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COURT OF APPEALS  
DIVISION II

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STATE OF WASHINGTON

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

DEPUTY ✓

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NO. 11-100435-8

PERSONAL RESTRAINT PETITION

LA "JUANTA LE"VEAR CONNER

Petitioner's Full Name

If there is not enough room on this form, use the back of these pages or use other paper. Fill out all of the form and other papers you are attaching before you sign this form in front of a notary.

A. STATUS OF PETITIONER

I, La 'Juanta Le 'Vear Conner #359680 F-E-205 Washington

(Full name and current address)

State Penitentiary 1313 n. 13th ave Walla Walla WA 99362

Apply for relief from confinement. I am x am not \_\_\_\_\_ now in custody serving a sentence upon conviction of a crime. (If not serving a sentence upon conviction of a crime) I am now in custody because of the following type of court order: \_\_\_\_\_

(Identify type of court order)

1. The court in which I was sentenced is: Kitsap County Superior Court

2. I was convicted of the crime of: Conspiracy, Burg.1, Rob.1, etc. see

3. I was sentenced after (check one) Trial x Plea of Guilty \_\_\_\_\_ on 7-27-2013  
Date of Sentence

4. The Judge who imposed sentence was Jeanette Dalton

5. My lawyer at trial court was Clayton Longacre  
Name and Address if known

6. I did  did not  appeal from the decision of the trial court. (If the answer is that I did), I appealed to: Division Two 43762-7-II.  
Name of court or courts to which appeal took place

7. My lawyer for my appeal was: Catherine Glinski.  
Name and address if known or write "none"

The decision of the appellate court was  was not  published. (If the answer is that it was published, and I have this information) the decision is published in \_\_\_\_\_  
Pending

8. Since my conviction I have  have not  asked a court for some relief from my sentence other than I have already written above. (If the answer is that I have asked, the court I asked was \_\_\_\_\_ . Relief was denied on \_\_\_\_\_  
Name of court

\_\_\_\_\_ Date of Decision or, if more than one, all dates)

(If you have answered in question 7 that you did ask for relief), the name of your lawyer in the proceedings mentioned in my answer was \_\_\_\_\_  
Name and address if known

9. If the answers to the above questions do not really tell about the proceedings and the courts, judges and attorneys involved in your case, tell about it here: \_\_\_\_\_  
See attached brief

**B. GROUNDS FOR RELIEF:**

(If I claim more than one reason for relief from confinement, I will attach sheets for each reason separately, in the same way as the first one. The attached sheets should be numbered "First Ground", "Second Ground", "Third Ground", etc). I claim that I have \_\_\_\_\_ reason(s) for this court to grant me relief from the conviction and sentence described in Part A.

See attached brief \_\_\_\_\_ Ground  
(First, Second, etc)

1. I should be given a new trial or released from confinement because (State legal reasons why you think there was some error made in your case which gives you the right to a new trial or release from confinement): \_\_\_\_\_

See attached brief \_\_\_\_\_

2. The following facts are important when considering my case. (After each fact statement put the name of the person or persona who know the fact and will support your statement of the fact. If the fact is already in the record of your case, indicate that also) \_\_\_\_\_

See attached brief \_\_\_\_\_

3. The following reported court decisions (indicate citations if possible) in cases similar to mine show the error I believed happened in my case. (If none are known, state "None Known". \_\_\_\_\_

See attached brief \_\_\_\_\_

4. The following statutes and constitutional provisions should be considered by the court. (If none are now, state, "None Known") \_\_\_\_\_

See attached brief \_\_\_\_\_

5. This petition is the best way I know to get the relief I want, and not other way will work as well because: these issues were not argued on direct appeal

C. STATEMENT OF FINANCES:

If you cannot afford to pay the \$250 filing fee or cannot afford to pay an attorney to help you, fill out this form. If you have enough money for these, do not fill this part of the form. If currently in confinement you will need to attach a copy of your prison finance statement.

1. I do x do not \_\_\_\_\_ ask the court to file this without making me pay the \$250 filing fee because I am so poor and cannot pay the fee.

2. I have \$ 0 in my prison or institution account.

3. I do  do not  ask the court to appoint a lawyer for me because I am so poor and cannot afford to pay a lawyer. accord to State v. Robinson 153 Wash.2d 689

4. I am  am not  employed. My salary or wages amount to \$ \_\_\_\_\_ a month. My employer is \_\_\_\_\_  
Name and address of employer

5. During the past 12 months I did  did not  get any money from a business, profession or other form of self-employment. (If I did, it was \_\_\_\_\_  
Type of self-employment

And the total income I received was \$ \_\_\_\_\_.

6. During the past 12 months I:

Did  Did Not  Receive any rent payments. If so, the total I received was \$ \_\_\_\_\_

Did  Did Not  Receive any interest. If so, the total I received was \$ \_\_\_\_\_

Did  Did Not  Receive any dividends. If so, the total I received was \$ \_\_\_\_\_

Did  Did Not  Receive any other money. If so the total I received was \$ \_\_\_\_\_

Do  Do Not  Have any cash except as said in question 2 of Statement of Finances. If so the total amount of cash I have is \$ \_\_\_\_\_.

Do  Do Not  Have any savings or checking accounts. If so, the total amount in all accounts is \$ \_\_\_\_\_

Do  Do Not  Own stocks, bonds or notes. If so, their total value is: \$ \_\_\_\_\_.

7. List all real estate and other property or things of value which belong to you or in which you have an interest. Tell what item or property is worth and how much you owe on it. Do not list household furniture and furnishings and clothing which you or your family need.

Items	Value
None	

8. I am  am not  married. If I am married, my wife or husband's name and address is:

Unknown

9. All of the persons who need me to support them are listed below:

Name & Address	Relationship	Age
None		

10. All the bills I owe are listed here:

Name & Address of Creditor	Amount
None	

D. REQUEST FOR RELIEF:

I want this court to:

- Vacate my conviction and give me a new trial
- Vacate my conviction and dismiss the criminal charges against me without a new trial
- Other: See attached brief  
(Please Specify)

E. OATH OF PETITIONER

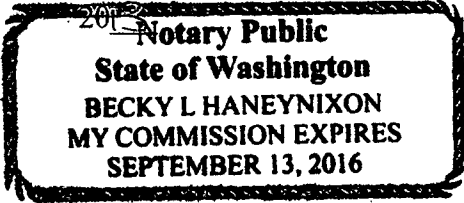
STATE OF WASHINGTON )  
 ) ss.

COUNTY OF Walla Walla)

After being first duly sworn, on oath, I depose and say: That I am the petitioner, that I have read the petition, know its contents, and I believe the petition is true.

[Signature]  
(Signature Here)

SUBSCRIBED AND SWORN to before me this 23 day of Sept.



Becky L Haney Nixon  
Notary Public in and for the State of Washington  
Residing at Walla Walla

If a notary is not available, explain why none is available and indicate who can be contacted to help you find a Notary: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I declare that I have examined this petition and to the best of my knowledge and belief it is true and correct.

DATED This \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
(Signature Here)

NO. 11-1-00435-8

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

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IN RE PERSONAL RESTRAINT PETITION OF:

LA'JUANTA LE'VEAR CONNER,  
Petitioner.

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STATE OF WASHINGTON  
BY \_\_\_\_\_  
DEPUTY

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**PERSONAL RESTRAINT PETITION**

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**BRIEF**

La'Juanta L. Conner Pro Se  
#359680 F-E-205  
Washington State Penitentiary  
1313 N. 13th Ave  
Walla Walla, WA 99362

**A. STATUS OF PETITIONER**

La'Juanta Le'Vear Conner, challenges his 2012 Kitsap County convictions for one count of Conspiracy to Commit First Burglary, five counts of First Degree Burglary, eight counts of First Degree Robbery, four counts of Second Degree Theft, one count of Theft of a Firearm and one count of Third Degree Theft.

Conner is currently in custody as a result of these convictions, and is serving a 95 year sentence. The two counts of Unlawful Possession of a Firearm, and two counts of Possession of a Stolen Firearm are being brought on direct appeal. COA. No. 43762-7-II. See Judgment and Sentence attached as App.A.

**B. FACTS**

On November 18, 2010 a Certificate Of Probable Cause was received and filed in Kitsap County Superior Court, City of Bremerton, WA, alleging that Conner had conspired with a confidential informant, Joe Perez, and Jerrell Smith to commit a home-invasion robbery (address and victim(s) unknown).

In Sum, according to the statement of probable cause, a series of robberies were being committed in the Bremerton area. On November 17, 2010, confidential informant later to be determined as Chris Devenere, informed the police that he had information of a certain robbery that had taken place with Joe Perez, and that Perez was planning to commit another robbery.



With Devenere's help the police devised a plan to capture Perez, by creating a fake profile or address that would be given to Perez, with the assumption that Perez would go for the bait.

When Perez, showed up to the predetermined location to meet with Devenere, Perez was accompanied by Conner, and Smith. While the information was being exchanged between Perez, and Devenere, unbeknownst to Perez, Conner, and Smith they were being surveilled by the police. After Perez, Conner, and Smith drove out of the parking lot and in the direction or location of the address, the police conducted a high risk traffic stop, and arrested Perez, Conner and Smith for Conspiracy to commit Robbery. See Probable Cause attached as App.B.

Approximately eight months after the arrest, on June 8, 2011, the Kitsap County Attorney charged Conner with Conspiracy to Commit, First Degree Burglary and First Degree Robbery, and Second Degree Unlawful Possession of a Firearm. See Information attached as App.C.

When Conner chose to exercise his constitutional right to a fair and speedy trial, the Prosecutor amended the information and charged a total of 26 counts originating from the September 15, 12th Street Robbery, September 29, Shore Drive Robbery, October 3, Weatherstone Burglary, November 3, Wedgewood Robbery, and the November 17, 2010, Conspiracy. See Amended

Information App.C.

Subsequent to the first amended information, on June 6, 2012, the Prosecutor amended the information for a second time omitting the Conspiracy to Commit Robbery as stated on the probable cause and adding Conspiracy to Commit First Degree Burglary which is not in the probable cause.

The probable cause supported the charges of Unlawful Possession of a Firearm, Possession of Stolen Firearms, and Conspiracy to Commit First Degree Robbery, but it did not support the filing of the additional counts that stemmed from separate incidents, which are not contained within the body of the statement of probable cause, including Conspiracy to Commit Burglary. See Second Amended Information App.C.

Prior to trial the Prosecutor did not produce a second certificate of probable cause containing the information of the 20 charges found in the second amended information, which was a violation of Prosecution Standards.

At trial, the court instructed the jury on Conspiracy to Commit Burglary in the First Degree. Instruction #10 does not name the co-conspirators, found in the information and probable cause, thus submitted defective instructions to the jury. See Jury Instructions App.D.

During sentencing, the Prosecutor urged the court to look beyond the standard range and sentence Conner to 95

years because Conner "[sic] knowingly assumed the risk of going to trial on 26 counts of very serious offense class A and class B felonies, despite the fact that we had two cooperating codefendants who had already been deemed credible by one jury in the case of State v. Brown, and now he must face the consequences of that decision." RP July 27, 2012. Pg. 2767 Lines 4-9.

The court agreed with the Prosecutor and stated..."[sic ] If there isn't a case which dramatically emphasizes that point, I don't know that one doesn't exist. So in this particular case, I am satisfied -- easily satisfied by clear, cogent, and convincing evidence that the aggravator that there are multiple current offenses that go unpunished is here satisfied." RP July 27, 2012. Pg. 2761 Lines 11-17. See Report Of Proceedings App.E.

The above shows prosecutor vindictiveness at its best and the court allowed it without considering State v. Korum. Moreover, while the court failed to make the Korum, analogy the court did not enter its written findings of fact and conclusions of law separately when it imposed the exceptional sentence far beyond the standard range, therefore depriving Conner of his right to a fair trial as he demonstrates below.

**C. ARGUMENT/SUPPORTING AUTHORITY**

1. Introduction

a) Ineffective Charging Document.

The Due Process Clause of the United States Const. Amendment 14, and Washington State Const. Art 1 § 22 (amend 10), provides the principle standard for the charging decision is the prosecution's ability to prove all elements of the charge. State v. Campbell, 103 Wash.2d. 1, 26, 691 P.2d 929 (1984).

The requirement of ability to prove the crime is also set forth in Standard 3-3.9 of the American Bar Association standards on the prosecution function.

[It is unprofessional conduct for a prosecutor to institute, or cause to be instituted, or to permit the continued pendency of criminal charges when it is known that the charges are not supported by probable cause]

Here, the charge of Conspiracy to Commit Burglary in the First Degree is not supported by the probable cause. The probable cause states that Conner conspired to commit Robbery in the First Degree on November 17, 2010. Equally troubling is the additional charges found in the second amended information with the exception of the Unlawful Possession of a Firearm, and Possession of Stolen Firearms and Possession of Marijuana is not contained in the body of the Statement of Probable cause.

The State alleged that Conner committed specific crimes of Burglary, Robbery, and Theft, at specific locations in the Information/Charging Document. However, the names of the victims, addresses, and crimes are not stated in the probable cause to arrest. See Probable Cause. App.B. and Information. App.C.

The State may contend that the additional charges were incorporated into the probable cause of Conspiracy due to the scheme of the people involved. However, that argument fails for the following reason. Whenever, charges are brought the body bringing the charges must have probable cause to arrest.

If the information/charging document is not in accordance with the probable cause issued, the prosecutor simply cannot manufacture a probable cause and attach it to the information. Amending the charges up or down, or in the alternative is not the same as adding new charges, that are separate from the probable cause and where the elements are not found in the probable cause to match the elements found in the information.

Here, the probable cause states that Conner, Smith, and Perez conspired to commit robbery in the first degree. The probable cause also states that additional charges were pending. See App.B. True to form the additional charges the author was talking about was the Unlawful Possession of Firearm, because upon arrest of the conspiracy on the 17th of November, 2010 guns and drugs were found inside of the vehicle.

The home invasion crime that is mentioned in the probable cause on page 1 and 4, did not involve Conner, nor was it remotely close to the crimes referenced in the second amended information. The testimony of Conner's co-conspirators

does not cure the defect, for there is established law on the matter of charging documents and probable cause. When the State chose to amend the information and add 26 counts of crimes that stemmed from robbery's that occurred on September 15, September 28, October 3, and November 3, 2010, the State should have produced a separate Certificate of Probable Cause to Arrest on those specific charges, because the additional charges surely was not supported by the current probable cause to arrest on Conspiracy alone.

[A prosecutor should not institute, cause to be instituted, or permit the continued pendency of criminal charges in the absence of sufficient admissible evidence to support a conviction] absent a supporting probable cause referencing all the facts and elements the attached charging document is therefore ineffective. And where there is an ineffective charging document as is in this case, all charges contained in the information "shall be dismissed without prejudice." State v. Knapstad, 107 Wash.2d. 346, 729 P.2d 51 (1986). Every material element of the charge, along with all essential supporting facts must be put forth with clarity. CrR 2.1(a)(1).

b) Improper Instructions.

Judicial Misconduct deprived Conner of his inherent 6th amendment right to a fair trial when the court improperly

instructed the jury on the crime of Conspiracy.

Due process requires that the State prove each element of its criminal case beyond a reasonable doubt. In re Pers. Restraint of Winship, 397 U.S. 358, 25 L.Ed.2d 368, 90 S.Ct. 1068 (1970).

Conner, did not object to the instructions found herein, that he now contends were erroneous however, a manifest error affecting a constitutional right can be raised for the first time on appeal. RAP 2.5(a)(3) State v. Kronich, 160 Wash.2d 893, 899, 161 P.3d 982 (2007) (quoting State v. Kirkpatrick, 160 Wash.2d. 873, 880, 161 P.3d 990 (2007); State v. Stein, 144 Wash.2d. 236, 240, 27 P.3d 184 (2001) (a jury instruction that relieves the State of its burden to prove every element of the crime is an error of constitutional magnitude).

Here, instruction #10 the to convict instruction states the following;

To convict the defendant of the crime of conspiracy to commit burglary in the first degree, as charged in Count I, each of the following elements of the crime of conspiracy must be proved beyond a reasonable doubt:

(1) That ~~the defendant~~ on or about November 17, 2010 the defendant agreed with one or more persons to engage in or cause the performance of conduct constituting the crime of burglary in the first degree;

(2) That the defendant made the agreement with the intent that such conduct be performed;

(3) That any one of the persons involved in the agreement took a substantial step in pursuance of the agreement; and

(4) That any of these acts occurred in the State of

Washington.

If you find from the evidence that each of these elements has been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if after weighing all the evidence, you have a reasonable doubt as to any one these elements, then it will be your duty to return a verdict of not guilty.

See Jury Instructions App.D.

This instruction failed to name the co-conspirators and allowed Conner to be found guilty if he "agreed with one or more persons" to commit the crime.

Similar to Conner, the Court held in State v. Brown, 45 Wash.App. 571, 726 P.2d 60 (1986)(an instructional error is harmless if it is "trivial, or formal, or merely academic, was not prejudicial to the substantial right of the party assigning it, and in no way affected the outcome of the case. Id. at 576.(citing State v. Rice, 102 Wash.2d. 120, 123, 683 P.2d 199 (1984)). Like Brown, the failure to include Conner's co-conspirators named in the Second Amended Information in the "to convict" is prejudicial and not trivial because evidence was presented that would have allowed the conviction based upon conspiracy.

To show prejudice however, Conner, does not necessarily have to prove that he would have been acquitted but for the error. Rather, as courts have noted in other contexts a defendant is prejudiced by a trial error if there is a "reasonable



probability" that the error affected the trials outcome and the error undermines the courts confidence in the trials fairness Kyles v. Whitley, 514 U.S. 419, 434, 115 S.Ct. 1555, 131 L.Ed.2d 490 (1995). Because parties are entitled to instructions that when taken as "a whole" properly instruct the jury on the applicable law, are not misleading, and allow each party the opportunity to argue their theory of the case. State v. Redmond, 150 Wash.2d. 489, 493, 78 P.3d 1001 (2003) Conner is inviting this Court to look at other to convict instructions found in Appendix D, with the same error, to determine their deficiency.

For example, the "to convict" instructions for #39, 45, and 56, for the crime of theft does not name the victims of whom Conner had allegedly took from. While instructions #49, 51, and 57, name the victims.

To further complicate matters, the "to convict" instructions for #37, 47, 50, and 54, for the crime of burglary in the first degree also does not contain the address of the building Conner, had allegedly burglarized. While instruction #44 cites the address.

According to the Statute on the Bill of Particulars, State may be required to furnish a bill of particulars in burglary prosecution, where an information does not specify the nature, and extent of the crime with sufficient exactness

to enable the accused to properly defend, 'as where the crime intended to be committed in the allegedly burglarized premises is shown by the accused to be material to the defense of the case. See RCW 9A.52.020,030.

Here, Conner was charged with 6 counts of Burglary, 8 counts of Robbery, and 7 counts of theft in varying degrees. Because the State's theory of the case was the burglary's were committed to execute the robbery's and the theft's were part of the robbery's, the State then cannot contend that not naming the co-conspirators, victims, and address of the buildings did not confuse the jury, nor was not improper. State v. Brown, supra.

U.S. Const. amend. 6 requires that "[i]n all criminal prosecutions, the accused shall..be informed of the nature and cause of the accusation..." Const. art. 1 § 22 (amend. 10) further states that "[i]n criminal prosecutions the accused shall have the right...to demand the nature and cause of the accusation against him..." Therefore an accused has a protected right, under our State and Federal charters to be informed of the criminal charge against him so he will be able to prepare and mount a defense at trial. State v. Bergeron, 105 Wash.2d. 1, 18, 711 P.2d 1000 (1985).

Since it is presumed that juries follow all instructions given. Degroot v. Berkley Constr.Inc., 83 Wash.App. 125, 131,

920 P.2d 619 (1996)(citing State v. Lord, 117 Wash.2d. 829, 861, 822 P.2d 177 (1991) cert.denied 506 U.S. 856 (1992), "the standard for clarity in a jury instruction is higher than for a statute. State v. Bland, 128 Wash.App. 511, 116 P.3d 428 (2005) A defendant cannot be said to have a fair trial if the jury might assume that an essential element need not be proved. State v. Smith, 131 Wash.2d 258, 263, 930 P.2d 917 (1997)(failure to instruct on an essential element of the crime requires automatic reversal).

See State v. Stein, 144 Wash.2d. 236, 27 P.3d 184 (2001); Also State v. McCarty, 140 Wash.2d 420, 998 P.2d 296 (2000)(citing State v. Brown, 45 Wash.App. 571, 726 P.2d 60 (1986); Maddox v. City of L.A., 792 F.2d 1408, 1412 (9th Cir. 1986)("When reviewing a claim of error relating to jury instructions, the court must give consideration to the entire charge as a whole to determine whether the instruction is misleading or incorrectly states the law to the prejudice of the objecting party"). "An erroneous instruction is not otherwise reversible unless the court is left with a substantial and ineradicable doubt as to whether the jury was properly guided in its deliberations". Binks Mfg.Co. v. Nat'l Presto Indus., Inc., 709 F.2d 1109, 1117 (7th Cir. 1983)(quoting Miller v. Universal City Studios.Inc, 650 F.2d 1365, 1372 (5th Cir 1981) "The

question on appeal is not whether an instruction was faultless in every respect, but whether the jury, considering the instruction as a whole was misled." See In re Pers. Restraint of Lile, supra. Given the fact that the States case relied solely on the testimony of Conner's co-conspirators/co-defendants, which was shown and proved on direct appeal that they weren't always truthful about Conner's involvement, it is without question the jury should have been properly instructed as to who and what was victimized.

Actual and Substantial Prejudice had occurred when the jury convicted Conner of theft of a person without naming who Conner actually stole from. And actual and Substantial Prejudice had occurred when the jury convicted Conner of burglary in the first degree of a building and person without naming the person or the addresses of the buildings that Conner allegedly burglarized.

Because of the errors found in the "to convict" instructions, complained of herein, where the co-conspirators, and victims were not named, instructions #1, 37 39, 45, 47, 50, 54, and 57 which are defective requires this Court to reverse and remand for new trial. State v. Brown, 45 Wash.App. 571, 726 p.2d 60 (1986). Controls.

## 2. Vindictive Prosecution.

Prosecutor Misconduct deprived Conner of his inherent 6th amendment right to a fair trial when she excessively charged Conner with 6 counts of first degree burglary, 8 counts of first Robbery, 2 counts of unlawful possession of a firearm, 2 counts of possession of a stolen firearm, 1 count of possession of marijuana, 4 counts of second degree theft, 1 count of third degree theft, 1 count of theft of a firearm, and 1 count of third degree possession of stolen property. See Second Amended Information. App.C.

Based on the Certificate Of Probable Cause, the State originally charged Conner with 1 count of conspiracy to commit burglary in the first degree, 1 count of conspiracy to commit robbery in the first degree, and 1 count of unlawful possession of a firearm in the second degree. See Information. App.C.

The probable cause to arrest was filed in Superior Court of Kitsap County, November 18, 2010. App.B.

The State did not bring charges until well into the next year, where the prosecutor filed the information on June 8, 2011, charging only 3 counts.

When Conner refused to plead guilty to the 3 counts like his coconspirators/codefendants, the State amended the charges to a total of 26 counts based on criminal conduct that was not supported by probable cause.

Once a prosecutor exercises his discretion to bring certain charges against a defendant neither he nor his successor may without explanation increase the number of or severity of those charges in circumstances which suggest that the increase is retaliation for the defendants assertion of statutory or constitutional rights. State v. Korum, 120 Wash.App. 686, 86 P.3d 166 (2004).

The only explanation given by the prosecutor was during the sentencing phase, where the prosecutor stated her reasons for the excessive charges were that Conner's codefendant Jerrell Smith "[sic]...took this deal and came forward because he wants nothing more to do with this life...the defendant has never, to date, made this realization. RP July 27, 2012. Lines 3-6 Pg. 2766.

...Admittedly, there is a vast discrepancy between the defendant's range and the range that Mr. Smith and Mr Alexander faced, but the major difference in that discrepancy in the range is that they were willing to take responsibility for their actions. RP July 27, 2012. Lines 21-25 Pg. 2766.

...He knowingly assumed the risk of going to trial on 26 counts...and now he must face the consequences of that decision. RP July 27, 2012. Lines 4,5,8,9. Pg.2767.

The above language is clear that the state retaliated

against Conner for not pleading guilty like his codefendants Smith and Alexander.

"[A public prosecutor is a quasi-judicial officer" who represents the State and must act "impartially". A prosecutors duty to do justice on behalf of the public transcends mere advocacy of the State's case. The prosecutors ethical duty is to seek the fairest rather than necessarily the most severe outcome. Id. at 701

In this case, there was nothing fair about what the prosecutor had chosen to do. Breaking down five burglary's into 26 crimes where the majority of the crimes either merged or contained exact elements of other crimes, such as theft and robbery were the exact reasoning the Korum, court emphasized the prosecutors duty when it comes to filing charges:

1. The prosecutor should file charges which adequately describe the nature of the defendants conduct, as shown above in the introduction, with the exception of the conspiracy to commit robbery, which is properly stated in the probable cause the defined the defendants conduct on the 17th of November, the additional charges does not describe Conner's conduct on that day.

2. The prosecutor should not overcharge to obtain a guilty plea.

Overcharging includes:

- (a) Charging a higher degree
- (b) Charging additional counts

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

Like Conner, Korum, was charged with a series of home invasion robberies. When Korum, exercised his right to trial on the 3 charges, the State stacked multiple charges against him which were clearly incidental to the robberies. This Court reversed (holding; Prosecutor acted vindictively following defendant's withdrawal of his guilty plea...) However, the State Supreme Court reversed this Courts decision on petition for review; 157 Wash.2d. 614, (holding; adding charges did not give rise to presumption of prosecutorial vindictiveness based on the fact that the additional charges related to crimes where Korum personally entered the invaded homes and hence was identifiable by non participants in the crime).

In contrast to the Supreme Court's reasoning, 1). Conner was not identified by non of the victims, 2). The State



relied solely on the testimony of Conner's accomplices, where it was established on record that Smith, and Alexander had lied about Conner's involvement. COA. NO. 43762-7-II, and 3). Where Korum's, probable cause to arrest accurately depict the nature of his conduct and name the victims whom he had allegedly robbed. Conner's probable cause do not name the victims and addresses of the additional charges of home invasion robberies, nor does the probable cause depict the nature of Conner's conduct in relation to the 26 additional counts. Therefore this Court should reconsider Korum's, applicability to this instant case.

"Governmental misconduct or arbitrary action by the prosecutor warrants dismissal of criminal charges" CrR. 8.3(b). See State v. Korum, 157 Wash.2d 614, n.15.

### 3. Invalid Exceptional Sentence.

The purpose of the SRA is to "[develop] a system for the sentencing of felony offenders which structures, but does not eliminate, discretionary decisions affecting sentencing." RCW 9.94A.010. In coming up with the standard range for any particular offense, the Legislature specifically "recognized that not all exceptional fact patterns can be anticipated, and that the sentencing court must be permitted to tailor the sentence to the facts of each particular case."

Although the Legislature acknowledged that the trial

court had the discretion to impose an exceptional sentence either downward or upward, RCW 9.94A.120, the Legislature did not intend for the court to abuse this discretion by violating the statute.

a) Same Criminal Conduct.

The Trial Court abuses its discretion if it does not do a "same criminal conduct" analysis. State v. Haddock, 141 Wash.2d. 103 (2000). Here, the twenty-four crimes for which Conner, was convicted fourteen of them should have been treated as one crime in determining his presumptive range because the acts encompassed the "same criminal conduct".

For example: with the exception of the 2 counts of unlawful possession of a firearm, 2 counts of possession of a stolen firearm, and 1 count of conspiracy to commit burglary, which all occurred on the 17th of November, 2010. The remaining 19 crimes stemmed from five separate first degree burglary's, and one residential burglary.

Of the five first degree burglary's 8 counts of first degree robbery, and 6 counts of theft in varying degrees were attached. The robbery's and theft's were all a part of the "same criminal conduct" the crimes should have merged to avoid the double jeopardy clause of the 5th amendment, or the court should have counted the crimes as one. See Second Amended Information App.C. and Judgment and Sentence App.A.

The "same criminal conduct standard was put in place to satisfy the double jeopardy clause of the Fifth Amendment and Constitution Article 1 § 9 to protect a defendant against multiple punishments for the same offense.

In order to be the "same offense" for purposes of Double Jeopardy the offense must be the same in law and in fact. If there is an element in each offense which is not included in the other and proof of one offense would not necessarily prove the other the offenses are not constitutionally the same and the double jeopardy clause does not prevent convictions for both offenses. U.S.C.A. Const. Amend.5.

Since, in order to prove robbery, the State must prove a taking of property, which is an element of theft. Therefore equal protection here, is violated when two statutes declare the same acts to be crimes, but the penalty is more severe under one statute than the other. State v. leech, 114 Wash.2d. 700, 711, 790 P.2d 160 (1990); State v. Williams, 62 Wash.App. 748, 754, 815 P.2d 825 (1991).

Moreover, when a person is convicted of two or more offenses the sentence range for each offense "shall" be determined by using all other current and prior convictions as criminal history. All sentences so determined "shall" be served concurrently. Separate crimes encompassing the same

criminal conduct "shall" be counted as one crime in determining criminal history. See RCW 9A.52.050, 9.94A.525. In re Pers. Restraint of Vehlewald, 92 Wash.App. 197, 199, 963 P.3d 903 (1998).

During sentencing the court did consider the aggravating factors on multiple current offenses that go unpunished, which was submitted to the jury. RP July 27, 2012 Pg's 2761-62. However, generally "[a] trial courts oral decision has no binding or final effect unless it is formally incorporated into findings of fact, conclusions of law and judgment". State v. kilburn, 151 Wash.2d. 36, 39 n.1, 84 P.3d 1215 (2004).

b) Consecutive Sentences.

Pursuant to the SRA, all charges that are not ran consecutively, "shall" be ran concurrently. [I]f the charges are ran consecutively, the sentence is therefore treated as an exceptional sentence, thus mandating the court to enter written findings separately and attach them to the judgment and sentence. RCW 9.94A.120(2)(3), RCW 9.94A.525, RCW 9.94A.589.

Whenever a judge imposes an exceptional sentence, he or she must set forth the reasons for that sentence in written findings of fact and conclusions of law. In re Pers. Restraint of Vandervlugt, 120 Wash.2d. 427, 842 P.2d 950 (1992).

Because the court orally opined the facts of the case

at sentencing, does not cure the defect of the exceptional sentence box on the preprinted judgment and sentence going unchecked, and the courts failure to enter its written findings separately. Rule 52(1), In re Pers. Restraint of Hall, 181 P.3d 799 (2008) (The court may impose a sentence outside the standard sentence range for that offense if it finds...that there are substantial and compelling reasons justifying an exceptional sentence)... See In re Pers. Restraint of Cashaw, 123 Wash.2d. 138, 866 P.2d 8 (1994)(The court denied defendant due process when it failed to enter written findings separately to impose the exceptional sentence. The courts own regulation imposed by statute, requires written findings of facts and conclusions of law. Implementing this regulation raise an expectation cognizable under the due process clause that the court will abide by the statute. Because the trial court did not then due process attaches to Conner.

Furthermore, because the trial court failed to adhere to the statute governing exceptional sentences, the court therefore lacked the power/authority to impose the consecutive sentences totaling 1145 months. See State v. Davis, 47 Wash.App. 91, 734 P.2d 500 (1987). Thus absent the Written Findings Of Fact And Conclusions Of Law, Cooner's 1145 month sentence is invalid on its face. Vandervlugt, controls.

c) Facially Invalid.

The Supreme Court first discussed the term "invalid on its face" in State v. Ammons, 105 Wash.2d. 175, 713 P.2d 719 (1986). There the court stated "[c]onstitutionally invalid on its face means a conviction which without further elaboration evidences infirmities of a constitutional magnitude." Id. at 188.

Although the Ammons, court considered the phrase in terms of whether the State must prove the constitutional validity of a prior convictions before they could be used for sentencing purposes, which they concluded the State did not!. Many courts have adopted the phrase to determine infirmities on judgment and sentences. See In re Pers. Restraint of Goodwin, 146 Wash.2d. 861, 866, 50 P.3d 618 (2002); In re Pers. Restraint of Hemenway, 147 Wash.2d. 529, 532, 55 P.3d 615 (2002); In re Pers. Restraint of Hinton, 152 Wash.2d. 853, 861, 100 P.3d 801 (2004); In re Pers. Restraint of La'Chapelle, 153 Wash.2d. 1, 100 P.2d 805 (2004); In re Pers. Restraint of Thompson, 141 Wash.2d. 712, 718-19, 10 P.3d 380 (2000); Also In re Pers. Restraint of Coats, WL 5593063 Nov. 17, 2011, on the Supreme Courts discussion of what makes a sentence invalid. For example the Court have found judgment and sentences invalid when the trial judge has imposed an unlawful sentence. The same should apply here for Conner. When the trial court failed to enter its written findings of

fact and conclusions of law, the court therefore had no authority to impose the consecutive exceptional sentence.

This Court may opine, the trial courts failure to check the "box" indicating that an exceptional sentence was imposed is a scrivener's error that can easily be corrected and not render the judgment invalid as held in McKiearnan, supra. However, any error of law such as an error concerning determinate sentences converts an otherwise valid judgment into an invalid one. In re Pers. Restraint of Coats, supra.

When the court imposed the exceptional sentence without entering its findings separately the sentence therefore became unlawful because it was imposed contrary to statute. The court could not hand down a 1145 month sentence without the findings. this error cannot be simply corrected, the court cannot go back in time and issue its written findings of fact and conclusions of law to satisfy the harmless error doctrine. In re Pers. Restraint of McKiearnan, 165 Wash.2d. at 783, 203 P.3d 375. A sentence not authorized by law is a non constitutional defect that results in a complete miscarriage of justice. In re Pers. Restraint of Breedlove, 138 Wash.2d 298 (1999); In re Pers. Restraint of Thompson, supra.

In this case the written findings of fact and conclusions of law was not submitted by the court revealing the fundamental error that led in this case to a miscarriage

of justice as Conner have demonstrated.

4. Remedy.

As shown above, because the second amended information was not supported by probable cause, thus making the charging document ineffective, 2) the "to convict instructions on conspiracy, burglary and theft do not name the victims, 3) the prosecutor was vindictive in overcharging, 4) the court abused its discretion for failing to conduct a "same criminal conduct" analysis, and 5) the court failed to enter written findings of fact and conclusions of law. It can be said that Conner's entire "trial was so infected that the resulting conviction violates due process." In re Pers. Restraint of Lile, 100 Wash.2d 224, 229, 668 P.2d 581 (1983).

Based on the multiple errors found herein, the only remedy is for this Court to vacate all convictions with prejudice in accord to CrR. 8.3(b), State v. Knapstad, supra State v. Korum, supra State v. Brown, supra, or remand to Kitsap County for further proceedings in accord to State v. Haddock, supra State v. Leech, supra and In re Pers. Restraint of Vandervlugt, supra.

If the State objects, then this Court should require the State to make a prima facie showing of any compelling reason not to allow this remedy. If the State cannot do so then this



Court should grant Conner's Personal Restraint Petition. Lile, at 230. supra.

5. Pro Se Brief.

a) Conner's PRP is to be construed liberally and held to less stringent standards than formal briefs drafted by lawyers Hains v. Kerner, 404 U.S. 519, 30 L.Ed.2d 652, 92 S.Ct. 594 (1972); Boag v. MacDougall, 454 U.S. 364, 70 L.Ed.2d 551, 102 S.Ct. 700 (1982); Tally v. Lane, 13 F.3d 1031 (7th Cir. 1994); U.S. v. Sanchez, 88 F.3d 1243 (D.C. Cir. 1996) ("Court's will go to particular pains to protect Pro Se litigants against consequences of technical errors if injustice would otherwise result.").

6. Appointment Of Counsel.

When this Court have determined that Conner's Personal Restraint Petition is not **Frivolous**, this court is obligated to appoint counsel to assist Conner in his quest for relief as held in State v. Robinson, 153 Wash.2d 689.

**D. CONCLUSION AND PRAYER  
FOR RELIEF**

Based on the above this Court should vacate Conner's 2012 Kitsap County convictions with prejudice, or in the alternatives remand for new trial, re-sentencing within the standard sentence range, or evidentiary hearing on the points raised herein.

Respectfully Submitted,

*La'Juanta Conner*

Signed and Dated this 19 day of August, 2013

La'Juanta L. Conner Pro Se  
#359680 F-E-205  
Washington State Penitentiary  
1313 N. 13th Ave  
Walla Walla, WA 99362

**OATH OF PETITIONER**

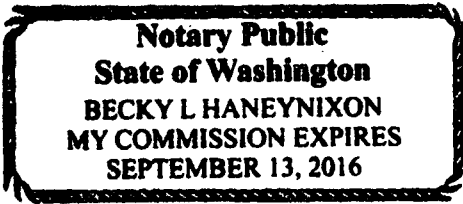
STATE OF WASHINGTON )  
  ) ss.  
COUNTY OF Walla Walla

After being first duly sworn, on oath, I depose and say: That I am the petitioner, that I have read the petition, know its contents, and I believe the petition is true.

*La'Juanta Conner*  
\_\_\_\_\_  
Signature

2013 SUBSCRIBED AND SWORN to before me this 23 day of August

*Becky L Haneynixon*  
Notary Public in and for the State  
of Washington Residing at \_\_\_\_\_  
Walla Walla



**APP. A.**

**APPENDIX A. JUDGMENT AND SENTENCE**

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12-9-016558

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IN OPEN COURT  
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IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON, )  
 ) No. 11-1-00435-8  
 Plaintiff, )  
 ) JUDGMENT AND SENTENCE  
 v. )  
 )  
 LA'JUANTA LE'VEAR CONNER, )  
 Age: 23; DOB: 04/22/1989, )  
 )  
 Defendant. )

A sentencing hearing was held in which the Defendant, the Defendant's attorney, and the Deputy Prosecuting Attorney were present. The Court now makes the following findings, judgment and sentence. The Defendant was found guilty, by  plea  jury verdict  bench trial  trial upon stipulated facts, of the following-

2.1 CURRENT OFFENSE(S) <i>Asterisk (*) denotes same criminal conduct (RCW 9.94A.525).</i>	RCW	Date(s) of Crime from to		The Special Allegations* listed below were pled and proved
I Burglary in the First Degree, Conspiracy	9A.52.020; 9A.28.040	11/17/2010	11/17/2010	F
I Armed With Firearm	9.94A.533.3A			
I Special Allegation-Aggravating Circumstance-Multiple Current Offenses; Some Unpunished	9.94A.535.2C			
II Unlawful Possession of a Firearm in the Second Degree	9.41.040.2Ai	09/15/2010	11/17/2010	
II Special Allegation-Aggravating Circumstance-Multiple Current Offenses; Some Unpunished	9.94A.535.2C			

JUDGMENT AND SENTENCE; Page 1  
 [Form revised January 29, 2010]



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1	III	Possessing a Stolen Firearm	9A.56.310	09/15/2010	11/17/2010	
2	III	Special Allegation-Aggravating Circumstance-Multiple Current Offenses; Some Unpunished	9.94A.535.2C			
3						
4	IV	Unlawful Possession of a Firearm in the Second Degree	9.41.040.2Ai	11/01/2010	11/17/2010	
5						
6	IV	Special Allegation-Aggravating Circumstance-Multiple Current Offenses; Some Unpunished	9.94A.535.2C			
7						
8	V	Possessing a Stolen Firearm	9A.56.310	11/01/2010	11/17/2010	
9	V	Special Allegation-Aggravating Circumstance-Multiple Current Offenses; Some Unpunished	9.94A.535.2C			
10						
11	VI	Possession of Marijuana (ACQUITTAL)	69.50.4014	11/17/2010	11/17/2010	
12						
13	VII	Robbery in the First Degree	9A.56.200.1Ai1A ii	09/15/2010	09/15/2010	F
14	VII	Armed With Firearm	9.94A.533.3A			
15	VII	Special Allegation-Aggravating Circumstance-Multiple Current Offenses; Some Unpunished	9.94A.535.2C			
16						
17	VIII	Robbery in the First Degree	9A.56.200.1Ai1A ii	09/15/2010	09/15/2010	F
18						
19	VIII	Armed With Firearm	9.94A.533.3A			
20	VIII	Special Allegation-Aggravating Circumstance-Multiple Current Offenses; Some Unpunished	9.94A.535.2C			
21						
22	IX	Burglary in the First Degree	9A.52.020	09/15/2010	09/15/2010	F
23	IX	Armed With Firearm	9.94A.533.3A			
24	IX	Special Allegation-Aggravating Circumstance-Victim Present During Burglary	9.94A.535.3U			
25						
26	IX	Special Allegation-Aggravating Circumstance-Multiple Current Offenses; Some Unpunished	9.94A.535.2C			
27						
28	X	Theft in the Second Degree	9A.56.040.1AW	09/15/2010	09/15/2010	
29	X	Special Allegation-Aggravating Circumstance-Multiple Current Offenses; Some Unpunished	9.94A.535.2C			
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1	XI	Robbery in the First Degree	9A.56.200.1Ai1A ii	09/28/2010	09/28/2010	F
2						
3	XI	Armed With Firearm	9.94A.533.3A			
4	XI	Special Allegation-Aggravating Circumstance-Multiple Current Offenses; Some Unpunished	9.94A.535.2C			
5						
6	XII	Robbery in the First Degree	9A.56.200.1Ai1A ii	09/28/2010	09/28/2010	F
7						
8	XII	Armed With Firearm	9.94A.533.3A			
9	XII	Special Allegation-Aggravating Circumstance-Multiple Current Offenses; Some Unpunished	9.94A.535.2C			
10						
11	XIII	Robbery in the First Degree	9A.56.200.1Ai1A ii	09/28/2010	09/28/2010	F
12						
13	XIII	Armed With Firearm	9.94A.533.3A			
14	XIII	Special Allegation-Aggravating Circumstance-Multiple Current Offenses; Some Unpunished	9.94A.535.2C			
15						
16	XIV	Burglary in the First Degree	9A.52.020	09/28/2010	09/28/2010	F
17						
18	XIV	Armed With Firearm	9.94A.533.3A			
19	XIV	Special Allegation-Aggravating Circumstance-Victim Present During Burglary	9.94A.535.3U			
20						
21	XIV	Special Allegation-Aggravating Circumstance-Multiple Current Offenses; Some Unpunished	9.94A.535.2C			
22						
23	XV	Theft in the Second Degree	9A.56.040.1AW	09/28/2010	09/28/2010	
24						
25	XV	Special Allegation-Aggravating Circumstance-Multiple Current Offenses; Some Unpunished	9.94A.535.2C			
26						
27	XVI	Robbery in the First Degree	9A.56.200.1Ai1A ii	09/28/2010	09/28/2010	F
28						
29	XVI	Armed With Firearm	9.94A.533.3A			
30	XVI	Special Allegation-Aggravating Circumstance-Multiple Current Offenses; Some Unpunished	9.94A.535.2C			
31						
	XVII	Burglary in the First Degree	9A.52.020	09/28/2010	09/28/2010	F
	XVII	Armed With Firearm	9.94A.533.3A			



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XVII	Special Allegation-Aggravating Circumstance-Victim Present During Burglary	9.94A.535.3U			
XVII	Special Allegation-Aggravating Circumstance-Multiple Current Offenses; Some Unpunished	9.94A.535.2C			
XVIII	Theft in the Third Degree	9A.56.050	09/28/2010	09/28/2010	
XIX	Burglary in the First Degree	9A.52.020	10/02/2010	10/03/2010	
XIX	Special Allegation-Aggravating Circumstance-Multiple Current Offenses; Some Unpunished	9.94A.535.2C			
XX	Theft in the Second Degree	9A.56.040.1AW	10/02/2010	10/03/2010	
XX	Special Allegation-Aggravating Circumstance-Multiple Current Offenses; Some Unpunished	9.94A.535.2C			
XXI	Robbery in the First Degree	9A.56.200.1Ai1A ii	11/03/2010	11/04/2010	F
XXI	Armed With Firearm	9.94A.533.3A			
XXI	Special Allegation-Aggravating Circumstance-Multiple Current Offenses; Some Unpunished	9.94A.535.2C			
XXII	Robbery in the First Degree	9A.56.200.1Ai1A ii	11/03/2010	11/04/2010	F
XXII	Armed With Firearm	9.94A.533.3A			
XXII	Special Allegation-Aggravating Circumstance-Multiple Current Offenses; Some Unpunished	9.94A.535.2C			
XXIII	Burglary in the First Degree	9A.52.020	11/03/2010	11/04/2010	F
XXIII	Armed With Firearm	9.94A.533.3A			
XXIII	Special Allegation-Aggravating Circumstance-Victim Present During Burglary	9.94A.535.3U			
XXIII	Special Allegation-Aggravating Circumstance-Multiple Current Offenses; Some Unpunished	9.94A.535.2C			
XXIV	Theft of a Firearm	9A.56.300	11/03/2010	11/04/2010	
XXIV	Special Allegation-Aggravating Circumstance-Multiple Current Offenses; Some Unpunished	9.94A.535.2C			



1	XXV	Theft in the Second Degree	9A.56.040.1C	11/03/2010	11/04/2010	
2	XXV	Special Allegation-Aggravating Circumstance-Multiple Current Offenses; Some Unpunished	9.94A.535.2C			
3						
4	XXVI	Possession of Stolen Property in the Third Degree (ACQUITTAL)	9A.56.170	11/19/2010	11/19/2010	
5						
6						

7	2.2 CRIMINAL HISTORY (RCW 9.94A.525) <i>Asterisk (*) denotes prior convictions that were same criminal conduct.</i>		Date of Crime	Date of Sentence	Sentencing Court	Juv (x)
8	Theft I		5/7/08		King County Superior	
9						

2.3 SENTENCING DATA									
Count	Offender Score	Seriousness Level	Standard Range	Days (x)	Mo. (x)	Special Allegations Type*	Mo.	Total Standard Range (Mo.)	Maximum Term
I	36	VII	65.25 to 87	-	X	F	60		life
II	19	III	51 to 60	-	X			323 to 414	5 years
III	19	V	72 to 96	-	X			323 to 414	10 years
IV	19	III	51 to 60	-	X			323 - 414	5 years
V	19	III	72 to 96	-	X			323 - 414	5 years
VI	0	N/A	0 - 90	X	-			ACQUITTAL	1 year
VII	36	IX	129 to 171	-	X	F	60		life
VIII	36	IX	129 to 171	-	X	F	60		life
IX	36	VII	87 to 116	-	X	F	60		life
X	23	I	22 to 29	-	X				5 years
XI	36	IX	129 to 171	-	X	F	60		life
XII	36	IX	129 to 171	-	X	F	60		life
XIII	36	IX	129 to 171	-	X	F	60		life
XIV	36	VII	87 to 116	-	X	F	60		life
XV	23	I	22 to 29	-	X				5 years





2.3 SENTENCING DATA									
Count	Offender Score	Seriousness Level	Standard Range	Days (x)	Mo. (x)	Special Allegations Type*	Mo.	Total Standard Range (Mo.)	Maximum Term
XVI	36	IX	129 to 171	-	X	F	60		life
XVII	36	VII	87 to 116	-	X	F	60		life
XVIII	0	N/A	0 to 364	X	-				2 years
XIX	36	VII	87 to 116	-	X				life
XX	23	I	22 to 29	-	X				5 years
XXI	36	IX	129 to 171	-	X	F	60		life
XXII	36	IX	129 to 171	-	X	F	60		life
XXIII	36	VII	87 to 116	-	X	F	60		life
XXIV	19	VI	77 to 102	-	X			323 - 414	10 years
XXV	23	I	22 to 29	-	X				5 years
XXVI	0	N/A	0 to 364	X	-			ACQUITTAL	

Defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525.

\*SPECIAL ALLEGATION KEY (RCWs)- F=Firearm (9.94A.533), DW=Deadly Weapon (9.94A.602,533); DV=Domestic Violence (10.99.020); SZ=School Zone (69.50.435,533); SM=Sexual Motivation (9.94A.835 and/or 9.94A.533); VH=Vehicular Homicide Prior DUI (46.61.520,5055); CF=drug crime at Corrections Facility (9.94A.533); JP=Juvenile Present at manufacture (9.94A.533,605); P=Predatory (9.94A.836); <15=Victim Under 15 (9.94A.837); DD=Victim is developmentally disabled, mentally disordered, or a frail elder or vulnerable adult (9.94A.838, 9A.44.010); CSG=Criminal Street Gang Involving a Minor (9.94A.833); AE=Endangerment While Attempting to Elude (9.94A.834).

**CONFINEMENT/STATUS**

- 4.5- **FIRST-TIME OFFENDER.** RCW 9.94A.030, 9.94A.650. The Defendant is a First Offender. The Court waives the standard range and sentences the Defendant within a range of 0-90 days.
- CHEMICAL DEPENDENCY**—The Court finds the Defendant has a chemical dependency that contributed to the offense(s). RCW 9.94A.030(9).
- 4.5- **PRISON-BASED DOSA—SPECIAL DRUG OFFENDER SENTENCING ALTERNATIVE.** RCW 9.94A.660. The standard range is waived and the Court imposes a sentence of one-half the midpoint of the standard range, or 12 months, whichever is greater.
- RESIDENTIAL CHEMICAL DEPENDENCY TREATMENT-BASED DOSA.** RCW 9.94A.660. The standard range is waived and the Court imposes a sentence as outlined in the attached ADDENDUM RE: RESIDENTIAL DOSA.
- 4.7- **WORK ETHIC CAMP.** RCW 9.94A.690, 72.09.410. The Court finds that the Defendant is eligible and is likely to qualify for work ethic camp and the Court recommends that Defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, Defendant shall be released on



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1 community custody for any remaining time of total confinement, subject to conditions. Violation of the  
 2 conditions of community custody may result in a return to total confinement for the balance of  
 3 Defendant's remaining time of total confinement.  
 4  2.4-EXCEPTIONAL SENTENCE-Substantial and compelling reasons exist justifying a sentence  above  
 5  below the standard range,  within the standard range for Count \_\_\_ but served consecutively to  
 6 Count(s) \_\_\_, or  warranting exceptional conditions of supervision for Count(s) \_\_\_\_\_.  
 7 The Prosecutor  did  did not recommend a similar sentence.  The exceptional sentence was  
 8 stipulated by the Prosecutor and the Defendant. Findings of Fact and Conclusions of Law entered in  
 9 support of the exceptional sentence are incorporated by reference.  
 10  4.5-PERSISTENT OFFENDER-The Defendant is a Persistent Offender and is sentenced to life without the  
 11 possibility of early release. RCW 9.94A.570.

COURT'S SENTENCE:		
<i>Sentences over 12 months will be served with the Department of Corrections. Sentences 12 months or less will be served in the Kitsap County Jail, unless otherwise indicated.</i>		
COUNT I <u>87</u> <del>Mo.</del> F: 60 months Total: <u>147</u> <del>Mo.</del>	COUNT II <u>10</u> Days <del>Mo.</del>  <u>55.5</u>	COUNT III <u>1</u> Days <del>Mo.</del>  <u>84</u>
COUNT V <u>84</u> <del>Mo.</del> <input type="checkbox"/> Days <del>Mo.</del>	<del>COUNT VI</del> <del>Mo.</del> COUNT 4 - <u>55.5</u>	COUNT VII <u>171</u> <del>Mo.</del> F: 60 months Total: <u>231</u> <del>Mo.</del>
COUNT VIII <u>171</u> <del>Mo.</del> F: 60 months Total: <u>231</u> <del>Mo.</del>	COUNT IX <u>116</u> <del>Mo.</del> F: 60 months Total: <u>176</u> <del>Mo.</del>	COUNT X <u>29</u> <del>Mo.</del>
COUNT XI <u>171</u> <del>Mo.</del> F: 60 months Total: <u>231</u> <del>Mo.</del>	COUNT XII <u>171</u> <del>Mo.</del> F: 60 months Total: <u>231</u> <del>Mo.</del>	COUNT XIII <u>171</u> <del>Mo.</del> F: 60 months Total: <u>231</u> <del>Mo.</del>
COUNT XIV <u>116</u> <del>Mo.</del> F: 60 months Total: <u>176</u> <del>Mo.</del>	COUNT XV <u>29</u> <del>Mo.</del>	COUNT XVI <u>171</u> <del>Mo.</del> F: 60 months Total: <u>231</u> <del>Mo.</del>
COUNT XVII <u>116</u> <del>Mo.</del> F: 60 months Total: <u>176</u> <del>Mo.</del>	COUNT XVIII <u>364</u> Days with <u>0</u> Days Suspended for 2 Years	
COUNT XIX <u>116</u> <del>Mo.</del> F: 60 months Total: <u>176</u> <del>Mo.</del>	COUNT XX <u>29</u> <del>Mo.</del>	COUNT XXI <u>171</u> <del>Mo.</del> F: 60 months Total: <u>231</u> <del>Mo.</del>
COUNT XXII <u>171</u> <del>Mo.</del> F: 60 months Total: <u>231</u> <del>Mo.</del>	COUNT XXIII <u>116</u> <del>Mo.</del> F: 60 months Total: <u>176</u> <del>Mo.</del>	COUNT XXIV <u>89.5</u> <del>Mo.</del>



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COUNT XXV <u>29</u> <input checked="" type="checkbox"/> Mo.	COUNT XXVI _____ <input type="checkbox"/> Days <input type="checkbox"/> Mo.	COUNT _____ <input type="checkbox"/> Days <input checked="" type="checkbox"/> Mo.
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IF MULTIPLE COUNTS—Total confinement ordered: 1148.5  Days  Months. ( per DOSA sentence)  
 COUNTS SERVED  Concurrent  Consecutive  Firearm and Deadly Weapon enhancements served consecutive;  
 the remainder concurrent.  Sexual Motivation enhancements served consecutive; the remainder concurrent.  
 VUCSA enhancements served  consecutive  concurrent; the remainder consecutive.

- 4.4—CONFINEMENT ONE YEAR OR LESS—Defendant shall serve a term of confinement as follows:
- JAIL ALTERNATIVES/PARTIAL CONFINEMENT. RCW 9.94A.030(31). If the defendant is found eligible, the confinement ordered may be converted to—Work Release, RCW 9.94A.731 (*Note: the Kitsap County Jail has the discretion to have the Defendant complete work release at the Kitsap County Jail or Peninsula Work Release*), Home Detention, RCW 9.94A.731, 190, or Supervised Community Service or Work Crew, RCW 9.94A.725 at the discretion of the Kitsap County Jail.
  - STRAIGHT TIME. The confinement ordered shall be served in the Kitsap County Jail, or if applicable under RCW 9.94A.190(3) in the Department of Corrections.
- 4.5—CONFINEMENT OVER ONE YEAR—Defendant is sentenced to the above term of total confinement in the custody of the Department of Corrections.
- OTHER SENTENCES—This sentence shall be served  consecutive  concurrent to sentence(s) ordered in cause number(s) \_\_\_\_\_
  - CREDIT FOR TIME SERVED. RCW 9.94A.505. Defendant shall receive credit for time served prior to sentencing solely for this cause number as computed by the jail unless specifically set forth—\_\_\_\_\_ days.
  - 4.5—NO CONTACT ORDER—Defendant shall abide by the terms of any no contact order issued as part of this Judgment and Sentence.

**SUPERVISION**

- 4.6—COMMUNITY CUSTODY – SENTENCES OTHER THAN DOSA, SSOSA AND WORK ETHIC CAMP. RCW 9.94A.505, .701, .702, .704, .706. Defendant shall be supervised for the longest time period checked in the table below. Defendant shall report to DOC in person no later than 72 hours after release from custody and shall comply with all conditions stated in this Judgment and Sentence, including those checked in the SUPERVISION SCHEDULE, and other conditions imposed by the court or DOC during community custody (and supervised probation if ordered). *First Offenders—RCW 9.94A.650*. If Defendant is sentenced as First Offender, the Defendant may be supervised for up to 12 months; and if treatment is ordered, community supervision may include up to the period of treatment but not exceed 2 years.



**Community Custody Is Ordered for the Following Term(s):**

For offenders sentenced to the custody of DOC (total term of confinement 12+ months or more):

- COUNT(S) \_\_\_\_\_ 36 months for: Serious Violent Offenses; Sex Offenses (including felony Failure to Register as a Sex Offender if the defendant has at least one prior felony failure to register conviction);
- COUNT(S) I, VII, VIII, IX, XI, XII, XIII, XIV, XVI, XVII, XIX, XXI, XXII, XXIII\_ 18 months for Violent Offense
- COUNT(S) \_\_\_\_\_ 12 months for: Crimes Against Person; felony offenses under chapter 69.50 or 69.52 RCW; felony Failure to Register as a Sex Offender (if the defendant has no prior convictions for failure to register)

For offenders sentenced to a term of one year or less :

- COUNT(S) \_\_\_\_\_ 12 months for: Violent Offenses; Crimes Against Persons; felony offenses under chapter 69.50 or 69.52 RCW; Sex Offenses; felony Failure to Register as a Sex Offender (regardless of the number of prior felony failure to register convictions ).

- Community custody for sex offenders may be extended for up to the statutory maximum term.
- For sex offenses, defendant shall submit to electronic home detention if imposed by DOC

**Supervised Probation is Ordered for Gross Misdemeanor and Misdemeanor convictions in this Judgment and Sentence, to be administered by the DOC, for:**

- COUNT(S) XVIII     12 months     24 months     \_\_\_\_\_ months

~~4.6~~ **WORK ETHIC CAMP—COMMUNITY CUSTODY.** RCW 9.94A.690, 72.09.410. Upon completion of the work ethic camp, the Defendant shall be on community custody for any remaining time of total confinement. Defendant shall comply with all conditions stated in this Judgment and Sentence, including those checked in the SUPERVISION SCHEDULE, and other conditions imposed by the court or DOC during community custody. Violation of the conditions may result in a return to total confinement for the balance of the Defendant's remaining time of confinement.

~~4.6~~ **PRISON-BASED DOSA—COMMUNITY CUSTODY.** RCW 9.94A.660. Defendant shall serve the remainder of the midpoint of the standard range in community custody. Defendant shall undergo and successfully complete a substance abuse treatment program approved by the division of alcohol and substance abuse of the Dept. of Social and Health Services. Defendant shall report to the DOC in person not later than 72 hours after release from custody and shall comply with all conditions stated in this Judgment and Sentence including those checked in the SUPERVISION SCHEDULE, and other conditions imposed by the court or DOC during community custody.

~~4.7~~ **ADDITIONAL CONFINEMENT UPON VIOLATION OF DOSA SENTENCE CONDITIONS**—If DOC finds that the Defendant has willfully violated the conditions of the drug offender sentencing alternative program, DOC may reclassify the Defendant to serve the remaining balance of the original sentence. In addition, as with any case, if the Defendant is subject to a first or second violation hearing and DOC finds that the Defendant committed the violation, the Defendant may receive as a sanction up to 60 days of confinement per violation. RCW 9.94A.633. Further, as in any case, if the Defendant has not completed his or her maximum term of total confinement and is subject to a third violation hearing and DOC finds that the Defendant committed the violation, DOC may return the Defendant to a state correctional facility to serve up to the remaining portion of the Defendant's sentence. RCW 9.94A.714.

~~4.7~~ **ADDITIONAL TERM OF COMMUNITY CUSTODY UPON FAILURE TO COMPLETE OR TERMINATION**



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**FROM THE DOSA PROGRAM**—If the defendant fails to complete, or is administratively terminated from, the drug offender sentencing alternative program, the court imposes a term of community custody under RCW 9.94A.701, to begin upon the defendant's release from custody, and during this term of community custody, the defendant shall comply with all conditions stated in this Judgment and Sentence including those checked in the SUPERVISION SCHEDULE, and other conditions imposed by the court or DOC.

**4.6—RESIDENTIAL CHEMICAL DEPENDENCY TREATMENT-BASED DOSA—COMMUNITY CUSTODY.** RCW 9.94A.660. The Defendant shall serve a term of community custody as outlined in the attached ADDENDUM RE: RESIDENTIAL DOSA, and all of the conditions and requirements included in the ADDENDUM are hereby imposed.

**-ADDITIONAL CONFINEMENT UPON VIOLATION OF RESIDENTIAL CHEMICAL DEPENDENCY TREATMENT-BASED DOSA SENTENCE CONDITIONS**—If the court finds that the Defendant has willfully violated the conditions of the drug offender sentencing alternative program, the court may order the Defendant to serve a term of total confinement equal to one-half the midpoint of the standard range or a term of total confinement up to the top of the standard range. The court may also impose a term of community custody. In addition, as with any case, if the Defendant is subject to a first or second violation hearing and DOC finds that the Defendant committed the violation, the Defendant may receive as a sanction up to 60 days of confinement per violation. RCW 9.94A.633. Further, as in any case, if the Defendant has not completed his or her maximum term of total confinement and is subject to a third violation hearing and DOC finds that the Defendant committed the violation, DOC may return the Defendant to a state correctional facility to serve up to the remaining portion of the Defendant's sentence. RCW 9.94A.714.

**COMMUNITY CUSTODY VIOLATIONS.** In any case in which community custody is imposed, if the Defendant is subject to a first or second violation hearing and DOC finds that the Defendant committed the violation, the Defendant may receive as a sanction up to 60 days of confinement per violation. RCW 9.94A.633. Further, in any case, if the Defendant has not completed his or her maximum term of total confinement and is subject to a third violation hearing and DOC finds that the Defendant committed the violation, DOC may return the Defendant to a state correctional facility to serve up to the remaining portion of the Defendant's sentence. RCW 9.94A.714.



**SUPERVISION SCHEDULE: The Defendant Shall-**

**STANDARD**

- Obey all laws and obey instructions, affirmative conditions, and rules of the court, DOC and CCO.
- Report to and be available for contact with assigned CCO as directed.
- Obey all no-contact orders including any in this judgment.
- Remain within prescribed geographical boundaries and notify the court and CCO in advance of any change in address or employment.
- Notify ICCO within 48 hours of any new arrests or criminal convictions.
- Pay DOC monthly supervision assessment.
- Comply with crime-related prohibitions.

**SERIOUS VIOLENT / VIOLENT OFFENSE, CRIME AGAINST A PERSON AND/OR DRUG OFFENSE (non-DOSA)**

- Work only at DOC-approved education, employment and/or community service.
- Possess or consume no controlled substances without legal prescription.
- Reside only at DOC-approved location and arrangement.
- Consume no alcohol, if so directed by the CCO.

**FIRST OFFENDER**

- Obey all laws.
- Devote time to specific employment or occupation.
- Pursue a prescribed secular course of study or vocational training.
- Participate in DOC programs and classes, as directed.
- Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed standard sentence range.

**FINANCIAL GAIN**

- Commit no thefts.
- Possess no stolen property.
- Have no checking account or possess any blank or partially blank checks.
- Seek or maintain no employment or in a volunteer organization where Defendant has access to cash, checks, accounts receivable or payable, or books without the prior written permission of the CCO after notifying employer in writing of this conviction.
- Use no names of persons other than the Defendant's true name on any document, written instrument, check, refund slip or similar written instrument.
- Possess no identification in any other name other than Defendant's true name.
- Possess no credit cards or access devices belonging to others or with false names.
- Cause no articles to be refunded except with the written permission of CCO.
- Take a polygraph test as requested by CCO to monitor compliance with supervision.

**PSI CONDITIONS**-All conditions recommended in the Pre-Sentence Investigation are incorporated herein as conditions of community custody, in addition to any conditions listed in this judgment and sentence.

**ALCOHOL/DRUGS**

- Possess or consume no alcohol.
- Enter no bar or place where alcohol is the chief item of sale.
- Possess and use no illegal drugs and drug paraphernalia.
- Submit to UA and breath tests at own expense at CCO request.
- Submit to searches of person, residence or vehicles at CCO request.
- Have no contact with any persons who use, possess, manufacture, sell or buy illegal controlled substances or drugs.
- Install ignition interlock device as directed by CCO. RCW 46.20.710-.750.

**EVALUATIONS**- Complete an evaluation for:  
 substance abuse  anger management  mental health, and fully comply with all treatment recommended by CCO and/or treatment provider.

**DOSA**

- Successfully complete drug treatment program specified by DOC, and comply with all drug-related conditions ordered.
- Devote time to a specific employment or training.
- Perform community service work.

**4.8-OFF-LIMITS ORDER** (known drug trafficker) RCW 10.66.020. The following "protected against drug trafficking areas" are off-limits to the Defendant while under county jail or DOC supervision:

**PROGRAMS / ASSAULT**

- Have no assaultive behavior.
- Successfully complete a certified DV perpetrators program.
- Successfully complete an anger management class.
- Successfully complete a victim's awareness program.

**TRAFFIC**

- Commit no traffic offenses
- Do not drive until your privilege to do so is restored by DOL.

**HAVE NO CONTACT WITH:** Robert Dato, Aaron Dato, Jeremy Turner, Thomas Hunnell (AKA Harvison), Brett Cummings, Aaron Tucheck, Ann Marie Tucheck, Keefe Jackson, Kimberly Birkett, Paul Woods, Brandon Bird, Christopher Devenere, Jerrell Smith, Kevion Arnold-Alexander, Heather Arnold-Alexander, and any of their properties.



**FINANCIAL OBLIGATIONS**

41-LEGAL FINANCIAL OBLIGATIONS-RCW 9.94A.760. The Court finds that the Defendant has the ability or likely future ability to pay legal financial obligations. The Defendant shall pay by cash, money order, or certified check to the Kitsap County Superior Court Clerk at 614 Division Street, MS-34, Port Orchard, WA 98366, as indicated-

<input checked="" type="checkbox"/>	\$500 Victim Assessment, RCW 7.68.035 [PCV]	\$ _____ Sheriff service/sub. fees [SFR/SFS/SFW/SRF]
<input checked="" type="checkbox"/>	\$1135 Court-appointed attorney fees [PUB]	\$ _____ Witness Costs [WFR]
<input checked="" type="checkbox"/>	\$200 Filing Fee; \$110 if filed before 7/24/2005 [FRC]	\$ _____ Jury Demand fee [JFR]
<input checked="" type="checkbox"/>	\$100 DNA / Biological Sample Fee, RCW 43.43.7541	\$ _____ Court-appointed defense fees/other defense costs
	<input type="checkbox"/> \$1,000 <input type="checkbox"/> \$2,000 Mandatory fine for drug crimes, RCW 69.50.430	\$100 Domestic Violence Assessment, RCW 10.99.080 <input type="checkbox"/> Kitsap Co. YWCA <input type="checkbox"/> Kitsap Sexual Assault Ctr.
	\$ _____ Contribution to SIU-Bremerton Police Department, RCW 9.94A.030, 9.94A.760.	<input checked="" type="checkbox"/> \$100 Contribution-Kitsap County Expert Witness Fund [Kitsap County Ordinance 139.1991]
	\$100 Crime Lab fee, RCW 43.43.690(1)	\$500 Contribution-Kitsap Co. Special Assault Unit
	\$3,000 Methamphetamine / amphetamine Cleanup Fine, RCW 69.50.440 or 69.50.401(2)(b)	<input checked="" type="checkbox"/> \$100 Contribution-Anti-Profiteering Fund of Kitsap Co. Prosecuting Attorney's Office, RCW 9A.82 .110
	Emergency Response Costs - DUI, Veh. Homicide or Veh. Assault, RCW 38.52.430, pcr separate order.	\$200 DUC-DUI/DP Account Fee - Imposed on any DUI, Physical Control, Vehicular Homicide, or Vehicular Assault. RCW 46.61.5054.

**RESTITUTION**-To be determined at a future date by separate order(s). If the defendant has waived his or her presence at any future restitution hearing, either through the terms of any applicable plea agreement in this case or by voluntary waiver indicated on the judgment and sentence, the court hereby accepts that waiver by the defendant.

**REMAINING LEGAL FINANCIAL OBLIGATIONS AND RESTITUTION**-The legal financial obligations and/or any restitution noted above may not be complete and are subject to future order by the Court.

**PAYMENT SCHEDULE** - All payments shall commence  immediately  within 60 days from today's date, and be made in accordance with policies of the Clerk or DOC and on a schedule as follows: pay \$100 \$50 \$25  \_\_\_\_\_ per month, unless otherwise noted- \_\_\_\_\_ RCW 9.94A.760.

**12% INTEREST FOR LEGAL FINANCIAL OBLIGATIONS/ADDITIONAL COSTS**-Financial obligations in this judgment shall bear interest from date of the judgment until paid in full at the rate applicable to civil judgments. An award of costs of appeal may be added to the total legal financial obligations. RCW 10.82.090, RCW 10.73.160. **INTEREST WAIVED FOR TIMELY PAYMENTS**-The Superior Court Clerk has the authority to waive the 12% interest if the Defendant makes timely payments under this payment schedule.

**50% PENALTY FOR FAILURE TO PAY LEGAL FINANCIAL OBLIGATIONS**- Defendant shall pay the costs of services to collect unpaid legal financial obligations. Failure to make timely payments will result in assessment of additional penalties, including an additional 50% penalty if this case is sent to a collections agency due to non-payment. RCW 36.18.190.

**OTHER**

- 42-HIV TESTING-The Defendant shall submit to HIV testing. RCW 70.24.340.
- 43-DNA TESTING-The Defendant shall have a biological sample collected for DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency or DOC shall obtain the sample prior to the defendant's release from confinement. RCW 43.43.754. If the defendant is out of custody, he or she must report directly to the Kitsap County Jail to arrange for DNA sampling.
- FORFEITURE-Forfeit all seized property referenced in the discovery to the originating law



**Russell D. Hauge, Prosecuting Attorney**  
Adult Criminal and Administrative Divisions  
614 Division Street, MS-35  
Port Orchard, WA 98366-4681  
(360) 337-7174; Fax (360) 337-4949

- 1 enforcement agency unless otherwise stated.
- 2  4.10—**COMPLIANCE WITH SENTENCE**—Defendant shall perform all affirmative acts necessary for DOC to
- 3  **JOINT AGREEMENTS IN THE PLEA AGREEMENT**—Are in full force and effect unless otherwise stated in
- 4  **EXONERATION**—The Court hereby exonerates any bail, bond, and/or personal recognizance conditions.

5 **NOTICES AND SIGNATURES**

6 5.1—**COLLATERAL ATTACK ON JUDGMENT**—Any petition or motion for collateral attack on this judgment

7 and sentence, including but not limited to any personal restraint petition, state habeas corpus petition,

8 motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest

9 judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW

10 10.73.100, RCW 10.73.090.

11 5.2—**LENGTH OF SUPERVISION**—The court shall retain jurisdiction over the offender, for the purposes of the

12 offender's compliance with payment of the legal financial obligations, until the obligation is completely

13 satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5).

14 5.3—**NOTICE OF INCOME-WITHOLDING ACTION**—If the Court has not ordered an immediate notice of

15 payroll deduction, you are notified that the DOC may issue a notice of a payroll deduction without notice to

16 you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the

17 amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW

18 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

19 5.5—**ANY VIOLATION OF JUDGMENT AND SENTENCE**—Is punishable by up to 60 days of confinement per

20 violation. RCW 9.94A.633. The court may also impose any of the penalties or conditions outlined in RCW

21 9.94A.633.

22 5.6—**FIREARMS**—You must immediately surrender any concealed pistol license and you may not own,

23 use, or possess any firearm unless your right to do so is restored by a court of record.

24 **Clerk's Action Required**—The court clerk shall forward a copy of the Defendant's driver's license, identicard, or

25 comparable identification, to the DOL along with the date of conviction or commitment. RCW 9.41.040, 9.41.047.

26 **Cross off if not applicable—**

27 5.7—**SEX AND KIDNAPPING OFFENDER REGISTRATION. LAWS OF 2010, CH. 267 § 1, RCW 9A.44.130, 10.01.200.**

28 **1. General Applicability and Requirements:**

29 Because this crime involves a sex offense or kidnapping offense involving a minor as defined in LAWS OF 2010,

30 CH. 267 § 1 AND/OR RCW 9A.44.130, you are required to register.

31 If you are a resident of Washington, you must register with the sheriff of the county of the state of Washington

where you reside. You must register within three business days of being sentenced unless you are in custody, in which

case you must register at the time of your release with the person designated by the agency that has jurisdiction over

you. You must also register within three business days of your release with the sheriff of the county of the state of

Washington where you will be residing.

If you are not a resident of Washington but you are a student in Washington or you are employed in Washington

or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of

employment, or vocation. You must register within three business days of being sentenced unless you are in custody,

in which case you must register at the time of your release with the person designated by the agency that has

jurisdiction over you. You must also register within three business days of your release with the sheriff of the county

of your school, where you are employed, or where you carry on a vocation

**2. Offenders Who are New Residents or Returning Washington Residents:**

If you move to Washington or if you leave this state following your sentencing or release from custody but later

move back to Washington, you must register within three business days after moving to this state. 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 on a vocation in Washington, or attend school in Washington, you must register within three

business days after starting school in this state or becoming employed or carrying out a vocation in this state.

**3. Change of Residence Within State:**

If you change your residence within a county, you must provide, by certified mail, with return receipt requested or

in person, signed written notice of your change of residence to the sheriff within three business days of moving. If you





1 change your residence to a new county within this state, you must register with the sheriff of the new county within  
2 three business days of moving. Also within three business days, you must provide, by certified mail, with return  
3 receipt requested or in person, signed written notice of your change of address to the sheriff of the county where you  
4 last registered.

5 **4. Leaving the State or Moving to Another State:**

6 If you move to another state, or if you work, carry on a vocation, or attend school in another state you must  
7 register a new address, fingerprints, and photograph with the new state within three business days after establishing  
8 residence, or after beginning to work, carry on a vocation, or attend school in the new state. If you move out of the  
9 state, you must also send written notice within three business days of moving to the new state or to a foreign country to  
10 the county sheriff with whom you last registered in Washington State.

11 **5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher  
12 Education or Common School (K-12):**

13 If you are a resident of Washington and you are admitted to a public or private institution of higher education, you  
14 are required to notify the sheriff of the county of your residence of your intent to attend the institution within three  
15 business days prior to arriving at the institution. If you become employed at a public or private institution of higher  
16 education, you are required to notify the sheriff for the county of your residence of your employment by the institution  
17 within three business days prior to beginning to work at the institution. If your enrollment or employment at a public or  
18 private institution of higher education is terminated, you are required to notify the sheriff for the county of your  
19 residence of your termination of enrollment or employment within three business days of such termination. If you  
20 attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW, you are  
21 required to notify the sheriff of the county of your residence of your intent to attend the school. You must notify the  
22 sheriff within three business days prior to arriving at the school to attend classes. The sheriff shall promptly notify the  
23 principal of the school.

24 **6. Registration by a Person Who Does Not Have a Fixed Residence:**

25 Even if you do not have a fixed residence, you are required to register. Registration must occur within three  
26 business days of release in the county where you are being supervised if you do not have a residence at the time of your  
27 release from custody. Within three business days after losing your fixed residence, you must send signed written  
28 notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than  
29 24 hours, you will be required to register with the sheriff of the new county not more than three business days after  
30 entering the new county. You must also report weekly in person to the sheriff of the county where you are registered.  
31 The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business  
hours. You must keep an accurate accounting of where you stay during the week and provide it to the county sheriff  
upon request. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level  
and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.21.550.

**7. Application for a Name Change:**

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 three business days of the entry of the order. RCW 9A.44.130(7).

**5.8-PERSISTENT OFFENDER-**

"Three Strike" Warning-You have been convicted of an offense that is classified as a "most serious offense"  
under RCW 9.94A.030. A third conviction in Washington State of a most serious offense, regardless of whether the  
first two convictions occurred in a federal or non-Washington state court, will render you a "persistent offender."

"Two Strike" Warning-In addition, if this offense is (1) rape in the first degree, rape of a child in the first degree,  
rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child  
molestation in the first degree; or (2) any of the following offenses with a finding of sexual motivation: murder in the  
first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second  
degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in  
the second degree, or a burglary in the first degree; or (3) any attempt to commit any of the crimes listed in RCW  
9.94A.030(32), and you have at least one prior conviction for a crime listed in RCW 9.94A.030(32) in this state,  
federal court, or elsewhere, this will render you a "persistent offender." RCW 9.94A.030(32).

**Persistent Offender Sentence**-A persistent offender shall be sentenced to a term of total confinement for life  
without the possibility of early release, or, when authorized by RCW 10.95.030 for the crime of aggravated murder in  
the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. RCW 9.94A.570.

**5.8-DEPARTMENT OF LICENSING NOTICE**-The court finds that Count \_\_\_\_\_ is a felony in the



1 commission of which a motor vehicle was used. **Clerk's Action**—The clerk shall forward an Abstract  
2 of Court Record to the DOL, which must revoke the Defendant's driver's license. RCW 46.20.285.  
3 **TREATMENT RECORDS**—If the Defendant is or becomes subject to court-ordered mental health or  
4 chemical dependency treatment, the Defendant must notify DOC and must share the Defendant's treatment  
5 information with DOC for the duration of the Defendant's incarceration and supervision. RCW 9.94A.562.

6 **Voting Rights Statement:**

7 I acknowledge that my right to vote has been lost due to felony conviction. If I am registered to vote, my voter  
8 registration will be cancelled.

9 My right to vote will be provisionally restored as long as I am not under the authority of DOC (not serving a sentence  
10 in the custody of DOC and not subject to community custody as defined in RCW 9.94A.030). I must re-register before  
11 voting. The provisional right to vote may be revoked if I fail to comply with all the terms of my legal financial  
12 obligations or an agreement for the payment of legal financial obligations.

13 My right to vote may be permanently restored by one of the following for each felony conviction: a) A certificate of  
14 discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the  
15 right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050;  
16 or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C  
17 felony, RCW 92A.84.660. Registering to vote before the right is restored is a class C felony, RCW 29A.84.140.

18 Defendant's Signature: [Signature]

19 **SO ORDERED IN OPEN COURT.**

20 DATED: 7/27/12

21 [Signature]  
22 JUDGE

23 **JEANETTE DALTON**

24 G. MOSCA FRANKLIN, WSBA No. 38811  
25 Deputy Prosecuting Attorney

26 [Signature], WSBA No. 21871  
27 Attorney for Defendant

28 Defendant has previously, through their plea agreement, waived  
29 his or her presence at any future restitution hearing.

30 LC (initials)

31 [Signature]  
32 **LAVUANIA LE VEAR CONNER**  
33 Defendant

34 If I have not previously done so, I hereby agree to waive my  
35 right to be present at any restitution proceedings:  
36 LC (initials)



1 INTERPRETER'S DECLARATION - I am a certified or registered interpreter, or the court has found me other  
2 wise qualified to interpret, the \_\_\_\_\_ language, which the Defendant  
3 understands. I interpreted this Judgment and Sentence for the Defendant into that language.  
4 I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and  
5 correct.





6 Translator signature/Print name- \_\_\_\_\_  
7 Signed at Port Orchard, Washington, on \_\_\_\_\_, 201\_\_ .

8 **IDENTIFICATION OF DEFENDANT**

9 Race: Black Sex: Male DOB: 04/22/1989 Age: 23  
10 D/L: CONNELL113J2 D/L State: Washington SID: [s.i.d. number] Height: 511  
11 Weight: 150 JUVIS: Unknown Eyes: Brown Hair: Black  
12 DOC: Unknown SSN: 307-06-9361 FBI: [fbi number]

13 FINGERPRINTS-I attest that I saw the same Defendant who appeared in Court on this document affix his or  
14 her fingerprints and signature thereto.  
15 Clerk of the Court- *D. Vinciguerra*, Deputy Clerk. Dated- 7/27/12

16 DEFENDANT'S SIGNATURE- *[Signature]*

17 Left 4 fingers taken simultaneously	18 Left Thumb	19 Right Thumb	20 Right 4 fingers taken simultaneously
			

21 Prosecutor's File Number-10-184374-3

22 **Prosecutor Distribution-Original (Court Clerk); 1 copy (Prosecutor), 1 copy (DOC), 1 copy (Defense Atty); 1 copy (Pros Stat Keeper)**



**APP. B.**

**APPENDIX B. CERTIFICATE OF PROBABLE CAUSE**

# CERTIFICATE OF PROBABLE CAUSE

Clerk Code

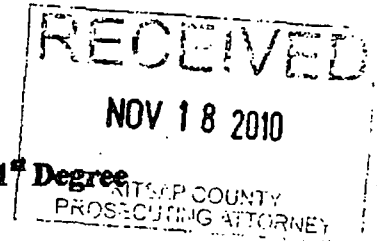
Case # 10-011191

**SUSPECT NAME:** Conner, Lajuante L 4-22-89

**COURT:** Superior

**ARREST CRIME:** 9A.56.200 Conspiracy to Commit Robbery

9.41. 040 Unlawful Possession of a Firearm 1<sup>st</sup> Degree



**ARREST DATE & TIME:** 11/17/10 2307 hours

**ARREST LOCATION:** SR 303 and Bentley Ave.

## Statement of Probable Cause

On 10-27-10 at approximately 1900 hrs Loyd Freeman was sleeping on his couch inside his residence at 3121 Preble St in Bremerton Washington. Freeman awoke to a suspect slapping his face. Freeman looked at the suspect and noticed a gun being pointed at his face. The suspect asked Freeman "where is the shit." Freeman asked the suspect what he was talking about. The suspect yelled at Freeman to tell him where the marihuana was in the residence. Freeman told the suspect he did not know what he was talking about. A second suspect began ransacking the residence looking through drawers, throwing items onto the floor. Freeman stated the suspect's were yelling at him to tell him where the marihuana was. Freeman stated the suspects did not like his answers. One of the suspects struck Freeman in the forehead above his right eye with the butt of the pistol. Freeman suffered a 1" laceration to his forehead which later required hospitalization and stitches.

Both suspects then tied Freeman up to a gate inside the residence while they held onto their pistols. The suspects covered Freeman's head with a blanket then continued rummaging through the residence. Freeman was tied up for approximately 1 hour. Freeman advised he was struck by the butt of the pistol twice and assaulted throughout the approximate 1 hour robbery. The suspects fled after stealing electronics and two marihuana plants.

The residence is owned by a friend of Freeman's who grows marihuana as a caregiver for a person who requires medicinal marihuana. The caregiver advised two plants were stolen from his residence. The remnants of two marihuana plants were observed during the crime scene investigation.

The city of Bremerton and unincorporated Kitsap County have seen a high amount of home invasion robberies in the past two months. The common scheme is one to three

subjects kicking in doors and robbing victims at gunpoint for their drugs and property. Some of the robberies have been medicinal marihuana grows, some have been recovering patients with a large amount of Oxycodone and some have been victims with a small amount of marihuana. It appears as though the primary focus of the suspects is drugs. The suspect's then steal large amounts of electronics and guns. The suspects have been described as African American males and Hispanic males dressed in dark clothing and armed with pistols.

On 11-17-10 A person contacted me and advised they wished to give information related to a home invasion robbery on Preble St. KCSO Detective Birkenfeld and I met with this confidential source and received the following information. The confidential source overheard Joe Perez and his friend, described as an African American male, bragging about a robbery on Preble street in Bremerton. Perez and the B/M talked about entering the residence on Preble St approximately 1 week prior and "binking" the victim on the head with a pistol. The confidential source waited one week before reporting this to Detectives which is consistent with the date of Preble street robbery. Perez also talked about tying the victim up and covering the victim's head while they ransacked the residence. Perez advised he and his friend stole 2 marihuana plants. The information Perez talked about was never made public and would only be known by someone who committed this robbery. Perez was recently released from prison for Armed Robbery. Perez admitted to me on a prior robbery that he and his friends rob drugs dealers because they never report it to the police.

This confidential source also informed BPD and KCSO that Perez and his friends were preparing to commit another home invasion robbery in East Bremerton on 11-17-10. The confidential source informed Detectives the suspects would be armed with pistols and dressed in dark clothing. The confidential source identified a route that would be taken by the suspects. Officers observed the suspects in the area described by the confidential source. BPD and KCSO stopped a black Chevy Colorado pickup #A06898W occupied by Joe Perez, Jerrell Smith and Lajuaente Conner in the area of N/B Highway 303 and Bentley Rd. The vehicle was displaying Washington Lic#A06898W. The vehicle returned registered to Jerrell E. Smith.

A high risk stop was done and three suspects were arrested for conspiracy to commit robbery. The driver door was still open and we cleared the vehicle of any other suspects. While looking into the vehicle from the exterior and open door, I witnessed a bag of suspected marijuana lying in the rear seat area partially hidden under a plastic panel. I could also see a back pack, black knit hat and black knit gloves.

The vehicle was secured and I completed a telephonic warrant application. While I was preparing the warrant application, the suspects were transported from the scene. At 0010 hours, I contacted Superior Court Judge Leila Mills. I was sworn in and provided oral testimony. The warrant was granted for the crime of Robbery 1<sup>st</sup> degree.

During the search of the vehicle, suspected marihuana, cell phones, various I-Pods and documents were located inside the cab. We also located a black knit hat and black knit

gloves. In the rear bed of the truck we located a large pile of wet and dirty clothes. Inside that pile of clothes was a dry black tote bag. Opening that bag, we located two blue bandannas, and two handguns. The first handgun was a Taurus .44 caliber magnum. The gun was loaded with 5 live rounds and bearing serial number PJ449053. The firearm returned stolen out of Kitsap County, case number K10-012157. The date of that burglary was November 1, 2010. The second firearm was a Hi-Point .40 caliber handgun. This weapon had a serial number that was ground off and removed. The magazine was loaded and a round was in the chamber.

All items of evidence were collected and photographs were taken.

Suspect Joe L. Perez denies being involved in any robberies or possessing any firearms. Suspect Lajuaente L. Conner denies being involved in any robberies or possessing any firearms. Suspect Smith provided the following facts about his involvement in home invasion robberies. Smith also provided information about his friends being involved in home invasion robberies.

On 11/18/10, at approximately 0000 hours, Officer's Bogen and Elton interviewed Jerrell Smith at the Bremerton Police Department. Smith was read his Miranda rights and Smith agreed to waive his rights and speak with us about the series of robberies which have occurred in our county. The interview was video/audio recorded.

Smith told us he is associated with several members of a loose-knit gang called the "Bloods" and these blood gang members have committed approximately 15-30 robberies in the Kitsap County area recently. A gun was displayed in most of the robberies and in at least two of the robberies, shots were fired. Smith said the common thread linking all of the victims in these crimes is they are either medicinal or illegal marijuana growers or they are a dealer of drugs.

Smith admitted he participated in three to five robberies of houses in the Kitsap County Area. At this point, we have been unable to link his confessions to any reported robbery. Smith admitted tonight he, Joe Perez and Lajuaente Conner were intending to rob another house somewhere in the East Kitsap area.

Smith denied ever possessing a gun during any robbery. He also denied using any physical force during the robberies he was involved in and he said no one present was hurt and no shots were fired. Smith admitted possessing one gun on approximately 11/16/10. On that occasion he said Joe Perez left an automatic handgun in his Smith's truck and Smith returned it to Perez at Perez's house. Smith said he handed the gun over to Perez and Smith gave this as the reason his DNA would be on the gun.

It appears many of the robberies committed by these individuals, including one in South Kitsap where shots were fired at the blood gang members, were never reported to police.

Smith said Perez, whom he knows as "Vegas" has been involved in several robberies in with other members of the group and Perez and others would talk to him about their

crimes. Smith knew specific details of some of the robberies which had been reported to the police which were not publicly known.

Smith said tonight, either Perez or Conner made some phone calls to set up a robbery. They met with two guys whom Smith doesn't know, near the Fred Meyer in East Bremerton. Smith said he did not get out of the car, but Perez and Conner did get out and Perez and Conner spoke to the two unidentified individuals. Perez and Conner returned to Smith's truck and they told him they were supposed to follow the two guys to a house where a marijuana grow (unknown if legal or illegal) was taking place and the two guys would flash their brake lights indicating it is the right house. Smith and the others were then supposed to rob the house.

Joe Perez is a convicted felon with priors for Armed Robbery. Perez is banned from possessing weapons. Perez was released from prison in October 2010 on a BPD Robbery case. On 10-27-10 Joe Perez entered 3121 Preble St with the intention of committing an armed robbery. According to victim Freeman, both subjects were armed with pistols. Perez bragged about the robbery. Perez is a suspect in several other related robberies that are under investigation. Perez, Conner and Smith took substantial steps in committing another armed home invasion robbery on 11-17-10 by traveling in the direction of a suspected drug dealer's residence armed with a loaded stolen .44 pistol from a recent KCSO burglary and a loaded .40 pistol with the serial number obliterated from the frame of the pistol. All were dressed in dark clothing similar to the other related home invasion robberies prior to being stopped and arrested. Conner is a convicted felon for a Theft 1 conviction.

Therefore, I believe there is probable cause to charge Conner with Conspiracy to Commit Robbery, 1<sup>st</sup> Degree (11-17-10) and Unlawful Possession of a Firearm 1<sup>st</sup> Degree (11-17). Additional charges are pending.

**I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.**

Signature:  .437 Print Name: Det. Mike Davis ID# 437 .

Date: 11-18-10

Bremerton Police Department

Pg 1 of 1.



**APP. C.**

**APPENDIX C. INFORMATION**

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DAVID W. PETERSON

IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,	)	No. 11 1 00435 8
	)	
Plaintiff,	)	
	)	INFORMATION
v.	)	
	)	(Total Counts Filed - 3)
LA 'JUANTA LE'VEAR CONNER,	)	
Age: 21; DOB: 04/22/1989,	)	
	)	
Defendant.	)	

COMES NOW the Plaintiff, STATE OF WASHINGTON, by and through its attorney, CAMI G. LEWIS, WSBA NO. 30568, Deputy Prosecuting Attorney, and hereby alleges that contrary to the form, force and effect of the ordinances and/or statutes in such cases made and provided, and against the peace and dignity of the STATE OF WASHINGTON, the above-named Defendant did commit the following offense(s)-

**Count I**  
**Burglary in the First Degree**

On or about November 18, 2010, in the County of Kitsap, State of Washington, the above-named Defendant, with intent to commit a crime against a person or property therein, did enter or remain unlawfully in a building, and in entering or while in the building or in immediate flight therefrom, the Defendant or another participant in the crime was armed with a deadly weapon and/or did assault any person therein, contrary to the Revised Code of Washington 9A.52.020.

(MAXIMUM PENALTY-Life imprisonment and/or a \$50,000.00 fine pursuant to RCW



1 9A.52.020(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

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

5 JIS Code: 9A.52.020 . Burglary 1

6  
7 Mode of Commission—Criminal Conspiracy

8 TO COMMIT THIS CRIME, the Defendant, with intent that conduct constituting this crime  
9 be performed, did agree with one or more persons who were not necessary participants in the  
10 crime to engage in or cause the performance of such conduct, and any one of them did take a  
11 substantial step in pursuance of such agreement; contrary to Revised Code of Washington  
12 9A.28.040(1) and *State v. Miller*, 131 Wn.2d 78, 88-89, 929 P.2d 372 (1997).

13 (MAXIMUM PENALTY—The maximum penalty for criminal attempt, criminal solicitation and  
14 criminal conspiracy is based upon the underlying crime that is charged, pursuant to RCW  
15 9A.28.020(3), 9A.28.030(2), and 9A.28.040(3).)

Underlying Charged Crime	Resulting Classification of the Crime if the Mode of Commission is:		
	Attempt	Soiication	Conspiracy
Murder in the First Degree	Class A Felony	Class A Felony	Class A Felony
Arson in the First Degree	Class A Felony	Class B Felony	Class A Felony
Child Molestation in the First Degree; Indecent Liberties by Forcible Compulsion; Rape in the First or Second Degrees; or Rape of a Child in the First or Second Degrees.	Class A Felony	Class B Felony	Class B Felony
Other Class A Felony	Class B Felony	Class B Felony	Class B Felony
Class B Felony	Class C Felony	Class C Felony	Class C Felony
Class C Felony	Gross Misdemeanor	Gross Misdemeanor	Gross Misdemeanor
Gross Misdemeanor or Misdemeanor	Misdemeanor	Misdemeanor	Misdemeanor

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27 **Count II**  
28 **Robbery in the First Degree**

29 On or about November 17, 2010, in the County of Kitsap, State of Washington, the  
30 above-named Defendant did, with intent to commit theft thereof, unlawfully take personal  
31 property that Defendant did not own from the person of another, or in said person's presence



1 against said person's will by the use or threatened use of immediate force, violence, or fear of  
 2 injury to said person or the property of said person or the person or property of another, and in the  
 3 commission of said crime or in immediate flight therefrom, the Defendant was armed with a  
 4 deadly weapon and/or displayed what appeared to be a firearm or other deadly weapon; contrary  
 5 to the Revised Code of Washington 9A.56.200(1) and 9A.56.190.

6 (MAXIMUM PENALTY—Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.56.200(2)  
 7 and 9A.20.021(1)(a), plus restitution and assessments.)

8 (If the Defendant has previously been convicted on two separate occasions of a “most serious  
 9 offense” as defined by RCW 9.94A.030, in this state, in federal court, or elsewhere, the  
 10 mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant  
 11 to RCW 9.94A.030 and 9.94A.570.)

11 JIS Code: 9A.56.200 Robbery 1

12  
 13 Mode of Commission—Criminal Conspiracy

14 TO COMMIT THIS CRIME, the Defendant, with intent that conduct constituting this crime  
 15 be performed, did agree with one or more persons who were not necessary participants in the  
 16 crime to engage in or cause the performance of such conduct, and any one of them did take a  
 17 substantial step in pursuance of such agreement; contrary to Revised Code of Washington  
 18 9A.28.040(1) and *State v. Miller*, 131 Wn.2d 78, 88-89, 929 P.2d 372 (1997).

19 (MAXIMUM PENALTY—The maximum penalty for criminal attempt, criminal solicitation and  
 20 criminal conspiracy is based upon the underlying crime that is charged, pursuant to RCW  
 21 9A.28.020(3), 9A.28.030(2), and 9A.28.040(3).)

Underlying Charged Crime	Resulting Classification of the Crime if the Mode of Commission is:		
	Attempt	Solicitation	Conspiracy
Murder in the First Degree	Class A Felony	Class A Felony	Class A Felony
Arson in the First Degree	Class A Felony	Class B Felony	Class A Felony
Child Molestation in the First Degree; Indecent Liberties by Forcible Compulsion; Rape in the First or Second Degrees; or Rape of a Child in the First or Second Degrees.	Class A Felony	Class B Felony	Class B Felony
Other Class A Felony	Class B Felony	Class B Felony	Class B Felony
Class B Felony	Class C Felony	Class C Felony	Class C Felony
Class C Felony	Gross Misdemeanor	Gross Misdemeanor	Gross Misdemeanor
Gross Misdemeanor or Misdemeanor	Misdemeanor	Misdemeanor	Misdemeanor



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**Count III**  
**Unlawful Possession of a Firearm in the Second Degree**

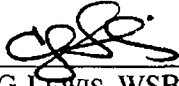
On or about November 17, 2010, in the County of Kitsap, State of Washington, the above-named Defendant did knowingly own, possess, or have in his or her control a firearm, after having been previously convicted of THEFT 1ST DEGREE IN KING COUNTY SUPERIOR COURT CAUSE NO. 08-1-04937-6; contrary to the Revised Code of Washington 9.41.040(2)(a)(i). (MAXIMUM PENALTY—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9.41.040(2)(b) and 9A.20.021(1)(c), plus restitution and assessments.)

JIS Code: 9.41.040.2A Firearm Possession Unlawful-2

I certify (or declare) under penalty of perjury under the laws of the State of Washington that I have probable cause to believe that the above-named Defendant committed the above offense(s), and that the foregoing is true and correct to the best of my knowledge, information and belief.

DATED: June 7, 2011  
PLACE: Port Orchard, WA

STATE OF WASHINGTON

  
\_\_\_\_\_  
CAMI G. LEWIS, WSBA No. 30568  
Deputy Prosecuting Attorney

All suspects associated with this incident are—

Jerrell Eugene Smith  
Joe Louis Perez  
La'Juanta Le'Vear Conner



1 **DEFENDANT IDENTIFICATION INFORMATION**

2 LA'JUANTA LE'VEAR CONNER Alias Name(s), Date(s) of Birth, and SS Number  
3 3439 H Spruce Street La ' Juanta Le ' Vear Conner, 04/22/1989  
4 Bremerton, Wa 98310

5 [Address source--(1) Kitsap County Jail records if Defendant in custody, or law enforcement report noted below if Defendant not in  
6 custody, or (2) Washington Department of Licensing abstract of driving record if no other address information available]

6 Race: Black Sex: Male DOB: 04/22/1989 Age: 21  
7 D/L: CONNELL113J2 D/L State: Washington SID: [s.i.d. number] Height: 511  
8 Weight: 150 JUVIS: Unknown Eyes: Brown Hair: Black  
9 DOC: Unknown FBI: [fbi number]

10 **LAW ENFORCEMENT INFORMATION**

11 Incident Location: Sr 303/Bentley Avenue, Bremerton, WA 98311  
12 Law Enforcement Report No.: 2010BP011191  
13 Law Enforcement Filing Officer: Michael S. Davis, 437  
14 Law Enforcement Agency: Bremerton Police Department - WA0180100  
15 Court: Kitsap County District Court, WA018013J  
16 Motor Vehicle Involved? Yes  
17 Domestic Violence Charge(s)? No  
18 Law Enforcement Bail Amount? Unknown

19 **CLERK ACTION REQUIRED**

20 Defendant Signed Promise to Appear  
21 Appearance Date If Applicable: June 16, 2011 at 10:30 AM

22 **PROSECUTOR DISTRIBUTION INFORMATION**

Superior Court	District & Municipal Court
<p>24 <b>Original Charging Document--</b> 25 Original +2 copies to Clerk 1 copy to file 26 <b>Amended Charging Document(s)--</b> 27 Original +2 copies to Clerk 1 copy to file</p>	<p>24 <b>Original Charging Document--</b> Original +1 copy to Clerk 1 copy to file 26 <b>Amended Charging Document(s)--</b> 27 Original +1 copy clipped inside file on top of left side 1 copy to file</p>

28  
29 Prosecutor's File Number--10-184374-3



**APP. C.  
SECOND AMENDED INFORMATION**

**APPENDIX C. SECOND AMENDED INFORMATION**

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RECEIVED AND FILED  
IN OPEN COURT  
JUN 06 2012  
DAVID W. PETERSON  
KITSAP COUNTY CLERK

IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,	)	
	)	No. 11-1-00435-8
Plaintiff,	)	
	)	SECOND AMENDED INFORMATION
v.	)	
	)	(Total Counts Filed - 26)
LA'JUANTA LE'VEAR CONNER,	)	
Age: 22; DOB: 04/22/1989,	)	
	)	
Defendant.	)	

COMES NOW the Plaintiff, STATE OF WASHINGTON, by and through its attorney, CAMI G. LEWIS, WSBA NO. 30568, Deputy Prosecuting Attorney, and hereby alleges that contrary to the form, force and effect of the ordinances and/or statutes in such cases made and provided, and against the peace and dignity of the STATE OF WASHINGTON, the above-named Defendant did commit the following offense(s)-

**Count I**  
**Burglary in the First Degree**

On or about November 17, 2010, in the County of Kitsap, State of Washington, the above-named Defendant, with intent to commit a crime against a person or property therein, did enter or remain unlawfully in a building, and in entering or while in the building or in immediate flight therefrom, the Defendant or another participant in the crime was armed with a deadly weapon; contrary to the Revised Code of Washington 9A.52.020.

(MAXIMUM PENALTY—Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9A.52.020(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)



13780



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, 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 and 9.94A.570.)

4 JIS Code: 9A.52.020 Burglary 1

6 Mode of Commission—Criminal Conspiracy

7 TO COMMIT THIS CRIME, the Defendant, with intent that conduct constituting this crime  
8 be performed, did agree with one or more persons who were not necessary participants in the  
9 crime to engage in or cause the performance of such conduct, and any one of them did take a  
10 substantial step in pursuance of such agreement; contrary to Revised Code of Washington  
11 9A.28.040(1) and *State v. Miller*, 131 Wn.2d 78, 88-89, 929 P.2d 372 (1997).

12 (MAXIMUM PENALTY—The maximum penalty for criminal attempt, criminal solicitation and  
13 criminal conspiracy is based upon the underlying crime that is charged, pursuant to RCW  
14 9A.28.020(3), 9A.28.030(2), and 9A.28.040(3).)

Underlying Charged Crime	Resulting Classification of the Crime if the Mode of Commission is:		
	Attempt	Solicitation	Conspiracy
Murder in the First Degree	Class A Felony	Class A Felony	Class A Felony
Arson in the First Degree	Class A Felony	Class B Felony	Class A Felony
Child Molestation in the First Degree; Indecent Liberties by Forcible Compulsion; Rape in the First or Second Degrees; or Rape of a Child in the First or Second Degrees.	Class A Felony	Class B Felony	Class B Felony
Other Class A Felony	Class B Felony	Class B Felony	Class B Felony
Class B Felony	Class C Felony	Class C Felony	Class C Felony
Class C Felony	Gross Misdemeanor	Gross Misdemeanor	Gross Misdemeanor
Gross Misdemeanor or Misdemeanor	Misdemeanor	Misdemeanor	Misdemeanor

26 Special Allegation—Armed With Firearm

27 AND FURTHERMORE, at the time of the commission of the crime, the Defendant or an  
28 accomplice was armed with a firearm; contrary to the Revised Code of Washington 9.94A.602.

29 (MINIMUM PENALTY—If the Defendant is found to have been armed with a firearm at the time of  
30 the commission of the crime, an additional sixty (60) months is added to the presumptive range of  
31 confinement for a first offense and an additional one-hundred-twenty (120) months is added to  
the presumptive range of confinement if the Defendant has previously been sentenced for any



1 deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.533(3)(a) and (d).)

2  
3 Special Allegation—Aggravating Circumstance—Multiple Current Offenses; Some Unpunished  
4 AND FURTHERMORE, the Defendant has committed multiple current offenses and the  
5 Defendant's high offender score results in some of the current offenses going unpunished,  
6 contrary to RCW 9.94A.535(2)(c) [determination by judge].  
7

8  
9 **Count II**  
**Unlawful Possession of a Firearm in the Second Degree**

10 On or between September 15, 2010 and November 17, 2010, in the County of Kitsap,  
11 State of Washington, the above-named Defendant did knowingly own, possess, or have in his or  
12 her control a firearm, to wit: Hi-Point .40 caliber pistol; after having been previously convicted of  
13 THEFT IN THE FIRST DEGREE; contrary to the Revised Code of Washington 9.41.040(2)(a)(i).  
14 (MAXIMUM PENALTY—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW  
15 9.41.040(2)(b) and 9A.20.021(1)(c), plus restitution and assessments.)

16 JIS Code: 9.41.040.2A Firearm Possession Unlawful-2  
17

18 Special Allegation—Aggravating Circumstance—Multiple Current Offenses; Some Unpunished  
19 AND FURTHERMORE, the Defendant has committed multiple current offenses and the  
20 Defendant's high offender score results in some of the current offenses going unpunished,  
21 contrary to RCW 9.94A.535(2)(c) [determination by judge].  
22

23 **Count III**  
**Possessing a Stolen Firearm**

24 On or between September 15, 2010 and November 17, 2010, in the County of Kitsap,  
25 State of Washington, the above-named Defendant did knowingly possess, carry, deliver, sell, or  
26 have in his or her control a stolen firearm, to wit: Hi-Point .40 caliber pistol; contrary to the  
27 Revised Code of Washington 9A.56.310 and RCW 9A.56.140.

28 (MAXIMUM PENALTY—Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW  
29 9A.56.310(6) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

30 JIS Code: 9A.56.310 Possessing a Stolen Firearm  
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Special Allegation—Aggravating Circumstance—Multiple Current Offenses; Some Unpunished  
AND FURTHERMORE, the Defendant has committed multiple current offenses and the Defendant's high offender score results in some of the current offenses going unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

**Count IV**  
**Unlawful Possession of a Firearm in the Second Degree**

On or between November 1, 2010 and November 17, 2010, in the County of Kitsap, State of Washington, the above-named Defendant did knowingly own, possess, or have in his or her control a firearm, to wit: Taurus .44 caliber revolver, after having been previously convicted of THEFT IN THE FIRST DEGREE; contrary to the Revised Code of Washington 9.41.040(2)(a)(i). (MAXIMUM PENALTY—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9.41.040(2)(b) and 9A.20.021(1)(c), plus restitution and assessments.)

JIS Code: 9.41.040.2A Firearm Possession Unlawful-2

Special Allegation—Aggravating Circumstance—Multiple Current Offenses; Some Unpunished  
AND FURTHERMORE, the Defendant has committed multiple current offenses and the Defendant's high offender score results in some of the current offenses going unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

**Count V**  
**Possessing a Stolen Firearm**

On or between November 1, 2010 and November 17, 2010, in the County of Kitsap, State of Washington, the above-named Defendant did knowingly possess, carry, deliver, sell, or have in his or her control a stolen firearm, to wit: Taurus .44 caliber revolver; contrary to the Revised Code of Washington 9A.56.310 and RCW 9A.56.140. (MAXIMUM PENALTY—Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.56.310(6) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

JIS Code: 9A.56.310 Possessing a Stolen Firearm



1 Special Allegation—Aggravating Circumstance—Multiple Current Offenses; Some Unpunished  
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3 AND FURTHERMORE, the Defendant has committed multiple current offenses and the  
4 Defendant's high offender score results in some of the current offenses going unpunished,  
5 contrary to RCW 9.94A.535(2)(c) [determination by judge].  
6

7 **Count VI**  
8 **Possession of Marijuana**

9 On or about November 17, 2010, in the County of Kitsap, State of Washington, the  
10 above-named Defendant did possess marijuana; contrary to Revised Code of Washington  
11 69.50.4014 and 69.50.204(c)(14).

12 (MAXIMUM PENALTY FOR FIRST OFFENSE-Not less than 24 consecutive hours nor more than  
13 ninety (90) days in jail, and not less than \$250.00 nor more than \$1,000.00 fine, pursuant to RCW  
14 69.50.4014(2), 69.50.425 and 9.92.030, plus restitution, assessments and court costs.)

15 (MAXIMUM PENALTY FOR SECOND OR SUBSEQUENT OFFENSE-Not less than 24 consecutive hours  
16 nor more than ninety (90) days in jail, and not less than \$500.00 nor more than \$1,000.00 fine,  
17 pursuant to RCW 69.50.4014(2), 69.50.425 and 9.92.030, plus restitution, assessments and court  
18 costs.)

19 JIS Code: 69.50.4014 Marihuana Possession =< 40 Grams  
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21 **Count VII**  
22 **Robbery in the First Degree**

23 On or about September 15, 2010, in the County of Kitsap, State of Washington, the  
24 above-named Defendant did, with intent to commit theft thereof, unlawfully take personal  
25 property that Defendant did not own from the person of another, to-wit: ROBERT STEVEN DATO,  
26 or in said person's presence against said person's will by the use or threatened use of immediate  
27 force, violence, or fear of injury to said person or the property of said person or the person or  
28 property of another, and in the commission of said crime or in immediate flight therefrom, the  
29 Defendant was armed with and/or displayed what appeared to be a firearm; contrary to the  
30 Revised Code of Washington 9A.56.200(1) and 9A.56.190.

31 (MAXIMUM PENALTY—Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.56.200(2)  
and 9A.20.021(1)(a), plus restitution and assessments.)

(If the Defendant has previously been convicted on two separate occasions of a "most serious



1 offense" as defined by RCW 9.94A.030, in this state, in federal court, or elsewhere, the  
2 mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant  
3 to RCW 9.94A.030 and 9.94A.570.)

4 JIS Code: 9A.56.200 Robbery 1

5 Special Allegation—Armed With Firearm

6 AND FURTHERMORE, at the time of the commission of the crime, the Defendant or an  
7 accomplice was armed with a firearm; contrary to the Revised Code of Washington 9.94A.602.

8 (MINIMUM PENALTY—If the Defendant is found to have been armed with a firearm at the time of  
9 the commission of the crime, an additional sixty (60) months is added to the presumptive range of  
10 confinement for a first offense and an additional one-hundred-twenty (120) months is added to  
11 the presumptive range of confinement if the Defendant has previously been sentenced for any  
12 deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.533(3)(a) and (d).)

13 Special Allegation—Aggravating Circumstance—Multiple Current Offenses; Some Unpunished

14 AND FURTHERMORE, the Defendant has committed multiple current offenses and the  
15 Defendant's high offender score results in some of the current offenses going unpunished,  
16 contrary to RCW 9.94A.535(2)(c) [determination by judge].

17  
18 **Count VIII**  
**Robbery in the First Degree**

19 On or about September 15, 2010, in the County of Kitsap, State of Washington, the  
20 above-named Defendant did, with intent to commit theft thereof, unlawfully take personal  
21 property that Defendant did not own from the person of another, to-wit: AARRON JAYE DATO, or  
22 in said person's presence against said person's will by the use or threatened use of immediate  
23 force, violence, or fear of injury to said person or the property of said person or the person or  
24 property of another, and in the commission of said crime or in immediate flight therefrom, the  
25 Defendant was armed with and/or displayed what appeared to be a firearm; contrary to the  
26 Revised Code of Washington 9A.56.200(1) and 9A.56.190.

27 (MAXIMUM PENALTY—Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.56.200(2)  
28 and 9A.20.021(1)(a), plus restitution and assessments.)

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



1 JIS Code: 9A.56.200 Robbery 1  
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3 Special Allegation—Armed With Firearm  
4

5 AND FURTHERMORE, at the time of the commission of the crime, the Defendant or an  
6 accomplice was armed with a firearm; contrary to the Revised Code of Washington 9.94A.602.

7 (MINIMUM PENALTY—If the Defendant is found to have been armed with a firearm at the time of  
8 the commission of the crime, an additional sixty (60) months is added to the presumptive range of  
9 confinement for a first offense and an additional one-hundred-twenty (120) months is added to  
10 the presumptive range of confinement if the Defendant has previously been sentenced for any  
11 deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.533(3)(a) and (d).)

12 Special Allegation—Aggravating Circumstance—Multiple Current Offenses; Some Unpunished

13 AND FURTHERMORE, the Defendant has committed multiple current offenses and the  
14 Defendant's high offender score results in some of the current offenses going unpunished,  
15 contrary to RCW 9.94A.535(2)(c) [determination by judge].

16 **Count IX**

17 Burglary in the First Degree

18 On or about September 15, 2010, in the County of Kitsap, State of Washington, the  
19 above-named Defendant, with intent to commit a crime against a person or property therein, did  
20 enter or remain unlawfully in a building, and in entering or while in the building or in immediate  
21 flight therefrom, the Defendant or another participant in the crime was armed with a deadly  
22 weapon; contrary to the Revised Code of Washington 9A.52.020.

23 (MAXIMUM PENALTY—Life imprisonment and/or a \$50,000.00 fine pursuant to RCW  
24 9A.52.020(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

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

29 JIS Code: 9A.52.020 Burglary 1  
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31 Special Allegation—Armed With Firearm

AND FURTHERMORE, at the time of the commission of the crime, the Defendant or an



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**Count XI**  
**Robbery in the First Degree**

On or about September 28, 2010, in the County of Kitsap, State of Washington, the above-named Defendant did, with intent to commit theft thereof, unlawfully take personal property that Defendant did not own from the person of another, to-wit: ROBERT STEVEN DATO, or in said person's presence against said person's will by the use or threatened use of immediate force, violence, or fear of injury to said person or the property of said person or the person or property of another, and in the commission of said crime or in immediate flight therefrom, the Defendant was armed with and/or displayed what appeared to be a firearm; contrary to the Revised Code of Washington 9A.56.200(1) and 9A.56.190.

(MAXIMUM PENALTY—Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.56.200(2) and 9A.20.021(1)(a), plus restitution and assessments.)

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

JIS Code:        9A.56.200        Robbery 1

**Special Allegation—Armed With Firearm**

AND FURTHERMORE, at the time of the commission of the crime, the Defendant or an accomplice was armed with a firearm; contrary to the Revised Code of Washington 9.94A.602.

(MINIMUM PENALTY—If the Defendant is found to have been armed with a firearm at the time of the commission of the crime, an additional sixty (60) months is added to the presumptive range of confinement for a first offense and an additional one-hundred-twenty (120) months is added to the presumptive range of confinement if the Defendant has previously been sentenced for any deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.533(3)(a) and (d).)

**Special Allegation—Aggravating Circumstance—Multiple Current Offenses; Some Unpunished**

AND FURTHERMORE, the Defendant has committed multiple current offenses and the Defendant's high offender score results in some of the current offenses going unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].



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**Count XII**  
**Robbery in the First Degree**

On or about September 28, 2010, in the County of Kitsap, State of Washington, the above-named Defendant did, with intent to commit theft thereof, unlawfully take personal property that Defendant did not own from the person of another, to-wit: AARRON JAYE DATO, or in said person's presence against said person's will by the use or threatened use of immediate force, violence, or fear of injury to said person or the property of said person or the person or property of another, and in the commission of said crime or in immediate flight therefrom, the Defendant was armed with and/or displayed what appeared to be a firearm; contrary to the Revised Code of Washington 9A.56.200(1) and 9A.56.190.

(MAXIMUM PENALTY—Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.56.200(2) and 9A.20.021(1)(a), plus restitution and assessments.)

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

JIS Code:       9A.56.200       Robbery 1

**Special Allegation—Armed With Firearm**

AND FURTHERMORE, at the time of the commission of the crime, the Defendant or an accomplice was armed with a firearm; contrary to the Revised Code of Washington 9.94A.602.

(MINIMUM PENALTY—If the Defendant is found to have been armed with a firearm at the time of the commission of the crime, an additional sixty (60) months is added to the presumptive range of confinement for a first offense and an additional one-hundred-twenty (120) months is added to the presumptive range of confinement if the Defendant has previously been sentenced for any deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.533(3)(a) and (d).)

**Special Allegation—Aggravating Circumstance—Multiple Current Offenses; Some Unpunished**

AND FURTHERMORE, the Defendant has committed multiple current offenses and the Defendant's high offender score results in some of the current offenses going unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].





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**Count XIII**  
**Robbery in the First Degree**

On or about September 28, 2010, in the County of Kitsap, State of Washington, the above-named Defendant did, with intent to commit theft thereof, unlawfully take personal property that Defendant did not own from the person of another, to-wit: JEFFERY J. TURNER, or in said person's presence against said person's will by the use or threatened use of immediate force, violence, or fear of injury to said person or the property of said person or the person or property of another, and in the commission of said crime or in immediate flight therefrom, the Defendant was armed with and/or displayed what appeared to be a firearm; contrary to the Revised Code of Washington 9A.56.200(1) and 9A.56.190.

(MAXIMUM PENALTY—Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.56.200(2) and 9A.20.021(1)(a), plus restitution and assessments.)

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

JIS Code: 9A.56.200 Robbery 1

**Special Allegation—Armed With Firearm**

AND FURTHERMORE, at the time of the commission of the crime, the Defendant or an accomplice was armed with a firearm; contrary to the Revised Code of Washington 9.94A.602.

(MINIMUM PENALTY—If the Defendant is found to have been armed with a firearm at the time of the commission of the crime, an additional sixty (60) months is added to the presumptive range of confinement for a first offense and an additional one-hundred-twenty (120) months is added to the presumptive range of confinement if the Defendant has previously been sentenced for any deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.533(3)(a) and (d).)

**Special Allegation—Aggravating Circumstance—Multiple Current Offenses; Some Unpunished**

AND FURTHERMORE, the Defendant has committed multiple current offenses and the Defendant’s high offender score results in some of the current offenses going unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].



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**Count XIV**  
**Burglary in the First Degree**

On or about September 28, 2010, in the County of Kitsap, State of Washington, the above-named Defendant, with intent to commit a crime against a person or property therein, did enter or remain unlawfully in a building, and in entering or while in the building or in immediate flight therefrom, the Defendant or another participant in the crime was armed with a deadly weapon; contrary to the Revised Code of Washington 9A.52.020.

(MAXIMUM PENALTY—Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9A.52.020(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

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

JIS Code: 9A.52.020 Burglary 1

**Special Allegation—Armed With Firearm**

AND FURTHERMORE, at the time of the commission of the crime, the Defendant or an accomplice was armed with a firearm; contrary to the Revised Code of Washington 9.94A.602.

(MINIMUM PENALTY—If the Defendant is found to have been armed with a firearm at the time of the commission of the crime, an additional sixty (60) months is added to the presumptive range of confinement for a first offense and an additional one-hundred-twenty (120) months is added to the presumptive range of confinement if the Defendant has previously been sentenced for any deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.533(3)(a) and (d).)

**Special Allegation—Aggravating Circumstance—Victim Present During Burglary**

AND FURTHERMORE, the current offense is a burglary and the victim of the burglary was present in the building or residence when the crime was committed, contrary to RCW 9.94A.535(3)(u).

**Special Allegation—Aggravating Circumstance—Multiple Current Offenses; Some Unpunished**

AND FURTHERMORE, the Defendant has committed multiple current offenses and the Defendant’s high offender score results in some of the current offenses going unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].



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**Count XV**  
**Theft in the Second Degree**

On or about September 28, 2010, in the County of Kitsap, State of Washington, the above-named Defendant did wrongfully obtain or exert unauthorized control over the property of another, or the value thereof, with intent to deprive said person of such property or services, such property or services being in excess of seven hundred fifty dollars (\$750.00) in value; contrary to the Revised Code of Washington 9A.56.020(1)(a) and RCW 9A.56.040(1)(a).

(MAXIMUM PENALTY—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.56.040(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

JIS Code:        9A.56.040        Theft in the Second Degree

Special Allegation—Aggravating Circumstance—Multiple Current Offenses; Some Unpunished

AND FURTHERMORE, the Defendant has committed multiple current offenses and the Defendant's high offender score results in some of the current offenses going unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

**Count XVI**  
**Robbery in the First Degree**

On or about September 28, 2010, in the County of Kitsap, State of Washington, the above-named Defendant did, with intent to commit theft thereof, unlawfully take personal property that Defendant did not own from the person of another, to-wit: BRETT CUMMINGS, or in said person's presence against said person's will by the use or threatened use of immediate force, violence, or fear of injury to said person or the property of said person or the person or property of another, and in the commission of said crime or in immediate flight therefrom, the Defendant was armed with and/or displayed what appeared to be a firearm; contrary to the Revised Code of Washington 9A.56.200(1) and 9A.56.190.

(MAXIMUM PENALTY—Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.56.200(2) and 9A.20.021(1)(a), plus restitution and assessments.)

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



1 to RCW 9.94A.030 and 9.94A.570.)

2 JIS Code: 9A.56.200 Robbery 1

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4 Special Allegation—Armed With Firearm

5 AND FURTHERMORE, at the time of the commission of the crime, the Defendant or an  
6 accomplice was armed with a firearm; contrary to the Revised Code of Washington 9.94A.602.

7 (MINIMUM PENALTY—If the Defendant is found to have been armed with a firearm at the time of  
8 the commission of the crime, an additional sixty (60) months is added to the presumptive range of  
9 confinement for a first offense and an additional one-hundred-twenty (120) months is added to  
10 the presumptive range of confinement if the Defendant has previously been sentenced for any  
11 deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.533(3)(a) and (d).)

12 Special Allegation—Aggravating Circumstance—Multiple Current Offenses; Some Unpunished

13 AND FURTHERMORE, the Defendant has committed multiple current offenses and the  
14 Defendant's high offender score results in some of the current offenses going unpunished,  
15 contrary to RCW 9.94A.535(2)(c) [determination by judge].

16  
17 **Count XVII**

18 Burglary in the First Degree

19 On or about September 28, 2010, in the County of Kitsap, State of Washington, the  
20 above-named Defendant, with intent to commit a crime against a person or property therein, did  
21 enter or remain unlawfully in a building, and in entering or while in the building or in immediate  
22 flight therefrom, the Defendant or another participant in the crime was armed with a deadly  
23 weapon and/or did assault any person therein, to-wit: BRETT CUMMINGS; contrary to the Revised  
24 Code of Washington 9A.52.020.

25 (MAXIMUM PENALTY—Life imprisonment and/or a \$50,000.00 fine pursuant to RCW  
26 9A.52.020(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

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

31 JIS Code: 9A.52.020 Burglary 1



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Special Allegation—Armed With Firearm

AND FURTHERMORE, at the time of the commission of the crime, the Defendant or an accomplice was armed with a firearm; contrary to the Revised Code of Washington 9.94A.602.  
(MINIMUM PENALTY—If the Defendant is found to have been armed with a firearm at the time of the commission of the crime, an additional sixty (60) months is added to the presumptive range of confinement for a first offense and an additional one-hundred-twenty (120) months is added to the presumptive range of confinement if the Defendant has previously been sentenced for any deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.533(3)(a) and (d).)

Special Allegation—Aggravating Circumstance—Victim Present During Burglary

AND FURTHERMORE, the current offense is a burglary and the victim of the burglary was present in the building or residence when the crime was committed, contrary to RCW 9.94A.535(3)(u).

Special Allegation—Aggravating Circumstance—Multiple Current Offenses; Some Unpunished

AND FURTHERMORE, the Defendant has committed multiple current offenses and the Defendant's high offender score results in some of the current offenses going unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

**Count XVIII**  
**Theft in the Third Degree**

On or about September 28, 2010, in the County of Kitsap, State of Washington, the above-named Defendant did wrongfully obtain or exert unauthorized control over the property of another, to-wit: BRETT CUMMINGS, or the value thereof, with intent to deprive said person of such property; contrary to Revised Code of Washington 9A.56.050(1) and 9A.56.020.

(MAXIMUM PENALTY—Three hundred sixty-four (364) days in jail or \$5,000 fine, or both, pursuant to RCW 9A.56.060(2) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

JIS Code:        9A.56.050        Theft Third Degree



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**Count XIX**  
**Burglary in the First Degree**

On or between October 2, 2010 and October 3, 2010, in the County of Kitsap, State of Washington, the above-named Defendant, with intent to commit a crime against a person or property therein, did enter or remain unlawfully in a building, and in entering or while in the building or in immediate flight therefrom, the Defendant or another participant in the crime was armed with a deadly weapon; contrary to the Revised Code of Washington 9A.52.020.

(MAXIMUM PENALTY—Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9A.52.020(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

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

JIS Code:        9A.52.020        Burglary 1

**Special Allegation—Armed With Firearm**

AND FURTHERMORE, at the time of the commission of the crime, the Defendant or an accomplice was armed with a firearm; contrary to the Revised Code of Washington 9.94A.602.

(MINIMUM PENALTY—If the Defendant is found to have been armed with a firearm at the time of the commission of the crime, an additional sixty (60) months is added to the presumptive range of confinement for a first offense and an additional one-hundred-twenty (120) months is added to the presumptive range of confinement if the Defendant has previously been sentenced for any deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.533(3)(a) and (d).)

**Special Allegation—Aggravating Circumstance—Multiple Current Offenses; Some Unpunished**

AND FURTHERMORE, the Defendant has committed multiple current offenses and the Defendant’s high offender score results in some of the current offenses going unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

**Count XX**  
**Theft in the Second Degree**

On or between October 2, 2010 and October 3, 2010, in the County of Kitsap, State of Washington, the above-named Defendant did wrongfully obtain or exert unauthorized control over the property of another, to-wit: KIMBERLY RENE BIRKETT, or the value thereof, with intent



1 to deprive said person of such property or services, such property or services being in excess of  
2 seven hundred fifty dollars (\$750.00) in value; contrary to the Revised Code of Washington  
3 9A.56.020(1)(a) and RCW 9A.56.040(1)(a).

4 (MAXIMUM PENALTY—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW  
5 9A.56.040(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

6 JIS Code: 9A.56.040 Theft in the Second Degree

7  
8 Special Allegation—Aggravating Circumstance—Multiple Current Offenses; Some Unpunished  
9 AND FURTHERMORE, the Defendant has committed multiple current offenses and the  
10 Defendant's high offender score results in some of the current offenses going unpunished,  
11 contrary to RCW 9.94A.535(2)(c) [determination by judge].

12  
13 **Count XXI**  
14 **Robbery in the First Degree**

15 On or between November 3, 2010 and November 4, 2010, in the County of Kitsap, State  
16 of Washington, the above-named Defendant did, with intent to commit theft thereof, unlawfully  
17 take personal property that Defendant did not own from the person of another, to-wit: AARRON  
18 MIACHEAL TUCHECK, or in said person's presence against said person's will by the use or  
19 threatened use of immediate force, violence, or fear of injury to said person or the property of  
20 said person or the person or property of another, and in the commission of said crime or in  
21 immediate flight therefrom, the Defendant was armed with and/or displayed what appeared to be  
22 a firearm; contrary to the Revised Code of Washington 9A.56.200(1) and 9A.56.190.

23 (MAXIMUM PENALTY—Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.56.200(2)  
24 and 9A.20.021(1)(a), plus restitution and assessments.)

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

28 JIS Code: 9A.56.200 Robbery 1

29  
30 **Special Allegation—Armed With Firearm**

31 AND FURTHERMORE, at the time of the commission of the crime, the Defendant or an



1 accomplice was armed with a firearm; contrary to the Revised Code of Washington 9.94A.602.  
2 (MINIMUM PENALTY—If the Defendant is found to have been armed with a firearm at the time of  
3 the commission of the crime, an additional sixty (60) months is added to the presumptive range of  
4 confinement for a first offense and an additional one-hundred-twenty (120) months is added to  
5 the presumptive range of confinement if the Defendant has previously been sentenced for any  
6 deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.533(3)(a) and (d).)

7 Special Allegation—Aggravating Circumstance—Multiple Current Offenses; Some Unpunished  
8 AND FURTHERMORE, the Defendant has committed multiple current offenses and the  
9 Defendant’s high offender score results in some of the current offenses going unpunished,  
10 contrary to RCW 9.94A.535(2)(c) [determination by judge].

11  
12 **Count XXII**  
13 **Robbery in the First Degree**

14 On or between November 3, 2010 and November 4, 2010, in the County of Kitsap, State  
15 of Washington, the above-named Defendant did, with intent to commit theft thereof, unlawfully  
16 take personal property that Defendant did not own from the person of another, to-wit: KEEFE  
17 ALLEN JACKSON, or in said person's presence against said person's will by the use or threatened  
18 use of immediate force, violence, or fear of injury to said person or the property of said person or  
19 the person or property of another, and in the commission of said crime or in immediate flight  
20 therefrom, the Defendant was armed with and/or displayed what appeared to be a firearm;  
21 contrary to the Revised Code of Washington 9A.56.200(1) and 9A.56.190.

22 (MAXIMUM PENALTY—Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.56.200(2)  
23 and 9A.20.021(1)(a), plus restitution and assessments.)

24 (If the Defendant has previously been convicted on two separate occasions of a “most serious  
25 offense” as defined by RCW 9.94A.030, in this state, in federal court, or elsewhere, the  
26 mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant  
27 to RCW 9.94A.030 and 9.94A.570.)

28 JIS Code: 9A.56.200 Robbery 1

29 **Special Allegation—Armed With Firearm**

30 AND FURTHERMORE, at the time of the commission of the crime, the Defendant or an  
31 accomplice was armed with a firearm; contrary to the Revised Code of Washington 9.94A.602.





1 (MINIMUM PENALTY--If the Defendant is found to have been armed with a firearm at the time of  
2 the commission of the crime, an additional sixty (60) months is added to the presumptive range of  
3 confinement for a first offense and an additional one-hundred-twenty (120) months is added to  
4 the presumptive range of confinement if the Defendant has previously been sentenced for any  
5 deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.533(3)(a) and (d).)

6 Special Allegation--Aggravating Circumstance--Multiple Current Offenses; Some Unpunished  
7 AND FURTHERMORE, the Defendant has committed multiple current offenses and the  
8 Defendant's high offender score results in some of the current offenses going unpunished,  
9 contrary to RCW 9.94A.535(2)(c) [determination by judge].

10  
11 **Count XXIII**  
12 **Burglary in the First Degree**

13 On or between November 3, 2010 and November 4, 2010, in the County of Kitsap, State  
14 of Washington, the above-named Defendant, with intent to commit a crime against a person or  
15 property therein, did enter or remain unlawfully in a building, and in entering or while in the  
16 building or in immediate flight therefrom, the Defendant or another participant in the crime was  
17 armed with a deadly weapon; contrary to the Revised Code of Washington 9A.52.020.

18 (MAXIMUM PENALTY--Life imprisonment and/or a \$50,000.00 fine pursuant to RCW  
19 9A.52.020(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

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

24 JIS Code: 9A.52.020 Burglary 1

25 **Special Allegation--Armed With Firearm**

26 AND FURTHERMORE, at the time of the commission of the crime, the Defendant or an  
27 accomplice was armed with a firearm; contrary to the Revised Code of Washington 9.94A.602.

28 (MINIMUM PENALTY--If the Defendant is found to have been armed with a firearm at the time of  
29 the commission of the crime, an additional sixty (60) months is added to the presumptive range of  
30 confinement for a first offense and an additional one-hundred-twenty (120) months is added to  
31 the presumptive range of confinement if the Defendant has previously been sentenced for any  
deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.533(3)(a) and (d).)



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Special Allegation–Aggravating Circumstance–Victim Present During Burglary

AND FURTHERMORE, the current offense is a burglary and the victim of the burglary was present in the building or residence when the crime was committed, contrary to RCW 9.94A.535(3)(u).

Special Allegation–Aggravating Circumstance–Multiple Current Offenses; Some Unpunished

AND FURTHERMORE, the Defendant has committed multiple current offenses and the Defendant’s high offender score results in some of the current offenses going unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

**Count XXIV**  
**Theft of a Firearm**

On or between November 3, 2010 and November 4, 2010, in the County of Kitsap, State of Washington, the above-named Defendant did commit a theft of a firearm; contrary to the Revised Code of Washington 9A.56.300 and RCW 9A.56.020(a).

(MAXIMUM PENALTY–Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.56.300(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

JIS Code: 9A.56.300 Theft of a Firearm

Special Allegation–Aggravating Circumstance–Multiple Current Offenses; Some Unpunished

AND FURTHERMORE, the Defendant has committed multiple current offenses and the Defendant’s high offender score results in some of the current offenses going unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

**Count XXV**  
**Theft in the Second Degree**

On or between November 3, 2010 and November 4, 2010, in the County of Kitsap, State of Washington, the above-named Defendant did wrongfully obtain or exert unauthorized control over the property of another, to-wit: ANN MARIE K. TUCHECK, or the value thereof, with intent to deprive said person of such property or services, said property being an access device; to wit a



1 Bank of America debit card; contrary to the Revised Code of Washington, 9A.56.020(1)(a) and  
2 RCW 9A.56.040(1)(a).

3 (MAXIMUM PENALTY—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW  
4 9A.56.040(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

5 JIS Code: 9A.56.040 Theft in the Second Degree

6  
7 Special Allegation—Aggravating Circumstance—Multiple Current Offenses; Some Unpunished  
8 AND FURTHERMORE, the Defendant has committed multiple current offenses and the  
9 Defendant's high offender score results in some of the current offenses going unpunished,  
10 contrary to RCW 9.94A.535(2)(c) [determination by judge].

11  
12 **Count XXVI**  
13 **Possession of Stolen Property in the Third Degree**

14 On or about November 19, 2010, in the County of Kitsap, State of Washington, the  
15 above-named Defendant did knowingly receive, retain, possess, conceal, or dispose of stolen  
16 property; contrary to Revised Code of Washington 9A.56.170(1).


17 (MAXIMUM PENALTY—Three hundred sixty-four (364) days in jail or \$5,000 fine, or both,  
18 pursuant to RCW 9A.56.170(2) and RCW 9A.20.021(2), plus restitution, assessments and court  
costs.)

19 JIS Code: 9A.56.170 Poss Stolen Property 3rd

20 I certify (or declare) under penalty of perjury under the laws of the State of Washington  
21 that I have probable cause to believe that the above-named Defendant committed the above  
22 offense(s), and that the foregoing is true and correct to the best of my knowledge, information and  
23 belief.

24 DATED: June 1, 2012  
25 PLACE: Port Orchard, WA

STATE OF WASHINGTON

26   
27 CAMI G. LEWIS, WSBA NO. 30568  
28 Deputy Prosecuting Attorney

29 All suspects associated with this incident are—

30 Jerrell Eugene Smith  
31 Joe Louis Perez  
La'Juanta Le'Vear Conner



Troy Allen Brown  
Kevion Maurice Alexander  
Lonnie Allan Hoover

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**Russell D. Hauge, Prosecuting Attorney**  
Adult Criminal and Administrative Divisions  
614 Division Street, MS-35  
Port Orchard, WA 98366-4681  
(360) 337-7174; Fax (360) 337-4949  
[www.kitsapgov.com/pros](http://www.kitsapgov.com/pros)

1 **DEFENDANT IDENTIFICATION INFORMATION**

2 LA'JUANTA LE'VEAR CONNER Alias Name(s), Date(s) of Birth, and SS Number  
3 3439 H Spruce Street La ' Juanta Le ' Vear Conner, 04/22/1989  
4 Bremerton, Wa 98310

5 [Address source--(1) Kitsap County Jail records if Defendant in custody, or law enforcement report noted below if Defendant not in  
6 custody, or (2) Washington Department of Licensing abstract of driving record if no other address information available]

6 Race: Black Sex: Male DOB: 04/22/1989 Age: 22  
7 D/L: CONNELL113J2 D/L State: Washington SID: [s.i.d. number] Height: 511  
8 Weight: 150 JUVIS: Unknown Eyes: Brown Hair: Black  
9 DOC: Unknown FBI: [fbi number]

10 **LAW ENFORCEMENT INFORMATION**

11 Incident Location: Sr 303/Bentley Avenue, Bremerton, WA 98311

12 Law Enforcement Report No.: 2010BP011191

13 Law Enforcement Filing Officer: Michael S. Davis, 437

14 Law Enforcement Agency: Bremerton Police Department - WA0180100

15 Court: Kitsap County Superior Court, WA018015J

16 Motor Vehicle Involved? No

17 Domestic Violence Charge(s)? No

18 Law Enforcement Bail Amount? Unknown

19 **CLERK ACTION REQUIRED**

20 No Action Required

21 Appearance Date If Applicable: N/A

22 **PROSECUTOR DISTRIBUTION INFORMATION**

Superior Court	District & Municipal Court
<p>24 <b>Original Charging Document--</b> Original +2 copies to Clerk 1 copy to file</p> <p>26 <b>Amended Charging Document(s)--</b> Original +2 copies to Clerk 1 copy to file</p>	<p>24 <b>Original Charging Document--</b> Original +1 copy to Clerk 1 copy to file</p> <p>26 <b>Amended Charging Document(s)--</b> Original +1 copy clipped inside file on top of left side 1 copy to file</p>

29 Prosecutor's File Number--10-184374-3



**APP. D.**

**APPENDIX D. JURY INSTRUCTIONS**

RECEIVED AND FILED  
IN OPEN COURT

JUN 11 2012

DAVID W. PETERSON  
KITSAP COUNTY CLERK

IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON, )

Plaintiff, )

v. )

LA' JUANTA LE'VEAR CONNER, )

Defendant. )

No. 11-1-00435-8

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COURT'S INSTRUCTIONS TO THE JURY

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DATED

6/5/12

*Janette Dalton*

JUDGE

140

INSTRUCTION NO. 9

A person commits the crime of conspiracy to commit burglary in the first degree when, with intent that conduct constituting the crime of burglary in the first degree be performed, he agrees with one or more persons to engage in or cause the performance of such conduct, and any one of them takes a substantial step in pursuance of such agreement.



INSTRUCTION NO. 10

To convict the defendant of the crime of conspiracy to commit burglary in the first degree, as charged in Count I, each of the following elements of the crime of conspiracy must be proved beyond a reasonable doubt:

(1) That on or about November 17, 2010 the defendant agreed with one or more persons to engage in or cause the performance of conduct constituting the crime of burglary in the first degree;

(2) That the defendant made the agreement with the intent that such conduct be performed;

(3) That any one of the persons involved in the agreement took a substantial step in pursuance of the agreement; and

(4) That any of these acts occurred in the State of Washington.

If you find from the evidence that each of these elements has been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if after weighing all the evidence, you have a reasonable doubt as to any one of these elements, then it will be your duty to return a verdict of not guilty.

INSTRUCTION NO. 32

A person commits the crime of robbery when unlawfully and with intent to commit theft thereof he or an accomplice takes personal property from the person or in the presence of another against that person's will by the use or threatened use of immediate force, violence, or fear of injury to that person or to that person's property or to the person or property of anyone. A threat to use immediate force or violence may be either expressed or implied. The force or fear must be used to obtain or retain possession of the property or to prevent or overcome resistance to the taking, in either of which case the degree of force is immaterial.

A person commits the crime of robbery in the first degree when in the commission of a robbery or in immediate flight therefrom he or an accomplice is armed with or displays what appears to be a firearm.

INSTRUCTION NO. 33

To convict the defendant of the crime of robbery in the first degree as charged in Count VII, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That on or about September 15, 2010 the defendant or an accomplice unlawfully took personal property from the person or in the presence of another, to wit: Robert Steven Dato;

(2) That the defendant intended to commit theft of the property;

(3) That the taking was against the person's will by the defendant's or an accomplice's use or threatened use of immediate force, violence, or fear of injury to that person or to that person's property or to the person or property of another;

(4) That force or fear was used by the defendant or an accomplice to obtain or retain possession of the property;

(5) That in the commission of these acts or in the immediate flight therefrom the defendant or an accomplice displayed what appeared to be a firearm; and

(6) That any of these acts occurred in the State of Washington.

If you find from the evidence that each of these elements have been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all the evidence, you have a reasonable doubt as to any one of these elements then it will be your duty to return a verdict of not guilty.

INSTRUCTION NO. 34

Theft means to wrongfully obtain or exert unauthorized control over the property of another, or the value thereof, with intent to deprive that person of such property.

Wrongfully obtains means to take wrongfully the property of another.

INSTRUCTION NO. 36

To convict the defendant of the crime of robbery in the first degree as charged in Count VIII, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That on or about September 15, 2010 the defendant or an accomplice unlawfully took personal property from the person or in the presence of another, to wit: Aaron Jaye Dato;

(2) That the defendant intended to commit theft of the property;

(3) That the taking was against the person's will by the defendant's or an accomplice's use or threatened use of immediate force, violence, or fear of injury to that person or to that person's property or to the person or property of another;

(4) That force or fear was used by the defendant or an accomplice to obtain or retain possession of the property;

(5) That in the commission of these acts or in the immediate flight therefrom the defendant or an accomplice displayed what appeared to be a firearm; and

(6) That any of these acts occurred in the State of Washington.

If you find from the evidence that each of these elements have been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all the evidence, you have a reasonable doubt as to any one of these elements then it will be your duty to return a verdict of not guilty.

INSTRUCTION NO. 3.7

To convict the defendant of the crime of burglary in the first degree as charged in Count IX, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That on or about September 15, 2010 the defendant or an accomplice entered or remained unlawfully in a building;

(2) That the entering or remaining was with intent to commit a crime against a person or property therein;

(3) That in so entering or while in the building or in immediate flight from the building the defendant or an accomplice in the crime charged was armed with a deadly weapon; and

(4) That any of these acts occurred in the State of Washington.

If you find from the evidence that each of these elements has been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all the evidence, you have a reasonable doubt as to any one of these elements, then it will be your duty to return a verdict of not guilty.

INSTRUCTION NO. 39

To convict the defendant of the crime of theft in the second degree as charged in Count X, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That on or about September 15, 2010 the defendant or an accomplice wrongfully obtained or exerted unauthorized control over property of another.

(2) That the property exceeded \$750 in value;

(3) That the defendant or an accomplice intended to deprive the other person of the property; and

(4) That this act occurred in the State of Washington.

If you find from the evidence that each of these elements have been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all of the evidence, you have a reasonable doubt as to any one of these elements then it will be your duty to return a verdict of not guilty.

INSTRUCTION NO. 41

To convict the defendant of the crime of robbery in the first degree as charged in Count XI, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That on or about September 28, 2010 the defendant or an accomplice unlawfully took personal property from the person or in the presence of another, to wit: Robert Steven Dato;

(2) That the defendant intended to commit theft of the property;

(3) That the taking was against the person's will by the defendant's or an accomplice's use or threatened use of immediate force, violence, or fear of injury to that person or to that person's property or to the person or property of another;

(4) That force or fear was used by the defendant or an accomplice to obtain or retain possession of the property;

(5) That in the commission of these acts or in the immediate flight therefrom the defendant or an accomplice displayed what appeared to be a firearm; and

(6) That any of these acts occurred in the State of Washington.

If you find from the evidence that each of these elements have been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all the evidence, you have a reasonable doubt as to any one of these elements then it will be your duty to return a verdict of not guilty.



INSTRUCTION NO. 42

To convict the defendant of the crime of robbery in the first degree as charged in Count XII, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That on or about September 28, 2010 the defendant or an accomplice unlawfully took personal property from the person or in the presence of another, to wit: Aaron Jaye Dato;

(2) That the defendant intended to commit theft of the property;

(3) That the taking was against the person's will by the defendant's or an accomplice's use or threatened use of immediate force, violence, or fear of injury to that person or to that person's property or to the person or property of another;

(4) That force or fear was used by the defendant or an accomplice to obtain or retain possession of the property;

(5) That in the commission of these acts or in the immediate flight therefrom the defendant or an accomplice displayed what appeared to be a firearm; and

(6) That any of these acts occurred in the State of Washington.

If you find from the evidence that each of these elements have been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all the evidence, you have a reasonable doubt as to any one of these elements then it will be your duty to return a verdict of not guilty.

INSTRUCTION NO. 43

To convict the defendant of the crime of robbery in the first degree as charged in Count XIII, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That on or about September 28, 2010 the defendant or an accomplice unlawfully took personal property from the person or in the presence of another, to wit: Jeffery J. Turner;

(2) That the defendant intended to commit theft of the property;

(3) That the taking was against the person's will by the defendant's or an accomplice's use or threatened use of immediate force, violence, or fear of injury to that person or to that person's property or to the person or property of another;

(4) That force or fear was used by the defendant or an accomplice to obtain or retain possession of the property;

(5) That in the commission of these acts or in the immediate flight therefrom the defendant or an accomplice displayed what appeared to be a firearm; and

(6) That any of these acts occurred in the State of Washington.

If you find from the evidence that each of these elements have been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all the evidence, you have a reasonable doubt as to any one of these elements then it will be your duty to return a verdict of not guilty.

INSTRUCTION NO. 44

To convict the defendant of the crime of burglary in the first degree as charged in Count XIV, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That on or about September 28, 2010 the defendant or an accomplice entered or remained unlawfully in a building, to wit: 704 12<sup>th</sup> Street;

(2) That the entering or remaining was with intent to commit a crime against a person or property therein;

(3) That in so entering or while in the building or in immediate flight from the building the defendant or an accomplice in the crime charged was armed with a deadly weapon; and

(4) That any of these acts occurred in the State of Washington.

If you find from the evidence that each of these elements has been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all the evidence, you have a reasonable doubt as to any one of these elements, then it will be your duty to return a verdict of not guilty.

INSTRUCTION No. 45

To convict the defendant of the crime of theft in the second degree as charged in Count XV, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That on or about September 28, 2010 the defendant or an accomplice wrongfully obtained or exerted unauthorized control over property of another

(2) That the property exceeded \$750 in value;

(3) That the defendant or an accomplice intended to deprive the other person of the property; and

(4) That this act occurred in the State of Washington.

If you find from the evidence that each of these elements have been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all of the evidence, you have a reasonable doubt as to any one of these elements then it will be your duty to return a verdict of not guilty.

INSTRUCTION NO. 46

To convict the defendant of the crime of robbery in the first degree as charged in Count XVI, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That on or about September 28, 2010 the defendant or an accomplice unlawfully took personal property from the person or in the presence of another, to wit: Brett Cummings;

(2) That the defendant intended to commit theft of the property;

(3) That the taking was against the person's will by the defendant's or an accomplice's use or threatened use of immediate force, violence, or fear of injury to that person or to that person's property or to the person or property of another;

(4) That force or fear was used by the defendant or an accomplice to obtain or retain possession of the property;

(5) That in the commission of these acts or in the immediate flight therefrom the defendant or an accomplice displayed what appeared to be a firearm;

(6) That any of these acts occurred in the State of Washington.

If you find from the evidence that each of these elements have been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all the evidence, you have a reasonable doubt as to any one of these elements then it will be your duty to return a verdict of not guilty.

INSTRUCTION NO. 47

To convict the defendant of the crime of burglary in the first degree as charged in Count XVII, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That on or about September 28, 2010 the defendant or an accomplice entered or remained unlawfully in a building;

(2) That the entering or remaining was with intent to commit a crime against a person or property therein;

(3) That in so entering or while in the building or in immediate flight from the building the defendant or an accomplice in the crime was armed with a deadly weapon or assaulted another person, to wit: Brett Cummings; and

(4) That any of these acts occurred in the State of Washington.

If you find from the evidence that each of these elements has been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all the evidence, you have a reasonable doubt as to any one of these elements, then it will be your duty to return a verdict of not guilty.

INSTRUCTION NO. 49

To convict the defendant of the crime of Theft in the Third Degree as charged in Count XVIII, each of the following elements of the crime must be proved beyond a reasonable doubt—

- (1) That on or about September 28, 2010, the defendant or an accomplice wrongfully obtained or exerted unauthorized control over property of another, to wit: Brett Cummings;
- (2) That the defendant or an accomplice intended to deprive the other person of the property; and
- (3) That the acts occurred in the State of Washington.

If you find from the evidence that each of these elements has been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all of the evidence, you have a reasonable doubt as to any one of these elements, then it will be your duty to return a verdict of not guilty.

INSTRUCTION NO. 50

To convict the defendant of the crime of burglary in the first degree as charged in Count XIX, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That on or about October 3, 2010 the defendant or an accomplice entered or remained unlawfully in a building;

(2) That the entering or remaining was with intent to commit a crime against a person or property therein;

(3) That in so entering or while in the building or in immediate flight from the building the defendant or an accomplice in the crime charged was armed with a deadly weapon; and

(4) That any of these acts occurred in the State of Washington.

If you find from the evidence that each of these elements has been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all the evidence, you have a reasonable doubt as to any one of these elements, then it will be your duty to return a verdict of not guilty.



INSTRUCTION NO. 51

To convict the defendant of the crime of theft in the second degree as charged in Count XX, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That on or about October 3, 2010 the defendant or an accomplice wrongfully obtained or exerted unauthorized control over property of another, to wit: Kimberly Rene Birkett;

(2) That the property exceeded \$750 in value;

(3) That the defendant intended to deprive the other person of the property;  
and

(4) That this act occurred in the State of Washington.

If you find from the evidence that each of these elements have been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all of the evidence, you have a reasonable doubt as to any one of these elements then it will be your duty to return a verdict of not guilty.

INSTRUCTION NO. 52

To convict the defendant of the crime of robbery in the first degree as charged in Count XXI, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That on or between November 3, 2010 and November 4, 2010 the defendant or an accomplice unlawfully took personal property from the person or in the presence of another, to wit: Aaron Miacheal Tucheck;

(2) That the defendant intended to commit theft of the property;

(3) That the taking was against the person's will by the defendant's or an accomplice's use or threatened use of immediate force, violence, or fear of injury to that person or to that person's property or to the person or property of another;

(4) That force or fear was used by the defendant or an accomplice to obtain or retain possession of the property;

(5) That in the commission of these acts or in the immediate flight therefrom the defendant or an accomplice displayed what appeared to be a firearm; and

(6) That any of these acts occurred in the State of Washington.

If you find from the evidence that each of these elements have been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all the evidence, you have a reasonable doubt as to any one of these elements then it will be your duty to return a verdict of not guilty.

INSTRUCTION NO. 52

To convict the defendant of the crime of robbery in the first degree as charged in Count XXII, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That on or between November 3, 2010 and November 4, 2010 the defendant or an accomplice unlawfully took personal property from the person or in the presence of another, to wit: Keefe Allan Jackson;

(2) That the defendant intended to commit theft of the property;

(3) That the taking was against the person's will by the defendant's or an accomplice's use or threatened use of immediate force, violence, or fear of injury to that person or to that person's property or to the person or property of another;

(4) That force or fear was used by the defendant or an accomplice to obtain or retain possession of the property;

(5) That in the commission of these acts or in the immediate flight therefrom the defendant or an accomplice displayed what appeared to be a firearm; and

(6) That any of these acts occurred in the State of Washington.

If you find from the evidence that each of these elements have been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all the evidence, you have a reasonable doubt as to any one of these elements then it will be your duty to return a verdict of not guilty.

INSTRUCTION NO. 54

To convict the defendant of the crime of burglary in the first degree as charged in Count XXIII, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That on or between November 3, 2010 and November 4, 2010 the defendant or an accomplice entered or remained unlawfully in a building;

(2) That the entering or remaining was with intent to commit a crime against a person or property therein;

(3) That in so entering or while in the building or in immediate flight from the building the defendant or an accomplice in the crime charged was armed with a deadly weapon; and

(4) That any of these acts occurred in the State of Washington.

If you find from the evidence that each of these elements has been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all the evidence, you have a reasonable doubt as to any one of these elements, then it will be your duty to return a verdict of not guilty.

INSTRUCTION NO. 56

To convict the defendant of the crime of theft of a firearm as charged in Count XXIV, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That on or between November 3, 2010 and November 4, 2010, the defendant, or an accomplice, wrongfully obtained or exerted unauthorized control over a firearm belonging to another; and

(2) That the defendant intended to deprive the other person of the firearm;  
and

(3) That this act occurred in the State of Washington.

If you find from the evidence that each of these elements have been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all the evidence, you have a reasonable doubt as to any one of these elements then it will be your duty to return a verdict of not guilty.

1 accomplice was armed with a firearm; contrary to the Revised Code of Washington 9.94A.602.

2 (MINIMUM PENALTY—If the Defendant is found to have been armed with a firearm at the time of  
3 the commission of the crime, an additional sixty (60) months is added to the presumptive range of  
4 confinement for a first offense and an additional one-hundred-twenty (120) months is added to  
5 the presumptive range of confinement if the Defendant has previously been sentenced for any  
6 deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.533(3)(a) and (d).)

6 Special Allegation—Aggravating Circumstance—Victim Present During Burglary

7 AND FURTHERMORE, the current offense is a burglary and the victim of the burglary was  
8 present in the building or residence when the crime was committed, contrary to RCW  
9 9.94A.535(3)(u).

11 Special Allegation—Aggravating Circumstance—Multiple Current Offenses; Some Unpunished

12 AND FURTHERMORE, the Defendant has committed multiple current offenses and the  
13 Defendant's high offender score results in some of the current offenses going unpunished,  
14 contrary to RCW 9.94A.535(2)(c) [determination by judge].

17 **Count X**

18 **Theft in the Second Degree**

19 On or about September 15, 2010, in the County of Kitsap, State of Washington, the  
20 above-named Defendant did wrongfully obtain or exert unauthorized control over the property of  
21 another or the value thereof, with intent to deprive said person of such property or services, such  
22 property or services being in excess of seven hundred fifty dollars (\$750.00) in value; contrary to  
23 the Revised Code of Washington 9A.56.020(1)(a) and RCW 9A.56.040(1)(a).

24 (MAXIMUM PENALTY—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW  
25 9A.56.040(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

26 JIS Code: 9A.56.040 Theft in the Second Degree

27 Special Allegation—Aggravating Circumstance—Multiple Current Offenses; Some Unpunished

28 AND FURTHERMORE, the Defendant has committed multiple current offenses and the  
29 Defendant's high offender score results in some of the current offenses going unpunished,  
30 contrary to RCW 9.94A.535(2)(c) [determination by judge].



INSTRUCTION NO. 57

To convict the defendant of the crime of theft in the second degree as charged in Count XXV, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That on or between November 3, 2010 and November 4, 2010 the defendant or an accomplice wrongfully obtained or exerted unauthorized control over property of another, to wit: Ann Marie Tucheck;

(2) That the property was an access device;

(3) That the defendant intended to deprive the other person of the property;  
and

(4) That this act occurred in the State of Washington.

If you find from the evidence that each of these elements have been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all of the evidence, you have a reasonable doubt as to any one of these elements then it will be your duty to return a verdict of not guilty.

**APP. E.**

**APPENDIX E. REPORT OF PROCEEDINGS SENTENCING**



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF KITSAP

**FILED**

NOV 20 2012

KITSAP COUNTY CLERK  
DAVID W. PETERSON

STATE OF WASHINGTON, )

Plaintiff, )

vs )

No. 11-1-00435-8

La'JUANTA CONNER, )

COA 43672-7-II

Defendant. )


**ORIGINAL**

VERBATIM REPORT OF PROCEEDINGS

VOLUME XIX

JULY 27, 2012

Honorable Jeanette Dalton  
Department No. 1  
Kitsap County Superior Court

FILED  
COURT OF APPEALS  
DIVISION II  
2012 DEC 11 PM 2:33  
STATE OF WASHINGTON  
BY  DEPUTY

APPEARANCES

For the Plaintiff

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Attorney at Law

JAMI R. JACOBSEN-HETZEL, CCR #2179  
Official Court Reporter  
614 Division Street, MS-24  
Port Orchard, Washington 98366  
Phone: (360) 337-4793

1 COURT PROCEEDINGS

2 \*\*\*\*\*

3  
4 THE COURT: Be seated, please. All right. We  
5 are here in the matter of State of Washington versus  
6 La'Juanta Conner for sentencing on the verdicts following  
7 the jury's verdict on the 26 different counts.

8 First, I do have the State's proposed findings and  
9 conclusions on both the 3.5 and the 3.6 hearing.

10 Mr. Longacre, have you had an opportunity to review  
11 these?

12 MR. LONGACRE: Yes. I have signed the 3.5 and  
13 the 3.6. I believe that the facts are a little bit off.

14 THE COURT: well, I do have some corrections  
15 that I would like to make in the 3.6, and, Counsel, what I  
16 have done is interlineated in writing. So why don't I hand  
17 this down to you so that the two of you can see what my  
18 modifications would be. And if you have anything further,  
19 then we can address it.

20 MS. LEWIS: Thank you, Your Honor.

21 THE COURT: Otherwise, I think that the 3.5  
22 findings and conclusions are fine, and I am prepared to go  
23 ahead and sign that order today.

24 MS. LEWIS: I think that Ms. Franklin is handing  
25 that forward.

1 MR. LONGACRE: Yes, I did, Your Honor.

2 THE COURT: All right. With respect to the  
3 defendant's offender score, do you have anything that you  
4 would like to say?

5 MR. LONGACRE: No, Your Honor. I think that is  
6 consistent.

7 THE COURT: You believe that it's an accurate  
8 calculation of his offender score?

9 MR. LONGACRE: I do believe so, Your Honor.

10 THE COURT: All right.

11 MS. FRANKLIN: Your Honor, I would like to note  
12 an error in one of the calculations -- actually several  
13 that relate to the firearm charges. The possession of a  
14 firearm, theft of a firearm, and unlawful possession of a  
15 firearm, the range, as reflected on the sentencing  
16 memorandum, is 343 to 414. It should actually be 323.

17 THE COURT: All right.

18 MS. FRANKLIN: So that would be for Counts II,  
19 III, V -- actually IV, V and XXIV.

20 THE COURT: You agree, Mr. Longacre?

21 MR. LONGACRE: I do, Your Honor.

22 THE COURT: All right.

23 MS. FRANKLIN: Your Honor, I also ask at this  
24 time -- I don't know if the Court is prepared to make a  
25 finding on the aggravator of multiple current offenses,

1 some unpunished, but that would affect the range. I don't  
2 know if Your Honor wanted to comment on that before hearing  
3 argument.

4 THE COURT: I think that it's clear that the  
5 nature of these violations, in fact, does satisfy that  
6 criteria. There the defendant's offender score under the  
7 standard Sentencing Reform Act maxes out at nine. Here we  
8 have an offender score of at least 19, 23, and then 36 on  
9 the Conspiracy to commit Burglary in the First Degree, the  
10 numerous robbery in the first degree charges, and the  
11 Burglary in the First Degree charges. If there isn't a  
12 case which dramatically emphasizes that point, I don't know  
13 that one doesn't exist. So in this particular case, I am  
14 satisfied -- easily satisfied by clear, cogent, and  
15 convincing evidence that the aggravator that there are  
16 multiple current offenses that go unpunished is here  
17 satisfied.

18 MS. FRANKLIN: Okay. Thank you.

19 THE COURT: So who is going to speak on behalf  
20 of the State?

21 MS. FRANKLIN: I will, Your Honor. Would Your  
22 Honor prefer that we approach the bench?

23 THE COURT: You can stay at Counsel table.

24 MS. FRANKLIN: Okay. Having presided over this  
25 lengthy trial, Your Honor is intimately familiar with the

1 in King County, which the defendant acknowledged on the  
2 stand when he was questioned about it. These facts were  
3 remarkably similar to the incidents that were proven during  
4 trial; namely, that these defendants went in armed with  
5 firearms in a quest for marijuana and cash, and that they  
6 took items with force from the victims, and during one of  
7 the incidents there was even a shot fired.

8 what is most egregious about this case is that the  
9 defendant has demonstrated zero remorse from the onset of  
10 this case. Through his actions he traumatized at least  
11 eight members of the community, some more than once, and he  
12 has shown zero remorse for his actions.

13 Repeatedly, he failed to respect the conditions of  
14 release set by the Court and made excuses for his actions  
15 over and over again even to the point where the Court had  
16 to impose 25 very specific conditions of release as  
17 specific as, "You can't even go out on your porch." That  
18 is very unusual for the Court to do so, and it  
19 demonstrates, you know, what type of person that we are  
20 dealing with.

21 Not only did you have to do that, but you had to  
22 take him into custody on no bail during his own trial so  
23 that he would -- so that he would be accounted for.

24 He, in his numerous phone calls that were introduced  
25 at trial, again demonstrated zero remorse for his actions

1 facts of this case, so I won't detail each incident, but I  
2 would like to highlight certain facts to supplement the  
3 State's sentencing memorandum that was filed.

4 As Your Honor is aware, within a span of two months  
5 in 2010 the defendant and his accomplices went on a rampage  
6 within the Bremerton area. They wore bandanas. They  
7 wielded guns. They brazenly entered the home of -- the  
8 homes of multiple victims, some multiple times, and  
9 terrified them, ransacked their homes and took whatever  
10 they deemed worthy of taking.

11 The facts proven at trial demonstrated not only did  
12 they brandish weapons in order to intimidate the victims  
13 and to get them to entice their cooperation, but they were  
14 also prepared to use them if something went wrong.

15 In fact, the testimony of Mr. Devenere demonstrated  
16 that he was told point blank that they were locked and  
17 loaded and ready to go. They were ready to use these guns,  
18 and that was further supported by the testimony of the  
19 State's cooperating codefendants.

20 They also commented that they were professionals and  
21 that they had done this before. The record not only  
22 supports that they engaged in this crime-spree but that the  
23 defendant has experience with home-invasion robberies.

24 The state attached police reports related to the  
25 Theft in the First Degree that was pled down from robbery

1 and that he couldn't blame Jerrell Smith for telling the  
2 truth.

~~3~~ Jerrell Smith also testified that he, you know, took  
~~4~~ this deal and came forward because he wants nothing more to  
5 do with this life -- with this type of life. The defendant  
6 has never, to date, made this realization.

7 The evidence at trial further supported that he was  
8 not only, you know, a part of this group, but he was one of  
9 the leaders of the group. He wasn't a follower. He used  
10 -- he actively was involved in the planning of these  
11 crimes, and he used his connections to identify victims;  
12 namely Tom Hunnell, who he knew had pills and high-dollar  
13 value items in his house.

14 Megan Duckworth was the connection between the group  
15 and Ms. Birkett's residence, and he even had, you know,  
16 Kevion Alexander on the street selling weed for him.. So  
17 the picture that he is trying to paint of himself as a  
18 victim of someone who is just trying to, you know, mind his  
19 business is not accurate, and it is one that is not -- it's  
20 directly contradicted by the evidence of this case.

~~21~~ Admittedly, there is a vast discrepancy between the  
~~22~~ defendant's range and the range that Mr. Smith and  
~~23~~ Mr. Alexander faced, but the major difference in that  
~~24~~ discrepancy in the range is that they were willing to take  
25 responsibility for their actions. They demonstrated

1 remorse for their actions. They are willing to pay  
2 restitution to the victims for their crimes. This  
3 defendant is not willing to do that.

4 He knowingly assumed the risk of going to trial on  
5 26 counts of very serious offense class A and class B  
6 felonies, despite the fact that we had two cooperating  
7 codefendants who had already been deemed credible by one  
8 jury in the case of State v. Troy Brown, and now he must  
9 face the consequences of that decision.

10 The total sentencing range, even without the  
11 multiple current offenses aggravator, is 1103 months to  
12 1194 months. And if there are any questions as to how  
13 these ranges were computed, I can certainly answer  
14 questions of the Court. But the State, in this case, is  
15 recommending top of the range on all counts for a total of  
16 1194 months. The severity of this crime spree, coupled  
17 with a defendant who is not willing to accept any  
18 responsibility for his actions, warrants a sentence at the  
19 top of the range.

20 This was not an isolated incident. This was a  
21 series of calculated offenses that will forever traumatize  
22 the people that were at the other end of those guns, and  
23 for that, the defendant has earned this sentence. Thank  
24 you.

25 THE COURT: Mr. Longacre?



08/16/2013

Department of Corrections

PAGE: 01 OF 01

MLPERKINS

WASHINGTON STATE PENITENTIARY

OIRPLRAR

10.2.1.18

PLRA IN FORMA PAUPERIS STATUS REPORT  
FOR DEFINED PERIOD: 01/31/2013 TO 07/31/2013

DOC#:	0000359680	NAME:	CONNER LAJUANTA	ADMIT DATE:	07/31/2012
DOB:	04/22/1989			ADMIT TIME:	13:47
	<b>AVERAGE</b>	<b>20% OF</b>	<b>AVERAGE</b>	<b>20% OF</b>	
	<b>MONTHLY RECEIPTS</b>	<b>RECEIPTS</b>	<b>SPENDABLE BALANCE</b>	<b>SPENDABLE</b>	
	140.81	28.16	39.56	7.91	



BY \_\_\_\_\_  
DEPUTY

FILED  
COURT OF APPEALS  
DIVISION II  
2013 SEP 26 AM 11:25  
STATE OF WASHINGTON

*mup*  
*8-16-13*