

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

FILED  
COURT OF APPEALS DIVISION I  
STATE OF WASHINGTON  
2009 OCT 14 PM 2:48

In re Personal Restraint )  
Petition of )  
)  
)  
)  
)  
)  
)  
ARMONDO SEPULVEDA, )  
Petitioner. )  
\_\_\_\_\_ )

No. 62395-8-1  
KING COUNTY'S  
RESPONSE TO  
PERSONAL RESTRAINT  
PETITION

A. AUTHORITY FOR RESTRAINT OF PETITIONER.

Armondo Sepulveda is restrained pursuant to Judgment and Sentence in King County Superior Court No. 89-1-04558-0. Appendix A. He has completed his sentence and is currently incarcerated pursuant to a Pierce County conviction.

B. ISSUES PRESENTED.

1. Whether this personal restraint petition should be dismissed where it is untimely and the judgment and sentence in valid on its face.

2. Whether this personal restraint petition should be dismissed where petitioner was not substantially misinformed as to the maximum sentence.

3. Whether, assuming this petition is not time-barred and the petitioner can establish that he was misinformed of the maximum sentence, plea withdrawal would be an unjust remedy twenty years after the plea was entered where physical evidence and witness recollections have almost certainly been lost.

C. STATEMENT OF THE CASE.

Armondo Sepulveda was charged by information in 1989 with the crimes of rape in the first degree and robbery in the second degree. Appendix B. The Certification for Determination of Probable Cause reflects that the victim was using a pay phone to call a taxi when she was approached by Sepulveda and his juvenile accomplice, Joseph Cezear. After introducing himself as "Armondo" and telling the victim that she should not be in that location at night, Sepulveda dragged the victim into a wooded area, and he and Cezear ripped her clothes off and Sepulveda raped her. When she struggled during the rape, Cezear punched her in the face. After the first rape, the victim tried to flee, but the men caught her

and then Cezear raped her. The victim pretended to lose consciousness, at which point the men took her jacket and money. A passerby helped the victim and she called the police. Sepulveda and Cezear were arrested the following night at the same location based on the victim's detailed description of the men. Following Miranda warnings, Sepulveda confessed to the rape and robbery. The victim's property was recovered from Sepulveda's mother's house pursuant to a search warrant. Appendix B.

Sepulveda pled guilty to the charged crimes. Appendix B.<sup>1</sup> The Statement of Defendant on Plea of Guilty properly advised Sepulveda that his standard range was 62 to 82 months for rape in the first degree, and 12 to 14 months for robbery in the second degree. Appendix B. Sepulveda was advised that the State's recommendation was 82 months of total confinement. Appendix B. Sepulveda was also advised that the statutory maximum was "20 years to life" for rape in the first degree and 10 years for robbery in the second degree. Appendix B.

---

<sup>1</sup> Although Sepulveda was charged with robbery in the second degree, the facts support a charge for robbery in the first degree, which is committed if a person inflicts bodily harm during the commission of robbery. Also, because Sepulveda participated in Cezear's rape of the victim, he could have been charged with two counts of rape in the first degree, which would have increased his offender score from 2 to 5, resulting in a much higher standard range.

Sepulveda was sentenced to 72 months of total confinement. Appendix A. He was ordered not to have contact with the victim for "the maximum term of life." Appendix A. In the "Sentencing Data" paragraph of the judgment and sentence the maximum term for Count I is written as "20 years to LIFE." Appendix A. Sepulveda did not appeal. The judgment and sentence was filed with the clerk of the trial court on November 7, 1989. Appendix C.

D. ARGUMENT.

1. THIS PETITION IS UNTIMELY BECAUSE THERE IS NO INVALIDITY IN THE SENTENCE THAT WAS IMPOSED.

Sepulveda contends that his claim, which was raised *eighteen* years after his judgment and sentence became final, is not time-barred because the judgment and sentence is invalid on its face. His claim should be rejected. There was no error in the sentence imposed. As such, the judgment and sentence is not invalid on its face.

No petition collaterally attacking a judgment and sentence may be filed more than one year after the judgment becomes final, if the judgment and sentence is valid on its face and was rendered by a court of competent jurisdiction. RCW 10.73.090(1). A

judgment becomes final on the date that it is filed with the clerk of the trial court if no appeal is filed. RCW 10.73.090(3). In the present case, the judgment and sentence became final on November 7, 1989. Appendix C. This petition was not filed until September of 2008, more than eighteen years later.

Pursuant to RCW 10.73.090(1), the one-year time limit only applies if "the judgment and sentence is valid on its face." RCW 10.73.090(1). A judgment is valid on its face unless the judgment evidences an error without further elaboration. In re Personal Restraint of Thompson, 141 Wn.2d 712, 10 P.3d 380 (2000).<sup>2</sup>

Sepulveda argues that the 1989 judgment and sentence is invalid on its face because the form incorrectly states the maximum term as "20 years to life." In re Personal Restraint of McKiearnan, 165 Wn.2d 777, 203 P.3d 375 (2009), is directly on point and holds that this is not a substantial defect that renders the judgment and sentence invalid on its face. In McKiearnan, the judgment and sentence stated that the maximum term for first degree robbery

---

<sup>2</sup> The documents of the plea can inform the inquiry as to whether the judgment and sentence is invalid on its face. In re Pers. Restraint of Hemenway, 147 Wn.2d 529, 55 P.3d 615 (2002). However, misinformation about the consequences of a plea is not a facial defect exempt from the one-year time limit on collateral attack. Id. at 533. An error on the plea form does not render the judgment and sentence invalid on its face. Id.

was "twenty (20) years to life imprisonment." Id. at 779. The supreme court held that the judgment and sentence was not invalid on its face. Id. at 783. The court stated, "[t]o be facially invalid, a judgment and sentence requires a more substantial defect than a technical misstatement that had no actual effect on the rights of the petitioner." Id.

Moreover, not addressed in the McKiernan decision is the fact that any misstatement in the statutory maximum is not part of either the judgment or the sentence. The actual "judgment" is contained in part III on the form. It states: "It is adjudged that defendant is guilty of the current offenses set forth in Section 2.1 above and Appendix A." Appendix A. Sepulveda does not challenge the validity of this judgment.

Sepulveda also does not challenge the sentence imposed: a standard range sentence of 72 months of total confinement, plus restitution, court costs, a victim's penalty assessment, and no contact with the victim "for the maximum term of life."

Washington courts have never adopted a rule that any mistake on the judgment form renders a judgment and sentence invalid on its face. The error must affect the validity of the sentence itself. For example, in In re Personal Restraint of Stoudmire, 141

Wn.2d 342, 354, 5 P.3d 1240 (2000), the judgment and sentence was invalid on its face because the crime was charged outside the statute of limitations thus rendering the sentence imposed invalid. In In re Thompson, supra, the judgment and sentence was invalid on its face because the defendant was convicted of a crime that did not exist at the time it was committed thus rendering the sentence imposed invalid. 141 Wn.2d at 719. In In re Personal Restraint of Goodwin, 146 Wn.2d 861, 865-66, 50 P.3d 618 (2002), the judgment and sentence was invalid on its face where the offender score was incorrectly calculated thus rendering the sentence imposed invalid. In In re Personal Restraint of West, 154 Wn.2d 204, 110 P.3d 1122 (2005), the judgment and sentence was invalid on its face due to a provision of the sentence that prohibited earned early release credit, which was outside the court's statutory authority, thus rendering the sentence imposed invalid. In no case has a Washington court held a judgment and sentence invalid on its face based on a mistake on the judgment form that does not affect the validity of the sentence imposed. This Court should reject Sepulveda's contention that any mistake on the judgment and sentence renders the document invalid on its face, even where the mistake does not affect the validity of the sentence imposed.

Sepulveda's judgment and sentence does not evidence an error in the judgment or the sentence on its face. It is not invalid on its face.

## 2. THE TIME-BAR APPLIES IN THIS CASE.

Sepulveda argues that the time-bar cannot be applied to him because there is no proof that he received written notice of the time-bar when he was sentenced as provided by RCW 10.73.110. That statute states, "[a]t the time judgment and sentence is pronounced in a criminal case, the court shall advise the defendant of the time limit specified in RCW 10.73.090 and 10.73.100." RCW 10.73.110. The statute was enacted in 1989. There appears to be no written documentation in the court file of such an advisement. No transcript of the sentencing hearing has been provided.

However, evidence provided by the Department of Corrections establishes that Sepulveda received written notice of the time bar when he was received at the Washington Corrections Center on November 14, 1989. See Response of Department of Corrections. As such, Sepulveda's reliance on In re Personal Restraint of Vega, 118 Wn.2d 449, 823 P.2d 1111 (1992), is misplaced. In that case it was undisputed that petitioner had not been advised of the one-year time bar as required by RCW

10.73.120 while in federal prison, and thus the court did not apply the time bar. Id. at 450. Sepulveda, unlike Vega, was advised of the one-year time bar in November of 1989 when he entered the Washington Corrections Center. In In re Personal Restraint of Runyan, 121 Wn.2d 432, 452, 853 P.2d 424 (1993), the supreme court held that as long as the Department of Corrections attempted to notify prisoners the time bar would be imposed. Here there is no question but that the Department of Corrections attempted to notify Sepulveda, and every reason to believe that it did so.

While RCW 10.73.110 provides that the court shall advise the defendant of the time bar at the time of sentencing, it does not provide a remedy for the court's failure to do so. Nothing in RCW 10.73.090 reflects that the legislature intended application of the time bar to be dependent on the court's compliance with RCW 10.73.110. In this respect, RCW 10.73.110 is like the juvenile speedy disposition statute, RCW 13.40.130(8). In State v. Eugene W., 41 Wn. App. 758, 760-61, 706 P.2d 235 (1985), the court acknowledged that the statute required a juvenile disposition hearing within 14 days, but noted that the statute imposed no sanction for its violation. As such, the court refused to impose a remedy absent a showing of prejudice.

Although RCW 10.73.110 mandates that the court advise defendants of the time bar, it does not provide a remedy should the court fail to do so. The sentencing court's failure to comply with RCW 10.73.110 should not serve as a basis for ignoring the time bar in this case. Sepulveda's petition should be dismissed as untimely.

3. PETITIONER WAS NOT MISADVISED OF A DIRECT CONSEQUENCE OF HIS PLEA.

Even if this petition was not time-barred, Sepulveda is not entitled to relief. He has failed to establish that he was misadvised of the direct consequences of his plea.

An appellate court will grant substantive review of a personal restraint petition only when the petitioner makes a threshold showing of constitutional error from which he has suffered actual prejudice or nonconstitutional error which constitutes a fundamental defect that inherently resulted in a complete miscarriage of justice. In re Personal Restraint of Cook, 114 Wn.2d 802, 813, 792 P.2d 506 (1990). In a personal restraint petition, petitioner bears the burden of showing prejudicial error. State v. Brune, 45 Wn. App. 354, 363, 725 P.2d 454 (1986).

CrR 4.2(d) mandates that a plea of guilty shall not be accepted until the court ascertains that the plea is voluntary, that the defendant is competent, and that the defendant understands the nature of the charge and the consequences of the plea. In order for a plea to comport with the requirements of CrR 4.2, the defendant must be advised of the direct consequences of his plea. State v. Ross, 129 Wn.2d 279, 916 P.2d 405 (1996).

Sepulveda contends that he was misadvised of a direct consequence of his plea because the plea form stated the statutory maximum as "20 years to life" rather than life. But an identical claim was rejected in McKiernan. The supreme court stated in that McKiernan "was aware of the maximum amount of time he could serve in confinement." McKiernan, 165 Wn.2d at 783. The court held that "petitioner was not substantially misinformed as to the maximum sentence." Id. Likewise, Sepulveda was not substantially misinformed as to the maximum sentence. He has failed to establish a prejudicial constitutional error, a fundamental defect that inherently resulted in a complete miscarriage of justice or a manifest injustice.

4. WITHDRAWAL OF SEPULVEDA'S PLEA TWENTY YEARS AFTER IT WAS ENTERED WOULD BE UNFAIR PURSUANT TO STATE V. MILLER.

In State v. Miller, 110 Wn.2d 528, 535, 756 P.2d 122 (1988), this Court held that where the defendant was misadvised of the direct consequences of his plea, the defendant's choice of remedy, withdrawal of the plea or specific performance, controls unless there are compelling reasons not to allow the remedy. Plea withdrawal may be unfair if essential witnesses or evidence has been lost. Id.

Withdrawal of Sepulveda's plea, twenty years after it was entered, would almost certainly be unfair where physical evidence of the crime, such as the victim's clothing and photographs of the victim's injuries, have almost certainly been destroyed and witnesses moved. Even assuming the victim and the officers involved in the investigation can now be located, their recollection would be greatly diminished now that twenty years have passed. A petitioner should not be allowed to wait for years, until he is certain that the State's evidence can no longer be marshaled, and then challenge the voluntariness of his plea as to a minor matter, and be allowed to withdraw his plea, leaving the State unable to proceed. The State believes that withdrawal of Sepulveda's plea

under these circumstances, more than twenty years later, would be unfair. At the very least, a superior court hearing would be required on remand to determine whether the State's evidence has been lost to such a degree that withdrawal of the plea would be unjust. See State v. Bisson, 156 Wn.2d 507, 517, 130 P.3d 820 (2006); State v. Turley, 149 Wn.2d 395, 401, 69 P.3d 338 (2003).

E. CONCLUSION.

This petition should be dismissed as untimely.

DATED this 3~~th~~ day of October, 2009.

Respectfully Submitted,

DAN SATTERBERG  
King County Prosecuting  
Attorney

by   
ANN SUMMERS, #21509  
Senior Deputy Prosecuting  
Attorney  
Attorneys for Respondent  
Office ID #91002

W554 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104  
(206) 296-9650

## APPENDIX A

3

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

NO. 89-1-04558-0

vs.

ARMONDO RAY SEPULVEDA,

Defendant.

JUDGEMENT AND SENTENCE

COMMITMENT ORDER 7-1989  
PRESENTENCING STATEMENT & INFORMATION ATTACHED

I. HEARING

1.1 Pursuant to RCW 9.94A.110, sentencing hearing in this case was held on November 3, 1989

1.2 Present were:

Defendant: ARMONDO RAY SEPULVEDA Defendant's Lawyer: THERESA OLSON

Deputy Prosecuting Attorney: Kerry J. Keefe

Other: \_\_\_\_\_

1.3 The state has moved for dismissal of Count(s) \_\_\_\_\_

1.4 Defendant was asked if there was any legal cause why judgement should not be pronounced, and none was shown.

II. FINDINGS

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

2.1 CURRENT OFFENSE(S): The defendant was found guilty on (date): 9-14-89 by plea / jury verdict / bench trial of:

Count No.: I Crime: RAPE IN THE FIRST DEGREE

RCW 9A.44.040 Crime Code 00716

Date of Crime August 11, 1989 Incident No. \_\_\_\_\_

Count No.: II Crime: ROBBERY IN THE SECOND DEGREE

RCW 9A.56.190, 9A.56.210 Crime Code 02924

Date of Crime August 11, 1989 Incident No. \_\_\_\_\_

Count No.: \_\_\_\_\_ Crime: \_\_\_\_\_

RCW \_\_\_\_\_ Crime Code \_\_\_\_\_

Date of Crime \_\_\_\_\_ Incident No. \_\_\_\_\_

Additional current offenses are attached in Appendix A.

(a)  With a special verdict / finding for being armed with a deadly weapon on Count(s): \_\_\_\_\_

(b)  With a special verdict / finding for Violation of the Uniform Controlled Substance Act offense taking place

in a school zone  in a school  on a school bus \_\_\_\_\_

(c)  Vehicular Homicide  Violent Offense (D.W.I. and/or reckless) or  Nonviolent (disregard safety of others)

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

(e)  Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.400(1)(a)): \_\_\_\_\_

(Current offenses not listed here are not encompassed)

COPY TO SENTENCING GUIDELINES COMMISSION NOV 7-1989

2.2 CRIMINAL HISTORY: Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.360):

	Crime	Sentencing Date	Adult or Juv. Crime	Date of Crime	Crime Type
(a)	Theft 2	4-29-87	Juvenile	86-8-05528-4	(King County)
(b)					
(c)					
(d)					

- Additional criminal history is attached in Appendix B.  
 Prior convictions served concurrently and counted as one offense in determining the offender score are (RCW 9.94A.360(11)):

2.3 SENTENCING DATA:

	OFFENDER SCORE	SERIOUSNESS LEVEL	RANGE	MAXIMUM TERM
Count I :	2	X	62--82 months	20 years to LIFE
Count II :	2	IV	12+--14 months	10 years
Count _____ :				

- Additional current offense sentencing data is attached in Appendix C.

2.4 EXCEPTIONAL SENTENCE:

- Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) \_\_\_\_\_  
 Findings of fact and conclusion are attached in Appendix D.

III. JUDGEMENT

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in section 2.1 above and Appendix A.

- The Court DISMISSES Count(s) \_\_\_\_\_

IV. ORDER

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

4.1 Defendant shall pay to the Clerk of this Court:

- (a) \$ \_\_\_\_\_ Total amount restitution (with credit for amounts paid by co-defendant) to:
- | Name                                | Address                        | Amount   |
|-------------------------------------|--------------------------------|----------|
| <u>See attached</u>                 | <u>any additional</u>          | \$ _____ |
| <u>Order of Partial Restitution</u> | <u>amount to be determined</u> | \$ _____ |

- Schedule of Restitution is attached as Appendix E.  
 Restitution to be determined at future restitution hearing.

- (b) \$ 25.00 Court costs;  
 (c) \$ 100 Victim assessment; 100

(d) \$ waived Recoupment for attorney's fees to King County Public Defense Programs, 2015 Smith Tower, Seattle, WA 98104.

- (e) \$ \_\_\_\_\_ Fine;  
 (f) \$ \_\_\_\_\_ King County Interlocal Drug Fund;  
 (g) \$ \_\_\_\_\_ Other costs for: \_\_\_\_\_

(h) TOTAL monetary obligations.

- (i) The above payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk which are attached and incorporated into this order and the following terms:  Not less than \$ 10 per month  On a schedule established by the defendant's Community Corrections officer.  \_\_\_\_\_

(j) and the clerk of the court shall credit monetary payments to the above obligations in the above-listed order. The defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to ten years to assure payment of the above monetary obligations.

4.2 CONFINEMENT OVER ONE YEAR: Defendant is sentenced to a term of total confinement in the custody of the Department of Corrections as follows commencing (date): immediately, defendant in custody  
72 months on Count No. I  
14 months on Count No. II  
\_\_\_\_\_ months on Count No. \_\_\_\_\_

The terms in Count(s) No. I & II are concurrent / consecutive.

The sentence herein shall run concurrently / consecutively with the sentence in cause number(s) \_\_\_\_\_ but consecutive to any other cause not referred to in this order.

Total number of months of confinement ordered is 72 months.

The defendant shall receive credit for time served of 81 days solely for conviction under this cause number pursuant to RCW 9.94A.120(13). The Earned Early Release time provisions of RCW 9.94A.150 shall be applied by the Department of Corrections to this time served.

The defendant shall report to an assigned community corrections officer upon release from confinement for monitoring of the remaining terms of this sentence.

4.3 NO-CONTACT: For the maximum term of LIFE years, defendant shall have no contact with Janel Wiseman

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

- |  |  |
|--|--|
| <input type="checkbox"/> Appendix A, Additional Current Offenses (2.1)   | <input type="checkbox"/> Appendix E, Schedule of Restitution (4.1(c))  |
| <input type="checkbox"/> Appendix B, Additional Criminal History (2.2)   | <input type="checkbox"/> Appendix G, HIV Testing and Counseling (4.4) for drug offense, sex offense, prostitution related offense.   |
| <input type="checkbox"/> Appendix C, Additional Current Offense(s) Sentencing Data (2.3)                       | <input type="checkbox"/> Appendix H, Community Placement (4.5) for sex offense, serious violent offense, second degree assault, deadly weapon finding, Chapter 69.50 or 69.52 RCW offense. |
| <input type="checkbox"/> Appendix D, Findings of Fact and Conclusions of Law for an Exceptional Sentence (2.4) |  |

Date: November 3, 1989

Ausar P. Aziz  
Judge, King County Superior Court

Presented By:

Kenny J. Keefe  
Deputy Prosecuting Attorney

Approved as to form:

[Signature]  
Attorney for Defendant  
W. J. [Signature]

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

v.

Armando Ray Sepulveda  
Defendant.

NO. 89-1-04578-0

APPENDIX H  
COMMUNITY PLACEMENT

The Court having found the defendant guilty of offense(s) qualifying for community placement, it is further ordered as set forth below.

4.5 COMMUNITY PLACEMENT: Defendant additionally is sentenced to a one-year term of community placement on count(s) I beginning either upon completion of the term of confinement or at such time as the defendant is transferred to community custody in lieu of early release.

(a) Defendant shall comply with the following conditions during the term of community placement:

- (1) Report to and be available for contact with the assigned community corrections officer as directed;
- (2) Work at Department of Corrections-approved education, employment, and/or community service;
- (3) Not consume controlled substances except pursuant to lawfully issued prescriptions;
- (4) While in community custody not unlawfully possess controlled substances; and
- (5) Pay community placement fees as determined by the Department of Corrections.

The following conditions listed under 4.5 (a) are hereby waived by the court: \_\_\_\_\_

(b) Defendant shall comply with the following other conditions during the term of community placement:

- Enter into & successfully complete Alcohol Evaluation
- Complete Sexual deviancy evaluation + treatment
- Shall not frequent Taverns *if recommended*

ADA

Date: November 3, 1989

SPAJD  
Judge, King County Superior Court

FINGERPRINTS



Defendant's Signature: Armondo Sepulveda

Attested by:

Right Hand  
Fingerprints of:

M. Janice Michels, Superior Court Clerk

Armondo Sepulveda

By: Spidi B. Long  
Deputy Clerk

Dated: 11/3/89

SPASid  
Judge, King County Superior Court

CERTIFICATE

OFFENDER IDENTIFICATION

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

S.I.D. No. 13584996  
Date of Birth 6-17-69  
Sex M  
Race W

Dated: \_\_\_\_\_

\_\_\_\_\_  
Clerk

By: \_\_\_\_\_  
Deputy Clerk

## APPENDIX B

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 Armando Sepulveda, )  
 )  
 Defendant. )

NO. 89-1-04358-0

STATEMENT OF DEFENDANT ON PLEA  
OF GUILTY  
(Felony)

1. My true name is Armando R. Sepulveda.

2. My date of birth is 6/17/69.

3. I went through the 9<sup>th</sup> 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 Theresa Cison.

5. I have been informed and fully understand that I am charged with the crime(s) of Rape 1<sup>st</sup> and Robbery 2<sup>nd</sup>

that the elements of the crime(s) are: \_\_\_\_\_

see attached information

and that the maximum sentence(s) for which is (are): \_\_\_\_\_

20 years to life on count I and 50,000

10 years and \$25,000 on count II

*Handwritten signature/initials*



In addition, I understand that I may have to pay restitution for crime(s) to which I enter a guilty plea and for any other uncharged crime(s) for which I have agreed to pay restitution. The standard sentence range for the crime is at least \_\_\_\_\_ and no more than \_\_\_\_\_

62 to 82 months on count I

12+1 to 14 months on count II

based upon my criminal history which I understand the Prosecutor says to be: \_\_\_\_\_

Draft 10 - juvie conviction

Criminal history attached as Appendix B and incorporated by reference.

I have been given a copy of the information.

And I further understand that as a First Time Offender, the court may decide not to impose the standard sentence range, and then the court may sentence me to up to 90 days of total confinement and two years of community supervision. (If First Offender provision is not applicable, this statement shall be stricken and initialed by the defendant and the judge).

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.

- (b) I have the right to remain silent before and during trial, and I need not testify against myself.
- (c) I have the right to hear and question any witness who testifies against me.
- (d) I have the right at trial to have witnesses testify for me. These witnesses can be made to appear at no expense to me.
- (e) I am presumed innocent until the charge(s) is (are) proven beyond a reasonable doubt, or I enter a plea of guilty.
- (f) I have the right to appeal a determination of guilt after a trial.
- (g) If I plead guilty, I give up the rights in statements (a) through (f) of this paragraph 6.

7. I plead guilty to the crime(s) of Rape 10 and Robbery 20 as charged in the \_\_\_\_\_ 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. I have been informed and fully understand that the Prosecuting Attorney will make the following recommendations to the court:

82 months on Count I, 14 months on Count II - concurrent  
No contact with victim  
restitution, costs, UFA, recoupment  
Testify truthfully against co-defendant Joseph C. Zeeman  
living situation subject to CCS approval

12. I have been informed and fully understand that the standard sentencing range is based on the crime charged and my criminal history. Criminal history includes prior convictions, whether in this state, in federal court, or elsewhere. Criminal history also 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 the 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 binding upon me if accepted by the court, and I cannot change my mind if additional criminal history is discovered and the standard sentence range and the Prosecuting Attorney's recommendation increases. \_\_\_\_\_

---

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

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

with which I am charged carries with it a term of total confinement of not less than \_\_\_\_\_ years.

I have been advised that the law requires that a term of total confinement be imposed and does not permit any modification of the mandatory minimum term. (If not applicable, any or all of this paragraph shall be stricken and initialed by the defendant and the judge.)

15. I have been advised that the sentences imposed in Counts \_\_\_\_\_ will run consecutively/

concurrently unless the court finds substantial and compelling reasons to run the sentences concurrently/consecutively.

16. I understand that if I am on probation, parole, or community supervision, a plea of guilty to the present charge(s) will be sufficient grounds for a Judge to revoke my probation or community supervision or for the Parole Board to revoke my parole. \_\_\_\_\_

17. I understand that 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.

18. The court has asked me to state briefly in my own words what I did that resulted in my being charged with the crime(s) in the information. This is my statement: \_\_\_\_\_

Count I in King County in the State of Washington on August 11, 1989,  
I engaged in sexual intercourse with Janez Wiseman.  
When I did that I used forcible compulsion. I was  
with another person who acted with me. When we  
raped her we dragged her off into the bushes and  
held her down against her will.

Count II - In King County, in the State of Washington,  
on August 11, 1989 I took personal property,  
clothing and money from June Wiseman. I  
took it from her after I had raped her (see  
Count I) I was acting with another person  
at the time.

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 this "Statement of Defendant on Plea of Guilty" form. I have no further questions to ask of the court.

Armando Acuña  
DEFENDANT

Henry J. Keefe  
Deputy Prosecuting Attorney

[Signature]  
Defendant's Attorney  
D. NEGRO/USC

The foregoing statement was read by me or to the defendant and signed by the defendant in the presences 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 14 day of Sept., 1989.

Teresa A. Carol  
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 \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Interpreter

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,	)	
	)	
Plaintiff,	)	NO. 89-1-04558-0
	)	
v.	)	INFORMATION
	)	
ARMONDO RAY SEPULVEDA,	)	
	)	
Defendant.	)	

COUNT I

I, Norm Maleng, Prosecuting Attorney for King County in the name and by the authority of the state of Washington, do accuse Armondo Ray Sepulveda of the crime of rape in the first degree, committed as follows:

That the defendant Armondo Ray Sepulveda, together with another, in King County, Washington, on or about August 11, 1989, by forcible compulsion did engage in sexual intercourse with another person named Janae Catherine Wiseman under circumstances where the defendant and an accessory kidnapped Janae Catherine Wiseman;

Contrary to RCW 9A.44.040(1)(b), and against the peace and dignity of the state of Washington.

COUNT II

And I, Norm Maleng, Prosecuting Attorney aforesaid further do accuse Armondo Ray Sepulveda of the crime of robbery in the second degree, a crime based on a series of acts connected together with Count I, which crimes were part of a common scheme or plan, and which crimes were so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the other, committed as follows:

INFORMATION - 1

**NORM MALENG**  
Prosecuting Attorney  
W554 King County Courthouse  
Seattle, Washington 98104  
425-2222 ext. 6000

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

That the defendant, Armondo Ray Sepulveda, together with another, in King County, Washington, on or about August 11, 1989, did unlawfully take personal property, to-wit: clothing, personal property and lawful U.S. currency, from the person and in the presence of Janae Catherine Wiseman, against her will, by the use or threatened use of immediate force, violence and fear of injury to such person or her property;

Contrary to RCW 9A.56.210 and 9A.56.190, and against the peace and dignity of the state of Washington.

**NORM MALENG**  
Prosecuting Attorney

By  
**BARBARA B. LINDE**  
Senior Deputy Prosecuting Attorney

CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE

1  
2  
3 That BARBARA B. LINDE is a Senior Deputy Prosecuting  
4 Attorney for King County and is familiar with the police report  
5 and investigation conducted in Seattle Police Department case  
6 No. 89-408181;

7 That this case contains the following upon which this  
8 motion for the determination of probable cause is made:

9 In the early morning hours of August 11, 1989, Janae  
10 Catherine Wiseman was on her way home from a party on Capitol Hill  
11 in King County. She was on foot and decided to call a taxi. She  
12 used a telephone booth at Bellevue Avenue and East Olive Way and  
13 was told there would be a short wait. While she waited she was  
14 approached by the defendant, Armondo Ray Sepulveda, and his  
15 juvenile accomplice, Joseph Dee Cezear.

16 At first the two men were cordial. Sepulveda even  
17 introduced himself as "Armondo" and they told Wiseman that she  
18 shouldn't be out there at night because it was a "scary" area.  
19 They then seemed to leave but returned immediately and accosted  
20 Wiseman. They stood right up against her, physically trying to  
21 press against her. She tried to walk away but they followed. At  
22 that point, Sepulveda grabbed Wiseman around the waist and dragged  
23 her into a wooded, bushy area just above the I-5 Olive Way  
24 on-ramp. Her screams for help went unanswered.

25 Wiseman and Cezear began ripping Wiseman's clothes off.  
26 Sepulveda kept telling Cezear to hold down Wiseman's arms. Cezear  
27 kept warning Wiseman not to look at him. They both forcibly raped  
28 Wiseman. Sepulveda went first. She struggled and fought  
29 vigorously but the more she kicked and bit and resisted, the more  
30 Cezear kept punching her in the face as Sepulveda had forced  
31 intercourse with her.

32 When Sepulveda finished his rape, Wiseman tried to flee.  
33 She managed to get up and run, but both men caught her and pulled  
34 her even farther into the brush where they both began hitting her  
35 even more and harder than before. She tried to talk Cezear out of  
36 his "turn" at raping her, but to no avail. Cezear also vaginally  
37 raped her.

38 Wiseman then tried to pretend she was dead or had  
39 fainted, hoping they would leave her. Instead, they robbed her.  
40 She was wearing a New York Yankees baseball jacket. Cezear  
41 commented that they could probably get money for the jacket and  
42 the two men took it from her. The jacket contained miscellaneous  
43 personal items including Wiseman's coin purse with over \$66.00  
44 inside.

45 The assailants fled, leaving Wiseman behind. A passerby  
46 stopped and helped Wiseman who had obviously just been raped.  
Police were summoned.

CERTIFICATION FOR DETERMINATION OF  
PROBABLE CAUSE - 1

DK-F

NORM MALENG  
Prosecuting Attorney  
W554 King County Courthouse  
Seattle, Washington 98104  
206-465-4000

1 wiseman had never seen either man before but was able to  
2 give a detailed description. The following night patrol officers  
3 arrested Sepulveda and Cezear at the same location as the inci-  
4 dent. They matched the description and as police approached to  
5 make contact, Sepulveda ran away. Cezear told the officer his  
6 fleeing friend's name was "Armondo." Armondo Sepulveda was  
7 arrested within minutes.

8 Following Miranda warnings, Sepulveda gave a full  
9 confession to the rape. He admitted forcing Wiseman to submit to  
10 intercourse while Cezear was repeatedly punching her. He admitted  
11 "going first" while Cezear's rape followed; he admitted taking her  
12 property and told the detective that it was at his mother's home.  
13 A search warrant was issued and the victim's property was  
14 recovered from Sepulveda's mother's house.

15 Bail should be set at \$150,000. This crime was  
16 particularly cruel and predatory. Sepulveda has a long history of  
17 criminal involvement though he is only 20 years old. He has a  
18 juvenile felony theft in the first degree conviction, numerous  
19 theft misdemeanors, as well as malicious mischief, vehicle  
20 prowling and alcohol offenses. He reports having gone through  
21 alcohol treatment three years ago but was drinking heavily on the  
22 night of this crime. He is unemployed and a risk to fail to  
23 appear. He is an obvious danger to the community and should be  
24 ordered to have no contact with the victim.

25 Under penalty of perjury under the laws of the State of  
26 Washington, I certify that the foregoing is true and correct.  
Signed and dated by me this \_\_\_\_ day of August, 1989, at Seattle,  
Washington.

\_\_\_\_\_  
BARBARA B. LINDE

CERTIFICATION FOR DETERMINATION OF  
PROBABLE CAUSE - 2

DK-P

NORM MALENG  
Prosecuting Attorney  
W554 King County Courthouse  
Seattle, Washington 98104  
PHONE: 320-9000

PLEA AGREEMENT /  TRIAL  
(SENTENCING REFORM ACT)

Defendant: Armondo Sepulveda Date: 8/29/89  
On Plea To:  As Charged Cause No: 89-1-04558-0

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

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

1.  DISMISS: Upon disposition of Count(s) \_\_\_\_\_, the State moves to dismiss Count(s): \_\_\_\_\_
2.  REAL FACTS OF HIGHER/MORE SERIOUS AND/OR ADDITIONAL CRIMES: In accordance with RCW 9.94A.370, the parties have stipulated that the court, in sentencing, may consider as real and material facts information as follows:
  - as set forth in the certification(s) of probable cause filed herein.
  - as set forth in the attached Appendix C.
3.  RESTITUTION: Pursuant to RCW 9.94A.140(2), the defendant agrees to pay restitution as follows:
  - in full to victim(s) on charged counts.
  - as set forth in attached Appendix C.
4.  OTHER: The state understands that the deft will testify truthfully in the juvenile matter of State v Joseph Orza on 9-15-89.
5.  SENTENCE RECOMMENDATION:
  - a.  The defendant agrees to the foregoing Plea Agreement and that the attached sentencing guidelines scoring form(s) (Appendix A) and the attached Prosecutor's Understanding of Defendant's Criminal History (Appendix B) are accurate and complete and that the defendant was represented by counsel or waived counsel at the time of prior conviction(s). The State makes the sentencing recommendation set forth in the State's sentence recommendation.
  - b.  The defendant disputes the Prosecutor's Statement of the Defendant's Criminal History, and the State makes no agreement with regards to a sentencing recommendation and may make a sentencing recommendation for the full penalty allowed by law.

Maximum on Count I is not more than 20 to life years and/or \$ 50,000 fine.  
Maximum on Count II is not more than 10 years and/or \$ 20,000 fine.

Mandatory Minimum Term (RCW 9.94A.120(4) only): \_\_\_\_\_  
 Mandatory license revocation RCW 46.20.285  
Ten years jurisdiction and supervision for monetary payments. RCW 9.94A.120(9).

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

Armondo Sepulveda  
Defendant  
[Signature]  
Attorney for Defendant  
SINCRISTALIS

[Signature]  
Deputy Prosecuting Attorney  
[Signature]  
Judge, King County Superior Court

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

Defendant: Armondo Sepulveda Date: 9-13-89  
Cause No: 89 1045580  
State recommends that the sentence of this defendant be as follows:

**TOTAL CONFINEMENT:** State recommends that the defendant be sentenced to a term of total confinement in the custody of the Department of Corrections as follows:

Count I 82 months/years. Count IV \_\_\_\_\_ months/years.  
Count II 14 months/years. Count V \_\_\_\_\_ months/years.  
Count III \_\_\_\_\_ months/years. Count VI \_\_\_\_\_ months/years.

Terms on each count to run ~~concurrently~~/consecutively with each other.

Terms to be served ~~concurrently~~/consecutively with: \_\_\_\_\_

Terms to be consecutive to any other term(s) not specifically referred to in this form.

**SENTENCE MODIFICATION:** State recommends modification of community supervision on King County Cause Number(s) \_\_\_\_\_ and recommends that terms be run concurrently/consecutively.

**NO CONTACT:** For the maximum term, defendant have no contact with victim.

**MONETARY PAYMENTS:** The defendant shall make the following monetary payments under the supervision of the Department of Corrections (RCW 9.94A.120(11)) within 10 years:

- a.  Restitution as set forth on attached page entitled "Plea Agreement/Trial" and  Appendix C.
- b.  Pay Costs, mandatory \$70 Victim Penalty Assessment, recoupment of cost of defense attorney fees, if appointed.
- c.  Pay to King County Local Drug Fund \$ \_\_\_\_\_
- d.  Pay a fine of \$ \_\_\_\_\_
- e.  Other \_\_\_\_\_

**COMMUNITY PLACEMENT:** For any sex offense, serious violent offense; assault 2°; deadly weapon finding or drug offense under 69.50 or 69.52 RCW (committed after 1 July 1988) defendant be on community placement on conditions set forth in RCW 9.94A.120 8(b) and the following conditions under 8(c) (crime-related prohibitions only):

living situation subject to CLO approval

**HIV TESTING:** State recommends HIV testing and counseling.

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

Approved by:

  
Deputy Prosecuting Attorney

King County Prosecuting Attorney

White Copy: Court  
Canary Copy: Defense  
Pink Copy: Prosecutor

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

Defendant: Armando Ray Sepulveda Date: 17 AUG 1989

CRIME	DATE OF CONVICTION	PLACE OF CONVICTION	DISPOSITION (Probation and/or incarceration and length) SRA — Counts as Prior
-------	--------------------	---------------------	---

**ADULT FELONIES:**

NONE KNOWN; RECOMMENDATION AND STANDARD RANGE

ASSUMES NO PRIOR FELONY CONVICTIONS

**ADULT MISDEMEANORS:**

6-3-86 TRASPAST PROP DOSTR 180 DAYS 177 SCSA

6-12-88 RESISTING 90 DAYS 85 SCSA

5-21-89 PROP DOSTR 180 DAYS 175 SCSA

**JUVENILE FELONIES:**

4-29-87 THEFT 1<sup>st</sup> KING 86-8-0552E-4 PF

**JUVENILE MISDEMEANORS:**

Kerry Keefe  
 Deputy Prosecuting Attorney

King County Prosecuting Attorney

## SENTENCING GUIDELINES SCORING FORM Violent Offenses

Use this form only for the following offenses: Arson 1; Arson 2; Assault 2; Damaging Building Etc. by Explosion with Threat to Human Being; Endangering Life and Property by Explosives with Threat to Human Being; Explosive Devices Prohibited; Extortion 1; Indecent Liberties (with forcible compulsion); Kidnapping 2; Leading Organized Crime; Manslaughter 1; Manslaughter 2; Rape 2; Robbery 1; Robbery 2; Statutory Rape 1.

OFFENDER'S NAME <b>Armando RAM Sepulveda</b>	OFFENDER'S DOB <b>6-17-69</b>	STATE ID #
JUDGE	CAUSE # <b>89-10455E-0</b>	FBI #

**ADULT HISTORY:** (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent and Violent felony convictions .....            x 2 =           

Enter number of Nonviolent felony convictions .....            x 1 =           

**JUVENILE HISTORY:** (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications .....            x 2 =           

Enter number of Nonviolent felony adjudications .....   1   x 1 =   1  

**OTHER CURRENT OFFENSES:** (Those offenses not encompassing the same criminal conduct count in offender score)

Enter number of other Serious Violent and Violent felony convictions ...   C.T.     1   x 2 =   2  

Enter number of other Nonviolent felony convictions .....            x 1 =           

Add the scores in each category ..... **TOTAL OFFENDER SCORE** **2**  
(round down to the nearest whole number)

### STANDARD SENTENCE RANGE CALCULATION\*

<b>Rape 2 - C.T.</b>	<b>IV</b>	<b>2</b>	<b>12 to 14 months</b>
<b>CURRENT OFFENSE BEING SCORED</b>	<b>SERIOUSNESS LEVEL</b>	<b>OFFENDER SCORE</b>	<b>LOW STANDARD SENTENCE RANGE HIGH</b>

\*Multiply the range by .75 if the current offense is for an attempt, conspiracy, or solicitation.

\*Add 24 months to the standard range if the current offense is Robbery 1 AND there is a special verdict/finding for deadly weapon.

\*Add 12 months to the standard range if the current offense is Assault 2 or Kidnapping 2 AND there is a special verdict/finding for deadly weapon.

**SENTENCING GUIDELINES SCORING FORM**  
**Serious Violent Offenses**

Use this form only for the following offenses: Assault 1; Kidnapping 1; Murder 1; Murder 2; and Rape 1.

OFFENDER'S NAME Armando RAY SEPULVEDA	OFFENDER'S DOB 6-17-69	STATE ID #
JUDGE	CAUSE # 89-104558-0	FBI ID #

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

Enter number of Serious Violent felony convictions ..... x 3 = \_\_\_\_\_  
 Enter number of Violent felony convictions ..... x 2 = \_\_\_\_\_  
 Enter number of Nonviolent felony convictions ..... x 1 = \_\_\_\_\_

**JUVENILE HISTORY:** (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent felony adjudications ..... x 3 = \_\_\_\_\_  
 Enter number of Violent felony adjudications ..... x 2 = \_\_\_\_\_  
 Enter number of Nonviolent felony adjudications ..... x 1 = \_\_\_\_\_

**OTHER CURRENT OFFENSES:** (Those offenses not encompassing the same criminal conduct count in offender score)

Enter number of other Serious Violent felony convictions ..... x 3 = \_\_\_\_\_  
 Enter number of other Violent felony convictions ..... CT II ..... x 2 = 2  
 Enter number of other Nonviolent felony convictions ..... x 1 = \_\_\_\_\_

Add the scores in each category ..... **TOTAL OFFENDER SCORE** 2  
 (round down to the nearest whole number)

**STANDARD SENTENCE RANGE CALCULATION\***

<u>Rape 1 CT I</u> CURRENT OFFENSE BEING SCORED	<u>X</u> SERIOUSNESS LEVEL	<u>2</u> OFFENDER SCORE	<u>62</u> TO <u>82</u> months LOW TO HIGH STANDARD SENTENCE RANGE
--	----------------------------------	-------------------------------	--

\*Multiply the range by .75 if the current offense is for an attempt, conspiracy, or solicitation.

\*Add 24 months to the standard range if the current offense is Rape 1 or Kidnapping 1 AND there is a special verdict/finding for deadly weapon.

APPENDIX C

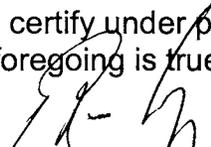
CASE#: 89-1-04558-0 SEA CRIM JUDGMENT# NO  
TITLE: STATE VS SEPULVEDA

-----APPEARANCE DOCKET-----				
SUB#	DATE	CD/CONN	DESCRIPTION	SECONDARY
-	08/16/1989	\$CHC	CHARGE COUNTY	70.00
1	08/16/1989	INFO	INFORMATION	
2	08/16/1989	ORW	ORDER FOR WARRANT 150,000	
3	08/18/1989	NTOHS	NOTICE OF OMNIBUS HEARING SETTING	08-31-89
-	08/18/1989	ARRAIGN	ARRAIGN CAL/OTERO/TAPED	
4	08/18/1989	OR	ORDER PROHIBITING CONTACT	
5	08/22/1989	\$SHRTWA	SHERIFF'S RETRN ON WARRNT OF ARREST	15.50
6	08/22/1989	NTARD	NOT OF APPEAR AND REQ FOR DISCOVERY	
7	08/31/1989	RQ	REQUEST CONT OMNI HRG	09-21-89
-	08/31/1989	PREHRG	OMNI CAL/J JOHNSON/TAPED	
8	09/07/1989	MTAF	MOTION AND AFFIDAVIT FOR	
9	09/07/1989	ORAU	ORDER AUTHORIZING TAKING OF SAMPLES	
-	09/13/1989	PREHRG	OMNI CAL/AGID/TAPED	
9.5	09/14/1989	MINUTE	CR NOT REPORTED	
		JDG39	JUDGE CHARLES V JOHNSON, DEPT 39	
-	09/14/1989	MINUTE	PREHRG OMNI CAL/AGID	
9.6	09/14/1989	PREHRG	VIDEOTAPE	
		JDG21	JUDGE TERRENCE A CARROLL, DEPT 21	
-	09/14/1989	VIDEO	VIDEO LOG 021-89-093/15:03:00	
10	09/15/1989	STDFG	STATEMENT OF DEFENDANT, PLEA GUILTY	
11	10/04/1989	PRISIO	PRESENTENCE INVESTIGATION ORDER	11-03-89
		ACTION	1:00/AGID	
12	10/18/1989	PSI	PSI REPORT - CONFIDENTIAL	
-	10/23/1989	\$NOTE	CALCULATION - COURT COSTS	
			S/D: 11/03/89 - AGID 35	
		MFILM	85.50	
13	11/01/1989	CRRSP	CORRESPONDENCE	
13.5	11/03/1989	DISPHRG	CR PAT STRESKY	
		JDG35	JUDGE SUSAN R. AGID, DEPT 35	
13.7	11/03/1989	WV	WAIVER 30D DELAY	
14	11/07/1989	ORSR	ORDER SETTING RESTITUTION \$420.00	
15	11/07/1989	JDS	JUDGMENT & SENTENCE	
			COMMT ISSD 11-07-89	
-	11/07/1989	\$PACV	PENALTY ASSESSED - CRIME VICTIMS	100.00
		DEF01	SEPULVEDA, ARMONDO RAY	
16	11/07/1989	STPATTY	STATEMENT OF PROSECUTING ATTORNEY	
17	11/14/1989	WC	WARRANT OF COMMITMENT	
18	12/04/1989	NTWDA	NOTICE OF WITHDRAWAL OF ATTORNEY	
19	10/11/1993	NT	NOTICE OF REGISTRATION	
-	06/20/1994	\$NOTE	RESTITUTION DUE	
-	06/20/1994	\$NOTE	JASS	
			FF	70.00
			SF	15.50
			CVP	100.00
20	06/06/1995	NTHG	NOTICE OF HEARING	07-07-1995CP
		ACTION	JORDAN/SENT VIOL HRG	
		ACTION	CCO: MARSHALL GRAY	
21	07/07/1995	SCVHRG	SENT. CONDITIONS VIOLATION HEARING	
		JDGO7	JUDGE RICHARD A JONES, DEPT 7	
-	07/07/1995	VIDEO	VIDEO LOG 07-95-092/09:34	
22	07/10/1995	ORMS	ORDER MODIFYING SENTENCE	

CERTIFICATION OF SERVICE

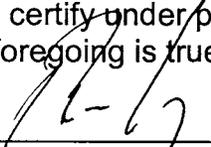
Today I deposited in the mails of the United States of America, a properly stamped and addressed envelope directed to Jeffrey Ellis, at the following address: Ellis, Holmes & Witchley, 705 Second Avenue, Suite 401, Seattle, WA 98104, attorneys for the petitioner, containing a copy of the King County's Response to Personal Restraint Petition in In re Personal Restraint of Sepulveda, No. 62395-8-1, in the Court of Appeals of the State of Washington.

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

  
\_\_\_\_\_  
Name 10-14-2009  
Date  
Done in Seattle, Washington

Today I deposited in the mails of the United States of America, a properly stamped and addressed envelope directed to Ronda Larson, at the following address: Office of the Attorney General, P.O. Box 40116, Olympia, WA 98504, attorney for the Department of Corrections, containing a copy of the King County's Response to Personal Restraint Petition in In re Personal Restraint of Sepulveda, No. 62395-8-1, in the Court of Appeals of the State of Washington.

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

  
\_\_\_\_\_  
Name 10-14-2009  
Date  
Done in Seattle, Washington