

FILED
February 5, 2016
Court of Appeals
Division I
State of Washington

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2016 FEB -3 PM 3:40
SONYA KRASKI
COUNTY CLERK
SNOHOMISH CO WASH



SUPERIOR COURT OF WASHINGTON
FOR SNOHOMISH COUNTY

74697-9

THE STATE OF WASHINGTON,

Plaintiff,

v.

BUCKINGHAM, KYLE C.,

Defendant.

No. 07-1-01892-6

ORDER TRANSFERRING MOTION
FOR RELIEF FROM JUDGMENT

(CLERK'S ACTION REQUIRED)

This matter came before the court pursuant to CrR 7.8(c)(2), for initial consideration of the defendant's Motion for Relief from Judgment. The court has considered the documents listed below. Being fully advised, the court hereby concludes and orders as follows:

I. CONCLUSIONS OF LAW

1. The defendant's motion is not time barred by RCW 10.73.090.
2. The defendant has not made a substantial showing that the defendant is entitled to relief.
3. Resolution of the defendant's motion will not require a factual hearing.

II. ORDER

1. Pursuant to CrR 7.8(c)(2), the defendant's Motion for Relief from Judgment is transferred to the Court of Appeals for consideration as a personal restraint petition.

 1 ORIGINAL

PETITIONER MAY FILE PETITION
WITHOUT PAYMENT OF FILING FEE


COURT ADMINISTRATOR/CLERK

2. The clerk of this court shall transmit copies of the following to the Court of Appeals:

a. This order;

b. The Defendant's Motion to Modify or Correct Judgment and Sentence (Pursuant to CrR 7.8)(sub No. 60).

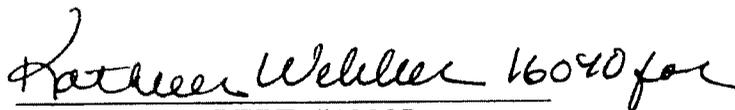
c. The Defendant's Declaration in Support of Motion to Modify or Correct Judgment and Sentence (Pursuant to CrR 7.8)(sub No. 61).

d. The State's Motion to Transfer Motion For Relief From Judgment (sub No. 66).

Entered this 29th day of January, 2016.


JUDGE LINDA C. KRESE

Presented by:


JANICE C. ALBERT, #19865
Deputy Prosecuting Attorney



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SONYA KRASKI
COUNTY CLERK

SUPERIOR COURT OF WASHINGTON
IN AND FOR SNOHOMISH COUNTY

THE STATE OF WASHINGTON
PLAINTIFF

) No. 07-1-01892-6

V.

)
)
) MOTION TO MODIFY OR CORRECT
) JUDGMENT AND SENTENCE

BUCKINGHAM, KYLE CHRISTOPHER
DEFENDANT

) (Pursuant to CrR 7.8)
)

FACTS

I. Comes now KYLE BUCKINGHAM, defendant, in Pro Se, in the above entitled matter:

II. The defendant appeared before Judge: Ronald Castleberry

III. The state being represented by: Laura Twitchell, of the SNOHOMISH County Prosecutors Office.

IV. The defendant being represented by: Donald Wackerman Defense Attorney.

V. The defendant plea [] or trial [X] and received a sentence of 93 months.

Motion to Modify or Correct Sentence & Judgment

60

Exhibit

A

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SONYA KRASKI
COUNTY CLERK
SNOHOMISH CO. WASH

INELIGIBLE TO CARRY FIREARMS

3/19/08 F.O. SCSO

SUPERIOR COURT OF WASHINGTON
FOR SNOHOMISH COUNTY

THE STATE OF WASHINGTON,

Plaintiff,
v.

BUCKINGHAM, KYLE CHRISTOPHER

Defendant.

No. 07-1-01892-8

JUDGMENT AND SENTENCE

- Jail One Year or Less
- Special Sexual Offender Sentencing Alternative
- Clerk's Action Required, restraining order entered para. 4.3
- Clerk's action required firearms rights revoked, para. 4.3 and 5.6
- Clerk's action required, para 5.4 Restitution Hearing set.

SID: WA22503972
If no SID, use DOB: 12/09/1985

I. HEARING

- 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 December 24, 2007 by stipulated bench trial of:

COUNT	CRIME	RCW	INCIDENT #	DATE OF CRIME
I	Rape of a Child in the First Degree	9A.44.073	LYN, 0706323	7/1/07
II				

as charged in the information.

- Additional current offenses are attached in Appendix 2.1.
- A special verdict/finding for use of a deadly weapon which was a firearm was returned on Court(s) RCW 9.04A.602, 9.41.010, 9.04A.533

ORIGINAL

A3
35

Date 3/19/08
CC PA 2
CC SCSO 2
CC Jail 1
DPA Sent Y N

- [] A special verdict/finding for use of deadly weapon which was not a firearm was returned on Count(s) _____ RCW 9.94A.602, 9.94A.633
- [] A special verdict/finding of sexual motivation was returned on Count(s) _____ RCW 9.94A.637
- [] A special verdict/finding that the offense was predatory was returned on count(s) _____ RCW .94A.____(laws of 2006 ch. 122 section 1(2), effective 3-20-06)
- [] A special verdict/finding that the victim was under 15 years of age at the time of the offense was returned on count(s) _____ RCW 9.94A.____(laws of 2006, ch 122 section (2), effective 3-20-06)
- [] A special verdict/finding that the victim was developmentally disabled, mentally disordered, or a frail elder or vulnerable adult at the time of the offense was returned on count(s) _____ RCW 9.94A.010, 9.94A.____(laws of 2006, ch. 122, section 3, effective 3-20-06)
- [] 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.; or in, or within 1000 feet of the perimeter of, a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.
- [] A special verdict/finding that the defendant committed a crime involving the manufacture of methamphetamine, including its salts, isomers, and salts of isomers, when a juvenile was present in or upon the premises of manufacture was returned on Count(s) _____ RCW 9.94A, RCW 69.50.401(a), RCW 69.50.440.
- [] 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(45)
- [] This case involves kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.
- [] The court finds that the offender has a chemical dependency which contributed to the offense and imposes as a condition of sentence that defendant shall participate in the rehabilitative program/affirmative conduct: _____
RCW 9.94A.807.
- [] The crime charged in Count(s) _____ involve(s) domestic violence.
- [] The offense in Count(s) _____ was committed in a county jail or state correctional facility. RCW 9.94A.533(5)
- [] The court finds that in Count _____ a motor vehicle was used in the commission of this felony. The Department of Licensing shall revoke the defendant's driver's license. RCW 46.20.285.
- [] Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):
- [] Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

2.2 CRIMINAL HISTORY: Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.525):

CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J Adult, Juv.	TYPE OF CRIME
1 None					
2					
3					
4					
5					

- 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.525.
- The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):
- The following prior convictions are not counted as points but as enhancements pursuant to RCW 48.61.520:

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
1	0	XII	93-123 months		93-123 months	Life

*Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom. See RCW 48.61.520, (JP) Juvenile Present

- Additional current offense sentencing data is attached in Appendix 2.3.
- 2.4 **EXCEPTIONAL SENTENCE** (For Determinate 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. The prosecuting attorney did did not recommend a similar sentence.
 - EXCEPTIONAL MINIMUM TERM** (For Maximum and Minimum Term Sentence) Substantial and compelling reasons exist which justify an exceptional minimum term above within below the standard range for Count(s) _____.
 - The defendant and state stipulate that justice is best served by imposition of an exceptional sentence above the standard range and the court finds that exceptional sentence furthers an is consistent with the interest of justice and the purposes of the sentence reform act.
 - Aggravating factors were stipulated by the defendant, found by the court after the defendant waived jury trial, found by jury by special interrogatory. Findings of fact and conclusions of law are attached in Appendix 2.4. The jury's interrogatory is attached. The prosecuting attorney did did not recommend a similar sentence.
- 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

III. JUDGMENT

- 3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1 and Appendix 2.1.
- 3.2 The Court DISMISSES Counts _____
- 3.3 The defendant is found NOT GUILTY of Counts _____

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court:

RMA	<u>\$15/\$25/\$50</u>	Restitution Monitoring Fee	SCC 4.94.010
		The Clerk shall collect this fee before collecting restitution or any other assessed legal financial obligations.	RCW 9.94A.760
PCV	<u>\$500</u>	Victim assessment	RCW 7.68.035
DLC	\$ _____	Court costs, including	RCW 9.94A.780, 9.94A.505, 10.01.160, 10.48.190
		Criminal filing fee \$ _____	FRC
		Witness costs \$ _____	WFR
		Sheriff service fees \$ _____	SFR/SFR/SFR/SFR
		Jury demand fee \$ _____	JFR
		Other \$ _____	
PUB	<u>\$962</u>	Fees for court appointed attorney	RCW 9.94A.030
WFR	\$ _____	Court appointed defense expert and other defense costs	RCW 9.94A.030
FCM	\$ _____	Fine RCW 8A.20.021; <input type="checkbox"/> VUCSA additional fine deferred due to indigency	RCW 69.50.430
COFAL/DV	\$ _____	Drug enforcement fund of _____	RCW 9.94A.030
FCOINT/FASAD/SOR	\$ _____		
CLF	\$ _____	Crime lab fee <input type="checkbox"/> deferred due to indigency	RCW 43.43.880
EXT	\$ _____	Extradition costs	RCW 9.94A.505
	\$ _____	Emergency response costs (Vehicular Assault, Vehicular Homicide only, \$1000 maximum)	RCW 38.52.430
	<u>\$180</u>	Biological Sample Fee (for offenses committed after 7-1-2002)	RCW 43.43.7541
	\$ _____	Domestic Violence Penalty (for offenses committed after 8-4-2004, \$100 maximum)	RCW 10.99.080
	RCW 10.99.080		
	\$ _____	Other costs for: _____	

\$ 500.00 TOTAL (plus restitution if any) RCW 9.94A.780

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

RESTITUTION. Schedule attached, Appendix 4.1.

Restitution ordered above shall be paid jointly and severally with:

NAME of other defendant CAUSE NUMBER (Victim name) (Amount-\$)

AND

The Department of Corrections may immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, 9.94A.760(9)

All payments shall be made in accordance with the policies of the clerk and on a schedule established by the Department of Corrections, commencing immediately, unless the court specifically sets forth the rate here: Not less than

\$ 25 per month commencing immediately
RCW 9.94A.760

All payments shall be made within _____ months of: release of confinement;
 entry of judgment; 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 \$50.00 per day unless another rate is specified here _____ RCW 9.94A.760(2)

The defendant shall pay the costs of services to collect unpaid legal financial obligations. RCW 35.18.190.

The financial obligations imposed in this judgment shall bear interest from the date of the Judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.

4.2 HIV TESTING. 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 biological sample (offenses committed 7-1-2002 and after), blood sample (offenses committed before 7-1-2002) 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 have contact with S.S. (DOB: 8/8/02), 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). EVEN IF THE PERSON WHO THIS ORDER PROTECTS INVITES OR ALLOWS CONTACT, YOU CAN BE ARRESTED AND PROSECUTED. ONLY THE COURT CAN CHANGE THIS ORDER. YOU HAVE THE SOLE RESPONSIBILITY TO AVOID OR REFRAIN FROM VIOLATING THIS ORDER.

(Check for any domestic violence crime as defined by RCW 10.99.020(3), Anti-harassment no contact order, or Sexual Assault Protection Order): VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE UNDER CHAPTER 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST. ANY ASSAULT, DRIVE-BY SHOOTING, OR RECKLESS ENDANGERMENT THAT IS A VIOLATION OF THIS ORDER IS A FELONY. RCW 10.99.050.

(Check for any harassment crime as defined by RCW 9A.46.060): VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE UNDER CHAPTER 9A.46 AND WILL SUBJECT A VIOLATOR TO ARREST. RCW 9A.46.080.

(For Domestic Violence orders only:) 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 _____ 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.

The defendant is ordered to reimburse _____ (name of electronic monitoring agency) at _____, for the cost of pretrial electronic monitoring, in the amount of \$ _____.

4.4 OTHER: _____

4.5 SPECIAL SEXUAL OFFENDER SENTENCING ALTERNATIVE. RCW 9.94A.670. The court finds that the defendant is a sex offender who is eligible for the special sentencing alternative and the court has determined that the special sex offender sentencing alternative is appropriate. The defendant is sentenced to a term of confinement as follows:

(a) CONFINEMENT [Determinate Sentences]. RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC):

_____ months on Count _____ months on Count _____
_____ months on Count _____ months on Count _____
_____ months on Count _____ months on Count _____

CONFINEMENT [Maximum Term and Minimum Term]. RCW 9.94A.712. Defendant is sentenced to total confinement as follows. The maximum and minimum terms of confinement shall be served in a facility or institution operated, or utilized under contract, by the State of Washington.

Count I: maximum term of Life years AND minimum term of 93 months
Count _____: maximum term of _____ years AND minimum term of _____ months
Count _____: maximum term of _____ years AND minimum term of _____ months
Count _____: maximum term of _____ years AND minimum term of _____ months

Actual number of months of total confinement ordered is: 12 months; 81 months suspended

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.589

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.505. 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:

(c) SUSPENSION OF SENTENCE. The execution of this sentence is suspended and the defendant is placed on community custody under the charge of the Department of Corrections for the length of the suspended sentence, the length of the maximum term sentenced under RCW 9.94A.712, or three years, whichever is greater, and shall comply with all rules, regulations and requirements of the Department. Community custody for offenses not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. (RCW 9.94A.715(5)) The defendant shall report as directed to a community corrections officer, pay all legal financial obligations, perform any court ordered community restitution work submit to electronic monitoring if imposed by the Department and be subject to the following terms and conditions:

Undergo and successfully complete an outpatient inpatient sex offender treatment program with

for a period of 24 months 2 yrs

Defendant shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, community corrections officer and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change.

Serve 12 days/months of total confinement. Work Crew and Electronic Home Detention are not authorized. RCW 9.94A.725, 734

Obtain and maintain employment.

Work release is authorized, if eligible and approved. RCW 9.94A.731

Defendant shall perform _____ hours of community restitution as approved by defendant's community corrections officer to be completed:

as follows: _____

on a schedule established by the defendant's community corrections officer. RCW 9.94A.

Additional conditions: _____

Defendant shall not reside in a community protection zone (within 880 feet of the facilities and grounds of a public or private school). (RCW 9.94A.030(8)).

Other Conditions: Attached as Appendix A and Incorporated herein by Reference

The conditions of community custody shall begin immediately unless otherwise set forth here: _____

4.6 REVOCATION OF SUSPENDED SENTENCE. The court may revoke the suspended sentence at any time during the period of community supervision and order execution of the sentence, with credit for confinement served during the period of community custody, if the defendant violates the conditions of the suspended sentence, or the court finds that the defendant is failing to make satisfactory progress in treatment. RCW 9.94A.670(10)

4.7 TERMINATION HEARING. A treatment termination hearing is scheduled for 1/15/2009 and Review hrg: JANUARY 13, 2009
(three months prior to anticipated date for completion of treatment) RCW 9.94A.670
 See additional page for other conditions of sentence

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

4.9 FURTHER PROVISIONS APPLICABLE TO ALL SENTENCES:

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.589

Confinement shall commence immediately unless otherwise set forth here: _____

The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505(8). 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:

- 4.10 **COMMUNITY CUSTODY RANGE [For Determinate Sentences]** is ordered as follows:
- | | | | |
|-------------|------------------------|----------|---------|
| Count _____ | for a range from _____ | to _____ | months; |
| Count _____ | for a range from _____ | to _____ | months; |
| Count _____ | for a range from _____ | to _____ | months; |

or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A.700 and .705 for community placement offenses – serious violent offense, second degree assault, any crime against a person with a deadly weapon finding and Chapter 89.50 or 89.52 RCW offense not sentenced under RCW 9.94A.880 committed before 7-1-2002. Community custody follows a term for a sex offense not sentenced under RCW 9.94A.712 and violent offenses committed on or after 7-1-2000. – RCW 9.94A.715 Use paragraph 4.7 to impose community custody following work ethic camp.]

COMMUNITY CUSTODY [For Maximum And Minimum Term Sentences]: For each count, the defendant is sentenced to community custody under the supervision of the Department of Corrections (DOC) and the authority of the Indeterminate Sentence Review Board for any period of time that the defendant is released from total confinement before expiration of the maximum sentence. In addition to other conditions, the defendant shall comply with any conditions imposed by the Indeterminate Sentence Review Board. RCW 9.94A.713

While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution; (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 DOC; and (6) perform affirmative acts necessary to monitor compliance with orders of the court as required by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders may be extended for up to statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

The defendant shall not consume any alcohol.

Defendant shall have no contact with: S.S. (d.o.b. 8/6/02)

Defendant shall remain within outside of a specific geographical boundary, to wit: _____

The defendant shall participate in the following crime-related treatment or counseling services: _____

The defendant shall undergo an evaluation for treatment for

sexual deviancy

domestic violence

substance abuse

mental health

anger management and fully comply with all recommended treatment.

The defendant shall comply with the following crime-related prohibitions: Attached as

Appendix A and Incorporated herein by reference.

Other conditions may be imposed by the court or DOC during community custody, or are set forth here:
Attached as Appendix A and incorporated herein by reference

4.11 OFF LIMITS ORDER (known drug trafficker) RCW 10.68.020. The following areas are off limits to the defendant while under the supervision of the County Jail or Department of Corrections:

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

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.** For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purposes of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.753(4), RCW 9.94A.760 and RCW 9.94A.505(4).
- 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.7602. Other income-withholding action under RCW 9.94A may be taken without further notice. RCW 9.94A.7602.
- 5.4 **RESTITUTION HEARING.** - if any
 Defendant waives any right to be present at any restitution hearing (sign initials): KB
 Defendant waives any right to a restitution hearing within 6 months RCW 9.94A.750.
 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.634

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, identicaid, 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, identicaid, or comparable identification to the department of licensing along with the date of conviction).

The defendant is ordered to forfeit any firearm he/she owns or possesses no later than _____ to _____ (name of law enforcement agency). RCW 9.41.098

Cross off if not applicable

5.7 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 but you are a student in Washington or you are employed in Washington or you carry a vocation in 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 3 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 signed 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 signed written notice of your change of residence to the sheriff of your new county of residence at least 14 days before moving, register with that sheriff within 24 hours of moving and you must give signed written notice of your change of address to the sheriff of the county where last registered within 10 days of moving. If you move out of Washington State, you must also send written notice within 10 days of moving 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. If you become employed at a public or private institution of higher education, you are required to notify the sheriff for the county of your residence of your employment by the institution within 10 days of accepting employment or by the first business day after beginning to work at the institution, whichever is earlier. If your enrollment or employment at a public or private institution of higher education is terminated, you are required to notify the sheriff for the county of your residence of your termination of enrollment or employment within 10 days of such termination. (Effective September 1, 2006) If you attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW, you are required to notify the sheriff of the county of your residence of your intent to attend the school. You must notify the sheriff within 10 days of enrolling or 10 days prior to arriving at the school to attend classes, whichever is earlier. If you are enrolled on September 1, 2006, you must notify the sheriff immediately. The sheriff shall promptly notify the principal of the school.

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 14 days 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 are registered on a weekly basis if you have been classified as a risk level II or III, or on a monthly basis if you have been classified as a risk level I. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level. If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph 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. You 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 you last registered in Washington State.

If you have a fixed residence and you are designated as a risk level II or III, you must report, in person, every 90 days to the sheriff of the county where you are registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. If you comply with the 90-day reporting requirement with no violations for at least 5 years in the community, you may petition the superior court to be relieved of the duty to report every 90 days. If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your name, you must submit a copy of the order to the county sheriff of the county of your residence and to the state patrol within five days of the entry of the order. RCW 9A.44.130(7).

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.

6.9 Voting Rights Statement: I acknowledge that my right to vote has been lost due to felony conviction. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.068; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.660.

5.10 OTHER: _____

DONE in Open Court and in the presence of the defendant this date: 3/17/08

Laura E. Twitchell
 LAURA E. TWITCHELL, #28697
 Deputy Prosecuting Attorney

Donald J. Wackerman
 DONALD J. WACKERMAN,
 #15042
 Attorney for Defendant

[Signature]
 JUDGE
 Print name: *Kyle Christopher Buckingham*
 * KYLE CHRISTOPHER BUCKINGHAM
 Defendant

Interpreter 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: 07-1-01892-6

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: _____

Clerk of said County and State, _____, Deputy Clerk

IDENTIFICATION OF DEFENDANT

SID No. WA22503972 Date of Birth: 12/09/1985
(If no SID take fingerprint card for State Patrol)

FBI No. 628597FC9 Local ID No. _____

PCN No. _____ DOC _____

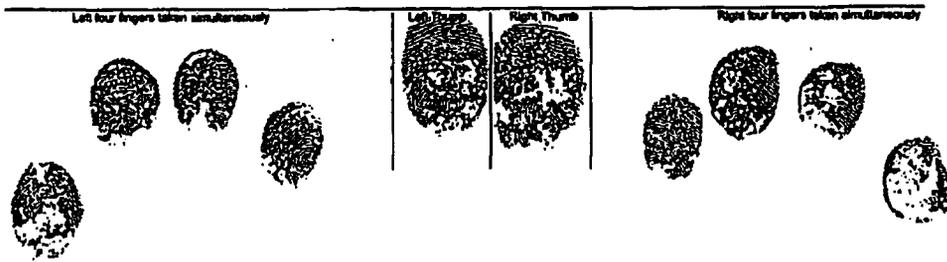
Alias name, SSN, DOB: _____

Race: White Ethnicity: Hispanic Sex: M
 Non-Hispanic

Height: 6'0 Weight: 157 Hair: Brown Eyes: Brown

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: 3-17-08

DEFENDANT'S SIGNATURE: [Signature]
ADDRESS: 7701 Hardesh Rd #12 Everett, WA 98203



FILED

2008 MAR 19 AM 10:58

ORDER OF COMMITMENT

SONYA KRASKI
COUNTY CLERK
SNOHOMISH COUNTY, WASHINGTON

THE STATE OF WASHINGTON to the Department of Corrections of the County of Snohomish, State of Washington:

WHEREAS, KYLE CHRISTOPHER BUCKINGHAM, has been duly convicted of the crime(s) of Count 1 Rape of a Child in the First Degree, as charged in the Information and judgment has been pronounced against the defendant that punishment be by imprisonment in the Snohomish County Department of Corrections for a period of time as specified in the attached certified copy of the Judgment and Sentence. Now, Therefore,

THIS IS TO COMMAND YOU, the Snohomish County Department of Corrections, to detain the defendant pursuant to the terms of the Judgment and Sentence.

FURTHER, this is to command you that should the Judgment and Sentence authorize release of the defendant to a Work/ Training Release Facility or Program, or to any other program or for some specific purpose, this Order of Commitment shall constitute authority for you to release the defendant for that program or purpose, subject to any additional requirements of that program or purpose.

WITNESS the Honorable RONALD L. CASTLEBERRY, Judge of the Snohomish County Superior Court and the seal thereof, this 17 day of March, 2008.

Pam L. Daniels
CLERK OF THE SUPERIOR COURT

By: Pam L. Daniels
Deputy Clerk

FILED

A3

3-19-2008

SUPERIOR COURT OF WASHINGTON
FOR SNOHOMISH COUNTY

SONYA KRASKI
COUNTY CLERK
SNOHOMISH CO. WASH.

THE STATE OF WASHINGTON,

Plaintiff,

v.

BUCKINGHAM, KYLE CHRISTOPHER

Defendant.

No. 07-1-01892-6

APPENDIX A
ADDITIONAL CONDITIONS
OF COMMUNITY CUSTODY

ADDITIONAL CONDITIONS OF COMMUNITY CUSTODY:

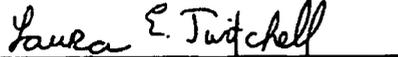
1. Have no direct or indirect contact with S.S.
2. Pay the costs of crime-related counseling and medical treatment required by the court.
3. Have no new law violations.
4. Do not initiate or prolong contact with minor children without the presence of an adult who is knowledgeable of the offense and has been approved by the supervising Community Corrections Officer.
5. Do not seek employment or volunteer positions which place you in contact with or control over minor children.
6. Do not frequent areas where minor children are known to congregate, as defined by the supervising Community Corrections Officer.
7. Do not possess or access pornographic materials, as directed by the supervising Community Corrections Officer. Do not frequent establishments whose primary business pertains to sexually explicit or erotic material.
8. Do not possess or control sexual stimulus material for your particular deviancy as defined by the supervising Community Corrections Officer and therapist except as provided for therapeutic purposes.
9. Do not possess or control any item designated or used to entertain, attract or lure children.
- ⑩ Do not date women nor form relationships with families who have minor children, as directed by the supervising Community Corrections Officer.
11. Do not remain overnight in a residence where minor children live or are spending the night.
12. Do not hold employment without first notifying your employer of this conviction.
13. Hold employment only in a position where you always receive direct supervision.

14. Do not possess or consume alcohol and do not frequent establishments where alcohol is the chief commodity for sale.
15. Do not possess or consume controlled substances unless you have a legally issued prescription.
16. Do not possess drug paraphernalia.
17. Find and maintain full time employment and or a combination of employment and full time educational program during the period of supervision, as directed by the supervising Community Corrections Officer. or demonstrate efforts to comply with this condition
18. Do not access the Internet on any computer in any location, unless such access is approved in advance by the supervising Community Corrections Officer and your treatment provider. Any computer to which you have access is subject to search.
19. Do not use computer chat rooms.
20. Do not use a false identity at any time on a computer.
21. You must subject to searches or inspections of any computer equipment to which you have regular access.
22. You may not possess or maintain access to a computer, unless specifically authorized by your supervising Community Corrections Officer. You may not possess any computer parts or peripherals, including but not limited to hard drives, storage devices, digital cameras, web cams, wireless video devices or receivers, CD/DVD burners, or any device to store to reproduce digital media or storage.
23. Participate and make progress in sexual deviancy treatment. Follow all conditions outlined in your treatment contract. Do not change therapists without advanced permission of the sentencing Court.
24. Participate in offense related counseling programs, to include Department of Corrections sponsored offender groups, as directed by the supervising Community Corrections Officer.
25. Participate in substance abuse treatment as directed by the supervising Community Corrections Officer.
26. Participate in urinalysis, breathalyzer, plethysmograph and polygraph examinations as directed by the supervising Community Corrections Officer.
27. Your residence, living arrangements and employment must be approved by the supervising Community Corrections Officer.
28. You must consent to DOC home visits to monitor your compliance with supervision. Home visits include access for purposes of visual inspection of all areas of the residence in which you live or have exclusive or joint control and/or access.
29. Register as a sex offender with the county of your residence for the period provided by law.

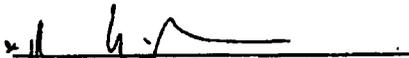
Dated this 17th day of March 2008.



JUDGE RONALD L. CASTLEBERRY


LAURA E. TWITCHELL, #28697
Deputy Prosecuting Attorney


DONALD J. WACKERMAN, #15042
Attorney for Defendant


KYLE CHRISTOPHER BUCKINGHAM
Defendant

APPENDIX A
3/4/08

FILED

2009 MAY -5 AM 11:44

SONYA KRASKI
COUNTY CLERK
SNOHOMISH CO. WASH

SUPERIOR COURT OF WASHINGTON
FOR SNOHOMISH COUNTY

THE STATE OF WASHINGTON,

Plaintiff,

v.

BUCKINGHAM, KYLE CHRISTOPHER
DOC# 314244

Defendant.

No. 07-1-01892-8

ORDER MODIFYING SENTENCE/
REVOKING SENTENCE/ORDER OF
CONFINEMENT/ORDER OF COMMITMENT

[] CLERK'S ACTION REQUIRED

I. HEARING

1.1 The court received a petition for an order modifying sentence for the above defendant.

1.2 This matter was heard on the 30th day of April, 2009 and the court having considered a violation report dated April 21, 2009, and/or

- () Affidavit(s) from: _____
- () Testimony of _____
- () The defendant's stipulation to the violation of the requirements or conditions of sentence alleged in the petition as violation(s) number(s) _____
- () Other: _____

and the argument of counsel;

II. FINDINGS

2.1 The defendant has failed to comply with the requirements or conditions of sentence as follows:

1. USING CONTROLLED SUBSTANCE, VICODIN, WITHOUT A PRESCRIPTION BETWEEN 3/8/09 AND 4/16/09.
2. LEAVING THE COUNTY WITHOUT PERMISSION BETWEEN 3/8/09 AND 4/16/09.
3. ACCESSING A COMPUTER BETWEEN 3/8/09 AND 4/16/09.
4. ACCESSING THE INTERNET BETWEEN 3/8/09 AND 4/16/09.
5. HAVING AN UNAPPROVED DEVICE THAT STORES DIGITAL MEDIA, A CELL PHONE, BETWEEN 3/8/09 AND 4/16/09.
6. VIEWING PORNOGRAPHY AT HIS CLEAN AND SOBER RESIDENCE BETWEEN 3/8/09 AND 4/16/09.
7. VIEWING PORNOGRAPHY ON A DVD AT HIS PARENT'S RESIDENCE BETWEEN 3/8/09 AND 4/16/09.

Order Modifying Sentence
SL v. BUCKINGHAM, KYLE CHRISTOPHER
PAS07F03118P1

Snohomish County Prosecuting Attorney
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57

8. STAYING OVERNIGHT AT AN UNAPPROVED ADDRESS BETWEEN 3/8/09 AND 4/16/09.
9. FAILURE TO ABIDE WITH CCO INSTRUCTIONS BY VIOLATING CURFEW BETWEEN 3/8/09 AND 4/16/09.
10. FAILURE TO COMPLY WITH SEX OFFENDER TREATMENT CONTRACT BY FAILING TO NOTIFY HIS TREATMENT PROVIDER OF A ROMANTIC RELATIONSHIP WITH A WOMAN (MISTY) BETWEEN 3/8/09 AND 4/16/09.
11. FAILURE TO COMPLY WITH SEX OFFENDER TREATMENT CONTRACT BY HAVING UNAPPROVED SEXUAL CONTACT BETWEEN 3/8/09 AND 4/16/09.
12. FAILURE TO COMPLY WITH SEX OFFENDER TREATMENT CONTRACT BY ACCESSING PHONE SEX LINES BETWEEN 3/8/09 AND 4/16/09.
13. FAILURE TO COMPLY WITH SEX OFFENDER TREATMENT CONTRACT BY ENGAGING IN SEXUAL TEXTING ON CELL PHONE BETWEEN 3/8/09 AND 4/16/09.
14. FAILURE TO COMPLY WITH SEX OFFENDER TREATMENT CONTRACT BY FAILING TO NOTIFY HIS TREATMENT PROVIDER OF A ROMANTIC RELATIONSHIP WITH A WOMAN (RACHEL) BETWEEN 3/8/09 AND 4/16/09.
15. BEING SUSPENDED FROM SEX OFFENDER TREATMENT 4/21/09.

and the failure to comply
 was willful on Violation(s) 1-15
 was not willful on Violation(s) _____

III. ORDER

It is ORDERED that the sentence previously entered in the above entitled matter, including any previous modifications, is still in effect, but modified in the following manner:

- Defendant shall report to Community Corrections Officer on the first working day after release from confinement.
- Community Supervision is terminated.
 Immediately Upon release from confinement
- Confinement is IMPOSED:
- _____ days for violations.
- _____ days for LFC's, except restitution, converted to jail time;
- _____ days for _____ hours of community restitution converted to jail.
- TOTAL: _____ days of confinement the defendant shall serve.
- CONCURRENT CONSECUTIVE to any other confinement imposed.
 Snohomish County Jail Other _____
- Confinement to begin Immediately No later than _____
- Confinement may be served as:
- WORK RELEASE HOME DETENTION if eligible.
- DOC WORK CREW [...] _____ DAYS OF DAILY REPORTING TO DOC

10/06/2015
HBROWNE

Department of Corrections
AIRWAY HTS CORR CNTR/PINE LODGE CCW

PAGE : 01 OF 01
OIRPLRAR
10.2.1.18

**PLAINFORMA PAUPERIS STATUS REPORT
FOR DEFINED PERIOD: 03/31/2015 TO 09/30/2015**

DOC# : 0000314244
DOB : 12/09/1985

NAME : BUCKINGHAMKYLE

ADMIT DATE : 05/12/2009
ADMIT TIME : 14:18

**AVERAGE
MONTHLY RECEIPTS**

181.38

**20% OF
RECEIPTS**

36.28

**AVERAGE
SPENDABLE BALANCE**

35.94

**20% OF
SPENDABLE**

7.19

