

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

FILED  
COURT OF APPEALS  
STATE OF WASHINGTON  
2010 AUG 25 AM 9:56

In re Personal Restraint Petition of

85358-4

NO. 65450-1-i

WILLIAM V. PURSLEY,

RESPONSE TO PERSONAL  
RESTRAINT PETITION

Petitioner.

**I. AUTHORITY FOR RESTRAINT OF PETITIONER**

The petitioner, William Pursley, is restrained pursuant to a judgment and sentence convicting him of second degree murder and first degree assault. Ex. 7.

**II. STATEMENT OF THE CASE**

The facts surrounding the petitioner's crimes are set out in the Affidavit of Probable Cause. In his plea statement, he agreed that this document could be considered in deciding whether there was a factual basis for his guilty plea. Ex. 5 at 5 ¶ 12. According to the affidavit, on June 17, 1994, the petitioner and his accomplices met with Michael Killpack and Michael Conner for the purported purposes of buying marijuana. In fact, they planned to rob Killpack and Conner. In the course of the

robbery, one of the robbers shot and killed Killpack. Another robber struck Conner on the head with a baseball bat. Ex. 2.

On October 17, 1994, the prosecutor filed an information charging the petitioner with first degree murder and second degree assault. Ex. 1. The second count was later increased to first degree assault. Ex. 3. On June 2, 1995, the prosecutor filed a second amended information charging second degree murder and first degree assault. With respect to the murder, the charging language was as follows:

That the defendant, on or about the 17TH day of June, 1994, while committing the felony crime of First or Second Degree Robbery, and in the course of or in furtherance of said crime or in immediate flight therefrom, did cause the death of Michael Killpack, a human being, not a participant in such crime, said death occurring on or about the 17th day of June, 1995, the defendant or an accomplice at said time being armed with a deadly weapon, to-wit: a .25 automatic pistol; as defined by RCW 9.94A.125 and 9.94A.310; proscribed by RCW 9A.32.050(1)(b), a felony.

Ex. 4.

The same day, the petitioner entered an Alford plea to this charge. His plea statement said:

I have discussed this case with my lawyer and reviewed police reports. I believe there is a substantial likelihood that I could be convicted if this case went to trial. If I went to trial I would face a more serious charge and a longer possible sentence. Rather than take that risk, I wish to plead guilty. I believe this is in my best interest.

Ex. 5 at 5 ¶ 11.

At a subsequent hearing, the petitioner was advised of the elements of the underlying felony of second degree robbery. He then re-affirmed his desire to plead guilty "so that I can take advantage of the plea bargain." He acknowledged that he was likely to be found guilty of the crime charged in the second amended information. Ex. 6.

On August 4, 1995, the petitioner was sentenced to 147 months' confinement for the murder and 117 months for the robbery. These were set to run consecutively, for a total of 264 months. The judgment and sentence was filed the same day. Ex. 7. The petitioner did not appeal.

### **III. STATEMENT OF DISPUTED FACTS**

There are no material disputed facts.

### **IV. ISSUE**

The petitioner was charged with second degree murder. The information alleged that this murder was committed in the course of and in furtherance of the crime of first or second degree robbery. By statute, a killing in the course of robbery is first degree murder. Does this information charge a "non-existent crime," so that it can be challenged outside the statutory time limit on collateral attacks?

### **V. ARGUMENT**

#### **A. SINCE THE INFORMATION CHARGES AN ACTUAL CRIME, THE RESULTING JUDGMENT IS NOT INVALID ON ITS FACE AND CANNOT BE CHALLENGED OUTSIDE THE STATUTORY TIME LIMIT.**

RCW 10.73.090(1) sets a time limit on personal restraint petitions, motions to vacate judgments, and other forms of "collateral attack." Such a petition or motion must be filed within one year after the judgment becomes final. Since the judgment in the present case was not appealed, it became final on August 4, 1995, the day it was filed. RCW 10.73.090(3)(a). The present motion was filed in March, 2010. It is untimely by more than 13 years.

Under RCW 10.73.090(1), the time limit only applies "if the judgment and sentence is valid on its face." The defendant claims that the judgment here was "invalid

on its face.” “[I]nvalid on its face’ means the judgment and sentence evidences the invalidity without further elaboration.” In re Goodwin, 146 Wn.2d 861, 866, 50 P.3d 618 (2002). Under narrow circumstances, the court has been willing to consider “documents signed as part of a plea agreement” in determining “facial invalidity.” This is allowed only if the documents disclose invalidity in the judgment and sentence, not if they disclose invalidity in the plea. In re Hemenway, 147 Wn.2d 529, 533, 55 P.3d 615 (2002).

Here, the defendant claims that he pleaded guilty to a “non-existent crime.” If this claim is correct, it would render the judgment “invalid on its face,” so the time limit would be inapplicable. In re Hinton, 152 Wn.2d 853, 857-58, 100 P.3d 801 (2004). The defendant’s claim must, however, be strictly limited to this. An allegation of facial invalidity does not allow the defendant to challenge the validity of his plea in other respects

The information in this case alleged that the defendant committed second degree felony murder in the course of first or second degree robbery. Under RCW 9A.32.020(1)(c), a killing committed in the course of robbery constitutes first degree murder. The second degree murder statute covers murder committed in the course of “any felony ... other than those enumerated in RCW 9A.32.030(1)(c).” RCW 9A.32.050(1)(b). The allegations in the information thus established first degree murder, not second degree murder.

This fact does not invalidate the resulting conviction of second degree murder. A person who is charged with a crime can be convicted of the same crime in an inferior degree. State v. Markle, 118 Wn.2d 424, 432, 823 P.2d 1101 (1992). An “inferior

degree offense" does not need to be a "lesser included offense." State v. Peterson, 133 Wn.2d 885, 892, 948 P.2d 381 (1997). Consequently, a person who is charged with first degree murder can be convicted of second degree murder, even if the lesser charge is not factually included in the greater. Since neither first nor second degree murder is a non-existent crime, the analysis of Hinton does not apply. Any defect in the charging document does not render the judgment "invalid on its face," so as to allow it to be attacked outside the statutory time limit.

**B. A PERSON'S GUILT OF A GREATER CRIME IS NOT A DEFENSE TO AN ALLEGATION OF A LESSER CRIME.**

Even if this court could review the sufficiency of the information, the allegations in the information properly supported a conviction for second degree murder. When a person is charged with a lesser crime, it is not a defense that the person was actually guilty of a greater crime. For example, under former RCW 10.99.040(4), the crime of felony violation of a no-contact order could be committed by an assault "that does not amount to assault in the first or second degree."<sup>1</sup> This language does not, however, establish an essential element of that crime. The charging document can simply allege an "assault," without specifying the degree. A defendant can be convicted of felony violation of a no-contact order even if he committed a first or second degree assault. State v. Ward, 148 Wn.2d 803, 64 P.3d 640 (2003).

Similarly, former RCW 9A.56.050 defined third degree theft as theft of property "which does not exceed two hundred and fifty dollars in value." If the value of the property exceeded the amount, the crime constituted second degree theft under former

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<sup>1</sup> A comparable provision is now set out in RCW 26.50.110(4).

RAW 9A.56.040(1)(a).<sup>2</sup> Nevertheless, an information charging third degree theft did not need to allege that the value of the property was less than \$250. State v. Tinker, 155 Wn.2d 219, 118 P.3d 865 (2005).

The same analysis applies in the present case. The statutory reference to an felony "other than those enumerated in RCW 9A.32.030(1)(c)" simply serves to distinguish between the crimes of first and second degree murder. That language does not establish an essential element of the crime of second degree murder. An information charging second degree murder need not negate the possibility that the underlying felony would support a conviction for first degree murder.

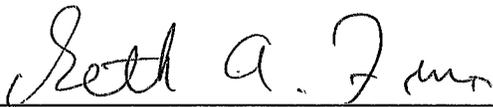
In short, the information here did not allege a "non-existent crime." Rather, it set out elements that could establish a greater crime. The defendant could nevertheless validly plead guilty to the lesser crime. Indeed, his belief that he could be convicted of first degree murder was the very reason why he pled guilty to second degree murder. His conviction for second degree murder is valid.

## **VI. CONCLUSION**

The personal restraint petition should be dismissed.

Respectfully submitted on August 24, 2010.

FOR MARK ROE  
Snohomish County Prosecutor



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SETH A. FINE  
Deputy Prosecuting Attorney  
Attorney for Respondent

<sup>2</sup> The current statute raises the threshold to \$750.

## EXHIBITS

Exhibit 1 – Information (10/17/94)

Exhibit 2 – Affidavit of Probable Cause (10/17/94)

Exhibit 3 – Amended Information (1/26/95)

Exhibit 4 – Second Amended Information (6/2/95)

Exhibit 5 – Statement of Defendant on Plea of Guilty (6/2/95)

Exhibit 6 – Supplement to Defendant's Statement on  
Plea of Guilty (6/9/95)

Exhibit 7 – Judgment and Sentence (8/4/95)

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SUPERIOR COURT OF WASHINGTON FOR SNOHOMISH COUNTY

FILED

OCT 17 PM 2:46

THE STATE OF WASHINGTON,
Plaintiff,
v.
PURSLEY, WILLIAM VAHID,
Defendant.

No. 94-1-01390-6
INFORMATION

Aliases: None

Other co-defendants in this case: DAVIS, AARON RYAN; JONES, NIGUEL DEROME; LAL, JOHN PRAKESH; PURSLEY, DAVID JAMES

Comes now Seth R. Dawson, Prosecuting Attorney for the County of Snohomish, State of Washington, and by this, his Information, charges and accuses the above-named defendant(s) with the following crime(s) committed in the State of Washington:

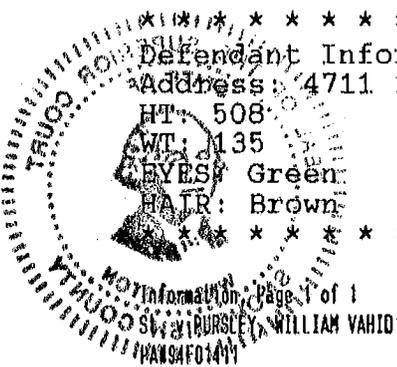
COUNT I: FIRST DEGREE MURDER, committed as follows: That the defendant, on or about the 17th day of June, 1994, while committing and attempting to commit the crime of First Degree Robbery, and in the course of or in furtherance of said crime or in immediate flight therefrom, did cause the death of Michael Killpack, a human being, not a participant in such crime, said death occurring on or about the 17th day of June, 1994; proscribed by RCW 9A.32.030(1)(c), a felony.

COUNT II: SECOND DEGREE ASSAULT, committed as follows: That the defendant, on or about the 17th day of June, 1994, did intentionally assault another person, to-wit: Michael Conner, and thereby recklessly inflict substantial bodily harm, the defendant or an accomplice at said time being armed with a deadly weapon, to-wit: a baseball bat; as defined by RCW 9.94A.125 and RCW 9.94A.310 and proscribed by RCW 9A.36.021(a), a felony.

SETH R. DAWSON
PROSECUTING ATTORNEY

Signature of David F. Hiltner
DAVID F. HILTNER, #11851
Deputy Prosecuting Attorney

Defendant Information
Address: 4711 200TH ST SW #260 LYNNWOOD, WA 98036
HT: 508 DOB: 10/03/78 SID: WA
WT: 135 SEX: M FBI:
EYES: Green RACE: White DOC:
HAIR: Brown DOL: WA



Information, Page 1 of 1
PURSLEY, WILLIAM VAHID

Snohomish County Prosecuting Attorney
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EXHIBIT 1

**CERTIFIED  
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SUPERIOR COURT OF WASHINGTON  
FOR SNOHOMISH COUNTY

FILED

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W. D. ANDERSON  
COUNTY CLERK  
SNOHOMISH CO. WASH.

THE STATE OF WASHINGTON, )  
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 Plaintiff, )  
 )  
 v. )  
 )  
 PURSLEY, WILLIAM VAHID, )  
 )  
 Defendant. )

No. 94-1-01390-9

AFFIDAVIT OF  
PROBABLE CAUSE

**Aliases:**

Other co-defendants in this case: DAVIS, AARON RYAN, JONES,  
NIGUEL DEROME, LAL, JOHN PRAKESH, PURSLEY, DAVID JAMES

**AFFIDAVIT BY CERTIFICATION:**

The undersigned certifies that I am a Deputy Prosecuting Attorney for Snohomish County, Washington, and make this affidavit in that capacity; that criminal charges have been filed against the above-named defendant(s) in this cause, and that I believe probable cause exists for the arrest of the defendant(s) on the charges because of the following facts and circumstances:

According to police reports, on June 17, 1994, at approximately 11 p.m., Aaron Davis, William Pursley, Niguel Jones, and John Lal went to Scriber Lake Park, Lynnwood, Snohomish County, Washington. The purpose for the excursion was to obtain a pound of marijuana. Davis had previously met with Abbas Khademi, David and William Pursley, John Lal, and Niguel Jones, where they had discussed setting up a drug deal and then performing a ripoff where the sellers would be scared and a fake hit would be made upon Davis so it would look like he was not involved in the ripoff. The plan was for John Lal to hit Killpack and anyone else over the head with a baseball bat. Davis made arrangements to meet with an acquaintance of his, Michael Killpack, at the park to "purchase" marijuana. Khademi and David Pursley apparently changed their minds about going to the park and did not go. David Pursley was also told by one of the individuals that he was not to go since he wasn't trusted. William Pursley was armed with a knife, Lal with a baseball bat, and Jones with a .25 automatic pistol. The pistol had been given to Jones by William Pursley and had previously been stolen. They had decided that the pound of marijuana would be split as follows: Davis was to get 8 oz, William Pursley 4 oz, Jones 1 oz, and Lal 3 oz. The individuals also were to dress in gang-related clothing so that it would look like the ripoff was being done by a gang.

*cy*

At the park, Killpack arrived in a vehicle driven by Michael Conner, and Davis met Killpack up a path from the vehicle. At that point William Pursley, Lal, and Jones hid behind the restrooms. Shortly thereafter, as Davis and Killpack started walking back toward the car, the three emerged from behind the restroom and came up behind Killpack and Davis. Lal then swung the bat from behind and struck Killpack, who was knocked unconscious. Davis was also struck, but less significantly pursuant to the prior plan, so that it would not look like Davis was involved in the robbery. Lal then went to the driver's door and as Conner got out, Lal struck him in the head with the baseball bat. Lal then went through the car looking for the marijuana but could not find any, so he removed a cellular phone and gave it to Jones later on. While Lal was going through the vehicle, Jones went over to Killpack and shot him in the face with the .25 automatic. Jones then removed a 9 mm pistol from Killpack. This information as to the plan and the sequence of events was obtained after the police made contact with several of the suspects who admitted their involvement in the incident, including Lal, who admitted using the baseball bat, and Jones, who admitted shooting Killpack. Davis also admitted to the general sequence of events although he said that no one was supposed to get hurt. Davis said it was just supposed to be a robbery. Davis also said that when he first talked to Killpack that he was told that the "guy with the weed was at Denny's" so Davis tried to wave the other three off. Davis had also said that Killpack was his best friend. Khademi told police that the plan was a robbery of a friend of Davis who was a dope dealer. David Pursley has since provided a statement cooperating the above-sequence of events and outlining the plan in which Lal was to take down the other individuals with a baseball bat.

The individuals then fled the area, and Conner was able to make it to a nearby apartment where police were summoned. When police arrived, they found Killpack laying next to the vehicle, deceased. Conner was transported to the hospital as it appeared he had received a severe head injury which was determined to be a fractured skull requiring insertion of a metal plate.

The police investigation lead police to Lal, Jones, and Davis, all of whom gave statements about the plan and the hitting and shooting of the victims. Police recovered the cellular phone belonging to Killpack in the room of a Brian Smith, a friend of Jones whom Jones had told about the murder. Smith had picked up Jones after the incident and while driving around, Jones had spoken on the cellular phone. The .25 auto, along with Killpack's 9 mm pistol and a white pager, were recovered from a closet in Jones' home. Jones admitted that the handguns were those involved in the robbery/murder that were recovered in his home.

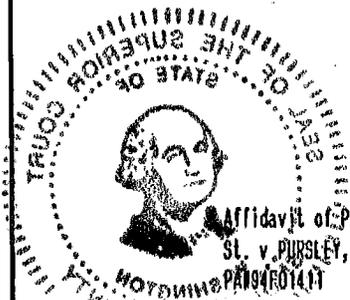
Bail is requested in the amount of \$500,000 on the defendant given the seriousness of the offense and the potential danger that he presents. The defendant was recently declined from juvenile court.

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



DAVID F. HILTNER, #11851  
Deputy Prosecuting Attorney

DATED October 17, 1994, at the Snohomish County Prosecutor's Office.



Affidavit of Probable Cause, Page 3 of 3  
St. v. PURSLEY, WILLIAM VAHID

Snohomish County Prosecuting Attorney  
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**FILED**

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SUPERIOR COURT OF WASHINGTON  
FOR SNOHOMISH COUNTY

GAY D. ANDERSON  
COUNTY CLERK  
SNOHOMISH CO. WASH.

THE STATE OF WASHINGTON, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 PURSLEY, WILLIAM VAHID, )  
 )  
 Defendant. )

No. 94-1-01390-9

AMENDED INFORMATION

Aliases:

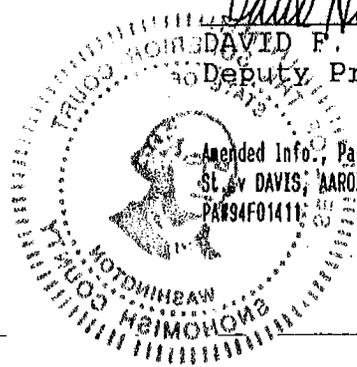
Comes now James H. Krider, Prosecuting Attorney for the County of Snohomish, State of Washington, and by this, his Information, charges and accuses the above-named defendant(s) with the following crime(s) committed in the State of Washington:

COUNT I: FIRST DEGREE MURDER, committed as follows: That the defendant, on or about the 17th day of June, 1994, while committing and attempting to commit the crime of First or Second Degree Robbery, and in the course of or in furtherance of said crime or in immediate flight therefrom, did cause the death of Michael Killpack, a human being, not a participant in such crime, said death occurring on or about the 17th day of June, 1994, the defendant or an accomplice at said time being armed with a deadly weapon, to-wit: a .25 automatic pistol; as defined by RCW 9.94A.125 and RCW 9.94A.310; proscribed by RCW 9A.32.030(1)(c)(1), a felony.

COUNT II: FIRST DEGREE ASSAULT, committed as follows: That the defendant, on or about the 17th day of June, 1994, with intent to inflict great bodily harm, did assault another person, to-wit: Michael Conner, with a deadly weapon and by any force or means likely to produce great bodily harm or death, to-wit: a baseball bat, the defendant or an accomplice at said time being armed with a deadly weapon, to-wit: a baseball bat; as defined by RCW 9.94A.125 and RCW 9.94A.310; proscribed by RCW 9A.36.011(1)(a), a felony.

JAMES H. KRIDER  
PROSECUTING ATTORNEY

*David Hiltner*  
DAVID F. HILTNER, #11851  
Deputy Prosecuting Attorney



Amended Info., Page 1 of 1  
SL by DAVIS, AARON RYAN  
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Snohomish County Prosecuting Attorney  
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**EXHIBIT 3**

**CERTIFIED  
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**FILED**

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KAY D. ANGELO  
SUPERIOR COURT OF WASHINGTON COUNTY CLERK  
FOR SNOHOMISH COUNTY SNOHOMISH COUNTY

THE STATE OF WASHINGTON, )  
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 Plaintiff, )  
 )  
 v. )  
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 PURSLEY, WILLIAM VAHID, )  
 )  
 Defendant. )

No. 94-1-01390-9  
SECOND  
AMENDED INFORMATION

Aliases:

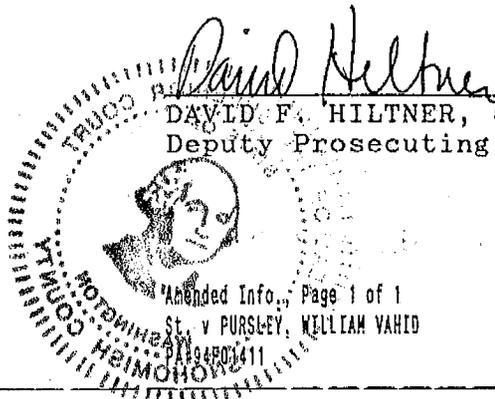
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COUNT II: FIRST DEGREE ASSAULT, committed as follows: That the defendant, on or about the 17th day of June, 1994, with intent to inflict great bodily harm, did assault another person, to-wit: Michael Conner, with a deadly weapon and by any force or means likely to produce great bodily harm or death, to-wit: a baseball bat; the defendant or an accomplice at said time being armed with a deadly weapon, to-wit: a baseball bat; as defined by RCW 9.94A.125 and RCW 9.94A.310: proscribed by RCW 9A.36.011(1)(a), a felony.

JAMES H. KRIDER  
PROSECUTING ATTORNEY

*David Hiltner*  
DAVID F. HILTNER, #11851  
Deputy Prosecuting Attorney



Snohomish County Prosecuting Attorney  
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**EXHIBIT 4**

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SUPERIOR COURT OF WASHINGTON  
FOR SNOHOMISH COUNTY

KAY D. ANDERSON  
COUNTY CLERK  
SNOHOMISH CO. WASH

THE STATE OF WASHINGTON, )  
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 Plaintiff, )  
 )  
 v. )  
 )  
 PURSLEY, WILLIAM VAHID, )  
 )  
 Defendant. )

No. 94-1-01390-9

STATEMENT OF DEFENDANT  
ON PLEA OF GUILTY

**CERTIFIED  
COPY**

1. My true name is WILLIAM VAHID PURSLEY.

2. My age is 16. 3. I went through the 9<sup>th</sup> 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 MICKEY L. KROM.

(b) I am charged with the crimes of Count 1: Second Degree Murder, RCW 9A.32.030(1)(c), Count 2: First Degree Assault, RCW 9A.36.011(1)(a).

The elements of the crimes are:

COUNT I: That the defendant, 1) in Snohomish County, Washington, 2) on or about the 17TH day of June, 1994, 3) while committing or attempting to commit the felony crime of First or Second Degree Robbery, 4) and in the course of or in furtherance of said crime or in immediate flight therefrom, 5) did cause the death of Michael Killpack, 6) a human being, 7) not a participant in such crime, 8) said death occurring on or about the 17th day of June, 1995; 9) the defendant or an accomplice at said time being armed with a deadly weapon, to-wit: a .25 automatic pistol.

COUNT II: That the defendant, 1) in Snohomish County, 2) on or about the 17th day of June, 1994, 3) with intent to inflict great bodily harm, 4) did assault another person, to-wit: Michael Conner, 5) with a deadly weapon and by any force or means likely to produce great bodily harm or death, to-wit: a baseball bat; 6) the defendant or an accomplice at said time being armed with a deadly weapon, to-wit: a baseball bat.

5. I HAVE BEEN INFORMED AND FULLY 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 I need not testify against myself.
- (c) The right at trial to hear and question witnesses who testify against me.
- (d) The right at trial to testify on my own behalf and to have other witnesses testify for me. These witnesses can be made to appear at no expense to me.
- (e) I am presumed innocent until the charge is proven beyond a reasonable doubt or I enter a plea of guilty.
- (f) The right to appeal a determination of guilty after a trial.

pp  
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**EXHIBIT 5**

6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:  
(a) The crime with which I am charged carries a maximum sentence of:  
Count I: Life imprisonment and a \$50,000 fine. Count II: Life imprisonment  
and a \$50,000 fine.

The standard sentence range is/are: 135 to 178 months as to Count I; 105 to 135 months as to Count II, based on the prosecuting attorney's understanding of my criminal history.

(b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions, whether in this state, in federal court, or elsewhere. Criminal history also always includes convictions in juvenile court for sex offenses, whatever my age was when the sex offense was committed, or is now. Criminal history also includes convictions in juvenile court for other felonies or serious traffic offenses that were committed when I was 15 years of age or older. However, if I was 23 years of age or older when I committed the crime to which I am now pleading guilty, the juvenile conviction only counts if it was for a class A felony, or a sex offense.

(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 have attached my own statement, I assert that it 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 and the prosecuting attorney's recommendations may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendations increase.

(e) In addition to sentencing me to confinement for the standard range, the judge will order me to pay \$100.00 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 judge may also order that I pay a fine, court costs, and attorney fees. Furthermore, the judge may place me on community supervision, impose restrictions on my activities, and order me to perform community service.

(f) The prosecuting attorney will make the recommendation to the judge as stated on the attached plea agreement form.

(g) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. If the judge goes outside the standard range, either I or the State can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

(h) The crime of Assault 1<sup>o</sup> has a mandatory minimum sentence of at least 5 years of total confinement. The law does not allow any reduction of this sentence. (If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.)

(i) The sentence imposed on Counts 1+2 will run consecutively unless the judge finds substantial and compelling reasons to do otherwise. (If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.)

(j) In addition to confinement, the judge will sentence me to

community placement for at least 2 years. During the period of community placement, I will be under the supervision of the Department of Corrections, and I will have restrictions placed on my activities. (If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.)

~~(k) The judge may sentence me as a first time offender instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030(20). This sentence could include as much as 90 days confinement 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. (If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.)~~

~~(l) This plea of guilty will result in revocation of my privilege to drive. If I have a driver's license, I must now surrender it to the judge. (If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.)~~

~~(m) 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. (If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.)~~

(n) 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.

(o) If this crime involves a sex offense or a violent offense, I will be required to provide a sample of my blood for purposes of DNA identification analysis. (If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.)

~~(p) Because this crime involves a sex offense, I will be required to register with the sheriff of the county of the State of Washington where I reside. I must register immediately upon being sentenced unless I am in custody, in which case I must register within 24 hours of my release.~~

~~If I leave this state following my sentencing or release from custody but later move back to Washington, I must register within 30 days after moving to this state or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections.~~

~~If I change my residence within a county, I must send written notice of my change of residence to the sheriff within 10 days of establishing my new residence. If I change my residence to a new county within this state, I must register with the sheriff of the new county and I must give written notice of my change of address to the sheriff of the county where last registered, both within 10 days of establishing my new residence. (If not applicable, these three paragraphs should be stricken and initialed by the defendant and the judge.)~~

(q) If the crime charged herein is a "crime of violence" as defined by RCW 9.41.010(11); a "serious offense" as defined by RCW 9.41.010(12); a domestic violence offense enumerated in RCW 10.99.010(2); a harassment offense enumerated in RCW 9A.46.060; a felony in which a firearm was used or displayed; a felony violation under RCW 69.50; or is a conviction under RCW 46.61.502 or RCW 88.12.100 (and this is at least my fourth conviction under either of these statutes within the five years preceding the date of my guilty plea), the court has informed me orally and in writing that this plea of guilty will make me ineligible to possess a firearm pursuant to RCW 9.41.040. (If not applicable, this paragraph should be stricken and

initialed by the defendant and the judge.)

*Second*

7. I plead guilty to the crime(s) of Count 1 ~~First~~ Degree Murder, Count 2 First Degree Assault, as charged in the Second 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 briefly in my own words what I did that makes me guilty of this crime. This is my statement:

*Pursley*  
*to North Carolina U. Mead and State U. Mead*  
*I wish to enter a plea of guilty to assist*  
*the state police, and the benefit of and offer.*  
*I have discussed the case with my lawyer*  
*and received positive reports I believe that is a*  
*substantial likelihood that I could be convicted*  
*if this case went to trial. If I want to risk*

12. I am aware that an Affidavit of Probable Cause has been filed in this case. The court may consider this Affidavit in deciding whether there is a factual basis for my plea.

13. 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.

*X William V. Pursley*  
WILLIAM VAHID PURSLEY  
DEFENDANT

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

*David F. Hiltner*  
DAVID F. HILTNER, #11851  
DEPUTY PROSECUTING ATTORNEY

*Mickey L. Krom*  
MICKEY L. KROM, #7064  
DEFENDANT'S LAWYER

*A I would have a more serious charge and a longer possible sentence. Rather than take that risk, I wish to plead guilty. I*

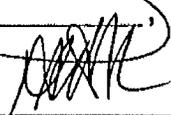
*believe this is in my best interest.*

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 appropriate box):

- (a) The defendant had previously read; or
- (b) The defendant's lawyer had previously read to him or her;
- \*  (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 2nd day of June, 1995.

  
\_\_\_\_\_  
JUDGE

~~\*I am fluent in the \_\_\_\_\_ language and I have translated this entire document 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 \_\_\_\_\_, 1995.~~

~~\_\_\_\_\_  
INTERPRETER~~

PLEA AGREEMENT  
(SENTENCING REFORM ACT)

Defendant: PURSLEY, WILLIAM VAHID CAUSE NO.: 94-1-01390-9  
ON PLEA TO: [ ] AS CHARGED - [X] AS CHARGED IN AMENDED INFO

Special Finding/Verdict of possession of deadly weapon on Count(s) \_\_\_\_\_  
(RCW 9.94A.125).

The State of Washington and the defendant enter into this PLEA AGREEMENT which is accepted only by a guilty plea. This agreement may be withdrawn at any time prior to entry of the guilty plea. The PLEA AGREEMENT is indicated above and as follows:

1. [ ] DISMISS: Upon disposition of Count(s) \_\_\_\_\_, the State moves to dismiss Count(s) \_\_\_\_\_.
2. [ ] REAL FACTS OF HIGHER/MORE SERIOUS AND/OR ADDITIONAL CRIMES: In accordance with RCW 9.94A.370, the parties have stipulated that the court, in sentencing, may consider as real and material facts information as follows:
  - [ ] as set forth in the affidavit(s) of probable cause filed herein
  - [ ] as set forth in attached Appendix C.
3. [X] RESTITUTION: Pursuant to statute, the defendant agrees to pay restitution as follows:
  - [X] in full to victim(s) on charged counts
  - [ ] as set forth in attached Appendix C.
4. [ ] OTHER: \_\_\_\_\_

[ ] The defendant agrees to undergo an evaluation by Treatment Alternatives to Street Crime and allow the results of that evaluation to be submitted to the court and the Prosecuting Attorney, prior to sentencing.

5. [X] SENTENCE RECOMMENDATION:  
[X] The defendant agrees to the foregoing Plea Agreement and that the attached Prosecutor's Understanding of Defendant's Criminal History (Appendix A), and the attached Sentencing Guidelines scoring form(s) (Appendix B) are accurate and complete and that the defendant was represented by counsel or waived counsel at the time of prior conviction(s). The State makes the sentencing recommendation set forth in State's Sentence Recommendation.

[ ] The defendant disputes the Prosecutor's Statement of the Defendant's Criminal History, and the State makes no agreement with regard to a sentencing recommendation and may make a sentencing recommendation for the full penalty allowed by law.

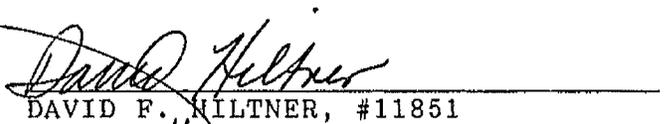
Mandatory Minimum Term (RCW 9.94A.120(4) only): CT II - Not Less Than Five Years

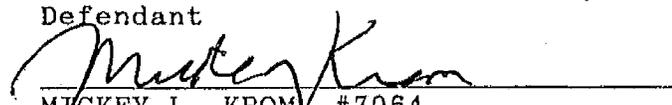
[ ] Mandatory license revocation RCW 46.20.285.

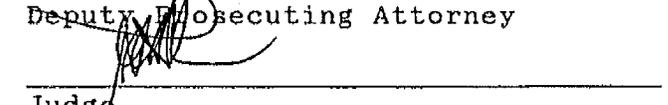
Ten years jurisdiction and supervision for monetary payments.  
RCW 9.94A.120(9).

The State's recommendation will increase in severity if additional criminal convictions are found or if the defendant commits any new crimes, fails to appear for sentencing or violates the conditions of release.

  
WILLIAM VAHID PURSLEY  
Defendant

  
DAVID F. HILTNER, #11851  
Deputy Prosecuting Attorney

  
MICKEY L. KROM #7064  
Attorney for Defendant

  
Judge

STATE'S SENTENCE RECOMMENDATION (CONFINEMENT OF OVER ONE YEAR)  
(SENTENCING REFORM ACT)

DATE:

DEFENDANT: WILLIAM VAHID PURSLEY

CAUSE NO.: 94-1-01390-9

State recommends that the sentence of this defendant be as follows:

- TOTAL CONFINEMENT: State recommends that the defendant be sentenced to a term of total confinement in the custody of the Department of Corrections as follows:
  - Count I 178 months/years
  - Count II 135 126 months/years
  - Count III \_\_\_\_\_ months/years
  - Count IV \_\_\_\_\_ months/years
  - Count V \_\_\_\_\_ months/years
  - Count VI \_\_\_\_\_ months/years

Terms on each count to run ~~concurrently~~ consecutively.

*\* State will recommend 304 months total.*

- MONETARY PAYMENTS: The defendant shall make the following monetary payments under the supervision of the Secretary of the Department within 10 years:

Restitution as set forth on attached page entitled "Plea Agreement" and [ ] Appendix C.

- Mandatory \$100 Victim Penalty Assessment
- Pay a fine of \$ \_\_\_\_\_.
- Pay costs of extradition.

- COMMUNITY PLACEMENT: The defendant shall serve a 2-year term of community placement subject to the conditions set forth in RCW 9.94A.120(8)(b) and the following conditions. The defendant shall:

- Have no direct contact with \_\_\_\_\_
- Not consume alcohol.
- Participate in crime-related treatment and counseling.
- Shall remain (within)(outside of) the following geographical area: \_\_\_\_\_

- Shall comply with the following crime-related prohibitions: \_\_\_\_\_  
No possession of firearms  
No contact with victims familyz or Mike Conner

- PROBATION REVOCATION/MODIFICATION: State recommends revocation/modification of probation or community supervision on Snohomish County Cause Number(s) \_\_\_\_\_ and recommends that terms be run concurrently/consecutively.

- EXCEPTIONAL SENTENCE: This is an exceptional sentence, and the substantial and compelling reasons for departing from the presumptive sentence range are set forth on the attached form.

- OTHER: \_\_\_\_\_

DAVID F. HILTNER, #11851  
Deputy Prosecuting Attorney

White: Court  
Canary: Defense  
Pink: Prosecutor

APPENDIX A TO PLEA AGREEMENT  
PROSECUTOR'S UNDERSTANDING OF DEFENDANT'S CRIMINAL HISTORY  
(SENTENCING REFORM ACT)

DATE: October 17, 1994 (da)  
DEFENDANT: PURSLEY, William V.  
DOB: 10/03/78 W/M  
SID: WA1

<u>CRIME</u>	<u>DATE OF CONVICTION</u>	<u>PLACE OF CONVICTION</u>	<u>DISPOSITION</u> (Probation and/or Incarceration and length <u>DISPOSITION</u> )
ADULT FELONIES:			
None.			
ADULT MISDEMEANORS:			
None.			
JUVENILE FELONIES:			
None.			
JUVENILE SERIOUS TRAFFIC:			
None.			

5-31-95  
DATE

  
Deputy Prosecuting Attorney/WSBA #

Snohomish County Prosecuting Attorney  
White: Court  
Canary: Defense  
Pink: Prosecutor

MURDER, SECOND DEGREE

(RCW 9A.32.050)

SERIOUS VIOLENT

(If sexual motivation finding/verdict, use form on page 26)

I. OFFENDER SCORING (RCW 9.94A.360 (10))

**ADULT HISTORY:** (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent felony convictions .....  $\underline{\hspace{1cm}} \times 3 = \underline{\hspace{1cm}}$   
 Enter number of violent felony convictions .....  $\underline{\hspace{1cm}} \times 2 = \underline{\hspace{1cm}}$   
 Enter number of nonviolent felony convictions .....  $\underline{\hspace{1cm}} \times 1 = \underline{\hspace{1cm}}$

**JUVENILE HISTORY:** (Adjudications entered on the same date count as one offense except for violent offenses with separate victims)

Enter number of serious violent felony adjudications .....  $\underline{\hspace{1cm}} \times 3 = \underline{\hspace{1cm}}$   
 Enter number of violent felony adjudications .....  $\underline{\hspace{1cm}} \times 2 = \underline{\hspace{1cm}}$   
 Enter number of nonviolent felony adjudications .....  $\underline{\hspace{1cm}} \times 1/2 = \underline{\hspace{1cm}}$

**OTHER CURRENT OFFENSES:** (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of violent felony convictions .....  $\underline{\hspace{1cm}} \times 2 = \underline{\hspace{1cm}}$   
 Enter number of nonviolent felony convictions .....  $\underline{\hspace{1cm}} \times 1 = \underline{\hspace{1cm}}$

**STATUS:** Was the offender on community placement on the date the current offense was committed? (if yes),  $\underline{\hspace{1cm}} + 1 = \underline{\hspace{1cm}}$

Total the last column to get the Offender Score  
 (Round down to the nearest whole number)

0
---

II. SENTENCE RANGE

A. OFFENDER SCORE:

0	1	2	3	4	5	6	7	8	9 or more
123 - 164	134 - 178	144 - 192	154 - 205	165 - 219	175 - 233	195 - 260	216 - 288	257 - 342	298 - 397
months									

*w deadly weapon*  
*135-178*

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. Twenty-four months community placement must be served following release from state prison (RCW 9.94A.120 (8)(b)).
- D. Add 12 months to the entire standard range with a special verdict/finding that the offender was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125).

ASSAULT, FIRST DEGREE

(RCW 9A.36.011)

SERIOUS VIOLENT

(If sexual motivation finding/verdict, use form on page 26)

I. OFFENDER SCORING (RCW 9.94A.360 (10))

**ADULT HISTORY:** (If the prior offense was committed *before* 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed *after* 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent felony convictions ..... x 3 = \_\_\_\_\_  
 Enter number of violent felony convictions ..... x 2 = \_\_\_\_\_  
 Enter number of nonviolent felony convictions ..... x 1 = \_\_\_\_\_

**JUVENILE HISTORY:** (Adjudications entered on the same date count as one offense except for violent offenses with separate victims)

Enter number of serious violent felony adjudications ..... x 3 = \_\_\_\_\_  
 Enter number of violent felony adjudications ..... x 2 = \_\_\_\_\_  
 Enter number of nonviolent felony adjudications ..... x 1/2 = \_\_\_\_\_

**OTHER CURRENT OFFENSES:** (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other violent felony convictions ..... x 2 = \_\_\_\_\_  
 Enter number of nonviolent felony convictions ..... x 1 = \_\_\_\_\_

**STATUS:** Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = \_\_\_\_\_

Total the last column to get the Offender Score  
 (Round down to the nearest whole number)

0

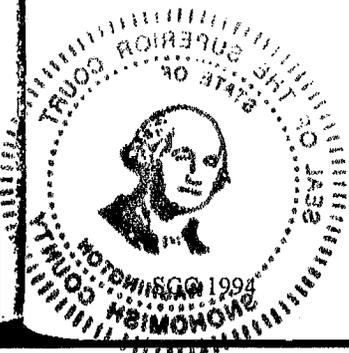
II. SENTENCE RANGE

A. OFFENDER SCORE:

	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE	93 - 123	102 - 136	111 - 147	120 - 160	129 - 171	138 - 184	162 - 216	178 - 236	209 - 277	240 - 318
(LEVEL XII)	months	months	months	months	months	months	months	months	months	months

*w/ deadly weapon  
105-135*

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. Twenty-four months community placement must be served following release from state prison (RCW 9.94A.120 (B)(b)).
- D. Statutory minimum sentence is 60 months if the offender used force or means likely to result in death or intended to kill the victim (RCW 9.94A.120(4)).
- E. Add 12 months to the entire standard range with a special verdict/finding that the offender was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125).



FILED

95 JUN 9 PM 5 10

KAY D. ANDERSON  
COUNTY CLERK  
SUPERIOR COURT OF WASHINGTON  
FOR SNOHOMISH COUNTY

THE STATE OF WASHINGTON,	)	
	)	
Plaintiff,	)	No. 94-1-01390-9
	)	
v.	)	Supplement to Defendant's
	)	Statement on Plea of Guilty
PURSLEY, WILLIAM VAHID,	)	
	)	
Defendant.	)	

I, William Vahid Pursley acknowledge that I have been fully advised, after consultation with my attorney, that the elements of First Degree Robbery as referred to in Count I are, that on or about May 17, 1995, that with intent to steal, that I or an accomplice did unlawfully take personal property from the person of Michael Killpack against such person's will by use or threatened use of immediate force, violence or fear of injury, and in the commission of or immediate flight therefrom that I or an accomplice was armed with a deadly weapon, to-wit: a .25 caliber handgun.

I, William Vahid Pursley, acknowledge that it is likely I would be found guilty of the elements as described in Counts I and II of the Second Amended Information ~~including those elements as enumerated above.~~ including those elements as enumerated above. I re-affirm my desire to plead guilty pursuant to State v. Newton and North Carolina v. Alford so that I can take advantage of the plea bargain and that I understood the elements of First Degree Robbery at the time of the original plea. I wish to re-affirm my original plea in order to take advantage of the plea bargain.

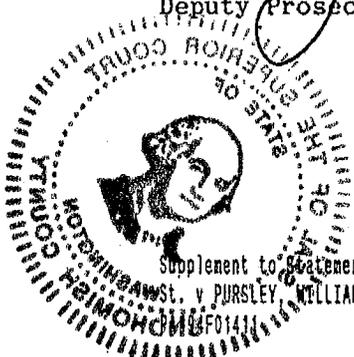
Done in open court this 9<sup>th</sup> day of JUNE, 1995.

*David F. Hiltner*  
DAVID F. HILTNER, #11851  
Deputy Prosecuting Attorney

*William Vahid Pursley*  
WILLIAM VAHID PURSLEY  
Defendant

*Marky Krom*  
Attorney for Defendant #7064  
Deputy Prosecuting Attorney

*[Signature]*  
Judge



Supplement to Statement on Plea, Page 1 of 1  
St. v PURSLEY, WILLIAM VAHID

*\* or did unlawfully  
attempt to take  
personal property*

Snohomish County Prosecuting Attorney  
S:\forms  
NVL/DFH/jdd

*65*

EXHIBIT 6

**CERTIFIED  
COPY**

SUPERIOR COURT OF WASHINGTON  
FOR SNOHOMISH COUNTY

FILED  
95 AUG -4 PM 3:00

KAY D. ANDERSON  
COUNTY CLERK  
SNOHOMISH CO. WASH.

THE STATE OF WASHINGTON, )  
 )  
 ) Plaintiff, )  
 )  
 ) v. )  
 )  
 ) PURSLEY, WILLIAM VAHID, )  
 )  
 )  
 )  
 ) Defendant. )

No. 94-1-01390-9

JUDGMENT AND SENTENCE

Aliases:

I. FINDINGS

Based on the testimony heard, statements by defendant and/or victims, argument of counsel, the presentence report and case record to date, the court finds:

1. CURRENT OFFENSE(S): The defendant was found guilty on 06/02/95 by plea of:

Count No.: I Crime: SECOND DEGREE MURDER WITH DEADLY WEAPON ALLEGATION  
RCW 9A.32.050(1)(b)  
Crime Code \_\_\_\_\_ Date of crime 06/17/94  
Incident #LYN 9405129

Count No.: II Crime: FIRST DEGREE ASSAULT WITH DEADLY WEAPON ALLEGATION  
RCW 9.94A.125, 9.94A.310, 9A.36.011(1)(a)  
Crime code \_\_\_\_\_ Date of crime 06/17/94  
Incident #LYN 9405129

- ( ) Additional current offenses are attached in Appendix A.
- ( ) With a special verdict/finding for use of deadly weapon on Count(s) \_\_\_\_\_.

The defendant is adjudged guilty of the crimes set forth above and in Appendix A.

- ( ) Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

- ( ) Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are:

2. CRIMINAL HISTORY: Prior convictions constituting criminal history for purposes of calculating the offender score are:

Crime	Sentencing Date	Adult or Juv. Crime	Date of Crime	Crime Class
(a) None				

- ( ) Additional criminal history is attached in Appendix B.
- ( ) Prior convictions counted as one offense in determining the offender score are: \_\_\_\_\_

3 Jail/67

67

SENTENCING DATA:

	Offender Seriousness			Maximum
	Score	Level	Range	Term
Count No. I	0	XIII	<del>135-178-123-164</del> months	Life
Count No. II	0	XII	105-135 months	Life

( ) Additional current offense sentencing data is attached in Appendix C.

4. EXCEPTIONAL SENTENCE:

( ) Substantial and compelling reasons exist which justify a sentence (above)(below) the standard range for Count(s) \_\_\_\_\_. The reasons are set forth in Appendix D.

II. ORDER

IT IS ORDERED that defendant serve the determinate sentence and abide by the conditions set forth below:

1. Defendant shall pay to the Clerk of this Court:

(a) ( ) \$ WAIVED, Court costs, including reimbursement for costs of extradition, if incurred; plus any costs determined after this date as established by separate order of this court;

(b) (x) \$100.00, Victim assessment;

(c) (X) \$ \_\_\_\_\_, Total amount restitution (with credit for amounts paid by co-defendants; the amount and recipient(s) of the restitution are as established by separate order of this court;

(d) ( ) \$631/\$691, Recoupment for attorney's fees; WAIVED

(e) ( ) \$ \_\_\_\_\_, Fine;

(f) ( ) \$ \_\_\_\_\_, \_\_\_\_\_ Dep't, Drug enforcement fund;

(g) ( ) \$ \_\_\_\_\_, Other costs;

2. ( ) The above payments shall be made in the manner established by Local Rule 7.2(f) and according to the following terms: ( ) Not less than \$ \_\_\_\_\_ per month, (X) on a schedule established by the defendant's community corrections officer, to be paid within 120 months of ( ) this date (X) release from confinement.

3. The defendant shall remain under the Court's jurisdiction and the supervision of the State Department of Corrections for a period up to ten years to assure payment of the above monetary obligations.

4. (X) The defendant shall be prohibited from having any contact, directly or indirectly, with Michael Killpack or Michael Connors for a period of 10 years after release. Family

5. ( ) The defendant, having been convicted of a sexual offense, a drug offense associated with the use of hypodermic needles, or a prostitution related offense, shall cooperate with the Snohomish Health District in conducting a test for the presence of human immunodeficiency virus. The defendant, if out of custody, shall report to the HIV/AIDS Program Office at 2722 Colby, Suite 333, Everett, WA 98201 within 1 hour of this order to arrange for the test.

6. The Court, upon motion of the State, DISMISSES Count(s) \_\_\_\_\_.

7. CONFINEMENT OVER ONE YEAR: Defendant is sentenced to a term of total confinement in the custody of the State Department of Corrections as follows commencing () immediately ( ) no later than \_\_\_\_\_.

147 months for Count No. I  
117 months for Count No. II

() The terms in Counts No. 1+2 are (~~concurrent~~) (consecutive).

( ) The sentence herein shall run (concurrently) (consecutively) with the sentence in cause number(s) \_\_\_\_\_.

() Credit is given for 412 days served solely in regard to this offense.

8. () The defendant shall serve a two year term of community placement, or up to the period of earned early release, whichever is longer, during which term the mandatory conditions set forth below shall be followed:

(a) The defendant shall report to and be available for contact with the assigned community corrections officer as directed;

(b) The defendant shall work at department of corrections-approved education, employment, and/or community service;

(c) The defendant shall not consume controlled substances except pursuant to lawfully issued prescriptions;

(d) The defendant in community custody shall not unlawfully possess controlled substances; and

(e) The defendant shall pay community placement fees as determined by the department; and, in addition, the following conditions shall also be followed:

(f) ( ) The defendant shall remain ( ) within ( ) outside of the following geographical area: \_\_\_\_\_

(g) () The defendant shall not have direct or indirect contact with: Michael Killpacks Family or Michael Connor

(h) () The defendant shall participate in crime-related treatment or counseling services as directed by the department.

(i) ( ) The defendant shall not consume alcohol.

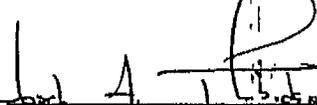
(j) ( ) The defendant shall comply with the following crime-related prohibitions: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The following Appendices are attached to this Judgment and Sentence and are incorporated by reference:

- ( ) Appendix A, Additional Current Offenses;
- ( ) Appendix B, Additional Criminal History;
- ( ) Appendix C, Current Offense(s) Sentencing Data; and
- ( ) Appendix D, Reasons for an Exceptional Sentence.
- ( ) Appendix E, Additional Conditions of Sentence.
- ( ) Appendix F, Notification of Registration Requirement.
- ( ) Order for Blood Testing.
- ( ) No Contact Order.

DONE IN OPEN COURT this 4 day of August, 1995.

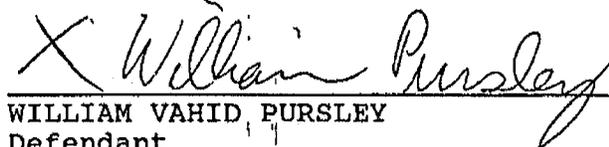


JUDGE JOSEPH A. THIBODEAU

Presented by:



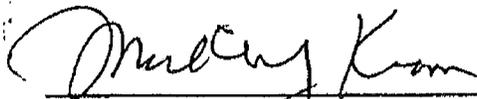
DAVID F. HILTNER, #11851  
Deputy Prosecuting Attorney



WILLIAM VAHID PURSLEY  
Defendant

D.O.C.

Approved as to form:

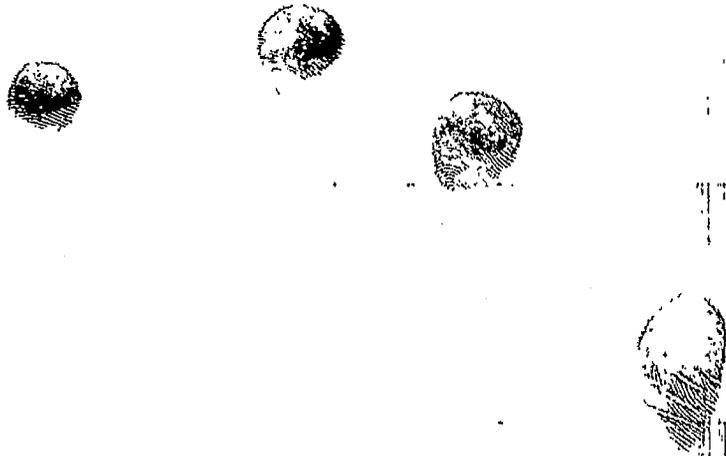


MICKEY L. KROM, #7064  
Attorney for Defendant

Defendant's current address

Telephone # \_\_\_\_\_

FINGERPRINTS



Right Hand  
Fingerprints of:  
WILLIAM VAHID PURSLEY

\* William Pursley  
(Defendant's Signature)

Dated: 8/4/95

Attested by:  
Kay D. Anderson, Snohomish Co Clerk

By: K.A. Brown  
(Deputy Clerk)

CERTIFICATE

I, Kay D. Anderson, Clerk of this Court, certify that the above is a true copy of the Judgment and Sentence in this action on record in my office.

Dated: \_\_\_\_\_  
Kay D. Anderson, Snohomish Co. Clerk

By: \_\_\_\_\_  
(Deputy Clerk)

OFFENDER IDENTIFICATION

S.I.D. No. WA  
Date of Birth 10/03/78  
Sex M  
Race White  
ORI WA0310000  
OCA 109147  
OIN 04940512904  
DOA 10/14/94

FILED

ORDER OF COMMITMENT

95 AUG -4 PM 3:00

THE STATE OF WASHINGTON to the Sheriff of the County of Snohomish; State of Washington, and to the Secretary of the Department of Corrections, and the Superintendent of the Washington Corrections Center of the State of Washington, GREETINGS:

KAY D. ANDERSON  
COUNTY CLERK  
SNOHOMISH CO. WASH.

WHEREAS, WILLIAM VAHID PURSLEY, has been duly convicted of the crime(s) of Count 1 Second Degree Murder, Count 2 First Degree Assault, as charged in the Second Amended Information filed in the Superior Court of the State of Washington, in and for the County of Snohomish, and judgment has been pronounced against him/her that he/she be punished therefore by imprisonment in such correctional institution, under the supervision of the Department of Corrections, Division of Prisons, as shall be designated by the Secretary of the Department of Corrections pursuant to RCW 72.02.210, for the term of \_\_\_\_\_ months all of which appears of record in this court; a certified copy of said judgment being endorsed hereon and made a part thereof, Now, Therefore,

THIS IS TO COMMAND YOU, the said Sheriff, to detain the said defendant until called for by the officer authorized to conduct him to the Washington Corrections Center at Shelton, Washington, in Mason County, and this is to command you, the said Superintendent and Officers in charge of said Washington Corrections Center to receive from the said officers the said defendant for confinement, classification, and placement in such corrections facilities under the supervision of the Department of Corrections, Division of Prisons, as shall be designated by the Secretary of the Department of Corrections.

And these presents shall be authority for the same. HEREIN FAIL NOT.

WITNESS the Honorable JOSEPH A. THIBODEAU, Judge of the said Superior Court and the seal thereof, this 4 day of August 1995.

KAY D. ANDERSON  
CLERK OF THE SUPERIOR COURT

By: [Signature]  
Deputy Clerk

