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FILED  
COURT OF APPEALS

OSMIP-5 AM 10:28

STATE OF WASHINGTON

BY [Signature]  
CLERK

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

NO. \_\_\_\_\_

**34513-7**

RUSSELL J. DEALY  
(put your name here)  
  
Petitioner.

PERSONAL RESTRAINT PETITION  
FOR PERSON CONFINED BY STATE  
OR LOCAL GOVERNMENT

[If there is not enough room on this form, use the back of these pages or use other paper. Fill out all of this form and other papers you are attaching before you sign this form in front of a notary.]

**A. STATUS OF PETITIONER**

I, Russell J. Daely, #634156 B-401-1, McNeil Island  
(full name and address)

Corrections Center, P.O. Box 881000, Steilacoom, WA 98388.

apply for relief from confinement. I am X am not \_\_\_\_\_ now in custody serving a sentence upon conviction of a crime. (If not serving a sentence upon conviction of a crime) I am now in custody because of the following type of court order:

N/A

PERSONAL RESTRAINT PETITION  
FOR PERSON CONFINED BY STATE  
OR LOCAL GOVERNMENT [RAP Form 17]

**PETITIONER MAY FILE THE  
PETITION WITHOUT PAYMENT OF  
A FILING FEE**

[Signature]  
COURT CLERK 3/10/06

(identify type of order)

1. The court in which I was sentenced is

Clark County Superior Court.

2. I was convicted of the crime(s) of UPF 2°X2; UPCS;  
Unlawful Iss. of Bank Checks; Trafficking in stolen property

3. I was sentenced after trial \_\_\_\_\_, after plea of  
guilty 21 on May, 2003. The judge who  
(date of sentence)

imposed sentence was

Hon. John P. Wulle, Judge

(name of trial court judge)

4. My lawyer at trial court was Susan A. Stauffer,

2020 E St., P.O. Box 719, Washougal, WA 98671.

(name and address if known; if none, write "none")

5. I did \_\_\_\_\_ did not x appeal from the decision of  
the trial court. (If the answer is that I did) I appealed to

N/A

(name of court or courts to which appeal was taken)

My lawyer on appeal was N/A

(name and address if known; if none, write "none")

The decision of the appellate court was \_\_\_\_\_ was not \_\_\_\_\_

published. (If the answer is that it was published, and I have this information), the decision is published in \_\_\_\_\_

N/A

(volume number, Washington Appellate Reports or Washington Reports, and page number)

6. Since my conviction I have x have not \_\_\_\_\_ asked a court for some relief from my sentence other than I have already written above. (If the answer is that I have asked) the court I asked was Washington State Court of Appeals, Div. II. And,

Washington State Supreme Court. (PRP)

(name of court or courts in which relief was sought)

Relief was denied on 2005

(date of decision or, if more than one, dates of all decisions)

7. (If I have answered in question 6 that I did ask for relief), the name of my lawyer in the proceeding mentioned in my answer to question 6 was PRP denied under retroactivity of

Blakley v. Washington. JOHN PERRY 423 W. FIRST AVE, STE 250 SPOKANE WA 99201 (name and address if known; if none, write "none")

8. If the answers to the above questions do not really tell about the proceedings and the courts, judges and attorneys involved in your case, tell about it here:

In this PRP Mr. Dealy does not challenge his conviction  
or sentence. He only challenges the Earned Good Time That  
he should have received from the Clark County Jail for pre-  
sentencing time served.

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B.     GROUNDS FOR RELIEF  

(If I claim more than one reason for relief from confinement, I attach sheets for each reason separately, in the same way as the first one. The attached sheets should be numbered "First Ground", "Second Ground", "Third Ground", etc.) I claim that I have

  One   reason(s) for this court to grant me relief  
(number)  
from the conviction and sentence described in Part A.

  First   Ground  
(First, Second, etc.)

1. I should be given a new trial or released from

confinement because [Here state legal reasons why you think there was some error made in your case which gives you the right to a new trial or release from confinement.]:

Prior to sentencing Mr. Dealy served 115 days in jail.  
He only received 15% good time credits on the days served,  
which is 20 days Early Release Credit. Mr. Dealy contends  
that he should receive 50% for Early Release Credits. Because  
he qualifies for 50% Earned Good Time pursuant to SB5990.  
Therefore Mr. Dealy should have been given 58 days for his  
Early Release Credits.

[You may attach other sheets or a brief if you choose.]

2. The following facts are important when considering my case [After each fact statement, put the name of the person or persons who know the fact and will support your statement of the fact. If the fact is already in the record of your case, indicate that also.]:

Mr. Dealy should have received 50% on Early Release Credits from the Clark County Jail. He only received 15%. See Appendix A, Jail and Good Time Certification.

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[You may attach affidavits or other supporting documents if you chose.]

3. The following reported court decisions [include citations if possible] in cases similar to mine show the error I believe happened in my case [If none are known, state "None known".]:

MacFarlane v. Walters, 179 F.3d 1131 (9th Cir. 1999).

Because Mr. Dealy qualifies for 50% Earned Good Time and does in fact get 50% off his sentence, he is entitled to 50% off presentence jail time served.

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4. The following statutes and constitutional provisions should be considered by the court [If none are known, state "None known".]:

SB5990- 50% Earned Good Time for certain offenders.

RCW 9.94A.728 Earned Release Time.

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5. This petition is the best way I know to get the relief I want, and no other way will work as well because

I have exhausted all remedies within the DOC, and,

Clark County Jail, therefore, this PRP is my only means of

addressing this issue.

C. STATEMENT OF FINANCES

If you cannot afford to pay the filing fee or cannot afford to pay an attorney to help you, fill this out. If you have enough money for these things, do not fill out this part of the form.

1. I do X do not      ask the court to file this without

making me pay the filing fee because I am so poor I cannot pay the fee.

2. I have \$ 1.23 in my prison or institution account.

3. I do X do not      ask the court to appoint a lawyer for me because I am so poor I cannot afford to pay a lawyer.

4. I am X am not      employed. My salary or wages amount to \$ 52.00 a month. My employer is

MICC/Prison Labor

(name and address)

5. During the past 12 months, I did      did not X get any money from a business, profession or other form of self-employment. (If I did, it was \_\_\_\_\_ and the total income I got was \$ 0 .) (kind of self-employment)

6. During the past 12 months, I:

did      did not X get any rent payments. If so, the total amount I got was \$ 0 .

did      did not X get any interest. If so, the total amount I got was \$ 0 .

did      did not X get any dividends. If so, the total amount I got was \$ 0 .

did \_\_\_\_\_ did not X get any other money. If so, the amount of money I got was \$0\_\_\_\_\_.

7. did \_\_\_\_\_ did not X have any cash except as said in answer 2. If so, the total amount of cash I have is \$0\_\_\_\_\_.

did \_\_\_\_\_ did not X have any savings accounts or checking accounts. If so, the amount in all accounts is \$0\_\_\_\_\_.

did \_\_\_\_\_ did not X own stocks, bonds, or other notes. If so, their total value is \$ 0\_\_\_\_\_.

8. List all real estate and other property or things of value which belong to you or in which you have an interest. Tell what each item of property is worth and how much you owe on it. Do not list household furniture and furnishings and clothing which you or your family need.

Items	Value
None	
_____	
_____	
_____	
_____	

9. I am \_\_\_\_\_ am not X married. If I am married, my wife

or husband's name and address is \_\_\_\_\_  
N/A

10. All of the persons who need me to support them are listed here.

Name and Address	Relationship	Age
N/A		

11. All the bills I owe are listed here.

Name of creditor you owe money to	Address	Amount
Legal Financial Obligations		\$10,000.00

D. REQUEST FOR RELIEF

I want this court to:

\_\_\_\_\_ vacate my conviction and give me a new trial.

\_\_\_\_\_ vacate my conviction and dismiss the criminal charges against me without a new trial.



SCANNED

STAUFFER

S6

SUPERIOR COURT OF WASHINGTON  
COUNTY OF CLARK

**FILED**  
MAY 21 2003  
JoAnne McBride, Clerk, Clark Co.

STATE OF WASHINGTON, Plaintiff,  
v.  
RUSSELL JAY DEALY  
aka  
Defendant.  
SID: WA11946005  
DOB: 05/21/1963

No. 02-1-00692-2

**JUDGMENT AND SENTENCE (JS)  
PRISON - COMMUNITY  
PLACEMENT/COMMUNITY CUSTODY**

Clerk's action required Paragraph 5.7

**I. HEARING**

03 9 02984 9

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

**II. FINDINGS**

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

2.1 CURRENT OFFENSE(S): The defendant was found guilty on 1/16/03  
(Date)  
by  plea  jury-verdict  bench trial of:

COUNT	CRIME	RCW	DATE OF CRIME
01	UNLAWFUL POSSESSION OF A FIREARM IN THE SECOND DEGREE	9.41.040(1)(b)	03/06/2002
02	UNLAWFUL POSSESSION OF A FIREARM IN THE SECOND DEGREE	9.41.040(1)(b)	03/01/2002
03	UNLAWFUL POSSESSION OF A FIREARM IN THE SECOND DEGREE	9.41.040(1)(b)	10/26/2001 to 12/31/2001
04	POSSESSION OF A CONTROLLED SUBSTANCE - METHAMPHETAMINE	69.50.401(d)	03/06/2003
05	UNLAWFUL ISSUANCE OF BANK CHECKS OR DRAFTS (OVER \$250)	9A.56.060(4)	01/30/2002
06	UNLAWFUL ISSUANCE OF BANK CHECKS OR DRAFTS (OVER \$250)	9A.56.060(4)	12/16/2001

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07	UNLAWFUL ISSUANCE OF BANK CHECKS OR DRAFTS (OVER \$250)	9A.56.060(4)	11/15/2001
08	UNLAWFUL ISSUANCE OF BANK CHECKS OR DRAFTS (OVER \$250)	9A.56.060(4)	12/30/2001
09	TRAFFICKING IN STOLEN PROPERTY IN THE SECOND DEGREE	9A.82.050(1)	07/01/2001 to 03/26/2002

as charged in the (  X  Amended) Information.

- A special verdict/finding for use of **firearm** was returned on Count(s) \_\_\_\_\_, RCW 9.94A.602, 510
- A special verdict/finding for use of **deadly weapon** other than a firearm was returned on Count(s) \_\_\_\_\_, RCW 9.94A.602
- A special verdict/finding of **sexual motivation** was returned on Count(s) \_\_\_\_\_, RCW 9.94A.835
- A special verdict/finding for **Violation of the Uniform Controlled Substances Act** was returned on Count(s) \_\_\_\_\_, RCW 69.50.401 and RCW 69.50.435, taking place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of, a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.
- The defendant was convicted of **vehicular homicide** which was proximately caused by a person driving a vehicle while under the influence of intoxicating liquor or drug or by the operation of a vehicle in a reckless manner and is therefore a violent offense. RCW 9.94A.030.
- This case involves kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130
- The court finds that the offender has a **chemical dependency** that has contributed to the offense(s). RCW 9.94A.607.
- The crimes charged in Count(s) \_\_\_\_\_ is/are Domestic Violence offense(s) as that term is defined in RCW 10.99.020:
- A special verdict/finding that the defendant committed a crime involving the manufacture of methamphetamine when a juvenile was present in or upon the premises of manufacture was returned on Count(s) \_\_\_\_\_. RCW 9.94A, RCW 69.50.401(a), RCW 69.50.440.
- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are Count(s) \_\_\_\_\_. RCW 9.94A.589
- Additional misdemeanor crime(s) pertaining to this cause number are contained in a separate Judgment and Sentence.
- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): 03-1-00537-8 ID THEFT II; 03-1-00631-9 ID THEFT II.

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A. or J. Adult, Juv.	TYPE OF CRIME
1. SEE ATTACHED					

- Additional criminal history is attached in Appendix 2.2.

- The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525
- The court finds that the following prior convictions are one offense for purposes of determining the offender score RCW 9.94A.525: \_\_\_\_\_
- The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520: \_\_\_\_\_
- The State has moved to dismiss count(s)

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS*	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
01	9	III	51 MONTHS to 68 MONTHS			5 YEARS \$10000
02	9	III	51 MONTHS to 68 MONTHS			5 YEARS \$10000
03	9	III	51 MONTHS to 68 MONTHS			5 YEARS \$10000
04	9	I	22 MONTHS to 29 MONTHS			5 YEARS \$10000
05	9	I	22 MONTHS to 29 MONTHS			5 YEARS \$10000
06	9	I	22 MONTHS to 29 MONTHS			5 YEARS \$10000
07	9	I	22 MONTHS to 29 MONTHS			5 YEARS \$10000
08	9	I	22 MONTHS to 29 MONTHS			5 YEARS \$10000
09	9	III	51 MONTHS to 68 MONTHS			5 YEARS \$10000

\* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, See RCW 46.61.520

Additional current offense sentencing data is attached in Appendix 2.3.

2.4  EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence  above  within  below the standard range for Count(s) See findings. Findings of fact and conclusions of law are attached in Appendix 2.4. The Prosecuting Attorney  did  did not recommend a similar sentence.

2.5 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS. The court has considered the total amount owing, the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.750/753

2.6 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are  attached  as follows:

\_\_\_\_\_. If no formal written plea agreement exists, the agreement is as set forth in the Defendant's Statement on Plea of Guilty.

III. JUDGMENT

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

3.2  The Court DISMISSES Counts .

The defendant is found NOT GUILTY of Counts .

3.3 There  do  do not exist substantial and compelling reasons justifying an exceptional sentence outside the presumptive sentencing range.

**IV. SENTENCE AND ORDER**

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court:

\$ <u>70.00</u> <i>Set</i>	Restitution to be paid to <input checked="" type="checkbox"/> Victim(s) and amounts to be set by separate court order	RCW 9.94A.750/753
\$110.00	Criminal filing fee	RCW 9.94A.505
\$500.00	Victim assessment	RCW 7.68.035
\$100.00	Collection of biological sample (for crimes committed on or after July 1, 2002)	Chapter 289, Laws of 2002
\$ _____	Fees for court appointed attorney	RCW 9.94A.505/760/030
\$500.00	Fine	RCW 9A.20.021
\$ _____	Drug fund contribution to be paid within two (2) years Fund # <input type="checkbox"/> 1015 <input type="checkbox"/> 1017 (TF)	RCW 9.94A.760
\$ _____	Crime lab fee	RCW 43.43.690
\$ _____	Witness costs	RCW 10.01.160 and RCW 2.40.010
Court costs, including:		RCW 9.94A.030, 9.94A.505, 9.94A.760, 10.01.160, 10.46.190
\$ _____	Sheriff service fees	RCW 10.01.160 and RCW 36.18.040
\$ _____	Jury demand fee	RCW 10.01.160 and RCW 10.46.190
\$ _____	Court appointed defense expert and other defense costs	RCW 9.94A.505, 760, RCW 9.94A.030
\$ _____	Extradition costs	RCW 9.94A.505
\$ _____	Emergency response costs (Vehicular Assault, Vehicular Homicide only, \$1000 maximum) To: _____ (List Law Enforcement Agency)	RCW 38.52.430

\$ _____	Other Costs for: _____	RCW 9.94A.760
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- The above financial obligations do not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.750/753. A restitution hearing:
  - shall be set by the prosecutor
  - is scheduled for \_\_\_\_\_

- The Department of Corrections may immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602
- All payments shall be made in accordance with the policies of the clerk and on a schedule established by the Department of Corrections, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ \_\_\_\_\_ per month commencing \_\_\_\_\_ RCW 9.94A.760

- In addition to the other costs imposed herein, the Court finds that the defendant has the means to pay for the cost of incarceration and is ordered to pay such costs at the statutory rate of \$ \_\_\_\_\_ RCW 9.94A.760

- The defendant shall pay the costs of services to collect unpaid legal financial obligations. RCW 36.18.190

- The financial obligations imposed in this judgment shall bear interest from the date of the Judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160

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

- HIV TESTING. The defendant shall be tested and counseled for HIV as soon as possible and the defendant shall fully cooperate in the testing and counseling. RCW 70.24.340

- 4.3 The defendant shall not have contact with DOREEN L BRONSON, FORREST W BERRY, BARBARA M WITT, MICHAEL ALLEN MEYER, JENNINGS A ROWAN including, but not limited to, personal, verbal, telephonic, electronic, written or contact through a third party for 5 years (not to exceed the maximum statutory sentence).

- Supplemental Domestic Violence Protection Order or Antiharassment Order attached as Form 4.3.

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

- 4.5 **CONFINEMENT OVER ONE YEAR.** The defendant is sentenced as follows:  
 (a) **CONFINEMENT.** RCW 9.94A.589. Defendant is sentenced to the following term of confinement in the custody of the Department of Corrections:

51 days/~~months~~ on Count 01  
51 days/~~months~~ on Count 02  
51 days/~~months~~ on Count 03  
29 days/~~months~~ on Count 04

29 days/months on Count 05  
29 days/months on Count 06  
29 days/months on Count 07  
29 days/months on Count 08  
51 ~~29~~ days/months on Count 09

Actual number of months of total confinement ordered is: 51 MONTHS  
(Add mandatory firearm and deadly weapons enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above).

All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm or other deadly weapon as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: \_\_\_\_\_

The term(s) of confinement (sentence) imposed herein shall be served consecutively to any other term of confinement (sentence) which the defendant may be sentenced to under any other cause in either District Court or Superior Court unless otherwise specified herein:

Counts 1-9 are concurrent with each other, but  
consecutive to 03-1-00631-9 and 03-1-00637-8 (TOTAL 94 months)

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

- (b) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505.

Credit for \_\_\_\_\_ days time served prior to this date is given, said confinement being solely related to the crimes for which the defendant is being sentenced.

4.6  ~~COMMUNITY PLACEMENT~~ is ordered on Counts 9 for 12 months

~~COMMUNITY CUSTODY~~ is ordered on Counts 4 for a range from 9 to 12 months or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A.700/705(9) for community placement offenses which include serious violent offenses, second degree assault, any crime against a person with a deadly weapon finding, Chapter 69.50 or 69.52 RCW offenses not sentenced under RCW 9.94A.660 committed before July 1, 2000. See RCW 9.94A.715 for community custody range offenses which include sex offenses not sentenced under RCW 9.94A.712 and violent offenses committed on or after July 1, 2000. Community custody follows a term for a sex offense - RCW 9.94A.505. Use paragraph 4.7 to impose community custody following work ethic camp. Community placement/custody shall be for 12 months or for the period of earned early release, whichever is longer, for sex offenses or serious violent offenses committed between 7/1/88 and 7/1/90, Assault 2, Assault of a Child 2, deadly weapon enhancements and drug offenses under RCW 69.50 or 69.52; 24 months or for the period of early earned release, whichever is longer, for sex offenses occurring between 7/1/90 and 6/6/96, serious violent offenses, and vehicular homicides or vehicular assaults; 36 months or for the period of earned early release, whichever is longer, for sex offenses committed after 6/6/96.]

The defendant shall be on community supervision/community custody under the charge of the Department of Corrections and shall follow and comply with the instructions, rules and regulations promulgated by said Department for the conduct of the defendant during the period of community supervision/community custody and any other conditions stated in this Judgment and Sentence.

While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at Department of Corrections-approved education, employment and/or community service; (3) not consume controlled substances except pursuant to lawfully issued prescriptions; (4) not unlawfully possess controlled substances while in community custody; (5) pay supervision fees as determined by the Department of Corrections; (6) perform affirmative acts necessary to monitor compliance with the orders of the court as required by the Department of Corrections. The residence location and living arrangements are subject to the prior approval of the Department of Corrections while in community placement or community custody. Community custody for sex offenders may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement. The defendant's conditions of Community Placement/Community Custody include the following:

- The defendant shall not consume any alcohol.
- Defendant shall have no contact with

Defendant shall remain  within  outside of a specified geographical boundary, to wit:

AS Set B9 D.O.C.

Other conditions may be imposed by the court or Department during community custody, or are set forth here:

The conditions of community supervision/community custody shall begin immediately or upon the defendant's release from confinement unless otherwise set forth here:

Defendant shall not violate any federal, state or local criminal laws, and shall not be in the company of any person known by him/her to be violating such laws.

Defendant shall not commit any like offenses.

Defendant shall notify his/her community corrections officer within forty-eight (48) hours of any arrest or citation.

Defendant shall not initiate or permit communication or contact with persons known to him/her to be convicted felons, or presently on probation, community supervision/community custody or parole for any offense, juvenile or adult, except immediate family. Additionally, the defendant shall not initiate or permit communication or contact with the following persons:

Defendant shall not have any contact with other participants in the crime, either directly or indirectly.

Defendant shall not initiate or permit communication or contact with persons known to him/her to be substance abusers.

Defendant shall not possess, use or deliver drugs prohibited by the Uniform Controlled Substances Act, or any legend drugs, except by lawful prescription. The defendant shall notify his/her community corrections officer on the next working day when a controlled substance or legend drug has been medically prescribed.

Defendant shall not possess or use any paraphernalia that can be used for the ingestion or processing of controlled substances or that can be used to facilitate the sale or transfer of

controlled substances including scales, pagers, cellular phones, police scanners, and hand held electronic scheduling and data storage devices.

- Defendant shall not frequent known drug activity areas or residences.
- Defendant shall not use or possess alcoholic beverages  at all  to excess.  
The defendant  will  will not be required to take monitored antabuse per his/her community corrections officer's direction, at his/her own expense, as prescribed by a physician.
- Defendant shall not be in any place where alcoholic beverages are sold by the drink for consumption or are the primary sale item.
- Defendant shall undergo an evaluation for treatment for  substance abuse  mental health  anger management treatment and fully comply with all recommended treatment.
- Defendant shall enter into, cooperate with, fully attend and successfully complete all in-patient and outpatient phases of a  substance abuse  mental health  anger management treatment program as established by the community corrections officer and/or the treatment facility.
- Based upon the Pre-Sentence Report, the court finds reasonable grounds to exist to believe the defendant is a mentally ill person, and this condition was likely to have influenced the offense. Accordingly, the court orders the defendant to undergo a mental status evaluation and participate in outpatient mental health treatment. Further, the court may order additional evaluations at a later date, if deemed appropriate.
- Treatment shall be at the defendant's expense and he/she shall keep his/her account current if it is determined that the defendant is financially able to afford it.
- Defendant shall submit to urine, breath or other screening whenever requested to do so by the treatment program staff and/or the community corrections officer.
- Defendant shall not associate with any persons known by him/her to be gang members or associated with gangs.
- Defendant shall not wear or display any clothing, apparel, insignia or emblems that he/she knows are associated with or represent gang affiliation or membership as determined by the community corrections officer.
- Defendant shall not possess any gang paraphernalia as determined by the community corrections officer.
- Defendant shall not use or display any names, nicknames or monikers that are associated with gangs.
- Defendant shall comply with a curfew, the hours of which are established by the community corrections officer.
- Defendant shall attend and successfully complete a shoplifting awareness educational program as directed by the community corrections officer.
- Defendant shall attend and successfully complete the Victim Awareness Educational Program as directed by the community corrections officer.
- Defendant shall not accept employment in the following field(s):  
\_\_\_\_\_
- Defendant shall not possess burglary tools.
- Defendant's privilege to operate a motor vehicle is suspended/revoked for a period of one year, two years if the defendant is being sentenced for a vehicular homicide.

## V. NOTICES AND SIGNATURES

- 5.1 **COLLATERAL ATTACK ON JUDGMENT.** Any petition or motion for collateral attack on this judgment and sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090
- 5.2 **LENGTH OF SUPERVISION** For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to ten (10) years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purposes of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A505(5).
- 5.3 **NOTICE OF INCOME-WITHHOLDING ACTION.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A may be taken without further notice. RCW 9.94A.7606
- 5.4 **RESTITUTION HEARING.**  
 Defendant waives any right to be present at any restitution hearing (sign initials): \_\_\_\_\_
- 5.5 Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. RCW 9.94A.634
- 5.6 **FIREARMS.** You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The court clerk shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment). RCW 9.41.040, 9.41.047
- 5.7  The court finds that Count \_\_\_\_\_ is a felony in the commission of which a motor vehicle was used. The court clerk is directed to immediately forward an Abstract of Court Record to the Department of Licensing, who must revoke the defendant's driver's licenses. RCW 46.20.285.

### Cross off if not applicable:

- 5.8 **SEX AND KIDNAPPING OFFENDER REGISTRATION.** RCW 9A.44.130, 10.01.200. Because this crime involves a sex offense or kidnapping offense (e.g., kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in Chapter 9A.40 RCW where the victim is a minor and you are not the minor's parent), you are required to register with the sheriff of the county of the state of Washington where you reside. If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register immediately upon being sentenced unless you are in custody, in which case you must register within 24 hours of your release.

If you leave the state following your sentencing or release from custody but later move back to Washington, you must register within 30 days after moving to this state or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections. If you leave this state following your sentencing or release from custody but later while not a resident of Washington you become employed in Washington, carry out a vocation in Washington, or attend school in Washington, you must register within 30 days after starting school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections.

If you change your residence within a county, you must send written notice of your change of residence to the sheriff within 72 hours of moving. If you change your residence to a new county within this state, you must send written notice of your change of residence to the sheriff of your new county of residence at least 14 days before moving, register with that sheriff within 24 hours of moving and you must give written notice of your change of address to the sheriff of the county where last registered within 10 days of moving. If you move out of Washington state, you must also send written notice within 10 days of moving to the county sheriff with whom you last registered in Washington state.

If you are a resident of Washington and you are admitted to a public or private institution of higher education, you are required to notify the sheriff of the county of your residence of your intent to attend the institution within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier.

Even if you lack a fixed residence, you are required to register. Registration must occur within 24 hours of release in the county where you are being supervised if you do not have a residence at the time of your release from custody or within 48 hours excluding weekends and holidays after ceasing to have a fixed residence. If you enter a different county and stay there for more than 24 hours, you will be required to register in the new county. You must also report weekly in person to the sheriff of the county where you are registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require you to list the locations where you have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550

If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within 10 days after establishing a residence, or after beginning to work, carry on a vocation, or attend school in the new state. You must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State

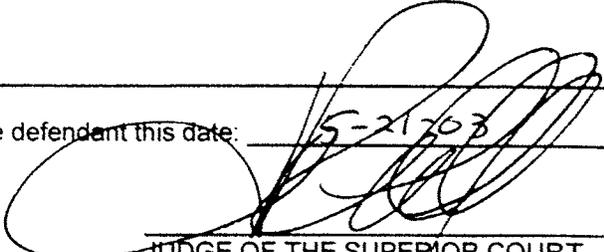
If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your name, you must submit a copy of the order to the county sheriff of the county of your residence and to the state patrol within 5 days of the entry of the order. RCW 9A.44.130(7).

5.9 Persistent Offense

- The crime(s) in count(s) \_\_\_\_\_ is/are "most serious offense(s)." Upon a third conviction of a "most serious offense", the court will be required to sentence the defendant as a persistent offender to life imprisonment without the possibility of early release of any kind, such as parole or community custody. RCW 9.94A.030 (28 & 32(a)), 9.94A.505
- The crime(s) in count(s) \_\_\_\_\_ is/are one of the listed offenses in RCW 9.94A.030 (32)(b). Upon a second conviction of one of these listed offenses, the court will be required to sentence the defendant as a persistent offender to life imprisonment without the possibility of early release of any kind, such as parole or community custody.

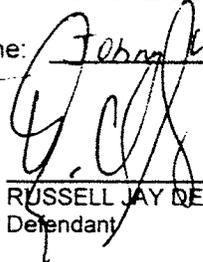
5.10 OTHER: \_\_\_\_\_

DONE in Open Court and in the presence of the defendant this date: 5-21-03



JUDGE OF THE SUPERIOR COURT

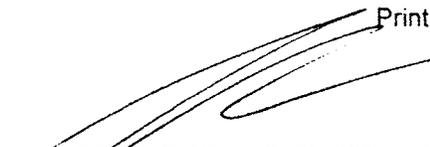
Print Name: John Kelle



RUSSELL JAY DEALY  
Defendant



James E. David, WSBA #13754  
Deputy Prosecuting Attorney



Susan A. Stauffer, WSBA #11374  
Attorney for Defendant

## Clark County Prosecuting Attorney's Office - Offer of Settlement

To: Defense Attorney: Susan Stauffer

Re: Defendant: **Russell Dealy** Cause No: **02-1-00692-2**

Defendant is charged with the following:

Count	Charge	Score	Range	Enhancement	Total Range
1, 3, 5	UP Firearm 1	9+			87 to 116
2, 4, 6	UP Firearm 2	9+			51 to 60
7	UPCS	9+			22 to 29

To resolve the case, the Defendant may plead guilty to the charges set out below. Upon a plea of guilty, the State agrees to make the recommendations shown, on conditions set forth below:

Count	Charge	Score	Range	Enhancement	Total Range
1,2,3	UP Firearm 2	9+			51 to 60
4	UPCS	9+			22 to 29
5,6,7	Felony UIBC	9+			22 to 29
9	Trafficking in Stolen Property 2	9+			51 to 60

The State will also:  dismiss counts: **DV Case in District Court.**  not file: **Any other UIBC or firearm charges related to the investigation based on report v02-4288, or other UIBC charges occurring in Clark County.**

Request PSI Report  May consider DOSA;  Work Ethic Camp;  SSOSA, if PSI Recommends  
If a plea is not entered, the State may \_\_\_\_\_

**Confinement:** Recommend a total of **60 months** to be served as:

**60 months** total confinement (over 12 months to be served at DOC)

**Supervision:**  1st Offender Option;  Suspended sentence on misdemeanor

Serve **9 to 12 months:**  Community Custody  Misdemeanor Probation

**Mandatory Sentence Requirements:**

No firearms  HIV testing  DNA sampling  Registration  License revocation

**Conditions of Supervision:**

No similar offenses  Report as directed  Pay financial obligations  No weapons/firearms  
 Travel Restrictions  Obey all laws  Association restrictions  Victim Classes

- Employment/School  UA/BAC screening  Alcohol restrictions  Possess only own ID
- Notify DOC before moving or changing jobs  No driving w/o license  Have only own mail
- No controlled substances or paraphernalia  No surveillance equipment at residence
- Evaluation & treatment for:  Substance abuse  Alcohol  Mental health  Domestic Violence
- No contact with \_\_\_\_\_  **No checking or demand accounts**

**Financial Obligations:** The Prosecutor will recommend the court impose court costs, crime victim assessment, and applicable court appointed attorney/investigator/expert fees, restitution, extradition costs, appellate costs, jail fees, crime lab fees and other statutory fees. These amounts are requested where applicable, regardless of whether specific amounts are listed below.

\$110.00 Court Costs	\$500.00 Crime Victim Comp.	\$500.00 Fine
\$625.00 Attorney Fee	\$0.00 Defense Investigator	\$0.00 Defense Costs
\$0.00 Witness Fee	\$0.00 Service Fee	\$0.00 Warrant Fee
\$0.00 Drug Fund	\$0.00 Laboratory Fee	\$0.00 Emerg. Resp. Fee
\$0.00 per day jail fee	\$0.00 Extradition Fee	\$100.00 DNA Testing Fee
_____ Restitution paid to: _____		\$0.00 Other

- Restitution as determined by Victim/Witness
- Defendant must agree to pay restitution for dismissed or unfiled counts, including any UICs reported to Clark County law enforcement and for any property reported to police as having been stolen from the Family Loan pawn shop after being left at Family Loan on pawn.

**Additional Conditions of Offer:** This offer is *expressly* based on the Defendant having the criminal history as outlined on the attached page(s). Defendant must acknowledge the criminal history is correct before the plea may occur and disclose any additional criminal history to the court and prosecutor. *Defendant disputes whether they "wash out" or not*  
Attendance in court, law abiding behavior and full disclosure of criminal history by Defendant are conditions of this offer. If a plea is entered and Defendant fails to appear for sentencing, or has additional criminal history than indicated, or commits any additional crimes before sentencing, the Defendant understands that these acts constitute a breach of the agreement on his part. Defendant further understands that if he fails to appear at sentencing, or commits new crimes pending sentencing, that the State will be free to file additional charges.

Partial Confinement recommendations are subject to Defendant qualifying for the program, if not, total confinement is recommended.

- Defendant must stipulate to:  confinement time, and/or,  supervision conditions of this Offer.
- Defendant must forfeit: \_\_\_\_\_

Other: **OK for defendant to request alternatives, such as DOSA or WEC and to remain out of custody pending sentencing.**

**Time Limitations on Offer:** This offer is withdrawn, unless the Defendant enters a plea of guilty or being referred to Diversion, if offered, before:  Arraignment  Omnibus  \_\_\_\_\_

Dated 01/16/2003

Deputy Prosecuting Attorney Jim David

VLSNIDER

MCNEIL ISLAND CORRECTION CENTER

OTRTASTB

TRUST ACCOUNT STATEMENT

6.02.1.6

DOC# 0000634156 Name: DEALY, RUSSELL J  
LOCATION: I01-234-B4011

BKG# 185169

Account Balance Today ( 01/31/2006 ) Current : 731.62  
Hold :  
Total : 731.62

Account Balance as of 01/31/2006 731.62

01/01/2006 01/31/2006

SUB ACCOUNT	START BALANCE	END BALANCE
SPENDABLE BAL	1.91	1.23
SAVINGS BALANCE	668.53	668.53
WORK RELEASE SAVINGS	0.00	0.00
EDUCATION ACCOUNT	0.00	0.00
MEDICAL ACCOUNT	0.00	0.00
POSTAGE ACCOUNT	68.18	61.86
COMM SERV REV FUND ACCOUNT	0.00	0.00



DEBTS AND OBLIGATIONS

TYPE	PAYABLE	INFO NUMBER	AMOUNT OWING	AMOUNT PAID	WRITE OFF AMT.
CVCS	CVC/07112000	05232003	UNLIMITED	334.26	0.00
COIS	COI/07112000	05232003	UNLIMITED	1337.05	0.00
COPD	COPY COSTS DEBT	07232004	0.00	0.50	0.00
COI	COST OF INCARCERATION	05232003	UNLIMITED	0.00	0.00
CVC	CRIME VICTIM COMPENSATION	05232003	UNLIMITED	44.43	0.00
LFO	LEGAL FINANCIAL OBLIGATIONS	20040126	UNLIMITED	395.00	0.00
DCS	CHILD SUPPORT PAYMENTS	001540329	UNLIMITED	843.05	0.00

TRANSACTION DESCRIPTIONS --

SPENDABLE BAL SUB-ACCOUNT

DATE	TRANSACTION DESCRIPTION	RECEIPT#	TRANSACTION AMT	BALANCE
01/05/2006	CRS SAL ORD #3232293STOR		( 1.49)	0.42
01/09/2006	CLASS 3 GRATUITY-R&D		51.20	51.62
01/09/2006	Deductions-CVC-05232003 D D		( 2.56)	49.06
01/12/2006	CRS SAL ORD #3243258STOR		( 34.04)	15.02
01/14/2006	I05 - TV CABLE FEE		( 0.50)	14.52
01/20/2006	CRS SAL ORD #3255974STOR		( 13.29)	1.23

TRANSACTION DESCRIPTIONS --

SAVINGS BALANCE SUB-ACCOUNT

DATE	TRANSACTION DESCRIPTION	RECEIPT#	TRANSACTION AMT	BALANCE
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TRANSACTION DESCRIPTIONS --

WORK RELEASE SAVINGS SUB-ACCOUNT

DATE	TRANSACTION DESCRIPTION	RECEIPT#	TRANSACTION AMT	BALANCE
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TRANSACTION DESCRIPTIONS --

EDUCATION ACCOUNT SUB-ACCOUNT

VLSNIDER

MCNEIL ISLAND CORRECTION CENTER

OTRTASTB

T R U S T A C C O U N T S T A T E M E N T

6.02.1.6

DOC# 0000634156 Name: DEALY, RUSSELL J

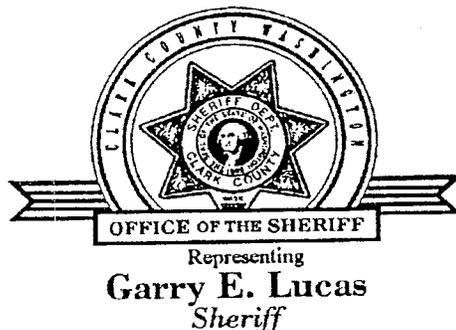
BKG# 185169

LOCATION: I01-234-B4011

DATE	TRANSACTION DESCRIPTION	RECEIPT#	TRANSACTION AMT	BALANCE
TRANSACTION DESCRIPTIONS --			MEDICAL ACCOUNT	SUB-ACCOUNT
DATE	TRANSACTION DESCRIPTION	RECEIPT#	TRANSACTION AMT	BALANCE
TRANSACTION DESCRIPTIONS --			POSTAGE ACCOUNT	SUB-ACCOUNT
DATE	TRANSACTION DESCRIPTION	RECEIPT#	TRANSACTION AMT	BALANCE
01/13/2006	POSTAGE SUBACCOUNT WITHDRAWAL		( 0.02)	68.16
01/27/2006	SAPOS SAL ORD #3267254STOR		( 6.30)	61.86
TRANSACTION DESCRIPTIONS --			COMM SERV REV	SUB-ACCOUNT
			FUND ACCOUNT	
DATE	TRANSACTION DESCRIPTION	RECEIPT#	TRANSACTION AMT	BALANCE

**APPENDIX "A"**  
(Jail and Good Time Certification)

**AMENDED**



The following information is being supplied to the Washington State Department of Corrections for the purpose of documenting local time served and earned early release credits for individual listed below.

## JAIL AND GOOD TIME CERTIFICATION

NAME: **DEALY, RUSSELL JAY**  
LOCAL ID #: (CFN) **125104**

<u>CHARGE</u>	<u>CASE NUMBER</u>
<b>IDENTITY THEFT II</b>	<b>03-1-00637-8</b>
<b>IDENTITY THEFT II</b>	<b>03-1-00631-9</b>
<b>UNLAW POSS FIREARM II</b>	<b>02-1-00692-2</b>
<b>POSS CONT SUB-METH</b>	
<b>UNLAW ISS BANK CHECKS</b>	

DATE (S) OF JAIL CONFINEMENT:

**04/22/03 TO 05/23/03 (06/09/02 TO 07/30/02\*3 days Oregon fugitive awaiting transport**  
**03/14/03 to 03/14/03 04/11/02 to 04/13/02**  
**09/13/02 to 09/24/02 03/26/02 to 03/27/02**

TIME SERVED CREDITS:

**113** Credit per Judgement and Sentence  
**2** Days served prior to transfer  
**115** Total Time Served Eligible for Early Release Credit  
**20** Early Release Credit Based on Clark County 15% Policy\*  
**0** Credit Lost for Misconduct  
**20** **Total Credit Authorized**

Clark County maintains a 15% Good Time Policy. Credit is based on "Total Imposed Sentence" consistent with State v. Williams 121 Wn.2d 655 (1993).

Effective 10/94

Clark County Sheriff's Office, Records Division

By: **BRE/3147**

Date:

**September 10, 2003**

707 W. 13th St. P.O. Box 410 Vancouver, WA 98666

360-397-2211