

FILED  
Court of Appeals  
Division II  
State of Washington  
12/16/2019 4:05 PM

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

IN RE THE PERSONAL RESTRAINT  
PETITION OF:

CHRISTOPHER BLACKWELL,

Petitioner.

NO. 53860-1-II

STATE'S RESPONSE TO PERSONAL  
RESTRAINT PETITION

A. ISSUES PERTAINING TO PERSONAL RESTRAINT PETITION:

1. Must the petition be dismissed where the petition is time barred and petitioner is unable to show a facial invalidity or lack of jurisdiction in his Judgment and Sentence?
2. Must the petition be dismissed where this Court has already rejected this argument in *McRae*?

B. STATUS OF PETITIONER:

Petitioner, Christopher Blackwell, is restrained pursuant to a Judgment and Sentence entered in Pierce County Cause No. 06-1-01066-5. Appendix at 43. On May 12, 1994, petitioner pleaded guilty as a juvenile to one count of attempt to elude a pursuing police officer and one count of taking a motor vehicle without owner's permission. Appendix at 22.

On March 6, 2006, the State charged petitioner with one count of murder in the first degree, one count of burglary in the first degree, two counts of robbery in the first degree, one count of assault in the second degree, one count of arson in the second degree, and one count of unlawful possession of a firearm in the first degree, under Pierce County Cause No. 06-1-01066-5. Appendix at 37.

According to the probable cause declaration, petitioner and four other people robbed a residence occupied by eight people while masked and fully armed. Appendix at 41-42. Petitioner and his accomplices ordered the residents to the ground and covered their heads while they ransacked, robbed, and assaulted the residents. Appendix at 41-42. Petitioner shot and killed seventeen-year-old Joshua May during the home invasion. Appendix at 41-42. Petitioner and his accomplices stole a vehicle as they fled the residence with stolen firearms, cash, and other items. Appendix at 41-42. They stripped the vehicle, poured gasoline on it, and lit it on fire. Appendix at 41-42.

In January 2007, petitioner pleaded guilty to the amended charge of one count of murder in the first degree. Appendix at 22. Petitioner's judgment became final on October 25<sup>th</sup> 2013, the date his judgment and sentence was filed with the clerk of the trial court. Appendix at 22.

In May 2019, petitioner filed a Motion to Declare Breach of Plea Agreement in Pierce County Juvenile Court (hereinafter referred to as "Personal Restraint Petition"). *See* Personal Restraint Petition. It was transferred to the Court of Appeals to be considered as a personal restraint petition.

C. ARGUMENT:

1. THE COURT SHOULD DISMISS THIS PETITION BECAUSE IT IS TIME-BARRED AND PETITIONER IS UNABLE TO SHOW A FACIAL INVALIDITY OR LACK OF JURISDICTION IN HIS JUDGMENT AND SENTENCE.

Personal restraint procedure has its origins in the State's habeas corpus remedy, guaranteed by article 4, section 4 of the State Constitution. Fundamental to the nature of habeas corpus relief is the principle that the writ will not serve as a substitute for appeal. A personal restraint petition, like a petition for a writ of habeas corpus, is not a substitute for an appeal. *In re Hagler*, 97 Wn.2d 818, 823-24, 650 P.2d 1103 (1982). "Collateral relief undermines the principles of finality of litigation, degrades the prominence of the trial, and sometimes costs society the right to punish admitted offenders." *Id.* (citing *Engle v. Issac*, 456 U.S. 107, 126, 102 S. Ct. 1558, 71 L. Ed. 2d 783 (1982)). These costs are significant and require that collateral relief be limited in state as well as federal courts. *Id.*

Because of the costs and risks involved, there is a time limit in which to file a personal restraint petition. RCW 10.73.090(1) subjects petitions to a one-year statute of limitation. The statute provides:

No petition or motion for collateral attack on a judgment and sentence in a criminal case may be filed more than one year after the judgment becomes final if the judgment and sentence is valid on its face and was rendered by a court of competent jurisdiction.

RCW 10.73.090(1). The time bar is applicable to any petition filed more than one year after July 23, 1989. RCW 10.73.130.

The statute of limitations set forth in RCW 10.73.090(1) is a mandatory rule that bars appellate consideration of personal restraint petitions filed after the limitation period

has passed, unless the petitioner demonstrates that the petition falls within an exemption to the time limit under RCW 10.73.090 (facial invalidity or lack of jurisdiction), or is based solely on one or more of the following grounds:

- (1) Newly discovered evidence, if the defendant acted with reasonable diligence in discovering the evidence and filing the petition or motion;
- (2) The statute that the defendant was convicted of violating was unconstitutional on its face or as applied to the defendant's conduct;
- (3) The conviction was barred by double jeopardy under Amendment V of the United States Constitution or Article I, Section 9 of the state Constitution;
- (4) The defendant pled not guilty and the evidence introduced at trial was insufficient to support the conviction;
- (5) The sentence imposed was in excess of the court's jurisdiction; or
- (6) There has been a significant change in the law, whether substantive or procedural, which is material to the conviction, sentence, or other order entered in a criminal or civil proceeding instituted by the state or local government, and either the legislature has expressly provided that the change in the law is to be applied retroactively, or a court, in interpreting a change in the law that lacks express legislative intent regarding retroactive application, determines that sufficient reasons exist to require retroactive application of the changed legal standard.

RCW 10.73.100; *See also, State v. King*, 130 Wn.2d 517, 530-31, 925 P.2d 606 (1996); *In re Detention of Aguilar*, 77 Wn. App. 596, 603, 892 P.2d 1091 (1995).

Courts examine the claims in an untimely petition, claim by claim, to determine whether there is an applicable exception in RCW 10.73.090 or .100. *In re Personal Restraint of Stoudmire*, 141 Wn.2d 342, 348-351, 5 P.3d 1240 (2000) ("*Stoudmire I*"). If the Court independently reviews a petition filed more than one year after finality, the issues within it must necessarily fall within one of three categories: 1) the issue is allowed under an exception listed in RCW 10.73.090(1); 2) the issue is allowed under an exception listed in RCW 10.73.100; 3) no exception applies, and the issue is time barred.

Issues that fall under an exception listed in RCW 10.73.090 are considered. *Stoudmire I*, 141 Wn.2d at 348-52. If all of the other remaining issues in the petition fall within the exceptions listed in RCW 10.73.100, the court hears the entire petition on its merits. If some or none of the remaining issues fall into any exception, the entire petition is dismissed. *Stoudmire I*, 141 Wn.2d at 349-51. A petitioner who files a “mixed petition” that includes some time barred issues is not entitled to have the court consider claims which fall under an exception in RCW 10.73.100; rather those issues are dismissed. *In re Personal Restraint of Hankerson*, 149 Wn.2d 695, 702, 72 P.3d 703 (2003)(“if a personal restraint petition claiming multiple grounds for relief is filed after the one-year period of RCW 10.73.090 expires, and the court determines that at least one of the claims is time barred, the petition must be dismissed.”)

The petitioner bears the burden of proving that his petition falls within an exception to the one-year time limit. *Shumway v. Payne*, 136 Wn.2d 383, 399-400, 964 P.2d 349 (1998). To meet that burden of proof, the defendant must state the applicable exception within his petition. *Stoudmire I*, 141 Wn.2d at 350. Neither the Supreme Court nor the Court of Appeals may grant relief on a petition that is time barred. *See* RAP 16.4(d).

Under RCW 10.73.090(3), a judgment becomes final on the last of the following dates:

- (a) The date it is filed with the clerk of the trial court;
- (b) The date that an appellate court issues its mandate disposing of a timely direct appeal from the conviction; or
- (c) The date that the United States Supreme Court denies a timely petition for certiorari to review a decision affirming the conviction on direct appeal. The filing of a motion to reconsider denial of certiorari does not prevent a judgment from becoming final.

Petitioner's judgment in this case became final on May 10, 1994, the date it was filed with the trial court. Appendix at 22; RCW 10.73.090(a). Petitioner had one year from that date to file a timely petition. Petitioner did not file this personal restraint petition until July 10, 2019, 25 years beyond the one year time limit. Because that date is beyond the one year time limit allowed under RCW 10.73.090, the petition is time barred and therefore should be dismissed.

2. THE COURT SHOULD DISMISS THIS PETITION WHERE THIS CLAIM HAS ALREADY BEEN REJECTED BY THIS COURT IN *McRAE*.

In 1997, the Legislature amended RCW 9.94A.030(12) to include all prior juvenile adjudications in criminal history, regardless of the offender's age at the time of either the original or the current offense.

Petitioner claims that because his prior plea agreements precluded it, his juvenile criminal history should not have been included in his offender score as some of his offenses occurred prior to his 15<sup>th</sup> birthday and because he was over 23 at the time of his most recent sentencing. *See* Personal Restraint Petition at 1. This identical claim was rejected by Division one of this Court:

The issue present in these cases is whether the defendants' juvenile adjudications must be excluded from their adult offender scores based on the bargains they reached in their juvenile pleas. We review the calculation of a offender score de novo. *State v. Roche*, 75 Wn. App. 500, 513, 878 P.2d 497 (1994).

A plea agreement is in the nature of a contract and once accepted by the trial court, it becomes a binding agreement between the defendant and the State. *State v. Hunsicker*, 129 Wn.2d 554, 559, 919 P.2d 79 (1996). When the fundamental principles of due process so dictate, the terms of a plea agreement may be enforceable notwithstanding the explicit, contrary terms of a statute. *See State v. Shineman*, 94 Wn. App. 57, 971 P.2d 94 (1999) (enforcing an agreement by the

State to recommend expungement of the charge from the defendant's record) (citing *State v. Miller*, 110 Wn.2d 528, 532, 756 P.2d 122 (1988)).

*State v. McRae*, 96 Wn. App. 298, 303, 979 P.2d 911 (1999).

The Court held that the State did not breach the earlier plea agreements and the defendants did not have a contractual right to have their offenses excluded from their criminal history. *Id.* at 305. Absent a specific promise in the agreements to exclude the convictions, the defendants could not establish that the use of the juvenile convictions breaches their prior agreements. *Id.* The State fulfills its obligations under a plea agreement if it acts in good faith and does not contravene any of the defendant's reasonable expectations that arise from the agreement. *State v. Marier*, 32 Wn. App. 503, 648 P.2d 903 (review denied, 98 Wn.2d 1007)(1982). However, defendants are not entitled to rely solely on an expectation that the sentencing laws would not change. *See State v. Hennings*, 129 Wn.2d 512, 528, 919 (1996) (a vested right entitled to due process protection "must be something more than a mere expectation based upon an anticipated continuance.") Petitioner's claim has been rejected by this Court in *McRae*. *McRae*, 96 Wn. App. at 303. As this Court has already held that there is no breach of a plea agreement, his claim is without merit and the petition must be dismissed.

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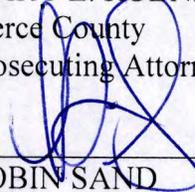
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D. CONCLUSION:

The State respectfully requests that this petition be dismissed where it is untimely and without merit as this Court in *McRae* has already rejected petitioner's claim.

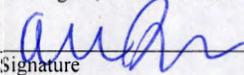
DATED: December 16, 2019.

MARY E. ROBNETT  
Pierce County  
Prosecuting Attorney

  
\_\_\_\_\_  
ROBIN SAND  
Deputy Prosecuting Attorney  
WSB # 47838

Certificate of Service:

The undersigned certifies that on this day she delivered by U.S. mail or ABC-LMI delivery to the petitioner true and correct copies of the document to which this certificate is attached. This statement is certified to be true and correct under penalty of perjury of the laws of the State of Washington. Signed at *Tacoma*, Washington, on the date below.

12/16/19   
Date Signature

## **APPENDIX "A"**

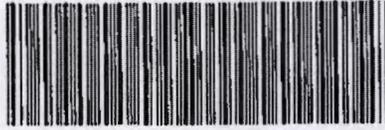
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06-1-01066-5 27007216 AMINF 02-21-07

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY



STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 06-1-01066-5

vs.

CHRISTOPHER WILLIAM BLACKWELL,

AMENDED INFORMATION

Defendant.

JAN 21 2007

DOB: 4/27/1981  
PCN#: 538712884

SEX : MALE  
SID#: 16666176

RACE: WHITE  
DOL#: WA BLACKCW196J7

COUNT I

I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse CHRISTOPHER WILLIAM BLACKWELL of the crime of MURDER IN THE FIRST DEGREE, committed as follows:

That CHRISTOPHER WILLIAM BLACKWELL, in the State of Washington, on or about the 15th day of June, 2003, did unlawfully and feloniously, while committing or attempting to commit the crime of Burglary in the First Degree and/or Robbery in the First Degree, and in the course of or in furtherance of said crime or in immediate flight therefrom, the defendant or an accomplice shot Joshua Dane May, thereby causing the death of Joshua Dane May, a human being, not a participant in such crime, contrary to RCW 9A.32.030(1)(c), and against the peace and dignity of the State of Washington.

DATED this 21st day of February, 2007.

PIERCE COUNTY SHERIFF  
WA02700

GERALD A. HORNE  
Pierce County Prosecuting Attorney

emm

By: [Signature]  
EDMUND M. MURPHY  
Deputy Prosecuting Attorney  
WSB#: 14754

ORIGINAL

AMENDED INFORMATION- 1

000001

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



FILED  
IN PIERCE COUNTY JUVENILE COURT

A.M. OCT 30 2018 P.M.

PIERCE COUNTY, WASHINGTON  
KEVIN STOCK, County Clerk  
DEPUTY

Christopher Blackwell  
8-034036 / R090

# ARCHIVE RECORD

STATE OF WASHINGTON, County of Pierce: I, Kevin Stock, Clerk of the Pierce County Superior Court, do hereby certify that this instrument is a true and correct copy of the original taken under my direction and control on the date attached hereto. IN WITNESS WHEREOF, I hereunto set my hand and the Seal of said Court.

Kevin Stock, Pierce County Clerk

*Carolyn Stewart*  
Carolyn Stewart, Deputy Court Clerk

IN THE SUPERIOR COURT IN AND FOR THE COUNTY OF PIERCE  
JUVENILE COURT

STATE OF WASHINGTON,

vs.

Plaintiff,

NO. 297774 R090  
RESTITUTION ORDER  
FILED

IN PIERCE COUNTY JUVENILE COURT

MAY 10 1994

PIERCE COUNTY WASHINGTON  
TED RUTY, County Clerk

BLACKWELL, Christopher

Defendant.

DOB: \_\_\_\_\_

THIS MATTER coming on regularly for hearing this date for the purpose of fixing restitution as required by RCW 13.40.190, and the Court having considered the juvenile's means and ability to acquire the means to make full or partial restitution; and the juvenile having heretofore been ordered to pay costs as follows:

IT IS HEREBY ORDERED:

Juvenile pay restitution in the sum of: \$ 431.00

IT IS FURTHER ORDERED that said restitution is to be paid at the monthly rate of \$ \_\_\_\_\_ beginning on \_\_\_\_\_ (Date) and paid in full by \_\_\_\_\_ (Date).

Payments are due by the 15th of each month.

Payment To:  
PIERCE COUNTY JUVENILE COURT  
5501 Sixth Avenue  
Tacoma, Washington 98406  
ATTENTION: COUNTY CLERK

Restitution must be paid by cashiers check or money order only, include your name and number as they appear at the top of this page:

**PERSONAL CHECKS NOT ACCEPTED**

All payments received shall be disbursed periodically to the following:

Name and Address	Restitution Amount
STEVEN PAGE (see VWAS)	\$1,293.00 = Total loss
	\$ 431.00 = Respondent's share

IT IS FURTHER ORDERED:

- (1) That willful non-compliance shall constitute a violation of Community Supervision, and/or contempt of Court.
- (2) That this order shall become final unless a petition to modify is filed within thirty (30) days of the date hereof.
- (3) That jurisdiction is extended to age 21 for the purpose of enforcing the provisions of this order until all payments have been made in full.

DONE IN OPEN COURT this 10 day of \_\_\_\_\_

May 10 1994  
Terry Lehman  
JUDGE/COMMISSIONER

Presented by:

[Signature]  
Deputy Prosecuting Attorney

[Signature]  
Defense Counsel  
Z-2393 (Revised 1-91)

000003

[Signature]  
Respondent

FILED

IN PIERCE COUNTY JUVENILE COURT

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF PIERCE  
JUVENILE COURT

MAY 10 1994

PIERCE COUNTY WASHINGTON  
TED RUTT, CLERK

By [Signature]  
DEPUTY

NO. 297774 R090

ORDER OF COMMITMENT

STATE OF WASHINGTON

v. Christopher Blackwell }

~~\_\_\_\_\_~~  
B/D 4/27/91

THIS MATTER coming on to be heard upon the information filed herein, and it appearing to the Court that all persons interested herein have had due notice of this proceeding according to the Statute in such cases made and provided, and that the child was represented by John Cross as counsel and the court having jurisdiction of the subject matter and of the parties and after hearing all the evidence adduced and being fully advised in the premises, finds that the said juvenile, age 13 years, has been found beyond a reasonable doubt to be a juvenile offender.

THE COURT BEING FULLY ADVISED now entered the following:

FINDINGS OF FACT

The court concludes that the child is a juvenile offender, and the Court has jurisdiction of the person and subject matter herein, and that the actions herein are necessary for the welfare and in the best interest of the said child and the State of Washington.

ORDER

IT IS HEREBY ORDERED, that the child is committed to the Department of Social and Health Services for institutional placement in such Reception Diagnostic Center or other juvenile correctional facility under the supervision of the Department as shall be designated in accordance with RCW 13.04.190.

IT IS FURTHER ORDERED, that the Department of Social and Health Services, Division of Juvenile Rehabilitation, shall have the authority to consent to medical, psychological, psychiatric, and dental care which may be deemed necessary by attending physicians, including such immunization as is required of students in the public schools, while the child remains in such custody.

IT IS FURTHER ORDERED, that the child is removed temporarily from the custody of parents and/or legal guardians and the child is to remain in the detention facilities of this Court pending transportation to the Department.

IT IS FURTHER ORDERED, that the period of commitment of said child shall be for a period of 65 weeks, with credit for 3 days served.

Done in open Court this 10 day of May, 1994.

[Signature]  
JUDGE/COMMISSIONER

APPROVED FOR ENTRY:

[Signature]  
Deputy Prosecuting Attorney

\_\_\_\_\_  
Attorney for Respondent

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FILED  
FOR THE COUNTY OF PIERCE  
JUVENILE COURT

IN PIERCE COUNTY JUVENILE COURT

MAY 10 1994

PIERCE COUNTY WASHINGTON  
TED RUTLAND County Clerk

DEPUTY

STATE OF WASHINGTON

vs.

CHRISTOPHER BLACKWELL,

D.O.B. 4/27/81

NO. 297774 R090

DISPOSITION ORDER

It has been found beyond a reasonable doubt that the above juvenile a  boy  girl of 12  
has committed the offense(s) ATTEMPTED TO ELUDE A PURSUING POLICE OFFICER,  
RCW 46.61.024, under Count I; and TAKING A MOTOR VEHICLE WITHOUT OWNER'S PERMISSION,  
RCW 9A.56.070(1), under Count II

As a result of this offense, and pursuant to the jurisdiction granted in RCW 13.04.030, the Court orders:

OFFENDER Classification  Serious  Middle  MFO

REPORT OFFENSE TO DEPARTMENT OF LICENSING

COMMUNITY SUPERVISION on conditions:

Special sex offender disposition alternative (SSODA)

The juvenile shall submit to \_\_\_\_\_ months supervision by the Probation Officer of the Court.

Counseling or treatment as ordered by the Probation Officer.

No violation of the criminal laws of this State, any other State, any political subdivision of this State, or any other State, or United States during the period of probation.

The Juvenile to reside only at a residence approved by Probation Officer.

Curfew: \_\_\_\_\_

No association with: \_\_\_\_\_

No alcohol or controlled substances, (including marijuana) except by doctor's prescription.

Maintain satisfactory effort and attendance at school or place of employment.

Subject to discipline of Probation Officer.

\_\_\_\_\_ hours of community service; proof to be furnished by Juvenile to Probation Officer thirty days prior to termination of supervision.

Detention at Remann Hall for \_\_\_\_\_ days. Credit for \_\_\_\_\_ days served.

Other: \_\_\_\_\_

COMMITMENT to Division of Juvenile Rehabilitation for a period of 65 weeks, with credit for 3 days served.



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE  
JUVENILE COURT

STATE OF WASHINGTON

JUDGE/COMMISSINER: Sebring

vs. Christopher Blackwell  
DEFENDANT  
(PRESENT: YES NO)

CLERK: Mason

REPORTER: [Signature]

P.O.: [Signature]

P.A.: [Signature]

CASE NO: 29774R090

DEFENSE ATTORNEY: J. Cross

24 HOUR: PROBABLE CAUSE ( ) FOUND ( ) NOT FOUND  
ARRAIGNMENT: ( ) FTA-WRA ( ) RTWA ( ) BAIL SET  
( ) GUILTY ( ) NOT GUILTY ( ) DETAINED ( ) RELEASED  
( ) READ IN OPEN COURT ( ) WAIVED READING  
DECLINE DECLINE HEARING ( ) WAIVED ( ) STIPULATED  
SCHD CONF DATE \_\_\_\_\_ @ 1:00 PM  
TRIAL DATE: \_\_\_\_\_ @ 9:00 AM

PROBATION VIOLATION: ( ) STIPULATES ( ) DETAINED \_\_\_\_\_ DAYS W/CR  
PRE-TRIAL REL VIOL: ( ) ALTERNATIVE DET

HEARING DATE SET: \_\_\_\_\_

DETENTION REVIEW: ( ) REVISE ORDER ( ) DETAINED ( ) RELEASED

PLEA: ( ) AS CHARGED ( ) AMENDED TO: \_\_\_\_\_  
( ) READ IN OPEN COURT ( ) WAIVED READING  
( ) ACCEPTED ( ) NOT ACCEPTED

DISPOSITION DATE SET: \_\_\_\_\_

DISPOSITION: (  ) MANIFEST (  ) UP (  ) DOWN Stipulated DOU  
( ) STANDARD RANGE ( ) OPTION B ( ) SSODA  
( ) COMMITMENT: (  ) DJR ( ) CAP COMMIT TIME: 65 wks  
COMMUNITY SUPERVISION: \_\_\_\_\_ MONTHS  
COMMUNITY SERVICE: \_\_\_\_\_ HOURS CREDIT Or 3 days  
CRIME VICTIMS ASSESS: \$ waived  
DETENTION: \_\_\_\_\_ DAYS CREDIT

RESTITUTION: (  ) SET AT \$ 467.00 ( ) HEARING SET: \_\_\_\_\_ ( ) PRESENTMENT

( ) STATE MOTION TO: \_\_\_\_\_ ( ) GRANTED  
( ) DEFENSE \_\_\_\_\_ ( ) DENIED  
( ) P.O. \_\_\_\_\_

( ) RELEASED ( ) DETAINED ( ) FTA-WRA ( ) ADVISED OF RIGHTS  
( ) HOME MONITORING ( ) WAIVED 30/60 DAY RULE ( ) EXT JURISDICTION  
( ) HOUSE ARREST

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

TODAY'S DATE: \_\_\_\_\_

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE

**FILED**

JUVENILE DIVISION

IN PIERCE COUNTY JUVENILE COURT  
A.M. MAY 10 1994 P.M.

STATE OF WASHINGTON, )  
Plaintiff )  
v. )  
CHRISTOPHER BLACKWELL )  
Respondent. )  
DOB: 4/27/81 )  
\_\_\_\_\_ )

PIERCE COUNTY WASHINGTON  
By TED RUTT County Clerk  
DEPUTY

NO. 297774 R090

PROBATION OFFICER'S MEMORANDUM  
REGARDING HEARSAY EVIDENCE  
AT DISPOSITION HEARING

TANYA MOE, PROBATION OFFICER, by and through her counsel of record, MARGARET ESOLA BARAN, submits this memorandum of law on the admissibility of certain hearsay evidence at the disposition hearing.

FACTS

Respondent Christopher Blackwell entered a plea of guilty on April 27, 1994 to Taking a Motor Vehicle Without the Owner's Permission and Eluding a Police Officer, which offenses occurred on April 8, 1994. The probation officer has filed a report seeking a finding of a manifest injustice and a commitment of 65 weeks. The report contains the Respondent's version of the offense, as well as probation officer's summary of his prior offense history, family history, relevant school information, drug alcohol history, pre-trial/detention progress, and progress while on probation. The probation officer's impressions and recommendations follow the summary.

PROBATION OFFICER'S MEMORANDUM OF LAW  
REGARDING ADMISSABILITY OF HEARSAY - 1

The probation officer intends to testify at the disposition hearing as to her conclusions and recommendations. She has also subpoenaed Don Ash, Vice Principal at Cedarcrest Junior High; Peggy Lindberg, Detention Supervisor, Todd Bogardus, Detention Programs Coordinator; and the Respondent's mother, Connie Blackwell. The Probation Officer does not intend to put on witness testimony as to the Respondent's entire social and legal history.

ISSUE

At a disposition hearing, is the court permitted to consider certain hearsay statements contained in the probation officer's report regarding the Respondent's legal and social history, where the Probation Officer will testify and be subject to cross-examination as to the basis for her recommendation that a manifest injustice be declared?

ARGUMENT

In juvenile court, fact-finding and adjudicatory hearings are conducted strictly in accordance with the Rules of Evidence. JuCR 3.7 and JuCR 7.11. However, disposition hearings are conducted with less formality, and hearsay may be allowed. This is similar to adult criminal sentencings or probation hearings.

RCW 13.40.150 (1) provides as follows:

In disposition hearings all relevant and material evidence, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value, even though such evidence may not be admissible in a hearing on the information. The youth or the youth's counsel and the prosecuting attorney shall be afforded an opportunity to examine and

controversial written reports so received and to cross examine individuals making reports when such individuals are reasonably available, but sources of confidential information need not be disclosed. The prosecutor and counsel for the juvenile may submit recommendations for disposition.

The Probation Officer's duties are set forth at RCW 13.04.040. The Probation Officer is required to:

(1) Receive and examine referrals to the juvenile court for the purpose of considering the filing of a petition or information;

(2) Make recommendations to the court regarding the need for continued detention or shelter care of a child;

(3) Arrange and supervise diversion agreements;

(4) Prepare predisposition studies as required in RCW 13.34.120 and 13.40.130 and be present at the disposition hearing to respond to questions regarding the predisposition study;

(5) Supervise court orders of disposition to ensure that all requirements of the order are met.

The Rules of Evidence, at ER 1101 (c)(3) specifically mention "disposition hearings in juvenile court" as among the miscellaneous proceedings to which the rules of evidence need not be applied. This rule, along with RCW 13.40.150 (1), were recently analyzed in the case of State v. S.S., 67 Wn. App. 800 (1992), a decision by Division One of the Court of Appeals.

In State v. S.S., the juvenile appealed a manifest injustice finding, partly on the grounds that he was denied his constitutional right to confront witnesses and his right to due process when the court considered a letter from a social worker who joined in the recommendation of the probation officer. The

PROBATION OFFICER'S MEMORANDUM OF LAW  
REGARDING ADMISSABILITY OF HEARSAY - 3

social worker was unavailable because he was on vacation and was not compelled by the prosecutor to testify at the hearing.

After considering the statute and the rules of evidence, as cited above, along with the relevant caselaw, the court held that neither the due process clause nor the confrontation clause of the sixth amendment to the U.S. Constitution barred the admittance of the letter into evidence. 67 Wn. App. at 809. Recognizing the due process and punitive implications of a manifest injustice hearing, the court nonetheless stressed the importance of the sentencing judge being able to consider reports and information that contribute to an understanding of the juvenile's capacity for rehabilitation. Due process is satisfied so long as the juvenile has an opportunity to rebut evidence presented at the disposition, and there is "some factual basis in the record to corroborate information supplied by persons who are not subject to cross examination." *Id.* at 807 - 808.

The court in S.S. also held that, aside from the constitutional issues, the statute did not require the presence of the author of the letter, "so long as the juvenile has an opportunity to refute the information in the report and so long as there is sufficient other evidence to corroborate any relevant and material factual allegations in the report which the juvenile may dispute." *Id.* at 810-811.

PROBATION OFFICER'S MEMORANDUM OF LAW  
REGARDING ADMISSABILITY OF HEARSAY - 4

In this case, the probation officer is the author of the report, and she will be available for direct and cross examination as to her report and recommendations. Much of her report is the Respondent's own admissions, and therefore no hearsay issue arises. The issue presented is whether the court may also consider her summary of his legal and social history, based on her interviews with previous probation officers, school officials, and the Respondent's mother, as well as her review of the circumstances of earlier convictions, drug/alcohol evaluations, detention and incident reports. (Some of this information will also be corroborated by the testimony of the other witnesses.)

The probation officer asserts that this is admissible hearsay evidence, under the statute and ER 1101 (c)(3), and it is precisely the type of information the court should consider in determining if a disposition within the standard range would impose a serious and clear danger to society in light of the purposes of the Juvenile Justice Act. RCW 13.40.020 (12). ("Manifest injustice" defined). The information is gathered by the Probation Officer during the course of her duties while supervising the Respondent on Community supervision, and while reviewing his status in detention. It is relied upon by the Probation Officer in forming her recommendation in this case. The probation officer should not be required to put on witness testimony by every teacher, detention staff or other witness who

PROBATION OFFICER'S MEMORANDUM OF LAW  
REGARDING ADMISSABILITY OF HEARSAY - 5

has first-hand knowledge of the Respondent's behavior.

Finally, as an expert witness, the probation officer may testify as to her opinion or recommendation even though it is not based on her first-hand observations of the Respondent:

The facts or data in the particular case upon which an expert bases an opinion or inference may be those perceived by or made known to the expert at the hearing. If of a type reasonably relied upon experts in the field in forming opinions or inferences upon the subject, the facts or data need not be admissible in evidence.

ER 703, Bases of Opinion Testimony by Experts.

The court may determine that the any uncorroborated hearsay information in the report, which the Probation Officer testifies to, is admissible solely to show the basis for the her expert opinion, and not as proof of the matters asserted. Group Health Cooperative of Puget Sound, Inc. v. Dept. of Revenue, 106 Wn. 2d 391 (1986), interpreting Evidence Rule 705.

#### CONCLUSION

At disposition, the court should allow certain hearsay evidence contained in the Probation Officer's report which goes to the Respondent's social history, including school behavior and attendance, detention behavior, and drug-alcohol evaluations.

RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of May, 1994.

*Margaret Esola Baran*  
MARGARET ESOLA BARAN #16279  
Attorney for Probation Officer  
Tanya Moe

Pierce County Juvenile Court  
5501 Sixth Avenue  
Tacoma, WA 98406

PROBATION OFFICER'S MEMORANDUM OF LAW  
REGARDING ADMISSABILITY OF HEARSAY - 7

95  
5-10-94  
DNTX  
TRM

**FILED**

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN PIERCE COUNTY JUVENILE COURT

IN AND FOR THE COUNTY OF PIERCE MAY 10 1994 P.M.

JUVENILE COURT

PIERCE COUNTY, WASHINGTON  
By TED RUTT County Clerk  
DEPUTY

STATE OF WASHINGTON, )  
 )  
 ) Plaintiff, )  
 )  
 ) vs. )  
 )  
 ) CHRISTOPHER BLACKWELL, )  
 ) DOB: 4/27/81 )  
 )  
 ) Respondent. )

NO. 297774 R090

ORDER FOR TRANSFER  
OF RESPONDENT

THIS MATTER coming before the court, on the motion of the state and it appearing that the respondent, CHRISTOPHER BLACKWELL, is charged with TAKING MOTOR VEHICLE WITHOUT PERMISSION in the above entitled cause and that the respondent is presently being held at Remann Hall; and it further appearing that it is necessary that he appear for proceedings in the above entitled matter, and the court being in all things duly advised, Now, Therefore,

IT IS HEREBY ORDERED that the Pierce County Sheriff's Office shall transport the respondent, CHRISTOPHER BLACKWELL, from Remann Hall to the Pierce County Jail, Tacoma, by the 10th day of May, 1994, at 10:00 a.m., to be held there pending proceedings in the above entitled matter, and

IT IS FURTHER ORDERED that immediately following the proceedings, Prosecuting Attorney's shall notify Pierce County Sheriff's Office so that they may reassume custody of the respondent and return him to

\*  
\*

ORDER FOR TRANSFER - 1

1 Remann Hall.

2 DONE IN OPEN COURT this 10 day of May, 1994.

3  
4 Terry Shupig  
J U D G E

5 Presented by:

6 Jerry R. Adair  
7 JERRY R. ADAIR  
8 Deputy Prosecuting Attorney  
9 WSB #10628

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28 ORDER FOR TRANSFER - 2

000016

Office of the Prosecuting Attorney  
Juvenile Division  
5501 Sixth Avenue  
Tacoma, Washington 98406-2697  
Telephone: (206) 597-3400

TKM  
OS 5-10

VICTIM IMPACT STATEMENT

FILED

Juvenile: BLACKWELL, Christopher; EATON, Alisha

Pierce County Juvenile Court

MAY 06 1994

Cause No: 297774 R090; 112112 R060

Pierce County Washington  
TED RUTZ, Clerk

You have the right to submit a victim impact statement to the court to be reviewed by the judge at the time of sentencing. This statement should describe the impact this crime has had on your life and/or the life of your family members.

I am a single parent of a seventeen year old girl, who I drive to school every day, and to therapy and dental appointments. I had to rent a car to ensure that I could do this until I could purchase another car. The cost of this was \$168.00. Also, I am being charged for the towing of the vehicle which was stolen and subsequently wrecked. The cost of the towing was \$114.00, and storage fees are \$13.00 a day. I have been unable to come up with this money due to the cost of renting a car, and the purchase of another car. The cost of my new (used) car was \$400.00, with additional registration fees.

I am in the military, and must report for duty at 0630 every day. So, I had to ensure that I had a car.

I understand that the parents of these children are no more financially well off than I am. I do not wish to cause them any undue hardship, but I would like to be reimbursed for the price of the vehicle which was wrecked, \$400.00, the cost of the rental, \$168.00, and the cost of the towing and storage, approximately \$200.00. Total, \$768.00. Thank you for any help you can provide.

Signed: [Signature]

Date: 29 Apr 94

This statement will be provided to the judge, prosecuting attorney, probation officer and juvenile's defense attorney who may review the statement with the juvenile.

Send the completed form to:  
Victim-Witness Assistance Service  
Remann Hall  
5501 Sixth Avenue  
Tacoma, WA 98406



RM  
DS  
5-10

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE  
JUVENILE COURT

5501 Sixth Avenue  
Tacoma, Washington 98406  
Telephone: (206) 756-0606

**FILED**  
IN PIERCE COUNTY JUVENILE COURT  
A.M. MAY 05 1994 P.M.  
PIERCE COUNTY, WASHINGTON  
TED RUTT, County Clerk  
By \_\_\_\_\_ DEPUTY

STATE OF WASHINGTON, )  
Plaintiff )  
vs. )  
CHRISTOPHER BLACKWELL )  
Respondent. )  
DOB: 4/27/81 )  
\_\_\_\_\_ )

NO: 297774 R090

NOTICE OF APPEARANCE

TO: CLERK OF THE COURT  
AND TO: OFFICE OF THE PROSECUTING ATTORNEY  
JOHN CROSS, ATTORNEY FOR RESPONDENT

Comes now MARGARET ESOLA BARAN and hereby enters her notice of appearance in the above-entitled matter as the attorney of record for TANYA MOE, Probation Officer, and hereby requests and demands that all pleadings hereafter be served upon her at the Pierce County Juvenile Court, 5501 - Sixth Avenue, Tacoma, Washington, 98406; Telephone 756-0606 ext. 323.

DATED this 3rd day of May, 1994.

*Margaret Esola Baran*  
MARGARET ESOLA BARAN #16279  
Pierce County Juvenile Court  
5501 Sixth Ave.  
Tacoma, WA 98406  
756-0606

SUPERIOR COURT OF WASHINGTON  
COUNTY OF PIERCE  
JUVENILE COURT

NO. 297774 RD90

Dependency of:

STATE OF WASHINGTON

✓

CHRISTOPHER BLACKWELL

AFFIDAVIT OF SERVICE  
(DEPENDENCY/GUARDIANSHIP/  
TERMINATION)

STATE OF WASHINGTON  
COUNTY OF PIERCE

ss.

The undersigned on oath states that:

1. I am: Sheila Mims  
a person over 18 years of age and not party to the proceedings.

2. I served: Don Ash - Vice Principal Cedar Crest Junior High  
with the following documents: Subpoena

3. Method of service:

Personally: On the 4 day of May 19 94 at 9:00 a.m. p.m.

Address: Cedar Crest Junior High Sparaway, WA 98387

By Mail: On the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

Address: \_\_\_\_\_

By Publication which commenced on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_  
(See printed copy of document attached.)

Myra Rucker  
Affiant

Title/Agency

Sworn and subscribed on the 4

day of May 19 94

Clerk/Notary Public

Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE  
JUVENILE COURT

5501 Sixth Avenue  
Tacoma, Washington 98406  
Telephone: (206) 756-0606

STATE OF WASHINGTON, )  
Plaintiff )  
vs. )  
CHRISTOPHER BLACKWELL )  
Respondent. )  
DOB: 4/27/81 )  
\_\_\_\_\_ )

NO: 297774 R090

SUBPOENA

TO:

Don Ash  
Vice Principal  
Cedercrest Junior High  
19120 13th Ct. E  
Spanaway, WA 98387

GREETINGS:

YOU ARE COMMANDED TO APPEAR at Pierce County Juvenile Court,  
5501 Sixth Ave., Tacoma, Washington, on the 10th day of May, 1994  
at 9:00 a.m. to testify in the above matter and to remain in  
attendance until you have given your testimony and you have been  
dismissed or excused by the court.

HEREIN FAIL NOT AT YOUR PERIL.

Dated: May 3, 1994

*Margaret Esola Baran*  
MARGARET ESOLA BARAN, #16279  
Attorney for Probation Officer

Pierce County Juvenile Court  
5501 Sixth Ave.  
Tacoma, WA 98406

756-0606 ext. 323

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE  
JUVENILE COURT

IN PIERCE COUNTY JUVENILE COURT  
A.M. APR 27 1994 P.M.

STATE OF WASHINGTON,

PIERCE COUNTY, WASHINGTON  
TED RUTLAND, County Clerk

Plaintiff,

By John Cross DEPUTY

vs.  
Christopher Blackwell  
DOB: 4/27/81  
Respondent.

NO. 297774 R090

STATEMENT OF RESPONDENT ON  
PLEA OF GUILTY

5/12/94 9.A.M.

Disposition date and time  
(Juvenile must be present)

Guilty Plea Statement

1. My Name is Christopher W. Blackwell

2. My age is 14. I was born on 4/27/81

3. I know that I have the right to a lawyer, and that if I cannot afford to pay for a lawyer, the court will provide me with one at no cost. A lawyer can look at my social and legal files, talk to the police, probation officer, and prosecuting attorney, tell me about the law, help me understand my rights, and help me at trial.

4. My lawyer is John Cross

5. I have been told and fully understand that I am charged with the (PLEASE CHECK:  Felony  Misdemeanor offense(s) of Taking Motor Vehicle without Owner's

permission; Attempting to Elude a Pursuing Police Vehicle  
I have been given a copy of the charge(s).

6. If I went to trial, the State would have to prove that I, in Pierce County, intentionally took a vehicle in a motor vehicle, knowing that it was without the owner's permission; willfully fail to stop while driving in a way that willful disregard for lives a property, and while attempting to elude a pursuing, pursuing police vehicle

7. I have been told and fully understand that I have the right to:
- (a) A speedy and public trial.
  - (b) Remain silent before and during trial. I need not testify against myself.
  - (c) Hear and question witnesses who might testify against me.
  - (d) Have witnesses testify for me. These witnesses may be required to appear at no cost to me.
  - (e) Testify on my own behalf.
  - (f) To be presumed innocent until each element of the offense I am charged with is proven beyond a reasonable doubt or I enter a plea of guilty.

Connie Blackwell  
Parent/Guardian/Custodian

Dated: 4/26/94

Chris Blackwell  
Respondent

[Signature]  
Defense/Lawyer

The foregoing statement was read by or to the respondent and signed by the respondent in the presence of his or her lawyer and the undersigned judge, in open court. The Court finds the respondent's plea of guilty is knowingly, intelligently, and voluntarily made, that the respondent has been advised by the Court concerning the nature of the offense, that there is a factual basis for the plea, and that the respondent is guilty as charged.

Dated: 4/26/94

Karen D Platt  
Deputy Prosecuting Attorney

[Signature]  
Judge/Commissioner

I am fluent in the \_\_\_\_\_ language and I have translated this entire document for the respondent from English into that language. The respondent has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ at Tacoma, Washington.

\_\_\_\_\_  
Interpreter

- 17. I have been told and fully understand that: (a) my plea of guilty and the Court's acceptance of my plea will become part of my criminal history; and (b) if the offense is a felony and I was 15 years of age or older when the offense was committed, then the plea will remain part of my criminal history when I am an adult, if I commit another offense prior to my twenty-third birthday, and may remain beyond that date.
- 18. I have been told and fully understand that if I plead guilty and the Court accepts my plea, my criminal history may cause the Court to give me a longer sentence for any offenses that I commit in the future.
- 19. I have been told and fully understand that if the Court accepts my plea of guilty, I will be ordered to pay a Crime Victim Penalty Assessment, and that I may be ordered to pay a court costs and restitution to the victim(s).
- 20. I have been told and fully understand that the prosecuting attorney will make the following recommendation to the Court:

S. R. & restitution

- 21. I have been told and fully understand that the probation officer will make the following recommendation to the Court:

Manifest Injustice

- 22. The Court has asked me to state in my own words what I did that resulted in my being charged with the offense(s). This is my statement:

*On April 8, 1994, in Pierce County, I was driving a motor vehicle, knowing that it was without the owner's permission. I tried to get away when a police car put on its lights & tried to pull me over; I drove recklessly while fleeing.*

*CBZ*

- 23. I plead guilty to the charge(s) of

TMVOP; Fleeing

- 24. I make this plea freely. No one has threatened to harm me or anyone else in order to have me plead guilty.
- 25. The only promises, if any, made to me to cause me to plead guilty are contained in paragraphs 20 and 21.
- 26. I understand that if I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under the state law, may be grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
- 27. I have read or someone has read to me everything printed above and I have been given a copy of this statement. I have no more questions to ask the Court.
- 28. I have been informed that this offense may be reported to the Department of Licensing.

- (g) Appeal a finding of guilt after a trial.  
 (h) If I plead guilty, I give up the rights listed in 7 (a)-(g).

8. I have been told and fully understand that the court will consider my criminal history at sentencing.
9. I have been told and fully understand that with my criminal history and present offense(s), I am classified as a:  minor/first offender  middle offender  serious offender
10. I have been told and fully understand that the standard sentence for my offense(s) is:

Offense	Months CSPV	Hours of Service	\$	Days of Detention	Weeks of Commitment
TWOP	9-12	58-72	0-100	15-30	
EWing	9-12	56-72	0-100	15-30	

based upon my known criminal history contained in the attached form 6.

Attached history is accepted/disputed.

11. I have been told that if I am a minor/first offender or a middle offender, the Court has a second choice of sentencing (on each count) as follows:
- (a) Up to one year community supervision (probation), up to 150 hours community service and up to \$100 in fines; and
  - (b) In the case of a middle offender only, up to 30 days detention, if the Court finds either aggravating or mitigating circumstances.
12. I have been told and fully understand that the Court does not have to follow the sentencing recommendation of either the prosecuting attorney or probation officer. I have been told and fully understand that the Court must impose a sentence within the standard range unless the Court declares a Manifest Injustice supported by clear and convincing evidence. If the court declares a Manifest Injustice, either I or the State can appeal that sentence. If the sentence is within the standard range, no one can appeal that sentence. I have been told and fully understand that the maximum punishment I can receive is commitment until I am age 21 years old or 5 yrs.
13. I fully understand that if criminal history in addition to that referred to in paragraph 10 is discovered, the standard range will increase. Even so, I fully understand that my plea of guilty to this charge is binding upon me if accepted by the Court, and I cannot change my mind without Court approval, if additional criminal history is discovered.
14. I further understand that if additional criminal history is discovered, the prosecuting attorney's recommendation will increase upwards.
15. I know that if I am currently serving a term of community supervision, a plea of guilty may be grounds to modify that community supervision.
16. I have been told and fully understand that the present offense(s)  is  is not a "sex offense" as defined by RCW 9.9A.030. I have been told and fully understand that if it is such an offense, I may be required to register with the County sheriff's office as a sex offender pursuant to RCW 9A.44.130.

DISPO  
5-10

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE  
JUVENILE COURT

FILED

PIERCE COUNTY JUVENILE COURT

APR 4 5 1994

PIERCE COUNTY JUVENILE COURT  
TED [Signature] County Clerk

DEPUTY

STATE OF WASHINGTON,

Plaintiff,

NO. 297774 R090

vs.

NOTE OF ISSUE

Christopher Blackwell,

Respondent.

TO:

MV Ross , Deputy Prosecuting Attorney  
John Cross , Respondent's Attorney  
Janya Mae , Probation Officer

PLEASE NOTE THAT THE ABOVE LISTED CAUSE HAS BEEN SCHEDULED FOR HEARING ON THE DATE AND TIME SET FORTH BELOW:

Nature of Hearing: \_\_\_\_\_

TO THE CLERK:

Please place on the Trial docket, the above entitled hearing,  
to be called on the 10<sup>th</sup> day of May, 19 94 at 9:00 a.m./p.m.

TO BE HEARD IN DEPARTMENT:

Juvenile [] or

Judge \_\_\_\_\_, Department # \_\_\_\_\_ Room # \_\_\_\_\_

MOVING PARTY:

[ ] STATE

[ ] DEFENSE

Janya Mae  
[] PROBATION OFFICER

COPY RECEIVED ON THIS 26<sup>th</sup> day of April, 19 94

BY: [Signature] #2010  
[ ] STATE [ ] DEFENSE [ ] PROBATION OFFICER

BY: [Signature]  
[ ] STATE [ ] DEFENSE [ ] PROBATION OFFICER

Tanya  
Noe

IN THE SUPERIOR COURT OF STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE  
JUVENILE COURT

FILED

APR 20 1994

By [Signature]  
DEPUTY

STATE OF WASHINGTON,

Plaintiff,

vs.

Christopher Blackwell

DOB

4-27-81

Respondent.

NO. 297774 R090

ORDER ON SCHEDULING CONFERENCES

The State and Respondent have personally appeared this day and the court has set these future court dates.

PLEA & SENTENCING \_\_\_\_\_

TIME: \_\_\_\_\_

TRIAL \_\_\_\_\_

TIME: 9:00 A.M.

OTHER RETURN DATE \_\_\_\_\_

TIME: \_\_\_\_\_

PLEA ONLY 4/26/94

TIME: 2:30 pm

DETENTION REVIEW REQUESTED YES [ ] NO []

FAILURE TO APPEAR FOR ANY OF THE ABOVE DATES WILL RESULT IN A BENCH WARRANT BEING ISSUED FOR YOUR ARREST.

30 DAYS EXPIRE 5-13-94

60 DAYS EXPIRE 6-12-94

WAIVER OF SPEEDY TRIAL ATTACHED [ ]

DATED this 20<sup>th</sup> day of April, 1994

[Signature]  
JUDGE/COMMISSIONER

COPY RECEIVED

RESPONDENT: [Signature] DATE: \_\_\_\_\_

RESPONDENT'S ATTORNEY: [Signature] #20142

DEPUTY PROSECUTING ATTORNEY: [Signature] #12910

*William J. Nichols*  
1984 APR 15 1994

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE  
JUVENILE COURT

FILED  
IN PIERCE COUNTY JUVENILE COURT

APR 15 1994

PIERCE COUNTY, WASHINGTON  
TED RUTTY County Clerk  
By *WR*  
DEPUTY

STATE OF WASHINGTON,

Plaintiff,

NO. *29777 R90*

NOTICE OF APPEARANCE

vs.

*Christopher W. Blackwell*  
DOB: *4/27/81*  
Defendant

To the State of Washington, by and through the Pierce County Prosecuting Attorney:

Please take notice that the above-named defendant hereby appears in the above-entitled action by and through his appointed counsel

*John Cross*

Dated this *15<sup>th</sup>* day of *April*, 19*94*

By: *Larry Nichols*

LARRY NICHOLS  
Supervising Attorney, Juvenile Division  
Department of Assigned Counsel  
949 Market Street  
Tacoma, Washington 98402  
Phone: (206) 591-6062

*sc 4/19/94*

30 DAYS

60 DAYS FILED

IN PIERCE COUNTY JUVENILE COURT

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE  
JUVENILE DIVISION

APR 13 1994

PIERCE COUNTY, WASHINGTON  
JUDICIAL CENTER

By: *[Signature]*  
DEPUTY

NO. 297774 R090

STATE OF WASHINGTON

Plaintiff,

vs.

CHRISTOPHER W. BLACKWELL

DOB

04-27-81

Respondent.

ORDER TO APPEAR  
FOR SCHEDULING CONFERENCE AND TRIAL

The above-named respondent ordered to appear:

CONFERENCE

DATE:	4/19/94
TIME:	1:00 PM
ROOM #:	"B" LOBBY

TRIAL

DATE:	5/10/94
TIME:	9:00 AM
ROOM #:	"A" LOBBY

REMANN HALL-JUVENILE COURT  
5501 Sixth Avenue  
Tacoma, Washington 98406

At this time, your trial date and any other mandatory appearances will be set.

Respondent will be represented by Department of Assigned Counsel (DAC);

Respondent will hire own attorney who will appear on above date.

FAILURE TO APPEAR WILL RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.

4-13-94

DATED

*[Signature]*  
JUDGE

COPY RECEIVED:

RESPONDENT:

*[Signature]*

Date:

4-13-94

ATTORNEY FOR RESPONDENT:

*[Signature]*

ATTORNEY FOR PLAINTIFF:

*[Signature]*  
2/302

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE  
JUVENILE COURT

5501 Sixth Avenue • Tacoma, Washington 98406-2697 • (206) 756-0606

APR 13 1994  
PIERCE COUNTY JUVENILE COURT  
TED R. [Signature]  
DEPUTY

STATE OF WASHINGTON,  
Plaintiff,  
vs.  
Christopher Blackwell  
Respondent.  
DOB: 4.27.81

P.O. [Signature]  
Arraignment Date/Time  
Trial Date/Time 5-10-94 9 AM  
Disposition Date/Time

NO. 297774 R090

ORDER ESTABLISHING CONDITIONS  
OF RELEASE PENDING:

ARRAIGNMENT/TRIAL/DISPOSITION

IT IS HEREBY ORDERED THAT THE ABOVE-NAMED JUVENILE SHALL BE  
DETAINED.

IT IS HEREBY ORDERED THAT THE ABOVE-NAMED JUVENILE MAY POST BOND  
IN THE AMOUNT OF \$ \_\_\_\_\_, AND SHALL BE RELEASED UPON PAYMENT  
OF SAID BOND PENDING NEXT COURT HEARING SUBJECT TO THE FOLLOWING  
CONDITIONS: see below

IT IS HEREBY ORDERED THAT THE ABOVE-NAMED JUVENILE SHALL BE  
RELEASED FROM CUSTODY PENDING NEXT COURT HEARING ON PERSONAL  
RECOGNIZANCE SUBJECT TO THE FOLLOWING CONDITIONS: see below

CONDITIONS OF RELEASE:

- Submit to the supervision of: \_\_\_\_\_
- Reside only at: \_\_\_\_\_
- House Arrest: Remain at residence at all times in the company of supervising adult, exceptions as follows: \_\_\_\_\_
- Obey rules of parent of supervising adult.
- Travel restricted to Pierce, King, Kitsap and Thurston Counties.
- Maintain contact with Probation Officer and Defense Attorney.
- No association or contact with: \_\_\_\_\_

*Christopher Blackwell*

Juvenile

1500 10 30 2010 00000  
*297774 R 90*

Cause Number

- No personal contact with the complaining witness or witnesses.
- No violation of the criminal laws of this State, any political subdivision of this state or any other State, or the United States, during the period of release.
- Attendance at school or place of employment without unexcused absences.
- Additional conditions of release:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**FAILURE TO APPEAR AFTER HAVING BEEN RELEASED ON PERSONAL RECOGNIZANCE IS AN INDEPENDENT OFFENSE.**

DATED this 11<sup>th</sup> day of \_\_\_\_\_

*April 19 94*  
*[Signature]*  
JUDGE/COURT COMMISSIONER

**PARENT/SUPERVISING ADULT AND JUVENILE - PLEASE READ:**

I have read the above conditions of release and any other conditions of release that may be attached. I agree to follow said conditions and understand that a violation will lead to my arrest and may result in my detention until trial or other resolution of this matter. I further agree and promise to appear before this Court or any other place as this Court may order upon notice delivered to me at my address stated below or upon notice to my attorney.

**PARENT/SUPERVISING ADULT AND JUVENILE-PLEASE SIGN**

\_\_\_\_\_  
PARENT

\_\_\_\_\_  
JUVENILE

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE  
JUVENILE COURT

STATE OF WASHINGTON

JUDGE/COMMISSIONER: ~~XXXXXXXXXXXX~~ FREDERICK FLEMING

VS. Christopher Blackwell DEFENDANT  
(PRESENT:        YES        NO)

CLERK: P. ~~SPRINKER~~ Rusler  
REPORTER: EVELYN PETERSON  
P.O.: SEM for TKM  
P.A.: Neel

CASE NO: 297774R090

DEFENSE ATTORNEY: O'Brien

24 HOUR: PROBABLE CAUSE ( ) FOUND ( ) NOT FOUND  
 ARRAIGNMENT: ( ) FTA-WRA ( ) BTWA ( ) BAIL SET  
( ) GUILTY (  ) NOT GUILTY (  ) DETAINED ( ) RELEASED  
( ) READ IN OPEN COURT (  ) WAIVED READING  
       DECLINE DECLINE HEARING ( ) WAIVED ( ) STIPULATED  
SCHED CONF DATE 4-19 @ 1:00 PM  
TRIAL DATE: 5-10 @ 9:00 AM

       PROBATION VIOLATION: ( ) STIPULATES ( ) DETAINED        DAYS W/CR  
       PRE-TRIAL REL VIOL: ( ) ALTERNATIVE DET  
HEARING DATE SET:       

       DETENTION REVIEW: ( ) REVISE ORDER ( ) DETAINED ( ) RELEASED

       PLEA: ( ) AS CHARGED ( ) AMENDED TO:         
( ) READ IN OPEN COURT ( ) WAIVED READING  
( ) ACCEPTED ( ) NOT ACCEPTED  
DISPOSITION DATE SET:       

       DISPOSITION: ( ) MANIFEST UP DOWN  
( ) STANDARD RANGE ( ) OPTION B ( ) SSODA  
( ) COMMITMENT: ( ) DJR ( ) CAP COMMIT TIME:         
COMMUNITY SUPERVISION:        MONTHS  
COMMUNITY SERVICE:        HOURS CREDIT  
CRIME VICTIMS ASSESS: \$         
DETENTION:        DAYS CREDIT

       RESTITUTION: ( ) SET AT \$        ( ) HEARING SET:        ( ) PRESENTMENT  
       ( ) STATE MOTION TO:        ( ) GRANTED  
       ( ) DEFENSE        ( ) DENIED  
       ( ) P.O.

( ) RELEASED ( ) DETAINED ( ) FTA-WRA ( ) ADVISED OF RIGHTS  
( ) HOME MONITORING ( ) WAIVED 30/60 DAY RULE ( ) EXT JURISDICTION  
( ) HOUSE ARREST

OTHER:         
TODAY'S DATE: 4-12-94

APR 12 1994

By: *[Signature]*  
PIERCE COUNTY, WASHINGTON  
JUVENILE COURT  
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF PIERCE

JUVENILE COURT

STATE OF WASHINGTON,

Plaintiff,

vs.

CHRISTOPHER BLACKWELL,

DOB: 04-27-81

Respondent.

NO. 297774 R090

INFORMATION

I, JOHN W. LADENBURG, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse CHRISTOPHER BLACKWELL of the crime of ATTEMPTING TO ELUDE A PURSUING POLICE OFFICER, committed as follows:

That CHRISTOPHER BLACKWELL, in Pierce County, Washington, on or about the 8TH day of APRIL, 1994, did unlawfully and wilfully fail or refuse to immediately bring his vehicle to a stop and drove his vehicle in a manner indicating a wanton or wilful disregard for the lives or property of others while attempting to elude a pursuing police vehicle, after being given a visual or audible signal to bring his vehicle to a stop, contrary to RCW 46.61.024,

COUNT II

And I, JOHN W. LADENBURG, Prosecuting Attorney aforesaid, do accuse the respondent of the additional crime of TAKING A MOTOR VEHICLE WITHOUT OWNER'S PERMISSION, committed as follows:

That CHRISTOPHER BLACKWELL, in Pierce County, Washington, on or about the 8TH day of APRIL, 1994, did unlawfully without the permission of STEVEN PAGE, the owner or person entitled to the possession thereof,

INFORMATION - 3

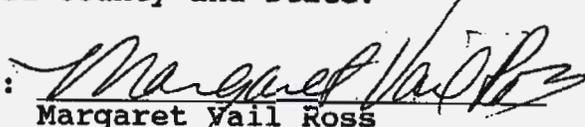
Office of the Prosecuting Attorney  
Juvenile Division  
5501 Sixth Avenue  
Tacoma, Washington 98406-2697  
Telephone: (206) 597-3400

1 intentionally take or drive away a motor vehicle, to-wit: 1977 TOYOTA  
2 CELICA, contrary to RCW 9A.56.070(1), and against the peace and dignity  
3 of the State of Washington.

4 DATED this 12TH day of APRIL, 1994.

5 JOHN W. LADENBURG  
6 Prosecuting Attorney in and for  
7 said County and State.

8 mvr

By: 

Margaret Yail Ross  
Deputy Prosecuting Attorney  
WSB # 12910

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28 INFORMATION - 4

000034

Office of the Prosecuting Attorney  
Juvenile Division  
5501 Sixth Avenue  
Tacoma, Washington 98406-2697  
Telephone: (206) 597-3400



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Suspect EATON admitted that she knew the vehicle was stolen as she was with suspect BLACKWELL when he took the vehicle from a parking lot.

*Margaret Valles*  
WSB# 12910

Subscribed and sworn to before me this 12th day of April, 1994.

*[Signature]*  
Notary Public in and for the State of Washington, residing in the County of Pierce. Commission expires: 2/23/98

mvr



06-1-01066-5 25066310 INFO 03-06-06

FILED  
IN COUNTY CLERK'S OFFICE

A.M. MAR 06 2006 P.M.

PIERCE COUNTY, WASHINGTON  
KARIN STOK, County Clerk  
BY \_\_\_\_\_ DEPUTY

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 06-1-01066-5

vs.

CHRISTOPHER WILLIAM BLACKWELL,

INFORMATION

Defendant.

309 22772

DOB: 4/27/1981

SEX : MALE

RACE: WHITE

PCN#:

SID#: 16666176

DOL#: WA BLACKCW196J7

CO-DEF: GEORGE WILLIAM SCANLAN 06-1-01062-2

CO-DEF: TERISHA MARIE ANN SCHODRON 06-1-01063-1

CO-DEF: ANTWONN DEMETRIES WASHINGTON 06-1-01064-9

CO-DEF: LESLEY RUTHE REED 06-1-01065-7

COUNT I

I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse CHRISTOPHER WILLIAM BLACKWELL of the crime of MURDER IN THE FIRST DEGREE, committed as follows:

That CHRISTOPHER WILLIAM BLACKWELL, in the State of Washington, on or about the 15th day of June, 2003, did unlawfully and feloniously, while committing or attempting to commit the crime of Burglary in the First Degree and/or Robbery in the First Degree, and in the course of or in furtherance of said crime or in immediate flight therefrom, the defendant or an accomplice shot Joshua Dane May, thereby causing the death of Joshua Dane May, a human being, not a participant in such crime, and during said conduct, and in the commission thereof, the defendant and/or an accomplice was armed with a firearm as defined in RCW 9.41.010, thereby invoking the provisions of RCW 9.94A.310/9.94A.510, and adding time to the presumptive sentence as provided in RCW 9.94A.370/9.94A.530, contrary to RCW 9A.32.030(1)(c), and against the peace and dignity of the State of Washington.

INFORMATION- 1

000037

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

## COUNT II

1  
2 And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the  
3 authority of the State of Washington, do accuse CHRISTOPHER WILLIAM BLACKWELL of the crime  
4 of BURGLARY IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based  
5 on the same conduct or on a series of acts connected together or constituting parts of a single scheme or  
6 plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to  
7 separate proof of one charge from proof of the others, committed as follows:

8 That CHRISTOPHER WILLIAM BLACKWELL, in the State of Washington, on or about the  
9 15th day of June, 2003, did unlawfully and feloniously, with intent to commit a crime against a person or  
10 property therein, enter or remain unlawfully in a building, located at 12217 115<sup>th</sup> Avenue Court East,  
11 Puyallup, Washington, and in entering or while in such building or in immediate flight therefrom, the  
12 defendant or another participant in the crime was armed with a firearm, a deadly weapon, contrary to  
13 RCW 9A.52.020(1)(a), and in the commission thereof the defendant, or an accomplice, was armed with a  
14 firearm as defined in RCW 9.41.010, and invoking the provisions of RCW 9.94A.310/9.94A.510, and  
15 adding additional time to the presumptive sentence as provided in RCW 9.94A.370/9.94A.530, and  
16 against the peace and dignity of the State of Washington.

## COUNT III

17 And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the  
18 authority of the State of Washington, do accuse CHRISTOPHER WILLIAM BLACKWELL of the crime  
19 of ROBBERY IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based  
20 on the same conduct or on a series of acts connected together or constituting parts of a single scheme or  
21 plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to  
22 separate proof of one charge from proof of the others, committed as follows:

23 That CHRISTOPHER WILLIAM BLACKWELL, in the State of Washington, on or about the  
24 15th day of June, 2003, did unlawfully and feloniously take personal property belonging to another with  
intent to steal from the person or in the presence of Travis Bride, the owner thereof or a person having  
dominion and control over said property, against such person's will by use or threatened use of immediate  
force, violence, or fear of injury to Travis Bride, said force or fear being used to obtain or retain  
possession of the property or to prevent or overcome resistance to the taking, and in the commission  
thereof, or in immediate flight therefrom, the defendant or an accomplice was armed with a deadly  
weapon, to-wit: a firearm, contrary to RCW 9A.56.190 and 9A.56.200(1)(a)(i), and in the commission  
thereof the defendant, or an accomplice, was armed with a firearm as defined in RCW 9.41.010, and  
invoking the provisions of RCW 9.94A.310/9.94A.510, and adding additional time to the presumptive  
sentence as provided in RCW 9.94A.370/9.94A.530, and against the peace and dignity of the State of  
Washington.

## COUNT IV

1  
2 And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the  
3 authority of the State of Washington, do accuse CHRISTOPHER WILLIAM BLACKWELL of the crime  
4 of ROBBERY IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based  
5 on the same conduct or on a series of acts connected together or constituting parts of a single scheme or  
6 plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to  
7 separate proof of one charge from proof of the others, committed as follows:

8 That CHRISTOPHER WILLIAM BLACKWELL, in the State of Washington, on or about the  
9 15th day of June, 2003, did unlawfully and feloniously take personal property belonging to another with  
10 intent to steal from the person or in the presence of Dalton Rasmussen, the owner thereof or a person  
11 having dominion and control over said property, against such person's will by use or threatened use of  
12 immediate force, violence, or fear of injury to Dalton Rasmussen, said force or fear being used to obtain  
13 or retain possession of the property or to prevent or overcome resistance to the taking, and in the  
14 commission thereof, or in immediate flight therefrom, the defendant or an accomplice was armed with a  
15 deadly weapon, to-wit: a firearm, contrary to RCW 9A.56.190 and 9A.56.200(1)(a)(i), and in the  
16 commission thereof the defendant, or an accomplice, was armed with a firearm as defined in RCW  
17 9.41.010, and invoking the provisions of RCW 9.94A.310/9.94A.510, and adding additional time to the  
18 presumptive sentence as provided in RCW 9.94A.370/9.94A.530, and against the peace and dignity of the  
19 State of Washington.

## COUNT V

20 And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the  
21 authority of the State of Washington, do accuse CHRISTOPHER WILLIAM BLACKWELL of the crime  
22 of ASSAULT IN THE SECOND DEGREE, a crime of the same or similar character, and/or a crime  
23 based on the same conduct or on a series of acts connected together or constituting parts of a single  
24 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 CHRISTOPHER WILLIAM BLACKWELL, in the State of Washington, on or about the  
15th day of June, 2003, did unlawfully and feloniously, under circumstances not amounting to assault in  
the first degree, intentionally assault Shawn Bender with a deadly weapon, to-wit: a firearm, contrary to  
RCW 9A.36.021(1)(c), and in the commission thereof the defendant, or an accomplice, was armed with a  
firearm as defined in RCW 9.41.010, and invoking the provisions of RCW 9.94A.310/9.94A.510, and  
adding additional time to the presumptive sentence as provided in RCW 9.94A.370/9.94A.530, and  
against the peace and dignity of the State of Washington.

## COUNT VI

1  
2 And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the  
3 authority of the State of Washington, do accuse CHRISTOPHER WILLIAM BLACKWELL of the crime  
4 of ARSON IN THE SECOND DEGREE, a crime of the same or similar character, and/or a crime based  
5 on the same conduct or on a series of acts connected together or constituting parts of a single scheme or  
6 plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to  
7 separate proof of one charge from proof of the others, committed as follows:

8 That CHRISTOPHER WILLIAM BLACKWELL, in the State of Washington, during the period  
9 between the 15th day of June, 2003 and the 16th day of June, 2003, did unlawfully, feloniously,  
10 knowingly, and maliciously cause a fire or explosion which damaged a Chevy Tahoe vehicle, located at  
11 5800 Sumner Heights Drive East, Sumner, Washington, contrary to RCW 9A.48.030(1), and against the  
12 peace and dignity of the State of Washington.

## COUNT VII

13 And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the  
14 authority of the State of Washington, do accuse CHRISTOPHER WILLIAM BLACKWELL of the crime  
15 of UNLAWFUL POSSESSION OF A FIREARM IN THE FIRST DEGREE, a crime of the same or  
16 similar character, and/or a crime based on the same conduct or on a series of acts connected together or  
17 constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and  
18 occasion that it would be difficult to separate proof of one charge from proof of the others, committed as  
19 follows:

20 That CHRISTOPHER WILLIAM BLACKWELL, in the State of Washington, on or about the  
21 15th day of June, 2003, did unlawfully, feloniously, and knowingly own, have in his possession, or under  
22 his control a firearm, he having been previously convicted in the State of Washington or elsewhere of a  
23 serious offense, as defined in RCW 9.41.010(12), contrary to RCW 9.41.040(1)(a), and against the peace  
24 and dignity of the State of Washington.

DATED this 6th day of March, 2006.

PIERCE COUNTY SHERIFF  
WA02700

GERALD A. HORNE  
Pierce County Prosecuting Attorney

emm

By: 

EDMUND M. MURPHY  
Deputy Prosecuting Attorney  
WSB#: 14754

INFORMATION- 4

000040

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

1 NO. 06-1-01066-5  
2 DECLARATION FOR DETERMINATION OF PROBABLE CAUSE

3 EDMUND M. MURPHY, declares under penalty of perjury:

4 That I am a deputy prosecuting attorney for Pierce County and I am familiar with the police  
5 report and/or investigation conducted by the PIERCE COUNTY SHERIFF, incident number 031660254;

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

7 That in Pierce County, Washington, on the 15<sup>th</sup> day of June, 2003, the defendants, GEORGE  
8 WILLIAM SCANLAN, TERISHA MARIE ANN SCHODRON, ANTWONN DEMETRIES  
9 WASHINGTON, LESLEY RUTHE REED and CHRISTOPHER WILLIAM BLACKWELL, did commit  
10 the crimes of Murder in the First Degree, Burglary in the First Degree, and Robbery in the First Degree  
11 (two counts).

12 On that same date, defendants SCANLAN, WASHINGTON, and BLACKWELL did commit the  
13 crime of Assault in the Second Degree, and defendants SCANLAN and BLACKWELL did commit the  
14 crime of Unlawful Possession of a Firearm in the First Degree.

15 During the period between the 15<sup>th</sup> day of June, 2003, and the 16<sup>th</sup> day of June, 2003, defendants  
16 SCANLAN, WASHINGTON, and BLACKWELL did commit the crime of Arson in the Second Degree.

17 In the early morning hours of June 15, 2003, three masked gunmen entered the residence at 12217  
18 115<sup>th</sup> Avenue Court East in Puyallup. The residence was being rented by Travis Bride and he was hosting  
19 a post-high school graduation party that night. Shortly after 5:00 a.m., there were approximately eight  
20 people in the residence. The armed intruders have been identified as ANTWONN DEMETRIES  
21 WASHINGTON, GEORGE WILLIAM SCANLAN, and CHRISTOPHER WILLIAM BLACKWELL.  
22 All three men were armed with firearms. Two females, LESLEY RUTHE REED and TERISHA MARIE  
23 ANN SCHODRON, were waiting in defendant REED's vehicle, which was parked in the driveway of the  
24 residence. They were acting as lookouts for the men and were using walkie-talkie type devices to  
communicate with the gunmen inside the residence. Occupants of the residence could hear the gunmen  
converse on the walkie-talkie with a female during the incident. Defendants REED and SCHODRON  
have been interviewed by the police and have admitted their involvement in this crime.

The plan was to rob the occupants of the residence of any valuables that could be found.  
Defendant REED had driven the other four defendants to the Bride residence in her vehicle. Upon exiting  
the vehicle, defendants WASHINGTON, SCANLAN, and BLACKWELL put masks over their faces and  
walked toward the residence, each carrying a firearm. The three men entered the residence without  
invitation by opening the door and walking inside. Shortly after the gunmen entered the residence, Travis  
Bride was struck in the face by the shotgun. Shawn Bender was also struck in the face with a firearm, and  
his face was still bleeding when police and medical aid arrived after the gunmen had left. All of the  
occupants of the residence were ordered to the floor and many had their heads covered with blankets or  
jackets. They were told to turn over their valuables and to not look at the gunmen. Travis Bride's wallet  
was taken, along with the keys to his Chevrolet Tahoe vehicle. Dalton Rasmussen also had his wallet  
taken by the gunmen.

The gunmen ransacked the residence, looking for other items to take. They were particularly  
interested in a safe belonging to Travis Bride. One gunman forced Bride into his bedroom, where it was  
believed that the safe was located, while the other gunmen stayed in the living room area. Several people  
had been sleeping in the bedroom, including 17-year old Joshua May. These people were also ordered to  
the floor and told to keep from looking at the gunman, who was armed with a shotgun. May continued to  
talk and move about. He was ordered to be quiet and to stop moving, but then was shot one time by the

DECLARATION FOR DETERMINATION  
OF PROBABLE CAUSE -1

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000041

1 man armed with the shotgun. May was struck by a shotgun slug that entered his neck/shoulder area and  
2 exited through his upper back. May subsequently died from his injuries. Defendant BLACKWELL has  
told at least two people that he is the one who shot Joshua May.

3 The gunmen fled from the residence, taking two firearms belonging to Travis Bride and multiple  
4 other items, including a large amount of cash. Defendants BLACKWELL and SCANLAN got back into  
5 defendant REED's vehicle, and she drove them to defendant BLACKWELL's residence. Defendant  
WASHINGTON drove away in Bride's Chevrolet Tahoe vehicle, taking it to defendant BLACKWELL'S  
6 residence. The vehicle was stripped of its rims and other valuable items and was burned the next night in  
the Sumner Heights area of Pierce County. ANTWONN DEMETRIES WASHINGTON has been  
7 identified as being the person who put a match to the gasoline-soaked vehicle. Defendants  
CHRISTOPHER WILLIAM BLACKWELL and GEORGE WILLIAM SCANLAN have been identified  
8 as being two of the people who poured gasoline on the vehicle before it was lit on fire.

9 Defendants REED and SCHODRON have acknowledged that, when the proceeds taken from the  
occupants of the Bride residence were split up between the five defendants, the two women were each  
10 given \$1,000.00 for their role in the crimes.

11 Defendant BLACKWELL has a prior juvenile adjudication for Residential Burglary in 1997, and  
12 defendant SCANLAN has a prior adult conviction for Conspiracy to Commit Robbery in the First Degree  
13 in 1998. Both of these are "serious offense", as defined in RCW 9.41.010.

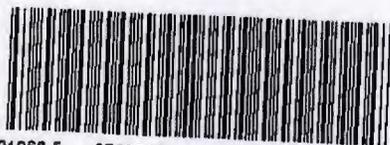
14 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF  
15 WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

16 DATED: March 6, 2006  
17 PLACE: TACOMA, WA

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19 \_\_\_\_\_  
20 EDMUND M. MURPHY, WSB# 14754

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DECLARATION FOR DETERMINATION  
OF PROBABLE CAUSE -2

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



06-1-01066-5 27007221 STTDFG 02-21-07



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 06-1-01066-5

vs.

Christopher Blackwell

Defendant.

STATEMENT OF DEFENDANT ON  
PLEA OF GUILTY

JAN 21 2007

1. My true name is: Christopher William Blackwell
2. My age is: 25
3. I went through the 12<sup>th</sup> grade.
4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:

(a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is D. G. Sepe wsBA 15879

(b) I am charged with the crime(s) of:

Count I: Murder in the First Degree

The elements are: In Pierce County, WA on or about 6-15-03 while committing the crime of Burglary 1<sup>o</sup> and/or Robbery 1<sup>o</sup> and in the course of or in furtherance of said crime the defendant or an accomplice caused the death (shot) Joshua May, a  
 This crime carries a maximum sentence of Life years imprisonment and a \$ 50000 fine. The standard range if from 370 months to 493 human being months based upon the attached stipulation as to my criminal history.

Offense Designations: Most Serious Offense [ ] Serious Violent [X] Violent [ ]  
 Non-Violent [ ] Sex [ ] Drug [ ] Traffic [ ] Check all that apply.

Count II: \_\_\_\_\_

Elements: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

This crime carries a maximum sentence of \_\_\_\_\_ years imprisonment and a \$ \_\_\_\_\_ fine. The standard range is from \_\_\_\_\_ months to \_\_\_\_\_ months based upon the attached stipulation as to my criminal history.

Offense Designations: Most Serious Offense[ ] Serious Violent[ ] Violent[ ] Non-Violent[ ] Sex[ ] Drug[ ] Traffic[ ] (check all that apply)

(c) \_\_\_\_\_ Additional counts are addressed in Attachment "B".

5. I UNDERSTAND THAT I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:

- (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
- (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
- (c) The right at trial to hear and question the witnesses who testify against me;
- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) I am presumed innocent unless the charge is proven 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 pretrial motions such as speedy trial challenges and suppression issues.

6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:

(a) Each crime with which I am charged carries a maximum sentence, a fine, and a STANDARD SENTENCE RANGE as follows:

COUNT NO.	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancement for (F) Firearm, (D) Other Deadly Weapon, (V) VUCSA in protected zone, (VH) Vehicular Homicide, See RCW 46.61.520, or (JP) Juvenile Present	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	STANDARD RANGE COMMUNITY CUSTODY (Only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph 6(f))	MAXIMUM PENALTY
1	370mos-493mos	—	370mos-493mos	24 + 0 48 mos	Life - 50000
2					

\_\_\_\_\_ Additional counts are addressed in Attachment "B".

STATEMENT OF DEFENDANT ON PLEA OF GUILTY - 2

- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.
- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding upon me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.
- (e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.
- (f) **For Crimes Committed Prior to July 1, 2000:**  
 In addition to sentencing me to confinement, the judge may order me to serve up to one year of community supervision if the total period of confinement ordered is less than 12 months. If this crime is a drug offense, assault in the second degree, assault of a child in the second degree, or any crime against a person in which a specific finding was made that I or an accomplice was armed with a deadly weapon, the judge will order me to serve at least one year of community placement. If this crime is a vehicular homicide, vehicular assault, or a serious violent offense, the judge will order me to serve at least two years of community placement. If this crime is a sex offense, the court will order me to serve at least three years of community custody. The actual period of community placement, community custody, or community supervision may be as long as my earned early release period. During the period of community placement, community custody, or community supervision, I will be under the supervision of the Department of Corrections, and I will have restrictions placed on my activities. My failure to comply with these conditions will render me ineligible for general assistance. RCW 74.04.005(6)(h).

**For Crimes Committed On or After July 1, 2000:**

For crimes committed on or after July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is less than 12 months. If the crime I have been convicted of falls into one of the offense types listed in the following chart, the court will sentence me to community custody for the community custody range established for that offense type unless the judge finds substantial and compelling reasons not to do so. If the period of earned release awarded per RCW 9.94A.150 is longer, that will be the term of my community custody. If the crime I have been convicted of falls into more than one category of offense types listed in the following chart, then the community custody range will be based on the offense type that dictates the

STATEMENT OF DEFENDANT  
 ON PLEA OF GUILTY - 3

longest term of community custody. If I have been convicted of a crime that is not listed in the chart and my sentence is more than 12 months, I will be placed on community custody for the period of earned release.

OFFENSE TYPE	COMMUNITY CUSTODY RANGE
Sex Offenses (Not sentenced under RCW 9.94A.120(8))	36 to 48 months or up to the period of earned release, whichever is longer
Serious Violent Offenses	24 to 48 months or up to the period of earned release, whichever is longer
Violent Offenses	18 to 36 months or up to the period of earned release, whichever is longer
Crimes Against Persons as defined by RCW 9.94A.440(2)	9 to 18 months or up to the period of earned release, whichever is longer
Offenses under Chapter 69.50 or 69.52 RCW (Not sentenced under RCW 9.94A.120(6))	9 to 12 months or up to the period of earned release, whichever is longer

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

- (g) The prosecuting attorney will make the following recommendation to the judge: Stipulate to 460 mos credit 334 days served (as of 2-21-07), concurrent with Pierce County Superior Ct # 03-1-05786-1.  
500 CWA, 200 CWS, 100 DNA, 1500 PAC, DNA testing  
Restitution joint/several, to be determined. 24 mos + 48 mos
- (h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range of actual confinement and community custody unless the judge finds substantial and compelling reasons not to do so. If the judge goes outside the standard range of actual confinement and community custody, either the State or I can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence. community custody. NO contact with victims, or family of Joshua May
- (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 understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040.

NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE.

- (k) This offense is a most serious offense, or strike, as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.  
In addition, if this offense is (1) rape in the first degree, rape of a child in the first degree, rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child molestation in the first degree, or (2) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation, or (3) any attempt to commit any of the crimes listed in this sentence, and I have at least one prior conviction for one of these listed crimes in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.
- The judge may sentence me as a first-time offender instead of giving me a sentence within the standard range if I qualify under RCW 9.94A.030. This sentence could include as much as 90 days confinement, and up to two years community supervision if the crime was committed prior to July 1, 2000, or two years of community custody if the crime was committed on or after July 1, 2000, plus all of the conditions described in paragraph (e). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.
- The judge may suspend execution of the standard range term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under RCW 9.94A.120(8). 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; and I will be subject to all of the conditions described in paragraph (e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.
- Because this crime involves a sex offense or a kidnaping offense involving a minor, I will be required to register where I reside, study, or work. The specific current registration requirements are set forth in Attachment "A". These requirements may change at a later date. I will be responsible for learning about any changes in the registration requirements and for complying with the registration requirements.
- (o) If this crime involves a sex offense or a violent offense, I will be required to provide a sample of my blood for purpose of DNA identification analysis.
- If this is a crime of domestic violence and if I, or the victim of the offense has a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

STATEMENT OF DEFENDANT  
ON PLEA OF GUILTY - 5

If this crime involves a sexual offense, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (AIDS) virus.

The judge may sentence me under the special drug offender sentencing alternative (DOSA) if I qualify under RCW 9.94A.120(6). This sentence could include a period of total confinement in a state facility for one-half of the midpoint of the standard range plus all of the conditions described in paragraph (e). During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose community custody of at least one-half of the midpoint of the standard range that must include appropriate substance abuse treatment, a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. Additionally, the judge could prohibit me from using alcohol or controlled substances, require me to devote time to a specific employment or training, stay out of certain areas, pay thirty dollars per month to offset the cost of monitoring and require other conditions, including affirmative conditions.

(s) If the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.

If this crime involves the manufacture, delivery, or possession with the intent to deliver methamphetamine or amphetamine, a mandatory methamphetamine clean-up fine of \$3,000.00 will be assessed. RCW 69.50.401(a)(1)(ii).

If this crime involves a motor vehicle, my driver's license or privilege to drive will be suspended or revoked. If I have a driver's license, I must now surrender it to the judge.

If this crime involves the offense of vehicular homicide while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, committed on or after January 1, 1999, an additional two years shall be added to the presumptive sentence for vehicular homicide for each prior offense as defined in RCW 46.61.5055(8).

DG.S, -  
EN  
CB  
applies →  
(w) ~~CB~~

The crime of Murder in the First Degree has a mandatory minimum sentence of at least 20 years of total confinement. 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(k).

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.

I understand that the offense(s) I am pleading guilty to include a deadly weapon or firearm enhancement. Deadly weapon or firearm 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 or firearm enhancements.

I understand that the offenses I am pleading guilty to include both a conviction under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and one or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm. The

STATEMENT OF DEFENDANT  
ON PLEA OF GUILTY - 6

sentences imposed for these crimes shall be served consecutively to each other. A consecutive sentence will also be imposed for each firearm unlawfully possessed.

(aa) This plea of guilty will result in the suspension of public assistance. RCW 74.08.290.

7. I plead guilty to count I in the Amended Information. I have received a copy of that information.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement: On 6-15-03 in Pierce County WA I committed the crimes of Robbery 1<sup>o</sup> and Burglary 1<sup>o</sup> and during the commission of these crimes I accidentally shot Joshua May and caused his death.

\* CB  
DBS

[ ] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

Chris W. Blakwell  
Defendant

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

Daniel [Signature]  
Defendant's Lawyer  
WSBA # \_\_\_\_\_

Approved for entry:

[Signature]  
Prosecuting Attorney  
WSBA# 14754

STATEMENT OF DEFENDANT  
ON PLEA OF GUILTY - 7

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check the appropriate box]:

- (a)  The defendant had previously read the entire statement above and the defendant understood it in full; or
- (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.

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 this 21 day of Feb, 2007.

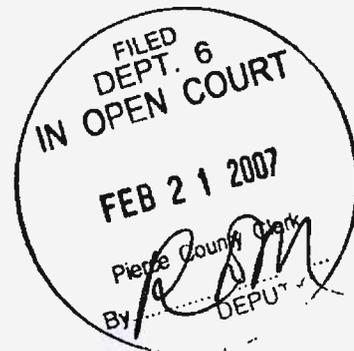
*[Signature]*  
Judge *Buckner*

**\*INTERPRETER'S DECLARATION**

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the \_\_\_\_\_ language, which the defendant understands, and I have translated \_\_\_\_\_ for the defendant from English into that language. The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Interpreter



**PIERCE COUNTY PROSECUTING ATTORNEY**

**December 16, 2019 - 4:05 PM**

**Transmittal Information**

**Filed with Court:** Court of Appeals Division II  
**Appellate Court Case Number:** 53860-1  
**Appellate Court Case Title:** Personal Restraint Petition of Christopher W Blackwell

**The following documents have been uploaded:**

- 538601\_Personal\_Restraint\_Petition\_20191216160135D2794362\_6946.pdf

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Personal Restraint Petition - Response to PRP/PSP

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