

FILED  
Court of Appeals  
Division II  
State of Washington  
11/15/2018 11:38 AM

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

---

In Re the Personal Restraint Petition of  
DANIEL MOODY,  
Petitioner.

---

**PERSONAL RESTRAINT PETITION  
AND OPENING BRIEF**

---

Jeffrey Erwin Ellis  
Law Office of Alsept & Ellis  
621 SW Morrison St. Ste 1025  
Portland, OR 97205  
503/222-9830  
JeffreyErwinEllis@gmail.com

ATTORNEY FOR PETITIONER

A. STATUS OF PETITIONER

Daniel Moody, Petitioner, challenges his Pierce County Superior Court judgment and sentence for child molestation, commercial sex abuse, and communication with a minor for immoral purposes (Pierce County Case No. 17-1-02109-3). Mr. Moody (DOC # 402250) is currently incarcerated in the Twin Rivers Unit of the Monroe Correctional Center, in Monroe, Washington. A copy of the judgment is attached as *Appendix A*.

This is Moody's first collateral attack on this judgment. It is timely filed.

B. FACTS

On May 31, 2017, the State filed an Information charging Daniel Moody with Attempted Rape of a Child, Commercial Sex Abuse, and Communicating with a Minor for Immoral Purposes. The charges arose from a sting operation where a police officer posed as a child. The probable cause declaration is attached as *Appendix B*.

On September 13, 2017, the State amended the Information and Moody pleaded guilty to two counts Child Molestation in the Second Degree, as well as the Commercial Sex Abuse and Communication with a Minor charges. The child molestation charges were identical, except

that the second count stated that the unnamed (and fictitious) child was alleged to be a different person. There were no facts to support those charges. The guilty plea statement is attached as *Appendix C*.

Mr. Moody, who had no prior convictions, stipulated that he had an offender score of 9. However, the State did not seek a written agreement whereby Moody agreed that none of the counts constituted the “same criminal conduct.” Mr. Moody’s guilty plea stated:

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: IN MAY OF 2017 I AGREED TO PAY MONEY IN EXCHANGE FOR SEX WITH TWO FICTITIOUS CHILDREN UNDER THE AGE OF 12 IN PIERCE COUNTY, WA. IN ANTICIPATION OF THIS, I COMMUNICATED BY TEXT MESSAGE WITH ONE OF THE FICTITIOUS CHILDREN ABOUT MY INTENTIONS. I AM PLEADING TO COUNTS I & IV PURSUANT TO WAC 9A.02.010. I DROVE TO AN AGREED LOCATION WITH INTENT TO HAVE SEX WITH THE FICTITIOUS CHILDREN, WHERE I

[XX] In addition to 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.

WAS ARRESTED.

The plea agreement also included a stipulation to an exceptionally lengthy term of community custody. In addition to lengthy periods of incarceration that were equal to or nearly equal to the statutory maximum, the parties were bound to recommend an additional 36-month community custody term. However, Moody was

not told that the combined term of incarceration plus community custody could not exceed the statutory maximum.

Moody was sentenced on November 15, 2017 in accordance with the plea agreement.

On January 4, 2018, the judgment was amended by reducing the term of community custody (because the total sentence exceeded the statutory maximum) by an order signed by respective counsel, but without notice to Moody or an opportunity for him to withdraw his guilty plea. A copy of the order correcting the judgment is attached as *Appendix D*.

This timely PRP follows.

### C. ARGUMENT

#### **It Was Improper to Amend the Judgment Without Offering Mr. Moody an Opportunity to Withdraw His Guilty Plea.**

##### *Alternatively*

#### **Mr. Moody's Guilty Plea Was Infected by Misinformation About a Direct Consequence.**

When Moody pleaded guilty, he agreed with the State to recommend 36 months of community custody in addition to the period of incarceration. After he pleaded guilty and was sentenced and without any notice to Mr. Moody, the judgment was amended to change

the community custody terms. The “corrected” order provides that Moody shall serve 12 months of community custody on Counts I, II, and IV, and then provides that he shall serve 0 months of community custody on Count IV. The corrected judgment further provides that the community custody term can be increased by 24 months on Counts I, II, and IV, and by 36 months on the now-non-existent term on Count III.

The judgment was amended by an agreed order. However, Mr. Moody was not given notice; did not appear; and was not given an opportunity to withdraw his plea, instead of correcting the sentence.

Mr. Moody makes two alternative arguments. First, he argues that he should have been permitted to withdraw his plea when the mutual mistake from the plea agreement was acknowledged by the State. Moody argues that he was prejudiced because he would have made a different choice than the State and his counsel, if offered the option required by law.

Second, Moody argue that his guilty plea was involuntary because he was given misinformation regarding a direct consequence of his guilty plea. The plea agreement required Moody to recommend prison + community custody terms that exceeded the statutory maximum.

Moody starts with the constitutional due process requirements that underpin a valid guilty plea. Due process requires that a guilty plea may be accepted only upon a showing the accused understands the nature of the charge and enters the plea intelligently and voluntarily.” *State v. A.N.J.*, 168 Wash.2d 91, 117, 225 P.3d 956 (2010). A plea is knowing and voluntary only when the person pleading guilty understands the plea's consequences, including possible sentencing consequences. *In re Pers. Restraint of Stockwell*, 179 Wash.2d 588, 594-95, 316 P.3d 1007 (2014). “[A] guilty plea may be deemed involuntary when based on misinformation regarding a direct consequence of the plea, regardless of whether the actual sentencing range is lower or higher than anticipated.” *State v. Buckman*, 190 Wash. 2d 51, 59, 409 P.3d 193 (2018); *State v. Mendoza*, 157 Wash.2d 582, 591, 141 P.3d 49 (2006).

Where it is later discovered that the terms of a plea agreement conflict with the law, the defendant must be given an opportunity to withdraw the plea, rather than amend the sentence to conform to the law. *State v. Miller*, 110 Wash. 2d 528, 536, 756 P.2d 122, 127 (1988), *overruled on other grounds by State v. Barber*, 170 Wash. 2d 854, 248 P.3d 494 (2011) (rejecting specific performance as a remedy where that remedy results in an unauthorized sentence). Because Moody was

never given that opportunity, this Court should reverse and remand so that he can be given the choice.

Alternatively, Moody can meet the higher PRP prejudice standard where a defendant seeks to withdraw an involuntary plea. *State v. Buckman*, 190 Wash. 2d 51, 60, 409 P.3d 193 (2018). “Actual and substantial prejudice,” as the phrase implies, requires that there be a defect of substance, not simply of procedure. In other words, *Buckman* requires Moody to show that were it not for the constitutional error, a rational person in his situation would more likely than not have rejected the plea and proceeded to trial. *Buckman*, 190 Wash. 2d at 68.

First, it is beyond dispute that Moody’s plea agreement was infected by a mutual mistake. That is why the State sought to correct the judgment.

It should also be clear that a reasonable person would have rejected the plea agreement if given correct advice. In this case, Moody pleaded guilty to two counts of child molestation, crimes for which no factual basis existed and which were not lesser included offenses of the original charge. It is true that a plea is not invalid simply because an accused chooses to plead to a related lesser offense for which there is no factual basis, in order to avoid conviction of a greater offense. *State v.*

*Zhao*, 157 Wn.2d 188, 200, 137 P.3d 835 (2006); *In re Barr*, 102 Wn.2d at 269–70. However, the fact that two counts of conviction were based entirely on fictitious conduct establishes that a reasonable person would not have pleaded guilty if given accurate information.

**A Sentencing Court Cannot Find that Two Crimes Do Not Constitute Same Criminal Conduct Without an Express Stipulation or a Factual Basis for that Conclusion. The Failure to Explain Same Criminal Conduct Law Either Makes Moody’s Plea Invalid or Merits Remand for Resentencing.**

The parties agreed that Mr. Moody’s offender score was 9 but did not stipulate that none of the current convictions constituted the same criminal conduct. Although the amended information alleged that the fictitious child in Count IV was different from the fictitious child charged in Count I, there was no factual basis for that conclusion.

Without explaining the same criminal conduct rule to Mr. Moody as part of the plea process, either Moody’s *Barr* plea is invalid or the agreement that Moody’s offender score is 9 is invalid because it was not the product of a stipulation and is not supported by the facts.

**D. CONCLUSION**

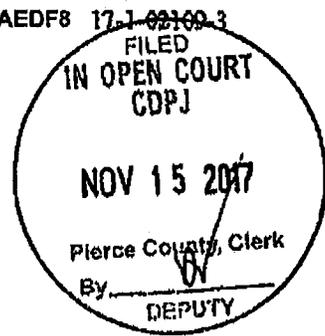
Based on the above, this Court should call for a response and, depending on the response, either grant this petition or remand for an evidentiary hearing.

This Court should grant this petition and remand for an opportunity to withdraw the plea or for resentencing where Moody can argue that Counts I and IV are same criminal conduct.

DATED this 15<sup>th</sup> day of November 2018.

Respectfully Submitted:

/s/Jeffrey Erwin Ellis  
Jeffrey Erwin Ellis #17139  
*Attorney for Mr. Moody*  
Law Office of Alsept & Ellis  
621 SW Morrison St. Ste 1025  
Portland, OR 97205  
JeffreyErwinEllis@gmail.com



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 17-1-02109-3

402250  
11.16.17

vs.

JUDGMENT AND SENTENCE (J/S)

DANIEL SCOTT MOODY, JR.

Defendant.

DEPT. OF CORRECTIONS - PRISON

SID: WA26986236  
DOB: 01/07/1982

Clerk's Action Required, para 4.5 (SDOSA),  
4.7 and 4.8 (SSOSA) 4.15.2, 5.3, 5.6 and 5.8

I HEARING

- 1.1 On September 13, 2017, the defendant entered a plea of guilty that was accepted by the court, the Honorable Stephanie Arend, presiding. The State of Washington was represented by Deputy Prosecuting Attorney John M. Neeb, and the defendant was present and represented by his attorney, Thomas Weaver.
- 1.2 On November 7, 2017, a sentencing hearing was held before the same court with all parties present.

II FINDINGS

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

2.1 CURRENT OFFENSES: The defendant was found guilty on SEPTEMBER 13, 2017, by plea of guilty to:

COUNT	CRIME	RCW	ENHANCE TYPE*	DATE OF CRIME	INCIDENT NO.
I	CHILD MOLESTATION IN THE SECOND DEGREE (140)	9A.44.086	None	04/22/2017 - 05/30/2017	17-015805
II	COMMERCIAL SEX ABUSE OF A MINOR (110)	9.68A.100	None	04/22/2017 - 05/30/2017	17-015805
III	FELONY COMMUNICATING WITH A MINOR IMMORAL PURPOSE (15B)	9.68A.090(2)	None	04/22/2017 - 05/30/2017	17-015805
IV	CHILD MOLESTATION IN THE SECOND DEGREE (140)	9A.44.086	None	04/22/2017 - 05/30/2017	17-015805

as charged in the Amended Information

11/15/2017 13083

11/15/2017 13083

11/15/2017 13083

11/15/2017 13083

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- [ ] Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589): *None, all separate and distinct conduct*
- [ ] Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): *NONE*

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

	CRIME	DATE OF SENTENCE	SENTENCING COURT	DATE OF CRIME	A or J ADULT JUV	TYPE OF CRIME
1	CHILD MOLEST 2	Current	Pierce Co / WA	4/22/2017- 5/30/2017	Adult	NV/S
2	COMMERCIAL SEX ABUSE OF A MINOR	Current	Pierce Co / WA	4/22/2017- 5/30/2017	Adult	NV/S
3	FELONY CWMIP	Current	Pierce Co / WA	4/22/2017- 5/30/2017	Adult	NV/S
4	CHILD MOLEST 2	Current	Pierce Co / WA	4/22/2017- 5/30/2017	Adult	NV/S

- [ ] The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525): *None - all separate and distinct conduct*

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	9	VII	87 - 116 months	None	87 - 116 months	10yr/20k
II	9	VIII	108 - 120 months	None	108 - 120 months	10yr/20k
III	9	III	51 - 60 months	None	51 - 60 months	5yr/10k
IV	9	VII	87 - 116 months	None	87 - 116 months	10yr/20k

- 2.4  EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence:  
 above the standard range for Counts I and II for Community Custody purposes.  
 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.  
 Findings of fact and conclusions of law are filed separately.  
 The Prosecuting Attorney and Defense jointly recommended this sentence.

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

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

---

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

---

11/15/2017 3083 0168

2.6  **FELONY FIREARM OFFENDER REGISTRATION.** The defendant committed a felony firearm offense as defined in RCW 9A1.010.

The court considered the following factors:

the defendant's criminal history.

evidence of the defendant's propensity for violence that would likely endanger persons.

[XX] The court decided the defendant  should [XX] should not register as a felony firearm offender.

**III. JUDGMENT**

3.1 The defendant is **GUILTY** of the Counts and Charges listed in Paragraph 2.1.

3.2  The court **DISMISSES** Counts \_\_\_\_\_  The defendant is found **NOT GUILTY** of Counts \_\_\_\_\_

**IV. SENTENCE AND ORDER**

IT IS ORDERED:

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

**CLASS CODE**

**RTNRJN** \$ \_\_\_\_\_ Restitution to: \_\_\_\_\_

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

**PCV** \$ 500.00 Crime Victim assessment

**DNA** \$ 100.00 DNA Database Fee

**PUB** \$ \_\_\_\_\_ Court-Appointed Attorney Fees and Defense Costs

**FRC** \$ 200.00 Criminal Filing Fee

**FCM** \$ \_\_\_\_\_ Fine

**OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)**

\$ 1,333 Other Costs for: **COMM SEX ABUSE MINOR FEE**

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

\$ 2,133 **TOTAL**

[XX] The above total does not include all restitution which may be set by later order of the court. An agreed restitution order may be entered. RCW 9A.753. A restitution hearing:

[X] shall be set by the prosecutor within the statutory period, if necessary.

The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9A.7602, RCW 9A.760(8).

[X] All payments shall be made in accordance with the policies of the clerk, commencing immediately, unless the court specifically sets forth the rate herein: Not less than an amount set by DOC/CCO per month commencing within 30 days of release from DOC. RCW 9A.760. If the court does not set the rate herein, the defendant shall report to the clerk's office within 24 hours of the entry of the judgment and sentence to set up a payment plan.

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9A.760(7)(b)

**JUDGMENT AND SENTENCE (JS)**

(Felony) (1/2007) Page 3 of 11

11 1169

11 11083

11 11/15/2017

11 1111

11 1111

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

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

**INTEREST** The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090

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

4.1b **ELECTRONIC MONITORING REIMBURSEMENT. DOES NOT APPLY**

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

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

\* 4.3 **[XX] NO CONTACT**

The defendant shall have **NO CONTACT** with **ANY CHILD UNDER THE AGE OF 18 YEARS** for **10 YEARS** from the date of this Judgment and Sentence. Contact includes, but is not limited to, personal, verbal, telephonic, electronic, written, through a third party.

The defendant may have supervised contact with his own children prior to their age of 18, provided that the contact is supervised by an adult who is aware of these convictions and the underlying facts of them.

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

BY AGREEMENT, DEFENDANT SHALL FORFEIT ALL PROPERTY SEIZED DURING THIS INVESTIGATION

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

4.4b **BOND IS HEREBY EXONERATED**

*supervised*  
\* Except my have contact w/ his own children, to be monitored ~~not approved~~ by CCO.

0170  
3083  
11/15/2017

4.5 CONFINEMENT OVER ONE YEAR. The defendant is sentenced as follows:

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

<u>108</u> months on Count	<u>I</u>	<u>60</u> months on Count	<u>III</u>
<u>108</u> months on Count	<u>II</u>	<u>108</u> months on Count	<u>IV</u>

Actual number of months of total confinement ordered is: 108

CONSECUTIVE/CONCURRENT SENTENCES. RCW 9.94A.589.

The sentences imposed in Courts I, II, III, and IV shall all be served CONCURRENTLY WITH each other.

The sentence herein shall run consecutively to all felony sentences in other cause numbers imposed prior to the commission of the crimes being sentenced.

Confinement shall commence immediately.

(c) Credit for Time Served. The defendant shall receive credit for eligible time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505.

The defendant shall receive credit for 169 days served (from booking on 5/30/2017 until sentencing on 11/7/2017), less any DOC sanction time.

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

The defendant shall be on community custody for:

Courts I, II, III, and IV 36 months for Sex Offenses

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

(B) While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while in community custody; (6) not own, use, or possess firearms or ammunition; (7) pay supervision fees as determined by DOC; (8) perform affirmative acts as required by DOC to confirm compliance with the orders of the court; (9) abide by any additional conditions imposed by DOC under RCW 9.94A.704 and .706 and (10) for sex offenses, submit to electronic monitoring if imposed by DOC. The defendant's residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

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

consume no alcohol

have no contact with: see paragraph 4.3 and appendix F and H

remain  within  outside of a specified geographical boundary, to wit: Per CCO.

11 01 71

11 03 83

11 15 2017

11 15 2017

11 15 2017

11 15 2017

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

not serve in any paid or volunteer capacity where he or she has control or supervision of minors under 13 years of age

participate in the following crime-related treatment or counseling services: Per CCB.

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

comply with the following crime-related prohibitions: Per CCB.

Other conditions: See App. Ford H

For sentences imposed under RCW 9.94A.702, other conditions, including electronic monitoring, may be imposed during community custody by Indeterminate Sentence Review Board, or in an emergency by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than 7 working days.

Court Ordered Treatment: If any court orders mental health or chemical dependency treatment, the defendant must notify DOC and the defendant must release treatment information to DOC for the duration of incarceration and supervision. RCW 9.94A.562.

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

4.7 WORK ETHIC CAMP. RCW 9.94A.690, RCW 72.09.410. DOES NOT APPLY / NOT ORDERED.

4.8 OFF LIMITS ORDER (known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the County Jail or Department of Corrections: \_\_\_\_\_

#### V. NOTICES AND SIGNATURES

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

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

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

5.4 **RESTITUTION HEARING.**

[ ] Defendant waives any right to be present at any restitution hearing (sign initials): \_\_\_\_\_

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

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

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

1. **General Applicability and Requirements:** Because this crime involves a sex offense or kidnapping offense (e.g., kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW) where the victim is a minor defined in RCW 9A.44.130, you are required to register with the sheriff of the county of the state of Washington where you reside. If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register immediately upon being sentenced unless you are in custody, in which case you must register at the time of your release and within three (3) business days from the time of release.

2. **Offenders Who Leave the State and Return:** If you leave the state following your sentencing or release from custody but later move back to Washington, you must register within three (3) business days after moving to this state. If you are under the jurisdiction of this state's Department of Corrections, you must register within three (3) business days after moving to this state. If you leave this state following your sentencing or release from custody but later while not a resident of Washington you become employed in Washington, carry out a vocation in Washington, or attend school in Washington, you must register within three (3) business days after starting school in this state or becoming employed or carrying out a vocation in this state.

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

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

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

11/15/2017 11:00:03

11/15/2017 11:00:03

11/15/2017 11:00:03

chapter 72.40 RCW, you are required to notify the sheriff of the county of your residence of your intent to attend the school. You must notify the sheriff within three (3) business days prior to arriving at the school to attend classes. The sheriff shall promptly notify the principal of the school.

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

7. Application for a Name Change: If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your name, you must submit a copy of the order to the county sheriff of the county of your residence and to the state patrol within three (3) business days of the entry of the order. RCW 9A.44.130(7).

[ ] The defendant is a sex offender subject to indeterminate sentencing under RCW 9.94A.712.

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

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

5.10 OTHER: \_\_\_\_\_

FILED  
IN OPEN COURT  
CDPJ  
NOV 15 2017  
Pierce County, Clerk  
By: \_\_\_\_\_  
DEPUTY

DONE IN OPEN COURT and in the presence of the defendant this date: 11-15-17

JUDGE *Stephanie Arend*  
Print name STEPHANIE AREND

*John M. Nerb*  
Deputy Prosecuting Attorney 22936  
Print name: JOHN M. NERB f01  
WSB # 21322

*Thomas E. Weaver, Jr.*  
Attorney for Defendant  
Print name: THOMAS E. WEAVER, JR.  
WSB # 22488

*Daniel Scott Moody, Jr.*  
Defendant  
Print name: DANIEL SCOTT MOODY, JR.

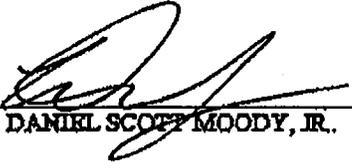
11/15/2017 3083 0174

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Voting Rights Statement: I acknowledge that I have lost my right to vote because of this felony conviction. If I am registered to vote, my voter registration will be cancelled.

My right to vote is provisionally restored as long as I am not under the authority of DOC (not serving a sentence of confinement in the custody of DOC and not subject to community custody as defined in RCW 9.94A.030). I must re-register before voting. The provisional right to vote may be revoked if I fail to comply with all the terms of my legal financial obligations or an agreement for the payment of legal financial obligations

My right to vote may be permanently restored by one of the following for each felony conviction: a) a certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) a court order issued by the sentencing court restoring the right, RCW 9.92.066; c) a final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) a certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 29A.84.660. Registering to vote before the right is restored is a class C felony, RCW 29A.84.140.

Defendant's signature: 

DANIEL SCOTT MOODY, JR.

**CERTIFICATE OF CLERK**

CAUSE NUMBER of this case: 17-1-02109-3

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

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

\_\_\_\_\_

Clerk of said County and State, by: \_\_\_\_\_, Deputy Clerk

**IDENTIFICATION OF COURT REPORTER**

**SUSAN ZIELIE**  
Court Reporter for Change of Plea Hearing on 09/13/2017

\_\_\_\_\_  
Court Reporter for Sentencing

11/15/2017 3083 0176

APPENDIX "F"

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

- SEX OFFENSES
  - serious violent offense
  - assault in the second degree
  - any crime where the defendant or an accomplice was armed with a deadly weapon
  - any felony under 69.50 and 69.52

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

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

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

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

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

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

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

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

(I) The offender shall remain within, or outside of, a specified geographical boundary: Per CCO.

(II) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals:

minors Under 18 years, except may have supervised (see below)

(III) The offender shall participate in crime-related treatment or counseling services; Per CCO.

(IV) The offender shall not consume alcohol;

(V) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or

(VI) The offender shall comply with any crime-related prohibitions.

(VII) Other: \_\_\_\_\_

*\* contact w/ his own children, to be approved & monitored by CCO.*

11/15/2017 3083 0177

**IDENTIFICATION OF DEFENDANT**

SID No WA26986236  
(If no SID take fingerprint card for State Patrol)

Date of Birth 01/07/1982

FBI No 713087XB4

Local ID No PCSD# 362013

PCN No 541839496

Other

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

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

**FINGERPRINTS**

Left four fingers taken simultaneously



Left Thumb



Right Thumb



Right four fingers taken simultaneously



I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk, \_\_\_\_\_

Dated: \_\_\_\_\_

DEFENDANT'S SIGNATURE:

DEFENDANT'S ADDRESS:

11/15/2017 11:30:83

11/15/2017 11:30:83

11/15/2017 11:30:83

11/15/2017 11:30:83

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

0179

3083

11/15/2017

**SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY**

STATE OF WASHINGTON,

Plaintiff,

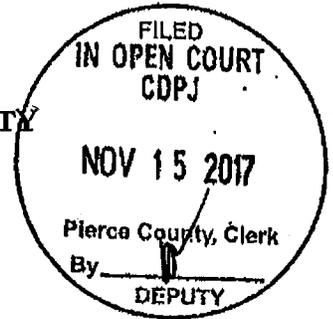
vs.

MOODY, DANIEL S. JR.  
DOC# 402250

Defendant.

No. 17-1-02109-3

JUDGMENT AND SENTENCE  
APPENDIX H - SEX OFFENSES  
COMMUNITY CUSTODY



**STANDARD CONDITIONS**

The Defendant shall comply with the following conditions of community custody, effective as of the date of sentencing unless otherwise ordered by the court.

1. Report to and be available for contact with the assigned community corrections officer as directed;
2. Work at Department of Corrections-approved education, employment, and/or community restitution;
3. Not possess or consume controlled substances except pursuant to lawfully issued prescriptions;
4. Pay supervision fees as determined by the Department of Corrections;
5. Receive prior approval for living arrangements and residence location;
6. Not own, use, or possess a firearm or ammunition. (RCW 9.94A.706);
7. Notify community corrections officer of any change in address or employment;
8. Upon request of the Department of Correction, notify the Department of court-ordered treatment; and
9. Remain within geographic boundaries, as set forth in writing by the Department of Correction Officer or as set forth with SODA order.

**SPECIAL CONDITIONS - SEX OFFENSES**

RCW 9.94A.703 & .704

Defendant shall:

1. Obey all municipal, county, state, tribal, and federal laws.
2. Indeterminate Sentences: Abide by any Washington State Department of Corrections (DOC) conditions imposed (RCW 9.94A.704).
3. Have no direct or indirect contact with the victim(s) of this offense.
4. Within 30 days of release from confinement (or sentencing, if no confinement is ordered) obtain a sexual deviancy evaluation with a State certified therapist approved by your Community Corrections Officer (CCO) and follow through with all recommendations of the evaluator. Should sexual deviancy treatment be recommended, enter treatment and abide by all programming rules, regulations and requirements. Attend all treatment-related appointments (unless excused); follow all requirements, conditions, and instructions related to the recommended evaluation/counseling; sign all necessary releases of information; and enter and complete the recommended programming.
5. Inform the supervising CCO and sexual deviancy treatment provider of any dating relationship. Disclose sex offender status prior to any sexual contact. Sexual contact in a relationship is prohibited until the treatment provider approves of such.
6. Obtain prior permission of the supervising CCO before changing work location.
7. If a resident at a specialized housing program, comply with all rules of housing program.
8. Consent to DOC home visits to monitor compliance with supervision. Home visits include access for the purposes of visual inspection of all areas of residence in which the offender lives or has exclusive/joint control/access.
9. Do not enter sex-related businesses, including: x-rated movies, adult bookstores, strip clubs, and any location where the primary source of business is related to sexually explicit material.
10. Do not possess, use, access or view any sexually explicit material as defined by RCW 9.68.130 or erotic materials as defined by RCW 9.68.050 or any material depicting any person engaged in sexually explicit conduct as defined by RCW 9.68A.011(4) unless given prior approval by your sexual deviancy provider.
11. ~~Do not possess, use, access or view any sexually explicit material as defined by RCW 9.68.130 or erotic materials as defined by RCW 9.68.050 or any material depicting any person engaged in sexually explicit conduct as defined by RCW 9.68A.011(4) unless given prior approval by your sexual deviancy provider.~~

0180

11/15/2017 3083

Appendix H - Sex Offenses, p. 2

- 12. Be available for and submit to urinalysis and/or breathanalysis upon the request of the CCO and/or the chemical dependency treatment provider.
- 13. Submit to and be available for polygraph examination as directed to monitor compliance with conditions of supervision.
- 14. Register as a Sex Offender with sheriff's office in the county of residence as required by law.

Additional Crime-Related Prohibitions: (the condition must be related to the crime being sentenced)

- 15.  Abide by a curfew of 10pm-5am unless directed otherwise. Remain at registered address or address previously approved by CCO during these hours.

Offenses Involving Minors - **DEFENDANT MAY HAVE SUPERVISED CONTACT WITH CHILDREN AND GRANDCHILDREN. THE SUPERVISOR SHALL BE APPROVED IN ADVANCE BY CCO.**

- 16.  Have no direct and/or indirect contact with minors.
- 17.  Do not hold any position of authority or trust involving minors.
- 18.  Stay out of areas where children's activities regularly occur or are occurring. This includes parks used for youth activities, schools, daycare facilities, playgrounds, wading pools, swimming pools being used for youth activities, play areas (indoor or outdoor), sports fields being used for youth sports, arcades, and any specific location identified in advance by DOC or CCO. **CHURCH ATTENDANCE IS AUTHORIZED SUBJECT TO REASONABLE RESTRICTIONS AS SET OUT BY CCO**

Offenses Involving Alcohol/Controlled Substances -

- 19.  ~~Do not consume alcohol or use any controlled substance.~~
- 20.  ~~Do not consume alcohol or use any controlled substance while driving a motor vehicle.~~
- 21.  ~~Do not consume alcohol or use any controlled substance while operating a motor vehicle.~~
- 22.  ~~Do not consume alcohol or use any controlled substance while performing any job duties or responsibilities.~~

Offenses Involving Computers, Phones or Social Media -

- 23.  No internet access or use, including email, without the prior approval of the supervising CCO.
- 24.  No use of a computer, phone, or computer-related device with access to the Internet or on-line computer service except as necessary for employment purposes (including job searches). The CCO is permitted to make random searches of any computer, phone or computer-related device to which the defendant has access to monitor compliance with this condition.

Offenses Involving Mental Health Issues -

- 25.  ~~Obtain and adhere to a mental health treatment plan consistent with the Department of Corrections and follow through with all recommended conditions of treatment, including taking medication as prescribed, attending therapy, and completing the recommended programming.~~

Other conditions may be imposed by the court or Department during community custody.

Community Custody shall begin upon completion of the term(s) of confinement imposed herein, or at the time of sentencing if no term of confinement is ordered. The defendant shall remain under the supervision of the Department of Corrections and follow explicitly the instructions and conditions established by that agency. The Department may require the defendant to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants and/or detain defendants who violate a condition.

Date: 11.15.17 JUDGE: Stephanie O'Connell

OFFENDER: [Signature]

APPENDIX H- Rev. 1/14/2016 2

FILED  
PIERCE COUNTY COURT  
COPJ  
NOV 15 2017  
W

State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the  
aforementioned court do hereby certify that this foregoing instrument is  
a true and correct copy of the original now on file in my office.  
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said  
Court this 15 day of November, 2017



Kevin Stock, Pierce County Clerk

By /S/Melissa Jaso, Deputy.

Dated: Nov 15, 2017 4:24 PM



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

<https://lnxonline.co.pierce.wa.us/lnxweb/Case/CaseFiling/certifiedDocumentView.cfm>,  
enter **SerialID: F6699A74-B25B-475F-B3A34538200AEDF8**.

This document contains 16 pages plus this sheet, and is a true and correct copy of the original that is of record in the Pierce County Clerk's Office. The copy associated with this number will be displayed by the Court.

May 31 2017 10:52 AM

KEVIN STOCK  
COUNTY CLERK

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 17-1-02109-3

vs.

DANIEL SCOTT MOODY, JR.,

DECLARATION FOR DETERMINATION OF  
PROBABLE CAUSE

Defendant.

GREGORY L GREER, declares under penalty of perjury:

That I am a deputy prosecuting attorney for Pierce County and I am familiar with the police report and/or investigation conducted by the WASHINGTON STATE PATROL, incident number 17015805;

That the police report and/or investigation provided me the following information;

That in Pierce County, Washington, during the period between the 22<sup>nd</sup> day of April, 2017 and the 30<sup>th</sup> day of May, 2017, the defendant, DANIEL SCOTT MOODY, JR., did commit the crimes of attempted rape of a child in the first degree, commercial sexual abuse of a minor and communication with a minor for immoral purposes.

In April, 2017, the Washington State Patrol conducted an undercover operation designed to identify adults who use the internet to meet and sexually exploit and abuse children. During the operation a well-known internet site that allows advertisements for adults to meet for sexual interaction was used to place two ads that solicited incest-based activity and relations with a young girl. The incest ad read as follows:

*Family with incest experience. fantasy or real. safe lets talk ddf family with no complications. we are careful, fun, discrete and careful.*  
ddf means "drug and disease fee."

The relations with a young girl ad read as follows:

*Hi am young looking for someone older who like young girls, be real, your pleasure gets mine. I have a daddy fetish and I love to take showers, very clean. Let's talk.*

In the incest ad, an undercover detective (hereafter, UC) used the persona of a mother who was sex trafficking her 13 year old son and 11 year old daughter. The defendant answered this ad on April 22, 2017 by e-mailing "I'd love to meet now if your available."

UC responded by writing:

Hello hun, I have a close family connection made of love. I grew up with my father showing me the same love and I am looking to continue that with my kids but they have no male in their life. My son is 13 and my daughter is 11.

DECLARATION FOR DETERMINATION  
OF PROBABLE CAUSE -1

Office of the Prosecuting Attorney  
930 Tacoma Avenue South, Room 946  
Tacoma, WA 98402-2171  
Main Office (253) 798-7400

1 The defendant responded by he would love to be that for "them and you. You have a  
pic?"

2 UC then asked if the defendant had experience with the young and he said he did. During this  
3 time the defendant was given a phone number and from that point forward, a text communication  
occurred (discussed later in this affidavit).

4 In the relations with a young girl ad, the UC pretended to be a 13 year old girl that was mad at her  
5 mother. The defendant also answered this ad via e-mail by stating "Hey there I have a young fetish.  
Let's meet now. I'll help you clean up."

6 UC responded by e-mailing "K daddy, im on the left but may be too young for most." And later  
by text the UC made the age very clear by stating:

7 *I am in need of a daddy. I ran away a while ago cuz my mom is a bitch. Just*  
8 *hanging with friends for right now, but just want to have some fun and forget about*  
9 *things. If you want to have fun with me lets chat. I am getting a lot of responses so get*  
10 *me your number and we can talk. If you don't like young fun then this isn't for you. Im*  
11 *13, but I am all woman. And fine AF (means as fuck)*

12 The defendant responded with his phone number and stated "I want to come pick you up right  
13 now and take your for a fun ride." The UC and defendant then engaged in a text communication that  
14 included the following interaction:

15 Defendant: *Hey it's David. Daddy wants to come get you now.*

16 UC: *what does daddy want to do to me.*

17 Defendant: *I want to make you feel extra special.*

18 UC: *How? Tell me.*

19 Defendant: *Send me another pic baby.*

20 *Spoil you and then kiss you. Have you show daddy how you good*  
*you are at sucking on daddy's lollipop.*

21 *Then daddy is gonna get on top and show you how good daddy*  
*makes you feel.*

22 UC: *I am very serious. Are you ddf? Do you have condoms?*

23 Defendant: *Yes I'm ddf. Yes I have condoms. I've had a vasectomy too.*

24 Because the defendant answered both ads, the UC was not sure if the defendant thought he was  
talking to an 11 or 13 year old girl so on April 23, 2017, at 12:33 am, UC clarifies the ages of the girls by  
stating:

*So just to make sure you don't freak out you are good with sex with Anna, my 11*  
*yo and her friend. Guys always try to switch to me and im into little boys so if that is*  
*what you want then this wont work. Just have to be sure daddy.*

The defendant responded by stating "yes." A detailed conversation over text continued and the  
UC, acted both as the 11 year old girl (Anna) and as Anna's mother (Brandee). During this conversation  
the defendant texted to UC Anna that he wanted to see both she and her 11 year old friend because "I  
prefer young."

1 A discussion centered on proving the defendant wasn't a police officer and the defendant  
2 complied with UC Anna's request that he send a photo of himself holding up his hand and displaying  
3 three fingers.

4 Text communication continued over the course of the month of April and May and on May 26,  
5 2017, the discussion got sexually graphic, as follows:

6 UC: *noon til whenever, but depends on what you want to do.*

7 Defendant: *I want to fuck.*

8 UC: *Are you good with gifts. My mom is being a bitch and I have no money or  
9 anything.*

10 Defendant: *yea.*

11 UC: *How big are you? And you have to use protection.*

12 On May 30, 2017, the defendant and UC Anna texted as follows:

13 Defendant: *Right on. How much are you wanting me to pay? How old are you  
14 again?*

15 UC: *I'm 11 and tight af. Um my friend usually gets 100.*

16 Defendant: *I'll do 100 but only if you can send me a pic for you young tight  
17 pussy.*

18 UC: *You want a pussy pic? Fuck no. I'm not stupid. If you show up and pay  
19 you can take them yourself.*

20 UC Anna and the defendant engaged in more conversation designed to ensure they weren't law  
21 enforcement, including sending a photo of UC Anna holding up a newspaper with the current day's date  
22 on it. Once satisfied, they agreed to meet at a specific location in Tacoma.

23 On May 30, 2017, the defendant showed up at the predetermined location and was arrested at  
24 3:18 pm. Officers could see in the defendant's vehicle and noted an iPhone and condoms in the vehicle.

The defendant agreed to be interviewed and denied communicating with the UC. The defendant  
stated he drove to the location because he was playing "Pokemon Go." The defendant was then shown  
the various photos of himself he had sent while communication with the UC, including the photo of  
himself with the three fingers displayed and he didn't have an explanation for that.

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

DATED: May 31, 2017

PLACE: TACOMA, WA

/s/ GREGORY L GREER  
GREGORY L GREER, WSB# 22936

DECLARATION FOR DETERMINATION  
OF PROBABLE CAUSE -3

Office of the Prosecuting Attorney  
930 Tacoma Avenue South, Room 946  
Tacoma, WA 98402-2171  
Main Office (253) 798-7400

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 17-1-02109-3

vs.

DANIEL SCOTT MOODY, JR.,

AMENDED INFORMATION

Defendant.

DOB: 1/7/1982  
PCN#: 541839496

SEX : MALE  
SID#: 26986236

RACE: WHITE  
DOL#: UNKNOWN

COUNT I

I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse DANIEL SCOTT MOODY, JR. of the crime of CHILD MOLESTATION IN THE SECOND DEGREE, committed as follows:

That DANIEL SCOTT MOODY, JR., in the State of Washington, during the period including the 22nd day of April and the 30th day of May, 2017, did unlawfully and feloniously have sexual contact with a child, who was at least 12 years old but less than 14 years old, who was at least 36 months younger than defendant, and who was not married to or in a state registered domestic partnership with defendant, contrary to RCW 9A.44.086, and against the peace and dignity of the State of Washington.

COUNT II

And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse DANIEL SCOTT MOODY, JR. of the crime of COMMERCIAL SEX ABUSE OF A MINOR, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

1 That DANIEL SCOTT MOODY, JR., in the State of Washington, during the period including the  
 2 22nd day of April and the 30th day of May, 2017, did unlawfully and feloniously pay a fee to a minor or a  
 3 third person as compensation for a minor having engaged in sexual conduct with him or her; or did pay or  
 4 agree to pay a fee to a minor or a third person pursuant to an understanding that in return, such minor will  
 5 engage in sexual conduct with him or her; or did solicit, offer, or request to engage in sexual conduct with  
 6 a minor in return for a fee, contrary to RCW 9.68A.100, and against the peace and dignity of the State of  
 7 Washington.

### 8 COUNT III

9 And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the  
 10 authority of the State of Washington, do accuse DANIEL SCOTT MOODY, JR. of the crime of  
 11 COMMUNICATION WITH A MINOR FOR IMMORAL PURPOSES, a crime of the same or similar  
 12 character, and/or a crime based on the same conduct or on a series of acts connected together or  
 13 constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and  
 14 occasion that it would be difficult to separate proof of one charge from proof of the others, committed as  
 15 follows:

16 That DANIEL SCOTT MOODY, JR., in the State of Washington, during the period including the  
 17 22nd day of April and the 30th day of May, 2017, did unlawfully and feloniously communicate with a  
 18 person whom he believed to be a child under the age of 18 years, for immoral purposes through the  
 19 sending of an electronic communication, contrary to RCW 9.68A.090(2), and against the peace and  
 20 dignity of the State of Washington.

### 21 COUNT IV

22 And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the  
 23 authority of the State of Washington, do accuse DANIEL SCOTT MOODY, JR. of the crime of CHILD  
 24 MOLESTATION IN THE SECOND DEGREE, a crime of the same or similar character, and/or a crime  
 based on the same conduct or on a series of acts connected together or constituting parts of a single  
 scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be  
 difficult to separate proof of one charge from proof of the others, committed as follows:

That DANIEL SCOTT MOODY, JR., in the State of Washington, during the period including the  
 22nd day of April and the 30th day of May, 2017, did unlawfully and feloniously have sexual contact  
 with a different child than Count I, who was at least 12 years old but less than 14 years old, who was at

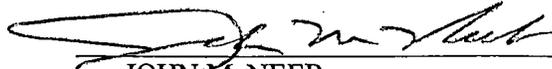
1 least 36 months younger than defendant, and who was not married to or in a state registered domestic  
2 partnership with defendant, contrary to RCW 9A.44.086, and against the peace and dignity of the State of  
3 Washington.

4 DATED this 13th day of September, 2017.

5 WASHINGTON STATE PATROL  
6 WAOWSP

7 MARK LINDQUIST  
8 Pierce County Prosecuting Attorney

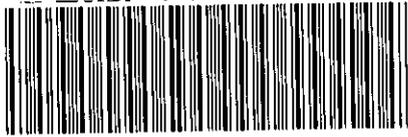
9 jmn



10 JOHN M. NEEB

11 Deputy Prosecuting Attorney

12 WSB#: 21322



17-1-02109-3 49927689 STTDFG 09-15-17



Superior Court of Washington for

State of Washington Plaintiff
v. DANIEL SCOTT MOODY, JR. Defendant

No. 17-1-02109-3

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

Handwritten notes: In the back CT I + IV SAA

0122 2133 9/15/2017

- 1. My true name is: DANIEL SCOTT MOODY, JR.
2. My age is: 35 1-7-1982
3. The last level of education I completed was: AA

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. My lawyer's name is: THOMAS WEAVER.
(b) I am charged with the crimes of: CHILD MOLEST 2 (2 COUNTS); COMMERCIAL SEXUAL ABUSE OF MINOR, and FELONY COMMUNICATING WITH A MINOR FOR IMMORAL PURPOSES as set out in the AMENDED INFORMATION dated SEPT. 13, 2017, a copy of which I hereby acknowledge previously receiving and reviewing with my lawyer. DSM (Defendant's Initials)

The elements of these crimes are set out in the AMENDED Information, dated SEPT. 13, 2017, a copy of which I hereby acknowledge previously receiving and reviewing with my lawyer. DSM (Defendant's Initials)

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;

STATE OF OHIO  
SUPERIOR COURT  
COLUMBUS, OHIO

- (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 as well as other pre-trial motions such as time for trial challenges and suppressions issues.

6.

**In Considering the Consequences of My Guilty Plea, I Understand That:**

- (a) My right to appeal is limited.
- (a) (b) 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*	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	COMMUNITY CUSTODY	MAXIMUM TERM AND FINE
1	9	87 – 116 MONTHS	None	87 – 116 MONTHS	36 MONTHS	10YRS/\$20K
2	9	108 – 120 MONTHS	None	108 – 120 MONTHS	36 MONTHS	10YRS/\$20K
3	9	51 – 60 MONTHS	None	51 – 60 months	36 MONTHS	5YRS/\$10K
4	9	87 – 116 MONTHS	None	87 – 116 MONTHS	36 MONTHS	10YRS/\$20K

(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. **STIPULATION ATTACHED.**

(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 the prosecutor and I disagree about the computation of the offender score, I understand that this dispute will be resolved by the court at sentencing. I waive any right to challenge the acceptance of my guilty plea on the grounds that my offender score or standard range is lower than what is listed in paragraph 6(a). 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. **STIP ATTACHED**

(d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard range and the prosecuting attorney's recommendation my increase. Even so, my plea of guilty to this charge(s) 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 require 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 and any mandatory fines, fees, assessments, or penalties that apply to my case. 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 (i) For sex offenses committed on or after September 1, 2001: (i) Sentencing under RCW 9.94A.507: If this offense is any of the offenses listed in subsections (aa) or (bb), below, the judge will impose a maximum term of confinement consisting of the statutory maximum sentence of the offense and a minimum term of confinement either within the standard range for the offense or outside the standard range if an exceptional sentence is appropriate. The minimum term of confinement that is imposed may be increased by the Indeterminate Sentence Review Board if the Board determines by a preponderance of the evidence that it is more likely than not that I will commit sex offenses if released from custody. In addition to the period of confinement, I will be sentenced to community custody for any period of time I am released from total confinement before the expiration of the maximum sentence. 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, which may include electronic monitoring, and I may be required to participate in rehabilitative programs.

(aa) If the current offense is any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree committed when I was at least 18 years old	Rape of a child in the second degree committed when I was at least 18 years old
Child molestation in the first degree committed when I was at least 18 years old	Indecent liberties by forcible compulsion
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	Burglary in the first degree

(bb) If the current offense is any sex offense and I have a prior conviction for any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree	Rape of a child in the second degree
Child molestation in the first degree	Indecent liberties by forcible compulsion
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	Burglary in the first degree

0115  
0113  
0115/2017

(ii) If this offense is a sex offense that is not listed in paragraph 6(i)(i), then in addition to sentencing me to a term of 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 period of confinement is over one year, or if my crime is failure to register as a sex offender, and this is my second or subsequent conviction of that crime, the judge will sentence me to community custody for 36 months. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me, which may include electronic monitoring.

For sex offenses committed on or after March 20, 2006: For the following offenses and special allegations, the minimum term shall be either the maximum of the standard sentence range for the offense or 25 years, whichever is greater:

- 1) If the offense is rape of a child in the first degree, rape of a child in the second degree or child molestation in the first degree and the offense includes a special allegation that the offense was predatory.
- 2) If the offense is rape in the first degree, rape in the second degree, indecent liberties by forcible compulsion, or kidnapping in the first degree with sexual motivation and the offense includes a special allegation that the victim of the offense was under 15 years of age at the time of the offense.
- 3) If the offense is rape in the first degree, rape in the second degree with forcible compulsion, indecent liberties with forcible compulsion, or kidnapping in the first degree with sexual motivation and this offense includes a special allegation that the victim of the offense was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult.

Community Custody Violation: 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 recommendation to the judge:

**COUNT I: 116 months DOC, credit time served since booking, less DOC sanction,**  
**COUNT II: 120 months DOC, concurrent**  
**COUNT III: 60 months DOC, concurrent**  
**COUNT IV: 116 months DOC, concurrent**  
**36 months community custody on each count, with Count I and II running**  
**consecutively to each other, for a total of 72 months Community Custody, with**  
**conditions: register as a sex offender until relieved of the duty by a court, undergo**  
**counseling/treatment with a certified SOTP, no contact with any child under the age**  
**of 18 years, DNA draw, HIV test, forfeit all property seized during this investigation,**  
**and pay legal financial obligations: \$500 CVPA, \$200 filing fee, \$100 DNA fee, \$5,000**  
**CSAM fee. Defendant's initials: DSM**

**THIS IS A JOINT AND AGREED RECOMMENDATION EXCEPT DEFENSE**  
**CAN ASK FOR 108 MONTHS OF TOTAL CONFINEMENT TO DOC AND FOR**  
**NO UNSUPERVISED CONTACT WITH ANY MINOR. Defendant's initials: DSM**  
**+ LFO'S REVIEWABLE FOR INDIGENCY**

(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 the judge finds substantial and compelling reasons not to do so (except as provided in paragraph 6(f)). 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 is 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, and under federal law any firearm or ammunition, unless my right to do so is restored by the court in which I am convicted or the superior court in Washington State where I live, and by a federal court if required. I must immediately surrender any concealed pistol license.

(k)

**Loss of voting rights – Acknowledgement, RCW 10.64.140:** After conviction of a felony, or entry of a plea of guilty to a felony, your right to vote is immediately revoked and any existing voter registration is cancelled. Pursuant to RCW 29A.08.520, after you have completed all periods of incarceration imposed as a sentence, and after all community custody is completed and you are discharged by the Department of Corrections, your voting rights are automatically restored on a provisional basis. You must then reregister to be permitted to vote.

Failure to pay legal financial obligations, or comply with an agreed upon payment plan for those obligations, can result in your provisional voting right being revoked by the court.

Your right to vote may be fully restored by (i) a certificate of discharge issued by the sentencing court, as provided in RCW 9.94A.637; (ii) a court order issued by the sentencing court restoring the right, as provided in RCW 9.92.066; (iii) a final order of

discharge issued by the indeterminate sentence review board, as provided in RCW 9.96.050; or (iv) a certificate of restoration issued by the governor, as provided in RCW 9.96.020.

Voting before the right is either provisionally or fully restored is a Class C felony under RCW 29A.84.660.

(p)  
(m)

Government assistance may be suspended during any period of confinement.

I will be required to register where I reside, study, or work. The specific registration requirements are described in the "Offender Registration" Attachment.

(n)

I will be required to have a biological sample collected for purposes of DNA identification analysis, unless it is established that the Washington State Patrol crime laboratory already has a sample from me for a qualifying offense. I will be required to pay a \$100.00 DNA collection fee.

(o)

I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.

**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.**

DSM (p)

**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 offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole. In addition, if this offense is (i) 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 (ii) 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 burglary in the first degree, with a finding of sexual motivation; or (iii) any attempt to commit any of the offenses listed in this sentence and I have at least one prior conviction for one of these listed offenses in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

~~(q)~~

~~**Special sex offender sentencing alternative:** In addition to other eligibility requirements under RCW 9.94A.670, to be eligible for the special sex offender sentencing alternative, I understand that I must voluntarily and affirmatively admit that I committed all of the elements of the crime(s) to which I am pleading guilty. I make my voluntary and affirmative admission in my statement in paragraph 11.~~

~~For offenses committed before September 1, 2001: The judge may suspend execution of the standard range term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under former RCW 9.94A.120(8) (for offenses committed before July 1, 2001) or RCW 9.94A.670 (for offenses committed on or after July 1, 2001). If the judge suspends execution of the standard range term of confinement, I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater; I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon~~

015/2017



015/2017

occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.

~~(w) For the crimes of felony driving under the influence of intoxicating liquor, or any drug, for vehicular homicide while under the influence of intoxicating liquor, or any drug, or vehicular assault while under the influence of intoxicating liquor, or any drug, the court may order me to reimburse reasonable emergency response costs up to \$2,500 per incident.~~

~~(x) 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(p).~~

~~(y) 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.~~

~~(z) I may be required to register as a felony firearm offender under RCW 9A.41.330 and RCW 9A.41.333. The specific registration requirements are in the "Felony Firearm Offender Registration" Attachment.~~

~~(aa) The offense(s) I am pleading guilty to include 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.~~

~~(bb) For crimes committed on or after July 22, 2007: If I am pleading guilty to rape of a child in the first, second, or third degree or child molestation in the first, second, or third degree, and I engaged, agreed, or offered to engage the victim in sexual intercourse or sexual contact for a fee, or if I attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in sexual intercourse or sexual contact for a fee, then a one-year enhancement shall be added to the standard sentence range. If I am pleading guilty to more than one offense, the one year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement.~~

~~(cc) If I am pleading guilty to patronizing a prostitute or commercial sexual abuse of a minor, a condition of my sentence will be that I not be subsequently arrested for patronizing a prostitute or commercial sexual abuse of a minor. The court will impose crime-related geographical restrictions on me, unless the court finds they are not feasible. If this is my first offense, the court will order me to attend a program designed to educate me about the negative costs of prostitution.~~

7. I plead guilty to Counts I, II, III, and IV as charged in the AMENDED Information, dated SEPT. 13, 2017, I have received a copy of that charging document and reviewed it with my lawyer.

8. I make this plea freely and voluntarily.



010  
010  
010  
015/2017

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 attached.

**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) \_\_\_\_\_.

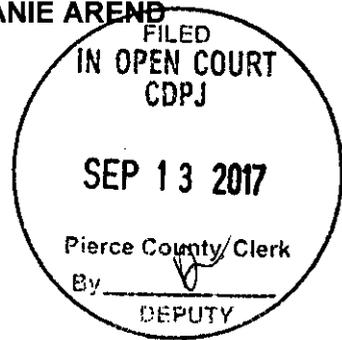
\_\_\_\_\_  
Interpreter

\_\_\_\_\_  
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: Sept. 13, 2017

*Stephanie Arend*  
\_\_\_\_\_  
JUDGE STEPHANIE AREND



FILED  
IN OPEN COURT  
CDPJ

SEP 13 2017

Pierce County, Clerk  
By   
DEPUTY

1  
2  
3  
4 "Offender Registration" Attachment: sex offense, or kidnapping offense involving a minor as defined in RCW 9A.44.128. (If required, attach to Statement of Defendant on Plea of Guilty.)

5 **1. General Applicability and Requirements:** Because this crime involves a sex offense, or a kidnapping offense involving a minor as defined in RCW 9A.44.128, I will be required to register.

6 If I am a resident of Washington, I must register with the sheriff of the county of the state of Washington  
7 where I reside. I must register within three business days of being sentenced unless I am in custody, in  
8 which case I must register at the time of my release with the person designated by the agency that has  
9 jurisdiction over me. I must also register within three business days of my release with the sheriff of the  
10 county of the state of Washington where I will be residing.

11 If I am not a resident of Washington but I am a student in Washington or I am employed in Washington or I  
12 carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of  
13 employment, or vocation. I must register within three business days of being sentenced unless I am in  
14 custody, in which case I must register at the time of my release with the person designated by the agency  
15 that has jurisdiction over me. I must also register within three business days of my release with the sheriff  
16 of the county of my school, where I am employed, or where I carry on a vocation.

17 **2. Offenders Who are New Residents or Returning Washington Residents:** If I move to  
18 Washington or if I leave this state following my sentencing or release from custody but later move back to  
19 Washington, I must register within three business days after moving to this state. If I leave this state  
20 following my sentencing or release from custody, but later while not a resident of Washington I become  
21 employed in Washington, carry on a vocation in Washington, or attend school in Washington, I must  
22 register within three business days after attending school in this state or becoming employed or carrying out  
23 a vocation in this state.

24 **3. Change of Residence Within State:** If I change my residence within a county, I must provide, by  
25 certified mail, with return receipt requested or in person, signed written notice of my change of residence to  
26 the sheriff within three business days of moving. If I change my residence to a new county within this state,  
27 I must register with the sheriff of the new county within three business days of moving. Also within three  
28 business days, I must provide, by certified mail, with return receipt requested or in person, signed written  
notice of my change of address to the sheriff of the county where I last registered.

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

**5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12):**

I must give notice to the sheriff of the county where I am registered within three business days:

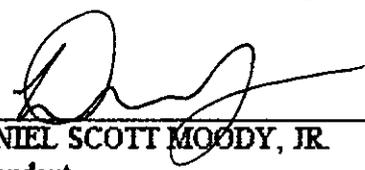
- i) before arriving at a school or institution of higher education to attend classes;
- ii) before starting work at an institution of higher education; or
- iii) After any termination of enrollment or employment at a school or institution of higher education.

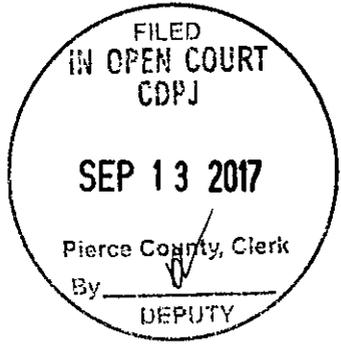
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**6. Registration by a Person Who Does Not Have a Fixed Residence:** Even if I do not have a fixed residence, I am required to register. Registration must occur within three business days of release in the county where I am being supervised if I do not have a residence at the time of my release from custody. Within three business days after losing my fixed residence, I must send signed written notice to the sheriff of the county where I last registered. If I enter a different county and stay there for more than 24 hours, I will be required to register with the sheriff of the new county not more than three business days after entering the new county. I must also report in person to the sheriff of the county where I am registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and shall occur during normal business hours. I must keep an accurate accounting of where I stay during the week and provide it to the county sheriff upon request. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make me subject to disclosure to the public at large pursuant to RCW 4.24.550.

**7. Application for a Name Change:** If I apply for a name change, I must submit a copy of the application to the county sheriff of the county of my residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If I receive an order changing my name, I must submit a copy of the order to the county sheriff of the county of my residence and to the state patrol within three business days of the entry of the order. RCW 9A.44.130(7).

Date: 9-13-2017

  
\_\_\_\_\_  
DANIEL SCOTT MOODY, JR.  
Defendant



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,
Plaintiff,
vs.
DANIEL SCOTT MOODY, JR.,
Defendant.

CAUSE NO. 17-1-02109-3
STIPULATION ON PRIOR RECORD,
OFFENDER SCORE, AND SENTENCING
CONSEQUENCES (Plea of Guilty)

The defendant, DANIEL SCOTT MOODY, JR., is entering a plea of guilty in this case, to the charges of: Child Molestation in the Second Degree (2 counts), Felony Communicating with a Minor for Immoral Purposes, and Commercial Sex Abuse of a Minor. As part of his plea, defendant hereby stipulates that this documents sets out his complete criminal history, is correct, and that he is the person named in the convictions.

ALL CURRENT CONVICTIONS, THIS CAUSE NUMBER:

Table with 10 columns: Count, Crime, Date of Sentence, Sentencing Court (County & State), Date of Crime, A or J Adult Juvi, Type of Crime, Class, Score by Ct, Felony or Misd. Rows include CHILD MOLEST 2, COMMERCIAL SEX ABUSE OF A MINOR, FELONY COMMMINOR IMMORAL PURPOSE, CHILD MOLEST 2.

The defendant declares under penalty of perjury under the laws of the State of Washington that he has no felony criminal history in Washington, in any other state, in any federal jurisdiction, or in any foreign jurisdiction.

The defendant stipulates that the above criminal history and scoring are correct, producing an offender score as follows, including current offenses, and stipulates that the offender score is correct

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	9	VII	87 - 116 months	None	87 - 116 months	10 years/\$20,000
II	9	VIII	108 - 120 months	None	108 - 120 months	10 years/\$20,000
III	9	III	51 - 60 months	None	51 - 60 months	5 years/\$10,000
IV	9	VII	87 - 116 months	None	87 - 116 months	10 years/\$20,000

The defendant stipulates, affirmatively agrees, and declares under penalty of perjury under the laws of the State of Washington that:

- 1) because he has affirmatively state this is his complete criminal history, if any additional convictions are discovered, the State of Washington may resentence the defendant using the corrected offender score without affecting the validity of his plea of guilty;
- 2) because the defendant pled guilty to an information that was amended as a result of plea negotiations, if the plea of guilty is ever set aside at the defendant's request, for any reason, the State of Washington will be permitted to refile and prosecute any charges that were dismissed, reduced, or withheld from filing by that negotiation, and speedy trial rules shall not be a bar to such later prosecution;
- 3) since *Blakely v. Washington*, 542 U.S. 296, 124 S. Ct. 2531, 159 L. Ed. 2d 403 (2004), he may have a right to have factors that affect the determination of his criminal history and offender score be determined by a jury beyond a reasonable doubt, but he waives any such right to a jury determination of these factors and asks this court to sentence according to the stipulated offender scores and standard range sentences set forth above;
- 4) so long as he is sentenced within the substantive standard range, defendant further waives any right to appeal or file any collateral attack that is based upon the above stated criminal history, and/or offender score calculation, and/or resulting standard range sentences.
- 5) he is stipulating to an exceptional sentence relating to his term of community custody, in that he is agreeing that 36 months on Count I and Count II will run consecutively to each other, for a total of 72 months of community custody.

Signed this 13 day of September, 2017.

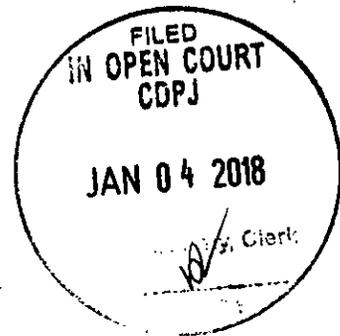
  
 JOHN M. NEEB  
 Deputy Prosecuting Attorney  
 WSB # 21322

  
 DANIEL SCOTT MOODY, JR  
 Defendant  
  
 THOMAS E. WEAVER, JR.  
 Attorney for Defendant  
 WSB # 22488

C108

3801

1/8/2018



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 17-1-02109-3

vs.

DANIEL SCOTT MOODY, JR.

Defendant.

MOTION AND ORDER CORRECTING  
JUDGMENT AND SENTENCE

**CLERKS ACTION REQUIRED**

THIS MATTER came before the court for an order correcting the Judgment and Sentence that was granted the above-named defendant on November 15, 2017, pursuant to his plea of guilty to the charges of CHILD MOLESTATION IN THE SECOND DEGREE, COMMERCIAL SEX ABUSE OF A MINOR, COMMUNICATION WITH A MINOR FOR IMMORAL PURPOSES and CHILD MOLESTATION IN THE SECOND DEGREE. The State informed the court that there were two errors in the J&S that required correction.

The first error requiring correction is found in the legal financial obligations that were ordered by the court. On Page 3 of the Judgment and Sentence, Section 4.1, the court set out the total amount of LFOs, as follows:

**IV. SENTENCE AND ORDER**

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

JASS CODE

RTN/RJN \$ \_\_\_\_\_ Restitution to: \_\_\_\_\_  
 \$ \_\_\_\_\_ Restitution to: \_\_\_\_\_  
 (Name and Address--address may be withheld and provided confidentially to Clerk's Office).

PCV \$ 500.00 Crime Victim assessment

0109  
3801  
1/8/2018

1 *DNA* \$ 100.00 DNA Database Fee  
 2 *PUB* \$ \_\_\_\_\_ Court-Appointed Attorney Fees and Defense Costs  
 3 *FRC* \$ 200.00 Criminal Filing Fee  
 4 *FCM* \$ \_\_\_\_\_ Fine

**OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)**

5 \$ 1,333.00 Other Costs for: **COMM SEX ABUSE MINOR (CSAM) FEE**  
 6 \$ \_\_\_\_\_ Other Costs for: \_\_\_\_\_  
 7 \$ 2,133.00 TOTAL

8 The amount ordered under "Other Legal Financial Obligations" is incorrect. The statutory fee for  
 9 CSAM is \$5,000, and that amount can only be reduced by "up to two-thirds" for indigency. The  
 10 court found the defendant indigent, but the State incorrectly calculated the reduced amount as  
 11 \$1,333.00 instead of the correct amount, which is \$1,667.00.

The Judgment and Sentence, Page 3, Section 4.1, should read as follows:

**IV. SENTENCE AND ORDER**

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

JASS CODE

15 *RTN/RJN* \$ \_\_\_\_\_ Restitution to: \_\_\_\_\_  
 16 \$ \_\_\_\_\_ Restitution to: \_\_\_\_\_  
 (Name and Address--address may be withheld and provided confidentially to Clerk's Office).

17 *PCV* \$ 500.00 Crime Victim assessment  
 18 *DNA* \$ 100.00 DNA Database Fee  
 19 *PUB* \$ \_\_\_\_\_ Court-Appointed Attorney Fees and Defense Costs  
 20 *FRC* \$ 200.00 Criminal Filing Fee  
 21 *FCM* \$ \_\_\_\_\_ Fine

**OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)**

22 \$ 1,667.00 Other Costs for: **COMM SEX ABUSE MINOR (CSAM) FEE**  
 23 \$ \_\_\_\_\_ Other Costs for: \_\_\_\_\_  
 24 \$ 2,467.00 TOTAL

The second error requiring correction relates to the terms of community custody ordered by the court. On Page 5 of the Judgment and Sentence, Section 4.6, the court set out the terms of Community Custody as follows:

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

The defendant shall be on community custody for:

**Counts I, II, III, and IV 36 months for Sex Offenses**

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

The term of Community Custody is ordinarily 36 months on each of these counts, but the combined incarceration and community custody terms cannot exceed the statutory maximum sentence for any count, so in this case the terms of community custody are limited to 12 months on Counts I, II, and IV, and 0 months on Count III. The term of community custody can be increased by earned early release time, if any, that defendant accrues while incarcerated.

Therefore, the Judgment and Sentence, Section 4.6, should read as follows:

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

(A) The defendant shall be on community custody for:

**Counts I, II, and IV 12 months for Sex Offenses**

**Count IV 0 months for Sex Offense**

*The terms of Community Custody imposed in Count I and Count II shall be served CONSECUTIVELY TO each other.*

*The terms of Community Custody imposed in Count I, III, and IV shall be served CONCURRENTLY WITH each other.*

*The terms of Community Custody in Count I, II, and IV shall be increased by up to 24 more months from any earned early release time accrued by defendant while incarcerated.*

*The term of Community Custody in Count III shall be increased by up to 36 more months from any earned early release time accrued by defendant while incarcerated.*

**ALL OTHER TERMS OF SECTION 4.6 ARE AS SET OUT IN THE J&S.**

0110  
3801  
1/8/2018

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Finally, the State requests the court order that all other terms and conditions of the Judgment and Sentence are to remain in full force and effect as if set forth in full herein.

Now, being duly advised in this matter, and based on the agreement of the parties, the court hereby enters the following orders:

**IT IS HEREBY ORDERED, ADJUDGED and DECREED** that the Judgment and Sentence granted defendant on November 15, 2017, be and hereby is corrected as follows:

1) Page 3 of the Judgment and Sentence, Section 4.1 is corrected as follows:

**IV. SENTENCE AND ORDER**

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

JASS CODE

*RTN/RJN* \$ \_\_\_\_\_ Restitution to: \_\_\_\_\_

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

*PCV* \$ 500.00 Crime Victim assessment

*DNA* \$ 100.00 DNA Database Fee

*PUB* \$ \_\_\_\_\_ Court-Appointed Attorney Fees and Defense Costs

*FRC* \$ 200.00 Criminal Filing Fee

*FCM* \$ \_\_\_\_\_ Fine

**OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)**

\$ 1,333.00 Other Costs for: **COMM SEX ABUSE MINOR (CSAM) FEE**

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

\$ 2,133.00 TOTAL

**is DELETED; and**

**IV. SENTENCE AND ORDER**

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

JASS CODE

*RTN/RJN* \$ \_\_\_\_\_ Restitution to: \_\_\_\_\_

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

*PCV* \$ 500.00 Crime Victim assessment

*DNA* \$ 100.00 DNA Database Fee

1/8/2018 3801 0111

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

FRC \$ 200.00 Criminal Filing Fee

FCM \$ \_\_\_\_\_ Fine

**OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)**

\$ 1,667.00 Other Costs for: **COMM SEX ABUSE MINOR (CSAM) FEE**

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

\$ 2,467.00 TOTAL

**is INSERTED in its stead; and**

2) Page 5 of the Judgment and Sentence, Section 4.6 is corrected as follows:

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

The defendant shall be on community custody for:

**Counts I, II, III, and IV 36 months for Sex Offenses**

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

**is DELETED; and**

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

(A) The defendant shall be on community custody for:

**Counts I, II, and IV 12 months for Sex Offenses**

**Count IV 0 months for Sex Offense**

*The terms of Community Custody imposed in Count I and Count II shall be served **CONSECUTIVELY TO** each other.*

*The terms of Community Custody imposed in Count I, III, and IV shall be served **CONCURRENTLY WITH** each other.*

*The terms of Community Custody in Count I, II, and IV shall be **increased by up to 24 more months** from any earned early release time accrued by defendant while incarcerated.*

*The term of Community Custody in Count III shall be **increased by up to 36 more months** from any earned early release time accrued by defendant while incarcerated.*

**ALL OTHER TERMS OF SECTION 4.6 ARE AS SET OUT IN THE J&S.**

**is INSERTED in its stead.**

0112

3801

1/8/2018

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

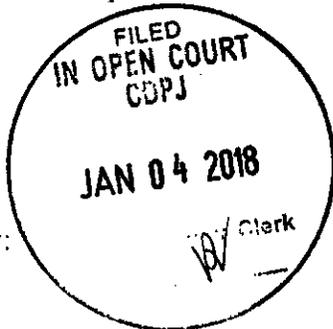
1 **IT IS FURTHER ORDERED** that the rest of Section 4.6 shall remain as set forth in the  
2 Original Judgment and Sentence; and

3 **IT IS FURTHER ORDERED** that all other terms and conditions of the original Judgment  
4 and Sentence shall remain in full force and effect as if set forth in full herein; and

5 **IT IS FURTHER ORDERED** that the Clerk of the Court shall provide a copy of this  
6 Order Correcting Judgment and Sentence to the Department of Corrections so that it can be put  
7 with the Judgment and Sentence applicable to the defendant; and

8 **FINALLY, IT IS HEREBY ORDERED** that the Clerk of the Court shall attach a copy  
9 of this order to the Judgment and Sentence filed on November 15, 2107, so that anyone who  
10 obtains a certified copy of the Judgment and Sentence will also obtain a copy of this order.

11 SIGNED this 4<sup>th</sup> day of January, 2018.  
12 *Nunc pro tunc to November 7, 2017.*



13 *Stephanie A. Arend*  
14 JUDGE STEPHANIE AREND

15 Presented by:

16 Approved as to form:  
17 Presence at presentation waived:

18 *John M. Neeb*  
19 JOHN M. NEEB  
20 Deputy Prosecuting Attorney  
21 WSB# 21322

22 *Thomas E. Weaver, Jr.*  
23 THOMAS E. WEAVER, JR.  
24 Attorney for Defendant  
25 WSB# 22488  
*APPROVED VIA EMAIL 1/3/2018*

ajm/jmn

0113  
3801  
1/8/2018

**Inbox (1837)**



**Compose**

**Delete**

**Reply**

**Next** ▶

**Sent**

**Buy Stamps (54)**

**Transfer Stamps**

**Transaction History**

**From:** DANIEL MOODY  
**Date:** 11/15/2018 2:21:02 AM  
**To:** jeffrey ellis

**Attachments:**

**DECLARATION**

I, Daniel Moody declare:

1. I am the Petitioner in this case.
2. When I pleaded guilty, I was not told that the combination of a term of imprisonment and community custody could not exceed the statutory maximum for the crime.
3. After I was sentenced according to the plea agreement, I was not told that my judgment was amended.
4. I was not given notice and was not asked if I wanted to withdraw my guilty plea.
5. If I was asked, I would have withdrawn my guilty plea.
6. At the time of my plea, the concept of "same criminal conduct" was not explained in my plea agreement.

I declare under the penalty of perjury of the laws of the State of Washington that the foregoing is true and correct to the best of my memory.

November 15, 2018. s/Daniel Moody

**JPay.com**

- Home
- About
- Inmate Search
- Prison Search
- Contact Us
- Help

**Inmate Services**

- Money Transfer
- Email & VideoGram
- Education
- JPay Tablet
- Video Visitation

**Parole & Probation**

- Restitution
- Supervision Fees
- Court Fees
- Self-Report Fees
- Release Cards

**Social**

- blog.jpay.com
- forum.jpay.com
- Facebook
- Twitter
- Our Community

**Download the Free JPay App**  
Access JPay services on your smartphone

Are You a Corrections Agency?

VERIFICATION BY ATTORNEY

I declare under penalty of perjury under the laws of the State of Washington that I am the attorney for the petitioner, that I have read the petition, know its contents, and I believe the petition is true.

November 15, 2018//Portland, OR

s/ Jeffrey Erwin Ellis

**ALSEPT & ELLIS**

**November 15, 2018 - 11:38 AM**

**Filing Personal Restraint Petition**

**Transmittal Information**

**Filed with Court:** Court of Appeals Division II  
**Appellate Court Case Number:** Case Initiation  
**Trial Court Case Title:** State of Washington Vs Moody, Daniel Scott Jr  
**Trial Court Case Number:** 17-1-02109-3  
**Trial Court County:** Pierce County Superior Court  
**Signing Judge:**  
**Judgment Date:** 11/15/2017

**The following documents have been uploaded:**

- PRP\_Motion\_20181115113700D2489792\_6305.pdf  
This File Contains:  
Motion 1 - Waive - Filing Fee  
*The Original File Name was MoodyDMtnWaiveFilingFee.pdf*
- PRP\_Personal\_Restraint\_Petition\_20181115113700D2489792\_8468.pdf  
This File Contains:  
Personal Restraint Petition  
*The Original File Name was MoodyDPRP .pdf*

**Comments:**

---

Sender Name: jeffrey ellis - Email: jeffreyerwinellis@gmail.com  
Address:  
621 SW MORRISON ST STE 1025  
PORTLAND, OR, 97205-3813  
Phone: 503-222-9830

**Note: The Filing Id is 20181115113700D2489792**