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No. 54805-1-I

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

STATE OF WASHINGTON,

Respondent,

v.

KEITH G. GEORGE,

Appellant.

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

The Honorable Charles W. Mertel

BRIEF OF APPELLANT

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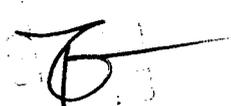

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A. ASSIGNMENTS OF ERROR

1. The prohibition against double jeopardy was violated when Mr. George was tried and convicted for violation of a court order on February 21, 2004, when the charge previously had been dismissed with prejudice for insufficient evidence.

2. The time for trial rule was violated when Mr. George was brought to trial on the charge of violation of a court order on December 22, 2003, when he was detained in jail on that charge for more than 60 days after the commencement date.

3. There was insufficient evidence to establish the validity of the California restraining order on the dates of the alleged violations of that order.

4. The trial court erred in giving a 'to convict' instruction for felony harassment that omitted two essential elements of the crime as charged: (1) the threat that was made was a threat to kill, and (2) the person threatened was placed in reasonable fear the threat to kill would be carried out.

5. The trial court erred in failing to instruct the jury, either in the 'to convict' instruction or by special verdict, that it was required to determine whether the person threatened was placed in reasonable fear the threat to kill would be carried out.

B. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

1. The constitutional prohibition against double jeopardy unequivocally bars retrial on a charge that has been dismissed for insufficient evidence. Was the prohibition against double jeopardy violated when Mr. George was tried and convicted in King County Superior Court with violation of a court order on February 21, 2004, a charge which previously had been dismissed with prejudice for insufficient evidence in Kent Municipal Court? (Assignment of Error 1)

2. The time for trial rule mandates that a defendant who is detained in jail on a pending charge shall be brought to trial within 60 days after the commencement date. Mr. George was detained in Renton City Jail on the charge of violation of a court order on December 22, 2003 for 76 days, at which time he was released and the Renton Municipal Court dismissed the charge without prejudice. Was the time for trial rule violated when the charge was refiled in King County Superior Court on the first day of trial in the present case? (Assignment of Error 2)

3. The validity of a court order is an implicit element of the crime of violation of a court order. Evidence introduced at trial established Mr. George was served a copy of a temporary

restraining order issued by the San Joaquin County Superior Court and the King County Superior Court subsequently ordered all previously issued temporary restraining orders to expire on October 23, 2003. Did the State introduce sufficient evidence to establish the validity of the restraining order on December 22, 2003 and February 21, 2004, the dates of the alleged violations of that order?

(Assignment of Error 3)

4. The constitutional right to due process and jury trial require a 'to convict' instruction to include every essential element of the crime charged. Did the 'to convict' instruction omit two essential elements of felony harassment as charged, when the instruction did not include that the threat made was a threat to kill and that the person threatened was placed in reasonable fear the threat to kill would be carried out? (Assignment of Error 4)

5. Did the trial court err in failing to instruct the jury, either in the 'to convict' instruction or by special verdict, to determine whether the person threatened was placed in reasonable fear that the threat to kill would be carried out? (Assignment of Error 5)

6. Is there an exception to the requirement of a complete 'to convict' instruction when a missing element is set forth in a special verdict form? (Assignment of Error 4)

7. Is the exception to the requirement of a complete 'to convict' instruction limited to offenses in which the missing element pertains to the defendant's criminal history? (Assignment of Error 4)

C. STATEMENT OF THE CASE

1. Procedural facts. Keith G. George, appellant herein, was charged by a complaint filed in Renton Municipal Court, Case Number CR0033049, on January 6, 2004, with one count of violation of a court order on December 22, 2003, contrary to RCW 26.09.300(1). Appendix B at 1. He was arraigned on February 4, 2004, and an out-of-custody pretrial conference was scheduled for March 1, 2004. Appendix B at 9.

On February 24, 2004, Mr. George was charged by a complaint filed in Kent Municipal Court, Case Number K043924FV, with one count of violation of a court order on February 21, 2004, contrary to RCW 26.50.110. Appendix A at 1. On February 27, 2004, Mr. George was charged by an information filed in King County Superior Court with one count of felony harassment by threats to kill, contrary to RCW 9A.46.020(1), and one count of

violation of a court order on February 21, 2004, contrary to RCW 26.50.110(1). CP 1-5.¹

The Superior Court charges were continued while Mr. George was in custody in Kent City Jail pending trial on the Kent Municipal Court charge. Supp. CP ___, sub. nos. 3, 5, 6. On March 12, 2004, Mr. George was transported from Kent City Jail to Renton City Jail and, later, to the Regional Justice Center Detention Facility where he was detained on the Renton Municipal Court charge. Appendix B at 2, 3, 9-11. Fifty-five days later, on May 6, 2004, he was released on the Renton charge. Appendix B at 4. In the meantime, on April 28, 2004, the Kent Municipal Court dismissed with prejudice the charge of violation of a court order on February 21, 2004, for insufficient evidence to establish personal service. Appendix A at 3-5.

On May 24, 2004, Mr. George was detained in King County Correctional Facility on the Superior Court charges and on the Renton Municipal Court charge. Appendix B at 5, 12-13. Twenty-one days later, on June 14, 2004, he was released on the Renton

¹The Verbatim Report of Proceedings consists of six separately paginated volumes. The July 12, 2004, transcript of the pretrial hearing will be referred to as '1RP.' The July 13, 2004, transcript of the pretrial hearing will be referred to as '2RP.' The July 19, 2004, transcript of the jury trial will be referred to as '3RP.' The July 20, 2004, transcript of the jury trial will be referred to as '4RP.' The July 21, 2004, transcript of the jury trial will be referred to as '5RP.' The August 13, 2004, transcript of the sentencing hearing will be referred to as '6RP.'

charge and the charge was dismissed without prejudice. Appendix B at 6, 7.

On July 13, 2004, the first day of trial in the present case, the State amended the information to add a second count of violation of a court order on December 22, 2003, contrary to RCW 26.50.110 (1), based on the incident previously dismissed in Renton Municipal Court.² CP 6-7; 2RP 3. Mr. George waived formal arraignment but maintained his objection to the time for trial on that charge. 2RP 4.

Following a jury trial, Mr. George was convicted as charged and this appeal timely followed. CP 32, 33, 35A.

2. Substantive facts. Keith and Julianna George were married and lived together in California. 3RP 42. On July 10, 2001, without moving out of the family home and without Mr. George's knowledge, Ms. George obtained a Restraining Order After Hearing (CLETS) (Domestic Violence Prevention) issued by the San Joaquin County Superior Court. 3RP 53; Supp. CP __, ex. 3. Appendix C.

On November 19, 2001, Mr. George was stopped by San Joaquin County Sheriff's Deputy Todd Demaris for a traffic infraction. 4RP 33-35. At trial, the deputy could not identify Mr. George and he

²The complaint filed in Renton Municipal Court charged Mr. George with violation of RCW 26.09.300(1), whereas the amended information filed in King County Superior Court charged him with violation of RCW 26.50.110(1), based on the same allegations arising out of the same incident.

could not recall the traffic stop. 4RP 46. Based on his notes made at the time, however, the deputy testified he learned of an unserved restraining order against Mr. George, and in accordance with department policy, orally served the order by having a dispatcher read the order to Mr. George who listened on an external microphone. 4RP 38-40. On December 20, 2001, the deputy filed a proof of service, in which he indicated he had orally served an Order to Show Cause and Temporary Restraining Order against Mr. George. Supp. CP __, ex. 6. Appendix D.

In late 2001, Mr. George moved to Seattle, Washington. 3RP 56, 4RP 79. Ms. George joined him several months later. 4RP 79. In April, 2003, they rented a house from Carina and Brenda Borja, and signed a one-year rental contract. 4RP 78. In July, 2003, Ms. George moved out due to domestic issues. 3RP 58.

On August 1, 2003, Ms. George obtained a temporary restraining order issued by the King County Superior Court, and provided a copy of the order to the security office at the hospital where she worked. 3RP 73, 4RP 6-7; Supp. CP __, ex. 2. Appendix E. Nonetheless, she continued to visit Mr. George at his house and Mr. George occasionally stopped by the hospital. 3RP 73-74. On October, 23, 2003, King County Superior Court Commissioner

Cheryl Russell denied Ms. George's motion for a full order and ordered any previously issued temporary order to expire as of that date, due to Ms. George's acknowledgement that she continued to initiate contact with Mr. George. 3RP 82-83; Supp. CP ___, ex. 7. Appendix F.

On December 22, 2003, Mr. George went to the hospital to see Ms. George at work. 4RP 10-11. He was stopped by a security officer and informed him he was not welcome at the facility, on the grounds that although the temporary restraining order was expired, a new order was being processed. 4RP 11-12. The following day, Ms. George provided a copy of the restraining order issued in California to the security office. 4RP 13.

Mr. George started having trouble paying the house rent. 3RP 56, 4RP 80-81. In January, 2004, the Borjas notified him he had to vacate as they planned to sell the house, even though his rental contract did not expire until April, 2004. 3RP 9, 19, 21-22, 4RP 81.

On February 14, 2004, the Borjas met an appraiser at the house. 3RP 12, 24. After the appraiser left, they chatted with Mr. George. 3RP 36. The conversation turned to Ms. George. 3RP 12.

According to Brenda Borja, Mr. George said he was going to cut off Ms. George's head and her body would not be found. 3RP 37.

According to Carina Borja, Mr. George said he was going to kill Ms. George and cut off her head, and a wife belonged with her husband. 3RP 14.

Carina Borja became afraid and called Ms. George at the hospital to inform her of Mr. George's statements. 3RP 15, 26, 70. Ms. George was concerned she would be injured and called the hospital security officers and the police. 3RP 71. Because she seemed very nervous and frightened, a security officer stayed with her until the police arrived and took her statement. 4RP 30-31.

On February 21, 2004, Mr. George went to a shelter where Ms. George was staying. 3RP 79. Ms. George called the City of Kent Police and reported the incident. 3RP 79; Appendix A at 2.

D. ARGUMENT

1. THE CONVICTION FOR VIOLATION OF A RESTRAINING ORDER ON FEBRUARY 21, 2004, MUST BE REVERSED FOR VIOLATION OF THE PROHIBITION AGAINST DOUBLE JEOPARDY, WHEN THE CHARGE PREVIOUSLY HAD BEEN DISMISSED WITH PREJUDICE FOR INSUFFICIENT EVIDENCE.

The federal and state constitutional double jeopardy clauses prohibit successive prosecutions for the same offense. U.S. Const. Amend. V; Wash. Const. art. 1, § 9; United States v. Dixon, 509 U.S. 688, 696, 113 S. Ct. 2849, 125 L.Ed.2d 556 (1993); State v. Crediford, 130 Wn.2d 747, 760, 927 P.2d 1129 (1996). The state double jeopardy clause provides the same scope of protection as does the federal double jeopardy clause. State v. Bobic, 140 Wn.2d 250, 260, 996 P.2d 610 (2000). For purposes of a double jeopardy analysis, a dismissal for insufficient evidence is the equivalent of an acquittal. State v. Corrado, 81 Wn. App. 640, 647, 915 P.2d 1121 (1996) and cases cited therein.

When a charge is dismissed with prejudice, a defendant is found not guilty, or a conviction is reversed due to insufficient evidence, the Double Jeopardy Clause unequivocally prohibits retrial for the same offense. United States v. DiFrancesco, 449 U.S. 117, 129-30, 101 S. Ct. 426, 66 L.Ed.2d 328 (1980); Burks v. United

States, 437 U.S. 1, 9, 98 S. Ct. 2141, 57 L.Ed.2d 1 (1978); State v. DeVries, 149 Wn.2d 842, 853, 72 P.3d 748 (2003).

In general, the double jeopardy clause may implicate one or more of the following distinct values: (1) the integrity of jury verdicts of not guilty, (2) the lawful administration of prescribed sentences, and (3) the interest of repose. ... Among the three values, the court is most protective of the first because acquittals based upon insufficient evidence indicate that the State has failed to carry its burden.

State v. Hennings, 100 Wn.2d 379, 383, 670 P.2d 256 (1983).

Here, Count II of the information filed in King County Superior Court charged Mr. George with violation of a court order on February 21, 2004. CP 1-5. A complaint filed in Kent Municipal Court also charged Mr. George with violation of a court order on February 21, 2004. Appendix A at 1. As is evident from the City of Kent Police – Narrative/Text Report, the allegations of the Kent Municipal charge are identical to the allegations of Count II of the present case. Appendix A at 2. On April 28, 2004, the Kent Municipal charge was dismissed with prejudice based on the trial court's finding that the City did not meet its burden of proof of personal service of the restraining order. Appendix A at 3-5. Nonetheless, the King County Superior Court case proceeded to trial, Mr. George was found guilty of the offense, and sentenced on August 16, 2004. CP 47-54. Although the Certificate for Determination of Probable Cause filed in

the present case referenced the City of Kent Police incident report, and the present case was continued several times because Mr. George was held in Kent City Jail pending trial on the charge, the transcript and court records in the present case otherwise fail to mention the Kent Municipal Court proceedings. CP 4; Supp. CP ___, sub. nos. 3, 5, 6.

The subsequent trial in King County Superior Court on the charge that was previously dismissed with prejudice for insufficient evidence was a clear violation of the prohibition against double jeopardy. The dismissal with prejudice in Kent Municipal Court was an absolute shield to any subsequent prosecution for the same offense.³ See Tibbs v. Florida, 457 U.S. 31, 41, 102 S. Ct. 2211, 72 L.Ed.2d 652 (1982). This shield prohibits the State from refiling charges in an alternate venue to avoid the consequences of the dismissal. The conviction must be reversed and the charge dismissed with prejudice again.

³Although proof of personal service may be necessary to establish a willful or knowing violation, it is not an essential element of the offense of violation of a court order. City of Auburn v. Solis-Marcial, 119 Wn. App. 398, 400, 79 P.3d 1574 (2003). Nonetheless, double jeopardy prohibits retrial regardless of whether the reviewing court agrees with the trial court's finding of insufficient evidence. See Fong Foo v. United States, 369 U.S. 141, 143, 82 S. Ct. 671, 7 L.Ed.2d 629 (1962); State v. Corrado, 81 Wn. App. at 646-47.

2. THE CONVICTION FOR VIOLATION OF A COURT ORDER ON DECEMBER 22, 2003, MUST BE REVERSED FOR VIOLATION OF THE TIME FOR TRIAL RULE.

a. Mr. George was not brought to trial within the time limits of the time for trial rule. The time for trial rule mandates that a defendant who is detained in jail on a pending charge shall be brought to trial within 60 days after the commencement date. CrR 3.3(b)(1)(i). For purposes of the rule, “detained in jail” is defined as “held in the custody of a correctional facility pursuant to the pending charge. Such detention excludes any period in which a defendant is on electronic home monitoring, is being held in custody on an unrelated charge or hold, or is serving a sentence of confinement.” CrR 3.3(a)(3). “Commencement date” is defined, in pertinent part, as: “The initial commencement date shall be the date of arraignment as determined under CrR 4.1.” CrR 3.3(c)(1). When a defendant fails to appear, the commencement date is reset as the date of the defendant’s next appearance. CrR 3.3(c)(2). Whether the time for trial rule was violated in a particular case is a question of law which is reviewed *de novo*. State v. Branstetter, 85 Wn. App. 123, 127, 935 P.2d 620 (1997).

Here, Mr. George was detained in jail but not brought to trial on the charge of violation of a court order on December 22, 2003,

Renton Municipal Court Case Number CR0033049, for 76 days, in violation of the time for trial rule. He was arraigned on the charge in Renton Municipal Court on February 2, 2004, but failed to appear at the pretrial conference scheduled for March 1, 2003, because he was in custody in Kent City Jail. Appendix B at 9. On March 12, 2004, Mr. George was transported to Renton City Jail and detained therein on the Renton Municipal Court charge. Appendix B at 2, 9. Fifty-five days later, on May 6, 2004, he was released on the Renton charge, although he remained in custody on other charges. Appendix B at 4, 11. On May 24, 2004, Mr. George was detained in the King County Correction Center on the Renton Municipal Court charge and the King County Superior Court charges. Appendix B at 12. Twenty-one days later, on June 14, 2004, Mr. George was released on the Renton Municipal Court charge, and the charge was dismissed without prejudice, in a belated attempt to avoid violating the time for trial rule. Appendix B at 6, 7, 13.

On July 13, 2004, the first day of trial in the present case, the trial court granted the State's motion to amend the information to add the charge from Renton Municipal Court and Mr. George reasserted his right to a speedy trial on that charge. CP 6-7; 2RP 2-4.

b. The proper remedy for violation of the time for trial rule is reversal and dismissal with prejudice. The proper remedy for failure to bring Mr. George to trial within 60 days while he was held on the December 22, 2003 misdemeanor charge is reversal of his conviction and dismissal with prejudice. When the time for trial rule is violated, the remedy is dismissal with prejudice, regardless of whether the defendant alleges prejudice resulting from the violation. CrR 3.3(h); State v. Swenson, 150 Wn.2d 181, 186-87, 75 P.3d 513 (2003); State v. Raschka, 124 Wn. App. 103, 112, 100 P.3d 339 (2004). Therefore, Mr. George's conviction for violation of a court order on December 22, 2003 must be reversed and the charge dismissed with prejudice.

3. BOTH CONVICTIONS FOR VIOLATION OF A COURT ORDER MUST BE REVERSED FOR INSUFFICIENT EVIDENCE TO ESTABLISH BEYOND A REASONABLE DOUBT THE VALIDITY OF THE CALIFORNIA RESTRAINING ORDER.

a. A conviction must be reversed when it is based on insufficient evidence to prove beyond a reasonable every essential element of the crime charged. A criminal defendant's fundamental right to due process is violated when a conviction is based upon insufficient evidence. In re Winship, 397 U.S. 358, 364, 90 S. Ct. 1068, 25 L.Ed.2d 368 (1970); City of Seattle v. Slack, 113 Wn.2d

850, 859, 784 P.2d 494 (1989). Evidence is sufficient to support a conviction only if, "after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." Jackson v. Virginia, 443 U.S. 307, 318, 99 S. Ct. 2871, 61 L.Ed.2d 560 (1979), *quoted with approval in State v. Rivera*, 95 Wn. App. 961, 964, 977 P.2d 247 (1999). A conviction based on insufficient evidence must be reversed and the charge dismissed. State v. Kilburn, 151 Wn.2d 36, 54, 84 P.3d 1215 (2004).

b. There was insufficient evidence to establish beyond a reasonable doubt the validity of the California restraining order.

The validity of a restraining order is an implicit element of the crime of violation of a court order. City of Seattle v. Edwards, 87 Wn. App. 305, 308, 941 P.2d 697 (1997). *See also State v. Marking*, 100 Wn. App. 506, 509, 997 P.3d 461 (2000) (determining validity of no contact order issued pursuant to RCW 10.99.040). Whether an order is valid is a legal question to be determined by the trial court. State v. Miller, 123 Wn. App. 92, 97-98, 96 P.3d 1001 (2004).

Here, on July 10, 2001, Ms. George obtained a "Restraining Order After Hearing (CLETS)" issued by San Joaquin County Superior Court. Supp. CP ___, ex. 3. Appendix C. On December 20,

2001, Officer Demaris filed a proof of service, in which he indicated he had orally served an Order to Show Cause and Temporary Restraining Order against Mr. George.

I served a copy of the following documents (*check the box before the titled of each document you served*):

- a. *Order to Show Cause and Temporary Restraining Order (CLETS) (Domestic Violence Prevention) with Application and Declaration for Order (Domestic Violence Prevention) and blank Responsive Declaration to Order to Show Cause (Domestic Violence Prevention)*

Supp. CP ___, ex. 6. Appendix D. On October 23, 2003, King County Commissioner Cheryl Russell denied Ms. George's motion for a full order of protection and terminated any previously issued temporary orders of protection.

The request for a full Order is denied, and the Petition is dismissed. Any previously entered Temporary Order expires at 10:30 a.m. today.

Supp. CP ___, ex. 7, p. 2. Appendix F. Thus, by order of the King County Commissioner, the California order expired on October 23, 2003. As a matter of law, the California order was not valid at the time of the incidents charged against Mr. George.

There was insufficient evidence to establish beyond a reasonable doubt the California order was valid at the time of the violations alleged to have occurred on December 22, 2003, and on

February 21, 2004. The convictions for violation of an expired court order must be reversed and the charges dismissed.

4. THE CONVICTION FOR FELONY HARASSMENT MUST BE REVERSED FOR VIOLATION OF MR. GEORGE'S RIGHT TO TRIAL BY JURY AND A UNANIMOUS VERDICT, WHEN THE 'TO CONVICT' INSTRUCTION OMITTED TWO ESSENTIAL ELEMENTS OF THE CRIME CHARGED.

a. A 'to convict' instruction must set forth every essential element of the crime charged. The State bears the burden of proving beyond a reasonable doubt every essential element of the crime charged. In re Winship, 397 U.S. 358 at 364; State v. Byrd, 125 Wn.2d 707, 713-14, 887 P.2d 396 (1995); U.S. Const. Amend. VI, XIV; Wash. Const. art. 1, §§ 3, 22. Under the Sixth Amendment, "all facts essential to imposition of the level of punishment that the defendant receive – whether the statute calls them elements of the offense, sentencing factors, or Mary Jane" are elements of an offense. Ring v. Arizona, 536 U.S. 584, 609, 122 S. Ct. 2428, 153 L.Ed.2d 556 (2002) (J. Scalia, concurring).

To ensure the prosecution meets its burden of proof, a 'to convict' jury instruction must clearly set forth all essential elements of the crime. State v. Oster, 147 Wn.2d 141, 147-48, 52 P.3d 26 (2002). A "'to convict' instruction must contain all essential elements

of a crime because it serves as a 'yardstick' by which the jury measures the evidence to determine guilt or innocence." State v. DeRyke, 149 Wn.2d 906, 910, 73 P.3d 1000 (2003), *citing* State v. Smith, 131 Wn.2d 258, 263, 930 P.2d 917 (1997). A jury is entitled to a complete 'to convict' instruction and need not "search the other instructions to see if another element alleged in the information should have been added to those specified in [the instruction]." State v. Emmanuel, 42 Wn.2d 799, 819, 259 P.2d 845 (1953).

A 'to convict' instruction that does not "plainly, explicitly, and correctly" state all the elements required for conviction is "constitutionally defective." Smith, 131 Wn.2d at 263, State v. Strasburg, 60 Wash. 106, 116-17, 110 Pac. 1020 (1910); McClaine v. Territory, 1 Wash. 345, 355, 25 Pac. 453 (1890). In DeRyke, the defendant was charged with attempted first degree rape, but the 'to convict' instruction failed to identify the degree of rape. 149 Wn.2d at 911-12. The Court ruled the 'to convict' instruction must include all the elements of the crime, including the specific degree of the crime attempted. Id. at 912. The Court concluded:

Because [the "to convict" instruction] does not specify the degree of rape allegedly attempted, it failed to inform the jury that the State must prove intent to commit first degree rape as well as taking a substantial step toward the commission of that crime. Accordingly, we hold it was error to give the jury a "to convict"

instruction for the charge of attempted first degree rape which did not specify the degree of rape allegedly committed.

Id. at 911-12.

A reviewing court may not rely on other instructions to supply an element missing from a 'to convict' instruction. DeRyke, 149 Wn.2d at 910, *citing* Smith, 130 Wn.2d at 262-63.

b. The 'to convict' instruction omitted two essential elements of felony harassment as charged: (1) the threat that was made was a threat to kill, and (2) the person threatened was placed in reasonable fear the threat to kill would be carried out. RCW

9A.46.020 provides, in pertinent part:

- (1) A person is guilty of harassment if:
 - (a) Without lawful authority, the person knowingly threatened:
 - (i) To cause bodily injury immediately or in the future to the person threatened or any other person; ...
 - (b) The person by words or conduct places the person threatened in reasonable fear that the threat will be carried out. ...
 - (2)(a) Except as provided in (b) of this subsection, a person who harasses another is guilty of a gross misdemeanor.
 - (b) A person who harasses another is guilty of a class C felony if ... the following applies: (ii) the person harasses another person under subsection (1)(a)(i) of this section by threatening to kill the person threatened or any other person.

The 'to convict' instruction for the charge of felony harassment included the essential elements of gross misdemeanor harassment,

but omitted reference to threats to kill and reasonable fear the threat to kill would be carried out, two essential elements of the crime of felony harassment as charged. CP 26, Instruction No. 7. Appendix G. The definitional instruction similarly omitted the essential elements of felony harassment as charged. CP 75, Instruction No. 6. Appendix H. The only reference to the element of a threat to kill was contained in the special verdict form. CP 28. Appendix I. Nowhere did the instructions or verdict form indicate that the State was required to prove beyond a reasonable doubt the person threatened was placed in reasonable fear that the threat to kill would be carried out.

In State v. C.G., the Washington Supreme Court unanimously ruled that the plain language of the felony harassment statute requires not only proof of a threat to kill but also requires proof that the person threatened be placed in reasonable fear that a threat to kill would be carried out. 150 Wn.2d 604, 608, 80 P.3d 594 (2003). The Court specifically ruled, "In order to convict an individual of felony harassment based upon a threat to kill, RCW 9A.46.020 requires that the State prove that the person threatened was placed in reasonable fear that the threat to kill would be carried out as an element of the offense." Id. at 612. In so ruling, the Court

specifically recognized that a threat to kill and placing the person threatened in reasonable fear the threat to kill would be carried out are essential elements of the offense of felony harassment. 150 Wn.2d at 610, 612.

A special verdict form including additional elements of the crime is inadequate to cure the omission of those elements in the 'to convict' instruction. In State v. Oster, *supra*, the Washington Supreme Court reaffirmed that the 'to convict' instruction must contain all the essential elements and ruled that relegating elements to a special verdict form was inadequate. "The jury has a right to regard the 'to convict' instruction as a complete statement of the law and should not be required to search other instructions in order to add elements necessary for conviction." 147 Wn.2d at 147. The only instance where a special verdict form might be adequate is "when the element of a crime is prior criminal history and ... after determining that all of the other elements of the crime have been proved, the jury is asked by special verdict form to decide, beyond a reasonable doubt, whether or not the accused has committed prior crimes." *Id.*

Here, the 'to convict' instruction listed the elements of gross misdemeanor harassment only and not the two additional essential

elements of felony harassment. The incomplete "to convict" instruction was given in error.

c. The instructional error requires reversal and dismissal of the charge of felony harassment. Where a jury instruction purports to list the elements of the crime, the omission of an element essential to the crime relieves the State of its burden of proof beyond a reasonable doubt, potentially misleads the jury, and requires reversal. Oster, 147 Wn.2d at 147-48.

Even assuming the special verdict form in combination with the 'to convict' instruction was adequate regarding the element of threat to kill, the jury was never instructed that it had to consider whether the State proved beyond a reasonable doubt Ms. George was placed in reasonable fear the threat to kill would be carried out, an essential element pursuant to C.G. Failure to instruct a jury on an essential element is a fatal defect. State v. Eastmond, 129 Wn.2d 497, 503, 919 P.2d 577 (1996); State v. Allen, 101 Wn.2d 355, 358, 678 P.2d 798 (1984). Such an error is never subject to a harmless error analysis. State v. Vreen, 143 Wn.2d 923, 931, 26 P.3d 236 (2001).

Even if harmless error applied, instructional error is reviewed for constitutional harmless error. State v. Brown, 147 Wn.2d 330,

340, 58 P.3d 889 (2002) (adopting constitutional harmless error analysis set forth in United States v. Neder, 527 U.S. 1, 119 S. Ct. 1835, 144 L.Ed.2d 35 (1999)). Under this analysis, instructional error is presumed prejudicial unless the State can prove the error was harmless. State v. Guloy, 104 Wn.2d 412, 425, 705 P.2d 1182 (1985). An error of constitutional magnitude is harmless only if the reviewing court is convinced beyond a reasonable doubt that any reasonable juror would have reached the same verdict in the absence of the error. Chapman v. California, 386 U.S. 18, 21, 87 S. Ct. 824, 17 L.Ed.2d 705 (1967); State v. Ng, 110 Wn.2d 32, 37, 750 P.2d 632 (1988); State v. Wanrow, 88 Wn.2d 221, 237, 559 P.2d 548 (1977).

Mr. George's conviction for felony harassment based upon an incomplete 'to convict' instruction must be reversed and the charged dismissed.

E. CONCLUSION

The conviction for violation of a court order on February 21, 2004, must be reversed and the case again dismissed with prejudice for violation of the prohibition against double jeopardy because the charge had been previously dismissed with prejudice for insufficient evidence. The conviction for violation of a court order on December

22, 2003, must be dismissed for violation of the time for trial rule because Mr. George was detained in jail on that charge for more than 60 days before he was brought to trial. Alternatively, both convictions for violation of a court order must be reversed due to insufficient evidence to establish the California court order was not expired on the dates of the alleged violations. The conviction for felony harassment must be reversed for violation of Mr. George's right to due process and jury trial because the 'to convict' instruction and the definitional instruction omitted two essential elements of the crime as charged, and the jury was not instructed the State bore the burden of proving beyond a reasonable doubt that the person threatened was placed in reasonable fear that the threat to kill would be carried out. For the foregoing reasons, Mr. George respectfully requests this Court to reverse his convictions for violation of a court order and felony harassment and dismiss all charges.

DATED this 25th day of March, 2005.

Respectfully submitted,



SARAH M. HROBSKY (12352)
GREGORY C. LINK (25228)
Attorneys for Appellant
Washington Appellate Project (91052)

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)
)
RESPONDENT,)
)
v.) COA NO. 54805-1-1
)
KEITH GEORGE,)
)
APPELLANT.)

DECLARATION OF SERVICE

I, BECKY CROWLEY, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOLLOWING IS TRUE AND CORRECT:

ON THE 25TH DAY OF MARCH, 2005, I CAUSED A TRUE AND CORRECT COPY OF THE **BRIEF OF APPELLANT** TO BE SERVED ON THE PARTY / PARTIES DESIGNATED BELOW BY DEPOSITING SAID DOCUMENT IN THE UNITED STATES MAIL.

- KING COUNTY PROSECUTOR'S OFFICE
APPELLATE DIVISION
KING COUNTY COURTHOUSE, W-554
516 THIRD AVENUE
SEATTLE, WA 98104
- KETIH GEORGE
DOC 873937
KING COUNTY REGIONAL JUSTICE CENTER
620 WEST JAMES
KENT, WA 98032

SIGNED IN SEATTLE, WASHINGTON THIS 25TH DAY OF MARCH, 2005.

x Becky Crowley

2005 MAR 25 PM 4:23
FILED

APPENDIX A

IN THE DISTRICT MUNICIPAL COURT OF KENT, WASHINGTON

STATE OF WASHINGTON . PLAINTIFF VS NAMED DEFENDANT

COUNTY OF KING

CITY/TOWN OF KENT

LEA ORI # WAO170700 COURT ORI # WAO17111J (KENT) WAO17033J (AUKEEN)

THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON

DRIVER'S LICENSE NO. GEORGE K6367MG WA STATE WA EXPIRES 5/22/34/88

NAME LAST GEORGE FIRST Keith MIDDLE Gregory

ADDRESS 966 20 AVE IF NEW ADDRESS

CITY SEATTLE STATE WA ZIP CODE 98102 EMPLOYER

RACE W SEX M DATE OF BIRTH 1-1-64 HEIGHT 5'10" WEIGHT 255 EYES BROWN HAIR BROWN RESIDENTIAL PHONE NO

VIOLATION DATE MONTH 2 DAY 21 YEAR 04 TIME 24 HOUR INTERPRETER LANG

ON OR ABOUT AT LOCATION 1405 W. MORTON ST CITY / COUNTY OF KENT

DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND

VEHICLE LICENSE NO	STATE	EXPIRES	VEH YR	MAKE	MODEL	STYLE	COLOR
TRAILER #1 LICENSE NO	STATE	EXPIRES	TR YR	TRAILER #2 LICENSE NO	STATE	EXPIRES	TR YR
OWNER/COMPANY IF OTHER THAN DRIVER ADDRESS CITY STATE ZIP CODE							

ACCIDENT BAC COMMERCIAL YES NO HAZARD YES NO EXEMPT FARM FIRE R V OTHER

DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES

1 VIOLATION/STATUTE CODE 2650110 DV Violation NCO

2 VIOLATION/STATUTE CODE DV

FILED
FEB 24 2004
KENT MUNICIPAL COURT

MANDATORY RAIL U.S. FUNDS \$

APPEARANCE DATE MO DY YR TIME AM PM RELATED # 04-2251 DATE ISSUED 2-21-04

WITHOUT ADMITTING HAVING COMMITTED EACH OF THE ABOVE OFFENSE(S), I PROMISE TO APPEAR AS DIRECTED ON THIS NOTICE

DEFENDANT'S SIGNATURE X VIA Investigation

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT I HAVE ISSUED THIS ON THE DATE AND AT THE LOCATION ABOVE THAT I HAVE PROBABLE CAUSE TO BELIEVE THE ABOVE NAMED PERSON COMMITTED THE ABOVE OFFENSE(S) AND MY REPORT WRITTEN ON THE BACK OF THIS DOCUMENT IS TRUE AND CORRECT

OFFICER Clark, T 36760

COMPLAINT / CITATION

CRG	PLEA	CNG	FINDINGS	FINE	SUSPENDED	SUB-TOTAL	FND/JUDG DATE
1	G NG		G NG D BF	\$	\$	\$	ABS MLD TO OLY
2	G NG		G NG D BF	\$	\$	\$	TO SERVE
OTHER COSTS \$							WITH DAYS SUSP
RECOMMENDED NONEXTENSION OF SUSPENSION				LICENSE SUR-RENDER DATE	TOTAL COSTS \$	CREDIT/TIME SVD	

State of Washington
County of King **CERTIFICATION**
City of Kent

The undersigned, duly authorized clerk of the Kent Municipal Court, Washington, hereby certifies or declares under penalty of perjury that the document on which this stamp is imprinted is a true and correct copy of the original filed in this court. Signed this 27th day of Feb 2005
Phillips
Court Clerk

K 043924



City of Kent Police – Narrative/Text Report

CASE NUMBER
04-2251

Type of Crime/Incident (Literal)

Violation of a No Restraining Order

Page 1 of 1

On 2-21-04, I was dispatched to the YWCA shelter located at 1405 W. Morton Street. VM/George was reporting that her ex-husband, whom she has a no restraining order against, had come to her residence. The VM and WT reported that the buzzer for the front entrance to the complex rang at about 0840 hours. They both went to the bedroom, which over looks the gate to see who it was. They observed the SU standing at the gate. He appeared to be alone and as he continued to ring the buzzer. After a short time the SU walked back to the parking lot and got into his vehicle (WA/YRUPHN) and left the area.

The VM provided me with a California order which shows served and valid until midnight on 7-10-04. The VM reported that two violations have been reported recently in Renton and the other in Seattle. She further reports that the SU violated the same order while in California. She was not sure but stated that she believed he had been convicted of violating the order at least twice in California.

A copy of the order is attached to this report. An area check was made for the SU but he could not be located. Case cleared by means of a single adult arrest via investigation.

I certify (declare) under penalty of perjury under the laws of the State of Washington that this report is true and correct to the best of my knowledge.

State of Washington County of King City of Kent

CERTIFICATION

The undersigned, duly authorized clerk of the Kent Municipal Court, Washington, hereby certifies or declares under penalty of perjury that the document on which this stamp is imprinted is a true and correct copy of the original filed in this court. Signed this 4 day of MARCH 2005

[Signature]
Court Clerk

"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct."

February 21, 2004 City of Kent, County of King, State of Washington
(Date and Place Signed)

[Signature]
(Signature)

Officer ID	Last Name, Initials	Date / Time	Approve ID	Name	DP By
36760	Clark, T	2/21/04 / 21:54	74240	PAGE	

D0071I More records available.

DD1000PU

02/25/05 09:32:21

DD1000MU Case Docket Update (CDK)

KENT MUNICIPAL COURT TSP

Case: K43924FV KNP CN Csh:

Pty: DEF 1

StID:

Name: GEORGE, KEITH GREGORY

NmCd: IN 011 12254

Name: GEORGE, KEITH GREGORY

Cln Sts:

RESTRAINING ORDER VIOLATION

Note:

Case: K43924FV KNP CN Criminal Non-Traffic

Print: N (Y/N)

04 28 2004	CTRM 1: 1:43 JUDGE R. MCSEVENEY, PA STORMES	JLB
---	DEF PRESENT WITH ATY HARMELL	JLB
---	CITY MOVES TO ADD CT 5 IN K43955FV.	JLB
---	DEFENSE WAIVES FORMAL READING AND ENTERS PLEA OF NOT	JLB
---	GUILTY	JLB
---	PARTIES AGREE TO JOIN CASES	JLB
---	DEFENSE OBJECTS TO ANY NEW EVIDENCE BEING ADMITTED	JLB
---	DISCOVERY WAS INCOMPLETE AT TIME OF PRETRIAL ORDER AND CITY	JLB
---	WAS ORDERED TO BE PROVIDED BY 3-16-04	JLB
---	COURT ADVISES ANY NEW EVIDENCE IS EXCLUDED	JLB
---	DEFENSE MOTION TO SUPPRESS ANY PRIOR BAD ACTS	JLB

4-©

1 Sess-1

206.194.129.5

FTCP2447 DOC»

State of Washington
 County of King **CERTIFICATION**
 City of Kent

The undersigned, duly authorized clerk of the Kent Municipal Court, Washington, hereby certifies or declares under penalty of perjury that the document on which this stamp is imprinted is a true and correct copy of the original filed in this court. Signed this 25 day of February 2005

Court Clerk

D0071I More records available.

DD1000PU

02/25/05 09:32:31

DD1000MU Case Docket Update (CDK)

KENT MUNICIPAL COURT TSP

Case: K43924FV_KNP CN Csh:

Pty: DEF 1 StID:

Name: GEORGE, KEITH GREGORY

NmCd: IN 011 12254

Name: GEORGE, KEITH GREGORY

Cln Sts:

RESTRAINING ORDER VIOLATION

Note:

Case: K43924FV KNP CN Criminal Non-Traffic

Print: N (Y/N)

04 28 2004	PARTIES ADDRESS PROOF OF SERVICE	JLB
---	PLAINTIFF'S EXHIBIT A MARKED FOR IDENTIFICATION: PROOF OF	JLB
---	SERVICE	JLB
---	COURT FINDS CITY HAS NOT MET ITS BURDEN FOR PROOF OF	JLB
---	PERSONAL SERVICE	JLB
---	COURT DISMISSES RESTRAINING ORDER VIOLATIONS WITH PREJUDICE	JLB
S	Charge 2 Dismissed W/Prejudice : Defense Motion	JLB
S	Case Heard Before Judge MCSEVENEY, ROBERT BC	JLB
S	FILED/SERVED: TERMINATION OF NO CONTACT ORDER	JLB
S	Order modified On 04/28/2004 NO CONTACT modified	JLB
S	termination date from blank to 04/28/2004	JLB

4-©

1 Sess-1

206.194.129.5

FTCP2447 DOC»

D0031I End of docket

DD1000PU

02/25/05 09:32:36

DD1000MU Case Docket Update (CDK)

KENT MUNICIPAL COURT TSP

Case: K43924FV KNP CN Csh:

Pty: DEF 1 StID:

Name: GEORGE, KEITH GREGORY

NmCd: IN 011 12254

Name: GEORGE, KEITH GREGORY

Cln Sts:

RESTRAINING ORDER VIOLATION

Note:

Case: K43924FV KNP CN Criminal Non-Traffic

Print: N (Y/N)

04 28 2004	NCO RECALLED THROUGH CHAR AT KPD RECORDS, 2:54PM	ARV
S	JTR NN: Held	JLB
---	FILE CLOSED 2004	JLB
S	Case Disposition of CL Entered	JLB
04 29 2004	FILED: RETURNED NO CONTACT ORDER FROM KPD	ARV
05 11 2004	PHONE CALL TO KENT PD TO VERIFY THRU BARBARA THAT NCO IS NOT IN SYSTEM. ORIGINAL NOT RETURNED TO COURT	JLB
06 30 2004	COPY OF TRIAL PROCEEDINGS MAILED TO THE DEFENDER ASSOCIATION PER THEIR REQUEST.	ARV
---	PHONE CALL TO ADVISE THAT CD HAS BEEN MAILED AND THAT \$10 TOTAL PAYMENT IS DUE FOR BOTH DAYS OF HEARINGS.	ARV

4-©

1 Sess-1

206.194.129.5

FTCP2447 DOC»

APPENDIX B

CRIMINAL **TRAFFIC** **NON-TRAFFIC** **CR 033049**

IN THE DISTRICT MUNICIPAL COURT OF RENTON, WASHINGTON

STATE OF WASHINGTON, PLAINTIFF VS. NAMED DEFENDANT

COUNTY OF KING
 CITY/TOWN OF RENTON

03-12317

L.E.A. ORI #: WA0171300

COURT ORI #: WA017101J

THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON

DRIVER'S LICENSE NO. **GEORGKG367MG** STATE **WA** EXPIRES **07** ID NO. (SSN if CV) [REDACTED]

NAME: LAST **Georgey** FIRST **Keith** MIDDLE **G**

ADDRESS **966 20th Ave** IF NEW ADDRESS

CITY **Seattle** STATE **WA** ZIP CODE **98122** EMPLOYER **Br BK**

RACE **B** SEX **M** DATE OF BIRTH **7/7/64** HEIGHT **5'10** WEIGHT **290** EYES **BRN** HAIR **BLK** RESIDENTIAL PHONE NO. **() () ()**

VIOLATION DATE MONTH **12** DAY **22** YEAR **03** TIME **11:20hrs** INTERPRETER LANG:

ON OR ABOUT **12 22 03** 24 HOUR **11:20hrs**

AT LOCATION **400 S 43rd ST (VMC)** CITY / COUNTY OF **Renton/King**

DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY

VEHICLE LICENSE NO. STATE EXPIRES VEH. YR. MAKE MODEL STYLE

TRAILER #1 LICENSE NO. STATE EXPIRES TR. YR. TRAILER #2 LICENSE NO. STATE EXPIRES TR. YR.

OWNER/COMPANY IF OTHER THAN DRIVER ADDRESS CITY STATE

ACCIDENT BAC COMMERCIAL HAZARD EXEMPT FARM FIRE
NO NR R I F READING VEHICLE NO PLACARD NO VEHICLE R.V. OTHER

DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES

1. VIOLATION/STATUTE CODE **26.09.300(1)** DV **Violation of Restraining Order - By knowingly violating the provisions of a restraining order by appearing at Petitioner's work & asking for her by telling fellow employees that he had an appointment to see her after**

2. VIOLATION/STATUTE CODE DV **being served with a restraining order prohibiting such contacts**

FILED
ON MUNICIPAL COURT
JAN -6 AM 9:40

MANDATORY BAIL U.S. FUNDS \$ **Mand**

APPEARANCE DATE MO. **JAN** DY. **-6** YR. **AM 9:40** TIME **AM** RELATED # DATE ISSUED **1-6-04**

WITHOUT ADMITTING HAVING COMMITTED EACH OF THE ABOVE OFFENSE(S), I PROMISE TO APPEAR AS DIRECTED ON THIS NOTICE.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT I HAVE ISSUED THIS ON THE DATE AND AT THE LOCATION ABOVE, THAT I HAVE PROBABLE CAUSE TO BELIEVE THE ABOVE NAMED PERSON COMMITTED THE ABOVE OFFENSE(S), AND MY REPORT WRITTEN ON THE BACK OF THIS DOCUMENT IS TRUE AND CORRECT.

COMPLAINT / CITATION

ABSTRACT OF JUDGMENT	CRG	PLEA	CNG	FINDINGS	FINE	SUSPENDED	SUB-TOTAL	END JUDGE DATE
1	G	NG		G NG D BF	\$	\$	\$	ABS. MLD TO DLY
2	G	NG		G NG D BF	\$	\$	\$	TO SERVE
OTHER COSTS \$							WITH	DAYS SUSP.
RECOMMENDED NONEXTENSION OF SUSPENSION			LICENSE SUR-RENDER DATE		TOTAL COSTS \$		CREDIT/TIME SVD	

THIS IS TO CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD OR TRANSCRIPT OF THIS COURT. DATED THIS 11 DAY OF March 2003
 D. Demetriou
 RENTON MUNICIPAL COURT
 COURT CLERK

CR 033049

RENTON MUNICIPAL COURT

1055 South Grady Way

Renton, WA 98055

425-430-6550

City of Renton,

Plaintiff

vs.

ORDER OF RELEASE FROM CUSTODY

GEORGE, KEITH GREGORY

Defendant

TO THE SHERIFF OR CHIEF OF POLICE AND KEEPER OF THE JAIL OF SAID COUNTY OR CITY:
You are hereby ordered to release the above named defendant from all holds and/or commitments under the cases listed:

Case No.	RPD No.

- Defendant has posted bail/bond in the amount of \$ _____
- Defendant has been PR'd to appear _____
- Fine: Time Payment granted.
- Jail: Suspended _____ days.
- Jail: Credit for _____ days served.
- Other: 4.13.04

STATE OF WASHINGTON } s.s.
COUNTY OF KING }

THIS IS TO CERTIFY THAT THIS DOCUMENT IS
A TRUE AND CORRECT COPY OF THE ORIGINAL
RECORD OR TRANSCRIPT OF THIS COURT.
DATED THIS 11 DAY OF March

RENTON MUNICIPAL COURT

COURT CLERK

This release is effective upon the posting of bail in the amount of:

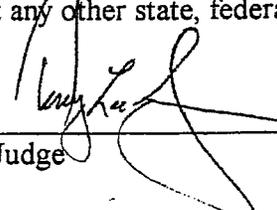
Case No.	RPD No.	Bail Set Cash or Bond	Bail Set CASH ONLY
<u>CR33049</u>	<u>03-12317</u>	<u>4500</u>	
TOTAL BAIL SET	\$	=	\$ <u>4,500.00</u> B \$

This release is on the above case and charge only and does not affect any other state, federal or city charges.

3/12/04

Dated

Judge



RENTON MUNICIPAL COURT

1055 South Grady Way
Renton, WA 98055
425-430-6550

City of Renton,

Plaintiff

vs.

ORDER OF RELEASE FROM CUSTODY

GEORGE, KEITH GREGORY

Defendant

TO THE SHERIFF OR CHIEF OF POLICE AND KEEPER OF THE JAIL OF SAID COUNTY OR CITY:
You are hereby ordered to release the above named defendant from all holds and/or commitments under the cases listed:

Case No.	RPD No.

- Defendant has posted bail/bond in the amount of \$ _____
- Defendant has been PR'd to appear _____
- Fine: Time Payment granted.
- Jail: Suspended _____ days.
- Jail: Credit for _____ days served.
- Other: 4,270

STATE OF WASHINGTON } s.s.
COUNTY OF KING

THIS IS TO CERTIFY THAT THIS DOCUMENT IS
A TRUE AND CORRECT COPY OF THE ORIGINAL
RECORD OR TRANSCRIPT OF THIS COURT.
DATED THIS 11 DAY OF March

2005
RENTON MUNICIPAL COURT

[Signature]
COURT CLERK

This release is effective upon the posting of bail in the amount of:

Case No.	RPD No.	Bail Set Cash or Bond	Bail Set CASH ONLY
<u>OR330491</u>	<u>03-12317</u>	<u>4500</u>	
TOTAL BAIL SET	\$	= \$ <u>4500</u>	\$

This release is on the above case and charge only and does not affect any other state, federal or city charges.

4-13-04

Dated

[Signature]
Judge

RENTON MUNICIPAL COURT

1055 South Grady Way
Renton, WA 98055
425-430-6550

City of Renton,

Plaintiff

vs.

ORDER OF RELEASE FROM CUSTODY

GEORGE, KEITH, GREGORY

Defendant

TO THE SHERIFF OR CHIEF OF POLICE AND KEEPER OF THE JAIL OF SAID COUNTY OR CITY:
You are hereby ordered to release the above named defendant from all holds and/or commitments under the cases listed:

Case No.	RPD No.
CR 33049	03-12317

STATE OF WASHINGTON }
COUNTY OF KING } s.s.

- Defendant has posted bail/bond in the amount of \$
- Defendant has been PR'd to appear 5-17-04
- Fine: Time Payment granted.
- Jail: Suspended _____ days.
- Jail: Credit for _____ days served.
- Other: _____

THIS IS TO CERTIFY THAT THIS DOCUMENT IS
A TRUE AND CORRECT COPY OF THE ORIGINAL
RECORD OR TRANSCRIPT OF THIS COURT.
DATED THIS 11 DAY OF March

2005
RENTON MUNICIPAL COURT

[Signature]
COURT CLERK

This release is effective upon the posting of bail in the amount of:

Case No.	RPD No.	Bail Set Cash or Bond	Bail Set CASH ONLY
--	--		
TOTAL BAIL SET	\$	= \$	\$

This release is on the above case and charge only and does not affect any other state, federal or city charges.

5-6-04

Dated

[Signature]
Judge

RENTON MUNICIPAL COURT

1055 South Grady Way

Renton, WA 98055

425-430-6550

City of Renton,

Plaintiff

vs.

ORDER OF RELEASE FROM CUSTODY

GEORGE, KEITH GREGORY

Defendant

TO THE SHERIFF OR CHIEF OF POLICE AND KEEPER OF THE JAIL OF SAID COUNTY OR CITY:

You are hereby ordered to release the above named defendant from all holds and/or commitments under the cases listed:

Case No.	RPD No.

- Defendant has posted bail/bond in the amount of \$ _____
- Defendant has been PR'd to appear _____
- Fine: Time Payment granted.
- Jail: Suspended _____ days.
- Jail: Credit for _____ days served.
- Other: _____

STATE OF WASHINGTON } s.s.
COUNTY OF KING }

THIS IS TO CERTIFY THAT THIS DOCUMENT IS
A TRUE AND CORRECT COPY OF THE ORIGINAL
RECORD OR TRANSCRIPT OF THIS COURT.
DATED THIS 11 DAY OF March

2008
RENTON MUNICIPAL COURT
[Signature]
COURT CLERK

This release is effective upon the posting of bail in the amount of:

Case No.	RPD No.	Bail Set Cash or Bond	Bail Set CASH ONLY
<u>CR 33049</u>	<u>03-12317</u>		<u>550</u>
TOTAL BAIL SET	\$ <u>550</u>	= \$ <u>550</u>	\$ <u>550</u>

This release is on the above case and charge only and does not affect any other state, federal or city charges.

6-4-04

Dated

Judge

[Signature]

RENTON MUNICIPAL COURT
 1055 South Grady Way
 Renton, WA 98055
 425-430-6550

*faxed Jail
 X 7612*

** Contact RJC
 to release on hold*

City of Renton,

Plaintiff

vs.

ORDER OF RELEASE FROM CUSTODY

George, Keith Gregory
 Defendant

TO THE SHERIFF OR CHIEF OF POLICE AND KEEPER OF THE JAIL OF SAID COUNTY OR CITY:
 You are hereby ordered to release the above named defendant from all holds and/or commitments under the cases listed:

Case No.	RPD No.
CR 33049	03-12317

STATE OF WASHINGTON }
 COUNTY OF KING } s.s.

- Defendant has posted bail/bond in the amount of \$ _____
- Defendant has been PR'd to appear _____
- Fine: Time Payment granted.
- Jail: Suspended _____ days.
- Jail: Credit for _____ days served.
- Other: dismissed

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 DATED THIS 11 DAY OF March**

2005
RENTON MUNICIPAL COURT
J. Hendrick
 COURT CLERK

This release is effective upon the posting of bail in the amount of:

Case No.	RPD No.	Bail Set	Bail Set
--	--	Cash or Bond	CASH ONLY
CR 33049	03-12317	ASAS	
TOTAL BAIL SET	\$ = \$	ASAS	\$

This release is on the above case and charge only and does not affect any other state, federal or city charges.

6/14/04
 Dated

[Signature]

George, Keith
 CR 33049 03/23/17
 Restraining order v/o
 not present

RENTON MUNICIPAL COURT
 1055 South Grady Way
 Renton, WA 98055

Date 6-14-01 In Custody
 Bail \$ _____ Bond / Cash / Credit Card

Advice of Rights NG Form G Form Atty. Waiver S.O.C. Form Police Report - Exh. # _____
 PLEA CT 1: NG G / ALFORD Amended to: _____
 FINDING CT 1: NG / NC G / C Dismissed W / W/O Prejudice C / D Motion
 PLEA CT 2: NG G / ALFORD Amended to: _____
 FINDING CT 2: NG / NC G / C Dismissed W / W/O Prejudice C / D Motion

Tape: 3:44 Set for PTR Screen for PD (Income shown) D P Granted
 Log: _____ Set for MOT PD Granted / Withdraw 60/90 waiver signed to: _____
 City Pros: OW Set for NJT Jury Trial Waiver/Demand Order of release OW
 Defense Atty.: _____ Set for READY & JTR Request for Discovery PC Est. / Defense Stips to PC
 Ofcs: _____ By _____ Order Interpreter _____ P R Conditions Imposed

IT IS ORDERED ADJUDGED & DECREED THAT THE COURT SENTENCES THE DEFENDANT TO:

COUNT 1: Sentencing Deferred Continued w/o Finding Jail Suspension _____ month(s) / year(s).
 Fine \$ _____ with \$ _____ Suspended for _____ year(s).
 Costs: TPC/TPD Fee \$103 CCR Fee \$50 Prob. Active \$300 Warrant Fee \$ _____ _____ \$ _____
 BAC Fee \$125 D P Costs \$150 Prob. Mon. \$150 Public Defense \$ _____ _____ \$ _____
 Jail _____ days imposed with _____ suspended for _____ year(s). Credit for _____ days. **SERVE** _____ days.

COUNT 2: Sentencing Deferred Continued w/o Finding Jail Suspension _____ month(s) / year(s).
 Fine \$ _____ with \$ _____ Suspended for _____ year(s).
 Costs: TPC/TPD Fee \$103 CCR Fee \$50 Prob. Active \$300 Warrant Fee \$ _____ _____ \$ _____
 BAC Fee \$125 D P Costs \$150 Prob. Mon. \$150 Public Defense \$ _____ _____ \$ _____
 Jail _____ days imposed with _____ suspended for _____ year(s). Credit for _____ days. **SERVE** _____ days.

Defense objects

PAY TOTAL FINE/COSTS/FEEES OF \$ _____. Minimum monthly payment \$ _____ Beginning _____
 Community Service in lieu of \$ _____ allowed at \$10 per hour. File Proof of completion of _____ hours per month.
Proof must be filed on letterhead with supervisor's name and phone number for verification.

CONDITIONS:

Count 1	Count 2	Count 1	Count 2
<input type="checkbox"/> No criminal violations of law	<input type="checkbox"/> No driving without valid license and insurance	<input type="checkbox"/> Pay restitution <input type="checkbox"/> set hearing w/in _____ days	<input type="checkbox"/> \$ _____ to: _____
<input type="checkbox"/> Ineligible to possess firearms/surrender permit	<input type="checkbox"/> Not use alcoholic beverages or non-prescription drugs	<input type="checkbox"/> Obtain <input type="checkbox"/> Alcohol/Drug Eval. <input type="checkbox"/> DV Assessment	<input type="checkbox"/> within _____ days from <input type="checkbox"/> Renton Probation
<input type="checkbox"/> Not return to _____	<input type="checkbox"/> Surrender license to court (by _____)	<input type="checkbox"/> Attend _____ AA/NA/Self help meetings per	<input type="checkbox"/> Outside Agency and follow recommendations
<input type="checkbox"/> Refer to Active Probation for _____ months	<input type="checkbox"/> Probation waived if no treatment _____	<input type="checkbox"/> Attend and complete the following program(s). File	<input type="checkbox"/> week and file proof every _____ days.
<input type="checkbox"/> Perform _____ hrs Community Service	<input type="checkbox"/> No contact ordered <input type="checkbox"/> written <input type="checkbox"/> oral <input type="checkbox"/> recalled	<input type="checkbox"/> proof of completion with the Court within _____ days.	<input type="checkbox"/> SP1 & Treatment
<input type="checkbox"/> with: _____			<input type="checkbox"/> SP2 & Treatment
			<input type="checkbox"/> Alcohol Information School
			<input type="checkbox"/> DUI Victims Panel
			<input type="checkbox"/> Traffic Safety Course
			<input type="checkbox"/> Consumer Awareness
			<input type="checkbox"/> Gun Safety Course
			<input type="checkbox"/> HIV testing
			<input type="checkbox"/> Anger Management Short / Batterers

**STATE OF WASHINGTON } s.s.
 COUNTY OF KING }
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 2005
 RENTON MUNICIPAL COURT**

IF DEFENDANT COMPLIES:
 Dismiss Defendant's presence waived
 Amend to _____
 with guilty/committed finding entered _____

I have read or had this court order explained to me. If I fail to meet the conditions and/or fail to pay the Fines/Costs/fees ordered, the court will issue a warrant for my arrest and additional jail time and fines may be imposed.

Appeal bond set \$ _____
 Apply bail / refund balance / exonerate: bond / bail to payor
 Continued for PSI / Sentencing in _____ days
 Continued for review in _____ days
 Reason _____

Defendant's Signature _____
 Mailing Address: _____
 Phone Number(s) _____

DONE IN OPEN COURT THIS _____ DAY OF _____ 20____

D7020SX1VAN
3/11/2005 9:38 AM

RENTON MUNICIPAL COURT
D O C K E T

PAGE: 1

DEFENDANT
GEORGE, KEITH GREGORY
966 20TH AVE
SEATTLE WA 98122

STATE OF WASHINGTON } s.s.
COUNTY OF KING }

CASE: CR0033049 RPD
Criminal Non-Traffic
Agency No. 03-12317

**THIS IS TO CERTIFY THAT THIS DOCUMENT IS
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RECORD OR TRANSCRIPT OF THIS COURT.
DATED THIS 11 DAY OF March**

2538525511

KA No aliases on file.

OFFICER
09070 RPD EDWARDS, CHRISTOPHER

RENTON MUNICIPAL COURT

J. Anzick
COURT CLERK

CHARGES

Violation Date: 12/22/2003 DV Plea Finding
1 26.09.300 RESTRAINING ORDER VIOLATION Not Guilty Dismissed W/O Pre

EXT

S 01/06/2004 Case Filed on 01/06/2004 SDS
Charge 1 is DV-related

DEF 1 GEORGE, KEITH GREGORY Added as Participant
OFF 1 EDWARDS, CHRISTOPHER Added as Participant
ARR Set for 01/19/2004 08:30 AM
in Room 1 with Judge TLJ

U COMPLAINT MAILED TO DEFT
S Summons/Bail Notice Issued
01/19/2004 ARR: Not Held, Hearing Canceled JWD
OTH: Held

Proceedings Recorded on Tape No. 10:05
JUDGE TERRY L JURADO
CITY NOT PRESENT

DEFENDANT FAILED TO APPEAR FOR ARRAIGNMENT
COURT FINDS THAT PROBABLE CAUSE EXISTS TO BELIEVE THAT
A CRIME HAS BEEN COMMITTED AND DIRECTS THAT A WARRANT
BE ISSUED

BENCH WARRANT ORDERED - \$500 +\$50 SWF = BAIL \$550 CASH/BOND
Accounts Receivable Created 50.00

S 01/22/2004 DEFT APPEARED IN CLERKS OFFICE - ADVISED MUST PAY \$50 WF KLH
TO CLEAR THE WARRANT & SHOW PICTURE ID - PR THEN MAY BE GIVEN
DEFT ADVISED CAN PAY TOMMORROW

S 01/23/2004 BENCH Warrant Ordered
Print on or after 01/23/2004
Warrant expires on 01/23/2007
BENCH Warrant Issued for SYS
Fail To Appear For Hearing
Probable Cause

Bail: 500.00 + 50.00 Warrant Fee; Total Bail 550.00

U DEFT APPEARED AT COUNTER W/PICTURE ID & SIGNED PR FORM - MJO
WARRANT ORDER QUASHED. CASE RESET FOR ARRAIGNMENT &
NOTICE GIVEN TO DEFT.

S ARR NOTIF Set for 02/04/2004 08:30 AM
in Room 1 with Judge TLJ
Warrant Recalled
Warrant Returned
4026100034 Fine Payment Paid in Full 50.00

DEFENDANT
GEORGE, KEITH GREGORY

CASE: CR0033049 RPD
Criminal Non-Traffic
Agency No. 03-12317

EXT - Continued

S 02/04/2004 ARR NOTIF: Held JWD
Proceedings Recorded on Tape No. 9:24
U JUDGE TERRY L JURADO
CITY NOT PRESENT
DEFENDANT APPEARED FOR ARRAIGNMENT
ADVICE OF RIGHTS FORM SIGNED
STATEMENT ON NOT GUILTY PLEA SIGNED
S Defendant Arraigned on Charge 1
Plea/Response of Not Guilty Entered on Charge 1
PTR Set for 03/01/2004 01:00 PM
in Room 1 with Judge TLJ
U DEFENDANT DID NOT WISH TO SCREEN FOR PUBLIC DEFENDER.
NOTICE GIVEN TO DEFENDANT.
02/19/2004 TINA HARRIS - COURT VICTIM ADVOCATE PH TO INQUIRE ABOUT VAN
HEARING DATE AND TIME
S 03/01/2004 PTR: Not Held, Hearing Canceled DLH
OTH: Held
Proceedings Recorded on Tape No. 3:42
U CHRISTY CUFLEY, PRO TEM
CITY REPRESENTED BY R WILSON
DEFT FAILED TO APPEAR FOR JURY PRETRIAL
PROBABLE CAUSE PREV EST ON 1-19-04
CITY REQUESTS BENCH WARRANT IN THE AMOUNT OF \$10,000 CASH
BENCH WARRANT ORDERED - \$10,000 + \$50 SWF = \$10,050 CASH ONLY
S 03/02/2004 Accounts Receivable Changed to 50.00
Authorized by DLH
03/04/2004 BENCH Warrant Ordered KLH
Print on or after 03/04/2004
Warrant expires on 03/04/2007
BENCH Warrant Issued for SYS
Fail To Appear For Hearing
Probable Cause
Cash Bail Only
Bail: 10,000.00 + 50.00 Warrant Fee; Total Bail 10,050.00
03/06/2004 Warrant Served BSA
U 03/08/2004 RECEIVED TELETYPE ADVISING DEF IS IN CUSTODY AT KENT CITY
JAIL
S Warrant Returned
U 03/10/2004 CALLED KENT JAIL - DEF BEING HELD ON \$25,000 CASH OR
\$125,000 BOND ON KENT CHARGES - NOTIFIED RENTON TRANSPORT
COORDINATOR TO ATTEMPT TO TRANSPORT DEFENDANT
S 03/12/2004 OTH Set for 03/12/2004 11:00 AM MJO
in Room 1 with Judge TLJ
OTH: Held
Proceedings Recorded on Tape No. 11:41
U DEF BOOKED IN RENTON JAIL - LOCATE RETURNED FROM RPO BSA
S PCN added to case
U TERRY L JURADO MJO
CITY REPRESENTED BY SASHA ALESSI

DEFENDANT
GEORGE, KEITH GREGORY

EXT - Continued

U 03/12/2004 DEFT APPEARED IN CUSTODY W/COURTESY PD T. GROVE-BROWN MJO
DISCUSSION HELD REGARDING FTA
COURT ORDERS JURY PRETRIAL RESET
COURT SCREENS DEFT FOR A PUBLIC DEFENDER
PD SCREENING HELD - GRANTED; REFERRAL FORWARDED TO CAYCE
& ASSOC
COURT ORDERS BAIL SET AT \$4500 CASH OR BOND
ORDER OF RELEASE ISSUED EFFECTIVE UPON POSTING \$4500 C/B
PRETRIAL DATE GIVEN TO DEFT
S PTR Set for 04/13/2004 01:00 PM
in Room 1 with Judge TLJ
ATY 1 PUB DEFENDER, CITY OF RENTON Added as Participant
U 03/18/2004 NOTICE OF APPEARANCE, DEMAND FOR DISCOVERY AND BILL OF VAN
PARTICULARS FILED BY PD - T GROVE BROWN
03/29/2004 TINA, DV ADV CALLED AND UPDATED VICTIMS ADDRESS. JWD
S 04/13/2004 PTR Rescheduled to 04/13/2004 11:00 AM MJO
in Room 1 with Judge TLJ
PTR: Held
U Proceedings Recorded on Tape No. 11:19
TERRY L JURADO
CITY REPRESENTED BY SASHA ALESSI
DEFT APPEARED IN CUSTODY FOR PRETRIAL W/PD T. GROVE-BROWN
PRETRIAL DISCUSSION HELD
ORDER ON PRETRIAL CONFERENCE FILED & SIGNED
MOTIONS: 3.5, 911, POSS EVAL
CITY WITNESS @ MOTION & TRIAL: OFC EDWARDS
CITY WITNESS @ TRIAL ONLY: JULIANNA GEORGE
DEFENSE WITNESS: DEFT
OTHER: NO KNOWLEDGE
COURT ORDERS BAIL SET AT \$4500 CASH OR BOND
ORDER OF RELEASE ISSUED EFFECTIVE UPON POSTING \$4500 C/B
S MOT Set for 04/27/2004 02:31 PM
in Room 1 with Judge TLJ
OTH READY Set for 05/04/2004 08:16 AM
in Room 1 with Judge TLJ
JTR Set for 05/06/2004 08:16 AM
in Room 1 with Judge TLJ
04/27/2004 MOT: Held DLH
U Proceedings Recorded on Tape No. 2:38
TERRY L JURADO
CITY REPRESENTED BY SASHA ALESSI
DEFT APPEARED IN CUSTODY W/PD T GROVE-BROWN
DEFENSE STIPULATES TO 4 CORNERS OF POLICE REPORT
3.5 MOTION STRICKEN
DEFENSE ADVISES HASN'T RECEIVED 911 TAPE OR INFORMATION
REGARDING EXCITED UTTERANCE MOTION
CITY REQUESTS 911 & EXCITED UTTERANCE MOTION AT READINESS
DEFENSE WILL STIPULATE TO AUTHENTICITY OF 911 TAPE (IF TAPE
EXISTS) FOR PURPOSES OF MOTION

EFENDANT
GEORGE, KEITH GREGORY

CASE: CR0033049 RPD
Criminal Non-Traffic
Agency No. 03-12317

EXT - Continued

U 04/27/2004 CASE TO PROCEED TO RDY & JTR DLH
 05/03/2004 RECEIVED FAX FROM RJC ADVISING DEF IS BEING HELD IN CUSTODY BSA
 THERE ON OUR CHARGES.

S 05/04/2004 OTH READY: Not Held, Hearing Canceled JCS
 OTH: Held
 Proceedings Recorded on Tape No. 9:52

U TERRY L JURADO
 CITY REPRESENTED BY JASON WEISS
 DEFENDANT APPEARED IN CUSTODY W/PD L CARNELL
 CITY REQUESTS CONTINUANCE TO OBTAIN COPY OF NCO
 AND PR THE DEFENDANT FOR SPEEDY REASONS
 COURT DISCUSSION HELD RE: DILIGENCE

S COURT ORDERS CASE TO BE SET ON 11:00 JAIL CALENDAR ON
 JTR on 05/06/2004 08:16 AM
 in Room 1 with Judge TLJ Canceled

U 5/6/04 TO DISCUSS DILIGENCE
 CITY TO BE PREPARED TO ARGUE ISSUE OF DILIGENCE
 BAIL REMAINS THE SAME

S OTH Set for 05/06/2004 11:00 AM
 in Room 1 with Judge TLJ

05/06/2004 OTH: Held MJO
 Proceedings Recorded on Tape No. 11:56

U TERRY L JURADO
 CITY REPRESENTED BY JASON WEISS
 DEFT APPEARED IN CUSTODY W/PD LAURA CARNELL
 CITY MAKES MOTION TO ARGUE DILIGENCE
 CITY STATES THAT THEY HAVE ATTEMPTED TO GET A COPY OF THE
 ORDER
 CITY RECEIVED A FAX COPY OF THE ORDER, NOT A CERTIFIED COPY
 OF THE ORDER
 CITY RECITES AUBURN CASE STATING THAT THEY DO NOT NEED A
 CERTIFIED COPY OF ORDER
 DEFENSE REQUESTS THAT CASE BE DISMISSED
 AFTER CONSIDERATION BY THE COURT,
 COURT ORDERS DEFT RELEASED ON PR - ORDER OF RELEASE ISSUED
 90 DAY DATE: 6-10-04
 COURT ORDERS CASE RESET FOR MOTION, READINESS & JURY TRIAL
 NOTICE GIVEN TO DEFT & FORWARDED TO CAYCE

S MOT Set for 05/17/2004 02:33 PM
 in Room 1 with Judge TLJ
 OTH READY Set for 06/01/2004 08:16 AM
 in Room 1 with Judge TLJ
 JTR Set for 06/03/2004 08:16 AM
 in Room 1 with Judge TLJ

U 05/07/2004 ***DEFENDANT IS IN RJC AND WILL NEED TO BE TRANSPORTED*** TJS
 S 05/17/2004 MOT: Not Held, Wt/FTA Ordered JCS
 Proceedings Recorded on Tape No. 4:06

U TERRY L JURADO
 CITY REPRESENTED BY A NIELSON

DEFENDANT
GEORGE, KEITH GREGORY

CASE: CR0033049 RPD
Criminal Non-Traffic
Agency No. 03-12317

EXT - Continued

U 05/17/2004 DEFENDANT FAILED TO APPEAR FOR MOTION JCS
COURT NOTES DEFT IN CUSTODY AT RJC UNABLE TO TRANSPORT
NO HOLD
PC ALREADY EST ON 1/19/04
PD L CARNELL PRESENT AND REMAINS ON CASE
BENCH WARRANT ORDERED: \$500 + \$50 W/F = \$550 CASH ONLY

S 05/18/2004 OTH READY on 06/01/2004 08:16 AM
in Room 1 with Judge TLJ Canceled
JTR on 06/03/2004 08:16 AM
in Room 1 with Judge TLJ Canceled

05/20/2004 BENCH Warrant Ordered KLH
Print on or after 05/20/2004
Warrant expires on 05/20/2007
BENCH Warrant Issued for SYS
Fail To Appear For Hearing
Probable Cause
Cash Bail Only
Bail: 500.00 + 50.00 Warrant Fee; Total Bail 550.00

U 05/24/2004 RECEIVED TELETYPE ADVISING DEFT IS IN CUSTODY AT KING CO SDS
RECEIVED FAX FROM KING CO, DEFT IS HELD ON FELONY HARASSMENT
& OUR WARRANT. LENGTH OF TIME IN CUSTODY AT KING CO IS
UNKNOWN AT THIS TIME.

S Warrant Served BSA
Warrant Returned

06/04/2004 OTH Set for 06/04/2004 11:00 AM DLH
in Room 1 with Judge TLJ
OTH: Held
Proceedings Recorded on Tape No. 11:54

U TERRY L JURADO
CITY REPRESENTED BY JASON WEISS
DEFT APPEARED IN CUSTODY W/ PD LAURA CARNELL
FTA TO MOTION DISCUSSED
DEFENSE ADVISES DEFT WAS IN CUSTODY WHEN WARRANT WAS ISSUED
DEFENSE QUESTIONS IF CITY IS PREPARED TO PROCEED
DISCUSSION HELD REGARDING CITY'S PREPARATION TO PROCEED
W/THIS CASE /
LOCATE RETURNED FROM RPD BSA
QUESTION OF WHETHER CITY IS PREPARED TO PROCEED W/THIS CASE DLH
CITY STATES THEY ARE READY TO GO FORWARD
COURT ORDERS CASE SET BACK TO MOTION
CITY IS ORDERED TO SHARE W/THE PUBLIC DEFENDER AND THE COURT
THE AUTHORITIES THEY ARE REFERRING TO (AUBURN CASE)
DEFENSE REQUESTS MOTION TO DISMISS FOR SPEEDY TRIAL ISSUES
BE ADDED TO MOTIONS CALENDAR - GRANTED
NOTICE OF HEARING GIVEN TO DEFT, CC CAYCE
DISCUSSION HELD REGARDING BAIL
AFTER CONSIDERATION BY THE COURT
DEFT REMAINS HELD ON \$550 CASH ONLY BAIL
ORDER OF RELEASE TO BE ISSUED UPON POSTING \$550 CASH ONLY

DEFENDANT
GEORGE, KEITH GREGORY

EXT - Continued

S 06/04/2004 MOT Set for 07/07/2004 02:30 PM DLH
in Room 1 with Judge TLJ
OTH READY Set for 07/13/2004 08:15 AM
in Room 1 with Judge TLJ
JTR Set for 07/15/2004 08:15 AM
in Room 1 with Judge TLJ

U 06/14/2004 PROSECUTOR WEISS CALLED, REQUESTS CASE CALENDAR FOR DISMISSAL SDS
AS CASE WILL BE HANDLED WITH FELONY CHARGES IN SEATTLE

S OTH Set for 06/14/2004 02:45 PM
in Room 1 with Judge TLJ
OTH: Held JCS
Proceedings Recorded on Tape No. 3:46

U TERRY L JURADO
S Charge 1 Dismissed W/O Prejudice : City's Mtn-Other
Case Heard Before Judge JURADO, TERRY LEE
Case Disposition of CL Entered

U 06/15/2004 CITY REPRESENTED BY J WEISS
DEFENDANT DID NOT APPEAR FOR MOTION, IN CUSTODY
PD L CARNELL PRESENT

S MOT on 07/07/2004 02:30 PM
in Room 1 with Judge TLJ Canceled
OTH READY on 07/13/2004 08:15 AM
in Room 1 with Judge TLJ Canceled
JTR on 07/15/2004 08:15 AM
in Room 1 with Judge TLJ Canceled
Accounts Receivable Changed to 0.00
Authorized by JCS with Adjustment Code: CO

U CITY MOVES TO DISMISS W/O PREJUDICE KLH
DEFENSE OBJECTS
CASE DISMISSED W/O PREJUDICE
ORDER OF RELEASE FAXED TO RENTON JAIL

03/04/2005 ATTORNEY SARAH M HROBSBY APPEARED AT COUNTER AND COMPLETES TJS
INFORMATION REQUEST FORM AND VIEWS CLOSED FILE

03/11/2005 REQUEST FOR CERTIFIED COPIES OF DOCKET, DISMISSAL & DLH
ORDERS FOR RELEASE FILED BY ATTY HROBSBY

ACCOUNTING SUMMARY

	Total Due	Paid	Credit	Balance
Timepay: N	50.00	50.00		

ADDITIONAL CASE DATA

Case Disposition
Disposition: Closed Date: 06/14/2004

Parties
Attorney PUB DEFENDER, CITY OF RENTON

Docket continued on next page

ID70209X VAN
3/11/2005 9:38 AM

RENTON MUNICIPAL COURT
D O C K E T

PAGE: 7

CASE: CR0033049 RPD
Criminal Non-Traffic
Agency No. 03-12317

DEFENDANT
GEORGE, KEITH GREGORY

ADDITIONAL CASE DATA - Continued

Personal Description

Sex: M Race: B DOB: 07/07/1964
Dr.Lic.No.: GEOR6K6367MG State: WA Expires: 2007
Employer:
Height: 5 10 Weight: 290 Eyes: BRO Hair: BLK
Identifying Information: YRU-PHN/86 BURG NISSAN
NICKNAME K.G.

Hearing Summary

Held		ON 01/19/2004 AT 08:30 AM IN ROOM 1	WITH TLJ
Held	ARRAIGNMENT	ON 02/04/2004 AT 08:30 AM IN ROOM 1	WITH TLJ
Held		ON 03/01/2004 AT 01:00 PM IN ROOM 1	WITH TLJ
Held	HEARING	ON 03/12/2004 AT 11:00 AM IN ROOM 1	WITH TLJ
Held	PRE-TRIAL HEARING	ON 04/13/2004 AT 11:00 AM IN ROOM 1	WITH TLJ
Held	MOTION	ON 04/27/2004 AT 02:31 PM IN ROOM 1	WITH TLJ
Held		ON 05/04/2004 AT 08:16 AM IN ROOM 1	WITH TLJ
Held	HEARING	ON 05/06/2004 AT 11:00 AM IN ROOM 1	WITH TLJ
Held	HEARING	ON 06/04/2004 AT 11:00 AM IN ROOM 1	WITH TLJ
Held	HEARING	ON 06/14/2004 AT 02:45 PM IN ROOM 1	WITH TLJ

end of docket report for this case

APPENDIX C

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): ADDRESS WHERE YOU WANT MAIL SENT: SAN JOAQUIN COUNTY SUPERIOR COURT 222 E. WEBER AVE., RM. 303 222 E. WEBER AVE., RM. 303 STOCKTON, CA 95202 TELEPHONE NO. (Optional): _____ FAX NO. (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY Filed: <u>JUL 10 2001</u> JEANNE MILL SAPS CLERK MARGO E. THOMAS DEPUTY CASE NUMBER: 294163
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Joaquin STREET ADDRESS: 222 E. Weber Avenue Rm. 303 MAILING ADDRESS: 222 E. Weber Avenue Rm. 303 CITY AND ZIP CODE: Stockton, CA 95202 BRANCH NAME: Stockton	
PROTECTED PERSON: JULIANNA B. GEORGE RESTRAINED PERSON: KEITH G. GEORGE	
RESTRAINING ORDER AFTER HEARING (CLETS) (Domestic Violence Prevention)	

This form may be used with the Findings and Order After Hearing (form 1296.31), if the court makes additional orders.

- This proceeding was heard by judicial officer (name): COMMISSIONER ROBIN APPEL
 on (date): JULY 10, 2001 at (time): 09:30 AM in Dept.: 32 Room:
- a. The person seeking to be protected and the person to be restrained were personally present at the court hearing. No additional proof of service of this restraining order is required.
 b. The person seeking the restraining order was personally present and proof of service of the Order to Show Cause and Application for Order and Supporting Declaration was presented to the court.
 c. By written stipulation. No additional proof of service of this restraining order is required.

THE COURT FINDS:

- a. The restrained person is (name): KEITH G. GEORGE Defendant/Respondent Plaintiff/Petitioner

Sex: M F Ht.: 5'10" Wt.: 250 Hair color: BRW Eye color: BRW Race: BLACK Age: 38 Birth date: 7-7-64

- b. The protected person is (name): JULIANNA B. GEORGE
- c. The protected family and household members are (list first and last names of all protected people under this order):
 REGINA FRANKS, ALFRED HILL, SYNATHIA FRANKS, LATISHA FRANKS, MILTON AND MARY DANIEL

THE COURT ORDERS:

THIS ORDER, EXCEPT FOR ANY AWARD OF CHILD CUSTODY, VISITATION, OR CHILD SUPPORT, SHALL EXPIRE AT MIDNIGHT ON (date): JULY 10, 2004 OR AT (date and time of continued hearing): IF NO DATE IS PRESENT, THIS ORDER EXPIRES THREE YEARS FROM THE DATE OF ISSUANCE.

- The restrained person
 - shall not contact, molest, harass, attack, strike, threaten, sexually assault, batter, telephone, send any messages to, follow, stalk, destroy the personal property of, disturb the peace of, keep under surveillance, or block movements in public places or thoroughfares of: the person seeking the order the other protected person(s) listed in item 3c. except for peaceful contacts related to court ordered visitation of the minor children as set forth on page 2 of this order.
 - must immediately move from (address):
 - shall stay at least (specify): 100 yards away from the following protected persons and places:
 - person seeking the order
 - the other protected persons listed in item 3c
 - residence of person seeking the order
 - place of work of person seeking the order
 - the children's school or place of child care (specify):
 - protected person's vehicle (specify):
 - other (specify):

The foregoing instrument is a correct copy of the original on file in this office.
 MAR 05 2004
 ATTEST
 By: [Signature]
 Supervisor

(Continued on reverse)



Vertical text on the right margin: Green, Kevin; DM; W; S; CYP; 10/01

PROTECTED PERSON (name): JULIANNA B. GEORGE	CASE NUMBER:
RESTRAINED PERSON (name): KEITH G. GEORGE	294163

Read this order carefully. Taking or concealing a child in violation of this order may be a felony and punishable by confinement in state prison, a fine, or both. Any person subject to a restraining order is prohibited from purchasing or attempting to purchase, receiving or attempting to receive, or otherwise obtaining a firearm. Possession of a firearm while subject to this order may be a felony under federal law punishable by up to ten (10) years in prison and a \$25,000 fine.

5. **CHILD CUSTODY AND VISITATION**

The custody and visitation of the minor children is ordered as set forth in the attached forms, which are incorporated herein and made an operative part of this order. Peaceful contacts shall be allowed related to court-ordered visitation.

- Child Custody and Visitation Order Attachment (form 1296.31A)
- Supervised Visitation Order (form 1296.31A(1))
- Other (specify):

6. **CHILD SUPPORT**

Child support for the minor children shall be ordered as set forth in the attached forms, which are incorporated herein and made an operative part of this order.

- Child Support Information and Order Attachment (form 1296.31B)
- Other (specify):

7. **ADDITIONAL ORDERS**

Additional orders relating to property control, debt payment, attorney fees, restitution, counseling and/or other orders are set forth in the attached forms, which are incorporated herein and made an operative part of this order.

- Domestic Violence Miscellaneous Orders Attachment (form 1296.31E)
- Other (specify):

8. **FIREARM RELINQUISHMENT**

The restrained person is ordered to give up any firearm in or subject to his or her immediate possession or control within

- 24 hours after issuance of this order
- 48 hours after service of this order
- other (specify):

Any firearms should be surrendered to the control of local law enforcement, sold to a licensed gun dealer, or relinquished pursuant to Family Code section 6389(l). **The restrained person shall file a receipt with the court showing compliance with this order within 72 hours of receiving this order.**

- 9. The restrained person is ordered to participate in a certified batterer's program for 12 months at that party's expense with the results of attendance and completion to be provided to the court.
- 10. Fees for service of this order by law enforcement are waived.
- 11. A copy of this order shall be delivered by the protected person to the law enforcement agency having jurisdiction over the residence of the protected person, who shall provide information to assist in identifying the restrained person. Proof of service of this order on the restrained person shall also be provided to law enforcement unless the order shows the restrained person was present in court. The law enforcement agency having jurisdiction over the plaintiff's residence is (name and address of agency): STOCKTON POLICE DEPARTMENT, 22 E. MARKET ST., STOCKTON, CA

(Continued on page three)

PROTECTED PERSON (name): JULIANNA B. GEORGE	CASE NUMBER:
RESTRAINED PERSON (name): KEITH G. GEORGE	294163

12. A copy of this order shall be given to the additional law enforcement agencies listed below by the protected person or the protected person's attorney:

<u>Law enforcement agency</u>	<u>Address</u>
SAN JOAQUIN COUNTY SHERIFF'S DEPT.	7000 MICHAEL CANLIS BLVD. FRENCH CAMP, CA

13. Any attachments noted in items 5, 6, and 7 of this order are attached hereto, incorporated herein, and made a part of this order.
Number of pages attached: _____

Date: JULY 10, 2001

ROBIN APPEL

JUDICIAL OFFICER

COMMISSIONER ROBIN APPEL

This order is effective when made. It is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If proof of service on the restrained person has not been received, and the restrained person was not present at the court hearing, the law enforcement agency shall advise the restrained person of the terms of the order and then shall enforce it. Violations of this restraining order are subject to state and federal criminal penalties. This order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. 2265 (1994) (VAWA). This court has jurisdiction of the parties and the subject matter; the defendant has been afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is valid and entitled to enforcement in this and all other jurisdictions.

NOTICE REGARDING FIREARMS

Any person subject to a restraining order is prohibited from purchasing or attempting to purchase, receiving or attempting to receive, or otherwise obtaining a firearm. Such conduct is subject to a \$1,000 fine and imprisonment. Under federal law, the issuance of a restraining order after hearing will generally prohibit the restrained person from owning, accepting, transporting, or possessing firearms or ammunition. A violation of this prohibition is a separate federal crime.

CLERK'S CERTIFICATE

[SEAL]

I certify that the foregoing *Restraining Order After Hearing (CLETS)* is a true and correct copy of the original on file in the court.



Date: 7-10-01

Clerk, by Margo E. Thomas, Deputy

MARGO E. THOMAS

APPENDIX D

State Exhibit 6

DV-140

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):			FOR COURT USE ONLY FILED SUPERIOR COURT-STOCKTON 2001 DE 20 PM 2:45 JEANNE HILLSAPS, CLERK BY <u>Susan Brown</u> DEPUTY	
TELEPHONE NO. (Optional):	FAX NO. (Optional):			
ATTORNEY FOR (Name):				
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN				
STREET ADDRESS: 222 E. WEBER AVE.				
MAILING ADDRESS:				
CITY AND ZIP CODE: STKN CA.				
BRANCH NAME:				
PETITIONER/PERSON TO BE PROTECTED: JULIANNA B. GEORGE				
RESPONDENT/PERSON TO BE RESTRAINED: KEITH GEORGE				
PROOF OF SERVICE				
HEARING DATE	TIME	DEPT., ROOM or DIVISION	CASE NUMBER: 294163	

PERSONAL SERVICE

Instruction: After having the other party served with a copy of the document identified in Item 1, attach a completed Proof of Service to the original or to a true copy of the original and give it to the clerk for filing. Neither the petitioner nor the respondent, nor any person protected by these orders, can serve these papers.

1. I served a copy of the following documents (check the box before the title of each document you served):
- a. Order to Show Cause and Temporary Restraining Order (CLETS) (Domestic Violence Prevention) with Application and Declaration for Order (Domestic Violence Prevention) and blank Responsive Declaration to Order to Show Cause (Domestic Violence Prevention)
 - b. Income and Expense Declaration with blank Income and Expense Declaration (Family Law)
 - c. Financial Statement (Simplified) with blank Financial Statement (Simplified) (Family Law)
 - d. Declaration Under Uniform Child Custody Jurisdiction Act (UCCJA)
 - e. Application and Order for Re-issuance of Order to Show Cause (Domestic Violence Prevention)
 - f. Restraining Order After Hearing (CLETS) (Domestic Violence Prevention)
 - g. Findings and Order After Hearing (Family Law, Domestic Violence Prevention, Uniform Parentage)
 - h. Petition to Establish Parental Relationship with Summons with Standard Restraining Order (Paternity) and blank Response to Petition to Establish Parental Relationship (Uniform Parentage)
 - i. Order to Show Cause with Application for Order and Supporting Declaration; blank Responsive Declaration to Order to Show Cause or Notice of Motion (Family Law—Uniform Parentage)
 - j. Other (specify):

2. Person served (name): KEITH GEORGE

3. By personally delivering copies to the person served, as follows:
(1) Date: 11-19-01 (2) Time: 2:00

(3) Address: RAMP + AIRPORT * JANSAL NOTICE ONLY

4. At the time of service I was at least 18 years of age, not a party to this action, and not a protected person in any of the orders.
5. My name, address, telephone number, and, if applicable, county of registration as process server and registration number are (specify):

6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

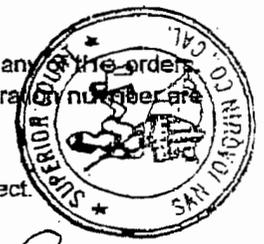
Date: 11-19-01

T. DESMARAIS
(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)

[Signature]
(SIGNATURE OF PERSON WHO SERVED THE PAPERS)

(See reverse for proof of service by mail)

THE ANNEXED INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE. CAUTION: SEAL MUST BE IN PLACE. JUL 19 2004



ATTEST
RUSA JUNGBLUTH
Deputy

APPENDIX E

X	<p>3. Respondent is RESTRAINED from going onto the grounds of or entering petitioner's <input checked="" type="checkbox"/> residence <input checked="" type="checkbox"/> workplace <input checked="" type="checkbox"/> school; <input checked="" type="checkbox"/> the day care or school of <input checked="" type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:</p> <p><input type="checkbox"/> other:</p> <p><input checked="" type="checkbox"/> Petitioner's address is confidential. <input type="checkbox"/> Petitioner waives confidentiality of the address which is:</p>
	<p>4. Petitioner shall have exclusive right to the residence petitioner and respondent share. The respondent shall immediately VACATE the residence. The respondent may take respondent's personal clothing and respondent's tools of trade from the residence while a law enforcement officer is present. <input type="checkbox"/> This address is confidential. <input type="checkbox"/> Petitioner waives confidentiality of this address which is:</p>
X	<p>5. Respondent is PROHIBITED from knowingly coming within, or knowingly remaining within _____ (distance) of: petitioner's <input checked="" type="checkbox"/> residence <input checked="" type="checkbox"/> workplace <input checked="" type="checkbox"/> school; <input checked="" type="checkbox"/> the day care or school of <input checked="" type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:</p> <p><input type="checkbox"/> other:</p>
X	<p>6. Petitioner shall have possession of essential personal belongings, including the following: <i>daughter's music, Books, clothes</i> <i>Cable boxes, cow collection</i></p>
	<p>7. Petitioner is granted use of the following vehicle: Year, Make & Model _____ License No. _____</p>
	<p>8. OTHER:</p>
<p>Complete the following only if protection is granted involving a minor.</p>	
	<p>12. Petitioner is GRANTED the temporary care, custody, and control of <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:</p>
	<p>13. Respondent is RESTRAINED from interfering with petitioner's physical or legal custody of <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:</p>
	<p>14. Respondent is RESTRAINED from removing from the state <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:</p>
<p>The respondent is directed to appear and show cause why this temporary order should not be made effective for one year or more and why the court should not order the relief requested by the petitioner or other relief which may include electronic monitoring, payment of costs, and treatment. Failure to appear at the hearing may result in the court granting such relief. The next hearing date and time is shown below the caption on page one.</p>	

WARNINGS TO THE RESPONDENT: Violation of the provisions of this order with actual notice of its terms is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. If the violation of the protection order involves travel across a state line or the boundary of a tribal jurisdiction, or involves conduct within the special maritime and territorial jurisdiction of the United States, which includes tribal lands, the defendant may be subject to criminal prosecution in federal court under 18 U.S.C. sections 2261, 2261A, or 2262.

Violation of this order is a gross misdemeanor unless one of the following conditions apply: Any assault that is a violation of this order and that does not amount to assault in the first degree or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony. Any conduct in violation of this order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. Also, a violation of this order is a class C felony if the respondent has at least 2 previous convictions for violating a protection order issued under Titles 10, 26 or 74 RCW.

If the court issues a final protection order, the respondent may not possess a firearm or ammunition for as long as that final protection order is in effect. 18 U.S.C. section 922(g)(8). A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a \$250,000 fine. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. section 925(a)(1). If the respondent is convicted of an offense of domestic violence, the respondent will be forbidden for life from possessing a firearm or ammunition. 18 U.S.C. section 922(g)(9); RCW 9.41.040.

YOU CAN BE ARRESTED EVEN IF THE PERSON OR PERSONS WHO OBTAINED THE ORDER INVITE OR ALLOW YOU TO VIOLATE THE ORDER'S PROHIBITIONS. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application.

Pursuant to 18 U.S.C. section 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

It is further ordered that the Clerk of the Court shall forward a copy of this order on or before the next judicial day to _____ County Sheriff's Office Police Department WHERE PETITIONER LIVES which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

The Clerk of the Court shall also forward a copy of this order on or before the next judicial day to Seattle County Sheriff's Office Police Department WHERE RESPONDENT LIVES which shall personally serve the respondent with a copy of this order and shall promptly complete and return to this court proof of service.

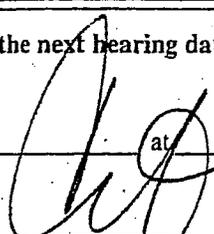
Petitioner has made private arrangements for service of this order.

The law enforcement agency where petitioner respondent lives shall assist petitioner in obtaining:
 Possession of petitioner's residence personal belongings located at: the shared residence
 respondent's residence other address: 966 20th Ave, Seattle
 Custody of the above-named minors, including taking physical custody for delivery to petitioner (if applicable).
 Other: _____

This Temporary Order for Protection is effective until the next hearing date shown below the caption on page one.

DATED _____

at _____ a.m./p.m. 11:43 AM


JUDGE/COURT COMMISSIONER

CARLOS MATEGUI
COURT COMMISSIONER

AUG 01 2003

Presented by:

Juliana George
Petitioner

APPENDIX F

FILED

03 OCT 23 AM 10:46

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

FAM01

CERTIFIED
COPY

IN THE SUPERIOR COURT OF WASHINGTON, COUNTY OF KING

Juliana George
Petitioner,

vs. Keith George
Respondent,

Cause No. 03-2-28475-1SEA

DENIAL ORDER

(ORDYMT/ORDSM/ORDTPO/ ORCT)

Domestic Violence

Anti-harassment

NEXT HEARING DATE: _____

Clerk's Action Required

THIS MATTER having come on for hearing upon the request of the moving party, for a

- Temporary Order
- Modification Order
- Full Order
- Termination Order

and the COURT FINDING:

- Petitioner does not meet the income requirements for a fee waiver.
- Petitioner did not appear.
- Petitioner requested dismissal of Petition.
- No notice of this request has been made or attempted to the other party.
- This Order materially changes an existing Order, necessitating a hearing on notice.
- The Order submitted has not been completed or certified upon penalty of perjury.
- The Petition does not list a specific incident and approximate date of domestic violence.
- The Petition does not list specific incidents and approximate dates of harassment.

A preponderance of the evidence has not established that there is domestic violence.

A preponderance of the evidence has not established that there has been harassment.

Other: Petitioner admitted on the record she has initiated contact with Respondent regularly since the Temporary Order of Protection was entered.

Having entered the above Findings, it is now hereby Ordered, Adjudged and Decreed:

- The request to waive the filing fee is denied.
- The request for a Temporary Order is denied and the case is dismissed.
- The request for a Temporary Order is denied; it may be re-submitted when the above identified problems have been resolved.
- The request for a Temporary Order is denied and the Clerk is directed to set a hearing on the Petition. The parties are directed to appear for a hearing at _____ .m. on _____, at the King County Courthouse, 516 Third Avenue, Room _____, Seattle, Washington 98104. The moving party (requester) shall have the other party served with a copy of this order.

The request for a full Order is denied, and the Petition is dismissed. Any previously entered Temporary Order expires at 10:30 (A.m.) today.

- The request to Modify or Terminate the Order dated _____ is denied.
- The request to Modify or Terminate the Order dated _____ is denied at this time and the Clerk is directed to set a hearing on the Application for Modification.
- The request before the Court is denied, provided that it may be renewed after notice has been provided to the other party according to the Civil Rules.
- This proceeding shall be consolidated under King County Cause # _____.

This order is dated and signed in open court.

10/23/03 / 10:30 (A.m.)
DATE TIME

Cheryl Russell
JUDGE/COURT COMMISSIONER

Cheryl Russell - Pro Tem

Print Name

Copy Received:

Petitioner

Respondent

APPENDIX G

To convict the defendant of the crime of harassment, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That on or about February 14, 2004, the defendant knowingly threatened:

(a) to cause bodily injury immediately or in the future to Julie George, or

(b) maliciously to do any act which was intended to substantially harm Julie George with respect to her physical health or safety; and

(2) That the words or conduct of the defendant placed Julie George in reasonable fear that the threat would be carried out;

(3) That the defendant acted without lawful authority; and

(4) That the acts occurred in the State of Washington.

If you find from the evidence that elements (2), (3) and (4) and either element (1)(a) or element (1)(b) have been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty. Elements (1)(a) and (1)(b) are alternatives and only one need be proved.

If you find from the evidence that each of these elements have been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all of the evidence, you have a reasonable doubt as to any of these elements, then it will be your duty to return a verdict of not guilty.

APPENDIX H

No. 6

A person commits the crime of harassment when he or she, without lawful authority, knowingly threatens to cause bodily injury immediately or in the future to another person or maliciously to do any act which is intended to substantially harm another person with respect to his or her physical health or safety and when he or she by words or conduct places the person threatened in reasonable fear that the threat will be carried out.

APPENDIX I

JUL 21 2004

SUPERIOR COURT CLERK
BY ROBERT M. LEVIN
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON)
) No. 04-1-09907-9 SEA
Plaintiff,)
) VERDICT FORM A
vs.)
)
Keith GEORGE)
)
Defendant.)

We, the jury, find the defendant Keith GEORGE
guilty (write in not guilty or guilty) of the crime
of Harassment as charged in Count I.

Jennifer K. Schaffer
Foreperson

FILED
KING COUNTY, WASHINGTON

JUL 21 2004

SUPERIOR COURT CLERK
BY ROBERT M. LEVIN
DEPUTY

No. _____

Special Verdict Form

We, the jury, return a special verdict by answering as follows:

Was the threat that was made a threat to kill?

ANSWER

Yes

or

No

Jennifer K. Schaffer
Presiding Juror