

FILED
Court of Appeals
Division II
State of Washington
5/4/2020 10:57 AM

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

STATE OF WASHINGTON,
Respondent,

v.

MARIO MARSHAWN STEELE,
Appellant.

PERSONAL RESTRAINT PETITION

Jeffrey E. Ellis #17139
Attorney for Mr. Steele
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621 SW Morrison St., Ste 1025
Portland, OR 97205
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JeffreyErwinEllis@gmail.com

I. IDENTITY OF PETITIONER

Mario Steele (DOC # 360516), Petitioner, applies for relief from confinement. Mr. Steele was convicted in Pierce County Superior Court of manslaughter and robbery. He is currently incarcerated at the Washington Correctional Center in Aberdeen, Shelton, Washington. This is his first Personal Restraint Petition.

II. STATEMENT OF THE CASE

Procedural History

Mr. Steele was charged and convicted of first-degree robbery and manslaughter in Pierce County Superior Court Case No. 11-1-00958-2.

On August 31, 2012, Steele entered an Alford plea of guilty. He was sentenced that same day.

Steele filed a notice of appeal on February 20, 2018. Because Steele had been misadvised about his right to appeal, this Court extended his time to appeal. On July 9, 2019, this Court issued an opinion affirming Steele's sentence. The Supreme Court denied review and this Court issued the mandate on November 13, 2019.

This PRP timely follows.

Facts

The State charged Steele with manslaughter based on Steele's "participa[tion] in the assault of Lenard Masten" thereby recklessly causing Masten's death and that in the commission of the crime, Steele, or an accomplice, was "armed with a firearm." CP at 2. The State charged Steele with robbery based on Steele's "tak[ing of] personal property belonging to another with intent to steal from the person . . . by use or threatened use of immediate force, violence, or fear of injury . . . and in the commission therefore, or in immediate flight therefrom, [Steele] was armed with a deadly weapon." CP at 3.

When he pleaded guilty, Steele agreed that the court could establish a factual basis for the plea by reviewing the statement of probable cause. It provided:

On January 16, 2011 at 20:32 hours, Lakewood Police were dispatched to 5510 Chicago Ave SW regarding a shooting. Lenard Masten, the victim, lived in an apartment at this address. En route dispatched advised the officers that the suspects were two black males in their 20s and one was armed with a gun. When the officers arrived, Lakewood Fire Department personnel was treating the [sic] Mr. Masten. Mr. Masten had a gunshot wound to his stomach. Mr. Masten was transported to St. Joseph Hospital, where he died in surgery.

Investigating detectives learned Mr. Masten had been dealing drugs. The detectives also learned STEELE had made several phone calls, both from his cell phone and landline, to Mr. Masten on the day of the murder. STEELE [sic] was interviewed by detectives and admitted to being involved in a drug deal with Mr. Masten at about 3:30 pm the day of the murder. STEELE told detectives he and a man known only as “Dre” purchased drugs from Mr. Masten. The defendant said that Dre was upset after the transaction because the drugs were bunk (fake). Dre asked STEELE to set-up a meeting so he could confront Mr. Masten. STEELE told the detectives that Dre said “I’ll get his ass.” STEELE believed Dre would either rob or assault Mr. Masten. STEELE admitted he set-up this meeting and phone records confirm there was a brief call between STEELE’S phone and Mr. Masten’s phone minutes before the murder.

Witnesses at the murder scene described the victim being confronted by two black males: a taller darker skinned man and a lighter skinned, shorter man with a goatee. One witness said she saw the man with the goatee carrying a handgun in the moments after the shooting. Witnesses indicated that the shooting party rummaged through Mr. Masten’s clothing and apparently took his cell phone, keys and perhaps other items [sic]. The shooter was observed running toward Masten’s apartment door. Assailants eventually ran to a nearby dark colored SUV and drove away.

V. ARGUMENT

Introduction

The facts of this case do not support a conviction for robbery. The use of force by the co-defendant was not threatened or used to accomplish the later taking of property. Mr. Masten’s property was taken from him only after he had been shot and

killed. This was not a case where the theft occurred after the threatened use of force but before the actual use of force. The victim was shot and killed by the co-defendant, and then his property was taken.

When a defendant enters an *Alford* plea, the trial court must exercise “extreme care” to ensure that the plea satisfies constitutional requirements. An *Alford* plea is valid if the record before the trial court contains strong evidence of actual guilt. *State v. Knotek*, 136 Wash. App. 412, 429–30, 149 P.3d 676, 684 (2006).

A person commits robbery by unlawfully taking personal property from another against his or her will by the use or threatened use of force to take or retain the property. *State v. Johnson*, 155 Wash.2d 609, 121 P.3d 91 (2005). Under the plain language of the statute, the crime of robbery requires that there be a taking of property and that the taking be forcible and against the will of the person from whom or from whose presence the property is taken; by this description, the legislature established an offense which is dual in nature, a property crime and a crime against the person. *State v. Tvedt*, 153 Wash.2d 705, 107 P.3d 728 (2005).

Robbery encompasses any taking of property that is attended with such circumstances of terror, or such threatening by menace, word or gesture as in common experience is likely to create an apprehension of danger and induce a man to part with property for the safety of his person. *State v. Clark*, (2015) 190 Wash.App. 736, 361 P.3d 168 (2015). Any force or threat, no matter how slight, which induces an owner to part with his property is sufficient to sustain a robbery conviction. *State v. Ammlung*, 31 Wash.App. 696, 704, 644 P.2d 717 (1982) (citing *State v. Redmond*, 122 Wash. 392, 210 P. 772 (1922)).

This is because the plain language of the robbery statute says the force must be used to obtain or retain possession of the property. A taking that occurs after the death of the property owner and which is not preceded by any words or attempted taking before the victim's death is still a crime. However, it is a theft, not a robbery.

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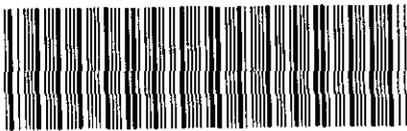
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VI. CONCLUSION

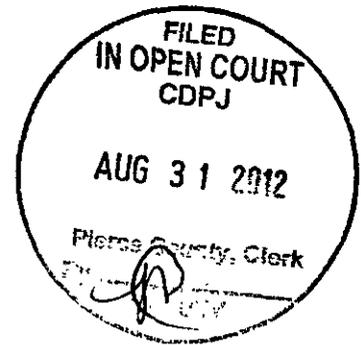
This Court should grant this PRP.

DATED this 4th day of May 2020

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



11-1-00958-2 39120988 JDSWCD 09-04-12



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO: 11-1-00958-2

vs.

MARIO MARSHAWN STEELE,

Defendant.

WARRANT OF COMMITMENT

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

SEP - 4 2012

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

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

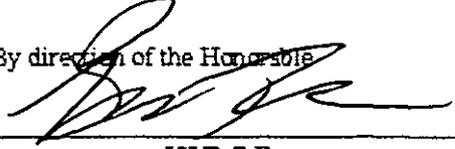
[] 1. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Pierce County Jail).

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

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

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

Dated: 8/31/12

By direction of the Honorable


JUDGE

KEVIN STOCK

CLERK

By: Melissa Engler

DEPUTY CLERK

CERTIFIED COPY DELIVERED TO SHERIFF
Melissa Engler
Deputy
SEP - 4 2012



STATE OF WASHINGTON

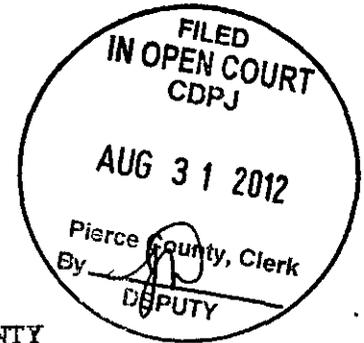
ss:

County of Pierce

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

KEVIN STOCK, Clerk
By: _____ Deputy

dlk



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 11-1-00958-2

vs.

JUDGMENT AND SENTENCE (J/S)

SEP - 4 2012

[X] Prison [] RCW 9.94A.712 Prison Confinement

MARIO MARSHAWN STEELE

Defendant.

[] Jail One Year or Less

[] First-Time Offender

SID: WA25773349

[] Special Sexual Offender Sentencing Alternative

DOB: 07-29-75

[] Special Drug Offender Sentencing Alternative

[] Breaking The Cycle (BTC)

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

[] Juvenile Decline [] Mandatory [] Discretionary

I. HEARING

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

II. FINDINGS

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

2.1 CURRENT OFFENSE(S): The defendant was found guilty on 08-31-12 by [X] plea [] jury-verdict [] bench trial of:

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO.
I	MANSLAUGHTER IN THE FIRST DEGREE (D&A)	9A.32.060(1)(a) 9.41.010 9.94a.530 9.94a.533	FASE	01-16-11	110160880
II	ROBBERY IN THE FIRST DEGREE (AAA1)	9A.56.190 9A.56.200(1)(a) (1)		01-16-11	110160880

12-9-09334-3

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

as charged in the Second Amended Information

- A special verdict/finding for use of firearm was returned on Count I RCW 9.94A.602, 9.94A.533.
 Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):
 Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

	CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J ADULT JUV	TYPE OF CRIME
1	DWLS		PIERCE CO.	07-26-98	A	NV
2	DWLS		PIERCE CO.	02-20-99	A	NV
3	ALCOHOL INTOX IN PUBLIC PLACE 1 ST & 2 ND OFFENSE	07-22-00	HARDIN CRT, KY	09-01-00	A	NV
4	DISORDERLY CONDUCT	07-05-06	HARDIN CRT, KY	10-11-06	A	NV

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

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	2	XI	95-125 MOS	60 MOS	155-185 MOS	LIFE
II	2	IX	41-54 MOS	N/A	41-54 MOS	LIFE

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

within below the standard range for Count(s) _____

above the standard range for Count(s) _____

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

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

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

JUDGMENT AND SENTENCE (JS)

(Felony) (7/2007) Page 2 of 11

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

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

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

2.6 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are [] attached [] as follows: 185 months DOC (125 + 60 FASE), 36 months Community Custody, No Contact w/Masten Family, Restitution by Order of Court - J&S w/other 2 defendants, \$500/\$200/\$100/\$1000 DAC.

III. JUDGMENT

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

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

IV. SENTENCE AND ORDER

IT IS ORDERED:

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

JASS CODE

<u>RTNR/JN</u>	\$ 5,750	Restitution to:	<u>Labor & Industries Crime Victim Compensation Claim</u>
			<u>VN 28217 J&S with Co-defendants</u>
	\$ _____	Restitution to:	<u>See attached order</u>
			(Name and Address--address may be withheld and provided confidentially to Clerk's Office).
<u>PCV</u>	\$ <u>500.00</u>	Crime Victim assessment	
<u>DNA</u>	\$ <u>100.00</u>	DNA Database Fee	
<u>PUB</u>	\$ <u>400</u>	Court-Appointed Attorney Fees and Defense Costs	
<u>FRC</u>	\$ <u>200.00</u>	Criminal Filing Fee	
<u>FCM</u>	\$ _____	Fine	

OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)

\$ _____ Other Costs for: _____

\$ _____ Other Costs for: _____

\$ ~~6950~~ TOTAL

6950

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

[] shall be set by the prosecutor.

[] is scheduled for _____

[X] RESTITUTION. Order Attached

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

[X] All payments shall be made in accordance with the policies of the clerk, commencing immediately, unless the court specifically sets forth the rate herein. Not less than \$ _____ per month commencing _____ RCW 9.94.760. If the court does not set the rate herein, the defendant shall report to the clerk's office within 24 hours of the entry of the judgment and sentence to set up a payment plan.

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

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

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

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

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

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

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

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

4.3 NO CONTACT

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

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

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

No Contact w/ Masten Family

4.4a BOND IS HEREBY EXONERATED

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

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

125	months on Count	I		54	months on Count	II
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A special finding/verdict having been entered as indicated in Section 2.1, the defendant is sentenced to the following additional term of total confinement in the custody of the Department of Corrections:

60	months on Count No	I			months on Count No	
----	--------------------	---	--	--	--------------------	--

Sentence enhancements in Counts I shall run

concurrent consecutive to each other.

Sentence enhancements in Counts I shall be served

flat time subject to earned good time credit

Actual number of months of total confinement ordered is: 185 months

(Add mandatory firearm, deadly weapons, and sexual motivation enhancement time to run consecutively to other counts; see Section 2.3, Sentencing Data, above).

The confinement time on Count(s) _____ contain(s) a mandatory minimum term of _____.

CONSECUTIVE/CONCURRENT SENTENCES. RCW 9.94A.589. All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm, other deadly weapon, sexual motivation, VUCSA in a protected zone, or manufacture of methamphetamine with juvenile present as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: _____

The sentence herein shall run consecutively to all felony sentences in other cause numbers imposed prior to the commission of the crime(s) being sentenced. The sentence herein shall run concurrently with felony sentences in other cause numbers imposed after the commission of the crime(s) being sentenced except for the following cause numbers. RCW 9.94A.589: _____

Confinement shall commence immediately unless otherwise set forth here: _____

(c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: 541 days

553 *RTJ*
ABT

4.6 [] COMMUNITY PLACEMENT (pre 7/1/00 offenses) is ordered as follows:

Count _____ for _____ months;

Count _____ for _____ months;

Count _____ for _____ months;

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

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

(1) the period of early release. RCW 9.94A.728(1)(2); or

(2) the period imposed by the court, as follows:

Count(s) I ~~36~~ 36 months for Serious Violent Offenses

Count(s) II 18 months for Violent Offenses

Count(s) _____ 12 months (for crimes against a person, drug offenses, or offenses involving the unlawful possession of a firearm by a street gang member or associate)

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

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

[] consume no alcohol.

have no contact with: the Masten family.

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

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

[] participate in the following crime-related treatment or counseling services: _____

[] undergo an evaluation for treatment for [] domestic violence [] substance abuse

[] mental health [] anger management and fully comply with all recommended treatment

[] comply with the following crime-related prohibitions: _____

[] Other conditions:

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

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

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

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

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

V. NOTICES AND SIGNATURES

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

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

5.3 **NOTICE OF INCOME-WITHHOLDING ACTION.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections or the clerk of the

court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A may be taken without further notice. RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606

5.4 RESTITUTION HEARING.

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

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

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

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

N/A

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

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

5.10 OTHER: See Appendix F

DONE in Open Court and in the presence of the defendant this date: 8/31/12

JUDGE

Print name

[Signature]
Judge Brian Tollefson

[Signature]
Deputy Prosecuting Attorney

Print name: John M. Sheeran

WSB # 26050

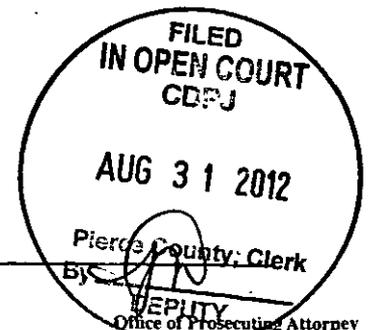
[Signature]
Attorney for Defendant

Print name: Philip Thornton

WSB # 20077

[Signature]
Defendant

Print name: Mario M. Steele



VOTING RIGHTS STATEMENT: RCW 10.64.140. I acknowledge that my right to vote has been lost due to felony convictions. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637, b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050, or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.660.

Defendant's signature: _____

[Handwritten signature]

CERTIFICATE OF CLERK

CAUSE NUMBER of this case: 11-1-00958-2

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

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

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

IDENTIFICATION OF COURT REPORTER

TIM REGIS

Court Reporter

APPENDIX "F"

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

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

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

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

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

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

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

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

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

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

- (I) The offender shall remain within, or outside of, a specified geographical boundary: Per CCO
- (II) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals: _____
- (III) The offender shall participate in crime-related treatment or counseling services;
- (IV) The offender shall not consume alcohol; Per CCO
- (V) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or
- (VI) The offender shall comply with any crime-related prohibitions.
- (VII) Other: _____

IDENTIFICATION OF DEFENDANT

SID No WA25773349
(If no SID take fingerprint card for State Patrol)

Date of Birth 07-29-75

FBI No 217787RA6

Local ID No UNKNOWN

PCN No 540362688

Other

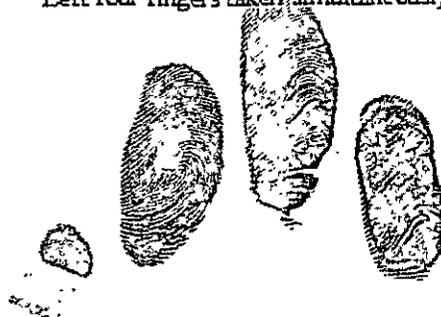
Alias name, SSN, DOB: 07-29-75

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

FINGERPRINTS

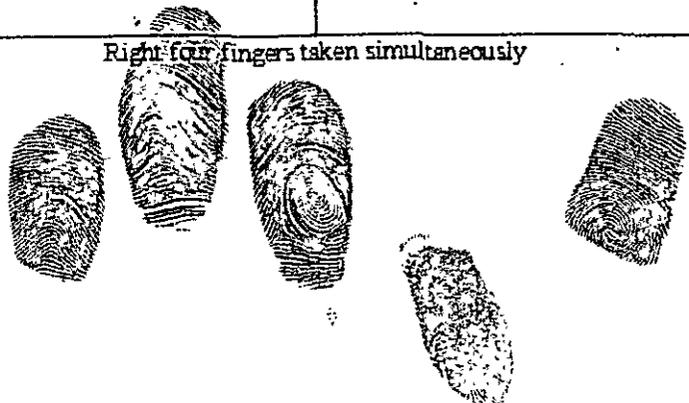
Left four fingers taken simultaneously

Left Thumb



Right Thumb

Right four fingers taken simultaneously



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

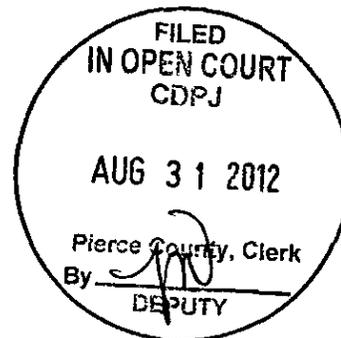
DEFENDANT'S SIGNATURE: X Maria Stuebs

Dated: 8/31/12

DEFENDANT'S ADDRESS: _____



11-1-00958-2 39120985 STDFG 09-04-12



**Superior Court of Washington
For Pierce County**

State of Washington

Plaintiff

vs.

MARCIO MARSHAWN STALL

Defendant

No. 11-1-00958-2

**Statement of Defendant on Plea of
Guilty to Non-Sex Offense
(STDFG)**

- 1. My true name is: MARCIO MARSHAWN STALL
- 2. My age is: 36
- 3. The last level of education I completed was 11th

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: Philip Thornton #2077

(b) I am charged with the crime(s) of:
Count I: MANSLAUGHTER IN THE FIRST DEGREE

MS

The elements are: ON 1/16/2011 in Pierce County, Washington, the Defendant did participate in the assault of Leonard Masten, thereby recklessly causing the death of MR. MASTEN, a human being. During the commission of the crime the Defendant or an accomplice was armed with a firearm.

Count II: ROBBERY IN THE FIRST DEGREE

MS

The elements are: ON 1/14/2011, in Pierce County Washington, the Defendant did take personal property belonging to another with intent to

MS

stolen from the person of Leonard Masten, the owner of property, against Masten's will by use or threatened use of immediate force, violence or fear of injury to Masten, said force used to detain

(c) Additional counts are addressed in Attachment "B" the property, and in the Commission the defendant was armed with a deadly weapon.

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

MS

(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;

MS

(b) The right to remain silent before and during trial, and the right to refuse to testify against myself;

MS

(c) The right at trial to hear and question the witnesses who testify against me;

MS

(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;

MS

(e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;

MS

(f) The right to appeal a finding of guilt after a trial as well as other pretrial motions such as time for 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:

MS

COUNT NO	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	COMMUNITY CUSTODY RANGE (Only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph 6(f))	MAXIMUM TERM AND FINE
1	2	95-125	60	155 - 185	36 MONTHS	life / \$50,000
2	2	41-54	N/A	41-54	36 MONTHS	life / \$50,000

*(F) Firearm, (D) other deadly weapon, (V) VUCSA in protected zone, See RCW 9.94A.633(6), (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present, See RCW 9.94A.605

MS

(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.

MS

(c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If the prosecutor and I disagree about the computation of the offender score, I

MS

understand that this dispute will be resolved by the court at sentencing. I waive any right to challenge the acceptance of my guilty plea on the grounds that my offender score or standard range is lower than what is listed in paragraph 6(a). If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.

- MS
- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.

- MS
- (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.

- MS
- (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 not more 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. 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 and requirements placed upon me. My failure to comply with these conditions will render me ineligible for general assistance. RCW 74.04.005(6)(h).

MS

For crimes committed on or after July 1, 2000: In addition to sentencing me to confinement, under certain circumstances the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. 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.728 is longer, that will be the term of my community custody. If the crime I have been convicted of falls into more than one category of offense types listed in the following chart, then the community custody range will be based on the offense type that dictates the longest term of community custody.

OFFENSE TYPE	COMMUNITY CUSTODY RANGE
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.411(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.660)	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 and requirements placed upon me. My failure to comply with these conditions will render me ineligible for general assistance, RCW 74.04.005(6)(h), and may result in the Department of Corrections transferring me to a more restrictive confinement status or other sanctions.

If I have not completed my maximum term of total confinement and I am subject to a third violation hearing and the Department of Corrections finds that I committed the violation, the Department of Corrections may return me to a state correctional facility to serve up to the remaining portion of my sentence.

- (g) The prosecuting attorney will make the following recommendation to the judge: AGREED RECOMMENDATION OF 185 (125 plus 60 FASE) in DOC, 36 MONTHS COMM. CUSTODY, *520 crime victim penalty ASSISTANCE, *200 ct. cost, *100 DNA fee, *400 DAC accompany f, at rest, in time

The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

- (h) **The judge does not have to follow anyone's recommendation as to sentence.** The judge must impose a sentence within the standard range unless there is a finding of substantial and compelling reasons not to do so. I understand the following regarding exceptional sentences:
- (i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.
 - (ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.
 - (iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.
 - (iv) The judge may also impose an exceptional sentence above the standard range if

MS

the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

I understand that if a standard range sentence is imposed upon an agreed offender score, the sentence cannot be appealed by anyone. If an exceptional sentence is imposed after a contested hearing, either the State or I can appeal the sentence.

- MS
- MS
- MS
- MS
- MS
- (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.
- (k) I understand that I will be **ineligible to vote until that right is restored in a manner provided by law**. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.
- (l) **Public assistance will be suspended** during any period of imprisonment.
- (m) I understand that I will be required to have a **biological sample** collected for purposes of DNA identification analysis. For offenses committed on or after July 1, 2002, I will be required to pay a \$100.00 DNA collection fee, unless the court finds that imposing the fee will cause me undue hardship.

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.

- MS
- MS
- MS
- (n) This offense is a **most serious offense** or strike as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.
- (o) ~~The judge may sentence me as a **first-time offender** instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030. This sentence could include as much as 90 days' confinement, and up to two years community supervision if the crime was committed prior to July 1, 2000, or up to 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.~~
- (p) ~~If this crime involves a **kidnapping offense involving a minor**, I will be required to register where I reside, study or work. The specific registration requirements are set forth in the "Offender Registration" Attachment. These requirements may change at a later date. I am responsible for learning about any changes in registration requirements and for~~

complying with the new requirements.

MS

- (q) If this is a crime of **domestic violence**, I may be ordered to pay a domestic violence assessment of up to \$100.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

MS

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

- (s) The judge may sentence me under the special drug offender sentencing alternative (DOSA) if I qualify under RCW 9.94A.660. Even if I qualify, the judge may order that I be examined by a licensed or certified treatment provider before deciding to impose a DOSA sentence. If the judge decides to impose a DOSA sentence, it could be either a prison-based alternative or a residential chemical dependency treatment-based alternative. If the judge imposes the **prison-based alternative**, the sentence will consist of a period of total confinement in a state facility for one-half of the midpoint of the standard range, or 12 months, whichever is greater. During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose a term of community custody of at least one-half of the midpoint of the standard range.

If the judge imposes the **residential chemical dependency treatment-based alternative**, the sentence will consist of a term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, and I will have to enter and remain in a certified residential chemical dependency treatment program for a period of *three to six months*, as set by the court. As part of this sentencing alternative, the court is required to schedule a progress hearing during the period of residential chemical dependency treatment and a treatment termination hearing scheduled three months before the expiration of the term of community custody. At either hearing, based upon reports by my treatment provider and the department of corrections on my compliance with treatment and monitoring requirements and recommendations regarding termination from treatment, the judge may modify the conditions of my community custody or order me to serve a term of total confinement equal to one-half of the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.715.

During the term of community custody for either sentencing alternative, the judge could prohibit me from using alcohol or controlled substances, require me to submit to urinalysis or other testing to monitor that status, require me to devote time to a specific employment or training, stay out of certain areas, pay \$30.00 per month to offset the cost of monitoring and require other conditions, such as affirmative conditions, and the conditions described in paragraph 6(f). The judge, on his or her own initiative, may order me to appear in court at any time during the period of community custody to evaluate my progress in treatment or to determine if any violations of the conditions of the sentence have occurred. If the court finds that I have violated the conditions of the sentence or that I have failed to make satisfactory progress in treatment, the court may modify the terms of my community custody or order me to serve a term of total confinement within

MS

the standard range.

MS

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

MS

(u) If this crime involves the **manufacture, delivery, or possession with the intent to deliver methamphetamine**, including its salts, isomers, and salts of isomers, or **amphetamine**, including its salts, isomers, and salts of isomers, a mandatory methamphetamine clean-up fine of \$3,000 will be assessed. RCW 69.50.401(2)(b).

MS

(v) If this crime involves a **violation of the state drug laws**, my eligibility for state and federal food stamps, welfare, and education benefits may be affected. 20 U.S.C. § 1091(r) and 21 U.S.C. § 862a.

Mr. Steele
Advised
this (Kew)
Applies
2/1

MS Mr. Steele
Advised
this # applies
MS

(w) If this crime involves a **motor vehicle**, my driver's license or privilege to drive will be suspended or revoked.

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(13).

MS

(y) If I am pleading guilty to **felony driving under the influence of intoxicating liquor or any drugs, or felony actual physical control** of a motor vehicle while under the influence of intoxicating liquor or any drug, in addition to the provisions of chapter 9.94A RCW, I will be required to undergo alcohol or chemical dependency treatment services during incarceration. I will be required to pay the costs of treatment unless the court finds that I am indigent. My driving privileges will be suspended, revoked or denied. Following the period of suspension, revocation or denial, I must comply with ignition interlock device requirements.

MS

(z) The crime of _____ has a **mandatory minimum sentence** of at least _____ 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[n].

MS

(aa) 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.

MS

(bb) I understand that the offense(s) I am pleading guilty to include a **Violation of the Uniform Controlled Substances Act in a protected zone enhancement or manufacture of methamphetamine when a juvenile was present** in or upon the premises of manufacture enhancement. I understand these enhancements are mandatory and that they must run consecutively to all other sentencing provisions.

MS

(cc) I understand that the offense(s) I am pleading guilty to include a **deadly weapon or**

MS

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.

MS

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

MS

(ee) I understand that if I am pleading guilty to the crime of **unlawful practices in obtaining assistance** as defined in RCW 74.08.331, no assistance payment shall be made for at least six months if this is my first conviction and for at least 12 months if this is my second or subsequent conviction. This suspension of benefits will apply even if I am not incarcerated. RCW 74.08.290.

(ff) The judge may authorize **work ethic camp**. To qualify for work ethic authorization my term of total confinement ~~must be more than twelve months and less than thirty-six months,~~ I can not currently be either pending prosecution or serving a sentence for violation of the uniform controlled substance act and I can not have a current or prior conviction for a sex or violent offense. RCW 9.94A.690

MS

7. I plead guilty to count(s) I + II in the ^{2nd} Amended Information. I have received a copy of that information.

MS

8. I make this plea freely and voluntarily.

MS

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

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

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement: I DO NOT BELIEVE I HAVE COMMITTED THESE CRIMES. HOWEVER, AFTER REVIEW OF THE EVIDENCE WITH MY ATTORNEY, I BELIEVE THERE IS A SUBSTANTIAL LIKELIHOOD I WOULD BE CONVICTED IF I PROCEEDED TO A JURY TRIAL. I AM PLEADING GUILTY MERELY TO ACCEPT THE STATE'S AGREEMENT TO REMOVE THE CHARGES AGAINST ME AND THE FAVORABLE SENTENCING RECOMMENDATION.

[Signature]

MS

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. only a
Not for sentencing purposes

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

Defendant Maria Groote

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

Defendant's Lawyer Philip Thornton

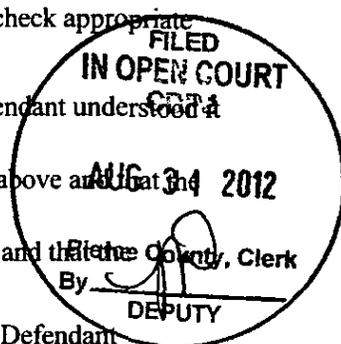
Prosecuting Attorney John M. Sheeran

Print Name John M. Sheeran WSBA No. 26050

Print Name Philip Thornton WSBA No. 20072

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

- (a) The defendant had previously read the entire statement above and that the defendant understood it in full;
- (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.



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: Aug 31, 2012

[Signature]
Judge

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 the _____ for the defendant from English into that language.
(Identify document being translated)

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: _____

Interpreter _____

Print Name _____

Location: _____

March 02 2011 2:17 PM

KEVIN STOCK
COUNTY CLERK

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 11-1-00958-2

vs.

MARIO MARSHAWN STEELE,

DECLARATION FOR DETERMINATION OF
PROBABLE CAUSE

Defendant.

PHILIP K. SORENSEN, declares under penalty of perjury:

That I am a deputy prosecuting attorney for Pierce County and I am familiar with the police report and/or investigation conducted by the LAKEWOOD POLICE DEPARTMENT, incident number 110160880;

That the police report, the oral reports of Officers Jeff Martin, Sean Conlon and Detective John Ringer and/or investigation provided me the following information;

That in Pierce County, Washington, on or about the 16th day of January, 2011, the defendant, MARIO MARSHAWN STEELE, did commit the crime of murder.

On January 16, 2011 at 20:32 hours, Lakewood Police were dispatched to 5510 Chicago Ave SW regarding a shooting. Lenard Masten, the victim, lived in an apartment at this address. En route dispatched advised the officers that the suspects were two black males in their 20s and one was armed with a gun. When the officers arrived, Lakewood Fire Department personnel was treating the Mr. Masten. Mr. Masten had a gunshot wound to his stomach. Mr. Masten was transported to St. Joseph Hospital, where he died in surgery.

Investigating detectives learned Mr. Masten had been dealing drugs. The detectives also learned STEELE had made several phone calls, both from his cell phone and landline, to Mr. Masten on the day of the murder. STEELE was interviewed by detectives and admitted to being involved in a drug deal with Mr. Masten at about 3:30 pm the day of the murder. STEELE told detectives he and a man known only as "Dre" purchased drugs from Mr. Masten. The defendant said that Dre was upset after the transaction because the drugs were bunk (fake).

1 Dre asked STEELE to set-up a meeting so he could confront Mr. Masten. STEELE told the
2 detectives that Dre said "I'll get his ass." STEELE believed Dre would either rob or assault Mr. Masten.
3 STEELE admitted he set-up this meeting and phone records confirm there was a brief call between
4 STEELE'S phone and Mr. Masten's phone minutes before the murder.

5 Witnesses at the murder scene described the victim being confronted by two black males: a taller
6 darker skinned man and a lighter skinned, shorter man with a goatee. One witness said she saw the man
7 with the goatee carrying a handgun in the moments after the shooting. Witnesses indicated that the
8 shooting party rummaged through Mr. Masten's clothing and apparently took his cell phone, keys and
9 perhaps other items. The shooter was observed running toward Masten's apartment door. Assailants
eventually ran to a nearby dark colored SUV and drove away.

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

12 DATED: March 2, 2011
PLACE: TACOMA, WA

13 /s/ PHILIP K. SORENSEN
14 PHILIP K. SORENSEN, WSB# 16441

VERIFICATION OF PETITION

I, Mario Steele, verify that the attached petition is true and correct and was filed on my behalf.

2-28-2020
Date and Place

Mario Steele
Mario Steele

ALSEPT & ELLIS

May 04, 2020 - 10:57 AM

Filing Personal Restraint Petition

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: Case Initiation
Trial Court Case Title: State of Washington Vs Steele, Mario Marshawn
Trial Court Case Number: 11-1-00958-2
Trial Court County: Pierce County Superior Court
Signing Judge:
Judgment Date:

The following documents have been uploaded:

- PRP_Cert_of_Inmate_Acct_20200504105624D2405014_0069.pdf
This File Contains:
Certificate of Inmate Acct/PLRA
The Original File Name was SteeleMIfp.pdf
- PRP_Personal_Restraint_Petition_20200504105624D2405014_4283.pdf
This File Contains:
Personal Restraint Petition
The Original File Name was SteeleMPRP.pdf

Comments:

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

Note: The Filing Id is 20200504105624D2405014