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Appellate jurists uphold prison sentence of former sheriff's evidence room employee

By Paul Gottlieb

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PORT ANGELES — A former sheriff's records specialist's three-year sentence for stealing \$8,644 from the courthouse evidence room has been upheld by the state Court of Appeals.

Staci L. Allison was found guilty of first-degree theft and money laundering after an October 2011 jury trial in Clallam County Superior Court.

The appellate court also upheld a restitution order forcing her to pay \$51,905 in total that was missing from the evidence room.

Allison, 43, was sentenced in December 2011 by then-Superior Court Judge Ken Williams for stealing the funds, which consisted of seized evidence between 2003 and 2006.

After her conviction, Allison, who had been a Port Angeles resident, was released on \$10,000 cash bond to a Montesano address, county Deputy Prosecuting Attorney Lew Schrawy said Thursday.

She will remain free for at least 30 days to give her lawyers a chance to petition the state Supreme Court to review the unanimous three-judge appellate decision.

The law firm Backlund & Mistry of Olympia represented Allison in the appeal.

Jodi Backlund said Thursday that her firm is contemplating a petition.

"We haven't taken any action yet," she said.

Sheriff Bill Benedict said Tuesday that the county's insurance did not cover the missing funds, which consisted of seized evidence mostly related to drug cases.

"I think it's time she report to prison and started serving her sentence," Benedict said.

Allison's punishment was challenged on three grounds: the county Prosecuting Attorney's Office engaged in "prosecutorial mismanagement," the state statute under which Allison was sentenced was unconstitutional, and the restitution was not "causally connected" to the crimes.

The court rejected all three arguments.

Backlund & Mistry contended that Williams abused his discretion by imposing the restitution.

They asserted that two of Allison's supervisors, Chris James and Alice Hoffman, also had access to the evidence room and that there were "lax procedural safeguards."

In writing the opinion, Appellate Judge Bradley Maxa said items found near Allison's work station showed that \$51,905 was missing, according to a Washington State Patrol audit, and that Allison was the "primary custodian" of the evidence room.

Evidence also showed that a day before the audit was conducted, Allison deleted 49 records from the computer system, and 16 of the records related to those items, Maxa wrote.

Allison, not the other two employees, were present when the database records were deleted, and there was a rule that no entries were ever to be deleted, according to court records.

During the four-day trial, Allison testified that she deleted the records on James' orders because they were testing the system.

"In fact, deleting such records violated state law," Maxa wrote.

"While the evidence only showed about \$9,000 in unexplained deposits to Allison's bank account, there also was evidence that she traveled to South Korea three times and to Disneyland without expense, and for two years stopped relying on payday loans to pay her basic living expenses," Maxa wrote.

"Under these circumstances, we cannot say that the sentencing court abused its discretion in finding a causal link between the criminal activity and the damages and in imposing the entire loss as restitution."

Allison testified that her then-boyfriend paid for the trips and that she stopped taking out payday loans because she and her ex-husband were sharing a home and expenses.

If the state Supreme Court were to overturn the conviction, it could have broader significance beyond Allison's case because her lawyers challenged the state money-laundering statute under which she was sentenced, Schrawyer said.

Allison's lawyers asserted that the statute violated the "single-subject" rule contained in the state constitution.

They also said the same act that created the money-laundering offense also amended another statute that governs the seizure and forfeiture of property associated with the drug trade.

"Allison fails to overcome the presumption that this legislation is constitutional," Maxa wrote.

Among its provisions, the money-laundering statute defines the elements of the crime, the procedure for forfeiting proceeds of a criminal offense and what is subject to forfeiture,

Maxa wrote.

“All of these provisions related to the money laundering title, and all of the provisions are germane to one another,” he wrote.

Allison’s lawyers also argued that late disclosures of “voluminous” evidence forced her to request a postponement, which made her choose between her right to a speedy trial and effective counsel.

“The record reflects there was no ‘gamesmanship’ involved in the state’s delayed production of documents,” Maxa wrote.

“Instead, the prosecutor worked diligently to locate further discovery that was beneficial to Allison,” he added.

“Although the delays in producing documents were unfortunate, there is no indication of any egregious conduct that caused the delays.”

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