

779730

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

In re Personal Restraint	)	
Petition of	)	
	)	No. 56056-5-1
	)	
COREY BEITO,	)	STATE'S RESPONSE TO
Petitioner.	)	PERSONAL RESTRAINT
	)	PETITION
_____	)	

FILED  
 COURT OF APPEALS DIV. I  
 STATE OF WASHINGTON  
 2005 JUN -8 PM 4:39

A. AUTHORITY FOR RESTRAINT OF PETITIONER.

Corey Beito is restrained pursuant to Judgment and Sentence in King County Superior Court No. 98-1-00243-0 KNT. See Appendix A.

B. ISSUES PRESENTED.

Whether this personal restraint petition should be dismissed where petitioner has failed to establish a Sixth Amendment violation when he stipulated to facts supporting the exceptional sentence.

Whether this personal restraint petition should be dismissed where petitioner alleges his plea was not knowing but does not seek withdrawal of the plea.

Whether this personal restraint petition should be dismissed where petitioner has failed to establish any violation of double jeopardy principles.

C. STATEMENT OF THE CASE.

Corey Beito was charged by information with aggravated murder in the first degree. PRP Appendix A.<sup>1</sup> The Certification for Determination of Probable Cause alleged that Beito strangled 14-year-old Jessica Seim to death. PRP Appendix A. After killing her, he stuffed her body in a garbage can and locked it into his backyard tool shed. PRP Appendix A. In a taped statement to the police, Beito admitted to strangling the victim, who he referred to as "just a baby" after having what he claimed was consensual sex with her. PRP Appendix A. Evidence of sexual assault, in particular a vaginal abrasion, was found during the autopsy. PRP Appendix A.

Beito entered a plea of guilty to the charge of murder in the first degree. PRP Appendix B. While the mandatory sentence for aggravated murder is life sentence without parole or death, Beito's plea to the reduced charge resulted in a standard range of 291 to 388 months. PRP Appendix B. In the plea form, Beito acknowledged that the State would be recommending an exceptional sentence of 504 months.<sup>2</sup> PRP Appendix B. In the plea form, Beito admitted to causing the death of the victim, and stated his wish to plead guilty to the reduced charge because of the substantial likelihood that a jury would find the murder to be premeditated. PRP Appendix B. In the plea, Beito agreed that "the Court

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<sup>1</sup> Most of the relevant documents have been appended to the PRP. These will be cited in this response as "PRP Appendix \_\_\_."

<sup>2</sup> With a 504-month sentence, Beito will be eligible for release at age 62.

may consider the certificate of probable cause as well as the terms of Appendix C to form a basis for my plea and my sentencing." PRP Appendix B (emphasis added).

The "Plea Agreement" attached to the Statement of Defendant On Plea of Guilty states, "[i]n accordance with RCW 9.94A.370 the parties have stipulated that the court, in sentencing, may consider as real and material facts information as follows: as set forth in the attached Appendix C." PRP Appendix B.

"Appendix C to Plea Agreement Re: Real Facts", signed by the prosecutor, defense counsel and Beito, states that "as part of the plea agreement, Real and Material facts establishing elements of a Rape First and Second Degree, and Rape of a Child in the Third Degree to be considered at sentencing are specifically stipulated to." PRP Appendix B (emphasis added). Pursuant to that document, the defendant acknowledged "[t]hat the crime of Rape of a Child Third Degree was committed," but disputed that the crimes of first or second degree rape was committed. PRP Appendix B. The parties stipulated that the court could consider Beito's statement to the police, the written statements of Michael Corbell, Mark Coffey and Nick Gaffe, the autopsy report and photos. PRP Appendix B. No testimony was presented at the sentencing hearing. PRP Appendix D.

At the initial sentencing, the court imposed an exceptional sentence of 504 months, as recommended by the State and the Department of Corrections. PRP

Appendix D. This sentence was successfully appealed, and the sentence was reversed. PRP Appendix E.

At a second sentencing, the court again imposed an exceptional sentence of 504 months. PRP Appendix F. This sentence was also successfully appealed, and the sentence was reversed. PRP Appendix G.

At the third sentencing, the court again imposed an exceptional sentence of 504 months. PRP Appendix H. The sole basis for this exceptional sentence was the fact that Beito committed the crime of rape of a child in the third degree which was closely connected to the murder. PRP Appendix H. This sentence was appealed. In an unpublished decision the Court of Appeals affirmed the sentence, rejecting Beito's claims that the court failed to follow the proper procedure in imposing the sentence and that the sentence violated due process by being vindictive. PRP Appendix I. Beito's petition for review was denied on September 8, 2004. PRP Appendix J.

D. ARGUMENT.

1. PETITIONER'S SENTENCE DOES NOT VIOLATE THE SIXTH AMENDMENT PURSUANT TO BLAKELY V. WASHINGTON BECAUSE HE STIPULATED TO THE FACTS SUPPORTING THE EXCEPTIONAL SENTENCE.

Beito contends that his exceptional sentence violates the rule set forth in Blakely v. Washington, \_\_\_ U.S. \_\_\_, 124 S.Ct. 2531, 159 L.Ed.2d 403 (2004).

This claim is without merit. Blakely was not violated because, as part of his plea agreement, Beito stipulated to the facts upon which his exceptional sentence

was based.

In Blakely, the United States Supreme Court held that a defendant has a Sixth Amendment right to have a jury determine, beyond a reasonable doubt, aggravating facts other than prior convictions used to impose an exceptional sentence above the standard range. Significantly, however, the Court acknowledged that a jury trial on the exceptional sentence request would not be required if a defendant stipulated to the relevant facts and thus waived his

Apprendi rights:

[N]othing prevents a defendant from waiving his Apprendi rights. When a defendant pleads guilty, the State is free to seek judicial sentence enhancements so long as the defendant either stipulates to the relevant facts or consents to judicial factfinding. See Apprendi, 530 U.S., at 488, 120 S. Ct. 2348; Duncan v. Louisiana, 391 U.S. 145, 158, 88 S. Ct. 1444, 20 L. Ed. 2d 491 (1968). If appropriate waivers are procured, States may continue to offer judicial factfinding as a matter of course to all defendants who plead guilty. Even a defendant who stands trial may consent to judicial factfinding as to sentence enhancements, which may well be in his interest if relevant evidence would prejudice him at trial.

Blakely, 124 S. Ct. at 2541.

As outlined by Justice Scalia above, Beito stipulated to the facts used to impose the exceptional sentence in his case. A stipulation to real facts set forth in the certification of probable cause means that those facts are to be treated as proven. See State v. Tindal, 50 Wn. App. 401, 403, 748 P.2d 695 (1988); see also State v. Gurske, 120 Wn. App. 63, 65, 83 P.3d 1051 (2004) (stipulated facts are considered verities on appeal). An exceptional sentence can be

imposed without a jury finding pursuant to Blakely when the defendant stipulates to the relevant facts. Because Beito stipulated to the relevant facts as part of the plea agreement, imposition of an exceptional sentence without a jury finding does not violate Blakely.

2. BEITO'S CLAIM THAT HIS STIPULATION WAS AN UNKNOWING WAIVER OF HIS CONSTITUTIONAL RIGHTS GOES TO THE VALIDITY OF THE PLEA; HIS REMEDY COULD BE WITHDRAWAL OF THE PLEA, NOT IMPOSITION OF A STANDARD RANGE SENTENCE.

Beito argues that any stipulation to facts was not a knowing waiver of his Sixth Amendment rights under Blakely. This claim could affect validity of the plea.<sup>3</sup> It does not, however, support his request for imposition of a standard range sentence under the plea.

The stipulation to real facts was an integral part of a plea agreement between Beito and the State whereby Beito avoided the very real possibility of receiving a sentence of life in prison without parole. Significantly, Beito has not requested withdrawal of the plea. Rather, he seeks imposition of standard range sentence only. In essence, he wants this court to enforce the portion of the plea agreement that he benefits from (reduction of the charge to murder in the first degree) but relieve him from the portion of the plea agreement that disadvantages him (stipulation to facts supporting exceptional sentence). The

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<sup>3</sup> The State does not concede that this claim is a sufficient basis for withdrawal of the plea in this case.

plea cannot be divided in such a way.

Plea agreements are regarded and interpreted as contracts that bind both parties. In re Breedlove, 138 Wn.2d 298, 309, 979 P.2d 417 (1999). Integral parts of a plea agreement are to be treated as indivisible absent objective evidence of a contrary intent in the agreement. See State v. Turley, 149 Wn.2d 395, 400-02, 69 P.3d 338 (2003). The stipulation to facts was an integral part of the plea agreement. See State v. Hagar, \_\_\_ Wn. App. \_\_\_, 105 P.3d 65 (2005). It cannot simply be excised out without invalidating the entire plea agreement.

State v. Hagar, 105 P.3d at 67, is precisely on point. Like Beito, Hagar entered a plea of guilty in which he stipulated to facts for purposes of sentencing that supported an exceptional sentence. Id. On appeal, he argued that the exceptional sentence imposed violated Blakely and requested remand for entry of a standard range sentence. This Court rejected Hagar's claim, finding that the stipulation and resulting sentence could not be challenged without challenging the entire plea. Id. at 67. Hagar's only remedy for an unknowing waiver of Blakely rights was withdrawal of the plea, a remedy he did not want. Id. at 68. See also U.S. v. Fotiades-Alexander, 331 F.Supp. 2d 350, 354 (E.D. Penn. 2004) ("defendant's argument about whether she voluntarily and intelligently 'waived' her Blakely rights relates to the validity of her guilty plea rather than to the court's reliance on the facts admitted by the defendant.") Beito's request for imposition of a standard range sentence must also be rejected.

### 3. IMPOSITION OF AN EXCEPTIONAL SENTENCE DOES NOT VIOLATE DOUBLE JEOPARDY PRINCIPLES.

Beito claims that imposition of an exceptional sentence after a defendant has pled or been found guilty violates the federal and state prohibition against double jeopardy. His argument is without merit and should be rejected.

In general, the Double Jeopardy Clause does not apply to ordinary, non-capital sentencing proceedings. Monge v. California, 524 U.S. 721, 724, 728, 118 S. Ct. 2246, 141 L. Ed. 2d 615 (1998). This is because “[t]he pronouncement of sentence simply does not ‘have the qualities of constitutional finality that attend an acquittal.’” Monge, 524 U.S. at 729 (citation omitted); see also United States v. DiFrancesco, 449 U.S. 117, 132-36, 101 S. Ct. 426, 66 L. Ed. 2d 328 (1980). Further, “[t]he imposition of a particular sentence is not regarded as an ‘acquittal’ of any more severe sentence that could have been imposed.” Bullington v. Missouri, 451 U.S. 430, 438, 101 S. Ct. 1852, 68 L. Ed. 2d 270 (1981). Accordingly, double jeopardy principles neither prevent the State from appealing a sentence, nor limit the length of a sentence that may be imposed upon retrial after a successful defense appeal. Monge, 524 U.S. at 730; Bullington, 451 U.S. 438.

There are only three circumstances in which double jeopardy principles apply to an attempt to increase a defendant’s sentence. First, the Double Jeopardy Clause prohibits an otherwise correct sentence from being increased. State v. Hardesty, 129 Wn.2d 303, 310, 915 P.2d 1080 (1996). Third, double

jeopardy prohibits the State from attempting to again prove aggravating facts if the original sentencing proceeding was more like a trial than an ordinary sentencing proceeding, and if the result of the original sentencing was an “acquittal” on the aggravating facts. Sattazahn v. Pennsylvania, 537 U.S. 101, 106, 123 S. Ct. 732, 154 L. Ed. 2d 588 (2003); Arizona v. Rumsey, 467 U.S. 203, 211, 104 S. Ct. 2305, 81 L. Ed. 2d 164 (1984); Bullington, 451 U.S. 430; Hardesty, 129 Wn.2d at 310-11. Third, the Clause prevents resentencing where the defendant has a legitimate expectation of finality in the sentence. Hardesty, 129 Wn.2d at 311. See also, State v. Maestas, 124 Wn. App. 352, 101 P.3d 426 (2004).

None of these three exceptions is present in this case. First, the State has not sought to increase a “correct” sentence. The only sentence that has ever been imposed in this case is the 504-month exceptional sentence, which the State has repeatedly defended. Second, no finder of fact has ever “acquitted” Beito of the aggravating facts on which the exceptional sentence has been based. Third, Beito does not have a reasonable expectation of finality in a sentence he has appealed three times and now seeks to collaterally attack. United States v. DiFrancesco, 449 U.S. 117, 136, 101 S. Ct. 426, 66 L. Ed. 2d 328 (1980).

Beito argues that Ring v. Arizona, 536 U.S. 584, 122 S.Ct. 2428, 153 L.Ed.2d 556 (2002), supports his argument that imposing an additional

punishment based on aggravating factors violates double jeopardy. If anything, the Ring decision demonstrates just the opposite: that imposition of a greater sentence based on aggravating factors is constitutional. In that case, a jury acquitted Ring of premeditated murder but convicted him of felony murder. Under Arizona's statutory scheme, the trial court imposed a death sentence after finding in a separate sentencing proceeding that Ring was the actual killer, that he was a major participant in the robbery, that he committed the offense for pecuniary gain, and that he committed it in an especially heinous, cruel or depraved manner. 536 U.S. at 594-95. The Supreme Court held that pursuant to Apprendi v. New Jersey, 530 U.S. 466, 120 S.Ct.2348, 147 L.Ed.2d 435 (2000), the facts that increased Ring's maximum punishment from life imprisonment to death must be found by a jury beyond a reasonable doubt. 536 U.S. at 602. It is implicit in this holding that after the jury has found the defendant guilty of the underlying crime, felony-murder, the jury may then, in a separate sentencing proceeding, find additional aggravating facts that will increase the defendant's punishment from life imprisonment to death. Thus, obviously, the United States Supreme Court does not view the imposition of an aggravated sentence upon the finding of additional facts a violation of double jeopardy principles. Significantly, on remand the Arizona Supreme Court held that it did not violate the Double Jeopardy Clause for the State to again seek the

death penalty for Ring under new sentencing statutes. State v. Ring, 204 Ariz. 534, 547-53, 65 P.3d 915 (2003).

E. CONCLUSION.

This personal restraint petition should be dismissed.

DATED this 3rd day of June, 2005.

Respectfully submitted,

NORM MALENG  
King County Prosecuting Attorney

by   
ANN SUMMERS, #21509  
Senior Deputy Prosecuting Attorney  
Attorneys for Respondent  
Office ID #91002

W554 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104  
(206) 296-9650

## APPENDIX A

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KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA.

**CERTIFIED  
COPY**

**SUPERIOR COURT OF WASHINGTON FOR KING COUNTY**

STATE OF WASHINGTON,

Plaintiff,

Vs.

COREY SCOTT BEITO

Defendant,

98-1-00243-0 KNT ✓

No. 98-1-00234-0 KNT

**JUDGMENT AND SENTENCE  
FELONY  
ON RESENTENCING**

**I. HEARING**

I.1 The defendant, the defendant's lawyer, Richard A. [unclear] and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: \_\_\_\_\_

**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 10/08/1999 by plea of:

Count No.: <u>I</u>	Crime: <u>MURDER IN THE FIRST DEGREE</u>
RCW <u>9A.32.030 (1) (a) (c)</u>	Crime Code: <u>00124</u>
Date of Crime: <u>01/21/1998-01/23/1998</u>	Incident No. _____
Count No.: _____	Crime: _____
RCW _____	Crime Code: _____
Date of Crime: _____	Incident No. _____
Count No.: _____	Crime: _____
RCW _____	Crime Code: _____
Date of Crime: _____	Incident No. _____
Count No.: _____	Crime: _____
RCW _____	Crime Code: _____
Date of Crime: _____	Incident No. _____

[ ] Additional current offenses are attached in Appendix A

**000035**

	C/PRO
	CUST
	CASH
	JUDG
	DISB
	CRIM
	ACCTG
	EXH

JAN U 2 2003  
COMMITMENT ISSUED

PRESENTENCING STATEMENT & INFORMATION ATTACHED

60-9-28376-3

COPY TO SENTENCING GUIDELINES COMMISSION - JAN 08 2003

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**SPECIAL VERDICT or FINDING(S):**

- (a)  While armed with a **firearm** in count(s) \_\_\_\_\_ RCW 9.94A.510(3).
- (b)  While armed with a **deadly weapon** other than a firearm in count(s) \_\_\_\_\_ RCW 9.94A.510(4).
- (c)  With a **sexual motivation** in count(s) \_\_\_\_\_ RCW 9.94A.835.
- (d)  A V.U.C.S.A. offense committed in a **protected zone** in count(s) \_\_\_\_\_ RCW 69.50.435.
- (e)  **Vehicular homicide**  Violent traffic offense  DUI  Reckless  Disregard.
- (f)  **Vehicular homicide** by DUI with \_\_\_\_\_ prior conviction(s) for offense(s) defined in RCW 41.61.5055, RCW 9.94A.510(7).
- (g)  **Non-parental kidnapping** or unlawful imprisonment with a minor victim. RCW 9A.44.130.
- (h)  **Domestic violence** offense as defined in RCW 10.99.020 for count(s) \_\_\_\_\_.
- (i)  Current offenses **encompassing the same criminal conduct** in this cause are count(s) \_\_\_\_\_ RCW 9.94A.589(1)(a).

2.2 **OTHER CURRENT CONVICTION(S):** Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): \_\_\_\_\_

2.3 **CRIMINAL HISTORY:** Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.525):

- Criminal history is ~~attached~~ in **Appendix B, previously filed 11/16/01.**
- One point added for offense(s) committed while under community placement for count(s) \_\_\_\_\_

2.4 **SENTENCING DATA:**

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
Count I	4	XV	281 TO 374		281 TO 374 MONTHS	LIFE AND/OR \$50,000
Count						
Count						
Count						

Additional current offense sentencing data is attached in **Appendix C.**

2.5 **EXCEPTIONAL SENTENCE (RCW 9.94A.535):**

Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) **I**. Findings of Fact and Conclusions of Law are attached in **Appendix D.** The State  did  did not recommend a similar sentence.

**III. JUDGMENT**

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2.1 above and **Appendix A.**

The Court **DISMISSES** Count(s) \_\_\_\_\_

**000036**

IV. ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below.

4.1 RESTITUTION AND VICTIM ASSESSMENT:

- Defendant shall pay restitution to the Clerk of this Court, ~~as set forth in attached Appendix E.~~ *TBD, if any.*
  - Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.753(2), sets forth those circumstances in attached Appendix E.
  - Restitution to be determined at future restitution hearing on (Date) \_\_\_\_\_ at \_\_\_\_\_ m.
    - Date to be set.
    - Defendant waives presence at future restitution hearing(s).
  - Restitution is not ordered.
- Defendant shall pay Victim Penalty Assessment pursuant to RCW 7.68.035 in the amount of \$500.

4.2 OTHER FINANCIAL OBLIGATIONS: Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:

- (a)  \$ 872.00, Court costs;  Court costs are waived; (RCW 9.94A.030, 10.01.160)
- (b)  \$100 DNA collection fee;  DNA fee waived (RCW 43.43.754)(crimes committed after 7/1/02);
- (c)  \$ \_\_\_\_\_, Recoupment for attorney's fees to King County Public Defense Programs;  Recoupment is waived (RCW 9.94A.030);
- (d)  \$ \_\_\_\_\_, Fine;  \$1,000, Fine for VUCSA;  \$2,000, Fine for subsequent VUCSA;  VUCSA fine waived (RCW 69.50.430);
- (e)  \$ \_\_\_\_\_, King County Interlocal Drug Fund;  Drug Fund payment is waived; (RCW 9.94A.030)
- (f)  \$ \_\_\_\_\_, State Crime Laboratory Fee;  Laboratory fee waived (RCW 43.43.690);
- (g)  \$ \_\_\_\_\_, Incarceration costs;  Incarceration costs waived (RCW 9.94A.760(2));
- (h)  \$ \_\_\_\_\_, Other costs for: \_\_\_\_\_

4.3 PAYMENT SCHEDULE: Defendant's **TOTAL FINANCIAL OBLIGATION** is: \$ 1372 *+ Restitution*. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms:  Not less than \$ \_\_\_\_\_ per month;  On a schedule established by the defendant's Community Corrections Officer. Financial obligations shall bear interest pursuant to RCW 10.82.090. **The Defendant shall remain under the Court's jurisdiction and the supervision of the Department of Corrections for up to ten years from the date of sentence or release from confinement to assure payment of financial obligations.**

- Court Clerk's trust fees are waived.
- Interest is waived except with respect to restitution.

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4.4 **CONFINEMENT OVER ONE YEAR:** Defendant is sentenced to a term of total confinement in the custody of the Department of Corrections as follows, commencing: [] immediately; [ ] (Date): \_\_\_\_\_ by \_\_\_\_\_ .m.

504 months/days on count 1; \_\_\_\_\_ months/days on count \_\_\_\_\_; \_\_\_\_\_ months/day on count \_\_\_\_\_  
\_\_\_\_\_ months/days on count \_\_\_\_\_; \_\_\_\_\_ months/days on count \_\_\_\_\_; \_\_\_\_\_ months/day on count \_\_\_\_\_

The above terms for counts \_\_\_\_\_ are concurrent/consecutive.

The above terms shall run concurrent/consecutive with cause No.(s) \_\_\_\_\_

The above terms shall run consecutive to any previously imposed sentence not referred to in this order.

[ ] In addition to the above term(s) the court imposes the following mandatory terms of confinement for any special **WEAPON** finding(s) in section 2.1: \_\_\_\_\_

which term(s) shall run consecutive with each other and with all base term(s) above and terms in any other cause. (Use this section only for crimes committed after 6-10-98)

[ ] The enhancement term(s) for any special **WEAPON** findings in section 2.1 is/are included within the term(s) imposed above. (Use this section when appropriate, but for crimes before 6-11-98 only, per In Re Charles)

The **TOTAL** of all terms imposed in this cause is \_\_\_\_\_ months.

Credit is given for [10] days served [] days as determined by the King County Jail, solely for confinement under this cause number pursuant to RCW 9.94A.505(6).

4.5 **NO CONTACT:** For the maximum term of Life years, defendant shall have no contact with the victims family.

4.6 **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, as ordered in **APPENDIX G.**

[ ] **HIV TESTING:** For sex offense, prostitution offense, drug offense associated with the use of hypodermic needles, the defendant shall submit to HIV testing as ordered in **APPENDIX G.**

4.7 (a) [] **COMMUNITY PLACEMENT** pursuant to RCW 9.94A.700, for **qualifying crimes committed before 7-1-2000**, is ordered for 24 months or for the period of earned early release awarded pursuant to RCW 9.94A.728, whichever is longer. [24 months for any serious violent offense, vehicular homicide, vehicular assault, or sex offense prior to 6-6-96; 12 months for any assault 2°, assault of a child 2°, felony violation of RCW 69.50/52, any crime against person defined in RCW 9.94A.411 not otherwise described above.] **APPENDIX H** for Community Placement conditions is attached and incorporated herein.

(b) [ ] **COMMUNITY CUSTODY** pursuant to RCW 9.94.710 for any **SEX OFFENSE committed after 6-5-96 but before 7-1-2000**, is ordered for a period of 36 months or for the period of earned early release awarded under RCW 9.94A.728, whichever is longer. **APPENDIX H** for Community Custody Conditions and **APPENDIX J** for sex offender registration is attached and incorporated herein.

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- (c)  **COMMUNITY CUSTODY** - pursuant to RCW 9.94A.715 for qualifying crimes committed after 6-30-2000 is ordered for the following established range:
- Sex Offense, RCW 9.94A.030(38) - 36 to 48 months—when not sentenced under RCW 9.94A.712
  - Serious Violent Offense, RCW 9.94A.030(37) - 24 to 48 months
  - Violent Offense, RCW 9.94A.030(45) - 18 to 36 months
  - Crime Against Person, RCW 9.94A.411 - 9 to 18 months
  - Felony Violation of RCW 69.50/52 - 9 to 12 months
- or for the entire period of earned early release awarded under RCW 9.94A.728, whichever is longer. Sanctions and punishments for non-compliance will be imposed by the Department of Corrections pursuant to RCW 9.94A.737.
- APPENDIX H** for Community Custody conditions is attached and incorporated herein.
- APPENDIX J** for sex offender registration is attached and incorporated herein.

4.8  **WORK ETHIC CAMP:** The court finds that the defendant is eligible for work ethic camp, is likely to qualify under RCW 9.94A.690 and recommends that the defendant serve the sentence at a work ethic camp. Upon successful completion of this program, the defendant shall be released to community custody for any remaining time of total confinement. The defendant shall comply with all mandatory statutory requirements of community custody set forth in RCW 9.94A.700. **Appendix H** for Community Custody Conditions is attached and incorporated herein.

4.9  **ARMED CRIME COMPLIANCE, RCW 9.94A.475,.480.** The State's plea/sentencing agreement is  attached  as follows:

The defendant shall report to an assigned Community Corrections Officer upon release from confinement for monitoring of the remaining terms of this sentence.

Date: 12/20/02

Deborah S. Fleck  
 JUDGE  
 Print Name: Deborah Fleck

Presented by:

J. A. B...  
 Deputy Prosecuting Attorney, WSBA# 179D3  
 Print Name: B...

Approved as to form:

J. W. Quirk  
 Attorney for Defendant, WSBA # 355  
 Print Name: J. RICHARD QUIRK

000039

FINGERPRINTS



RIGHT HAND  
FINGERPRINTS OF:

DEFENDANT'S SIGNATURE:  
DEFENDANT'S ADDRESS:

*[Handwritten signature]*

COREY SCOTT BEITO

DATED: DEC 20 2002

ATTESTED BY: BARBARA MINER,  
SUPERIOR COURT CLERK

*[Handwritten signature: Deborah A. Heck]*  
JUDGE, KING COUNTY SUPERIOR COURT

BY: *[Handwritten signature]*  
DEPUTY CLERK

CERTIFICATE

OFFENDER IDENTIFICATION

I, \_\_\_\_\_,  
CLERK OF THIS COURT, CERTIFY THAT  
THE ABOVE IS A TRUE COPY OF THE  
JUDGEMENT AND SENTENCE IN THIS  
ACTION ON RECORD IN MY OFFICE.  
DATED: \_\_\_\_\_

S.I.D. NO.  
DOB: MAY 13, 1971  
SEX: M  
RACE: W

CLERK

BY: \_\_\_\_\_  
DEPUTY CLERK

000040

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

[Defendant]

Defendant,

No. [CauseNo]

APPENDIX G  
ORDER FOR BIOLOGICAL TESTING  
AND COUNSELING

(1) DNA IDENTIFICATION (RCW 43.43.754):

The Court orders the defendant to cooperate with the King County Department of Adult Detention, King County Sheriff's Office, and/or the State Department of Corrections in providing a biological sample for DNA identification analysis. The defendant, if out of custody, shall promptly call the King County Jail at 296-1226 between 8:00 a.m. and 1:00 p.m., to make arrangements for the test to be conducted within 15 days.

(2)  HIV TESTING AND COUNSELING (RCW 70.24.340):

(Required for defendant convicted of sexual offense, drug offense associated with the use of hypodermic needles, or prostitution related offense.)

The Court orders the defendant contact the Seattle-King County Health Department and participate in human immunodeficiency virus (HIV) testing and counseling in accordance with Chapter 70.24 RCW. The defendant, if out of custody, shall promptly call Seattle-King County Health Department at 296-4848 to make arrangements for the test to be conducted within 30 days.

If (2) is checked, two independent biological samples shall be taken.

Date: 12/20/02

*Deborah A. Heck*

JUDGE, King County Superior Court

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