

Supreme Court No. 92525-9

Received
Washington State Supreme Court

NOV 23 2015

Ronald R. Carpenter
Clerk

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

In re the Personal Restraint of:
Ronald L. Brown,

Petitioner.

FILED
November 30, 2015
Court of Appeals
Division I
State of Washington

PERSONAL RESTRAINT PETITION
With Authorities And Argument

Presented by:

Ronald L. Brown, *Pro Se*
DOC # 748220
Monroe Correctional Complex
Twin Rivers Unit
P.O. Box 888
Monroe, WA 98272

A. STATUS OF PETITIONER

The Petitioner, Ronald L. Brown, is currently incarcerated at the Monroe Correctional Complex, Twin Rivers Unit, P.O. Box 888, Monroe, Washington 98272. He is incarcerated after pleading guilty to rape of a child in the second degree (count II), and child molestation in the second degree (count III) in King County Cause No. 95-1-07066-0. Mr. Brown was sentenced on September 20, 1996, by the Honorable Richard Ishikawa to concurrent sentences of 89 months for count II and 41 months for count III. *See* Judgment and Sentence (J&S), attached as App. A. Mr. Brown was also sentenced to community placement. *Id.* at Appendix H of J&S. Mr. Brown was arrested on October 24, 1995, and was given credit for 333 days served in the county jail. *Id.* at 3.

Mr. Brown was represented in the trial court by Bruce Brown, WSBA No. 18844 (US Dept of Labor/ Ofc of Solicitor, 300 5th Ave Ste 1120, Seattle, WA 98104-2437, (206) 757-6762).

Mr. Brown was also convicted in Snohomish County Superior Court No. 96-1-00558-9, of the crimes of rape of a child in the second degree (three counts). The Honorable Thomas Wynne sentenced Mr. Brown to concurrent terms of 198 months imprisonment. *See* Judgment and Sentence (J&S 2), attached as App. B. Mr. Brown was sentenced to community placement. *Id.* at 4. Mr. Brown was given credit for 168 days served in the county jail. *Ibid.* The J&S was filed on May 12, 1997.

Mr. Brown was represented in the trial court by Ms. Karen Halverson, WSBA No. 19193 (Law Offices of Karen Halverson, 3231 Lombard Ave, Everett, WA 98201-4428, (425) 257-2027).

On June 30, 1997, the Snohomish County Superior Court issued a nunc pro tunc order declaring that the Snohomish County convictions were to run consecutive to the King County convictions. *See* App. C.

Mr. Brown appealed his convictions on both direct appeal and in a Personal Restraint Petition (PRP), to no avail. *See State v. Brown*, C.O.A. No. 40699-0-I (filed June 29, 1998) (unpublished); *In re Brown*, C.O.A. No. 46231-8-I (filed April 4, 2000). Those challenges are irrelevant to this PRP.

B. RELEVANT FACTS

As shown in Part A, Mr. Brown's offenses were committed before his arrest in 1995. Mr. Brown was sentenced to community placement. *Id.* Mr. Brown's release date for his King County convictions was February 10, 2002. App. D.

Mr. Brown's release date for the Snohomish County convictions was originally calculated as December 30, 2010. App. E. As Mr. Brown was preparing for his 2010 release, he was informed that a nunc pro tunc order was issued, therefore, his release date was changed from December 30, 2010, to September 18, 2015. App. F (the handwritten notation was made by Mr. Brown to reflect his new release date after having a significant amount of good time restored. *See* App. G.). Mr. Brown was not present in court when the nunc pro tunc order was issued, he did not waive his presence, and he did not learn of the order until many years later when he was preparing for his release. App. H (Affidavit of Ron Brown).

Mr. Brown is seeking to release to South Dakota. App. I.
Mr. Brown's release on his ERD has been prevented due to the DOC losing information information they have already been provided. App. J; App. H. Mr. Brown has been

informed that the recent statutory changes to the law pertaining to community placement apply adversely to him to extend his community placement beyond that authorized when his offenses were committed (four years that can go beyond his statutory maximum).

App. H.

C. ARGUMENT

THE COMMUNITY PLACEMENT REQUIREMENTS IMPOSED UPON MR. BROWN ARE ERRONEOUS

The way the DOC is applying the community placement requirements upon Mr. Brown is erroneous.

a. The SRA

The SRA directs that "a court may not impose a sentence providing for a term of confinement or community supervision, community placement, or community custody which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW." RCW 9.94A.505(5). The statutory maximum (as defined by *Apprendi v. New Jersey*, 530 U.S. 466 (2000), and *Blakely v. Washington*, 542 U.S. 296 (2004)), is the top end of Mr. Brown's sentencing range, which, in this case, is 198 months. *See generally Blakely*, 542 U.S. 296 (the "statutory maximum" for *Apprendi* purposes is not the ultimate maximum that could be imposed; rather, it is the maximum sentence that may be imposed solely on the basis of the facts reflected in the jury verdict or admitted by the defendant.).

In addition to the term of confinement, when a court sentences a person for a sex offense, it must also sentence the offender to a term of community custody. The community custody term must be either a term established under RCW 9.94A.850 or for the period of earned early release awarded under RCW 9.94A.728(1) and (2), whichever is longer. RCW 9.94A.715(1).

RCW 9.94B.050 - the statute pertaining to community placement - provides:

When a court sentences an offender to a term of total confinement in the custody of the department for any of the offenses specified in this section, the court shall also sentence the offender to a term of community placement as provided in this section. Except as provided in RCW 9.94A.501, the department shall supervise any sentence of community placement imposed under this section.

* * *

(2) The court shall sentence the offender to a term of community placement of two years or up to the period of earned release awarded pursuant to RCW 9.94A.728, whichever is longer, for:

(a) An offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, including those sex offenses also included in other offense categories[.]

Id.

b. Overview of the 2009 Statutory Change

In 2009, the legislature adopted Engrossed Substitute Senate Bill 5288 (ESSB 5288), which amended former RCW 9.94A.701 by removing the language that had first appeared in former RCW 9.94A.715 permitting variable terms of community custody. *Laws of 2009*, ch. 375, § 5. In its place, the legislature added new language requiring sentencing courts to impose fixed terms of 36, 18, or 12 months of community custody, depending on the type of offense. *Id.*; RCW 9.94A.701(1)-(3).

Under the amended statute, a court may no longer sentence an offender to a variable term of community custody contingent on the amount of earned release but instead, it must determine the precise length of community custody at the time of sentencing. RCW 9.94A.701(1)-(3); *cf.* former RCW 9.94A.715(1). In making these changes, the legislature also enacted what is now RCW 9.94A.701(9):

The term of community custody specified by this section shall be reduced by the court whenever an offender's standard range term of confinement in combination with the term of community custody exceeds the statutory maximum

for the crime as provided in RCW 9A.20.021.

Laws of 2009, ch. 375, § 5. These amendments took effect on July 26, 2009.

These amendments to RCW 9.94A.701(1)-(3) requires a trial courts to set fixed terms of community custody, and thereby precludes a trial court from delegating responsibility to DOC to ensure compliance with statutory maximums. Instead, under the plain meaning of RCW 9.94A.701(9), only the trial court may reduce or modify the terms of community custody.

As shown in Part A, the DOC is not applying the law regarding community placement properly to Mr. Brown, because they are extending his term of community placement longer than they should.

c. The Proper Sentence

When a sentence for a crime is increased during the period within which the crime was allegedly committed, and the evidence presented indicates the crime was committed before the increase went into effect, the lesser sentence must be imposed. *See by analogy State v. Parker*, 132 Wn.2d 182, 191-92, 937 P.2d 575 (1997) (where jury not asked to determine when offenses committed, and statute spanned charging period, application of standard range to offenses committed at end of charging period was erroneous). *See also In re Personal Restraint Petition of Hartzell*, 108 Wash.App. 934, 33 P.3d 1096 (2001).

Further, a prisoner's statutory right to earn early release credits is a protected liberty interest. *In re Restraint of Gronquist*, 138 Wn.2d 388, 397, 978 P.2d 1083, *cert. denied*, 528 U.S. 1009 (1999).

A trial court may only impose a sentence which is authorized by statute. *In re Personal Restraint of Carle*, 93 Wash. 2d 31, 604 P.2d 1293(1980). A court obtains authority to sentence a defendant to community placement under RCW 9.94 A.120. That

statute has been amended since Brown's offenses were committed, but the statute relevant to this case states that two years' community placement or community placement for up to the period of earned early release award, whichever is longer, is required for "an offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, a serious violent offense, vehicular homicide, or vehicular assault, committed on or after July 1, 1990..." RCW 9.94A.120(9)(b).

In other words, the statute permits two years or more of community placement (but stopping at the statutory maximum). *Ibid.* The statute does not authorize the change in community placement that has taken place here.

Generally, it is the law in effect at the time a criminal offense is committed that controls the disposition of the case. *State v. Schmidt*, 143 Wn.2d 658, 673-74, 23 P.3d 462 (2001). However, if the 2009 statute applies retroactively to Mr. Brown, then the trial court is required to reduce the term of community custody in order to bring the total terms of confinement and community custody within the statutory maximums. *See generally Apprendi, supra; Blakely.*

d. Ex Post Facto

The Constitution prohibits both federal and state governments from enacting any "ex post facto Law." Art. I, § 9, cl. 3; Art. I, §10. The phrase "'ex post facto law' was a term of art with an established meaning at the time of the framing." *Collins v. Youngblood*, 497 U. S. 37, 41 (1990). In *Calder v. Bull*, Justice Chase reviewed the definition that the term had acquired in English common law:

"1st. Every law that makes an action done before the passing of the law, and which was innocent when done, criminal; and punishes such action. 2d. Every law that aggravates a crime, or makes it greater than it was, when committed. 3d. Every law that changes the punishment, and inflicts a greater punishment, than the law annexed to the crime, when committed. 4th. Every law that alters

the legal rules of evidence, and receives less, or different, testimony, than the law required at the time of the commission of the offence, in order to convict the offender.” 3 Dall., at 390 (emphasis deleted).

See also Carmell v. Texas, 529 U. S. 513–525 (2000) (discussing *Calder v. Bull* and the common-law understanding of the term).

Building on Justice Chase’s formulation of what constitutes an “ex post facto Law,” U.S. Supreme Court cases “have not attempted to precisely delimit the scope of this Latin phrase, but have instead given it substance by an accretion of case law.” *Dobbert v. Florida*, 432 U. S. 282, 292 (1977) .

At issue here is *Calder*’s third category of ex post facto laws, those that “chang[e] the punishment, and inflic[t] a greater punishment, than the law annexed to the crime, when committed.” 3 Dall., at 390.

The Framers considered ex post facto laws to be “contrary to the first principles of the social compact and to every principle of sound legislation.” *The Federalist* No. 44, p. 282 (C. Rossiter ed. 1961) (J. Madison). The Clause ensures that individuals have fair warning of applicable laws and guards against vindictive legislative action. *See Weaver v. Graham*, 450 U. S. 24–29 (1981). Even where these concerns are not directly implicated, however, the Clause also safeguards “a fundamental fairness interest . . . in having the government abide by the rules of law it establishes to govern the circumstances under which it can deprive a person of his or her liberty or life.” *Carmell*, 529 U. S., at 533.

A law can still run afoul of the Clause even if it does not alter the statutory maximum punishment attached to a crime. In *Lindsey v. Washington*, 301 U. S. 397, the Court considered an ex post facto challenge to a Washington law altering the statutory penalty for grand larceny from a range of 0 to 15 years’ imprisonment to a mandatory term of 15 years’ imprisonment. Although the upper boundary of the sentencing court’s power to

punish remained unchanged, it was enough that the petitioners were “deprived of all opportunity to receive a sentence which would give them freedom from custody and control prior to the expiration of the 15-year term.” *Id.*, at 402 (emphasis added).

In addition, the Supreme Court has made clear that “[t]he presence of discretion does not displace the protections of the Ex Post Facto Clause.” *Garner v. Jones*, 529 U. S. 244, 253 (2000). In a series of cases, for example, the Court has considered the validity under the Ex Post Facto Clause of state laws altering the terms on which discretionary parole or early release was available to prisoners. *See Garner*, 529 U. S. 244 ; *California Dept. of Corr. v. Morales*, 514 U. S. 499 (1995); *Weaver*, 450 U. S. 24 . Although these cases reached differing conclusions with respect to whether there was an ex post facto violation, in none of them did the High Court indicate that the mere fact that the prisoner was not guaranteed parole or release but rather received it at the will of the parole board was fatal to his claim. *See Garner*, 529 U. S., at 253; *Morales*, 514 U. S., at 508–510, and n. 6; *Weaver*, 450 U. S., at 30–31.

In this case, the Ex Post Facto Clause is being violated because the DOC is extending Mr. Brown's term of community placement beyond what was originally imposed upon him. *Carmell, supra*. Further, if it is determined that the 2009 amendment applies to Mr. Brown, then the Ex Post Facto Clause is still being implicated - unless it is applied properly. If the 2009 statute is applied properly, then Mr. Brown's term of community placement must be reduced. *See RCW 9.94A.701(1)-(3); Lindsey, supra; Carmell, supra* (and the remaining cases cited in this subsection).

f. Constitutional Avoidance

If a statute is susceptible to more than one reasonable construction, courts should choose an interpretation that avoids raising constitutional problems. *See generally*

Ashwander v. Tennessee Valley Auth., 297 U.S. 288, 347 (1936) (Brandeis, J., concurring). This doctrine was first enunciated over 100 years ago in *U.S. ex rel. Attorney General v. Delaware & Hudson Co.*, in which the Court held that:

"It is elementary when the constitutionality of a statute is assailed, if the statute be reasonably susceptible of two interpretations, by one of which it would be unconstitutional and by the other valid, it is our plain duty to adopt that construction which will save the statute from constitutional infirmity."

213 U.S. 366, 407 (1909).

This canon has grown stronger in recent history. The traditional avoidance canon required the court to choose a different interpretation only when one interpretation was actually unconstitutional. The modern avoidance canon tells the court to choose a different interpretation when another interpretation merely raises constitutional doubts.

Einer Elhauge, *Statutory Default Rules: How to Interpret Unclear Legislation*, Harvard University Press (2008), p. 237–39.

In the case at bar, this Court should find that the plain meaning of the relevant statute governing community placement requires that the DOC properly apply the statute to Mr. Brown to reduce his term of community placement, as explained above; otherwise, not only is the Ex Post Facto Clause implicated, but the doctrine of constitutional avoidance is violated, as well.

g. Mr. Brown is Entitled to Relief

Like a habeas corpus petition, the personal restraint petition can be a great guardian of liberty. *In re Pers. Restraint of Hagler*, 97 Wash.2d 818, 823-24, 650 P.2d 1103 (1982). The challenges presented here are precisely the types of matters that can be heard

via a PRP. *See generally* RAP 16.4(c)(6) (personal restraint petition available to challenge “conditions or manner of the restraint of petitioner [that] are in violation of the Constitution of the United States or the Constitution or laws of the State of Washington”).

Where, an inmate challenges a decision from which he has had no previous or alternative avenue for obtaining state judicial review, RAP 16.4(a) requires the petitioner in a personal restraint petition to show he or she has been unlawfully restrained. RAP 16.4(a); *In re Pers. Restraint of Albritton*, 143 Wn.App. 584, 590, 180 P.3d 790 (2008); *see also In re Pers. Restraint of Isadore*, 151 Wn.2d 294, 299, 88 P.3d 390 (2004) (“Where the petitioner has not had a prior opportunity for judicial review, we do not apply the heightened threshold requirements applicable to personal restraint petitions. Instead, the petitioner need show only that he is restrained under RAP 16.4(b) and that the restraint is unlawful under RAP 16.4(c).”); *In re Pers. Restraint of Grantham*, 168 Wn.2d 204, 214, 227 P.3d 285 (2010) (holding that *Isadore*, 151 Wn.2d 294, controls review of personal restraint petitions where no prior judicial review has been afforded).

A restraint is unlawful if the challenged action is unconstitutional or violates the laws of the State of Washington. RAP 16.4.(c)(2), (6); *Albritton*, 143 Wn.App. at 590. As shown above, the DOC is not properly applying the SRA to Mr. Brown, which violates the SRA, *Blakely*, the Ex Post Facto Clause, and the doctrine of constitutional avoidance. Thus, Mr. Brown is entitled to relief.

D. CONCLUSION

For the foregoing reasons, Mr. Brown respectfully requests for this Court to correct the DOC's misapplication of the law pertaining to community placement, and to have the

law applied to him properly, as demonstrated above. Mr. Brown also requests, stated or otherwise, any relief that it appears he may be entitled.

Dated this 18 day of November, 2015.

Respectfully submitted,

Ronald Lee Brown

Ronald L. Brown
Petitioner, *pro se*

Oath of Petitioner

I, Ronald L. Brown, declare under penalty of perjury under the laws of the State of Washington that I am the petitioner in this matter, I have read the petition, know its contents, and I believe that everything contained in the petition is true and correct to the best of my knowledge and belief.

Dated this 18 day of November, 2015

Ronald L. Brown

Ronald Lee Brown

STATE OF WASHINGTON

COUNTY OF SNOHOMISH

On this day personally appeared before me Ronald Brown, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and seal of office this 1st day of November, 2015.

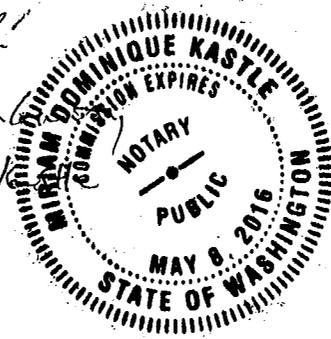
Miriam Dominique Kastle

Notary Public residing at Snohomish

Printed Name: Miriam Dominique Kastle

My Commission Expires:

05-08-2016



Affidavit of Ronald L. Brown

I, Ronald L. Brown, being first duly sworn on oath, says:

1. I am the Petitioner in this matter.
2. I was not in court when the nunc pro tunc order was issued. I did not waive my presence for this order to be issued (nor would I have waived my presence, had I known that such an order was going to be entered).
3. I did not learn about this nunc pro tunc order being issued until I was preparing for my release (as explained in this personal restraint petition).
4. My new release date was September 18, 2015. My release date was later than that, but it was reduced after I had my good conduct time restored.
5. For quite some time I have been seeking to release to South Dakota, as I have real estate there. I have followed all necessary steps to release on time, and the Washington State Department of Corrections (DOC) has been aware for quite some time that I am seeking to release to South Dakota, and that I have purchased real estate there.
6. My prison counselor is Steven Sager. Mr. Sager is responsible for facilitating my release.
7. However, Mr. Sager and I do not get along, and he has informed me that paperwork needed for my release to South Dakota has been "lost", so new paperwork had to be submitted.
8. Mr. Sager has informed me that I must wait to be released until all of the necessary paperwork and notifications have been completed. Mr. Sager has informed me that despite earning my good time, I could still be held in prison until my Maximum Release Date of April 6, 2019, regardless of whether or not I lose good time. To date, I have no idea when I will be released.
9. I have been informed by Mr. Sager that I have a significant amount of time on community placement that I must adhere to. Mr. Sager claims that this is the result of the 2009 changes to the statute governing community placement. Mr. Sager also claims that even if I were held in prison until my

Maximum Release Date of April 6, 2019, I will still have four years of community placement that I must serve.

Dated this 18 day of November, 2015.

Ronald Lee Brown

Ronald L. Brown

STATE OF WASHINGTON

COUNTY OF SNOHOMISH

On this day personally appeared before me Ronald Brown, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and seal of office this 18th day of November, 2015.

Miriam Dominique Kastle

Notary Public residing at Snohomish County

Printed Name: Miriam Dominique Kastle

My Commission Expires:

05-08-2016



- PRP -

App: A

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON

Plaintiff,

v.

RONALD L. BROWN

Defendant.

No. 95-1-07066-0

JUDGMENT AND SENTENCE

SEP 23 10 17 AM '96
SUPERIOR COURT CLERK
SEATTLE, WA.

COMMITMENT ISSUED SEP 23 1996

COPY TO SENTENCING GUIDELINES COMMISSION SEP 23 1996
PRESENTING STATEMENT & INFORMATION

I. HEARING

Bruce Brown

1.1 The defendant, the defendant's lawyer, _____, and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: _____

Interpreter: Reporter: Peggy Fritschy; Mike Campbell, Doc;

1.2 The state has moved for dismissal of count(s) I

II. FINDINGS

Based on the testimony heard, statements by defendant and/or victims, argument of counsel, the presentence report(s) and case record to date, and there being no reason why judgment should not be pronounced, the court finds:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on (date): 03-06-96 by plea of:

Count No.: II Crime: RAPE OF A CHILD IN THE 2ND DEGREE
RCW 9A.44.076 Crime Code 01067
Date of Crime 02-28-93 Incident No. _____

Count No.: III Crime: CHILD MOLESTATION IN THE 2ND DEGREE
RCW 9A.44.086 Crime Code 01073
Date of Crime 07-19-93 Incident No. _____

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

Additional current offenses are attached in Appendix A.

SPECIAL VERDICT/FINDING(S):

- (a) A special verdict/finding for being armed with a Firearm was rendered on Count(s): _____
- (b) A special verdict/finding for being armed with a Deadly Weapon other than a Firearm was rendered on Count(s): _____

(c) A special verdict/finding was rendered that the defendant committed the crimes(s) with a sexual motivation in Count(s): _____

(d) A special verdict/finding was rendered for Violation of the Uniform Controlled Substances Act offense taking place in a school zone in a school on a school bus in a school bus route stop zone in a public park in public transit vehicle in a public transit stop shelter in Count(s): _____

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

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

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): _____

POSTED
73A

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

Crime	Sentencing Date	Adult or Juv. Crime	Cause Number	Location
(a)				
(b)				
(c)				
(d)				

- Additional criminal history is attached in Appendix B.
- Prior convictions (offenses committed before July 1, 1986) served concurrently and counted as one offense in determining the offender score are (RCW 9.94A.360(6)(c)):
- 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 II	3	X			67 TO 89 MONTHS	LIFE AND/OR \$50,000
Count III	3	VII			31 TO 41 MONTHS	10 YRS AND/OR \$20,000
Count						

Additional current offense sentencing data is attached in Appendix C.

2.5 EXCEPTIONAL SENTENCE:

- Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) _____ Findings of Fact and Conclusions of Law 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) I (Child Molestation I)

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.142(2), sets forth those circumstances in attached Appendix E.
- Restitution to be determined at future hearing on (Date) _____ at _____ m. Date to be set.
- Defendant waives presence at future restitution hearing(s).
Hearing to be set at later date
- Defendant shall pay \$100 Victim Assessment, pursuant to RCW 7.68.035.

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;
- (b) \$ _____, Recoupment for attorney's fees to King County Public Defense Programs, 2015 Smith Tower, Seattle, WA 98104; Recoupment is waived (RCW 10.01.160);
- (c) \$ _____, Fine; \$1,000, Fine for VUCSA; \$2,000, Fine for subsequent VUCSA; VUCSA fine waived (RCW 69.50.430);
- (d) \$ _____, King County Interlocal Drug Fund; Drug Fund payment is waived;
- (e) \$ _____, State Crime Laboratory Fee; Laboratory fee waived (RCW 43.43.690);
- (f) \$ _____, Incarceration costs; Incarceration costs waived (9.94A.145(2));
- (g) \$ _____, Other cost for: _____

4.3 PAYMENT SCHEDULE: Defendant's TOTAL FINANCIAL OBLIGATION is: \$ 100⁰⁰. 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. _____ The Defendant shall remain under the Court's jurisdiction and the supervision of the Department of Corrections for up to ten years from date of sentence or release from confinement to assure payment of financial obligations.

4.4 CONFINEMENT OVER ONE YEAR: Defendant is sentenced to a term of () confinement in the custody of the Department of Corrections as follows, commencing: Immediately; (Date): _____ by _____, m.

89 months on Count II _____ months on Count _____ months on Count _____

41 months on Count III _____ months on Count _____ months on Count _____

ENHANCEMENT time due to special deadly weapon/firearm finding of _____ months is included for Counts _____

The terms in Count(s) II & III are concurrent/consecutive.
The sentence herein shall run concurrently/consecutively with the sentence in cause number(s) _____
_____ but consecutive to any other cause not referred to in this Judgment.

Credit is given for 333 days served days as determined by the King County Jail solely for conviction under this cause number pursuant to RCW 9.94A.120(15).

4.5 NO CONTACT: For the maximum term of Life years, defendant shall have no contact with Jessika, Terry Brown and Toni Bingham - Families
Violation of this no contact order is a criminal offense under chapter 10.99 RCW and will subject a violator to arrest; any assault or reckless endangerment that is a violation of this order is a felony.

4.6 BLOOD TESTING: (sex offense, violent offense, prostitution offense, drug offense associated with the use of hypodermic needles) Appendix G is a blood testing and counseling order that is part of and incorporated by reference into this Judgment and Sentence.

4.7 COMMUNITY PLACEMENT, RCW 9.94A.120(9): Community Placement is ordered for any of the following eligible offenses: any "sex offense", any "serious violent offense", second degree assault, any offense with a deadly weapon finding, any CH. 69.50 or 69.52 RCW offense, for the maximum period of time authorized by law. All standard and mandatory statutory conditions of community placement are ordered.
 Appendix H (for additional nonmandatory conditions) is attached and incorporated herein.

4.8 WORK ETHIC CAMP: The court finds that the defendant is eligible for work ethic camp and is likely to qualify under RCW 9.94A.137 and recommends that the defendant serve the sentence at a work ethic camp. Upon successful completion of this program, the Department shall convert the period of work ethic camp confinement at a rate of one day of work ethic camp to three days of total standard confinement and 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.120(9)(b).
 Appendix K for additional special conditions, RCW 9.94A.120(9)(c), is attached and incorporated herein.

4.9 SEX OFFENDER REGISTRATION (sex offender crime conviction): Appendix J is attached and incorporated by reference into this Judgment and Sentence.

4.10 ARMED CRIME COMPLIANCE, RCW 9.94A.103,105. 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: September 20, 1996.

Judge Richard M. Ishikawa

Print Name: Ishikawa RICHARD M. ISHIKAWA

Presented by:

[Signature]
Deputy Prosecuting Attorney, Office WSBA ID #91002
Print Name: Mark Stockdale.

Approved as to form:

[Signature]
Attorney for Defendant, WSBA # 18844
Print Name: Bruce L. Brown



RIGHT HAND
FINGERPRINTS OF:

DEFENDANT'S SIGNATURE: X Ronald L Brown
DEFENDANT'S ADDRESS: DOC

RONALD LEE BROWN

DATED: SEP 20 1996
Richard M. Sullivan
JUDGE, KING COUNTY SUPERIOR COURT

ATTESTED BY:
M. JANICE MICHELS, SUPERIOR COURT CLERK
BY: Melody K. Byrd
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. WA17322384
DATE OF BIRTH: FEBRUARY 16, 1954
SEX: M
RACE: WHITE

FAX HIV *ADW*

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON)
)
 Plaintiff,)
)
 v.)
)
 RONALD L. BROWN)
)
 Defendant.)

No. 95-1-0706-6
APPENDIX G
ORDER FOR BLOOD TESTING
AND COUNSELING

(1) HIV TESTING AND COUNSELING:

(Required for defendant convicted of sexual offense, drug offense associated with the use of hypodermic needles, or prostitution related offense committed after March 23, 1988. RCW 70.24.340):

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 296-4848 to make arrangements for the test to be conducted within 30 days.

(2) DNA IDENTIFICATION:

(Required for defendant convicted of sexual offense or violent offense. RCW 43.43.754):

The Court orders the defendant to cooperate with the King County Department of Adult Detention and/or the State Department of Corrections in providing a blood 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 arrangement for the test to be conducted within 15 days.

If both (1) and (2) are checked, two independent blood samples shall be taken.

Date: September 20, 1996.

Richard M. Shihawa

JUDGE, King County Superior Court

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON

Plaintiff,

v.

RONALD L. BROWN

Defendant.

No. 95-1-0706-6

APPENDIX H
COMMUNITY PLACEMENT

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

COMMUNITY PLACEMENT: Defendant additionally is sentenced on convictions herein, for each sex offense and serious violent offense committed on or after July 1, 1990 to community placement for two years or up to the period of earned release awarded pursuant to RCW 9.94A.150(1) and (2) whichever is longer and on conviction herein for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, to a one-year term of community placement.

Community placement is to begin either upon completion of the term of confinement or at such time as the defendant is transferred to community custody in lieu of early release.

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

- (1) Report to and be available for contact with the assigned community corrections officer as directed;
- (2) Work at Department of Corrections-approved education, employment, and/or community service;
- (3) Not consume controlled substances except pursuant to lawfully issued prescriptions;
- (4) While in community custody not unlawfully possess controlled substances;
- (5) Pay community placement fees as determined by the Department of Corrections;
- (6) Receive prior approval for living arrangements and residence location; and
- (7) Defendant shall not own, use, or possess a firearm or ammunition when sentenced to community service, community supervision or both. (RCW 9.94A.120(13))

WAIVER: The following above-listed mandatory conditions are waived by the court:

(b) OFF-LIMITS ORDER (SODA): The Court finds that the defendant is a known drug trafficker as defined in RCW 10.66.010(3) who has been associated with drug trafficking in an area described in Attachment A. Attachment A is incorporated by reference into the Judgment and Sentence and the Court also finds that the area described in Attachment A is a Protected Against Drug Trafficking area (PADT). As a condition of community placement, the defendant shall neither enter nor remain in the PADT area described in Attachment A.

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

(MS) See attached Pre-Sentence Special conditions,

these conditions are imposed and

incorporated by reference -

Date: September 20, 1996

Richard M. Hildebrand
JUDGE, King County Superior Court

- PRP -

APP: B

SUPERIOR COURT OF WASHINGTON
FOR SNOHOMISH COUNTY

743020
51317
MAY 12 1997
PAM L. DANIELS
SNOHOMISH COUNTY CLERK
EX-OFFICIO CLERK OF COURT

THE STATE OF WASHINGTON,

Plaintiff,

v.

BROWN, RONALD L.,

Defendant,

SID: WA17322384

If no SID, use DOB: 02/16/54

) No. 96-1-00558-9

) JUDGMENT AND SENTENCE

) Prison

) Jail, One Year or Less

) First Time Offender

) Special Sexual Offender

) Sentencing Alternative

) Clerk's action required,

) restraining order entered para. 4.4

) Clerk's action required,

) firearms rights revoked para. 4.3 and 5.6

) ~~Clerk's action required, para 5.4~~

) ~~Restitution Hearing set~~

~~CLERK'S ACTION REQUIRED,~~
I. HEARING ~~NO CONTACT ORDER~~

1.1 A sentencing hearing was held and the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

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 March 20, 1997, by jury-verdict of:

CERTIFIED
COPY

COUNT	CRIME	RCW	INCIDENT #	DATE OF CRIME
I	Rape of a Child in the Second Degree	9A.44.076	BOT 9506438	11/01/94 to 10/31/95
II	Rape of a Child in the Second Degree	9A.44.076	BOT 9506438	11/01/94 to 10/31/95
III	Rape of a Child in the Second Degree	9A.44.076	BOT 950643	11/01/94 to 10/31/95

as charged in the Amended Information.

- Additional current offenses are attached in Appendix 2.1.
- A special verdict/finding for use of deadly weapon which was not a firearm was returned on Count(s) _____ RCW 9.94A.125,310.
- A special verdict/finding for use of a deadly weapon which was a firearm was returned on Count(s). _____ RCW 9.94A.125, .310, 9.41.010.
- A special verdict/finding of sexual motivation was returned on Count(s) _____. RCW 9.94A.127
- A special verdict/finding for Violation of the Uniform Controlled Substances Act was returned on Count(s) _____, RCW 69.50.401 and RCW 69.50.435, taking place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, in a public transit vehicle, or in a public transit stop shelter.
- The defendant was convicted of vehicular homicide which was proximately caused by a person driving a vehicle while under the influence of intoxicating liquor or drug or by the operation of a vehicle in a reckless manner and is therefore a violent offense. RCW 9.94A.030
- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.400):
- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):
- The offense in Count(s) ____ was committed in a county jail or state correctional facility. RCW 9.94A.310(5).

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

<u>CRIME</u>	<u>DATE OF SENTENCE</u>	<u>SENTENCING COURT (County & State)</u>	<u>DATE OF CRIME</u>	<u>A or J Adult, Juv.</u>	<u>TYPE OF CRIME</u>
1 2° Rape of a Child	09/20/96	King County, WA		Adult	Class A Felony
2 Child Molestation 2°	09/20/96	King County, WA		Adult	Class A Felony

- Additional criminal history is attached in Appendix 2.2.
- The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.360
- The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.360):

2.3 SENTENCING DATA:

<u>COUNT NO.</u>	<u>OFFENDER SCORE</u>	<u>SERIOUSNESS LEVEL</u>	<u>STANDARD RANGE</u>	<u>ENHANCEMENT</u>	<u>MAXIMUM TERM</u>
I	12	X	149 to 198 months		Life Imprisonment
II	12	X	149 to 198 months		Life Imprisonment
III	12	X	149 to 198 months		Life Imprisonment

Additional current offense sentencing data is attached in Appendix 2.3.

2.4 EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence

above within below the standard range for Count(s) _____. Findings of fact and conclusions of law are attached in Appendix 2.4.

2.5 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS. The court has considered the total amount owing, the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.142

The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.142):

All payments shall be made within 12 months of:
 Release of confinement. _____ 1997, (today's date).
 Other _____

In addition to the other costs imposed herein the Court finds that the defendant has the means to pay for the cost of incarceration and is ordered to pay such costs at the statutory rate. RCW 9.94A.145

The financial obligations imposed in this judgment shall bear interest from the date of the Judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090

4.2 HIVTESTING. The Health Department or designee shall test and counsel the defendant for HIV as soon as possible and the defendant shall fully cooperate in the testing. The defendant, if out of custody, shall report to the HIV/AIDS Program Office at 3020 Rucker, Suite 206, Everett, WA 98201 within one (1) hour of this order to arrange for the test. RCW 70.24.340

DNA TESTING. The defendant shall have a blood sample drawn for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency, the county or Department of Corrections, shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754

4.3 The defendant shall not use, own, or possess firearms or ammunition while under the supervision of the Department of Corrections. RCW 9.94A.120

4.4 The defendant shall not have contact with KATHERINE VITALC (6.7.82) (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for LIFE years (not to exceed the maximum statutory sentence).

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE UNDER CHAPTER 10.99 RCW AND WILL SUBJECT A VIOLATOR TO ARREST; ANY ASSAULT OR RECKLESS ENDANGERMENT THAT IS A VIOLATION OF THIS ORDER IS A FELONY. RCW 10.99.050

The clerk of the court shall forward a copy of this order on or before the next judicial day to the _____ County Sheriff's Office or Bothell Police Department (where the protected person above-named lives), which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

4.5 PROSECUTOR'S RECOMMENDATION
The Prosecutor made the following recommendation:

198 months as to Count I.
198 months as to Count II.
198 months as to Count III.

The Prosecutor recommended said counts 2 to run concurrently/consecutively.

BUT CONSECUTIVE TO THE KING CO. CAUSE NUMBER, CAUSE #'S 95-1-07066-0

4.6 OTHER: ^{DATING} (1) NO ~~RELATION~~ OF CONTACT W/ADULTS HAVING CHILDREN UNDER THE AGE OF 18 LIVING IN THAT ADULT'S HOUSEHOLD
 (2) DEFENDANT SHALL UNDERGO AUTOGRAPH EXAMINATIONS TO VERIFY NO CONTACT W/ CHILDREN UNDER 18 YRS.
 (3) NO CONTACT W/CHILDREN UNDER 18 YEARS.
 (4) UNDERGO CRIME RELATED COUNSELING AS DIRECTED BY THE C.D.

4.7 CONFINEMENT OVER ONE YEAR. The defendant is sentenced as follows:

(a) CONFINEMENT. RCW 9.94A.400. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections:

198 months on Count I 198 months on Count II
198 months on Count III

Actual number of months of total confinement ordered is: _____

All counts shall be served concurrently, except for the following which shall be served consecutively: _____

The sentence herein shall run consecutively with the sentence in cause number(s) _____

but concurrently to any other felony cause not referred to in this Judgment. RCW 9.94A.400

Confinement shall commence immediately unless otherwise set forth here: _____

(b) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.120. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: 168 days

4.8 COMMUNITY PLACEMENT. RCW 9.94A.120. Community placement is ordered for a community placement eligible offense (e.g., sex offense, serious violent offense, second degree assault, any crime against a person with a deadly weapon finding, Chapter 69.50 or 69.52 RCW offense), and standard mandatory conditions are ordered. Community Placement is ordered for the period of time provided by law. The defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at Department of Corrections-approved education, employment and/or community service; (3) not consume controlled substances except pursuant to lawfully issued prescriptions; (4) not unlawfully possess controlled substances while in community custody; (5) pay supervision fees as determined by the Department of Corrections. The residence location and living arrangements are subject to the prior approval of the Department of Corrections while in community placement.

- The defendant shall not consume any alcohol.
- Defendant shall have no contact with: _____
- 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: _____

4.9 WORK ETHIC CAMP. RCW 9.94A.137, RCW 72.09.410. The court finds that defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. If the defendant successfully completes work ethic camp, the department shall convert the period of work ethic camp confinement at the rate of one day of work ethic camp to three days of total standard confinement. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement.

4.10 SPECIAL DRUG OFFENDER SENTENCING ALTERNATIVE. RCW 9.94A.120. The Court finds the defendant is eligible for the special drug offender sentencing alternative and the current offense involves only a small amount of controlled substance, therefore the court imposes a sentence of _____ months. The court also imposes twelve months of concurrent/community supervision to commence upon the defendant's release from custody. This period of community custody/supervision shall include appropriate out-patient substance abuse treatment including monitored urinalysis or other testing as directed by the Department and the following crime related prohibitions

- The defendant shall not use or possess any controlled substance without a valid prescription.
- The defendant shall remain within _____ and notify the Department of any changes in address.
- The defendant shall report to a community corrections officer.
- The defendant shall perform _____ hours of community service.
- The defendant shall pay all court ordered legal financial obligations.
- The defendant shall not enter _____
- The defendant shall devote time to specific employment or training, to wit: _____
- The defendant shall pay \$30.00 per month to offset the cost of monitoring.

4.11 Unless otherwise ordered, all conditions of this sentence shall remain in effect notwithstanding any appeal.

4.12 OTHER: _____
 _____ ([See additional page for other conditions of sentence)

V. NOTICES AND SIGNATURES

- 5.1 COLLATERAL ATTACK ON JUDGMENT. Any petition or motion for collateral attack on this judgment and sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090
- 5.2 LENGTH OF SUPERVISION. The defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to ten years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations. RCW 9.94A.145
- 5.3 NOTICE OF INCOME-WITHHOLDING ACTION. If the court has not ordered an immediate notice of payroll deduction in paragraph 4.1, you are notified that the Department of Corrections may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.200010. Other income-withholding action under RCW 9.94A may be taken without further notice. RCW 9.94A.200030.
- 5.4 RESTITUTION HEARING.
Defendant waives any right to be present at any restitution hearing (sign initials): _____
Defendant waives any right to a restitution hearing within 6 months RCW 9.94A.140.
A restitution hearing shall be set for _____
The Prosecutor shall provide a copy of the proposed restitution order and supporting affidavit(s) of victim(s) 21 judicial days prior to the date set for said restitution hearing. The defendant's presence at said restitution hearing may be excused only if a copy of the proposed restitution order is signed by both defendant and defense counsel and returned to the Court and Prosecutor no later than 10 judicial days prior to said hearing.
- 5.5 Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. RCW 9.94A.200

Cross off if not applicable:

5.6 FIREARMS. You may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The court clerk shall forward a copy of the defendant's driver's license, identicard, or comparable identification, to the Department of Licensing along with the date of conviction or commitment). RCW 9.41.040, 9.41.047

If this is a crime enumerated in RCW 9.41.040 which makes you ineligible to possess a firearm, you must surrender any concealed pistol license at this time, if you have not already done so.

(Pursuant to RCW 9.41.047(1), the Judge shall read this section to the defendant in open court. The Clerk shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the department of licensing along with the date of conviction).

5.7 SEX OFFENDER REGISTRATION. RCW 9A.44.130, 10.01.200. Because this crime involves a sex offense, you are required to register with the sheriff of the county of the state of Washington where you reside. 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 change your residence within a county, you must send written notice of your change of residence to the sheriff within 10 days of establishing your new residence. If you change your residence to a new county within this state, you must register with the sheriff of the new county and you must give written notice of your change of address to the sheriff of the county where last registered, both within 10 days of establishing your new residence.

Cross off if not applicable:

5.8 RIGHT TO APPEAL. If you plead not guilty, you have a right to appeal this conviction. If the sentence imposed was outside of the standard sentencing range, you also have a right to appeal the sentence.

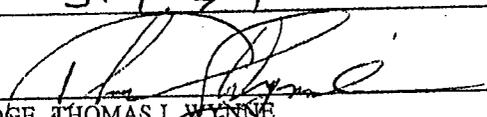
This right must be exercised by filing a notice of appeal with the clerk of this court within 30 days from today. If a notice of appeal is not filed within this time, the right to appeal is IRREVOCABLY WAIVED.

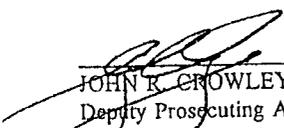
If you are without counsel, the clerk will supply you with an appeal form on your request, and will file the form when you complete it.

If you are unable to pay the costs of the appeal, the court will appoint counsel to represent you, and the portions of the record necessary for the appeal will be prepared at public expense.

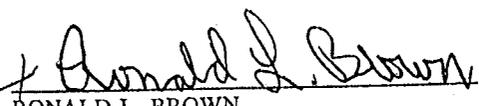
5.9 OTHER: _____

DONE in Open Court and in the presence of the defendant this date: 5.7.97


JUDGE THOMAS J. WYNNE
Print name:


JOHN R. CROWLEY, #19868
Deputy Prosecuting Attorney

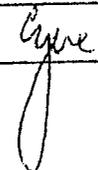

KAREN HALVERSON, #19193
Attorney for Defendant


RONALD L. BROWN
Defendant

Translator signature/Print name: _____
I am a certified interpreter of, or the court has found me otherwise qualified to interpret, the _____ language, which the defendant understands. I translated this Judgment and Sentence for the defendant into that language.

CAUSE NUMBER of this case: 96-1-00558-9
I, Pam L. Daniels, Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action, now on record in this office.

WITNESS my hand and seal of the said Superior Court affixed this date: 5/13/97

Clerk of said County and State, by:  Deputy Clerk

IDENTIFICATION OF DEFENDANT

SID No. WA17322384
(If no SID take fingerprint card for State Patrol)

Date of Birth 02/16/54

FBI No. 207973M7

Local ID No.

PCN No.

DOC 74P220

Alias name, SSN, DOB: RONALD LEE BROWN ,

Race: White

Ethnicity:

Sex: M

Hispanic

Non-Hispanic

Height: 5'10

Weight: 234

Hair: Brown

Eye: Blue

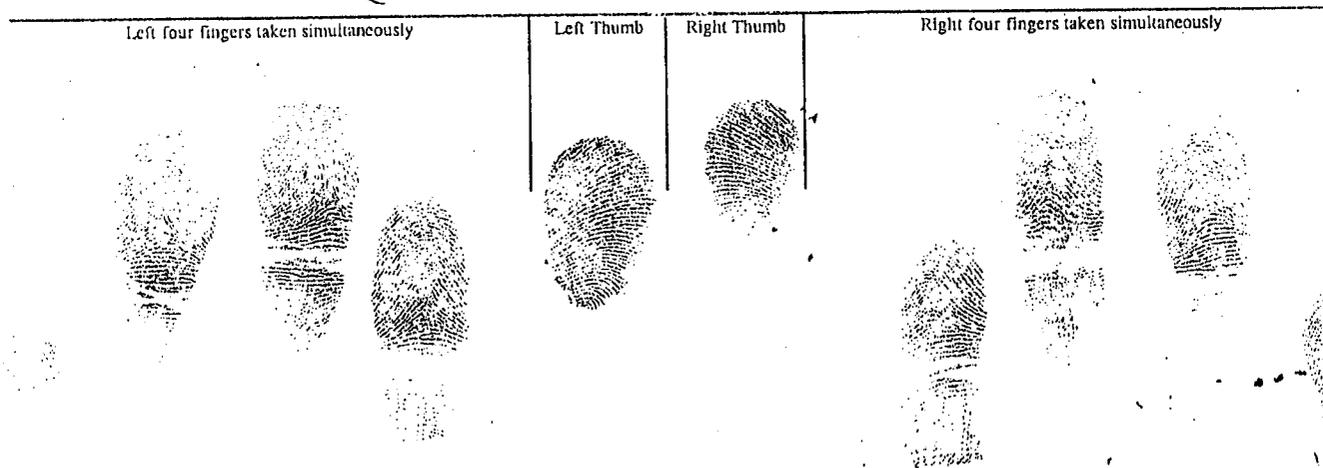
FINGERPRINTS I attest that I saw the same defendant who appeared in Court on this document affix his or her fingerprints

and signature thereto. Clerk of the Court: [Signature], Deputy Clerk. Dated: 5-7-97

DEFENDANT'S SIGNATURE: Ronald L. Brown

ADDRESS: DOC 74P220 s/o Jeanette Patrice

please send J&S to 420 224th St. SW Apt. 321
at to DOC Botell WA 98021



ORDER OF COMMITMENT

THE STATE OF WASHINGTON to the Sheriff of the County of Snohomish; State of Washington, and to the Secretary of the Department of Corrections, and the Superintendent of the Washington Corrections Center of the State of Washington, GREETINGS:

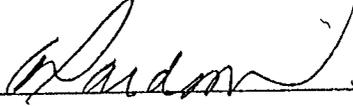
WHEREAS, RONALD L. BROWN, has been duly convicted of the crimes of Count I: Rape of a Child in the Second Degree, Count II: Rape of a Child in the Second Degree, and Count III: Rape of a Child in the Second Degree, as charged in the Amended Information filed in the Superior Court of the State of Washington, in and for the County of Snohomish, and judgment has been pronounced against him/her that he/she be punished therefore by imprisonment in such correctional institution under the supervision of the Department of Corrections, Division of Prisons, as shall be designated by the Secretary of the Department of Corrections pursuant to RCW 72.02.210, for the term of 198 months all of which appears of record in this court; a certified copy of said judgment being endorsed hereon and made a part thereof, Now, Therefore,

THIS IS TO COMMAND YOU, the said Sheriff, to detain the said defendant until called for by the officer authorized to conduct him to the Washington Corrections Center at Shelton, Washington, in Mason County, and this is to command you, the said Superintendent and Officers in charge of said Washington Corrections Center to receive from the said officers the said defendant for confinement, classification, and placement in such corrections facilities under the supervision of the Department of Corrections, Division of Prisons, as shall be designated by the Secretary of the Department of Corrections.

And these presents shall be authority for the same. HEREIN FAIL NOT.

WITNESS the Honorable THOMAS J. WYNNE, Judge of the said Superior Court and the seal thereof, this 7 day of May, 1997.

CLERK OF THE SUPERIOR COURT

By: 
Deputy Clerk

-PRP-

APP:C

SUPERIOR COURT OF WASHINGTON
FOR SNOHOMISH COUNTY

FILED
JUL 03 1997
COURT CLERK
SNOHOMISH COUNTY

THE STATE OF WASHINGTON

Plaintiff,

No. 96-1-06552-9

BROWN, RONALD L.,

ORDER AMENDING JUDGMENT
AND SENTENCE NUNC PRO
TUNC

Defendant.

THIS MATTER having come on regularly before the undersigned Judge of the above court on the motion of plaintiff to amend the Judgment and Sentence entered in the above entitled matter on May 7, 1997.

AND THE COURT having considered the records and files herein and being fully advised:

NOW THEREFORE, IT IS HEREBY ORDERED that Paragraph 4.7 of the Judgment and Sentence entered in the above entitled matter on May 7, 1997, be and the same hereby is amended nunc pro tunc to read in part as follows:

"The sentence herein shall run consecutively with the sentence in King County cause number 95-1-07066-0"

DONE IN OPEN COURT this 30th day of June, 1997.

JUDGE *[Signature]*

Presented by:

[Signature]
JOHN R. CROWLEY, #19868
Deputy Prosecuting Attorney

[Signature]
KAREN HALVERSON, #19193
Attorney for Defendant

- PRP -

APP: D

Analyze Prison Calculations

Cause: AA-951070660-King-CP

Sentence Type: Washington SRA
 Consecutive To Cause: Pending Field
 Cause Status: Pending Field
 Count Earned Release Date: 10/23/1995
 Count Maximum Expiration Date: 02/10/2002
 Count Original Earned Release Date: 02/10/2002
 Clear All

Count: 1-Rape of a Child 2

*Calculation Type: Base
 Type:
 *Length: 7 Years 5 Months Days
 Consecutive To:
 ERT %: 15%
 Display Calculate Earned Time Not Earned

Description	Earned Release Date	Max. Ex. Date	Original ERD
*Time Start Date:	09/24/1996	09/24/1996	09/24/1996
*(+)- Length:	2708	2708	2708
(-)- Cause Credits:	337	337	337
(-)- Good Time On Credit:	59		59
(-)- Potential Earned Release Credit:	115.59		115.59
(+)- Earned Time Not Earned:	0.00		
(-)- Potential Good Conduct Time:	231		231
(+)- Good Conduct Time Lost:	120		
(+)- Out Time Total:	0	0	0
Expiration Date:	10/23/1995		02/10/2002
Remaining Days To Be Served:	0	0	0

Add New Calculation Type

Calculate Sentence Calculate Statutory Maximum Close Reset Print

-PRP-

APP: E

748220 BROWN, RONALD. 6-1

- YOUR SENTENCE structure
has been CHANGED with the addition
of CASE # 96-1-005589 - Snobomish
T/O - now your ERD is 12.30.2010,
and your MAX. 05.27.2013.

I'm requesting Olympic to move
you out of here ASAP. T/O to
WSR is already approved.

Unit Counselor
05-20-97

ERD - Early Release Date
T/O - Transport Order
WSR - Monroe Prison

This was note I received from the Unit
Counselor - Kisses, Ron...

- PRP -

APP: F

Analyze Prison Calculations

Cause: AB-961005589-Snohomish-CP

Sentence Type: Washington SRA
 Consecutive To Cause: AA-951070660-King-CP
 Cause Status: Active
 Count Earned Release Date: 12/24/2001
 Count Maximum Expiration Date: 01/02/2016
 Count Original Earned Release Date: 01/02/2016
 Clear All

Count: 2-Rape of a Child 2

*Calculation Type: Base
 Type: Type
 *Length: 16 Years 6 Months Days
 Consecutive To: ERT %: 15%
 Display Calculate Earned Time Not Earned

Description	Earned Release Date	Max. Ex. Date	Original ERD
*Time Start Date:	06/10/2002	06/10/2002	06/10/2002
* (+) Length:	6026	6026	6026
(-) Cause Credits:	168	168	168
(-) Good Time On Credit:	29		29
(-) Potential Earned Release Credit:	291.42		291.42
(+) Earned Time Not Earned:	0.00		
(-) Potential Good Conduct Time:	583		583
(+) Good Conduct Time Lost:	0		
(+) Out Time Total:	0	0	0
Expiration Date:	12/24/2001		01/02/2016
Remaining Days To Be Served:	0	0	2,349

Add New Calculation Type

Calculate Sentence Calculate Statutory Maximum Close Reset Print

-PRP-

APP:G

APP:H

Declaration



RECEIVED

MAR - 6 2014

Monroe Correctional Complex
Superintendent

RESTORATION OF EARNED RELEASE TIME

DEVOLUCION DE TIEMPO DE BUENA CONDUCTA

Offender's Name/Nombre del interno o interna BROWN, Ronald	DOC Number Núm. DOC 748220	ERD/Fecha de libertad temprana 01/01/2016	Date/Fecha 1/30/14
Offender's Current Location/Lugar en donde se encuentra el interno actualmente MCC-TRU —D1051			

NARRATIVE OF ACTION (Good time may be restored if the offender is NOT within 6 months of his/her ERD.)

NARRACION DE LA ACCION (Se puede devolver el tiempo de buena conducta si el interno NO está dentro de 6 meses de su ERD.)

Offender Brown, Ronald, 748220, TRU D105-1 is requesting the restoration of 120 days lost good conduct time. Brown is not within 6 months of his ERD and meets policy requirements to make this request. Brown has successfully completed offender change programs, such as basic Skills, Job Readiness, and Freedom Project NVC. He has referrals for SOTP, Standardized Stress and Anger Management, and Victim Awareness. He has worked in Correctional Industries as an Electrician, and is currently a stand-by porter in the TRU Visiting Room. He participates in Buddhist activities as well as correspondence education. Brown follows his facility plan expectations and facility rules.

On 12/15/1998, Brown was found guilty of a WAC 755 (Supply Misuse). As a result, 30 days of good conduct time were taken from him. On 12/21/1998, he was found guilty of a WAC 718 (Telephone Misuse). As a result, a deduction of 30 days good conduct time was ordered; however, it was suspended pending no further infractions for 120 days. On 2/16/1999, he was found guilty of a WAC 506 (Threatening). As a result, a loss of 30 days good conduct time was ordered. This infraction also invoked suspended loss of 30 days from the WAC 718. On 9/28/1999, he was found guilty of a WAC 712 (Attempt Suicide). As a result, he lost 30 days of good conduct time. His total loss of good conduct time is 120 days.

Based on Brown's length of infraction free behavior, the nature of the infractions and his continuous program participation I recommend that the 120 days lost be restored.

1/30/14 FRMT Recommendations: FRMT recommends that the requested 120 days be restored. FRMT's decision is based on the offender's positive behavior, programming taken, and length of infraction free behavior. FRMT consists of CUS Cohn, CC3 Archibald, CC2 Sager, CC2 Rodgers, CMHC3 Rice, and C/O MacAvoy.

Infraction Number/Número de la infracción	Date of Infraction/Fecha de la infracción
1)WAC 755 Supply Misuse	1) 12/15/1998
2)WAC 718 Telephone Misuse (30 days suspended)	2) 12/21/1998
3) WAC 506 Threatening	3) 2/16/1999
4) WAC 712 Attempted Suicide	4) 9/28/1999

Amount of ERT Taken/Cantidad de tiempo de buena conducta que se restó

- 1) 30
- 2) 30 (suspended)
- 3) 60 (Includes the 30 days invoked from #2)
- 4) 30

Amount of ERT Restored/Cantidad de tiempo de buena conducta que se devolvió

- 1) 30 days
- 2) 30 days = 105 days
- 3) 15 days
- 4) 30 days

Superintendent Signature/Firma del superintendente

03-06-11

Date/Fecha

Assistant Secretary for Prisons/Deputy Director Signature (for Category A or Persistent Prison Misbehavior)
Firma del Secretario Auxiliar/Subsecretario para prisiones

Date/Fecha

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.56, and RCW 40.14.

FROM: Dave Bustanoby
Superintendent, TRU

TO: Ronald Brown 748220
MCC TRU
D1051

-PRP-

APP:I



OFFENDER'S KITE

PAPELETA DE PETICIÓN DEL INTERNO

OFFENDER NAME (PRINT) NOMBRE DEL INTERNO (LETRA DE MOLDE) Ronald Lee Brown (DEAF)		
DOC NUMBER/NÚMERO DOC 748220	FACILITY, UNIT, CELL/FACILITY IS INSTALACIÓN UNIDAD, CELDA MCC/TRU D-Unit 105-1	DATE/FECHA 7/23/15
DESIRE INTERVIEW WITH OR ANSWER FROM/DESEA ENTREVISTA CON O RESPUESTA DE CC SAGER A-Wing, D-unit Counselor		

- Interpreter needed for _____ (language).
- Necesito intérprete para _____ (Idioma).

REASON/QUESTION
RAZÓN/PREGUNTA

I've sent a Kiosk message also. Only 50-odd days left and with Time growing short I do need some type of updates + verifications on my Interstate Compact Release to Home in South Dakota. I need to make + pay for Airline tickets etc., Switch on Utilities Services at Home and schedule my family to pick me up at the Airport. I.D.'s + Drivers License Renewal, Banking...

SIGNATURE/FIRMA
Ronald L. Brown

DAYS OFF/DIAS LIBRES

RESPONSE
RESPUESTA

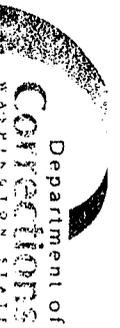
SORRY FOR NOT COMMUNICATING. I HAD TO RESET THE COMPACT SITE; YOU WERE (I WAS) MISSING INFO. I WILL GET IT DONE TOMORROW. IT WILL BE MY PRIORITY #1

RESPONDER/PERSONA QUE RESPONDE
SAGER

DATE/FECHA

- PRP -

APP:J



OFFENDER'S KITE

PAPELETA DE PETICIÓN DEL INTERNO

OFFENDER NAME (PRINT) NOMBRE DEL INTERNO (LETRA DE MOLDE)		
DOC NUMBER/NÚMERO DOC	FACILITY, UNIT, CELL/FACILITY IS INSTALACIÓN/UNIDAD, CELDA	DATE/FECHA
748220	MECTRU D-105-1	8/13/15
DESIRE INTERVIEW WITH OR ANSWER FROM/DESEA ENTREVISTA CON O RESPUESTA DE		
Ce Sager		

REASON/QUESTION Interpretar needed for _____ (language).
 Necesito intérprete para _____ (idioma).
 RAZÓN/PREGUNTA

Question: Since I've served my entire sentence & earned my good time/earned time - ~~off~~ my sentence, being SRAI have no need to have aled interstate compact since I have absolutely NO time left to serve on my conviction. Upon 9/18/15 plus good time & earned time I've done me entire sentence - ~~the~~ interstate compact req. Ronald P. Brown

RESPONSE RESPUESTA	DATE/FECHA
YOUR ERD IS 9/18/15, MAX DATE 4/16/19. YOU CAN BE HELD UNTIL YOUR MAX. BECAUSE YOU HAVE 4 YRS SUPERVISION, A RELEASE PLAN IS REQUIRED. THE INTERSTATE COMPACT IS A RELEASE PLAN.	

Distribution: WHITE/YELLOW-Responder, YELLOW-Return to Offender with Response, PINK-Offender keeps Distribution, BLANCA/AMARILLA-Persona que responde, AMARILLA-Devuelve al interno con respuesta, ROSA-Interno
 DOC 21-473 ES (Rev. 05/23/13) DOC 390 585, DOC 450 500



OFFENDER'S KITE

PAPELETA DE PETICIÓN DEL INTERNO

OFFENDER NAME (PRINT) NOMBRE DEL INTERNO (LETRA DE MOLDE)		
DOC NUMBER/NÚMERO DOC	FACILITY, UNIT, CELL/FACILITY IS INSTALACIÓN/UNIDAD, CELDA	DATE/FECHA
DESIRE INTERVIEW WITH OR ANSWER FROM/DESEA ENTREVISTA CON O RESPUESTA DE		

REASON/QUESTION Interpretar needed for _____ (language).
 Necesito intérprete para _____ (idioma).
 RAZÓN/PREGUNTA

YOU CAN DROP THE INTERSTATE PLAN IF YOU WANT, BUT YOU WOULD BE REQUIRED TO HOLD FOR HOUSING IN KING COUNTY. IF YOU RELEASE IN WA AND WANT TO MOVE TO SD YOU WOULD NEED TO DO THIS ALL OVER AGAIN.

RESPONSE RESPUESTA	DATE/FECHA
My advice would be to hang in there a bit more.	

Distribution: WHITE/YELLOW-Responder, YELLOW-Return to Offender with Response, PINK-Offender keeps Distribution, BLANCA/AMARILLA-Persona que responde, AMARILLA-Devuelve al interno con respuesta, ROSA-Interno
 DOC 21-473 ES (Rev. 05/23/13) DOC 390 585, DOC 450 500

Home | Assignments | Offender | Plans | Programs | Facility | Search | Administration

Home > Offender > Sentence Information > View J & S - Field Return to Case Plan | Help | Logged in as Steven Sager

- Sentence Information Menu**
- View J & S - Prison
 - View J & S - Field
 - Conditions
 - Earned Time
 - Good Conduct Time
 - Problem J & S

Inmate: BROWN, Ronald L (748220) [View Offender Photo](#) | [Legal Face Sheet](#)

Gender: Male	DOB: 02/16/1954	Age: 61	Category: Regular Inmate	Body Status: Active Inmate
PLC: LOW	Wrap Around: No	Comm. Concern: Yes	Custody Level: Minimum 3 - Long Term Minimum	Location: MCC-TRU - D / D1051
EPD: 09/18/2015	ICOTS Victim Sensitive: Yes	CC/CCO: Sager, Steven M		

Links

- OnBase
- OSP System
- CeField
- Policies
- Report Wizard

View J & S - Field

Period Of Jurisdiction: 09/24/1996 - Current

Sentence Drilldown: Cause, Count, & Supervision Type

Display

Include Closed Causes Enable Scrolling

Details

Sch. End Date Calculations StatMax Calculations

Toll Time Graphical Sentence View

Cause	Count	Supervision Type	Consecutive Supervision	Status	Supervision Length	Time Start Date	Sch. End Date	Stat Max
Offender Overall								
			Future Supervision	-		09/18/2015	09/17/2019	-
AA-951070660-King-CP			Pending Field	0Y, 24M, 0D	09/18/2015	09/17/2017	Life	
1- Rape Of A Child 2			Pending Field	0Y, 24M, 0D	09/18/2015	09/17/2017	Life	
Community Placement - CP (CCI)			-	0Y, 0M, 391D	09/18/2015	10/13/2016	-	
Community Placement - CP (PRS)			-	0Y, 0M, 339D	10/13/2016	09/17/2017	-	
Community Placement			-	0Y, 0M, 0D	09/18/2015		-	
2- Child Molestation 2			Pending Field	0Y, 24M, 0D	09/18/2015	09/17/2017	03/12/2027	
Community Placement - CP (CCI)			-	0Y, 0M, 391D	09/18/2015	10/13/2016	-	
Community Placement - CP (PRS)			-	0Y, 0M, 339D	10/13/2016	09/17/2017	-	
Community Placement			-	0Y, 0M, 0D	09/18/2015		-	
AB-961005589-Snohomish-CP			AA-951070660-King-CP	Pending Field	0Y, 24M, 0D	09/17/2017	09/17/2019	Life
1- Rape Of A Child 2			Pending Field	0Y, 24M, 0D	09/17/2017	09/17/2019	Life	
Community Placement - CP (CCI)			-	0Y, 0M, 566D	09/17/2017	04/06/2019	-	
Community Placement - CP (PRS)			-	0Y, 0M, 164D	04/06/2019	09/17/2019	-	
Community Placement			-	0Y, 0M, 0D	09/17/2017		-	
2- Rape Of A Child 2			Pending Field	0Y, 24M, 0D	09/17/2017	09/17/2019	Life	
Community Placement - CP (CCI)			-	0Y, 0M, 566D	09/17/2017	04/06/2019	-	
Community Placement - CP (PRS)			-	0Y, 0M, 164D	04/06/2019	09/17/2019	-	
Community Placement			-	0Y, 0M, 0D	09/17/2017		-	
3- Rape Of A Child 2			Pending Field	0Y, 24M, 0D	09/17/2017	09/17/2019	Life	
Community Placement - CP (CCI)			-	0Y, 0M, 566D	09/17/2017	04/06/2019	-	
Community Placement - CP (PRS)			-	0Y, 0M, 164D	04/06/2019	09/17/2019	-	
Community Placement			-	0Y, 0M, 0D	09/17/2017		-	

Maintain:

Action:



Department of
Corrections
WASHINGTON STATE

20 07 11 46

OFFENDER'S KITE

PAPELETA DE PETICIÓN DEL INTERNO

OFFENDER NAME (PRINT) NOMBRE DEL INTERNO (LETRA DE MOLDE) Ronald Lee Brown (Deaf)		
DOC NUMBER/NÚMERO DOC 748220	FACILITY, UNIT, CELL/FACILITY IS INSTALACIÓN UNIDAD, CELDA D-105-1	DATE/FECHA 11/18/15
DESIRE INTERVIEW WITH OR ANSWER FROM/DESEA ENTREVISTA CON O RESPUESTA DE Accounting/TRU		

REASON/QUESTION RAZÓN/PREGUNTA

Interpreter needed for _____ (language).
 Necesito intérprete para _____ (idioma).

*Please issue Funds to Ronald R. Carpenter
- Clerk, WA Supreme Court of 415-12th Avenue
SW, P.O. Box 40929, Olympia, WA 98504-
0924 - for Personal Restraint Petition -
Filing Fee - Amount of \$250.00*

Thank you

SIGNATURE/FIRMA <i>Ronald L. Brown</i>	DAYS OFF/DÍAS LIBRES _____
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RESPONSE
RESPUESTA

*No reason to send a kite
with funds transfer.
This is done.*

RESPONDER/PERSONA QUE RESPONDE <i>M Hill</i>	DATE/FECHA 11-20-15
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