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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

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STATE OF WASHINGTON,)	No. 90068-0
Petitioner,)	
)	MOTION TO
v.)	STRIKE NEW ARGUMENTS
)	RAISED IN AMICUS BRIEF
RYAN PEELER,)	FILED BY WAPA OR
Respondent.)	PERMIT SUPPLEMENTATION
)	OF THE RECORD

I. IDENTITY OF MOVING PARTY

Respondent Ryan Peeler moves this Court for the relief requested below.

II. STATEMENT OF RELIEF SOUGHT

In order to serve the ends of justice, pursuant to RAP 9.11, RAP 10.3, and RAP 12.4, Mr. Peeler moves to strike the amicus brief filed by the Washington Association of Prosecuting Attorneys (WAPA) on the grounds that it contains novel factual and legal arguments that have never been raised in the case. Alternatively, he asks to supplement the record with the attached parts of the court file from the related matters

Motion to Strike or Supplement Record

Washington Appellate Project
701 Melbourne Tower
1511 Third Avenue
Seattle, WA 98101
(206) 587-2711



that are essential to resolving the factual question raised by WAPA's amicus brief.

III. FACTS RELEVANT TO MOTION AND ARGUMENT

1. *WAPA's amicus brief raises new issues that were not previously part of the case.*

“It is a well-established maxim that this court will generally not address arguments raised for the first time” in the Supreme Court “and not made originally by the petitioner or respondent within the petition for review or the response to petition.” *Cummins v. Lewis Cnty.*, 156 Wn.2d 844, 851, 133 P.3d 458 (2006). While this Court can review arguments necessary to serve the ends of justice, it has “consistently followed RAP 13.7(b), which states ‘the Supreme Court will review only the questions raised in the motion for discretionary review’.” *Biggers v. City of Bainbridge Island*, 162 Wn.2d 683, 692, 169 P.3d 14 (2007); *see also State v. Ibarra-Cisneros*, 172 Wn.2d 880, 884, 263 P.3d 591 (2011) (“While several important issues are suggested by the underlying facts, we will not consider arguments that were waived below,” and because claim of attenuation not litigated, Court refuses to address it).

In the trial court, Court of Appeals, and petition for review, the State never claimed that the intrastate detainer act required tolling of the time between when Mr. Peeler filed his request to be brought to trial in Skagit County, but was in King County due to other court proceedings. Instead, it argued his request was a nullity. It never contended that the King County jail time tolled the intrastate detainer act and never cited legal authorities related to tolling.

Mr. Peeler received WAPA's amicus brief on January 6, 2015.¹ This brief introduces a host of new case law and an entirely new theory into the case, supported by no existing state case law, that any time a person is in court on pending charges, she is statutorily unavailable under the intrastate detainer act and the terms of RCW 9.98.010 are tolled.

This new argument, introduced by amicus at the last minute, should be disregarded. It is unfair, inappropriate, and contrary to this

¹ Although counsel for WAPA informed the undersigned attorney that she intended to serve the brief electronically on January 2, 2015, the due date set by the Court, she inadvertently used incorrect email addresses and the parties to the case did not receive the brief electronically on that date.

Court's procedural rules for an amicus to offer a wholly different legal theory at this late stage that rests on legal and factual analysis beyond the scope of the record. Counsel for Mr. Peeler is a court-appointed public defender with numerous time-sensitive obligations in other pending cases and limited time to devote to fully exploring the new theory offered by WAPA that is premised on culling passages from obscure cases decided in other jurisdictions.

2. At the least, Mr. Peeler asks to supplement the record with factual information critical to the new tolling argument offered by WAPA.

WAPA's amicus brief introduces a tolling argument culled from some other states' case law but it does not apply this new legal doctrine to the facts of the case. If tolling applies, it requires a factual assessment of the case missing from prior briefing. This Court should take judicial notice of the docket for the King County cases pending against Mr. Peeler. The dockets are attached to this motion. These dockets show the dates of the orders to transport, guilty pleas, and sentencing. They also debunk WAPA's contention that Mr. Peeler may have tried to take advantage of the intrastate detainer act by filing competing requests in

both King and Skagit Counties. The dockets show Mr. Peeler did not file any requests to be transported to King County, but rather the prosecution in that case sought to have him transported of its own accord.

Also attached is the statement on plea of guilty Mr. Peeler entered in King County 11-1-00161-6 SEA, showing on page five that he resolved all four pending cases with his December 9, 2011 guilty plea. It demonstrates the date he resolved his pending charges in King County.

Documents entered in a related court proceeding are appropriate for judicial notice. ER 201.² The docket and statement on plea of

²ER 201 provides:

- (a) *Scope of rule* This rule governs only judicial notice of adjudicative facts.
- (b) *Kinds of facts* A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.
- (c) *When discretionary* A court may take judicial notice, whether requested or not.
- (d) *When mandatory* A court shall take judicial notice if requested by a party and supplied with the necessary information.
- (e) *Opportunity to be heard* A party is entitled upon timely request to an opportunity to be heard as to the propriety of taking judicial notice and

guilty are adjudicative facts generally known and readily verifiable. RAP 9.11 also provides grounds for this Court to accept the pertinent written documents available in the superior court file to supplement the record in the case at bar.³ The additional information is needed to fairly resolve the issue of the time limits that apply if the Court considers whether to toll the small portion of time Mr. Peeler was in King County facing pending charges after Skagit County learned he was unavailable. This information was not previously relevant or necessary to deciding the issues in the case based on the State's prior arguments. It will affect

the tenor of the matter noticed. In the absence of prior notification, the request may be made after judicial notice has been taken.

(f) *Time of taking notice* Judicial notice may be taken at any stage of the proceeding.

³ RAP 9.11 provides:

(a) *Remedy Limited*. The appellate court may direct that additional evidence on the merits of the case be taken before the decision of a case on review if: (1) additional proof of facts is needed to fairly resolve the issues on review, (2) the additional evidence would probably change the decision being reviewed, (3) it is equitable to excuse a party's failure to present the evidence to the trial court, (4) the remedy available to a party through postjudgment motions in the trial court is inadequate or unnecessarily expensive, (5) the appellate court remedy of granting a new trial is inadequate or unnecessarily expensive, and (6) it would be inequitable to decide the case solely on the evidence already taken in the trial court.

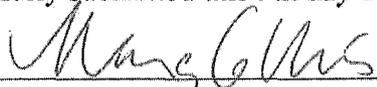
(b) *Where Taken*. The appellate court will ordinarily direct the trial court to take additional evidence and find the facts based on that evidence.

the outcome of the case if the court considers the tolling argument raised by WAPA, for which WAPA provides no factual analysis. It would be inequitable to prohibit Mr. Peeler from presenting a factual response to an issue raised for the first time in an amicus brief. If this Court considers the belatedly offered contention that RCW 9.98.010 requires tolling of time a person is in court on pending charges, considerations of equity favor supplementing the record with supporting documents explaining the court proceedings in King County on which WAPA incorrectly relies to claim Mr. Peeler is not entitled to dismissal.

III. CONCLUSION

This Court should strike WAPA's amicus brief because it raises an argument not previously raised. Alternatively, this Court should permit counsel to supplement the record with the dockets and a guilty plea statement entered in King County to show the time period he was in King County for pending charges.

Respectfully submitted this 9th day of January 2015.



NANCY P. COLLINS (WSBA 28806)
Washington Appellate Project-91052
Attorneys for Respondent

APPENDIX A
(King County dockets)

Electronic Court Records

Case Selection

Report Problems

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Dept. of Judicial Administration, Office of the Superior Court Clerk's Office

Select Another Case

10-1-06152-1

Case Number: **10-1-06152-1 SEA**Case Title: **STATE OF WASHINGTON VS PEELER, RYAN JAMES AKA**

Filter by Group: All

 View Selected Documents

Clear All

Select	Sub #	   	Date	Description
<input type="checkbox"/>	1		12-13-2010	INFORMATION
<input type="checkbox"/>	2		12-13-2010	ORDER FOR ISSUANCE OF SUMMONS
<input type="checkbox"/>	3		12-14-2010	SHERIFF'S RETURN OF SERVICE W/FEE
<input type="checkbox"/>	4		12-27-2010	ORDER DIR ISSUANCE OF BENCH WARRANT FTA-CRT/ISSD/E \$5,050
<input type="checkbox"/>	5		12-27-2010	MOTION HEARING
<input type="checkbox"/>	6		12-28-2010	SHERIFF'S RETURN OF SERV-NOT SERVED
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Electronic Court Records

Case Selection Report Problems Secu

Dept. of Judicial Administration, Office of the Superior Court Clerk's Office

Select Another Case

11-1-00161-6

Case Number: **11-1-00161-6 SEA**

Case Title: **STATE OF WASHINGTON VS PEELER, RYAN JAMES**

Filter by Group: All

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<input type="checkbox"/>	32		12-12-2011	NOTICE OF HEARING

<input type="checkbox"/>	33	<input checked="" type="checkbox"/>	12-21-2011	STATEMENT OF PROSECUTING ATTORNEY
<input type="checkbox"/>	34		12-23-2011	FELONY JUDGMENT AND SENTENCE
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<input type="checkbox"/>	36		12-23-2011	COURT NOTICE RIGHT OF APPEAL
<input type="checkbox"/>	36A	<input checked="" type="checkbox"/>	12-23-2011	SENTENCING HEARING
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<input type="checkbox"/>	38	<input checked="" type="checkbox"/>	07-13-2012	MEMORANDUM RE RESTITUTION/STATE

Electronic Court Records

Case Selection

Report Problems

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Dept. of Judicial Administration, Office of the Superior Court Clerk's Office

Select Another Case

10-1-06849-6

Case Number: **10-1-06849-6 SEA**

Case Title: **STATE OF WASHINGTON VS PEELER, RYAN JAMES**

Filter by Group: All

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Clear All

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<input type="checkbox"/>	17		10-26-2011	SHERIFF'S RETRN ON WARRNT OF ARREST BOOKED 10/18/2011
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<input type="checkbox"/>	23		12-09-2011	STATEMENT OF DEFENDANT, PLEA GUILTY
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<input type="checkbox"/>	30		05-04-2012	NOTICE OF WITHDRAWAL OF ATTORNEY

Electronic Court Records

Case Selection

Report Problems

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Dept. of Judicial Administration, Office of the Superior Court Clerk's Office

Select Another Case

11-1-00217-5

Case Number: **11-1-00217-5 SEA**Case Title: **STATE OF WASHINGTON VS PEELER, RYAN JAMES**

Filter by Group: All

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<input type="checkbox"/>	28		12-23-2011	ORDER OF DISMISSAL
<input type="checkbox"/>	29		05-04-2012	NOTICE OF WITHDRAWAL OF ATTORNEY

APPENDIX B
(Statement of Defendant on Plea of Guilty,
King Co. 11-1-00161-6 SEA)

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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 the right to refuse to testify against myself;

(c) The right at trial to testify and to hear and question the witnesses who testify against me;

(d) The right at trial to have witnesses testify for me. These witnesses can be made to appear at no expense to me;

(e) The right to be 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 guilt after a trial.

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

(a) The crime(s) with which I am charged carries a sentence(s) of:

Count No.	Standard Range	Enhancement That Will Be Added to Standard Range	Maximum Term and Fine
1	43 - 57 months		5 years \$ 10,000
			_____ years \$ _____
			_____ years \$ _____

1 The crime of _____ is a most serious offense as defined by
2 RCW 9.94A.030, and if I have at least two prior convictions on separate occasions whether in this
3 state, in federal court, or elsewhere, of most serious crimes, I may be found to be a Persistent
4 Offender. If I am found to be a Persistent Offender, the Court must impose the mandatory sentence
5 of life imprisonment without the possibility of early release of any kind. RCW 9.94A.570. [If not
6 applicable, this paragraph should be stricken and initialed by the defendant and the judge RP.]

7 (b) The standard sentence range is based on the crime charged and my criminal history.
8 Criminal history includes prior convictions and juvenile adjudications or convictions, whether in
9 this state, in federal court, or elsewhere.

10 (c) The prosecuting attorney's statement of my criminal history is attached to this agreement.
11 Unless I have attached a different statement, I agree that the prosecuting attorney's statement is
12 correct and complete. If I have attached my own statement, I assert that it is correct and complete.
13 If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated
14 to tell the sentencing judge about those convictions.

15 (d) If I am convicted of any new crimes before sentencing, or if any additional criminal
16 history is discovered, both the standard sentence range and the prosecuting attorney's
17 recommendations may increase or a mandatory sentence of life imprisonment without possibility of
18 parole may be required by law. Even so, I cannot change my mind and my plea of guilty to this
19 charge is binding on me.

20 (e) In addition to sentencing me to confinement, the judge will order me to pay \$500 as a
21 victim's compensation fund assessment and a \$100 DNA fee. If this crime is a felony drug violation
22 of RCW Chapter 69.50, the judge will impose an additional fine of \$1000 (\$2000 if this is not my

1 first such conviction) unless the judge finds that I am indigent. If this crime resulted in injury to any
2 person or damages to or loss of property, the judge will order me to make restitution, unless
3 extraordinary circumstances exist which make restitution inappropriate. The judge may also order
4 that I pay a fine, court costs, attorney fees, and other costs and fees, and place other restrictions and
5 requirements upon me. Furthermore, the judge may place me on community custody.

6 (f) In addition to confinement, if the total period of confinement ordered is more than 12
7 months, the judge will sentence me to the following period of community custody, unless the judge
8 finds substantial and compelling reasons to do otherwise:

9 For crimes committed prior to July 1, 2000: for a drug offense, assault 2, assault of a child
10 2, or any crime against a person where there is a finding that I or an accomplice was armed with a
11 deadly weapon, one year; for any vehicular homicide or for a vehicular assault by being under the
12 influence or by operation of a vehicle in a reckless manner, 18 months; for a serious violent offense,
13 two years.

14 For crimes committed on or after July 1, 2000, and prior to August 1, 2009, as follows:

- 15 Serious violent offense: a range of 24 to 36 months.
- 16 Violent offense: 18 months.
- 17 Crimes against persons or violation of RCW 69.50 or 69.52 : a range of 9 to 12 months.

18 For crimes committed on or after August 1, 2009, as follows:

- 19 Serious violent offense: 36 months.
- 20 Violent offense: 18 months.
- 21 Crimes against persons or violation of RCW 69.50 or 69.52 : 12 months.

22 The longest applicable period of community custody will be imposed. During the period of
community custody I may be under the supervision of the Department of Corrections, and I will
have restrictions and requirements placed upon me. My failure to comply with these conditions will

1 result in the Department of Corrections transferring me to a more restrictive confinement status or,
2 other sanctions being imposed. [If not applicable, this section should be stricken and initialed by the
3 defendant and the judge RP.]

4 (g) The prosecuting attorney will make the following recommendation to the judge:

Prison-based DOSA: 25 months incarceration; term to be served concurrently with 10-C-06849-6 SEA and 10-C-06152-1 SEA; 25 months community custody; court costs, VPA, recoupment, \$100 DNA fee; Restitution on all charged and dismissed counts

(11-1-00217-5 SEA). State agrees to dismiss 11-1-00217-5; State also agrees to allow credit for jail time served in Snohomish County from January 21st, 2011 to the present.

8 The prosecutor will make the recommendation stated in the plea Agreement and State's
9 Sentence Recommendation, which are incorporated by reference.

10 (h) The judge does not have to follow anyone's recommendation as to sentence. The judge
11 must impose a sentence within the standard range unless there is a finding of substantial and
12 compelling reasons not to do so or both parties stipulate to a sentence outside the standard range. If
13 the judge goes outside the standard range, either I or the State can appeal that sentence to the extent
14 to which it was not stipulated. If the sentence is within the standard range, no one can appeal the
15 sentence.

16 (i) The crime of _____ has a mandatory minimum sentence of
17 at least _____ years of total confinement. The law does not allow any reduction of this sentence.
18 For crimes committed on or after July 24, 2005, this does not apply to juveniles tried as adults
19 pursuant to a transfer of jurisdiction under RCW 13.40.110 (see RCW 9.94A.540(3)). [If not
20 applicable, this paragraph should be stricken and initialed by the defendant and judge RP.]

21 (j) The crime charged in Count _____ includes a firearm / deadly weapon
22 sentence enhancement of _____ months. This

1 additional confinement time is mandatory and must be served consecutively to any other
2 sentence and any other enhancement I have already received or will receive in this or any
3 other cause. [If not applicable, this paragraph should be stricken and initialed by the defendant
4 and the judge RR.]

5 (k) The sentences imposed on counts _____, except for any weapons enhancement,
6 will run concurrently unless there is a finding of substantial and compelling reasons to do otherwise.
7 [If not applicable, this paragraph should be stricken and initialed by the defendant and judge
8 RR.]

9 (l) For the crime of vehicular homicide while under the influence of intoxicating liquor or
10 any drug, the sentence will be increased by two years for each prior offense as defined in RCW
11 46.61.5055. This additional confinement time is mandatory and must be served consecutively to
12 any other sentence and any other enhancement I have already received or will receive in this or any
13 other cause. [If not applicable, this paragraph should be stricken and initialed by the defendant and
14 the judge RR.]

15 (m) Counts _____ are serious violent offenses arising from separate and distinct
16 criminal conduct and the sentences on those counts will run consecutively unless the judge finds
17 substantial and compelling reasons to do otherwise. [If not applicable, this paragraph should be
18 stricken and initialed by the defendant and the judge RR.]

19 (n) The judge may sentence me as a first-time offender instead of imposing a sentence
20 within the standard range if I qualify under RCW 9.94A.650. This sentence may include as much as
21 90 days of confinement plus all of the conditions described in paragraph (6)(e). The judge also may
22 require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed

1 course of study or occupational training. In addition, I may be sentenced to up to 6 months or, if
2 treatment is ordered, 12 months of community custody. [If not applicable, this paragraph should
3 be stricken and initialed by the defendant and the judge R P.]

4 (o) The judge may sentence me under the special drug offender sentencing alternative
5 (DOSA) if I qualify under former RCW 9.94A.120(6) (for crimes committed before July 1, 2001),
6 or RCW 9.94A.660 (for offenses committed on or after July 1, 2001). This sentence could include a
7 period of total confinement for one-half of the midpoint of the standard range or 12 months,
8 whichever is greater, and community custody of at least one-half of the midpoint of the standard
9 range, plus all of the other conditions described in paragraph (6)(e). The judge could impose a
10 residential treatment-based DOSA alternative that would include three to six months of residential
11 chemical dependency treatment and 24 months of community custody, plus all the other conditions
12 described in paragraph (6)(e). During confinement and community custody under either alternative,
13 I will be required to participate in substance abuse evaluation and treatment, not to use illegal
14 controlled substances and to submit to testing to monitor that, and other restrictions and
15 requirements will be placed on me. [If not applicable, this paragraph should be stricken and
16 initialed by the defendant and the judge .]

17 (p) The judge may sentence me under the parenting sentencing alternative if I qualify under
18 RCW 9.94A.655. A sentence under that alternative would consist of a period of 12 months of
19 community custody, plus all of the other conditions described in paragraph (6)(e). During
20 community custody, I will be required to follow conditions imposed by the court and the
21 Department of Corrections. [If not applicable, this paragraph should be stricken and initialed by the
22 defendant and the judge R P.]

1 (q) This plea of guilty will result in revocation of my privilege to drive under RCW
2 46.20.285 (1)-(3), (5)-(7). If I have a driver's license, I must now surrender it to the judge. [If not
3 applicable, this paragraph should be stricken and initialed by the defendant and the judge R R.]

4 (r) I understand that RCW 46.20.285(4) requires that my driver's license be revoked if the
5 judge finds I used a motor vehicle in the commission of this felony.

6 (s) If this crime involves a sexual offense, prostitution, or a drug offense associated with
7 hypodermic needles, I will be required to undergo testing for the human immunodeficiency virus
8 (HIV). [If not applicable, this paragraph should be stricken and initialed by the defendant and the
9 judge R R.]

10 (t) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a
11 crime under state law is grounds for deportation, exclusion from admission to the United States, or
12 denial of naturalization pursuant to the laws of the United States.

13 (u) I will be required to provide a biological sample for purposes of DNA identification
14 analysis.

15 (v) Because this crime involves a kidnapping or unlawful imprisonment offense involving a
16 minor, I will be required to register with the sheriff of the county of the state of Washington where I
17 reside, study, or work. The specific registration requirements are described in the "Offender
18 Registration" Attachment. [If not applicable, this paragraph should be stricken and initialed by the
19 defendant and the judge R R.]

20 (w) This plea of guilty will result in the revocation of my right to possess, own, or have in
21 my control any firearm unless my right to do so is restored by a superior court in Washington State,
22

1 and by a federal court if required. I must immediately surrender any concealed pistol license. RCW
2 9.41.040.

3 (x) I will be ineligible to vote until that right is restored in a manner provided by law. If I
4 am registered to vote, my voter registration will be cancelled.

5 (y) Because this is a crime of domestic violence, I may be ordered to pay a domestic
6 violence assessment of up to \$100. If I, or the victim of the crime, have a minor child, the court
7 may order me to participate in a domestic violence perpetrator program approved under RCW
8 26.50.150. [If not applicable, this paragraph should be stricken and initialed by the defendant and
9 the judge R P.]

10 (z) Because this crime involves the manufacture, delivery, or possession with intent to
11 deliver methamphetamine, including its salts, isomers, and salts of isomers, or amphetamine,
12 including its salts, isomers, and salts of isomers, a mandatory cleanup fine of \$3000 will be
13 assessed. RCW 69.50.401(2)(b). [If not applicable, this paragraph should be stricken and initialed
14 by the defendant and the judge R P.]

15 (aa) Because this crime involves a violation of the state drug laws, my eligibility for state
16 and federal food stamps, welfare, and education benefits will be affected. 20 U.S.C. § 1091(r) and
17 21 U.S.C. § 862a. [If not applicable, this paragraph should be stricken and initialed by the
18 defendant and the judge R P.]

19 (bb) Because the crimes I am pleading guilty to include both a conviction under RCW
20 9.41.040 for unlawful possession of a firearm in the first or second degree and one or more
21 convictions for the felony crimes of theft of a firearm or possession of a stolen firearm, the
22 sentences imposed for these crimes shall be served consecutively to each other. RCW

1 9.94A.589(1)(c). [If not applicable, this paragraph should be stricken and initialed by the defendant
2 and the judge R P.]

3 (cc) If I have Washington State volunteer firefighters vehicle license plates, I must surrender
4 those license plates at the time this plea is entered.

5 7. I plead guilty to the crime(s) of Organized Retail Theft - 1st degree
6 _____
7 _____

8 as charged in the information/ _____ amended information, including all charged
9 enhancements and domestic violence designations. I have received a copy of that information.

10 8. I make this plea freely and voluntarily.

11 9. No one has threatened harm of any kind to me or to any other person to cause me to make
12 this plea.

13 10. No person has made promises of any kind to cause me to enter this plea except as set
14 forth in this statement.

15 11. The judge has asked me to state briefly in my own words what I did that makes me
16 guilty of this (these) crime(s), including enhancements and domestic violence relationships, if they
17 apply. This is my statement:

18 _____
19 That on Sept. 4th, 2010, in King County, WA., with intent to
20 _____
21 _____
22 _____
_____ That on Sept. 4th, 2010, in King County, WA., with intent to
deprive another of property, I, along with an accomplice,
unlawfully obtained computer software belonging to SONY STYLE
STORE without purchasing these items, and that the value of
this property was more than \$750.

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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.

J Ryan Peelle
DEFENDANT

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

Andrew R. Hamilton
PROSECUTING ATTORNEY
Print Name: ANDREW R. HAMILTON
WSBA# 8312

Gary Davis
DEFENDANT'S LAWYER
Print Name: GARY DAVIS
WSBA# 14019

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; 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. The 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 9 day of April, 2011.

JAMES E. ROGERS
JUDGE

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I am a certified interpreter or have been found otherwise qualified by the court to interpret in the _____ language and I am fluent in that language, which the defendant understands. I have translated this entire document for the defendant from English into that language. 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 _____, 20__.

TRANSLATOR
Print Name: _____

INTERPRETER
Print Name: _____

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE STATE OF WASHINGTON,)	
)	
)	Plaintiff,
v.)	
)	No. 11-1-00161-6 SEA
)	
)	AMENDED INFORMATION
RYAN JAMES PEELER,)	
)	
)	Defendant.

COUNT I

I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse RYAN JAMES PEELER of the crime of **Organized Retail Theft in the Second Degree**, committed as follows:

That the defendant RYAN JAMES PEELER, in King County, Washington, on or about September 4, 2010, with an accomplice and with intent to deprive another of property, to-wit: computer software, did wrongfully obtain or exert unauthorized control over such property belonging to a mercantile establishment, to-wit: the Sony Style Store, and the value of such property was \$750.00 or more;

Contrary to RCW 9A.56.350(1)(a), (3), and against the peace and dignity of the State of Washington.

DANIEL T. SATTERBERG
Prosecuting Attorney

By: Andrew R. Hamilton
Andrew R. Hamilton, WSBA # 8312
Senior Deputy Prosecuting Attorney

AMENDED INFORMATION - 1

[KCPA]
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955



SEATTLE
POLICE
DEPARTMENT

CAUSE NO. _____

101-1-00761-0 SEA

**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE**

GENERAL OFFENSE # 2010-310412
UNIT FILE NUMBER

That G. Davison #6684 is a Detective with the Seattle Police Department and has reviewed the investigation conducted in Seattle Police Department Case Number 2010-310412;

There is probable cause to believe that Peeler, Ryan James DOB 04/16/75 committed the crime(s) of Investigation of Theft within the City of Seattle, County of King, State of Washington.

This belief is predicated on the following facts and circumstances:

On 09/04/2010 at approximately 1552 hours Peeler and an unknown white female entered the Sony Style store located at 4633 27 Ave NE, Seattle, WA. The two individuals went directly to the software section of the store and examined products. Many employees of the store are familiar with Peeler and the unknown female from previous suspected thefts at the store. As soon as Peeler and the unknown female entered the store an employee went over to assist them. While the employee was talking with them, an older unidentified white male approached them and told them that they had a phone call. This appeared to W/Ellison as a signal to Peeler and the female that they were being watched.

Peeler and the female went to MP3 section of the store after contact by the older male and were immediately contacted by another employee, W/Ellison, who began talking with them. Peeler and the female left the store and the older male followed right behind them. Store manager W/Norby and another employee W/Moore followed the suspects out of the store. Peeler, the female, and the older male got into a red 1994 Chevrolet Suburban plate 615XDV and left eastbound through the parking lot. W/Norby and W/Moore were able to get the license plate of the suspect vehicle and later provide the plate to police.

At about 2037 hours on the same day Peeler and the female returned to the store. The older male was not with them. They entered the store and went directly back to the same software section they had viewed earlier in the day. Both Peeler and the female began grabbing arm loads of software products. Store employee W/Deaconson, believing that the suspects were going to steal items, went directly to the front entrance of the store and began closing one of the front doors hoping to prevent Peeler and the female's escape. W/Ellison watched the theft taking place but did not intervene due to Sony's no intervention policy. W/Ellison recognized Peeler and the female from earlier incidents and from earlier in the day when he spoke with them in the store.

After gathering numerous items from the display rack Peeler told the female to "Go! Go! Go!" and they fled the store while shoving software into their jackets. As they exited the store, which still had one open door, Peeler told W/Deaconson, "Later!" W/Deaconson observed Peeler and female get into the back seat of a red, older, Chevrolet Suburban, with "squarer body style" and the vehicle left eastbound through the parking lot. W/Deaconson said the vehicle was waiting for Peeler and the female and appeared occupied by two other unknown individuals.

Both of the above-listed incidents were recorded on store surveillance cameras. I contacted store security and obtained a copy of the video and stills of the theft taking place. The video shows a white male and white female enter the Sony Store at approximately 2037 hours, walk directly to



CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE

INCIDENT NUMBER	2010-310412
UNIT FILE NUMBER	

the software section, take arm loads of software, and exit the store without paying at 2038 hours. The white male was wearing a black jacket, white t-shirt, black pants, black baseball cap, and white shoes. The white female was wearing a tan colored hat, blue jacket, blue jeans, and white shoes, and carrying a black handbag.

I ran a computer check on the vehicle plate 615XDV and DOL showed it registered to Ryan James Peeler DOB 04/16/75. I obtained a JEMS booking photo of Peeler and created montage #66150. Peeler matches the same physical description seen on the store surveillance cameras.

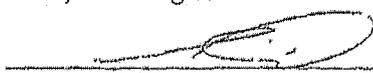
I responded to the Sony Style store and met with W/Norby and W/Moore on 09/14/2010. I met with them separately, had them both read the Montage Identification Sheet, and then showed them montage #66150. Both W/Norby and W/Moore selected Peeler as the same suspect who had entered the store on 09/04/2010 at 1552 hours. W/Norby and W/Moore were the employees who followed Peeler and the female out to the red Chevrolet Suburban and were the employees who obtained the vehicle's license plate. They both identified Peeler as the same person who got into the suspect vehicle. They both signed under Peeler indicating their selection. I was informed that W/Deaconson was no longer an employee of Sony and W/Ellison was not working until 09/15/2010. I informed both W/Moore and W/Norby not to speak with W/Ellison or W/Deaconson about the identification and they both agreed not to. Both W/Norby and W/Moore stated they were certain that Peeler was the same person who entered the store on 09/04/2010 at later got into the suspect vehicle.

On 09/15/2010 at 1454 hours I responded back to the Sony Style store and met with W/Ellison. I met with W/Ellison and had him read the Montage Identification Sheet. I then showed him montage #66150 and he selected Peeler as well. He indicated that Peeler was the same individual who had entered the store on 09/04/2010 at around 1552 hours and later came back to the store at 2045 hours. W/Ellison watched Peeler take arm loads of software and flee the store. W/Ellison signed under Peeler indicating his selection. W/Ellison stated he was 85 to 95% certain that Peeler was the same individual who had stolen items on 09/04/2010.

I have received the Sony store's internal retail incident report which details each item that was stolen and the value of the items stolen on 09/04/2010. The total number of items stolen during the 09/04/2010 incident was 16 with a total loss of \$3490.00.

Three witnesses were able to independently identify Peeler as the same person who entered the store on 09/04/2010 at 1552 hours and again at 2037 hours on the same day. Peeler was seen getting into the same suspect vehicle after both incidents and fleeing the scene. The vehicle is registered to Peeler as well. The total loss from the items stolen was \$3490.00.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct to best of my knowledge and belief. Signed and dated by me this 22 day of September, 2010, at Seattle, Washington.



1
2 CAUSE NO. 11-1-00161-6 SEA

3 PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR
4 CONDITIONS OF RELEASE

5 The State incorporates by reference the Certification for Determination of Probable
6 Cause written by Detective Davisson of the Seattle Police Department regarding incident number
7 10-310412.

8 REQUEST FOR BAIL

9 Pursuant to CrR 2.2(b)(2)(i), the State requests a warrant because the defendant is
10 unlikely to appear in response to a summons. The State requests bail in the amount of \$50,000.
11 The defendant has two pending charges for retail theft under case numbers 10-C-06849-6 (date
12 of incident of May 25, 2010--case was filed to warrant in the amount of \$10,000), and 10-C-
13 06152-1 (date of incident of February 24, 2010--defendant failed to appear for arraignment on
14 December 27, 2010, and is currently on warrant status).

15 The defendant has local felony convictions for Possession of Stolen Property 1° X 2
16 (2005, 1998), VUCSA X 3 (2005, 2004, 2001), Attempt to Elude (1995, 2005), Possessing
17 Stolen Property in the Second Degree (1998) and Assault 3° (1994), and misdemeanor
18 convictions for Disorderly Conduct (2009), Reckless Endangerment X 2 (2009, 1994), Use of
19 Drug Paraphernalia X 2 (2004, 1998), Making/having Burglary Tools X 2 (2001, 1998),
20 Possession of a Dangerous Weapon (1998), Criminal Impersonation (1998), Possessing Stolen
21 Property 3° (1998), Attempted Forgery (1997), and Assault 4°-DV (1995). He also has a Nevada
22 conviction for Drugs Not to be Introduced in Interstate Commerce (2009).

23 The State also seeks a no contact order prohibiting the defendant from contacting the
24 victim(s), Radio Shack Stores.

Signed this _____ day of January, 2011.

Leah R. Altaras, WSBA #39266

Prosecuting Attorney Case
Summary and Request for Bail
and/or Conditions of Release - 1

Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

FELONY PLEA AGREEMENT

Date of Crime: 9/4/10

Date: 12/8/11

Defendant: RYAN J. PEELER

Cause No: 11-1-00161-6 SEA

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 as follows:

On Plea To: As charged in Count(s) 1 of the original [X] amended information. [] With Special Finding(s): [] deadly weapon - firearm, RCW 9.94A.510(3); [] deadly weapon other than firearm, RCW 9.94A.510(4); [] sexual motivation, RCW 9.94A.835; [] protected zone, RCW 69.50.435; [] domestic violence, RCW 10.99.020; [] other; for count(s):

[X] This is part of an indivisible agreement that includes cause number(s): 10-C-06152-1 SEA & 10-C-06849-6 SEA

[X] DISMISS: Upon disposition of Count(s) 1, the State moves to dismiss Cause No. 11-1-00217-5 SEA

[X] REAL FACTS OF HIGHER/MORE SERIOUS AND/OR ADDITIONAL CRIMES: In accordance with RCW 9.94A.530, the parties have stipulated that the following are real and material facts for purposes of this sentencing:

[X] The facts set forth in the certification(s) for determination of probable cause and prosecutor's summary.

[] The facts set forth in [] Appendix C; []

The defendant acknowledges and waives any right to have a jury determine these facts by proof beyond a reasonable doubt.

[X] RESTITUTION: Pursuant to RCW 9.94A.753, the defendant shall pay restitution in full to the victim(s) on charged counts and

[] agrees to pay restitution in the specific amount of \$

[X] agrees to pay restitution

[X] OTHER:

CRIMINAL HISTORY AND OFFENDER SCORE:

a. [X] The defendant agrees to this Plea Agreement and that the attached sentencing guidelines scoring form(s) (Appendix A), offender score and the attached Prosecutor's Understanding of Defendant's Criminal History (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 the State's sentence recommendation. An essential term of this agreement is the parties' understanding of the standard sentencing range(s); if the parties are mistaken as to the offender score on any count, neither party is bound by any term of this agreement.

b. [] The defendant disputes the Prosecutor's Statement of the Defendant's Criminal History, as follows:

(1) Conviction: Basis:

(2) Conviction: Basis:

c. [] The defendant understands that one or more convictions from other jurisdictions have been included in the offender score, and agrees that these convictions have been properly included and scored according to the comparable offense definitions provided by Washington law.

d. The parties agree that neither party will seek an exceptional sentence, and the defendant agrees that he or she will not request a first-time offender waiver or parenting sentencing alternative.

Maximum on Count(s) 1 is not more than 5 years each and \$ 10,000 fine each.

Maximum on Count(s) is not more than years each and \$ fine each.

[] Mandatory Minimum Term(s) pursuant to RCW 9.94A.540 only:

[] Mandatory weapon sentence enhancement for Count(s) is months each; for Count(s) is months each. This/these additional term(s) must be served consecutively to each other and to any other term and without any earned early release.

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

Ryan Peeler Defendant

Attorney for Defendant 14019

Audrey R. Huntley #8312 Deputy Prosecuting Attorney

Judge, King County Superior Court JAMES E. ROGERS

ORGANIZED RETAIL THEFT, SECOND DEGREE

(RCW 9A.56.350(3))

CLASS C - NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.525(7))

OFFENDER'S NAME RYAN JAMES PEELER	OFFENDER'S DOB 06/18/1975	STATE ID# WA16712889
JUDGE	CAUSE # 11-1-00161-6 SEA	FBI # DOC# 240403AB3 751418

ADULT HISTORY:

Enter number of felony convictions 7 x 1 = 7

JUVENILE HISTORY:

Enter number of serious violent and violent felony dispositions _____ x 1 = _____

Enter number of nonviolent felony dispositions _____ x 1/2 = _____

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

10-C-06152-1 & 10-C- 06849-6 Org. Retail Theft 2nd; 11-1-00217-5 Poss. Stolen Vehicle

Enter number of other felony convictions 2 x 1 = 2

STATUS: Was the offender on community custody 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)

9

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL II)	0 - 90 days	2 - 6 months	3 - 9 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-8 or III-8to calculate the enhanced sentence.
- C. For a finding that this offense was committed with sexual motivation (RCW 9.94A.533(8)) on or after 7/01/2006, see page III-10, Sexual Motivation Enhancement – Form C.
- D. If the current offense was a gang-related felony and the court found the offender involved a minor in the commission of the offense by threat or by compensation (RCW 9.94A.833), the standard sentencing range for the current offense is multiplied by 125%. See RCW 9.94A.533(10).

- Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021(1))

III. SENTENCING OPTIONS

- I. First-Time Offender Wavler; for eligibility and sentencing rules see RCW 9.94A.650
- II. Alternative to Total Confinement; for eligibility and rules see RCW 9.94A.680.
- III. Work Ethic Camp; for eligibility and sentencing rules see RCW 9.94A.690.
- IV. Drug Offender Sentencing Alternative; for eligibility and sentencing rules see RCW 9.94A.660.

Although the Washington Sentencing Guidelines Commission does all that it can to assure the accuracy of its publications, the scoring sheets are intended to provide assistance in most cases but do not cover all permutations of the scoring rules. If you find any errors or omissions, we encourage you to report them to the Sentencing Guidelines Commission.

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

Defendant: RYAN J PEELER

FBI No.: 240403AB3

State ID No.: WAI6712889

DOC No.: 751418

This criminal history compiled on: January 21, 2011

- | | |
|--------------------------|--|
| <input type="checkbox"/> | None known. Recommendations and standard range assumes no prior felony convictions. |
| <input type="checkbox"/> | Criminal history not known and not received at this time. WASIS/NCIC last received on 01/21/2011 |

Adult Felonies

Offense	Score	Disposition
95-1-00231-8 assault 3rd degree	11/26/1994	WA Whatcom Superior Court - Guilty 05/09/1996 90 days in wcj with credit for time served/comm supervision for legal financial obligations/see jass for legal financial obligations
01-1-00106-4 vuca-possess meth	01/13/2001	WA Snohomish Superior Court - Guilty 03/08/2001 possess contrl subst; 2 mos jail; hiv testing; comm custody; order re tasc; ineligible to possess firearms
05-1-10461-5 possess stolen property 1st d	09/14/2005	WA King Superior Court - Guilty 11/10/2005 12m+1d doc ct 1. ct 2 dismissed.
05-1-02738-4 cont subs possess-no prescrip	05/02/2005	WA Snohomish Superior Court - Guilty 04/14/2006 possess contrl subst; 12 mos + 1 day prison; 9 to 12 mos comm custody; dna testing; ineligible to possess firearms.
06-1-00252-5 cont subs possess-no prescrip	10/20/2004	WA Snohomish Superior Court - Guilty 04/12/2006 possess contrl subst; 12 mos + 1 day prison; 9 to 12 mos comm custody; dna testing; ineligible to possess firearms.
00-1-00487-1 atmpt elude pursuing police	03/15/2000	WA Snohomish Superior Court - Guilty 08/11/2000 att to elude pursuing police; 4 mos jail; credit for time served in march 2000 and time since 7-14-00; comm superv; ineligible to possess firearms 04/23/01; impose 10 days jail; cr for 10 days served
98-1-01778-8 possess stolen property 2nd d	09/23/1998	WA Snohomish Superior Court - Guilty 12/11/1998 2nd deg poss stln prop; 30 days jail; comm suprv; ineligible to possess firearms. 09/28/99; impose 15 days jail w/cr for 9 days served.

Adult Misdemeanors

Offense	Score	Disposition
93021243 liquor violation	10/15/1993	WA Marysville Municipal Court - Guilty
94021980 dwls 3rd	09/20/1994	WA Marysville Municipal Court - Guilty
9502714 dwls 2nd	09/29/1994	WA Marysville Municipal Court - Guilty
95-1-00231-8 reckless endangerment	11/26/1994	WA Whatcom Superior Court - Guilty 05/09/1996 90 days in wcj with credit for time served/comm supervision for legal financial obligations/see jass for legal financial obligations
09F15734X possess control substance not for sale	07/30/2009	NV Las Vegas - Guilty 11/23/2009

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

Defendant: RYAN J PEELER

FBI No.: 240403AB3

State ID No.: WA16712889

DOC No.: 751418

Adult Misdemeanors

Offense	Score	Disposition
CR0088928 EP 05/04/2009 disorderly conduct		WA Everett Municipal Court - Guilty
2255A-09D SN 02/28/2009 reckless endangerment		WA Everett District Court - Guilty
CR0076420 EP 06/20/2007 dws 3rd degree		WA Everett Municipal Court - Guilty
C4406L LS 02/16/2005 driving while suspended 3rd		WA Marysville Municipal Court - Guilty
25323 MV 11/17/2004 use/deliver drug paraphernalia		WA Marysville Municipal Court - Guilty
CR0060977 EP 01/15/2004 driving while suspended 3rd		WA Everett Municipal Court - Guilty
C00064690 SN 12/11/2003 driving while suspended 3rd		WA Cascade District Court - Guilty
MC0012124 MT 07/31/2001 making/having burglary tools		WA MVM - Guilty
C00030702 SN 03/28/1999 dws 3rd degree		WA Everett District Court - Guilty
15757 MV 09/23/1998 poss of dangerous weapon		WA Marysville Municipal Court - Guilty
15756 MV 09/23/1998 dws 3rd degree		WA Marysville Municipal Court - Guilty
S30375C SN 08/13/1998 dws 3rd degree		WA Evergreen District Court - Guilty
L1401C LS 08/13/1998 dws 3rd degree		WA Evergreen District Court - Guilty
CR0025196 EP 08/13/1998 unlaw/poss illegal weapon		WA Everett Municipal Court - Guilty
CR0025195 EP 08/13/1998 possession drug paraphernalia		WA Everett Municipal Court - Guilty
CR0025195 EP 08/13/1998 making/having burglar tools		WA Everett Municipal Court - Guilty
CQ11072SH SH 05/16/1998 criminal impersonation		WA Shoreline Div King Co District Ct - Guilty
CC0000049 LF 02/26/1998 poss stolen property 3rd		WA Lake Forest Park Municipal Court - Guilty
C00052871 WS 09/11/1997 dws 3rd degree		WA Everett District Court - Guilty
10450C SN 08/26/1997 dws 3rd degree		WA Evergreen District Court - Guilty
CR0019969 EP 06/16/1997 dws 3rd degree		WA Everett Municipal Court - Guilty

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

Defendant: RYAN J PEELER

FBI No.: 240403AB3

State ID No.: WA16712889

DOC No.: 751418

Adult Misdemeanors

Offense	Score	Disposition
CR0019524 EP dwls 3rd degree	06/15/1997	WA Everett Municipal Court - Guilty
103828 KP attempted forgery	06/10/1997	WA Seattle District Court - Guilty
CR0021256 EP dwls 3rd degree	06/08/1997	WA Everett Municipal Court - Guilty
C00013660 SN dwls 3rd degree	02/24/1997	WA Cascade District Court - Guilty
C00005711 SN assault, 4th degree, domestic	08/27/1995	WA Cascade District Court - Guilty
10481C MV dwls 3rd degree	04/13/1995	WA Marysville Municipal Court - Guilty
CR0003036 EP dwls 3rd degree	01/30/1995	WA Everett Municipal Court - Guilty
29569 MV dwls 3rd degree	09/29/1994	WA Marysville Municipal Court - Guilty
L00098710 KC theft third degree	12/02/1993	WA Northeast District Court - Guilty
164531 SN ftr after written promise to	09/12/1992	WA South Division Snohomish County District Court - Guilty

Juvenile Felonies - None Known

Juvenile Misdemeanors - None Known

Comments

STATE'S SENTENCE RECOMMENDATION
(USE FOR PRISON-BASED DRUG OFFENDER SENTENCE ALTERNATIVE, CRIMES AFTER 7-24-99 ONLY)

Date: 12-8-11

Defendant: RYAN J. PEELER

Cause No. 11-1-00161-6 SEA/KNF

The State believes that the defendant is legally eligible for the Drug Offender Sentence Alternative (DOSA) set forth in RCW 9.94A.660 (the defendant has no current conviction for any violent or sex offense, the defendant has no prior conviction for any sex offense and no conviction for a violent offense within the last 10 years, the current offense includes no weapon enhancement, the current offense is not felony DUI or physical control, the defendant has not had more than one prior DOSA in the last 10 years, the defendant is not subject to a final deportation order, and this offense if a drug offense involves a small quantity of drugs). This recommendation assumes that the defendant has fully disclosed his criminal history and that his history does not include any prior sex offense or any prior violent offense within the last 10 years, that the defendant acknowledges a substance abuse problem that has contributed to his/her offense(s) and a need for treatment, and that the defendant is not subject to a deportation order.

Based on the foregoing the State recommends that the defendant be sentenced to the Department of Corrections as follows:

25 months on Count 1 _____ months on Count _____
_____ months on Count _____ months on Count _____

with credit for time served as provided under RCW 9.94A.505, including Jail Time served in Snohomish County on this terms to be served concurrently/consecutively with each other. Terms to be cause served concurrently consecutively with: 10-C-06849-6 SEA & 10-C-06152-1 SEA number,
_____ Terms to be consecutive to any other term(s) not specifically referred to in this form.

The above recommended term(s) of confinement represent one-half of the midpoint of the standard range, or for crimes after 6-6-06, 12 months if that is greater. In addition, the Court must order one-half of the midpoint of the standard range as a term of COMMUNITY CUSTODY, which in this case is 25 months. The defendant will be required to undergo comprehensive substance abuse assessment and treatment services while incarcerated and while serving community custody.

While in COMMUNITY CUSTODY the defendant will be required to comply with all statutory mandatory terms of community custody as well as any other court imposed requirements.

NON-COMPLIANCE with the requirements of the DOSA sentence either while in prison or while in community custody will result in imposition of sanctions administratively by the Department of Corrections and may include return to prison to complete the entire determinate sentence.

For crimes after 7-1-2000, an additional term of community custody will be imposed upon failure to complete or upon administrative termination from the DOSA program as follows: for any "crime against a person" a range of 9-18 months; for any violation of RCW 69.50/52 a range of 9-12 months; or the entire period of earned early release, whichever is longer. A deportation order will result in DOSA termination.

NO CONTACT: For the maximum term, defendant shall have no contact, direct or indirect, in person, in writing, by telephone, or through third parties, with: _____

MONETARY PAYMENTS: Defendant shall make the following monetary payments under the supervision of the Department of Corrections for up to 10 years pursuant to RCW 9.94A.753 and RCW 9.94A.760.

- Restitution as set forth in the "Plea Agreement" page and Appendix C.
- Court costs; mandatory \$500 Victim Penalty Assessment; recoupment of cost for appointed counsel; \$100 DNA collection fee.
- King County Local Drug Fund \$ _____; \$100 lab fee (RCW 43.43.690).
- Fine of \$ _____; \$1,000 fine for VUCSA; \$2,000 fine for subsequent VUCSA.
- Costs of incarceration in K.C. Jail at \$50 per day (RCW 9.94A.760(2)).
- Emergency response \$ _____ (RCW 38.52.430); Extradition costs of \$ _____; Other _____.

MANDATORY CONSEQUENCES: HIV blood testing (RCW 70.24.340) for any prostitution related offense, or drug offense associated with needle use. DNA testing (RCW 43.43.754). Revocation of right to possess a FIREARM (RCW 9.41.040). DRIVER'S LICENSE REVOCATION (RCW 46.20.285; RCW 69.50.420). REGISTRATION: Persons convicted of some kidnap/unlawful imprisonment offenses are required to register pursuant to RCW 9A.44.130.

Andrew R. Hawthorn
Deputy Prosecuting Attorney, WSBA No. 8812

King County Prosecuting Atty
Revised 02/07

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	
Petitioner,)	
)	NO. 90068-0
v.)	
)	
RYAN PEELER,)	
)	
Respondent .)	

DECLARATION OF DOCUMENT FILING AND SERVICE

I, MARIA ARRANZA RILEY, STATE THAT ON THE 9TH DAY OF JANUARY, 2015, I CAUSED THE ORIGINAL **MOTION TO STRIKE OR SUPPLEMENT** TO BE FILED IN THE **WASHINGTON STATE SUPREME COURT** AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

- | | | | |
|-----|---|-------------------|---|
| [X] | ERIK PEDERSEN, DPA
[skagitappeals@co.skagit.wa.us]
SKAGIT COUNTY PROSECUTOR'S OFFICE
COURTHOUSE ANNEX
605 S THIRD ST.
MOUNT VERNON, WA 98273 | ()
()
(X) | U.S. MAIL
HAND DELIVERY
ELECTRONIC MAIL |
| [X] | SUZANNE ELLIOTT
[suzanne-elliott@msn.com]
HOGE BUILDING
705 2 ND AVE. STE 1300
SEATTLE, WA 98104 | ()
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HAND DELIVERY
ELECTRONIC MAIL |
| [X] | PAMELA LOGINSKY
[pamloginsky@waprosecutors.org]
WAPA
206 10 TH AVE SE
OLYMPIA, WA 98501 | ()
()
(X) | U.S. MAIL
HAND DELIVERY
ELECTRONIC MAIL |
| [X] | RYAN PEELER
751418
CLALLAM BAY CORRECTIONS CENTER
1830 EAGLE CREST WY
CLALLAM BAY, WA 98326 | (X)
()
() | U.S. MAIL
HAND DELIVERY
_____ |

SIGNED IN SEATTLE, WASHINGTON THIS 9TH DAY OF JANUARY, 2015.

X _____ 

Washington Appellate Project
701 Melbourne Tower
1511 Third Avenue
Seattle, WA 98101
☎(206) 587-2711

OFFICE RECEPTIONIST, CLERK

To: Maria Riley
Cc: skagitappeals@co.skagit.wa.us; Suzanne Elliott; Pam Loginsky; Nancy Collins
Subject: RE: 900680-PEELER-MOTION

Received 1-09-2015

Supreme Court Clerk's Office

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Maria Riley [mailto:maria@washapp.org]
Sent: Friday, January 09, 2015 11:46 AM
To: OFFICE RECEPTIONIST, CLERK
Cc: skagitappeals@co.skagit.wa.us; Suzanne Elliott; Pam Loginsky; Nancy Collins
Subject: 900680-PEELER-MOTION

To the Clerk of the Court:

Please accept the attached document for filing in the above-subject case:

MOTION TO STRIKE OR SUPPLEMENT THE RECORD

Nancy P. Collins - WSBA #38394
Attorney for Respondent
Phone: (206) 587-2711
E-mail: nancy@washapp.org

By
Maria Arranza Riley
Staff Paralegal
Washington Appellate Project
Phone: (206) 587-2711
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Website: www.washapp.org

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