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

1794324

IN RE SENTENCE OF:

YULANDA LEACH

Petitioner.

NO 34282-1-II

STATE'S RESPONSE TO POST
SENTENCING REVIEW PETITION

A. ISSUES PERTAINING TO PERSONAL RESTRAINT PETITION:

1. Are attempt crimes included in the definition of "crimes against persons" as defined in RCW 9.94A.411(2) thus subjecting defendants convicted of attempted assault of a child in the second degree to community custody under RCW 9.94A.715?

B. STATUS OF PETITIONER:

On May 15, 2005, YULANDA LEACH, hereinafter defendant, was charged by information in Pierce County Superior Court with Assault of a Child in the Second Degree, under cause number 05-1-02366-1. (Appendix A).

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1 On October 6, 2005, the defendant was charged by amended information with
2 Attempted Assault of a Child in the Second Degree, contrary to RCW 9A.36.021(1)(a)
3 and 9A.36.130 (1)(a). (Appendix B).

4 On October 6, 2005, the defendant pled guilty to the amended charge. (Appendix
5 C). Defendant received a sentence of 23.25 months and was ordered to serve nine to
6 eighteen months on community custody. (Appendix D).

7 On January 5, 2006, DOC filed a petition with this court pursuant to RCW
8 9.94A.585(7) alleging that the trial court erroneously ordered defendant to be placed on
9 community custody.
10

11 A. ARGUMENT.

- 12 1. ATTEMPT CRIMES ARE INCLUDED IN THE DEFINITION
13 OF "CRIMES AGAINST PERSONS" AS DEFINED IN RCW
14 9.94A.411(2) THUS SUBJECTING DEFENDANTS
15 CONVICTED OF ATTEMPTED CHILD ASSAULT IN THE
16 SECOND DEGREE TO COMMUNITY CUSTODY UNDER
17 RCW 9.94A.715.

18 Pursuant to RCW 9.94A.585(7) Department of Corrections (DOC) may petition
19 for review of a sentence committing an offender to the custody of the department. This
20 review is limited to errors of law. RCW 9.94A.585(7).

21 The question before this court is which offenders should be placed on community
22 custody under RCW 9.94A.715 when the crime involves a crime against a person as
23 defined under RCW 9.94A.411(2). Should RCW 9.94A.715 be limited to only those
24 persons who commit completed crimes, or should the statute be given its plain meaning

1 and include both completed and attempted crimes? The State asks this court to find that
2 the latter conclusion is the more legally sound approach to the statute and definition.

3 Where statutory language is plain and unambiguous, a court will not construe the
4 statute but will glean the legislative intent from the words of the statute itself, regardless
5 of a contrary interpretation by an administrative agency. See Bravo v. Dolsen Cos., 125
6 Wn.2d 745, 752, 888 P.2d 147 (1995); Smith v. N. Pac. Ry. Co., 7 Wn.2d 652, 664, 110
7 P.2d 851 (1941).

8 Only an ambiguous statute requires judicial construction. A statute is ambiguous
9 only if susceptible to two or more reasonable interpretations, but a statute is not
10 ambiguous merely because different interpretations are conceivable. State v. Keller, 143
11 Wn.2d 267, 276, 19 P.3d 1030 (2001). If a statute is subject to more than one reasonable
12 interpretation, the court should construe the statute to effectuate the legislature's intent.
13 Davis v. Dep't of Licensing, 137 Wn.2d 957, 963, 977 P.2d 554 (1999). Only where the
14 legislative intent is not clear from the words of a statute may the court "resort to extrinsic
15 aids, such as legislative history." Biggs v. Vail, 119 Wn.2d 129, 134, 830 P.2d 350
16 (1992).

1 RCW 9.94A.715 allows a court to order community custody for four different
2 offense classifications: (1) sex offenses,¹ (2) violent offenses,² (3) any crime against
3 persons under RCW 9.94A.411(2),³ or (3) a felony offense under chapter 69.50 or 69.52
4 [Uniform Controlled Substance & Imitation Controlled Substance Acts].

5 Of these classifications, three are dependent on the nature of the crime (sex,
6 violent, and felony drug), while one is dependant on the effect of the crime on the victim
7 (crime against persons). Sex offenses and violent offenses naturally include within their
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11 ¹ RCW 9.94A.030(41)(a)(iv) includes in the definition of sex offense any criminal attempt,
solicitation, or criminal conspiracy.

12 ² "Violent offense" means:

13 (a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any
14 law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal
15 conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second
16 degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in
the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first
degree, robbery in the second degree, drive-by shooting, vehicular assault, and vehicular homicide, when
proximately caused by the driving of any vehicle by any person while under the influence of intoxicating
liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner[.]

17 RCW 9.94A.030(48).

18 ³ RCW 9.94A.411(2)(a) classifies the following offenses as crimes against persons:

19 Aggravated Murder; 1st Degree Murder; 2nd Degree Murder; 1st Degree Manslaughter; 2nd Degree
20 Manslaughter; 1st Degree Kidnapping; 2nd Degree Kidnapping; 1st Degree Assault; 2nd Degree Assault;
3rd Degree Assault; 1st Degree Assault of a Child; 2nd Degree Assault of a Child; 3rd Degree Assault of a
21 Child; 1st Degree Rape; 2nd Degree Rape; 3rd Degree Rape; 1st Degree Rape of a Child; 2nd Degree Rape
of a Child; 3rd Degree Rape of a Child; 1st Degree Robbery; 2nd Degree Robbery; 1st Degree Arson; 1st
22 Degree Burglary; 1st Degree Extortion; 2nd Degree Extortion; Indecent Liberties; Incest; Vehicular
Homicide; Vehicular Assault; 1st Degree Child Molestation; 2nd Degree Child Molestation; 3rd Degree
23 Child Molestation; 1st Degree Promoting Prostitution; Intimidating a Juror; Communication with a Minor;
Intimidating a Witness; Intimidating a Public Servant; Bomb Threat (if against person); Unlawful
Imprisonment; Promoting a Suicide Attempt; Riot (if against person); Stalking; Custodial Assault;
Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138,
26.50.110, 26.52.070, or 74.34.145); and Counterfeiting (if a violation of RCW 9.16.035(4)). (38)

1 definitions attempt crimes. See f.n. 1 and 2. However, because a “crime against a
2 person” is properly classified as “*any crime* against a person,” regardless of whether it is
3 an attempt, conspiracy or solicitation, such a distinction is not made in the definition. In
4 fact, the definition falls within the Categorization of Crimes for Prosecuting Standards,
5 under RCW 9.94A.411, which provides that “crimes against persons will be filed if
6 sufficient admissible evidence exists, which when considered with the most plausible,
7 reasonably foreseeable defense that could be raised under the evidence, would justify
8 conviction by a reasonable and objective fact-finder.” RCW 9.94A.411(2)(a). Certainly
9 a decision to prosecute one of these “crimes against persons” would not turn on whether
10 it was an attempt, conspiracy, or a solicitation.

11 Defendant relies on language from another statute, RCW 9.94A.545,⁴ to argue
12 that inclusion in this statute of attempt language means exclusion of such crimes under
13 RCW 9.94A.715. This statute does not share the same legislative history as RCW
14 9.94A.545. Prior to a 2003 amendment, RCW 9.94A.545, authorized community
15 custody in *all* sentences for felonies in which the confinement time was one year or less,
16 compared to RCW 9.94A.715, which has always had limited applicability. In Re Jones,
17 129 Wn. App. 626, 630, 120 P.3d 84 (2005); RCW 9.94A.715.

18 Also, RCW 9.94A.545’s use of the phrase “or an attempt, conspiracy, or
19 solicitation to commit such a crime,” is redundant for all sections with the exception of

20
21 ⁴ § 9.94A.545. Community custody

22 Except as provided in RCW 9.94A.650, on all sentences of confinement for one year or less, in which the
23 offender is convicted of a sex offense, a violent offense, a crime against a person under RCW 9.94A.411,
24 or felony violation of chapter 69.50 or 69.52 RCW or an attempt, conspiracy, or solicitation to commit
25 such a crime, the court may impose up to one year of community custody, subject to conditions and
sanctions as authorized in RCW 9.94A.715 and 9.94A.720 . . .

1 the drug statute since all other definitions include attempt crimes, and as argued above, a
2 “crime against a person” does not need this additional language.

3 A look at the history of the phrase “any crime against person” also lends support
4 to this interpretation. Former RCW 9.94A.120(9)(a) originally did not define “any crime
5 against a person.” See, State v. Barnett, 139 Wn.2d 462, 470, 987 P.2d 626 (1999)
6 (holding the phrase “any crime against a person” does not include the definition codified
7 at RCW 9.94A.440(2), and thus does not include the crime of first degree burglary where
8 the facts show that the crime defendant did not injure or threaten to injure any person).
9 In response to the Court of Appeals ruling in Barnett, the legislature amended the statute
10 in 1999 and clarified that the phrase “any crime against a person” is given the meaning as
11 defined under RCW 9.94A.440(2). In adopting this definition, the legislature chose to
12 encompass all crimes involving persons, rather than the more narrow definition adopted
13 by the court in Barnett. It was clear that the focus of community custody was for any
14 offender who committed a crime that could be classified as a “crime against a person”
15 regardless of whether such an act resulted in a threat or actual injury to a person.

16 Defendant’s interpretation asks this court to go back to a definition that is even
17 narrower than the court’s interpretation in Barnett, because there is no doubt in this case
18 that the actual facts support a finding that the crime was a “crime against a person.”
19 Here, the defendant pled guilty to attempted assault of a child in the second degree,
20 which requires proof of attempting to intentionally assault a child under the age of 13
21 years with a deadly weapon and recklessly inflicting substantial bodily harm. RCW
22 9A.36.130. In her statement on plea of guilty defendant admits to intentionally hitting

1 her 12 year old son with a tire iron and recklessly inflicting substantial bodily harm.

2 (Appendix B and C).

3 The case before this court is factually distinguishable from In re Jones, 129 Wn.
4 App. 626, 630, 120 P.3d 84 (2005)(holding that RCW 9.94A.545 unambiguously limits
5 the court's authority to impose community custody in sentences for 12 months or less to
6 the offenses listed in the statute). In In re Jones, the State argued that while the offenses
7 at issue (forgery, unlawful possession of payment instruments, second degree possession
8 of stolen property, second degree theft, unlawful possession of a firearm, and second
9 degree possession of explosives) were not expressly listed in RCW 9.94A.545, the
10 statute did not limit community custody to only those offenses outlined in the statute.
11 129 Wn. App. at 629. The court rejected such an argument noting that the purpose of the
12 act was to move less serious offenders out of the state-funded correction system and thus
13 a legislative "intent to limit the expenditure of DOC's community supervision resources
14 to *more serious offenders*." 129 Wn. App. at 631 (emphasis added). But defendant asks
15 this court to interpret the statutes to allow community custody for less serious offenses
16 while ignoring the need for more serious offenders. For example, under defendant's
17 analysis, those who are sentenced for attempt crimes under RCW 9.94A.545 and thus are
18 subject to confinement for *one year or less*, will receive community custody, while those
19 sentenced for attempt crimes under RCW 9.94A.715 and thus are confined for *over a*
20 *year*, do not receive community custody. While the State submits that the plain language
21 of the statute clearly provides for community custody in attempt crimes, even if it were
22 subject to interpretation, this court should avoid the absurd result that DOC's
23 interpretation leads to. See, State v. Stannard, 109 Wn.2d 29, 36, 742 P.2d 1244 (1987).

1 Defendant's interpretation also leads to the absurd result that a person convicted
2 of *Third Degree* Assault, Assault of a Child, Rape, Rape of a Child, or Child
3 Molestation, is ordered to serve community custody, while those convicted of *Attempted*
4 *Second Degree* Assault etc, do not serve any community custody. Thus defendants
5 convicted of assault of a child in the third degree, which carries a seriousness level of III
6 and is a nonviolent offense, would be placed on mandatory community custody and
7 defendants convicted of attempted assault of a child in the second degree, which carries a
8 seriousness level of IX and is categorized as a violent offense, would not be placed on
9 community custody. RCW 9.94A.595, 9A.36.130, 9A.36.140. This underscores the
10 importance of focusing on the common sense reading of RCW 9.94A.411, and not
11 reading into the statute a definition that applies to only completed crimes.

12 D. CONCLUSION.

13 The State asks this court to reject DOC's interpretation of RCW 9.94A.715 and
14 RCW 9.94A.411(2) for community custody. The plain language of the statute dictates
15 that all defendants convicted of offenses involving crimes against persons, whether it is
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1 an attempt or completed offense, shall serve community custody. Any other reading of
2 the statute is a strained interpretation that leads to absurd results.

3
4 DATED: April 3, 2006.

5 GERALD A. HORNE
6 Pierce County
7 Prosecuting Attorney

8 

9 MICHELLE LUNA-GREEN
10 Deputy Prosecuting Attorney
11 WSB # 27088

12 Certificate of Service:

13 The undersigned certifies that on this day she delivered by U.S. mail or
14 ABC-LMI delivery to the attorney of record for the appellant and appellant
15 c/o his attorney true and correct copies of the document to which this certificate
16 is attached. This statement is certified to be true and correct under penalty of
17 perjury of the laws of the State of Washington. Signed at Tacoma, Washington,
18 on the date below.

19 4/4/06

20 Date

21 Signature

22 STATE'S RESPONSE TO PERSONAL
23 RESTRAINT PETITION

24 prp leach..doc
25 Page9

Office of Prosecuting Attorney
930 Tacoma Avenue South, Room 946
Tacoma, Washington 98402-2171
Main Office: (253) 798-7400

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TACOMA, WASHINGTON
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APPENDIX "A"

Information

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05-1-02366-1 23051113 INFO 05-17-05

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10:AM. MAY 16 2005 P.M.

PIERCE COUNTY, WASHINGTON
KEVIN STOK, COUNTY CLERK
BY [Signature] DEPUTY

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SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 05-1-02366-1

vs.

YULANDA ANNISE LEACH,

INFORMATION

Defendant.

398 15296

DOB: 8/9/1974
PCN#: 538426555

SEX : FEMALE
SID#: UNKNOWN

RACE: BLACK
DOL#: UNKNOWN

COUNT I

I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse YULANDA ANNISE LEACH of the crime of ASSAULT OF A CHILD IN THE SECOND DEGREE, committed as follows:

That YULANDA ANNISE LEACH, in the State of Washington, on or about the 11th day of May, 2005, a person eighteen years of age or older, did unlawfully and feloniously, under circumstances not amounting to assault of a child in the first degree, intentionally assault D.L. born 07-08-92, being under the age of thirteen, with a deadly weapon, to wit: a tire iron contrary to RCW 9A.36.021(1)(c) and 9A.36.130(1)(a) and/or did intentionally assault D.L. and thereby recklessly inflict substantial bodily harm, contrary to RCW 9A.36.021(1)(a) and RCW 9A.36.130(1)(a) and in the commission thereof the defendant, or an accomplice, was armed with a deadly weapon, other than a firearm to -wit: a tire iron, that being a deadly weapon as defined in RCW 9.94A.125/9.94A.602 and invoking the

INFORMATION- 1

ORIGINAL

Office of the Prosecuting Attorney
930 Tacoma Avenue South, Room 946
Tacoma, WA 98402-2171
Main Office (253) 798-7400

05-1-02366-1

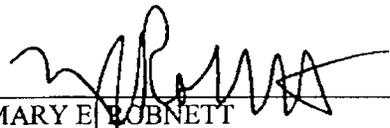
1 provisions of RCW 9.94A.310/9.94A.510 and adding additional time to the presumptive sentence as
2 provided in RCW 9.94A.370/9.94A.530, a domestic violence incident as defined in RCW 10.99.020, and
3 against the peace and dignity of the State of Washington.

4 DATED this 16th day of May, 2005.

5 LAKEWOOD POLICE DEPARTMENT
6 WA02723

7 GERALD A. HORNE
8 Pierce County Prosecuting Attorney

9 mer

10 By: 
11 MARY E. ROBNETT
12 Deputy Prosecuting Attorney
13 WSB#: 21129

NO. 05-1-02366-1
DECLARATION FOR DETERMINATION OF PROBABLE CAUSE

MARY E. ROBNETT, declares under penalty of perjury:

That I am a deputy prosecuting attorney for Pierce County and I am familiar with the police report and/or investigation conducted by the LAKEWOOD POLICE DEPARTMENT, incident number 051310288;

That the police report and/or investigation provided me the following information;

That in Pierce County, Washington, on or about the 11th day of May, 2005, the defendant, YULANDA ANNISE LEACH, did commit the crime of **Assault of a Child in the Second Degree- Deadly Weapon.**

On May 11, 2005, Lakewood Police Officer Bowl contacted Torah Super, an adult, who reported the following: she heard yelling outside her business and went outside; she then saw the defendant, Yulanda Annise Leach, holding a tire iron and she saw the 12 year old victim holding his face and bleeding badly; the defendant said everything was fine and got into her car and drove away.

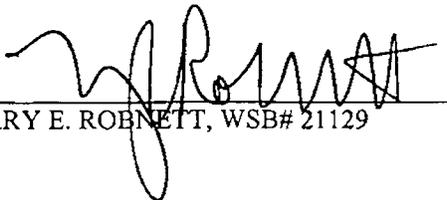
The officer spoke to another witness, Don Car, who reported seeing the defendant trying to get the child out of the car; the defendant was striking the child with a tire iron and when he got out she continued to chase him with the tire iron; when someone came out of the business, the defendant left in a vehicle. Other witnesses corroborated these accounts. One witness said the defendant was "screaming" at the child.

The child was identified as a male, D.L. born July 8, 1992. He was transported to the hospital. He told officers he got suspended from school; the defendant, his mother, took him to school and when he would not get out of the car, she got angry and told him he could not stay at home; she began to punch him and yell at him to get out of the car; she went to the trunk and retrieved a tire iron and began to strike him with the tire iron; she hit him in the shin twice, in the mouth and in the stomach; he finally got out of the car and she began to chase him around swinging the tire iron.

The officer observed the child had blood streaming out of his nose, and a dollar size knot on his shin, the front of his shirt had many large blood smears on it. The defendant was born 08-09-74.

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

DATED: May 16, 2005
PLACE: TACOMA, WA

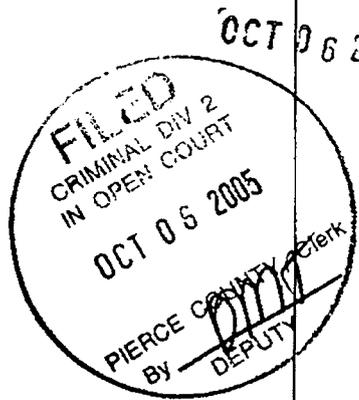

MARY E. ROBNETT, WSB# 21129

APPENDIX “B”

Amended Information



CERTIFIED COPY



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 05-1-02366-1

vs.

YULANDA ANNISE LEACH,

AMENDED INFORMATION

Defendant.

DOB: 8/9/1974
PCN#: 538426555

SEX : FEMALE
SID#: 19017829

RACE: BLACK
DOL#: UNKNOWN

COUNT I

I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse YULANDA ANNISE LEACH of the crime of ATTEMPTED ASSAULT OF A CHILD IN THE SECOND DEGREE, committed as follows:

That YULANDA ANNISE LEACH, in Pierce County, Washington, on or about the 11th day of May, 2005, did unlawfully and feloniously with intent to commit the crime of ASSAULT OF A CHILD IN THE SECOND DEGREE, as prohibited by RCW 9A.36.021(1)(a) and 9A.36.130(1)(a), take a substantial step toward the commission of that crime, contrary to RCW 9A.28.020, a domestic violence incident as defined in RCW 10.99.020, and against the peace and dignity of the State of Washington.

The elements of the complete crime of ASSAULT OF A CHILD IN THE SECOND DEGREE are:

A person eighteen years of age or older, did unlawfully and feloniously, under circumstances not amounting to assault of a child in the first degree, intentionally assault D.L., born 07-08-92, being under the age of thirteen, and thereby recklessly inflict substantial bodily harm, contrary to RCW

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AMENDED INFORMATION- 1

1 9A.36.021(1)(a) and 9A.36.130(1)(a), a domestic violence incident as defined in RCW 10.99.020.

2
3 DATED this 6th day of October, 2005.

4 LAKEWOOD POLICE DEPARTMENT
5 WA02723

GERALD A. HORNE
Pierce County Prosecuting Attorney

6 bnw

7 By: 
8 BRIAN N WASANKARI
9 Deputy Prosecuting Attorney
10 WSB#: 28945
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APPENDIX "C"

Statement of Defendant on Plea of Guilty

OCT 06 2005



05-1-02366-1 23841182 STTDFG 10-07-05

CERTIFIED COPY



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 05-1-02366-1

vs.

Yulanda Leach
Defendant.

STATEMENT OF DEFENDANT ON
PLEA OF GUILTY

- 1. My true name is: Yulanda Leach
- 2. My age is: 31
- 3. I went through the 10th grade.
- 4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:

(a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is Mark Quigley

(b) I am charged with the crime(s) of:
Count I: Attempted Assault of a Child Second Degree
The elements are: Attempt to Domestic Violence

In Pierce County, intentionally assault a child under the age of 13 years with a deadly weapon and recklessly inflict substantial bodily harm.

This crime carries a maximum sentence of 5 years imprisonment and a \$ 10,000 fine. The standard range is from 23.25 months to 30.75 months based upon the attached stipulation as to my criminal history.

Offense Designations: Most Serious Offense Serious Violent Violent
Non-Violent Sex Drug Traffic Check all that apply.

Count II: _____
Elements: _____

with intent to commit crime of Assault of a Child 2^o, did take substantial step toward commission of that crime by

This crime carries a maximum sentence of _____ years imprisonment and a \$_____ fine. The standard range is from _____ months to _____ months based upon the attached stipulation as to my criminal history.

Offense Designations: Most Serious Offense[] Serious Violent[] Violent[] Non-Violent[] Sex[] Drug[] Traffic[] (check all that apply)

(c) _____ Additional counts are addressed in Attachment "B".

5.

I UNDERSTAND THAT I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:

- (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
- (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
- (c) The right at trial to hear and question the witnesses who testify against me;
- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a finding of guilt after a trial as well as other pretrial motions such as speedy trial challenges and suppression issues.

4L

6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:

(a) Each crime with which I am charged carries a maximum sentence, a fine, and a STANDARD SENTENCE RANGE as follows:

COUNT NO.	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancement for (F) Firearm, (D) Other Deadly Weapon, (V) VUCSA in protected zone, (VH) Vehicular Homicide, See RCW 46.61.520, or (JP) Juvenile Present	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	STANDARD RANGE COMMUNITY CUSTODY (Only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph 6(f))	MAXIMUM PENALTY
1	23.25 - 30.75 mos	-	23.25 - 30.25 mos	9-18 mos	5 yrs / \$10,500
2					

_____ Additional counts are addressed in Attachment "B".

STATEMENT OF DEFENDANT ON PLEA OF GUILTY - 2

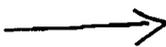
- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.
- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding upon me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.
- (e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.
- (f) **For Crimes Committed Prior to July 1, 2000:**
 In addition to sentencing me to confinement, the judge may order me to serve up to one year of community supervision if the total period of confinement ordered is less than 12 months. If this crime is a drug offense, assault in the second degree, assault of a child in the second degree, or any crime against a person in which a specific finding was made that I or an accomplice was armed with a deadly weapon, the judge will order me to serve at least one year of community placement. If this crime is a vehicular homicide, vehicular assault, or a serious violent offense, the judge will order me to serve at least two years of community placement. If this crime is a sex offense, the court will order me to serve at least three years of community custody. The actual period of community placement, community custody, or community supervision may be as long as my earned early release period. During the period of community placement, community custody, or community supervision, I will be under the supervision of the Department of Corrections, and I will have restrictions placed on my activities. My failure to comply with these conditions will render me ineligible for general assistance. RCW 74.04.005(6)(h).

For Crimes Committed On or After July 1, 2000:

For crimes committed on or after July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is less than 12 months. If the crime I have been convicted of falls into one of the offense types listed in the following chart, the court will sentence me to community custody for the community custody range established for that offense type unless the judge finds substantial and compelling reasons not to do so. If the period of earned release awarded per RCW 9.94A.150 is longer, that will be the term of my community custody. If the crime I have been convicted of falls into more than one category of offense types listed in the following chart, then the community custody range will be based on the offense type that dictates the

longest term of community custody. If I have been convicted of a crime that is not listed in the chart and my sentence is more than 12 months, I will be placed on community custody for the period of earned release.

OFFENSE TYPE	COMMUNITY CUSTODY RANGE
Sex Offenses (Not sentenced under RCW 9.94A.120(8))	36 to 48 months or up to the period of earned release, whichever is longer
Serious Violent Offenses	24 to 48 months or up to the period of earned release, whichever is longer
Violent Offenses	18 to 36 months or up to the period of earned release, whichever is longer
Crimes Against Persons as defined by RCW 9.94A.440(2)	9 to 18 months or up to the period of earned release, whichever is longer
Offenses under Chapter 69.50 or 69.52 RCW (Not sentenced under RCW 9.94A.120(6))	9 to 12 months or up to the period of earned release, whichever is longer



During the period of community custody I will be under the supervision of the Department of Corrections, and I will have restrictions placed on my activities. My failure to comply with these conditions will render me ineligible for general assistance, RCW 74.04.005(6)(h), and may result in the Department of Corrections transferring me to a more restrictive confinement status or other sanctions.

- (g) The prosecuting attorney will make the following recommendation to the judge: 23.25 months, 9-18 months comm custody,
\$500 CUPA, \$110 cost, \$100 DNA, \$400 DAC,
Prostitution, No Contact Victim, Eval & Counseling
per CCO, CTS = ~~25~~ 25 days
- (h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range of actual confinement and community custody unless the judge finds substantial and compelling reasons not to do so. If the judge goes outside the standard range of actual confinement and community custody, either the State or I can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.
- (i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
- (j) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040.

NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE.

- (k) This offense is a most serious offense, or strike, as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.
In addition, if this offense is (1) rape in the first degree, rape of a child in the first degree, rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child molestation in the first degree, or (2) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation, or (3) any attempt to commit any of the crimes listed in this sentence, and I have at least one prior conviction for one of these listed crimes in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.
- (l) The judge may sentence me as a first-time offender instead of giving me a sentence within the standard range if I qualify under RCW 9.94A.030. This sentence could include as much as 90 days confinement, and up to two years community supervision if the crime was committed prior to July 1, 2000, or two years of community custody if the crime was committed on or after July 1, 2000, plus all of the conditions described in paragraph (e). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.
- ~~(m) The judge may suspend execution of the standard range term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under RCW 9.94A.120(8). If the judge suspends execution of the standard range term of confinement, I will be placed on community custody for the length of the suspended sentence or three years, which ever is greater; I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; and I will be subject to all of the conditions described in paragraph (e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.~~
- ~~(n) Because this crime involves a sex offense or a kidnaping offense involving a minor, I will be required to register where I reside, study, or work. The specific current registration requirements are set forth in Attachment "A". These requirements may change at a later date. I will be responsible for learning about any changes in the registration requirements and for complying with the registration requirements.~~
- (o) ~~if this crime involves a sex offense or a violent offense, I will be required to provide a sample of my blood for purpose of DNA identification analysis. \$100~~
- (p) If this is a crime of domestic violence and if I, or the victim of the offense has a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

STATEMENT OF DEFENDANT
ON PLEA OF GUILTY - 5

- (q) If this crime involves a ~~sexual offense, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (AIDS) virus.~~
- (r) The judge may sentence me under the special drug offender sentencing alternative (DOSA) if I qualify under RCW 9.94A.120(6). This sentence could include a period of total confinement in a state facility for one-half of the midpoint of the standard range plus all of the conditions described in paragraph (e). During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose community custody of at least one-half of the midpoint of the standard range that must include appropriate substance abuse treatment, a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. Additionally, the judge could prohibit me from using alcohol or controlled substances, require me to devote time to a specific employment or training, stay out of certain areas, pay thirty dollars per month to offset the cost of monitoring and require other conditions, including affirmative conditions.
- (s) If the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.
- (t) If this crime involves the manufacture, delivery, or possession with the intent to deliver methamphetamine or amphetamine, a mandatory methamphetamine clean-up fine of \$3,000.00 will be assessed. ~~RCW 69.50.401(a)(1)(ii).~~
- (u) If this crime involves a motor vehicle, my driver's license or privilege to drive will be suspended or revoked. ~~If I have a driver's license, I must now surrender it to the judge.~~
- (v) If this crime involves the offense of vehicular homicide while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, committed on or after January 1, 1999, an additional two years shall be added to the presumptive sentence for vehicular homicide for each prior offense as defined in RCW 46.61.5055(8).
- (w) The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6(k).
- (x) I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.
- (y) I understand that the offense(s) I am pleading guilty to include a deadly weapon or firearm enhancement. ~~Deadly weapon or firearm enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon or firearm enhancements.~~
- (z) I understand that the offenses I am pleading guilty to include both a conviction under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and one or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm. The

STATEMENT OF DEFENDANT
ON PLEA OF GUILTY - 6

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

(aa) This plea of guilty will result in the suspension of public assistance. RCW 74.08.290.

- 7. I plead guilty to count I in the Amended Information. I have received a copy of that information.
- 8. I make this plea freely and voluntarily.
- 9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.
- 10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement: ON 5-11-05 in Pierce County,
I intentionally hit Davante Leach, age 12,
with a fire iron and recklessly inflicted
substantial bodily harm. I am truly sorry
for the harm I caused x yL
to Davante.

[] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

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

Yalende Leach
 Defendant

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

[Signature]
 Defendant's Lawyer
 WSBA # 14496

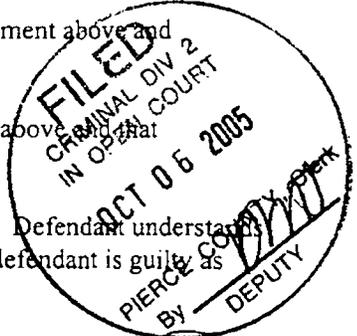
Approved for entry:

[Signature]
 Prosecuting Attorney
 WSBA# 25104

STATEMENT OF DEFENDANT
ON PLEA OF GUILTY - 7

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

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



I find the defendant's plea of guilty to be knowingly, intelligently, and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated this 6 day of October, 2005

[Signature]
 Judge

***INTERPRETER'S DECLARATION**

STEPHANIE A. AREND

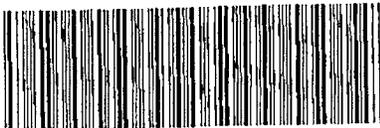
I am a certified interpreter or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands, and I have translated _____ for the defendant from English into that language. The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this _____ day of _____, _____.

Interpreter

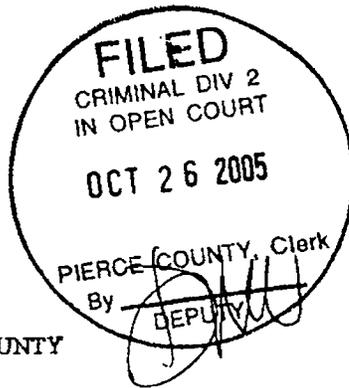
APPENDIX “D”

Judgment and Sentence



05-1-02366-1 23950236 JDSWCD 10-28-05

CERTIFIED COPY



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff, CAUSE NO: 05-1-02366-1

vs

YULANDA ANNISE LEACH,

Defendant.

WARRANT OF COMMITMENT

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

OCT 26 2005

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

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

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

X2 YOU, THE DIRECTOR, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections, and

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

05-1-02366-1

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

Dated: 10/26/05

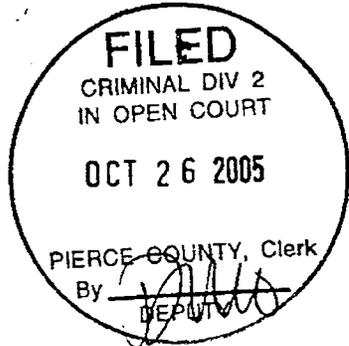
By direction of the Honorable
Stephanie Albee
JUDGE

KEVIN STOCK
CLERK

By: *Chris Hutton*
DEPUTY CLERK

CERTIFIED COPY DELIVERED TO SHERIFF

Date OCT 26 2005 By *Chris Hutton* Deputy



STATE OF WASHINGTON

ss:

County of Pierce

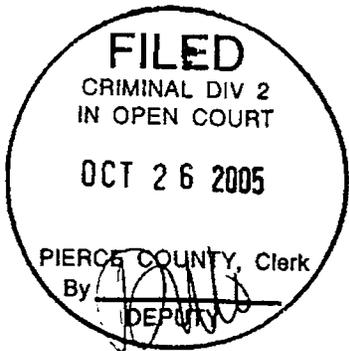
I, Kevin Stock, Clerk of the above entitled Court, do hereby certify that this foregoing instrument is a true and correct copy of the original now on file in my office.

IN WITNESS WHEREOF, I hereunto set my hand and the Seal of Said Court this _____ day of _____, _____

KEVIN STOCK, Clerk

By: _____ Deputy

pas



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 05-1-02366-1

OCT 26 2005

vs.

JUDGMENT AND SENTENCE (JS)

YULANDA ANNISE LEACH

Defendant.

- Prison
- Jail One Year or Less
- First-Time Offender
- SSOSA
- DOSA
- Breaking The Cycle (BTC)

SID: WA19017829
DOB: 8/9/1974

I HEARING

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

II. FINDINGS

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

2.1 CURRENT OFFENSE(S): The defendant was found guilty on ~~September~~ ^{October} 6, 2005 by [X] plea [] jury-verdict [] bench trial of:

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO.
I	ATTEMPTED ASSAULT OF A CHILD IN THE SECOND DEGREE (152A)	9A.36.021(1)(a) 9A.36.130(1)(a) 9A.28.020 10.99.020		5/11/05	LAKWOOD PD 051310288

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

as charged in the Amended Information

[X] The crime charged in Count(s) I involve(s) domestic violence.

05-9-12661-3

05-1-02366-1

- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):
- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

2.2 CRIMINAL HISTORY (RCW 9.94A.525): NONE KNOWN OR CLAIMED

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
1	0	IX	23.25 - 30.75 MOS		23.25 - 30.75 MOS	5 YRS/ \$10,000

2.4 EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence above below the standard range for Count(s) _____. 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 LEGAL FINANCIAL OBLIGATIONS. The judgment shall upon entry be collectable by civil means, subject to applicable exemptions set forth in Title 6, RCW. Chapter 379, Section 22, Laws of 2003.

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

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

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

III. JUDGMENT

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

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

IV. SENTENCE AND ORDER

IT IS ORDERED:

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

JASS CODE

RTN/RJN \$ 153.43 Restitution to: First Recovery Group
 \$ _____ Restitution to: _____

05-1-02366-1

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

- PCV \$ 500.00 Crime Victim assessment
- DNA \$ 100.00 DNA Database Fee
- PUB \$ 400 Court-Appointed Attorney Fees and Defense Costs
- FRC \$ 110 Criminal Filing Fee
- FCM \$ _____ Fine

OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)

\$ _____ Other Costs for: _____

\$ _____ Other Costs for: _____

\$ 1263.43 TOTAL

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

4.2 RESTITUTION

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

[] shall be set by the prosecutor.

[] is scheduled for _____

[] defendant waives any right to be present at any restitution hearing (defendant's initials): _____

~~X~~ RESTITUTION. Order Attached

4.3 COSTS OF INCARCERATION

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

4.4 COLLECTION COSTS

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

4.5 INTEREST

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

4.6 COSTS ON APPEAL

An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.

4.7 [] HIV TESTING

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

4.8 [X] DNA TESTING

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

4.9 NO CONTACT

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

[] Domestic Violence Protection Order or Antiharassment Order is filed with this Judgment and Sentence

Contact with the victim Savante N. Leach (dob 7-8-1992) shall be controlled by dependency court.

4.10 OTHER:

<i>Appendix F</i>
<i>BV eval. and treatment per CEO</i>

4.11 BOND IS HEREBY EXONERATED

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

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

23.25 months on Count I _____ months on Count _____

_____ months on Count _____ months on Count _____

_____ months on Count _____ months on Count _____

Actual number of months of total confinement ordered is: 23.25 mos.

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

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

The sentence herein shall run consecutively to all felony sentences in other cause numbers prior to the commission of the crime(s) being sentenced. _____

05-1-02366-1

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. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: 25 days

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

Count _____ for _____ months,

Count _____ for _____ months,

Count _____ for _____ months,

COMMUNITY CUSTODY is ordered as follows:

Count I for a range from: 9 to 18 Months,

Count _____ for a range from: _____ to _____ Months,

Count _____ for a range from: _____ to _____ 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 for community placement offenses -- serious violent offense, second degree assault, any crime against a person with a deadly weapon finding, Chapter 69.50 or 69.52 RCW offense. Community custody follows a term for a sex offense -- RCW 9.94A. Use paragraph 4.7 to impose community custody following work ethic camp.]

While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community 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 DOC; and (6) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders 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 shall not consume any alcohol.

Defendant shall have no contact with: contact with Bavante Hicks shall be as set forth by dependency court

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

The defendant shall participate in the following crime-related treatment or counseling services: per CCO court

The defendant shall undergo an evaluation for treatment for domestic violence [] substance abuse

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

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

05-1-02366-1

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

Appendix F

- 4.14 **WORK ETHIC CAMP.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.13.
- 4.15 **OFF LIMITS ORDER** (known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the County Jail or Department of Corrections: _____
- _____
- _____
- _____

V. NOTICES AND SIGNATURES

- 5.1 **COLLATERAL ATTACK ON JUDGMENT.** Any petition or motion for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.
- 5.2 **LENGTH OF SUPERVISION.** For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505.
- 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.7602.
- 5.4 **CRIMINAL ENFORCEMENT AND CIVIL COLLECTION.** Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. Per section 2.5 of this document, legal financial obligations are collectible by civil means. RCW 9.94A.634.
- 5.5 **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, identicaid, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.
- 5.6 **SEX AND KIDNAPPING OFFENDER REGISTRATION.** RCW 9A.44.130, 10.01.200. N/A

05-1-02366-1

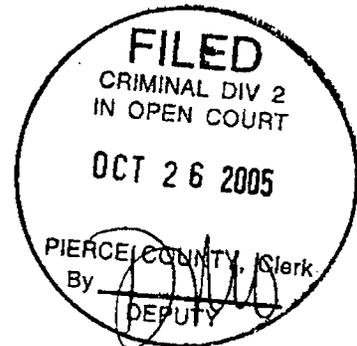
5.7 OTHER: _____

DONE in Open Court and in the presence of the defendant this date: 10/26/05

Diane J. Rudlow
Deputy Prosecuting Attorney
Print name: _____
WSB # 25104

JUDGE Stephanie A. Arend
Print name: _____
STEPHANIE A. AREND
Attorney for Defendant
Print name: Made Quisley
WSB # 14496

v Yulonda Leach
Defendant
Print name: Yulonda Leach



05-1-02366-1

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CERTIFICATE OF CLERK

CAUSE NUMBER of this case: 05-1-02366-1

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

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

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

APPENDIX "F"

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

- sex offense
- serious violent offense
- assault in the second degree
- any crime where the defendant or an accomplice was armed with a deadly weapon
- any felony under 69.50 and 69.52 committed after July 1, 1988 is also sentenced to one (1) year term of community placement on these conditions:

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

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

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

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

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

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

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

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

(I) The offender shall remain within, or outside of, a specified geographical boundary: per CCD

(II) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals: contact with Savante Hicks shall be as set forth by dependency court

(III) The offender shall participate in crime-related treatment or counseling services, per CCD

(IV) The offender shall not consume alcohol;

(V) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections, or

(VI) The offender shall comply with any crime-related prohibitions.

(VII) Other: BV eval. and treatment per CCD

05-1-02366-1

IDENTIFICATION OF DEFENDANT

SID No. WA19017829
(If no SID take fingerprint card for State Patrol)

Date of Birth 8/9/1974

FBI No. 97490JC2

Local ID No. PCSO#268760

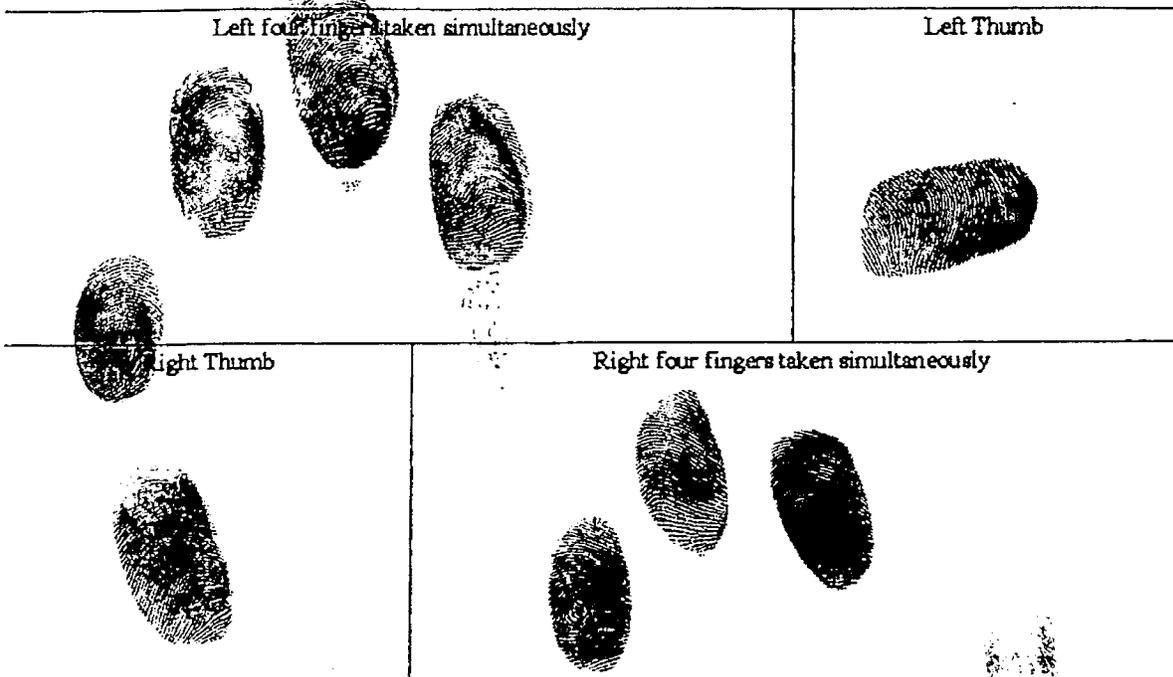
PCN No. 538426555

Other

Alias name, SSN, DOB: _____

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

FINGERPRINTS



I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk, Jessie Deekulse Dated: 10/26/05

DEFENDANT'S SIGNATURE: [Signature]

DEFENDANT'S ADDRESS: _____