

69059-1

69059-1

FILED
COURT OF APPEALS DIV I
STATE OF WASHINGTON
EVA

2013 MAY -8 PM 3:41

Form 7. Statement of Additional Grounds for Review
[Rule 10.10(a)]

RECEIVED

IN THE COURT OF APPEALS OF THE STATE OF
WASHINGTON
DIVISION I
Nielsen, Broman & Koch, P.L.L.C.

Ryan Andrew Stephenson

Respondent,

v.

Ryan Andrew Stephenson

Appellant.

Court of Appeals Cause No. 69059-1-I

STATEMENT OF ADDITIONAL
GROUND FOR REVIEW

I Ryan Andrew Stephenson, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

Additional Ground I

Townsend V. Burke, 334 U.S. 736, 68 S. ct. 12,92 L. Ed. 1690(1948)

recognizes, due process requires that a convicted person not be sentenced on "materially untrue assumptions or misinformation".

See: Appendix A.

Additional Ground II

A personal hand written letter with the events that happened. In his words. " See: Appendix B

Additional ground III

P.S.I. Pg. 3 of 17

Dr. Wiester, and said "this injury comes from

penetration not from being hit. Also see Criminal History, pg.8 of 17.

If there are additional grounds, a brief summary is attached to this statement.

Appendix C

Date: April, 22, 2013

Signature: Ryan Stephenson

APPENDIX A
NO. 11-1-00093-2

FOURTH AMENDED INFORMATION CHARGING:

COUNT 1- RAPE 1 with Aggravating Circumstances
and Special Allegation

COUNT 2- Assault of a Child 1 with Aggravating
Circumstances

FILED

APR 02 2012

DEBRA VAN PELT
ISLAND COUNTY CLERK

IN THE SUPERIOR COURT FOR ISLAND COUNTY, WASHINGTON

STATE OF WASHINGTON,

Plaintiff,

vs.

RYAN ANDREW STEPHENSON,

Defendant.

NO. 11-1-00093-2

FOURTH AMENDED INFORMATION
CHARGING:

COUNT 1 - Rape 1 with Aggravating
Circumstance and Special Allegation
COUNT 2 - Assault of a Child 1 with Aggravating
Circumstances.

COMES NOW GREGORY M. BANKS, Prosecuting Attorney of Island County, State of Washington, or his deputy, and by this Information accuses the above-named defendant of violating the criminal laws of the State of Washington as follows:

COUNT I - Rape in the First Degree with Aggravating Circumstance and Special Allegation

On or about the 27th day of May, 2011, in the County of Island, State of Washington, the above-named Defendant engaged in sexual intercourse with another person, to-wit: ERJ, D.O.B 08/08/2009, by forcible compulsion, when the Defendant inflicted serious physical injury to the victim including but not limited to injury that rendered the victim unconscious; contrary to the Revised Code of Washington 9A.44.040; AND FURTHERMORE, the Defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance, contrary to RCW 9.94A.535(3)(b); WITH SPECIAL ALLEGATION: That the victim was under the age of fifteen at the time of the offense, RCW 9.94A.837.

(MAXIMUM PENALTY—Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.44.040(2) and 9A.20.021(1)(a), plus restitution and assessments.)

FOURTH AMENDED INFORMATION Page 1 of 3

PROSECUTING ATTORNEY
OF ISLAND COUNTY
P.O. Box 5000
Coupeville, Washington 98239

SCANNED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

144

1 (MINIMUM PENALTY--Either the maximum of the standard sentence range for the offense or 25
2 years, whichever is greater. RCW 9.94A.507.

3 (If the Defendant has previously been convicted on two separate occasions of a "most serious
4 offense" as defined by RCW 9.94A.030(28), in this state, in federal court, or elsewhere, the
5 mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant
6 to RCW 9.94A.030(32) and 9.94A.570.)

7 (If the Defendant has previously been convicted in this state or elsewhere on one separate
8 occasion of rape in the first or second degree, or rape of a child in the first or second degree, or
9 child molestation in the first degree, or indecent liberties by forcible compulsion, or any of the
10 following, provided there is a finding of sexual motivation: murder in the first or second degree,
11 or homicide by abuse, or kidnapping in the first or second degree, or assault in the first or second
12 degree, or burglary in the first degree, or an attempt to commit any of the preceding crimes, the
13 mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant
14 to RCW 9.94A.030(32)(b) and 9.94A.570.)

15
16 **COUNT II - Assault of a Child in the First Degree with Aggravating Circumstances**

17 On or about the 27th day of May, 2011, in the County of Island, State of Washington, the
18 above-named Defendant, being at least eighteen (18) years of age, intentionally assaulted another
19 who was under the age of thirteen (13), to wit: ERJ, D.O.B. 08/08/2009, and the assault
20 constituted an assault in the first degree, to wit: that the above named defendant did with the
21 intent to inflict great bodily harm, assaulted ERJ, by any force or means likely to produce great
22 bodily harm or death as defined in RCW 9A.36.011, contrary to the Revised Code of
23 Washington 9A.36.120(1)(a) and 9A.36.011(1)(a); AND FURTHERMORE, the Defendant knew or
24 should have known that the victim of the current offense was particularly vulnerable or incapable
25 of resistance, contrary to RCW 9.94A.535(3)(b); AND FURTHERMORE, the Defendant used his or
26 her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the
27 current offense, contrary to RCW 9.94A.535(3)(n).

28 (MAXIMUM PENALTY--Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.36.130(2)
29 and RCW 9A.20.021(1)(a), plus restitution and assessments.)
30

1 (If the Defendant has previously been convicted on two separate occasions of a "most serious
2 offense" as defined by RCW 9.94A.030(28), in this state, in federal court, or elsewhere, the
3 mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant
4 to RCW 9.94A.030(32) and 9.94A.570)

5
6 Dated this 2nd day of April, 2012.

7
8 GREGORY M. BANKS
9 ISLAND COUNTY PROSECUTING ATTORNEY

10
11 By: 

12 ERIC M. OHME
13 DEPUTY PROSECUTING ATTORNEY
14 WSBA # 28398

15 STANDARD SENTENCE RANGE: Assuming an offender score of 3: Count I: 120 – 160
16 months to life in confinement; Assuming an offender score of 0: Count II: 93 – 123 months to
17 life in confinement. Multiple serious violent offenses shall have consecutive sentences per RCW
18 9.94A.589(1)(b). For Count I, if a finding that the victim was under the age of fifteen at the time
19 of the offense (RCW 9.94A.837), then the minimum term shall be either the maximum of the
20 standard sentence range for the offense or **twenty-five years**, whichever is greater per RCW
21 9.94A.712(3)(c)(ii).

22 **DEFENDANT INFORMATION**

NAME: Ryan Andrew Stephenson			DOB: 03/28/1985		
ADDRESS: 700 NW Crosby Road #94					
CITY, STATE, ZIP: Oak Harbor, WA 98277					
PHONE #(s):			DRIV. LIC. NO. STEPH-RA-155	DL ST WA	
SEX: M	RACE: W	HGT: 508	WGT: 170	EYES: HAZ	HAIR: BRO
OTHER IDENTIFYING INFORMATION					

APPENDIX B

HAND WRITTEN LETTER OF STATEMENT

①

A tragedy that was never meant to be: By - Ryan A. Stephenson

On the morning of May, 27, 2011, I woke up unaware of the events that would ~~come~~ ^{lead} to an innocent little girl's life being nearly taken from her. The events that follow were not pre-planned. Yes, my actions were wrong, but it happened none-the-less. You won't like what you here & yet you still need to hear the truth.

06:30 am I awake w/ my - girlfriend at the time. We had sexual intercourse real quick before getting out of ~~the~~ bed. We got dressed & got the kids up for breakfast. Since my girlfriend - Sarah - had to leave at 07:30 am to catch a bus to an early appointment, I insisted she go get - Emily "The victim" - up & change her diaper from the night's potty incidents. That way Emily could have a short time w/ mommy before she left. At this time Emily was fine.

We took the kids - Emily & her older brother Owen - downstairs to feed them breakfast. Sarah left at 07:30 am & left me to tend to the kids by myself, which I had done many times in the 5 mo. I had been staying at her apt.

When Owen finished eating I sent him to his room to play like usual & waited for Emily to eat her cereal bar. Before Sarah left I had started playing GTA-III - Grand Theft Auto 3 on my Playstation 2. I had not slept much the previous evening cause we had gone to bed late. I was playing my game, I was losing, I was getting upset at it & as a chain smoker - I had no cigarettes. Emily was taking too much time to eat so I thought, fine - she can wait until lunch if she doesn't want to eat breakfast. I took her out of her booster seat & lead her into the living room. I sat down on the couch frustrated at everything & for some reason decided to take my anger out on Emily.

Next Page:

2

At first it was nothing. I told her to come to me & when she stood in front of me I pushed her down on her butt. I told her to get up & then pushed her again. I did this 3-4 times. I didn't push hard, just casual.

I picked her up by her feet & held her upside down, then swung her around a few times in a circle so that she'd be dizzy & couldn't stand well after. I laid her on her back on the floor & put my foot on her belly & applied some pressure to it. As if I was standing over her, but not all body weight was used.

By now I was not even pre-thinking any actions. I was just going w/ it. I tossed her on her belly onto the couch. I took a couch pillow, put it over her head & sat on it. Then I punched her in the butt w/ my fist about 12-15 times all the while bouncing on her head. She ended up defecating in her diaper as a result & I had to stop & change her.

Be in mind that-up to the point that she pooped & I changed her - she had been wearing a diaper & a full-body one-piece, pj outfit the whole morning & during all that had occurred so far. So, I removed the pillow, flipped her over - & unzipped her pj's. I pulled her legs out & pushed the pj's out of the way. I removed her diaper & cleaned her up w/ wet-wipes. At this time she was OK. No sign of injury or blood. So poop got on the white blanket that was on the couch & a bit on my knee. I blamed her & casually smacked her over the head once or twice for it.

As a further punishment for it & I can't say where the idea came from - I took her - fully nude - & stuck her in the ~~fr~~ freezer. I left her there for about 4-5 minutes, opening the door to give her air every 15-20 seconds. After that I took her back into the living room & put a clean diaper on her followed by her pink pj's she had been wearing. Next Page:

(3)

After she was dressed again I laid her down on her back on the couch & did some leg stretches w/ her legs. I would hold one foot down on the cushion while lifting the other & pulling it up to her head. I did this a few times - rotating her legs. Like I was shifting gears in a construction machine. I took each leg & pulled her legs back so that her feet were right next to her ears. I also made her do the splits by pulling each leg opposite each other. I even added extra force/pressure, so her legs would go a few inches further than they would on their own. I even flipped her onto her belly & pulled her legs up over her back up to her head as well.

Then I placed her inside her brother's big pink & gray backpack. She sat down in it, I pushed her head down & zipped it up, but left it slightly open for oxygen. I picked it up - was not light - & swung it around in the air & spun it left then right. I tossed it onto the couch where it landed on the edge & fell to the floor. Once it hit the floor I 'casually' kicked it w/ my foot 4-6 times. I then took her out. She was sweaty & I decided since I had gotten worked up myself that that was enough. So I sent her to play w/ her brother & I changed into some shorts to help me cool off.

I left the kids to play & went back to my game. After about 20 min. I got fed up w/ getting killed & losing missions so I turned the game off, unplugged the system & put it away in its box. I took the playstation & the game upstairs & put them away. I figured I would check on the kids while I was up there. I opened the door & saw for a brief second that Emily was lying on the floor on her belly. Hearing me come in caused her to jump to her feet as if she'd been caught doing wrong. I saw that & so I had her follow me & left Owen to keep playing in his room. At first she didn't want to follow me. Worried look on her face. So I picked her up & took her down to the couch where I repeated the bouncing on her head & punching her butt w/ my fist. I stood her up, sat on the couch, then told her to go play. Next Page:

4

This is where everything changes. When she turned around I saw a dark spot on her pjs on her butt area. I thought it to be poop again, but it was real dark & when I tapped the spot w/ my fingers I found it to be red & my heart sped up & I knew it was blood.

It was at this moment that I got very scared & nervous. I put a pillow on the floor & laid her down w/ her head on the pillow. I unzipped her pjs & saw a bloody mess. I carefully removed her legs out of the feet of the pjs & moved the bottom of the pjs off to the side. I did not want to open the diaper but I had to be sure of the extent of her injury. So, I slowly unlatched both ends & slowly pulled down the front. It was a bloody mess. I couldn't see much of anything past red. I did notice a slight tear of skin on her just left of the vaginal area & so I got up & called Sarah. She called her parents to come get Emily.

While waiting I slowly & carefully cleaned her up, put on a fresh diaper that I patted w/ washcloth in hopes of slowing or stopping the bleeding. I got her dressed & ready, but kept her in a flat lying position. I paced back & forth watching for them to show up to get her all the while talking to her & checking her heart beat. They finally showed up & took her. On her way to get medical help.

After they left I fed Owen lunch & played on my laptop while he watched a movie. Had a friend bring me a smoke to help calm my nerves. Then Detectives showed up & since I wasn't in a state of mind to think clear, I agreed to to which led to my arrest & me getting charged w/ Rape of a child.

I never meant for her to get hurt. I never shoved anything up her vagina. An Abusing her like that was not pre-planned. I simply got frustrated w/ some thing & took it out on her. Then I let things go far far & she got hurt.

End of Story! Ryan Steph

(1)

Argument I charged w/ Rape or ...
Never happened that way. Got to get the story straight

On May, 27th, 2011 I was arrested for & charged w/ a very nasty crime. I had lost my temper & took it out on a little girl named Emily. I started off pushing her around, picking on & pestering her. But I let go of all thoughts & emotions & in the end beat her so hard that she was severely injured.

Because of the location & severity of her injuries the state along w/ a couple doctors were certain it was more than just a beat down. They believed it to be sexual.

At first my stories were jumbled because I was worried about Emily & I was still in shock over what happened. The detectives took my vulnerability & used it against me. Once I got tired of them saying I had done sexual things to her I finally opened up about beating her. By then it was too late & they just added more charges to the list.

I was able to prove in court that it was not sexual by presenting clean DNA results, but it did not do any good. since the state was allowed to expose very graphic photos of the victims injuries.

What happened was not pre-planned nor was there suppose to be bloodshed. I never wanted nor did I mean for her to get hurt in any way, I am sure after being pushed around & getting ones butt beat hard, there will be a few common scratches & bruises. But that was all she should have & was expected to end up w/. I never wanted her hurt the way she was, Though I have a couple theories as to how she could have recieved such terrible injuries, I am here to say that I had no sexual relations w/ her, nor was her assault that day sexual in any way.

I have a testimony prepared that explains the exact events that occurred that mornig. It may not seem of any use at this point, but it is all I have that is of ~~the~~ any truth in the case. I did not enjoy reliving the events, but I did so I could write down every thing that went on between Emily & myself.

Flip →

②
I have done things that I should not have in my past, but this I did not do, I am just not that kind of person. During my trial Doctor Rebecca Weister stated that any prior injuries or 'incidents', are not consistent w/ the injuries Emily sustained on May 27th 2011. What that means is that what causes these injuries occurred on May 27th 2011. Not two months prior, nor even a month prior, as Dr. Weister stated. This means that if penetration was acted on Emily's vaginal or anal areas it was May 27th, 2011 & I am here to show that there is no way that that can be proved.

Did I assault her? Yes, I admit to that. Did I mean for her to get injured in any way? No! I would never purposely harm someone so severely. But the charge that has all my focus is Rape. Did I use any type of manner of forceful compulsion on Emily? No! Not on May 27th 2011. Which is when such sick a crime was said to have occurred.

Did I tell the detectives about putting a small toothbrush holder in her butt two months prior? Yes, though it was wrong, there was no sexual intentions involved in the reason through the state does not care. My point here is that there was no injury then & according to Dr. Weister, it is of no concern here. There was also statements from Detective Anthony Slowik that I claimed to have used a toothbrush on her vaginal area a month prior. This is incorrect. He put those words in my mouth, or thought that I said so. I never did.

If ~~it~~ her injuries were a cause of some type of penetration, the only time that was possible was during the few minutes that Emily was inside the freezer completely naked. I say this because for the duration of getting pushed around & beat up - she was fully clothed in a diaper & a onesy. Now, Dr. Weister also stated that she strongly believes these injuries could not occur while wearing a diaper & clothes or a onesy. This is something to consider. It seems impossible but it could happen.

Next Page →

(3)
I want to throw an idea at you, A scenario that could possibly explain the cause of Emily's injuries.

I have stated in my testimony that at a point I placed Emily in the freezer totally naked. I know that there were a few things in there - frozen food type items & all that. Let me give you a picture by telling you that this is a normal size freezer. One connected to the fridge w/ its own door. Small space / small child. Now let us say that when I shoved her inside something cold, frozen, & sharp pricked her private areas, perhaps even scratched her real good. That would get at start on events to come.

Now, after five / six minutes I take her out & dress her w/ clean diaper pjs. Once dressed she is placed on her back on the couch & has her legs stretched in all kinds of directions. What if when her legs were split & hard pressure was applied to force her legs to part farther than they should. That could cause the thin skin of her private area to stretch tightly & if already scratched or cut up slightly could even tear a little.

Now, all it takes is a good hard beating & the skin ~~rips~~ rips & blood pours out. It is that simple of an explanation & most importantly is one to strongly consider & it can't be ignored. Nor can it be excluded from possible causes. If she was cut or punctured by a sharp piece of ice or something I would not have known. I did not think to check her when I took her out. I also dressed her quickly & did not look or check or notice if all was well all over her body. But I can tell you that all was well physically when she went into the freezer cause I had just wiped her clean from having defecated herself. Another thought is that while naked in the freezer she may have moved or squirmed around & something could have slid inside her & cut her that way as well. This could help explain the deepness of the penetration / Laceration. For example: A cold, sharp piece of ice could have slid up inside her & then melted away after a bit. I am not sure that is our answer, but I believe that being exposed in the

freezer was where it began. Things done to her after just made it worse. If I
- I been in a ~~state~~ state of mind to consider such danger - severe physical
danger - I would have placed a diaper on her before she went into the freezer.
- understand the wrong in bullying & beating her, but I not once foresaw severe
harm coming to that child. Never intended for it.

- know that it is very hard to explain the cause of Emily's injuries, internal & external.
but she in fact by my hands in any way was not penetrated on May 27th 2001. I have
gone all I could in my mind to find a missing piece of this mystery, I have admitted
the truth & have given all that I have to provide. So I understand the disbelief, but
I have to try, fight, & hope to get through to someone who would listen & consider
that I may actually be talking truth. My future is on the line. Pay for assault?
No. Pay for sexual assault/Rape/physical penetration? No! Never in my life.
I mean that as I would never in my life do that. The toothbrush holder story was miss
understood & has nothing to do w/ this case as Dr. Weister stated. So, it is past & should
not be used to convict me. It was a dumb idea to do, but it is of no matter. It was two
months in the past when Emily was hurt. And is not a causing factors.

My focus here is to help get answers & to be able to get the truth explained so
that the story is understood. It has been two years & I still walk through that day very
heavily, I still have dreams about her & they are not pretty.

Some have said I have no remorse & that I don't care. Not true. I've heard screams
I've had vivid nightmares of blood & death. I have cry'd & pray'd hard for her to
get well, survive & get happiness in time. I've been suicidal. Tried to ingest
poisonous chemicals, starved/dehydrated myself to skin & bone while slowly
injuries yellow, I do care & I have let the guilt get to me mentally, as
well as emotional. She did not deserve to get such a rough beating & if I
- I been on medication I tell you now I would bet anything she would have not
even hurt in any way, I would not have gone off on her like I did.

Next
Page



(5)
Let me give you a bit of mental history.

On January, 23rd, 2009 I met w/ a Dr. Hoffman to complete a psychological/psychiatric evaluation. Dr. Hoffman marked my degree of severity on a clinical rating scale to be severe in the areas of expression of anger & social withdrawal. Dr. Hoffman diagnosed me w/ psychiatric disorder.

On March, 13th, 2009, C. Smith-MA-LMHC, completed a mental health assessment on me. We discussed my anger issues & some past incidents where I lost my temper. We talked about a split reality I have. Talked about my being a Dark Lord & full of evil. In conclusion Mr. Smith diagnosed me w/ delusional D/O, unspecified & antisocial PD w/ features of Malignant Psychopathy & Schizotypal PD.

On October, 18th, 2010 C. May-LMH-MHP-EMHS met w/ me to complete a mental health assessment. I discussed my "fantasy world" that I lived in. I mentioned taking anger management classes & how they had been very helpful, but I could still get pissed off & angry. Ms. May diagnosed me w/ Schizoaffective disorder. Under risk of harming others.

So, as you can see I have a history of being a very angry person. I have seen counselors taken classes & done very well to suppress my anger. But not once did anyone ever strongly suggest that I be medicated. If I seemed such a danger or possible threat, then I should have been urged & pushed into getting medical treatment. Never happened. If I had been medicated for my anger issues, Emily would not have been hurt.

APPENDIX C

PRE- SENTENCE INVESTIGATION

2012 JUN 13 PM 3:23



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

PRE-SENTENCE INVESTIGATION

SCANNED

TO: The Honorable Judge Hancock
Island County Superior Court
NAME: Stephenson, Ryan Andrew
ALIAS(ES):
CRIME(S): Ct I: Rape in the First Degree with Aggravating
Circumstances and Special Allegation

DATE OF REPORT: 6/13/12
DOC NUMBER: 325274
COUNTY: Island
CAUSE #: 11-1-00093-2

168
25

Ct. II: Assault of a Child in the First Degree with
Aggravating Circumstances

DATE OF OFFENSE: On or about 5/27/12
CHOOSE ONE ADDRESS: Island County Jail

SENTENCING DATE: 6/15/12
DEFENSE ATTORNEY: Peter Simpson

I. OFFICIAL VERSION OF OFFENSE:

Stephenson was found guilty of Rape in the First Degree with Aggravating Circumstances and Special Allegation, as well as Assault of a Child in the First Degree with Aggravating Circumstances by jury trial.

According to Coupeville Marshals Office Narrative, dated 5/27/11, Deputy Marshal Peabody responded to Whidbey General Hospital "due to a report of a 21 month old child in the emergency room for suspected child abuse". EJ was air lifted from Whidbey General Hospital on 5/27/11 to Harborview Medical Center due to injuries sustained from Stephenson.

According to Oak Harbor Police Department Offense Report, dated 5/27/11, by Detective Slowik, Stephenson told Det. Slowik "he bent her (EJ) over his right leg and with a closed fist punched her 12 to 20 times in the bottom area. He said he couldn't control himself and lost his temper". Stephenson further told Det. Slowik he noticed EJ laying on the floor of her brother's bedroom and looked "flushed and sweaty". Stephenson told

ERJ to go to the living room, but he "became angry because she wanted to sleep". He went on to say he "grabbed ERJ and placed her over his leg. With his left hand he made a closed fist and admitted to punching ERJ in the bottom and vaginal area, saying "I hit harder this time". According to the report, ERJ was hit about 20 or 30 times. When describing his assault on ERJ, Stephenson told Det. Slowik "I haven't snapped like that in a longtime".

The following is taken from Det. Slowik's report, dated 6/30/12, covering his interview with Stephenson on 5/27/11 at the residence where the crime occurred.

Stephenson told Det. Slowik he heard a thud from upstairs and when he picked ERJ up, "her diaper felt warm, heavy and wet". When he removed ERJ's diaper, Stephenson said he "saw a lot of blood in her diaper". Stephenson told Det. Slowik ERJ "appeared torn on her bottom but denied examining her injuries". According to the report, "he (Stephenson) said the injury was worse than he thought so he used rags from the downstairs bathroom in an attempt to stop the bleeding".

Later during the time at the residence, Stephenson told Det. Slowik when ERJ "didn't listen to him he became mad. He grabbed ERJ "by the waist and put her over his right leg. He admitted to losing control and said he made a closed fist with his right. He told us that he began punching ERJ on her bottom and around her crotch. He admitted to punching ERJ 12 to 20 times with his closed fist. I got mad, I beat her, I stretched her out".

In an interview on 6/1/12, with Det. Slowik and Stephenson at the Island County Jail, Stephenson told Det. Slowik when he hit ERJ "she shit herself". Stephenson went on to say when he changed ERJ's diaper, he got feces on him. After changing her, "he decided to stick her inside a backpack". He "shoved" ERJ into the pack. Stephenson told Det. Slowik "he had to shove ERJ's head down toward her torso in order to close the zipper. He said he left the zipper slightly open in order for ERJ to have air". While holding the handles, he "said he swung the backpack violently in the air. He swung the backpack jerking it back and forth and attempted to toss the backpack on the couch. He said the backpack landed on the edge of the couch and fell to the ground with ERJ trapped inside. Stephenson said he proceeded to kick the backpack several times. He described the kicks as a soccer style kick." Stephenson said he kicked ERJ about four or five times and "didn't know what part of ERJ's body he was kicking". Stephenson admitted to kicking the backpack "pretty hard".

In this same interview, Stephenson told Det. Slowik about two months ago, he wanted to keep ERJ up all night. Stephenson stated he had an idea to "put something inside her diaper it would keep her up." He took a small travel toothbrush holder and inserted into ERJ's rectum. He placed ERJ on "her back and lifted legs". He then said "he inserted the green toothbrush holder into her anus about one inch". After ERJ moved around a bit, she was able to dislodge the item. Stephenson then took the toothbrush holder, reinserted into ERJ, this time about two or three inches and then put her diaper on her, so the object would not come out. He left it inside ERJ's anus for about five minutes. When he went

to remove the holder, he said he could not find it, so he *"took his pinky finger and stuck it inside of ERJ's anus in an attempt to locate the green toothbrush holder"*. He was able to remove the object.

Stephenson reported another incident, about one month prior to the interview with Det. Slowik, he *"had the idea it would be funny to stick a toothbrush inside of ERJ's anus"*. He reported inserting the toothbrush about two inches into ERJ.

On 5/27/11, Dr. Wiester, from Harborview Medical Center, completed a preliminary report on ERJ. In her report, Dr. Wiester stated ERJ had multiple bruises, concern of possible abdominal injury, and severe genital injuries with bleeding. She went on to report ERJ had *"4th degree episiotomy kind of injury extending from her vaginal opening through the perineum through her rectum, with multiple bruising."*

In Det. Slowik's report, dated 6/1/11, he stated Dr. Wiester spoke with Sgt. Gardner and Detectives Seim and himself. Dr. Wiester let them know ERJ *"underwent reconstructive surgery to repair her damaged genitalia"*. She described ERJ's injuries as *"severe trauma"* and said *"this injury comes from penetration not from being hit."* She also told them ERJ's *"injuries are the worst genitalia trauma she has ever seen in over twenty years of practicing medicine"*.

II. VICTIM CONCERNS:

On 5/24/12 I spoke with Nicole Johnson, ERJ has been living with Ms. Johnson since her release from Harborview Medical Center on 5/31/11. Ms. Johnson and her husband, Joshua Johnson, are in the process of adopting ERJ and her older brother OJ, who also resides with the Johnsons.

Ms. Johnson stated she had to learn how to change ERJ's diapers, by applying a saline solution and changing the gauze while avoiding any ripping or tearing of multiple stitches ERJ had. She went on to say ERJ would allow Ms. Johnson to change her diaper for a couple of weeks. ERJ would eventually allow her maternal grandmother to change her, but it took about six weeks to allow Mr. Johnson or paternal grandfather to change ERJ's diaper.

When it came time to take a bath, ERJ would not allow Mr. Johnson to bath her unless Ms. Johnson was present. This lasted for a few months. ERJ still does not allow Mr. Johnson to bath her alone, she must either have Ms. Johnson present or at least have her female cousin, who the Johnsons are also adopting, take a bath at the same time.

About two months ago, ERJ started to express her feelings more about what happened. Ms. Johnson recalled a couple of times when ERJ was preparing for a bath, she would start to fuss and begin talking about the "bad guy". In order to calm ERJ down, Ms. Johnson showed her a picture of a "bad guy" behind bars from one of OJ's superheroes comic book and told ERJ the *"bad guy will not hurt you. He is in jail"*. Ms. Johnson said this calmed ERJ down and seems to be working.

Ms. Johnson recalled a time while leaving CPS, a man, who looked similar to Stephenson, entered the elevator, ERJ "*freaked out and starting crying*".

Ms. Johnson went on to say two weeks prior to my interview with her, ERJ would take her "*baby doll, put her in a backpack and zip it up. She would then throw, toss, and kick the back pack, laughing at times when she would do this.*" Ms. Johnson talked with ERJ's counselor, whom ERJ has been seeing since July of 2011, about ERJ's recent actions. The counselor told Ms. Johnson this is ERJ's way of dealing with what happened to her and to allow her to do this for a little bit and then they will work on it in counseling.

The long term effect of ERJ's injuries, both physically and mentally, are unknown. As for her physical injuries, she has healed, but it is unknown what effects the injuries she sustained will have on when she reaches puberty.

Though not listed as a direct victim in the charging documents, there are concerns of the how this crime has affected OJ, ERJ's older brother and biological son of Stephenson. OJ was home during the time of the crime and it is unknown at this time what he did or did not see. OJ has been diagnosed with PTSD and he shuts down whenever Stephenson is mentioned.

According to CPS records, in October of 2006 they had referral that Stephenson was physically abusive towards Ms. S. Johnson, the biological mother of OJ and ERJ. Ms. S. Johnson told the CPS SW OJ was crying was and Stephenson would not allow her tend to the baby until she gave Stephenson a "*...blow job. When she tried to get away from father he put a blanket over the baby's mouth and nose to get him stop crying*". CPS interviewed Stephenson on 11/6/06. Stephenson said "*that he put a little bit of the blanket over the child's mouth to muffle the sound because the screaming was really annoying*".

Ms. Johnson stated when ERJ first came home from the hospital, OJ wanted to take care of her, almost more of protecting her. Ms. Johnson had to let him know it was not his responsibility to take care of ERJ.

There have been a few times OJ has had nightmares, talking in his sleep saying "*No, don't touch it, it hurts*". OJ was examined for possible sexual abuse, but there was nothing indicating he was abused.

Ms. Johnson also said she had to teach the children how to interact with other kids, as they were not allowed by Stephenson to friends or play dates. The children have learned how to make friends and are interacting appropriately with the other children in daycare.

III. DEFENDANT'S STATEMENT REGARDING OFFENSE:

I spoke with Stephenson on 5/24/12. He asked to be given time to speak with his father before he would talk about his version of the crime.

On 5/30/12, I went to the Island County Jail and spoke with Stephenson. He stated he has not spoken with his father, but did speak to his attorney. He stated his attorney advised him not to speak with DOC about the crime. I let Stephenson know that is fine. He then said "I want my side of the story to be heard. I will talk with my dad this weekend". I let Stephenson know I will be by the following week to speak with him.

I went to the Island County Jail on 6/5/12. One of the deputies on duty let Stephenson know I was there to speak with him if he would like to talk about his side of the crime. According to the deputy, Stephenson politely declined.

On 5/27/11, Stephenson provided a written statement to the Oak Harbor Police Department about the crime. In his statement, Stephenson stated while playing GTA3 he "got pissed at the game". He told EJ to stop playing with the DVDS and when she did not, he "grabbed her leaned her over my leg and spanked her with my hand, but it was a fist and I ended up hittin {SIC} her but {SIC} harder than I intended". He went on to say he then sat ERJ on his lap in order to make her feel better and "did leg stretches with her. I pounced {SIC} her on my leg again and she did cry and scream some, but I thought she might stop. I stood her up and felt that it was wet. I went to change her and I saw that there was blood and freaked." He went on in his statement that he knew he "got too rough and unknowingly ended up hurting her". He stated he "never put anything up inside her".

On 5/29/11, while in the Island County Jail, Stephenson wrote more on the events of 5/27/11. He stated "on the morning of 5/27/11, I did something that ended up going too far and mistakenly put a little girl in the hospital. I was getting mad and yelled at the tv {SIC} some cause I would keep getting killed, busted, or couldn't beat a mission. I finally got so pissed at the game I yelled at it again and threw my controller {SIC} at the floor then turned it off. I walked over and ERJ had barely eatn {SIC} so I took the food from her than and go her down. I walked her to the couch and started to spank her butt with my fist. After several times of doing that, I laid her down on her back and checked her diaper. I believe I caused her to shit herself and had to change her she seemed to be ok just upset about getting a little beating. Some shit got on the couch and my hand, causing me to yell at her about it. After I change her I decided to pester her by stretching {SIC} her legs out in all directions. After that I put her in the pink backpack and zipped it up, but left it open enough for her still have some air. Then I picked it up and spun it around for a few seconds then tossed it on the couch. I ment {SIC} for her to land on it but it ended up on the edge and fell onto the floor. I kicked it a couple of times and then let her out." Stephenson goes on to write he took ERJ upstairs and later checked on her. He said he thought she was sleeping. So he "walked her out of the room and made her go downstairs. She didn't want to go I grabbed her and carried her down to the couch and

beat her butt again several times. It was at this point I noticed wet and red on her P-jays".

IV. CRIMINAL HISTORY:

The following is from WASIS/NCIC III Check; DISCIS; SCOMIS; and material from the Department of Corrections (DOC).

Adult Felony:		
Date of Offense:	10/27/08	
Crime:	Harassment with Previous Conviction and Threats to Kill	
County/Cause No.:	Island/08-1-00301-0	
Date of Sentence:	11/10/08	
Disposition:	45 days confinement	Score/Wash Score
Misdemeanor (s):		
Date of Offense:	10/29/08	
Crime:	Violation of Protection Order	
County/Cause No.:	Island/08-1-00301-0	
Date of Sentence:	11/10/08	
Disposition:	45 days confinement; 12 months community custody	Score/Wash
Misdemeanor(s):		
Date of Offense:	5/22/08	
Crime:	Malicious Mischief	
County/Cause No.:	Island/C00020667	
Date of Sentence:	8/12/08	
Disposition:	10 days confinement with 9 suspended	Score/Wash
Misdemeanor(s):		
Date of Offense:	6/26/06	
Crime:	Malicious Mischief	
County/Cause No.:	Island/C00060901	
Date of Sentence:	7/26/06	
Disposition:	365 day confinement with 355 suspended	Score/Wash
Misdemeanor(s):		
Date of Offense:	5/12/06	
Crime:	Malicious Mischief	
County/Cause No.:	Kitsap/17594101	
Date of Sentence:	5/26/06	
Disposition:	365 days confinement with 352 suspended; 12 months probation	Score/Wash

V. SCORING:			
	SERIOUSNESS LEVEL	OFFENDER SCORE	STANDARD RANGE
Count I	XII	I	From 102 to 136 Months
Count II	XII	0	From 93 to 123 Months

VI. COMMUNITY CUSTODY (If applicable):			
	SERIOUSNESS LEVEL	OFFENDER SCORE	STANDARD RANGE
Count II	XII	II	36 months

VII. COMMUNITY CUSTODY BOARD (If applicable):			
	SERIOUSNESS LEVEL	OFFENDER SCORE	SENTENCE RANGE
Count I	XII	I	Life

VIII. RISK/NEEDS ASSESSMENT:

An interview was completed with Stephenson on 5/22/12 at the Island County Jail. The following risk/ needs area(s) and strengths have implications for potential risk, supervision, and interventions. Unless otherwise noted, the following information was provided by the offender and has not been verified.

It should be noted; Stephenson either could not or would not stay on one topic at a time during the interview. He often jumped from one subject to another, back to the first topic.

Criminal History (Including RM Level Information):

See above for criminal history.

Education/Employment:

Stephenson reported he was home schooled since the fifth grade. He did not receive a high school diploma. He stated he got his GED after a few months in Job Corps.

He reported going to Job Corps at the age of 18 from the summer of 2003 to January of 2004. When asked why he did not complete Job Corps, Stephenson said he "got kicked out. I did something I shouldn't have done." When asked what he did, he stated he took a PlayStation and some games and took them to the mall to trade in for cash.

Prior to being released from Job Corps, Stephenson stated he was in culinary program. He reported he likes cooking, but does not like to follow a recipe as he "has a hard time focusing", he prefers to be "more hands on" with his cooking. He seemed to think it was funny that he liked cooking, as he laughed when he reported this to DOC, saying "I love food".

He mentioned wanting to join the military after he received his GED, but said he could not pass his vision test for the Army. He then said he was approved by the Navy, but he did not enlist.

He boastfully stated he has *"never been able hold onto a job more than three months and that was only two jobs"*. He stated one of the jobs was with Teletech in Bremerton. When asked why he was fired from this job, he stated *"my guess on lack of work ethic"*. He did not elaborate on this.

He said he worked at a local Subway for about a week and a half and was fired because he *"was too slow"*.

In 2010, during a mental health assessment with Compass Health, *"I like the idea that I can't get a job, I don't want to work and never have"*.

Financial:

Stephenson stated he has been on SSI since 2006. DOC records show he was not approved for SSI until mid-2009, but had been on GAU prior to 2009. He stated he has always been *"bad about saving money"*.

Family/Marital:

Stephenson stated he was born in Nacogdoches, Texas, where he lived until the age of 16. He then moved with his family to Bremerton, as his father took a job as pastor of a church. However, he told the Compass Health professional in 10/10, he was born in Nacogdoches and then said he was born *"elsewhere"*.

He is the younger of two children; his sister is three years older than him. He reported to DOC he gets along with his sister now, but growing up, he said he *"resented"* her. He said his parents allowed her to do anything and she never got in trouble.

Stephenson reported when he was growing up, he was *"grounded a lot and has stuff taken way"*.

Stephenson reported his father was an Associate Pastor in a Baptist church in Texas, before he became a pastor of a church in Bremerton. He reported his mother was a *"stay at home mom"*. His parents supported one another's decisions on how to raise and discipline the children. He recalled he caused his parents to have *"lots of fights"*, saying he *"caused them to quale"*.

He stated sometime just after moving up to Washington, his father threatened to call the police on Stephenson. He said to his dad, *"do it. I'll give them a reason to shoot me."* He said he wanted to see *"if his parents would take his bluff"*. When asked why his father felt he had to call the police, Stephenson stated he was holding a knife and had put holes in the walls.

When he visited his parents during Christmas break from Job Corps in 2003, he said he "got into it with his parents, so they took me back" (meaning to Job Corps).

Sometime during 2007 or 2008, he said his family moved back to Texas. He chose not go with them.

Stephenson reports since he has been incarcerated, his parents and his sister have been writing him and he calls his parents. "It blows my mind, being here, they love me the same."

Stephenson has been in an unhealthy relationship with Sarah Johnson off and on for the last six or seven years. He stated they met in Job Corps. He described the relationships as "complicated. Always bickering or fighting". He admitted he "pretty much broken every no contact order. I know it was not good, but what can I say, I was in love". He stated this without any care to have broken the law. He stated he would help with the bills and food.

He went on to say it was "different seeing her with someone else (meaning ERJ's mother). But I have no room to talk." He explained this by saying he dated other women when they were not together.

Stephenson has son in common with Ms. S. Johnson. He reported being in and out of his son's life. During a mental health assessment in 10/10, Stephenson stated "I'm an unskilled parent with anger issues".

During our interview Stephenson stated "I haven't been in his (meaning his son) life as I should have been". When Stephenson was assaulting ERJ, his son was in the home. As stated earlier, it is still unclear how much he saw or heard.

Toward the end of my interview with him, Stephenson said "If I had the knowledge I have now, I could make sure they had a happy, healthy life", referring to Ms. S. Johnson, their son, and ERJ. He said he would have done more couples counseling and married Ms. S. Johnson.

Accommodation:

According to DOC records, when Stephenson was on community custody, he was in Island County's Housing Program. Prior to being on the program, Stephenson reported being homeless off and on for two years, sleeping in the dugouts at the ball fields, at the local post office, at the college, the bathroom at city beach, or even the bus station. He stated sometimes strangers at the bus station would let him stay with them (either in their home or in a tent).

During my interview with him, he stated he often stayed with his friends, Aaron and Angela Taylor. According to Stephenson, the Taylor's would let him stay in a tent in

their yard. When he was on community custody, they allowed him to sleep on the couch in exchange for helping with yard work and cleaning.

He also reported he was homeless both here in Oak Harbor and in Bremerton over the last four years or so.

Prior to his incarceration, he was staying with Sarah Johnson in low income housing. However, he was not allowed to be there, they kept it hidden.

Leisure/Recreation:

Stephenson stated he likes to play video games. He does not do much of anything else. He said when he plays; he gets "irritated. I hate to lose. When I start to lose, I begin to feel the flame burning inside. I would put the game down and go outside. If I had a cigarette, I would smoke it, because it helps me calm down."

Since his arrest, to keep him going, he stated he has been writing.

Companions:

He reports little to no friends. In one of his assessments for Compass Health, Stephenson reported "I do not have many friends".

During a search of Stephenson's cell, Det. Slowik found a four page letter. In the letter, Stephenson writes "how he would isolate himself from reality and enjoyed solitude over being in the "real world". He further wrote "how he enjoys locking himself in his own apartment away from everyone. He writes "my attitude about everything, I'm the shit and everyone else sucks monkey ball."

Alcohol/Drug Use:

Stephenson reported he tried marijuana once in 2008, and denies any other drug use.

He reported his alcohol use is "socially and on rare occasion".

Emotional/Personal:

On 1/23/09, Dr. Hoffman met with Stephenson to complete a psychological/psychiatric evaluation. Under the function disorder section, short clinical rating scale, Dr. Hoffman marked Stephenson's degree of severity to be severe in the following areas of expression of anger (verbal and/or physical) and social withdrawal. Dr. Hoffman diagnosed Stephenson with psychiatric disorder. He went on to say he Stephenson is "absorbed in a delusion reality with religious, and romantic overtones, grandiosity, and revenge".

On 3/13/09, C. Smith, MA, LMHC, completed a mental health assessment on Stephenson. When discussing issues with anger, Stephenson told Mr. Smith about

becoming angry with a friend and instead of hurting this friend, he stated *"I feel sorry for the next thing I come across and I went outside and smashed up a car"*. Stephenson told me about the same incident, but stated the vehicle was in a car dealership parking lot.

He went on to tell Mr. Smith *"I am weird though, I have a fantasy world I live in and it's quite nice actually."* *"I'm the dark lord and I roam the world and protect it, I control people."* *"I'm writing a book about it; maybe I can make some money sometime."* *"I'm born pure dark and nearly purely evil, it's called ~~"The Rise of the Dark Lord"~~ "The Rise of the Dark Lord."*

According to Mr. Smith's report, Stephenson *"does not fantasize about being a generous or caring but prefers the imagery of a malevolent, "evil" and "dark lord."*

In conclusion, Mr. Smith diagnosed Stephenson with delusional D/O, unspecified and antisocial PD with features of Malignant Psychopathy and Schizotypal PD. He also noted *"any female ought to be cautious of being alone with Ryan. Furthermore, women in a position of authority may provoke Ryan to project aggressive behaviors toward weaker and more vulnerable people rather than a direct attack upon the authority figure if he perceives disrespectful opinions. Nevertheless, the possibility of direct or indirect retaliation should not be discounted."*

On 10/18/10, C. May, LMHC, MHP, CMHS, met with Stephenson to complete a mental health assessment. In her report, Ms. May states Stephenson's *"fantasy world is not the same of his auditory hallucination that he has 2 brothers, with whom he converses quite regularly. Ryan reports he has anger and was treated for same in anger management classes; the classes were not completely successful as he is still "raged filled" but as "least more aware"*.

Ms. May diagnosed Stephenson with schizoaffective disorder. Under the risk of harming others, she noted *"Ryan has reported in the past, that he would like to harm others and can be quite graphic in his descriptions. He occasionally sees himself as "pure evil"*.

While in the Island County Jail, Stephenson saw a Compass Health Clinician S. Kmiecik. According to some of her reports, Stephenson *"reports the audio hallucinations are getting louder and can differentiate from his head to his ear. He reports more nightmares and urges to drink more fluids (at one point during his current incarceration, Stephenson drank soapy fluids in order to cleanse his soul)."*

In her event slip dated 7/8/11, she wrote Stephenson told her *"I still hear the screams", Referring to the incident that happened last month."*

During my interview with him Stephenson said he has had *"suicidal tendencies. I have mental break downs, drank soapy water. Most recently during trial, I started to starve myself for about six and a half days."* He went on to say he does not care if he lives or dies. He said when he tried suicide, he *"should have let them have me but I didn't."* He did not clarify who the "them" were.

Attitude/Orientation:

When I interviewed Stephenson, he was cordial and polite. He was aware of the date, as mention the following week he will be in custody one year.

Stephenson mentioned Ms. S. Johnson and the children, saying "*Knowing how I've ruined lives here, I've had a lot of mental break downs since being here (meaning Island County Jail). All the images have been bad.*" He went on to say "*every night I pray for the kids to heal.*"

When he talked of Ms. S. Johnson, he said "*she doesn't even have her kids. I would say or do anything for her to have her kids*".

He stated "*I've prayed so many times to wake up and make things different*". He then smiled and said if he could "*fix*" this, the "*kids will be fine, be with their mother. If things haven't happened things could be better.*"

He continued saying "*I know I've got people who love me, but what I've put people through-I'm worried.*" "*I used to be self-absorbed, but have turned around. This has changed me. I've turned my life back around to God. I let the devil take over and have become spiritual again. I read the Old Testament and my dad sends me sermons.*"

These comments were unprovoked by me and when he stated them, it appeared Stephenson was feeling empathy about what he did to ERJ. However, not sooner did he say these things, did he turn around and say "*bad luck all this.*" I asked him what he meant by this. Stephenson stated prosecutor titled his paper for the jury "*Jealousy, Rage, Resentment*". He started to become upset when remembering this from trial.

I asked him why he felt the prosecutor may have called it "*Jealousy, Rage, Resentment*". Stephenson said "*Mostly my fault.*" "*From the beginning I couldn't get my shit together. Couldn't even talk to them (meaning the police). Didn't have a way to explain things.*"

Stephenson commented that he is "*getting screwed. The charges are really bad and they have the wrong ideas.*" "*They are convinced with what is charged not with what actually happened.*"

Stephenson said he is writing in his memoirs about "*why most of my life growing up I was in the dark. I am now turning the darkness to light.*" "*Regardless of what happens, God has a reason.*"

When Det. Slowik conducted a search of Stephenson's cell, he found a multi-paged letter from Stephenson to Clinician Kmiecik, written between 6/1/11 and 6/6/11. The following is taken from Det. Slowik's report, dated 6/30/11.

When asked about his sex life with Ms. S. Johnson, he stated he would be with her a few times a day, as well as masturbate.

IX. CONCLUSIONS:

On 4/17/12, a jury found Stephenson guilty of Rape in the First Degree with Aggravating Circumstances and Special Allegations. Island County Deputy Prosecutor was able to prove beyond a reasonable doubt that Stephenson raped ERJ, and then assaulted her by placing her in the backpack and kicking the backpack around.

Ever since his arrest, Stephenson denies raping ERJ. However, when asked by the detectives if there would be any of his bodily or seminal fluids on swabs collected from a forensic exam on ERJ, he stated if "*there is semen it would have to be mine*".

X. SENTENCE OPTIONS:

- Exceptional Sentence
 Community Custody Board (CCB) RCW 9.94A.507

XI. RECOMMENDATIONS:

Sentence Type/Option:

Count I: Special Allegation:

Per the sentencing guideline under Rape First Degree, per RCW 9.94A.507 (3)(c)(ii), the minimum term shall be either the maximum of the standard sentence range for the offense or 25 years, whichever is greater, for a finding that the victim was under the age of 15 at the time of the offense.

Count II: Exceptional Sentencing:

Per the sentencing guideline under exceptional sentences, per RCW 9.94A.535, the "*Court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons for justifying an exceptional sentence. An exceptional sentence must be for a determinate term and cannot exceed the statutory maximum for the crime.*" The jury found Stephenson guilty of on both counts with aggravating factors. The following is a list of aggravating factors, in RCW 9.94A. 535 (3) that can support the sentencing of an exceptional sentencing:

- (a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.
(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance.
(d) (iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

- (i) (iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.
- (q) The defendant demonstrated or displayed an egregious lack of remorse
- (r) The offense involved a destructive and foreseeable impact on persons other than the victim.

Confinement:

Count I: 25 years to life

Count II: 246 months

It is the recommendation of the DOC Stephenson's confinement time is served consecutively. Under RCW 9.94A.589, "*consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.535. 'Same criminal conduct,' as used in this subsection, means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim.*"

Per RCW 9A.44.04, "*a person is guilty of rape in the first degree when such person engages in sexual intercourse with another person by forcible compulsion.*" Under subsection (c) of this same RCW, it states "*inflicts serious physical injury*". There is absolutely no doubt the injuries ERJ sustained were from a forcible compulsion and they caused her serious physical injury. ERJ had to undergo reconstruction surgery to her genitalia.

Dr. Wiester, told the detectives "*this injury (meaning that of ERJ's) comes from penetration not from being hit.*"

After Stephenson raped ERJ, he placed her into a backpack, admitting he had to fold her body in for her to fit in the backpack. He proceeded to kick the backpack around, using, "soccer style kicks". Under RCW 9A.36.120, "*a person eighteen years of age or older is guilty of the crime of assault of child in the first degree if the child is under the age of thirteen and the person (b) intentionally assaults the child and either; (i) recklessly inflicts great bodily harm*".

It is very clear, from the reports, Stephenson raped ERJ, after which, he took her upstairs and put her on the floor of his son's room. Sometime later, as Stephenson himself stated to Det. Slowik, he went back upstairs and took ERJ downstairs. He then put ERJ into the backpack and proceeded to kick the backpack around. Not only did he intend to rape ERJ, he later intended to assault her. Both crimes were separated by intent and time and therefore cannot be considered same criminal conduct.

Community Custody Board: Count I only Life

Supervision Type & Duration:

Count I: Under the ISRB for life

Count II: community custody 36 months

Conditions of Supervision: (See attached DOC 09-130 Appendix F – FELONY

Additional Conditions of Sentence)

XII. MONETARY OBLIGATIONS:

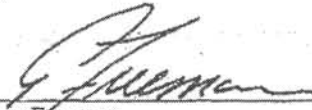
Restitution:	TBD	Court Costs:	TBD	Other:	TBD
Victim Penalty:	TBD	Attorney Fees:	TBD		
Drug Fund:	TBD	Fine:	TBD		

Submitted By:

Approved By:



6/13/12



6/13/12

Helen Desmond
Community Corrections Officer
Oak Harbor Field Office
499 NE Midway Blvd #1
Oak Harbor, WA 98277
360-675-9031

Date

Gregg Freeman
Community Corrections Supervisor
Mt. Vernon Field Office

Date

Mt. Vernon, WA
360-428-1361

Distribution: ORIGINAL—Court COPY- Prosecuting Attorney, Defense Attorney, File, WCC/RC (Prison)

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF ISLAND

STATE OF WASHINGTON)

Plaintiff)

v.)

Ryan Stephenson Defendant)

DOC No. 325374)

Cause No.: 11-1-00093-2

JUDGEMENT AND SENTENCE (FELONY)
APPENDIX
ADDITIONAL CONDITIONS OF SENTENCE

CRIME RELATED PROHIBITIONS:

1. Have no direct or indirect contact with ERJ for life.
2. Obey all laws.
3. Pay the costs of crime-related counseling and medical treatment required by ERJ.
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 a 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 enter areas where minor children are known to congregate, to include but not limited to camp grounds, parks, playgrounds, schools, pools, beaches, unless approved in advanced by a supervising Community Corrections Officer.
7. Do not possess or access pornographic materials, as directed by a 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 a 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 or form relationships with families who have minor children, as directed a Community Corrections Officer.
11. Do not remain overnight in a residence where minor children live or are spending the night, unless approved in advance by a Community Corrections Officer.
12. Do not hold employment without first notifying your employer of this conviction.
13. Do not possess or consume controlled substances unless you have a legally issued prescription.
14. Do not access the Internet or subscribe to any internet service provider, by modem, LAN, DSL or any other avenue (to include but not limited to, satellite dishes, PDAs, electronic games, web televisions, internet appliances and cellular/digital telephones, or I-pads/I-pods). And you shall not be allowed to use another's persons' internet or use the internet through any venue until approved in advance by DOC. Any electronic device, cell phone or computer to which you have access is subject to search.
15. Do not use computer chat rooms.
16. Do not use a false identity at any time on a computer.
17. You must subject to searches or inspections of any computer equipment to which you have regular access.
18. You may not possess or maintain access to a computer, unless specifically authorized by a 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 or reproduce digital media or images.
19. Obtain a sexual deviancy evaluation within 30 days of release from confinement. Successfully complete treatment and follow all conditions outlined in your treatment contract. Do not change therapists without advanced permission of the sentencing Court.
20. Participate in offense related counseling programs, to include Department of Corrections sponsored offender groups, as directed by a Community Corrections Officer.

21. Participate in urinalysis, Breathalyzer, polygraph and plethysmograph examinations as directed by a Community Corrections Officer.
22. Your residence, living arrangements and employment must be approved by DOC.
23. You must consent to DOC home visits to monitor your compliance with supervision. Home visits include access for the purposes of visual inspection of all areas of the residence in which you live or have exclusive/joint control/access.

DATE

JUDGE , ISLAND COUNTY SUPERIOR COURT

HD/Desmond/09-130.rtf
7/10/07

06/13/2012
Page 3 of 3

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

STATE OF WASHINGTON)	
)	
Respondent,)	
)	
vs.)	COA NO. 69059-1-1
)	
RYAN STEPHENSON,)	
)	
Appellant.)	

DECLARATION OF SERVICE

I, PATRICK MAYOVSKY, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOLLOWING IS TRUE AND CORRECT:

THAT ON THE 8TH DAY OF MAY, 2013, I CAUSED A TRUE AND CORRECT COPY OF THE **STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW** TO BE SERVED ON THE PARTY / PARTIES DESIGNATED BELOW BY EMAIL AND/OR DEPOSITING SAID DOCUMENT IN THE UNITED STATES MAIL.

[X] ISLAND COUNTY PROSECUTING ATTORNEY
P.O. BOX 5000
COUPEVILLE, WA 98239
ICPAO_webmaster@co.island.wa.us

SIGNED IN SEATTLE WASHINGTON, THIS 8TH DAY OF MAY, 2013.

X Patrick Mayovsky