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NO. 73178-5-I

COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION I

In re Personal Restraint Petition of
ARMONDO THEODOR LAFORGE,
Petitioner.

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State of Washington

STATE'S RESPONSE TO PERSONAL RESTRAINT PETITION

DANIEL T. SATTERBERG
King County Prosecuting Attorney

KRISTIN A. RELYEA
Deputy Prosecuting Attorney
Attorneys for Respondent

King County Prosecuting Attorney
W554 King County Courthouse
516 3rd Avenue
Seattle, Washington 98104
(206) 477-9497

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A. AUTHORITY FOR RESTRAINT OF PETITIONER.

Armondo Theodor LaForge is restrained pursuant to Judgment and Sentence in King County Superior Court No. 03-C-03742-3 SEA. App. A.

B. ISSUE PRESENTED.

Whether this Court should remand this matter for a de novo decline hearing?

C. STATEMENT OF THE CASE.

On December 22, 2002, C.D. was walking to work along Aurora Avenue North when two strangers, LaForge and Julian Molzhon, asked him for cigarette.¹ C.D. gave LaForge a cigarette and continued walking until he heard someone jogging behind him. C.D. turned and saw LaForge looking up and down Aurora Ave. After the passing cars cleared, LaForge shoved C.D. against a fence and demanded C.D.'s money. C.D. denied having any money, and LaForge pulled out his knife and ordered C.D. to turn over his wallet. C.D. complied and Molzhon took out C.D.'s debit card. LaForge demanded C.D.'s personal identification number (PIN), and ordered C.D. to walk with them to a nearby Albertsons.

¹ These facts are drawn from the Certification for Determination of Probable Cause. App. B.

As Molzhon went inside the Albertsons with C.D.'s debit card, LaForge commanded C.D. to walk a couple blocks with him to a dumpster area between two stores. LaForge ordered C.D. to take off all of his clothes at knifepoint. C.D. stripped naked, and LaForge asked C.D., "Would you suck my dick?" C.D. refused, and LaForge said, "In this situation, with a knife?" C.D. then complied, performing oral sex on LaForge. Afterward, LaForge touched C.D.'s genital area, and insisted that C.D. switch places with him to get C.D. "hard," but C.D. could not get an erection. LaForge told C.D. to "turn around and bend over," and proceeded to anally rape C.D. Fearing that LaForge would hurt or kill him, C.D. did not resist.

After the rape, LaForge directed C.D. to return with him to Albertsons. Although LaForge tried to withdraw more money from C.D.'s account, he was unsuccessful. LaForge became angry and told C.D., "I should kill you." LaForge repeatedly threatened to stab and beat C.D., and slit C.D.'s throat. Eventually LaForge gave C.D. his debit card back, but took C.D.'s identification and social security cards. LaForge threatened C.D. that if C.D. called the police, he knew where C.D. lived and worked. LaForge gave C.D. some

change and told him to cross the street and take the bus back to Seattle.

After LaForge departed, C.D. used a pay phone to call his father, and went to Harborview for a sexual assault examination. Detectives collected video from the Albertsons ATM showing LaForge and Molzhon making transactions with C.D. in tow. C.D. later identified LaForge in a photomontage as the person who had raped and robbed him.

After being advised of his rights, LaForge provided a taped confession admitting to shoving C.D., brandishing his knife, and yelling at C.D. to hand over his money. LaForge admitted that he and Molzhon took C.D.'s ATM card, and used it to withdraw money at Albertsons. LaForge claimed that he was drunk and could not remember the whole incident, but stated that he did not think that he had oral sex with C.D.

A couple weeks later, the State charged LaForge with Rape in the First Degree and Robbery in the First Degree.² App. C. The State filed the charges in adult criminal court because LaForge was 16 years old at the time they were alleged to have been committed. App. C; Former RCW 13.04.030(1)(e)(v)(A), (C) (2000). On

² The State also charged Molzhon with Robbery in the First Degree. App. C.

December 4, 2003, the State added deadly weapon enhancements for each charge. App. D.

Shortly thereafter, the parties reached a plea resolution where LaForge agreed to plead guilty to the amended charges of second-degree robbery and second-degree rape, without the deadly weapon enhancements. App. E. The reduction in charges significantly lowered LaForge's minimum indeterminate sentencing range on the rape charge from 111-147 months for first-degree rape to 95-125 months for second-degree rape, and ensured that he would not serve an additional 48 months in prison for the deadly weapon enhancements. App. F, G. In exchange for LaForge's plea, the State agreed to recommend a minimum indeterminate sentence of 110 months on the rape charge, concurrent to 13 months for the robbery charge. App. E.

On December 15, 2003, the State formally amended the charges against LaForge, and he pled guilty in adult criminal court. App. E. Based on his age and the charges, LaForge was no longer subject to automatic adult court jurisdiction. Former RCW 13.40.110(1)(a), (b) (1997).

Nonetheless, the parties proceeded to sentencing in adult court on March 19, 2004. App. H. LaForge sought an exceptional

sentence downward, or alternatively, a low-end sentence of 95 months. App. H at 6-11. LaForge argued that the operation of the multiple offense policy would result in a “clearly excessive” sentence based on his age and willingness to participate in sexual deviancy treatment.³ App. I at 5. The State opposed LaForge’s request, arguing that LaForge’s age should not be considered as a mitigating factor because the legislature had expressly provided for automatic adult court jurisdiction for juvenile offenders charged with certain offenses. App. J at 2-3.

Although the court rejected LaForge’s request for an exceptional sentence downward, the court imposed the low end of the standard range based on LaForge’s age, and the fact that he had not been given the chance to enter the juvenile justice system. App. H at 16-17. The court imposed the low-end sentence, despite characterizing the underlying facts as “chilling” and “horrifying,” and concluding that the high-end of the sentencing range was “probably insufficient.” Id. at 15-16. Neither the parties, nor the court, referenced the juvenile statute requiring LaForge to be remanded to

³ LaForge also argued that the rape and robbery convictions constituted the same criminal conduct, but the court rejected this argument. App. H at 8-10; App. I at 4.

juvenile court for a decline hearing based on the reduction in charges. Former RCW 13.40.110(1)(a), (b) (1997).

The court ultimately imposed a minimum indeterminate sentence of 95 months on the rape conviction, concurrent to 14 months for the robbery conviction. App. A at 4. LaForge did not file a direct appeal of his sentence. He served a 10-year prison sentence, and was released at age 27. Pro Se Pet. at 9.

Following his release, LaForge filed a pro se personal restraint petition arguing that the adult court lacked jurisdiction to sentence him, and that his case should be dismissed for pre-accusatorial delay, or alternatively that he should receive a Dillenburg⁴ hearing and be sentenced under the Juvenile Justice Act (JJA). Pro Se Pet. at 12-15. In response, the State agreed that LaForge's petition was timely, and that his case should be remanded for a Dillenburg hearing, although the State objected to LaForge's proposed sentencing remedy.⁵ This Court appointed LaForge counsel to assist with his petition. Counsel filed an

⁴ A Dillenburg hearing is a de novo hearing to determine whether decline of juvenile jurisdiction would have been appropriate. In re Pers. Restraint of Dalluge, 152 Wn.2d 772, 785-86, 100 P.3d 279 (2004) (citing Dillenburg v. Maxwell, 70 Wn.2d 331, 422 P.2d 783 (1967)).

⁵ The State also disputed LaForge's claim of pre-accusatorial delay.

opening brief arguing that the adult division of the superior court lacked jurisdiction to sentence LaForge without a decline hearing.⁶

D. ARGUMENT.

LaForge argues that he should be re-sentenced as a juvenile, without a decline hearing. This argument sidesteps Washington Supreme Court precedent requiring a Dillenburg hearing. Alternatively, LaForge asserts that if a Dillenburg hearing is required, then the trial court must first conduct a feasibility analysis to determine whether a fair hearing is possible given the passage of time. LaForge also contends that his counsel was ineffective for failing to request a decline hearing in juvenile court, but he does not seek to withdraw his plea.

LaForge's claim largely fails. Although LaForge has correctly identified a jurisdictional error requiring that his petition be granted, the proper remedy is a Dillenburg hearing in adult court because LaForge is over 18. If the trial court concludes that LaForge would have been declined, then his convictions and sentence stand. Conversely, if the court concludes that the juvenile court would have retained jurisdiction, then LaForge's convictions

⁶ LaForge has abandoned his pre-accusatorial delay claim.

must be reversed and he should receive a new trial in adult court.
A preliminary feasibility hearing is neither necessary, nor required.

1. LAFORGE GOT WHAT HE BARGAINED FOR,
DESPITE THE JURISDICTIONAL DEFECT.

Properly charged in adult criminal court with first-degree rape, first-degree robbery, and deadly weapon enhancements, LaForge faced a minimum indeterminate sentence of 111-147 months in prison, plus an additional 48 months for deadly weapon enhancements. See Former RCW 13.04.030(1)(e)(v)(A), (C) (2000) (granting adult criminal court exclusive original jurisdiction over juveniles aged 16 on the date that they are alleged to have committed first-degree rape and first-degree robbery); App. F, G.

Confronted with this daunting amount of prison time, LaForge reasonably chose to accept the State's plea offer rather than risk being convicted as charged. In exchange for LaForge's plea, the State agreed to reduce the charges to second-degree rape and second-degree robbery, drop the deadly weapon enhancements, and recommend a minimum indeterminate sentence of 110 months. App. E. LaForge shaved at least five years off his potential sentence by accepting the State's plea offer. App. F, G.

Having got what he bargained for, LaForge now seeks to get more by eliminating the lifetime community custody requirement based on a technical, albeit critical, defect in his sentence. LaForge correctly argues that reducing the charges against him triggered a loss of adult court jurisdiction.⁷ See Former RCW 13.40.110(1)(a), (b) (1997) (requiring a mandatory decline hearing in juvenile court for 17-year-old juvenile offenders charged with second-degree rape and second-degree robbery); In re Pers. Restraint of Dalluge, 152 Wn.2d 772, 783, 100 P.3d 279 (2004).

To properly effect their negotiated plea resolution, the parties should have filed an agreed order asking the court to waive the decline hearing requirement. See Former RCW 13.40.110(1) (requiring a decline hearing unless “waived by the court, the parties, and their counsel”). The parties did not file such an order, nor does it appear from the plea paperwork, or the sentencing transcript, that they contemplated one. App. E, H. Rather, it appears that the parties and the court believed that the adult court retained its original, valid grant of jurisdiction over LaForge.

⁷ LaForge’s judgment was not “rendered by a court of competent jurisdiction” because the adult court lacked jurisdiction when it sentenced him. RCW 10.73.090(1). Thus, LaForge’s petition is not subject to the one-year time bar. Id.

Based on the record, it is indisputable that the State never would have reduced the charges against LaForge if the prosecutor had realized that the reduction resulted in an automatic loss of adult court jurisdiction, and created the possibility that LaForge might receive a juvenile sentence that was a fraction of the State's recommended adult sentence. Compare App. E (State sentence recommendation of *110 months*), with RCW 13.40.0357 (establishing total standard range juvenile sentence of 45-76 weeks, or *9-19 months*). This is particularly true given that by the time of LaForge's plea, he had already served almost a year in custody, and thereby served most if not all of his potential juvenile sentence. App. B; App. H at 10.

LaForge is essentially seeking to exploit a mutual mistake by the parties and the court, to obtain the windfall of a juvenile sentence without a decline hearing. LaForge does not seek to withdraw his plea, the typical remedy for a guilty plea entered based on a mutual mistake. State v. Walsh, 143 Wn.2d 1, 8-9, 17 P.3d 591 (2001). Instead, LaForge seeks a juvenile sentence without the required Dillenburg hearing. LaForge's efforts to shortcut long-established precedent, and the statutory mandate for a decline hearing, should be rejected.

2. THE PROPER REMEDY IS A DILLENBURG HEARING.

Nearly 50 years ago, the Washington Supreme Court held that the proper remedy for a faulty transfer from juvenile court to adult court is a de novo hearing on whether decline would have been appropriate. Dillenburg v. Maxwell, 70 Wn.2d 331, 355, 422 P.2d 783 (1967). The petitioner in Dillenburg was charged with second-degree burglary in adult court, even though he was 16 years old at the time, and had not been afforded a formal decline hearing. Id. at 349. The petitioner pled guilty and was sentenced in adult court. Id. Upon turning 18, the petitioner filed for a writ of habeas corpus alleging in part that he was improperly declined to adult court. Id. at 349-50.

Although the state supreme court initially reversed the petitioner's conviction based on his faulty transfer to adult court, the court held on reconsideration that the proper remedy for the jurisdictional error was a de novo hearing in adult court on whether declination was appropriate.⁸ Id. at 356. The court reasoned that if decline was appropriate, then the petitioner's conviction should

⁸ The Dillenburg court concluded that the hearing should occur in adult court because the petitioner had "reached and passed his 18th birthday." 70 Wn.2d at 355. If the petitioner had been under 18, then the hearing would have been set in juvenile court. Id.

stand. Id. at 355. If, on the other hand, decline was inappropriate, then the petitioner's conviction should be set aside, and he should be afforded a new trial in adult court. Id. at 355-56.

The Dillenburg court noted that if a person is under 18 at the time his conviction is set aside, then he is "amenable to juvenile court authority . . . [and] should be remanded to juvenile court for proper disposition." Id. If the person is over 18, however, he is "amenable to prosecution as an adult," and should receive a new trial. Id. at 356 (emphasis added).

The Washington Supreme Court has repeatedly reaffirmed the remedy announced in Dillenburg, and the Court of Appeals has followed suit. E.g., In re Dalluge, 152 Wn.2d at 786 ("Dillenburg has not been overruled, and Washington courts continue to implement its remedy"); State v. Mora, 138 Wn.2d 43, 54, 977 P.2d 564 (1999) (remanding defendant convicted of a non-automatic decline offense for a decline hearing); State v. Anderson, 83 Wn. App. 515, 522, 922 P.2d 163 (1996) (Division One) (remanding for a "Dillenburg hearing"); State v. Meridieth, 144 Wn. App. 47, 58, 180 P.3d 867 (2008) (Division Two) (same).

The court's decision in In re Dalluge is particularly instructive. Similar to LaForge, the petitioner in In re Dalluge was

originally charged in adult court with first-degree rape. 152 Wn.2d at 776. Prior to trial, the State reduced the charges to second-degree rape and other charges that no longer resulted in automatic adult criminal court jurisdiction. Id. Although the reduction in charges required the trial court to remand the matter for a decline hearing in juvenile court, neither counsel, nor the trial court sought such a hearing. Id. On review, the state supreme court held that the trial court erred by failing to remand the matter for a decline hearing, and that the proper remedy was a "Dillenburg hearing" in adult court because the petitioner was over 18. Id. at 786-87.

LaForge's case suffers from the same jurisdictional error as in In re Dalluge, and requires the same remedy. Both LaForge and Dalluge were properly charged in adult court with offenses requiring automatic decline of juvenile jurisdiction. App. C; 152 Wn.2d at 776; Former 13.04.030(1)(e)(v)(A), (C) (2000). Both petitioners later had the charges against them amended to non-automatic decline offenses that deprived the adult court of jurisdiction, and required that they be remanded to juvenile court for a decline hearing. App. E; 152 Wn.2d at 776; Former RCW 13.40.110(1)(a), (b) (1997). Both petitioners were sentenced by an adult court lacking jurisdiction over them, and did not recognize the error until

years later. App. A; 152 Wn.2d at 776-77. As established by Dillenburg, and reaffirmed in In re Dalluge and subsequent cases, the remedy for this jurisdictional error is a de novo hearing in adult court to determine whether declination was appropriate. Dillenburg, 70 Wn.2d at 355-56; In re Dalluge, 152 Wn.2d at 785-87.

Nonetheless, LaForge argues that Dillenburg and In re Dalluge do not control the outcome of this case because they do not “reach the question of what sentencing scheme the person is subject to.” Pet. at 9. Further, LaForge asserts that subsequent state supreme court decisions suggest that he can bypass the Dillenburg hearing requirement and be sentenced as a juvenile. LaForge is mistaken.

Contrary to his first claim, the Dillenburg court addressed the applicable sentencing scheme when a defendant’s conviction is set aside:

If the conviction be set aside, and the convicted person be *under the age of 18 years*, and thus amenable to juvenile court authority, his case should be *remanded to juvenile court for proper disposition*. Should he, however, be *over the age of 18 years* at the time the conviction be set aside, he is then *amenable to prosecution as an adult*, and a new trial should be granted to him.

70 Wn.2d at 355-56 (emphasis added). As authority for this proposition, the court cited State v. Ring, 54 Wn.2d 250, 253, 339 P.2d 461 (1959), which held that a defendant who is over 18, may be tried as an adult for offense that was committed when he was under 18.⁹ 70 Wn.2d at 356.

The intent of the Dillenburg court that a defendant over the age of 18 be treated as an adult is further confirmed by the dissent, which argued that a de novo decline hearing was unnecessary because the “petitioner is now over 20 years of age and . . . subject to trial upon the information . . . in the same manner *as if he had been an adult* when the alleged burglary was committed.”

70 Wn.2d at 356 (Donworth, J., dissenting) (emphasis added).

Thus, both the majority and dissent in Dillenburg anticipated that a petitioner who had his convictions set aside, and had since turned 18, would be tried and sentenced as an adult.

The state supreme court reaffirmed Dillenburg's framework nearly 40 years later in In re Dalluge when it remanded the petitioner, then 24 years old, “to superior court for a decline hearing *consistent with the procedure set forth in Dillenburg.*” 152 Wn.2d at

⁹ The Ring court based its holding in part on an earlier case, State v. Melvin, 144 Wash. 687, 689, 258 Pac. 859 (1927), which reached the same conclusion. 54 Wn.2d at 253-54.

776, 789-90 (emphasis added). Given this long-established precedent, this Court should remand LaForge, who is now 29 years old, to superior court for a decline hearing. If decline was appropriate, then LaForge's convictions and sentence stand. Dillenburg, 70 Wn.2d at 355. Conversely, if decline was inappropriate, then LaForge's convictions should be set aside, and he should be afforded a new trial and prosecuted as an adult. Id. at 355-56.

LaForge's attempt to sidestep the Dillenburg hearing requirement, and thereby avoid its consequences, should be rejected. Neither Dillenburg, nor In re Dalluge, have been overruled. LaForge does not argue that they are incorrect and harmful as required to overturn established precedent. State v. Kier, 164 Wn.2d 798, 804, 194 P.3d 212 (2008). LaForge's proper remedy is a de novo decline hearing in adult court.

LaForge's reliance on two later state supreme court decisions for the proposition that he is entitled to a juvenile sentence is misplaced. The most recent case, State v. Maynard, 183 Wn.2d 253, 351 P.3d 159 (2015), is inapposite. In Maynard, the court held that the defendant was denied effective assistance of counsel when his lawyer failed to move for an order extending

juvenile court jurisdiction, and consequently deprived him of the opportunity to accept the State's plea offer of a deferred disposition. 183 Wn.2d at 256.

Although the defendant in Maynard argued that dismissal was the only remedy for his ineffective counsel, the court disagreed and held that the appropriate remedy was remand for the State to reoffer the plea proposal of a deferred disposition. 183 Wn.2d at 261, 264. The court noted that if the defendant refused the State's offer and was convicted at trial, then he could still receive the benefit of a juvenile sentence. Id. at 264.

The Maynard court explicitly "fashion[ed]" this remedy because it was the only one that would place the defendant "in the same position he was in before the violation of his right to effective representation." Id. at 261-62. The court reasoned that "remedies should be tailored to the injury suffered," and noted that in the plea bargain context when ineffective assistance of counsel causes a plea offer to expire, an appropriate remedy is requiring the prosecutor to reoffer the plea. Id. at 262 (quoting United States v. Morrison, 449 U.S. 361, 364, 101 S. Ct. 665, 66 L. Ed. 2d 564 (1981)).

The Maynard court did not address Dillenburg, or its progeny, beyond a short footnote distinguishing In re Dalluge on the grounds that the petitioner in In re Dalluge requested a new trial in adult court, unlike the defendant in Maynard who sought dismissal. Id. at 261 n.1. This purported distinction, however, is false: the petitioner in In re Dalluge sought dismissal like the defendant in Maynard. In re Dalluge, 152 Wn.2d at 786 (“The petitioner asserts that the Dillenburg remedy is no longer applicable, and the appropriate remedy is now outright dismissal, rather than remand for a Dillenburg hearing.”). LaForge does not argue, nor could he, that Maynard implicitly overruled decades-long precedent requiring a Dillenburg hearing, particularly given Maynard’s inapposite facts.

Unlike the defendant in Maynard, LaForge did not miss the opportunity to plead guilty and remain in juvenile court based on his attorney’s ineffectiveness. Rather, LaForge faced prosecution in adult court based on the seriousness and violent nature of the charges against him. Former RCW 13.04.030(1)(e)(v)(A), (C) (2000). LaForge’s counsel communicated the State’s offer to him, and LaForge accepted it, presumably because the resolution shaved years off his minimum sentence. See App. F, G.

LaForge seeks the same remedy afforded the defendant in Maynard – a juvenile sentence – even though he did not suffer the same injury, and even though the Maynard court repeatedly and explicitly limited its holding to the facts presented. See 183 Wn.2d at 261 (holding a new trial in adult court was an inadequate remedy “*in this case*”), 263 (reasoning “[u]nder the circumstances of this case” a trial court could impose a juvenile sentence), 264 (remanding for further proceedings in accordance with the JJA “to remedy the harm caused by ineffective assistance of counsel *in this case*”) (emphasis added). This Court should reject LaForge’s efforts to expand the uniquely tailored remedy in Maynard to the inapposite facts presented here.

Similarly, LaForge’s attempts to analogize his case to State v. Posey, 174 Wn.2d 131, 272 P.3d 840 (2012) (Posey II), are misplaced. In Posey I, the state supreme court held that the defendant should have been remanded to juvenile court for “a decline hearing or sentencing” when he was acquitted of the automatic-decline offense that landed him in adult court, and convicted of non-automatic-decline offenses. 161 Wn.2d 638, 647, 167 P.3d 560 (2007). The Posey I court did not overrule, or even discuss Dillenburg and its progeny.

Critically, the State conceded in Posey I that the defendant would not have been declined from juvenile court if a hearing had been held. Id. at 649 n.6. Consequently, on remand, the defendant faced sentencing, rather than a Dillenburg hearing. At sentencing, the defendant sought dismissal, arguing that neither the juvenile court nor the adult court had jurisdiction to sentence him. Posey II, 174 Wn.2d at 133. Although the trial court agreed that the juvenile court no longer had jurisdiction because the defendant had since turned 21, the court imposed a juvenile sentence based on the court's residual jurisdiction as a superior court with constitutional jurisdiction over felony offenses. Id. at 134-35.

In Posey II, the state supreme court affirmed the superior court's jurisdiction to sentence the defendant, but did not address the propriety of the trial court's decision to apply the juvenile sentencing range. 174 Wn.2d at 133, 141-42. It does not appear from the opinion that the parties litigated the precise issue of whether the trial court erred by imposing a juvenile sentence.

Regardless, in dissent, Chief Justice Madsen faulted the majority for failing to explain or provide any precedent for imposing a juvenile sentence after a defendant has reached 18. 174 Wn.2d

at 145. Justice Madsen criticized the majority for “decoupl[ing] a juvenile sentence from both the jurisdictional requirement that a defendant be a juvenile and the underlying principles that justify a juvenile sentence.”¹⁰ Id. Further, Justice Madsen noted that there is no due process bar to sentencing a defendant who commits a crime as a juvenile, turns 18, and is thereafter prosecuted as an adult, unless the defendant can show undue delay by the State. Id. at 144.

LaForge argues that “Posey II shows a trial court, on remand, can simply sentence the defendant in accordance with the JJA without holding a decline hearing.” Pet. at 13. LaForge is incorrect. The trial court did not conduct a decline hearing likely because the State did not seek one, having already conceded in Posey I that the defendant would not have been declined. 161 Wn.2d at 649 n.6. Moreover, Posey II did not discuss, let alone overrule, the Dillenburg line of cases. LaForge should be remanded to superior court for a decline hearing consistent with

¹⁰ Justice Madsen argued that the “unique purposes of the juvenile system” could not be served after the defendant turned 18 because the defendant “may no longer benefit from juvenile rehabilitation, would not be a child out of place in an adult facility, and is not of an age requiring any other sort of special treatment.” 174 Wn.2d at 143.

decades-long precedent.¹¹ E.g. Dillenburg, 70 Wn.2d at 355; Mora, 138 Wn.2d at 54; In re Dalluge, 152 Wn.2d at 787.

3. A FEASIBILITY DETERMINATION IS UNNECESSARY AND UNWARRANTED.

LaForge argues in the alternative that if this Court remands for a retrospective decline hearing, then the trial court should first determine whether such a hearing is feasible given the passage of time. LaForge's request should be rejected. Neither the statutes nor the case law require a preliminary feasibility determination. LaForge's analogy to retrospective competency hearings is unavailing. This Court should adhere to well-established precedent and remand LaForge for a decline hearing without requiring the trial court to conduct a preliminary feasibility determination.

Washington courts have repeatedly remanded defendants and petitioners in LaForge's situation for retrospective decline hearings without any discussion, let alone requirement, of a prior feasibility determination. Dillenburg, 70 Wn.2d at 355; In re Dalluge, 152 Wn.2d at 786-871, 152 Wn.2d at 786-87; Mora, 138

¹¹ The other remedy that would restore the status quo ante would be to recognize the plea as involuntary because it was based on a mutual mistake of law, and remand for further proceedings on the original first-degree rape and first-degree robbery charges. See Walsh, 143 Wn.2d at 8-9 (holding that a mutual mistake about the standard sentencing range rendered a defendant's guilty plea involuntary, and remanding for the defendant to withdraw his plea).

Wn.2d at 54; Anderson, 83 Wn. App. at 522; Meridieth, 144 Wn. App. at 58. The “passage of time” is an inevitable and unavoidable component of all of these cases. See, e.g., In re Dalluge, 152 Wn.2d at 775-76 (ordering a decline hearing seven years after the offense); State v. Williams, 75 Wn.2d 604, 453 P.2d 418 (1969) (affirming trial court’s de novo declination 15 years after the offense).

LaForge does not point to a single case or statute requiring a feasibility determination prior to conducting a decline hearing. Indeed, the juvenile decline statute is to the contrary. See RCW 13.40.110(2) (“*Mandatory decline hearing . . . a decline hearing shall be held . . .*”) (emphasis added). LaForge makes no attempt to reconcile this statutory mandate with the logical conclusion of his argument that a trial court might find a decline hearing unfeasible.

Although LaForge argues that courts’ approach to retrospective competency determinations is analogous, he is mistaken. Trying to ascertain a defendant’s competency at a specific point in time is fundamentally different inquiry than trying to determine whether the defendant’s or public’s best interests would have been served by adult criminal prosecution. See State v. Coley, 180 Wn.2d 543, 555 n.1, 326 P.3d 702 (2014) (recognizing

that the question of competency is “fluid” and a “unique area” of the law); RCW 10.77.010(15) (defining incompetency as lacking the capacity to understand the nature of the proceedings, or to assist in defense); RCW 13.40.110(3) (requiring decline when adult criminal prosecution would be in the best interest of the “juvenile or public”) (emphasis added).

At a decline hearing, the State must prove by a preponderance of the evidence that declination would be in the best interest of the juvenile or public. State v. Jacobson, 33 Wn. App. 529, 531, 656 P.2d 1103 (1982). The court must consider the so-called Kent factors:

- (1) the seriousness of the alleged offense and whether the protection of the community requires declination;
- (2) whether the offense was committed in an aggressive, violent, premeditated or willful manner;
- (3) whether the offense was against persons or only property;
- (4) the prosecutive merit of the complaint;
- (5) the desirability of trial and disposition of the entire case in one court, where the defendant's alleged accomplices are adults;
- (6) the sophistication and maturity of the juvenile;
- (7) the juvenile's criminal history; and
- (8) the prospects for adequate protection of the public and rehabilitation of the juvenile through services available in the juvenile system.

State v. Furman, 122 Wn.2d 440, 447, 858 P.2d 1092 (1993) (citing Kent v. United States, 383 U.S. 541, 566-67, 86 S. Ct. 1045 16 L. Ed. 2d 84 (1966)). The State need not prove all of the Kent factors, as they are only meant to focus and guide the court's discretion. State v. Furman, 122 Wn.2d 440, 447, 858 P.2d 1092 (1993).

Here, the Kent factors are easily ascertainable, despite the passage of time. The first factor, the seriousness of the alleged offenses, and the third factor, the target of the offenses, are obvious. Rape in the Second Degree is a violent, class A felony sex offense, while Robbery in the Second Degree is a violent, class B felony. RCW 9A.44.050; RCW 9A.56.210; RCW 9.94A.030(47)(a)(i); RCW 9.94A.030(55). Both offenses are "crimes against persons," and considered "most serious" or "strike" offenses under the Persistent Offender Accountability Act. RCW 9.94A.030(32), (38); RCW 9.94A.411(2).

The second and fourth Kent factors, the violent and aggressive manner in which offenses were committed, and the prosecutive merit of the complaint, respectively, are also evident. As previously discussed, second-degree rape and second-degree robbery are indisputably violent offenses. C.D.'s account of being robbed, anally raped, and forced to perform oral sex, all at

knifepoint, evidences LaForge's violent and aggressive manner. App. B. Although LaForge did not admit to the rape, he confessed to shoving C.D., displaying a knife, and yelling at him to "give up" his money. Id. Video surveillance confirmed LaForge's role in the robbery, showing him withdraw money from the Albertsons ATM with C.D. in tow. Id. Thus, there can be little debate about the admittedly violent manner in which LaForge committed the robbery and the prosecutive merit of the complaint.

The fifth and seventh Kent factors are also readily determined. Regarding the fifth factor, the desirability of trial and disposition of the entire case in one court, Molzhon, LaForge's co-defendant, pled guilty and was sentenced years ago. App. K. Having already resolved his case, Molzhon would not be on trial with LaForge. The seventh factor, LaForge's criminal history, is evidenced in the bail paragraph and felony judgment and sentence. App. A, C. Based on these documents, it does not appear that LaForge had any criminal history prior to committing these offenses.

The only Kent factors that are arguably more difficult to ascertain retrospectively are LaForge's sophistication and maturity (sixth factor), and prospects for rehabilitation in the juvenile system

(eighth factor). Yet, neither factor is dispositive. Furman, 122 Wn.2d at 447. At the time that the charges were amended and LaForge should have been remanded, he was 17 years old and 4 months. App. B. Thus, he was quite mature, given that he was only eight months away from turning 18.

Further, in State v. Williams, the Washington Supreme Court affirmed the trial court's decision to decline jurisdiction at a de novo decline hearing held 15 years after the offense. 75 Wn.2d at 606-07. The reviewing court affirmed, despite the fact that the defendant's juvenile "social files" had been destroyed years earlier. Id. (recognizing the importance of the social files, but concluding they are not "an absolute prerequisite"). The trial court reasonably exercised its discretion to decline jurisdiction even though it lacked relevant information years later. Id.

Moreover, the eighth Kent factor equally contemplates the public's prospects for "adequate protection" with the defendant's prospects for rehabilitation in the juvenile system. Furman, 122 Wn.2d at 447. Given the nature of the charges – a violent, stranger rape and robbery – the community unquestionably would have had a strong need for protection.

If LaForge had been sentenced as a juvenile, he would have faced a standard range sentence of 30-40 weeks on the second-degree rape charge, consecutive to 15-36 weeks on the second-degree robbery charge. RCW 13.40.0357. The fact that LaForge would have received no more than a year-and-a-half sentence for raping and robbing a stranger at knifepoint is out of step with the community's expectation of protection.

Even more troubling is the fact that LaForge most likely would not have been transported to, let alone received any significant rehabilitation services at, a juvenile detention facility because by the time LaForge pled guilty, he had already spent more than a year in custody, and thereby served most if not all of his potential juvenile sentence. App. B; App. H at 10. Thus, the eighth Kent factor is susceptible to determination years later and in favor of declination.

Having failed to provide any statutory or case law authority requiring, let alone contemplating, a preliminary feasibility determination, LaForge should be remanded for a de novo decline hearing consistent with longstanding precedent. Given that the majority of the Kent factors are readily ascertainable, LaForge has not demonstrated that a prior feasibility determination is warranted.

4. LAFORGE WAS NOT PREJUDICED BY HIS COUNSEL'S INEFFECTIVENESS.

LaForge argues that his counsel was ineffective for failing to seek remand of his case after the charges against him were amended, and that he was prejudiced because "he was deprived of the benefits of being prosecuted under the JJA, including a less onerous sentence." Pet. at 16. LaForge's argument fails because it assumes that the juvenile court would have retained jurisdiction, which is neither certain nor borne out by the record. Moreover, even assuming that counsel was ineffective, LaForge cannot show prejudice because any error is remedied by remand to superior court for a de novo decline hearing.

A defendant in a criminal case has a constitutional right to effective assistance of counsel that encompasses the plea process. Strickland v. Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984); State v. Sandoval, 171 Wn.2d 163, 169, 249 P.3d 1015 (2011). To prevail on an ineffective assistance of counsel claim, the petitioner must show that (1) his attorney's conduct fell below an objective standard of reasonableness and (2) this deficiency resulted in prejudice. Strickland, 466 U.S. at 687-88; In re Pers. Restraint of Crace, 174 Wn.2d 835, 840, 280

P.3d 1102 (2012). If the defendant fails to demonstrate either prong, the inquiry ends. In re Crace, 174 Wn.2d at 847.

In the plea context, prejudice exists where there is a reasonable probability that, but for counsel's errors, the petitioner would not have pleaded guilty and would have insisted on going to trial. In re Pers. Restraint of Riley, 122 Wn.2d 772, 780-81, 863 P.2d 554 (1993). A reasonable probability exists if the petitioner persuades the court that the decision to reject the plea bargain would have been rational under the circumstances. Sandoval, 171 Wn.2d at 175. To obtain an evidentiary hearing on the issue of ineffective assistance, the petitioner in a personal restraint petition must present "a prima facie case showing *actual* prejudice." In re Riley, 122 Wn.2d at 782 (emphasis in original).

Here, LaForge's ineffective assistance of counsel claim is somewhat puzzling because he does not seek to withdraw his plea, the traditional remedy for ineffective assistance of counsel in the plea context. E.g., State v. A.N.J., 168 Wn.2d 91, 116, 225 P.3d 956 (2010) (holding that a juvenile defendant who was misinformed about the consequences of his plea was allowed to withdraw his plea). Rather, LaForge seeks the extraordinary remedy of a

juvenile sentence without a mandatory decline hearing.¹² For all of the reasons previously stated, such a remedy is unavailable under the case law and statute requiring a de novo decline hearing.

To some extent, LaForge's ineffective assistance of counsel claim fails to appreciate the bigger picture of what happened when he pled guilty. Although LaForge's plea counsel failed to perfect the plea agreement by filing an agreed waiver of declination, he successfully negotiated a plea resolution that obligated the State to reduce both charges against LaForge, dismiss the deadly weapon enhancements, and recommend the midpoint of the standard sentencing range. LaForge received effective assistance of counsel, despite his counsel's failure to file an agreed waiver. LaForge got what he bargained for: a significant, five-year reduction in his minimum indeterminate sentence. App. F, G. If counsel's failing amounts to a mistake that requires the unwinding of the plea agreement, then the parties should be returned to the position where they started, and LaForge should face the original charges against him.

¹² LaForge's disinterest in withdrawing his plea is unsurprising given that it would mean that the original charges against him, which required automatic decline, would be reinstated.

Nonetheless, LaForge's ineffective assistance of counsel claim ultimately fails because he cannot show that he was prejudiced by his counsel's failure to file an agreed waiver of declination. LaForge cannot show with any certainty that the juvenile court would have retained jurisdiction in light of his age, and the serious, violent nature of the charges against him.

Moreover, there is not a reasonable probability that, but for his counsel's oversight, LaForge would have insisted on going to trial on automatic decline offenses and faced a significantly higher minimum indeterminate sentence. LaForge most certainly would have pled guilty if he had known that the reduction in charges would have conferred the additional benefit of a remand to juvenile court, and the potential enormous benefit of a maximum year-and-a-half juvenile sentence.¹³ Rejecting the plea bargain would not have been rational under these circumstances.

Additionally, LaForge cannot make a prima facie showing of actual prejudice because any error caused by his counsel's ineffectiveness is remedied by remand to superior court for a

¹³ As previously noted, it is highly unlikely that the prosecutor would have reduced the charges if she had realized that doing so deprived the adult court of exclusive jurisdiction, and triggered the decline hearing requirement, creating a risk of a possible juvenile sentence for LaForge. See App. E (state sentencing recommendation for 110 months).

de novo hearing. In re Dalluge, 152 Wn.2d at 789 n.10. If LaForge would have been declined, then he did not suffer actual prejudice.

Id. Conversely, if the juvenile court would have retained jurisdiction, then LaForge will receive a new trial, the same remedy he would receive if he prevailed on his ineffective assistance of trial counsel claim. Id.

Unable to demonstrate prejudice, LaForge's ineffective assistance of counsel claim fails.

E. CONCLUSION.

For all of the reasons stated above, LaForge's petition should be granted and the case remanded for a de novo decline hearing in the adult division of the superior court. If decline would have been appropriate, then LaForge's convictions stand. If not, then LaForge's case must be reversed and he is entitled to a new trial as an adult.

DATED this 6th day of April, 2016.

Respectfully submitted,

DANIEL T. SATTERBERG
King County Prosecuting Attorney

By: 

KRISTIN A. RELYEA, WSBA #34286
Deputy Prosecuting Attorney
Attorneys for Respondent
Office WSBA #91002

APPENDIX

A

FILED

2004 MAR 23 PM 3: 11

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

HIV

DOC
COMMITMENT ISSUED
MAR 23 2004

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)	
)	
	)	No. 03-C-03742-3 SEA
Plaintiff,)	
)	
Vs.	)	JUDGMENT AND SENTENCE
	)	FELONY
ARMONDO T. LAFORGE)	
)	
Defendant,)	

I. HEARING

I.1 The defendant, the defendant's lawyer, MATTHEW HALE, and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: CHRIS TRUATE, Pat & CRAIG TRUATE

II. FINDINGS

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

2.1 CURRENT OFFENSE(S): The defendant was found guilty on 12/15/2003 by plea of:

Count No.: <u>I</u>	Crime: <u>ROBBERY IN THE SECOND DEGREE</u>
RCW <u>9A.56.210;9A.56.190</u>	Crime Code: <u>02924</u>
Date of Crime: <u>12/22/2002</u>	Incident No. _____

Count No.: <u>II</u>	Crime: <u>RAPE IN THE SECOND DEGREE</u>
RCW <u>9A.44.050 (1) (A)</u>	Crime Code: <u>00744</u>
Date of Crime: <u>12/22/2002</u>	Incident No. _____

Count No.: _____	Crime: _____
RCW _____	Crime Code: _____
Date of Crime: _____	Incident No. _____

Count No.: _____	Crime: _____
RCW _____	Crime Code: _____
Date of Crime: _____	Incident No. _____

[] Additional current offenses are attached in Appendix A

PRESENTENCING STATEMENT & INFORMATION ATTACHED

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) _____

IV. ORDER

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

4.1 RESTITUTION AND VICTIM ASSESSMENT:

- Defendant shall pay restitution to the Clerk of this Court as set forth in attached **Appendix E**.
 Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.753(2), sets forth those circumstances in attached Appendix E.
 Restitution to be determined at future restitution hearing on (Date) _____ at _____ m.
 Date to be set.
 Defendant waives presence at future restitution hearing(s).
 Restitution is not ordered.
 Defendant shall pay Victim Penalty Assessment pursuant to RCW 7.68.035 in the amount of \$500.

4.2 OTHER FINANCIAL OBLIGATIONS: Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:

- (a) \$_____, Court costs; Court costs are waived; (RCW 9.94A.030, 10.01.160)
 (b) \$100 DNA collection fee; DNA fee waived (RCW 43.43.754)(crimes committed after 7/1/02);
 (c) \$_____, Recoupment for attorney's fees to King County Public Defense Programs;
 Recoupment is waived (RCW 9.94A.030);
 (d) \$_____, Fine; \$1,000, Fine for VUCSA; \$2,000, Fine for subsequent VUCSA;
 VUCSA fine waived (RCW 69.50.430);
 (e) \$_____, King County Interlocal Drug Fund; Drug Fund payment is waived;
 (RCW 9.94A.030)
 (f) \$_____, State Crime Laboratory Fee; Laboratory fee waived (RCW 43.43.690);
 (g) \$_____, Incarceration costs; Incarceration costs waived (RCW 9.94A.760(2));
 (h) \$_____, Other costs for: _____

- 4.3 PAYMENT SCHEDULE: Defendant's **TOTAL FINANCIAL OBLIGATION** is: \$ 500.00 + Restitution. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms: Not less than \$_____ per month; On a schedule established by the defendant's Community Corrections Officer or Department of Judicial Administration (DJA) Collections Officer. Financial obligations shall bear interest pursuant to RCW 10.82.090. **The Defendant shall remain under the Court's jurisdiction to assure payment of financial obligations: for crimes committed before 7/1/2000, for up to ten years from the date of sentence or release from total confinement, whichever is later; for crimes committed on or after 7/1/2000, until the obligation is completely satisfied.** Pursuant to RCW 9.94A.7602, if the defendant is more than 30 days past due in payments, a notice of payroll deduction may be issued without further notice to the offender. Pursuant to RCW 9.94A.760(7)(b), the defendant shall report as directed by DJA and provide financial information as requested.
 Court Clerk's trust fees are waived.
 Interest is waived except with respect to restitution.

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 ~~14~~ ~~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 DWORZ, CRAIG & PAT DWORZ; Julian Melzhan

4.6 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.

(c) **COMMUNITY CUSTODY** - pursuant to RCW 9.94A.715 for qualifying crimes committed after 6-30-2000 is ordered for the following established range:

- Sex Offense, RCW 9.94A.030(38) - ~~36 to 48 months~~ - when not sentenced under RCW 9.94A.712
- Serious Violent Offense, RCW 9.94A.030(37) - 24 to 48 months
- Violent Offense, RCW 9.94A.030(45) - 18 to 36 months
- Crime Against Person, RCW 9.94A.411 - 9 to 18 months
- Felony Violation of RCW 69.50/52 - 9 to 12 months

lifetime term of community custody

or for the entire period of earned early release awarded under RCW 9.94A.728, whichever is longer. Sanctions and punishments for non-compliance will be imposed by the Department of Corrections pursuant to RCW 9.94A.737.

- APPENDIX H for Community Custody conditions is attached and incorporated herein.
- APPENDIX J for sex offender registration is attached and incorporated herein.

4.8 **WORK ETHIC CAMP:** The court finds that the defendant is eligible for work ethic camp, is likely to qualify under RCW 9.94A.690 and recommends that the defendant serve the sentence at a work ethic camp. Upon successful completion of this program, the defendant shall be released to community custody for any remaining time of total confinement. The defendant shall comply with all mandatory statutory requirements of community custody set forth in RCW 9.94A.700. Appendix H for Community Custody Conditions is attached and incorporated herein.

4.9 **ARMED CRIME COMPLIANCE, RCW 9.94A.475, 480.** The State's plea/sentencing agreement is attached as follows:

The defendant shall report to an assigned Community Corrections Officer upon release from confinement for monitoring of the remaining terms of this sentence.

Date: 3/19/04

Michael Hays
JUDGE
Print Name: _____

Presented by:

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

Approved as to form:

Matthew T. Hale
Attorney for Defendant, WSBA # 22046
Print Name: Matthew T. Hale

FINGERPRINTS

BEST AVAILABLE IMAGE POSSIBLE



RIGHT HAND
FINGERPRINTS OF:

DEFENDANT'S SIGNATURE: [Signature]
DEFENDANT'S ADDRESS: _____

ARMONDO T LAFORGE

DATED: MAR 19 2004

ATTESTED BY: BARBARA MINER,
SUPERIOR COURT CLERK
BY: [Signature]
DEPUTY CLERK
SHANNA KNIGHT

[Signature]
JUDGE, KING COUNTY SUPERIOR COURT
MICHAEL C. HAYDEN

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

APPENDIX G
ORDER FOR BIOLOGICAL TESTING
AND COUNSELING

MAR 23 2004
FAX COPY TO JAIL

(1) DNA IDENTIFICATION (RCW 43.43.754):

The Court orders the defendant to cooperate with the King County Department of Adult Detention, King County Sheriff's Office, and/or the State Department of Corrections in providing a biological sample for DNA identification analysis. The defendant, if out of custody, shall promptly call the King County Jail at 296-1226 between 8:00 a.m. and 1:00 p.m., to make arrangements for the test to be conducted within 15 days.

(2) HIV TESTING AND COUNSELING (RCW 70.24.340):

(Required for defendant convicted of sexual offense, drug offense associated with the use of hypodermic needles, or prostitution related offense.)

The Court orders the defendant contact the Seattle-King County Health Department and participate in human immunodeficiency virus (HIV) testing and counseling in accordance with Chapter 70.24 RCW. The defendant, if out of custody, shall promptly call Seattle-King County Health Department at 205-7837 to make arrangements for the test to be conducted within 30 days.

If (2) is checked, two independent biological samples shall be taken.

Date: 3/19/04

Michael Hays
JUDGE, King County Superior Court

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)	
)	
	)	No. 03-C-03742-3 SEA
Plaintiff,)	
)	
vs.	)	JUDGMENT AND SENTENCE
	)	APPENDIX H
ARMONDO T. LAFORGE	)	COMMUNITY PLACEMENT OR
	)	COMMUNITY CUSTODY
Defendant,)	

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, Christa Nante,
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 OFFENSE EVAL & FOLLOW ALL TRTMT RECS -
SUBSTANCE ABUSE EVAL & FOLLOW ALL TRTMT 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,)
)
 Plaintiff,)
)
 vs.)
 ARMANDO LaFuque)
)
 Defendant,)

No. 03.C.03742.3SEA

APPENDIX J
JUDGMENT AND SENTENCE
SEX OFFENDER NOTICE OF
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:  3/19/04
Defendant Date JUDGE 

APPENDIX J
Rev. 11/03 Distribution:
Original/White - Clerk
Yellow - Defendant
Pink - King County Jail

BEST AVAILABLE IMAGE POSSIBLE

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)
 Plaintiff,)
 vs.)
 Defendant,)

No. C-00-00000-0000

APPENDIX J
 JUDGMENT AND SENTENCE
 SEX OFFENDER NOTICE OF
 REGISTRATION REQUIREMENTS

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Copy Received:

Defendant

Date

3/19/04

JUDGE

Michael Hays

APPENDIX J

Rev. 11/03 Distribution:

Original/White - Clerk

Yellow - Defendant

Pink - King County Jail

APPENDIX

B

CAUSE NO. **03 C 03742 3SEA**

0216.

Seattle
Police
Department

**CERTIFICATE FOR DETERMINATION
OF PROBABLE CAUSE**

INCIDENT NUMBER 02-571681
UNIT FILE NUMBER

That Anthony Stevenson is a Detective with the Seattle Police Department and has reviewed the investigation conducted in Seattle Police Department Case Number 02-571681;

There is probable cause to believe that Armondo Theodore LAFORGE, DOB: 08-20-1986 committed the crime (s) of Rape, Kidnapping and Robbery.

This belief is predicated on the following facts and circumstances:

That on December 22nd, 2002, between the hours of approximately 0630 and 0900, within the City of Seattle, County of King and State of Washington, the suspects LAFORGE and MOLZHON robbed the victim Christopher Duarte of money and cigarettes in the 11100 block of Aurora Avenue North. LAFORGE then led the victim to behind a building at 13200 Aurora Avenue North where he raped the victim at knifepoint.

The victim Duarte, a resident of North Seattle, was walking to work at approximately 0630 hrs, December 22nd, 2002. Duarte was approached by the suspects LAFORGE and MOLZHON in the 11000 block of Aurora Avenue North. LAFORGE asked Duarte for a cigarette, which Duarte gave him. Duarte continued to walk northbound with LAFORGE and MOLZHON walking behind him. Duarte heard jogging behind him and turned to see LAFORGE looking up and down Aurora Avenue. After the vehicles passed by, LAFORGE shoved Duarte against a fence and said, "What's up punk? Give me your money." When Duarte told LAFORGE he had no money, LAFORGE said, "You're lying." LAFORGE pulled a knife from his pants pocket and said, "Tell me you don't have any money." LAFORGE shoved Duarte against the fence again and possibly cut Duarte's left hand with the knife. LAFORGE then told Duarte, "Show me your wallet." Duarte pulled out his wallet and said, "See, I don't have anything." LAFORGE took Duarte's pack of Marlboro cigarettes and his small black Bic lighter. LAFORGE took Duarte's wallet and handed it to MOLZHON. LAFORGE told MOLZHON to look through the wallet. MOLZHON did so and pulled out Duarte's ATM card. LAFORGE asked Duarte for the PIN number and how much money was in the account. Duarte gave LAFORGE the PIN number and told him there was \$200.00 in the account. LAFORGE ordered Duarte saying, "Walk with us." Both suspects and Duarte walked toward the Albertson's store at 13000 Aurora Avenue North. LAFORGE threw Duarte's pack of cigarettes on the ground as they walked. When they arrived at the Albertson's store, MOLZHON went inside with Duarte's ATM card. LAFORGE told Duarte to walk with him between the K-Mart store and the Staples Store at 13200 Aurora Avenue North. LAFORGE put the knife away and started acting as if he were Duarte's "friend." LAFORGE said he was going to try to teach Duarte, "not to be a punk." LAFORGE pretended like he was going to hit Duarte and said, "What would you do if I did that?" LAFORGE asked Duarte how old he was, then said something to the effect of he was 16 and his friend was 17, and Duarte shouldn't let a 16 and 17-year-old "play" him like that. LAFORGE then asked, "What if I were to tell you to strip naked?" Duarte told him he wouldn't do it. Then LAFORGE said, "What if I had a knife?" and pulled the knife out again. Duarte said, "Well, I don't have a choice." They went into the "Dumpster area" between K-Mart and Staples, and Duarte took all of his clothes off. LAFORGE asked Duarte how many times he had had sex, and whether he had ever had sex "with a guy." LAFORGE then said, "Would you suck my dick?" Duarte again said no. LAFORGE said, "In this situation, with a knife?" Duarte gave LAFORGE oral sex (LAFORGE had unzipped his pants, and his erect penis was sticking out through the fly) while sitting on a barbecue; then LAFORGE touched Duarte's genital area. LAFORGE made Duarte switch places and said he "wanted to get [Duarte] hard," but Duarte didn't have an erection. Duarte told LAFORGE he was cold, and he was allowed to put his clothes back on (his pants were pulled down, however). LAFORGE told Duarte to "turn around and bend over," and asked, "Have you ever been fucked?"



SEATTLE
POLICE
DEPARTMENT

**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE**

INCIDENT NUMBER 02-571681
UNIT FILE NUMBER

LAFORGE penetrated Duarte's anus. Duarte said, "I tried to ignore it and just let it happen. I hoped it would be over soon and he would leave me alone." Duarte believed LAFORGE would hurt or kill him if he didn't do what he said. LAFORGE said, "OK, that's enough; come on, let's take a walk." On the way back to Albertson's, LAFORGE told Duarte to tell his friend that they had gone to Duarte's friend's house to try to get more money, but that he wasn't home. When they got to Albertson's, they didn't see MOLZHON. They went to the bus stop at 130th and Aurora, and they saw MOLZHON walking towards them. MOLZHON wanted to know where they had been. LAFORGE told Duarte, "Stand right here. If you run, I'll chase you and I'll stab you. If you run into a store, I'll chase you and stab you. I don't care if people see me." LAFORGE and MOLZHON then walked about ten feet away from Duarte and talked so Duarte couldn't hear what they were saying. They walked back to where Duarte was standing, LAFORGE said, "My friend was only able to get \$20." MOLZHON was holding a piece of paper, and LAFORGE ripped it from his hands and threw it on the ground. LAFORGE made Duarte accompany him into the Albertson's to try to get more money out of his account. However, the machine said there were "insufficient funds." LAFORGE got mad and said, "I should kill you." LAFORGE repeated that if Duarte "tried anything funny," he would "chase him down and stab him." LAFORGE kept pretending like he was going to punch Duarte. As soon as they left the store, LAFORGE again threatened to stab Duarte. Duarte said that throughout this entire incident, LAFORGE repeatedly called him names like punk, bitch, pussy, and stupid, and threatened to stab him, beat him, and slit his throat. They returned to the bus stop at 130th and Aurora, where they rejoined MOLZHON. LAFORGE kept acting like he was going to hit Duarte. MOLZHON got angry at LAFORGE, and told him to stop bothering Duarte, that he had done enough. MOLZHON was also angry that LAFORGE kept referring to him as "Julian," because he said he had a warrant for his arrest and didn't want to be picked up. MOLZHON took a small electronic item from his pocket and threw it on the ground, shattering it. He picked it up a second time and threw it down on the steps behind the bus stop. Duarte described the device as a clock or radio, made of gray or silver plastic with some black on it. At one point, MOLZHON mentioned that he lives in Shoreline. LAFORGE gave Duarte his ATM card back, but took his Washington ID card and social security card. LAFORGE said, "If you call the cops, I know where you live and where you work." MOLZHON asked, "Why do you need his social security card?" and LAFORGE replied, "Because I want him to know I have his personal information." The #358 bus arrived, and LAFORGE made Duarte get on with him and MOLZHON. Duarte believes it was around 8:30 or 9 am. He said there were about ten people on the bus, and described the driver. They rode the bus to approximately 155th and Aurora, where all three got off. LAFORGE gave Duarte fifty cents and told him to cross the street and take the bus back to Seattle. Duarte used the payphone to call his dad. Duarte's parents met him at that location and called the fire department who treated him at the scene and suggested the parents take him to the hospital. Duarte's parents drove him to Northwest Hospital where he was treated and directed to go to Harborview Medical Center for a rape examination. Duarte's parents drove him there.

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**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE**

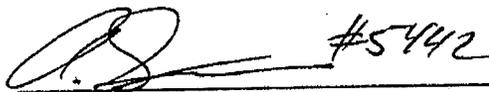
INCIDENT NUMBER 02-571681
UNIT FILE NUMBER

Detective Stevenson ran a check of the name "Julian" in the Seattle Police Department JEMS system and was able to find a picture of MOLZHON, which looked similar to the ATM picture. Detective Stevenson ran a check of MOLZHON's name through the Seattle Police Department RMS system and found MOLZHON was involved as a suspect in SPD case #02-504329 along with LAFORGE. Detective Stevenson noted that LAFORGE's height and weight was similar to that which Duarte described of the suspect. Detective Stevenson ordered a Washington State Department of Licensing photograph of LAFORGE. Detectives Stevenson and Stampfl created photomontages of LAFORGE and MOLZHON. The victim Duarte positively identified LAFORGE as the person who robbed, kidnapped and raped him from the photomontage.

On 01-02-2003 Detectives Stevenson, Fields and Grossman responded to 2201 Southwest Holden Street #P-103, Seattle, Washington and contacted LAFORGE's sister Mitchelline Bear. Bear stated it was her apartment and invited Detectives inside. Bear was asked if LAFORGE was there and she said he was. Bear called LAFORGE who came from the back of the apartment and was arrested. LAFORGE was transported to the Seattle Police Department Special Assault Unit.

LAFORGE was advised of his rights and stated he understood. LAFORGE gave a taped confession of the Robbery stating that he shoved the victim (Duarte), showed him a knife and yelled for him to give up his money. LAFORGE said that they obtained the victims ATM card and his PIN number and made him go with them to the Albertson's store while MOLZHON withdrew cash. LAFORGE said that he went with the victim to a friend's (of the victim's) apartment to get more money. LAFORGE said that he was drunk and could not remember the whole incident but that he didn't think that he had oral sex with the victim. LAFORGE admitted to making the victim walk several blocks with him from the initial contact, to the store and then to the friend's apartment. LAFORGE said he made the victim get on the bus with him and MOLZHON so that he wouldn't report the incident to police. LAFORGE said that the victim acted scared the entire time. LAFORGE admitted to collecting \$120.00 to \$130.00 cash from MOLZHON after MOLZHON withdrew the money from the victim's account.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 2nd day of January, 2003, at Seattle, Washington.

 #5442

APPENDIX C

FILED

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KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

WARRANT ISSUED
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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 ✓

INFORMATION

COUNT I

I, Norm Maleng, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse JULIAN D. MOLZHON and ARMONDO T. LAFORGE, and each of them, of the crime of Robbery in the First Degree, committed as follows:

That the defendants JULIAN D. MOLZHON and ARMONDO T. LAFORGE, and each of them, 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.

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

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

1 conduct as another crime charged herein, which crimes were part of
2 a common scheme or plan and which crimes were so closely connected
3 in respect to time, place and occasion that it would be difficult
4 to separate proof of one charge from proof of the other, committed
5 as follows:

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

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

14

NORM MALENG
Prosecuting Attorney

15

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By: J. Ritchie
Jennifer G. Ritchie, WSBA #24046
Senior Deputy Prosecuting Attorney

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Norm Maleng
Prosecuting Attorney
W 554 King County Courthouse
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CAUSE NO. **03 C 03742 3SEA**

0216.

Seattle
Police
Department**CERTIFICATE FOR DETERMINATION
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INCIDENT NUMBER 02-571681
UNIT FILE NUMBER

Detective Stevenson ran a check of the name "Julian" in the Seattle Police Department JEMS system and was able to find a picture of MOLZHON, which looked similar to the ATM picture. Detective Stevenson ran a check of MOLZHON's name through the Seattle Police Department RMS system and found MOLZHON was involved as a suspect in SPD case #02-504329 along with LAFORGE. Detective Stevenson noted that LAFORGE's height and weight was similar to that which Duarte described of the suspect. Detective Stevenson ordered a Washington State Department of Licensing photograph of LAFORGE. Detectives Stevenson and Stampfl created photomontages of LAFORGE and MOLZHON. The victim Duarte positively identified LAFORGE as the person who robbed, kidnapped and raped him from the photomontage.

On 01-02-2003 Detectives Stevenson, Fields and Grossman responded to 2201 Southwest Holden Street #P-103, Seattle, Washington and contacted LAFORGE's sister Mitchelline Bear. Bear stated it was her apartment and invited Detectives inside. Bear was asked if LAFORGE was there and she said he was. Bear called LAFORGE who came from the back of the apartment and was arrested. LAFORGE was transported to the Seattle Police Department Special Assault Unit.

LAFORGE was advised of his rights and stated he understood. LAFORGE gave a taped confession of the Robbery stating that he shoved the victim (Duarte), showed him a knife and yelled for him to give up his money. LAFORGE said that they obtained the victims ATM card and his PIN number and made him go with them to the Albertson's store while MOLZHON withdrew cash. LAFORGE said that he went with the victim to a friend's (of the victim's) apartment to get more money. LAFORGE said that he was drunk and could not remember the whole incident but that he didn't think that he had oral sex with the victim. LAFORGE admitted to making the victim walk several blocks with him from the initial contact, to the store and then to the friend's apartment. LAFORGE said he made the victim get on the bus with him and MOLZHON so that he wouldn't report the incident to police. LAFORGE said that the victim acted scared the entire time. LAFORGE admitted to collecting \$120.00 to \$130.00 cash from MOLZHON after MOLZHON withdrew the money from the victim's account.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 2nd day of January, 2003, at Seattle, Washington.

 #5442

CAUSE NO. **03 C 03741 5SEA**

TRIG.

Seattle
Police
Department**CERTIFICATE FOR DETERMINATION
OF PROBABLE CAUSE**

INCIDENT NUMBER 02-571681
UNIT FILE NUMBER

That Anthony Stevenson is a Detective with the Seattle Police Department and has reviewed the investigation conducted in Seattle Police Department Case Number 02-571681;

There is probable cause to believe that Julian Dean MOLZHON, DOB: 09-24-1985 committed the crime (s) of Kidnapping and Robbery.

This belief is predicated on the following facts and circumstances:

That on December 22nd, 2002, between the hours of approximately 0630 and 0900, within the City of Seattle, County of King and State of Washington, the suspects LAFORGE and MOLZHON robbed the victim Christopher Duarte of money and cigarettes in the 11100 block of Aurora Avenue North. LAFORGE then led the victim to behind a building at 13200 Aurora Avenue North where he raped the victim at knifepoint.

The victim Duarte, a resident of North Seattle, was walking to work at approximately 0630 hrs, December 22nd, 2002. Duarte was approached by the suspects LAFORGE and MOLZHON in the 11000 block of Aurora Avenue North. LAFORGE asked Duarte for a cigarette, which Duarte gave him. Duarte continued to walk northbound with LAFORGE and MOLZHON walking behind him. Duarte heard jogging behind him and turned to see LAFORGE looking up and down Aurora Avenue. After the vehicles passed by, LAFORGE shoved Duarte against a fence and said, "What's up punk? Give me your money." When Duarte told LAFORGE he had no money, LAFORGE said, "You're lying." LAFORGE pulled a knife from his pants pocket and said, "Tell me you don't have any money." LAFORGE shoved Duarte against the fence again and possibly cut Duarte's left hand with the knife. LAFORGE then told Duarte, "Show me your wallet." Duarte pulled out his wallet and said, "See, I don't have anything." LAFORGE took Duarte's pack of Marlboro cigarettes and his small black Bic lighter. LAFORGE took Duarte's wallet and handed it to MOLZHON. LAFORGE told MOLZHON to look through the wallet. MOLZHON did so and pulled out Duarte's ATM card. LAFORGE asked Duarte for the PIN number and how much money was in the account. Duarte gave LAFORGE the PIN number and told him there was \$200.00 in the account. LAFORGE ordered Duarte saying, "Walk with us." Both suspects and Duarte walked toward the Albertson's store at 13000 Aurora Avenue North. LAFORGE threw Duarte's pack of cigarettes on the ground as they walked. When they arrived at the Albertson's store, MOLZHON went inside with Duarte's ATM card. LAFORGE told Duarte to walk with him between the K-Mart store and the Staples Store at 13200 Aurora Avenue North. LAFORGE put the knife away and started acting as if he were Duarte's "friend." LAFORGE said he was going to try to teach Duarte, "not to be a punk." LAFORGE pretended like he was going to hit Duarte and said, "What would you do if I did that?" LAFORGE asked Duarte how old he was, then said something to the effect of he was 16, his friend was 17, and Duarte shouldn't let a 16 and 17-year-old "play" him like that. LAFORGE then asked, "What if I were to tell you to strip naked?" Duarte told him he wouldn't do it. Then LAFORGE said, "What if I had a knife?" and pulled the knife out again. Duarte said, "Well, I don't have a choice." They went into the "Dumpster area" between K-Mart and Staples, and Duarte took all of his clothes off. LAFORGE asked Duarte how many times he had had sex, and whether he had ever had sex "with a guy." LAFORGE then said, "Would you suck my dick?" Duarte again said no. LAFORGE said, "In this situation, with a knife?" Duarte gave LAFORGE oral sex (LAFORGE had unzipped his pants, and his erect penis was sticking out through the fly) while sitting on a barbecue; then LAFORGE touched Duarte's genital area. LAFORGE made Duarte switch places and said he "wanted to get [Duarte] hard," but Duarte didn't have an erection. Duarte told LAFORGE he was cold, and he was allowed to put his clothes back on (his pants were pulled down, however). LAFORGE told Duarte to "turn around and bend over," and asked, "Have you ever been fucked?" LAFORGE penetrated Duarte's anus. Duarte said, "I tried to ignore it and just let it happen. I hoped it would be over soon and he would leave me alone." Duarte believed LAFORGE would hurt or kill him if he didn't do what he said. LAFORGE said, "OK, that's enough; come on, let's take a walk." On the way back to Albertson's, LAFORGE told Duarte to tell his friend that they had gone to Duarte's friend's house to try to get more money, but that he wasn't home. When they got to Albertson's, they didn't see MOLZHON. They went to the bus stop at 130th and Aurora, and they saw MOLZHON walking towards them. MOLZHON wanted to know where they had been. LAFORGE told Duarte, "Stand right here. If you run, I'll chase you and I'll stab you. If you run into a store, I'll chase you and stab you. I don't care if people see me." LAFORGE and MOLZHON then walked about ten feet away from Duarte and talked so Duarte couldn't hear what they were saying. They walked back to where Duarte was



SEATTLE
POLICE
DEPARTMENT

**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE**

INCIDENT NUMBER 02-571681
UNIT FILE NUMBER

standing, LAFORGE said, "My friend was only able to get \$20." MOLZHON was holding a piece of paper, and LAFORGE ripped it from his hands and threw it on the ground. LAFORGE made Duarte accompany him into the Albertson's to try to get more money out of his account. However, the machine said there were "insufficient funds." LAFORGE got mad and said, "I should kill you." LAFORGE repeated that if Duarte "tried anything funny," he would "chase him down and stab him." LAFORGE kept pretending like he was going to punch Duarte. As soon as they left the store, LAFORGE again threatened to stab Duarte. Duarte said that throughout this entire incident, LAFORGE repeatedly called him names like punk, bitch, pussy, and stupid, and threatened to stab him, beat him, and slit his throat. They returned to the bus stop at 130th and Aurora, where they rejoined MOLZHON. LAFORGE kept acting like he was going to hit Duarte. MOLZHON got angry with LAFORGE, and told him to stop bothering Duarte, that he had done enough. MOLZHON was also angry that LAFORGE kept referring to him as "Julian," because he said he had a warrant for his arrest and didn't want to be picked up. MOLZHON took a small electronic item from his pocket and threw it on the ground, shattering it. He picked it up a second time and threw it down on the steps behind the bus stop. Duarte described the device as a clock or radio, made of gray or silver plastic with some black on it. At one point, MOLZHON mentioned that he lives in Shoreline. LAFORGE gave Duarte his ATM card back, but took his Washington ID card and social security card. LAFORGE said, "If you call the cops, I know where you live and where you work." MOLZHON asked, "Why do you need his social security card?" and LAFORGE replied, "Because I want him to know I have his personal information." The #358 bus arrived, and LAFORGE made Duarte get on with him and MOLZHON. Duarte believes it was around 8:30 or 9 am. He said there were about ten people on the bus, and described the driver. They rode the bus to approximately 155th and Aurora, where all three got off. LAFORGE gave Duarte fifty cents and told him to cross the street and take the bus back to Seattle. Duarte used the payphone to call his dad. Duarte's parents met him at that location and called the fire department who treated him at the scene and suggested the parents take him to the hospital. Duarte's parents drove him to Northwest Hospital where he was treated and directed to go to Harborview Medical Center for a rape examination. Duarte's parents drove him there.

Detectives Stevenson and Stampfl responded to the various crime scenes. They located an empty pack of "Marlboro red" cigarettes in the 11100 block Aurora Avenue North. They located a broken silver and black travel clock in the stairwell leading to the Albertson's store near North 130th Street and Aurora Avenue North. They located an enclosed area with cinder block walls and a gate that would normally house garbage dumpsters with items victim Duarte described along with the barbecue inside. Officer Clark gave Detective Stampfl (3) videotapes, which he recovered, from the Albertson's store and US Bank employees.

Detective Stampfl obtained a printout of transactions on the ATM machine at 13000 Aurora Avenue North, which showed several transactions between 0658 hrs and 0702 hrs. Detective Stevenson reviewed the videotapes, which showed an individual matching MOLZHON's description making transactions at the ATM machine at 0659 hrs until shortly after 0700 hrs. The videotapes also showed an individual matching the description of LAFORGE at the ATM machine with victim Duarte at 0654 hrs. Detective Stevenson had still pictures made of this video from several images.

Detective Stevenson ran a check of the name "Julian" in the Seattle Police Department JEMS system and was able to find a picture of MOLZHON, which looked similar to the ATM picture. Detective Stevenson ran a check of MOLZHON's name through the Seattle Police Department RMS system and found MOLZHON was involved as a suspect in SPD case #02-504329 along with LAFORGE. Detective Stevenson noted that LAFORGE's height and weight was similar to that which Duarte described of the suspect. Detective Stevenson ordered a Washington State Department of Licensing photograph of LAFORGE. Detectives Stevenson and Stampfl created photomontages of LAFORGE and MOLZHON. The victim Duarte positively identified LAFORGE as the person who robbed, kidnapped and raped him from the photomontage. MOLZHON made this identification immediately and said he was 100 % sure about the suspect. The victim Duarte looked at the photomontage of MOLZHON for several seconds and pointed at MOLZHON's picture. Duarte said that out of all of the pictures, MOLZHON's looked the closest to the white male suspect, but he couldn't be 100 % sure.

On December 30th, 2002, at approximately 1030 hrs, Detectives Stevenson and Grossman responded to MOLZHON's residence at 15527 Midvale Avenue North, Shoreline, Washington in an attempt to contact MOLZHON. Detectives spoke with a person who answered the door and gave the name of "Darnell." Darnell told Detectives that MOLZHON was not home and that he didn't know where he was. Darnell offered a telephone number for MOLZHON's mother, Julieanne Courtney. Detective Stevenson telephoned Courtney and explained that he was wanted by Police and that he wanted to interview MOLZHON. Courtney agreed to bring MOLZHON to the Seattle Police Department at 610 5th Avenue, Seattle, Washington, the following day.

On December 31st, 2002, at approximately 1130 hrs, Courtney and MOLZHON at the Seattle Police Department. MOLZHON was advised of his rights via a Seattle Police Explanation of Rights form and said he

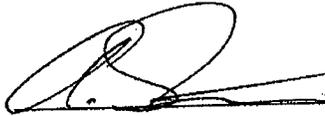


**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE**

INCIDENT NUMBER 02-571681
UNIT FILE NUMBER

understood. MOLZHON signed the form and agreed to give a taped statement. MOLZHON said that he and LAFORGE were out at a friend's house until early in the morning on December 22nd, 2002, and were going to catch the bus home. MOLZHON said they wanted something to do so they decided to "jack" someone. MOLZHON said that they approached the victim and LAFORGE punched him. LAFORGE then pointed a knife at the victim and ordered him to give up his money. The victim held up his wallet and showed LAFORGE he had no money. LAFORGE took a "credit card" from the victim and gave it to MOLZHON. LAFORGE ordered the victim to give up his PIN number and also took some "Marlboro red pack" cigarettes from the victim. MOLZHON, LAFORGE and the victim then walked to the Albertson's store where MOLZHON made four or five withdrawals totaling over \$300.00 while LAFORGE and the victim waited outside. MOLZHON said he put approximately half of the money in a deposit envelope to give to LAFORGE. When MOLZHON came back outside, LAFORGE and the victim were gone. MOLZHON said he walked around the area looking for them and couldn't find them. MOLZHON said at one point he heard sirens and thought that LAFORGE had killed or seriously harmed the victim. MOLZHON said that he waited at the bus stop in front of the Albertson's for 1 to 1-1/2 hours before LAFORGE and the victim returned. MOLZHON said that he gave LAFORGE the envelope with the money and LAFORGE wanted to get more money out. MOLZHON said he told LAFORGE that he couldn't get any more money out of the account and said they argued over that. LAFORGE then forced the victim to accompany him to the cash machine and did not go to the cash machine that time. MOLZHON said they caught the #358 bus to the stop near MOLZHON's home and LAFORGE ordered the victim to get on the southbound bus back to Seattle. Detective Stevenson asked MOLZHON why the victim would follow them around and not try to escape. MOLZHON said that the victim was "smart" by doing what LAFORGE told him to do because his threats were very convincing. MOLZHON also said that he had never seen LAFORGE act so violently towards anyone before, in the manner in which he was talking to the victim.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 2nd day of January, 2003, at Seattle, Washington.

 #5442

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CAUSE NO. 03-C-03741-5 SEA
CAUSE NO. 03-C-03742-3 SEA

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

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The State incorporates by reference the Certification for
Determination of Probable Cause written by Detective Anthony
Stevenson in Seattle Police case number 02-571681.

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REQUEST FOR BAIL

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The State requests bail in the amount of \$100,000 for each
defendant and asks the court to issue an order prohibiting contact
with the victim, Christopher Duarte.

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Although it appears that neither defendant has criminal
history, their violent actions in this case justify a high bail
amount as they pose a significant threat to the community.

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Jennifer G. Ritchie, WSBA #24046

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

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

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,	)	No. 03-C-03741-5 SEA
	)	03-C-03742-3 SEA
v.)	
JULIAN D. MOLZHON, and)	
ARMONDO T. LAFORGE	)	AMENDED INFORMATION AS
and each of them,	)	TO DEFENDANT ARMONDO T. LAFORGE
	)	ONLY
)	
Defendants.)	

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

AMENDED INFORMATION

COUNT II

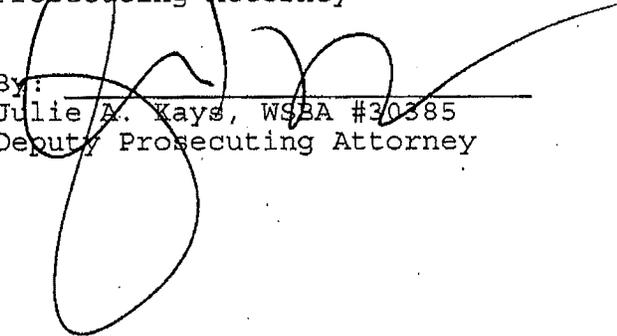
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3 And I, Norm Maleng, Prosecuting Attorney aforesaid further do
4 accuse ARMONDO T. LAFORGE of the crime of Rape in the First Degree,
5 a crime of the same or similar character and based on the same
6 conduct as another crime charged herein, which crimes were part of
7 a common scheme or plan and which crimes were so closely connected
8 in respect to time, place and occasion that it would be difficult
9 to separate proof of one charge from proof of the other, committed
10 as follows:

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

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

19 And I, Norm Maleng, Prosecuting Attorney for King County in
20 the name and by the authority of the State of Washington further do
21 accuse the defendant ARMONDO T. LAFORGE at said time of being armed
22 with a deadly weapon, to-wit: a knife, under the authority of RCW
23 9.94A.125 and 9.94A.310.

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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

APPENDIX E

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-03742-3~~ EA

STATE OF WASHINGTON
Plaintiff

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

vs.
Armando La Forge
Defendant.

Court I:
Robbery 2°

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. Hom, 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/ Rape 2^o; community custody; no contact for maximum term w/ ~~Julia~~ Julia Molzhan; DNA/alcohol eval & follow up; 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.~~ *Ke AIL*
- ~~[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.~~ *Ke AIL*
- ~~[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.~~ *Ke AIL*
- ~~[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.~~ *Ke AIL*

- [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.~~ Ke. Ad
- [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).~~ Ke. Ad
- [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.~~ Ke. Ad
- [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.~~ Ke. Ad
- [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).~~ Ke. Ad
- [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].~~ Ke. Ad
- [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.~~ Ke. Ad
- [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.~~ Ke. Ad

[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. *KA*

[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. *KA*

7. I plead guilty to:

count I: Robbery 2°

count _____

count no
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

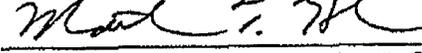
unlawfully take personal property from the
person of another against his will by the use
or threatened use of immediate force, violence, or
fear of injury in King County, WA. To wit: I
used force to take Christopher Duante's ATM card and

[] 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.


Defendant's Lawyer Bar # 28041

Matthew T. Hale
Print Name

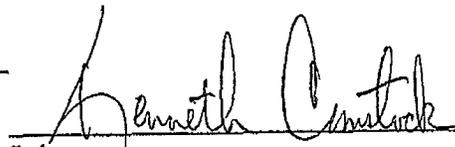

Prosecuting Attorney Bar # 30385
Julie Anne KAYS
Print Name

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


Judge



CAUSE NO. _____



**CERTIFICATE FOR DETERMINATION
OF PROBABLE CAUSE**

INCIDENT NUMBER 02-571681
UNIT FILE NUMBER

That Anthony Stevenson is a Detective with the Seattle Police Department and has reviewed the investigation conducted in Seattle Police Department Case Number 02-571681;

There is probable cause to believe that Armondo Theodore LAFORGE, DOB: 08-20-1986 committed the crime (s) of Rape, Kidnapping and Robbery.

This belief is predicated on the following facts and circumstances:

That on December 22nd, 2002, between the hours of approximately 0630 and 0900, within the City of Seattle, County of King and State of Washington, the suspects LAFORGE and MOLZHON robbed the victim Christopher Duarte of money and cigarettes in the 11100 block of Aurora Avenue North. LAFORGE then led the victim to behind a building at 13200 Aurora Avenue North where he raped the victim at knifepoint.

The victim Duarte, a resident of North Seattle, was walking to work at approximately 0630 hrs, December 22nd, 2002. Duarte was approached by the suspects LAFORGE and MOLZHON in the 11000 block of Aurora Avenue North. LAFORGE asked Duarte for a cigarette, which Duarte gave him. Duarte continued to walk northbound with LAFORGE and MOLZHON walking behind him. Duarte heard jogging behind him and turned to see LAFORGE looking up and down Aurora Avenue. After the vehicles passed by, LAFORGE shoved Duarte against a fence and said, "What's up punk? Give me your money." When Duarte told LAFORGE he had no money, LAFORGE said, "You're lying." LAFORGE pulled a knife from his pants pocket and said, "Tell me you don't have any money." LAFORGE shoved Duarte against the fence again and possibly cut Duarte's left hand with the knife. LAFORGE then told Duarte, "Show me your wallet." Duarte pulled out his wallet and said, "See, I don't have anything." LAFORGE took Duarte's pack of Marlboro cigarettes and his small black Bic lighter. LAFORGE took Duarte's wallet and handed it to MOLZHON. LAFORGE told MOLZHON to look through the wallet. MOLZHON did so and pulled out Duarte's ATM card. LAFORGE asked Duarte for the PIN number and how much money was in the account. Duarte gave LAFORGE the PIN number and told him there was \$200.00 in the account. LAFORGE ordered Duarte saying, "Walk with us." Both suspects and Duarte walked toward the Albertson's store at 13000 Aurora Avenue North. LAFORGE threw Duarte's pack of cigarettes on the ground as they walked. When they arrived at the Albertson's store, MOLZHON went inside with Duarte's ATM card. LAFORGE told Duarte to walk with him between the K-Mart store and the Staples Store at 13200 Aurora Avenue North. LAFORGE put the knife away and started acting as if he were Duarte's "friend." LAFORGE said he was going to try to teach Duarte, "not to be a punk." LAFORGE pretended like he was going to hit Duarte and said, "What would you do if I did that?" LAFORGE asked Duarte how old he was, then said something to the effect of he was 16 and his friend was 17, and Duarte shouldn't let a 16 and 17-year-old "play" him like that. LAFORGE then asked, "What if I were to tell you to strip naked?" Duarte told him he wouldn't do it. Then LAFORGE said, "What if I had a knife?" and pulled the knife out again. Duarte said, "Well, I don't have a choice." They went into the "Dumpster area" between K-Mart and Staples, and Duarte took all of his clothes off. LAFORGE asked Duarte how many times he had had sex, and whether he had ever had sex "with a guy." LAFORGE then said, "Would you suck my dick?" Duarte again said no. LAFORGE said, "In this situation, with a knife?" Duarte gave LAFORGE oral sex (LAFORGE had unzipped his pants, and his erect penis was sticking out through the fly) while sitting on a barbecue; then LAFORGE touched Duarte's genital area. LAFORGE made Duarte switch places and said he "wanted to get [Duarte] hard," but Duarte didn't have an erection. Duarte told LAFORGE he was cold, and he was allowed to put his clothes back on (his pants were pulled down, however). LAFORGE told Duarte to "turn around and bend over," and asked, "Have you ever been fucked?"



**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE**

INCIDENT NUMBER 02-571681
UNIT FILE NUMBER

LAFORGE penetrated Duarte's anus. Duarte said, "I tried to ignore it and just let it happen. I hoped it would be over soon and he would leave me alone." Duarte believed LAFORGE would hurt or kill him if he didn't do what he said. LAFORGE said, "OK, that's enough; come on, let's take a walk." On the way back to Albertson's, LAFORGE told Duarte to tell his friend that they had gone to Duarte's friend's house to try to get more money, but that he wasn't home. When they got to Albertson's, they didn't see MOLZHON. They went to the bus stop at 130th and Aurora, and they saw MOLZHON walking towards them. MOLZHON wanted to know where they had been. LAFORGE told Duarte, "Stand right here. If you run, I'll chase you and I'll stab you. If you run into a store, I'll chase you and stab you. I don't care if people see me." LAFORGE and MOLZHON then walked about ten feet away from Duarte and talked so Duarte couldn't hear what they were saying. They walked back to where Duarte was standing, LAFORGE said, "My friend was only able to get \$20." MOLZHON was holding a piece of paper, and LAFORGE ripped it from his hands and threw it on the ground. LAFORGE made Duarte accompany him into the Albertson's to try to get more money out of his account. However, the machine said there were "insufficient funds." LAFORGE got mad and said, "I should kill you." LAFORGE repeated that if Duarte "tried anything funny," he would "chase him down and stab him." LAFORGE kept pretending like he was going to punch Duarte. As soon as they left the store, LAFORGE again threatened to stab Duarte. Duarte said that throughout this entire incident, LAFORGE repeatedly called him names like punk, bitch, pussy, and stupid, and threatened to stab him, beat him, and slit his throat. They returned to the bus stop at 130th and Aurora, where they rejoined MOLZHON. LAFORGE kept acting like he was going to hit Duarte. MOLZHON got angry at LAFORGE, and told him to stop bothering Duarte, that he had done enough. MOLZHON was also angry that LAFORGE kept referring to him as "Julian," because he said he had a warrant for his arrest and didn't want to be picked up. MOLZHON took a small electronic item from his pocket and threw it on the ground, shattering it. He picked it up a second time and threw it down on the steps behind the bus stop. Duarte described the device as a clock or radio, made of gray or silver plastic with some black on it. At one point, MOLZHON mentioned that he lives in Shoreline. LAFORGE gave Duarte his ATM card back, but took his Washington ID card and social security card. LAFORGE said, "If you call the cops, I know where you live and where you work." MOLZHON asked, "Why do you need his social security card?" and LAFORGE replied, "Because I want him to know I have his personal information." The #358 bus arrived, and LAFORGE made Duarte get on with him and MOLZHON. Duarte believes it was around 8:30 or 9 am. He said there were about ten people on the bus, and described the driver. They rode the bus to approximately 155th and Aurora, where all three got off. LAFORGE gave Duarte fifty cents and told him to cross the street and take the bus back to Seattle. Duarte used the payphone to call his dad. Duarte's parents met him at that location and called the fire department who treated him at the scene and suggested the parents take him to the hospital. Duarte's parents drove him to Northwest Hospital where he was treated and directed to go to Harborview Medical Center for a rape examination. Duarte's parents drove him there.

Detectives Stevenson and Stampfl responded to the various crime scenes. They located an empty pack of "Marlboro red" cigarettes in the 11100 block Aurora Avenue North. They located a broken silver and black travel clock in the stairwell leading to the Albertson's store near North 130th Street and Aurora Avenue North. They located an enclosed area with cinder block walls and a gate that would normally house garbage dumpsters with items victim Duarte described along with the barbecue inside. Officer Clark gave Detective Stampfl (3) videotapes, which he recovered, from the Albertson's store and US Bank employees.

Detective Stampfl obtained a printout of transactions on the ATM machine at 13000 Aurora Avenue North, which showed several transactions between 0658 hrs and 0702 hrs. Detective Stevenson reviewed the videotapes, which showed an individual matching MOLZHON's description making transactions at the ATM machine at 0659 hrs until shortly after 0700 hrs. The videotapes also showed an individual matching the description of LAFORGE at the ATM machine with victim Duarte at 0654 hrs. Detective Stevenson had still pictures made of this video from several images.



**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE**

INCIDENT NUMBER 02-571681
UNIT FILE NUMBER

Detective Stevenson ran a check of the name "Julian" in the Seattle Police Department JEMS system and was able to find a picture of MOLZHON, which looked similar to the ATM picture. Detective Stevenson ran a check of MOLZHON's name through the Seattle Police Department RMS system and found MOLZHON was involved as a suspect in SPD case #02-504329 along with LAFORGE. Detective Stevenson noted that LAFORGE's height and weight was similar to that which Duarte described of the suspect. Detective Stevenson ordered a Washington State Department of Licensing photograph of LAFORGE. Detectives Stevenson and Stampfl created photomontages of LAFORGE and MOLZHON. The victim Duarte positively identified LAFORGE as the person who robbed, kidnapped and raped him from the photomontage.

On 01-02-2003 Detectives Stevenson, Fields and Grossman responded to 2201 Southwest Holden Street #P-103, Seattle, Washington and contacted LAFORGE's sister Mitchelline Bear. Bear stated it was her apartment and invited Detectives inside. Bear was asked if LAFORGE was there and she said he was. Bear called LAFORGE who came from the back of the apartment and was arrested. LAFORGE was transported to the Seattle Police Department Special Assault Unit.

LAFORGE was advised of his rights and stated he understood. LAFORGE gave a taped confession of the Robbery stating that he shoved the victim (Duarte), showed him a knife and yelled for him to give up his money. LAFORGE said that they obtained the victims ATM card and his PIN number and made him go with them to the Albertson's store while MOLZHON withdrew cash. LAFORGE said that he went with the victim to a friend's (of the victim's) apartment to get more money. LAFORGE said that he was drunk and could not remember the whole incident but that he didn't think that he had oral sex with the victim. LAFORGE admitted to making the victim walk several blocks with him from the initial contact, to the store and then to the friend's apartment. LAFORGE said he made the victim get on the bus with him and MOLZHON so that he wouldn't report the incident to police. LAFORGE said that the victim acted scared the entire time. LAFORGE admitted to collecting \$120.00 to \$130.00 cash from MOLZHON after MOLZHON withdrew the money from the victim's account.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 2nd day of January, 2003, at Seattle, Washington.

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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

SECOND 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 Second 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 ATM card, from the person and in the presence of Chris 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 the person or property of another;

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

COUNT II

And I, Norm Maleng, Prosecuting Attorney aforesaid further do accuse ARMONDO T. LAFORGE of the crime of Rape in the Second 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

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

1 connected in respect to time, place and occasion that it would be
2 difficult to separate proof of one charge from proof of the other,
committed as follows:

3 That the defendant ARMONDO T. LAFORGE in King County,
4 Washington on or about December 22, 2002, by forcible compulsion
did engage in sexual intercourse with another person, named Chris
5 Duarte;

6 Contrary to RCW 9A.44.050(1)(a), and against the peace and
dignity of the State of Washington.

7
8 NORM MALENG
Prosecuting Attorney

9
10 By: _____
Julie A. Kays, WSBA #30385
11 Deputy Prosecuting Attorney

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

GENERAL SCORING FORM

Violent Sex Offenses

Use this form only for the following offenses: Child Molestation 1; Indecent Liberties (with forcible compulsion); Rape of a Child 1 and 2; Rape 2.

OFFENDER'S NAME <i>Armando LaFarge</i>	OFFENDER'S DOB <i>8.20.86</i>	STATE ID#
JUDGE	CAUSE# <i>03.C.03742.3SEA</i>	FBI ID#

In the case of multiple prior convictions for offenses committed before July 1, 1986, for purposes of computing the offender score, count all adult convictions served concurrently as one offense and all juvenile convictions entered on the same date as one offense (RCW 9.94A.525).

ADULT HISTORY:

Enter number of sex offense convictions x 3 =
 Enter number of other serious violent and violent felony convictions x 2 =
 Enter number of other felony convictions x 1 =

JUVENILE HISTORY:

Enter number of sex offense dispositions x 3 =
 Enter number of other serious violent and violent felony dispositions x 2 =
 Enter number of other felony dispositions x 1/2 =

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct)

Enter number of other sex offense convictions x 3 =
 Enter number of other serious violent and violent felony convictions *ROB20* 1 x 2 = 2
 Enter number of other felony convictions x 1 =

STATUS AT TIME OF CURRENT OFFENSES:

If on community placement at time of current offense, add 1 point + 1 =

Total the last column to get the Offender Score
(Round down to the nearest whole number)

2

STANDARD RANGE CALCULATION*					
<i>Rape 20</i>	<i>XI</i>	<i>2</i>	<i>95</i>	<i>125</i>	<i>life</i>
CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER SCORE	LOW TO HIGH MINIMUM SENTENCE RANGE**		MAXIMUM TERM***

- If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-13 or III-14 to calculate the enhanced sentence.
- If no prior sex offense conviction and sentence is less than eleven years, the Special Sex Offender Sentencing Alternative is an option.
- * Multiply the range by 75% if the current offense is an attempt.
- ** The minimum term for this offense (must have been committed on or after September 1, 2001), and the offender is not a persistent offender, is the standard sentence range, and the maximum term is the statutory maximum for the offense. See RCW 9.94A.712.
- *** Maximum Term is the Statutory Maximum for the offense.

FELONY PLEA AGREEMENT

Date of Crime: 12-22-02 Date: 12-12-03

Defendant: Armando Lafarge Cause No: 03-C-03742-3 SEA/KNT

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

On Plea To: As charged in Count(s) I & II of the original 2nd amended information.

With Special Finding(s): deadly weapon - firearm, RCW 9.94A.510(3); deadly weapon other than firearm, RCW 9.94A.510(4); sexual motivation, RCW 9.94A.835; protected zone, RCW 69.50.435; domestic violence, RCW 10.99.020; other _____; for count(s): _____

DISMISS: Upon disposition of Count(s) _____, the State moves to dismiss Count(s): _____.

REAL FACTS OF HIGHER/MORE SERIOUS AND/OR ADDITIONAL CRIMES: In accordance with RCW 9.94A.530, the parties have stipulated that the following are real and material facts for purposes of this sentencing:
 The facts set forth in the certification(s) for determination of probable cause and prosecutor's summary.
 The facts set forth in Appendix C; _____.

RESTITUTION: Pursuant to RCW 9.94A.753, the defendant shall pay restitution in full to the victim(s) on charged counts and
 agrees to pay restitution in the specific amount of \$ _____
 agrees to pay restitution as set forth in Appendix C; _____.

OTHER: NO CONTACT W/ VICTIM & VICTIM'S FAMILY; NO CONTACT W/ JULIAN MOLZEHON;
SEXUAL DEVIANCY EVAL & FOLLOW ALL TRTMT RECS; SUBSTANCE ABUSE EVAL & FOLLOW
ALL TRTMT RECS; COMPLY W/ ALL DOC RESTRICTIONS; SEX OFFENDER REGIST; LIFETIME COMMUNITY
CUSTODY

CRIMINAL HISTORY AND OFFENDER SCORE:

a. The defendant agrees to the foregoing Plea Agreement and that the attached sentencing guidelines scoring form(s) (Appendix A) and the attached Prosecutor's Understanding of Defendant's Criminal History (Appendix B) are accurate and complete and that the defendant was represented by counsel or waived counsel at the time of prior conviction(s). The State makes the sentencing recommendation set forth in the State's sentence recommendation.

b. The defendant disputes the Prosecutor's Statement of the Defendant's Criminal History, as follows:
(1) Conviction: _____ Basis: _____
(2) Conviction: _____ Basis: _____

c. The State's recommendation may change if the score used by the court at sentencing differs from that set out in Appendix A.

Maximum on Count(s) I is not more than 10 years each and \$ 20,000 fine each.
Maximum on Count(s) II is not more than life years each and \$ 50,000 fine each.

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

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

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

[Signature]
Defendant

[Signature]
Attorney for Defendant # 2A041

[Signature]
Deputy Prosecuting Attorney

[Signature]
Judge, King County Superior Court

Prolem.

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

Defendant: **ARMONDO T LAFORGE**

FBI No.:

State ID No.:

DOC No.:

This criminal history compiled on: **January 08, 2003**

- | |
|---|
| <input type="checkbox"/> None known. Recommendations and standard range assumes no prior felony convictions.
<input type="checkbox"/> Criminal history not known and not received at this time. WASIS/NCIC last received on 01/08/2003 |
|---|

Adult Felonies - None Known

Adult Misdemeanors - None Known

Juvenile Felonies - None Known

Juvenile Misdemeanors - None Known

Comments

Prepared by:



Virginia Christmas, CCA
Department of Corrections

STATE'S SENTENCE RECOMMENDATION
(SEX OFFENSE - SENTENCE OVER ONE YEAR ONLY)

Date of Crime: 12-22-02
Defendant: Armando LaFarge

Date: DECEMBER 12, 2003
Cause No: 03-C-05742-3 (SEA/KNT)

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

Count I 13 months. Count III _____ months. Count V _____ months.
Count II 110 months. Count IV _____ months. Count VI _____ months.

with credit for time served as provided under RCW 9.94A.120(17). Terms on each count to run concurrently/consecutively with each other.
Terms to be served concurrently/consecutively with: _____

- WEAPONS ENHANCEMENT - RCW 9.94A.310:** The above recommended term(s) of confinement include the following weapons enhancement time: _____ months for Ct. _____, _____ months for Ct. _____, _____ months for Ct. _____; which is/are mandatory, served without good time and served consecutive to any other term of confinement. The total of all recommended terms of confinement in this cause is _____ months.
- EXCEPTIONAL SENTENCE:** This is an exceptional sentence and the substantial and compelling reasons for departing from the presumptive sentence range are set forth on the attached form.
- State will consider recommending the Special Sex Offender Sentencing Alternative RCW 9.94A.120(7)(a) after reviewing evaluation of the defendant.

NO CONTACT: For the maximum term, defendant have no contact with crime victim(s); others: Victim's family, Julian Molzha

MONETARY PAYMENTS: Defendant makes the following monetary payments under the supervision of the Department of Corrections for up to ten years pursuant to RCW 9.94A.120(12) and RCW 9.94A.145.

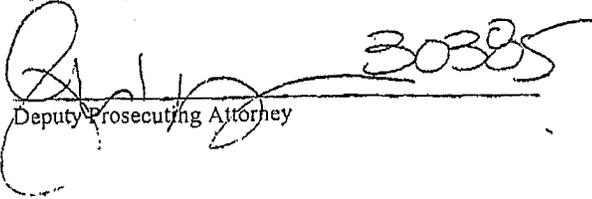
- Restitution as set forth in the "Plea Agreement" page and Appendix C.
- Court costs; mandatory \$500 Victim Penalty Assessment, recoupment of cost for appointed counsel.
- Fine of \$ _____.
- Costs of incarceration in King County Jail at \$50 per day. RCW 9.94A.145(2).
- Emergency response costs, \$ _____, RCW 38.52.430.
- Extradition Costs of \$ _____.

COMMUNITY PLACEMENT: Pursuant to RCW 9.94A.120(9) mandatory for any defendant sentenced to the Department of Corrections for a sex offense committed after 7/1/88, but before 7/1/90 for a period of one year and for sex offense committed on or after 7/1/90 and before 6/6/96 for a period of two years. Community placement incorporates community custody, in lieu of earned early release, and post-release supervision subject to statutory mandatory conditions found in RCW 9.94A.120(9)(b) and other discretionary conditions that may be set by the court found in RCW 9.94A.120(9)(c). The State recommends the following discretionary conditions: _____

→ **COMMUNITY CUSTODY:** Pursuant to RCW 9.94A.120(10) mandatory for any defendant sentenced to the Department of Corrections for a sex offense committed on or after 6/6/96 but before 7/1/00 for three years, and for sex offense committed on or after 7/1/00 for 36 to 48 months, or up to the period of earned early release, whichever is greater, and commences upon the defendant's release from confinement. While in community custody the defendant is required to comply with standard Department of Corrections conditions as required in RCW 9.94A.120(15) and set forth in RCW 9.94A.120(9)(b), and any discretionary conditions set by the court and set forth in RCW 9.94A.120(9). If this offense was committed on or after 7/1/00, the defendant also may be required to comply with discretionary conditions set by the court pursuant to RCW 9.94A.120(11)(b) and set forth in RCW 9.94A.120(9)(b)(i) - (vi), and RCW 9.94A.120(9)(c)(i) - (vi). The defendant also may be required to comply with other affirmative conditions imposed by the court pursuant to RCW 9.94A.120(11)(b). The State recommends the following discretionary conditions: life tnc -> SEE plea agreement for terms

* **BLOOD TESTING:** HIV blood testing is mandatory under RCW 70.24.340. DNA testing is mandatory under RCW 43.43.754. Driver's license revocation is mandatory if car used in commission of the crime. RCW 46.20.285.

* **REGISTRATION:** ALL persons convicted of sex offenses are required to register pursuant to RCW 9A.44.130.

Approved by:

Deputy Prosecuting Attorney

FILED

04 JAN -9 PM 3:00

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

**SUPERIOR COURT OF WASHINGTON
FOR**

NO. 03-C-03742-35EA

STATE OF WASHINGTON
Plaintiff

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

vs.
Armando La Forge
Defendant.

Court II:
Rape 2°
(Alford Plea)

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: 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 to 125m	N/A	95 to 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: 10 months in custody; lifetime drug/alcohol eval w/ family; community custody; sexual offender eval & follow all trtmt recs; & follow all trtmt recs; no contact for life w/ children DUPLICATE or
~~The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.~~ no contact w/ Molzhan; lifetime sex offender regist - All conditions as deemed appropriate by DOC; VFA; 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.

(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. AIL~~

[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. AIL~~

~~[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. AIL~~

~~[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. AIL~~

~~[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. AIL~~

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 the prosecutor's offer.
 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.

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] 3030
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]
Prosec.

Case Name: State v. LaForsc 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.

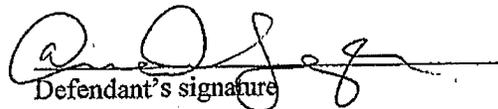
If I move to another state, or if I work, carry on a vocation, or attend school in another state I must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. 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.

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

CAUSE NO. _____



Seattle
Police
Department

**CERTIFICATE FOR DETERMINATION
OF PROBABLE CAUSE**

INCIDENT NUMBER 02-571681
UNIT FILE NUMBER

That Anthony Stevenson is a Detective with the Seattle Police Department and has reviewed the investigation conducted in Seattle Police Department Case Number 02-571681;

There is probable cause to believe that Armondo Theodore LAFORGE, DOB: 08-20-1986 committed the crime (s) of Rape, Kidnapping and Robbery.

This belief is predicated on the following facts and circumstances:

That on December 22nd, 2002, between the hours of approximately 0630 and 0900, within the City of Seattle, County of King and State of Washington, the suspects LAFORGE and MOLZHON robbed the victim Christopher Duarte of money and cigarettes in the 11100 block of Aurora Avenue North. LAFORGE then led the victim to behind a building at 13200 Aurora Avenue North where he raped the victim at knifepoint.

The victim Duarte, a resident of North Seattle, was walking to work at approximately 0630 hrs, December 22nd, 2002. Duarte was approached by the suspects LAFORGE and MOLZHON in the 11000 block of Aurora Avenue North. LAFORGE asked Duarte for a cigarette, which Duarte gave him. Duarte continued to walk northbound with LAFORGE and MOLZHON walking behind him. Duarte heard jogging behind him and turned to see LAFORGE looking up and down Aurora Avenue. After the vehicles passed by, LAFORGE shoved Duarte against a fence and said, "What's up punk? Give me your money." When Duarte told LAFORGE he had no money, LAFORGE said, "You're lying." LAFORGE pulled a knife from his pants pocket and said, "Tell me you don't have any money." LAFORGE shoved Duarte against the fence again and possibly cut Duarte's left hand with the knife. LAFORGE then told Duarte, "Show me your wallet." Duarte pulled out his wallet and said, "See, I don't have anything." LAFORGE took Duarte's pack of Marlboro cigarettes and his small black Bic lighter. LAFORGE took Duarte's wallet and handed it to MOLZHON. LAFORGE told MOLZHON to look through the wallet. MOLZHON did so and pulled out Duarte's ATM card. LAFORGE asked Duarte for the PIN number and how much money was in the account. Duarte gave LAFORGE the PIN number and told him there was \$200.00 in the account. LAFORGE ordered Duarte saying, "Walk with us." Both suspects and Duarte walked toward the Albertson's store at 13000 Aurora Avenue North. LAFORGE threw Duarte's pack of cigarettes on the ground as they walked. When they arrived at the Albertson's store, MOLZHON went inside with Duarte's ATM card. LAFORGE told Duarte to walk with him between the K-Mart store and the Staples Store at 13200 Aurora Avenue North. LAFORGE put the knife away and started acting as if he were Duarte's "friend." LAFORGE said he was going to try to teach Duarte, "not to be a punk." LAFORGE pretended like he was going to hit Duarte and said, "What would you do if I did that?" LAFORGE asked Duarte how old he was, then said something to the effect of he was 16 and his friend was 17, and Duarte shouldn't let a 16 and 17-year-old "play" him like that. LAFORGE then asked, "What if I were to tell you to strip naked?" Duarte told him he wouldn't do it. Then LAFORGE said, "What if I had a knife?" and pulled the knife out again. Duarte said, "Well, I don't have a choice." They went into the "Dumpster area" between K-Mart and Staples, and Duarte took all of his clothes off. LAFORGE asked Duarte how many times he had had sex, and whether he had ever had sex "with a guy." LAFORGE then said, "Would you 'suck my dick?" Duarte again said no. LAFORGE said, "In this situation, with a knife?" Duarte gave LAFORGE oral sex (LAFORGE had unzipped his pants, and his erect penis was sticking out through the fly) while sitting on a barbecue; then LAFORGE touched Duarte's genital area. LAFORGE made Duarte switch places and said he "wanted to get [Duarte] hard," but Duarte didn't have an erection. Duarte told LAFORGE he was cold, and he was allowed to put his clothes back on (his pants were pulled down, however). LAFORGE told Duarte to "turn around and bend over," and asked, "Have you ever been fucked?"



**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE**

INCIDENT NUMBER 02-571681
UNIT FILE NUMBER

LAFORGE penetrated Duarte's anus. Duarte said, "I tried to ignore it and just let it happen. I hoped it would be over soon and he would leave me alone." Duarte believed LAFORGE would hurt or kill him if he didn't do what he said. LAFORGE said, "OK, that's enough; come on, let's take a walk." On the way back to Albertson's, LAFORGE told Duarte to tell his friend that they had gone to Duarte's friend's house to try to get more money, but that he wasn't home. When they got to Albertson's, they didn't see MOLZHON. They went to the bus stop at 130th and Aurora, and they saw MOLZHON walking towards them. MOLZHON wanted to know where they had been. LAFORGE told Duarte, "Stand right here. If you run, I'll chase you and I'll stab you. If you run into a store, I'll chase you and stab you. I don't care if people see me." LAFORGE and MOLZHON then walked about ten feet away from Duarte and talked so Duarte couldn't hear what they were saying. They walked back to where Duarte was standing, LAFORGE said, "My friend was only able to get \$20." MOLZHON was holding a piece of paper, and LAFORGE ripped it from his hands and threw it on the ground. LAFORGE made Duarte accompany him into the Albertson's to try to get more money out of his account. However, the machine said there were "insufficient funds." LAFORGE got mad and said, "I should kill you." LAFORGE repeated that if Duarte "tried anything funny," he would "chase him down and stab him." LAFORGE kept pretending like he was going to punch Duarte. As soon as they left the store, LAFORGE again threatened to stab Duarte. Duarte said that throughout this entire incident, LAFORGE repeatedly called him names like punk, bitch, pussy, and stupid, and threatened to stab him, beat him, and slit his throat. They returned to the bus stop at 130th and Aurora, where they rejoined MOLZHON. LAFORGE kept acting like he was going to hit Duarte. MOLZHON got angry at LAFORGE, and told him to stop bothering Duarte, that he had done enough. MOLZHON was also angry that LAFORGE kept referring to him as "Julian," because he said he had a warrant for his arrest and didn't want to be picked up. MOLZHON took a small electronic item from his pocket and threw it on the ground, shattering it. He picked it up a second time and threw it down on the steps behind the bus stop. Duarte described the device as a clock or radio, made of gray or silver plastic with some black on it. At one point, MOLZHON mentioned that he lives in Shoreline. LAFORGE gave Duarte his ATM card back, but took his Washington ID card and social security card. LAFORGE said, "If you call the cops, I know where you live and where you work." MOLZHON asked, "Why do you need his social security card?" and LAFORGE replied, "Because I want him to know I have his personal information." The #358 bus arrived, and LAFORGE made Duarte get on with him and MOLZHON. Duarte believes it was around 8:30 or 9 am. He said there were about ten people on the bus, and described the driver. They rode the bus to approximately 155th and Aurora, where all three got off. LAFORGE gave Duarte fifty cents and told him to cross the street and take the bus back to Seattle. Duarte used the payphone to call his dad. Duarte's parents met him at that location and called the fire department who treated him at the scene and suggested the parents take him to the hospital. Duarte's parents drove him to Northwest Hospital where he was treated and directed to go to Harborview Medical Center for a rape examination. Duarte's parents drove him there.

Detectives Stevenson and Stampfl responded to the various crime scenes. They located an empty pack of "Marlboro red" cigarettes in the 11100 block Aurora Avenue North. They located a broken silver and black travel clock in the stairwell leading to the Albertson's store near North 130th Street and Aurora Avenue North. They located an enclosed area with cinder block walls and a gate that would normally house garbage dumpsters with items victim Duarte described along with the barbecue inside. Officer Clark gave Detective Stampfl (3) videotapes, which he recovered, from the Albertson's store and US Bank employees.

Detective Stampfl obtained a printout of transactions on the ATM machine at 13000 Aurora Avenue North, which showed several transactions between 0658 hrs and 0702 hrs. Detective Stevenson reviewed the videotapes, which showed an individual matching MOLZHON's description making transactions at the ATM machine at 0659 hrs until shortly after 0700 hrs. The videotapes also showed an individual matching the description of LAFORGE at the ATM machine with victim Duarte at 0654 hrs. Detective Stevenson had still pictures made of this video from several images. 



**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE**

INCIDENT NUMBER 02-571681
UNIT FILE NUMBER

Detective Stevenson ran a check of the name "Julian" in the Seattle Police Department JEMS system and was able to find a picture of MOLZHON, which looked similar to the ATM picture. Detective Stevenson ran a check of MOLZHON's name through the Seattle Police Department RMS system and found MOLZHON was involved as a suspect in SPD case #02-504329 along with LAFORGE. Detective Stevenson noted that LAFORGE's height and weight was similar to that which Duarte described of the suspect. Detective Stevenson ordered a Washington State Department of Licensing photograph of LAFORGE. Detectives Stevenson and Stampfl created photomontages of LAFORGE and MOLZHON. The victim Duarte positively identified LAFORGE as the person who robbed, kidnapped and raped him from the photomontage.

On 01-02-2003 Detectives Stevenson, Fields and Grossman responded to 2201 Southwest Holden Street #P-103, Seattle, Washington and contacted LAFORGE's sister Mitchelline Bear. Bear stated it was her apartment and invited Detectives inside. Bear was asked if LAFORGE was there and she said he was. Bear called LAFORGE who came from the back of the apartment and was arrested. LAFORGE was transported to the Seattle Police Department Special Assault Unit.

LAFORGE was advised of his rights and stated he understood. LAFORGE gave a taped confession of the Robbery stating that he shoved the victim (Duarte), showed him a knife and yelled for him to give up his money. LAFORGE said that they obtained the victims ATM card and his PIN number and made him go with them to the Albertson's store while MOLZHON withdrew cash. LAFORGE said that he went with the victim to a friend's (of the victim's) apartment to get more money. LAFORGE said that he was drunk and could not remember the whole incident but that he didn't think that he had oral sex with the victim. LAFORGE admitted to making the victim walk several blocks with him from the initial contact, to the store and then to the friend's apartment. LAFORGE said he made the victim get on the bus with him and MOLZHON so that he wouldn't report the incident to police. LAFORGE said that the victim acted scared the entire time. LAFORGE admitted to collecting \$120.00 to \$130.00 cash from MOLZHON after MOLZHON withdrew the money from the victim's account.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 2nd day of January, 2003, at Seattle, Washington.

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE STATE OF WASHINGTON,)	
)	
Plaintiff,)	No. 03-C-03741-5 SEA
	)	03-C-03742-3 SEA
v.)	
JULIAN D. MOLZHON, and)	
ARMONDO T. LAFORGE	)	SECOND AMENDED INFORMATION AS TO
and each of them,	)	DEFENDANT ARMONDO T. LAFORGE ONLY
)	
Defendants.)	

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 Second 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 ATM card, from the person and in the presence of Chris 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 the person or property of another;

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

COUNT II

And I, Norm Maleng, Prosecuting Attorney aforesaid further do accuse ARMONDO T. LAFORGE of the crime of Rape in the Second 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

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

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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 Chris Duarte;

Contrary to RCW 9A.44.050(1)(a), and against the peace and dignity of the State of Washington.

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

GENERAL SCORING FORM

Violent Offenses

Use this form only for the following offenses: Arson 1 and 2; Assault 2; Assault of a Child 2; Bail Jumping with Murder 1; Drive-by Shooting; Explosive Devices Prohibited; Extortion 1; Homicide by Watercraft, by Being under the Influence of Intoxicating Liquor or any Drug; Homicide by Watercraft, by Disregard for the Safety of Others; Homicide by Watercraft, by the Operation of any Vessel in a Reckless Manner; Kidnapping 2; Leading Organized Crime; Malicious Explosion 1 and 2; Malicious Placement of Explosives 1; Manslaughter 2; Sexually Violent Predator Escape; Robbery 1 and 2; Use of a Machine Gun in Commission of a Felony.

OFFENDER'S NAME <i>Armando LaFarge</i>	OFFENDER'S DOB <i>8.20.86</i>	STATE ID#
JUDGE	CAUSE# <i>03-C-03742-3SEA</i>	FBI ID#

In the case of multiple prior convictions for offenses committed before July 1, 1986, for purposes of computing the offender score, count all adult convictions served concurrently as one offense and all juvenile convictions entered on the same date as one offense (RCW 9.94A.525).

ADULT HISTORY:

Enter number of serious violent and violent felony convictions $\underline{\quad} \times 2 = \underline{\quad}$
 Enter number of other nonviolent felony convictions $\underline{\quad} \times 1 = \underline{\quad}$

JUVENILE HISTORY:

Enter number of serious violent and violent felony dispositions $\underline{\quad} \times 2 = \underline{\quad}$
 Enter number of other nonviolent felony dispositions $\underline{\quad} \times \frac{1}{2} = \underline{\quad}$

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct)

Enter number of other serious violent and violent felony convictions *RAPE 20* $\underline{1} \times 2 = \underline{2}$
 Enter number of other nonviolent felony convictions $\underline{\quad} \times 1 = \underline{\quad}$

STATUS AT TIME OF CURRENT OFFENSES:

If on community placement at time of current offense, add 1 point $\quad + 1 = \underline{\quad}$

Total the last column to get the Offender Score.
 (Round down to the nearest whole number)

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STANDARD RANGE CALCULATION*			
<i>ROB 20</i>	IV	2	12+ TO 14
CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER SCORE	LOW STANDARD SENTENCE RANGE HIGH

- If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-13 or III-14 to calculate the enhanced sentence.
- Multiply the range by 75% if the current offense is an attempt, conspiracy or solicitation.

FELONY PLEA AGREEMENT

Date of Crime: 12-22-02 Date: 12-12-03

Defendant: Armando LaFarge Cause No: 03-G-03742-3 (SEA/KNT)

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

On Plea To: As charged in Count(s) I & II of the original 2nd amended information.

With Special Finding(s): deadly weapon - firearm, RCW 9.94A.510(3); deadly weapon other than firearm, RCW 9.94A.510(4); sexual motivation, RCW 9.94A.835; protected zone, RCW 69.50.435; domestic violence, RCW 10.99.020; other _____; for count(s): _____

DISMISS: Upon disposition of Count(s) _____, the State moves to dismiss Count(s): _____.

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

The facts set forth in the certification(s) for determination of probable cause and prosecutor's summary.
 The facts set forth in Appendix C; _____.

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

agrees to pay restitution in the specific amount of \$ _____.
 agrees to pay restitution as set forth in Appendix C; _____.

OTHER: NO CONTACT W/ VICTIM & VICTIM'S FAMILY; NO CONTACT W/ JULIAN MOLZON;
SEXUAL DEVIANCY EVAL & FOLLOW ALL TREATMENT RECS; SUBSTANCE ABUSE EVAL & FOLLOW
ALL TREATMENT RECS; COMPLY W/ ALL DOC CONDITIONS; SEX OFFENDER REGIST; LIFETIME COMMUNITY
CUSTODY

CRIMINAL HISTORY AND OFFENDER SCORE:

a. The defendant agrees to the foregoing Plea Agreement and that the attached sentencing guidelines scoring form(s) (Appendix A) and the attached Prosecutor's Understanding of Defendant's Criminal History (Appendix B) are accurate and complete and that the defendant was represented by counsel or waived counsel at the time of prior conviction(s). The State makes the sentencing recommendation set forth in the State's sentence recommendation.

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

(1) Conviction: _____ Basis: _____

(2) Conviction: _____ Basis: _____

c. The State's recommendation may change if the score used by the court at sentencing differs from that set out in Appendix A.

Maximum on Count(s) I is not more than 10 years each and \$ 20,000 fine each.

Maximum on Count(s) II is not more than life years each and \$ 50,000 fine each.

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

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

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

[Signature]
Defendant

[Signature]
Attorney for Defendant #28041

[Signature]
Deputy Prosecuting Attorney

[Signature]
Judge, King County Superior Court

Problem.

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

Defendant: **ARMONDO T LAFORGE**

FBI No.:

State ID No.:

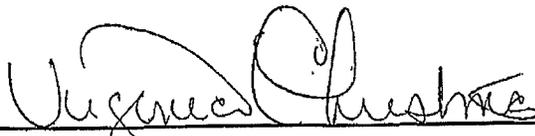
DOC No.:

This criminal history compiled on: **January 08, 2003**

- | |
|---|
| <input type="checkbox"/> None known. Recommendations and standard range assumes no prior felony convictions. |
| <input type="checkbox"/> Criminal history not known and not received at this time. WASIS/NCIC last received on 01/08/2003 |

Adult Felonies - None Known**Adult Misdemeanors - None Known****Juvenile Felonies - None Known****Juvenile Misdemeanors - None Known****Comments**

Prepared by:


Virginia Christmas, CCA
Department of Corrections

STATE'S SENTENCE RECOMMENDATION
(SEX OFFENSE - SENTENCE OVER ONE YEAR ONLY)

Date of Crime: 12-22-02
Defendant: Armando LaFarge

Date: December 12, 2003
Cause No: 03-C-03742-3 SPA/KNT

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

Count I 13 months. Count III _____ months. Count V _____ months.
Count II 110 months. Count IV _____ months. Count VI _____ months.

with credit for time served as provided under RCW 9.94A.120(17). Terms on each count to run concurrently consecutively with each other.
Terms to be served concurrently/consecutively with: _____

WEAPONS ENHANCEMENT - RCW 9.94A.310: The above recommended term(s) of confinement include the following weapons enhancement time: _____ months for Ct. _____, _____ months for Ct. _____, _____ months for Ct. _____; which is/are mandatory, served without good time and served consecutive to any other term of confinement. The total of all recommended terms of confinement in this cause is _____ months.

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

State will consider recommending the Special Sex Offender Sentencing Alternative RCW 9.94A.120(7)(a) after reviewing evaluation of the defendant.

NO CONTACT: For the maximum term, defendant have no contact with crime victim(s); others: Victim's family; Julian Molzahn

MONETARY PAYMENTS: Defendant makes the following monetary payments under the supervision of the Department of Corrections for up to ten years pursuant to RCW 9.94A.120(12) and RCW 9.94A.145.

- Restitution as set forth in the "Plea Agreement" page and Appendix C.
- Court costs; mandatory \$500 Victim Penalty Assessment, recoupment of cost for appointed counsel.
- Fine of \$ _____.
- Costs of incarceration in King County Jail at \$50 per day. RCW 9.94A.145(2).
- Emergency response costs, \$ _____.
- RCW 38.52.430.
- Extradition Costs of \$ _____.

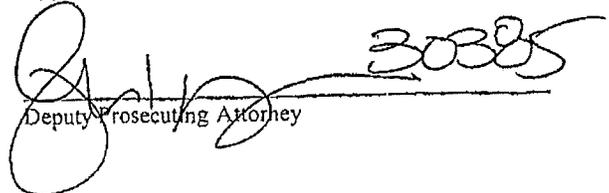
COMMUNITY PLACEMENT: Pursuant to RCW 9.94A.120(9) mandatory for any defendant sentenced to the Department of Corrections for a sex offense committed after 7/1/88 but before 7/1/90 for a period of one year and for sex offense committed on or after 7/1/90 and before 6/6/96 for a period of two years. Community placement incorporates community custody, in lieu of earned early release, and post-release supervision subject to statutory mandatory conditions found in RCW 9.94A.120(9)(b) and other discretionary conditions that may be set by the court found in RCW 9.94A.120(9)(c). The State recommends the following discretionary conditions: _____

→ **COMMUNITY CUSTODY:** Pursuant to RCW 9.94A.120(10) mandatory for any defendant sentenced to the Department of Corrections for a sex offense committed on or after 6/6/96 but before 7/1/00 for three years, and for sex offense committed on or after 7/1/00 for 36 to 48 months, or up to the period of earned early release, whichever is greater, and commences upon the defendant's release from confinement. While in community custody the defendant is required to comply with standard Department of Corrections conditions as required in RCW 9.94A.120(15) and set forth in RCW 9.94A.120(9)(b), and any discretionary conditions set by the court and set forth in RCW 9.94A.120(9). If this offense was committed on or after 7/1/00, the defendant also may be required to comply with discretionary conditions set by the court pursuant to RCW 9.94A.120(11)(b) and set forth in RCW 9.94A.120(9)(b)(i) - (vi), and RCW 9.94A.120(9)(c)(i) - (vi). The defendant also may be required to comply with other affirmative conditions imposed by the court pursuant to RCW 9.94A.120(11)(b). The State recommends the following discretionary conditions: lifetime -> see plea agreement for terms

* **BLOOD TESTING:** HIV blood testing is mandatory under RCW 70.24.340. DNA testing is mandatory under RCW 43.43.754. Driver's license revocation is mandatory if car used in commission of the crime. RCW 46.20.285.

* **REGISTRATION:** ALL persons convicted of sex offenses are required to register pursuant to RCW 9A.44.130.

Approved by:


Deputy Prosecuting Attorney

APPENDIX

F

RAPE OR ATTEMPTED RAPE, FIRST DEGREE

(RCW 9A.44.040)
CLASS A FELONY
SERIOUS VIOLENT SEX

I. OFFENDER SCORING (RCW 9.94A.525(16))

ADULT HISTORY:

Enter number of sex offense convictions x 3 = _____

Enter number of other serious violent felony convictions..... x 3 = _____

Enter number of other violent felony convictions x 2 = _____

Enter number of other nonviolent felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of sex offense dispositions x 3 = _____

Enter number of other serious violent felony dispositions x 3 = _____

Enter number of other violent felony dispositions x 2 = _____

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

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

Enter number of other sex offense convictions..... x 3 = _____

Enter number of other violent felony convictions x 2 = _____

Enter number of other nonviolent felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the **Offender Score**
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL XII)	93 - 123 months	102 - 136 months	111 - 147 months	120 - 160 months	129 - 171 months	138 - 184 months	162 - 216 months	178 - 236 months	209 - 277 months	240 - 318 months

- B. The range for an attempt is 75% of the range for the completed crime (RCW 9.94A.595).
- C. If the offender is not a persistent offender, then the minimum term for this offense* is the standard sentence range, and the maximum term is the statutory maximum for the offense. See RCW 9.94A.712.
- D. When a court sentences a non-persistent offender to this offense, the court shall also sentence the offender to Community Custody under the supervision of the Dept. of Corrections and the authority of the Indeterminate Sentence Review Board for any period of time the person is released from total confinement before the expiration of the maximum sentence. See RCW 9.94A.712.
- E. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-5 or III-6 to calculate the enhanced sentence.
 - *Statutory minimum sentence for a completed offense is 60 months (RCW 9.94A.540).*
 - *The offense must have been committed on or after September 1, 2001.*
 - *The scoring sheets are intended to provide assistance in most cases but do not cover all permutations of the scoring rules*

RAPE OR ATTEMPTED RAPE, SECOND DEGREE

(RCW 9A.44.050)
CLASS A FELONY
VIOLENT SEX

I. OFFENDER SCORING (RCW 9.94A.525(16))

ADULT HISTORY:

Enter number of sex offense convictions _____ x 3 = _____
 Enter number of other serious violent and violent felony convictions _____ x 2 = _____
 Enter number of other nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of sex offense dispositions _____ x 3 = _____
 Enter number of other serious violent and violent felony dispositions _____ x 2 = _____
 Enter number of other nonviolent felony dispositions _____ x ½ = _____

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

Enter number of other sex offense convictions _____ x 3 = _____
 Enter number of other serious violent and violent felony convictions _____ x 2 = _____
 Enter number of other nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the **Offender Score**
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL XI)	78 - 102 months	86 - 114 months	95 - 125 months	102 - 136 months	111 - 147 months	120 - 158 months	146 - 194 months	159 - 211 months	185 - 245 months	210 - 280 months

- B. The range for an attempt is 75% of the range for the completed crime (RCW 9.94A.595).
- C. If the offender is not a persistent offender, then the minimum term for this offense* is the standard sentence range, and the maximum term is the statutory maximum for the offense. See RCW 9.94A.712.
- D. When a court sentences a non-persistent offender to this offense, the court shall also sentence the offender to Community Custody under the supervision of the Dept. of Corrections and the authority of the Indeterminate Sentence Review Board for any period of time the person is released from total confinement before the expiration of the maximum sentence. See RCW 9.94A.712.
- E. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-5 or III-6 to calculate the enhanced sentence.
 - The offense must have been committed on or after September 1, 2001.
 - *The scoring sheets are intended to provide assistance in most cases but do not cover all permutations of the scoring rules*

ROBBERY, FIRST DEGREE

(RCW 9A.56.200)

CLASS A FELONY

VIOLENT

(If sexual motivation finding/verdict, use form on page III-14)

I. OFFENDER SCORING (RCW 9.94A.525(8))

ADULT HISTORY:

Enter number of serious violent and violent felony convictions _____ x 2 = _____

Enter number of nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony dispositions _____ x 2 = _____

Enter number of nonviolent felony dispositions _____ x ½ = _____

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

Enter number of other serious violent and violent felony convictions _____ x 2 = _____

Enter number of nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the **Offender Score**
(Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER
SCORE:

STANDARD
RANGE
(LEVEL IX)

0	1	2	3	4	5	6	7	8	9 or more
31 - 41 months	36 - 48 months	41 - 54 months	46 - 61 months	51 - 68 months	57 - 75 months	77 - 102 months	87 - 116 months	108 - 144 months	129 - 171 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.595).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-5 or III-6 to calculate the enhanced sentence.
- D. When a court sentences an offender to the custody of the Dept. of Corrections, the court shall also sentence the offender to community custody for the range of 18 to 36 months, or to the period of earned release, whichever is longer (RCW 9.94A.715).
 - *The scoring sheets are intended to provide assistance in most cases but do not cover all permutations of the scoring rules*

ROBBERY, SECOND DEGREE

(RCW 9A.56.210)

CLASS B FELONY

VIOLENT

(If sexual motivation finding/verdict, use form on page III-14)

I. OFFENDER SCORING (RCW 9.94A.525(8))

ADULT HISTORY:

Enter number of serious violent and violent felony convictions _____ x 2 = _____

Enter number of nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony dispositions _____ x 2 = _____

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

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

Enter number of other serious violent and violent felony convictions _____ x 2 = _____

Enter number of nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the **Offender Score**
(Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL IV)	3 - 9 months	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	43 - 57 months	53 - 70 months	63 - 84 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.595).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-5 or III-6 to calculate the enhanced sentence.
- D. When a court sentences an offender to the custody of the Dept. of Corrections, the court shall also sentence the offender to community custody for the range of 18 to 36 months, or to the period of earned release, whichever is longer (RCW 9.94A.715).

III. SENTENCING OPTIONS

- A. If sentence is one year or less: part or all of the sentence may be converted to partial confinement (RCW 9.94A.680).
- B. If sentence is one year or less: community custody may be ordered for up to one year (RCW 9.94A.545).
 - *The scoring sheets are intended to provide assistance in most cases but do not cover all permutations of the scoring rules*

**APPENDIX
G**

GENERAL DEADLY WEAPON ENHANCEMENT - FORM B

Deadly Weapon Enhancements¹

For offenses committed between June 13, 1994 and July 23, 1995

Use of this form: Only for the following offenses committed after June 12, 1994 and before July 24, 1995, which have a deadly weapon finding.

The crimes eligible for a specific deadly weapon enhancement are:

<u>Offense</u>	<u>Deadly Weapon Enhancement</u>
First Degree Kidnapping	24 months
First Degree Rape	24 months
First Degree Robbery	24 months
First Degree Burglary	18 months
Second Degree Assault	12 months
Second Degree Assault of a Child	12 months
First Degree Escape	12 months
Second Degree Kidnapping	12 months
Second Degree Burglary	12 months
Drug Offense	12 months
Theft of Livestock (First and Second Degree)	12 months
Any Violent Offense (Including Serious Violent) not Listed Above	12 months

STANDARD RANGE CALCULATION

CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER SCORE	BASE STANDARD SENTENCE RANGE
			LOW HIGH
<p>NOTE 1: The "base standard sentence range" is the appropriate standard sentence without the deadly weapon enhancement.</p> <p>NOTE 2: The standard range may in no case exceed the statutory maximum.</p>			DEADLY WEAPON ENHANCEMENT
			STANDARD RANGE
			LOW HIGH

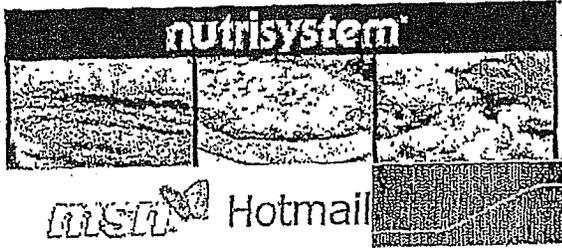
¹ For anticipatory offenses with a deadly weapon finding, add the enhancement after reducing the standard sentence range by 25%.

APPENDIX H

MSN Home | My MSN | Hotmail | Shopping | Money | People & Chat

Sign Out_{net}

Web Search: Go



Check It Out!

- Convenience
- Selection
- Free Food (with purchase)
- Real Results

Today | Mail | Calendar | Contacts

sharolynbass@hotmail.com

Reply | Reply All | Forward | Delete | Junk | Put in Folder | Print View | Save Address

From : <Peteshunt@aol.com>
 Sent : Friday, October 13, 2006 4:01 PM
 To : sharolynbass@hotmail.com
 Subject : State v. Armondo LaForge

Inbox

If you have any questions, please call me at 206 296-9356.

thanks,

pete s. hunt

Realtime Transcript

1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

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3 IN AND FOR THE COUNTY OF KING

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8 STATE OF WASHINGTON,)

9)

10 Plaintiff,)

11)

12 vs.) NO. 03-1-03742-3 SEA

13) COA NO.

14 ARMONDO LAFORGE,)

15)

Weight Watchers Turn A

Discover weight freedom

Flexible plan or No Count

5825 # LaForge

MSN Hotmail - Message

Defendant.)

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BEFORE THE HONORABLE MICHAEL HAYDEN

March 19, 2004
King County Courthouse

Realtime Transcript

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Seattle, Washington

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APPEARANCES:

For the Plaintiff: Julie Kays
ATTORNEY AT LAW

For the Defendant: Matthew Hale
ATTORNEY AT LAW

Latrice # 865825

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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.

2610407 865825 LaForge #

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

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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.

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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 descretion 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

Realtime Transcript

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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

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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

Realtime Transcript

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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.

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

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

Realtime Transcript

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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

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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

Realtime Transcript

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APPENDIX

I

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

ORIGINAL

The Hale Law Firm
506 Second Ave., Suite 1010
Seattle, WA 98104
206-622-9972

1 recommendations. Mr. LaForge has no criminal history. Mr. LaForge was 16 at the
2 time of the offense. The seriousness level of robbery in the second degree is IV, and
3 the seriousness level of rape in the second degree is XI. Mr. LaForge's offender score
4 on the rape charge is a two because of the concurrent robbery charge. Therefore, his
5 standard sentencing range is 95 to 125 months.
6

7 STATE RECOMMENDATION

8 The State has recommended that the court impose the following sentence: 1)
9 serve 110 months in prison; 2) pay \$500 victim penalty assessment; and 3) pay
10 restitution to the victims; 4) have no contact with the victim or the victim's family; 5)
11 have no contact with Julian Molzhon; 6) obtain a sexual deviancy evaluation and
12 follow recommendations; 7) obtain a substance abuse evaluation and follow all
13 treatment recommendations; 8) register as a sex offender; 9) submit to lifetime
14 community custody.
15

16 DEFENSE RECOMMENDATION

17 The Defense agrees with most of the state's recommendation. However, with
18 regard to the time to be served in prison, the Defense respectfully recommends that the
19 court impose an exceptional sentence of 78 months in prison.
20

21 According to RCW 9.94A.535, the court may impose a sentence outside the
22 standard range for an offense if it finds that there are substantial and compelling
23 reasons justifying an exceptional sentence. RCW 9.94A.535 goes on to provide an
24 illustrative list of factors that the court may consider in deciding whether to impose an
25 exceptional sentence. According to the statute, these mitigating circumstances are
26

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 There are several cases in Washington that support an exceptional sentence in
21 this type of case. First, in State v. Hortman, 76 Wn. App. 454, 888 P.2d 234 (1994),
22 the Washington State Court of Appeals stated that a presumptive sentence calculated
23 in accord with the multiple offense policy is clearly excessive if the difference between
24 the effects of the first criminal act and the cumulative effects of the subsequent
25 criminal acts is nonexistent, trivial, or trifling. In the case at bar, the rape should
26
27

1 obviously be considered the main course of conduct, and the fact that property was
2 taken from the person of the victim is trivial and trifling. The co-defendant in this case
3 took the bank card and went to the ATM to get money. Mr. LaForge took the victim
4 behind the building and raped him. According to the Court in Hortman, the purposes
5 of the SRA including ensuring punishments that are proportionate to the seriousness of
6 the offense and the offender's criminal history, promoting respect for the law by
7 providing punishment which is just, encouraging commensurate punishments for
8 offenders who commit similar offenses, protecting the public, offering the offender an
9 opportunity for self-improvement, and making frugal use of the State's resources. Id.
10 The Defense argues that the policies of the Sentencing Reform Act would be fulfilled
11 in this case with a sentence below the standard range.
12

13
14 The Defense argues that the rape and robbery charges should be treated as the
15 same criminal conduct for the purposes of sentencing, as opposed to multiple offenses.
16 According to RCW 9.94A.589, for the purposes of sentencing, "same criminal
17 conduct" means two or more crimes that require the same criminal intent, are
18 committed at the same time and place, and involve the same victim. In State v. Taylor,
19 90 Wn. App. 312, 950 P.2d 526 (1998), the Washington State Court of Appeals held
20 that assault and kidnapping charges should be treated as the same criminal conduct for
21 the purposes of sentencing. In that case, the assault was used to persuade the victim to
22 submit to the kidnapping. In the case at bar, Mr. LaForge used the threat of force to
23 persuade the victim to submit to the rape. In State v. Dunaway, 109 Wn.2d 207, 743
24 P.2d 1237 (1987), the Washington State Supreme Court held that robbery and
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The Hale Law Firm
506 Second Ave., Suite 1010
Seattle, WA 98104
206-622-9972

DEFENDANT'S PRE-SENTENCE
REPORT

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

J

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

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

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

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

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

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

23 (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.

(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.

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

The defense argues, in part, that the court should consider the age of the defendant in
 determining whether to grant the exceptional sentence. The defense ignores the fact that the
 legislature has expressly provided that when a juvenile offender commits a specific crime that
 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

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

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 **III. ROBBERY IN THE SECOND DEGREE AND RAPE IN THE SECOND DEGREE**
4 **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

STATE'S RESPONSE TO DEFENSE REQUEST FOR
AN EXCEPTIONAL SENTENCE BELOW THE
STANDARD RANGE - 3

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

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

STATE'S RESPONSE TO DEFENSE REQUEST FOR
AN EXCEPTIONAL SENTENCE BELOW THE
STANDARD RANGE - 4

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

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
207, 216; RCW 9A.56.190, while the objective intent of rape in the second degree is to
engage in sexual intercourse. RCW 9A.44.050.

5 Id. At 234.

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

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

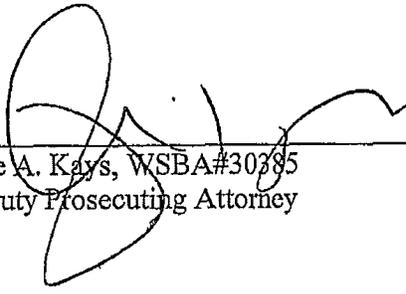
21 Submitted this 18 day of March, 2004.

22
23 NORM MALENG
King County Prosecuting Attorney

STATE'S RESPONSE TO DEFENSE REQUEST FOR
AN EXCEPTIONAL SENTENCE BELOW THE
STANDARD RANGE - 5

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

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

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

CAUSE NO. _____



Seattle
Police
Department

**CERTIFICATE FOR DETERMINATION
OF PROBABLE CAUSE**

INCIDENT NUMBER 02-571681
UNIT FILE NUMBER

That Anthony Stevenson is a Detective with the Seattle Police Department and has reviewed the investigation conducted in Seattle Police Department Case Number 02-571681;

There is probable cause to believe that Armondo Theodore LAFORGE, DOB: 08-20-1986 committed the crime (s) of Rape, Kidnapping and Robbery.

This belief is predicated on the following facts and circumstances:

That on December 22nd, 2002, between the hours of approximately 0630 and 0900, within the City of Seattle, County of King and State of Washington, the suspects LAFORGE and MOLZHON robbed the victim Christopher Duarte of money and cigarettes in the 11100 block of Aurora Avenue North. LAFORGE then led the victim to behind a building at 13200 Aurora Avenue North where he raped the victim at knifepoint.

The victim Duarte, a resident of North Seattle, was walking to work at approximately 0630 hrs, December 22nd, 2002. Duarte was approached by the suspects LAFORGE and MOLZHON in the 11000 block of Aurora Avenue North. LAFORGE asked Duarte for a cigarette, which Duarte gave him. Duarte continued to walk northbound with LAFORGE and MOLZHON walking behind him. Duarte heard jogging behind him and turned to see LAFORGE looking up and down Aurora Avenue. After the vehicles passed by, LAFORGE shoved Duarte against a fence and said, "What's up punk? Give me your money." When Duarte told LAFORGE he had no money, LAFORGE said, "You're lying." LAFORGE pulled a knife from his pants pocket and said, "Tell me you don't have any money." LAFORGE shoved Duarte against the fence again and possibly cut Duarte's left hand with the knife. LAFORGE then told Duarte, "Show me your wallet." Duarte pulled out his wallet and said, "See, I don't have anything." LAFORGE took Duarte's pack of Marlboro cigarettes and his small black Bic lighter. LAFORGE took Duarte's wallet and handed it to MOLZHON. LAFORGE told MOLZHON to look through the wallet. MOLZHON did so and pulled out Duarte's ATM card. LAFORGE asked Duarte for the PIN number and how much money was in the account. Duarte gave LAFORGE the PIN number and told him there was \$200.00 in the account. LAFORGE ordered Duarte saying, "Walk with us." Both suspects and Duarte walked toward the Albertson's store at 13000 Aurora Avenue North. LAFORGE threw Duarte's pack of cigarettes on the ground as they walked. When they arrived at the Albertson's store, MOLZHON went inside with Duarte's ATM card. LAFORGE told Duarte to walk with him between the K-Mart store and the Staples Store at 13200 Aurora Avenue North. LAFORGE put the knife away and started acting as if he were Duarte's "friend." LAFORGE said he was going to try to teach Duarte, "not to be a punk." LAFORGE pretended like he was going to hit Duarte and said, "What would you do if I did that?" LAFORGE asked Duarte how old he was, then said something to the effect of he was 16 and his friend was 17, and Duarte shouldn't let a 16 and 17-year-old "play" him like that. LAFORGE then asked, "What if I were to tell you to strip naked?" Duarte told him he wouldn't do it. Then LAFORGE said, "What if I had a knife?" and pulled the knife out again. Duarte said, "Well, I don't have a choice." They went into the "Dumpster area" between K-Mart and Staples, and Duarte took all of his clothes off. LAFORGE asked Duarte how many times he had had sex, and whether he had ever had sex "with a guy." LAFORGE then said, "Would you suck my dick?" Duarte again said no. LAFORGE said, "In this situation, with a knife?" Duarte gave LAFORGE oral sex (LAFORGE had unzipped his pants, and his erect penis was sticking out through the fly) while sitting on a barbecue; then LAFORGE touched Duarte's genital area. LAFORGE made Duarte switch places and said he "wanted to get [Duarte] hard," but Duarte didn't have an erection. Duarte told LAFORGE he was cold, and he was allowed to put his clothes back on (his pants were pulled down, however). LAFORGE told Duarte to "turn around and bend over," and asked, "Have you ever been fucked?"



**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE**

INCIDENT NUMBER 02-571681
UNIT FILE NUMBER

LAFORGE penetrated Duarte's anus. Duarte said, "I tried to ignore it and just let it happen. I hoped it would be over soon and he would leave me alone." Duarte believed LAFORGE would hurt or kill him if he didn't do what he said. LAFORGE said, "OK, that's enough; come on, let's take a walk." On the way back to Albertson's, LAFORGE told Duarte to tell his friend that they had gone to Duarte's friend's house to try to get more money, but that he wasn't home. When they got to Albertson's, they didn't see MOLZHON. They went to the bus stop at 130th and Aurora, and they saw MOLZHON walking towards them. MOLZHON wanted to know where they had been. LAFORGE told Duarte, "Stand right here. If you run, I'll chase you and I'll stab you. If you run into a store, I'll chase you and stab you. I don't care if people see me." LAFORGE and MOLZHON then walked about ten feet away from Duarte and talked so Duarte couldn't hear what they were saying. They walked back to where Duarte was standing, LAFORGE said, "My friend was only able to get \$20." MOLZHON was holding a piece of paper, and LAFORGE ripped it from his hands and threw it on the ground. LAFORGE made Duarte accompany him into the Albertson's to try to get more money out of his account. However, the machine said there were "insufficient funds." LAFORGE got mad and said, "I should kill you." LAFORGE repeated that if Duarte "tried anything funny," he would "chase him down and stab him." LAFORGE kept pretending like he was going to punch Duarte. As soon as they left the store, LAFORGE again threatened to stab Duarte. Duarte said that throughout this entire incident, LAFORGE repeatedly called him names like punk, bitch, pussy, and stupid, and threatened to stab him, beat him, and slit his throat. They returned to the bus stop at 130th and Aurora, where they rejoined MOLZHON. LAFORGE kept acting like he was going to hit Duarte. MOLZHON got angry at LAFORGE, and told him to stop bothering Duarte, that he had done enough. MOLZHON was also angry that LAFORGE kept referring to him as "Julian," because he said he had a warrant for his arrest and didn't want to be picked up. MOLZHON took a small electronic item from his pocket and threw it on the ground, shattering it. He picked it up a second time and threw it down on the steps behind the bus stop. Duarte described the device as a clock or radio, made of gray or silver plastic with some black on it. At one point, MOLZHON mentioned that he lives in Shoreline. LAFORGE gave Duarte his ATM card back, but took his Washington ID card and social security card. LAFORGE said, "If you call the cops, I know where you live and where you work." MOLZHON asked, "Why do you need his social security card?" and LAFORGE replied, "Because I want him to know I have his personal information." The #358 bus arrived, and LAFORGE made Duarte get on with him and MOLZHON. Duarte believes it was around 8:30 or 9 am. He said there were about ten people on the bus, and described the driver. They rode the bus to approximately 155th and Aurora, where all three got off. LAFORGE gave Duarte fifty cents and told him to cross the street and take the bus back to Seattle. Duarte used the payphone to call his dad. Duarte's parents met him at that location and called the fire department who treated him at the scene and suggested the parents take him to the hospital. Duarte's parents drove him to Northwest Hospital where he was treated and directed to go to Harborview Medical Center for a rape examination. Duarte's parents drove him there.

Detectives Stevenson and Stampfl responded to the various crime scenes. They located an empty pack of "Marlboro red" cigarettes in the 11100 block Aurora Avenue North. They located a broken silver and black travel clock in the stairwell leading to the Albertson's store near North 130th Street and Aurora Avenue North. They located an enclosed area with cinder block walls and a gate that would normally house garbage dumpsters with items victim Duarte described along with the barbecue inside. Officer Clark gave Detective Stampfl (3) videotapes, which he recovered, from the Albertson's store and US Bank employees.

Detective Stampfl obtained a printout of transactions on the ATM machine at 13000 Aurora Avenue North, which showed several transactions between 0658 hrs and 0702 hrs. Detective Stevenson reviewed the videotapes, which showed an individual matching MOLZHON's description making transactions at the ATM machine at 0659 hrs until shortly after 0700 hrs. The videotapes also showed an individual matching the description of LAFORGE at the ATM machine with victim Duarte at 0654 hrs. Detective Stevenson had still pictures made of this video from several images.



SEATTLE
POLICE
DEPARTMENT

**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE**

INCIDENT NUMBER 02-571681
UNIT FILE NUMBER

Detective Stevenson ran a check of the name "Julian" in the Seattle Police Department JEMS system and was able to find a picture of MOLZHON, which looked similar to the ATM picture. Detective Stevenson ran a check of MOLZHON's name through the Seattle Police Department RMS system and found MOLZHON was involved as a suspect in SPD case #02-504329 along with LAFORGE. Detective Stevenson noted that LAFORGE's height and weight was similar to that which Duarte described of the suspect. Detective Stevenson ordered a Washington State Department of Licensing photograph of LAFORGE. Detectives Stevenson and Stampfl created photomontages of LAFORGE and MOLZHON. The victim Duarte positively identified LAFORGE as the person who robbed, kidnapped and raped him from the photomontage.

On 01-02-2003 Detectives Stevenson, Fields and Grossman responded to 2201 Southwest Holden Street #P-103, Seattle, Washington and contacted LAFORGE's sister Mitchelline Bear. Bear stated it was her apartment and invited Detectives inside. Bear was asked if LAFORGE was there and she said he was. Bear called LAFORGE who came from the back of the apartment and was arrested. LAFORGE was transported to the Seattle Police Department Special Assault Unit.

LAFORGE was advised of his rights and stated he understood. LAFORGE gave a taped confession of the Robbery stating that he shoved the victim (Duarte), showed him a knife and yelled for him to give up his money. LAFORGE said that they obtained the victims ATM card and his PIN number and made him go with them to the Albertson's store while MOLZHON withdrew cash. LAFORGE said that he went with the victim to a friend's (of the victim's) apartment to get more money. LAFORGE said that he was drunk and could not remember the whole incident but that he didn't think that he had oral sex with the victim. LAFORGE admitted to making the victim walk several blocks with him from the initial contact, to the store and then to the friend's apartment. LAFORGE said he made the victim get on the bus with him and MOLZHON so that he wouldn't report the incident to police. LAFORGE said that the victim acted scared the entire time. LAFORGE admitted to collecting \$120.00 to \$130.00 cash from MOLZHON after MOLZHON withdrew the money from the victim's account.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 2nd day of January, 2003, at Seattle, Washington.

 #5442

APPENDIX K

FILED
 03 SEP -4 PM 3:06
 KING COUNTY
 SUPERIOR COURT CLERK
 SEATTLE, WA

SUPERIOR COURT OF WASHINGTON
 FOR

STATE OF WASHINGTON

Plaintiff

vs.

JULIAN MOLZHON

Defendant.

NO. 03-C-03741-5 Sea

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

1. My true name is: JULIAN MOLZHON.
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 by amended information with Second Degree Robbery (Count I) and First Degree Theft (Count II).

The elements of second degree robbery are: Unlawfully and with the intent to commit theft, take personal property of another, in the presence of that person and against his/her will, by the use or threatened use of immediate force, violence and fear of injury to such person or his/her property.

The elements of first degree theft are: Unlawfully take and exert unauthorized control over the property of another, with the intent to deprive, and the property is taken from the person of the other.



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	1	6-12 months		6-12 months	1 year	10 years \$20,000
2	1	2-6 months		2-6 months	1 year	10 years \$20,000
3						

*(F) Firearm, (D) other deadly weapon, (V) VUCSA in protected zone, (VH) Veh. Hom, 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.~~ JR

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: Amend information to Robbery Second Degree (Count I) and Theft First Degree (Count II), 12 months in custody on Count I; 6 months in custody on Count II; time on Count II to run concurrently with Count I; 12 months community custody; Victim Penalty Assessment; Restitution; costs; no contact with Chris Duarte, Patricia Duarte, Craig Duarte and Armondo LaForge for the maximum term; defendant to obtain a drug and alcohol evaluation and follow all treatment recommendations; defendant agrees to cooperate fully in the on-going investigation of this case and to testify truthfully if called as a witness in the trial of State v. Armondo LaForge. The defense agrees with the prosecutor's sentencing recommendations except that the defense is free to recommend partial confinement under RCW 9.94A.680.

[x] The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

- (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] Second Degree Robbery 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~~ *SM*

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.

[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.

[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.

[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.

[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 (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.

[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).

[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.

[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.

[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).

[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].

[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.

[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.

[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.

[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.

7. I plead guilty to:

count I – robbery in the second degree.

count II – theft in the first degree.

in the Amended Information. I have received a copy of that Information.

8. I make this plea freely and voluntarily.

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

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

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime.

This is my statement: On December 22, 2002, in King County, Washington, together with Armondo LaForge, I participated in the Robbery of Christopher Duarte. Armondo LaForge and I used or threatened to use immediate force to take personal property, a wallet and its contents, from the person of Christopher Duarte, with the intent to deprive Christopher Duarte of that property. During the course of the robbery, Armondo LaForge produced a knife and threatened Christopher Duarte with the knife. The wallet contained Mr. Duarte's ATM card which I then used to withdraw cash from Mr. Duarte's account for myself and Armondo LaForge, with the intent to deprive Mr. Duarte of that cash. In both instances, I acted unlawfully.

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. *AM*

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.

Juliana Molyneux
Defendant

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

[Signature] 15272
Defendant's Lawyer Bar #

[Signature] 2038X
Prosecuting Attorney Bar #
[Signature]
Print Name

Nick Fox
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: September 3, 2003

Barbara Hama
Judge

PRO TEM

CAUSE NO. _____



Seattle
Police
Department

**CERTIFICATE FOR DETERMINATION
OF PROBABLE CAUSE**

INCIDENT NUMBER 02-571681
UNIT FILE NUMBER

That Anthony Stevenson is a Detective with the Seattle Police Department and has reviewed the investigation conducted in Seattle Police Department Case Number 02-571681;

There is probable cause to believe that Julian Dean MOLZHON, DOB: 09-24-1985 committed the crime (s) of Kidnapping and Robbery.

This belief is predicated on the following facts and circumstances:

That on December 22nd, 2002, between the hours of approximately 0630 and 0900, within the City of Seattle, County of King and State of Washington, the suspects LAFORGE and MOLZHON robbed the victim Christopher Duarte of money and cigarettes in the 11100 block of Aurora Avenue North. LAFORGE then led the victim to behind a building at 13200 Aurora Avenue North where he raped the victim at knifepoint.

The victim Duarte, a resident of North Seattle, was walking to work at approximately 0630 hrs, December 22nd, 2002. Duarte was approached by the suspects LAFORGE and MOLZHON in the 11000 block of Aurora Avenue North. LAFORGE asked Duarte for a cigarette, which Duarte gave him. Duarte continued to walk northbound with LAFORGE and MOLZHON walking behind him. Duarte heard jogging behind him and turned to see LAFORGE looking up and down Aurora Avenue. After the vehicles passed by, LAFORGE shoved Duarte against a fence and said, "What's up punk? Give me your money." When Duarte told LAFORGE he had no money, LAFORGE said, "You're lying." LAFORGE pulled a knife from his pants pocket and said, "Tell me you don't have any money." LAFORGE shoved Duarte against the fence again and possibly cut Duarte's left hand with the knife. LAFORGE then told Duarte, "Show me your wallet." Duarte pulled out his wallet and said, "See, I don't have anything." LAFORGE took Duarte's pack of Marlboro cigarettes and his small black Bic lighter. LAFORGE took Duarte's wallet and handed it to MOLZHON. LAFORGE told MOLZHON to look through the wallet. MOLZHON did so and pulled out Duarte's ATM card. LAFORGE asked Duarte for the PIN number and how much money was in the account. Duarte gave LAFORGE the PIN number and told him there was \$200.00 in the account. LAFORGE ordered Duarte saying, "Walk with us." Both suspects and Duarte walked toward the Albertson's store at 13000 Aurora Avenue North. LAFORGE threw Duarte's pack of cigarettes on the ground as they walked. When they arrived at the Albertson's store, MOLZHON went inside with Duarte's ATM card. LAFORGE told Duarte to walk with him between the K-Mart store and the Staples Store at 13200 Aurora Avenue North. LAFORGE put the knife away and started acting as if he were Duarte's "friend." LAFORGE said he was going to try to teach Duarte, "not to be a punk." LAFORGE pretended like he was going to hit Duarte and said, "What would you do if I did that?" LAFORGE asked Duarte how old he was, then said something to the effect of he was 16, his friend was 17, and Duarte shouldn't let a 16 and 17-year-old "play" him like that. LAFORGE then asked, "What if I were to tell you to strip naked?" Duarte told him he wouldn't do it. Then LAFORGE said, "What if I had a knife?" and pulled the knife out again. Duarte said, "Well, I don't have a choice." They went into the "Dumpster area" between K-Mart and Staples, and Duarte took all of his clothes off. LAFORGE asked Duarte how many times he had had sex, and whether he had ever had sex "with a guy." LAFORGE then said, "Would you suck my dick?" Duarte again said no. LAFORGE said, "In this situation, with a knife?" Duarte gave LAFORGE oral sex (LAFORGE had unzipped his pants, and his erect penis was sticking out through the fly) while sitting on a barbecue; then LAFORGE touched Duarte's genital area. LAFORGE made Duarte switch places and said he "wanted to get [Duarte] hard," but Duarte didn't have an erection. Duarte told LAFORGE he was cold, and he was allowed to put his clothes back on (his pants were pulled down, however). LAFORGE told Duarte to "turn around and bend over," and asked, "Have you ever been fucked?" LAFORGE penetrated Duarte's anus. Duarte said, "I tried to ignore it and just let it happen. I hoped it would be over soon and he would leave me alone." Duarte believed LAFORGE would hurt or kill him if he didn't do what he said. LAFORGE said, "OK, that's enough; come on, let's take a walk." On the way back to Albertson's, LAFORGE told Duarte to tell his friend that they had gone to Duarte's friend's house to try to get more money, but that he wasn't home. When they got to Albertson's, they didn't see MOLZHON. They went to the bus stop at 130th and Aurora, and they saw MOLZHON walking towards them. MOLZHON wanted to know where they had been. LAFORGE told Duarte, "Stand right here. If you run, I'll chase you and I'll stab you. If you run into a store, I'll chase you and stab you. I don't care if people see me." LAFORGE and MOLZHON then walked about ten feet away from Duarte and talked so Duarte couldn't hear what they were saying. They walked back to where Duarte was


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INCIDENT NUMBER 02-571681
UNIT FILE NUMBER

standing, LAFORGE said, "My friend was only able to get \$20." MOLZHON was holding a piece of paper, and LAFORGE ripped it from his hands and threw it on the ground. LAFORGE made Duarte accompany him into the Albertson's to try to get more money out of his account. However, the machine said there were "insufficient funds." LAFORGE got mad and said, "I should kill you." LAFORGE repeated that if Duarte "tried anything funny," he would "chase him down and stab him." LAFORGE kept pretending like he was going to punch Duarte. As soon as they left the store, LAFORGE again threatened to stab Duarte. Duarte said that throughout this entire incident, LAFORGE repeatedly called him names like punk, bitch, pussy, and stupid, and threatened to stab him, beat him, and slit his throat. They returned to the bus stop at 130th and Aurora, where they rejoined MOLZHON. LAFORGE kept acting like he was going to hit Duarte. MOLZHON got angry with LAFORGE, and told him to stop bothering Duarte, that he had done enough. MOLZHON was also angry that LAFORGE kept referring to him as "Julian," because he said he had a warrant for his arrest and didn't want to be picked up. MOLZHON took a small electronic item from his pocket and threw it on the ground, shattering it. He picked it up a second time and threw it down on the steps behind the bus stop. Duarte described the device as a clock or radio, made of gray or silver plastic with some black on it. At one point, MOLZHON mentioned that he lives in Shoreline. LAFORGE gave Duarte his ATM card back, but took his Washington ID card and social security card. LAFORGE said, "If you call the cops, I know where you live and where you work." MOLZHON asked, "Why do you need his social security card?" and LAFORGE replied, "Because I want him to know I have his personal information." The #358 bus arrived, and LAFORGE made Duarte get on with him and MOLZHON. Duarte believes it was around 8:30 or 9 am. He said there were about ten people on the bus, and described the driver. They rode the bus to approximately 155th and Aurora, where all three got off. LAFORGE gave Duarte fifty cents and told him to cross the street and take the bus back to Seattle. Duarte used the payphone to call his dad. Duarte's parents met him at that location and called the fire department who treated him at the scene and suggested the parents take him to the hospital. Duarte's parents drove him to Northwest Hospital where he was treated and directed to go to Harborview Medical Center for a rape examination. Duarte's parents drove him there.

Detectives Stevenson and Stampfl responded to the various crime scenes. They located an empty pack of "Marlboro red" cigarettes in the 11100 block Aurora Avenue North. They located a broken silver and black travel clock in the stairwell leading to the Albertson's store near North 130th Street and Aurora Avenue North. They located an enclosed area with cinder block walls and a gate that would normally house garbage dumpsters with items victim Duarte described along with the barbecue inside. Officer Clark gave Detective Stampfl (3) videotapes, which he recovered, from the Albertson's store and US Bank employees.

Detective Stampfl obtained a printout of transactions on the ATM machine at 13000 Aurora Avenue North, which showed several transactions between 0658 hrs and 0702 hrs. Detective Stevenson reviewed the videotapes, which showed an individual matching MOLZHON's description making transactions at the ATM machine at 0659 hrs until shortly after 0700 hrs. The videotapes also showed an individual matching the description of LAFORGE at the ATM machine with victim Duarte at 0654 hrs. Detective Stevenson had still pictures made of this video from several images.

Detective Stevenson ran a check of the name "Julian" in the Seattle Police Department JEMS system and was able to find a picture of MOLZHON, which looked similar to the ATM picture. Detective Stevenson ran a check of MOLZHON's name through the Seattle Police Department RMS system and found MOLZHON was involved as a suspect in SPD case #02-504329 along with LAFORGE. Detective Stevenson noted that LAFORGE's height and weight was similar to that which Duarte described of the suspect. Detective Stevenson ordered a Washington State Department of Licensing photograph of LAFORGE. Detectives Stevenson and Stampfl created photomontages of LAFORGE and MOLZHON. The victim Duarte positively identified LAFORGE as the person who robbed, kidnapped and raped him from the photomontage. MOLZHON made this identification immediately and said he was 100 % sure about the suspect. The victim Duarte looked at the photomontage of MOLZHON for several seconds and pointed at MOLZHON's picture. Duarte said that out of all of the pictures, MOLZHON's looked the closest to the white male suspect, but he couldn't be 100 % sure.

On December 30th, 2002, at approximately 1030 hrs, Detectives Stevenson and Grossman responded to MOLZHON's residence at 15527 Midvale Avenue North, Shoreline, Washington in an attempt to contact MOLZHON. Detectives spoke with a person who answered the door and gave the name of "Darnell." Darnell told Detectives that MOLZHON was not home and that he didn't know where he was. Darnell offered a telephone number for MOLZHON's mother, Julieanne Courtney. Detective Stevenson telephoned Courtney and explained that he was wanted by Police and that he wanted to interview MOLZHON. Courtney agreed to bring MOLZHON to the Seattle Police Department at 610 5th Avenue, Seattle, Washington, the following day.

On December 31st, 2002, at approximately 1130 hrs, Courtney and MOLZHON at the Seattle Police Department. MOLZHON was advised of his rights via a Seattle Police Explanation of Rights form and said he




 CL **ASSIGNMENT FOR DETERMINATION**
OF PROBABLE CAUSE

INCIDENT NUMBER 02-571681
UNIT FILE NUMBER

understood. MOLZHON signed the form and agreed to give a taped statement. MOLZHON said that he and LAFORGE were out at a friend's house until early in the morning on December 22nd, 2002, and were going to catch the bus home. MOLZHON said they wanted something to do so they decided to "jack" someone. MOLZHON said that they approached the victim and LAFORGE punched him. LAFORGE then pointed a knife at the victim and ordered him to give up his money. The victim held up his wallet and showed LAFORGE he had no money. LAFORGE took a "credit card" from the victim and gave it to MOLZHON. LAFORGE ordered the victim to give up his PIN number and also took some "Marlboro red pack" cigarettes from the victim. MOLZHON, LAFORGE and the victim then walked to the Albertson's store where MOLZHON made four or five withdrawals totaling over \$300.00 while LAFORGE and the victim waited outside. MOLZHON said he put approximately half of the money in a deposit envelope to give to LAFORGE. When MOLZHON came back outside, LAFORGE and the victim were gone. MOLZHON said he walked around the area looking for them and couldn't find them. MOLZHON said at one point he heard sirens and thought that LAFORGE had killed or seriously harmed the victim. MOLZHON said that he waited at the bus stop in front of the Albertson's for 1 to 1-1/2 hours before LAFORGE and the victim returned. MOLZHON said that he gave LAFORGE the envelope with the money and LAFORGE wanted to get more money out. MOLZHON said he told LAFORGE that he couldn't get any more money out of the account and said they argued over that. LAFORGE then forced the victim to accompany him to the cash machine to get out more money. MOLZHON said he went in the store with them but only bought some items and did not go to the cash machine that time. MOLZHON said they caught the #358 bus to the stop near MOLZHON's home and LAFORGE ordered the victim to get on the southbound bus back to Seattle. Detective Stevenson asked MOLZHON why the victim would follow them around and not try to escape. MOLZHON said that the victim was "smart" by doing what LAFORGE told him to do because his threats were very convincing. MOLZHON also said that he had never seen LAFORGE act so violently towards anyone before, in the manner in which he was talking to the victim.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 2nd day of January, 2003, at Seattle, Washington.

 #5442

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE STATE OF WASHINGTON,)	
)	
Plaintiff,)	No. 03-C-03741-5 SEA
	)	03-C-03742-3 SEA
v.)	
JULIAN D. MOLZHON, and)	
ARMONDO T. LAFORGE	)	AMENDED INFORMATION AS TO
and each of them,	)	DEFENDANT JULIAN D. MOLZHON ONLY
)	
Defendants.)	

COUNT I

I, Norm Maleng, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse JULIAN D. MOLZHON of the crime of **Robbery in the Second Degree**, committed as follows:

That the defendant JULIAN D. MOLZHON, together with another, 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: wallet and its contents, 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 the person or property of another;

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

COUNT II

And I, Norm Maleng, Prosecuting Attorney aforesaid further do accuse JULIAN D. MOLZHON of the crime of **Theft 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

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

1 a common scheme or plan and which crimes were so closely connected
2 in respect to time, place and occasion that it would be difficult
3 to separate proof of one charge from proof of the other, committed
4 as follows:

5 That the defendant JULIAN D. MOLZHON, together with another,
6 in King County, Washington on or about December 22, 2002, with
7 intent to deprive another of property, to-wit: U.S. currency, did
8 wrongfully obtain such property by taking it from the person of
9 Christopher Duarte;

10 Contrary to RCW 9A.56.030(1)(b) and 9A.56.020(1)(a), and
11 against the peace and dignity of the State of Washington.

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NORM MALENG
Prosecuting Attorney

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

GENERAL SCORING FORM

Violent Offenses

Use this form only for the following offenses: Arson 1 and 2; Assault 2; Assault of a Child 2; Bail Jumping with Murder 1; Drive-by Shooting; Explosive Devices Prohibited; Extortion 1; Homicide by Watercraft, by Being under the Influence of Intoxicating Liquor or any Drug; Homicide by Watercraft, by Disregard for the Safety of Others; Homicide by Watercraft, by the Operation of any Vessel in a Reckless Manner; Kidnapping 2; Leading Organized Crime; Malicious Explosion 1 and 2; Malicious Placement of Explosives 1; Manslaughter 2; Sexually Violent Predator Escape; Robbery 1 and 2; Use of a Machine Gun in Commission of a Felony.

OFFENDER'S NAME JULIAN D MOLZHON	OFFENDER'S DOB 09/24/1985	STATE ID#
JUDGE	CAUSE# 03C037415SEA	FBI ID#

In the case of multiple prior convictions for offenses committed before July 1, 1986, for purposes of computing the offender score, count all adult convictions served concurrently as one offense and all juvenile convictions entered on the same date as one offense (RCW 9.94A.525).

ADULT HISTORY:

Enter number of serious violent and violent felony convictions x 2 = _____
 Enter number of other nonviolent felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony dispositions x 2 = _____
 Enter number of other nonviolent felony dispositions x 1/2 = _____

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct)

Enter number of other serious violent and violent felony convictions x 2 = _____
 Enter number of other nonviolent felony convictions THEFT 1^o x 1 = 1

STATUS AT TIME OF CURRENT OFFENSES:

If on community placement at time of current offense, add 1 point + 1 = _____



Count I	STANDARD RANGE CALCULATION*			
<input type="checkbox"/> <u>ROBBERY 2nd</u> <input type="checkbox"/>	<input type="checkbox"/> <u>IV</u> <input type="checkbox"/>	<input type="checkbox"/> <u>1</u> <input type="checkbox"/>	<input type="checkbox"/> <u>6</u> <input type="checkbox"/>	TO <input type="checkbox"/> <u>12</u> <input type="checkbox"/>
CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER SCORE	LOW STANDARD SENTENCE RANGE	HIGH

- If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-18 or III-20 to calculate the enhanced sentence.
- Multiply the range by 75% if the current offense is an attempt, conspiracy or solicitation.

FELONY PLEA AGREEMENT

Date of Crime: 12.22.02 Date: Sept. 2, 2003
Defendant: Julian Morzhen Cause No: 03-6-03741-5 (SEA/KNT)

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

On Plea To: As charged in Count(s) I & II of the original 1st amended information.

With Special Finding(s): deadly weapon - firearm, RCW 9.94A.510(3); deadly weapon other than firearm, RCW 9.94A.510(4); sexual motivation, RCW 9.94A.835; protected zone, RCW 69.50.435; domestic violence, RCW 10.99.020; other; for count(s):

DISMISS: Upon disposition of Count(s), the State moves to dismiss Count(s):

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

The facts set forth in the certification(s) for determination of probable cause and prosecutor's summary.
The facts set forth in Appendix C;

RESTITUTION: Pursuant to RCW 9.94A.753, the defendant shall pay restitution in full to the victim(s) on charged counts and
agrees to pay restitution in the specific amount of \$
agrees to pay restitution as set forth in Appendix C;

OTHER: Defendant agrees to testify truthfully in matter of St. V. Armando Lafarge and to cooperate fully in the ongoing investigation of this case

CRIMINAL HISTORY AND OFFENDER SCORE:

The defendant agrees to the foregoing Plea Agreement and that the attached sentencing guidelines scoring form(s) (Appendix A) and the attached Prosecutor's Understanding of Defendant's Criminal History (Appendix B) are accurate and complete and that the defendant was represented by counsel or waived counsel at the time of prior conviction(s). The State makes the sentencing recommendation set forth in the State's sentence recommendation.

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

- (1) Conviction: Basis:
(2) Conviction: Basis:

The State's recommendation may change if the score used by the court at sentencing differs from that set out in Appendix A.

Maximum on Count(s) I is not more than 10 years each and \$ 20,000 fine each.
Maximum on Count(s) II is not more than 10 years each and \$ 20,000 fine each.

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

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

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

Julian Morzhen Defendant
Neil Fox 15272 Attorney for Defendant

Deputy Prosecuting Attorney
Barbara Harris Judge, King County Superior Court

PRO TEM

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

Defendant: **JULIAN D MOLZHON**

FBI No.:

State ID No.:

DOC No.:

This criminal history compiled on: **January 08, 2003**

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

Adult Felonies - None Known

Adult Misdemeanors - None Known

Juvenile Felonies - None Known

Juvenile Misdemeanors - None Known

Comments

Prepared by:



Virginia Christmas, CCA
Department of Corrections

STATE'S SENTENCE RECOMMENDATION
(FELONIES COMMITTED ON OR AFTER 7/1/2000; SENTENCE OF ONE YEAR OR LESS)

Date of Crime: 12.22.02
Defendant: Julian Molzon

Date: Sept. 2, 2003

Cause No.: 03.C.03741.5 (SEA/KNT)

The State recommends that the defendant be sentenced to a term of confinement as follows:

12 months/days on Count I _____ months/days on Count _____
6 months/days on Count II _____ months/days on Count _____

This term shall be served:

- In the King County Jail or if applicable under RCW 9.94A.190(3) in the Department of Corrections
- in King County Work/Education Release subject to conditions of conduct
- in King County Electronic Home Detention subject to conditions of conduct
 - For burglary or residential burglary offense, before entering Electronic Home Detention, 21 days must be successfully completed in Work/Education Release

with credit for time served as provided under RCW 9.94A.505. Terms to be served concurrently consecutively with each other. Terms to be served concurrently/consecutively with: _____

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

This is an agreed recommendation. *(except defense may argue for partial confinement)*.

- ALTERNATIVE CONVERSION (RCW 9.94A.680): _____ days of total confinement should be converted to: _____ days/hours of community restitution (maximum of 30 days conversion from confinement, violent offenses not eligible, RCW 9.94A.680) under the supervision of the Department of Corrections to be completed as follows:
 - on a schedule established by the community corrections officer; other: _____

REASONS FOR NOT RECOMMENDING NON-JAIL ALTERNATIVE SENTENCE: criminal history; failure to appear history; violent offense - not eligible; other _____

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

COMMUNITY CUSTODY: Pursuant to RCW 9.94A.545, the defendant should complete 12 months of community custody as defined in RCW 9.94A.030 and the State recommends the following additional conditions:

- Obtain an alcohol/substance abuse evaluation and follow all treatment recommendations; not possess or use alcohol.
- Enter into, make reasonable progress in, and successfully complete Domestic Violence Batterer's treatment, per WAC 388-60.

Other: defendant agrees to testify truthfully in trial of State v. Armando Lafarge.

NO CONTACT: For the maximum term, defendant shall have no contact, direct or indirect, in person, in writing, by telephone, or through third parties, with: Chris Duarte; Craig & Pat Duarte; Armando Lafarge

NO CONTACT: For the maximum term, defendant shall have no unsupervised contact with minors.

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

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

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

[Signature]
Deputy Prosecuting Attorney, WSPA No.

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SEATTLE, WA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

JAN 21 2004
COMMITMENT ISSUED

STATE OF WASHINGTON,

Plaintiff,

No. 03-C-03741-5 SEA

Vs.

JUDGMENT AND SENTENCE
FELONY

JULIAN MOLZHON

Defendant,

I. HEARING

I.1 The defendant, the defendant's lawyer, NEIL FOX, and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: Dat Daeere (Victim's Mother);

Julianne Courtney; MR. Haggan

II. FINDINGS

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

2.1 CURRENT OFFENSE(S): The defendant was found guilty on 9/3/2003 by plea of:

Count No.: I Crime: ROBBERY IN THE SECOND DEGREE
RCW 9A.56.210; 9A.56.190 Crime Code: 02924
Date of Crime: 12/22/2002 Incident No. _____

Count No.: II Crime: THEFT IN THE FIRST DEGREE
RCW 9A.56.030 (1) (B); 9A.56.020 (1) (A) Crime Code: 02504
Date of Crime: 12/22/2002 Incident No. _____

Count No.: _____ Crime: _____
RCW _____ Crime Code: _____
Date of Crime: _____ Incident No. _____

Count No.: _____ Crime: _____
RCW _____ Crime Code: _____
Date of Crime: _____ Incident No. _____

[] Additional current offenses are attached in Appendix A

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	1	IV	6 TO 12 MONTHS		6 TO 12 MONTHS	10 YRS AND/OR \$20,000
Count II	1	II	2 TO 6 MONTHS		2 TO 6 MONTHS	10 YRS AND/OR \$20,000
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) _____

IV. ORDER

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

4.1 RESTITUTION AND VICTIM ASSESSMENT:

- Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E.
 Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.753(2), sets forth those circumstances in attached Appendix E.

Restitution to be determined at future restitution hearing on (Date) _____ at _____ m.
 Date to be set.

Defendant waives presence at future restitution hearing(s).

Restitution is not ordered.

Defendant shall pay Victim Penalty Assessment pursuant to RCW 7.68.035 in the amount of \$500.

4.2 OTHER FINANCIAL OBLIGATIONS: Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:

- (a) \$ _____, Court costs; Court costs are waived; (RCW 9.94A.030, 10.01.160)
 (b) \$100 DNA collection fee; DNA fee waived (RCW 43.43.754)(crimes committed after 7/1/02);
 (c) \$ _____, Recoupment for attorney's fees to King County Public Defense Programs;
 Recoupment is waived (RCW 9.94A.030); *Not applicable*
 (d) \$ _____, Fine; \$1,000, Fine for VUCSA; \$2,000, Fine for subsequent VUCSA;
 VUCSA fine waived (RCW 69.50.430);
 (e) \$ _____, King County Interlocal Drug Fund; Drug Fund payment is waived;
 (RCW 9.94A.030)
 (f) \$ _____, State Crime Laboratory Fee; Laboratory fee waived (RCW 43.43.690);
 (g) \$ _____, Incarceration costs; Incarceration costs waived (RCW 9.94A.760(2));
 (h) \$ _____, Other costs for: _____

4.3 PAYMENT SCHEDULE: Defendant's TOTAL FINANCIAL OBLIGATION is: \$ 500.00 + RESTITUTION. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms: Not less than \$ _____ per month; On a schedule established by the defendant's Community Corrections Officer. Financial obligations shall bear interest pursuant to RCW 10.82.090. The Defendant shall remain under the Court's jurisdiction and the supervision of the Department of Corrections for up to ten years from the date of sentence or release from confinement to assure payment of financial obligations.

Court Clerk's trust fees are waived.

Interest is waived except with respect to restitution.

(X) (X)

SEE APPENDIX F. / COURT ORDERS RECOMMENDS Defendant serve sentence at RJC in "Recovery Readiness" program.
4.4 CONFINEMENT ONE YEAR OR LESS: Defendant shall serve a term of confinement as follows, commencing: immediately; [] (Date): _____ by _____ a.m./p.m.:
12 months days on count I; 0 months days on count II; _____ months/ days on count _____

This term shall be served:

- in the King County Jail or if applicable under RCW 9.94A.190(3) in the Department of Corrections.
 - in King County Work/Education Release subject to conditions of conduct ordered this date. → AFTER SUCCESSFUL COMPLETION OF READINESS RECOVERY AT RJC.
 - in King County Electronic Home Detention subject to conditions of conduct ordered this date.
 - For burglary or residential burglary offense, before entering Electronic Home Detention, 21 days must be successfully completed in Work/Education Release.
 - The terms in Count(s) No. I & II = total of 12 months. are consecutive concurrent concurrent.
- This sentence shall run [] CONSECUTIVE [] CONCURRENT to the sentence(s) in cause _____

The sentence(s) herein shall run [] CONSECUTIVE [] CONCURRENT to any other term previously imposed and not referenced in this order.

Credit is given for [] _____ day(s) served days determined by the King County Jail solely for confinement under this cause number pursuant to RCW 9.94A.505(6). [] Jail term is satisfied; defendant shall be released under this cause.

ALTERNATIVE CONVERSION PURSUANT TO RCW 9.94A.680: _____ days of confinement are hereby converted to:

- _____ days/ hours community service under the supervision of the Department of Corrections to be completed: [] on a schedule established by the defendant's Community Corrections Officer; or [] as follows: _____
- Alternative conversion was not used because: [] Defendant's criminal history, [] Defendant's failure to appear, [] Other: _____

4.5 COMMUNITY [] SUPERVISION, for crimes committed before 7-1-2000, CUSTODY, for crimes committed on or after 7-1-2000, is ordered pursuant to RCW 9.94A.545 for a period of 12 months. The defendant shall report to the Department of Corrections within 72 hours of this date or of his/her release if now in custody; shall comply with all the rules, regulations and conditions of the Department for supervision of offenders (RCW 9.94A.720); shall comply with all affirmative acts required to monitor compliance; shall not possess any firearms or ammunition; and shall otherwise comply with terms set forth in this sentence.
[] The court finds that chemical dependency contributed to this offense justifying treatment conditions imposed herein (RCW 9.94A.607).

4.6 Appendix F, Additional Conditions is attached and incorporated.
 NO CONTACT: For the maximum term of 10 years, defendant shall have no contact with CHRIS DUARTE, CRAIG & Pat DUARTE, Armondo LaFORGE.

4.7 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.

4.8 [] OFF-LIMITS ORDER: (known drug trafficker) Appendix I is an off limits order that is part of and incorporated by reference into this Judgment and Sentence.

4.9 [] SEX OFFENDER REGISTRATION: (sex offense conviction) Appendix J covering sex offender registration, is attached and incorporated by reference into this Judgment and Sentence.

Date: January 14, 2004

Palmer
JUDGE
Print Name: Palmer Robinson

Presented by:
Julie A. Vax 30385
Deputy Prosecuting Attorney, WSBA#
Print Name: Julie A. Vax

Approved as to form:
Neil Fox
Attorney for Defendant, WSBA# 15277
Print Name: Neil Fox

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

JULIAN MOLZHON

Defendant,

No. 03-C-03741-5 SEA

APPENDIX F
ADDITIONAL CONDITIONS OF SENTENCE

- DEFENDANT SHALL OBTAIN A SUBSTANCE ABUSE
EVALUATION & FOLLOW ALL TREATMENT
RECOMMENDATIONS.

~~FORNO ATTS~~

- NO USE OF CONTROLLED SUBSTANCES / ALCOHOL.

* SBE WORK RELEASE CONDITIONS.

** DEFENDANT IS TO SUCCESSFULLY COMPLETE RECOVERY
READINESS PROGRAM AT RJTC. AFTER WHICH DEFENDANT
IS TO SERVE REMAINDER OF 12 MONTH
SENTENCE ON WORK RELEASE.

1/16/04
Date


JUDGE, King County Superior Court

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

JULIAN MOLZHON

Defendant,

No. 03-C-03741-5 SEA

APPENDIX G
ORDER FOR BIOLOGICAL TESTING
AND COUNSELING

(1) DNA IDENTIFICATION (RCW 43.43.754):

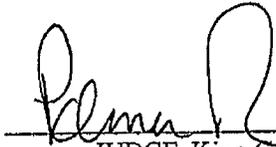
The Court orders the defendant to cooperate with the King County Department of Adult Detention, King County Sheriff's Office, and/or the State Department of Corrections in providing a biological sample for DNA identification analysis. The defendant, if out of custody, shall promptly call the King County Jail at 296-1226 between 8:00 a.m. and 1:00 p.m., to make arrangements for the test to be conducted within 15 days.

(2) HIV TESTING AND COUNSELING (RCW 70.24.340):

(Required for defendant convicted of sexual offense, drug offense associated with the use of hypodermic needles, or prostitution related offense.)

The Court orders the defendant contact the Seattle-King County Health Department and participate in human immunodeficiency virus (HIV) testing and counseling in accordance with Chapter 70.24 RCW. The defendant, if out of custody, shall promptly call Seattle-King County Health Department at 205-7837 to make arrangements for the test to be conducted within 30 days.

If (2) is checked, two independent biological samples shall be taken.

Date: 1/16/04

 JUDGE, King County Superior Court

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

STATE OF WASHINGTON,

Plaintiff

vs

Julian Melchior

Defendant

NO. *03-1-03741-5 SSA*
BA NO.
CCN NO. *178-1735*

**Conditions of Conduct for Persons
Ordered by the King County Superior
Court into Work Education Release
(ORWR)**

The following are court imposed conditions of conduct for participation in King County's Work/Education Release (WER) Program. Compliance with these conditions of conduct shall be monitored by the King County Department of Adult and Juvenile Detention (DAJD) as specified herein by the court. Your continued participation in WER is subject to strict compliance with the following:

1. **You shall have no arrests.** DAJD shall monitor bookings into the King County Correctional Facility and the Regional Justice Center for violations of any local, state, federal law or court order. Any booking will result in your removal from WER and incarceration into secure detention.
2. **You shall not use controlled substances without a valid prescription and shall not consume alcohol beginning from the date of this order.** DAJD shall monitor compliance with this condition by random urinalysis and/or breathalyzer testing []1 []2 times every 30 days. Violation of this condition or failure to submit to testing on demand will result in removal from WER and incarceration into secure detention.
3. **You shall attend all court ordered therapy and treatment. You must provide a Release of Information to DAJD to verify your compliance.** DAJD shall contact the therapy and treatment providers []1 []2 times every 30 days to verify compliance beginning 14 days from the date of this order. Non-compliance will result in removal from WER and incarceration into secure detention.
4. **You shall attend work or school. You must provide DAJD with a time sheet to be completed upon arrival and departure by a representative at your work or school. You must present this time sheet to DAJD staff upon return to the WER facility.** Also, DAJD shall monitor compliance with this condition by contacting the employer or school []1 []2 times every 30 days. Non-compliance will result in removal of WER and incarceration into secure detention.

WER CONDITIONS OF CONDUCT

Revised 2/2003

White - Clerk's Office

Green - King County Jail

Canary - Prosecutor

Pink - Defendant

Goldenrod - Defense Attorney

Page 1

- 5. **You must obtain pre-approval to work overtime and you must be on time when you report back to the facility.** Three written warnings in a 30-day period for being less than 60 minutes late will result in your removal from WER and incarceration into secure detention. One incident of being 60 minutes late or more will result in your removal from WER and incarceration into secure detention.
- 6. **You must arrange for the employer to directly mail your wages to the WER facility.** Employer managed direct deposit may be exempt from mailing provided it is authorized by DAJD staff. Failure to abide by this condition will result in removal from WER and incarceration into secure detention.
- 7. **You shall not forge a document or provide false information to DAJD staff.** Such activity if actually known to DAJD will result in removal from WER and incarceration into secure detention.

DONE IN OPEN COURT this 1 day of January, 2014.

[Signature]
JUDGE

I, Julian Melchor, have read, or have had read to me, the above court ordered conditions of conduct for participation in the Work/Education Release Program monitored by the King County Department of Adult and Juvenile Detention. I understand what is required of me for participation in this program and agree to abide by the conditions as stated herein. I also understand that it is my sole responsibility to comply with these conditions of conduct and that if I fail to comply, with any of the conditions, I will be immediately returned to incarceration in secure detention and may lose credit for time served. If I am placed in secure detention as a result of violating this order, I may request a hearing before the Court.

[Signature]
Dated: 1/16/14

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands, and I have translated the WER Conditions of Conduct Order for the defendant from English into that language.

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

Interpreter Signature: _____ Dated: _____

FINGERPRINTS

BEST AVAILABLE IMAGE POSSIBLE



RIGHT HAND
FINGERPRINTS OF:

JULIAN DEAN MOLZHON

DATED: 10/17/85

Pelina R
JUDGE, KING COUNTY SUPERIOR COURT

DEFENDANT'S SIGNATURE: X Julian Molzhon
DEFENDANT'S ADDRESS: 15527 Midvale Ave. N.
Seattle WA 98103

ATTESTED BY: BARBARA MINER,
SUPERIOR COURT CLERK
BY: RM Olson
DEPUTY CLERK

CERTIFICATE

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: _____

CLERK

BY: _____
DEPUTY CLERK

OFFENDER IDENTIFICATION

S.I.D. NO.
DOB: SEPTEMBER 24, 1985
SEX: M
RACE: W

Certificate of Service by Electronic Mail

Today I directed electronic mail addressed to Casey Grannis, the attorney for the petitioner, at Grannisc@nwattorney.net, containing a copy of the State's Response to Personal Restraint Petition, in Re Personal Restraint of Armondo Theodor Laforge, Cause No. 73178-5, in the Court of Appeals, Division I, for the State of Washington.

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

Dated this 6 day of April, 2016.


Name:
Done in Seattle, Washington