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No. 36068-7-III

COURT OF APPEALS, DIVISION III  
OF THE STATE OF WASHINGTON

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THE STATE OF WASHINGTON,

Respondent

v.

ADRIAN ALLEN COLEMAN,

Appellant

---

ON APPEAL FROM THE SUPERIOR COURT OF THE  
STATE OF WASHINGTON FOR BENTON COUNTY

NO. 16-1-00487-7

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BRIEF OF RESPONDENT

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## **I. RESPONSE TO ASSIGNMENTS OF ERROR**

- A. The trial court did not err when it denied the defendant's motion to suppress evidence that a drug detection dog alerted on the defendant's vehicle, which was impounded.
- B. The trial court did not err when it upheld the validity of a warrant to search the defendant's vehicle.
- C. The defendant had effective assistance of counsel.
- D. The State agrees that the \$200 criminal filing fee should be stricken.
- E. The \$100 DNA fee is mandatory unless Washington State has collected the defendant's DNA as a result of a prior conviction; it does not matter if Oregon has collected the defendant's DNA.
- F. The State disagrees that the trial court found the defendant had the present or future ability to pay LFOs because the court did not check the corresponding box for this Finding in section 2.5 of the Judgment and Sentence.
- G. The State agrees that the boilerplate language in section 4.1 of the Judgment and Sentence that "the financial obligations shall bear interest from the date of the judgment until payment in full" should be stricken.

- H. The State agrees that Appellate Costs should not be assessed, given the defendant's eligibility for SSI.

## II. STATEMENT OF FACTS

- A. **Regarding the issues of the drug-detection dog and the validity of the search warrant.**

The search warrant affidavit is attached in the appendix. App. A; CP 26-32. Officer Trevor Pottle accompanied by Sergeant Markus, Prosser Police Department, checked the registered owner of a Mercedes parked at a rest stop and found that it was registered to the defendant, whose license was suspended in Oregon, and who had a warrant for him from Umatilla, Oregon. CP 27. Officer Pottle saw the Mercedes leave the rest stop. *Id.* A female who was ahead of the Mercedes exited her car and ran toward Officer Pottle and Sergeant Markus, trying to get their attention. *Id.* As she was doing so, the Mercedes vehicle then did an immediate U-turn. *Id.*

Both Pottle and Markus broke off contact with the female to stop the Mercedes. *Id.* It was driven by the defendant who was arrested on the outstanding warrant from Oregon. CP 28. The police impounded the Mercedes. *Id.* In the meantime, the unidentified woman had returned to her vehicle and turned on her emergency flashers. *Id.*

The police monitored the defendant's jailhouse phone calls, in which he called a woman frantically directing her to contact people to get the car out of impound immediately. CP 29. The female's ID on the jail telephone system was listed as "Jennifer Torres" who made statements in the call that she was present before and after the arrest of the defendant. *Id.* She told the defendant the police "were trying to get in the trunk." *Id.* The defendant also talked about a safe being in the trunk and encouraged the woman to sell some of the contents out of the safe. *Id.*, CP 31.

The police received information from a detective with an Oregon narcotics team, BENT, that the defendant had extensive narcotics history and is a well-known narcotics dealer. CP 30. Ms. Torres also had a history of running narcotics, according to a detective with BENT. *Id.* The Prosser police arranged for a drug detection dog to check the exterior of the Mercedes. *Id.* The dog alerted on the trunk seam of the vehicle. *Id.*

Based on these factors, a Judge approved a search warrant for the Mercedes. The search resulted in finding a glass pipe with methamphetamine residue in the vehicle, which was the basis for the charge herein. CP 91.

The defendant brought two different motions to suppress the evidence. The first motion was based on *Franks v. Delaware*, 438 U.S.

154, 98 S. Ct. 2674, 57 L. Ed. 2d 667 (1978). *See* CP 9. The trial court denied that motion. CP 90-96.

The defendant then brought another motion arguing that a warrantless canine search of a vehicle violates Article 1, Section 7 of the Washington State Constitution, that the canine sniff was unreliable, and that the search warrant should have been limited to the trunk of the Mercedes. CP 60. The trial court also denied this motion. CP 103-06.

The defendant was found guilty at a stipulated facts trial and this appeal follows.

**B. Regarding the issue of the \$100 DNA collection fee.**

Please see Section 2.2 of the Judgment and Sentence which shows the defendant does not have any felony criminal history in Washington State, which is attached in the appendix. App. B; CP 119-20. Also see CP 43-44, which is the Washington State Criminal History Record for the defendant and shows no convictions in Washington State and that his DNA has not been taken or typed.

**C. Regarding the issue of the trial court ordering the LFOs “commence immediately”.**

Please see Section 2.5 of the Judgment and Sentence which is attached in the appendix. App. B; CP 121.

### III. ISSUES

- A. Was the search warrant properly issued?
1. Did having a drug detection dog check the exterior of an impounded vehicle constitute a search?
    - a) What is the standard for determining if there was a search?
    - b) Where a vehicle has been properly impounded, does having a drug detection dog check the exterior of the vehicle unreasonably intrude into a person's private affairs?
  2. Could the search warrant have been approved without mention of the drug detection dog?
    - a) What is the standard on review if one item in a search warrant is invalidated?
    - b) Based on the defendant doing a U-turn, Ms. Torres trying to distract the police, the defendant's frantic request to get the vehicle out of impound, the discussion of a safe in the trunk, and the defendant's drug history, was there sufficient probable cause for the search warrant?

- B. Is the defendant on appeal correct to claim that the trial attorney “failed to assert a challenge . . . to the dog-sniff on the basis it was a warrantless non-inventory search” when the trial attorney did just that?
- C. Concerning fines
1. Should the DNA fine under RCW 43.43.7541 be forgiven if it is likely that the defendant’s DNA was collected in another State?
  2. Should this Court conclude that the trial court meant for LFOs “to commence immediately” if a box indicating that on a Judgment and Sentence is not checked?

#### IV. ARGUMENT

- A. **The Search Warrant was properly granted.**
1. **Having a drug detection dog sniff the exterior of an impounded vehicle does not constitute a search.**
    - a) **The standard for determining if there is a search is based on whether there was an unreasonable intrusion into a person’s private affairs.**

*State v. Boyce*, 44 Wn. App. 724, 730, 723 P.2d 28 (1986) dealt with canine sniffs on a safe deposit box and held that as long as the canine sniffs the object from an area where the defendant does not have a

reasonable expectation of privacy, and the canine sniff itself is minimally intrusive, then no search has occurred.

This has been followed by numerous cases. *State v. Hartzell*, 156 Wn. App. 918, 934, 237 P.3d 928 (2010) held that a defendant did not have a reasonable expectation of privacy when a dog sniffs the outside of his vehicle from a lawful vantage point. *State v. Stanphill*, 53 Wn. App. 623, 631, 769 P.2d 861 (1989) dealt with a package mailed to the defendant and held that a canine sniff of that package was not a search. *State v. Wolohan*, 23 Wn. App. 813, 598 P.2d 421 (1979) had the same holding.

As *Boyce* stated, “we can envision few situations where a canine sniff of an object would unreasonably intrude into the defendant’s private affairs.” *Boyce*, 44 Wn. App. at 730.

**b) The defendant had no reasonable expectation of privacy concerning the air around the exterior of his impounded vehicle.**

The defendant herein was arrested, and his Mercedes was impounded. The defendant had no expectation of privacy in a police impound yard and the dog’s sniff of the exterior of the Mercedes was minimally intrusive.

The defendant suggests that *State v. Hendrickson*, 129 Wn.2d 61, 917 P.2d 563 (1996) is contrary to the above cases. However, *Hendrickson* did not deal with a canine sniff. The police in *Hendrickson* searched the defendant's vehicle without a warrant after it had been impounded in a civil forfeiture. *Id.* at 67. The Court correctly ruled the search was improper. *Id.* at 77.

The defendant also cites *State v. Dearman*, 92 Wn. App. 630, 962 P.2d 850 (1998). However, *Dearman* involved a dog sniffing the seams of a garage door to detect the odor of marijuana. *Id.* at 633. Noting that a search occurs when there is an *unreasonable* intrusion in an individual's private affairs and that there is a heightened expectation of privacy in one's home, the *Dearman* Court held the police should have gotten a search warrant. *Id.* at 636-37. That is not the situation here. The defendant's car was in a police impound yard. He had no expectation of privacy in that locale.

The trial court correctly ruled that the canine sniff of the exterior of the defendant's vehicle was not a search.

2. **Even if the canine sniff had been deleted from the search warrant affidavit, there was sufficient remaining information to establish probable cause.**
  - a) **Standard on Review of a canine sniff is not considered.**

The defendant asks this Court to find that the canine alert should be deleted from the search warrant affidavit. The defendant then asks this Court to dismiss the case because the remaining information in the affidavit is insufficient. (“Here, the question is whether the facts available to the magistrate, other than the drug dog’s alert, justifies a reasonable belief, rather than mere suspicion, that evidence of a crime was located in Coleman’s car the evening of his arrest on May 13.” Br. of Appellant at 32.)

If some item in a search warrant affidavit is found to be incorrect, the probable cause should be reevaluated after striking that item from the affidavit. If the affidavit failed to support probable cause without that information, the warrant was void. *State v. Maddox*, 152 Wn.2d 499, 508, 98 P.3d 1199 (2004). Probable cause is established if the affidavit sets forth sufficient facts to lead a reasonable person to conclude there is a probability that the defendant is involved in criminal activity and that evidence of the criminal activity can be found at the place to be searched. *Id.* at 509.

**b) Even without the canine sniff, there was sufficient evidence to establish probable cause to search the vehicle.**

The affidavit for search warrant establishes that the defendant pulled a U-turn probably to avoid the police, his associate, Jennifer Torres,

tried to distract the police from the defendant, the defendant was frantic about getting the vehicle out of impound, and was concerned that the police had opened the trunk. The defendant and Ms. Torres were talking about selling something from a safe which was in the trunk. Add to that the fact that both the defendant and Ms. Torres had drug criminal histories. Prior convictions of a suspect may be used as a factor in determining probable cause to issue a search warrant, particularly when a prior conviction is for a crime of the same general nature. *Id.* at 512.

Based on all these factors, it is probable that the defendant was frantic about getting his vehicle out of impound because it contained drugs.

**B. The defense attorney provided effective assistance.**

The defendant correctly set forth the standard for review of effective assistance claims on pages 23-27 of Brief of Appellant. However, with all due respect to the defendant, his defense attorney did bring a motion to suppress arguing the same points as he does in this appeal: the police searched the vehicle without a warrant in violation of the Washington State Constitution when the drug detection dog checked the exterior of his vehicle.

The defendant argues that his attorney at trial should have cited *Hendrickson*. Br. of Appellant at 25-26. But that case did not address

canine sniffs. Cases such as *Boyce*, *Stanphill*, *Wolohan*, and *Hartzell* are on point. The defendant's argument on appeal was before the trial court and the trial judge properly rejected it.

**C. Concerning fines, the State agrees with some arguments but disagrees with two.**

The State agrees that the \$200 filing fee should be stricken. See Br. of Appellant at 3. The State also agrees that the Judgment and Sentence, Section 4.1, last paragraph should be amended to read: "The restitution 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. No interest shall accrue on non-restitution obligations imposed in this judgment. RCW 10.82.090." Br. of Appellant at 4. It should be noted that the trial court when it entered the Judgment and Sentence did so appropriately. At that point, the statute for the \$200 filing fee and the interest had not been amended.

However, the State disagrees with the following.

**1. The \$100 DNA fee is appropriate because the defendant's DNA has never been previously collected by Washington State.**

RCW 43.43.7541, provides, "Every sentence imposed for a crime specified in RCW 43.43.754 must include a fee of one hundred dollars unless the state has previously collected the offender's DNA as a result of a prior conviction." App. C. The statute instructs the court clerk to pay this

money to the state treasurer for transfer to the DNA database account created under RCW 43.43.7532 and to law enforcement agencies responsible for collection of a biological sample.

The defendant speculates that his DNA must have been collected by Oregon. Even if that was true, his DNA has not been collected by Washington. The \$100 DNA fee must be imposed when a defendant is found guilty of a felony unless the state has previously collected his or her DNA. The \$100 DNA fee should survive the amendment of the statute.

**2. The Judgment and Sentence does not order that LFOs commence immediately.**

Please review CP 123, which is page 5 of the Judgment and Sentence. App. B. This box is in question:

“[ ]All payments shall be made in accordance with the policies of the clerk and on a schedule established by the DOC or the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ \_\_\_\_\_ per month commencing \_\_\_\_\_. RCW 9.94A.760.”

This box is not checked. The trial court did not order that payments commence immediately. Respectfully, the defendant is misreading this provision. Certainly, the court did not expect payments during the time the defendant was incarcerated.

**V. CONCLUSION**

The conviction should be affirmed. The police did not search the

defendant's vehicle by having a drug detection dog sniff the exterior while the car was impounded. There are some minor changes that need to be made to the Judgment and Sentence regarding striking the \$200 filing fee and deleting a section providing for interest on the LFOs. Otherwise, the sentence should be affirmed.

**RESPECTFULLY SUBMITTED** on April 5, 2019.

**ANDY MILLER**  
Prosecutor



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Terry J. Bloor, Deputy  
Prosecuting Attorney  
Bar No. 9044  
OFC ID NO. 91004

## CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on this day I served, in the manner indicated below, a true and correct copy of the foregoing document as follows:

Susan Gasch  
Gasch Law Office  
P.O. Box 30339  
Spokane, WA 99223

E-mail service by agreement  
was made to the following  
parties: [gaschlaw@msn.com](mailto:gaschlaw@msn.com)

Signed at Kennewick, Washington on April 5, 2019.

  
Demetra Murphy  
Appellate Secretary

## Appendix

Appendix A: Search Warrant Affidavit, CP 26-32

Appendix B: Judgment and Sentence, CP 119-130.

Appendix C: RCW 43.43.7541

**Appendix A**

**Search Warrant Affidavit, CP 26-32**



1 I have received numerous trainings in criminal investigations. I am also a graduate of the  
2 Washington State Basic Law Enforcement Academy in Burien, WA. I have also written and  
3 assisted in several search warrants, including many involving narcotics that produced evidence  
4 for cases regarding narcotics offenses.  
5

#### 6 Statement of Facts

7  
8 All times being approximate, this investigation occurred on 5/14/2016 at 06:00 hours in the  
9 City of Prosser, County of Benton, Washington.

10 During morning pass-ons, Officer Pottle (P27) and SGT Markus (P11) relayed that P27 had  
11 arrested Adrian Coleman (DWLS 3<sup>rd</sup>) during a felony warrant stop around 2335 on 5/13/2016.

12 P27 observed a Mercedes, Oregon license plate 063BKA, parked at the Prosser Rest Area, 19  
13 Merlot Dr, Prosser, WA. P27 ran the vehicle through DOL & NCIC and found it was registered to  
14 Adrian A. Coleman (date of birth: 02/24/1968). P27 ran Coleman through DOL/NCIC and saw that  
15 Oregon showed his driver status as suspended. NCIC also showed a felony warrant (original charges  
16 included possession of methamphetamine) for him out of Umatilla County. The NCIC warrant hit had a  
17 "caution" warning on it and advised Coleman had resisted arrest in the past.

18 P27 observed the Mercedes leave the rest area, turn north onto Gap Rd, and then enter the  
19 eastbound lanes of I-82. Due to a vehicle collision on I-82, traffic in the eastbound lanes was being  
20 routed onto exit 82. The Mercedes exited at exit 82. As the Mercedes approached the stop sign at the end  
21 of the exit 82 off ramp, a female in another vehicle that was ahead of the Mercedes started waving  
22 towards P11 and P27, who was two cars behind. She then exited her vehicle and ran towards P11. It  
23 appeared to P27 that she was aggressively attempting to get their attention. While this was occurring, The  
24 Mercedes entered Wine Country Rd and then executed an immediate U-turn before entering the I-82  
25 eastbound on-ramp. P27 initiated a high risk traffic stop on the on-ramp. P11 was speaking to the female  
26 briefly before breaking contact and assisting P27 with the high risk vehicle stop. A high risk stop was  
27 utilized due to the fact that Coleman was wanted on a felony warrant and he had apparently resisted arrest  
28 in the past.

SEARCH WARRANT AFFIDAVIT

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5.14.2016

0-00000027

1  
2 P27 ordered the driver out of the vehicle. The driver cooperated and P11 detained him. At this  
3 point P27 and P11 did not know if there were any other subjects hiding inside the vehicle. P27 had not  
4 yet positively identified the driver as Coleman. P11 and P27 were the only officers on scene and it would  
5 have been impractical and unsafe to conduct a full roadside investigation to determine if the driver was  
6 in-fact Coleman without first checking the vehicle for people. P11 secured Coleman in the back seat of  
7 P27s patrol car. P11 and P27 approached the Mercedes and found no one else in the passenger  
8 compartment. P27 noticed there was a phone on the center counsel that appeared to have an active call on  
9 speaker phone. P27 could hear a female repetitively saying "hello" as we got closer to it. P27 retrieved  
10 the keys to the Mercedes that were lying on the ground, outside of the driver door. P27 used the key fob  
11 to open the trunk. P27 did this so they could check the trunk for people only. P27 saw no people in the  
12 trunk. P27 immediately closed the trunk.

13 At about this time P27 noticed a vehicle at the end of the on-ramp with its emergency flashers on.  
14 It appeared to be the same vehicle that the female exited prior to the high-risk vehicle stop. P27 spoke  
15 with the driver, who confirmed he was Adrian Coleman. Data advised the felony warrant was confirmed.  
16 P11 and P27 conducted an impound inventory on the Mercedes.

17 P27 read Coleman of his constitutional rights from his department issued rights card. Coleman  
18 stated he understood his rights and was willing to speak with P27. P27 asked Coleman if there were any  
19 drugs or other contraband in the vehicle. Coleman stated "if there is, I don't know about it because I  
20 didn't put it there".

21 P27 transported Coleman to the Benton County Jail where he was booked for Fugitive from  
22 Justice and driving while license suspended. The Mercedes was impounded with Halls Towing for  
23 DWLS and warrant driver & RO.

24 After discussing the irregular events of the traffic stop, the general consensus was that the female,  
25 who was aggressively attempting to distract officers and who was also present for the duration of the  
26 contact, was in fact acting as a chase car. That, coupled with Coleman's criminal narcotics past, led us to  
27 believe that there may have been a transport of narcotics taking place during or around the time of  
28 contact.

1  
2           Around 0730, I drove to the Hall's Towing impound lot on Wine Country Rd between 9<sup>th</sup> and 10<sup>th</sup>  
3 St. I observed a silver Mercedes 4 door sedan that matched the description of the suspect vehicle from the  
4 night before parked inside the secured area. The Oregon license plate read 063BKA (VIN:  
5 WDBUF70JX3A189996), which returned to a 2003 Mercedes-Benz. The registered owner returned as  
6 Adrian Coleman of 1135 SW SANDY DRIVE Hermiston, OR.

7           While I was at the impound lot, I began to monitor jail phone calls. Coleman had made several  
8 calls to a female he referred to as "mama" (509-964-5289). The female's ID on the jail telephone system  
9 was listed as "Jennifer Torres". Below are the calls to that number with date & time:

10           05/14/2016 02:49	05/14/2016 03:02	05/14/2016 03:07
11		
12           05/14/2016 03:16	05/14/2016 13:10	05/14/2016 13:39

13           The nature of the calls were mainly geared toward Coleman directing Torres to frantically contact  
14 people in an effort to get the car out of impound as fast as possible. Early in the conversations, Torres  
15 made it an earnest point to alert Coleman that the police "were trying to get in the trunk". Torres made  
16 several statements during the calls indicating that she was present during the stop and after.

17           Coleman and Torres frequently referenced his "safe" and the keys to the safe. Coleman indicated  
18 and Torres confirmed that she had possession of the keys to his safe. Coleman also referenced something  
19 that comes "out of the safe" and encouraged Torres to sell some of it to Maria for a ballpark of \$125-150.  
20 Coleman ensured that Torres would sell to Maria in a location different than where the safe and items  
21 were to be stored. Torres and Coleman discussed at length the storage unit where the safe would be kept,  
22 as well as precautions that Torres needed to take during transport.

23           Coleman also called multiple times to a female named "Frances", who he referred to as his wife.  
24 The female listed to the number (541-371-1887) had "Coleman, Frances" as the ID.

25  
26           I had been in contact with P27 throughout the day, updating him on the investigation. He  
27 suggested that I contact a K9 unit and deployment to the vehicle. I contacted Kennewick Police

1 Department K9 Officer Merkl (K71), who agreed to meet at the Hall's Towing impound lot between 9<sup>th</sup> St  
2 and 10<sup>th</sup> St on Wine Country Rd and conduct the K9 assist.

3  
4 As I was unable to pull up much information of Frances Coleman, Jennifer Torres, or Adrian  
5 Coleman in our local systems, I contacted Hermiston non-emergency dispatch. They had a Hermiston PD  
6 Sergeant contact me on my department cell phone at 1353.

7 I informed him that I was looking for relevant information regarding Adrian Coleman and  
8 Jennifer Torres. He immediately recognized their names and stated that Coleman had extensive narcotics  
9 and child prostitution history. He said that he would give my number to the local narcotics team and that I  
10 would hear from them shortly.

11 At 1404, I received a call from Detective Stokoe of the Blue Mountain Enforcement Narcotics  
12 Team (BENT). He stated that Coleman had extensive narcotics history and that he is a well known  
13 narcotics dealer, specifically with methamphetamine and heroin. Stokoe also recognized Torres and stated  
14 that she was one of Coleman's main girls involved in running narcotics and prostitution. Stokoe advised  
15 that there was a high likelihood of narcotics being present inside the vehicle.

16 Around 1425 hours Officer Merkl arrived at the Hall's Towing impound lot to assist at my  
17 request. Rayburn, of Hall's Towing, met us at the impound lot and unlocked and opened the secured area.  
18 Officer Merkl applied K9 Bear to the exterior of the Mercedes Benz bearing Oregon plate 063-BKA.  
19 Officer Merkl advised me that Bear gave a positive K9 alert and indication on the trunk seam of the  
20 vehicle.

21 Officer Merkl and K-9 Bear are a certified Narcotics K-9 Detection Team under Washington  
22 Administrative Code 139.05.915 [3b] and were certified on June 22, 2013. K9 Bear is a passive  
23 indication narcotics detection K9. K9 Bear exhibits a change in body posture and increased respirations  
24 when he first encounters the odors of controlled substances he is trained to detect. This is known as an  
25 alert. K9 Bear is trained to detect the odors of Methamphetamine, Crack, Cocaine and Heroin. K9 Bear  
26 is not and has never been trained to detect the odor of Marijuana. Upon reaching the closest available  
27 source of the odor K9 Bear will "indicate" on that location by automatically sitting, downing or pointing.  
28 Officer Merkl and K9 Bear conduct monthly maintenance training. Currently Officer Merkl and K9 Bear

1 have a total of 357 applications or searches in the field. As a result, a total of 218 finds of narcotics/drug  
2 paraphernalia and/or items have been located.

3  
4 Rayburn unlocked the vehicle (which he confirmed was locked upon the initial impound and had  
5 been secured in the fenced in area of the impound lot) and transported it onto the flatbed tow truck. The  
6 vehicle was transported to the garage at the Prosser Police Department (1227 Bennett Ave Prosser, WA  
7 99350) where it was again locked. I sealed all doors and compartments with evidence tape and secured  
8 the garage.

9 Coleman was driving the Mercedes at the time of the contact and is in fact the sole registered  
10 owner. He was removed from the vehicle during a high-risk warrant service and arrested at the scene. No  
11 other person had possession or dominion over the vehicle at the time of contact.

12 His associated female apparently attempted to distract officers while they were serving the arrest  
13 warrant. His recorded jail phone conversations with a female (Telemate ID Jennifer Torres) indicate that,  
14 not only does the vehicle belong to Coleman, but also the items in the trunk, which are of apparent  
15 concern to both Coleman and Torres, including some type of "safe".

16 Coleman ordered (on a recorded jail line) Torres to sell some of what "comes out of the safe" to  
17 "Maria" for a ballpark price of \$125-150. Coleman stressed the importance of Torres not getting in caught  
18 or "having something happen" to her while moving the items of the trunk into a storage unit. He also  
19 stressed the importance of selling to Maria at a different location than where the safe and items are stored.

20 The K9 immediately alerted to the suspect vehicle, disregarding all other vehicles in the impound  
21 lot (which were in fairly close proximity). The K9 alerted to the trunk from underneath the vehicle and  
22 strongly to the seam of the trunk.

23 **Based on the above, I believe that evidence of the above listed crime(s) are located inside of:**

24 A silver 2003 Mercedes sedan, with OR license plate 063BKA, (VIN: WDBUF70JX3A189996)  
25 Which is securely sealed and parked in the garage of the Prosser Police Department (1227  
26 Bennett Ave Prosser, WA 99350)

1 And I am asking the court to issue a search warrant to search the above listed vehicle as  
2 well as any bags, boxes, compartments, safes or other containers therein for the evidence of  
3 the above listed crime(s), including but not limited to:

- 4 a. ALL CONTROLLED SUBSTANCES THERE FOUND TOGETHER WITH THE VESSELS IN  
5 WHICH IT IS CONTAINED  
6 b. AND ALL IMPLEMENTS, FURNITURE AND FIXTURES USED OR KEPT FOR THE ILLEGAL  
7 MANUFACTURE, SALE, BARTER, EXCHANGE, GIVING AWAY, FURNISHING, POSSESSION  
8 OR OTHERWISE DISPOSING OF SUCH CONTROLLED SUBSTANCES  
9 c. AND TO SEIZE ANY PAPERS, DOCUMENTS OR OTHER MATTER TENDING TO ESTABLISH  
10 THE IDENTITY OF PERSONS EXERCISING DOMINION AND/OR CONTROL OVER THE  
11 VEHICLE

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

14 Signed this 14th day of May, 2016, at Prosser, WA.

15 Affiant Signature: *Platt* P28

16 OR, if submitted electronically or by telephone:

17 Affiant full name: Officer Matthew Shanafelt  
18 Agency Badge/Serial or Personnel #: P-28  
19 Agency Name: Prosser Police Department

20 [  ] (Check if applicable) The Judge's signature, below, was placed by affiant, at the  
21 judge's direction given by

- 22 [  ] telephone (preserve a recording of the authorization),  
23 [  ] email (preserve and file the email), or by  
24 [  ] \_\_\_\_\_ (other reliable method).

25 Signature: *Katherine* 1957

26 SUPERIOR COURT JUDGE

27 Printed Judge/Magistrate Name: *Katherine*

## Appendix B

Judgment and Sentence, CP 119-130.

APR 25 2018

PP12

FILED

JUDGMENT DOCKET  
NO 18-9-00119-9

SUPERIOR COURT OF WASHINGTON  
COUNTY OF BENTON

STATE OF WASHINGTON,

Plaintiff,

NO. 16-1-00487-7

vs.

FELONY JUDGMENT AND SENTENCE (FJS)

[X] Jail One Year or Less

With Community Custody

ADRIAN ALLEN COLEMAN

Defendant.

CLERK'S ACTION REQUIRED:

Restraining Order

[X] Firearms Rights Rvoked

[X] Clerk's Action Required, para 4.1, 4.4, 5.2, 5.3, 5.6, 5.7 and 5.8

SID:

DOB: 02/24/1968

Defendant Used Motor Vehicle

Juvenile Decline  Mandatory  Discretionary

PPD 16-1122

ORIGINAL

I. HEARING

1.1 The court conducted a sentencing hearing; the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

II. FINDINGS

2.1 CURRENT OFFENSE(S): The defendant is guilty of the following offenses on Jan. 16, 2018, based upon [x] plea  jury-verdict  bench trial.

COUNT	CRIME	RCW	CLASS	DATE OF CRIME
1	UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE	RCW 69.50.4013(1)	FC	05/13/2016

Class: FA (Felony-A), FB (Felony-B), FC (Felony-C)

If the crime is a drug crime, the drug involved is: methamphetamine

() as charged in the Amended Information.

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

CRIME	DATE OF SENTENCE	Sentencing Court (County and State)	DATE OF CRIME	A or J Adult, Juvenile	TYPE OF CRIME
1 UPCS - comparable	6/25/2014	Umatilla County, OR	7/10/2013	A	Drug

FELONY JUDGMENT AND SENTENCE (FJS)

Jail - One Year or Less- W/Community Custody Ordered  
(RCW 9.94A.500,505)(WPF CR 84.0400 (10/2011))

2	<b>FTRSO - comparable</b>	4/9/2012	Multnomah County, OR	11/30/2011	A	Sex
3	<b>ID Theft (FC) - comparable</b>	8/23/2010	Multnomah County, OR	4/19/2010	A	NV
4	<b>ID Theft (FC) - comparable</b>	8/20/2010	Multnomah County, OR	4/19/2010	A	NV
5	ID Theft (FC) – not comparable	8/20/2010	Multnomah County, OR	4/19/2010	A	NV
6	Tax Evasion – wash/– not comparable	5/5/1995	Multnomah County, OR	4/9/1992	A	NV
7	Criminal Conspiracy – Evade Tax – wash/– not comparable	5/5/1995	Multnomah County, OR	4/9/1992	A	NV
8	Crim. Conspiracy – Perjury (FC) – wash/– not comparable	5/5/1995	Multnomah County, OR	4/9/1992	A	NV
9	Racketeering (FA) – does not wash/– not comparable	5/5/1995	Multnomah County, OR	4/9/1992	A	NV
10-24	Promoting Prostitution – 15 counts (FC) – wash/– not comparable	5/5/1995	Multnomah County, OR	4/9/1992	A	Sex
25	<b>Compelling Prostitution (FB) – does not wash - comparable</b>	1/29/1990	Multnomah County, OR	9/28/1988	A	Sex
26	Fel. Habitual Traffic Offender – wash/– not comparable	7/26/1988	Multnomah County, OR	12/27/1987	A	Traff.

\*DV: Domestic Violence was pled and proved.

Additional criminal history is attached in Appendix 2.2.

The defendant committed a current offense while on community supervision/custody (adds one point to score). RCW 9.94A.525

The prior convictions listed as number(s) \_\_\_\_\_, above, or in appendix 2.2, are one offense for purposes of determining the offender score (RCW 9.94A.525)

The prior convictions listed as number(s) \_\_\_\_\_, above, or in appendix 2.2, are not counted as points but as enhancements pursuant to RCW 46.61.520.

The defendant had been sentenced to the crimes listed in this section prior to the commission of the current offense(s), except the following: \_\_\_\_\_

### 2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUS -NESS LEVEL	STANDARD RANGE (Not Including Enhancements)	PLUS ENHANCEMENTS*	TOTAL STANDARD RANGE (Including Enhancements)	MAXIMUM TERM/FINE
1	5	I	6+-12 months			5 years/\$10,000

\* (F) Firearm, (D) Other deadly weapons, (CSG) criminal street gang, (V) VUCSA in a protected zone, (VH) Veh. Hom, See RCW 46.61.520  
(JP) Juvenile present. (SM) Sexual motivation, RCW 9.94A.533(8).

2.4  **EXCEPTIONAL SENTENCE.** The court finds 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.

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

The defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753

*The defendant is required to provide a current address to the Benton County Clerk's Office. If the defendant moves before all outstanding legal financial obligations are paid in full, the defendant shall provide the new address to the Benton County Clerk.*

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

\_\_\_\_\_  The defendant has the present means to pay costs of incarceration. RCW 9.94A.760

2.6  **FELONY FIREARM OFFENDER REGISTRATION.** The defendant committed a felony firearm offense as defined in RCW 9.41.010.

The court considered the following factors:

- the defendant's criminal history.
- whether the defendant has previously been found not guilty by reason of insanity of any offense in this state or elsewhere.
- evidence of the defendant's propensity for violence that would likely endanger persons.
- Other: \_\_\_\_\_

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

**III. JUDGMENT**

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

3.2  The Court DISMISSES Counts \_\_\_\_\_ in the charging documents.

3.3  The defendant is found NOT GUILTY of Counts \_\_\_\_\_ in the charging documents.

**IV. SENTENCE AND ORDER**

**IT IS ORDERED:**

4.1 Defendant shall pay to the Clerk of this Court:

JASS CODE

RTN/RJN

Restitution to:

TOTAL ORDERED:..... \$.0

(Name and Address--address may be withheld and provided confidentially to Clerk's Office).

PCV	\$ <u>500</u>	Victim assessment	RCW 7.68.035
CRC	\$ <u>SEE ATTACHED</u>	Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190	
	<u>COST BILL</u> <u>200</u>	<i>(Transportation costs on FTA Warrants in this case will be assessed at the current legal rate. Other costs as assessed by the Clerk and set forth in the Cost Bill to be attached upon filing of this Judgment and Sentence. If FTA costs and fees are contested, a hearing must be requested at the time of sentencing).</i>	
EXT	\$ _____	Extradition Costs	RCW 9.94A.120
FCM/MTH	<del>\$ <u>2,000</u></del>	Fine	RCW 9A.20.021
		[x] VUCSA chapter 69.50 RCW	
		[ ] VUCSA additional fine deferred due to indigency	RCW 69.50.430
CLF	\$ _____	Crime lab fee [ ] suspended due to indigency	RCW 43.43.690
	\$ <u>100</u>	Felony DNA collection fee	RCW 43.43.7541
	\$ _____	Domestic Violence penalty assessment	RCW 10.99.080
	\$ _____	Other costs for:	
	\$ <u>800</u>	TOTAL	RCW 9.94A.760

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

[ ] shall be set by the prosecutor  
[ ] is scheduled for \_\_\_\_\_.

[ ] RESTITUTION. Schedule attached.

[ ] Restitution ordered above shall be paid jointly and severally with:...

NAME                      CAUSE NUMBER

RJN

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

Legal financial obligations, including restitution, for an offense committed prior to July 1, 2000, may be enforced at any time during the ten-year period following the defendant's release from total confinement or entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ten-year period, the superior court may extend the criminal judgment an additional ten years for payment of legal financial obligations including crime victims' assessments. Legal financial obligations, including restitution, for an offense committed on or after July 1, 2000, may be enforced at any time the offender remains under the court's jurisdiction. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender until the obligation is completely satisfied, regardless of the statutory maximum for the crime. If the defendant is convicted of Rape of a Child in the First, Second or Third Degree, and the victim became pregnant, the defendant shall remain under the court's jurisdiction until the defendant has satisfied support obligations under the superior court or administrative order, but not longer than a maximum term of twenty-five

years following the offender's release from total confinement or twenty-five years subsequent to the entry of the judgment and sentence, whichever period is longer.

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

All payments shall be made in accordance with the policies of the clerk and on a schedule established by the DOC or the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ \_\_\_\_\_ per month commencing \_\_\_\_\_. RCW 9.94A.760

The defendant shall report as directed by the Benton County Clerk, 7122 West Okanogan Place, Kennewick, WA, and provide financial information as requested. RCW 9.94A.760(7)(b)

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

**4.2 DNA TESTING.** The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754

**HIV TESTING.** The defendant shall submit to HIV testing. RCW 70.24.340

**4.3  FORFEITURE OF ELECTRONIC DEVICE.** The Court finds that a \_\_\_\_\_ (specify computer, cell phone, etc., and law enforcement agency) was used in the facilitation of the crime. That device is forfeited to the investigating law enforcement agency. However, the law enforcement agency shall make a copy of non-criminal personal information, including family photos and financial information, and provide such copy to non-offending family members, if: a) the non-offending family members have provided to the law enforcement agency a hard drive or other device suitable to copy such items, b) the non-offending family members have provided to law enforcement agency a specific list of the files where such items are located and c) the non-offending family members have requested the copy and complied with a) and b) within 90 days of the Judgment and Sentence.

**FORFEITURE OF FIREARMS.** (Specify firearm and law enforcement): \_\_\_\_\_

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

**4.4 CONFINEMENT - JAIL ONE YEAR OR LESS.** The defendant is sentenced as follows:

(a) **Confinement.** RCW 9.94A.589. The defendant is sentenced to the following term of total confinement in the custody of the county jail:

6 Days/months on Count plus one-day \_\_\_\_\_ days/months on Count \_\_\_\_\_  
\_\_\_\_\_ Days/months on Count \_\_\_\_\_ days/months on Count \_\_\_\_\_  
\_\_\_\_\_ Days/months on Count \_\_\_\_\_ days/months on Count \_\_\_\_\_

Actual number of months of total confinement ordered is: 6-months and one-day.

All counts shall be served concurrently, except for the portion of those counts for which there is an enhancement as set forth above in Section 2.3, and except for the following counts which shall be served consecutively: \_\_\_\_\_

(Exceptional sentence Findings necessary).

This sentence shall run consecutively with the sentences imposed for the crimes listed in Section 2.2, "Criminal History," except for the following: \_\_\_\_\_

The "other current convictions" listed in Section 2.1 shall be served concurrently, except for the following: \_\_\_\_\_ (Exceptional sentence Findings necessary).

This sentence shall run consecutively with the sentence in the following cause number(s) not listed in Section 2.2 (see RCW 9.94A.589(3)): \_\_\_\_\_

Confinement shall commence immediately unless otherwise set forth here: \_\_\_\_\_

5:00 pm

SS  
5/30/18

**PARTIAL CONFINEMENT.** Defendant may serve \_\_\_\_\_ days of the sentence, if eligible and approved, in partial confinement in the following programs, subject to the following conditions:

work crew RCW 9.94A.725  
 work release RCW 9.94A.731

home detention RCW 9.94A.731, .190

Defendant shall report to the jail for work crew/work release by: \_\_\_\_\_

*In order to sign up for special jail programs, you must not be under the influence of drugs or alcohol.*

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

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

**Alternatives to total confinement** were not used because of: \_\_\_\_\_  
 criminal history  failure to appear (finding required for nonviolent offenders only) RCW 9.94A.680

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

**4.5 COMMUNITY SUPERVISION/CUSTODY.** RCW 9.94A.505, 545.

(A) The defendant shall serve up to 12 months in community supervision/custody.

The court may order community supervision/custody under the jurisdiction of DOC for up to 12 months if the defendant is convicted of a sex offense, a violent offense, a crime against a person under RCW 9.94A.411, or felony violation of chapter 69.50 or 69.52 RCW or an attempt, conspiracy or solicitation to commit such a crime.

For offenses committed on or after June 7, 2006, the court shall impose a term of community custody of 36 months under RCW 9.94A.701(3)(d) if the offender is guilty of Failure to Register (second or subsequent offense) under RCW 9A.44.130(11)(a).

The defendant shall report to Department of Corrections (DOC), 500 North Morain, Suite 1101, Kennewick, Washington, 99336, not later than 72 hours after release from custody.

(B) DOC shall supervise the defendant if DOC classifies the defendant in the A or B risk categories; or DOC classifies the defendant in the C or D risk categories and at least one of the following apply:

a) The defendant committed a current or prior:		
i) sex offense	ii) violent offense	iii) crime against a person RCW 9.94A.411
iv) domestic violence offense RCW 10.99.020		v) residential burglary offense

- |  |
|--|
| vi) offenses for manufacture, delivery or possession with intent to deliver methamphetamine including its salts, isomers, and salts of isomers |
| vii) offense for delivery of a controlled substance to a minor; or attempt, solicitation or conspiracy (vi, vii)                               |
| b) The conditions of community supervision/custody include chemical dependency treatment   |
| c) The defendant is subject to supervision under the interstate compact agreement, RCW 9.94A.745   |

While on community supervision/custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at Department of Corrections-approved education, employment and/or community restitution (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 the Department of Corrections; (8) perform affirmative acts necessary to monitor compliance with the orders of the court as required by the Department of Corrections; and (9) for sex offenses, submit to electronic monitoring if imposed by DOC; (10) abide by any additional conditions imposed by DOC under RCW 9.94A.720; and (10) abide by any additional conditions imposed by DOC under RCW 9.94A.720. The residence location and living arrangements are subject to the prior approval of the Department of Corrections while in community supervision/custody. Community custody for sex offenders sentenced under RCW 9.94A.710 may be extended for up to the statutory maximum term of the sentence.

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

- not consume any alcohol.
- have no contact with: \_\_\_\_\_
- remain  within  outside of a specified geographical boundary, to wit: \_\_\_\_\_
- not reside within 880 feet of the facilities or grounds of a public or private school (community protection zone).  
RCW 9.94A.030(8)
- participate in the following crime-related treatment or counseling services: .  
\_\_\_\_\_
- undergo an evaluation for treatment for and fully comply with all recommended treatment for  domestic violence  substance abuse  mental health  anger management
- comply with the following crime-related prohibitions: \_\_\_\_\_
- not write checks nor have a checking account.
- Other conditions: \_\_\_\_\_

(C) The conditions of community custody shall begin immediately upon release from confinement unless otherwise set forth here: \_\_\_\_\_

**4.6 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. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purposes 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(5). 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.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** Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. RCW 9.94A.634

**5.6a FIREARMS.** You may not own, use or possess any firearm, and under federal law any firearm or ammunition, unless your right to do so is restored by the court in which you are convicted or the superior court in Washington State where you live, and by a federal court if required. You must immediately surrender any concealed pistol license. (The clerk of the court 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.

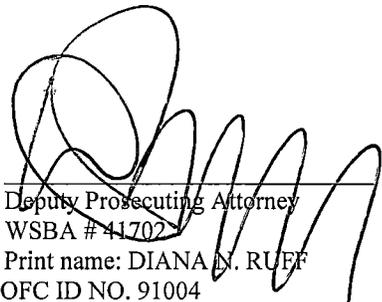
**5.6b FELONY FIREARM OFFENDER REGISTRATION.** The defendant is required to register as a felony firearm offender. The specific registration requirements are in the "Felony Firearm Offender Registration" attachment.

**5.7 MOTOR VEHICLE.** If the court found in Section 2.1 that you used a motor vehicle in the commission of this offense, then the Department of Licensing will revoke your driver's license. The court clerk 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.

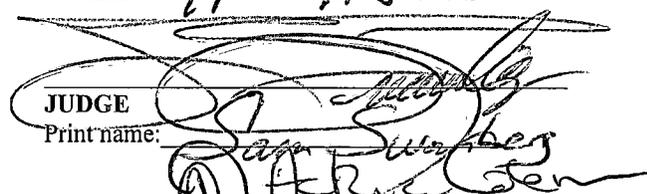
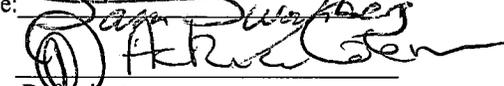
**5.8 REPAYMENT OF COSTS ON APPEAL:** The Court of Appeals and Supreme Court may require the defendant to pay the costs of unsuccessful appeal or other post-conviction proceeding, including, but not limited to filing fees, cost of production of report of proceedings and clerk's papers, and court-appointed attorney's fees. RCW 10.73.160.

**5.9 OTHER:** \_\_\_\_\_

**DONE IN OPEN COURT** and in the presence of the defendant this date: 4/25/18

  
Deputy Prosecuting Attorney  
WSBA # 41702  
Print name: DIANA N. RUFF  
OFC ID NO. 91004

\_\_\_\_\_  
Attorney for Defendant  
WSBA #  
Print name: S.AJAX

  
**JUDGE**  
Print name: Sam Swisher  
  
Defendant  
Print name: ADRIAN ALLEN COLEMAN

**VOTING RIGHTS STATEMENT:** I acknowledge that my right to vote has been lost due to this felony conviction. 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: Adrian Coleman

Translator signature/Print name: \_\_\_\_\_

I am a certified interpreter of, or the court has found me otherwise qualified to interpret, the \_\_\_\_\_ language, which the defendant understands. I translated this Judgment and Sentence for the defendant into that language.

CAUSE NUMBER of this case: \_\_\_\_\_

I, \_\_\_\_\_, 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 DEFENDANT**

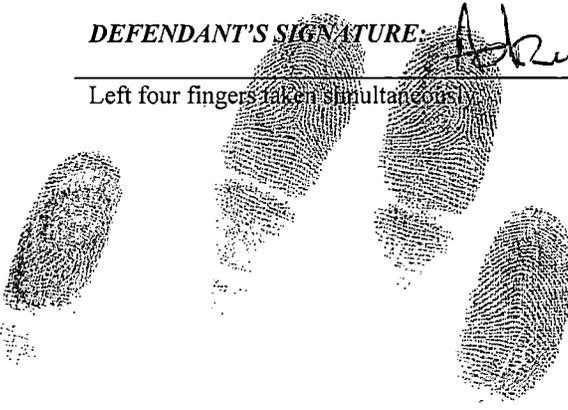
SID No: \_\_\_\_\_ Date of Birth: 02/24/1968  
FBI No: \_\_\_\_\_ Local ID No : 4308120  
PCN No: \_\_\_\_\_ SS No:  
Alias names, SSN, DOB: \_\_\_\_\_ Other \_\_\_\_\_

Race: \_\_\_\_\_ Ethnicity: \_\_\_\_\_ Sex: M  
 Hispanic  
 Non-Hispanic

**FINGERPRINTS** 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/Bailiff, Dated: 4/25/18

**DEFENDANT'S SIGNATURE:** Adrian Coleman

Left four fingers taken simultaneously	Left Thumb	Right Thumb	Right four fingers taken simultaneously
			

**PROSECUTING ATTORNEY  
BENTON COUNTY, WASHINGTON**

7122 West Okanogan Place, Bldg. A  
Kennewick, Washington 99336-7693

Ph: (509) 735-3591 ■ Fax: (509) 736-3066

June 07, 2016  
April 24, 2018

S.AJAX  
Attorney at Law

RE: State v. ADRIAN ALLEN COLEMAN

This letter is to advise you that I have charged the above defendant with the crime(s) of UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE.

The following criminal history is subject to change. If additional criminal history is found, the range will change. The defendant is deemed to know his or her criminal history. Changes in the history may affect the offer and will not allow a defendant to withdraw his or her plea. Acceptance of this offer is acceptance of the above terms.

**PRIOR OFFENSE(S) (DATE) – DISPOSITION:**

	CRIME	DATE OF SENTENCE	SENTENCING COURT (County and State)	DATE OF CRIME	A or J Adult, Juvenile	TYPE OF CRIME
	UPCS – pending		Umatilla County, OR	7/11/2015	A	Drug
1	UPCS - comparable	6/25/2014	Umatilla County, OR	7/10/2013	A	Drug
2	FTRSO - comparable	4/9/2012	Multnomah County, OR	11/30/2011	A	Sex
3	ID Theft (FC) - comparable	8/23/2010	Multnomah County, OR	4/19/2010	A	NV
4	ID Theft (FC) - comparable	8/20/2010	Multnomah County, OR	4/19/2010	A	NV
5	ID Theft (FC) – not comparable	8/20/2010	Multnomah County, OR	4/19/2010	A	NV
6	Tax Evasion – wash/– not comparable	5/5/1995	Multnomah County, OR	4/9/1992	A	NV
7	Criminal Conspiracy – Evade Tax – wash/– not comparable	5/5/1995	Multnomah County, OR	4/9/1992	A	NV
8	Crim. Conspiracy – Perjury (FC) – wash/– not comparable	5/5/1995	Multnomah County, OR	4/9/1992	A	NV
9	Racketeering (FA) – does not wash/– not comparable	5/5/1995	Multnomah County, OR	4/9/1992	A	NV
10-24	Promoting Prostitution – 15 counts (FC) – wash/– not comparable	5/5/1995	Multnomah County, OR	4/9/1992	A	Sex
25	Compelling Prostitution (FB) – does not wash - comparable	1/29/1990	Multnomah County, OR	9/28/1988	A	Sex
26	Fel. Habitual Traffic Offender – wash/– not comparable	7/26/1988	Multnomah County, OR	12/27/1987	A	Traff.

ORIGINAL

I agree that the above criminal history is true and accurate.

*Adrian Coleman*

Defendant

0-000000128

Based on my understanding that your client has prior convictions and an offender score of 5, I calculate the standard range to be 6+-12 months.

If your client pleads guilty as charged, I will recommend that s/he be sentenced to 6+1 months, 12 months community custody, substance abuse evaluation and treatment, standard fines and costs, and all other terms of the judgment and sentence.

The State will make the above recommendation on the condition that the defendant does not enter an *Alford* plea. If the defendant pleads guilty via *Alford*, we will increase our recommendation by 25 percent.

Please advise me of your client's position regarding this offer. **If we have not heard from you by the day before the first pretrial setting, the above offer is revoked.**

Very truly yours,

**ANDY MILLER**  
Prosecuting Attorney

**DIANA N RUFF**  
Deputy Prosecuting Attorney

0-000000129

**SUPERIOR COURT OF WASHINGTON FOR BENTON COUNTY**

STATE OF WASHINGTON,	)	
	)	
Plaintiff,	)	NO. 16-1-00487-7
	)	
vs.	)	COST BILL
	)	
ADRIAN ALLEN COLEMAN,	)	
	)	
Defendant.	)	

The following court costs have been incurred by the county in the above-entitled matter and are owing:

		<u>ORD</u>	<u>ASS'D</u>
FILING FEE	\$ 200.00	_____	_____
<del>██████████</del> FEE FOR FTA WARRANTS	\$ <del>100.00</del>	_____	_____
<u>2-1-17</u> \$100.00 _____ \$ _____			
_____ \$ _____ _____ \$ _____			
SHERRIFF'S SERVICE FEE	\$ <del>731.82</del>	_____	_____
<u>5-17-16</u> \$100 _____ \$ _____			
<u>2-23-17</u> \$171.82 _____ \$ _____			
JURY DEMAND FEE	\$ _____	_____	_____
WITNESS FEES	\$ <del>1</del>	_____	_____
ATTORNEY'S FEES	\$ <del>600</del>	_____	_____
SPECIAL COSTS REIMBURSEMENT	\$ <del>500.00</del>	_____	_____
EXTRADITION COSTS	\$ _____	_____	_____
TOTAL ORDERED AND/OR ASSESSED	\$ <del>2000.00</del> (only \$200.00 assessed by court)		

DATED: 04/25/2018

JOSIE DELVIN  
SUPERIOR COURT CLERK

INV \$500.00

By: *TASA Ramey*  
Deputy

**Appendix C**

**RCW 43.43.7541**

**RCW 43.43.7541****DNA identification system—Collection of biological samples—Fee.**

Every sentence imposed for a crime specified in RCW 43.43.754 must include a fee of one hundred dollars unless the state has previously collected the offender's DNA as a result of a prior conviction. The fee is a court-ordered legal financial obligation as defined in RCW 9.94A.030 and other applicable law. For a sentence imposed under chapter 9.94A RCW, the fee is payable by the offender after payment of all other legal financial obligations included in the sentence has been completed. For all other sentences, the fee is payable by the offender in the same manner as other assessments imposed. The clerk of the court shall transmit eighty percent of the fee collected to the state treasurer for deposit in the state DNA database account created under RCW 43.43.7532, and shall transmit twenty percent of the fee collected to the agency responsible for collection of a biological sample from the offender as required under RCW 43.43.754. This fee shall not be imposed on juvenile offenders if the state has previously collected the juvenile offender's DNA as a result of a prior conviction.

[ 2018 c 269 § 18; 2015 c 265 § 31; 2011 c 125 § 1; 2008 c 97 § 3; 2002 c 289 § 4.]

**NOTES:**

**Construction—2018 c 269:** See note following RCW 10.82.090.

**Finding—Intent—2015 c 265:** See note following RCW 13.50.010.

**Severability—Effective date—2002 c 289:** See notes following RCW 43.43.753.

**BENTON COUNTY PROSECUTOR'S OFFICE**

**April 05, 2019 - 2:34 PM**

**Transmittal Information**

**Filed with Court:** Court of Appeals Division III  
**Appellate Court Case Number:** 36068-7  
**Appellate Court Case Title:** State of Washington v. Adrian Allen Coleman  
**Superior Court Case Number:** 16-1-00487-7

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