

FILED  
COURT OF APPEALS  
DIVISION II

2014 AUG 21 PM 2:09

STATE OF WASHINGTON

BY 105  
DEPUTY

COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION TWO

No.

In the Matter of the Application )  
For Release from Personal Restraint )  
of: )  
)  
)  
JOEL DUANE McANINCH )  
Petitioner )

Personal Restraint Petition  
Pursuant to (RAP 16.3)

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

A Status of Petitioner

I, Joel Duane McAninch, Doc No. 975858, C4-D-3-1  
P.O. Box 2049, Airway Heights, WA 99001-2049  
(Full name and address)

Apply for relief from confinement. I am  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:

This PRP challenges Cowlitz County Cause No. 10-1-0129-1-2.  
Peti Hower, however, is currently confined under Cowlitz  
County Cause No. 13-1-00063-3, serving a 54 month term  
of confinement. See Attachments 1 and two.

(Identify type of order)

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

2. I was convicted of the crime(s) of: Felony Driving Under the Influence, RCW 46.61.502 (1) (b).

3. I was sentenced after trial [ ], after plea of guilty  on: 04-19-2011  
(Date of Sentence) (Year)

The judge who imposed the sentence was Unknown Name  
(Name of trial court judge)

4. My lawyer at trial was: Kevin Blawie, WSBA# 29272  
Address unknown.  
(Name and address if known; if none, write "none")

5. I did [ ] did not  appeal from the decision of the trial court (if the answer is that I did), I appealed to: \_\_\_\_\_

(Name of court of courts to which appeal was taken)

My lawyer on appeal was: N/A  
(Name and address if known; if none, write "none")

The decision of the appellant court was [ ] was not [ ] published. If the answer is that it was published, and I have this information, the decision is published in: N/A

(Volume number, Washington Appellate Reports or)

(Washington Reports and page number)

6. Since my conviction I have [ ] have not  asked the 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: N/A

(Name of court or courts in which relief was sought)

Relief was denied [ ] granted [ ] N/A

(Date of decision, if more than one, dates of all decisions)

7. (If I have answered in question 6 that I have asked for relief), the name of my lawyer in the proceedings mentioned in question 6 was: WJA

(Name and address if known; if none, write "none")

8. If the answer to the above questions do not really tell about the proceedings and the court, judges and attorneys involved in your case, tell about it here: \_\_\_\_\_

WJA

### B. Grounds for Relief

(If I claim more than one reason for relief from confinement, I 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 (number) \_\_\_\_\_ reason(s) for this court to grant me relief from the conviction described in part A.

FIRST Ground  
(First, Second, etc.)

1. I should be given a new trial or released from confinement because [Here state legal reasons why you think that there was some sort of error made in your case which gives you right to a new trial or release from confinement.]:

Judgment and Sentence is Invalid on its face. In determining the offender score of 5, the court erroneously included a prior 2004 Elude conviction in the calculation. According to State v. Jacobs, COA No. 429144 II (2013), RCW 9A47.525 (2) (c), prohibited inclusion of the prior elude conviction because it is not one of the specified crimes authorized to be included in the offender score calculation for a DUI under RCW 9A47.525. Thus, on the face of the judgment and sentence the court should find the prior elude conviction was added erroneously and that petitioner's offender score should be 4, rather than 5 on the judgment and sentence for cause No. 10-1-01291-2,

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

The prior elude conviction was also erroneously included in the offender score calculation for Cause No. 13-1-00063-3 which is currently on appeal in this court, see COA No. 46072-6-II, where Petitioner is represented by Attorney Catherine E. Gliniski, (360) 876-7736. Petitioner moves the Court to consolidate this PRP with COA No. 46072-6-II in the interests of justice as the issues are analogous.

3. The following reported court decisions [include citations if possible] in cases similar to mine show the error I believe happened in my case [if none are known, state "None Known"]:

State v. Jacob COA No. 429144-II  
(Div. Two 2013)

4. The following statutes and constitutional provisions should be considered by the court [ if none are known, state "None Known"]:

5. This petition is the best way to get the relief I want and no other way will work as well because:

This is a collateral attack upon a felony judgment and sentence filed by a prisoner.

C. Statement of Finances

If you cannot afford to pay the filing fee or cannot afford to pay an attorney to help you, fill this out. If you have enough money for these things, do not fill out this part of the form.

1. I do  do not  ask the court to file this without making me pay the filing fee because I am so poor I 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 I cannot afford to pay a lawyer. *Petitioner moves that this matter be consolidated with COA No. 429144-II, where Petitioner is represented by Attorney Catherine Gliniski.*

4. I am  am not  employed. My salary or wages amount to \$ 0 a month. My employer is:

N/A

(Name and address)

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:

N/A

(Kind of self employment)

The total income I got was \$ 0

6. During the past 12 months, I:

**DID**

**DID NOT**

Get any rent payment. If so, the total amount I got was

\$

Get any interest. If so, the total amount I got was

\$

Get any dividends. If so, the total amount I got was

\$

Get any other money. If so, the total amount I got was

\$

~~0~~  
~~0~~  
~~0~~  
~~0~~

7. During the past 12 months, I:

DID	DID NOT		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Have any cash except as said in answer 2. If so, the amount of cash I have is	\$ <u>2</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Have any savings accounts or checking accounts. If so the amount in all is	\$ <u>2</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Own Stocks, Bonds, or Notes. If so, there total value is	\$ <u>2</u>

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

Item:	Value:	\$
<u>None</u>		<u>2</u>
		<u>2</u>
		<u>2</u>
		<u>2</u>
		<u>2</u>
		<u>2</u>
		<u>2</u>
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		<u>2</u>
		<u>2</u>
		<u>2</u>
		<u>2</u>

9. I am  am not  married. If I am married, my spouse's name and address is:

W/A

10. All of the persons who need me to support them are listed here:

Name	Address	Age	Relationship
<u>W/A</u>	<u>W/A</u>		

11. All of the bills I owe are listed here:

Creditor

Address

Amount

Creditor	Address	Amount
<p style="font-size: 48px; font-weight: bold;">NONE</p>		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$

**D. Request for Relief**

I want this court to:

Vacate my conviction and grant me a new trial.

Vacate my conviction and dismiss the criminal charges against me without a new trial.

Other

[Specify]:

Enter an order declaring  
 the sentence imposed in Cowlitz  
 County Cause No. 10-1-01291-2  
 was entered contrary to  
 Washington law and that the  
 judgment and sentence is invalid  
 on it's face therefore.

E. Oath of Petitioner

THE STATE OF WASHINGTON )  
 )  
COUNTY OF SPOKANE )

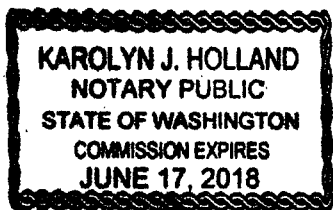
SS

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

08/12/2014  
Date

Joel McAninch  
Signature of petitioner

SUBSCRIBED AND SWORN to me this 12<sup>th</sup> day of August, 2014.



Karolyn Holland  
NOTARY PUBLIC in and for the State of Washington  
Residing at Spokane

My commission expires: 6-17-18

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

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

Then sign below:

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

Dated at Little rock, Wa on this 18<sup>th</sup> day of August, 2014.  
(City and State)

Joel McAninch  
Signature of Petitioner

Joel McAninch  
Print/Type Name



08/18/2014  
DGWILCOX

Department of Corrections  
WASHINGTON CORRECTIONS CENTER

PAGE: 01 OF 01  
OIRPLRAR  
10.2.1.18

**PLRA IN FORMA PAUPERIS STATUS REPORT  
FOR DEFINED PERIOD: 01/31/2014 TO 07/31/2014**

DOC# :	0000875858	NAME :	MCANINCH JOEL	ADMIT DATE :	03/15/2013		
DOB :	08/21/1982			ADMIT TIME :	12:29		
	<b>AVERAGE MONTHLY RECEIPTS</b>		<b>20% OF RECEIPTS</b>		<b>AVERAGE SPENDABLE BALANCE</b>		<b>20% OF SPENDABLE</b>
	21.67		4.33		4.52		0.90

Please Note:

proof of indigent status  
to proceed as poor person,  
requesting filing fee(s) be waived.

Joel McAninch 8-18-14

FILED  
SUPERIOR COURT

2011 APR 19 P 1:06

COWLITZ COUNTY  
BEVERLY R. LITTLE, CLERK

BY SM

SUPERIOR COURT OF WASHINGTON FOR COWLITZ COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

JOEL D. MCANINCH,

Defendant.

SID: WA22797535

If no SID, use DOB:08-21-82

No. 10-1-01291-2

Felony Judgment and Sentence (FJS)

Prison  RCW 9.94A.712 Prison Confinement

Jail One Year or Less  RCW 9.94A.712 Prison Confinement

First-Time Offender

Special Sexual Offender Sentencing Alternative

Special Drug Offender Sentencing Alternative

Clerk's Action Required, para 4.5 (DOS), 4.7 and 4.8 (SSOSA) 4.15.2, 5.3, 5.6 and 5.8

11 9 00813 1 SM

I. Hearing

1.1 The court conducted a sentencing hearing this date 4-19-11; the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

II. Findings

There being no reason why judgment should not be pronounced, in accordance with the proceedings in this case, the court Finds:

2.1 Current Offenses: The defendant is guilty of the following offenses, based upon

guilty plea  jury-verdict  bench trial: 4-14-11

Count	Crime	RCW	Date of Crime
I	FELONY DRIVING UNDER THE INFLUENCE	46.61.502(1)(6)	12-12-10

(If the crime is a drug offense, include the type of drug in the second column.)

Additional current offenses are attached in Appendix 2.1.

The burglary in Count \_\_\_\_\_ involved a theft or intended theft.

The jury returned a special verdict or the court made a special finding with regard to the following:

The defendant is a sex offender subject to indeterminate sentencing under RCW 9.94A.712.

- The defendant engaged, agreed, offered, attempted, solicited another, or conspired to engage a victim of child rape or child molestation in sexual conduct in return for a fee in the commission of the offense in Count \_\_\_\_\_. RCW 9.94A.533(9).
- The offense was predatory as to Count \_\_\_\_\_. RCW 9.94A.836.
- The victim was under 15 years of age at the time of the offense in Count \_\_\_\_\_ RCW 9.94A.837.
- The victim was developmentally disabled, mentally disordered, or a frail elder or vulnerable adult at the time of the offense in Count \_\_\_\_\_. RCW 9.94A.838, 9A.44.010.
- The defendant acted with **sexual motivation** in committing the offense in Count \_\_\_\_\_. RCW 9.94A.835.
- This case involves **kidnapping** in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.
- The defendant used a **firearm** in the commission of the offense in Count \_\_\_\_\_. RCW 9.94A.602, 9.94A.533.
- The defendant used a **deadly weapon other than a firearm** in committing the offense in Count \_\_\_\_\_ RCW 9.94A.602, 9.94A.533.
- Count \_\_\_\_\_, **Violation of the Uniform Controlled Substances Act (VUCSA)**, RCW 69.50.401 and RCW 69.50.435, took place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.
- The defendant committed a crime involving the manufacture of methamphetamine, including its salts, isomers, and salts of isomers, **when a juvenile was present in or upon the premises of manufacture** in Count \_\_\_\_\_ RCW 9.94A.605, RCW 69.50.401, RCW 69.50.440.
- The defendant committed  **vehicular homicide**  **vehicular assault** proximately caused by driving a vehicle while under the influence of intoxicating liquor or drug or by operating a vehicle in a reckless manner. The offense is, therefore, deemed a violent offense. RCW 9.94A.030.
- The defendant has a **chemical dependency** that has contributed to the offense(s). RCW 9.94A.607.
- The crime(s) charged in Count \_\_\_\_\_ involve(s) **domestic violence**. RCW 10.99.020.
- The offense in Count \_\_\_\_\_ was committed in a **county jail or state correctional facility**. RCW 9.94A.533(5).
- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):
  
- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

**2.2 Criminal History (RCW 9.94A.525):**

	Crime	Date of Sentence	Sentencing Court (County & State)	Date of Crime	A or J Adult, Juv.	Type of Crime
1	ELUDE	10-19-04	COWLITZ, WA	07-28-04	A	
2	DUI	07-28-04	COWLITZ, WA			
3	DUI	08-02-07	COWLITZ, WA			
4	DUI	12-18-09	MULTNOMAH, OR			
5	DUI	07-04-10	COWLITZ, WA			

Additional criminal history is attached in Appendix 2.2.

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

The following prior offenses require that the defendant be sentenced as a **Persistent Offender** (RCW 9.94A.570):

The following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):

The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

**2.3 Sentencing Data:**

Count No.	Offender Score	Seriousness Level	Standard Range (not including enhancements)	Plus Enhancements*	Total Standard Range (including enhancements)	Maximum Term
I	5	V	33 – 43 MOS			CLASS C

\* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present, (SM) Sexual motivation, RCW 9.94A.533(8), (SCF) Sexual conduct with a child for a fee, RCW 9.94A.533(9).

Additional current offense sentencing data is attached in Appendix 2.3.

For violent offenses, most serious offenses, or armed offenders, recommended sentencing agreements or plea agreements are  attached  as follows: \_\_\_\_\_

**2.4**  **Exceptional Sentence.** The court finds substantial and compelling reasons that justify an exceptional sentence:

within  below the standard range for Count(s) \_\_\_\_\_.

above the standard range for Count(s) \_\_\_\_\_.

The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.

Aggravating factors were  stipulated by the defendant,  found by the court after the defendant waived jury trial,  found by jury, by special interrogatory.

Findings of fact and conclusions of law are attached in Appendix 2.4.  Jury's special interrogatory is attached. The Prosecuting Attorney  did  did not recommend a similar sentence.

**2.5 Ability to Pay Legal Financial Obligations.** The court has considered the total amount owing, the defendant's past, present, and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

\_\_\_\_\_

III. Judgment

3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1 and Appendix 2.1.

3.2 [ ] The defendant is found NOT GUILTY of Counts \_\_\_\_\_

[X] The court DISMISSES Counts II, III

IV. Sentence and Order

It is Ordered:

4.1a The defendant shall pay to the clerk of this court:

JASS CODE

RTN/RJN \$ TBD Restitution to: \_\_\_\_\_  
(Name and Address--address may be withheld and provided confidentially to Clerk of the Court's office.)

PCV \$ 500.00 Victim assessment RCW 7.68.035

\$ \_\_\_\_\_ Domestic Violence assessment up to \$100 RCW 10.99.080

CRC \$ 620 - Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190

Criminal filing fee \$ 200.00 FRC

Witness costs \$ \_\_\_\_\_ WFR

Sheriff service fees \$ 270.00 SFR/SFS/SFW/WRF

Jury demand fee \$ \_\_\_\_\_ JFR

Extradition costs \$ \_\_\_\_\_ EXT

Incarceration fee \$ 150.00 JLR

Other \$ \_\_\_\_\_

PUB \$ 773.69 Fees for court appointed attorney RCW 9.94A.760

WFR \$ \_\_\_\_\_ Court appointed defense expert and other defense costs RCW 9.94A.760

FCM/MTH \$ \_\_\_\_\_ Fine RCW 9A.20.021; [ ] VUCSA chapter 69.50 RCW, [ ] VUCSA additional fine deferred due to indigency RCW 69.50.430

CDF/LDI/PCD NTF/SAD/SDI \$ \_\_\_\_\_ Drug enforcement fund of Cowlitz County Prosecutor RCW 9.94A.760

MTH \$ \_\_\_\_\_ Meth/Amphetamine Clean-up fine \$3000. RCW 69.50.440, 69.50.401(a)(1)(ii).

CLF \$ \_\_\_\_\_ Crime lab fee [ ] suspended due to indigency RCW 43.43.690

RTN/RJN \$ 100.00 Felony DNA collection fee [ ] not imposed due to hardship RCW 43.43.754

\$ \_\_\_\_\_ Emergency response costs (for incidents resulting in emergency response and conviction of driving, flying or boating under the influence, vehicular assault under the influence, or vehicular homicide under the influence, \$1000 max.) RCW 38.52.430

\$ \_\_\_\_\_ Urinalysis cost

\$ 125.00 Other costs for: BAC FEE

\$ 2118.109 Total RCW 9.94A.760

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

Restitution ordered above shall be paid jointly and severally with:

Name of other defendant                      Cause Number                                      (Amount-\$)

RJN

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

The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

All payments shall be made in accordance with the policies of the clerk of the court and on a schedule established by the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ 25.00 per month commencing \_\_\_\_\_ . RCW 9.94A.760.

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(7)(b).

The court finds that the defendant has the means to pay, in addition to the other costs imposed herein, for the cost of incarceration and the defendant is ordered to pay such costs at the rate of \$50 per day, unless another rate is specified here: \_\_\_\_\_. (JLR) RCW 9.94A.760.

The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160.

**4.1b**  **Electronic Monitoring Reimbursement.** The defendant is ordered to reimburse \_\_\_\_\_ (name of electronic monitoring agency) at \_\_\_\_\_, for the cost of pretrial electronic monitoring in the amount of \$ \_\_\_\_\_.

**4.2 DNA Testing.** The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.

**HIV Testing.** The defendant shall submit to HIV testing. RCW 70.24.340.

**4.3 No Contact:** The defendant shall not have contact with \_\_\_\_\_ (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for \_\_\_\_\_ years (not to exceed the maximum statutory sentence).

Domestic Violence No-Contact Order, Antiharassment No-Contact Order, or Sexual Assault Protection Order is filed with this Judgment and Sentence.

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

The firearm, to wit: \_\_\_\_\_ is forfeited to \_\_\_\_\_, a law enforcement agency.

**4.4 Other:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4.5 Confinement Over One Year.** The court sentences the defendant to total confinement as follows:

- (a) **Confinement.** RCW 9.94A.589. A term of total confinement in the custody of the Department of Corrections (DOC):

33 months on Count \_\_\_\_\_ months on Count \_\_\_\_\_  
\_\_\_\_\_ months on Count \_\_\_\_\_ months on Count \_\_\_\_\_  
\_\_\_\_\_ months on Count \_\_\_\_\_ months on Count \_\_\_\_\_

- The confinement time on Count(s) \_\_\_\_\_ contain(s) a mandatory minimum term of \_\_\_\_\_.  
 The confinement time on Count \_\_\_\_\_ includes \_\_\_\_\_ months as enhancement for  firearm  deadly weapon  sexual motivation  VUCSA in a protected zone  manufacture of methamphetamine with juvenile present  sexual conduct with a child for a fee.

Actual number of months of total confinement ordered is: 33

All counts shall be served concurrently, except for the portion of those counts for which there is an enhancement as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: \_\_\_\_\_

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

but concurrently to any other felony cause not referred to in this Judgment. RCW 9.94A.589.

Confinement shall commence immediately unless otherwise set forth here: \_\_\_\_\_

- (b) **Confinement.** RCW 9.94A.712 (Sex Offenses only): The court orders the following term of confinement in the custody of the DOC:

Count \_\_\_\_\_ minimum term \_\_\_\_\_ maximum term \_\_\_\_\_  
Count \_\_\_\_\_ minimum term \_\_\_\_\_ maximum term \_\_\_\_\_

- (c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The jail shall compute time served unless the credit for time served prior to sentencing is specifically set forth here by the court: \_\_\_\_\_

**4.6 Community Placement or Community Custody.** The court orders community placement or community custody as follows:

- Community Placement:** Count \_\_\_\_\_ for \_\_\_\_\_ months;  
Count \_\_\_\_\_ for \_\_\_\_\_ months; Count \_\_\_\_\_ for \_\_\_\_\_ months.

- Community Custody** for count(s) \_\_\_\_\_, sentenced under RCW 9.94A.712, for any period of time the defendant is released from total confinement before the expiration of the maximum sentence.

- Community Custody:**  
Count I for 9 TO 18 months;  
Count \_\_\_\_\_ for \_\_\_\_\_ months;  
Count \_\_\_\_\_ for \_\_\_\_\_ months;

or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A.700 and .705 for community placement offenses, which include serious violent offenses, second degree assault, any crime against a person with a deadly weapon finding and chapter 69.50 or 69.52 RCW offenses not sentenced under RCW 9.94A.660 committed before July 1, 2000. See RCW 9.94A.715 for community custody range offenses, which include sex offenses not sentenced under RCW 9.94A.712 and violent offenses committed on or after July 1, 2000. Use paragraph 4.7 to impose community custody following work ethic camp.]

On or after July 1, 2003, DOC shall supervise the defendant if DOC classifies the defendant in the A or B risk categories; or, DOC classifies the defendant in the C or D risk categories and at least one of the following apply:

a) The defendant committed a current or prior:		
i) Sex offense	ii) Violent offense	iii) Crime against a person (RCW 9.94A.411)
iv) Domestic violence offense (RCW 10.99.020)		v) Residential burglary offense
vi) Offense for manufacture, delivery or possession with intent to deliver methamphetamine including its salts, isomers, and salts of isomers		
vii) Offense for delivery of a controlled substance to a minor; or attempt, solicitation or conspiracy (vi, vii)		
b) The conditions of community placement or community custody include chemical dependency treatment		
c) The defendant is subject to supervision under the interstate compact agreement, RCW 9.94A.745		

While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while in community custody; (6) pay supervision fees as determined by DOC; (7) perform affirmative acts as required by DOC to confirm compliance with the orders of the court; (8) for sex offenses, submit to electronic monitoring if imposed by DOC; and (9) abide by any additional conditions imposed by DOC under RCW 9.94A.720. The residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

The defendant shall not consume any alcohol.

The defendant shall have no contact with: \_\_\_\_\_.

The defendant shall remain  within  outside of a specified geographical boundary, to wit: \_\_\_\_\_.

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

The defendant shall participate in the following crime-related treatment or counseling services: \_\_\_\_\_.

The defendant shall undergo an evaluation for treatment for  domestic violence  substance abuse  mental health  anger management and fully comply with all recommended treatment.

The defendant shall comply with the following crime-related prohibitions: \_\_\_\_\_.

Other conditions: SEE BELOW

For sentences imposed under RCW 9.94A.712, other conditions, including electronic monitoring, may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than seven working days.

4.7  **Work Ethic Camp.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic camp. The court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6.

4.8 **Off - Limits Order.** (Known drug trafficker). RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the county jail or Department of Corrections: \_\_\_\_\_.



V. Notices and Signatures

**5.1 Collateral Attack on Judgment.** If you wish to petition or move for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, you must do so within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.

**5.2 Length of Supervision.** If you committed your offense prior to July 1, 2000, you shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. If you committed your offense on or after July 1, 2000, the court shall retain jurisdiction over you, for the purpose of your compliance with payment of the legal financial obligations, until you have completely satisfied your obligation, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). You are required to contact the Cowlitz County Collections Deputy, 312 SW First Avenue, Kelso, WA 98626 (360) 414-5532 with any change in address and employment or as directed. Failure to make the required payments or advise of any change in circumstances is a violation of the sentence imposed by the Court and may result in the issuance of a warrant and a penalty of up to 60 days in jail. The clerk of the court has authority to collect unpaid legal financial obligations at any time while you remain under the jurisdiction of the court for purposes of your legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

This crime involves a Rape of a Child in which the victim became pregnant. The defendant shall remain under the court's jurisdiction until the defendant has satisfied support obligations under the superior court or administrative order, up to a maximum of twenty-five years following defendant's release from total confinement or twenty-five years subsequent to the entry of the Judgment and Sentence, whichever period is longer.

**5.3 Notice of Income-Withholding Action.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections (DOC) or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

**5.4 Restitution Hearing.**

I waive any right to be present at any restitution hearing (sign initials): \_\_\_\_\_.

**5.5 Community Custody Violation.**

(a) If you are subject to a first or second violation hearing and DOC finds that you committed the violation, you may receive as a sanction up to 60 days of confinement per violation. RCW 9.94A.634.

(b) If you have not completed your maximum term of total confinement and you are subject to a third violation hearing and DOC finds that you committed the violation, DOC may return you to a state correctional facility to serve up to the remaining portion of your sentence. RCW 9.94A.737(2).

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

**Cross off or delete if not applicable:**

**5.7 Sex and Kidnapping Offender Registration.** RCW 9A.44.130, 10.01.200.

**1. General Applicability and Requirements:** Because this crime involves a sex offense or kidnapping offense involving a minor as defined in RCW 9A.44.130, you are required to register with the sheriff of the county of the state of Washington where you reside. If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry 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

immediately upon being sentenced unless you are in custody, in which case you must register within 24 hours of your release.

**2. Offenders Who Leave the State and Return:** If you leave the 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 or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections. If you leave this state following your sentencing or release from custody but later while not a resident of Washington you become employed in Washington, carry 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, or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections.

**3. Change of Residence Within State and Leaving the State:** If you change your residence within a county, you must send signed written notice of your change of residence to the sheriff within 72 hours of moving. If you change your residence to a new county within this state, you must send signed written notice of your change of residence to the sheriff of your new county of residence at least 14 days before moving and register with that sheriff within 24 hours of moving. You must also give signed written notice of your change of address to the sheriff of the county where last registered within 10 days of moving. If you move out of Washington State, you must send written notice within 10 days of moving to the county sheriff with whom you last registered in Washington State.

**4. Additional Requirements Upon Moving to Another State:** If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. You must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State.

**5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12):** If you are a resident of Washington and you are admitted to a public or private institution of higher education, you are required to notify the sheriff of the county of your residence of your intent to attend the institution within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier. If you become employed at a public or private institution of higher education, you are required to notify the sheriff for the county of your residence of your employment by the institution within 10 days of accepting employment or by the first business day after beginning to work at the institution, whichever is earlier. If your enrollment or employment at a public or private institution of higher education is terminated, you are required to notify the sheriff for the county of your residence of your termination of enrollment or employment within 10 days of such termination. If you attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW, you are required to notify the sheriff of the county of your residence of your intent to attend the school. You must notify the sheriff within 10 days of enrolling or 10 days prior to arriving at the school to attend classes, whichever is earlier. The sheriff shall promptly notify the principal of the school.

**6. Registration by a Person Who Does Not Have a Fixed Residence:** Even if you do not have a fixed residence, you are required to register. Registration must occur within 24 hours of release in the county where you are being supervised if you do not have a residence at the time of your release from custody. Within 48 hours excluding weekends and holidays, after losing your fixed residence, you must send signed written notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than 24 hours, you will be required to register in the new county. You must also report weekly in person to the sheriff of the county where you are registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. You may be required to provide a list the locations where you have stayed during the last seven days. 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 4.24.550.

**7. Reporting Requirements for Persons Who Are Risk Level II or III:** If you have a fixed residence

and you are designated as a risk level II or III, you must report, in person, every 90 days to the sheriff of the county where you are registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. If you comply with the 90-day reporting requirement with no violations for at least five years in the community, you may petition the superior court to be relieved of the duty to report every 90 days.

**8. 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 five days of the entry of the order. RCW 9A.44.130(7).

- 5.8  Count \_\_\_\_\_ is a felony in the commission of which you used a motor vehicle. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke your driver's license. RCW 46.20.285.
- 5.9 If you are or become subject to court-ordered mental health or chemical dependency treatment, you must notify DOC and you must release your treatment information to DOC for the duration of your incarceration and supervision. RCW 9.94A.562.
- 5.10 IF AN APPEAL IS PROPERLY FILED AND APPEAL BOND POSTED, THE DEFENDANT WILL REPORT TO THE DEPARTMENT OF CORRECTIONS, WHO WILL MONITOR THE DEFENDANT DURING THE PENDENCY OF THE APPEAL, SUBJECT TO ANY CONDITIONS IMPOSED BY DOC AND/OR INCULDED IN THIS JUDGMENT & SENTENCE AND SPECIFICALLY NOT STAYED BY THE COURT.**

5.11 Other: \_\_\_\_\_

Done in Open Court and in the presence of the defendant this date: Apr. 19, 2011

\_\_\_\_\_  
 Judge/Print Name:

*Sean Brittain*  
 (Deputy) Prosecuting Attorney  
 WSBA No. 36804  
 Print Name: SEAN BRITTAIN

*Kevin Blondin*  
 Attorney for Defendant  
 WSBA No. 29272  
 Print Name: KEVIN BLONDIN

*Joel D. McAninch*  
 Defendant  
 Print Name: JOEL D. MCANINCH

**Identification of the Defendant**

SID No. WA22797535 Date of Birth 08-21-82  
 (If no SID take fingerprint card for State Patrol)

FBI No. 295879JC4 Local ID No. \_\_\_\_\_

PCN No. \_\_\_\_\_ Other \_\_\_\_\_

Alias name, DOB: \_\_\_\_\_

**Race:**  Asian/Pacific Islander  Black/African-American  Caucasian  Hispanic  Male  
 Native American  Other: \_\_\_\_\_  Non-Hispanic  Female

**Fingerprints:** I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto.

Clerk of the Court, Deputy Clerk, *Ayle Fairg* Dated: 4-19-11

The defendant's signature: *Jack McQuinn*

Left four fingers taken simultaneously

Left  
Thumb

Right  
Thumb

Right four fingers taken simultaneously



**Voting Rights Statement:** I acknowledge that my right to vote has been lost due to felony conviction. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.660.

Defendant's signature: *Joel McDaniel*

I am a certified interpreter of, or the court has found me otherwise qualified to interpret, the \_\_\_\_\_ language, which the defendant understands. I translated this Judgment and Sentence for the defendant into that language.

Interpreter signature/Print name: \_\_\_\_\_

I, \_\_\_\_\_, Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action now on record in this office.

Witness my hand and seal of the said Superior Court affixed this date: \_\_\_\_\_

Clerk of the Court of said county and state, by: \_\_\_\_\_, Deputy Clerk

DEFENDANT'S COPY

FILED  
SUPERIOR COURT

2013 MAR 12 A 10:46

COWLITZ COUNTY  
SEVERLY R. LITTLE, CLERK

BY \_\_\_\_\_

SUPERIOR COURT OF WASHINGTON FOR COWLITZ COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

JOEL DUANE MCANINCH,

Defendant.

No. 13-1-00063-3

Felony Judgment and Sentence (FJS)

Prison  RCW 9.94A.712 Prison Confinement  
 Jail One Year or Less  RCW 9.94A.712 Prison  
Confinement

First-Time Offender

Special Sexual Offender Sentencing Alternative

Special Drug Offender Sentencing Alternative

Clerk's Action Required, para 4.5 (DOS), 4.7  
and 4.8 (SSOSA) 4.15.2, 5.3, 5.6 and 5.8

SID: WA22797535

If no SID, use DOB: 08/21/82

I. Hearing

1.1 The court conducted a sentencing hearing this date MARCH 12, 2013; the defendant, JOEL D. MCANINCH, the defendant's lawyer RYAN JURVAKAINEN and the (deputy) prosecuting attorney were present.

II. Findings

There being no reason why judgment should not be pronounced, in accordance with the proceedings in this case, the court Finds:

2.1 Current Offenses: The defendant is guilty of the following offenses, based upon

guilty plea  jury-verdict  bench trial: ON MARCH 7, 2013 smw

Count	Crime	RCW	Date of Crime
I	FELONY DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR AND/OR ANY DRUG	46.61.502(1)(a)(b), (6)(a)	01/11/13
III	DRIVING WHILE LICENSE SUSPENDED OR REVOKED IN THE FIRST DEGREE	46.20342(1)(a)	01/11/13
VI	MALICIOUS MISCHIEF, THIRD DEGREE	9A.48.090(1)(a)	01/12/13
VII	CRIMINAL TRESPASS, FIRST DEGREE	9A.52.070(1)	01/12/13

(If the crime is a drug offense, include the type of drug in the second column.)

Additional current offenses are attached in Appendix 2.1.

The burglary in Count \_\_\_\_\_ involved a theft or intended theft.

The jury returned a special verdict or the court made a special finding with regard to the following:

The defendant is a sex offender subject to indeterminate sentencing under RCW 9.94A.712.

**SUPERIOR COURT OF WASHINGTON COUNTY OF COWLITZ**

STATE OF WASHINGTON,

No: 13-1-00063-3

Plaintiff,

v.

JOEL DUANE MCANINCH,

Defendant.

CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J Adult, Juv.	TYPE OF CRIME V, SV, SO
ELUDE	10/19/04	COWLITZ CO., WA 04-1-01015-0	07/28/04	A	
FEL DRIVING UNDER THE INFLUENCE (33 MO PRISON) (9 - 18 MO COMM CUSTODY	04/19/11	COWLITZ CO., WA 10-1-01291-2	12/12/10	A	
<b>ACTIVE COMM CUSTODY + 1 POINT</b>					
DUI	07/28/04	COWLITZ CO. 04-1-01015-0			
DUI	08/02/07	COWLITZ CO. WSP 7Y5015081			
DUI	12/18/09	MULT CO., OR 091255130			
DUI AMENDE D DOWN TO NEG DRIVING	07/04/10	COWLITZ CO XY0322082			

\*PRIOR CONVICTIONS COUNTED AS ONE OFFENSE IN DETERMINING THE OFFENDER SCORE RCW 9.94A.360(11).

- The defendant engaged, agreed, offered, attempted, solicited another, or conspired to engage a victim of child rape or child molestation in sexual conduct in return for a fee in the commission of the offense in Count \_\_\_\_\_. RCW 9.94A.533(9).
- The offense was predatory as to Count \_\_\_\_\_. RCW 9.94A.836.
- The victim was under 15 years of age at the time of the offense in Count \_\_\_\_\_ RCW 9.94A.837.
- The victim was developmentally disabled, mentally disordered, or a frail elder or vulnerable adult at the time of the offense in Count \_\_\_\_\_. RCW 9.94A.838, 9A.44.010.
- The defendant acted with **sexual motivation** in committing the offense in Count \_\_\_\_\_. RCW 9.94A.835.
- This case involves **kidnapping** in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.
- The defendant used a **firearm** in the commission of the offense in Count \_\_\_\_\_. RCW 9.94A.602, 9.94A.533.
- The defendant used a **deadly weapon other than a firearm** in committing the offense in Count \_\_\_\_\_ RCW 9.94A.602, 9.94A.533.
- Count \_\_\_\_\_, **Violation of the Uniform Controlled Substances Act (VUCSA)**, RCW 69.50.401 and RCW 69.50.435, took place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.
- The defendant committed a crime involving the manufacture of methamphetamine, including its salts, isomers, and salts of isomers, **when a juvenile was present in or upon the premises of manufacture** in Count \_\_\_\_\_. RCW 9.94A.605, RCW 69.50.401, RCW 69.50.440.
- The defendant committed  **vehicular homicide**  **vehicular assault** proximately caused by driving a vehicle while under the influence of intoxicating liquor or drug or by operating a vehicle in a reckless manner. The offense is, therefore, deemed a violent offense. RCW 9.94A.030.
- The defendant has a **chemical dependency** that has contributed to the offense(s). RCW 9.94A.607.
- The crime(s) charged in Count \_\_\_\_\_ involve(s) **domestic violence**. RCW 10.99.020.
- The offense in Count \_\_\_\_\_ was committed in a **county jail or state correctional facility**. RCW 9.94A.533(5).
- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):
  
- Other current convictions listed under different cause numbers used in calculating the offenderscore are (list offense and cause number):

**2.2 Criminal History (RCW 9.94A.525):**

	Crime	Date of Sentence	Sentencing Court (County & State)	Date of Crime	A or J Adult, Juv.	Type of Crime
1	(SEE ATTACHED AT APPENDIX 2.2)					
2						
3						
4						
5						



- Additional criminal history is attached in Appendix 2.2.
- The defendant committed a current offense while on community placement/community custody (adds one point to score). RCW 9.94A.525.
- The following prior offenses require that the defendant be sentenced as a **Persistent Offender** (RCW 9.94A.570):
- The following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):
- The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

**2.3 Sentencing Data:**

Count No.	Offender Score	Seriousness Level	Standard Range (not including enhancements)	Plus Enhancements*	Total Standard Range (including enhancements)	Maximum Term
I	6	V	41 – 54 MOS	N/A	41 – 54 MOS	CLASS C
III	0	GROSS MISD	0 – 364 DAYS	N/A	0 – 364 DAYS'	364 DAYS
VI	0	GROSS MISD	0 – 364 DAYS	N/A	0 – 364 DAYS'	364 DAYS
VII	0	GROSS MISD	0 – 364 DAYS	N/A	0 – 364 DAYS'	364 DAYS

\* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present, (SM) Sexual motivation, RCW 9.94A.533(8), (SCF) Sexual conduct with a child for a fee, RCW 9.94A.533(9).

- Additional current offense sentencing data is attached in Appendix 2.3.

For violent offenses, most serious offenses, or armed offenders, recommended sentencing agreements or plea agreements are  attached  as follows: \_\_\_\_\_

**2.4**  **Exceptional Sentence.** The court finds substantial and compelling reasons that justify an exceptional sentence:

within  below the standard range for Count(s) \_\_\_\_\_.

above the standard range for Count(s) \_\_\_\_\_.

The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.

Aggravating factors were  stipulated by the defendant,  found by the court after the defendant waived jury trial,  found by jury, by special interrogatory.

Findings of fact and conclusions of law are attached in Appendix 2.4.  Jury's special interrogatory is attached. The Prosecuting Attorney  did  did not recommend a similar sentence.

**2.5 Ability to Pay Legal Financial Obligations.** The court has considered the total amount owing, the defendant's past, present, and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

III. Judgment

3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1 and Appendix 2.1.

3.2 [ ] The defendant is found NOT GUILTY of Counts \_\_\_\_\_

[X] The court DISMISSES COUNTS II - ELUDE; IV - VIO INTERLOCK; V - OBSTRUCTING

IV. Sentence and Order

It is Ordered:

4.1a The defendant shall pay to the clerk of this court:

JASS CODE

RTN/RJN	\$	td	Restitution to: _____ (Name and Address--address may be withheld and provided confidentially to Clerk of the Court's office.)	
PCV	\$	500.00	Victim assessment	RCW 7.68.035
	\$		Domestic Violence assessment up to \$100	RCW 10.99.080
CRC	\$	350	Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190	
			Criminal filing fee \$ 200.00	FRC
			Witness costs \$ _____	WFR
			Sheriff service fees \$ _____	SFR/SFS/SFW/WRF
			Jury demand fee \$ _____	JFR
			Extradition costs \$ _____	EXT
			Incarceration fee \$ 150.00	JLR
			Other \$ _____	
PUB	\$	825.00	Fees for court appointed attorney	RCW 9.94A.760
WFR	\$		Court appointed defense expert and other defense costs	RCW 9.94A.760
FCM/MTH	\$		Fine RCW 9A.20.021; [ ] VUCSA chapter 69.50 RCW, [ ] VUCSA additional fine deferred due to indigency RCW 69.50.430	
CDF/LDI/BCD NTF/SAD/SDI	\$		Drug enforcement fund of Cowlitz County Prosecutor	RCW 9.94A.760
MTH	\$		Meth/Amphetamine Clean-up fine \$3000. RCW 69.50.440, 69.50.401(a)(1)(ii).	
CLF	\$	125.00	Breath Test - Crime lab fee [ ] suspended due to indigency	RCW 43.43.690
	\$	100.00	Felony DNA collection fee [ ] not imposed due to hardship	RCW 43.43.7541
RTN/RJN	\$	150.00	Emergency response costs (Vehicular Assault, Vehicular Homicide only, \$1000 maximum)	RCW 38.52.430
	\$	2954.50	Urinalysis cost DUI	
	\$	125.00	Other costs for: BAC FEE	
	\$	5129.50	Total	RCW 9.94A.760

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

[ ] shall be set by the prosecutor.  
is scheduled for \_\_\_\_\_

4/15/13 @ 9:00 am

Restitution ordered above shall be paid jointly and severally with:

Name of other defendant                      Cause Number                      (Amount-\$)

RJN

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

The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

All payments shall be made in accordance with the policies of the clerk of the court and on a schedule established by the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ 25.00 per month commencing \_\_\_\_\_ . RCW 9.94A.760.

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(7)(b).

The court finds that the defendant has the means to pay, in addition to the other costs imposed herein, for the cost of incarceration and the defendant is ordered to pay such costs at the rate of \$50 per day, unless another rate is specified here: \_\_\_\_\_. (JLR) RCW 9.94A.760.

The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160.

**4.1b**  **Electronic Monitoring Reimbursement.** The defendant is ordered to reimburse \_\_\_\_\_ (name of electronic monitoring agency) at \_\_\_\_\_, for the cost of pretrial electronic monitoring in the amount of \$ \_\_\_\_\_.

**4.2 DNA Testing.** The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.

**HIV Testing.** The defendant shall submit to HIV testing. RCW 70.24.340.

**4.3 No Contact:** The defendant shall not have contact with \_\_\_\_\_ (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for \_\_\_\_\_ years (not to exceed the maximum statutory sentence).

Domestic Violence No-Contact Order, Antiharassment No-Contact Order, or Sexual Assault Protection Order is filed with this Judgment and Sentence.

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

The firearm, to-wit: \_\_\_\_\_ is forfeited to \_\_\_\_\_ a law enforcement agency.

**4.4 Other:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4.5 Confinement Over One Year.** The court sentences the defendant to total confinement as follows:

- (a) **Confinement.** RCW 9.94A.589. A term of total confinement in the custody of the Department of Corrections (DOC):

57 months on Count I See Misdo Pg. on Count VI  
See Misdo Pg. on Count III See Misdo Pg. on Count VII  
\_\_\_\_\_ months on Count \_\_\_\_\_ months on Count \_\_\_\_\_

The confinement time on Count(s) \_\_\_\_\_ contain(s) a mandatory minimum term of \_\_\_\_\_.

The confinement time on Count \_\_\_\_\_ includes \_\_\_\_\_ months as enhancement for  firearm  deadly weapon  sexual motivation  VUCSA in a protected zone  manufacture of methamphetamine with juvenile present  sexual conduct with a child for a fee.

Actual number of months of total confinement ordered is: 54

All counts shall be served concurrently, except for the portion of those counts for which there is an enhancement as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: \_\_\_\_\_

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

but concurrently to any other felony cause not referred to in this Judgment. RCW9.94A.589.

Confinement shall commence immediately unless otherwise set forth here: \_\_\_\_\_

- (b) **Confinement.** RCW 9.94A.712 (Sex Offenses only): The court orders the following term of confinement in the custody of the DOC:

Count \_\_\_\_\_ minimum term \_\_\_\_\_ maximum term \_\_\_\_\_  
Count \_\_\_\_\_ minimum term \_\_\_\_\_ maximum term \_\_\_\_\_

- (c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The jail shall compute time served unless the credit for time served prior to sentencing is specifically set forth here by the court: \_\_\_\_\_

**4.6 Community Placement or Community Custody.** The court orders community placement or community custody as follows:

**Community Placement:** Count \_\_\_\_\_ for \_\_\_\_\_ months;  
Count \_\_\_\_\_ for \_\_\_\_\_ months; Count \_\_\_\_\_ for \_\_\_\_\_ months.

**Community Custody** for count(s) \_\_\_\_\_, sentenced under RCW 9.94A.712, for any period of time the defendant is released from total confinement before the expiration of the maximum sentence.

**Community Custody:**

Count I for 6 months;

Count \_\_\_\_\_ for a range from \_\_\_\_\_ to \_\_\_\_\_ months;

Count \_\_\_\_\_ for a range from \_\_\_\_\_ to \_\_\_\_\_ months;

or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A.700 and .705 for community placement offenses, which include serious violent offenses, second degree assault, any crime against a person with a deadly weapon finding and chapter 69.50 or 69.52 RCW offenses not sentenced under RCW 9.94A.660 committed before July 1, 2000. See RCW 9.94A.715 for community custody range offenses, which include sex offenses not sentenced under RCW 9.94A.712 and violent offenses committed on or after July 1, 2000. Use paragraph 4.7 to impose community custody following work ethic camp.]

On or after July 1, 2003, DOC shall supervise the defendant if DOC classifies the defendant in the A or B risk categories; or, DOC classifies the defendant in the C or D risk categories and at least one of the following apply:

a) The defendant committed a current or prior:		
i) Sex offense	ii) Violent offense	iii) Crime against a person (RCW 9.94A.411)
iv) Domestic violence offense (RCW 10.99.020)		v) Residential burglary offense
vi) Offense for manufacture, delivery or possession with intent to deliver methamphetamine including its salts, isomers, and salts of isomers		
vii) Offense for delivery of a controlled substance to a minor; or attempt, solicitation or conspiracy (vi, vii)		
b) The conditions of community placement or community custody include chemical dependency treatment		
c) The defendant is subject to supervision under the interstate compact agreement, RCW 9.94A.745		

While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while in community custody; (6) pay supervision fees as determined by DOC; (7) perform affirmative acts as required by DOC to confirm compliance with the orders of the court; (8) for sex offenses, submit to electronic monitoring if imposed by DOC; and (9) abide by any additional conditions imposed by DOC under RCW 9.94A.720. The residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

The defendant shall not consume any alcohol.

The defendant shall have no contact with: \_\_\_\_\_

The defendant shall remain  within  outside of a specified geographical boundary, to wit: \_\_\_\_\_

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

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

The defendant shall undergo an evaluation for treatment for  domestic violence  substance abuse  mental health  anger management and fully comply with all recommended treatment.

The defendant shall comply with the following crime-related prohibitions: \_\_\_\_\_

**Other conditions:**

THAT THE DEFENDANT COMMIT NO FURTHER VIOLATIONS OF LAW.

THAT THE DEFENDANT PAY A \$5000 FINE WITH \$ 2,045.50 SUSPENDED. THIS FINE MAY BE WORKED OFF ON THE WORK CREW (this fine may be suspended pursuant to RCW 46.61.5055 if the court finds that the defendant is indigent).

THAT THE DEFENDANT NOT DRIVE ANY VEHICLE FOR 10 YEAR(S) FOLLOWING REINSTATEMENT OF HIS/HER DRIVING PRIVILEGES THAT IS NOT EQUIPPED WITH A FUNCTIONING IGNITION INTERLOCK DEVICE (pursuant to RCW 46.20.720). Except in the case of a first offense with an alcohol concentration of less than .15, this may not be suspended. Violation of this requirement is a misdemeanor pursuant to RCW 46.20.740 and a violation of the defendant's probation.

- THAT THE DEFENDANT OBTAIN AN ALCOHOL EVALUATION AND SUCCESSFULLY COMPLETE ANY ALCOHOL PROGRAM AS RECOMMENDED BY COMMUNITY CORRECTIONS OFFICER, INCLUDING FOLLOW-UP TREATMENT. RCW 46.61.5056.
- THAT THE DEFENDANT SUBMIT TO RANDOM UA'S AND BA'S AS REQUESTED BY HIS/HER CORRECTIONS OFFICER AT HIS/HER OWN EXPENSE;
- THAT THE DEFENDANT NOT CONSUME ANY ALCOHOL OR DRUGS NOT PRESCRIBED TO HIM/HER.
- THAT THE DEFENDANT ABIDE BY ALL CONDITIONS OF PROBATION.
- DEFENDANT MUST ATTEND A VICTIM IMPACT PANEL. RCW 46.61.5152.
- DEFENDANT MUST PAY A FEE OF \$125 FOR BAC (EVEN REFUSALS). (MANDATORY BY STATUTE, CANNOT BE SUSPENDED, DEFERRED OR WORKED OFF)
- IF THE DEFENDANT HAS NOT ALREADY DONE SO, HE/SHE MUST SURRENDER HIS/HER DRIVER'S LICENSE TO THIS COURT OR TO THE WASHINGTON DEPARTMENT OF LICENSING WITHIN 24 HOURS OF ENTRY OF THIS JUDGMENT.
- THAT THE DEFENDANT SHALL NOT OPERATE A MOTOR VEHICLE WITHOUT A VALID DRIVER'S LICENSE AND PROOF OF INSURANCE.
- THAT THE DEFENDANT MUST HAVE HIS LEGAL FINANCIAL OBLIGATIONS PAID WITHIN 18/24 MONTHS. (CIRCLE ONE)
  - (a) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505(6). The time served shall be computed by the jail unless credit for time served prior to sentencing is specifically set forth by the court:
  - The defendant shall be monitored for the payment of legal financial obligations and report any change of address or employment to the **COWLITZ COUNTY SUPERIOR COURT COLLECTIONS DEPUTY, LOCATED AT 312 SW FIRST AVE., KELSO, WASHINGTON (360) 414-5532.**

For sentences imposed under RCW 9.94A.712, other conditions, including electronic monitoring, may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than seven working days.

**4.7**  **Work Ethic Camp.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic camp. The court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6

**4.8 Off - Limits Order.** (Known drug trafficker). RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the county jail or Department of Corrections: \_\_\_\_\_

4.5 CONFINEMENT – (GROSS MISDEMEANOR: 0 – 364 DAYS)

The defendant is sentenced as follows:

- COUNT III – DWLS 1°
- COUNT VI MAL. MISCH. 3°
- COUNT VII – CRIMINAL TRESPASS 1°

That this sentence shall run concurrent with the sentence(s) imposed in Count I

This this sentence shall run concurrent/consecutive with the sentence imposed in Cause Number(s):

(a) CONFINEMENT –

COUNT III : That the defendant serve 364 days in the Cowlitz County Jail with ~~214~~ <sup>274</sup> days suspended so long as the defendant complies with the terms of his/her probation as ordered below.

COUNT VI : That the defendant serve 364 days in the Cowlitz County Jail with 364 days suspended so long as the defendant complies with the terms of his/her probation as ordered below.

COUNT VII : That the defendant serve 364 days in the Cowlitz County Jail with 364 days suspended so long as the defendant complies with the terms of his/her probation as ordered below.

The defendant shall be placed on Probation/Supervision for \_\_\_\_\_ months (up to 24 if a gross misdemeanor, up to 12 if a misdemeanor) upon the following conditions and shall be monitored by the **WASHINGTON STATE DEPARTMENT OF CORRECTIONS, LOCATED AT 1953 7<sup>th</sup> AVENUE, LONGVIEW, WASHINGTON. (360) 577-4050. DEFENDANT MUST CONTACT WITHIN 48 HOURS OF RELEASE FROM CUSTODY.**

- THAT THE DEFENDANT COMMIT NO FUTHER VIOLATIONS OF LAW.
- THAT THE DEFENDANT ENTER INTO AND SUCCESSFULLY COMPLETE ANY DRUG/ALCOHOL PROGRAM AS RECOMMENDED BY COMMUNITY CORRECTIONS OFFICER, INCLUDING FOLLOWING UP TREATMENT.
- THAT THE DEFENDANT SUBMIT TO RANDOM UA'S AND BA'S AS REQUESTED BY HIS/HER CORRECTIONS OFFICER AT HIS/HER OWN EXPENSE;
- THAT THE DEFENDANT NOT CONSUME ANY ALCOHOL OR DRUGS.
- THAT THE DEFENDANT ABIDE BY ALL CONDITIONS OF PROBATIONS.
- THAT THE DEFENDANT ENTER INTO AND SUCCESSFULLY COMPLETE STATE CERTIFIED BATTERER'S TREATMENT.
- THAT THE DEFENDANT MUST HAVE HIS/HER LEGAL FINANCIAL OBLIGATIONS PAID WITHIN 18/24 (CIRCLE ONE) MONTHS. PAYMENTS TO BE MADE AS SET FORTH IN PARAGRAPH 4.1 OF THIS JUDGMENT AND SENTENCE, UNLESS OTHER ARRANGMENTS HAVE BEEN MADE WITH THE COWLITZ COUNTY SUPERIOR COURT COLLECTION DEPUTY.

OTHER:

(b) The defendant shall receive credit for time served prior to sentencing, if that confinement was solely under this cause number. RCW 9.94A.505(6). The time served shall be computed by the jail unless credit for time served prior to sentencing is specifically set forth by the court:

The defendant shall be monitored for the payment of legal financial obligations and report any change of address or employment to the **COWLITZ COUNTY SUPERIOR COURT COLLECTIONS DEPUTY, LOCATED AT 312 SW FIRST AVE., KELSO, WASHINGTON** and shall call (360)414-5532 to schedule an appointment within 72 hours of release from confinement.

*Miscdo Pgf*

**V. Notices and Signatures**

- 5.1 Collateral Attack on Judgment.** If you wish to petition or move for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, you must do so within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.
- 5.2 Length of Supervision.** If you committed your offense prior to July 1, 2000, you shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. If you committed your offense on or after July 1, 2000, the court shall retain jurisdiction over you, for the purpose of your compliance with payment of the legal financial obligations, until you have completely satisfied your obligation, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). **You are required to contact the Cowlitz County Collections Deputy, 312 SW First Avenue, Kelso, WA 98626 (360) 414-5532 with any change in address and employment or as directed. Failure to make the required payments or advise of any change in circumstances is a violation of the sentence imposed by the Court and may result in the issuance of a warrant and a penalty of up to 60 days in jail.** The clerk of the court has authority to collect unpaid legal financial obligations at any time while you remain under the jurisdiction of the court for purposes of your legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).
- This crime involves a Rape of a Child in which the victim became pregnant. The defendant shall remain under the court's jurisdiction until the defendant has satisfied support obligations under the superior court or administrative order, up to a maximum of twenty-five years following defendant's release from total confinement or twenty-five years subsequent to the entry of the Judgment and Sentence, whichever period is longer.
- 5.3 Notice of Income-Withholding Action.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections (DOC) or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.
- 5.4 Restitution Hearing.**  
 I waive any right to be present at any restitution hearing (sign initials): \_\_\_\_\_.
- 5.5 Community Custody Violation.**  
(a) If you are subject to a first or second violation hearing and DOC finds that you committed the violation, you may receive as a sanction up to 60 days of confinement per violation. RCW 9.94A.634.  
(b) If you have not completed your maximum term of total confinement and you are subject to a third violation hearing and DOC finds that you committed the violation, DOC may return you to a state correctional facility to serve up to the remaining portion of your sentence. RCW 9.94A.737(2).
- 5.6 Firearms. You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record.** (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

**Cross off or delete if not applicable:**

**5.7 Sex and Kidnapping Offender Registration.** RCW 9A.44.130, 10.01.200.

**1. General Applicability and Requirements:** Because this crime involves a sex offense or kidnapping offense involving a minor as defined in RCW 9A.44.130, you are required to register with the sheriff of the county of the state of Washington where you reside. If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry 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 immediately upon being sentenced unless you are in custody, in which case you must register within 24 hours of your release.

**2. Offenders Who Leave the State and Return:** If you leave the 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 or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections. If you leave this state following your sentencing or release from custody but later while not a resident of Washington you become employed in Washington, carry 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, or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections.

**3. Change of Residence Within State and Leaving the State:** If you change your residence within a county, you must send signed written notice of your change of residence to the sheriff within 72 hours of moving. If you change your residence to a new county within this state, you must send signed written notice of your change of residence to the sheriff of your new county of residence at least 14 days before moving and register with that sheriff within 24 hours of moving. You must also give signed written notice of your change of address to the sheriff of the county where last registered within 10 days of moving. If you move out of Washington State, you must send written notice within 10 days of moving to the county sheriff with whom you last registered in Washington State.

**4. Additional Requirements Upon Moving to Another State:** If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. You must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State.

**5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12):** If you are a resident of Washington and you are admitted to a public or private institution of higher education, you are required to notify the sheriff of the county of your residence of your intent to attend the institution within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier. If you become employed at a public or private institution of higher education, you are required to notify the sheriff for the county of your residence of your employment by the institution within 10 days of accepting employment or by the first business day after beginning to work at the institution, whichever is earlier. If your enrollment or employment at a public or private institution of higher education is terminated, you are required to notify the sheriff for the county of your residence of your termination of enrollment or employment within 10 days of such termination. If you attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW, you are required to notify the sheriff of the county of your residence of your intent to attend the school. You must notify the sheriff within 10 days of enrolling or 10 days prior to arriving at the school to attend classes, whichever is earlier. The sheriff shall promptly notify the principal of the school.

**6. Registration by a Person Who Does Not Have a Fixed Residence:** Even if you do not have a fixed residence, you are required to register. Registration must occur within 24 hours of release in the county where you are being supervised if you do not have a residence at the time of your release from custody. Within 48 hours excluding weekends and holidays, after losing your fixed residence, you must send signed written notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than 24 hours, you will be required to register in the new county. You must also report weekly in-person to the sheriff of the county where you are registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. You may be required to provide a list the locations where you have stayed during the last seven days. 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 4.24.550.

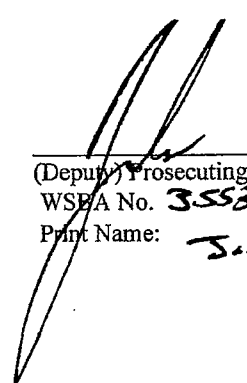
**7. Reporting Requirements for Persons Who Are Risk Level II or III:** If you have a fixed residence and you are designated as a risk level II or III, you must report, in person, every 90 days to the sheriff of the county where you are registered. Reportings shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. If you comply with the 90day reporting requirement with no violations for at least five years in the community, you may petition the superior court to be relieved of the duty to report every 90 days.

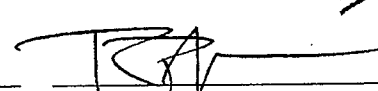
**8. Application for a Name Change:** If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing 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 five days of the entry of the order. RCW 9A.44.130(7).

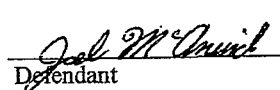
- 5.8  Count   I   is a felony in the commission of which you used a motor vehicle. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke your driver's license. RCW 46.20.285.
- 5.9 If you are or become subject to court-ordered mental health or chemical dependency treatment, you must notify DOC and you must release your treatment information to DOC for the duration of your incarceration and supervision. RCW 9.94A.562.
- 5.10 IF AN APPEAL IS PROPERLY FILED AND APPEAL BOND POSTED, THE DEFENDANT WILL REPORT TO THE DEPARTMENT OF CORRECTIONS, WHO WILL MONITOR THE DEFENDANT DURING THE PENDENCY OF THE APPEAL, SUBJECT TO ANY CONDITIONS IMPOSED BY DOC AND/OR INCULDED IN THIS JUDGMENT & SENTENCE AND SPECIFICALLY NOT STAYED BY THE COURT.**
- 5.11 Other: \_\_\_\_\_

Done in Open Court and in the presence of the defendant this date: MARCH 12, 2013.

  
Judge/Print Name: \_\_\_\_\_

  
\_\_\_\_\_  
(Deputy) Prosecuting Attorney  
WSBA No. 35587  
Print Name: J. Smith

  
\_\_\_\_\_  
Attorney for Defendant  
WSBA No. 37864  
Print Name: RYAN  
JURVAKAINEN

  
\_\_\_\_\_  
Defendant  
Print Name: JOEL DUANE  
MCANINCH

**Voting Rights Statement:** I acknowledge that my right to vote has been lost due to felony conviction. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.660.

Defendant's signature: \_\_\_\_\_

*John M. [Signature]*

I am a certified interpreter of, or the court has found me otherwise qualified to interpret, the \_\_\_\_\_ language, which the defendant understands. I translated this Judgment and Sentence for the defendant into that language.

Interpreter signature/Print name: \_\_\_\_\_

I, \_\_\_\_\_, Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action now on record in this office.

Witness my hand and seal of the said Superior Court affixed this date: \_\_\_\_\_.

Clerk of the Court of said county and state, by: \_\_\_\_\_, Deputy Clerk

Identification of the Defendant

SID No. WA22797535  
(If no SID take fingerprint card for State Patrol)

Date of Birth: 08/21/82

FBI No. 295879JC4

Local ID No. 75306

PCN No. \_\_\_\_\_

ORI# WA0080500

Alias name, DOB: \_\_\_\_\_

Race:

- Asian/Pacific Islander
- Black/African-American
- Caucasian
- Native American
- Other: \_\_\_\_\_

Ethnicity:

- Hispanic
- Non-Hispanic

Sex:

- Male
- Female

Fingerprints: I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto.

Clerk of the Court, Deputy Clerk, S. Myhrstedt Dated: 3-12-13

The defendant's signature: Jul. McDavid

Left four fingers taken simultaneously

Left Thumb

Right Thumb

Right four fingers taken simultaneously

