

FILED
Court of Appeals
Division II
State of Washington
10/16/2019 11:33 AM

NO. 53344-8-II

**COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON**

NANCY MILLER, Personal Representative of
the Estate of HEATHER DURHAM,

Appellant,

v.

PIERCE COUNTY,

Respondent,

and

STATE OF WASHINGTON, DEPARTMENT OF CORRECTIONS,

Defendant.

BRIEF OF DEFENDANT

ROBERT W. FERGUSON
Attorney General

ZEBULAR J. MADISON
Assistant Attorney General
WSBA #37415; OID #91105
Attorney General's Office
1250 Pacific Avenue, Suite 105
P.O. Box 2317
Tacoma, WA 98401-2317
Tel: (253) 593-5243

TABLE OF CONTENTS

I. INTRODUCTION.....1

II. COUNTER-STATEMENT OF THE ISSUES.....2

 A. Should This Court Reject the Parties’ Invitations to Suggest DOC Breached a Duty Owed to Plaintiff When Robinson was Court-ordered to be Confined by the County, Either in its Jail or via EHM, at the time of the Alleged Assault?2

III. COUNTER-STATEMENT OF THE FACTS.....2

IV. ARGUMENT5

 A. This Court Should Only Decide the Scope of the County’s Duty and Reject Plaintiff’s and the County’s Improper Attempt to Put the Parameters of DOC’s Duty at Issue, Because That Issue is Beyond the Scope of the Dismissal Order that is the Subject of this Appeal5

TABLE OF AUTHORITIES

Cases

<i>Elcon Const., Inc. v. Eastern Wash. Univ.</i> , 174 Wn.2d 157, 273 P.3d 965 (2012).....	5
<i>Gorman v. City of Woodinville</i> , 175 Wn.2d 68, 283 P.3d 1082 (2012).....	5
<i>Kinney v. Cook</i> , 159 Wn.2d 837, 154 P.3d 206 (2007).....	5
<i>Reid v. Pierce Cty.</i> , 136 Wn.2d 195, 961 P.2d 333 (1998).....	5
<i>Taggart v. State</i> , 118 Wn.2d 195, 822 P.2d 243 (1992).....	5, 6

Other Authorities

<i>Restatement (Second) of Torts</i> , § 319	5
--	---

I. INTRODUCTION

Abel Robinson was sentenced to 364 days of confinement to be served in either the Pierce County Jail or, in the alternative, by Electronic Home Monitoring (EHM) starting on August 5, 2016. Upon completion of his sentence, at Pierce County Jail or through EHM, the court also required 12 months of community custody by the Department of Corrections (DOC). Robinson failed to appear for confinement at Pierce County Jail or enroll in EHM. He then allegedly assaulted Plaintiff on January 6, 2017. Plaintiff has now sued Pierce County (County) and DOC alleging they breached a duty owed to her.

DOC denies it breached a duty owed to Plaintiff. DOC's duty to monitor Robinson, if any, did not trigger until he had completed his sentence with the County – either through serving his sentence at the Pierce County Jail or through EHM.

To date, DOC has not taken a position on the County's Motion to Dismiss pursuant to CR 12(b)(6). Plaintiff has firmly stated that monitoring Robinson was the County's responsibility. Conversely, the County has maintained that it had no duty to monitor Robinson at the time of the assault. However, briefing filed by both the County and Plaintiff in this appeal has subtly suggested that DOC may have had an obligation to supervise Robinson, despite the fact that governing court orders explicitly state

otherwise.¹ As such, DOC is compelled to file this brief to clarify its position, the law, and facts pertaining to this case.

II. COUNTER-STATEMENT OF THE ISSUES

- A. Should This Court Reject the Parties' Invitations to Suggest DOC Breached a Duty Owed to Plaintiff When Robinson was Court-ordered to be Confined by the County, Either in its Jail or via EHM, at the time of the Alleged Assault?**

III. COUNTER-STATEMENT OF THE FACTS

Abel Robinson was sentenced to 364 days of confinement to be served in either the Pierce County Jail or, in the alternative, by EHM after he entered a guilty plea in Pierce County Superior Court for unlawful solicitation of a controlled substance (methamphetamine) and unlawful possession with intent to deliver. CP 235-46. A Warrant of Commitment was filed in open court on July 22, 2016, stating that Robinson had to be connected to EHM by 9:00 a.m. on August 5, 2016, or report to the Pierce County Jail on this same date. CP 254-255. He did neither.

On August 1, 2016, Community Corrections Officer (CCO) Monique Grell² issued a warrant for Robinson; however, it was promptly cancelled by supervising CCO Marki Schillinger. CP 230. The reason for

¹ The Judgment and Sentence and Warrant of Commitment, found at CP 235-50 and CP 254-55, have been attached as Appendix A and Appendix B respectively for ease of reference.

² At some point during the period at issue in this matter, CCO Monique Grell changed her last name to Gholston. In an effort to maintain consistency with the relevant documents in the record and within this brief, she will be referred to as CCO Grell throughout. No disrespect is intended.

the cancellation is unclear based upon the record before this Court. That said, one can safely infer the warrant was issued in error because it predates Robinson's court-ordered date for reporting to Pierce County Jail or connecting to EHM. Thus, Robinson would not be subject to DOC oversight until the 364 days of confinement were completed.

On December 30, 2016, at the request of supervising CCO Schillinger, CCO Roger Hansen went to the home of Helen Thompson, Robinson's mother, where he made contact with Robinson. CP 229. Robinson stated to CCO Hansen that he had not been on EHM and he did not report to Pierce County Jail. CP 229. CCO Hansen provided Robinson a business card and urged him to call his assigned CCO on January 3, 2017. CP 229. Robinson neglected to do so.

On the morning of January 3, 2017, supervising CCO Schillinger sent an email to Deputy Prosecuting Attorney (DPA) Gerald Ham inquiring about the status of Robinson's EHM or original jail time. CP 229. Later that afternoon, supervising CCO Schillinger received a response from the Pierce County Prosecuting Attorney's Office informing him that DPA Pejman Saadatzaadeh was now the attorney assigned to Robinson's case. CP 229. DPA Saadatzaadeh indicated he was not aware of any extension of time for connection to EHM given to Robinson. CP 229. Supervising CCO Schillinger informed DPA Saadatzaadeh that Robinson did not appear to be

connected to EHM, and asked that DPA Saadatzadeh let him know how to proceed with the case. CP 229. During this same time period, supervising CCO Schillinger was in contact with Robinson's lawyer, who indicated he would contact Robinson to confirm his EHM status and arrange a court date. CP 228-29.

On January 6, 2017, Robinson went to Plaintiff's home where he allegedly³ assaulted her with a crescent wrench. CP 227. In the weeks that followed, both the Tacoma Police Department and Pierce County Prosecuting Attorney's Office reached out to DOC regarding DOC's jurisdiction. CP 227-28. In each instance, the stakeholders were informed that DOC did not yet have jurisdiction because Robinson still had original jail time or EHM to complete pursuant to his Judgment and Sentence. CP 227-28. Following an investigation, Robinson was arrested and charged with Assault 1 on March 8, 2017. CP 227. Ultimately, a trial was conducted on the Assault 1 charge and Robinson was acquitted on March 27, 2018.

³ Use of the term "allegedly" is not intended as a comment on the legitimacy of the assault but rather it is a recognition that Robinson was ultimately acquitted of the criminal charge stemming from that event.

IV. ARGUMENT

A. This Court Should Only Decide the Scope of the County's Duty and Reject Plaintiff's and the County's Improper Attempt to Put the Parameters of DOC's Duty at Issue, Because That Issue is Beyond the Scope of the Dismissal Order that is the Subject of this Appeal

In reviewing the trial court's dismissal pursuant to CR 12(b)(6), the Court of Appeals engages in a de novo review. *Elcon Const., Inc. v. Eastern Wash. Univ.*, 174 Wn.2d 157, 164, 273 P.3d 965 (2012). Dismissal is proper if the court concludes that the plaintiff can prove no set of facts that would justify recovery. *Kinney v. Cook*, 159 Wn.2d 837, 842, 154 P.3d 206 (2007). A court presumes that the plaintiff's factual allegations are true and draws all reasonable inferences from the factual allegations in the plaintiff's favor. *Gorman v. City of Woodinville*, 175 Wn.2d 68, 71, 283 P.3d 1082 (2012) (citing *Reid v. Pierce Cty.*, 136 Wn.2d 195, 201, 961 P.2d 333 (1998)).

Washington recognizes the general rule that there is no duty to control the conduct of a third party so as to prevent him from causing physical harm to another. *Taggart v. State*, 118 Wn.2d 195, 822 P.2d 243 (1992). However, in *Taggart*, the court recognized an exception to the general rule and held that in certain situations, state and local government entities may have a duty to control the conduct of a third party to prevent them from causing harm to another. *Id.* at 219. The court premised this duty on the *Restatement (Second) of Torts*, § 319 which provides, "One who

takes charge of a third person, whom he knows or should know to be likely to cause bodily harm to others if not controlled, is under a duty to exercise reasonable care to control the third person to prevent him from doing such harm.” *Id.*

In finding that a “take charge” duty existed in *Taggart*, the court noted several aspects of the relationship between a parole officer and a parolee that gave rise to a take charge duty. This included the legal authority to take charge over the third party among other things. *Taggart*, 118 Wn.2d at 219-20.

Here, assertions that any duty owed to Plaintiff by DOC was triggered is meritless. The Judgment and Sentence clearly shows completion of Robinson’s confinement at Pierce County Jail, or via EHM, was a condition precedent to DOC having any authority to monitor Robinson.

Initially, Plaintiff’s briefing is peppered with references to Robinson going “completely unmonitored by the County *or DOC*” and being “free from any supervision or oversight by the County *or DOC*.”⁴ Plaintiff even appeals to a broader fear by suggesting that the public ought to be very concerned that neither the County *nor DOC* takes responsibility.⁵

⁴ Br. Appellant at 3, 5 (emphasis added).

⁵ Br. Appellant at 2-3 (emphasis added).

But then, in contrast, Plaintiff briefly acknowledges that DOC's duty was not triggered in this case when she states, "[h]e was sentenced by the Honorable Kitty Van Doorninck of the Pierce County Superior Court ("sentencing court") to 364 continuous days of custody in the County's Jail or EHM in lieu of incarceration in the County's Jail, *followed by 12 months of community custody.*"⁶

Plaintiff eventually concedes this position, stating "Robinson was plainly entrusted to the County's supervision" and later refers to Robinson as "the County's responsibility."⁷ Finally, Plaintiff insists that "[i]ndeed, it could not be clearer that the County had the requisite control of Robinson where the Warrant committed Robinson to the custody of the County's Adult Detention."⁸

The reason Plaintiff makes these admissions is straightforward. Neither the Judgment and Sentence, nor the Warrant of Commitment, charged DOC with the duty to control Robinson at the time of the assault.

Likewise, the County's suggestion DOC was responsible for monitoring Robinson at the time of the assault is equally meritless.⁹ The Warrant of Commitment is addressed to the Director of Adult Detention in

⁶ Br. Appellant at 3 (emphasis added).

⁷ Br. Appellant at 6, 13.

⁸ Br. Appellant at 13 (citing CP 254).

⁹ Resp't Answering Br. at 19.

Pierce County not the Secretary of the Department of Corrections. It states that Robinson “must be on EHM by 8-5-16 at 9 a.m. or report to the PC jail on 8-5-16 at 4 p.m. with copy of this order and ID.” CP at 254.

The Judgment and Sentence provided that DOC’s duty to supervise did not trigger until *after* Robinson served 364 days in the Pierce County Jail or on EHM. Accordingly, since he had not yet served any time in jail or on EHM, the County was responsible for the custody and control of Robinson, beginning on August 5, 2016, for 364 days. Even assuming in arguendo that Robinson enrolled in EHM by August 5, 2016, DOC’s duty to monitor Robinson would not have begun until well after the January 6, 2017, assault.

In sum, it is inaccurate and misleading for the parties to suggest that DOC’s duty to supervise began before Robinson had completed his 364 days of County confinement, either in jail or via EHM. Neither the law, nor the governing court orders in this case, support such an argument. The Judgment and Sentence, in conjunction with the Warrant of Commitment, are unambiguous.¹⁰ DOC had no obligation to supervise Robinson until his jail time or EHM with Pierce County Jail had been fulfilled, and this Court should reject any invitation by the parties to infer otherwise.

¹⁰ CP 235-50, 254-55 (Apps. A, B).

V. CONCLUSION

Based on the foregoing, DOC respectfully requests that, regardless of its ruling on the issue under appeal, the Court make no determination regarding DOC's responsibility in this matter outside of what is plainly outlined in the Judgment and Sentence and the Warrant of Commitment.

RESPECTFULLY SUBMITTED this 16th day of October, 2019.

ROBERT W. FERGUSON
Attorney General

s/ Zebular J. Madison

ZEBULAR J. MADISON WSBA No. 37415
Assistant Attorney General
Attorney for Defendants

PROOF OF SERVICE

I certify that I served a copy of the *Brief of Defendant* on Appellant's counsel of record on the date below via e-mail on this 16th day of October as follows:

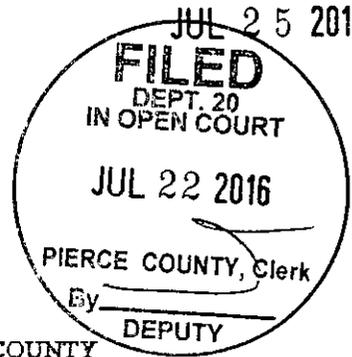
jkays@connelly-law.com
mwurdeman@connelly-law.com
efuller@connelly-law.com
vshirer@connelly-law.com
nadine.christian-brittain@piercecountywa.gov
michelle.luna-green@piercecountywa.gov
christina.smith@piercecountywa.gov
frank.cornelius@piercecountywa.gov
phil@tal-fitzlaw.com

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 16th day of October, 2019, at Tacoma, WA.

s/ Sharon Jaramillo
SHARON JARAMILLO, Legal Assistant

APPENDIX A



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 14-1-02142-1

vs.

JUDGMENT AND SENTENCE (JJS)

ABEL LAWRENCE ROBINSON

Defendant.

- Prison
- RCW 9.94A.712/9.94A.507 Prison Confinement
- Jail One Year or Less
- First-Time Offender
- Special Sexual Offender Sentencing Alternative
- Special Drug Offender Sentencing Alternative
- Alternative to Confinement (ATC)
- Clerk's Action Required, para 4.5 (SDOSA), 4.7 and 4.8 (SSOSA) 4.15.2, 5.3, 5.6 and 5.8
- Juvenile Decline Mandatory Discretionary

SID: WA14348064
DOB: 09/29/1972

I. HEARING

1.1 A sentencing hearing was held and the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

II. FINDINGS

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

2.1 CURRENT OFFENSE(S): The defendant was found guilty on 9-1, 2015 by plea jury-verdict bench trial of:

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO.
I	UNLAWFUL SOLICITATION TO DELIVER A CONTROLLED SUBSTANCE (B0-S) (METHAMPHETAMINE) (SCH II)	69.50.401(1)(2)(a) & 9A.28.030	NONE	05/30/14	LAKEWOOD POLICE DEPT 141500827

JUDGMENT AND SENTENCE (JS)
(Felony) (7/2007) Page 1 of 15

Office of Prosecuting Attorney
930 Tacoma Avenue S. Room 946
Tacoma, Washington 98402-2171
Telephone: (253) 798-7400

16-9-06066-9
235

0009
113112
7/25/2016
0000
0000
0000

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO.
II	UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO DELIVER (J7M) (METH, SCH II)	69.50.401(1)(2)(b)	NONE	05/30/14	LAKEWOOD POLICE DEPT 141500827

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Horn, See RCW 46.61.520, (JP) Juvenile present, (SM) Sexual Motivation, (SCF) Sexual Conduct with a Child for a Fee. See RCW 9.94A.533(8). (If the crime is a drug offense, include the type of drug in the second column.)

as charged in the AMENDED Information

- [X] The court finds that the offender has a chemical dependency that has contributed to the offense(s). RCW 9.94A.607.
- [] Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):
- [] Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

	CRIME	DATE OF SENTENCE	SENTENCING COURT	DATE OF CRIME	A or J ADULT JUV	TYPE OF CRIME
1	THEFT 3	06-29-1987	PIERCE COUNTY JUVENILE COURT	03-03-1987	J	MISD
2	CRIMINAL TRESPASS 2	07-26-1989	PIERCE COUNTY JUVENILE COURT	04-27-1989	J	MISD
3	ASSAULT 4	06-13-1989	PIERCE COUNTY JUVENILE COURT	05-13-1989	J	MISD
4	RECKLESS ENDANGERMENT	06-13-1989	PIERCE COUNTY JUVENILE COURT	05-16-1989	J	MISD
5	WEAPONS CAPABLE PRODUCING HARM	06-13-1989	PIERCE COUNTY JUVENILE COURT	05-16-1989	J	MISD
6	ASSAULT 4	08-24-1989	PACIFIC COUNTY SUPERIOR	11-10-1989	J	MISD
7	TAKING A MOTOR VEHICLE	06-29-1987	PIERCE COUNTY JUVENILE COURT	04-17-1987	J	NV
8	ATTEMPTED TMVWOP 1	06-30-1988	PIERCE COUNTY JUVENILE COURT	02-01-1988	J	NV
9	ASLT 2	09-18-1989	JUVENILE COURT KING CO	02-08-1989	J	V
10	TAKING A MOTOR VEHICLE	08-24-1989	PACIFIC COUNTY SUPERIOR	06-08-1989	J	NV
11	NVOL		TACOMA MUNICIPAL COURT	03-07-1989	A	MISD
12	NVOL		TACOMA MUNICIPAL COURT	03-07-1989	A	MISD
13	NVOL		TACOMA MUNICIPAL COURT	05-05-1989	A	MISD
14	NVOL		TACOMA MUNICIPAL COURT	05-10-1989	A	MISD
15	ATTEMPTED BAIL JUMPING	02-05-1992	SUPERIOR CT - PIERCE CTY	01-06-1990	A	MISD

JUDGMENT AND SENTENCE (JS)
(Felony) (7/2007) Page 2 of 15

Office of Prosecuting Attorney
930 Tacoma Avenue S. Room 946
Tacoma, Washington 98402-2171
Telephone: (253) 798-7400

16	HARASSMENT - THREATEN BODILY		TACOMA MUNICIPAL COURT	08-09-1990	A	MISD
17	CRIMINAL ASLT		TACOMA MUNICIPAL COURT	08-16-1990	A	MISD
18	CRIMINAL ASLT		TACOMA MUNICIPAL COURT	09-26-1990	A	MISD
19	DEST OF PROP		TACOMA MUNICIPAL COURT	09-26-1990	A	MISD
20	CRIMINAL TRESPASS	05-07-1991	TACOMA MUNICIPAL COURT	11-09-1990	A	MISD
21	HARASSMENT - THREATEN BODILY INJURY		TACOMA MUNICIPAL COURT	12-15-1990	A	MISD
22	HARASSMENT - PLACE IN FEAR		TACOMA MUNICIPAL COURT	12-15-1990	A	MISD
23	INTIMIDATION W/ DEADLY WEAPON		TACOMA MUNICIPAL COURT	01-05-1991	A	MISD
24	CRIMINAL ASLT		TACOMA MUNICIPAL COURT	01-05-1991	A	MISD
25	SHOPLIFTING	01-03-1992	TACOMA MUNICIPAL COURT	04-03-1991	A	MISD
26	DV - TELEPHONE HARASSMENT		TACOMA MUNICIPAL COURT	05-03-1991	A	MISD
27	CRIMINAL ASLT	01-03-1992	TACOMA MUNICIPAL COURT	05-17-1991	A	MISD
28	OBSTRUCTING - HINDER	12-27-1991	TACOMA MUNICIPAL COURT	10-04-1991	A	MISD
29	UNLAWFUL MARTIAL ARTS WEAPON	12-27-1991	TACOMA MUNICIPAL COURT	10-04-1991	A	MISD
30	MIP		TACOMA MUNICIPAL COURT	05-22-1992	A	MISD
31	CRIM TRESPASS	10-08-1992	TACOMA MUNICIPAL COURT	06-29-1992	A	MISD
32	OBSTRUCTING - HINDER	10-08-1992	TACOMA MUNICIPAL COURT	06-29-1992	A	MISD
33	CRIMINAL ASLT	05-04-1993	TACOMA MUNICIPAL COURT	12-10-1992	A	MISD
34	DWLS 3		TACOMA MUNICIPAL COURT	01-13-1993	A	MISD
35	FAIL TO COMPLY		TACOMA MUNICIPAL COURT	01-13-1993	A	MISD
36	CRIMINAL TRESPASS	04-23-1993	TACOMA MUNICIPAL COURT	04-02-1993	A	MISD
37	CRIMINAL ASLT		TACOMA MUNICIPAL COURT	08-16-1993	A	MISD
38	DWLS 3		DISTRICT COURT 1 (TACOMA)	11-05-1993	A	MISD
39	HARASSMENT	04-22-1996	SEATTLE MUNICIPAL	02-02-1994	A	MISD
40	DWLS 3		TACOMA MUNICIPAL COURT	06-24-1994	A	MISD
41	OBSTRUCTING - HINDER PUBLIC SERV		TACOMA MUNICIPAL COURT	06-24-1994	A	MISD
42	DWLS 3		YELM MUNICIPAL COURT	09-19-1994	A	MISD
43	OBSTRUCT LAW ENFORCEMENT		YELM MUNICIPAL COURT	09-19-1994	A	MISD
44	DWLS 3		TACOMA MUNICIPAL COURT	09-30-1994	A	MISD
45	DWLS 3		DISTRICT COURT 1 (TACOMA)	12-09-1994	A	MISD

JUDGMENT AND SENTENCE (JS)
(Felony) (7/2007) Page 3 of 15

Office of Prosecuting Attorney
930 Tacoma Avenue S. Room 946
Tacoma, Washington 98402-2171
Telephone: (253) 798-7400

46	DWLS 2		DISTRICT COURT 1 (TACOMA)	04-05-1995	A	MISD
47	DWLS 2		TACOMA MUNICIPAL COURT	06-08-1995	A	MISD
48	REFUSE TO GIVE INFO		TACOMA MUNICIPAL COURT	06-08-1995	A	MISD
49	DWLS 3		TACOMA MUNICIPAL COURT	11-11-1995	A	MISD
50	DWLS 3		DISTRICT COURT 1 (TACOMA)	11-30-1995	A	MISD
51	DWLS 3		TACOMA MUNICIPAL COURT	12-01-1995	A	MISD
52	DWLS 2		DISTRICT COURT 1 (TACOMA)	04-27-1996	A	MISD
53	DWLS 2		LAKEWOOD MUNI COURT	06-10-1996	A	MISD
54	DWLS 2		DISTRICT COURT 1 (TACOMA)	06-23-1996	A	MISD
55	DWLS 2		TACOMA MUNICIPAL COURT	07-10-1996	A	MISD
56	DWLS 2		LAKEWOOD MUNI COURT	07-12-1996	A	MISD
57	DWLS 1		TACOMA MUNICIPAL COURT	01-13-1997	A	MISD
58	DWLS 1		DISTRICT COURT 1 (TACOMA)	10-12-1997	A	MISD
59	DV CRIM ASLT	01-02-1998	TACOMA MUNICIPAL COURT	11-06-1997	A	MISD
60	DV ASLT 4	04-27-1998	LAKEWOOD MUNI COURT	04-25-1998	A	MISD
61	DWLS 1	11-15-2000	DISTRICT COURT 1 (TACOMA)	11-30-1998	A	MISD
62	DWLS 1	11-20-2002	DISTRICT COURT 1 (TACOMA)	05-14-2002	A	MISD
63	UPFGLM	11-20-2002	DISTRICT COURT 1 (TACOMA)	05-14-2002	A	MISD
64	DWLS 1	11-20-2002	DISTRICT COURT 1 (TACOMA)	10-08-2002	A	MISD
65	DWLS 3	03-20-2006	TACOMA MUNICIPAL COURT	01-01-2005	A	MISD
66	DWLS 1	02-10-2006	SUPERIOR CT - PIERCE CTY	08-06-2005	A	MISD
67	DWLS 3	05-30-2007	DISTRICT COURT 1 (TACOMA)	09-19-2006	A	MISD
68	DWLS 3	05-30-2007	DISTRICT COURT 1 (TACOMA)	02-05-2007	A	MISD
69	DWLS 3	08-14-2009	TACOMA MUNICIPAL COURT	08-11-2009	A	MISD
70	PSP 3	08-03-2011	TACOMA MUNICIPAL COURT	08-16-2010	A	MISD
71	DV - ASSAULT 4		SUPERIOR CT - PIERCE CTY	09-17-2010	A	MISD
72	DV - HARASSMENT	10-08-2010	DISTRICT COURT 1 (TACOMA)	09-23-2010	A	MISD
73	DWLS 3		TACOMA MUNICIPAL COURT	02-24-2011	A	MISD
74	DWLS 3		TACOMA MUNICIPAL COURT	04-12-2011	A	MISD
75	PSP 2	02-07-1991	SUPERIOR CT - PIERCE CTY	07-17-1990	A	NV

JUDGMENT AND SENTENCE (JS)
(Felony) (7/2007) Page 4 of 15

Office of Prosecuting Attorney
930 Tacoma Avenue S. Room 946
Tacoma, Washington 98402-2171
Telephone: (253) 798-7400

76	ATTEMPTING TO ELUDE	02-07-1991	SUPERIOR CT - PIERCE CTY	07-17-1990	A	NV
77	UPCS	04-29-1992	SUPERIOR CT - PIERCE CTY	03-26-1992	A	NV
78	THEFT 2	03-10-1993	SUPERIOR CT - PIERCE CTY	12-03-1993	A	NV
79	UPCS	08-06-1996	SUPERIOR CT - PIERCE CTY	07-12-1996	A	NV

[] The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	8	II	45 - 90 MONTHS	NONE	45 - 90 MONTHS	20 YRS/ \$50,000
II	8	II	60+ - 120 MONTHS	NONE	60+ - 120 MONTHS	20 YRS/ \$50,000

2.4 **EXCEPTIONAL SENTENCE.** Substantial and compelling reasons exist which justify an exceptional sentence.

[] within [] below the standard range for Count(s) I, II

[] above the standard range for Count(s) _____.

[] The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.

[] Aggravating factors were [] stipulated by the defendant, [] found by the court after the defendant waived jury trial, [] found by jury by special interrogatory.

Findings of fact and conclusions of law are attached in Appendix 2.4. [] Jury's special interrogatory is attached. The Prosecuting Attorney [] did [] did not recommend a similar sentence.

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

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

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

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.

[] whether the defendant has previously been found not guilty by reason of insanity of any offense in this state or elsewhere.

JUDGMENT AND SENTENCE (JS)
(Felony) (7/2007) Page 5 of 15

Office of Prosecuting Attorney
930 Tacoma Avenue S. Room 946
Tacoma, Washington 98402-2171
Telephone: (253) 798-7400

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

[] other: _____

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

III. JUDGMENT

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

3.2 [] The court DISMISSES Counts _____ [] The defendant is found NOT GUILTY of Counts _____

IV. SENTENCE AND ORDER

IT IS ORDERED:

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

JASS CODE

RTN/RJN	\$ _____	Restitution to: _____
	\$ _____	Restitution to: _____
	(Name and Address--address may be withheld and provided confidentially to Clerk's Office).	
FCV	\$ 500.00	Crime Victim assessment
DNA	\$ 100.00	DNA Database Fee
PUB	\$ <u> </u>	Court-Appointed Attorney Fees and Defense Costs
FRC	\$ 200.00	Criminal Filing Fee
FCM	\$ _____	Fine
CLF	\$ _____	Crime Lab Fee [] deferred due to indigency
CDF/DFA-DFZ	\$ _____	Drug Investigation Fund for _____ (agency)
WFR	\$ _____	Witness Costs

OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)

\$ _____ Other Costs for: _____

\$ _____ Other Costs for: _____

\$ 800 TOTAL

[] The above total does not include all restitution which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

[] shall be set by the prosecutor.

[] is scheduled for _____

[] RESTITUTION. Order Attached

[] The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

[X] All payments shall be made in accordance with the policies of the clerk, commencing immediately, unless the court specifically sets forth the rate herein: Not less than \$ 2000 per month commencing 2/1/00. RCW 9.94.760. If the court does not set the rate herein, the

defendant shall report to the clerk's office within 24 hours of the entry of the judgment and sentence to set up a payment plan.

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(7)(b)

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

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

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

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

4.1b ELECTRONIC MONITORING REIMBURSEMENT. The defendant is ordered to reimburse _____ (name of electronic monitoring agency) at _____ for the cost of pretrial electronic monitoring in the amount of \$_____.

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

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

4.3 NO CONTACT

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

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

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

AIC/Dry Eval & rpt
others per COA attachments
pay FOS
LAB/USI
no use or possession of any controlled substances w/o prescription
no association w/ drug users or sellers outside court

1
2
3 4.5 JAIL ONE YEAR OR LESS. The defendant is sentenced as follows:

4 (a) CONFINEMENT. RCW 9.94A.589. Defendant is sentenced to the following term of total
5 confinement in the custody of the county jail:

6 I 364 days/months on Count I _____ days/months on Count _____
7 II _____ days/months on Count II _____ days/months on Count _____

8 Actual number of months of total confinement ordered is: 364 days

9 [X] CONSECUTIVE/CONCURRENT SENTENCES: RCW 9.94A.589

10 All counts shall be served concurrently, except for the following which shall be served consecutively:

11 _____
12 The sentence herein shall run consecutively to all felony sentences in other cause numbers that were
13 imposed prior to the commission of the crime(s) being sentenced.

14 The sentence herein shall run concurrently with felony sentences in other cause numbers that were imposed
15 subsequent to the commission of the crime(s) being sentenced unless otherwise set forth here. [] The
16 sentence herein shall run consecutively to the felony sentence in cause number(s) _____

17 The sentence herein shall run consecutively to all previously imposed misdemeanor sentences unless
18 otherwise set forth here: _____

19 Confinement shall commence immediately unless otherwise set forth here: _____

20 [X] PARTIAL CONFINEMENT. Defendant may serve the sentence, if eligible and approved, in partial
21 confinement in the following programs, subject to the following conditions: _____

22 [] Work Crew RCW 9.94A.725 [X] Home Detention RCW 9.94A.731, .190
23 [] Work Release RCW 9.94A.731

24 [] CONVERSION OF JAIL CONFINEMENT (Nonviolent and Nonsex Offenses). RCW
25 9.94A.680(3). The county jail is authorized to convert jail confinement to an available county
26 supervised community option and may require the offender to perform affirmative conduct pursuant to
27 RCW 9.94A.

28 [] ATC Facility

[] ALTERNATIVE CONVERSION. RCW 9.94A.680. _____ days of total confinement
ordered above are hereby converted to _____ hours of community restitution (8 hours = 1
day, nonviolent offenders only, 30 days maximum) under the supervision of the Department of
Corrections (DOC) to be completed on a schedule established by the defendant's community
corrections officer but not less than _____ hours per month.

[] Alternatives to total confinement were not used because of: _____

[] criminal history [] failure to appear (finding required for nonviolent offenders only) RCW
9.94A.680.

* Δ can attend medical appointments for himself +
for his mother.

JUDGMENT AND SENTENCE (JS)
(Felony) (7/2007) Page ~~5510~~

Office of Prosecuting Attorney
930 Tacoma Avenue S. Room 946
Tacoma, Washington 98402-2171
Telephone: (253) 798-7400

(c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court:

3 days

4.6 COMMUNITY SUPERVISION CUSTODY. RCW 9.94A.505. Defendant shall serve 12 months (up to 12 months) in community supervision (Offense Pre 7/1/00) or community custody (Offense Post 6/30/00).

[On or after July 1, 2003, the court may order community custody under the jurisdiction of DOC for up to 12 months if the defendant is convicted of a sex offense, a violent offense, a crime against a person under RCW 9.94A.411, or felony violation of chapter 69.50 or 69.52 RCW or an attempt, conspiracy or solicitation to commit such a crime. For offenses committed on or after June 7, 2006, the court shall impose a term of community custody under RCW 9.94A.715 if the offender is guilty of failure to register (second or subsequent offense) under RCW 9A.44.130(11)(a).]

Defendant shall report to DOC, 514 South 13th St, Tacoma, not later than 72 hours after release from custody, and the defendant shall perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC. For sex offenses, defendant shall submit to electronic monitoring if imposed by DOC. Defendant shall comply with the instructions, rules and regulations of DOC for the conduct of the defendant during the period of community supervision or community custody and any other conditions of community supervision or community custody stated in this Judgment and Sentence or other conditions imposed by the court or DOC during community custody. The defendant shall:

- remain in prescribed geographic boundaries specified by the community corrections officer
- notify the community corrections officer of any change in defendant's address or employment
- Cooperate with and successfully complete the program known as Alternative to Confinement (ATC)
- not reside in a community protection zone (within 880 feet of the facilities and grounds of a public or private school). (RCW 9.94A.030(8)).

Other conditions: per CCO

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

The community supervision or community custody imposed by this order shall be served consecutively to any term of community supervision or community custody in any sentence imposed for any other offense, unless otherwise stated. The maximum length of community supervision or community custody pending at any given time shall not exceed 24 months, unless an exceptional sentence is imposed. RCW 9.94A.589.

The conditions of community supervision or community custody shall begin immediately unless otherwise set forth here:

4.7 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: per CCO

emergency by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than seven working days.

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

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

4.7 [] WORK ETHIC CAMP. RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6.

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: _____

_____ *PERCCO* _____

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): _____

- 1
- 2 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.
- 3
- 4 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, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.
- 5
- 6 5.7 **SEX AND KIDNAPPING OFFENDER REGISTRATION.** RCW 9A.44.130, 10.01.200.
- 7 N/A
- 8 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.
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

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

5.10 OTHER: _____

DONE in Open Court and in the presence of the defendant this date: 7-22-16

JUDGE [Signature]
Print name Kitty-Ann van Doorninck

[Signature]
Deputy Prosecuting Attorney

[Signature]
Attorney for Defendant

Print name: _____

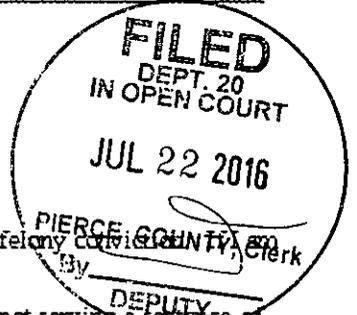
Print name: Edward Jurek

WSB # [Signature]

WSB # 28021

[Signature]
Defendant

Print name: _____



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

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

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

Defendant's signature: [Signature]

CERTIFICATE OF CLERK

CAUSE NUMBER of this case: 14-1-02142-1

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

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

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

IDENTIFICATION OF COURT REPORTER

Carla Higgins

Court Reporter

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

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, M Fufts

Dated: 7/22/16

DEFENDANT'S SIGNATURE:

[Handwritten Signature]

DEFENDANT'S ADDRESS:

3321 N. Bennett Trac, WA 98407

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

0022

3112

7/25/2016

0000

0000

APPENDIX "F"

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

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

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: _____

PerCCO

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

PerCCO

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

(IV) The offender shall not consume alcohol; _____

PerCCO

(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: _____

PerCCO

IDENTIFICATION OF DEFENDANT



SID No. WA14342064
(If no SID take fingerprint card for State Patrol)

Date of Birth 09/29/1972

FBI No. 381966MA2

Local ID No. CHRI#870220005

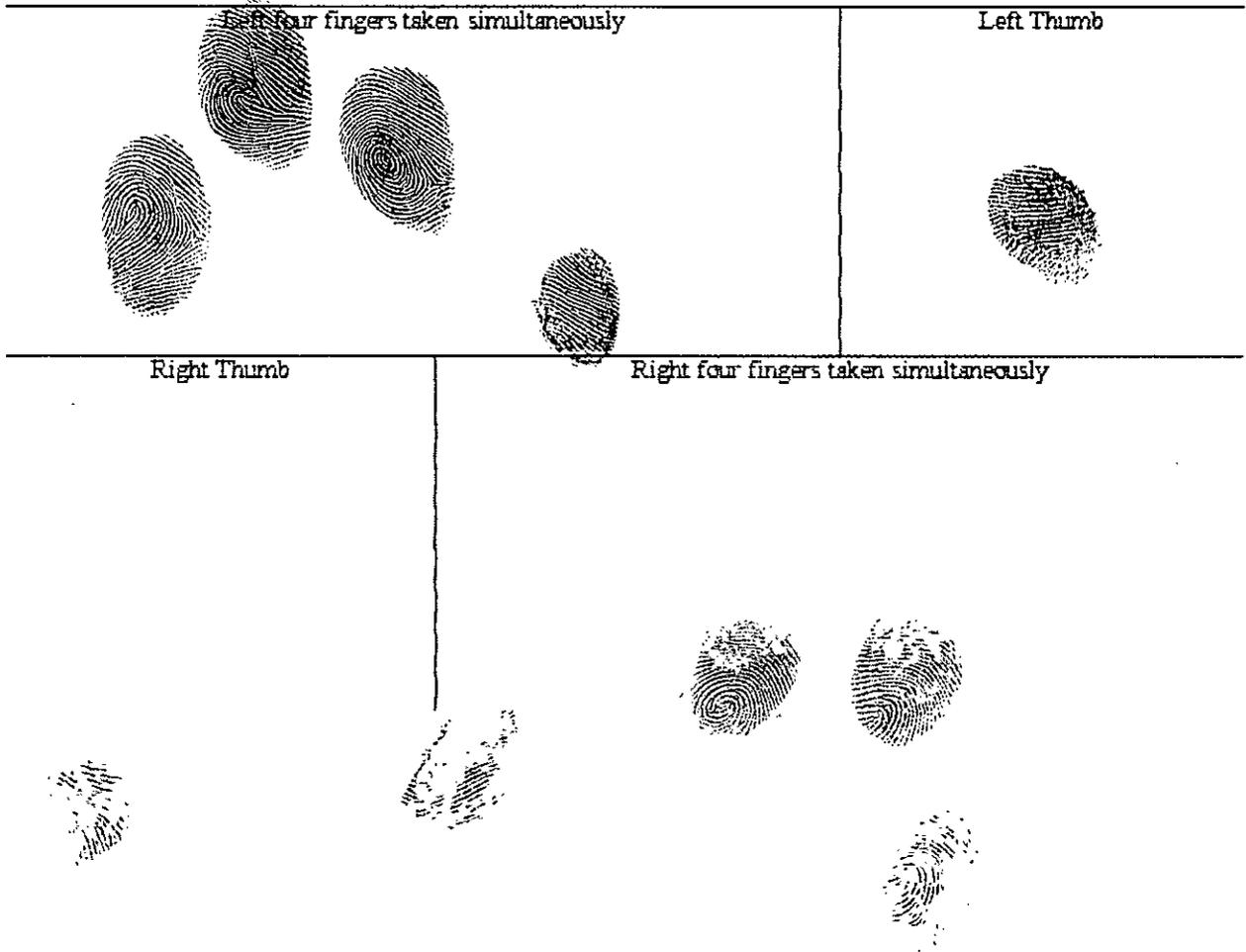
PCN No. 541211420

Other

Alias name, SSN, DOB: ABLE L ROBINSON
DOB 01/28/1970; 01/29/1972; 03/09/1972

Race:					Ethnicity:		Sex:
<input type="checkbox"/> Asian/Pacific Islander	<input checked="" type="checkbox"/> Black/African-American	<input 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"/> Female				

FINGERPRINTS



JUDGMENT AND SENTENCE (JS)
(Felony) (7/2007) Page 14 of 15

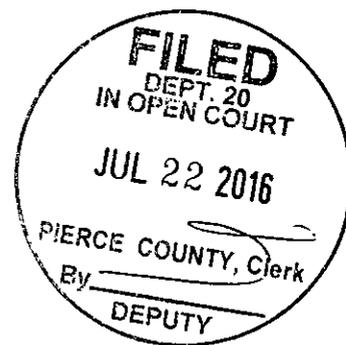
Office of Prosecuting Attorney
930 Tacoma Avenue S. Room 946
Tacoma, Washington 98402-2171
Telephone: (253) 798-7400

APPENDIX B

JUL 25 2016



14-1-02142-1 47292003 JDSWCJ 07-25-16



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO: 14-1-02142-1

vs.

ABEL LAWRENCE ROBINSON,

Defendant.

WARRANT OF COMMITMENT

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

Δ must be on ECM by 8-5-16 at 9 am or report to the PC jail on 8-5-16 at 4 pm w/ copy of this order + IO.

THE STATE OF WASHINGTON TO THE DIRECTOR OF ADULT DETENTION OF PIERCE COUNTY:

WHEREAS, Judgment has been pronounced against the defendant in the Superior Court of the State of Washington for the County of Pierce, that the defendant be punished as specified in the Judgment and Sentence/Order Modifying/Revoking Probation/Community Supervision, a full and correct copy of which is attached hereto.

[] 1. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Pierce County Jail).

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

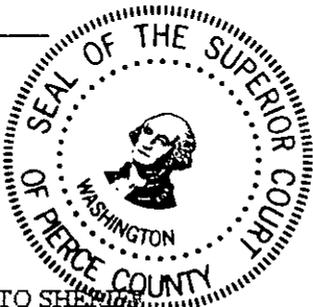
YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Department of Corrections custody).

WARRANT OF COMMITMENT -1

Office of Prosecuting Attorney
930 Tacoma Avenue S. Room 946
Tacoma, Washington 98402-2171
Telephone: (253) 798-7400

[] 3. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement or placement not covered by Sections 1 and 2 above).

Dated: 7-22-16



By direction of the Honorable
[Signature]

JUDGE

KEVIN STOCK Ann van Doorninck

CLERK

By: *[Signature]*
DEPUTY CLERK

CERTIFIED COPY DELIVERED TO SHERIFF
Date JUL 25 2016 By *[Signature]* Deputy



STATE OF WASHINGTON

ss:

County of Pierce

I, Kevin Stock, Clerk of the above entitled Court, do hereby certify that this foregoing instrument is a true and correct copy of the original now on file in my office. IN WITNESS WHEREOF, I hereunto set my hand and the Seal of Said Court this _____ day of _____, _____.

KEVIN STOCK, Clerk

By: _____ Deputy

cad

AGO TORTS TACOMA

October 16, 2019 - 11:33 AM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 53344-8
Appellate Court Case Title: Estate of Heather Durham, Appellant v. Pierce County and Dept. of Corrections, Respondent
Superior Court Case Number: 19-2-04685-1

The following documents have been uploaded:

- 533448_Briefs_20191016112634D2349332_3911.pdf
This File Contains:
Briefs - Other
The Original File Name was BriefOfStateDef_FINAL.pdf

A copy of the uploaded files will be sent to:

- MWurdeman@connelly-law.com
- bmarvin@connelly-law.com
- efuller@connelly-law.com
- jkays@connelly-law.com
- matt@tal-fitzlaw.com
- mluna@co.pierce.wa.us
- pcpatvecf@co.pierce.wa.us
- pcpatvecf@piercecountywa.gov
- phil@tal-fitzlaw.com
- xxx@xxxx.com

Comments:

Brief of State Defendants

Sender Name: Sharon Jaramillo - Email: Sharon.Jaramillo@atg.wa.gov

Filing on Behalf of: Zebular James Madison - Email: ZebularM@ATG.WA.GOV (Alternate Email: TorTacEF@atg.wa.gov)

Address:
PO Box 2317
Tacoma, WA, 98401
Phone: (253) 593-6143

Note: The Filing Id is 20191016112634D2349332