THE PROSECUTOR'S OFFICE. ATTACHED IS THE COVERSHEET FROM THE PROSECUTOR'S OFFICE DATED AUG-27, 2018. THIS IS NOT JUST A CLEAR VIOLATION OF CrR 4.7, BUT THIS VIOLATES MY FEDERAL AND STATE CONSTITUTIONAL RIGHTS TO DUE PROCESS, FAIR TRIAL RIGHTS AND FUNDAMENTAL FAIRNESS.

ALSO NOTE MY CELL PHONE EXTRACT DOES NOT MATCH THE DETECTIVE'S CELL PHONE MESSAGES. NOT ONE MESSAGE MATCHES IN DATE OR TIME OF THE OTHER. MY CELL PHONE EXTRACT PROVES DETECTIVE'S NEVER MENTIONED UNDER AGE VICTIM'S AGE.

③ THE DEFENDANT HAS A CONSTITUTIONAL RIGHT (6TH AMENDMENT) TO CHOOSE HIS DEFENSE AND TO PRESENT A COMPLETE DEFENSE. BOTH OF THESE WERE VIOLATED WHEN DEFENSE COUNSEL FAILED TO PURSUE THE ENTRAPMENT DEFENSE AND FAILED TO USE THE 2 HOUR LONG POLICE INTERVIEW WITH THE DEFENDANT AND LAW ENFORCEMENT. THAT INTERVIEW PROVED I BELIEVED THE WOMEN TO BE OVER 18. IT ALSO PROVED MY INTENT. I RECEIVED DEFECTIVE AND BIASED REPRESENTATION BY NOT BEING ABLE TO CHOOSE MY DEFENSE AS IT IS MY LIBERTY AT STAKE.

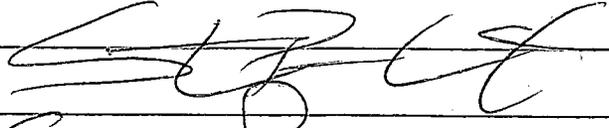
④ LASTLY, WAS LAW ENFORCEMENT'S ACTIONS ILLEGAL? ABSOLUTELY. IN REFERENCE TO MY CASE AND MY CASE ONLY, DETECTIVES POSTED A LEGAL ADVERTISEMENT ON AN ADULT DATING FORUM (CRINGSLIST) IN THE ADULT SECTION (THAT YOU MUST AGREE TO BE OVER 18 TO BE ON), THEN SENT PICTURES OF POLICE OFFICERS OVER THE AGE OF 18 (ONE WAS 27 THE OTHER 32) AND THEY SPOKE IN A MANNER THAT ONLY PROVED THEIR MATURENESS. (ATTACHED ARE THE CELLPHONE EXTRACTS FROM THE DETECTIVES PHONE). OVER 95% OF ALL SEXUAL COMMENTS ARE MADE BY POLICE. NOT ONCE WERE SEXUAL COMMENTS INITIATED BY THE DEFENDANT. THE DEFENDANT WAS CLEARLY ENTRAPPED WHEN THE DEFENDANT ABANDONED THE SCHEME AND DROVE HOME HE WAS ARRESTED.

CONCLUSION

IT IS WITHIN THE POWERS OF THE SUPERIOR TO MAKE A RULING TO SET A FACTUAL HEARING FOR RESOLUTION OF THESE CONSTITUTIONAL ERRORS (C.R. 7.8(c)(2)). I ASK THE

COURT SET SUCH A DATE IN THE NEAR FUTURE TO RESOLVE SUCH ISSUES I'VE PRESENTED.

DATED
JAN. 9, 2019

Respectfully Submitted

STEVEN PEMBERTON
(PRO SE)

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RECEIVED AND FILED
IN OPEN COURT

SEP 19 2018

KITSAP COUNTY CLERK
ALISON H. SONNTAG

IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,)	
)	No. 17-1-01554-5
Plaintiff,)	
)	JUDGMENT AND SENTENCE
v.)	
)	
STEVEN ALLEN PEMBERTON,)	
Age: 37; DOB: 05/29/1981,)	
)	
Defendant.)	

A sentencing hearing was held in which the Defendant, the Defendant's attorney, and the Deputy Prosecuting Attorney were present. The Court now makes the following findings, judgment and sentence.

The Defendant was found guilty, by plea jury verdict bench trial trial upon stipulated facts, of the following--

2.1 CURRENT OFFENSE(S) <i>Asterisk (*) denotes same criminal conduct (RCW 9A.4A.525)</i>		RCW	Date(s) of Crime from to		The Special Allegations* listed below were pled and proved
I	Rape of a Child in the Second Degree	9A.44.076	10/12/2017	10/13/2017	
I	Criminal Attempt	9A.28.020			
II	Sex-Commercial Sexual Abuse of a Minor	9.68A.100	10/12/2017	10/13/2017	
II	Criminal Attempt	9A.28.020			
III	Communication With a Minor for Immoral Purposes [Felony] on or after 08/01/2013	9.68A.090.2	10/12/2017	10/13/2017	
IV	Possession of a Controlled Substance [Methamphetamine]	69.50.4013.Meth	10/13/2017	10/13/2017	

JUDGMENT AND SENTENCE; Page 1

[Form revised August 23 17-1-01554-6
FJS 136
Felony Judgment and Sentence
3874021



Tina R. Robinson, Prosecuting Attorney
Adult Criminal and Administrative Divisions
614 Division Street, MS-35
Port Orchard, WA 98366-4681
(360) 337-7174, Fax (360) 337-4949
<https://spf.kitsapgov.com/pros>

2.2 CRIMINAL HISTORY (RCW 9.94A.525) <i>Asterisk (*) denotes prior convictions that were same criminal conduct.</i>	Date of Crime	Date of Sentence	Sentencing Court	Juv (x)
Poss of a dangerous weapon	1/19/15	2/12/13	Bremerton Muni	
Taking vehicle without permission	9/5/12	2/12/13	Kitsap County (released 11/11/13)	
Theft 2	7/2/12	2/12/13	Kitsap County	
Possession of stolen property 2	5/30/07	10/19/07	Kitsap County (released 12/7/09)	
Possession of meth	5/30/07	10/19/07	Kitsap County	
Burglary 2	1/23/04	10/21/04	Kitsap County	
Possession of a stolen firearm	1/23/04	10/21/04	Kitsap County	
Forgery	11/20/03	10/21/04	Kitsap County	
Forgery	11/24/03	10/21/04	Kitsap County	
Forgery	12/10/03	10/21/04	Kitsap County	

2.3 SENTENCING DATA									
Count	Offender Score	Seriousness Level	Standard Range	Days (x)	Mo. (x)	Special Allegations Type*	Mo.	Total Standard Range (Mo.)	Maximum Term
I.	16	XI	157.5-210	-	X				life
II.	16	VIII	60	-	X				5 years
III.	16	III	51-60	-	X				5 years
IV.	12	I	12+-24	-	X				5 years

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

*SPECIAL ALLEGATION KEY (RCWs)- DV=Domestic Violence (10.99.020); P=Predatory (9.94A.836); DD=Victim is developmentally disabled, etc. (9.94A.838, 9A.44.010); the following pursuant to 9.94A.533: F=Firearm (825), DW=Deadly Weapon (825); SZ=School Zone (+69.50.435); SM=Sexual Motivation (.835); VH=Vehicular Homicide Prior DUI (+46.61.520,5055); CF=drug crime at Corrections Facility; JP=Juvenile Present at Manufacture (+.827); <15=Victim Under 15 (.837); CSG=Criminal Street Gang Involving a Minor (.833); AE=Endangerment While Eluding (+.834); VUI=Vehicular Homicide/Assault while DUI; LE=Assault of Law Enforcement with Firearm (+.831), RX=Robbery of Pharmacy (+ 832); CSF=Sexual Conduct with a Child for a Fee (+.839).

CONFINEMENT/STATUS

- 4.5-SSOSA-SPECIAL SEXUAL OFFENDER SENTENCING ALTERNATIVE. RCW 9.94A.670. The Defendant is a sex offender and is sentenced under SSOSA. The execution of the sentence of confinement is suspended and the Defendant is placed on community custody.
- CHEMICAL DEPENDENCY-The Court finds the Defendant has a chemical dependency that contributed to the offense(s).
- 2.4-EXCEPTIONAL SENTENCE-Substantial and compelling reasons exist justifying a sentence ~~above~~ below the standard range, within the standard range for Count III, IV but served consecutively to Count(s) IV, or warranting exceptional conditions of supervision for Count(s) _____. The Prosecutor did did not recommend a similar sentence. The exceptional sentence was



1 stipulated by the Prosecutor and the Defendant. Findings of Fact and Conclusions of Law entered in
 2 support of the exceptional sentence are incorporated by reference.
 3 45-PERSISTENT OFFENDER-The Defendant is a Persistent Offender and is sentenced to life without the
 possibility of early release. RCW 9.94A.570.

COURT'S SENTENCE:			<i>Sentences over 12 months will be served with the Department of Corrections Sentences 12 months or less will be served in the Kitsap County Jail, unless otherwise indicated.</i>		
COUNT II <u>60</u> <input type="checkbox"/> Days <input checked="" type="checkbox"/> Mo.	COUNT III <u>60</u> <input type="checkbox"/> Days <input checked="" type="checkbox"/> Mo.	COUNT IV <u>24</u> <input type="checkbox"/> Days <input checked="" type="checkbox"/> Mo.			
COUNT _____ <input type="checkbox"/> Days <input type="checkbox"/> Mo.	COUNT _____ Days with _____ Days Suspended for _____ Years				
COUNT _____ 12 months + 1 day	COUNT _____ 12 months + 1 day	COUNT _____ 6 months + 1 day			
CONFINEMENT UNDER RCW 9.94A.507- The Defendant is sentenced to the following term of confinement in the custody of the DOC: COUNT I Minimum Term: <u>210</u> Months Maximum Term: <input type="checkbox"/> 10 years from today's date <input checked="" type="checkbox"/> for the remainder of Defendant's life COUNT _____ Minimum Term: _____ Months Maximum Term: <input type="checkbox"/> 10 years from today's date <input type="checkbox"/> for the remainder of Defendant's life COUNT _____ Minimum Term: _____ Months Maximum Term: <input type="checkbox"/> 10 years from today's date <input type="checkbox"/> for the remainder of Defendant's life The Indeterminate Sentencing Review Board may increase the minimum term of confinement.					
<input type="checkbox"/> SSOSA Sentence for Count(s) _____ : _____ Months to be served, with the remainder of the sentence terms suspended for duration of the SSOSA program. RCW 9.94A.670(5).					
IF MULTIPLE COUNTS -Total confinement ordered: <u>234</u> <input type="checkbox"/> Days <input type="checkbox"/> Months Max. Term: _____ COUNTS TO BE SERVED- <input type="checkbox"/> Concurrent <input type="checkbox"/> Consecutive <input checked="" type="checkbox"/> Counts <u>IV</u> served consecutive; the remainder served concurrent <input type="checkbox"/> Firearm and Deadly Weapon enhancements served consecutive; the remainder concurrent <input type="checkbox"/> Sexual Motivation enhancements served consecutive; the remainder concurrent. <input type="checkbox"/> VUCSA enhancements served <input type="checkbox"/> consecutive <input type="checkbox"/> concurrent; the remainder consecutive.					

18 44-**CONFINEMENT ONE YEAR OR LESS**-Defendant shall serve a term of confinement as follows:
 19 **JAIL ALTERNATIVES/PARTIAL CONFINEMENT.** RCW 9.94A 030(31). If the defendant is found
 20 eligible, the confinement ordered may be converted to-Work Release, RCW 9.94A.731 (*Note: the*
 21 *Kitsap County Jail has the discretion to have the Defendant complete work release at the Kitsap County Jail*
 22 *or Peninsula Work Release), Home Detention, RCW 9.94A.731,.190, or Supervised Community*
 23 *Service or Work Crew, RCW 9.94A.725 at the discretion of the Kitsap County Jail.*
 24 **STRAIGHT TIME.** The confinement ordered shall be served in the Kitsap County Jail, or if
 applicable under RCW 9.94A.190(3) or RCW 9.94A.712 in the Department of Corrections.

25 45-**CONFINEMENT OVER ONE YEAR**-Defendant is sentenced to the above term of total confinement in the
 custody of the Department of Corrections.
 OTHER SENTENCES-This sentence shall be served consecutive concurrent to sentence(s) ordered
 in cause number(s) _____

26 **CREDIT FOR TIME SERVED.** RCW 9.94A.505 Defendant shall receive credit for time served prior to
 27 sentencing solely for this cause number as computed by the jail unless specifically set forth-_____ days.
 28 43-**NO CONTACT ORDER**-Defendant shall abide by the terms of any no contact order issued as part of
 this Judgment and Sentence.

SUPERVISION

30 46-**COMMUNITY CUSTODY.** RCW 9.94A.505, .701, .702, .704, .706. Defendant shall be supervised for
 31 the longest time period checked in the table below. Defendant shall report to DOC in person no later



Tina R. Robinson, Prosecuting Attorney
 Adult Criminal and Administrative Divisions
 614 Division Street, MS-35
 Port Orchard, WA 98366-4681
 (360) 337-7174, Fax (360) 337-4949
<https://spf.kitsapgov.com/pros>

1 than 72 hours after release from custody and shall comply with all conditions stated in this Judgment
2 and Sentence, including those checked in the SUPERVISION SCHEDULE, and other conditions imposed
3 by the court or DOC during community custody (and supervised probation if ordered).

4 **Community Custody Is Ordered for the Following Term(s) or Ranges (non-RCW 9.94A.507):**

5 For offenders sentenced to the custody of DOC (total term of confinement 12+ months or more):

- 6 COUNT(S) _____ 36 months for: Serious Violent Offenses; Sex Offenses (including
7 felony Failure to Register as a Sex Offender if the defendant has at
8 least one prior felony failure to register conviction);
- 9 COUNT(S) _____ 18 months for Violent Offense
- 10 COUNT(S) IV _____ 12 months for: Crimes Against Person; felony offenses under chapter
11 69.50 or 69.52 RCW; felony Failure to Register as a Sex Offender (if
12 the defendant has no prior convictions for failure to register)

13 For offenders sentenced to a term of one year or less :

- 14 COUNT(S) _____ 12 months for: Violent Offenses; Crimes Against Persons; felony
15 offenses under chapter 69.50 or 69.52 RCW; Sex Offenses; felony
16 Failure to Register as a Sex Offender (regardless of the number of prior
17 felony failure to register convictions).

- 18 • Community custody for sex offenders may be extended for up to the statutory maximum term.
- 19 • For sex offenses, defendant shall submit to electronic home detention if imposed by DOC.

20 **Community Custody Is Ordered for Counts Sentenced under RCW 9.94A.507, from time of
21 release from total confinement until the expiration of the maximum sentence:**

- 22 COUNT(S) I _____ 10 years from today's date for the remainder of the Defendant's life
- 23 COUNT(S) _____ 10 years from today's date for the remainder of the Defendant's life

- 24 • For sentences imposed under RCW 9.94A.507, other conditions, including electronic home
25 detention, may be imposed during community custody by the Indeterminate Sentence
26 Review Board, or in an emergency, by DOC. Emergency conditions imposed by DOC shall
27 not remain in effect longer than seven working days.
- 28 • For sex offenses, defendant shall submit to electronic home detention if imposed by DOC

29 **Supervised Probation is Ordered for Gross Misdemeanor and Misdemeanor convictions in
30 this Judgment and Sentence, to be administered by the DOC, for:**

- 31 COUNT(S) _____ 12 months 24 months _____ months

- 32 45-SSOSA-COMMUNITY CUSTODY. RCW 9.94A.670. The execution of this sentence is suspended
33 and Defendant is placed on community custody under the charge of DOC for the length of the
34 suspended sentence, the length of the maximum term imposed pursuant to RCW 9.94A.507, or three
35 years, whichever is greater. Defendant shall report to DOC in person no later than 72 hours after
36 release from custody and shall comply with all conditions stated in this Judgment and Sentence,
37 including those checked in the SUPERVISION SCHEDULE, and other conditions imposed by the court or
38 DOC during community custody. If the Defendant violates the conditions of the suspended sentence or
39 the court finds that the Defendant is not making satisfactory progress in treatment, the court may
40 revoke the suspended sentence at any time during the period of community custody and order
41 execution of the sentence, and shall impose conditions of community placement pursuant to RCW
42 9.94A.120. A **Treatment Termination Hearing** (RCW 9.94A.120) is scheduled three months prior to
43 the anticipated date for completion of treatment-_____.



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EVALUATOR APPROVED TO PROVIDE TREATMENT—The Court expressly finds that the Defendant’s sex offender treatment provider may be the same person who examined the Defendant in this action for amenability to treatment and risk to the community, based on the best interests of the victim and impracticability of using a different treatment provider. Chap. 176, Laws of 2004, § 4(11).

COMMUNITY CUSTODY VIOLATIONS. In any case in which community custody is imposed, if the Defendant is subject to a first or second violation hearing and DOC finds that the Defendant committed the violation, the Defendant may receive as a sanction up to 60 days of confinement per violation. RCW 9.94A.633. Further, in any case, if the Defendant has not completed his or her maximum term of total confinement and is subject to a third violation hearing and DOC finds that the Defendant committed the violation, DOC may return the Defendant to a state correctional facility to serve up to the remaining portion of the Defendant’s sentence. RCW 9.94A.714.



SUPERVISION SCHEDULE: The Defendant Shall-

- STANDARD**
 - Obey all laws and obey instructions, affirmative conditions, and rules of the court, DOC and CCO.
 - Report to and be available for contact with assigned CCO as directed
 - Obey all no-contact orders including any in this judgment.
 - Remain within prescribed geographical boundaries and notify the court and CCO in advance of any change in address or employment
 - Notify CCO within 48 hours of any new arrests or criminal convictions
 - Pay DOC monthly supervision assessment
 - Comply with crime-related prohibitions.
- SERIOUS VIOLENT / VIOLENT OFFENSE, SEX OFFENSE, AND/OR CRIME AGAINST A PERSON**
 - Work only at DOC-approved education, employment and/or community service.
 - Possess or consume no controlled substances without legal prescription.
 - Reside only at DOC-approved location and arrangement.
- SEX-CRIME RELATED**
 - Commit no sexual offenses and commit no offenses involving a minor.
 - Have no direct or indirect contact with victim(s) or his or her family, including by telephone, computer, letter, in person, or via third party.
 - Possess/access no sexually exploitive materials (as defined by Defendant's treating therapist or CCO).
 - Frequent no adult book stores, arcades, or places providing sexual entertainment.
 - Possess/access no sexually explicit materials, and/or information pertaining to minors via computer (i.e. internet)
 - For sex offenses, defendant shall submit to electronic home detention if imposed by DOC or the Indeterminate Sentence Review Board.
- Have no contact with any children under the age of 18 without the presence of an adult who is knowledgeable of this conviction and who has been approved by Defendant's CCO.
- Do not loiter or frequent places where children congregate including, but not limited to, shopping malls, schools, playgrounds, and video arcades.
- Abide by curfew set by CCO
- Do not hitchhike or pick up hitchhikers.
- Submit to periodic polygraph and plethysomograph exams at own expense at request of CCO or any treatment provider.

- Complete a psychosexual evaluation and follow through with all treatment recommended by CCO and/or treatment provider.
- PSI CONDITIONS**-All conditions recommended in The Pre-Sentence Investigation are incorporated herein as conditions of community custody, in addition to any conditions listed in this judgment and sentence, unless otherwise noted:

- SSOSA**
 - Devote time to specific employment or occupation.
 - Successfully complete approved outpatient and/or Inpatient sex offender treatment program with treatment provider noted below for a period of 36 months Defendant shall not change sex offender treatment providers or treatment without first notifying the Prosecutor, CCO, and the Court, and shall not change providers without Court approval after a hearing if the Prosecutor or CCO object to the change.
 - Treatment Provider--
- EVALUATIONS**- Complete an evaluation for:
 - substance abuse
 - anger management
 - mental health, and fully comply with all treatment recommended by CCO and/or treatment provider.
- PROGRAMS / ASSAULT**
 - Have no assaultive behavior.
 - Successfully complete a certified DV perpetrators program.
 - Successfully complete an anger management class.
 - Successfully complete a victim's awareness program
- ALCOHOL/DRUGS**
 - Possess and use no illegal drugs and drug paraphernalia
 - Submit to UA and breath tests at own expense at CCO request.
 - Submit to searches of person, residence or vehicles at CCO request
 - Have no contact with any persons who are currently manufacturing or delivering controlled substances.
 - Possess or consume no alcohol.
 - Enter no bar or place where alcohol is the chief item of sale.
 - Install ignition interlock device as directed by CCO. RCW 46.20 710-.750.
- HAVE NO CONTACT WITH:**
- OTHER:**



1 **FINANCIAL OBLIGATIONS**

2 41-LEGAL FINANCIAL OBLIGATIONS-RCW 9.94A.760. The Defendant shall pay by cash, money order, or
3 certified check to the Kitsap County Superior Court Clerk at 614 Division Street, MS-34, Port Orchard,
WA 98366, as indicated-

4 <input checked="" type="checkbox"/> \$500 Victim Assessment, RCW 7.68.035 [PCV]	
5 After an individualized inquiry on the record, the Court finds that the Defendant has the current or future ability to pay legal financial obligations; therefore, the Court imposes the following discretionary LFO's:	
6 \$100 DNA / Biological Sample Fee	X \$500.00 per RCW 9.68A.105 BY \$300 1,667
7 \$500 Court-appointed attorney fees [PUB]	\$500 Contribution-Kitsap Co. Special Assault Unit
8 \$100 Contribution-Kitsap County Expert Witness Fund [Kitsap County Ordinance 139.1991]	\$100 Domestic Violence Assessment, RCW 10.99.080 <input type="checkbox"/> Kitsap Co. YWCA <input type="checkbox"/> Kitsap Sexual Assault Ctr.
9 <input type="checkbox"/> \$1,000 <input type="checkbox"/> \$2,000 Mandatory fine for drug crimes, RCW 69.50.430 (unless indigent)	10 \$200 DUC-DUI/DP Account Fee - Imposed on any DUI, Physical Control, Vehicular Homicide, or Vehicular Assault. RCW 46.61.5054.
11 \$100 Crime Lab fee, RCW 43.43.690(1)	

12 **RESTITUTION-ENTERED OR** to be determined at a future date by separate order(s). If the defendant has
13 waived his or her presence at any future restitution hearing, either through the terms of any applicable plea
14 agreement in this case or by voluntary waiver indicated on the judgment and sentence, the court hereby
15 accepts that waiver by the defendant.

16 **REMAINING LEGAL FINANCIAL OBLIGATIONS AND RESTITUTION**-The legal financial obligations and/or
any restitution noted above may not be complete and are subject to future order by the Court.

17 **PAYMENT SCHEDULE** - All payments shall commence immediately within 60 days from today's date,
and be made in accordance with policies of the Clerk or DOC and on a schedule as follows: pay \$100
 \$50 \$25 _____ per month, unless otherwise noted- _____ RCW 9.94A.760.

18 **OTHER**

- 19 42-HIV TESTING-The Defendant shall submit to HIV testing. RCW 70.24.340.
- 20 42-DNA TESTING-The Defendant shall have a biological sample collected for DNA identification
21 analysis and the defendant shall fully cooperate in the testing. The appropriate agency or DOC shall
22 obtain the sample prior to the defendant's release from confinement. RCW 43.43.754. If the defendant
23 is out of custody, he or she must report directly to the Kitsap County Jail to arrange for DNA sampling
- 24 **FORFEITURE**-Forfeit all seized property subject to forfeiture under RCW 9.41.098 or RCW 69.50.505
to the originating law enforcement agency unless otherwise noted.
- 25 410-COMPLIANCE WITH SENTENCE-Defendant shall perform all affirmative acts necessary for DOC to
26 monitor compliance with all of the terms of this Judgment and Sentence.
- 27 **JOINT AGREEMENTS IN THE PLEA AGREEMENT**-Are in full force and effect unless otherwise stated in
this judgment and sentence.
- 28 **EXONERATION**-The Court hereby exonerates any bail, bond, and/or personal recognizance conditions.

29 **NOTICES AND SIGNATURES**

30 51-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,
31 motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest



1 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.

2 ~~5 2-LENGTH OF SUPERVISION~~—The court shall retain jurisdiction over the offender, for the purposes of the
3 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).

4 ~~5 3-NOTICE OF INCOME-WITHHOLDING ACTION~~—If the Court has not ordered an immediate notice of
5 payroll deduction, you are notified that the DOC may issue a notice of a 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
6 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.

7 ~~5 5-ANY VIOLATION OF JUDGMENT AND SENTENCE~~—Is punishable by up to 60 days of confinement per
8 violation. RCW 9.94A.633. The court may also impose any of the penalties or conditions outlined in RCW
9.94A.633.

9 ~~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.

10 ~~Clerk’s Action Required~~—The court clerk shall forward a copy of the Defendant’s driver’s license, identicaid, or
comparable identification, to the DOL along with the date of conviction or commitment. RCW 9.41.040, 9.41.047

11 ~~Cross off if not applicable—~~

12 ~~5 7-SEX AND KIDNAPPING OFFENDER REGISTRATION. LAWS OF 2010, CH. 267 § 1, RCW 9A.44.130, 10.01.200.~~

13 **1. General Applicability and Requirements:**

14 Because this crime involves a sex offense or kidnapping offense involving a minor as defined in LAWS OF 2010,
CH. 267 § 1 AND/OR RCW 9A.44.130, you are required to register.

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

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

20 **2. Offenders Who are New Residents or Returning Washington Residents:**

21 If you move to Washington or if you leave this state following your sentencing or release from custody but later
move back to Washington, you must register within three business days after moving to this state. If you leave this state
22 following your sentencing or release from custody but later while not a resident of Washington you become employed
in Washington, carry on a vocation in Washington, or attend school in Washington, you must register within three
23 business days after starting school in this state or becoming employed or carrying out a vocation in this state.

24 **3. Change of Residence Within State:**

25 If you change your residence within a county, you must provide, by certified mail, with return receipt requested or
in person, signed written notice of your change of residence to the sheriff within three business days of moving. If you
26 change your residence to a new county within this state, you must register with the sheriff of the new county within
three business days of moving. Also within three business days, you must provide, by certified mail, with return
receipt requested or in person, signed written notice of your change of address to the sheriff of the county where you
last registered

27 **4. Leaving the State or Moving to Another State**

28 If you move to another state, or if you work, carry on a vocation, or attend school in another state you must
register a new address, fingerprints, and photograph with the new state within three business days after establishing
29 residence, or after beginning to work, carry on a vocation, or attend school in the new state. If you move out of the
state, you must also send written notice within three business days of moving to the new state or to a foreign country to
30 the county sheriff with whom you last registered in Washington State

31 **5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher**



1 **Education or Common School (K-12):**

2 If you are a resident of Washington and you are admitted to a public or private institution of higher education, you
3 are required to notify the sheriff of the county of your residence of your intent to attend the institution within three
4 business days prior to arriving at the institution. If you become employed at a public or private institution of higher
5 education, you are required to notify the sheriff for the county of your residence of your employment by the institution
6 within three business days prior to beginning to work at the institution. If your enrollment or employment at a public or
7 private institution of higher education is terminated, you are required to notify the sheriff for the county of your
8 residence of your termination of enrollment or employment within three business days of such termination. If you
9 attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW, you are
10 required to notify the sheriff of the county of your residence of your intent to attend the school. You must notify the
11 sheriff within three business days prior to arriving at the school to attend classes. The sheriff shall promptly notify the
12 principal of the school

13 **6. Registration by a Person Who Does Not Have a Fixed Residence:**

14 Even if you do not have a fixed residence, you are required to register. Registration must occur within three
15 business days of release in the county where you are being supervised if you do not have a residence at the time of your
16 release from custody. Within three business days after losing your fixed residence, you must send signed written
17 notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than
18 24 hours, you will be required to register with the sheriff of the new county not more than three business days after
19 entering the new county. You must also report weekly in person to the sheriff of the county where you are registered.
20 The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business
21 hours. You must keep an accurate accounting of where you stay during the week and provide it to the county sheriff
22 upon request. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level
23 and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

24 **7. Application for a Name Change:**

25 If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of
26 your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If
27 you receive an order changing your name, you must submit a copy of the order to the county sheriff of the county of
28 your residence and to the state patrol within three business days of the entry of the order. RCW 9A.44.130(7).

29 **58-PERSISTENT OFFENDER-**

30 **"Three Strike" Warning-**You have been convicted of an offense that is classified as a "most serious offense"
31 under RCW 9.94A.030. A third conviction in Washington State of a most serious offense, regardless of whether the
first two convictions occurred in a federal or non-Washington state court, will render you a "persistent offender"

"Two Strike" Warning-In addition, if this offense is (1) rape in the first degree, rape of a child in the first degree,
rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child
molestation in the first degree; or (2) any of the following offenses with a finding of sexual motivation: murder in the
first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second
degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in
the second degree, or a burglary in the first degree; or (3) any attempt to commit any of the crimes listed in RCW
9.94A.030(38), and you have at least one prior conviction for a crime listed in RCW 9.94A.030(38) in this state,
federal court, or elsewhere, this will render you a "persistent offender." RCW 9.94A.030(38).

Persistent Offender Sentence-A persistent offender shall be sentenced to a term of total confinement for life
without the possibility of early release, or, when authorized by RCW 10.95.030 for the crime of aggravated murder in
the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. RCW 9.94A.570.

32 **58-DEPARTMENT OF LICENSING NOTICE-**

- The Court finds that Count _____ is a felony in the commission of which a motor vehicle was used.
- For DUI, Physical Control, Felony DUI or Physical Control, Vehicular Assault, or Vehicular Homicide (ACR information), in relation to Count _____ the Court finds that:
 - Alcohol Concentration. Defendant's blood had in it an alcohol concentration _____ within two hours after driving or being in actual physical control of a motor vehicle.
 - THC Concentration. Defendant had a THC concentration of _____ within two hours after driving or being in actual physical control of a motor vehicle.
 - BAC Refused. The defendant refused to take a test offered pursuant to RCW 46.20.308.
 - Alcohol related. Defendant was under the influence of or affected by intoxicating liquor.
 - Drug related. The defendant was under the influence of or affected by a drug other than alcohol.



- 1 Liquor and other drug(s). Defendant was under the combined influence of or affected by
- 2 intoxicating liquor and any other drug.
- 3 Passenger under age 16. The defendant committed the offense while a passenger under the age of
- 4 sixteen was in the vehicle.

Clerk's Action—The clerk shall forward an Abstract of Court Record (ACR) to the DOL, which must revoke the Defendant's driver's license. RCW 46.20.285.

59-TREATMENT RECORDS—If the Defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the Defendant must notify DOC and must share the Defendant's treatment information with DOC for the duration of the Defendant's incarceration and supervision. RCW 9.94A.562.

Voting Rights Statement:

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 will be provisionally restored as long as I am not under the authority of DOC (not serving a sentence in the custody of DOC and not subject to community custody as defined in RCW 9 94A.030). I must re-register before voting. The provisional right to vote may be revoked if I fail to comply with all the terms of my legal financial obligations or an agreement for the payment of legal financial obligations.

My right to vote may be permanently restored by one of the following for each felony conviction: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92 066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A 84 660. Registering to vote before the right is restored is a class C felony, RCW 29A 84.140.

Defendant's Signature: *SPF*

SO ORDERED IN OPEN COURT.

DATED— 9/19/18

Sally F. Olsen
 JUDGE Judge Sally F. Olsen

CSA
Schneft, WSBA No. 37966
 Deputy Prosecuting Attorney

_____, WSBA No. _____
 Attorney for Defendant

Defendant has previously, through their plea agreement, waived his or her presence at any future restitution hearing

SPF
 STEVEN ALLEN PEMBERTON
 Defendant

_____(initials)

If I have not previously done so, I hereby agree to waive my right to be present at any restitution proceedings
 _____(initials)



1 **INTERPRETER'S DECLARATION** - I am a certified or registered interpreter, or the court has found me other
2 wise qualified to interpret, the _____ language, which the Defendant
3 understands. I interpreted this Judgment and Sentence for the Defendant into that language.
4 I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and
5 correct.

6 Translator signature/Print name- _____
7 Signed at Port Orchard, Washington, on _____, 201__ ..

8 **IDENTIFICATION OF DEFENDANT**

9 Race: White Sex: Male DOB: 05/29/1981 Age: 37
10 D/L: PEMBESA193K9 D/L State: Washington SID: WA22044754 Height: 603
11 Weight: 220 JUVIS: Unknown Eyes: Blue Hair: Blond or
12 DOC: Unknown SSN: 539-92-0226 FBI: 669979RB5 Strawberry

13 **FINGERPRINTS**—I attest that I saw the same Defendant who appeared in Court on this document affix his or
14 her fingerprints and signature thereto.

15 Clerk of the Court— Lindy Menck, Deputy Clerk. Dated— 9-19-18

16 **DEFENDANT'S SIGNATURE**— [Signature]

Left 4 fingers taken simultaneously	Left Thumb	Right Thumb	Right 4 fingers taken simultaneously
			

27 Prosecutor's File Number—17-126038-26

28 **Prosecutor Distribution**—Original (Court Clerk), 1 copy (Prosecutor), 1 copy (DOC), 1 copy (Defense Atty), 1 copy (Pros Stat Keeper)



KITSAP SUPERIOR COURT

May 20, 2019 - 11:47 AM

Filing PRP Transfer Order

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: Case Initiation
Trial Court Case Title: State of Washington Vs Pemberton, Steven Allen
Trial Court Case Number: 17-1-01554-5
Trial Court County: Kitsap Superior Court
Signing Judge: Sally F Olsen
Judgment Date: 09/19/2019

The following documents have been uploaded:

- PTO_PRP_Transfer_Order_Plus_20190520114550D2887080_1828.pdf
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Judgment and Sentence/Order/Judgment - Signing Judge:
PRP Transfer Order
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Comments:

Sender Name: Lindsay Jorgensen - Email: ljorgens@co.kitsap.wa.us

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