

73178-5

73178-5

COPY TO COURT OF APPEALS NOV 24 2014

Form 1. Notice of Appeal
(Trial Court Decision)
[Rule 5.3a]

DIRECTOR'S OFFICE CLERK

SUPERIOR COURT OF WASHINGTON FOR [KING] COUNTY

[State Of Washington],
Plaintiff,

v.

[Armondo Theodor LaForge], PRO-SE
Defendant.

73178-5

No. [03-C-03742-3 SEA]

Notice of Appeal to
[Court of Appeals]

[Armondo Theodor La Forge], [defendant], seeks review by the designated appellate court. [when Mr.LaForge was 16yrs of age he was charged with robbery in the first and rape in the first in king county superior court cause# 03-1-037423 (filed Jan 7, 2003) Due to the seriousness of the offenses, the adult court automatically had exclusive jurisdiction. On (Dec 15, 2003), The State Amended BOTH charges to Second Degree which no longer resulted in automatic adult jurisdiction Mr. LaForge is asking this Court to review his "Judgment" and "Adult Courts Lack Of Jurisdiction".] entered on [03-23-2004.]

A copy of the decision is attached to this notice.

[Date]

Signature ARMONDO LAFORGE



Attorney for [Plaintiff or Defendant]

Armondo Theodor LaForge
3421 S. 263rd ST. Kent, WA 98032
206-661-3404
253-561-9861

RECEIVED
SUPERIOR COURT OF WASHINGTON
KING COUNTY
NOV 25 2014

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION 1

RECEIVED
APPELLATE DIVISION
NOV 25 11:19:12

ARMONDO THEODOR LAFORGE)

NO. 03-C-03742-3 SEA

PERSONAL RESTRAINT PETITION

ARMONDO THEODOR LAFORGE
Petitioner's Full Name

If there is not enough room on this form, use the back of these pages or use other paper. Fill out all of the form and other papers you are attaching before you sign this form in front of a notary.

A. STATUS OF PETITIONER

I, ARMONDO THEODOR LAFORGE #865825

(Full name and current address)

3421 S. 263RD ST. KENT, WA 98032

Apply for relief from confinement. I am ___ am not x now in custody serving a sentence upon conviction of a crime. (If not serving a sentence upon conviction of a crime) I am now in custody because of the following type of court order:

(Identify type of court order)

1. The court in which I was sentenced is: KING COUNTY SUPERIOR COURT

2. I was convicted of the crime of: ROBBERY 2° RAPE 2°

3. I was sentenced after (check one) Trial ___ Plea of Guilty x on 3-9-04
Date of Sentence

4. The Judge who imposed sentence was MICHAEL HAYDEN / KENNETH COMSTOCK

5. My lawyer at trial court was MATTHEW HAILE # 28041
Name and Address if known

6. I did ___ did not appeal from the decision of the trial court. (If the answer is that I did), I appealed to: _____
Name of court or courts to which appeal took place

7. My lawyer for my appeal was: N/A
Name and address if known or write "none"

The decision of the appellate court was ___ was not ___ published. (If the answer is that it was published, and I have this information) the decision is published in _____
N/A

8. Since my conviction I have ___ have not asked a court for some relief from my sentence other than I have already written above. (If the answer is that I have asked, the court I asked was _____ . Relief was denied on _____
Name of court N/A

Date of Decision or, if more than one, all dates)

(If you have answered in question 7 that you did ask for relief), the name of your lawyer in the proceedings mentioned in my answer was _____
N/A Name and address if known

9. If the answers to the above questions do not really tell about the proceedings and the courts, judges and attorneys involved in your case, tell about it here: _____

B. GROUNDS FOR RELIEF:

(If I claim more than one reason for relief from confinement, I will attach sheets for each reason separately, in the same way as the first one. The attached sheets should be numbered "First Ground", "Second Ground", "Third Ground", etc). I claim that I have 1 reason(s) for this court to grant me relief from the conviction and sentence described in Part A.

1 Ground
(First, Second, etc)

1. I should be given a new trial or released from confinement because (State legal reasons why you think there was some error made in your case which gives you the right to a new trial or release from confinement): I WAS A JUVENILE CHARGED AS AN ADULT IN WHICH ADULT COURT LACKED JURISDICTION

2. The following facts are important when considering my case. (After each fact statement put the name of the person or persona who know the fact and will support your statement of the fact. If the fact is already in the record of your case, indicate that also) LACK OF JURISDICTION FOR ADULT COURT

3. The following reported court decisions (indicate citations if possible) in cases similar to mine show the error I believed happened in my case. (If none are known, state "None Known"). KNIPPLING, DALLUGE, SAENZ, POSEY

4. The following statutes and constitutional provisions should be considered by the court. (If none are now, state, "None Known")

5. This petition is the best way I know to get the relief I want, and not other way will work as well because: I FAILED TO HAVE MY CASE REOPENED IN JUVENILE COURT

C. STATEMENT OF FINANCES:

If you cannot afford to pay the \$250 filing fee or cannot afford to pay an attorney to help you, fill out this form. If you have enough money for these, do not fill this part of the form. If currently in confinement you will need to attach a copy of your prison finance statement.

1. I do ___ do not ask the court to file this without making me pay the \$250 filing fee because I am so poor and cannot pay the fee.

2. I have \$ _____ in my prison or institution account.

3. I do do not ask the court to appoint a lawyer for me because I am so poor and cannot afford to pay a lawyer.

4. I am am not employed. My salary or wages amount to \$ 500 a month. My employer is MCC TRU

Name and address of employer

5. During the past 12 months I did did not get any money from a business, profession or other form of self-employment. (If I did, it was _____

Type of self-employment

And the total income I received was \$ 500 month.

6. During the past 12 months I:

Did Did Not Receive any rent payments. If so, the total I received was \$ _____

Did Did Not Receive any interest. If so, the total I received was \$ _____

Did Did Not Receive any dividends. If so, the total I received was \$ _____

Did Did Not Receive any other money. If so the total I received was \$ TEMP JOB

Do Do Not Have any cash except as said in question 2 of Statement of Finances. If so the total amount of cash I have is \$ _____

Do Do Not Have any savings or checking accounts. If so, the total amount in all accounts is \$ _____

Do Do Not Own stocks, bonds or notes. If so, their total value is: \$ _____

7. List all real estate and other property or things of value which belong to you or in which you have an interest. Tell what item or property is worth and how much you owe on it. Do not list household furniture and furnishings and clothing which you or your family need.

Items

Value

N/A

8. I am am not married. If I am married, my wife or husband's name and address is:

9. All of the persons who need me to support them are listed below:

Name & Address	Relationship	Age
N/A		

10. All the bills I owe are listed here:

Name & Address of Creditor	Amount
D.O.C. FEES	

D. REQUEST FOR RELIEF:

I want this court to:

- Vacate my conviction and give me a new trial
- Vacate my conviction and dismiss the criminal charges against me without a new trial
- Other: VACATE SENTENCE AS AN ADULT & REMAND
(Please Specify)
BACK TO SUPERIOR COURT FOR RESENTENCING
AND GIVEN A JUVENILE IMPOSED SENTENCE
CONSISTENT WITH THE STANDARD JUVENILE RANGE

E. OATH OF PETITIONER

STATE OF WASHINGTON)

) ss.

COUNTY OF KING)



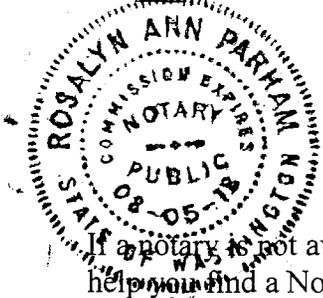
After being first duly sworn, on oath, I depose and say. That I am the petitioner, that I have read the petition, know its contents, and I believe the petition is true.



(Signature Here)

SUBSCRIBED AND SWORN to before me this 21 day of November

20014

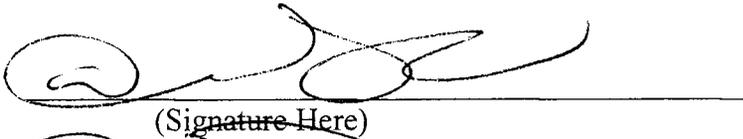


Rosalyn Ann Parham
Notary Public in and for the State of Washington
Residing at Seattle

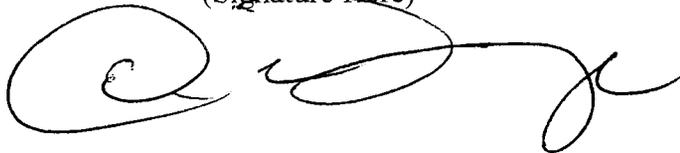
If a notary is not available, explain why none is available and indicate who can be contacted to help you find a Notary: _____

I declare that I have examined this petition and to the best of my knowledge and belief it is true and correct.

DATED This 21 day of November, 20014.



(Signature Here)



A. STATUS OF PETITIONER/ PROCEDURAL HISTORY

Petitioner, Armondo T. LaForge,

Was charged by the King County Prosecutors Office with Robbery In the First Degree and Rape in the First Degree in King County Cause Number 03-1-03742-3. Mr. LaForge was 16 years of age at the time.

On December 15, 2003, The State Amended the charges to Robbery in the second degree and Rape in the second degree. No Juvenile Decline Hearing was Held.

Mr. LaForge entered an "Alford Plea" to the Rape charge and Guilty Plea's to the Robbery charge on December 15, 2003. The honorable Kenneth Comstock, Pro Tem, Accepted Mr. LaForge's Guilty Pleas.

On March 23, 2004, the honorable judge Michael Hayden sentenced Mr. LaForge to concurrent terms of 14months imprisonment for count one (Robbery in the second degree), and 95months imprisonment for count two (Rape in the second degree), with a Maximum term of life imprisonment. App. A (Judgment and sentence). Mr. LaForge was 17yrs of age at the time of sentencing.

Mr. LaForge was represented in the superior court by attorney Matthew T. Hale, whose address is 506 Second Ave, Suite 1010, Seattle, Wa 98104.

Mr. LaForge has not previously appealed his conviction or sentence.

B. STATEMENT OF FACTS

Armondo LaForge was born August 20th of 1986. App. B, App. A(Finger print page).

When Mr. LaForge was 16yrs of age, He was charged with Robbery in the First Degree and Rape in the First Degree in King County Superior Court Number 03-1-03742-3 (Filed January 7, 2003). App. C. Due to the seriousness of the offenses, The adult court automatically had exclusive original jurisdiction. RCW 13.04.030(1)(e)(v)(a).

On December 15, 2003, The State amended the charges to Robbery in the Second Degree and Rape in the Second Degree. App. C. p. 5; App. D. Although these charges no longer resulted in automatic adult jurisdiction, the case was not remanded to the Juvenile Court. Ibid.

Mr LaForge entered an "Alford Plea"¹ to the charge of Rape and Guilty plea to the robbery charge on December 15, 2003. App's E & F. Mr. LaForge's pleas were accepted by the Adult criminal court. App. B.

Sentencing was held on March 23, 2004. Mr. LaForge's counsel requested an exceptional sentence below the standard sentencing range based on Mr. LaForge's age, App. G, pp. 2-3, and that LaForge serve his time at Green Hill School so he could be "Housed with other Juvenile offenders and take advantage of the classes offered there". Id. At 6. The state opposed the defense request for mitigation based on the fact that LaForge was a Juvenile when the offense was committed. App. H, pp. 2-3. Interestingly, the State requested a sentence of

1 North Carolina v. Alford, 400 U.S. 25, 91 s. ct. 160, 127 L.GD. 2d 162 (1970)

110 Months in prison. Id. at 1. The honorable Michael Hayden imposed concurrent sentences of 124 months imprisonment for count one (Robbery In The Second Degree) and 95 months for (Rape In The Second Degree), with a Maximun Term Of Life Imprisonment. The reason given for the partially mitigated sentence was because Mr. LaForge was 17 years of age at the time of sentencing.

THE COURT: Mr. LaForge, I and the members of the victims family thionk the conduct that you exhibited that night would clearly suggest to me that the high end of the sentence range is probably insufficient. **The Fact of your age, however, lends me to go in the other direction. If you were 25 or 30 years old, I would have no trouble whatsoever imposing 125 months; because your conduct deserves it. But you are still 17 years old. But because of the nature of the offense, you were not given a chance to go in to the adult system; which is going to be tough for a 17 year old. Absolutely no doubt, it is going to be**

tough. Legislation is out into effect, decline this. You can't take care of a serious juvenile offenders [sic] in the juvenile system when they commit an offense like that. That progressive of legislation by setting a low end sentence of 95 months. That is still a very long sentence. **The only reason I'm Mitigating the sentence is your age.**

App. I, pp. 16-17 (emphasis added). The court denied the defense request to have Mr. LaForge placed into a Juvenile Facility; instead, the Court opted to place Mr. ALForge into Adult prison. Id. at 18. Armondo Stayed in prison until he was 27 years of age.

C.

CERTIFICATE OF TIMELINESS/ JURISDICTION

This petition challenges the jurisdiction of the adult criminal court, thus, ~~the~~ the time bar set forth in RCW 10.73.090 does NOT apply to this case. See RCW 10.73.100 ("The time limit specified in RCW 10.73.090 does not apply to a petition...That is based solely on one or more of the following grounds:....(5) The sentence imposed was in the excess of the courts jurisdiction [.]")

Although petitioner has recently been released from prison, he still is under "RESTRAINT" From his conviction, as the mere existence of the conviction satisfies the restraint component of a collateral attack. See *In re Davis*, 142 Wn.2d 165, 170 n. 2, 12 D. 3d 603 (2000); *In re Richardson*, 100 Wn.2d 669, 670, 675 D.2d 209 (1983). In any event, Petitioner is still under Significant Restraint because he has a "Lifetime Term of Community Custody". App. A, p. 5; RAP 16.4(b).

D. GROUND FOR RELIEF AND ARGUMENT 2

THE ADULT CRIMINAL COURT LACKED JURISDICTION OVER PETITIONER.

As shown in Part B. *supra*, Petitioner was born August 20, 1986. He was merely 16 years of age when the prosecutor filed the Robbery 1 and Rape 1 charges against him. *Ibid.* Because of his age and the seriousness of the charges, the juvenile court had no jurisdiction. See RCW 13.04.030(1)(e)(v)(a).

However, on December 15, 2003—Just after petitioner turned 17— The prosecutor amended the charges to Robbery 2 and Rape 2. *Ibid.* There is no “Automatic Decline” for these charges (Except for defendants with more serious prior convictions). So at the time of the amendment, “the trial court should have remanded the the matter back to juvenile courts, at which point the state still had the opportunity to request a decline hearing.” *State v. Mora*, 138 Wn 2d 43, 54, 977 P.2d 564 (1999)

Since Declination of juvenile jurisdiction was not automatic for those charges and since no declination hearing was held, adult criminal court lacked jurisdiction over petitioner.

Mora, 138 Wn.2d at 53; See also In re Dalluge, 152 Wn. 2d 772. 783, 100 P.3d 279 (2004) (“once the prosecutor amended the information to charge offenses which did not result in automatic court jurisdiction , [juveniles] case no longer qualified for.... Exception to the juveniles courts exclusive jurisdiction... Thus the trial court should have remanded...to the juvenile court for a decline hearing because the juvenile court was the

2 In the interest if clarity and conciseness, Mr. LaForge has chosen to consolidate his petition and legal argument. See RAP 16.7(a)(2).

Only court that could have jurisdiction over [juveniles] case.” (citing Mora, 138 Wn.2d at 54) (Emphasis added).

REMEDY

In 1966, the Washington state supreme court discussed the appropriate remedy in such a situation. See In re Dillenburg v. Maxwell, 70 Wn.2d 331, 413 P.2d 940 (1966). Under Dillenburg, the case is remanded to the superior court for a de novo determination of whether declination of juvenile jurisdiction would have been appropriate. Id. At 355. If so, the judgment stands, “ Unless intervening events have so prejudiced the constitutional rights of the convicted person as to compel a different result.” Ibid. If not, the conviction is set aside. Ibid. Generally, the new trial is in adult court if the defendant has turned 18 by then. Id. At 356; but see Dalluge, 152 Wn.2d at 786-787 (allowing former juvenile who turned 18 before the remand a de novo hearing to determine “ whether declination would have been appropriate.”) (emphasis added). However, due to developments in case law, Dillenburg should no longer be considered controlling.

Subsequent to Dillenburg, the U.S and Washington State Supreme Courtd developed a body of law concerning preaccusatorial delay that results in loss of jurisdiction.

This court has developed a 3 step test from United States v. Lavasco, 431 U.S. 783, 52 L.Gd.2d 752, 97 S.ct 2044 (1977). To determine whether preaccustorial delay by trhe state in filing charges violates an individuals right to due process where the juvenile court jurisdiction is lost as result of the delay. This test provides: (1) that the defendant show prejudice resulting from the delay; (2) that there are reasons for the delay which the court must consider; and (3) Where the state can justify the delay, that the court engage in balancing the states interest

against the prejudice to the accused. State v. Lidge, 111 Wn. 2d, 845, 848, 765, P.2d 1292 (1989) (citing State v. Alvin. 109 Wn. 2d 602, 604. 746 P.2d 807 (1987))

State v. Dixon, 114 Wn. 2d 857, 860, 792 P.2d 137 (1990). The same analysis should apply here. There was a preaccustorial delay, and the prosecutor should have requested a declination hearing when he filed the amended information.³ the failure to do so caused petitioner to lose the benefit of juvenile jurisdiction. There is no justification for the delay, and therefore no state interest to balance against that of the defendant. Thus, petitioner's right to due process has been violated, and the charges SHOULD BE DISMISSED ALLTOGETHER,

Any other remedy would result in a "Catch 22": If the superior court finds that Mr. LaForge should have not been charged as an adult, then it will try him again as an adult. This makes no sense and would be patently unfair.

³ A prosecutor has a special duty to ensure "that justice shall be done"---Not merely to win a case or obtain the harshest punishment possible. See. Generally, Berger v. U.S; 295 U.S. 78, 88, 55 S.ct . 629 . 79 L.Gd. 1314 (1935); see also In re Glasmann, 175 Wn.2d 696, 286, P.3d 673 (2012); State v. Monday, 171 Wn.2d 667 , 257 P.3d 551 (2011)

But in the event that this court may feel dismissal is not appropriate, then this court should follow the supreme court's decision in State v. Posey 4 and sentence Mr. LaForge under the Juvenile Justice Act.

In Posey, 16 year old Daniel Posey was charged in juvenile court with three counts of second degree rape and first degree rape and first degree assault. Because the assault charge was classified as "[S]erious violent Offense", The juvenile court automatically declined jurisdiction and transferred the case to the superior court.. 174 Wn.2d at 134.

Posey appealed the adult courts lack of jurisdiction to the court of appeals, but he was unsuccessful, However, The supreme court granted review and remanded " To the juvenile court for further proceedings" Because the adult court lacked jurisdiction due to posey's age and that the crime he was convicted of did not trigger automatic declination. Ibid. (citing State v. Posey, 161 Wn.2d 638, 647, 167 {3d 560 (2007)). The mandate issued less than a month After Posey turned 21 years of age. Ibid.

A few months later, sentencing was held in juvenile court. Posey's counsel moved to dismiss "the matter" arguing that the juvenile court lacked jurisdiction to sentence Posey because he was over 21 years old. Ibid. The sentencing Judge argued that the Juvenile court no longer had jurisdiction over Posey due to his age but indicated she would "Forget , for a moment," that she was sitting in the Juvenile court and would "Transform the room and the judge into a [S]uperior [C]ourt...and sentence Posey,... to a standard range sentence, according to the juvenile Justice Act of 60 to 80 weeks, Id. at 134-35.

Posey appealed again, and the Supreme Court upheld the sentence because, "Where a statute prohibits the juvenile session from adjudicating the case, the superior court retains its constitutional jurisdiction over felony cases." Id. at Posey, 174 Wn.2d at 135-142, The supreme Court concluded that "[W]here a person is no longer subject to procedures governing juvenile adjudications, the Superior Court retains such constitutional jurisdiction , Id. at 142. The Supreme Court then upheld and thus approved of the juvenile sentence imposed upon Posey – despite the fact that posey was over 21years of age when the court sentenced him. Ibid.; See also id at 140.

4. 174 Wn.2d 131, 272 p.3d 840 (2012)

This holding applies in Mr. LaForge's case: Mr. LaForge is no longer a juvenile, so, under Posey, the superior court retains constitutional jurisdiction, and, since the adult criminal court never had jurisdiction to sentence him in the first place, a sentence under the Juvenile Justice Act is proper and just. Id. at 142; see also State v. Saenz, 175 Wn..2d 167, 283 P.3d 1094 (2012) (Invalidating defendant's "three strikes" sentence because his first strike was obtained in adult court when he was a juvenile yet juvenile court jurisdiction had not been properly declined.)

Thus, Mr. LaForge's convictions must be reversed because he was a juvenile and the adult criminal court had no jurisdiction over him. Petitioner contends that, on remand, the charges should be dismissed with prejudice. In the alternative, the superior court should conduct a Dillenburg hearing and sentence Petitioner under the Juvenile Justice Act as Approved by the Supreme Courts recent decision in Posey.

5. Mr. LaForge has suffered extreme prejudice by being forced to spend 11 years 2 months in an adult prison system that is "designed to punish," not rehabilitate. Saenz, 175 Wn.2d at 174. Defense counsel should have caught this error but he failed to do so. Clearly, counsel was ineffective and failed in his duties to protect the 16 year old juvenile defendant he was representing. Unfortunately, however, our system provides no recourse in this regard, see, In re Coats, 173 Wn. 2d 123, 134-142, 267 P.3d 324 (2011), but, the one form of recourse it can provide is to sentence Mr. LaForge under the Juvenile Justice Act----- which simply the sentence Mr. LaForge should have received in the first place.

APPENDIX

- A. J&S
- B. DECLARATION
- C. DOCKET SHEET
- D. AMENDED INFORMATION
- E. STATEMENT OF DEFENDANT
- F. STATEMENT
- G. DEFENDANT'S PRE-SENTENCE REPORT
- H. STATE'S RESPONSE
- I. SENTENCING TRANSCRIPT

APPENDIX

A. JUDGEMENT & SENTENCE

865825

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

State of Washington	No
	03 C 03742 3 SEA
Plaintiff	
vs	FELONY WARRANT OF COMMITMENT
ARMONDO T LAFORGE	1 (X) DEPARTMENT OF CORRECTIONS
Defendant	

THE STATE OF WASHINGTON TO THE DIRECTOR OF ADULT DETENTION OF KING COUNTY

WHEREAS Judgment has been pronounced against the defendant in the Superior Court of the State of Washington for the County of King that the defendant be punished as specified in the Judgment and Sentence a full true and correct copy of which is attached hereto

(X) 1 YOU THE DIRECTOR ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections and

YOU THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS ARE COMMANDED to receive the defendant for classification confinement and placement as ordered in the Judgment and Sentence (Sentence of confinement in Department of Corrections custody)

YOU THE DIRECTOR ARE COMMANDED to take and deliver the defendant to the proper officers of the State pending delivery to the proper officers of the Department of Social and Health Services

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

By direction of the Honorable

Dated March 23, 2004

MICHAEL HAYDEN
Judge

BARBARA MINER Clerk

By 
Deputy Clerk

DOC _____

JAIL LOCATION _____ by 95

RA# 203000921

CCN# 1789733

SID# WA21530272

DOB 8/20/86

SPECIAL VERDICT or FINDING(S)

- (a) While armed with a firearm in count(s) _____ RCW 9 94A 510(3)
- (b) While armed with a deadly weapon other than a firearm in count(s) _____ RCW 9 94A 510(4)
- (c) With a sexual motivation in count(s) _____ RCW 9 94A 835
- (d) A V U C S A offense committed in a protected zone in count(s) _____ RCW 69 50 435
- (e) Vehicular homicide Violent traffic offense DUI Reckless Disregard
- (f) Vehicular homicide by DUI with _____ prior conviction(s) for offense(s) defined in RCW 41 61 5055
RCW 9 94A 510(7)
- (g) Non parental kidnapping or unlawful imprisonment with a minor victim RCW 9A 44 130
- (h) Domestic violence offense as defined in RCW 10 99 020 for count(s) _____
- (i) Current offenses encompassing the same criminal conduct in this cause are count(s) _____ RCW
9 94A 589(1)(a)

2 2 **OTHER CURRENT CONVICTION(S)** Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number) _____

2 3 **CRIMINAL HISTORY** Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9 94A 525)

- Criminal history is attached in **Appendix B**
- One point added for offense(s) committed while under community placement for count(s) _____

2 4 SENTENCING DATA

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
Count I	2	IV	12+ TO 14 MONTHS		12+ TO 14 MONTHS	10 YRS AND/OR \$20 000
Count II	2	XI	95 TO 125 MONTHS		95 TO 125 MONTHS	LIFE AND/OR \$50 000
Count						
Count						

Additional current offense sentencing data is attached in **Appendix C**

2 5 EXCEPTIONAL SENTENCE (RCW 9 94A 535)

Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) _____ Findings of Fact and Conclusions of Law are attached in **Appendix D** The State did did not recommend a similar sentence

III JUDGMENT

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) _____

4 4 CONFINEMENT OVER ONE YEAR Defendant is sentenced to a term of total confinement in the custody of the Department of Corrections as follows commencing immediately (Date) _____ by _____ m.

14 ~~180~~ months/days on count I _____ months/days on count _____ months/day on count _____

95 months/days on count II with a maximum term of LIFE months/day on count _____

The above terms for counts I & II are consecutive concurrent

The above terms shall run CONSECUTIVE CONCURRENT to cause No (s) _____

The above terms shall run CONSECUTIVE CONCURRENT to any previously imposed sentence not referred to in this order

In addition to the above term(s) the court imposes the following mandatory terms of confinement for any special WEAPON finding(s) in section 2 1 _____

which term(s) shall run consecutive with each other and with all base term(s) above and terms in any other cause (Use this section only for crimes committed after 6 10 98)

The enhancement term(s) for any special WEAPON findings in section 2 1 is/are included within the term(s) imposed above (Use this section when appropriate but for crimes before 6 11 98 only per In Re Charles)

The TOTAL of all terms imposed in this cause is 95 months

Credit is given for _____ days served days as determined by the King County Jail solely for confinement under this cause number pursuant to RCW 9 94A.505(6)

4 5 NO CONTACT For the maximum term of LIFE years defendant shall have no contact with CHRIS TORRES, CRAIG & PAT TORRES, Julian Melzhan

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 as ordered in APPENDIX G

HIV TESTING For sex offense prostitution offense drug offense associated with the use of hypodermic needles the defendant shall submit to HIV testing as ordered in APPENDIX G

4 7 (a) COMMUNITY PLACEMENT pursuant to RCW 9 94A 700 for qualifying crimes committed before 7 1 2000 is ordered for _____ months or for the period of earned early release awarded pursuant to RCW 9 94A 728 whichever is longer [24 months for any serious violent offense vehicular homicide vehicular assault, or sex offense prior to 6 6 96 12 months for any assault 2 assault of a child 2 felony violation of RCW 69 50/52 any crime against person defined in RCW 9 94A 411 not otherwise described above] APPENDIX H for Community Placement conditions is attached and incorporated herein

(b) COMMUNITY CUSTODY pursuant to RCW 9 94 710 for any SEX OFFENSE committed after 6 5 96 but before 7 1 2000 is ordered for a period of 36 months or for the period of earned early release awarded under RCW 9 94A 728 whichever is longer APPENDIX H for Community Custody Conditions and APPENDIX J for sex offender registration is attached and incorporated herein

FINGERPRINTS



RIGHT HAND
FINGERPRINTS OF

DEFENDANT'S SIGNATURE
DEFENDANT'S ADDRESS

Armondo T. LaForge

ARMONDO T LAFORGE

DATED MAR 18 2004

ATTESTED BY BARBARA MINER
SUPERIOR COURT CLERK

Michael C. Hayden
JUDGE KING COUNTY SUPERIOR COURT

BY *Shanna Knight*
DEPUTY CLERK

MICHAEL C HAYDEN

SHANNA KNIGHT

CERTIFICATE

OFFENDER IDENTIFICATION

I
CLERK OF THIS COURT CERTIFY THAT
THE ABOVE IS A TRUE COPY OF THE
JUDGEMENT AND SENTENCE IN THIS
ACTION ON RECORD IN MY OFFICE
DATED _____

S I D NO
DOB AUGUST 20 1986
SEX M
RACE I

CLERK

BY _____
DEPUTY CLERK

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON

Plaintiff

vs

ARMONDO T LAFORGE

Defendant

No 03 C 03742 3 SEA

JUDGMENT AND SENTENCE
APPENDIX H
COMMUNITY PLACEMENT OR
COMMUNITY CUSTODY

The Defendant shall comply with the following conditions of community placement or community custody pursuant to RCW 9 94A 700(4) (5)

- 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 possess or consume controlled substances except pursuant to lawfully issued prescriptions
- 4) Pay supervision fees as determined by the Department of Corrections
- 5) Receive prior approval for living arrangements and residence location
- 6) Not own use or possess a firearm or ammunition (RCW 9 94A 720(2))
- 7) Notify community corrections officer of any change in address or employment and
- 8) Remain within geographic boundary as set forth in writing by the Department of Corrections Officer or as set forth with SODA order

OTHER SPECIAL CONDITIONS

- The defendant shall not consume any alcohol
- Defendant shall have no contact with Craig Duarte, Pat Duarte, CHRISTIANE, Julian Molzhan
- Defendant shall remain within outside of a specified geographical boundary to wit _____
- The defendant shall participate in the following crime related treatment or counseling services _____
~~SEXUAL BATTERY EVAL & follow all trtmnt recs -~~
~~SUBSTANCE ABUSE EVAL & follow all trtmnt recs~~
- The defendant shall comply with the following crime related prohibitions _____
- _____
- _____

Other conditions may be imposed by the court or Department during community custody

Community Placement or Community Custody shall begin upon completion of the term(s) of confinement imposed herein or when the defendant is transferred to Community Custody in lieu of earned early release. The defendant shall remain under the supervision of the Department of Corrections and follow explicitly the instructions and conditions established by that agency. The Department may require the defendant to perform affirmative acts deemed appropriate to monitor compliance with the conditions [RCW 9 94A 720] and may issue warrants and/or detain defendants who violate a condition [RCW 9 94A 740]

Date 3/19/04

[Signature]
JUDGE

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON)	
)	No
)	
vs)	APPENDIX J
)	JUDGMENT AND SENTENCE
)	SEX OFFENDER NOTICE OF
Defendant)	REGISTRATION REQUIREMENTS

SEX AND KIDNAPPING OFFENDER REGISTRATION RCW 9A 44 130 10 01 200 Because this crime involves a sex offense or kidnapping offense (e.g. 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 you are not the minor's parent) you are required to register with the sheriff of the county of the state of Washington where you reside. If you are not a resident of Washington, you must register with the sheriff of the county of your school place of employment or vocation. You must register immediately upon being sentenced unless you are in custody in which case you must register within 24 hours of your release.

If you leave the state following your sentencing or release from custody but later move back to Washington, you must register within 30 days after moving to this state or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections. 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 out a vocation in Washington or attend school in Washington you must register within 30 days after starting school in this state or becoming employed or carrying out a vocation in this state or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections.

If you change your residence within a county you must send written notice of your change of residence to the sheriff within 72 hours of moving. If you change your residence to a new county within this state you must send written notice of your change of residence to the sheriff of your new county of residence at least 14 days before moving register with the sheriff within 24 hours of moving and you must give written notice of your change of address to the sheriff of the county where last registered within 10 days of moving. If you move work carry on a vocation or attend school out of Washington State you must send written notice within 10 days of establishing residence or after beginning to work carry on a vocation or attend school in the new state to the county sheriff with whom you last registered in Washington State.

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

Even if you lack a fixed residence you are required to register. Registration must occur within 24 hours of release in the county where you are being supervised if you do not have a residence at the time of your release from custody or within 48 hours excluding weekends and holidays after ceasing to have a fixed residence. If you enter a different county and stay there for more than 24 hours you will be required to register in the new county. You must also report in person to the sheriff of the county where you registered on a weekly basis. The weekly report shall be on a day specified by the county sheriff's office and shall occur during normal business hours. The county sheriff may require the person to list the locations where the person has stayed during the last seven days. 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.

Copy Received

Defendant

Date

JUDGE

APPENDIX J

Rev 11/03 Distribution
 Original/White Clerk
 Yellow Defendant
 Pink King County Jail

APPENDIX

B. DECLARATION

STATE OF WASHINGTON)

) vs. DECLARATION OF ARMANDO LAFORGE

COUNTY OF KING)

I, Armando Laforge, declare that:

1. My correct name is Armando Laforge. I was born on August 20, 1986, and am competent to be a witness in this matter.

2. When I was 16 years of age, I was charged with robbery in the first degree and rape in the first degree in King County Superior Court No. 03-03742-3 (Linda Baker, J, 2003).

3. On December 16, 2003, the prosecution amended the charges to robbery in the second degree and rape in the second degree. I do not recall a juvenile "arraignment" hearing ever being held. I then pled guilty to the amended charges. The Superior Court accepted my guilty pleas.

4. On March 23, 2004, I was sentenced to concurrent terms of 14 months imprisonment for the robbery charges, and 95 months imprisonment for the rape charge, with a sentence term of life imprisonment. I was 17 years of age at the time of sentencing. ~~At that time, I was still in prison.~~ On 3/24/14, 2014, I was finally released from prison.

5. Due to my young age and the fact that I had a rape charge, I have had a very hard time in adult prison. (Inmates with rape charges are despised in prison -- it is a very bad stigma to have -- and they are often attacked, beaten up, or raped. I, personally, have been assaulted due to the fact that I have a rape charge.)

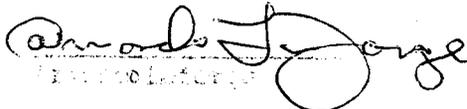
6. Based on my experience with the adult prison system, it is clear that the Washington State Department of Corrections (DOC) is not really concerned with prisoners' wanting themselves or being rehabilitated. It seems like the DOC's main concern is to simply "warehouse" their prisoners.

7. DOC and prisoners encourage by the DOC to educate themselves or legal matters. (It seems that the DOC views prisoners who are well versed in legal matters and who can negotiate as "threats." I can elaborate on this if needed.) As a result, I did not start going to the law library until a few years ago.

8. It took me awhile to develop an understanding of the law. Eventually, I met some prisoners who are fairly competent in legal matters. I explained my situation to a few prisoners, and one prisoner explained that I had viable grounds for a wrongful conviction petition (WCP). This prisoner explained the matter to me, and with his assistance, I have been able to prepare this WCP.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge and belief.

Dated this 1st day of November, 2013, in Everett, Washington.


Armando Laforge

APPENDIX

C. DOCKET SHEET

CASE#: 03-1-03742-3 SEA JUDGMENT# NO JUDGE ID: 92
 TITLE: STATE OF WASHINGTON VS LAFORGE, ARMONDO T
 FILED: 01/07/2003 APPEAL FROM LOWER COURT? NO

RESOLUTION: GP DATE: 12/15/2003 GUILTY PLEA
 COMPLETION: JODF DATE: 05/20/2004 JUDGMENT/ORDER/DECREE FILED
 CASE STATUS: CMPL DATE: 05/20/2004 COMPLETED/RE-COMPLETED
 ARCHIVED: RESTORE DATE : 07/08/2010
 CONSOLIDIT: 03-1-03741-5
 NOTE1:
 NOTE2:

----- PARTIES -----

CONN.	LAST NAME, FIRST MI TITLE	LITIGANTS	ARRAIGNED
PLA01	STATE OF WASHINGTON		
DEF01	LAFORGE, ARMONDO THEODOR		
DPA01	KING COUNTY, PROSECUTING ATTY		
BAR#	91002		
WTD01	CLARK, KAREN A.		
BAR#	26763		
WTD02	WARD, BYRON H.		
BAR#	02339		
ATD03	BASKIN, JUDITH	W/D	
BAR#	14261		
ATD01	HALE, MATTHEW T		
BAR#	28041		

----- SENTENCE INFORMATION -----

DEF01 LAFORGE, ARMONDO THEODOR
 DEF. RESOLUTION CODE: GP DATE: 12/15/2003 GUILTY PLEA
 TRIAL JUDGE: HAYDEN
 SENTENCE DATE : 03/19/2004 SENTENCED BY HAYDEN
 SENTENCING DEFERRED : NO APPEALED TO : DATE APPEALED :

PRISON SERVED.....	X		
PRISON SUSPENDED.....		FINE.....	\$
JAIL SERVED.....		RESTITUTION.....	\$
JAIL SUSPENDED.....		COURT COSTS.....	\$
PROB/COMM. SUPERVISION.....	X	ATTORNEY FEES.....	\$
		DUE DATE :	PAID : NO

----- SENTENCE DESCRIPTION -----

FELONY
 14M DOC CT I. 95M W/MAX TERM OF LIFE CT II. CTS I & II CONC. LIFETIME TERM OF
 COMM CUSTODY.

----- CHARGE INFORMATION -----

DEF01 LAFORGE, ARMONDO THEODOR

RS CNT	RCW/CODE	CHARGE DESCRIPTION	DV INFO/VIOL.	RESULT
			---DATE---	--DATE--

----- CHARGE INFORMATION -----

DEF01 LAFORGE, ARMONDO THEODOR

RS	CNT	RCW/CODE	CHARGE DESCRIPTION	DV INFO/VIOL.	RESULT
				---DATE---	--DATE--
			----- ORIGINAL INFORMATION		01/07/2003
	1	9A.56.200	ROBBERY 1ST DEGREE	N	12/22/2002
		NOTE	W/DEADLY WEAPON-KNIFE		
	2	9A.44.040	RAPE-FIRST DEGREE	N	12/22/2002
		NOTE	W/DEADLY WEAPON-KNIFE		
			----- 1ST AMENDED INFORMATION		12/04/2003
	1	9A.56.200	ROBBERY 1ST DEGREE	N	12/22/2002
		9.94A.125	DEADLY WEAPON SPECIAL VERDICT		
		9.94A.310	SENTENCING GRID		
	2	9A.44.040	RAPE-FIRST DEGREE	N	12/22/2002
		9.94A.125	DEADLY WEAPON SPECIAL VERDICT		
		9.94A.310	SENTENCING GRID		
			----- 1ST AMENDED INFORMATION		12/15/2003
G	1	9A.56.210	ROBBERY 2ND DEGREE	N	12/22/2002
G	2	9A.44.050	RAPE-SECOND DEGREE	N	12/22/2002
		901 NOTEPCN	213178407		
		902 NOTEPCN	224586558		

----- APPEARANCE DOCKET -----

SUB#	DATE	CODE/ CONN	DESCRIPTION/NAME	SECONDARY
-	01/07/2002	ADM01	CASE SETTING INFO	
-	01/07/2002	NOTE	ORSKTD/PLEA	01-08-2004
		ACTION	CCN: 1789733	
		ACTION	EXP: 01-07-04	
		ACTION	LOC: 4999	
		ACTION	INT:	
		ACTION	COMMENCE DATE:	
		ACTION	TRIAL SET EXP: 01-07-04	
		ACTION	ROB 1-DW, RAPE 1-DW	
-	01/07/2003	\$FFA	FILING FEE ASSESSED	110.00
1	01/07/2003	INFO	INFORMATION	
2	01/07/2003	ORW	ORDER FOR WARRANT \$100,000	
		LOCS	ORIGINAL LOCATION - SEATTLE	
-	01/14/2003	ARRAIGN	INITIAL ARRAIGNMENT	
3	01/14/2003	NTSCH	NOTICE OF SCHEDULING	01-23-2003
4	01/14/2003	ORNC	NO CONTACT ORDER	
5	01/16/2003	NTARD	NOT OF APPEAR AND REQ FOR DISCOVERY	
6	01/17/2003	\$SHRTWA	SHERIFF'S RETRN ON WARRANT OF ARREST	15.50
7	01/21/2003	DSRR	DISPOSITION REPORT RCV'D	
8	01/23/2003	HCNTU	HEARING CONTINUED: UNSPECIFIED	01-27-2003
9	01/27/2003	HCNTU	HEARING CONTINUED: UNSPECIFIED	01-28-2003
10	01/28/2003	HCNTU	HEARING CONTINUED: UNSPECIFIED	02-13-2003
11	01/29/2003	ORCNT	ORDER OF CONTINUANCE /SCHED	02-13-2003
12	02/13/2003	MTHRG	MOTION HEARING	
		JDG09	JUDGE JEFFREY M. RAMSDELL DEPT 9	

-APPEARANCE DOCKET-

SUB#	DATE	CODE/ CONN	DESCRIPTION/NAME	SECONDARY
13	02/13/2003	HCNTU	HEARING CONTINUED: UNSPECIFIED	02-20-2003
14	02/20/2003	ORATSC	ORD AUTHORIZ SUBSTITUTION OF COUNSL	
15	02/20/2003	HCNTU	HEARING CONTINUED: UNSPECIFIED	02-27-2003
16	02/27/2003	HCNTU	HEARING CONTINUED: UNSPECIFIED	03-06-2003
17	02/27/2003	MTHRG	MOTION HEARING	
		JDG09	JUDGE JEFFREY M. RAMSDELL DEPT 9	
18	02/28/2003	ORCNT	ORDER OF CONTINUANCE /SCHED	03-06-2003
19	03/06/2003	HCNTU	HEARING CONTINUED: UNSPECIFIED	03-10-2003
20	03/07/2003	NTHG	NOTICE OF HEARING	03-10-2003
		ACTION	3:30/RAMSDELL/BOND HEARING	
21	03/10/2003	STAHRG	STATUS CONFERENCE / HEARING	04-04-2003
22	03/10/2003	ORSTD	ORDER SETTING TRIAL DATE	04-16-2003
-	03/10/2003	*ORSCS	SET CASE SCHEDULE	04-16-2003ST
23	03/10/2003	MTHRG	MOTION HEARING	
		JDG09	JUDGE JEFFREY M. RAMSDELL DEPT 9	
24	03/10/2003	OMAPA	OMNIBUS APPLICATION OF PROS ATTY	
25	03/13/2003	ORBT	ORDER REQ BLOOD TESTS	
26	03/18/2003	MTHRG	MOTION HEARING	03-24-2003
		JDG09	JUDGE JEFFREY M. RAMSDELL DEPT 9	
27	03/25/2003	MTHRG	MOTION HEARING	
		JDG18	JUDGE MICHAEL S. SPEARMAN DEPT18	
28	03/25/2003	ORCTD	ORD FOR CONTINUANCE OF TRIAL DATE	05-27-2003
	03/25/2003	NOTE	EXP DATE 06-06-03 AND OMNI TO	05-09-2003
29	03/25/2003	WVSPDT	WAIVER OF SPEEDY TRIAL 06-06-03	
30	03/25/2003	TCNTU	TRIAL CONTINUED: UNSPECIFIED	05-27-2003
		JDG09	JUDGE JEFFREY M. RAMSDELL DEPT 9	
31	03/25/2003	ORECRP	ORDER ESTABLISHING COND. OF RELEASE /TRANSFERRED TO EHD II	
32	03/25/2003	ORDTLRA	OR OF DETENTION/LESS RESTRICT ALT LEVEL II	
33	03/28/2003	ORNC	NO CONTACT ORDER	
34	05/01/2003	MTHRG	MOTION HEARING	
		JDG09	JUDGE JEFFREY M. RAMSDELL DEPT 9	
35	05/08/2003	ORCNT	ORDER OF CONTINUANCE /OMNI	05-16-2003
36	05/09/2003	HCNTU	HEARING CONTINUED: UNSPECIFIED	05-16-2003
37	05/12/2003	ORTR	ORDER OF TRANSFER TO YOUTH SVCS	
38	05/16/2003	ORCNT	ORDER OF CONTINUANCE /OMNI	05-23-2003
39	05/16/2003	HCNTU	HEARING CONTINUED: UNSPECIFIED	05-23-2003
40	05/23/2003	ORCNT	ORDER OF CONTINUANCE /OMNI	06-16-2003
41	05/23/2003	HCNTU	HEARING CONTINUED: UNSPECIFIED	06-16-2003
42	05/23/2003	ORCTD	ORD FOR CONTINUANCE OF TRIAL DATE	07-14-2003
	05/23/2003	NOTE	EXP DATE 07-14-03 AND OMNI TO	06-16-2003
43	05/23/2003	WVSPDT	WAIVER OF SPEEDY TRIAL 07-14-03	
44	05/27/2003	TCNTU	TRIAL CONTINUED: UNSPECIFIED	07-14-2003
45	05/29/2003	NTWDA	NOTICE OF WITHDRAWAL OF ATTORNEY	
46	06/16/2003	MTHRG	MOTION HEARING	07-11-2003
47	06/16/2003	ORCNT	ORDER OF CONTINUANCE /OMNI	07-11-2003
48	07/11/2003	HCNTU	HEARING CONTINUED: UNSPECIFIED	07-18-2003
49	07/11/2003	WVSPDT	WAIVER OF SPEEDY TRIAL 07-22-03	
50	07/11/2003	ORCNT	ORDER OF CONTINUANCE /OMNI	07-18-2003
51	07/11/2003	ORCTD	ORD FOR CONTINUANCE OF TRIAL DATE	07-22-2003
52	07/14/2003	TCNTU	TRIAL CONTINUED: UNSPECIFIED	07-22-2003
53	07/18/2003	ORCNT	ORDER OF CONTINUANCE /OMNI	08-25-2003

-----APPEARANCE DOCKET-----

SUB#	DATE	CODE/ CONN	DESCRIPTION/NAME	SECONDARY
54	07/18/2003	WVSPDT	WAIVER OF SPEEDY TRIAL 09-09-03	
55	07/18/2003	HCNTU	HEARING CONTINUED: UNSPECIFIED	08-25-2003
56	07/18/2003	ORCTD	ORD FOR CONTINUANCE OF TRIAL DATE	09-04-2003
57	08/05/2003	\$RTS	RETURN OF SERVICE (LAW ENFORCE DEPT)	19.70
58	08/05/2003	\$RTS	RETURN OF SERVICE (LAW ENFORCE DEPT)	19.70
59	08/05/2003	\$RTS	RETURN OF SERVICE (LAW ENFORCE DEPT)	19.70
60	08/05/2003	\$RTS	RETURN OF SERVICE (LAW ENFORCE DEPT)	19.70
61	08/05/2003	\$RTS	RETURN OF SERVICE (LAW ENFORCE DEPT)	19.70
62	08/05/2003	\$RTS	RETURN OF SERVICE (LAW ENFORCE DEPT)	19.70
63	08/05/2003	\$RTS	RETURN OF SERVICE (LAW ENFORCE DEPT)	19.70
64	08/05/2003	\$RTS	RETURN OF SERVICE (LAW ENFORCE DEPT)	19.70
65	08/22/2003	MTHRG	MOTION HEARING CR JAMES STACH	
		JDG45	JUDGE ROBERT H. ALSDORF, DEPT 45	
66	08/27/2003	ORCNT	ORDER OF CONTINUANCE /OMNI	08-29-2003
67	08/29/2003	ORCNT	ORDER OF CONTINUANCE /OMNI	09-05-2003
68	08/29/2003	WVSPDT	WAIVER OF SPEEDY TRIAL 09-08	
69	08/29/2003	ORCTD	ORD FOR CONTINUANCE OF TRIAL DATE OMNI 09-05-03	09-08-2003
70	08/29/2003	HCNTU	HEARING CONTINUED: UNSPECIFIED	09-05-2003
71	09/05/2003	ORCTD	ORD FOR CONTINUANCE OF TRIAL DATE	09-16-2003
72	09/05/2003	HCNTU	HEARING CONTINUED: UNSPECIFIED	09-12-2003
73	09/08/2003	TCNTU	TRIAL CONTINUED: UNSPECIFIED	09-16-2003
74	09/12/2003	ORCTD	ORD FOR CONTINUANCE OF TRIAL DATE	09-29-2003
75	09/12/2003	HCNTU	HEARING CONTINUED: UNSPECIFIED	09-26-2003
76	09/26/2003	ORCTD	ORD FOR CONTINUANCE OF TRIAL DATE	10-06-2003
77	09/26/2003	RTS	RETURN OF SERVICE	
78	09/26/2003	RTS	RETURN OF SERVICE	
79	09/26/2003	RTS	RETURN OF SERVICE	
80	09/26/2003	RTS	RETURN OF SERVICE	
81	09/26/2003	RTS	RETURN OF SERVICE	
82	09/26/2003	RTS	RETURN OF SERVICE	
83	09/26/2003	RTS	RETURN OF SERVICE	
84	09/26/2003	RTS	RETURN OF SERVICE	
85	09/26/2003	RTS	RETURN OF SERVICE	
86	09/26/2003	RTS	RETURN OF SERVICE	
87	09/26/2003	RTS	RETURN OF SERVICE	
88	09/26/2003	RTS	RETURN OF SERVICE	
89	09/26/2003	RTS	RETURN OF SERVICE	
90	09/26/2003	HCNTU	HEARING CONTINUED: UNSPECIFIED	10-03-2003
91	09/29/2003	TCNTU	TRIAL CONTINUED: UNSPECIFIED	10-06-2003
92	09/29/2003	\$SHRTS	SHERIFF'S RETURN OF SERVICE W/FEEES	19.70
93	09/29/2003	\$SHRTS	SHERIFF'S RETURN OF SERVICE W/FEEES	19.70
94	09/29/2003	\$SHRTS	SHERIFF'S RETURN OF SERVICE W/FEEES	19.70
95	09/29/2003	\$SHRTS	SHERIFF'S RETURN OF SERVICE W/FEEES	19.70
96	09/29/2003	\$SHRTS	SHERIFF'S RETURN OF SERVICE W/FEEES	19.70
97	09/29/2003	\$SHRTS	SHERIFF'S RETURN OF SERVICE W/FEEES	19.70
98	09/29/2003	\$SHRTS	SHERIFF'S RETURN OF SERVICE W/FEEES	19.70
99	09/29/2003	\$SHRTS	SHERIFF'S RETURN OF SERVICE W/FEEES	19.70
100	10/03/2003	\$RTS	RETURN OF SERVICE (LAW ENFORCE DEPT)	19.70
101	10/03/2003	ORCTD	ORD FOR CONTINUANCE OF TRIAL DATE	10-15-2003
102	10/03/2003	HCNTU	HEARING CONTINUED: UNSPECIFIED	10-14-2003
103	10/06/2003	TCNTU	TRIAL CONTINUED: UNSPECIFIED	10-15-2003

-----APPEARANCE DOCKET-----

SUB#	DATE	CODE/ CONN	DESCRIPTION/NAME	SECONDARY
104	10/14/2003	ORCTD	ORD FOR CONTINUANCE OF TRIAL DATE	12-08-2003
105	10/14/2003	TCNTU	TRIAL CONTINUED: UNSPECIFIED	12-08-2003
106	10/15/2003	HCNTU	HEARING CONTINUED: UNSPECIFIED	12-08-2003
107	11/05/2003	SHRTS	SHERIFF'S RETURN OF SERVICE	
108	11/05/2003	SHRTS	SHERIFF'S RETURN OF SERVICE	
109	11/05/2003	SHRTS	SHERIFF'S RETURN OF SERVICE	
110	11/05/2003	SHRTS	SHERIFF'S RETURN OF SERVICE	
111	11/05/2003	SHRTS	SHERIFF'S RETURN OF SERVICE	
112	11/05/2003	SHRTS	SHERIFF'S RETURN OF SERVICE	
113	11/05/2003	SHRTS	SHERIFF'S RETURN OF SERVICE	
114	11/05/2003	SHRTS	SHERIFF'S RETURN OF SERVICE	
115	11/05/2003	SHRTS	SHERIFF'S RETURN OF SERVICE	
116	11/05/2003	SHRTS	SHERIFF'S RETURN OF SERVICE	
117	11/05/2003	SHRTS	SHERIFF'S RETURN OF SERVICE	
118	11/05/2003	SHRTS	SHERIFF'S RETURN OF SERVICE	
119	11/13/2003	SSHRTS	SHERIFF'S RETURN OF SERVICE W/FEEES	19.70
120	11/13/2003	SSHRTS	SHERIFF'S RETURN OF SERVICE W/FEEES	19.70
121	11/13/2003	SSHRTS	SHERIFF'S RETURN OF SERVICE W/FEEES	19.70
122	11/13/2003	SSHRTS	SHERIFF'S RETURN OF SERVICE W/FEEES	19.70
123	11/13/2003	SSHRTS	SHERIFF'S RETURN OF SERVICE W/FEEES	19.70
124	11/13/2003	SSHRTS	SHERIFF'S RETURN OF SERVICE W/FEEES	19.70
125	11/13/2003	SSHRTS	SHERIFF'S RETURN OF SERVICE W/FEEES	19.70
126	11/13/2003	SSHRTS	SHERIFF'S RETURN OF SERVICE W/FEEES	19.70
127	11/21/2003	ORCNT	ORDER OF CONTINUANCE /OMNI	12-05-2003
128	11/21/2003	HCNTU	HEARING CONTINUED: UNSPECIFIED	12-05-2003
129	11/21/2003	SRTS	RETURN OF SERVICE(LAW ENFORCE DEPT)	19.70
130	12/04/2003	AMINF	AMENDED INFORMATION	
131	12/04/2003	ORPFAI	ORD PERMITTING FILING AMENDED INFO	
132	12/04/2003	NTARD	NOT OF APPEAR AND REQ FOR DISCOVERY	
133	12/04/2003	TCNTU	TRIAL CONTINUED: UNSPECIFIED	01-08-2004
133A	12/04/2003	AMINF	AMENDED INFORMATION	
133B	12/04/2003	ORPFAI	ORD PERMITTING FILING AMENDED INFO	
134	12/04/2003	ORATSC	ORD AUTHORIZ SUBSTITUTION OF COUNSL	
134A	12/05/2003	HSTKIC	HEARING STRICKEN: IN COURT OTHER	
135	12/08/2003	TCNTU	TRIAL CONTINUED: UNSPECIFIED	01-08-2004
136	12/15/2003	ORPFAI	ORD PERMITTING FILING AMENDED INFO AS TO DEF ARMONDO T.LAFORGE ONLY	
137	12/15/2003	AMINF	2ND AMENDED INFO AS TO DEF ARMONDO T. LAFORGE ONLY	
138	12/15/2003	ORSKTD	ORDER STRIKING TD /PLEA /01-08-04	
139	12/15/2003	GPOH	GUILTY PLEA ONLY HEARING CR ELECTRONIC RECORDING PRO JUDGE PRO TEM	
140	12/15/2003	OAPJPS	OR, OATH & APPR JDGE PRO TEM & STIP	
141	12/23/2003	PRSIO	PRESENTENCE INVESTIGATION ORDER ACTION 1:45/SCOTT/SENT	01-30-2004
142	01/09/2004	STTDFG	STATEMENT OF DEFENDANT, PLEA GUILTY	
143	01/09/2004	STTDFG	STATEMENT OF DEFENDANT, PLEA GUILTY	
144	02/04/2004	NTHG	NOTICE OF HEARING ACTION 2:30/SCOTT/SENT	03-12-2004
145	02/05/2004	NTHG	NOTICE OF HEARING /SENT ACTION 2:30/SCOTT	03-19-2004
146	02/19/2004	NTHG	NOTICE OF HEARING /SENT	03-19-2004

-----APPEARANCE DOCKET-----

SUB#	DATE	CODE/ CONN	DESCRIPTION/NAME	SECONDARY
-	03/08/2004	ACTION \$NOTE	2:30/HAYDEN TOTAL COURT COSTS	= \$ 637.70
147	03/16/2004	SNTRC	S/D - 03/19/04 - HAYDEN SENTENCE RECOMMENDATION /DEF	
148	03/19/2004	NTIPF	NOTICE INELIGIBLE POSSESS FIREARM	
149	03/19/2004	NTRA	COURT ORAL NOTICE RIGHT OF APPEAL	
150	03/19/2004	SNTHRG	SENTENCING HEARING CR PETE HUNT	
151	03/19/2004	JDG16 RSP	JUDGE MICHAEL HAYDEN, DEPT 16 RESPONSE /STATE TO REQUEST FOR EXCEPTIONAL SENTENCE	
152	03/23/2004	STPATTY	STATEMENT OF PROSECUTING ATTORNEY	
153	03/23/2004	JS	JUDGMENT AND SENTENCE	
154	05/05/2004	NTFC	NOTIFICATION OF FELONY CONVICTION	
-	05/20/2004	NOTE	COMPLETED PER SUB 153/CASE AUDIT	
155	05/25/2004	NTBS	NOTICE OF TAKING BLOOD SAMPLE	
156	07/28/2004	ORSR	ORDER SETTING RESTITUTION	
157	03/24/2005	NTWDA	NOTICE OF WITHDRAWAL OF ATTORNEY	
158	06/16/2005	DSRR	DISPOSITION REPORT RCV'D	

=====END=====

APPENDIX

D. AMENDED INFORMATION

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FILED
KING COUNTY, WASHINGTON

DEC - 4 2003

SUPERIOR COURT CLERK
CRIMINAL PRESIDING

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE STATE OF WASHINGTON,)
)
) Plaintiff,)
)
) v.)
) JULIAN D. MOLZHON, and)
) ~~ARMONDO T. LAFORGE~~)
) and each of them,)
)
) Defendants.)

No. 03-C-03741-5 SEA
03-C-03742-3 SEA

AMENDED INFORMATION AS
TO DEFENDANT ARMONDO T. LAFORGE
ONLY

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 T. LAFORGE of the crime of Robbery in the First Degree, committed as follows:

That the defendant ARMONDO T. LAFORGE, in King County, Washington on or about December 22, 2002, did unlawfully and with intent to commit theft take personal property of another, to-wit: U.S. currency and an ATM card from the person and in the presence of Christopher Duarte, against his will, by the use or threatened use of immediate force, violence and fear of injury to such person or his property, and in the commission of and in immediate flight therefrom the defendant was armed with a deadly weapon, to-wit: a knife;

Contrary to RCW 9A.56.200(1)(a)(i) and 9A.56.190, and against the peace and dignity of the State of Washington.

And I, Norm Maleng, Prosecuting Attorney for King County in the name and by the authority of the State of Washington further do accuse the defendant ARMONDO T. LAFORGE at said time of being armed with a deadly weapon, to-wit: a knife, under the authority of RCW 9.94A.125 and 9.94A.310.

Norm Maleng
Prosecuting Attorney
W 554 King County Courthouse
Seattle, Washington 98104-2312
(206) 296-9000

COUNT II

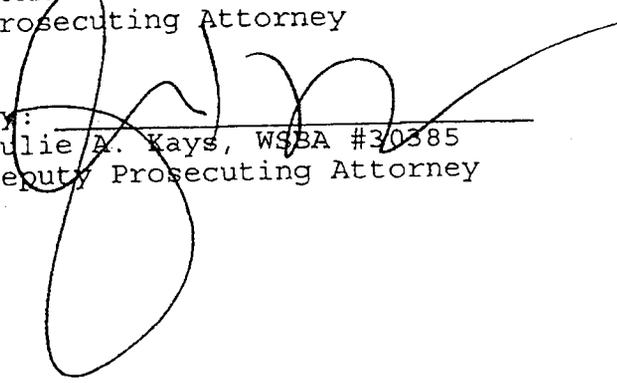
And I, Norm Maleng, Prosecuting Attorney aforesaid further do accuse ARMONDO T. LAFORGE of the crime of Rape in the First Degree, a crime of the same or similar character and based on the same conduct as another crime charged herein, which crimes were part of a common scheme or plan and which crimes 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:

That the defendant ARMONDO T. LAFORGE in King County, Washington on or about December 22, 2002, by forcible compulsion did engage in sexual intercourse with another person named Christopher Duarte, under circumstances where the defendant or an accessory used or threatened to use a deadly weapon or what appeared to be a deadly weapon, to-wit: a knife;

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

And I, Norm Maleng, Prosecuting Attorney for King County in the name and by the authority of the State of Washington further do accuse the defendant ARMONDO T. LAFORGE at said time of being armed with a deadly weapon, to-wit: a knife, under the authority of RCW 9.94A.125 and 9.94A.310.

NORM MALENG
Prosecuting Attorney

By: 
Julie A. Kays, WSBA #30385
Deputy Prosecuting Attorney

Norm Maleng
Prosecuting Attorney
W 554 King County Courthouse
Seattle, Washington 98104-2312
(206) 296-9000

FILED

2004 MAY -5 PM 2: 51

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

S049
5/5/04

KING COUNTY SUPERIOR COURT
CONVICTED FELON REPORT

-----PERSON IDENTIFICATION-----

SID #:

NAME: LAFORGE, ARMONDO THEODOR
ADDRESS: 5075 MITHUN PL NE
SEATTLE WA 98105

RACE: UNKNOWN
SEX: M
DOB: 03: 08 20 1986

CAUSE NUMBER: 03-1-03742-3 SEA

RESOLUTION: 12-15-2003 GUILTY PLEA
COMPLETION: 03-23 2004 JUDGMENT/ORDER/DECREE FILED

-----CHARGE INFORMATION-----

RS	CNT	RCW/CODE	CHARGE DESCRIPTION	DV INFO/VIOL ---DATE---
			----- ORIGINAL INFORMATION	01 07 2003
	1	9A.56.200	ROBBERY 1ST DEGREE	N 12 22 2002
		NOTE	W/DEADLY WEAPON-KNIFE	
	2	9A.44.040	RAPE--FIRST DEGREE	N 12 22 2002
		NOTE	W/DEADLY WEAPON-KNIFE	
			----- 1ST AMENDED INFORMATION	12 04 2003
	1	9A.56.200	ROBBERY 1ST DEGREE	N 12 22 2002
		9.94A.125	DEADLY WEAPON SPECIAL VERDICT	
		9.94A.310	SENTENCING GRID	
	2	9A.44.040	RAPE--FIRST DEGREE	N 12 22 2002
		9.94A.125	DEADLY WEAPON SPECIAL VERDICT	
		9.94A.310	SENTENCING GRID	
			----- 1ST AMENDED INFORMATION	12 15 2003
	1	9A.56.210	ROBBERY 2ND DEGREE	N 12 22 2002
	2	9A.44.050	RAPE--SECOND DEGREE	N 12 22 2002

APPENDIX

E. STATEMENT OF DEFENDANT

FILED

04 JAN -9 PM 3: 01

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

SUPERIOR COURT OF WASHINGTON
FOR

NO. 03-C-03742-3
~~03-C-030448-1 EA~~

STATE OF WASHINGTON

Plaintiff

STATEMENT OF DEFENDANT ON
PLEA OF GUILTY TO NON-SEX
OFFENSE
(STIDFG)

Court I:
Robbery 2°

vs.
Armando La Forge
Defendant.

1. My true name is: Armando La Forge
2. My age is: 17
3. I went through the 11th grade.
4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:
 - (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
 - (b) I am charged with: Robbery 2°
The elements are: To unlawfully take personal property from the person of another against his will by the use of immediate force, violence, or fear of injury.
5. I UNDERSTAND I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:
 - (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
 - (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
 - (c) The right at trial to 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) I am presumed innocent unless the charge is proven 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*	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	COMMUNITY CUSTODY RANGE (Only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph 6(f))	MAXIMUM TERM AND FINE
1	2	12 ⁺ -14 m	N/A	12 ⁺ -14 m	18 - 36 months	10 yrs. \$20,000
2						
3						

*(F) Firearm, (D) other deadly weapon, (V) VUCSA in protected zone, (VH) Veh. Horn, See RCW 46.61.520, (JP) Juvenile present

- (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. 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 supervision if the total period of confinement ordered is not more than 12 months. 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 placement. 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 placement. The actual period of community placement, community custody, or community supervision may be as long as my earned early release period. During the period of community placement, community custody, or community supervision, 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, 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 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 community custody range 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.150 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 range will be based on the offense type that dictates the longest term of community custody.

OFFENSE TYPE	COMMUNITY CUSTODY RANGE
Serious Violent Offenses	24 to 48 months or up to the period of earned release, whichever is longer.
Violent Offenses	18 to 36 months or up to the period of earned release, whichever is longer.
Crimes Against Persons as defined by RCW 9.94A.440(2)	9 to 18 months or up to the period of earned release, whichever is longer.
Offenses under Chapter 69.50 or 69.52 RCW (Not sentenced under RCW 9.94A.120(6))	9 to 12 months or up to the period of earned release, whichever is longer.

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. 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.

(g) The prosecuting attorney will make the following recommendation to the judge: 13 months in custody; time to run concurrent w/ Page 2°; community custody; no contact for maximum term w/ ~~Julia~~ Julia Molzhan; DNA / alcohol eval & follow all trmt recs; no contact for maximum term w/ Chris Duarte & his family;
 The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

Comply w/ all conditions deemed appropriate BY DOC; VPA; RESTITUTION.

- (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. If the judge goes outside the standard range, either the state or I can appeal that sentence. If the sentence is within the standard range, no one 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.
- (j) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040.
- (k) Public assistance will be suspended during any period of imprisonment.
- (l) I understand that I will be required to have a biological sample collected for purposes of DNA identification analysis. For offenses committed on or after July 1, 2002, I will be required to pay a \$100 DNA collection fee.

NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE.

- [m] This offense is a most serious offense or strike as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.
- ~~[n] The judge may sentence me as a first-time offender instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030. This sentence could include as much as 90 days' confinement, and up to two years community supervision if the crime was committed prior to July 1, 2000, or up to two years of community custody if the crime was committed on or after July 1, 2000, plus all of the conditions described in paragraph (e). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.~~ KC A.L.
- ~~[o] If this crime involves a kidnapping offense involving a minor, I will be required to register where I reside, study or work. The specific registration requirements are set forth in the "Offender Registration" Attachment.~~ KC A.L.
- ~~[p] If this is a crime of domestic violence and if I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.~~ KC A.L.
- ~~[q] If this crime involves prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (AIDS) virus.~~ KC A.L.

~~[r] The judge may sentence me under the special drug offender sentencing alternative (DOSA) if I qualify under former RCW 9.94A.120(6) (for offenses committed before July 1, 2001) or RCW 9.94A.660 (for offenses committed on or after July 1, 2001). This sentence could include a period of total confinement in a state facility for one-half of the midpoint of the standard range plus all of the conditions described in paragraph 6(e). During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose community custody of at least one-half of the midpoint of the standard range that must include appropriate substance abuse treatment, a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. Additionally, the judge could prohibit me from using alcohol or controlled substances, require me to devote time to a specific employment or training, stay out of certain areas, pay thirty dollars per month to offset the cost of monitoring and require other conditions, including affirmative conditions.~~ KC AUL

[s] If 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.

~~[t] If this crime involves the manufacture, delivery, or possession with the intent to deliver methamphetamine or amphetamine, a mandatory methamphetamine clean-up fine of \$3,000.00 will be assessed. RCW 69.50.401(a)(1)(ii).~~ KC AUL

~~[u] If this crime involves a violation of the state drug laws, my eligibility for state and federal food stamps, welfare, and education benefits will be affected. 20 U.S.C. § 1091(r) and 21 U.S.C. § 862a.~~ KC AUL AUL

~~[v] If this crime involves a motor vehicle, my driver's license or privilege to drive will be suspended or revoked. If I have a driver's license, I must now surrender it to the judge.~~ KC

~~[w] If this crime involves the offense of vehicular homicide while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, committed on or after January 1, 1999, an additional two years shall be added to the presumptive sentence for vehicular homicide for each prior offense as defined in RCW 46.61.5055(8).~~ KC AUL

~~[x] The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6[m].~~ KC AUL

~~[y] I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.~~ KC AUL

~~[z] I understand that the offense(s) I am pleading guilty to include a deadly weapon or firearm enhancement. Deadly weapon or firearm enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon or firearm enhancements.~~ KC AUL

[aa] ~~I understand that the offenses I am pleading guilty to include both a conviction under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and one or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm. The sentences imposed for these crimes shall be served consecutively to each other. A consecutive sentence will also be imposed for each firearm unlawfully possessed.~~ *KE AM*

[bb] ~~I understand that if I am pleading guilty to the crime of unlawful practices in obtaining assistance as defined in RCW 74.08.331, no assistance payment shall be made for at least 6 months if this is my first conviction and for at least 12 months if this is my second or subsequent conviction. This suspension of benefits will apply even if I am not incarcerated. RCW 74.08.290.~~ *KE AM*

7. I plead guilty to:

count I: Robbery 2°

count _____

count 2°

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: On or about December 22, 2002, I did

unlawfully take personal property from the

person of another against his will by the use

or threatened use of immediate force, violence, or

fear of injury in King County, WA. To wit: I

used force to take Christopher Dewart's ATM card and

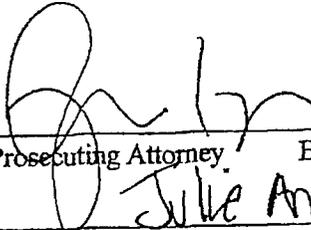
[] Instead of making a statement, I agree that the court may review the police reports and/or a U.S.

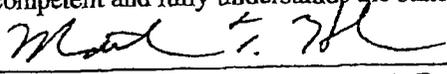
statement of probable cause supplied by the prosecution to establish a factual basis for the plea. *Currency.*

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.


Defendant

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


Prosecuting Attorney Bar # 30385
Julie Anne KAYS
Print Name


Defendant's Lawyer Bar # 28041
Matthew T. Hale
Print Name

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- (a) The defendant had previously read 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 attached.

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: 12-15-03


Judge


APPENDIX

F. STATEMENT

FILED

04 JAN -9 PM 3:00

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

SUPERIOR COURT OF WASHINGTON
FOR

STATE OF WASHINGTON _____
Plaintiff

vs. Armando LaForge
Defendant.

NO. 03-C-03742-35EA

STATEMENT OF DEFENDANT ON
PLEA OF GUILTY TO SEX OFFENSE
(STIDFG)
(Alford Plea) Court II:
Rape 2°

1. My true name is: Armando LaForge

2. My age is: 17

3. I went through the 11th grade.

4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:

(a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.

(b) I am charged with: Rape 2°
The elements are: To engage in sexual intercourse with another person by forcible compulsion.

5. I UNDERSTAND I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:

(a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;

(b) The right to remain silent before and during trial, and the right to refuse to testify against myself;

(c) The right at trial to 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) I am presumed innocent unless the charge is proven 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*	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	COMMUNITY CUSTODY RANGE (Only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph 6(f))	MAXIMUM TERM AND FINE
1						
2	2	95+125m	N/A	95+125m	Life	Life \$50,000
3						

*(F) Firearm, (D) other deadly weapon

- (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. 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 sex offenses 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 supervision if the total period of confinement ordered is not more than 12 months. If the period of confinement is more than one year, the judge will order me to serve three years of community custody or up to the period of earned early release, whichever is longer. 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 sex offenses committed on or after July 1, 2000 but prior to September 1, 2001: 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 period of confinement is over one year, the judge will sentence me to community custody for a period of 36 to 48 months or up to the period of earned release, whichever is longer. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For sex offenses committed on or after September 1, 2001:

*applies **

(i) Sentencing under RCW 9.94A.712: If this offense is for any of the offenses listed in subsections (aa) or (bb), below, the judge will impose a maximum term of confinement consisting of the statutory maximum sentence of the offense and a minimum term of confinement either within the standard range for the offense or outside the standard range if an exceptional sentence is appropriate. The minimum term of confinement that is imposed may be increased by the Indeterminate Sentence Review Board if the Board determines by a preponderance of the evidence that it is more likely than not that I will commit sex offenses if released from custody. In addition to the period of confinement, I will be sentenced to community custody for any period of time I am released from total confinement before the expiration of the maximum sentence. 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 and I may be required to participate in rehabilitative programs.

(aa) If the current offense is any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree committed when I was at least 18 years old.	Rape of a child in the second degree committed when I was at least 18 years old.
Child molestation in the first degree committed when I was at least 18 years old.	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Burglary in the first degree	

(bb) If the current offense is any sex offense and I have a prior conviction for any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree	Rape of a child in the second degree
Child molestation in the first degree	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Burglary in the first degree	

(ii) If this offense is for a sex offense that is not listed in paragraph 6(f)(i), then in addition to sentencing me to a term of 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 period of confinement is over one year, the judge will sentence me to community custody for a period of 36 to 48 months or up to the period of earned release, whichever is longer. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

(g) The prosecuting attorney will make the following recommendation to the judge: 110 months in community custody; sexual deviancy eval & follow all trtmt recs; & follow all trtmt recs; no contact for life w/ CITRIS DUANE or his family;
~~The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference. no contact w/ MOLZMAN; lifetime sex offender regst. - All conditions as deemed appropriate by BDC; VPA; RESTITUTION~~

(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. If the judge goes outside the standard range, either the state or I can appeal that sentence. If the sentence is within the standard range, no one 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.

(j) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040.

(k) Public assistance will be suspended during any period of imprisonment.

(l) I will be required to register where I reside, study or work. The specific registration requirements are described in the "Offender Registration" Attachment.

- (m) I will be required to have a biological sample collected for purposes of DNA identification analysis. For offenses committed on or after July 1, 2002, I will be required to pay a \$100 DNA collection fee.
- (n) I will be required to undergo testing for the human immunodeficiency (AIDS) virus.

NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE.

applies → [o] This offense is a most serious offense or strike as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole. In addition, if this offense is (1) rape in the first degree, rape of a child in the first degree, rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child molestation in the first degree, or (2) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation, or (3) any attempt to commit any of the offenses listed in this sentence and I have at least one prior conviction for one of these listed offenses in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

- [p] Special sex offender sentencing alternative:

For offenses committed before September 1, 2001: The judge may suspend execution of the standard range term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under former RCW 9.94A.120(8) (for offenses committed before July 1, 2001) or RCW 9.94A.670 (for offenses committed on or after July 1, 2001). If the judge suspends execution of the standard range term of confinement, I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater; I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me; and I will be subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

For offenses committed on or after September 1, 2001: The judge may suspend execution of the standard range term of confinement or the minimum term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under RCW 9.94A.670. If the judge suspends execution of the standard range term of confinement for a sex offense that is not listed in paragraph 6(f)(i), I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater. If the judge suspends execution of minimum term of confinement for a sex offense listed in paragraph 6(f)(i), I will be placed on community custody for the length of the statutory maximum sentence of the offense. In addition to the term of community custody, I will be ordered to serve up to

180 days of total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me; and I will be subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

[q] ~~If this is a crime of domestic violence and if I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.~~ Kc. All

[r] If 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.

[s] ~~If this offense involves a motor vehicle, my driver's license or privilege to drive will be suspended or revoked. If I have a driver's license, I must now surrender it to the judge.~~ Kc. All

[t] ~~The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6[o].~~ Kc. All

[u] ~~I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.~~ Kc. All

[v] ~~I understand that the offense(s) I am pleading guilty to include a deadly weapon or firearm enhancement. Deadly weapon or firearm enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon or firearm enhancements.~~ Kc. All

7. I plead guilty to:

count II : Rape 2°

count _____

count _____

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: Although I do not believe that I committed this crime, I have reviewed the police reports, and I understand that if this case went to trial, there is a substantial likelihood that I would be convicted.
So, I have decided to plead guilty to take advantage of

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. the prosecutor's offer.

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

[Signature]
Defendant

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

[Signature]
Defendant's Lawyer Bar # 28041
Matthew T. Hale
Print Name

[Signature]
Prosecuting Attorney Bar #
Julie A. KAYS
Print Name

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- (a) The defendant had previously read 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 attached.

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: 12-15-03

[Signature]
Judge
[Signature]

865825
LaForge

Case Name: State v. LaForge Cause No.: 03-C-03742-3 SEA

"OFFENDER REGISTRATION" ATTACHMENT: sex offense, or kidnapping offense involving a minor as defined in RCW 9A.44.130. (If required, attach to Statement of Defendant on Plea of Guilty.)

Because this crime involves a sex offense, or a kidnapping offense involving a minor as defined in RCW 9A.44.130, I will be required to register with the sheriff of the county of the state of Washington where I reside. If I am not a resident of Washington but I am a student in Washington or I am employed in Washington or I carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register immediately upon 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 me in custody and I must also register within 24 hours of my release with the sheriff of the county of the state of Washington where I will be residing, or if not residing in the state of Washington, where I am a student, where I am employed, or where I carry on a vocation.

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

If I change my residence within a county, I must send written notice of my change of residence to the sheriff within 72 hours of moving. If I change my residence to a new county within this state, I must send written notice of the change of address at least 14 days before moving to the county sheriff in the new county of residence, I must register with the sheriff of the new county within 24 hours of moving, and I must also give written notice of my change of address to the sheriff of the county where last registered within 10 days of moving. If I move out of Washington State, I must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom I last registered in Washington 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 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. I must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom I last registered in Washington State.

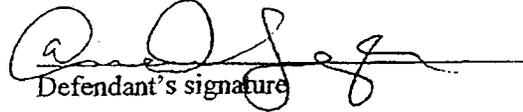
If I am a resident of Washington and I am admitted to a public or private institution of higher education, I shall, within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff of the county of my residence of my intent to attend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

If I lack a fixed residence, I am required to register. Registration must occur within 24 hours 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 or within 48 hours, excluding weekends and holidays, after ceasing to have a fixed residence. If I enter a different county and stay there for more than 24 hours, I will be required to register in 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 am required to provide a list of the locations where I have stayed during the last seven days. 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.

865825
LaForge

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 five days of the entry of the order.
RCW 9A.44.130(7).

Date: 12-15-03


Defendant's signature

FILED

The Honorable Judge Michael Hayden

2004 MAR 16 PM 2:06 Sentencing Hearing on March 19, 2003 @ 2:30 p.m. in W-941

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

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IN THE KING COUNTY SUPERIOR COURT,
STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	NO. 03-C-03742-3 SEA
Plaintiff,)	
)	DEFENDANT'S
vs.)	PRE-SENTENCE REPORT
)	
ARMANDO LAFORGE,)	
)	
Defendant.)	

TO: Clerk of the Court, and
TO: Prosecuting Attorney.

BACKGROUND

Mr. LaForge is a 17-year-old boy who pled guilty to one count of robbery in the second degree and one count of rape in the second degree. At the time of the plea, Mr. LaForge entered an Alford plea to the rape charge. However, since the time of the plea, Mr. LaForge has taken full responsibility for both crimes. He has completed every educational course offered by the Juvenile Detention Facility. He has also completed a sexual deviancy evaluation, and is planning on following the treatment

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ORIGINAL

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recommendations. Mr. LaForge has no criminal history. Mr. LaForge was 16 at the time of the offense. The seriousness level of robbery in the second degree is IV, and the seriousness level of rape in the second degree is XI. Mr. LaForge's offender score on the rape charge is a two because of the concurrent robbery charge. Therefore, his standard sentencing range is 95 to 125 months.

STATE RECOMMENDATION

The State has recommended that the court impose the following sentence: 1) serve 110 months in prison; 2) pay \$500 victim penalty assessment; and 3) pay restitution to the victims; 4) have no contact with the victim or the victim's family; 5) have no contact with Julian Molzhon; 6) obtain a sexual deviancy evaluation and follow recommendations; 7) obtain a substance abuse evaluation and follow all treatment recommendations; 8) register as a sex offender; 9) submit to lifetime community custody.

DEFENSE RECOMMENDATION

The Defense agrees with most of the state's recommendation. However, with regard to the time to be served in prison, the Defense respectfully recommends that the court impose an exceptional sentence of 78 months in prison.

According to RCW 9.94A.535, the court may impose a sentence outside the standard range for an offense if it finds that there are substantial and compelling reasons justifying an exceptional sentence. RCW 9.94A.535 goes on to provide an illustrative list of factors that the court may consider in deciding whether to impose an exceptional sentence. According to the statute, these mitigating circumstances are

1 provided as examples and are not intended to be exclusive reasons for departure from
2 the guidelines. The Defense bases its request on one of the illustrative factors, but we
3 are also asking the court to consider the age of Mr. LaForge and the fact that he has
4 completed a sexual deviancy evaluation in determining whether he should be given an
5 exceptional sentence. As the court is well aware, many sex offenders are eligible for a
6 SSOSA which allows them to avoid serving prison time altogether. Because of the
7 ages of the parties involved in this case, Mr. LaForge being 16 and the victim being
8 23, SSOSA is not an option. However, we are asking for a sentence that is fair and not
9 excessive in light of all of the circumstances.
10

11
12 First of all, the substantial and compelling reason that the Defense requests an
13 exceptional sentence below the standard range is that the operation of the multiple
14 offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly
15 excessive in light of the Sentencing Reform Act, as expressed in RCW 9.94A.010. As
16 a first-time offender, Mr. LaForge would have a low end of 78 months to be served on
17 the rape charge, were it not for the two points added as a result of the robbery charge.
18 The state is requesting a sentence of 110 months, which is clearly excessive.
19

20
21 There are several cases in Washington that support an exceptional sentence in
22 this type of case. First, in State v. Hortman, 76 Wn. App. 454, 888 P.2d 234 (1994),
23 the Washington State Court of Appeals stated that a presumptive sentence calculated
24 in accord with the multiple offense policy is clearly excessive if the difference between
25 the effects of the first criminal act and the cumulative effects of the subsequent
26 criminal acts is nonexistent, trivial, or trifling. In the case at bar, the rape should
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obviously be considered the main course of conduct, and the fact that property was taken from the person of the victim is trivial and trifling. The co-defendant in this case took the bank card and went to the ATM to get money. Mr. LaForge took the victim behind the building and raped him. According to the Court in Hortman, the purposes of the SRA including ensuring punishments that are proportionate to the seriousness of the offense and the offender's criminal history, promoting respect for the law by providing punishment which is just, encouraging commensurate punishments for offenders who commit similar offenses, protecting the public, offering the offender an opportunity for self-improvement, and making frugal use of the State's resources. Id. The Defense argues that the policies of the Sentencing Reform Act would be fulfilled in this case with a sentence below the standard range.

The Defense argues that the rape and robbery charges should be treated as the same criminal conduct for the purposes of sentencing, as opposed to multiple offenses. According to RCW 9.94A.589, for the purposes of sentencing, "same criminal conduct" means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. In State v. Taylor, 90 Wn. App. 312, 950 P.2d 526 (1998), the Washington State Court of Appeals held that assault and kidnapping charges should be treated as the same criminal conduct for the purposes of sentencing. In that case, the assault was used to persuade the victim to submit to the kidnapping. In the case at bar, Mr. LaForge used the threat of force to persuade the victim to submit to the rape. In State v. Dunaway, 109 Wn.2d 207, 743 P.2d 1237 (1987), the Washington State Supreme Court held that robbery and

1 kidnapping should be treated as the same criminal conduct for the purposes of
2 sentencing. The court held that, in deciding if crimes encompass the same conduct,
3 the test is the extent to which the criminal intent, as objectively viewed, changed from
4 one crime to the next, taking into account issues of whether one crime furthered the
5 other and if the time and place of the two crimes remained the same. Id. In the case at
6 bar, the intent of the co-defendant Mr. Molzhon was to rob the victim. However, Mr.
7 LaForge's intent was to rape the victim. Again, he used the show of force to get the
8 victim to submit to the rape.
9

10
11 In State v. Stearns, 61 Wn. App. 224, 810 P.2d 41 (1991), robbery and rape
12 were not treated as the same criminal conduct because they both had different intents.
13 However, that case can be distinguished from the case at bar. In that case, there was
14 only one defendant. That defendant raped the victim, then took her property after the
15 rape was completed. In Mr. LaForge's case, the co-defendant took the victim's bank
16 card and went to an ATM to obtain money. His intent was to rob the victim.
17 However, Mr. LaForge did not get any of the victim's property. Instead, his intent was
18 to rape the victim. Therefore, his intent did not change during the course of conduct,
19 and the rape and the robbery should be considered the same course of conduct for the
20 purposes of sentencing.
21

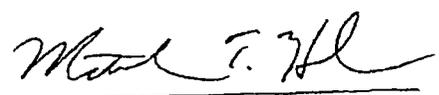
22
23 Taking all of these factors into account, including the excessive sentence
24 required by the multiple offense policy, the age of the Defendant, and the sexual
25 deviancy evaluation, the Defense is asking the court to impose a sentence of 78
26 months in prison, which would be the low-end of the range without the two points
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added by the robbery charge. We are also asking the court to order that Mr. LaForge serve this time at the Green Hill prison facility so that he can be housed with other juvenile offenders and take advantage of the classes offered at Green Hill.

DATED: MARCH 16, 2004.

THE HALE LAW FIRM, LLC



MATTHEW T. HALE
WSBA #28041
Counsel for Defendant

APPENDIX

H. STATE'S RESPONSE

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FILED
KING COUNTY, WASHINGTON

MAR 19 2004

SUPERIOR COURT CLERK
BY SHANNA KNIGHT
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

No. 03-C-03742-3 SEA

vs.

ARMONDO LAFORGE,

Defendant,

STATE'S RESPONSE TO DEFENSE
REQUEST FOR AN EXCEPTIONAL
SENTENCE BELOW THE
STANDARD RANGE

The defendant entered a plea of guilty to one count of Robbery in the Second Degree and one count of Rape in the Second Degree. The defendant's standard sentencing range is 95-125 months in custody. Pursuant to the State's plea offer, the State will recommend that the defendant serve 110 months in custody.

The defendant, Armondo LaForge, through his attorney has requested that this court impose an exceptional sentence below the standard range. The State has filed this memorandum in response, and opposes the defense request.

I. STATEMENT OF FACTS

Please see attached certification for determination of probable cause.

STATE'S RESPONSE TO DEFENSE REQUEST FOR
AN EXCEPTIONAL SENTENCE BELOW THE
STANDARD RANGE - 1

Norm Maleng, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000
FAX (206) 296-0955

1 **II. THERE IS NO STATUTORY BASIS FROM WHICH THE COURT MAY**
2 **GRANT AN EXCEPTIONAL SENTENCE BELOW THE STANDARD RANGE.**

3 The defense is requesting that the court impose an exceptional sentence of 78 months.

4 The State opposes this request.

5 The statute sets for the basis upon which the court may grant an exceptional sentence.

6 None of the statutory basis are present based upon the facts currently before this court.

7 RCW 9.94A.535 reads, in pertinent part:

8 Mitigating Circumstances

9
10 (a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

11 (b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

12 (c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

13 (d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

14 (e) The defendant's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. Voluntary use of drugs or alcohol is excluded.

15 (f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

16 (g) The operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

17 (h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

18
19 None of the aforementioned statutory mitigating factors are present in the facts before this court.

20 The defense argues, in part, that the court should consider the age of the defendant in
21 determining whether to grant the exceptional sentence. The defense ignores the fact that the
22 legislature has expressly provided that when a juvenile offender commits a specific crime that
23 the juvenile offender is automatically subject to adult court jurisdiction. RCW 13.04.030. In

STATE'S RESPONSE TO DEFENSE REQUEST FOR
AN EXCEPTIONAL SENTENCE BELOW THE
STANDARD RANGE - 2

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W554 King County Courthouse
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Seattle, Washington 98104
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1 light of the statutory provision on automatic adult jurisdiction, the defendant's age should not be
2 considered by this court as a mitigating factor.

3
4 **III. ROBBERY IN THE SECOND DEGREE AND RAPE IN THE SECOND DEGREE
DO NOT CONSTITUTE THE SAME COURSE OF CRIMINAL CONDUCT.**

5 The defense also cites to RCW 9.94A.589, the multiple offense policy, as a basis for
6 arguing that the standard range in this case is excessive in light of the SRA.

7 When sentencing a defendant for two or more current offenses, if the court finds that
8 some or all of the current offenses constitute the same criminal conduct, those offenses are
9 counted as one crime for purposes of calculating the offender score. RCW 9.94A.589(1)(a).

10 "Same criminal conduct" means that multiple crimes require the same criminal intent, are
11 committed at the same time and place, and involve the same victim. RCW 9.94A.589(1)(a); See
12 also, State v. Lessley, 118 Wn.2d 773, 777-78, 827 P.2d 996 (1992); Accord, State v. Nitsch, 100
13 Wn.App. 512, 997 P.2d 1000 (2000). A same criminal conduct finding is precluded if any of
14 these elements are absent; the court construes the statute narrowly to disallow most such claims.
15 State v. Porter, 133 Wn.2d 177, 181, 942 P.2d 974 (1997).

16
17 Intent for the purposes of same criminal conduct "is not the particular *mens rea* element
18 of the particular crime, but rather is the offender's objective criminal purpose in committing the
19 crime." In re Holmes, 69 Wn.App. 282, 290, 848 P.2d 754 (1993), quoting State v. Adame, 56
20 Wn.App. 803, 811, 785 P.2d 1144, *review denied*, 114 Wn.2d 1030, 793 P.2d 976 (1990).

21 Therefore, the test for evaluating intent for purposes of same criminal conduct is whether the
22 intent, objectively viewed, changed from one crime to the next. State v. Lessley, 118 Wn.2d
23 773, 777, 827 P.2d 996 (1992). "Under that test, if one crime furthered another, and if the time

1 and place of the crimes remained the same, then the defendant's criminal purpose or intent did
2 not change and the offenses encompass the same criminal conduct." Id.

3
4 In the facts before this court, the defense cannot satisfy the same time and place
5 requirement. The robbery took place as the defendant, together with his co-defendant, held the
6 victim up at knife point on Aurora Avenue. The defendant wielded a knife and pointed it at the
7 victim as he demanded the victim's PIN number for his ATM card. The defendant and co-
8 defendant then forced the victim to walk a distance to the Albertson's store, where the co-
9 defendant went inside to clean out the victim's bank account.

10 Once the co-defendant went inside the grocery store, the defendant again wielded the
11 knife and forced the victim to a secluded location behind the Albertson's store. For anywhere
12 from 45 minutes to an hour, the defendant forced the victim to perform oral sex on the defendant,
13 and he also attempted to anally rape the victim.

14 The robbery occurred at a different location (Aurora and inside the grocery store), than
15 the location of the rape (in a secluded area behind the grocery store.). The robbery and rape were
16 separated by a significant amount of time. As the co-defendant completed the robbery inside the
17 store, the defendant proceeded to sexually assault the victim for 45 minutes to an hour. Based
18 upon these facts, the defense cannot satisfy the "same time and place" requirement.

19 Given that the defense argument fails on this point, the court must find that the defense
20 argument of same course of conduct also fails.

21 In addition, the defense cannot show that robbery and rape charges carry the same
22 objective intent. In State v. Stearns, 61 Wn.App. 224, 810 P.2d 41 (1991), the defense argued
23 that robbery and attempted rape, committed at the same time and place constituted the same
course of criminal conduct for the purposes of sentencing. When looking at the intent the court

1 makes an "objective, theoretical inquiry [which] avoids fact-specific speculation about what the
2 defendant in a given case actually intended in his or her actions." Id. At 234. The court held that:

3
4 The objective intent behind robbery is to acquire property, State v. Dunaway, 109 Wn.2d
5 207, 216; RCW 9A.56.190, while the objective intent of rape in the second degree is to
6 engage in sexual intercourse. RCW 9A.44.050.

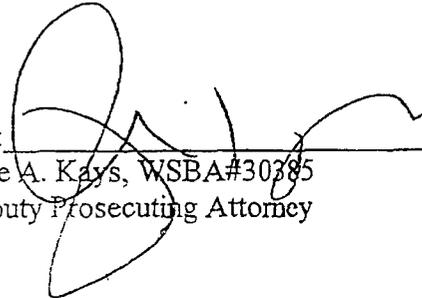
7 Id. At 234.

8 In the facts before this court, the defendant unsuccessfully attempts to distinguish
9 Stearns. The defense states that it was the co-defendant who completed the robbery, and that the
10 defendant "did not get any of the victim's property." This statement is clearly contradicted by
11 the fact that the co-defendant gave the defendant approximately one-half of the money he
12 withdrew from the victim's bank account. See attached certification. In addition, this assertion by
13 the defense seeks to minimize the role that the defendant played in the robbery – after all it was
14 the defendant who brandished the knife in order to obtain the ATM and PIN number from the
15 victim. Based upon the facts presented, the defendant's objective intent was to take property
16 from the victim, and when given the opportunity it was also to engage in sexual intercourse with
17 the victim.

18 This court should find, based upon the holding of Stearns and the facts presented
19 that the crimes of robbery and rape do not constitute the same course of criminal conduct.
20 Furthermore, the State respectfully requests that the court deny the defendant's request for an
21 exceptional sentence below the standard range.

22 Submitted this 18 day of March, 2004.

23 NORM MALENG
King County Prosecuting Attorney

BY: 
Julie A. Kays, WSBA#30385
Deputy Prosecuting Attorney

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STATE'S RESPONSE TO DEFENSE REQUEST FOR
AN EXCEPTIONAL SENTENCE BELOW THE
STANDARD RANGE - 6

Norm Maleng, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000
FAX (206) 296-0955

FILED

2005 MAR 24 PM 3:31

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

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

STATE OF WASHINGTON

NO. (S) 03C037423SEA
03C037423SEA

Plaintiff,

v.

ARMONDO T LAFORGE,
Defendant,

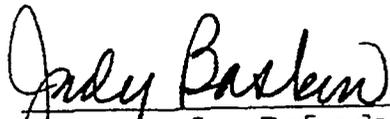
NOTICE OF WITHDRAWAL OF ATTORNEY

TO: CLERK OF THE SUPERIOR COURT
AND
NORM MALENG, PROSECUTING ATTORNEY

YOU WILL PLEASE TAKE NOTICE that the undersigned as of this date is withdrawing as attorney for the defendant in the above-entitled action.

DATED this 15 day of December, 2003.

Respectfully submitted,



Attorney for Defendant
WSBA # 14261

NOTICE OF WITHDRAWAL (SUPERIOR COURT) - 1 (Form Bank #77)

LAW OFFICES OF
THE PUBLIC DEFENDER
810 THIRD AVENUE
8TH FLOOR, CENTRAL BUILDING
SEATTLE, WASHINGTON 98104
206-447-3900



224586558

TYPE OR PRINT ALL INFORMATION IN BLACK

LAST NAME NAM FIRST NAME MIDDLE NAME

LAFORGE, ARMONDO

Page _____ of _____

WASHINGTON STATE DISPOSITION REPORT

State Identification and Criminal History Section
P.O. Box 42633
Olympia, WA 98504-2633

ALIASES

JUVENILE

CONTRIBUTOR OF FINGERPRINTS ID#

WASPD 0000
SEATTLE POLICE DEPT.
I.D. SECTION
610 5TH AVE, 5th FLOOR
SEATTLE, WA 98104

DATE OF BIRTH DOB
Month Day Year
08 20 86

THIS DATA MAY BE COMPUTERIZED IN LOCAL, STATE AND NATIONAL FILES

DATE SIGNATURE OF OFFICIAL TAKING FINGERPRINTS

DATE ARRESTED OR RECEIVED DOA

051303

SEX RACE HGT WGT EYES HAIR
M I 602 150 BRO BLK

PLACE OF BIRTH POB

ARREST NO. OCA

A615369

FORM SUBMITTED BY:

SIGNATURE:

TITLE:

DATE

OFFENSES CHARGED AT ARREST

0071200 RAPE 1
OIN# 020571681

DR/KCJSC 031037423

CCN/1489433

COURT CAUSE NUMBER 03C037423

COURT ORDERED EXPUNGEMENT ATTACHED

INTERIM REPORT

SUPPLEMENTAL REPORT

DISPOSITION AND SENTENCING INFORMATION:

COUNT(S) UNIQUE NO. (ID#) DISPOSITION DATE
 NO CHARGE FILED DISMISSED NOT GUILTY
 GUILTY - NO PENALTY GUILTY (FELONY REFER J&S REPORT)

CHARGED

OFFENSE CODE NO.

INCLUDED / CONCURRENT / CONSECUTIVE WITH COUNT(S)

FINE

FINE SUSPENDED

COSTS

DOC COMMITMENT TERM

SUSPENDED

DEFERRED

JAIL

JAIL SUSPENDED

DEFERRED

CREDIT TIME SERVED

TERM COM. SUPER./PROB.

HRS. COM. SERVICE

CONDITIONS

APPEAL

DATE

DISPOSITION

OTHER (FTA - WARRANT ISSUED, COMMUNITY SUPERVISION / PROBATION EXTENSION, COURT MANDATE, ETC.)

COURT CAUSE NUMBER

COUNT(S) UNIQUE NO. (ID#) DISPOSITION DATE
 NO CHARGE FILED DISMISSED NOT GUILTY
 GUILTY - NO PENALTY GUILTY (FELONY REFER J&S REPORT)

CHARGED

OFFENSE CODE NO.

INCLUDED / CONCURRENT / CONSECUTIVE WITH COUNT(S)

FINE

FINE SUSPENDED

COSTS

DOC COMMITMENT TERM

SUSPENDED

DEFERRED

JAIL TERM

JAIL SUSPENDED

DEFERRED

CREDIT TIME SERVED

TERM COM. SUPER./PROB.

HRS. COM. SERVICE

CONDITIONS

APPEAL

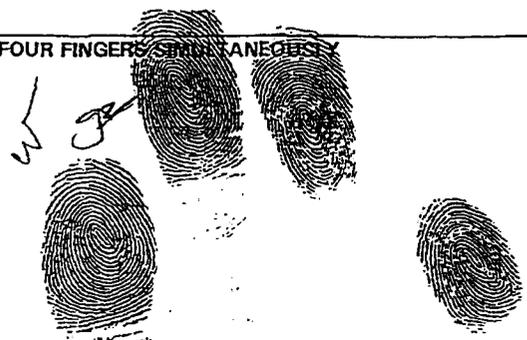
DATE

DISPOSITION

OTHER (FTA - WARRANT ISSUED, COMMUNITY SUPERVISION / PROBATION EXTENSION, COURT MANDATE, ETC.)

PLEASE SHOW EXACT AMOUNTS OF FINE, JAIL,
COMMUNITY SUPERVISION, PROBATION, AND SUSPENSIONS
TO CONTINUE, ATTACH ADDITIONAL DISPOSITION REPORT(S).

RIGHT FOUR FINGERS (SM, M, R, L)



SIGNATURE OF PERSON FINGERPRINTED

SCOMIS CODE:

X GPOH _____ GPSH _____ SNTHRG _____ MTHRG

Department: PROTEM

JUDGE: KENNETH COMSTOCK

Date: 12.15.03

BAILIFF: BONNIE LARSON

Page 1 of 2

COURT CLERK: Jane Owen

REPORTER: ELECTRONIC RECORDING

King County Cause No. 03-1-03742-35A

Case Caption

STATE OF WASHINGTON VS. Armando Laforgue

Litigants and Attorneys

State appearing by DPA Julie Kays

Defendant present with counsel Matt Hall

Interpreter:

APPENDIX

I. SENTENCING TRANSCRIPT

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Defendant.)

BEFORE THE HONORABLE MICHAEL HAYDEN

March 19, 2004

King County Courthouse

Realtime Transcript

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Seattle, Washington

APPEARANCES:

For the Plaintiff: Julie Kays
ATTORNEY AT LAW

For the Defendant: Matthew Hale
ATTORNEY AT LAW

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Realtime Transcript

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1 MS. KAYS: Judge, this is the case of
2 the State of Washington vs. Armando LaForge,
3 03-1-03742-3 SEA.

4 Julie Kays for the State. Matthew
5 Hale is appearing on behalf of the defendant who is
6 present in custody.

7 Your Honor, I will just note for the
8 record, seated in the front row is Chris Sworta and
9 the parents Pat and Craig Sworta. We're here for
10 sentencing today. Defendant entered a plea of guilty
11 on December 15 of 2003, in Count 1 to the crime of
12 Robbery II and the crime of Rape II. The date of
13 both offenses is December 22 of 2002. As relates to
14 Count 1, the defendant has an offender score of two,
15 Seriousness Level 4 crime. Standard range, twelve
16 months plus one day to 14 months in custody with a
17 maximum term of ten years and a \$10,000 fine.

18 On Count 2, the defendant has an
19 offender score of two, Seriousness Level of 11 on
20 this crime. His standard range is 95 to 125 months
21 in custody with a maximum term of life and a \$50,000
22 fine.

23 Your Honor, the State's recommendation
24 for sentencing is as relates to Count 1, the robbery
25 offense; that the defendant serve a term of 13 months

Realtime Transcript

1 in custody. As relates to Count 2, the Rape II
2 offense, the defendant to serve a term of 110 months
3 in custody. Count 1 would run concurrent with
4 Count 2 for a total of 110 months; that the defendant
5 have no contact for the maximum term, which would be
6 life with Chris Sworta or with the family; that the
7 defendant have no contact with the co-defendant in
8 this matter, Julia Bowson; that the defendant is to
9 pay restitution in that amount, as yet to be
10 determined. So, the State will be asking that a
11 restitution hearing at an appropriate time.

12 THE COURT: Does counsel waive his
13 client's presence on a restitution hearing? Is he
14 asking to be brought back?

15 MR. HALE: He waives his presence on
16 that.

17 MS. KAYS: Other conditions the State
18 also is requesting: That the defendant obtain a

19 sexually deviant evaluation; follow all treatment
20 recommendations; that he obtain a substance abuse
21 evaluation; follow all treatment recommendations;
22 that he comply with all terms and conditions that is
23 recommended by the Department of Corrections; that he
24 register as a sex offender. Given that this is a
25 post September 1 of 2001 sex offense, the defendant

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1 is subject to a lifetime term of community custody.
2 Maximum on the Rape II count would be life. State
3 would ask for the Victim Penalty Assessment to be
4 paid; that the defendant submit to DNA and HIV
5 testing.

6 Your Honor, I do want to check to see
7 if Chris or his family members would like to
8 speak.

9 (Pause)

10 They indicated they do not wish to
11 speak.

12 THE COURT: Counsel.

13 MR. HALE: Your Honor, for the record,
14 Matthew Hale.

15 We're asking that the sentencing be at the
16 low end of the sentence range in this case, on the
17 basis of the argument in the presentence report. I
18 hope you had a chance to read it.

19 This is a case where Mr. LaForge, at

20 the time we entered the plea, was an Alford plea on
21 the rape charge. He had actually taken
22 responsibility at that point. Since then he had a
23 sexually deviancy evaluation done. He is starting to
24 deal with some of the issues. He has taken
25 responsibility for the rape as part of this.

Realtime Transcript

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1 THE COURT: You are asking for an
2 exceptional sentence below the standard range?

3 MR. HALE: Yes.

4 THE COURT: What is the precise basis
5 for that request?

6 MR. HALE: The precise basis is laid
7 out in our PSR. Basically, that the multiple offense
8 points of the sentence guidelines created a situation
9 where this is going to be Rape II from the points of
10 a robbery. On lots of cases we cite with regard to
11 asking that those two points not be counted on the
12 robbery case, on to the Rape II case. Based on the
13 fact that the Rape II was the main course of conduct.
14 The robbery was the same course of conduct.

15 I have received - -

16 THE COURT: Counsel, those are two
17 different issues. One issue is whether the same
18 course of conduct and the other issue is multiple
19 offense policy.

20 MR. HALE: Yes, Your Honor. We're

21 asking that you not, that you count these as the same
22 course of conduct, based on the case that we cite.

23 There are some cases that are not
24 particularly on point in this case. There are cases
25 where assault/kidnapping have been considered the

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1 same offense when the assault was used to force a
2 person into a kidnapping. There are cases where
3 robbery/kidnapping were considered as the same
4 offense when it happened at the same time. The
5 robbery was used to push kidnapping in this
6 situation. We're charging that the robbery is used
7 to push the Rape II situation.

8 This is one case that is pretty close
9 to being on point. State versus Sterns. It dealt
10 with the issue of robbery and rape where a person was
11 charged with both. In that situation the court did
12 not find that those were the same course of conduct.
13 But they can be distinguished, because in this case
14 there was one defendant; in this case there were two.
15 There was a co-defendant, Mr. Mosone was a
16 co-defendant. He committed the robbery. At one
17 point they separated; Mr. Mosone who went to the ATM
18 with the bank card and took the money. Mr. LaForge
19 went to the side of the building.

20 THE COURT: Counsel, at the time that
21 was presented to the victim, the victim turned over

22 the ATM card to the defendant. The robbery occurred,
23 right?

24 MR. HALE: That is correct, Your
25 Honor.

Realtime Transcript

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1 THE COURT: The fact that they took it
2 at the ATM machine, and then committed the robbery.
3 I submit to you that the robbery had already, for all
4 practical purposes, occurred even if they hadn't gone
5 to the ATM machine. They were still probably
6 considering it a first degree robbery. They
7 apparently negotiated it down to a second degree
8 robbery proposal. I didn't see the paperwork. It
9 likely started as a Robbery I, Rape I.

10 MS. KAYS: That is correct.

11 THE COURT: We didn't see all that
12 paperwork. We only see the results of the
13 negotiation. But I might suggest that when he
14 presented a knife to the victim, and property is
15 turned over, it's Robbery I.

16 MR. HALE: That is correct, Your
17 Honor.

18 THE COURT: I would be very surprised
19 if the Court of Appeals would say where one offense
20 had been concluded, then you go off, go on to a
21 course of conduct which constitutes a totally
22 separate offense, that that would ever constitute the

23 same course of conduct.

24 MR. HALE: Your Honor, there were - -

25 THE COURT: I recognize there was some

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1 discretion in the trial judges finding on this.

2 Under these facts, I would submit to you, probably
3 there was no discretion. I would think as a matter
4 of law, these are two separate acts.

5 MR. HALE: Your Honor, under the law
6 if you did find intent did not change during both
7 crimes, it could be two different crimes; if robbery
8 was intended to be used.

9 THE COURT: I find from reading the
10 cert, it would be a stretch to say even if he
11 stopped, that man originally raped him. But it
12 appears to me that rape was an afterthought, it came
13 up after the robbery was already over, or virtually
14 over, legally over. I do not think that there is any
15 stretch on this constitutes the same course of
16 conduct.

17 MR. HALE: If I could continue.

18 THE COURT: Yes.

19 MR. HALE: Mr. LaForge has come a long
20 ways. He's entered a plea. He has taken
21 responsibility. I think in the sexually deviant
22 evaluation where he did admit to the rape in this
23 case.

24 He has completed his GED since he has
25 been in custody. He has been in custody for about 15

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1 months. Now, whenever I go to the juvenile detention
2 facility, they always say Armando is their favorite,
3 and is doing very well. He was 16 at the time this
4 happened. He is now 17. He is genuinely sorry for
5 what happened in this case. He is going to apologize
6 today to the victims. So, we're asking you to take
7 those all into consideration to just be as lenient as
8 you possibly can.

9 THE COURT: I still have not heard any
10 legal basis for sentencing down.

11 MR. HALE: It was the same the course
12 of conduct, was the legal basis.

13 THE COURT: Same course of conduct.
14 That's a separate issue than a exceptional sentence.

15 MR. HALE: We would ask you, because
16 it's clear from case law, it is difficult to use just
17 age. So, that is not going to be the basis.

18 THE COURT: Frankly, it is the only
19 basis, I would think.

20 MR. HALE: There are no illustrative
21 examples. Each of those aren't exclusive. None of
22 those listed would in appealing this case, taking
23 that into consideration. I mean, legislature set up
24 a system where we have people who are doing SOSA

25 programs. It's an adult raping a child. They don't

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1 do any jail time at all in this case situation.

2 THE COURT: Probably. Even if I
3 disagree with the SOSA program, most persons
4 committing those types of acts, do jail time..

5 MR. HALE: Yes. They can do up to six
6 months.

7 THE COURT: From my experience, they
8 do generally six months. With legislation, it
9 doesn't mean they will probably be lenient. The
10 intent of the legislation process, it perhaps is
11 changing that; maybe not now, but later. But SOSA
12 says they have a total list of reasons behind them.
13 As everybody knows, this is not a SOSA case.

14 MR. HALE: I understand. So, we're
15 asking for the low end of the range in this case.

16 THE COURT: All right.

17 MR. HALE: Mr. LaForge would like to
18 say something. Mr. LaForge, sir, what do you have to
19 say?

20 THE DEFENDANT: I would like to read
21 something.

22 THE COURT: You may do so.

23 THE DEFENDANT: Between boy and a man
24 are lessons they learn. I feel I learned a lesson as
25 a boy, young man, as a young adult for this mistake.

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1 I'm truly sorry for the grief I caused for him and
2 his family. I am sorry I can't turn back the hands
3 of time for the emotional and physical hurt that I
4 caused. But I do pray you will forgive me. I was 16
5 at the time of the incident, under the influence of
6 drugs and alcohol. I would like to say if it weren't
7 for those substances, I would not be standing here
8 today. There really is no doubt about it, for Mr.
9 Sworta, the grief I put him through. That person
10 wasn't me on December 22. Physically, yes,
11 emotionally, no. I have been clean for a year and a
12 half. There is not a day that goes by that I think
13 about what I have done. I do understand I have to
14 pay for what I have done. They want justice. But I
15 would like to sympathize, give you my sympathy, that
16 I am very truly sorry.

17 MR. HALE: There are two folks who
18 would like speak on behalf of Mr. LaForge.

19 THE COURT: Come over to this side.

20 THE WITNESS: Peter Demetrus.

21 THE COURT: What would you like to
22 say?

23 THE WITNESS: I'm a pastor for the
24 family and for Armando. I would just like to
25 say that what is being charged is not the boy

Realtime Transcript

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1 that I know. He is a good kid. I feel he was
2 bad that night. I am just asking that the court
3 extend some mercy to him to a lighter sentence;
4 that he could be restored to his family. He is
5 paying an incredible price. And that in all of
6 years he have known him, he never has been prone
7 to any display of character such this. His is a
8 good kid. But he had a bad night; very bad
9 night. We are here to speak on he behalf to
10 hopefully help a little bit to get him restored
11 back to his family and society, so he can get
12 back to his life.

13 I feel as pastor, I feel I know he did
14 a terrible act that night. I know he is paying
15 an incredible price. I feel that further excess
16 punishment, he will turn to the wrong side of
17 life rather than help him to get the help he
18 needs. We recommend he get some treatment as
19 soon as possible to turn to a lighter side of
20 sentencing.

21 THE WITNESS: Mary Dedomen. I'm
22 Armando's teacher in the high school.

23 THE COURT: What year did he complete?

24 THE WITNESS: He finished his junior
25 year.

Realtime Transcript

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1 THE COURT: As I understand, he got a
2 GED.

3 THE DEFENDANT: Yes. I haven't taken
4 the math examine.

5 THE WITNESS: In the 31 years I have
6 been teaching, this is the third time I have ever
7 consented to come give a statement. That is how
8 strongly I feel about this young man, Your Honor.

9 It's not that he is just a good
10 student, he has always been respectful. He helped
11 others. I think it is so hard for me to fathom. I
12 have seen other young people choose some paths of
13 drugs. But I would like to say that he is one of the
14 most tender hearted students I had. He helped other
15 students in their path. It was unique that he was
16 able to actually earn a school trophy. I watched how
17 he pulled together, even though he was a star of the
18 team, he played in a team.

19 I had the privilege of taking him to
20 Montana for a northwestern junior conference. We saw
21 how cultured, how respectful, how deeply, profoundly
22 he was about everything that went on. I tell you
23 there so many redeeming qualities in some persons.
24 And I know, he just admitted to me, he really made a
25 bad choice. He made a bad choice of a friendship. A

Realtime Transcript

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1 young man who already had gone down that path with
2 two priors, of whom robbery was something that was
3 done callously without thought. A young man had been
4 caught in the owner's drawer going through their bus
5 tokens. Who knows what friends are the right choice
6 for a friend. I'm not saying that that's the only
7 thing he shouldn't have done. I'm here to tell you
8 the character of the person. I know the hours I
9 spent with him. I think I have a fairly unique view
10 of them, view of him. So, I would respectfully ask
11 to, if there is anyway to go to the lighter side of
12 the sentencing, at least that you would give that
13 consideration. Thank you for your time.

14 THE COURT: Thank you.

15 MR. HALE: One more thing. Mr.
16 LaForge isn't very proud of this. He is on the honor
17 level detention. He has been on that 260 hours. It
18 is the highest level he can have. He is proud of
19 that. I want to bring that up to you. That's all we
20 have.

21 THE COURT: Mr. LaForge, I and the members
22 of the victim's family think the conduct that you
23 exhibited that night would clearly suggest to me that
24 the high end of the sentence range is probably
25 insufficient. The fact of your age, however, lends

1 me to go in the other direction. If you were 25 or
 2 30 years old, I would have no trouble whatsoever
 3 imposing 125 months; because your conduct deserves
 4 it. But you are still 17 years old. But because of
 5 the nature of the offense, you were not given a
 6 chance to go into the juvenile justice system. You
 7 will go into the adult system; which is going to be
 8 tough for a 17 year old. Absolutely no doubt, it is
 9 going to be tough. Legislation is put into effect,
 10 declined this. You can't take care of a serious
 11 juvenile offenders in the juvenile system when they
 12 commit an offense like that. That's progressive of
 13 legislation by setting a low end sentence of 95
 14 months. That is still a very long sentence. The
 15 only reason I'm mitigating the sentence is your age.
 16 Because reading the certification like this, thinking
 17 what a young victim would go through, is really
 18 chilling. I can't imagine, having been a young man,
 19 to have been in victim's shoes on that evening. But
 20 I think to stretch, I can't put myself in that
 21 situation. It would be so horrifying.

*Judge knew *
 legislation was
 in effect, but did
 not remand to
 Juvenile on amended
 info.*

22 If you are having sexual
 23 identification issues, I don't know, there are
 24 suggestions, reports that that may be occurring.
 25 Then, I will tell you to deal with it. I do not

*2.10.17 2106.00 **

1 consider sexual orientation to be sexually deviant.
2 I'm not sentencing you to sexually deviant treatment
3 to deal with that. What I am sending you to sexually
4 deviant treatment for is acting out against an
5 innocent victim. You will have a sexually deviant
6 evaluation. You will have treatment. You will get,
7 I'm making it 14 months on the Robbery II. That
8 really is irrelevant. It will be 95 months on rape
9 to run concurrent. You will register as a sexual
10 offender. You may have HIV, DNA testing. You will
11 have a substance abuse evaluation as well. Follow
12 any recommended treatment. There was a request in
13 the presentence materials.

14 Although I will mention at trial, that detention
15 be served in juvenile facility, that was denied, the
16 length of time you will be serving. You are well
17 past the age of those juveniles. I don't think it
18 would be appropriate to put you in until you are 25
19 years old or something.

20 MR. HALE: Your Honor, if I could, the
21 time he has already been in custody for 15 months, 59
22 months. So, it could be 22, be right to there,
23 around 21 when he is getting out.

24 THE COURT: Your request is denied.

25 MS. KAYS: Is the court also ordering

1 the defendant have no contact with the victim's
2 family?

3 THE COURT: I am.

4 MS. KAYS: Okay.

5 THE COURT: As a result of the
6 legislation change last year.

7 MS. KAYS: September 1 of 2001, the
8 crime coming to past at that time.

9 THE COURT: Time and place. You are
10 permanently prohibited from bearing a firearm in the
11 State of Washington. Do you understand that?

12 THE DEFENDANT: Right.

13 THE COURT: That provision is not
14 restored once you get out of custody, even after you
15 comply with the other provisions of the sexually
16 deviancy requirements. All that says is that you
17 can't have a gun in Washington for the rest of your
18 life unless you come back in to the sentencing court
19 asking for it to be restored. if you were in
20 possession of a firearm, what we call constructive
21 possession, you will face a felony charge. You can't
22 even do any target practicing, something like that.
23 If any of your friends do, you stay away from them.

24 Make sure that any house you live in doesn't
25 have any guns in it, or your car.

Realtime Transcript

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1 That concludes this matter.

2 MS. KAYS: Thank you.

3 MR. HALE: Thank you, Your Honor.

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Realtime Transcript

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1 COURT REPORTER'S CERTIFICATE

2

3 STATE OF WASHINGTON)
4) ss.
5 COUNTY OF KING)
6

7 I, PETE S. HUNT,
8 hereby certify that I am a Certified Shorthand
9 Reporter licensed by the State of Washington, acting
10 in the capacity of an Official Court Reporter, in and
11 for the County of King;

12 that I took down stenographically the
13 proceedings in the aforementioned cause before a
14 Judge presiding over the trial;

15 and that I thereafter caused the same to be
16 transcribed;

17 that the foregoing constituted a verbatim report
18 of proceedings in this matter.

19 IN WITNESS WHEREOF, I have subscribed my name
20 this _____ day of _____ 19____.

21

22

23

PETE S. HUNT, CSR

24

Official Court Reporter

25

License Number HUNT*PS57800P End

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