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No. 92616-6

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

IN THE PERSONAL RESTRAINT OF

EARL OWEN FLIPPO,

Petitioner.

SECOND PERSONAL RESTRAINT PETITION

RESPONDENT'S SUPPLEMENTAL BRIEF

Respectfully submitted:

Teresa Chen

by: Teresa Chen, WSBA 31762
Deputy Prosecuting Attorney

P.O. Box 5889
Pasco, Washington 99301
(509) 545-3561

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I. IDENTITY OF RESPONDENT

The State of Washington, represented by the Walla Walla County Prosecutor, is the Respondent herein.

II. RELIEF REQUESTED

Respondent asserts no error occurred in the sentencing of the Petitioner.

III. ISSUE

Is this challenge to imposition of LFO's time barred, as well as being successive, not preserved for review, and without merit?

IV. STATEMENT OF THE CASE

In 2008, a jury convicted the Defendant Earl Flippo of four counts of child molestation in the first degree regarding four separate victims. Appendix A. The mandate issued on March 16, 2010. Appendix B.

In 2015, the Defendant filed this, his second personal restraint petition in which he asks that his judgment be dismissed. Petition at 6. His only claim challenges the imposition of LFO's and relies upon *State v. Blazina*, 182 Wn.2d 827, 344 P.3d 680 (2015). The petition does not explain why this claim was not raised at sentencing, on direct appeal, in the previous personal restraint petition, or within a year of the date of

finality. The Defendant does not provide any factual support for his check-box allegation that the court “failed to make an individualized inquiry” into his ability to pay. He does not provide any part of the record in his petition. For the first time in reply, the Defendant provided an order of indigency, but withheld the application for counsel which demonstrates his minimal monthly living expenditures and debt payments. Appendix C.

In the check-box petition, he makes a bare allegation that he is physically disabled, but attaches no factual support. Petition at 2. His allegation is contradicted by both his testimony at trial and his statement to the community corrections officer. Appendices D and E (at 11).

The Defendant testified that in the recent years before his arrest, he had been working in maintenance at the Walla Walla Community College and the VA Hospital and then worked full time as a taxi driver in Yakima. App. D. Living in a camper while he preyed upon the children of vulnerable women, the Defendant had few living expenses. App. D and E.

Prior to imposing sentence in 2008, the court ordered and reviewed a Presentence Investigation (PSI). App. E. The PSI includes a discussion of the Defendant’s education, employment history, and financial status. App. D at 11. Community Corrections Officer Craig Jones interviewed the Defendant for this report. The Defendant is an English speaker. He

reported that he had completed his GED at Walla Walla Community College in 2004 and had been working at his own lawn care business for approximately ten years, i.e. for several years before he obtained his GED. App. D at 11. Although the Defendant reported debt, he did not indicate the amount. Appendix E. In his application for appointment of counsel, however, he indicated that he had few expenses, spending only \$500/mo on himself and toward his debt and child support. App. E.

The judgment and sentence requires the Defendant to pay \$50 a month beginning 60 days after release toward LFO's of \$2619.20. App. A at 5-6. The court found the Defendant had the past, present, and future ability to pay. App. A at 4.

He was sentenced to an indeterminate term of 174 months (or 14.5 years) to life. App. A at 7. With earned early release, he may be approximately 52 years old when he is released. RCW 9.94A.729(3)(c) (10% reduction permitted).

The Court of Appeals dismissed the petition as successive and time barred. *In re Flippo*, 191 Wn. App. 405, 409, 413, 362 P.3d 1011 (2015). The Commissioner of this Court accepted review, because the courts are seeing increasing LFO challenges arising in the context of PRP's. Ruling Granting Review at 3.

V. ARGUMENT

A. THE DEFENDANT HAS NOT MET THE LEGAL STANDARDS FOR A PERSONAL RESTRAINT PETITION.

A pro se petitioner is held to the same responsibility as a lawyer and required to follow applicable statutes and rules. *In re Connick*, 144 Wn.2d 442, 455, 28 P.3d 729 (2001). In a personal restraint petition the burden of proof shifts to the petitioner. *In re Cook*, 114 Wn.2d 802, 814, 792 P.2d 506 (1990); *Hews v. Evans*, 99 Wn.2d 80, 88, 660 P.2d 263 (1983). The ultimate burden of proof requires that the petitioner establish both error and prejudice by a preponderance of the evidence. *In re Powell*, 117 Wn.2d 175, 184, 814 P.2d 635 (1991); *In re Cook*, 114 Wn.2d at 814. Bald assertions and conclusory allegations will not support a personal restraint petition. *In re Rice*, 118 Wn.2d 876, 886, 828 P.2d 1086, *cert. denied* 506 U.S. 958, 113 S. Ct. 421, 121 L. Ed. 2d 344 (1992). If the petitioner's allegations are based on matters outside the existing record, the petitioner must demonstrate competent, admissible evidence to establish the facts that entitle him to relief. *Id.*

The Defendant's petition presents no evidence and relies on a bald assertion that no individualized inquiry was made. The allegation is patently false. The Defendant testified to his recent history of varied full-

time employment. And a PSI was ordered which inquired into and established his ability to pay.

Only certain claims are permitted by way of PRP: those that claim a constitutional violation or those that demonstrate “a fundamental defect which inherently results in a complete miscarriage of justice.” RCW 7.36.130; *In re Cook*, 114 Wn.2d at 811. The Defendant alleges the court did not abide by RCW 10.01.160. Therefore, the challenge here is statutory in nature, not constitutional. *State v. Duncan*, No. 90188-1, 2016 WL 1696698, at *2 (Wash. Apr. 28, 2016) *citing State v. Barklind*, 87 Wn.2d 814, 817, 567 P.2d 314 (1976) (holding the Washington LFO statute to be constitutionally permissible).

The Defendant’s claim that the sentencing court did not conduct an individualized inquiry of his ability to pay LFO’s does not demonstrate “a fundamental defect which inherently results in a complete miscarriage of justice.” It is not the proper subject for a PRP.

Because every criminal defendant has a continuing remedy in RCW 10.01.160(4) to halt collections and remit any and all costs upon a showing of hardship, no challenge to imposition of LFO’s can ever result in a complete miscarriage of justice. Nor can there be a complete miscarriage of justice where no collections are occurring.

B. THE PETITION IS TIME BARRED AND SUCCESSIVE; ARGUMENTS TO THE CONTRARY WERE IMPROPERLY RAISED FOR THE FIRST TIME IN REPLY.

A collateral attack, such as a personal restraint petition, must be filed no later than a year after the judgment becomes final. RCW 10.73.090(1). In this case, the Defendant's judgment was final on the date of mandate. RCW 10.73.090(3)(b). Because this petition was filed in 2015, more than five years after the 2010 date of finality, it is time barred.

The Defendant proffered no argument in his petition of an exception under RCW 10.73.100. He raised this in his Reply Brief.

Preserving all objections, the State notes that courts should not consider the Defendant's argument that there is an exception to the time bar, where it was raised for the first time in reply. *King v. Rice*, 146 Wn.App. 662, 673, 191 P.3d 946 (2008) (denying claim raised for first time in reply brief); *State v. Goodin*, 67 Wn.App. 623, 628, 838 P.2d 135 (1992), *review denied*, 121 Wn.2d 1019 (1993) (noting that the court generally will not consider arguments raised for first time in reply brief).

The Defendant's petition is a second PRP. Under RCW 10.73.140, the court of appeals will not consider a successive petition unless the petitioner shows good cause for not raising this claim in the previous petition. The Defendant did not even *allege* good cause in his petition.

He should not be allowed to make an argument for good cause for the first time in reply.

The court of appeals did not find an exception to the rules barring untimely or successive petitions.

In his reply, the Defendant alleged an exception under RCW 10.73.100(6), i.e. that that *Blazina* represents a significant change in law. Reply at 2. Under 10.73.100(6), the court may permit an untimely petition if there has been a significant change in law which is material to the sentence and if a court finds sufficient reasons to require retroactive application of the changed legal standard. A material intervening change in the law that occurred between the filing of the first and second PRP may also be good cause for a successive petition. *In re Lavery*, 154 Wn.2d 249, 261, 111 P.3d 837 (2005).

The court of appeals observed that when the alleged “change in law” is a court case, it will have:

effectively overturned a prior appellate decision that was originally determinative of a material issue. *In re Pers. Restraint of Lavery*, 154 Wash.2d at 258, 111 P.3d 837 (internal quotation marks omitted).

In re Flippo, 191 Wn. App. at 410. *Blazina* did not do that.

Blazina's primary holding that the record must reflect the sentencing judge's individualized inquiry of the defendant's

current and future ability to pay before imposing discretionary LFOs (as opposed to merely entering a boilerplate finding on the judgment and sentence) only confirms, and does not alter, what has always been required of the sentencing court under RCW 10.01.160(3)—a statute that was enacted in 1976 and has remained unchanged. *See* Laws of 1975–76, 2nd Ex. Sess., ch. 96 § 1; *see also Johnson v. Morris*, 87 Wash.2d 922, 927, 557 P.2d 1299 (1976) (construction of a statute by the highest court of a state is determinative of the meaning and effect of the statute from the time of its enactment). The statute provides:

The court shall not sentence a defendant to pay costs unless the defendant is or will be able to pay them. In determining the amount and method of payment of costs, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose.

RCW 10.01.160(3). These longstanding requirements are also reflected in case law preceding *Blazina*. *See State v. Baldwin*, 63 Wash.App. 303, 310–12, 818 P.2d 1116 (1991).

In re Flippo, 191 Wn. App. at 410-11. Therefore, nothing prevented the Defendant from arguing the issue before the publication of *Blazina*. *In re Flippo*, 191 Wn. App. at 410, *quoting In re Stoudmire*, 145 Wn.2d 258, 264, 36 P.3d 1005 (2001) (not a significant change in the law if defendant could have argued the issue before publication of the decision).

Because no “change in law” exception exists, the petition is both time barred and successive. The court of appeals did not err in dismissing the petition.

C. THE COURT OF APPEALS PROPERLY EXERCISED ITS AUTHORITY IN DECLINING TO REVIEW THE UNPRESERVED ALLEGATION OF ERROR.

Under RAP 2.5(a), the courts may, but are not obliged to, review a challenge that was not preserved below. *See also State v. Duncan*, 90188-1, 2016 WL 1696698, at *2. For the first time in reply, the Defendant argued an exception to the court rule, i.e. manifest error affecting a constitutional right. Reply at 3.

The exception is patently inapplicable in this case. Here the challenge is statutory, not constitutional. And the Defendant has failed to demonstrate any error, relying entirely on a bald allegation unsupported by any evidence and which the State has demonstrated to be false.

The exception is also inapplicable as determined in the very case upon which the Defendant relies. The *Blazina* court held that the court of appeals “properly declined discretionary review” of the challenge. *State v. Blazina*, 182 Wn.2d at 834. The supreme court’s review was an exercise of its discretion. *State v. Blazina*, 182 Wn.2d at 835.

The *Blazina* decision regarded a direct appeal. The opinion states courts have discretion to review or not to review an LFO challenge made “for the first time *on appeal*.” *In re Flippo*, 191 Wn. App. at 411.

Since *Blazina* imposes no obligation for appellate courts to

review LFO challenges raised for the first time in a direct appeal, it therefore follows *Blazina* does not require review of LFO claims made initially in a personal restraint petition – much less one that is untimely filed.

In re Flippo, 191 Wn. App. at 411-12. “We will not do so.” *In re Flippo*, 191 Wn. App. at 411. The court of appeals correctly noted that the court’s discretion under RAP 2.5(a) does not trump the legislative time bar in RCW 10.73.090. Access to the courts may be regulated by statute of limitations. See *United States v. Kubrick*, 444 U.S. 111, 117, 62 L. Ed. 2d 626, 100 S. Ct. 352 (1979); *Marriage of Giordano*, 57 Wn. App. 74, 77, 787 P.2d 51 (1990).

The Defendant admits that he “failed to object.” PRP at 4. Therefore, he did not preserve the error for review. He requests the court overlook this failure in the interests of justice. However, unlike *Blazina*, he did not bring this challenge on direct appeal. Nor did he raise the challenge in his first personal restraint petition. Nor does he provide the sentencing record for this Court’s review. This petition offends the RAP 2.5 principle many times over.

The Defendant is currently incarcerated. Therefore, he is not subject to collections. *State v. Crook*, 146 Wn. App. 24, 27–28, 189 P.3d 811 (2008) (“Mandatory Department of Corrections deductions from

inmate wages for repayment of legal financial obligations are not collection actions by the State requiring inquiry into a defendant's financial status.”). When he is released and collections begin, there will be other avenues to readdress the LFO’s if appropriate. RCW 10.01.160(4). There is no justice principle, which supports this petition. The Court should deny review under RAP 2.5.

D. THE CHALLENGE FAILS ON THE MERITS.

At imposition, the State’s burden of proof is so low that it can be met by a single reference in a presentence report in which the defendant described himself as employable.

“The State’s burden for establishing whether a defendant has the present or likely future ability to pay discretionary legal financial obligations is a low one.” *State v. Lundy*, 176 Wash.App. 96, 106, 308 P.3d 755 (2013). As *Lundy* observes, it has been deemed met by a single reference in a presentence report to the defendant describing himself as “ ‘employable.’ ” *Id.* (internal quotation marks omitted) (quoting *State v. Baldwin*, 63 Wash.App. 303, 311, 818 P.2d 1116, 837 P.2d 646 (1991)). Indeed, “a trial court is prohibited from imposing legal financial obligations only when it appears from the record that there is no likelihood that the defendant’s indigency will end.” *Id.* at 99, 308 P.3d 755.

State v. Duncan, 180 Wn. App. 245, 250, 327 P.3d 699, 701 (2014), *review granted*, 183 Wn.2d 1013, 353 P.3d 641 (2015), and *aff'd and remanded*, 90188-1, 2016 WL 1696698 (Wash. Apr. 28, 2016).

But in a personal restraint petition, the burden shifts to the petitioner. *In re Cook*, 114 Wn.2d at 814; *Hews v. Evans*, 99 Wn.2d at 88. The Defendant now bears the burden of proving both error and prejudice with more than bald assertions. *In re Rice*, 118 Wn.2d at 886.

At trial, the Defendant testified under penalty of perjury that he had found recent full time employment in maintenance and as a cab driver. App. D. In the PSI, the Defendant told the Community Corrections Officer that prior to his arrest he owned his own lawn care business for approximately ten years. App. E at 11. Although he complained about debt, the only detail he provided was in his sworn application for counsel. App. C. This suggests his indignation is disproportionate to the burden. All of his living expenses and his debt repayments only amount to \$500/month.

As a long time business owner, the Defendant has every ability to work and earn an income so as to make payments of \$50 a month toward the \$2600 in LFO's imposed. He is an English speaker. He reported that he had completed his GED at Walla Walla Community College in 2004.

Id. There is no apparent barrier to the Defendant's ability to earn money, other than the criminal conviction, which is a prerequisite to any LFO imposed as part of a criminal sentence.

The record is more than sufficient to justify the lower court's finding that he will be able to pay \$50/month upon his release. However, this Court should follow the court of appeals and refuse to reach the merits where:

- The petitioner offers no record for the court to review;
- The petition is time barred; and
- The petition is successive.

A practice which reaches the merits not only may encourage further boilerplate challenges of unpreserved errors, but also requires a lengthier response for the State and, therefore, results in a larger cost bill upon the defendant.

VI. CONCLUSION

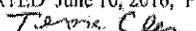
Based upon the forgoing, the State respectfully requests this Court affirm the Court of Appeals and dismiss the petition.

DATED: June 10, 2016.

Respectfully submitted:



Teresa Chen, WSBA#31762
Deputy Prosecuting Attorney

<p>Earl O. Flippo (#958101) - legal mail - Airway Heights Corrections Center P.O. Box 2049 Airway Heights, WA 99001-2049</p>	<p>A copy of this brief was sent via U.S. Mail or via this Court's e-service by prior agreement under GR 30(b)(4), as noted at left. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. DATED June 10, 2016, Pasco, WA  Original filed at the Court of Appeals, 500 N. Cedar Street, Spokane, WA 99201</p>
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**In re the Personal Restraint of Earl Owen Flippo
Supreme Court No.**

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- D. Selected Pages of the Defendant's Trial Testimony, March 5, 2008**
- E. Presentence Investigation, April 11, 2008**

APPENDIX A

Amended Judgment and Sentence

August 25, 2008

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SUPERIOR COURT OF WASHINGTON - COUNTY OF WALLA WALLA

THE STATE OF WASHINGTON,)
) NO. 07 1 00419 7
Plaintiff,)
) AMENDED
-vs-) JUDGMENT AND SENTENCE
) (FELONY)
EARL OWEN FLIPPO,)
SID NO. WA 14169783) PCN NO. 948191296
Defendant,) AND 94819920

I. HEARING

1.1 A sentencing hearing in this case was held: APRIL 21, 2008
(Date)
1.2 The defendant, the defendant's lawyer, JAMES E. BARRETT, and
the Deputy Prosecuting Attorney, MICHELLE M. MULHERN, were present.

II. FINDINGS

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

2.1 CURRENT OFFENSE(S): Defendant was found guilty on 03/06/08 by
verdict of:

Count No.: 1 Crime: CHILD MOLESTATION IN THE FIRST DEGREE

RCW 9A.44.083 Crime Code _____

Date of Crime 12/01/05-03/31/06 Incident No. _____

Count No.: 2 Crime: CHILD MOLESTATION IN THE FIRST DEGREE

RCW 9A.44.083 Crime Code _____

Date of Crime 12/01/05-03/31/06 Incident No. _____

AMENDED JUDGMENT AND SENTENCE (8/05)
(RCW 9.94A.505)
P. - 1

OFFICE OF THE PROSECUTING ATTORNEY
240 WEST ALDER, SUITE 201
WALLA WALLA, WA 98626-2807
PHONE (509) 524-5445

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Count No.: 3 Crime: CHILD MOLESTATION IN THE FIRST DEGREE

RCW 9A.44.083 Crime Code _____

Date of Crime 12/01/05-03/31/06 Incident No. _____

Count No.: 4 Crime: CHILD MOLESTATION IN THE FIRST DEGREE

RCW 9A.44.083 Crime Code _____

Date of Crime 06/01/06-12/31/06 Incident No. _____

as charged in the (X Amended) Information.

- () Additional current offenses are attached in Appendix 2.1.
- () A special verdict/finding for use of a firearm was returned on Count(s) _____ RCW 9.94A.510.
- () A special verdict/finding for use of a deadly weapon other than a firearm was returned on Count(s) _____ RCW 9.94A.510.
- () A special verdict/finding of sexual motivation was returned on Count(s) _____ RCW 9.94A.535.
- () A special verdict/finding of a RCW 69.50.401(a) and RCW 69.50.435 violation was returned on Count(s) _____ in a school, school bus, within 1000 feet of a designated school bus route or the perimeter of a school grounds; a public transit vehicle, public park, public transit stop shelter; or in or within 1000 feet of the perimeter of a civic center designated as a drug free zone by a local government authority.
- () A special verdict/finding that the defendant committed a crime involving the manufacture of methamphetamine, including its salts, isomers, and salts of isomers, when a juvenile was present in or upon the premises of manufacture was returned on Count(s) _____ RCW 9.94A.605, 69.50.401, 69.50.440.
- () The defendant was convicted of Vehicular Homicide wherein the defendant was driving a vehicle while under the influence of intoxicating liquor or drug or by operating a vehicle in a reckless manner and therefore is a violent offense. RCW 9.94A.030.
- () This case involves Kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.

AMENDED JUDGMENT AND SENTENCE (8/05)
(RCW 9.94A.505)
P. - 2

OFFICE OF THE PROSECUTING ATTORNEY
240 WEST ALDER, SUITE 201
WALLA WALLA, WA 99332-2007
PHONE (509) 524-5445

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- () The court finds that the defendant has a chemical dependency that has contributed to the offense(s). RCW 9.94A. _____.
- () The offense in Count(s) _____ was committed in a county jail or state correctional facility. RCW 9.94A.510(5).
- () Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589(1)):
- () Other current convictions listed under different cause numbers used in calculating the offender score are (List offense and cause number):

2.2 CRIMINAL HISTORY: (RCW 9.94A.525):

Crime	Sentencing Date	Court County/State	Date of Crime	Adult or Juv.	Crime Type
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NONE COUNTABLE

- () Additional criminal history is attached in Appendix 2.2
- () The defendant committed a current offense while on community placement, which adds one point to the score. RCW 9.94A.525(17).
- () Prior convictions served concurrently and counted as one offense in determining the offender score are (RCW 9.94A.525):

2.3 SENTENCING DATA:

Count No.	Offender Score	Seriousness Level	Standard Range	Enhancement*	Total Standard Range	Maximum Term
1	9+	X	149-198 MOS		149-198 MOS	LIFE
2	9+	X	149-198 MOS		149-198 MOS	LIFE
3	9+	X	149-198 MOS		149-198 MOS	LIFE
4	9+	X	149-198 MOS		149-198 MOS	LIFE

* (F) Firearm, (D) Deadly Weapon, (V) VUCSA in a protected zone, (VH) Vehicular Hom. RCW 46.61.520, (P) Jail/Prison RCW 9.94A.510(4).

- () Additional current offenses sentencing data is attached in Appendix 2.3.

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2.4 EXCEPTIONAL SENTENCE:

() Substantial and compelling reasons exist which justify a sentence (above) (below) the standard range for Count(s) _____.

() The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds that the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.

() Aggravating factors were () stipulated by the defendant () found by the court after the defendant waived jury trial () found by jury by special interrogatory.

Findings of fact and conclusions of law are attached in Appendix 2.4. The Prosecuting Attorney () did () did not recommend a similar sentence.

2.5 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS. (RCW 9.94A.760) The court has considered the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court specifically finds that the defendant has the ability or likely future ability to pay the legal financial obligations ordered herein.

() Extraordinary circumstances exist that make restitution inappropriate:

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

III. JUDGMENT

3.1 The defendant is GUILTY of the counts and charges listed in paragraph 2.1.

3.2 The court DISMISSES count(s) _____.

3.3 The defendant is found NOT GUILTY of counts _____.

IV. SENTENCE AND ORDER

IT IS ORDERED:

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4.1 LEGAL FINANCIAL OBLIGATIONS. Defendant shall pay to the Clerk of Court:

- \$ TBD, Restitution to: \$ TBD
- \$ 200.00, Court costs (9.94A.030 & .760, 10.01.160, 10.46.190);
- \$ 286.05, Witness fees;
- \$ 250.00, Jury Demand fees;
- \$ 508.15, Sheriff fees; (X) including booking fee (RCW 70.48.390);
- \$ 500.00, Victim assessment (RCW 7.68.035);
- \$ _____, Fine (RCW 9A.20.021); () VOCSA additional fine waived due to indigency (RCW 69.50.430);
- \$ 775.00, Fees for court appointed attorney;
- \$ _____, Court appointed defense expert and other defense costs (RCW 9.94A.030);
- \$ _____, Drug Enforcement fund of _____
- \$ _____, Crime laboratory fee (RCW 43.43.680/690) () waived due to indigency;
- \$ 100.00, \$100.00 Biological Sample fee for felony committed after July 1, 2002 (RCW 43.43.7541)
- \$ _____, Emergency Response Costs (Vehicular Assault, Vehicular Homicide only, \$1.000 maximum - RCW 38.52.430)
- \$ _____, Extradition costs (RCW 9.94A.760)
- \$ _____, Domestic Violence Penalty Assessment (RCW 10.99.____, \$100 maximum, effective 06/10/04)
- \$ 2,619.20, TOTAL legal financial obligations *

* VICTIM(S) REQUIRE CONTINUING MEDICAL/COUSSELING CARE FOR INJURIES SUSTAINED DURING THE CRIME. THE COURT RESERVES THE RIGHT TO MODIFY THE RESTITUTION AMOUNT FOR FUTURE MEDICAL COSTS.

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(X) The above amount does not include all restitution. Restitution shall be ordered at a later hearing scheduled for TBD.

Payments shall be made on a schedule established by the Department of Corrections or the Clerk of the Court, commencing immediately, unless the Court sets forth the rate as follows: not be less than \$ 50.00 per month commencing 60 DAYS AFTER RELEASE. RCW 9A.9.94A.760.

(X) The Department of Corrections shall have authority to disburse money from the defendant's personal account while he/she is in custody, pursuant to RCW 72.11.020, for court-ordered legal financial obligations.

Payments shall be made to the Clerk of the Court by certified check, money order or cash. Personal checks will not be accepted. Per RCW 10.82.090, Financial Obligations imposed shall bear interest from the date of the judgment until payment, at the rate applicable to civil judgments. The defendant shall immediately notify the Clerk of any change of address. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160. The defendant shall remain under the court's jurisdiction, for purposes of payment of the legal financial obligations, until the legal financial obligation is completely satisfied. (RCW 9.94A.753(4) and .760(4)).

(X) The Department of Corrections may immediately issue a Notice of Payroll Deduction. RCW 9.94A.7603.

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

() In addition to the other costs imposed herein the Court finds that the defendant has the means to pay for the cost of incarceration and is ordered to pay said costs at the rate of \$50.00 per day, unless another rate is specified here . RCW 9.94A.760(2).

() Restitution ordered above shall be jointly and severally with:

<u>Name</u>	<u>Cause Number</u>	<u>Victim</u>	<u>Amount</u>

(X) Bond is hereby exonerated.

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4.2 CONFINEMENT OVER ONE YEAR: The court imposes the following sentence:

(a) CONFINEMENT: Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections commencing _____:
(Date)

_____ months on Count No. _____ () concurrent () consecutive
_____ months on Count No. _____ () concurrent () consecutive
_____ months on Count No. _____ () concurrent () consecutive

() Actual number of months of total confinement ordered is:
() This sentence shall be () concurrent with () consecutively to the sentence in _____
Count(s) or cause number(s)

(b) SEXUAL OFFENDER SENTENCING (for specified sex offenses committed after September 1, 2001):

The court imposes the following term of confinement in the custody of the Department of Corrections pursuant to RCW 9.94A.712:

Count <u> 1 </u>	Minimum Term <u> 174 </u>	Maximum Term <u> LIFE </u>
Count <u> 2 </u>	Minimum Term <u> 174 </u>	Maximum Term <u> LIFE </u>
Count <u> 3 </u>	Minimum Term <u> 174 </u>	Maximum Term <u> LIFE </u>
Count <u> 4 </u>	Minimum Term <u> 174 </u>	Maximum Term <u> LIFE </u>

(X) Credit is given for 107 (109JT/10GT) days served.

(c) COMMUNITY PLACEMENT/CUSTODY (RCW 9.94A.700-.720). The defendant is sentenced to (X) community custody () community placement for LIFE or for the period of earned early release awarded pursuant to RCW 9.94A.728, whichever is longer and statutory mandatory conditions are ordered. Community custody or placement for sex offenders may be extended for up to the statutory maximum term of the sentence. For specified sex offenses committed after September 1, 2001, the Defendant is placed on community custody under the Department of Corrections and the authority of the Indeterminate Sentencing Review Board for any period of time the defendant is released from total confinement before the expiration of the maximum sentence. The terms of community custody or placement shall include the following conditions and affirmative acts necessary to monitor compliance:

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

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- (ii) The defendant shall work at Department of Corrections-approved education, employment and/or community service.
- (iii) The defendant shall not consume controlled substances except pursuant to lawfully issued prescriptions.
- (iv) The defendant shall not unlawfully possess controlled substances while in community custody.
- (v) The defendant shall pay supervision fees as determined by the Department of Corrections.
- (vi) Defendant shall obey all laws.
- (vii) Defendant shall not directly or indirectly contact the victims of this case or a specified class of individuals:
- (viii) The defendant shall remain within, or outside, of a specified geographical boundary:
- (ix) The defendant shall participate in crime related treatment or counseling services as follows:
 - () inpatient or outpatient alcohol/drug program at his/her expense, at the discretion of his/her probation/community corrections officer. That the duration of treatment is to be at the discretion of his/her probation/community corrections officer.
 - () state certified domestic violence perpetrator treatment or anger management counseling through a state licensed counselor, at the discretion of his/her probation/community corrections officer, at his/her own expense.
 - () Other:
- (x) The defendant shall not consume alcohol.
- (xi) The defendant's residence location and living arrangements, if a sex offender, shall be subject to the prior approval of the Department of Corrections.
- (xii) The defendant shall not reside in a community protection zone (within 880 feet of the facilities and grounds of a public or private school). RCW 9.94A.030(8)

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(xiii) The defendant shall comply with any crime related prohibitions as follows: NO CONTACT WITH CHILDREN UNDER AGE 18

4.4 (X) The defendant shall not have contact, directly or indirectly, with JANIE HOMAN, TAMARA HOMAN, BRANDON L. MANGINI, AND ALYSSA M. CRUZ, for a period of LIFE years (not to exceed the maximum statutory sentence). Violation of a no-contact provision of this order is a criminal offense under RCW 10.99 and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

() A domestic violence protection or antiharassment order is attached as Appendix 4.3.

() Defendant shall enroll in, participate and successfully complete a state certified anger management counseling program at his own expense.

4.5 () WORK ETHIC CAMP PROGRAM. The court finds that the defendant is eligible for the work Ethic Camp Program pursuant to RCW 9.94A.690 and is likely to qualify for said program. If the defendant successfully completes the Program, the Department of Corrections shall convert the period of Work Ethic Camp confinement at the rate of one day of camp confinement to three days of total standard confinement, and the defendant shall be released on community custody for any remaining time of total confinement. The conditions of community custody are attached hereto in paragraph 4.3 above.

4.6 (X) HIV TESTING. The Health Department or designee shall test the defendant for HIV as soon as possible and the defendant shall fully cooperate in the testing. RCW 70.24.340.

4.7 (X) DNA TESTING. The defendant shall have a biological sample taken for the purposes of DNA identification analysis. RCW 43.43.754.

4.8 () OFF LIMITS ORDER (RCW 10.66.020). The following areas are off limits to the defendant while under the supervision of the Department of Corrections: _____

V. NOTICES

5.1 COLLATERAL ATTACK. You are hereby notified that any petition or motion for collateral attack on this judgment and sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided in RCW 10.73.100. RCW 10.73.090.

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5.2 INCOME WITHHOLDING ACTION. If the court has not ordered an immediate notice of payroll deduction in section 4.1, you are notified that the Department of Corrections may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month, RCW 9.94A.7603. Other income-withholding action under RCW 9.94A. may be taken without further notice. RCW 9.94A.7609.

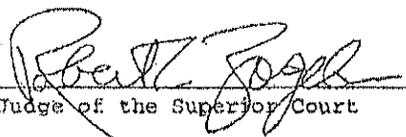
5.3 EACH VIOLATION OF THIS JUDGMENT AND SENTENCE IS PUNISHABLE BY UP TO 60 DAYS OF CONFINEMENT. (RCW 9.94A.634(3)).

5.4 FIREARMS. You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. The clerk shall forward the defendant's driver's license, identicard, or comparable identification to the Department of licensing with the date of conviction. RCW 9.41.040,.04.

5.5 (X) SBX AND KIDNAPPING OFFENDER REGISTRATION. RCW 9A.44.130. If applicable, requirements are attached in Appendix 5.3.

ROBERT L. ZAGELOW

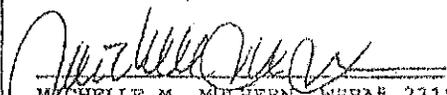
Date: Aug 25-08



Judge of the Superior Court

Presented by:

Approved as to form:



MICHELLE M. MULHERN WSPA# 23185
Deputy Prosecuting Attorney

JAMES E. BARRETT WSPA# 4927
Lawyer for Defendant

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

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

Even if you lack a fixed residence, you are required to register. Registration must occur within 24 hours of release in the county where you are being supervised if you do not have a residence at the time of your release from custody or within 14 days after ceasing to have a fixed residence. If you enter a different county and stay there for more than 24 hours, you will be required to register in the new county. You must also report in person to the sheriff of the county where you are registered on a weekly basis if you have been classified as a risk level II or III, or on a monthly basis if you have been classified as a risk level I. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level.

ROBERT L. ZAGELOW

Date: Aug 25 - 08

Robert L. ZageLOW
Judge of the Superior Court

Presented by:
Michelle M. Modern
MICHELLE M. MODERN WSBA# 23185
Deputy Prosecuting Attorney

Approved as to form:
James E. Barrett
JAMES E. BARRETT WSBA# 4927
Lawyer for Defendant

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5.3 EACH VIOLATION OF THIS JUDGMENT AND SENTENCE IS PUNISHABLE BY UP TO 60 DAYS OF CONFINEMENT. (RCW 9.94A.634(3)).

5.4 FIREARMS. You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. The clerk shall forward the defendant's driver's license, identicard, or comparable identification to the Department of licensing with the date of conviction. RCW 9.41.040,.04.

5.5 (X) SEX AND KIDNAPPING OFFENDER REGISTRATION. RCW 9A.44.130. IF applicable, requirements are attached in Appendix 5.5.

ROBERT L. ZAGELOW

Date: Aug 25 - 08

Robert L. ZageLOW
Judge of the Superior Court

Presented by:
Michelle M. Mulhern
MICHELLE M. MULHERN WSPA# 23185
Deputy Prosecuting Attorney

Approved as to form:
James E. Barrett
JAMES E. BARRETT WSPA# 4927
Lawyer for Defendant

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Defendant shall receive credit for 107 days served prior to this date.

() YOU, THE SHERIFF, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgement and Sentence.

(X) YOU, THE SHERIFF, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections; and

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

() The defendant is committed for up to thirty (30) days evaluation at Eastern State Hospital to determine amenability to sexual offender treatment.

() YOU, THE SHERIFF, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Social and Health Services.

() YOU, THE PROPER OFFICERS OF THE SECRETARY OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES, ARE COMMANDED to receive the defendant for evaluation as ordered in the Judgment and Sentence.

By Direction of the Honorable
ROBERT L. ZAGELOW

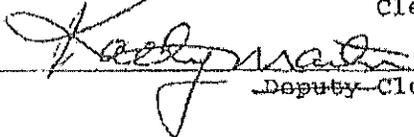
ROBERT L. ZAGELOW

Date: 8/25/08

Judge of the Superior Court

KATHY MARTIN

Clerk


Deputy Clerk

cc: Prosecuting Attorney
Attorney for Defendant
Defendant
Jail
Institutions (3)

AMENDED WARRANT OF COMMITMENT
(RCW 9.94A.120)
P. - 75

OFFICE OF THE PROSECUTING ATTORNEY
240 WEST ALDER, SUITE 201
WALLA WALLA, WA 99382-2807
PHONE (509) 624-6446

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FINGERPRINTS



Right Hand
Fingerprints of:

EARL OWEN FLIPPO

Dated: August 25, 2008

CERTIFICATE

Attested by:

By: [Signature]

OFFENDER IDENTIFICATION

I, _____,
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: _____

Clerk

By: _____
Deputy Clerk

S.I.D. No. WA14169783

Date of Birth: 03/25/69

Sex: M Race: W

PCN: 948191296/948191920

ORI _____

OCA _____

OIN _____

DOA _____

OFFICE OF THE PROSECUTING ATTORNEY

AMENDED JUDGEMENT AND SENTENCE (FELONY)
FINGERPRINTS (CrR7.3; RCW 9.94A.110,
.120(7), 10.64.110) p-14

240 WEST ALDEN, SUITE 201
WALLA WALLA, WA 99062-2807
PHONE (509) 624-5445

APPENDIX B

Mandate

March 16, 2010

PP

FILED

FILED
KATHY MARTIN
COUNTY CLERK

MAR 16 2010

2010 MAR 18 A 9:40

WALLA COUNTY
WASHINGTON
BY: *[Signature]*

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON

COURT OF APPEALS, DIVISION III, STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	
Respondent,)	MANDATE
)	
v.)	No. 27079-3-III
)	
EARL OWEN FLIPPO,)	Walla Walla County No. 07-1-00419-7
Appellant.)	

The State of Washington to: The Superior Court of the State of Washington,
in and for Walla Walla County

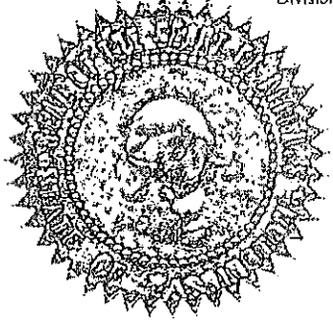
102

This is to certify that the Opinion of the Court of Appeals of the State of Washington, Division III, filed on September 29, 2009 became the decision terminating review of this court in the above-entitled case on March 12, 2010. The cause is mandated to the Superior Court from which the appeal was taken for further proceedings in accordance with the attached true copy of the Opinion.

There being no objection, costs in the amount of \$48.64 are awarded to the Walla Walla County Prosecuting Attorney office and \$4,242.09 awarded to the Office of Public Defense to be paid by Earl Owen Flippo. RAP 14.3

In testimony whereof, I have herunto set my hand and affixed the seal of said Court at Spokane, this 16th day of March, 2010.

[Signature]
Clerk of the Court of Appeals, State of Washington
Division III



cc: Earl Owen Flippo
Dennis W. Morgan
Michelle M. Mulhern
Teresa J. Chen
Hon. John W. Lohrmann
(Hon. Robert L. Zagelow's case)
Indeterminate Sentence Review Board
Department of Corrections

APPENDIX C

Application for Appointed Counsel

December 28, 2007

ED
MARTIN
CLERK

JUN 28 A 9 37

WALLA WALLA COUNTY
CLERK
Palmer

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

THE STATE OF WASHINGTON)

Plaintiff,)

-vs-)

Defendant,)

NO

671 004197
APPLICATION FOR APPOINTED COUNSEL

CHARGE _____

Address: 1101 Lilac Lane Union
(Number, Street, City, State & Zip Code)

Union WA 98901

Telephone: (509) 452-6604 Date of Birth: 03-27-69

Marital Status: Single _____ Married _____ Separated _____ Divorced X

Number of Dependents you financially support: Children one Other _____

Education Grade Completed 11

INCOME

Your Monthly Income \$ 0

Employer: myself

Employer's Telephone _____

Length of Employment _____

Income last 12 months: 0

Spouse's Monthly Income 0

Employer _____

Employer's Telephone _____

Length of Employment _____

Income last 12 months _____

TOTAL MONTHLY INCOME \$ _____

OTHER ASSETS

Checking Account 0 Savings Account 0

Automobile \$ _____ Real Estate \$ 0

MONTHLY EXPENDITURES

Rent/Mortgage: \$ 150

Utilities: 0

Car/Truck/Cycle Pick up 67

Doctor/Dentist: 0

Child Support: 0

Collection Agency: 10 much

Insurance: only 6 months

Attorney Fees: 0

Restitution: 0

Loans: _____

Other: _____

TOTAL EXPENDITURES \$ 500

UNDER PENALTIES OF PERJURY, I CERTIFY TO THE COURT THAT THE INFORMATION CONTAINED
IN THIS APPLICATION FOR APPOINTED COUNSEL IS TRUE, TO THE BEST OF MY KNOWLEDGE

Earl Thomas

(Signature of Defendant)

APPENDIX D

Selected Pages of the Defendant's Trial Testimony

March 5, 2008

1 A. I was married in 2001.

2 Q. And where did you live then?

3 A. I -- in Walla Walla.

4 Q. Did you work then?

5 A. Yes, I did.

6 Q. Where?

7 A. I was, in 2001 I was working for B M A C. I worked at the
8 Walla Walla Community College.

9 Q. Was she working at the time?

10 A. In 2001, I believe she had already got her CNA license, so
11 yes, she was working.

12 Q. Did you live here for the next two or three years?

13 A. Yes, we did.

14 Q. And did you still have jobs?

15 A. She did not.

16 Q. Did you?

17 A. Yes, I did.

18 Q. What did you do?

19 A. I went from the Walla Walla Community College, to the VA
20 hospital.

21 Q. What did you do there?

22 A. Both through the BMAC program, it was maintenance. I did
23 maintenance at the Walla Walla Community College and maintenance
24 for the VA hospital.

25 Q. You separated?

1 A. Yes. In 2003, yes.

2 Q. Why?

3 A. I was trying to finish college. She wouldn't quit the
4 drugs.

5 MS. MULHERN: Objection, Your Honor.

6 THE COURT: Just a second.

7 MS. MULHERN: Objection.

8 THE COURT: What basis?

9 MS. MULHERN: Relevance.

10 THE COURT: I'm going to overrule it. Go ahead.

11 A. When I met her she was on meth. She wouldn't get off the
12 meth.

13 MS. MULHERN: Objection, Your Honor.

14 THE COURT: I understand there will be a continuing
15 objection.

16 A. So we had problems and I just, I told her I couldn't take it
17 no more, and her and the kids packed up and left me in the house
18 on Wilbur, a five bedroom house that we were intending to buy.

19 Q. Where did she move to, do you know?

20 A. Back to Yakima. That's where she, that's where I met her.

21 Q. Okay. You guys got back together again at some point in
22 time; is that correct?

23 A. In 2005.

24 Q. Okay. In between that time you met Kandy; is that correct?

25 A. At the Walla Walla Community College, yes.

1 Q. Approximately when, or exactly when?

2 A. 2004.

3 Q. Okay. Did you then move in together?

4 A. No. No. I, what happened was I moved a camper in her
5 driveway to help her with the delapidated house.

6 Q. Someplace for her to live?

7 A. She was living in the house. I was living in the camper and
8 she was going through a divorce. Her husband took the kids, ran
9 to Spokane, so I helped her fight for her kids to come back
10 home. I fought CPS. DSHS was cutting her off from welfare so
11 she had no support. So I had to help her fight all these
12 people.

13 Q. Okay. Did you then, so you were living in the camper and
14 she was in the home?

15 A. Correct.

16 Q. Okay. Did you guys then move into some residence together?

17 A. We did.

18 Q. And where was that?

19 A. The mission put us up at a place on Maple Street.

20 Q. Okay. Were you working at that time?

21 A. I did, I was.

22 Q. Where?

23 A. A B C Taxi.

24 Q. Was that full-time, part-time?

25 A. It started out as just weekends and then it turned into a

1 full-time, seven nights a week, manager, full-fledged job.

2 Q. Was she working?

3 A. No. Kandy had problems, medical.

4 Q. How did you and Kandy get along?

5 A. Not very good.

6 Q. How did you get along with the kids?

7 A. I tried to keep them away from me. I told her at the very
8 beginning I was under allegations of child molestation from my
9 wife, my ex-wife in 2003. You know, I put my barrier up. I
10 didn't want, I couldn't trust another kid for as long as I
11 lived. I didn't want to be left alone.

12 Q. So when, approximately, did the allegations come down about
13 Katie is it?

14 A. Yes. In 2003 I, it was about 2004 is when I found out that
15 I was under investigation.

16 Q. Okay. And so but you're together with Kandy, correct?

17 A. As a friend, yes.

18 Q. Okay. Were you lovers?

19 A. No.

20 Q. Okay. But you did share a house together?

21 A. Yes, we did.

22 Q. Then Heather came back; is that correct?

23 A. Yeah. We first went and tried to stay with my brother
24 because after the mission kicked us out of the house over there
25 because he had a dog, I had no place to put him. Her and her

1 three kids in a camper was not suitable. You know, a camper
2 that slides on the back of a truck? I mean yes, it sleeps six,
3 but it's not suitable. So I tried my best thing I knew was to
4 go to my brother's house in Yakima.

5 Q. That's you and Kandy and the children?

6 A. Yes.

7 Q. How long were you there?

8 A. Approximately a couple months.

9 Q. Okay. And then what happened?

10 A. My brother kicked us out.

11 Q. Okay.

12 A. He couldn't handle her and her kids.

13 Q. Where did you go then?

14 A. We came back to Walla Walla. We stayed with my mom for a
15 little while. Kandy stayed back at the mission. Me and her
16 kind of separated. I was still working for A B C Taxi full-time
17 even when I was in Yakima. I would drive back here and work for
18 the taxi. We got a place on Willow from Harvey Henry because I
19 was working full-time for A B C Taxi.

20 Q. Then what happened? Did Heather come back or what?

21 A. That was in 2004, or 2005. Me and Heather started talking
22 about reconciling our marriage.

23 Q. Did you do that?

24 A. I did. I moved Kandy to another place that was owned by
25 Harvey Henry, and I moved Heather back.

APPENDIX E

Presentence Investigation

April 11, 2008

FILE
KATHY
COURT

FILED
MARTIN
CLERK

2

APR 3 2006

WALLA WALLA COUNTY
CLERK
[Signature]



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

PRE-SENTENCE INVESTIGATION

TO: The Honorable Judge Zagelow
Walla Walla County Superior Court
NAME: Flippo, Earl O.
ALIAS(ES):
CRIME(S): Child Molestation 1st Degree Counts I, II, III
DATE OF OFFENSE: Count 1: On or about March 1 and
30, 2006.
Count 2: On or about March 1 and
30, 2006
Count 3: On or about March 1 and
30, 2006.
Count 4: On or about March 1 and
30, 2006.
CHOOSE ONE ADDRESS: 300 West Alder, Walla
Walla, WA 99362

DATE OF REPORT: 4/3/08
DOC NUMBER: 958101
COUNTY: Walla Walla
CAUSE #: 07-1-00419-7
SENTENCING DATE: TBD

DEFENSE ATTORNEY: James Barrett

56

I. OFFICIAL VERSION OF OFFENSE:

On 1-22-07, College Place Police Department (CPPD) received documents from the Department of Social and Health Services (DSHS) concerning an alleged child molestation that occurred in College Place possibly two years ago. The first DSHS document, incident #1783092, reported that while at school JH (victim) had disclosed to another student that she had been molested by Earl Flippo. Later the student disclosed this information to Brenda Colbert, who then contacted DSHS.

The second document, sent the same date, was generated when the mother of JH, Kandy Homan contacted DSHS and advised that Earl Flippo had molested her two daughters during the month of March, 2006. She did not disclose this information due to the fact she was afraid of Mr. Flippo.

On 2-14-07, DSHS contacted Brenda Colbert. She told them that one of her foster children had come home from school and reported that JH had disclosed to her that Mr. Flippo had molested her. According to CPPD Detective Roger Maidment, he found out that the child had convinced JH to talk about the incident with a teacher at her school.

On 5-1-07 Detective Maidment contacted Kandy Homan at home and advised her that he needed to talk with her two children concerning the incident that happened in 2006. Kandy advised him that the girls had talked very little about the incident. Kandy said she was very afraid of Flippo and that he had a firearm that he kept in his truck. On 5-2-07 Kandy called Detective Maidment back and left a message that her two children were scared and she needed to be with them when they were being interviewed. On 5-22-07, Detective Maidment's took a statement from Kandy which entailed that the children did not want to be spoken to at school. She believed that this action would be mentally hard on them so she recommended that they be interviewed when school was out on June 14th.

On 6/15/07, Detective Maidment was advised by Kandy Homan that her two children were out of school and at that time she also had a 13 year-old son, QH. He asked Kandy what JH had told her. She told him that JH talked about Mr. Flippo touching and rubbing her crotch area. Detective Maidment asked Kandy if JH talked about penile penetration and she said "no," but Kandy was very vague and told him that JH did not like talking about the incident. He asked about TH (Kandy's other daughter). Kandy told Detective Maidment that TH stated to her mother that Flippo "got his head in." He asked Kandy what TH meant by this. She assumed Mr. Flippo penetrated TH with his penis. He then asked Kandy if TH had given her any additional details about this incident and she said "no." Kandy also told Detective Maidment that she stayed with Mr. Flippo for about three months, from December 2005 through March 2006. Kandy believed this molestation was occurring while she and Mr. Flippo's wife, Heather Flippo, were out of the house. Detective Maidment asked her if her son may have seen any of the assaults and she stated that she did not know. Detective Maidment reported that Kandy told him that she had accidentally had come in contact with Mr. Flippo approximately two months ago. She said that Mr. Flippo told her that he had split with Heather and she had moved to Yakima. Detective Maidment again asked Kandy about a black semi-automatic firearm. Kandy noted that he carried it on his person and/or would stow it in the seat pocket or behind the seat of his vehicle.

In Detective Maidment's report, he had stated he had set up an appointment with Kandy and her two children for Tuesday the 19th at 10:00 a.m. Detective Maidment also reported on this same date, he made a phone call to the Child Protective Services (CPS) office to talk to Brooke Sandoval. On this same date, Kandy called Detective Maidment back and told him that she talked with her son, QH, and asked him if he knew anything about the assaults. QH told her he did not witness any of the assaults; however, he did tell her Mr. Flippo did try to get him to come into the bedroom "and be like a man." He told Kandy that Heather's son, who was living with them, went into the bedroom with Mr. Flippo. QH told Kandy that he would not go into the bedroom with him.

Detective Maidment also made contact with Barbara Thatcher, who is a teacher at Green Park School, and stated that JH disclosed this information to her. Thatcher said JH told her while the other adults were away, Mr. Flippo confronted her in the kitchen. JH said Flippo took her into the bedroom and touched her privates. Thatcher said that JH did not go into much detail and did not want to talk about the incident.

Detective Maidment also stated he called DSHS and found that Heather Flippo had moved to Yakima. He made contact with Lydia (Heather's sister) and discovered that Mr. Flippo was living in the Yakima area. Detective Maidment advised her Mr. Flippo was being investigated by the CCPD. Heather had mentioned to him that she was wondering when she was going to hear back from CCPD regarding the investigation. She told Detective Maidment after Kandy and her children moved out, Mr. Flippo told Heather that Kandy had accused him of molesting her children, and it was not true. Detective Maidment advised Heather her son may have been molested by Mr. Flippo and she should also watch for signs. Heather mentioned to Detective Maidment her son did not like Mr. Flippo. Detective Maidment also was advised by Heather the two are filing for divorce and the papers were to be filed some time this week. He had also found none of the three children of Heather's are related to Mr. Flippo. Heather Flippo told Detective Maidment that Flippo had been accused of molesting her children and she had never heard the final outcome. He told Heather he would be contacting and talking with Walla Walla Police Department concerning her children's cases.

On the same date, Detective Maidment spoke with Detective Sandvig of the WWPD. Detective Sandvig told Detective Maidment that he believed there was no physical evidence to implicate Mr. Flippo with Heather's children. Detective Sandvig said one of Heather's oldest girls had flip-flopped on her statement. Heather had earlier told Detective Maidment her oldest daughter had filed a false police report against Flippo for Child Molestation.

On 6/19/07, Detective Maidment met with Kandy and her three children at the DSHS Office in Walla Walla. Sandoval interviewed JH and TH while Detective Maidment interviewed QII. Sandoval used a digital recorder while interviewing both of the girls. After the interviews, Sandoval informed Detective Maidment that both girls disclosed to her details of Mr. Flippo molesting them. Detective Maidment stated that he spoke with QH in a private room while at the CPS Office. QII told Detective Maidment that Mr. Flippo never touched him, but he did talk to him about one incident where he tried to get him into the bedroom to "mess with him." QH said that Mr. Flippo was asking him if he wanted to be a man. He believed that he wanted to do something sexual to him. QH said that he would not go into Mr. Flippo's room. QH disclosed that one time Mr. Flippo was angry at his mother and placed a gun into her mouth. QH said that when he saw him watching, he asked QII "what was he looking at". Detective Maidment asked QH about the gun the Flippo had, QII described it as a semi-automatic pistol.

Detective Maidment stated later he listened to the recording between Sandoval and TH. When TH was asked why she was there, she told Sandoval "for child abuse." Sandoval asked TH what child abuse meant to her. TH said that it means that a man named Earl

raped her. She then identified Earl as Earl Flippo. She stated Mr. Flippo lived with the family for about a year. Sandoval asked TH what "rape" meant and what did Flippo do to her. She stated that when her mother and Flippo's wife were gone, Flippo took "them" into the bedroom and raped her. She said she did not feel comfortable about it and told him to stop. TH said he did not stop and did it with her sister. TH said that she did not call the police because she was afraid. She added that Mr. Flippo told them that if they told, he would hurt them. Sandoval asked TH where this happened at and she said in College Place. She identified the house as being blue in color. TH described the location of Mr. Flippo's bedroom in the residence and said there were guns. When asked if they were rifles or handguns, TH said handguns. TH added that Flippo also had a knife. TH then disclosed that one time Mr. Flippo and her mother were having an argument and he placed a gun in her mouth. She said she was watching through a vent and added this happened a few times. She said that after this happened, her mother called her grandmother, who came and picked them up.

According to CPS's report, Sandoval asked TH what "raping" is. TH described "raping" as like having sex. She asked TH if she had her clothing off when this happened, and she said "off." TH was asked if she had her underwear off and she said they were around her ankles. Sandoval asked TH if Mr. Flippo touched her with any parts of his body and was told "yes" and called his lower part a "dick." This touching occurred "on her private part". Sandoval asked "front or back" and TH said "front." She asked TH what he did with her and she said that she could not remember. She noted he had his shirt on and his pants were around his ankles. She described his lower part as a "thick stick." Sandoval asked if he put his "dick" anywhere on her. TH stated he put "it" in her lower part. She asked TH if Mr. Flippo said anything when this was happening. She stated he told her if she said anything he was going to hurt her. Sandoval asked TH how many times he touched her with his lower part, TH stated "two or three times." She asked TH if her sister was in the room when this happened and she said "no." Sandoval asked TH if it ever hurt when Flippo touched her in her lower part, and she said "yes." She asked TH if he ever tried to put his "dick" inside of her and she said "yes." Sandoval asked if it went inside of her and TH said "his head." She was asked if she bled, and she said "no". She was asked if anything came out of his penis and she said "no." TH was asked if this happened in the same house, and she said "yes." Sandoval asked her when this happens how long did it last and TH stated "about 15 minutes". She was asked if Flippo took any pictures and she said "no."

Detective Maidment also reported he listened to the recordings between Sandoval and JH. JH stated she is 10 years old. She asked JH if she knew why she was there that day. JH said "yes, because Earl raped her". JH was asked what Earl's last name was and she said "Flippo." Sandoval asked JH what she meant by "rape". JH said "he touched my private parts." She was asked where her private parts were and she said, between her legs and on her chest. Sandoval asked her what he had touched her with and she said with his hands. Sandoval asked JH what did Flippo touch her lower part with, and she said that she did not know and did not remember. She was asked what he touched her upper body with and she said he just rubbed them. JH was asked if he rubbed her with any other part of his body and she said "no." Sandoval asked JH if she had her clothes off or on and she

said "on." Sandoval asked if she or Flippo took off her clothes and JH said "she did." JH was asked and confirmed that Flippo had asked her to take her clothing off. She was asked if her clothes were on when he touched her between the legs and she said "off." Sandoval asked her if her underwear was on or off and JH said "on". JH was asked how many times this happened and she said "about 10 times." She was asked if her mom was home when this happened and she said "no." JH said her sister and brother were home when the incidents happened. Sandoval asked if anyone saw what happened to her and she said "no." She was asked if she told anyone and was told she was afraid because "he" (being Flippo) told her if she told anyone about this, he would "kill her." She was asked where the contact took place and responded by stating "in his bedroom" and "on his bed" She was asked if Flippo made her touch anywhere on his body and she said "no." She talked about the gun incident but did not witness it. Sandoval asked if she ever saw any of Flippo's privates and she said "no."

On 7/09/07, Heather Flippo called Detective Maidment and advised him that Mr. Flippo may be leaving the Walla Walla area on the 13th or 16th of this month to an undisclosed location. She did mention that she had filed a Threats complaint against him with the Union Gap Police Department. Furthermore, Mr. Flippo was upset with her and threatened to kill her and her children. On 7/09/07, Detective Maidment contacted the Yakima County Department of Corrections and found that Mr. Flippo had been arrested on that date for telephone harassment. On 7/12/07, he made contact with the Yakima County Sheriff's Office requesting an interview along with a copy of the report. On 8/06/07, Detective Maidment received a phone message from Detective Levesque, Union Gap Police Department, and Detective Klem, Walla Walla Police Department. On this same date, Detective Maidment contacted Detective Levesque and found that Heather Flippo's son, BM, had disclosed that Mr. Flippo had molested him and that BM was now living with his biological father, Mathew Simms in the Union Gap area. Detective Levesque advised Detective Maidment that he had interviewed BM and he disclosed that Flippo had anally raped him when he lived in College Place.

On 8/06/07, Detective Maidment made contact with Detective Klem and found that he had received new information from Detective Levesque concerning a possible secondary victim that lived in Walla Walla. On 8/08/07,

Also on 8/15/07, Detective Maidment called and spoke with WWPd Detective Klem. The Detective was given information that there may have been other alleged molestations between QH and Flippo at 315 N Roosevelt sometime between October 2005 and March 2006. BM had stated, in his interview with the Union Gap Police Department, when he was at the address in Walla Walla, an incident between QH and Flippo occurred. Detective Klem told Detective Maidment he interviewed QH concerning the alleged incident and QH reported that he had been at the address a few times but nothing happened (Walla Walla Police Case #2007-12643).

On 8/15/07, Debbie Franklin, with CPS in Yakima, called and left a message concerning BM. Franklin advised Detective Maidment that she went to Simms' address for a CPS follow-up. Franklin stated "Simms is living with his mother and the home appeared to

have a much better environment than Heather had at her address". Franklin was going to establish a safety plan for Simms in case Heather attempted to take BM and may again establish a relationship with Filippo.

These are final findings found by Detective Maidment with the College Place Police Department:

QH, when interviewed, did not disclose having sexual contact with Mr. Flippo; however, he did have an incident where Mr. Flippo attempted to lure him into a bedroom to "become a man." TH disclosed to CPS worker Sandoval that Mr. Flippo did penetrate her vagina using his penis. JH did disclose to CPS worker Sandoval that Mr. Flippo touched her private parts with his hands more than once. BF did disclose to Detective Levesque, Union Gap Police Department, that Mr. Flippo had penetrated his anus with his penis. All of these incidents occurred when Kandy moved in with Mr. Flippo and Heather when they lived on SE 12th in College Place."

I had attempted to contact Mr. Flippo's fourth victim; however, I was unsuccessful in my attempts to reach her.

II. VICTIM CONCERNS:

On 4/4/08, TH and JH were interviewed. JH is now 11 and TH is nine. Also present was the children's mother, Kandy Homan, and QH (14). When asked about the incidences with Earl Flippo, both girls stated they were young and thought of Earl as a father figure and did not think what he did to them was wrong. I asked Kandy if the children have experienced any behavioral problems. She indicated that all three children's attitudes have gotten worse, i.e. not listening and counseling is in the works in the near future. The girls have experienced problems at school that consist of behavior reports from their teachers and fights/arguments amongst their peers. Kandy also noted her kids have experienced the loss of friendships and lack of making new friends.

TH and JH reported they are experiencing post trauma symptoms such as nightmares that include Earl Flippo chasing them and attempting to "rape and kill" them. Kandy also reported her children are experiencing sever temper tantrums and bed-wetting on a regular basis. JH and TH stated they are afraid that Earl Flippo will eventually get out of jail and will come after their mother and "kill them and their brother" for telling on him. All three children witnessed domestic abuse by Mr. Flippo with their mother. I asked what they witnessed, and was told that he would yell at her. They also remembered one occasion where he got out his gun and put it in her mouth. The children reported they witnessed this through vent and this happened a few times. There was also lots of yelling and verbal abuse on a daily basis. JH (the oldest daughter) disclosed she remembers him smoking marijuana in front of them and recalled incidences where he asked her if she wanted some. She stated "no," but remembers him opening her mouth and blowing marijuana smoke into it on numerous occasions.

The family stated that Earl Flippo had an old truck and motorcycle. They frequently see other vehicles, that resemble the old vehicle that he used to drive, and it brings back haunting memories as well as worrying about him escaping from jail/prison.

The girls did not give much detail about the abuse; however, they but did state they were both never together when the abuse took place. This abuse always happened in separate rooms. The girls also remembered Mr. Flippo telling them that it was ok to be scared, and he would hurt them. They trusted him; however they eventually disclosed what he had happened to them.

I asked the family if they were the Judge what kind of sentence would you impose. They immediately responded, "life with out the possibility of parole and throw away the key." They also noted he will never be forgiven for what he has done, but will always be forgotten. The family also stated that treatment will never ever help him. The only thing that will help is a "needle in the arm, and having him never, ever waking up."

III. DEFENDANT'S STATEMENT REGARDING OFFENSE:

On 4/4/08, I interviewed Earl Flippo at the Walla Walla County Jail. I explained the Pre-Sentence Investigation process and told him I wanted to hear his version of the charges that had been brought against him. Mr. Flippo started by saying that he was "fucking rail roaded" into this whole mess by his ex-wives because they wanted to seek revenge against him due to his troubled past they claim to have had with him.

He reported that he has been married three times and every one of his marriages have been a "flop" and "fucked up" his life. I then asked him why he thought these allegations were being brought forth. He replied that it was a "revence" thing because his exe's hated him. Furthermore, he stated, "I am a good person, I cannot believe the corruptive Courts of Walla Walla are sending an innocent man to prison." Mr. Flippo denied having any sexual contact with any minors and quickly stated I am not a "predator".

Mr. Flippo was asked about Kandy Homan and her children. He stated he was a father figure to her children and again denied any sexual contact with victims JH, TH, and QH. He reported the kids would call him "daddy" and stated he would correct them and inform them that he was not there "daddy." He stated the only reason Kandy would say these awful things were because she was pissed off at him for walking out on her and the kids. He self reported the kids were devistated and heart broken that he left Kandy. He then proceeded to inform me that these allegations were only "alleged" and all victims were tainted and coaxed into telling blaintant lies to the police and Court.

During the interview, he continued to deny any sexual contact with the children including his ex-wife Heather Flippo's son, BM. He stated they (Kandy and Heather) placed a target on his back and again were seeking "revence." He noted he gave the world to those two old ladies and there children and now they have gotten what they wanted. Mr. Flippo stated that they are sending an innocent man to prison for a crime that he did not commit.

Mr. Flippo again claimed he was an innocent man and the "crooked town" of Walla Walla is only out to get him and send him away to prison. He wanted the Court to know that he was getting "fucked in the ass" by a bunch of "fucking pricks." Furthermore, he has taken several criminal justice classes and knows how the system works and what the Court has done is absolutely wrong. Again he stated that sending him to prison is a waste

of the tax payers money as he has chronic cancer and health problems and "I guess I am going to 'die' in prison.

In conclusion, Mr. Flippo stated that Judge Zagelow does not give a "shit" about anyone especially "me" and "that man" (Judge Zagelow) has "fried and fucked" me over. Mr. Flippo then stated, "have mercy on Judge Zagelow's soul as he is sending an innocent man to prison for alleged crimes that an innocent man did not commit".

IV. CRIMINAL HISTORY:

SOURCES:

1. NCIC/WACIC, WATCH, DISCIS and SCOMIS

<u>Juvenile</u>	
<u>Misdemeanor:</u>	
Date of Offense:	10/15/87
Crime:	Minor Possession and/or Consumption
County / Cause No.:	Benton County / J04945372
Date of Sentence:	Unknown
Disposition:	Guilty
	Score / Wash

<u>Adult Felony:</u>	
Date of Offense:	7/3/89
Crime:	Assault 3 rd Degree
County / Cause No.:	Benton County / 891992900
Date of Sentence:	10/27/89
Disposition:	60 Days Jail
	Score / Wash

<u>Misdemeanor(s):</u>	
Date of Offense:	10/8/88
Crime:	Driving While Under the Influence of Alcohol
County / Cause No.:	Benton County /
Date of Sentence:	Unknown
Disposition:	Guilty
	Score / Wash

<u>Misdemeanor(s):</u>	
Date of Offense:	4/26/91
Crime:	Driving While License Suspended (DWLS)
County / Cause No.:	Yakima County / C0020225
Date of Sentence:	Unknown
Disposition:	Guilty
	Score / Wash

<u>Misdemeanor(s):</u>	
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Date of Offense:	12/08/91	
Crime:	DWLS 3 rd Degree	
County / Cause No.:	Benton County / R0065016	
Date of Sentence:	Unknown	
Disposition:	Guilty	Score / Wash

Misdemeanor(s):		
Date of Offense:	3/11/96	
Crime:	DWLS 3 rd Degree	
County / Cause No.:	Yakima County / 81116	
Date of Sentence:	Unknown	
Disposition:	Guilty	Score / Wash

Misdemeanor(s):		
Date of Offense:	4/19/96	
Crime:	No Valid Operators License	
County / Cause No.:	Yakima County / D00082855	
Date of Sentence:	Unknown	
Disposition:	Guilty	Score / Wash

Misdemeanor(s):		
Date of Offense:	12/22/07	
Crime:	Possession of a Dangerous Weapon	
County / Cause No.:	Yakima County / 34846	
Date of Sentence:	Pending	
Disposition:	Pending	Score / Wash

V. SCORING:				
	SERIOUSNESS LEVEL	OFFENDER SCORE	STANDARD RANGE	
Count I	X	10	From 149	to 198 Months
Count II	X	10	From 149	to 198 Months
Count III	X	10	From 149	to 198 Months
Count IV	X	10	From 149	to 198 Months

VII. COMMUNITY CUSTODY BOARD(If applicable):				
	SERIOUSNESS LEVEL	OFFENDER SCORE	SENTENCE RANGE	
Count I	X	10	Min 149	to LIFE Max
Count II	X	10	Min 149	to LIFE Max
Count III	X	10	Min 149	to LIFE Max
Count IV	X	10	Min 149	to LIFE Max

VIII. RISK / NEEDS ASSESSMENT:

A risk/needs assessment interview was completed with the offender. The following risk/needs area (s) and strengths have implications for potential risk, supervision, and interventions. Unless otherwise noted, following information was provided by the offender and has not yet been verified.

Earl Flippo, on 4/4/08, participated in providing information for the risk assessment interview. The Department of Corrections utilizes the Level of Service Inventory – Revised to assess risk. Flippo, according to the risk assessment tool, poses a High level of risk to re-offend with an LSI score of 44 (76.0%).

Criminal History (Including RM Level Information):

Earl Flippo is an adult male being sentence for Count 1: Child Molestation in the First Degree, Count 2: Child Molestation in the First Degree. Count 3: Child Molestation in the First Degree, Count 4: Child Molestation in the First Degree. He was found guilty by jury trial and is now awaiting sentencing. He is in denial as to having sexual contact with any minors.

He has an extensive criminal past that includes a broad range of Misdemeanors and one felony conviction, on 7/3/98, for Assault in the 3rd degree. This charge had been plead down from Assault in the 2nd degree. His criminal history includes failing to obey law by operating a Motor Vehicle Without a Valid License and he currently has a pending Misdemeanor charge for Possession of a Deadly Weapon out of Union Gap, WA.

Education / Employment:

Mr. Flippo is currently unemployed as he confined at the Walla Walla County Jail. Prior to his legal issues, he claims to have owned his own lawn care business in the Walla Walla area for approximately ten years.

He also stated he attended Walla Walla High School up until the 11th grade before dropping out. He reported he dropped out of school because he sought no interest in school work. He later completed his GED while attending Walla Walla Community College in 2004.

Financial:

Mr. Flippo self reported, prior to his legal issues that he relied upon social assistance in the form of food stamps and medical coupons. He also noted he had financial debt that lead to hardship with credit collection agencies. He stated while in jail, it had been a financial burden on his family as he had no means of support.

Family / Marital:

Mr. Flippo self reported he has been married three times, first wife Candy Fall; second wife Donelle Quantrelle; and his third wife was Heather Mangini. After each marriage, he claims it lead to financial hardship, he has one biological child (BM - age 13) with his third wife, Heather Mangini who resides in Yakima, WA. He pays \$25.00 a month in child support.

He stated he did not know his father as he passed away when he was young. He claims to have a good relationship with his mother, Vicki Bore, who resides in Milton Freewater, OR. He has two brothers and one sister: Jim Flippo (49), George Flippo (41) and Tracy Lansden (45). He noted that neither of his family members have criminal backgrounds.

Accommodation:

Mr. Flippo reported that prior to his legal issues, he was living at 1901 Lilac Lane in Union Gap, WA., and plans on returning to this address upon release from confinement. He denied living in towns or neighborhoods that are high crime areas but was never in one place for a long period of time. Mr. Flippo stated his moves created hardships on his family.

Leisure / Recreation:

Mr. Flippo reported that in his leisure time he likes to camp, fish and work on automobiles and motorcycles. He attended church on the weekends

Companions:

Mr. Flippo self reported he hangs out with a number of different people including some with criminal backgrounds, past drug users and people of good faith. He noted that he is trying to turn his life around but there are so many people out there trying to "rail road him and fucking up" his way of life. Flippo reported, at times, he felt that he has had the absence of pro-social friends due to all of the "bullshit" that has been going on in his life lately. Many of his friends look at him differently now that he is locked up in jail pending some "bullshit crime".

Alcohol / Drug Use:

Mr. Flippo disclosed that he has used marijuana since an early age to help with pain and suffering due to his reported cancer tumors. He reported he has been diagnosed with terminal cancer and due to this, he reported daily use of marijuana. At the age of 17 he was an avid user of cocaine for two years and trying hallucinogens at 18. At the age of 19 he reported experimenting with LSD a couple of times; however, he "tripped out" and stopped using it. He claims he has never been addicted to drugs, but I beg to differ with him when he reported using marijuana, daily, for pain and suffering due to reportedly having cancer. He has never attended treatment or counseling. He stated that in the last 12 months his drug use has not caused any problems with law violations, family and/or work.

During an interview, conducted on 4/4/08, two of Mr. Flippo's victims reported that on numerous occasions he would roll, light, smoke and blow marijuana smoke into their faces. They also reported that he would say to them, "It is OK, no one will find out about this."

Emotional / Personal:

Mr. Flippo reported that these whole Court proceedings and conviction have turned his life upside down. He stated his stress level has gone through roof and does not know if he

will ever see the light of day again. Furthermore, Judge Zagelow is sending an innocent man to prison for a crime that he did not commit, and he does not know how this man can sleep at night.

Attitude / Orientation:

During this interview, his attitude towards the Court and the Department of Corrections was very poor. Additionally, the Court is trying to place an innocent man in prison for crimes that he did not commit. The children, who claim to be molested, are being coerced by their mother's to hang and rail road him into something he did not do. He then stated, "I am not a predator; I am a good fucking person and a law adding citizen who is just getting fucked by the system. Have mercy on Judge Zagelow's soul when he is placed into the ground. Zagelow is nothing but a "crooked mother fucker."

IX. CONCLUSIONS:

Mr. Flippo is before the Court for serious offenses that involve multiple minor aged victims occurring over a long period of time. He does not appear to fully comprehend the consequences his behavior/actions have had on others, and in fact, Mr. Flippo views himself as a "victim" and being wrongfully accused. He refers to his victims as "friends" and to himself as a "father figure." In his own words he stated, "I am a good guy and never in my wildest dreams did I think of myself as a predator." Mr. Flippo is down playing the allegations of child molestation and stresses that his ex-wife's are only seeking revenge.

X. SENTENCE OPTIONS:

- Confinement within the Standard Range Sentence
- Work Ethic Program
- Exceptional Sentence
- First-time Offender Waiver (FTOW)
- Drug Offender Sentencing Alternative (DOSA)
- Special Sex Offender Sentencing Alternative (SSOSA)
- Mentally Ill Offender Sentencing Option (MIOSO)
- Community Custody Board (CCB) RCW 9.94A.712

XI. RECOMMENDATIONS:

According to the Department of Corrections risk assessment tool(s), Mr. Flippo presents a high risk to re-offend. Considering the available information from police reports, victim interviews, and the Level of Service Inventory - Revised Risk Assessment Tool, it is recommended that he be sentenced to the high end of the Standard Range of Confinement. Mr. Flippo views himself as a victim and does not grasp the impact and severity his actions have created for his victims. Furthermore, he takes no responsibility for his actions and has shown no remorse or empathy for the victims.

Sentence Type / Option: Confinement within the Standard Range Sentence

Confinement: 198 months

Community Custody Board: Period of time the person is released from total confinement before the expiration of the maximum sentence.

Supervision Type & Duration: Community Custody Board

Conditions of Supervision: (See attached Appendix F Community Supervision (DOC 09-130))

XII. MONETARY OBLIGATIONS:

Restitution:	TBD	Court Costs:	TBD	Other:	TBD
Victim Penalty:	\$500	Attorney Fees:	\$750		
Drug Fund:	TBD	Fine:	TBD		

Submitted By:

Approved By:

CJ Jones
 Craig Jones
 Community Corrections Officer 2
 401 W. Main, Suite C
 Walla Walla WA 99362
 (509) 527 - 4449

4/11/08
 Date

BB
 Ben Brink
 Community Corrections Supervisor
 401 W. Main, Suite C
 Walla Walla WA 99362
 (509) 527 - 4449

4/11/08
 Date

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Please accept the attached supplemental State's Brief of Respondent for filing.

Teresa Chen
Deputy Prosecuting Attorney
Franklin County Prosecutor's Office
1016 N 4th Ave.
Pasco, WA 99301
Phone: 509-545-3543
Fax: 509-545-2135

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