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Court of Appeals

Division III

State of Washington

34018-0-III

COURT OF APPEALS

DIVISION III

OF THE STATE OF WASHINGTON

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IN RE PERSONAL RESTRAINT PETITION OF:

EDDIE D. ARNOLD,

Petitioner.

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**RESPONSE TO PERSONAL RESTRAINT PETITION**

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## **I. AUTHORITY FOR RESTRAINT OF PETITIONER**

Defendant/Petitioner, Eddie Arnold, is currently incarcerated in the Stafford Creek Corrections Center, in Aberdeen, Washington, following his 2015 convictions in Spokane County Superior Court for Failure to Register as a Sex Offender and Trafficking in Stolen Property Second Degree.

## **II. STATEMENT OF THE CASE**

On May 3, 1988, the defendant was charged in Chelan County, Washington, with statutory rape in the second degree, in violation of RCW 9A.44.080(1). Attachment A (1988 Information, Statement on Plea of Guilty, and Judgment and Sentence). The defendant was charged with statutory rape after he engaged in sexual intercourse with a twelve year old, who was not his spouse. *Id.* At the time of the rape, the defendant was 28 years old. *Id.* The defendant pled guilty as charged and was sentenced on August 2, 1988 to a high-end, standard range sentence of 41 months. *Id.* He received 96 days credit for time already served. *Id.* The defendant was released from prison on August 13, 1990, and was under the supervision of the Department of Corrections from that date until March 20, 1992. Attachment B (Offender Movement History).

Between the date of his release from supervision on the rape charge in 1992, and the current date, the defendant was convicted of

12 felonies (not including the current case, or its companion trafficking in stolen property charge). Attachment C (Prosecutor's Understanding of Defendant's Criminal History). Of those 12 felony convictions, five were convictions for failing to register as a sex offender, with offense dates in 2000, 2003 (two convictions), 2004 and 2007. *Id.*

On October 11, 2013, the State again charged the defendant with failing to register as a sex offender, alleging that between May 2013 and October 2013, the defendant failed to comply with the registration requirements of RCW 9A.44.130. Attachment D (2013 Failure to Register Information, Statement on Plea of Guilty, and Judgment and Sentence). The defendant was also charged with first degree trafficking in stolen property. Attachment E (2013 Trafficking in Stolen Property Information, Amended Information, Statement on Plea of Guilty, and Judgment and Sentence).

The defendant pled guilty as charged to failure to register as a sex offender, in exchange for the State's agreement to amend the trafficking in stolen property first degree to trafficking in stolen property second degree. Pursuant to this negotiated agreement, a joint recommendation of 51 months was requested on each charge, to be served concurrently. Attachment D and E. At the sentencing hearing on June 4, 2015, the court followed the jointly requested sentencing recommendation and imposed

51 months of incarceration, along with other conditions. Attachment D and E.

On June 17, 2015, the Spokane County Sheriff's Office sent the defendant a letter indicating that he was no longer required to register as a sex offender pursuant to *State v. Taylor*.<sup>1</sup> Attachment F. The defendant then moved to withdraw his guilty plea, alleging that he was unaware of *State v. Taylor*. Pet. at 3. The trial court, finding that the defendant did not make a substantial showing of entitlement to relief, then transferred the matter to this court pursuant to CrR 7.8 for its consideration as a personal restraint petition. Order Transferring Case to Court of Appeals (1/14/16).

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

Except as set forth above, Respondent denies all other allegations.

### **IV. ARGUMENT**

A personal restraint petition is not a substitute for direct appeal and availability of collateral relief is limited. *In re Pers. Restraint of St. Pierre*, 118 Wn.2d 321, 328–29, 823 P.2d 492 (1992). In order to successfully argue a claim on a personal restraint petition, a petitioner must demonstrate by a preponderance of the evidence either a constitutional error that worked to his actual and substantial prejudice, or a nonconstitutional error that constitutes a fundamental defect inherently

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<sup>1</sup> *State v. Taylor*, 162 Wn. App. 791, 259 P.3d 289 (Div. I 2011).

resulting in a complete miscarriage of justice. *Id.* at 328. A petitioner must support his claim with facts or evidence of unlawful restraint, and not merely conclusory allegations. *See In re Pers. Restraint of Cook*, 114 Wn.2d 802, 813, 792 P.2d 506 (1990). And, “a petitioner must show that more likely than not he was prejudiced by the error.” *State v. Brune*, 45 Wn. App. 354, 363, 725 P.2d 454 (1986).

Where a motion to withdraw a guilty plea is made in superior court by way of a CrR 7.8 motion, a defendant is required to provide the court with a statement of grounds on which the defendant seeks relief, supported by affidavits setting forth a concise statement of the facts or errors upon which the motion is based. CrR 7.8(c)(1). The Superior Court must transfer a post-conviction motion to the Court of Appeals for consideration as a personal restraint petition unless the court determines that the motion is not time barred and either the defendant has made a substantial showing of merit, or a factual hearing is required to decide the motion. CrR 7.8(c)(2); *see also, In Re Pers. Restraint of Ruiz-Sanabria*, 184 Wn.2d 632, 362 P.3d 758 (2015).

Once a CrR 7.8 motion is transferred to the Court of Appeals, “the motion becomes subject to more rigorous pleading standards applicable to personal restraint petitions, as set forth in RAP 16.7.” *In Re Ruiz-Sanabria*, 362 P.3d at 761. The petitioner must identify “the evidence

available to support the factual allegations and why the petitioner is entitled to collateral relief for one or more reasons listed in RAP 16.4(c).”<sup>2</sup> RAP 16.7(a)(2)(i).

Defendant claims that his 2015 conviction for failure to register as a sex offender was the result of an invalid plea and that he should be allowed to withdraw his plea to correct a “manifest injustice.” These claims are based on the assertion that *State v. Taylor* applies to his case.

Defendant has not challenged any of his previous convictions for Failure to Register as a Sex Offender, nor has he challenged the sentence

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<sup>2</sup> The rule provides that restraint must be unlawful for one or more of the following reasons:

- (1) The decision in a civil or criminal proceeding was entered without jurisdiction over the person of the petitioner or the subject matter; or
- (2) The conviction was obtained or the sentence or other order entered in a criminal proceeding or civil proceeding instituted by the state or local government was imposed or entered in violation of the Constitution of the United States or the Constitution or laws of the State of Washington; or
- (3) Material facts exist which have not been previously presented and heard, which in the interest of justice require vacation of the conviction, sentence, or other order entered in a criminal proceeding or civil proceeding instituted by the state or local government; or
- (4) There has been a significant change in the law, whether substantive or procedural, which is material to the conviction, sentence, or other order entered in a criminal proceeding or civil proceeding instituted by the state or local government, and sufficient reasons exist to require retroactive application of the changed legal standard; or
- (5) Other grounds exist for a collateral attack upon a judgment in a criminal proceeding or civil proceeding instituted by the state or local government; or
- (6) The conditions or manner of the restraint of petitioner are in violation of the Constitution of the United States or the Constitution or laws of the State of Washington; or
- (7) Other grounds exist to challenge the legality of the restraint of petitioner.

RAP 16.4(c).

imposed on his 2015 conviction for Trafficking in Stolen Property Second Degree.

As discussed below, *State v. Taylor* was incorrectly decided, and this court should decline to apply it to the petitioner's case.

**A. PETITIONER SHOULD NOT BE PERMITTED TO WITHDRAW HIS GUILTY PLEA BECAUSE *STATE v. TAYLOR* WAS INCORRECTLY DECIDED.**

In 2011, Division I decided *State v. Taylor*, holding that Statutory Rape in the Third Degree (former RCW 9A.44.090 (1979)) "is" not a "sex offense" within the meaning of RCW 9.94A.030. In 2015, Division II decided *In Re Pers. Restraint Wheeler*, 188 Wn. App. 613, 354 P.3d 950, and permitted Mr. Wheeler to withdraw his 1999 guilty plea for failure to register as a sex offender, an offense predicated on his 1985 conviction for third degree statutory rape. In that case, the court found Mr. Wheeler's plea to be invalid on its face based upon the decision in *State v. Taylor*.

With all due respect to the *Taylor* and *Wheeler* courts, these decisions were predicated upon a misinterpretation of the law, and were incorrectly decided.

History of RCW 9A.44 and RCW 9.94A.030

In 1967, the Legislature directed the Legislative Council to propose a new penal code; in following its directive, the Council relied heavily on the Model Penal Code and revised codes from other states. 13A Washington Practice, Criminal Law § 102 (2015). The final result of the Council's efforts was a new criminal code, Title 9A, that was enacted in 1975. Laws of 1975, 1<sup>st</sup> Ex. Sess., ch. 260. The new code's effective date was July 1, 1976. Laws of 1975, 1<sup>st</sup> Ex. Sess., ch. 260, § 9A.04.010 ("This title shall be known and may be cited as the Washington Criminal Code and shall become effective July 1, 1976.")

Subsequently, in 1981, the Legislature passed the Sentencing Reform Act, RCW 9.94A, to ensure that the criminal justice system was accountable to the public by developing a system which structured discretionary decisions affecting sentences. 13 Washington Practice, Criminal Practice and Procedure § 4804. The effective date of the SRA was July 1, 1984, and only applied to offenses committed after that date. *See, In Re Pers. Restraint Blair*, 38 Wn. App. 670, 672-673, 688 P.2d 532 (1984), *disapproved of by Addleman v. Bd. of Prison Terms and Paroles*, 107 Wn.2d 503, 730 P.2d 1327 (1986) (holding that Board of Prison Terms should consider SRA sentence ranges in making decisions on

duration of confinement, although the SRA did not apply to persons convicted and sentenced prior to the effective date of the SRA).

*History of RCW 9A.44, the Statutory Rape and Child Rape Laws*

Before the 1975 adoption of the new criminal code under Title 9A, the crimes of statutory rape were codified in former RCW 9.79.200 (First Degree), former RCW 9.79.210 (Second Degree), and former RCW 9.79.220. Those charges were recodified in Title 9A in 1975 and became effective on July 1, 1976. Former RCW 9A.44.070 - .090 (1975).<sup>3</sup> The statutes were later amended in 1979. Laws of 1979, Ex. Sess., ch. 244, §§ 4-6. Specifically, former RCW 9A.44.080 (1979), second degree statutory rape provided:

(1) A person over sixteen years of age is guilty of statutory rape in the second degree when such person engages in sexual intercourse with another person, not married to the perpetrator, who is eleven years of age or older but less than fourteen years old.

(2) Statutory rape in the second degree is a class B felony.

The crimes of statutory rape first, second and third degree were defined as “sex offenses” under the then-existing criminal code. Former

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<sup>3</sup> The elements of former RCW 9.79.210 did not change when the crime was recodified as RCW 9A.44.080 in 1975. See Former RCW 9.79.210 (1975); Former RCW 9A.44.080 (1979).

RCW 9.94A.030(23) (1987).<sup>4</sup> In 1987,<sup>5</sup> offenders charged under the final versions of these statutes before recodification were eligible for a special sexual offender sentencing alternative, just as defendants may be eligible for such an alternative program under the current versions of the statutes. *See* Former RCW 9.94A.120 (1987).

In 1988, however, the legislature “repealed” former RCW 9A.44.070 - .090 and enacted RCW 9A.44.073, 9A.44.076 and 9A.44.079, Washington’s child rape statutes. Laws of 1988, ch. 145, § 24.<sup>6</sup> The legislature described this change as a “renaming” of the

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<sup>4</sup> “Sex offense” means:

- (a) A felony that *is a violation* of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or
- (b) Any federal or out-of-state conviction for an offense that under the law of this state would be a felony classified as a sex offense under (a) of this subsection.

Former RCW 9.94A.040(23) (1987) (emphasis added).

<sup>5</sup> The year 1987 is used here because the first amendments that the *Taylor* court relied upon to exclude former RCW 9A.44.070 - .090 from the definition of “sex offense” became effective in July 1988, when those statutes were recodified as the child rape statutes.

<sup>6</sup> The 1988 version of rape of a child in the second degree provided:

- (1) A person is guilty of rape of a child in the second degree when the person has sexual intercourse with another who is at least twelve years old, but less than fourteen years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim.

offenses. 1988 FINAL LEGISLATIVE REPORT, 50<sup>th</sup> Wash. Leg., at 24-25. Our Supreme Court described the changes to the statutory rape provisions as a “recodification.” *See State v. Markle*, 118 Wn.2d 424, 430-31, 823 P.2d 1101 (1992).<sup>7</sup>

*History of RCW 9A.44.130, the Sex Offender Registration Law*

In 1990, the Washington Legislature passed the Community Protection Act, requiring registration of certain sex offenders. Laws of 1990, ch. 3, § 401. Its stated purpose in requiring sex offenders to register was to assist local law enforcement agencies in protecting their communities:

The legislature finds that sex offenders often pose a high risk of re-offense, and that law enforcement’s efforts to protect their communities, conduct investigations, and quickly apprehend offenders who commit sex offenses, are impaired by the lack of information available to law enforcement agencies about convicted sex offenders who live within the law enforcement agency’s jurisdiction. Therefore, this state’s policy is to assist local law enforcement agencies’ efforts to protect their communities

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(2) Rape of a child in the second degree is a class B felony.

Laws of 1988, ch. 145, § 3.

The 1990 amendment to RCW 9A.44.076 then reclassified Rape of a Child in the Second Degree as a class A felony. Laws of 1990, ch. 3, § 903.

<sup>7</sup> The names of these charges were changed to more accurately denote that these crimes are violations of a person, rather than merely a violation of a statute.

by regulating sex offenders by requiring sex offenders register with local law enforcement agencies.

Laws of 1990, ch. 3, § 401.

Perhaps leery of their ability to make the registration requirement retroactive because of potential ex post facto claims, the legislature made the registration requirement apply only prospectively and to sex offenders already under active jurisdiction of the courts. Under the 1990 Community Protection Act, a “sex offense” for purposes of sex offender registration was defined by former RCW 9A.44.140 (1990) as “any offense defined as a sex offense by RCW 9.94A.030”:

- (a) committed on or after February 28, 1990; or
- (b) committed prior to February 28, 1990 if the person, as a result of the offense is under the custody or active supervision of the department of corrections or the department of social and health services on or after February 28, 1990.

Laws of 1990, ch. 3, § 402(5).<sup>8</sup>

The meaning of “sex offense” under the 1990 version of RCW 9.94A.030 was:

- (a) A felony that *is a violation* of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;
- (b) A felony with a finding of sexual motivation under RCW 9.94A.127; or

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<sup>8</sup> Mr. Arnold was incarcerated until August 13, 1990 and then was supervised until 1992. Attachment B.

- (c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a sex offense under (a) of this subsection.

Former RCW 9.94A.030(29) (1990) (emphasis added).

In 1991, the legislature amended the Community Protection Act to clarify and amend the deadlines for sex offenders to register. Laws of 1991, ch. 274, § 1. However, the Legislature stated that the clarification or amendment of RCW 9A.44.130 “does not relieve the obligation of sex offenders to comply with the registration requirements of RCW 9A.44.130 as that statute exists before July 28, 1991.” Laws of 1991, ch. 274, § 1. Thus, the legislature did not intend that its 1991 amendment should have any nullifying effect on the pre-existing duty to register under the 1990 version of the statute.

In 1994, an ex post facto claim was, in fact, raised by two defendants, and was decided by our Supreme Court in *State v. Ward*. 123 Wn.2d 488, 869 P.2d 1062 (1994). In *Ward*, the Court held that because the registration requirement was not a penalty, there was no ex post facto violation involved. *Id.*

Likely resultant from the adjudication of *Ward* and the resolution of the ex post facto question, the legislature amended RCW 9.94A.030 in 1999 to include in the definition of “sex offense” “any conviction for a felony offense in effect at any time prior to July 1, 1976, that is

comparable to a felony classified as a sex offense in (a) of this subsection.” Laws of 1999, ch. 352, § 8.<sup>9</sup> Thus, the 1999 amendment had the effect of including sex offenses existing before the promulgation of Title 9A in the registration requirement, as the legislature then knew from the holding in *Ward* that it could include not only post-1976 crimes codified under Title 9A, but also pre-1976 crimes codified under Title 9, without offending the prohibition against ex post facto laws. The 1999 amendment also included the language that a “sex offense” also means “a felony that *is a violation* of chapter 9A.44” excluding convictions under RCW 9A.44.130(10). Laws of 1999, ch. 352, § 8 (emphasis added).

1. The *Taylor* and *Wheeler* courts incorrectly interpreted the statutes at issue.

The decisions in *Taylor* and *Wheeler* incorrectly interpreted the statutes at issue. *Taylor* relied on the 1999 amendment to the RCW 9.94A.030 for its holding that the plain language of RCW 9.94A.030’s definition of “sex offense” applies only to offenses *currently* listed in chapter 9A.44 RCW, and therefore, does not apply to any previously codified “sex offenses” under 9A.44 RCW.

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<sup>9</sup> The *Taylor* court indicated this amendment is consistent with a view “that the language of the statute did not apply the duty to register to crimes not presently listed in chapter 9A.44. RCW.” *Taylor*, 162 Wn. App. at 798.

However, this amendment is equally, if not *more* consistent with the view that the legislature intended to extend the registration requirements to crimes that were *never* listed in RCW 9A.44, as RCW 9A.44 did not exist until the 1976 adoption of Washington’s new penal code, codified in Title 9A.

The 1999 amendment extended the registration requirement to any conviction for a felony offense before July 1, 1976, that is comparable to a current sex offense... But, there is no provision, comparable to what was done for pre-1976 convictions, for offenses listed in chapter 9A.44 that existed after 1976, but were subsequently repealed. The language of the SRA's definition resulted in a gap. Filling this gap would require us to read words into the statute to make it applicable to any felony that is "or was at the time of the offense" a violation of chapter 9A.44 RCW. It is highly likely this gap was inadvertent rather than intentional. Regardless, we may not fill such a gap without legislative authority.

*Taylor*, 162 Wn. App. at 799.

*Taylor* correctly noted, however, that in 1991, the registration requirement applied both prospectively to any individual thereafter convicted of a sex offense, *and* retroactively to those in custody or supervised by the Department of Corrections.<sup>10</sup> *Id.* at 798. Inexplicably, however, the *Taylor* court determined the 1999 amendment, which merely extended the registration requirement to defendants convicted under the pre-1976 criminal code, to be more restrictive than the legislature intended, and as having undone the legislature's express provision that the statute was to operate retroactively to those either incarcerated or supervised prior to July 28, 1991.

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<sup>10</sup> Under the 1991 Amendment to RCW 9A.44.130 the *Taylor* court would, therefore, agree that Mr. Arnold was required to register as he was either in custody or supervised until 1992. Attachment B.

The plain language of the 1999 amendment indicates it was only intended to be *more* inclusive of those offenders who are required to register as sex offenders (i.e., those who were sentenced under comparable Washington law codified prior to the 1976 adoption of RCW 9A.44.)<sup>11</sup> The only “gap” in the statute is the gap *created* by the *Taylor* court, not by the legislature. In declining to fill this “gap” *Taylor* determined was created by the 1999 amendment, the *Taylor* court clearly interpreted the plain language of the statutes in a manner contrary to legislative intent.

Importantly, the *Taylor* court did not consider the general provisions of the Revised Code of Washington in its analysis. Firstly, the provisions of the code shall be liberally construed, and shall not be limited by any rule of strict construction. RCW 1.12.010. The provisions of a statute, so far as they are substantially the same as those of a statute existing at the time of their enactment, must be construed as *continuations* thereof. RCW 1.12.020. If a statute refers to another statute of this state, the reference includes *any amendments* to the referenced statute unless a contrary intent is *clearly expressed*. RCW 1.12.028. These provisions

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<sup>11</sup> It is only logical that the legislature would intend to include as many sex offenders in the registration requirements of RCW 9A.44.130 as possible, to ensure that law enforcement is able “to protect their communities, conduct investigations and quickly apprehend offenders who commit sex offenses.” *See* Laws of 1990, ch. 3, § 401. Allowing large classes of convicted rapists (such as all of those convicted under the statutory rape laws existing between 1976 and 1988, as held in *Taylor*) to evade the registration requirements clearly defeats this express legislative purpose.

overwhelmingly indicate that the statutes at issue, and *all* prior versions of those statutes are to be read as a whole unless a contrary intent is manifested. As discussed above, the only legislative intent that is manifested is that the provisions of the Community Protection Act should apply to (1) all sex offenses committed after the effective date of the statute; (2) all sex offenses committed prior to the effective date of the statute if the offender was in custody or was on community supervision at the time of the enactment; and (3) all pre-1976 felonies comparable to sex offenses under RCW 9.94A.<sup>12</sup>

In *State v. Horton*, 59 Wn. App. 412, 798 P.2d 813 (1990), this Court analyzed a similar issue in light of the general provisions of RCW 1.12. Mr. Horton pled guilty to a 1988 second degree assault with a deadly weapon. The statute providing for the deadly weapon enhancement, RCW 9.94A.310, specifically provided for the enhancement to apply to charges of second degree assault under RCW 9A.36.020. *Horton*, 59 Wn. App. at 414 n. 3. The statute also provided that, effective May 7, 1989, the enhancement applied to second degree assault under RCW 9A.36.020 or 9A.36.021. *Id.* The question on appeal was whether

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<sup>12</sup> The legislature has also made it clear that any out-of-state conviction for a felony that is comparable to a Washington sex offense that occurred at any time is a “sex offense.” See RCW 9.94A.030(47)(d) (2015); Former RCW 9.94A.030(29) (1990); Former RCW 9.94A.040(23)(b) (1987).

the deadly weapon enhancement was applicable to offenses charged under RCW 9A.36.021 at the time of Mr. Horton's crime. *Id.*

The court analyzed the provisions of RCW 1.12, and held that the provision applied retroactively to Mr. Horton. As in *Horton*, the various versions of RCW 9.94A.030 defining "sex offense" should be viewed, not in isolation, but as continuations of the previous versions of the same statutory provisions. Although the statutory rape laws have been noted as "repealed," the legislature characterized their "repeal" as simply a "renaming" of the offenses, and our Supreme Court has characterized the "repeal" as merely a "recodification" of the offenses.<sup>13</sup> In viewing the statutes in this light - as continuations of each other, rather than in isolation - the unambiguous language of the statute clearly requires that any person who has been convicted of a sex offense under RCW 9A.44 (at any time), is required to register as a sex offender. The *Taylor* court failed to read the statutes as continuations of each other. Therefore, it erred in interpreting the 1999 Amendment of RCW 9.94A.030 as *undoing* what the legislature clearly intended *to do* in 1990 and 1991, when it made the provisions of the Community Protection Act applicable both prospectively *and* retrospectively to those in custody or on community supervision. The

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<sup>13</sup> 1988 FINAL LEGISLATIVE REPORT, 50<sup>th</sup> Wash. Leg., at 24-25; *State v. Markle*, 118 Wn.2d at 430-31.

*Taylor* interpretation is unsupported in light of the general provisions of RCW 1.12<sup>14</sup> and the legislature’s clear intent to require both pre- and post-1976 offenses within the meaning of “sex offense.” And, this interpretation is solely based on the *Taylor* court’s overly restrictive interpretation of the word “is.”<sup>15</sup>

Jurisdictions that have been confronted with the meaning of the word “is” in a statute have come to the opposite conclusion as the court did in *Taylor*. For example, in *U.S. v. Hammer*, the court determined that the legislative history of the statute at issue revealed that the “is” in the statute, in fact, means “was”.<sup>16</sup> 121 F. Supp. 2d 794, 798 (M.D. Pa. 2000).

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<sup>14</sup> Specifically applicable are the following: RCW 1.12.010 (“The provisions of this code shall be liberally construed, and shall not be limited by any rule of strict construction”); RCW 1.12.020 (“The provisions of a statute, so far as they are substantially the same as those of a statute existing at the time of their enactment, must be construed as continuations thereof”); RCW 1.12.026 (“The provisions of RCW 1.12.025 as now or hereafter amended shall apply retrospectively as well as prospectively”); and RCW 1.12.028 (“If a statute refers to another statute of this state, the reference includes any amendments to the referenced statute unless a contrary intent is clearly expressed”).

<sup>15</sup> The language at issue, as discussed *supra*, is the language of RCW 9.94A.030, that a sex offense includes a felony that “*is a violation*” of chapter 9A.44. *Taylor*, 162 Wn. App. at 799.

<sup>16</sup> House of Representatives Report 467 of the 103rd Congress in the section-by-section analysis of the statute states that [18 U.S.C.] § 3596 “provides that when a sentence of death is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise the implementation of the death sentence in the manner prescribed by the law of the State in which the sentence *was* imposed.” (emphasis added). This legislative history reveals that the “is” in the statute in fact means “was.”

*Hammer*, 121 F. Supp. 2d at 798.

Similarly, in *Banks v. Horn*, the court stated: “In other words, ‘is’ means ‘was’ or, to quote a statement which has been the subject of considerable public debate in recent months, ‘It depends on what your definition of ‘is’ is.”<sup>17</sup> 63 F. Supp. 2d 525, 547 (M.D. Pa. 1999).

This court need not engage in such sophistry as to the meaning of the word “is.” The word “is” has been carried through each successive amendment of RCW 9.94A.030, even when the legislature has expressly stated that it intended that the language of the registration statute, RCW 9A.44.130, was to apply retroactively. Laws of 1990, ch. 3, § 402(5). Although the language directing retroactive application was removed in the 1991 amendment to RCW 9A.44.130, the legislature made clear that the 1991 amendment did not have the effect of relieving “the obligation of sex offenders to comply with the registration requirements of RCW 9A.44.130 as that statute exists before July 28, 1991.” Laws of 1991, ch. 274, § 1.

The Legislature’s clear definition of “is” in this context is *both* “is” and “was at the time of the offense,” contrary to the conclusion reached in

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<sup>17</sup> The court clearly refers to President Bill Clinton’s grand jury testimony defending his statement that “there’s nothing going on between [Monica Lewinsky and him], to which he responded, “It depends on what the meaning of the word ‘is’ is. If the--if he--if ‘is’ means is and never has been, that is not--that is one thing. If it means there is none, that was a completely true statement.” See Clinton’s Grand Jury Testimony Part 4, Available at: [http://www.washingtonpost.com/wpsrv/politics/special/clinton/stories/bctest092198\\_4.htm](http://www.washingtonpost.com/wpsrv/politics/special/clinton/stories/bctest092198_4.htm). (Last accessed April 12, 2016).

*Taylor* and *Wheeler*. This court should decline to follow those decisions because their reasoning is flawed.

2. The *Taylor* and *Wheeler* courts' interpretation of the statutes leads to an absurd result.

Statutes are generally drafted in the present tense. NORMAN J. SINGER, STATUTES AND STATUTORY CONSTRUCTION, § 21:10 (6<sup>th</sup> ed. 2000). Each version of RCW 9.94A.030, even that in existence prior to the recodification of the statutory rape laws into the child rape laws, has provided that “a sex offense” means “a felony that *is a violation* of 9A.44 RCW.” *See e.g.*, Former RCW 9.94A.040(23) (1987); Former RCW 9.94A.030(29) (1990); Laws of 1999, ch. 352, § 8. The *Taylor* court declined to read the phrase “sex offense means a felony that *is a violation* of chapter 9A.44” to make the statute applicable to “any felony that is ‘or was at the time of the offense’ a violation of chapter 9A.44 RCW.” *Taylor*, 162 Wn. App. at 799. Under the *Taylor* interpretation of this language, any successive amendment to the statutes at issue would render all previous convictions under those statutes non-sex offenses, for every time the statute is amended, the statute differs from its previous version.<sup>18</sup> For that matter, the *Taylor* court’s interpretation of this

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<sup>18</sup> For that matter, the *Taylor* interpretation would have the same effect on other statutes including the same language. For instance, RCW 9.41.010(8) defines “felony firearm offense” in part as “any felony offense that *is a violation* of this chapter.” Under *Taylor*, any time this statute is amended, any crime that previously qualified as a “felony

language would render the statute defining “sex offense” meaningless, for as soon as a person has completed a crime, that offense *is* in the past. Therefore, after any completed crime, the conviction “is” for a felony that “was” a sex offense under RCW 9A.44.

The *only* logical and reasonable interpretation<sup>19</sup> of the statutory language is that any offense that is charged at any time under RCW 9A.44 is a “sex offense.”<sup>20</sup> This view is consistent with the plain language of each successive amendment of the statute.

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firearm offense” would no longer qualify as such an offense because it no longer “is” a violation under RCW 9.41, but, instead, “was” a violation under that chapter.

<sup>19</sup> Statutory interpretation is a question of law, reviewed by the courts de novo. *State v. Keller*, 142 Wn.2d 267, 276, 19 P.3d 1030 (2001). Courts assume the legislature means exactly what it says. *Id.* Plain words do not require construction. *Id.* If a statute is plain and unambiguous, its meaning must be derived from the wording of the statute itself. *Id.* A statute is ambiguous if it can *reasonably be interpreted in two or more ways, but is not ambiguous simply because different interpretations are possible.* *Id.*

When construing a statute, the court reads the statute in its entirety. Each provision must be viewed in relation to other provisions, and harmonized if possible. *Id.* The court must also avoid constructions that yield unlikely, strange or absurd consequences. *Id.* Legislation must be read to give effect to every word and not to render any language superfluous or absurd. *State v. Reid*, 144 Wn.2d 621, 629, 30 P.3d 465 (2001).

<sup>20</sup> RCW 9.94A.030 expressly exempts violations under RCW 9A.44.132 from the meaning of “sex offense.” While the *Taylor* court rejected the State’s argument that the legislature’s express exclusion of failure to register as a sex offender should be viewed in light of the canon of statutory interpretation of *expressio unius est exclusio alterius* (to express one thing in a statute implies the exclusion of the other), it erroneously did so based on its reading of RCW 9.94A.030 in isolation from former versions of the statute. *Taylor*, 162 Wn. App. at 799-800. The State again urges this court to consider that the legislature could have expressly excluded the crimes of statutory rape from the definition had it intended to do so. It did not, and has clearly manifested its intent to the contrary.

In 1988, 28 year old Mr. Arnold was charged with Second Degree Statutory Rape for raping a 12 year old. The information filed against him charged:

That said defendant in the county of Chelan, State of Washington, on or between the 1<sup>st</sup> day of October 1987 and the 31<sup>st</sup> day of December 1987 did then and there unlawfully and feloniously being over sixteen years of age, engage in sexual intercourse with G.A.B., a person not his spouse who was between the ages of eleven and fourteen; contrary to the form of the statute RCW 9A.44.080(1) in such cases made and provided and against the peace and dignity of the State of Washington.

Attachment A.

On the very face of the charging document, Mr. Arnold's crime is a felony contrary to the form of RCW 9A.44. Thus, Mr. Arnold is required to register as a sex offender under RCW 9A.44.130 and RCW 9.94A.030. Additionally, Mr. Arnold was incarcerated or supervised until 1992, and under the 1990 and 1991 amendments to RCW 9A.44.130, the legislature clearly stated its intent that he register as a sex offender.

3. The *Taylor* and *Wheeler* decisions are both incorrect and harmful and, therefore, should be overruled.

In Washington, the principle of stare decisis requires a "clear showing that an established rule is incorrect and harmful before it is abandoned." *State v. Devin*, 158 Wn.2d 157, 168, 142 P.3d 599 (2006). The Court of Appeals applies this standard (as does the Supreme Court) in

determining whether to abrogate the holding of a prior decision. *State v. Stalker*, 152 Wn. App. 805, 812, 219 P.3d 722 (2009).

The rule announced in *Taylor* and *Wheeler*, is demonstrably incorrect, as discussed above, resting on the Court of Appeals' misinterpretation of clearly unambiguous language that effectuates the legislature's intent to require all sex offenders, whether convicted under the Revised Criminal Code (Title 9A), or the former criminal code (pre-1976 Title 9) to comply with registration requirements.

Additionally, the rule announced in *Taylor* and *Wheeler* is also clearly harmful. The legislature has expressly declared its intent that sex offenders be required to register such that law enforcement might "protect their communities, conduct investigations, and quickly apprehend offenders" who pose such "a high risk of re-offense," finding that law enforcement is "impaired by the lack of information available" to them about where convicted sex offenders live. Laws of 1990, ch. 3, § 401. The "gap" in the applicable statutes as created by *Taylor* and *Wheeler* significantly hampers the efforts of law enforcement to protect their communities and arrest offenders who fall within that gap. Any offender convicted between July 1, 1976 and July 1, 1988 has apparently been relieved of the registration requirement by these decisions, leaving twelve years' worth of convicted sex offenders free to move about the state

unregistered and whereabouts unknown, when sex offenders convicted both before and after those dates are still required to register.

4. The legislature has not amended the statutes at issue to “correct” the interpretation of the *Taylor* and *Wheeler* courts because it need not do so as those decisions conflict with Supreme Court precedent.

The *Wheeler* court observed:

[D]espite the holding in *Taylor*, the legislature has not amended the sex offense definition to include comparable post-1976 felonies that were subsequently repealed. The legislature is presumed to be familiar with past judicial interpretations of statutes, including appellate court decisions ... [L]egislative inaction following a judicial decision interpreting a statute often is deemed acquiescence in or acceptance of the decision.

*Wheeler*, 188 Wn. App. at 621 (citing *State v. Stalker*, 152 Wn. App. 805 812-813, 219 P.3d 722 (2009)). However, the conclusion that the legislature’s “inaction” necessarily means it has acquiesced to the judicial decision is not accurate, as many cases involving this issue indicate that it “may” be deemed acquiescence, rather than “is” deemed acquiescence. See *Hangman Ridge Training Stables, Inc. v. Safeco Title Ins. Co.*, 105 Wn.2d 778, 789, 719 P.2d 531 (1986) (“Legislative inaction *in this instance*”, where ten years had passed since judicial interpretation of statute, “indicated” legislative approval); *Stalker*, 152 Wn. App. at 813 (where legislature made no changes to statutory language at issue in preceding twenty-eight years, despite twice amending the statutory

language in other respects, court found acquiescence in prior judicial interpretation.) Unlike those cases, only five years has passed since *Taylor* (and one year has passed since *Wheeler*).<sup>21</sup> This is simply not enough time to deem the legislature to have acquiesced to those judicial decisions, especially since those decisions conflict with Supreme Court precedent.<sup>22</sup>

The Washington Supreme Court is the final arbiter of the meaning of Washington statutory law. *See In Re Detention of Petersen*, 138 Wn.2d 70, 80-81, 980 P.2d 1204 (1999). Neither *Taylor* nor *Wheeler* were reviewed by our Supreme Court. The final word from the Supreme Court on the issue of the applicability of the registration requirements of RCW 9A.44.130 to offenders convicted of statutory rape was in *Ward*. 123 Wn.2d 488. In *Ward*, the Supreme Court held that the registration statutes did not violate the prohibition against ex post facto laws and were applicable to Mr. Ward, a defendant convicted in 1988 of statutory rape in the first degree under the former laws, and also applied to John Doe

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<sup>21</sup> As discussed above, it took five years before the legislature responded to the Supreme Court's holding in *Ward*, and amended the statute to include pre-1976 crimes under Title 9 within the definition of "sex offense."

<sup>22</sup> Furthermore, courts only resort to aids of construction, which would include legislative inaction as evidence of legislative intent in circumstances where there is an ambiguity in the statute. *See City of Olympia v. Drebeck*, 156 Wn.2d 289, 295, 126 P.3d 802 (2006). However, where, as here, the statutory language is clear, and effectuates the clear intent manifested by the legislature, resort to the legislative "history" of legislative inaction taken after a prior erroneous judicial interpretation is inappropriate.

Parolee, a defendant who was on active supervision in 1990 when the registration law came into effect and who was subsequently required to register as a sex offender.<sup>23</sup>

The decisions in *Taylor* and *Wheeler* wholly ignored the holding of *Ward*, (*Wheeler* does not even mention *Ward*, and *Taylor* mentions it only to demonstrate that the registration requirement is not a punishment). In failing to acknowledge the holding of *Ward*, the *Taylor* and *Wheeler* courts used the 1999 amendment to RCW 9.94A.030 to overturn established Supreme Court precedent holding that the registration provisions of RCW 9A.44.130 do, in fact, apply to offenders convicted prior to 1989 but after 1976. The legislature is under no obligation to amend its legislation when the clear precedent from our Supreme Court conflicts with the decisions of the Court of Appeals.

Mr. Arnold, just like Mr. Ward, was convicted in 1988 of statutory rape, just months before the “renaming” of the offenses as “child rape.” He was incarcerated or supervised until March 20, 1992. Attachment B. This date is well after the effective date of the 1990 codification of and the 1991 amendment to the Community Protection Act. Under *Ward*, Mr. Arnold *is*, and has *always* been (since the promulgation of the Community Protection Act), required to register as a sex offender.

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<sup>23</sup> As was the petitioner. Attachment B and C.

**B. THE COURT SHOULD DENY THE DEFENDANT'S PERSONAL RESTRAINT PETITION BECAUSE HE IS UNABLE TO DEMONSTRATE PREJUDICE.**

None of Mr. Arnold's previous convictions for failing to register as a sex offender are before this court. He has not petitioned to have any of those convictions vacated as a result of *State v. Taylor* or *State v. Wheeler*. None of the facts of those previous cases are before this court. Until collateral attack occurs on those charges, the convictions remain intact. Thus, his offender score is still a "9." Attachment C, D and E.

Similarly, the Defendant has not filed a collateral attack on his other current conviction for trafficking in stolen property in the second degree. The sentence on that charge was 51 months, the same amount of time that was imposed on the current failure to register as a sex offender. Attachment D and E. Even without regard to the current failure to register as a sex offender charge, the defendant would still have an offender score of "9+" on the trafficking in stolen property charge, and would, therefore be required to serve the sentence he received - 51 months. Thus, he is unable to demonstrate the requisite prejudice arising from his 2015 conviction for failure to register as a sex offender. *See In Re St. Pierre, supra*. Therefore, his personal restraint petition should be dismissed.

## V. CONCLUSION

The *Taylor* and *Wheeler* courts erred in determining a loophole exists in the statutes bearing on sex offender registration. In failing to view the statutes as continuations of each other, those courts erroneously and unreasonably interpreted the clear language of RCW 9A.030 as only including offenses currently listed in RCW 9A.44. It was those courts' interpretation of the word "is" that created the "gap" in the statute, not the legislature's clear and express language demonstrating its intent to include anyone convicted of an offense under RCW 9A.44 or the pre-1976 code as "sex offenders" who are required to register pursuant to RCW 9A.44.130. The *Taylor* and *Wheeler* courts interpretation of the statutory language is both incorrect and harmful, and this court should decline to follow their flawed logic.

The State respectfully requests that this court determine that the holdings of *Taylor* and *Wheeler* are incorrect as they conflict with the Supreme Court's decision in *State v. Ward*, and that the *Taylor* and *Wheeler* decisions are inapplicable to Mr. Arnold's case. The State

respectfully requests the court dismiss Mr. Arnold's personal restraint petition and motion to withdraw his guilty plea.

Dated this 5 day of May, 2016.

LAWRENCE H. HASKELL  
Prosecuting Attorney



Gretchen E. Verhoef #37938  
Deputy Prosecuting Attorney  
Attorney for Respondent

**CERTIFICATE OF SERVICE**

I certify under penalty of perjury under the laws of the State of Washington, that on May 5, 2016, I a copy of the Response to Personal Restraint Petition in this matter, to:

Eddie D. Arnold, DOC 631420  
Stafford Creek Corrections Center  
191 Constantine Way  
Aberdeen, WA 98520

5/5/2016

(Date)

Spokane, WA

(Place)

Kim Cornelius

(Signature)

# ATTACHMENT A

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

FILED

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STATE OF WASHINGTON

Plaintiff,

vs.

EDDIE DEAN ARNOLD,

Defendant.

No. 88-1-00088-4

INFORMATION

MAY 3 4 31 PM '88

SIRIA BOOS  
CHELAN COUNTY CLERK  
WENATCHEE, WASH.  
BY *[Signature]*

COMES NOW Gary A. Riesen, Prosecuting Attorney for the County of Chelan, State of Washington, and by this his information accuses EDDIE DEAN ARNOLD of the crime of STATUTORY RAPE IN THE SECOND DEGREE committed as follows, to-wit:

That the said defendant in the County of Chelan, State of Washington, on or between the 1st day of October, 1987 and the 31st day of December, 1987, did then and there unlawfully and feloniously being over sixteen years of age, engage in sexual intercourse with G.A.B., a person not his spouse who was between the ages of eleven and fourteen; contrary to the form of the statute RCW 9A.44.080(1) in such cases made and provided and against the peace and dignity of the State of Washington.

DATED at Wenatchee, Washington this 3rd day of May, 1988.

Gary A. Riesen  
Chelan County Prosecuting Attorney

*[Signature]*  
Susan M. Lomax  
Chief Deputy Prosecuting Attorney

INFORMATION

GARY A. RIESEN  
CHELAN COUNTY  
PROSECUTING ATTORNEY  
P.O. Box 2586  
Wenatchee, WA 98807  
(509) 864-5202

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JUN 27 1988

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

By SIRI A. WOODS, Co. Clerk  
Deputy

STATE OF WASHINGTON,  
Plaintiff,  
vs.  
Eddie Dean Arnold,  
Defendant.

No. PP-1-CR-PP-4  
STATEMENT OF DEFENDANT ON  
PLEA OF GUILTY

- 1. My true name is Eddie Dean Arnold.
- 2. My age is 29 dob 2-16-59
- 3. I went through the GED grade in school.

4. I have been informed and fully understand that I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is Kathleen E. Schmidt.

5. I have been informed and fully understand that I am charged with the crime of Statutory Rape Second Degree that the elements of the crime are while over the age of 14 engaged in sexual intercourse with a person not their spouse who was age element for less than 14

the maximum sentence(s) for which is (are) 10 years and \$ 20,000 fine. The standard sentence range for the crime is at least 31 months and not more than 41 months, based upon my criminal history which I understand the prosecuting attorney says to be:

1984 Okanogan Blunt Knife Second Degree (3-2-84) sentenced (1-05-85) 180 days  
1979 Okanogan Rape/Fornication (5-8-79) sentenced (5/16/80) 180 days

I have been given a copy of the Information.

- 6. I have been informed and fully understand that:
  - (a) I have the right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed.

STATEMENT OF DEFENDANT ON  
PLEA OF GUILTY -1-

GARY A. RIESEN  
CHELAN COUNTY  
PROSECUTING ATTORNEY  
P O Box 2596  
Wenatchee, WA 98801  
509-664-5200 12

1 (b) I have the right to remain silent before and during  
2 trial, and I need not testify against myself.

3 (c) I have the right at trial to hear and question witnesses  
4 who testify against me.

5 (d) I have the right at trial to have witnesses testify for  
6 me. These witnesses can be made to appear at no expense to me.

7 (e) I am presumed innocent until the charge is proven beyond  
8 a reasonable doubt or I enter a plea of guilty.

9 (f) I have the right to appeal a determination of guilt after  
10 a trial.

11 (g) If I plead guilty, I give up the rights in statements 6  
12 (a) - (f).

13 7. I plead guilty to the crime of Statutory Rape  
14 Severin Deane as charged in the (Amended) Information.

15 8. I make this plea freely and voluntarily.

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

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

20 11. I have been informed and fully understand the prosecuting  
21 attorney will make the following recommendation to the court:

22 (Will recommend 36 months)  
23 \_\_\_\_\_  
24 \_\_\_\_\_  
25 \_\_\_\_\_

26 12. I have been informed and fully understand that the  
27 standard sentencing range is based on the crime charged and my  
28 criminal history. Criminal history includes prior convictions,  
whether in this state, in federal court, or elsewhere. Criminal  
history also includes convictions or guilty pleas at juvenile court  
that are felonies and which were committed when I was fifteen years  
of age or older. Juvenile convictions count only if I was less than  
twenty-three years of age at the time I committed this present  
offense. I fully understand that if criminal history in addition to  
that listed in paragraph 5 is discovered, both the standard sentence  
range and the prosecuting attorney's recommendation may increase.  
Even so, I fully understand that my plea of guilty to this charge is

STATEMENT OF DEFENDANT ON  
PLEA OF GUILTY -2-

GARY A. RIESEN  
CHELAN COUNTY  
PROSECUTING ATTORNEY  
P.O. Box 2556  
Wenatchee, WA 98801  
509-664-5232

1 binding upon me if accepted by the court, and I cannot change my  
2 mind if additional criminal history is discovered and the standard  
3 range and prosecuting attorney's recommendation increases.

4 13. I have been informed and fully understand that the court  
5 does not have to follow anyone's recommendation as to sentence. I  
6 have been informed and fully understand that the court must impose a  
7 sentence within the standard sentence range unless the court finds  
8 substantial and compelling reasons not to do so. If the court goes  
9 outside the standard range, either I or the state can appeal that  
10 sentence. If the sentence is within the standard sentence range, no  
11 one can appeal the sentence. If the sentence is within the standard  
12 sentence range, no one can appeal the sentence. I also understand  
13 that the court must sentence to a mandatory minimum term, if any, as  
14 provided in paragraph 14 and that the court may not vary or modify  
15 that mandatory minimum term for any reason.

16 14. I have been further advised that the crime(s) of \_\_\_\_\_

17 with which I am charged carries with it a term of total confinement  
18 of not less than \_\_\_\_\_ years. I have been advised that the  
19 law requires that a term of total confinement be imposed and does  
20 not permit any modification of this mandatory minimum term. (If not  
21 applicable, any or all of this paragraph shall be stricken and  
22 initialed by the defendant and the judge.)

23 15. I have been advised that the sentences imposed in Counts  
24 will run consecutively/concurrently unless the  
25 court finds substantial and compelling reasons to run the sentences  
26 concurrently/consecutively.

27 16. I understand that if I am on probation, parole or com-  
28 munity supervision, a plea of guilty to the present charge(s) will  
be sufficient grounds for a Judge to revoke my probation or com-  
munity supervision or for the parole board to revoke my parole.

17 17. I understand that if I am not a citizen of the United  
18 States, a plea of guilty to an offense punishable as a crime under  
19 state law is grounds for deportation, exclusion from admission to  
20 the United States, or denial of naturalization pursuant to the laws  
21 of the United States.

22 18. The court has asked me to state briefly in my own words  
23 what I did that resulted in my being charged with the crime in the  
24 (Amended) Information. This is my statement: In late September  
or early October of 1997 I had sexual intercourse  
with D.B. age 12 who was not my spouse in  
Wenatchee, Chelan County, Washington. I did not use  
physical force or threats, not at any time.

25 STATEMENT OF DEFENDANT ON  
26 PLEA OF GUILTY -3-

GARY A. RIESEN  
CHELAN COUNTY  
PROSECUTING ATTORNEY  
P.O. Box 2595  
Wenatchee, WA 98801  
509/664-5202

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19. I have read or have had read to me and fully understand all of the numbered sections above (1 through 19) and have received a copy of "Statement of Defendant on Plea of Guilty". I have no further questions to ask of the court.

Mr. Nixon Deputy Prosecuting Attorney  
Ernie Crowell Defendant  
Katherine J. Rubin Attorney for Defendant

The foregoing statement was read by or to the defendant and signed by the defendant in the presence of his or her attorney, and the undersigned judge, in open court. The court finds the defendant's plea of guilty to be knowingly, intelligently and voluntarily made, that the court has informed the defendant of the nature of the charge and the consequences of the plea, that there is a factual basis for the plea, and that the defendant is guilty as charged.

DATED this 27th day of June, 1988  
Charles W. [Signature]  
Judge

I am fluent in the \_\_\_\_\_ language, and I have translated this entire document for the defendant from English into that language. The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 198\_\_.

\_\_\_\_\_  
Interpreter

STATEMENT OF DEFENDANT ON PLEA OF GUILTY -4-

GARY A. RIESEN  
CHELAN COUNTY  
PROSECUTING ATTORNEY  
P.O. Box 2595  
Wanatchee, WA 98291  
509/664-5277

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

STATE OF WASHINGTON,

Plaintiff,

vs.

Eddie Dean Arnold

Defendant.

No. 88-1-00088-4

JUDGMENT AND SENTENCE  
FILED AND RECORDED ON  
MICRO-FILM

ROLL 156

88-9 00452 8

AUG 2 1988

SID# WA11108316

SIRI A. WOODS, Co. Clerk  
By re Deputy

This court having conducted a sentencing hearing pursuant to RCW 9.94A.110 on the 1st day of August, 1988 upon defendant's conviction of the crime(s) set forth below, and the court having heard from the parties and considered the presentence reports and the records and files herein, and otherwise being fully advised, now makes the following findings:

1. PARTIES PRESENT: Present at the sentencing hearing were the defendant, the defendant's attorney, Kathleen Schmidt, and Chief Deputy Prosecuting Attorney Susan Lomas.

2. CURRENT OFFENSE(S): The defendant has been convicted of the following current offense(s) upon a plea of guilty/verdict of jury by the court, on the 27th day of June, 1988.

Count I - Crime: Statutory Rape 2nd Degree  
RCW: 9A.94.050  
Date of Crime: October 1, 1987 - December 31, 1987  
Special Findings: \_\_\_\_\_

Count II - Crime: \_\_\_\_\_  
RCW: \_\_\_\_\_  
Date of Crime: \_\_\_\_\_  
Special Findings: \_\_\_\_\_

Count III - Crime: \_\_\_\_\_  
RCW: \_\_\_\_\_  
Date of Crime: \_\_\_\_\_  
Special Findings: \_\_\_\_\_

JUDGMENT AND SENTENCE -1-

GARY A. RIESEN  
CHELAN COUNTY  
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Wenatchee, WA 98801  
509/664-5202

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5. SENTENCE ALTERNATIVE FINDINGS:

( ) A. FIRST-TIME OFFENSE: The defendant qualifies as a first-time offender pursuant to RCW 9.94A.120(5). The first-time offender waiver is/is not used in this sentence.

( ) B. EXCEPTIONAL SENTENCE: Substantial and compelling reasons exist which justify a sentence above/below the standard range for count(s) \_\_\_\_\_. Findings of Fact and Conclusions of Law pursuant to RCW 9.94A.120(3) and Stipulations as to real and material facts, if any, are attached as Appendix D.

( ) C. SPECIAL SEXUAL OFFENDER SENTENCING ALTERNATIVE: The defendant has been convicted of a felony sexual offense as specified in RCW 9.94A.120(7)(a) and is eligible for use of the special sexual offender sentencing alternative. Both the defendant and/or the community will/will not benefit from use of the alternative.

( ) D. SEXUAL OFFENDER TREATMENT PROGRAM: The defendant has been convicted of a felony sexual offense, does not qualify for the special sexual offender sentencing alternative, and is to be sentenced to a term of confinement of more than one year but less than six years. The defendant shall/shall not be ordered committed for evaluation for treatment pursuant to RCW 9.94A.120(7)(b)

( ) E. RESTITUTION: Based on information concerning restitution attached in Appendix E, the defendant is responsible for payment of restitution:

( ) For offenses adjudicated herein pursuant to RCW 9.94A.140(1).

( ) For offenses which were not prosecuted and for which the defendant agreed to make restitution in a plea agreement, which is attached as Appendix E.

6. MONETARY PAYMENTS JUDGMENT AND SENTENCE: The defendant is ADJUDGED to be responsible for making monetary payments as stated below, within ten years, under the supervision of the Department of Corrections. The defendant is ORDERED to make the following monetary payments:

A. COSTS: Court Costs. \$70.00

B. VICTIM ASSESSMENT: Penalty assessment pursuant to RCW 7.68.035 \$70.00

( ) C. RESTITUTION: Restitution payments (with credit for amounts paid by co-defendants, if any) to:

JUDGMENT AND SENTENCE -3-

GARY A. RIESEN  
CHELAN COUNTY  
PROSECUTING ATTORNEY  
P.O. Box 2590  
Wenatchee, WA 98801  
509/664-5202

1 5. SENTENCE ALTERNATIVE FINDINGS:

2 ( ) A. FIRST-TIME OFFENSE: The defendant qualifies as  
3 a first-time offender pursuant to RCW 9.94A.120(5). The first-time  
4 offender waiver is/is not used in this sentence.

5 ( ) B. EXCEPTIONAL SENTENCE: Substantial and  
6 compelling reasons exist which justify a sentence above/below the  
7 standard range for count(s)                     . Findings of Fact and  
8 Conclusions of Law pursuant to RCW 9.94A.120(3) and Stipulations as  
9 to real and material facts, if any, are attached as Appendix D.

10 ( ) C. SPECIAL SEXUAL OFFENDER SENTENCING AL-  
11 TERNATIVE: The defendant has been convicted of a felony sexual  
12 offense as specified in RCW 9.94A.120(7)(a) and is eligible for use  
13 of the special sexual offender sentencing alternative. Both the  
14 defendant and/or the community will/will not benefit from use of the  
15 alternative.

16 ( ) D. SEXUAL OFFENDER TREATMENT PROGRAM: The  
17 defendant has been convicted of a felony sexual offense, does not  
18 qualify for the special sexual offender sentencing alternative, and  
19 is to be sentenced to a term of confinement of more than one year  
20 but less than six years. The defendant shall/shall not be ordered  
21 committed for evaluation for treatment pursuant to RCW  
22 9.94A.120(7)(b)

23 ( ) E. RESTITUTION: Based on information concerning  
24 restitution attached in Appendix E, the defendant is responsible for  
25 payment of restitution:

26 ( ) For offenses adjudicated herein pursuant to RCW  
27 9.94A.140(1).

28 ( ) For offenses which were not prosecuted and for  
which the defendant agreed to make restitution in a plea agreement,  
which is attached as Appendix E.

6. MONETARY PAYMENTS JUDGMENT AND SENTENCE: The defendant is  
ADJUDGED to be responsible for making monetary payments as stated  
below, within ten years, under the supervision of the Department of  
Corrections. The defendant is ORDERED to make the following  
monetary payments:

- 22 (X) A. COSTS: Court Costs. \$70.00  
23 (X) B. VICTIM ASSESSMENT: Penalty \$70.00  
24 assessment pursuant to RCW 7.68.035  
25 ( ) C. RESTITUTION: Restitution payments (with  
26 credit for amounts paid by co-defendants,  
27 if any) to:

1 7. DETERMINATE JUDGMENT AND SENTENCE: The court having  
2 determined that no legal cause exists to show why further judgment  
3 should not be pronounced, it is therefore ORDERED, ADJUDGED AND  
4 DECREED the defendant serve the determinate sentence and abide by  
5 the conditions set forth below.

6 The defendant is sentenced to a term of total confinement in  
7 the custody of the Department of Corrections for 41 months on  
8 Count I, \_\_\_\_\_ months on Count II, \_\_\_\_\_ months on Count III,  
9 with credit for time served of 90 days.

- 10 ( ) the terms in counts \_\_\_\_\_ are concurrent.  
11 ( ) the terms in counts \_\_\_\_\_ are consecutive,  
12 for a total term of \_\_\_\_\_ months.

13 The following appendices are attached to this Judgment and  
14 Sentence and are incorporated by this reference:

- 15 ( ) Appendix A, Current Offenses  
16 ( ) Appendix B, Current History  
17 ( ) Appendix C, Sentence Scoring Worksheet(s)  
18 ( ) Appendix D, Exceptional Sentence  
19 ( ) Appendix E, Restitution

20 IT IS FURTHER ORDERED that the bail bond filed herein is  
21 hereby exonerated.

22 DONE IN OPEN COURT this 2nd day of August, 1988.

23 Fred Van Dickle  
24 Judge of the Superior Court for the  
25 County of Chelan

26 Presented by:

27 Steven M. Loman  
28 (Chief) Deputy Prosecuting Attorney

Approved as to form for entry this  
2nd day of August, 1988

Kathleen Johnson  
Attorney for Defendant

JUDGMENT AND SENTENCE -5-

GARY A. NESEN  
CHELAN COUNTY  
PROSECUTING ATTORNEY  
P.O. Box 2596  
Wenatchee, WA 98801  
509/664-9202

FINGERPRINTS



Defendant's Signature: Eddie Dean Arnold  
Fingerprint(s) of: Eddie Dean Arnold  
Attested by: Siri A. Woods  
By: Siri A. Woods Clerk  
Deputy Clerk DATE: AUGUST 1, 1988

CERTIFICATE  
I, Siri A. Woods, 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: \_\_\_\_\_  
Siri A. Woods, CHELAN COUNTY CLERK  
By: \_\_\_\_\_  
Deputy Clerk

OFFENDER IDENTIFICATION  
State I.D. Number WA11108316  
Date of Birth 2/16/59  
Sex Male  
Race Caucasian

# ATTACHMENT B

**PRISON: Arnold, Eddie**

DOC Number: 631420  
 SID Number: WA11108316

Current Status: PRISON

Current Location: Stafford Creek Corrections Center

**Offender Movement History**

CCO: CCO Telephone: CCO Location:

Latest Projected Release Date: 10/26/2016  
 Last Release From:

| Status          | Date                    | Status          | Date                   | Status          | Date                  |
|-----------------|-------------------------|-----------------|------------------------|-----------------|-----------------------|
| PRISON          | 6/11/2015 - PRESENT     | SUPERVISED      | 3/26/2002 - 4/29/2002  | PRISON          | 4/27/1984 - 4/25/1985 |
| NO WA DOC JURIS | 9/13/2012 - 6/11/2015   | NO WA DOC JURIS | 5/22/2001 - 3/26/2002  | NO WA DOC JURIS | 5/04/1981 - 4/27/1984 |
| SUPERVISED      | 3/11/2010 - 8/13/2012   | SUPERVISED      | 2/12/2001 - 5/22/2001  | PRISON          | 5/31/1979 - 5/04/1981 |
| WORK RELEASE    | 12/17/2009 - 3/11/2010  | PRISON          | 12/14/2000 - 2/12/2001 |                 |                       |
| PRISON          | 2/28/2008 - 12/17/2009  | SUPERVISED      | 3/10/2000 - 12/14/2000 |                 |                       |
| NO WA DOC JURIS | 11/16/2006 - 2/28/2008  | NO WA DOC JURIS | 8/29/1997 - 3/10/2000  |                 |                       |
| WORK RELEASE    | 6/22/2006 - 11/16/2006  | SUPERVISED      | 4/17/1997 - 8/29/1997  |                 |                       |
| PRISON          | 6/20/2006 - 6/22/2006   | UNAVAILABLE     | 1/21/1997 - 4/17/1997  |                 |                       |
| WORK RELEASE    | 6/20/2006 - 6/20/2006   | NO WA DOC JURIS | 3/20/1992 - 1/21/1997  |                 |                       |
| PRISON          | 7/21/2005 - 6/20/2006   | SUPERVISED      | 8/13/1990 - 3/20/1992  |                 |                       |
| NO WA DOC JURIS | 11/01/2003 - 7/21/2005  | PRISON          | 8/04/1988 - 8/13/1990  |                 |                       |
| SUPERVISED      | 10/10/2003 - 11/01/2003 | JAIL            | 4/29/1988 - 8/04/1988  |                 |                       |
| JAIL            | 5/29/2002 - 10/10/2003  | NO WA DOC JURIS | 3/27/1987 - 4/29/1988  |                 |                       |
| UNAVAILABLE     | 4/29/2002 - 5/29/2002   | SUPERVISED      | 4/25/1985 - 3/27/1987  |                 |                       |

# ATTACHMENT C

**FILED**

MAR 18 2015

SPOKANE COUNTY CLERK

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

|                     |   |   |                       |
|---------------------|---|---|-----------------------|
| STATE OF WASHINGTON | ) | No.   | 13-1-03641-1          |
|                     | ) |   |                       |
| Plaintiff,          | ) | PA#   | 13-9-50074-0          |
|                     | ) |   |                       |
| v.                  | ) | RPT#  | 002-13-0803410        |
|                     | ) | RCW   | 9A.44.132F-F (#70606) |
| EDDIE D. ARNOLD     | ) |   |                       |
| WM 02/16/59         | ) |   |                       |
| Defendant(s).       | ) | UNDERSTANDING OF DEFENDANT'S<br>CRIMINAL HISTORY (ST) |                       |

Pursuant to CrR 4.2 (e) the parties set out the following:

1.4 PROSECUTOR'S UNDERSTANDING OF DEFENDANT'S CRIMINAL HISTORY  
(RCW 9.94A.525):

| Crime                         | Date of Crime | Crime Type | Adult or Juv | Place of Conviction | Sent. Date |
|-------------------------------|---------------|------------|--------------|---------------------|------------|
| SEX OFFENDER FAIL TO REGISTER | 022607        | NV         | A            | SPOKANE CO, WA      | 022208     |
| PSP 2                         | 121204        | NV         | A            | OKANOGAN CO, WA     | 070705     |
| SEX OFFENDER FAIL TO REGISTER | 111604        | NV         | A            | OKANOGAN CO, WA     | 070705     |
| SEX OFFENDER FAIL TO REGISTER | 102503        | NV         | A            | OKANOGAN CO, WA     | 010804     |
| SEX OFFENDER FAIL TO REGISTER | 052903        | NV         | A            | OKANOGAN CO, WA     | 100903     |
| PSP 2                         | 052903        | NV         | A            | OKANOGAN CO, WA     | 100903     |
| BURGLARY                      | 090597        |            | A            | BENAWAH CO, ID      | 032301     |
| SEX OFFENDER FAIL TO REGISTER | 050900        | NV         | A            | OKANOGAN CO, WA     | 120700     |
| THEFT 2                       | 020900        | NV         | A            | OKANOGAN CO, WA     | 120700     |
| THEFT 2                       | 041800        | NV         | A            | OKANOGAN CO, WA     | 120700     |
| RES. BURGLARY                 | 071097        | NV         | A            | WHITMAN CO, WA      | 061998     |
| PSP 2                         | 122195        | NV         | A            | WHITMAN CO, WA      | 012197     |
| STAT RAPE 2                   | 042688        | NV         | A            | CHELAN CO, WA       | 080288     |
|                               |               | SEX        |              |                     |            |
| BURGLARY 2                    | 112383        | NV         | A            | OKANOGAN CO, WA     | 030284     |
| FORGERY                       | NA            | NV         | A            | OKANOGAN CO, WA     | 040579     |
| PSP 2                         | 052177        | NV         | A            | SNOHOMISH CO, WA    | 080877     |

( ) Prior convictions counted as one offense in determining offender score (RCW 9.94A.525(5)): \_\_\_\_\_  
\_\_\_\_\_

1.4(a) This statement of Prosecutor's Understanding of Defendant's Criminal History is based upon present information known to the Prosecutor and does not limit the use of additional criminal history if later ascertained.

1.5 Defendant's understanding and agreement that his/her criminal conviction history is set forth above in this document. Defendant affirmatively agrees that the State has proven, by a preponderance of the evidence, defendant's prior convictions and stipulates, without objection, by his/her signature below, unless a specific objection is otherwise stated in writing within this document – UNDERSTANDING OF DEFENDANT'S CRIMINAL HISTORY, each of the listed criminal convictions contained within this document count in the computation of the offender score and sentencing range and that any out-of-state or foreign conviction(s) is the equivalent of a Washington State criminal felony offense and conviction for the purposes of computation of the resultant offender score and sentencing range. The defendant further stipulates and agrees he/she has read or has had the contents of the document read to him/her and he/she understands and agrees with the entirety of the contents of this document. (DEFENDANT'S INITIALS ED).

( ) The defendant committed the current offense while on community placement/community custody at the time of the offense. RCW 9.94A.525

Date: 3-18-15

Eddie Arnold  
EDDIE D. ARNOLD  
Defendant

Date: 3-18-15

Dennis J. Dressler  
DENNIS J. DRESSLER  
Lawyer for Defendant

19602  
WSBA #

Date: 3-18-15

George W. Gagnon, III  
GEORGE W. GAGNON, III  
Deputy Prosecuting Attorney

28768  
WSBA #

# ATTACHMENT D

**FILED**

OCT 11 2013

THOMAS R. FALLQUIST  
SPOKANE COUNTY CLERK

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

|                       |   |                             |
|-----------------------|---|-----------------------------|
| STATE OF WASHINGTON   | ) |                             |
|                       | ) | INFORMATION                 |
| Plaintiff,            | ) | (INFO)                      |
|                       | ) | No. <b>13103641-1</b>       |
| v.                    | ) |                             |
|                       | ) | EUGENE M. CRUZ              |
| EDDIE D. ARNOLD       | ) | Deputy Prosecuting Attorney |
| aka EDDIE DEAN ARNOLD | ) |                             |
| WM 02/16/59           | ) | PA# 13-9-50074-0            |
| Defendant(s).         | ) | RPT# 002-13-0803410         |
|                       | ) | RCW 9A.44.132F-F (#70606)   |

Comes now the Prosecuting Attorney in and for Spokane County, Washington, and charges the defendant(s) with the following crime(s):

FAILURE TO REGISTER AS SEX OFFENDER, committed as follows: That the defendant, EDDIE D. ARNOLD, in the State of Washington, having previously been found to have committed or convicted of, or found not guilty of by reason of insanity under Chapter 10.77 RCW, of a sex offense as defined in RCW 9A.44.128(6), to-wit: SECOND DEGREE STATUTORY RAPE, a felony in Chelan County Superior Court, Washington, on June 27, 1988, and being required to register pursuant to RCW 9A.44.130, did, during a period of time intervening between May 24, 2013 and October 10, 2013 knowingly fail to comply with the requirements of RCW 9A.44.130, to-wit: The requirement, when changing his or her residence address within the same county, to provide, by certified mail, with return receipt requested or in person, signed written notice of the change of address to the county sheriff within three business days; **and/or** the requirement, when moving to a new county, that he or she must register with the county sheriff of the new county within three business days of moving, and that he or she must also provide, by certified mail, with return receipt requested or in person, signed written notice of the change of address in the new county to the county sheriff with whom the defendant last registered; **and/or** the requirement, when moving to another state, or when working, carrying on a vocation or attending school in another state, to register a new address, fingerprints and photograph with the new state within three business days after establishing residence, or after beginning to work, carry on a vocation or attend school in the new state, and that the defendant must also send written notice within three business days of moving to the new state or to a foreign country to the county sheriff with whom the defendant last registered in Washington State; **and/or** the requirement that persons required

to register who lack a fixed residence provide written notice to the sheriff of the county where the person last registered within three business days after ceasing to have a fixed residence,

  
Deputy Prosecuting Attorney  
WSBA #27114

**DEFENDANT INFORMATION:**

|   |                   |
|---|-------------------|
| Address: RED TOP MOTEL, 7217 E TRENT AVE, SPOKANE VALLEY, WA 99212-1292 | EDDIE D. ARNOLD   |
| Height: 5'09"   | Weight: 230       |
| Eyes: Blu   | DOL #:            |
| SID #: 011108316  | DOC #: 631420     |
|   | Hair: Gry         |
|   | State:            |
|   | FBI NO. 596346R11 |

**FILED**

MAR 18 2015

SPOKANE COUNTY CLERK

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

|                      |   |  |
|----------------------|---|--|
| STATE OF WASHINGTON, | ) |  |
|                      | ) |  |
| Plaintiff,           | ) | NO. 13-1-03641-1                         |
|                      | ) |  |
| vs.                  | ) |  |
|                      | ) | <b>STATEMENT OF DEFENDANT ON</b>         |
| EDDIE D. ARNOLD,     | ) | <b>PLEA OF GUILTY TO NON-SEX OFFENSE</b> |
|                      | ) | <b>(Felony)</b>                          |
| Defendant.           | ) | <b>(STTDFG)</b>                          |

1. My true name is: EDDIE D. ARNOLD.
2. My age is: 56 years of age (DOB 16 Feb 1959)..
3. The last level of education I completed was 10th grade and I have my GED..
4. **I Have Been Informed and Fully Understand That:**
  - (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
  - (b) I am charged with: Count 1: FAILURE TO REGISTER AS SEX/KIDNAP OFFENDER

The elements are: Count 1: That on June 27, 1988, the defendant was convicted of a felony sex offense and that due to this conviction, the defendant was required to register in the State of Washington sex offender between May 24 and October 10, 2013 knowingly failed to comply with a requirement of sex offender registration.

5. **I Understand I Have the Following Important Rights, and I Give Them Up by Pleading Guilty:**

- (a) The right to a speedy and public trial by an impartial jury in the county where the crime was allegedly committed;
- (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
- (c) The right at trial to hear and question the witnesses who testify against me;
- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) The right to be presumed innocent unless the State proves the charge beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a finding of guilt after a trial.

6. **In Considering the Consequences of My Guilty Plea, I Understand That:**

- (a) Each crime with which I am charged carries a maximum sentence, a fine, and a **Standard Sentence Range** as follows:

| COUNT NO. | OFFENDER SCORE | STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements) | PLUS Enhancements* | COMMUNITY CUSTODY | MAXIMUM TERM AND FINE |
|-----------|----------------|--|--------------------|-------------------|-----------------------|
| 1 - FTRSO | 9              | 43 to 57 months  | None               | 36 months         | 10 years & \$20,000   |

\*The sentencing enhancement codes are: (RPh) Robbery of a pharmacy, (CSG) Criminal street gang involving minor, (AE) Endangerment while attempting to elude. The following enhancements will run consecutively to all other parts of my entire sentence, including other enhancements and other counts: (F) Firearm, (D) Other deadly weapon, (V) VUCSA in protected zone, (JP) Juvenile present, (VH) Veh. Hom, see RCW 46.61.520, (P16) Passenger(s) under age 16.

- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.
- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.

- (e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment and any mandatory fines or penalties that apply to my case. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.
- (f) ~~For crimes committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the total period of confinement is more than 12 months, and if this crime is a drug offense, assault in the second degree, assault of a child in the second degree, or any crime against a person in which a specific finding was made that I or an accomplice was armed with a deadly weapon, the judge will order me to serve at least one year of community custody. If this crime is a vehicular homicide, vehicular assault, or a serious violent offense, the judge will order me to serve at least two years of community custody. The actual period of community custody may be longer than my earned early release period. During the period of community custody, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.~~

For crimes committed on or after July 1, 2000: In addition to sentencing me to confinement, under certain circumstances the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months, but only if the crime I have been convicted of falls into one of the offense types listed in the following chart. For the offense of failure to register as a sex offender, regardless of the length of confinement, the judge will sentence me for up to 12 months of community custody. If the total period of confinement ordered is more than 12 months, and if the crime I have been convicted of falls into one of the offense types listed in the following chart, the court will sentence me to community custody for the term established for that offense type unless the judge finds substantial and compelling reasons not to do so. If the period of earned release awarded per RCW 9.94A.729 is longer, that will be the term of my community custody. If the crime I have been convicted of falls into more than one category of offense types listed in the following chart, then the community custody term will be based on the offense type that dictates the longest term of community custody.

| OFFENSE TYPE   | COMMUNITY CUSTODY TERM |
|--|------------------------|
| Serious Violent Offenses   | 36 months              |
| Violent Offenses   | 18 months              |
| Crimes Against Persons as defined by RCW 9.94A.411(2)  | 12 months              |
| Offenses under Chapter 69.50 or 69.52 RCW (not sentenced under RCW 9.94A.660)  | 12 months              |
| Offenses involving the unlawful possession of a firearm where the offender is a criminal street gang member or associate | 12 months              |

Certain sentencing alternatives may also include community custody.

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

If I violate the conditions of my community custody, the Department of Corrections may sanction me up to 60 days confinement per violation and/or revoke my earned early release, or the Department of Corrections may impose additional conditions or other stipulated penalties. The court also has the authority to impose sanctions for any violation.

- (g) The prosecuting attorney and defense will make the following **joint** recommendation to the judge: **Mr. ARNOLD is to be sentenced to 51 months with credit for time served since arrest on 27 December 2013 and date of plea (446 days).**

**State will ask for standard fines, costs, fees and assessments.**

**The time on this case is to be run concurrent to the time imposed on 13-1-03812-0.**

**36 months community custody.**

- (h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. I understand the following regarding exceptional sentences:
- (i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence. N/A
  - (ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine. N/A
  - (iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act. N/A
  - (iv) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a

reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts. N/A

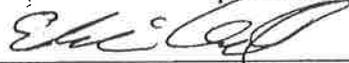
If the court imposes a standard range sentence, then no one may appeal the sentence. If the court imposes an exceptional sentence after a hearing, either the State or I can appeal the sentence.

- (i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States. **I am a U. S. citizen.**
- (j) I may not possess, own, or have under my control any firearm, and under federal law any firearm or ammunition, unless my right to do so is restored by the court in which I am convicted or the superior court in Washington State where I live, and by a federal court if required. I must immediately surrender any concealed pistol license.
- (k) I will be ineligible to vote until that right is restored in a manner provided by law. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.
- (l) Government assistance may be suspended during any period of confinement.
- (m) I will be required to have a biological sample collected for purposes of DNA identification analysis. I will be required to pay a \$100.00 DNA collection fee.

**Notification Relating to Specific Crimes: If any of the following paragraphs DO NOT APPLY, counsel and the defendant shall strike them out. The defendant and the judge shall initial all paragraphs that DO APPLY.**

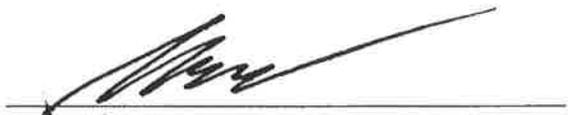
- \_\_\_\_\_ (u) If I am subject to community custody and the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.
- 7. I plead guilty to count I: FAIL TO REGISTER AS A SEX OFFENDER in the Information. I have received a copy of that Information.
- 8. I make this plea freely and voluntarily.
- 9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.
- 10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.
- 11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement: \_\_\_\_\_  
 Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea and sentencing.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and the "Offender Registration" Attachment, if applicable. 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.



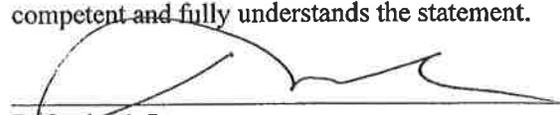
MR. EDDIE DEAN ARNOLD  
Defendant

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



Prosecuting Attorney

GEORGE W. GAGNON<sup>III</sup>                      28768  
Print Name                                      WSBA No.



Defendant's Lawyer

DENNIS J. DRESSLER                      19602  
Print Name                                      WSBA No.

The defendant signed the foregoing statement 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 the entire statement above and that the defendant understood it in full;
- (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is included below.

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

Dated: 18 MARCH 2015

  
Judge MICHAEL P. PRICE

**FILED**

MAR 18 2015

**Case Name** EDDIE D. ARNOLD**Cause No.** 13-1-03641-~~S~~POKANE COUNTY CLERK

**“Offender Registration” Attachment:** sex offense, or kidnapping offense involving a minor as defined in Laws of 2010, ch. 364 § 1. (If required, attach to Statement of Defendant on Plea of Guilty.)

**1. General Applicability and Requirements:** Because this crime involves a sex offense, or a kidnapping offense involving a minor as defined in Laws of 2010, ch. 367 § 1, I will be required to register.

If I am a resident of Washington I must register with the sheriff of the county of the state of Washington where I reside. I must register within three business days of being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has jurisdiction over me. I must also register within three business days of my release with the sheriff of the county of the state of Washington where I will be residing.

If I am not a resident of Washington but I am a student in Washington or I am employed in Washington or I carry an vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register within three business days of being sentenced unless I am in custody in, in which case I must register at the time of my release with the person designated by the agency that has jurisdiction over me. I must also register within three business days of my release with the sheriff of the county of my school, where I am employed, or where I carry on a vocation.

**2. Offenders Who are New Residents or Returning Washington Residents:** If I move to Washington or I leave this state following my sentencing or release from custody but later move back to Washington, I must register within three business days after moving to this state. If I leave this state following my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry on a vocation in Washington, or attend school in Washington, I must register within three business days after attending school in this state or becoming employed or carrying out a vocation in this state.

**3. Change of Residence Within State:** If I change my residence within a county, I must provide by certified mail, with return receipt requested or in person, signed written notice of my change of residence to the sheriff within three business days of moving. If I change my residence to a new county within this state, I must register with the sheriff of the new county within three business days of moving. Also within three business days, I must provide, by certified mail, with return receipt requested or in person, signed written notice of my change of address to the sheriff of the county where last registered.

**4. Leaving the State or Moving to Another State:** If I move to another state, or if I work, carry on a vocation, or attend school in another state I must register a new address, fingerprints, and photograph with the new state within three business days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. If I move out of the state, I must also send written notice within three business days of moving to the new state or to a foreign country to the county sheriff with whom I last registered in Washington State.

**5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12):** If I am a resident of Washington and I am admitted to a public or private institution of higher education, I shall, within three business days prior to arriving at the institution, notify the sheriff of the county of my residence of my intent to attend the institution. If I become employed at a public or private institution of higher education, I am required to notify the sheriff of the county of my residence of my employment by the institution within three business days prior to beginning to work at the institution. If my enrollment or employment at a public or private institution of higher education is terminated, I am required to notify the sheriff of the county of my residence of my termination of enrollment or employment within three business days

of such termination. If I attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW, I am required to notify the sheriff of the county of my residence of my intent to attend the school. I must notify the sheriff within three business days prior to arriving at the school to attend classes. The sheriff shall promptly notify the principal of the school.

**6. Registration by a Person Who Does Not Have a Fixed Residence:** Even if I do not have a fixed residence, I am required to register. Registration must occur within three business days of release in the county where I am being supervised if I do not have a residence at the time of my release from custody. Within three business days after losing my fixed residence, I must send signed written notice to the sheriff of the county where I last registered. If I enter a different county and stay there for more than 24 hours, I will be required to register with the sheriff of the new county not more than three business days after entering the new county. I must also report in person to the sheriff of the county where I am registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and shall occur during normal business hours. I must keep an accurate accounting of where I stay during the week and provide it to the county sheriff upon request. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make me subject to disclosure to the public at large pursuant to RCW 4.24.550.

**7. Application for a Name Change:** If I apply for a name change, I must submit a copy of the application to the county sheriff of the county of my residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If I receive an order changing my name, I must submit a copy of the order to the county sheriff of the county of my residence and to the state patrol within three business days of the entry of the order. RCW 9A.44.130(7).

Date: 18 MARCH 2015

  
Defendant's signature

COURT COSTS \_\_\_\_\_  
 VICTIM ASSESS 500 \_\_\_\_\_  
 RESTITUTION \_\_\_\_\_  
 FINE \_\_\_\_\_  
 ATTY FEES \_\_\_\_\_  
 SHERIFF COSTS \_\_\_\_\_  
 METH \_\_\_\_\_  
 DNA FEE 100 \_\_\_\_\_  
 CRIME LAB \_\_\_\_\_  
 OTHER COST \_\_\_\_\_  
 CRIMINAL FILING FEE 200 \_\_\_\_\_  
**\$800**

**FILED**

**JUN 04 2015**

SPOKANE COUNTY CLERK

**SUPERIOR COURT OF WASHINGTON  
 COUNTY OF SPOKANE  
 STATE OF WASHINGTON**

Plaintiff,  
 v.  
**EDDIE D. ARNOLD**  
 WM 02/16/59

Defendant.

SID: 011108316

No. 13-1-03641-1  
 PA# 13-9-50074-0  
 RPT# 002-13-0803410  
 RCW 9A.44.132F-F (#70606)

FELONY JUDGMENT AND SENTENCE (FJS)  
 Prison  
 **RCW 9.94A.507 Prison Confinement**  
 (Sex Offense and Kidnapping of a Minor)

Clerk's Action Required, para 2.1, 4.1 and 4.3a,  
 4.3b, 4.8, 5.2, 5.3, 5.5 and 5.7  
 Defendant Used Motor Vehicle  
 Juvenile Decline  Mandatory  Discretionary

**I. Hearing**

1.1 The court conducted a sentencing hearing this date; the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

**II. Findings**

2.1 **Current Offenses:** The defendant is guilty of the following offenses, based upon  
 guilty plea (date) 6/18/15  jury verdict (date) \_\_\_\_\_  bench trial (date) \_\_\_\_\_  
3/18/15

Count No.: I **FAILURE TO REGISTER AS SEX/KIDNAP OFFENDER**  
**RCW 9A.44.132F-F (#70606)**  
**Date of Crime between May 24, 2013 and October 10, 2013**  
**Incident No. 002-13-0803410**

Class: ~~FA (Felony-A)~~, FB (Felony-B), ~~FC (Felony-C)~~

to the Information

Additional current offenses are attached in Appendix 2.1a.

**15903867-2**

**\$25.00 10-1-18 DOC**

- The defendant is a sex offender subject to indeterminate sentencing under **RCW 9.94A.507**.

The jury returned a special verdict or the court made a special finding with regard to the following:

- GV**  For the crime(s) charged in Count \_\_\_\_\_, **domestic violence** was pled and proved. RCW 10.99.020.
- The defendant used a **firearm** in the commission of the offense in Count(s) \_\_\_\_\_. RCW 9.94A.825, 9.94A.533.
- The defendant used a **deadly weapon other than a firearm** in committing the offense in Count(s) \_\_\_\_\_. RCW 9.94A.825, 9.94A.533.
- Count \_\_\_\_\_, is aggravated murder in the first degree committed while the defendant was  under 16 years of age  16 or 17 years of age when the offense was committed.
- Count \_\_\_\_\_, was committed while the defendant was under 18 years of age and the time of confinement is over 20 years.
- The defendant engaged, agreed, offered, attempted, solicited another, or conspired to engage a victim of child rape or child molestation in sexual conduct in return for a fee in the commission of the offense in Count \_\_\_\_\_. RCW 9.94A.839
- In count \_\_\_\_\_ an internet advertisement in which the victim of the crime was described or depicted was instrumental in facilitating the commission of the crime. RCW 9.68A.100, RCW 90.68A.101, or RCW 9.68A.102, Laws of 2013, ch. 9, §1.
- The offense was predatory as to Count(s) \_\_\_\_\_. RCW 9.94A.836.
- The victim was under 15 years of age at the time of the offense in Count(s) \_\_\_\_\_ RCW 9.94A.837.
- The victim was developmentally disabled, mentally disordered, or a frail elder or vulnerable adult at the time of the offense in Count(s) \_\_\_\_\_ RCW 9.94A.838, 9A.44.010.
- The defendant acted with **sexual motivation** in committing the offense in Count(s) \_\_\_\_\_. RCW 9.94A.835
- 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.
- In Count \_\_\_\_\_ the defendant committed a robbery of a pharmacy as defined in RCW 18.64.011(21), RCW 9.94A.832.
- Count \_\_\_\_\_, **Violation of the Uniform Controlled Substances Act (VUCSA)**, RCW 69.50.401 and RCW 69.50.435 took place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, in a public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.
- The defendant 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** in Count(s) \_\_\_\_\_. RCW 9.94A.605, RCW 69.50.401, RCW 69.50.440.
- Count \_\_\_\_\_ is a **criminal street gang-related felony** offense in which the defendant compensated, threatened, or solicited a **minor** in order to involve that minor in the commission of the offense 9.94A.833.

- Count \_\_\_\_\_ is the crime of **unlawful possession of a firearm**. The defendant was a **criminal street gang** member or associate when the defendant committed the crime. RCW 9.94A.702, 9.94A.\_\_\_\_\_.
- The defendant committed  **vehicular homicide**  **vehicular assault** proximately caused by driving a vehicle while under the influence of intoxicating liquor or drug or by operating a vehicle in a reckless manner. The offense is, therefore, deemed a violent offense. RCW 9.94A.030.
- GY  In Count \_\_\_\_\_, the defendant had <sup>^</sup>(number of) **passenger(s) under the age of 16** in the vehicle RCW 9.94A.834.
- Count \_\_\_\_\_ involves **attempting to elude** a police vehicle and during the commission of the crime the defendant endangered one or more persons other than the defendant or the pursuing law enforcement officer RCW 9.94A.834.
- In Count \_\_\_\_\_ the defendant has been convicted of assaulting a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault, as provided under RCW 9A.36.031, and the defendant intentionally committed the assault with what appeared to be a firearm. RCW 9.94A.831, 9.94A.533.
- Count \_\_\_\_\_ is a felony in the commission of which the defendant used a **motor vehicle**. RCW 46.20.285.
- The defendant has a **chemical dependency** that has contributed to the offense(s). RCW 9.94A.607.
- In Count \_\_\_\_\_, assault in the first degree (RCW 9A.36.011) or assault of a child in the first degree (RCW 9A.36.120), the offender used force or means likely to result in death or intended to kill the victim and shall be subject to a mandatory minimum term of 5 years (RCW 9.94A.540).
- Counts \_\_\_\_\_ encompass the same criminal conduct and count as one crime in determining the offender score (RCW 9.94A.589)

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

|    | <b>Crime</b>       | <b>Cause Number</b> | <b>Court (county &amp; state)</b> |
|----|--------------------|---------------------|-----------------------------------|
| 1. | TSP 1 <sup>o</sup> | 13-1-03812-0        | SPOKANE CO., WA                   |
| 2. |                    |                     |                                   |

\*DV: Domestic Violence was pled and proved.

- Additional current convictions listed under different cause numbers used in calculating the offender score are attached in Appendix 2.1b.

**2.2 Criminal History: (RCW 9.94A.525):**

| <b>Crime</b>                     | <b>Date of Crime</b> | <b>Crime Type</b> | <b>Adult or Juv</b> | <b>Place of Conviction</b> | <b>Sent. Date</b> |
|----------------------------------|----------------------|-------------------|---------------------|----------------------------|-------------------|
| SEX OFFENDER<br>FAIL TO REGISTER | 022607               | NV                | A                   | SPOKANE CO, WA             | 022208            |
| PSP 2                            | 121204               | NV                | A                   | OKANOGAN CO, WA            | 070705            |

**FELONY JUDGMENT AND SENTENCE (FJS) (Prison)  
(Sex Offense and Kidnapping of a Minor Offense)  
(RCW 9.94A.500, .505)(WPF CR 84.0400 (6/2014))**

|                                  |        |        |   |                  |        |
|----------------------------------|--------|--------|---|------------------|--------|
| SEX OFFENDER<br>FAIL TO REGISTER | 111604 | NV     | A | OKANOGAN CO, WA  | 070705 |
| SEX OFFENDER<br>FAIL TO REGISTER | 102503 | NV     | A | OKANOGAN CO, WA  | 010804 |
| SEX OFFENDER<br>FAIL TO REGISTER | 052903 | NV     | A | OKANOGAN CO, WA  | 100903 |
| PSP 2                            | 052903 | NV     | A | OKANOGAN CO, WA  | 100903 |
| BURGLARY                         | 090597 |        | A | BENAWAH CO, ID   | 032301 |
| SEX OFFENDER<br>FAIL TO REGISTER | 050900 | NV     | A | OKANOGAN CO, WA  | 120700 |
| THEFT 2                          | 020900 | NV     | A | OKANOGAN CO, WA  | 120700 |
| THEFT 2                          | 041800 | NV     | A | OKANOGAN CO, WA  | 120700 |
| RES. BURGLARY                    | 071097 | NV     | A | WHITMAN CO, WA   | 061998 |
| PSP 2                            | 122195 | NV     | A | WHITMAN CO, WA   | 012197 |
| STAT RAPE 2                      | 042688 | NV SEX | A | CHELAN CO, WA    | 080288 |
| BURGLARY 2                       | 112383 | NV     | A | OKANOGAN CO, WA  | 030284 |
| FORGERY                          | NA     | NV     | A | OKANOGAN CO, WA  | 040579 |
| PSP 2                            | 052177 | NV     | A | SNOHOMISH CO, WA | 080877 |

\*DV: Domestic Violence was pled and proved.

- Additional criminal history is attached in Appendix 2.2
- The defendant committed a current offense while on community placement/community custody (adds one point to score). RCW 9.94A.525.
- The prior convictions listed as number(s) \_\_\_\_\_ above, or in appendix 2.2, are one offense for purposes of determining the offender score (RCW 9.94A.525).
- The prior convictions listed as number(s) \_\_\_\_\_ above, or in appendix 2.2, are not counted as points but as enhancements pursuant to RCW 46.61.520:

**2.3 SENTENCING DATA:**

| CT NO | Offender Score | Seriousness Level | Standard Range<br>(not including enhancements) | Plus enhancements* | Total Standard Range<br>(including enhancements) | Maximum Term         |
|-------|----------------|-------------------|--|--------------------|--|----------------------|
| ①     | 9+             | 2                 | 43-57mo  | N/A                | 43-57mo  | 10 years<br>\$20,000 |
|       |                |                   |  |                    |  |                      |
|       |                |                   |  |                    |  |                      |

\*(F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (RPh) Robbery of a pharmacy, (VH) Vehicular Homicide, See RCW 46.61.520, (JP) Juvenile present, (CSG) criminal street gang involving minor, (AE) endangerment while attempting to elude, (ALF) assault law enforcement with firearm, RCW 9.94A.533(12), (P16) Passenger(s) under age 16.

- Additional current offense sentencing data in Appendix 2.3.

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

2.4 [ ] **Exceptional Sentence:** The Court finds substantial and compelling reasons that justify an exceptional sentence:

[ ] below the standard range for Count(s)\_\_\_\_\_.

[ ] above 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 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.

[ ] within the standard range for Count(s) \_\_\_\_\_, but served consecutively to Count(s) \_\_\_\_\_.

Findings of fact and conclusions of law are attached in Appendix 2.4. [ ] Jury's special interrogatory is attached. The Prosecuting Attorney [ ] did [ ] did not recommend a similar sentence.

2.5 **Legal Financial Obligations/Restitution.** The court has considered the total amount owing, the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. (RCW 10.01.160). The court makes the following specific findings:

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

[ ] The defendant has the present means to pay costs of incarceration. RCW 9.94A.760.

[ ] ^*(Name of agency)*\_\_\_\_\_ 's costs for its emergency response are reasonable. RCW 38.52.430 (effective August 1, 2012).

2.6 **Felony Firearm Offender Registration.** The defendant committed a felony firearm offense as defined in RCW 9.41.010.

[ ] The court considered the following factors:

[ ] the defendant's criminal history.

[ ] whether the defendant has previously been found not guilty by reason of insanity of any offense in this state or elsewhere.

[ ] evidence of the defendant's propensity for violence that would likely endanger persons.

[ ] other: \_\_\_\_\_

[ ] The court decided the defendant [ ] should [ ] should not register as a felony firearm offender.

**III. Judgment**

3.1 The defendant is **guilty** of the Counts and Charges listed in paragraph 2.1 and Appendix 2.1

3.2 [ ] The defendant is found **NOT GUILTY** of Counts \_\_\_\_\_ in the charging document

[ ] The Court **DISMISSES** Counts \_\_\_\_ in the charging document.

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Confinement. The court sentences the defendant to total confinement as follows:

- (a) **Confinement.** RCW 9.94A.589. A term of total confinement in the custody of the Department of Corrections (DOC):
  - 51 (months) on Count No. 1;
  - \_\_\_\_\_ (months) on Count No. \_\_\_\_\_;
  - \_\_\_\_\_ (months) on Count No. \_\_\_\_\_.

The confinement time on Count(s) \_\_\_\_\_ contain(s) a mandatory minimum term of \_\_\_\_\_.

The confinement time on Count \_\_\_\_\_ includes \_\_\_\_\_ months as enhancement for  firearm  deadly weapon  sexual motivation  VUCSA in a protected zone  manufacture of methamphetamine with juvenile present  sexual conduct with a child for a fee..

Actual number of months of total confinement ordered is: 51

All counts shall be served concurrently, except for the portion of those counts for which there is an enhancement as set forth in Section 2.3, and except for the following counts which shall be served consecutively: \_\_\_\_\_

This sentence shall run consecutively with the sentence in the following cause number(s) (see RCW 9.94A.589(3)): \_\_\_\_\_

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

- (b) **Confinement.** RCW 9.94A.507 (Sex Offenses only): The court orders the following term of confinement in the custody of the DOC:
  - Count \_\_\_\_\_ minimum term: \_\_\_\_\_ maximum term: Statutory Maximum
  - Count \_\_\_\_\_ minimum term: \_\_\_\_\_ maximum term: Statutory Maximum

- (c) **Credit for Time Served.** The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The Spokane County Detention Services shall compute time served. *TBD by Jail/Doc*

- (d)  **Work Ethic Program.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic program. The court recommends that the defendant serve the sentence at a work ethic program. Upon completion of work ethic program, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions in Section 4.2. Violation of the conditions of community custody may result in a return to total confinement for remaining time of confinement.

4.2 Community Custody. (To determine which offenses are eligible for or required for community custody see RCW 9.94A.701)

(A) The defendant shall be on community custody for:

- Count  36 months for Sex Offenses
- Count \_\_\_\_\_ 36 months for Serious Violent Offenses
- Count \_\_\_\_\_ 18 months for Violent Offenses
- Count \_\_\_\_\_ 12 months (for crimes against a person, drug offenses, or offenses involving the unlawful possession of a firearm by a street gang member or associate)

(Sex offenses, only) For count(s) \_\_\_\_\_, sentenced under RCW 9.94A.507, for any period of time the defendant is released from total confinement before the expiration of the statutory maximum.

The DOC is directed that the total terms of confinement and community custody must not exceed the statutory maximum sentence for the convicted offense.

(B) While on community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while on community custody; (6) not own, use, or possess firearms or ammunition; (7) pay supervision fees as determined by DOC; (8) perform affirmative acts as required by DOC to confirm compliance with the orders of the court; and (9) for sex offenses, submit to electronic monitoring if imposed by DOC; and (10) abide by any additional conditions imposed by DOC under RCW 9.94A.704 and .706. The defendant's residence location and living arrangements are subject to the prior approval of DOC while in community placement. For sex offenders sentenced under RCW 9.94A.709, the court may extend community custody up to the statutory maximum term of the sentence.

The court orders that during the period of supervision the defendant shall:

- consume no alcohol.
- no use or possession of Marijuana and or products containing Tetrahydrocannabionol (THC)
- have no contact with: \_\_\_\_\_
- remain  within  outside of a specified geographical boundary, to wit: \_\_\_\_\_
- not reside within 880 feet of the facilities or grounds of a public or private school (community protection zone). RCW 9.94A.030.
- participate in an education program about the negative costs of prostitution
- participate in the following crime-related treatment or counseling services: See Attached Registration Requirement
- undergo an evaluation for treatment for  domestic violence  substance abuse  mental health  anger management and fully comply with all recommended treatment.
- comply with the following crime-related prohibitions: \_\_\_\_\_
- Other conditions: \_\_\_\_\_

(C) For sentences imposed under RCW 9.94A.507, the Indeterminate Sentence Review Board may impose other conditions (including electronic monitoring if DOC so recommends). In an emergency, DOC may impose other conditions for a period not to exceed seven working days.

Court Ordered Treatment: If any court orders mental health or chemical dependency treatment, the defendant must notify DOC and the defendant must release treatment information to DOC for the duration of incarceration and supervision. RCW 9.94A.562.

(D) If the defendant committed the above crime(s) while under age 18 and is sentenced to more than 20 years of confinement:

- (i) As long as the defendant's conviction is not for aggravated first degree murder or certain sex crimes, and the defendant has not committed any crimes after he or she turned 18 or committed a major violation in the 12 months before the petition is filed, the defendant may petition the Indeterminate Sentence Review Board (Board) for early release after the defendant has served 10 years.
- (ii) If the defendant is released early because the petition was granted or by other action of the Sentence Review Board, the defendant may be subject to community custody under the supervision of the DOC for a period of time determined by the Board. The defendant will be required to comply with any conditions imposed by the Board.

**4.3a Legal Financial Obligations:** The defendant shall pay to the clerk of this court:

JASS CODE

|                     |                  |  |  |
|---------------------|------------------|--|--|
| PCV                 | \$500.00         | Victim Assessment RCW 7.68.035   |  |
| PDV                 | \$               | Domestic Violence Assessment RCW 10.99.080   |  |
| CRC                 | \$ <u>200.00</u> | Court costs, including: RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190   |  |
|                     |                  | Criminal Filing fee  | \$ <u>200.00 (RCW 36.18.020(2)(h))</u> FRC |
|                     |                  | Witness costs  | \$ _____ WFR                               |
|                     |                  | Sheriff service fees   | \$ _____ SFR/SFS/SFW/WRF                   |
|                     |                  | Jury demand fee  | \$ _____ JFR                               |
|                     |                  | Extradition costs  | \$ _____ EXT                               |
|                     |                  | Other  | \$ _____                                   |
| PUB                 | \$               | Fees for court appointed attorney RCW 9.94A.760  |  |
| WRF                 | \$               | Court appointed defense expert and other defense costs RCW 9.94A.760   |  |
| FCM/MTH             | \$               | Fine RCW 9A.20.021; [ ] VUCSA chapter 69.50 RCW, [ ] VUCSA additional fine deferred due to indigency RCW 69.50.430 |  |
| CDF/LDV             | \$               | Drug enforcement fund of _____ RCW 9.94A.760   |  |
| FCD/NTF/<br>SAD/SDI |                  |  |  |
| MTH                 | \$               | Meth/Amphetamine Cleanup Fine, \$3000. RCW 69.50.440, 69.50.401(a)(1)(ii)  |  |
| CLF                 | \$               | Crime lab fee [ ] suspended due to indigency RCW 43.43.690   |  |
|                     | \$ <u>100</u>    | DNA collection fee RCW 43.43.7541  |  |

FVP \$ \_\_\_\_\_ Specialized forest products

PPI \$ \_\_\_\_\_ Trafficking/Promoting prostitution/Commercial sexual abuse of minor fee  
(may be reduced by no more than two thirds upon a finding of inability to pay.) RCW 9A.40.100, 9A.88.120, 9.68A.105

\$ \_\_\_\_\_ Other fines or costs for: \_\_\_\_\_

DEF \$ \_\_\_\_\_ Emergency response costs (\$1,000 maximum, \$2,500 max. effective August 1, 2012) RCW 38.52.430  
Agency: \_\_\_\_\_

RTN/RJN \$ \_\_\_\_\_ Restitution to: \_\_\_\_\_  
(Name and Address-address may be withheld and provided confidentially to Clerk's Office)

\$ 800.00 TOTAL RCW 9.94A.760

- The above total does not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:
  - shall be set by the prosecutor
  - is scheduled for \_\_\_\_\_
- The defendant waives any right to be present at any restitution hearing (sign initials): \_\_\_\_\_
- Restitution.** Schedule attached.
- Restitution ordered above shall be paid jointly and severally with:  
**NAME** of other defendant **Cause Number** (Victim Name) (Amount\$)

RJN

- The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8)
- All payments shall be made in accordance with the policies of the clerk of the court and on a schedule established by the DOC or the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ 25.00 per month commencing 10/1/2018 RCW 9.94A.760.

The defendant shall report to the Spokane County Superior Court Clerk's Office immediately after sentencing if out of custody or within 48 hours after release from confinement if in custody. The defendant is required to keep an accurate address on file with the Clerk's Office and to provide financial information when requested by the Clerk's Office. The defendant is also required to make payments on the legal-financial obligations set by the court. **Failure to do any of the above will result in a warrant for your arrest.** RCW 9.94A.760(7)(b).

- The Court orders the defendant to pay costs of incarceration at the rate of \$ \_\_\_\_\_ per day, (actual costs not to exceed \$100 per day). (JLR) RCW 9.94A.760. (This provision does not apply to costs of incarceration collected by DOC under RCW 72.09.111 and 72.09.480.)

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

**4.3b] Electronic Monitoring Reimbursement.** The defendant is ordered to reimburse \_\_\_\_\_ (name of electronic monitoring agency) at \_\_\_\_\_, for the cost of pretrial electronic monitoring in the amount of \$ \_\_\_\_\_.

**4.4 DNA Testing.** The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. This paragraph does not apply if it is established that the Washington State Patrol crime laboratory already has a sample from the defendant for a qualifying offense. RCW 43.43.754 **FAILURE TO REPORT FOR TESTING MAY BE CONSIDERED CONTEMPT OF COURT.**

*HIV Testing.* The defendant shall submit to HIV testing as directed by court order. RCW 70.24.340 **FAILURE TO PROVIDE DOCUMENTATION FOR TESTING MAY BE CONSIDERED CONTEMPT OF COURT.**

The victim, based upon their request, shall be notified of the results of the HIV test whether negative or positive. (Applies only to victims of sexual offenses under RCW 9A.44.) RCW 70.24.105(7)

**4.5 No Contact:**

The Defendant shall not have contact with \_\_\_\_\_ (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party until \_\_\_\_\_ (which does not exceed the maximum statutory sentence.)

The defendant is excluded or prohibited from coming within \_\_\_\_\_ (distance) of:  \_\_\_\_\_ (protected person's  home/residence  work place  school  (other location(s)) \_\_\_\_\_, or  other location: \_\_\_\_\_, until \_\_\_\_\_ (which does not exceed the maximum statutory sentence).

A separate Domestic Violence No-Contact Order or Anti-Harassment No-Contact Order or Sexual Assault Protection Order is filed concurrent with this Judgment and Sentence.

**4.6 Other:** \_\_\_\_\_

**4.7 Off-Limits Order.** (Known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the County Jail or Department of Corrections: \_\_\_\_\_

- 4.8 **Exoneration:** The Court hereby exonerates any bail, bond and/or personal recognizance conditions.

#### V. Notices and Signatures

- 5.1 **Collateral Attack on Judgment.** If you wish to petition or move 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, you must do so within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090
- 5.2 **Length of Supervision.** If you committed your offense prior to July 1, 2000, you shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to ten years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. If you committed your offense on or after July 1, 2000, the court shall retain jurisdiction over you, for the purposes of your compliance with payment of the legal financial obligations, until you have completely satisfied your obligation, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). The clerk of the court has authority to collect unpaid legal financial obligations at any time while you remain under the jurisdiction of the court for purposes of your legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).
- 5.3 **Notice of Income-Withholding Action.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections (DOC) or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606
- 5.4 **Community Custody Violation.**  
 (a) If you are subject to a first or second violation hearing and DOC finds that you committed the violation, you may receive as a sanction up to 60 days of confinement per violation. RCW 9.94A.633.  
 (b) If you have not completed your maximum term of total confinement and you are subject to a third violation hearing and DOC finds that you committed the violation, DOC may return you to a state correctional facility to serve up to the remaining portion of your sentence. RCW 9.94A.714.
- 5.5a **Firearms.** You may not own, use or possess any firearm, and under federal law any firearm or ammunition, unless your right to do so is restored by the court in which you are convicted or the superior court in Washington State where you live, and by a federal court if required. You must immediately surrender any concealed pistol license. (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification, to the Department of Licensing along with the date of conviction or commitment). RCW 9.41.040, 9.41.047.

- 5.5b [ ] Felony Firearm Offender Registration.** The defendant is required to register as a felony firearm offender. The specific registration requirements are in the "Felony Firearm Offender Registration" attachment.

**5.6 Sex and Kidnapping Offender Registration.** RCW 9A.44.128, RCW 9A.44.130, 10.01.200.

**1. General Applicability and Requirements:** Because this crime involves a sex offense or kidnapping offense involving a minor as defined in RCW 9A.44.128, you are required to register.

If you are a resident of Washington you must register with the sheriff of the county of the state of Washington where you reside. You must register within three business days of being sentenced unless you are in custody, in which case you must at the time of your release with the person designated by the agency that has jurisdiction over you. You must also register within three business days of your release with the sheriff of the county of the state of Washington where you will be residing.

If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register within three business days of being sentenced unless you are in custody, in which case you must register at the time of your release with the person designated by the agency that has jurisdiction over you. You must also register within three business days of your release with the sheriff of the county of your school, where you are employed, or where you carry on a vocation.

**2. Offenders Who are New Residents or Returning Washington Residents:** If you move to Washington or if you leave the state following your sentencing or release from custody but later move back to Washington, you must register within three business days after moving to this state. If you leave this state following your sentencing or release from custody but later while not a resident of Washington you become employed in Washington, carry on a vocation in Washington, or attend school in Washington, you must register within three business days after starting school in this state or becoming employed or carrying out a vocation in this state.

**3. Change of Residence Within State:** If you change your residence within a county, you must provide by certified mail, with return receipt requested or in person, signed written notice of your change of residence to the sheriff within three business days of moving. If you change your residence to a new county within this state, you must register with the sheriff of the new county within three business days of moving. Also within three business days, you must provide, by certified mail, with return receipt requested or in person, signed written notice of your change of address where you last registered.

**4. Leaving the State or Moving to Another State:** If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph within the new state within three business days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. If you move out of the state, you must also send written notice within three business days of moving to the new state or to a foreign country to the county sheriff with

whom you last registered in Washington State.

**5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12):** You must give notice to the sheriff of the county where you are registered within three business days:

- i) before arriving at a school or institution of higher education to attend classes;
- ii) before starting work at an institution of higher education; or
- iii) after any termination of enrollment or employment at a school or institution of higher education.

**6. Registration by a Person Who Does Not Have a Fixed Residence.** Even if you do not have a fixed residence, you are required to register. Registration must occur within three business days 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. Within three business days after losing your fixed residence, you must send signed written notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than 24 hours, you will be required to register with the sheriff of the new county not more than three business days after entering the new county. You must also report weekly in person to the sheriff of the county where you are registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. You must keep an accurate accounting of where you stay during the week and provide it to the county sheriff upon request. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

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

**5.7 [ ] Department of Licensing Notice:** The court finds that Count \_\_\_\_\_ is a felony in the commission of which a motor vehicle was used. **Clerk's Action --** The clerk shall forward an Abstract of Court Record (ACR) to the DOL, which must revoke the defendant's driver's license. RCW 46.20.285.

**Findings for DUI, Physical Control, Felony DUI or Physical Control, Vehicular Assault, or Vehicular Homicide (ACR information) (Check all that apply):**

- Within two hours after driving or being in physical control of a vehicle, the defendant had an alcohol concentration of breath or blood (BAC) of \_\_\_\_\_.
- No BAC test result.
- BAC Refused. The defendant refused to take a test offered pursuant to RCW 46.20.308.
- Drug Related. The defendant was under the influence of or affected by any drug.
- THC level was \_\_\_\_\_ within two hours after driving.
- Passenger under age 16. The defendant committed the offense while a passenger under the age of sixteen was in the vehicle.

Vehicle Info.:  Commercial Veh.  16 Passenger Veh.  Hazmat Veh.

5.8 Other: Any pre-trial surety bond not previously forfeited shall be exonerated.

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

Done in Open Court in the presence of the defendant this 4 day of  
June, 2015.

[Signature]  
JUDGE Print name:

[Signature]  
JOSEPH W. KUHLMAN  
Deputy Prosecuting Attorney  
WSBA# 42884

[Signature]  
DENNIS J. DRESSLER  
Attorney for Defendant  
WSBA# 19602

[Signature]  
EDDIE D. ARNOLD  
Defendant

**Voting Rights Statement:** I acknowledge that I have lost my right to vote because of this felony conviction. If I am registered to vote, my voter registration will be cancelled.

My right to vote is provisionally restored as long as I am not under the authority of DOC (not serving a sentence of confinement in the custody of DOC and not subject to community custody as defined in RCW 9.94A.030). I must register before voting. The provisional right to vote may be revoked if I fail to comply with all the terms of my legal financial obligations or an agreement for the payment of legal financial obligations.

My right to vote may be permanently restored by one of the following for each felony conviction: a) a certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) a court order issued by the sentencing court restoring the right, RCW 9.92.066; c) a final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) a certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 29A.84.660. Registering to vote before the right is restored is a class C felony, RCW 29A.84.140.

Defendant's signature: [Signature]

I am a certified or registered interpreter, or the court has found me otherwise qualified to interpret, in the \_\_\_\_\_ language, which the defendant understands. I interpreted this Judgment and Sentence for the defendant into that language.

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at \_\_\_\_\_, on \_\_\_\_\_  
(city) (state) (date)

\_\_\_\_\_  
Interpreter Print Name

VI. IDENTIFICATION OF DEFENDANT

SID No. 011108316

Date of Birth 02/16/1959

(If no SID take fingerprint card for State Patrol)

FBI No. 596346R11

Local ID No. 0283356

PCN No.

Other

DOB 02/16/1959

Alias name

Race:

[ ] Asian/Pacific Islander

[ ] Black/African-American

[X] Caucasian

[ ] Native American

[ ] Other: \_\_\_\_\_

Ethnicity:

[ ] Hispanic

[X] Non-Hispanic

Sex:

[X] Male

[ ] Female

FINGERPRINTS I attest that I saw the same defendant who appeared in Court on this document affix his or her fingerprints and signature thereto.

Timothy W. Fitzgerald, Clerk of the Court

*[Signature]*

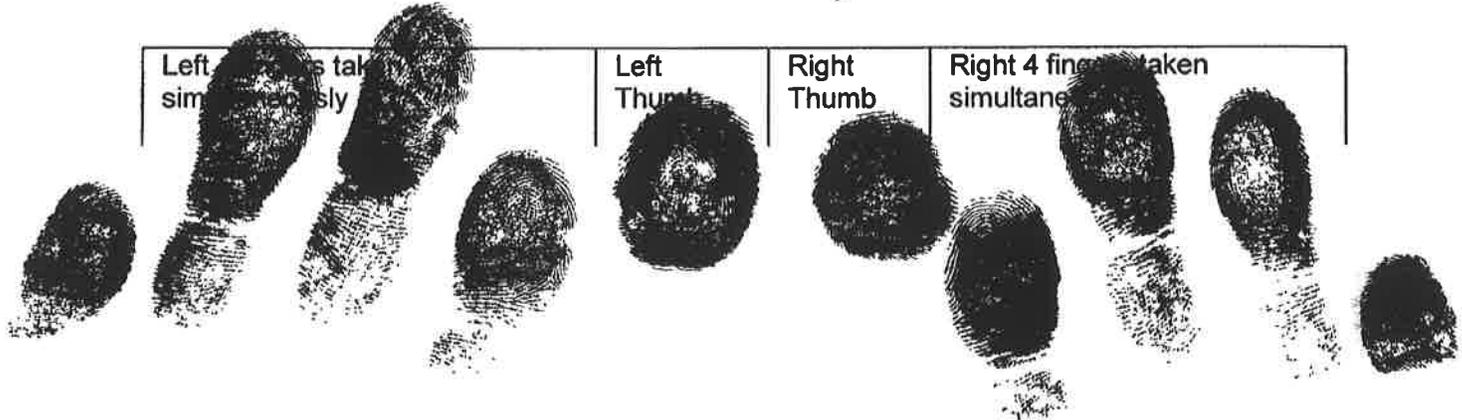
Deputy Clerk.

Dated: 6-4-2015

DEFENDANT'S SIGNATURE: *[Signature]*

*[Signature]*

|                                     |            |             |                                      |
|-------------------------------------|------------|-------------|--------------------------------------|
| Left 4 fingers taken simultaneously | Left Thumb | Right Thumb | Right 4 fingers taken simultaneously |
|-------------------------------------|------------|-------------|--------------------------------------|



# ATTACHMENT E

**FILED**

**OCT 28 2013**

THOMAS R. FALLQUIST  
SPOKANE COUNTY CLERK

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

STATE OF WASHINGTON

Plaintiff,

v.

EDDIE D. ARNOLD  
WM 02/16/59

Defendant(s).

)  
) INFORMATION

) (INFO)  
) No.

**13103812-0**

) GEORGE W. GAGNON, III  
) Deputy Prosecuting Attorney

) PA# 13-9-50546-0  
) RPT# 002-13-0176522  
) RCW 9A.82.050-F (#65360)  
)

Comes now the Prosecuting Attorney in and for Spokane County, Washington, and charges the defendant(s) with the following crime(s):

TRAFFICKING IN STOLEN PROPERTY IN THE FIRST DEGREE, committed as follows: That the defendant, EDDIE D. ARNOLD, in the State of Washington, on or about May 31, 2013, did knowingly traffic in stolen property, to-wit: DVD's and video games

*Kyu Tando 29334 For*  
Deputy Prosecuting Attorney  
WSBA #28768

**DEFENDANT INFORMATION:**

Address: RED TOP MOTEL  
Height: 5'09"  
Eyes: Blu  
SID #: 011108316

EDDIE D. ARNOLD  
7217 E TRENT AVE SPOKANE VALLEY WA 99212-1292  
Weight: 230  
DOL #:  
DOC #: 631420  
Hair: Gry  
State:  
FBI NO. 596346R11

**FILED**

MAR 18 2015

SPOKANE COUNTY CLERK

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

|                     |   |                             |
|---------------------|---|-----------------------------|
| STATE OF WASHINGTON | ) | AMENDED                     |
|                     | ) | INFORMATION                 |
| Plaintiff,          | ) |                             |
|                     | ) | No. 13-1-03812-0            |
| v.                  | ) |                             |
|                     | ) | GEORGE W. GAGNON, III       |
| EDDIE D. ARNOLD     | ) | Deputy Prosecuting Attorney |
| WM 02/16/59         | ) |                             |
|                     | ) | PA# 13-9-50546-0            |
| Defendant(s).       | ) | RPT# 002-13-0176522         |
|                     | ) | RCW 9A.82.055-F (#65370)    |
|                     | ) | (AMINF)                     |

Comes now the Prosecuting Attorney in and for Spokane County, Washington, and charges the defendant(s) with the following crime(s):

TRAFFICKING IN STOLEN PROPERTY IN THE SECOND DEGREE, committed as follows: That the defendant, EDDIE D. ARNOLD, in the State of Washington, on or about May 31, 2013, did recklessly traffic in stolen property, to-wit: DVDs and videogames,



Deputy Prosecuting Attorney  
WSBA # 28768

|                                |                       |                   |
|--------------------------------|-----------------------|-------------------|
| <b>DEFENDANT INFORMATION:</b>  | EDDIE D. ARNOLD       |                   |
| Address: 240 W SPRAGUE AVE # 4 | SPOKANE WA 99201-3627 |                   |
| Height: 5'09"                  | Weight: 230           | Hair: Gry         |
| Eyes: Blu                      | DOL #:                | State:            |
| SID #: 011108316               | DOC #: 631420         | FBI NO. 596346R11 |

AMENDED INFORMATION  
AMINF

Page 1

SPOKANE COUNTY PROSECUTING ATTORNEY  
COUNTY CITY PUBLIC SAFETY BUILDING  
SPOKANE, WA 99260 (509) 477-3662

**Attach. E-2**

**FILED**

MAR 18 2015

SPOKANE COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF SPOKANE

|                      |   |  |
|----------------------|---|--|
| STATE OF WASHINGTON, | ) |  |
|                      | ) |  |
| Plaintiff,           | ) | NO. 13-1-03812-0                         |
|                      | ) |  |
| vs.                  | ) |  |
|                      | ) |  |
| EDDIE D. ARNOLD,     | ) | <b>STATEMENT OF DEFENDANT ON</b>         |
|                      | ) | <b>PLEA OF GUILTY TO NON-SEX OFFENSE</b> |
|                      | ) | <b>(Felony)</b>                          |
| Defendant.           | ) | <b>(STDFG)</b>                           |

1. My true name is: EDDIE D. ARNOLD.
2. My age is: 56 years of age; (16 February 1959).
3. The last level of education I completed was 10th grade and I have my GED..
4. **I Have Been Informed and Fully Understand That:**
  - (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
  - (b) I am charged with: Count 1: TRAFFICKING IN STOLEN PROPERTY IN THE SECOND DEGREE

The elements are: Count 1: In Spokane County, Washington did recklessly traffic in stolen property.

5. **I Understand I Have the Following Important Rights, and I Give Them Up by Pleading Guilty:**
  - (a) The right to a speedy and public trial by an impartial jury in the county where the crime was allegedly committed;

- (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
- (c) The right at trial to hear and question the witnesses who testify against me;
- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) The right to be presumed innocent unless the State proves the charge beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a finding of guilt after a trial.

6. **In Considering the Consequences of My Guilty Plea, I Understand That:**

- (a) Each crime with which I am charged carries a maximum sentence, a fine, and a **Standard Sentence Range** as follows:

| COUNT NO. | OFFENDER SCORE | STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements) | PLUS Enhancements* | COMMUNITY CUSTODY | MAXIMUM TERM AND FINE                            |
|-----------|----------------|--|--------------------|-------------------|--|
| 1 TSP - 2 | 9+             | 51 to <del>60</del> months                                     | None               | None              | 10 years & \$20,000<br><i>5 yrs &amp; 10,000</i> |

\*The sentencing enhancement codes are: (RPh) Robbery of a pharmacy, (CSG) Criminal street gang involving minor, (AE) Endangerment while attempting to elude. The following enhancements will run consecutively to all other parts of my entire sentence, including other enhancements and other counts: (F) Firearm, (D) Other deadly weapon, (V) VUCSA in protected zone, (JP) Juvenile present, (VH) Veh. Hom, see RCW 46.61.520, (P16) Passenger(s) under age 16.

- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.
- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.
- (e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment and any mandatory fines or penalties that apply to my case. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or

double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.

(f) For crimes committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the total period of confinement is more than 12 months, and if this crime is a drug offense, assault in the second degree, assault of a child in the second degree, or any crime against a person in which a specific finding was made that I or an accomplice was armed with a deadly weapon, the judge will order me to serve at least one year of community custody. If this crime is a vehicular homicide, vehicular assault, or a serious violent offense, the judge will order me to serve at least two years of community custody. The actual period of community custody may be longer than my earned early release period. During the period of community custody, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For crimes committed on or after July 1, 2000: In addition to sentencing me to confinement, under certain circumstances the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months, but only if the crime I have been convicted of falls into one of the offense types listed in the following chart. For the offense of failure to register as a sex offender, regardless of the length of confinement, the judge will sentence me for up to 12 months of community custody. If the total period of confinement ordered is more than 12 months, and if the crime I have been convicted of falls into one of the offense types listed in the following chart, the court will sentence me to community custody for the term established for that offense type unless the judge finds substantial and compelling reasons not to do so. If the period of earned release awarded per RCW 9.94A.729 is longer, that will be the term of my community custody. If the crime I have been convicted of falls into more than one category of offense types listed in the following chart, then the community custody term will be based on the offense type that dictates the longest term of community custody.

| OFFENSE TYPE   | COMMUNITY CUSTODY TERM |
|--|------------------------|
| Serious Violent Offenses   | 36 months              |
| Violent Offenses   | 18 months              |
| Crimes Against Persons as defined by RCW 9.94A.411(2)  | 12 months              |
| Offenses under Chapter 69.50 or 69.52 RCW (not sentenced under RCW 9.94A.660)  | 12 months              |
| Offenses involving the unlawful possession of a firearm where the offender is a criminal street gang member or associate | 12 months              |

Certain sentencing alternatives may also include community custody.

During the period of community custody I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me, including additional conditions of community custody that may be imposed by the Department of

Corrections. My failure to comply with these conditions will render me ineligible for general assistance, RCW 74.04.005(6)(h), and may result in the Department of Corrections transferring me to a more restrictive confinement status or other sanctions.

If I violate the conditions of my community custody, the Department of Corrections may sanction me up to 60 days confinement per violation and/or revoke my earned early release, or the Department of Corrections may impose additional conditions or other stipulated penalties. The court also has the authority to impose sanctions for any violation.

- (g) The prosecuting attorney and defense will make the following **joint** recommendation to the judge:

**Upon amending the charge to TSP2nd and entering a plea of guilty Mr. ARNOLD is to be sentenced to the low end of 51 months. Credit for time already served (from 12-27-13 to date of plea) 446 days.**

**State will seek standard fines, costs, fees and assessments. Restitution of \$ 25 for the pawn shop involved.**

**Time on this matter to run concurrent to 13-1-03641-1.**

- (h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. I understand the following regarding exceptional sentences:
- (i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence. N/A
  - (ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine. N/A
  - (iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act. N/A
  - (iv) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts. N/A

If the court imposes a standard range sentence, then no one may appeal the sentence. If the court imposes an exceptional sentence after a hearing, either the State or I can appeal the sentence.

- (i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States. **I am a U. S. citizen.**
- (j) I may not possess, own, or have under my control any firearm, and under federal law any firearm or ammunition, unless my right to do so is restored by the court in which I am convicted or the superior court in Washington State where I live, and by a federal court if required. I must immediately surrender any concealed pistol license.
- (k) I will be ineligible to vote until that right is restored in a manner provided by law. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.
- (l) Government assistance may be suspended during any period of confinement.
- (m) I will be required to have a biological sample collected for purposes of DNA identification analysis. I will be required to pay a \$100.00 DNA collection fee.

**Notification Relating to Specific Crimes: If any of the following paragraphs DO NOT APPLY, counsel and the defendant shall strike them out. The defendant and the judge shall initial all paragraphs that DO APPLY.**

- 7. I plead guilty to count : **TRAFFICKING STOLEN PROPERTY SECOND DEGREE** in the Amended Information. I have received a copy of that Information.
- 8. I make this plea freely and voluntarily.
- 9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.
- 10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.
- 11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement: \_\_\_\_\_

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

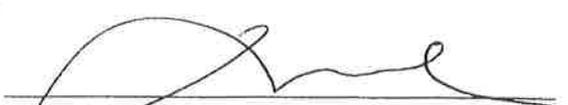
- 12. My lawyer has explained to me, and we have fully discussed, ~~all of the above paragraphs and the "Offender Registration" Attachment, if applicable.~~ I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

  
 Mr. EDDIE DEAN ARNOLD  
 Defendant

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

  
\_\_\_\_\_  
Prosecuting Attorney

GEORGE W. GAGNON<sup>III</sup>                      28768  
Print Name                                      WSBA No.

  
\_\_\_\_\_  
Defendant's Lawyer

DENNIS J. DRESSLER                      19602  
Print Name                                      WSBA No.

The defendant signed the foregoing statement 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 the entire statement above and that the defendant understood it in full;
- (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is included below.

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

Dated: 18 MARCH 2015

  
\_\_\_\_\_  
Judge MICHAEL P. PRICE

COURT COSTS \_\_\_\_\_  
 VICTIM ASSESS 500.-  
 RESTITUTION 25.- - previously built  
 FINE \_\_\_\_\_  
 ATTY FEES \_\_\_\_\_  
 SHERIFF COSTS \_\_\_\_\_  
 METH \_\_\_\_\_  
 DNA FEE 100.-  
 CRIME LAB \_\_\_\_\_  
 OTHER COST \_\_\_\_\_  
 CRIMINAL FILING FEE 200.-  
**\$825.-**

**FILED**

**JUN 04 2015**

**SPOKANE COUNTY CLERK**

**SUPERIOR COURT OF WASHINGTON  
 COUNTY OF SPOKANE  
 STATE OF WASHINGTON**

Plaintiff,

v.

**EDDIE D. ARNOLD  
 WM 02/16/59**

Defendant.

SID: 011108316

No. 13-1-03812-0

PA# 13-9-50546-0

RPT# 002-13-0176522

RCW 9A.82.055-F (#65370)

**FELONY JUDGMENT AND SENTENCE (FJS)  
 Prison**

Clerk's Action Required, para 2.1, 4.1, 4.3, 4.8,  
 5.2, 5.3, 5.5 and 5.7

Defendant Used Motor Vehicle

Juvenile Decline  Mandatory  Discretionary

**I. Hearing**

1.1 The court conducted a sentencing hearing this date; the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

**II. Findings**

2.1 **Current Offenses:** The defendant is guilty of the following offenses, based upon

guilty plea (date) 6/18/15  jury verdict (date) \_\_\_\_\_  bench trial (date) \_\_\_\_\_

3/18/15

Count No.: I

**TRAFFICKING IN STOLEN PROPERTY IN THE SECOND DEGREE**

**RCW 9A.82.055-F (#65370)**

**Date of Crime May 31, 2013**

**Incident No. 002-13-0176522**

Class: FA (Felony-A), PB (Felony-B), FC (Felony-C)

to the Information

Additional current offenses are attached in Appendix 2.1a.

**FELONY JUDGMENT AND SENTENCE (FJS)  
 (Prison)(Nonsex Offender)  
 ((RCW 9.94A.500,.505)(WPF CR 84.0400 (6/2014)**

159018094  
\$25-10-1-15 NFR Page 1

The jury returned a special verdict or the court made a special finding with regard to the following:

- GV** [ ] For the crime(s) charged in Count \_\_\_\_\_, **domestic violence** was pled and proved. RCW 10.99.020.
- [ ] The defendant used a **firearm** in the commission of the offense in Count(s) \_\_\_\_\_. RCW 9.94A.825, 9.94A.533.
- [ ] The defendant used a **deadly weapon other than a firearm** in committing the offense in Count(s) \_\_\_\_\_. RCW 9.94A.825, 9.94A.533.
- [ ] Count \_\_\_\_\_, is aggravated murder in the first degree committed while the defendant was [ ] under 16 years of age [ ] 16 or 17 years of age when the offense was committed.
- [ ] Count \_\_\_\_\_, was committed while the defendant was under 18 years of age and the time of confinement is over 20 years.
- [ ] Count \_\_\_\_\_, Violation of the Uniform Controlled Substances Act (VUCSA), RCW 69.50.401 and RCW 69.50.435 took place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, in a public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.
- [ ] In Count \_\_\_\_\_ the defendant committed a robbery of a pharmacy as defined in RCW 18.64.011(21), RCW 9.94A.832.
- [ ] 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** in Count(s) \_\_\_\_\_. RCW 9.94A.605, RCW 69.50.401, RCW 69.50.440.
- [ ] Count \_\_\_\_\_ is a **criminal street gang**-related felony offense in which the defendant compensated, threatened, or solicited a **minor** in order to involve that minor in the commission of the offense. 9.94A.833.
- [ ] Count \_\_\_\_\_ is the crime of **unlawful possession of a firearm** and the defendant was a **criminal street gang** member or associate when the defendant committed the crime. RCW 9.94A.702. 9.94A.829.
- [ ] The defendant committed [ ] **vehicular homicide** [ ] **vehicular assault** proximately caused by driving a vehicle while under the influence of intoxicating liquor or drug or by operating a vehicle in a reckless manner. The offense is, therefore, deemed a violent offense. RCW 9.94A.030.
- GY** [ ] In Count \_\_\_\_\_, the defendant had <sup>^(number of)</sup> **passenger(s) under the age of 16** in the vehicle. RCW 9.94A.533.
- [ ] Count \_\_\_\_\_ involves **attempting to elude** a police vehicle and during the commission of the crime the defendant endangered one or more persons other than the defendant or the pursuing law enforcement officer. RCW 9.94A.834.
- [ ] In Count \_\_\_\_\_ the defendant has been convicted of **assaulting a law enforcement officer** or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault, as provided under RCW

9A.36.031, and the defendant intentionally committed the assault with what appeared to be a firearm. RCW 9.94A.831, 9.94A.533.

- Count \_\_\_\_\_ is a felony in the commission of which the defendant used a **motor vehicle**. RCW 46.20.285.
- The defendant has a **chemical dependency** that has contributed to the offense(s). RCW 9.94A.607.
- In Count \_\_\_\_\_, assault in the first degree (RCW 9A.36.011) or assault of a child in the first degree (RCW 9A.36.120), the offender used force or means likely to result in death or intended to kill the victim and shall be subject to a mandatory minimum term of 5 years (RCW 9.94A.540).
- Counts \_\_\_\_\_ encompass the same criminal conduct and count as one crime in determining the offender score (RCW 9.94A.589)
- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):**

|    | <b>Crime</b>                                | <b>Cause Number</b> | <b>Court (county &amp; state)</b> |
|----|---|---------------------|-----------------------------------|
| 1. | Failure to Register: <sup>SEX</sup> OFFENSE | 13-1-0364-1         | Spokane Co., WA                   |
| 2. |   |                     |                                   |

\* DV: Domestic Violence was plead and proved.

- Additional current convictions listed under different cause numbers used in calculating the offender score are attached in Appendix 2.1b.

**2.2 Criminal History: (RCW 9.94A.525):**

| <b>Crime</b>                     | <b>Date of Crime</b> | <b>Crime Type</b> | <b>Adult or Juv</b> | <b>Place of Conviction</b> | <b>Sent. Date</b> |
|----------------------------------|----------------------|-------------------|---------------------|----------------------------|-------------------|
| SEX OFFENDER<br>FAIL TO REGISTER | 022607               | NV                | A                   | SPOKANE CO, WA             | 022208            |
| PSP 2                            | 121204               | NV                | A                   | OKANOGAN CO, WA            | 070705            |
| SEX OFFENDER<br>FAIL TO REGISTER | 111604               | NV                | A                   | OKANOGAN CO, WA            | 070705            |
| SEX OFFENDER<br>FAIL TO REGISTER | 102503               | NV                | A                   | OKANOGAN CO, WA            | 010804            |
| SEX OFFENDER<br>FAIL TO REGISTER | 052903               | NV                | A                   | OKANOGAN CO, WA            | 100903            |
| PSP 2                            | 052903               | NV                | A                   | OKANOGAN CO, WA            | 100903            |
| BURGLARY                         | 090597               |                   | A                   | BENAWAH CO, ID             | 032301            |
| SEX OFFENDER<br>FAIL TO REGISTER | 050900               | NV                | A                   | OKANOGAN CO, WA            | 120700            |
| THEFT 2                          | 020900               | NV                | A                   | OKANOGAN CO, WA            | 120700            |
| THEFT 2                          | 041800               | NV                | A                   | OKANOGAN CO, WA            | 120700            |
| RES. BURGLARY                    | 071097               | NV                | A                   | WHITMAN CO, WA             | 061998            |
| PSP 2                            | 122195               | NV                | A                   | WHITMAN CO, WA             | 012197            |
| STAT RAPE 2                      | 042688               | NV SEX            | A                   | CHELAN CO, WA              | 080288            |

FELONY JUDGMENT AND SENTENCE (FJS)  
 (Prison)(Nonsex Offender)  
 ((RCW 9.94A.500,.505)(WPF CR 84.0400 (6/2014)

|            |        |    |   |                  |        |
|------------|--------|----|---|------------------|--------|
| BURGLARY 2 | 112383 | NV | A | OKANOGAN CO, WA  | 030284 |
| FORGERY    | NA     | NV | A | OKANOGAN CO, WA  | 040579 |
| PSP 2      | 052177 | NV | A | SNOHOMISH CO, WA | 080877 |

\*DV: Domestic Violence was pled and proved.

- Additional criminal history is attached in Appendix 2.2
- The defendant committed a current offense while on community placement/community custody (adds one point to score). RCW 9.94A.525.
- The prior convictions listed as number(s) \_\_\_\_\_ above, or in appendix 2.2, are one offense for purposes of determining the offender score (RCW 9.94A.525).
- The prior convictions listed as number(s) \_\_\_\_\_ above, or in appendix 2.2, are not counted as points but as enhancements pursuant to RCW 46.61.520:

**2.3 SENTENCING DATA:**

| CT NO | Offender Score | Seriousness Level | Standard Range<br>(not including enhancements) | Plus enhancements* | Total Standard Range<br>(including enhancements) | Maximum Term    |
|-------|----------------|-------------------|--|--------------------|--|-----------------|
| 1     | 9+             | 3                 | 51-60mo  | N/A                | 51-60  | 5 yrs<br>10,000 |
|       |                |                   |  |                    |  |                 |
|       |                |                   |  |                    |  |                 |

\*(F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (RPh) Robbery of a pharmacy, (VH) Vehicular Homicide, See RCW 46.61.520, (JP) Juvenile present, (CSG) criminal street gang involving minor, (AE) endangerment while attempting to elude, (ALF) assault law enforcement with firearm, RCW 9.94A.533(12), (P16) Passenger(s) under age 16.

- Additional current offense sentencing data in Appendix 2.3.

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

- 2.4**  **Exceptional Sentence:** The Court finds substantial and compelling reasons that justify an exceptional sentence:
- below the standard range for Count(s) \_\_\_\_\_.
  - above 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 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.

within the standard range for Count(s) \_\_\_\_\_, but served consecutively to Count(s) \_\_\_\_\_.

Findings of fact and conclusions of law are attached in Appendix 2.4.  Jury's special interrogatory is attached. The Prosecuting Attorney  did  did not recommend a similar sentence.

**2.5 Legal Financial Obligations/Restitution.** The court has considered the total amount owing, the defendant's 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. (RCW 10.01.160). The court makes the following specific findings:

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

The defendant has the present means to pay costs of incarceration. RCW 9.94A.760.

^*(Name of agency)* \_\_\_\_\_'s costs for its emergency response are reasonable. RCW 38.52.430 (effective August 1, 2012).

**2.6 Felony Firearm Offender Registration.** The defendant committed a felony firearm offense as defined in RCW 9.41.010.

The court considered the following factors:

the defendant's criminal history.

whether the defendant has previously been found not guilty by reason of insanity of any offense in this state or elsewhere.

evidence of the defendant's propensity for violence that would likely endanger persons.

other: \_\_\_\_\_

The court decided the defendant  should  should not register as a felony firearm offender.

### III. Judgment

3.1 The defendant is **guilty** of the Counts and Charges listed in paragraph 2.1 and Appendix 2.1

3.2  The defendant is found NOT GUILTY of Counts \_\_\_\_\_ in the charging document.

The Court **dismisses** Counts \_\_\_\_ in the charging document.

IV. Sentence And Order

IT IS ORDERED:

4.1 Confinement. The court sentences the defendant to total confinement as follows:

(a) Confinement. RCW 9.94A.589. A term of total confinement in the custody of the Department of Corrections (DOC):

51 (months) on Count No. 1;
(months) on Count No. ;
(months) on Count No. .

[ ] The confinement time on Count(s) contain(s) a mandatory minimum term of

[ ] The confinement time on Count includes months as enhancement for [ ] firearm [ ] deadly weapon [ ] VUCSA in a protected zone [ ] manufacture of methamphetamine with juvenile present.

Actual number of months of total confinement ordered is: 51

All counts shall be served concurrently, except for the portion of those counts for which there is an enhancement as set forth at Section 2.3, and except for the following counts which shall be served consecutively:

This sentence shall run consecutively with the sentence in the following cause number(s) (see RCW 9.94A.589(3)):

Confinement shall commence immediately unless otherwise set forth here: TED by JW

(b) Credit for Time Served. The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The Spokane County Detention Services shall compute time served.

(c) [ ] Work Ethic Program. RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic program. The court recommends that the defendant serve the sentence at a work ethic program. Upon completion of work ethic program, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions in Section 4.2. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of confinement.

4.2 Community Custody. (To determine which offenses are eligible for or required for community custody see RCW 9.94A.701, RCW 10.95.030(3))

(A) The defendant shall be on community custody for:
Count(s) 36 months for Serious Violent Offenses.
Count(s) 18 months for Violent Offenses.

Count(s) \_\_\_\_\_ 12 months (for crimes against a person, drug offenses, or offenses involving the unlawful possession of a firearm by a street gang member or associate)

Note: combined term of confinement and community custody for any particular offense cannot exceed the statutory maximum. RCW 9.94A.701

- (B) While on community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while on community custody; (6) not own, use, or possess firearms or ammunition; (7) pay supervision fees as determined by DOC; (8) perform affirmative acts as required by DOC to confirm compliance with the orders of the court; and (9) abide by any additional conditions imposed by DOC under RCW 9.94A.704 and .706. The defendant's residence location and living arrangements are subject to the prior approval of DOC while on community custody.

The court orders that during the period of supervision the defendant shall:

- consume no alcohol.
- no use or possession of Marijuana and or products containing Tetrahydrocannabinol (THC)
- have no contact with: \_\_\_\_\_
- remain  within  outside of a specified geographical boundary, to wit: \_\_\_\_\_
- not serve in any paid or volunteer capacity where he or she has control or supervision of minors under 13 years of age.
- participate in the following crime-related treatment or counseling services: \_\_\_\_\_
- undergo an evaluation for treatment for  domestic violence  substance abuse  mental health  anger management and fully comply with all recommended treatment.
- comply with the following crime-related prohibitions: \_\_\_\_\_
- Other conditions: \_\_\_\_\_

Court Ordered Treatment: If any court orders mental health or chemical dependency treatment, the defendant must notify DOC and the defendant must release treatment information to DOC for the duration of incarceration and supervision. RCW 9.94A.562.

- (C) If the defendant committed the above crime(s) while under age 18 and is sentenced to more than 20 years of confinement:

- (i) As long as the defendant's conviction is not for aggravated first degree murder or certain sex crimes, and the defendant has not committed any crimes after he or she turned 18 or committed a major violation in the 12 months before the petition is filed, the defendant may petition the Indeterminate Sentence Review Board (Board) for early release after the defendant has served 10 years.
- (ii) If the defendant is released early because the petition was granted or by other action of the Sentence Review Board, the defendant may be subject to community custody under the supervision of the DOC for a period of time determined by the Board. The defendant will be required to comply with any conditions imposed by the Board.

**4.3 Legal Financial Obligations:** The defendant shall pay to the clerk of this court:

JASS CODE

PCV \$500.00 Victim Assessment RCW 7.68.035  
 PDV \$ \_\_\_\_\_ Domestic Violence Assessment RCW 10.99.080  
 CRC \$ 200.00 Court costs, including: RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190  
     Criminal Filing fee \$200.00 (RCW 36.18.020(2)(h)) FRC  
     Witness costs \$ \_\_\_\_\_ WFR  
     Sheriff service fees \$ \_\_\_\_\_ SFR/SFS/SFW/SRF  
     Jury demand fee \$ \_\_\_\_\_ JFR  
     Extradition costs \$ \_\_\_\_\_ EXT  
     Other \$ \_\_\_\_\_

PUB \$ \_\_\_\_\_ Fees for court appointed attorney RCW 9.94A.760  
 WRF \$ \_\_\_\_\_ Court appointed defense expert and other defense costs RCW 9.94A.760  
 FCM/MTH \$ \_\_\_\_\_ Fine RCW 9A.20.021; [ ] VUCSA chapter 69.50 RCW, [ ] VUCSA  
     additional fine deferred due to indigency RCW 69.50.430

CDE/LDI/  
 FCD/NTF/  
 SAD/SDI \$ \_\_\_\_\_ Drug enforcement fund of \_\_\_\_\_ RCW 9.94A.760

MTH \$ \_\_\_\_\_ Meth/Amphetamine Cleanup Fine, \$3000. RCW 69.50.440,  
     69.50.401(a)(1)(ii)  
 \$ \_\_\_\_\_ DUI fines, fees and assessments

CLF \$ \_\_\_\_\_ Crime lab fee [ ] suspended due to indigency RCW 43.43.690  
 \$100 \_\_\_\_\_ DNA collection fee RCW 43.43.7541

FVP \$ \_\_\_\_\_ Specialized forest products RCW 76.48.140  
 \$ \_\_\_\_\_ Other fines or costs for: \_\_\_\_\_

DEF \$ \_\_\_\_\_ Emergency response costs (\$1,000 maximum, \$2,500 max. effective August 1, 2012) RCW 38.52.430

Agency: \_\_\_\_\_

RTN/RJN \$ 25.00 Restitution to: Paul One

\$ \_\_\_\_\_ Restitution to: \_\_\_\_\_

\$ \_\_\_\_\_ Restitution to: \_\_\_\_\_

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

\$ 825.00 TOTAL RCW 9.94A.760

The above total does not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

shall be set by the prosecutor

is scheduled for \_\_\_\_\_

The defendant waives any right to be present at any restitution hearing (sign initials): \_\_\_\_\_

Restitution. Schedule attached.

Restitution ordered above shall be paid jointly and severally with:

**NAME of other defendant Cause Number (Victim Name) (Amount\$)**

RJN

The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8)

All payments shall be made in accordance with the policies of the clerk of the court and on a schedule established by the DOC or the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ 25.00 per month commencing 10/1/2018 RCW 9.94A.760.

The defendant SHALL report to the Spokane County Superior Court Clerk's Office immediately after sentencing if out of custody or within 48 hours after release from confinement if in custody. The defendant is required to keep an accurate address on file with the Clerk's Office and to provide financial information when requested by the Clerk's Office. The defendant is also required to make payments on the legal-financial obligations set by the court. **Failure to do any of the above will result in a warrant for your arrest.** RCW 9.94A.760(7)(b).

The Court orders the defendant to pay costs of incarceration at the rate of \$ \_\_\_\_\_ per day, (actual costs not to exceed \$100 per day). (JLR) RCW 9.94A.760. (This provision does not apply to costs of incarceration collected by DOC under RCW 72.09.111 and 72.09.480.)

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

**4.4 DNA Testing.** The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. This paragraph does not apply if it is established that the Washington State Patrol crime laboratory already has a sample from the defendant for a qualifying offense. RCW 43.43.754 **FAILURE TO REPORT FOR TESTING MAY BE CONSIDERED CONTEMPT OF COURT.**

*HIV Testing.* The defendant shall submit to HIV testing as directed by court order. RCW 70.24.340 **FAILURE TO PROVIDE DOCUMENTATION FOR TESTING MAY BE CONSIDERED CONTEMPT OF COURT.**

The victim, based upon their request, shall be notified of the results of the HIV test whether negative or positive. (Applies only to victims of sexual offenses under RCW 9A.44.) RCW 70.24.105(7)

**4.5 No Contact:**

The Defendant shall not have contact with Adam Smith and/or Aranda Burnett (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party until 6/1/20 (which does not exceed the maximum statutory sentence.)

The defendant is excluded or prohibited from coming within \_\_\_\_\_ (distance) of:  \_\_\_\_\_ (name of protected person(s))'s  home/residence  work place  school  (other location(s)) \_\_\_\_\_, or

other location: \_\_\_\_\_, until \_\_\_\_\_ (which does not exceed the maximum statutory sentence).

A separate Domestic Violence No-Contact Order or Anti-Harassment No-Contact Order is filed concurrent with this Judgment and Sentence.

**4.6 Other:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4.7 Off-Limits Order.** (Known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the County Detention Services or Department of Corrections: \_\_\_\_\_  
\_\_\_\_\_

**4.8 Exoneration:** The Court hereby exonerates any bail, bond and/or personal recognizance conditions.

## V. Notices and Signatures

- 5.1 Collateral Attack on Judgment.** If you wish to petition or move 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, you must do so within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090
- 5.2 Length of Supervision.** If you committed your offense prior to July 1, 2000, you shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to ten years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. If you committed your offense on or after July 1, 2000, the court shall retain jurisdiction over you, for the purposes of your compliance with payment of the legal financial obligations, until you have completely satisfied your obligation, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). The clerk of the court has authority to collect unpaid legal financial obligations at any time while you remain under the jurisdiction of the court for purposes of your legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).
- 5.3 Notice of Income-Withholding Action.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections (DOC) or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606
- 5.4 Community Custody Violation.**  
 (a) If you are subject to a first or second violation hearing and DOC finds that you committed the violation, you may receive as a sanction up to 60 days of confinement per violation. RCW 9.94A.633.  
 (b) If you have not completed your maximum term of total confinement and you are subject to a third violation hearing and DOC finds that you committed the violation, DOC may return you to a state correctional facility to serve up to the remaining portion of your sentence. RCW 9.94A.714.
- 5.5a Firearms.** You may not own, use or possess any firearm and under federal law any firearm or ammunition, unless your right to do so is restored by the court in which you are convicted or the superior court in Washington State where you live, and by a federal court if required. You must immediately surrender any concealed pistol license. (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification, to the Department of Licensing along with the date of conviction or commitment). RCW 9.41.040, 9.41.047.

5.5b  **Felony Firearm Offender Registration.** The defendant is required to register as a felony firearm offender. The specific registration requirements are in the "Felony Firearm Offender Registration" attachment.

5.6 Reserved.

5.7  **Department of Licensing Notice:** The court finds that Count \_\_\_\_\_ is a felony in the commission of which a motor vehicle was used. **Clerk's Action --** The clerk shall forward an Abstract of Court Record (ACR) to the DOL, which must revoke the defendant's driver's license. RCW 46.20.285.

**Findings for DUI, Physical Control, Felony DUI or Physical Control, Vehicular Assault, or Vehicular Homicide (ACR information) (Check all that apply):**

- Within two hours after driving or being in physical control of a vehicle, the defendant had an alcohol concentration of breath or blood (BAC) of \_\_\_\_\_.
- No BAC test result.
- BAC Refused. The defendant refused to take a test offered pursuant to RCW 46.20.308.
- Drug Related. The defendant was under the influence of or affected by any drug.
- THC level was \_\_\_\_\_ within two hours after driving.
- Passenger under age 16. The defendant committed the offense while a passenger under the age of sixteen was in the vehicle.

Vehicle Info.:  Commercial Veh.  16 Passenger Veh.  Hazmat Veh.

5.8 **Other: Any pre-trial surety bond not previously forfeited shall be exonerated.**

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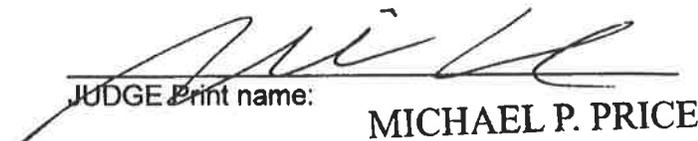


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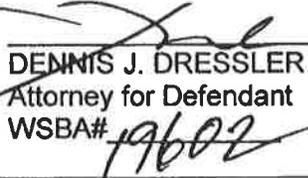


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Done in Open Court in the presence of the defendant this 4<sup>th</sup> day of June, 2015.

  
 JUDGE Print name: MICHAEL P. PRICE

  
 JOSEPH W. KUHLMAN  
 Deputy Prosecuting Attorney  
 WSBA# 42884

  
 DENNIS J. DRESSLER  
 Attorney for Defendant  
 WSBA# 19602

  
 EDDIE D. ARNOLD  
 Defendant

**Voting Rights Statement:** I acknowledge that I have lost my right to vote because of this felony conviction. If I am registered to vote, my voter registration will be cancelled.

My right to vote is provisionally restored as long as I am not under the authority of DOC (not serving a sentence of confinement in the custody of DOC and not subject to community custody as defined in RCW 9.94A.030). I must re-register before voting. The provisional right to vote may be revoked if I fail to comply with all the terms of my legal financial obligations or an agreement for the payment of legal financial obligations.

My right to vote may be permanently restored by one of the following for each felony conviction: a) a certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) a court order issued by the sentencing court restoring the right, RCW 9.92.066; c) a final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) a certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 29A.84.660. Registering to vote before the right is restored is a class C felony, RCW 29A.84.140.

Defendant's signature: 

I am a certified or registered interpreter, or the court has found me otherwise qualified to interpret, in the \_\_\_\_\_ language, which the defendant understands. I interpreted this Judgment and Sentence for the defendant into that language.

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at \_\_\_\_\_, on \_\_\_\_\_  
(city) (state) (date)

\_\_\_\_\_  
Interpreter Print Name

**VI. Identification of the Defendant**

SID No. 011108316

Date of Birth 02/16/1959

(If no SID complete a separate Applicant card form FD-258 for State Patrol)

FBI No. 596346R11

Local ID No. 0283356

PCN No.

Other

DOB 02/16/1959

Alias name

**Race:**

Asian/Pacific Islander

Black/African-American

Caucasian

**Ethnicity:**

Hispanic

Non-hispanic

**Sex:**

Male

Female

**Fingerprints** I attest that I saw the same defendant who appeared in Court affix his or her fingerprints and signature on this document.

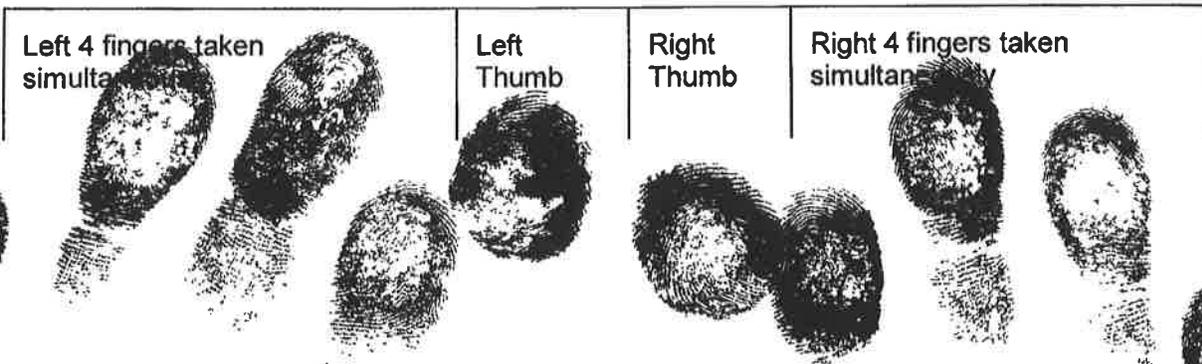
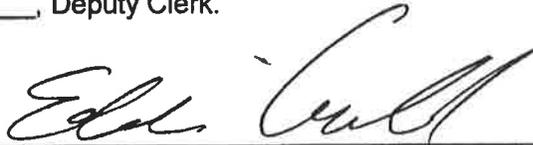
Timothy W. Fitzgerald, Clerk of the Court



Deputy Clerk.

Dated: 6-4-2015

DEFENDANT'S SIGNATURE:



FELONY JUDGMENT AND SENTENCE (FJS)  
(Prison)(Nonsex Offender)  
((RCW 9.94A.500,.505)(WPF CR 84.0400 (6/2014)

# ATTACHMENT F



**Spokane County Sheriff's Office**  
**Ozzie D. Knezovich, Sheriff**



*"In partnership with the community - Dedicated to your safety"*

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June 17, 2015

Eddie Dean Arnold

Dear Mr. Arnold,

In a recent Washington State Court of Appeals ruling, it has been determined that sex offender registration is not required under the following circumstances: the conviction is for Statutory Rape, or Indecent Liberties where the child is under 14, and the crime occurred between July 1, 1976 and July 1, 1988.

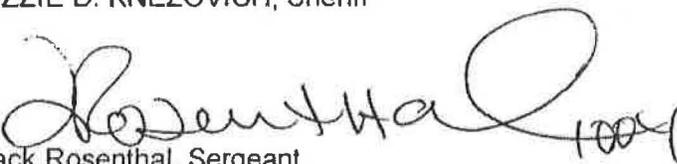
The conviction for which you have been registering falls under this recent ruling. We expect the legislature may revise the registration statute in the near future, which may again require that you register. Documentation will be sent to the Washington State Patrol, advising them of your relief from registration. This letter is your confirmation of relief and should be retained in your personal records.

If there is a law revision, which again makes your conviction registerable, you will be notified and expected to register again in the State of Washington. Your relief of sex offender registration in Washington State does not relieve you of the responsibility to comply with registration requirements of other states if you were to move.

If you have any additional questions or need clarification please contact Detective Dave Skogen at 509-477-6620.

Sincerely,

OZZIE D. KNEZOVICH, Sheriff

  
Jack Rosenthal, Sergeant  
Sexual Assault Unit

10.5621



### SEX/KIDNAPPING OFFENDER REGISTRATION RELIEVED OF DUTY TO REGISTER

(When a Court Order is Not Needed)

Print Full Name of Registrant Eddie Dean Arnold

Date of Birth 02-16-1959

SID Number 11108316

- The above offender has spent 10 consecutive years in the community without being convicted of a disqualifying offense, pursuant to RCW 9A.44.142.
- The above offender has spent 15 consecutive years in the community without being convicted of a disqualifying offense, pursuant to RCW 9A.44.142.

The following have been checked to verify this and there have been no prior conviction(s) for a sex/kidnapping offense:

- Washington State Crime Information Center (WACIC)
- Washington State Identification and Criminal History Section (WASIS)
- National Crime Information Center (NCIC)
- Superior Court Management Information System (SCOMIS)
- Judicial Information Systems (JIS) (Formerly DISCIS)
- Felony Offender Reporting System (FORS)
- WANTS AND WARRANTS
- DECEASED
- OTHER State vs. Taylor

Date Relieved of Duty 06-17-15

Signature of Official DA Skogen

Print Name of Official David A Skogen

Agency Name Spokane Co. SO

Phone Number 509 4776620