

No. 47020-9-II

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

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STATE OF WASHINGTON,

Respondent,

v.

JAMIE A. HESLEN

Appellant.


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BRIEF OF RESPONDENT

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MARK MCCLAIN  
Pacific County Prosecuting Attorney

By:

  
Mark McClain, WSBA No. 30909  
Prosecuting Attorney  
OID #91115

Pacific County Prosecutor's Office  
PO Box 45  
South Bend, WA 98586-0045  
(360) 875-9361

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**RESPONSE TO PETITIONER'S ISSUES AND ASSIGNMENTS OF ERROR**

1. The State proved the elements of the crime beyond a reasonable doubt. Ms. Heslen admitted that the purse in the vehicle was hers, there were forms of identification with her name on them in the purse, and marijuana, which she said would be in the purse, was, in fact found in the purse along with the methamphetamine.
2. The trial court did not error by imposing a prohibition from possessing or consuming marijuana while on community custody. Crime related prohibitions and treatment, when combined with a finding of chemical dependency, permit the court to order a defendant not to consume an illegal drug, or other substance, including alcohol.

**I. STATEMENT OF THE CASE**

The State accepts, with the following clarifications and additions, the Appellant's Statement of the Case.

On January 17, 2014 Officer Garrett Spencer stopped a 1998 Dodge Dakota pickup truck for a shattered windshield which blocked the driver's view and no mud flaps. RP (8/6/14) 10-11. The driver of the vehicle, James Heslen, produced a false insurance card, was arrested and search incident to his arrest Office Garrett located methamphetamine in Mr. Heslen's front jean pants pocket. RP (8/6/14) 12. Jamie Heslen, the Appellant in this matter, was the passenger in the pickup truck and is the daughter of the driver, James Heslen. Ms. Heslen, was well-known by Office Garrett from

many law enforcement contacts. RP (8/6/14) 13. Officer Garrett contacted Deputy Ryan Tully of the Pacific County Narcotics Task Force and Deputy Tully informed Officer Garrett that there was probable cause to arrest Ms. Heslen for two counts of delivery of a controlled substance. RP (8/6/14) 14. Officer Garrett arrested Ms. Helsen and provided her *Miranda*<sup>1</sup> rights and detained Ms. Helsen away from the pickup truck. RP (8/6/14) 14. Deputy Tully arrived at the scene and spoke with Ms. Helsen who told Deputy Tully that the backpack in the passenger seat of the pickup truck was hers and that there would be marijuana inside the backpack. RP (8/6/14) 32. The vehicle was sealed with evidence tape, transported from the scene, a search warrant obtained, and the following day Deputy Tully searched the pickup truck. RP (8/6/14) 32, 34. Lieutenant Bergstrom searched the passenger compartment of the pickup truck and located the backpack Ms. Helsen indicated was hers on the passenger seat of the vehicle. RP (8/6/14) 24. He found three health care cards in the backpack with the name Jamie Heslen inside the backpack. RP (8/6/14) 24. Lt. Bergstrom then turned the backpack over to Deputy Tully who located a pouch, similar to a sunglass case, inside Ms. Heslen's backpack. Inside the sun glass case was a pipe

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<sup>1</sup> *Miranda v. Arizona*, 384 U.S. 436, 86 S. Ct. 1602, 16 L.ed 2d 694 (1966).

with what later was determined by the Washington State Crime Lab to be methamphetamine. RP (8/6/14) 34, 35, 44, 46, 51

Officers did not locate any other backpacks in the vehicle. RP (8/6/14) 36. The backpack that Deputy Tully located the methamphetamine in was the same backpack that Ms. Heslen identified as belonging to her. RP (8/6/14) 36. As Ms. Heslen indicated to Deputy Tully, marijuana was also located in her backpack. RP (8/1/14) 17.

## II. ARGUMENT

### 1. **THE STATE PROVED BEYOND A REASONABLE DOUBT THAT MS. HESLEN POSSESSED METHAMPHETAMINE.**

#### **A. Standard of Review.**

Evidence is sufficient to support a conviction if, viewed in the light most favorable to the jury's verdict, it permits any rational trier of fact to find the essential elements of the crime beyond a reasonable doubt. *State v. Hathaway*, 161 Wash.App. 634, 251 P.3d 253 (2011), citing *State v. Salinas*, 119 Wash.2d 192, 201, 829 P.2d 1068 (1992). A claim of insufficiency admits the truth of the State's evidence and all reasonable inferences that a trier of fact can draw from that evidence. *Salinas*, 119 Wash.2d at 201, 829 P.2d 1068. Circumstantial evidence and direct evidence are equally reliable. *State v. Delmarter*, 94 Wash.2d 634, 638, 618 P.2d 99 (1980). The

trier of fact is the sole and exclusive judge of the evidence. *State v. Bencivenga*, 137 Wash.2d 703, 709, 974 P.2d 832 (1999). Appellate Courts defer to the trier of fact's resolution of conflicting testimony, evaluation of witness credibility, and decisions regarding the persuasiveness of evidence. *State v. Camarillo*, 115 Wash.2d 60, 71, 794 P.2d 850 (1990); *State v. Walton*, 64 Wash.App. 410, 415–16, 824 P.2d 533, *review denied*, 119 Wash.2d 1011, 833 P.2d 386 (1992).

**B. Ms. Heslen possessed methamphetamine**

To prove unlawful possession of a controlled substance, the State must prove only “the nature of the substance and the fact of possession.” *State v. Bradshaw*, 152 Wash.2d 528, 538, 98 P.3d 1190 (2004) (referring to the unlawful possession statute as the “mere possession” statute), *cert. denied*, 544 U.S. 922, 125 S.Ct. 1662, 161 L.Ed.2d 480 (2005); see RCW 69.50.4013. Possession can be actual or constructive. *State v. Reichert*, 158 Wash.App. 374, 390, 242 P.3d 44, (2010), *review denied*, 171 Wash.2d 1006, 249 P.3d 183 (2011). Actual possession occurs when a defendant has physical custody of the item, and constructive possession occurs if the defendant has dominion and control over the item. *State v. Jones*, 146 Wash.2d 328, 333, 45 P.3d 1062 (2002).



Here, Ms. Heslen told the officers that the backpack in the vehicle was hers. There was only one backpack in the vehicle. The backpack was located in the passenger compartment of a pickup truck, which is where she was sitting when she was removed and arrested. Inside the backpack were three medical cards with her name on the cards. RP (8/6/14) 24, 32, 34, 35, 44, 46, 51. Finally, other items which Ms. Heslen said would be in the backpack were located in her backpack, specifically marijuana. RP (8/1/14) 17.

**2. THE TRIAL COURT PROPERLY PROHIBITED MS. HESLEN'S USE OF MARIJUANA**

As a preliminary matter, the State asserts that Ms. Heslen's claim is not ripe for review. *State v. Cates*, --- P.3d --- (2015). A matter is not ripe unless the primary issues raised are legal, do not require further factual development, and the challenged action is final; however, this Court is required to consider the hardship on the appellant if review is refused. *Id.* citing *State v. Bahl*, 164 Wash.2d 739, 789, 193 P.3d 678(2008). Marijuana remains a federally defined and prohibited controlled substance, entirely preempted by Federal law. Therefore, possession constitute criminal conduct. Otherwise, it appears there are no additional facts requiring development to resolve the issue at hand, the issues is legal, and

Ms. Heslen is challenging the final Judgment and Sentence in the matter. Consequently, response seems appropriate and is provided below.

**A. Standard of Review.**

Appellate review of a trial courts order, as to whether there is statutory authority to impose a community custody condition, is reviewed *de novo*. *State v. Acevedo*, 159 Wash. App. 221, 231, 248 P.3d 526 (2010). If the trial court had statutory authorization, the conditions are reviewed for an abuse of discretion. *State v. Valencia*, 169 Wash.2d 782, 791–92, 239 P.3d 1059 (2010); *State v. Bahl*, 164 Wash.2d at 753 (imposition of conditions of community custody is within the discretion of the sentencing court and will be reversed if manifestly unreasonable). Review of underlying imposition of community custody is reviews for substantial evidence. *State v. Kolesnik*, 146 Wash.App. 790, 192 P.3d 937 (2008)(upholding the crime-related prohibition of not possessing or using paraphernalia in an violent offense because the defendant was under the influence of methamphetamine at the time he committed the offense), citing *State v. Brockob*, 159 Wash.2d 311, 343, 150 P.3d (2006).

**B. The trial court's order should not be disturbed**

The Sentencing Reform Act of 1981 authorizes the trial court

to impose crime-related prohibitions and affirmative conditions as part of a sentence. RCW 9.94A.505(9) provides:

As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter. "Crime-related prohibitions" may include a prohibition on the use or possession of alcohol or controlled substances if the court finds that any chemical dependency or substance abuse contributed to the offense.

Appellate courts reviews sentencing conditions for abuse of discretion. *State v. Riley*, 121 Wash.2d 22, 37, 846 P.2d 1365 (1993). Such conditions are usually upheld if reasonably crime related. *Id.* at 36–37, 846 P.2d 1365.

Here, the trial court found Ms. Heslen has a chemical dependency that contributed to the offense pursuant to RCW 9.94A.607<sup>2</sup> and ordered that she complete a drug evaluation and comply with recommended treatment as well as not possess or consume marijuana, a condition to which she now complains. Because RCW 9.94A.607 authorizes a trial court, as a condition of the sentence, to order the offender to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which the offender has

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<sup>2</sup> Appendix A, which is the Judgment and Sentence, found Ms. Heslen has a chemical dependency and ordered her to participate in drug and alcohol evaluation and comply with recommended services and treatment and not possess or consume marijuana.

been convicted and reasonably necessary or beneficial to the offender and the community in rehabilitating the offender, the condition that she not possess a controlled substance and participate in treatment, is an appropriate crime-related prohibition.<sup>3</sup> Ms. Heslen has a chemical dependency and had both marijuana and methamphetamine at the time of her arrest. Consequently, the crime-related prohibition relates to the circumstances of the offense. See also *State v. Llama-Villa*, 67 Wash.App. 448, 836 P.2d 239 (1992).

Appellant asserts that the legislature carved out a single exception to the general rule regarding crime-related prohibitions, pertaining to the consumption of alcohol. Appellant brief at p. 10. The State disagrees, RCW 9.94A.703 provides mandatory conditions, waivable conditions, discretionary conditions, and special conditions. Further, RCW 9.94A.703(3) provides for several discretionary conditions, including ordering the participation in crime-related treatment or counseling services (c) or rehabilitative programs related to the circumstances of the offense (d), among others.

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<sup>3</sup> It is worth noting that Ms. Heslen committed this matter while on community custody and was sentenced consecutively to cause number 14-1-00175-6 (attached) and admitted to a prison based drug offender sentencing alternative.


### III. CONCLUSION

Sufficient evidence was admitted at trial to support the verdict beyond a reasonable doubt. Ms. Heslen possessed methamphetamine. Ms. Heslen admitted she was in possession of the backpack in the vehicle. She further admitted the backpack was hers and inside the backpack were three health cards with her name on the cards. Ms. Heslen admitted marijuana would be found in the backpack, and it was. The backpack was in the area of the vehicle where she was located at the time of her arrested and there were no other backpacks located within the vehicle.

The trial court has the authority to impose as a condition of sentence for possession of a controlled substance, that she not possess or use marijuana. This is reasonably related to her crime and related to the chemical dependency treatment ordered.

RESPECTFULLY submitted this 28<sup>th</sup> day of July, 2015.

MARK MCCLAIN  
Pacific County Prosecuting Attorney

by:   
MARK MCCLAIN, WSBA 30909  
Attorney for the Respondent.

## APPENDIX

FILED

2014 DEC 12 PM 3:01

VIRGINIA LEACH, CLERK  
PACIFIC COUNTY, WA

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

**Superior Court of Washington  
County of Pacific**

State of Washington, Plaintiff,

vs.

JAMIE A. HESLEN,                      01/12/1976  
Defendant.                                      DOB  
PCN:  
SID: WA18339758

No. 14-1-00019-5

**Felony Judgment and Sentence --  
Prison  
(FJS)**

Clerk's Action Required, para 2.1, 4.1, 4.3, 4.8  
5.2, 5.3, 5.5 and 5.7

Defendant Used Motor Vehicle

Juvenile Decline  Mandatory  Discretionary

**I. Hearing**

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

**II. Findings**

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

guilty plea (date)  jury-verdict (date) \_\_\_\_\_  bench trial (date) 8/6/14 \_\_\_\_\_:

Count	Crime	RCW (w/subsection)	Class	Date of Crime
I.	POSSESSION OF METHAMPHETAMINE	69.50.4013	C	1/18/14

Class: FA (Felony-A), FB (Felony-B), FC (Felony-C)

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

Additional current offenses are attached in Appendix 2.1a.

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

For the crime(s) charged in Count \_\_\_\_\_, domestic violence was pled and proved.  
RCW 10.99.020.

The defendant used a firearm in the commission of the offense in Count \_\_\_\_\_. RCW 9.94A.825, 9.94A.533.

The defendant used a deadly weapon other than a firearm in committing the offense in Count \_\_\_\_\_. RCW 9.94A.825, 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.

- In count \_\_\_\_\_ the defendant committed a robbery of a pharmacy as defined in RCW 18.64.011(2), RCW 9.94A.\_\_\_\_\_.
- 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.
- Count \_\_\_\_\_ is a criminal street gang-related felony offense in which the defendant compensated, threatened, or solicited a minor in order to involve that minor in the commission of the offense. RCW 9.94A.833.
- Count \_\_\_\_\_ is the crime of unlawful possession of a firearm and the defendant was a criminal street gang member or associate when the defendant committed the crime. RCW 9.94A.702, 9.94A.829.
- 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.
- In Count \_\_\_\_\_, the defendant had (number of) \_\_\_\_\_ passenger(s) under the age of 16 in the vehicle. RCW 9.94A.533.
- Count \_\_\_\_\_ involves attempting to elude a police vehicle and during the commission of the crime the defendant endangered one or more persons other than the defendant or the pursuing law enforcement officer. RCW 9.94A.834.
- In Count \_\_\_\_\_ the defendant has been convicted of assaulting a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault, as provided under RCW 9A.36.031, and the defendant intentionally committed the assault with what appeared to be a firearm. RCW 9.94A.831, 9.94A.533.
- Count \_\_\_\_\_ is a felony in the commission of which the defendant used a motor vehicle. RCW 46.20.285.
- ❖ If checked, complete section 5.7 below.
- The defendant has a chemical dependency that has contributed to the offense(s). RCW 9.94A.607.
- In Count \_\_\_\_\_, assault in the 1<sup>st</sup> degree (RCW 9A.36.011) or assault of a child in the 1<sup>st</sup> degree (RCW 9A.36.120), the offender used force or means likely to result in death or intended to kill the victim and shall be

subject to a mandatory minimum term of 5 years (RCW 9.94A.540)

- Counts \_\_\_\_\_ encompass the same criminal conduct and counts as one crime in determining the offender score. RCW 9.94A.589.
- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

	<i>Crime</i>	<i>Cause Number</i>	<i>Court (county &amp; state)</i>	<i>DV* Yes</i>
1.				
2.				

\* DV: Domestic Violence was pled and proved.

- Additional current convictions listed under different cause numbers used in calculating the offender score are attached in Appendix 2.1b.



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

	<i>Crime</i>	<i>Date of Crime</i>	<i>Date of Sentence</i>	<i>Sentencing Court (County &amp; State)</i>	<i>A or J Adult, Juv.</i>	<i>Type of Crime</i>	<i>DV* Yes</i>
1	POSS OF METH	9/30/09	1/8/10	PACIFIC CO	A	F	
2	POSS OF METH	12/19/09	1/8/10	PACIFIC CO	A	F	
3	POSS OF METH	9/9/06	2/2/07	PACIFIC CO	A	F	
4	POSS METH	8/17/05	4/7/06	PACIFIC CO	A	F	
5	POSS METH	2/20/06	4/7/06	PACIFIC CO	A	F	
6	PSP 1 <sup>ST</sup>	1/11/04	2/2/04	DOUGLAS CO	A	F	

\* DV: Domestic Violence was pled and proved.

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 prior convictions listed as number(s) \_\_\_\_\_, above, or in appendix 2.2, are one offense for purposes of determining the offender score (RCW 9.94A.525)

The prior convictions listed as number(s) \_\_\_\_\_, above, or in appendix 2.2, are not counted as points but as enhancements pursuant to RCW 46.61.520.

**2.3 Sentencing Data:**

<i>Count No.</i>	<i>Offender Score</i>	<i>Seriousness Level</i>	<i>Standard Range (not including enhancements)</i>	<i>Plus Enhancements*</i>	<i>Total Standard Range (including enhancements)</i>	<i>Maximum Term</i>
1	7	1	12+-24 MONTHS			5 YRS \$10,000

\* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (RPh) Robbery of a pharmacy, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present, (CSG) criminal street gang involving minor, (AE) endangerment while attempting to elude, (ALF) assault law enforcement with firearm, RCW 9.94A.533(12), (P16) Passenger(s) under age 16.

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  filed with the court  as follows: \_\_\_\_\_

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

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.

within the standard range for Count(s) \_\_\_\_\_, but served consecutively to Count(s) \_\_\_\_\_.

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 Legal Financial Obligations/Restitution.** The court has considered the total amount owing, the defendant's 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. (RCW 10.01.160). The court makes the following specific findings:  
 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): \_\_\_\_\_  
 The defendant has the present means to pay costs of incarceration. RCW 9.94A.760.  
 (Name of agency) \_\_\_\_\_ 's costs for its emergency response are reasonable. RCW 38.52.430 (effective August 1, 2012).

- 2.6  Felony Firearm Offender Registration.** The defendant committed a felony firearm offense as defined in RCW 9.41.010. (Any felony involving a firearm, any RCW 9.41 offense, driveby shooting, theft of a firearm or possession of stolen firearm).  
 The court considered the following factors:  
 the defendant's criminal history.  
 whether the defendant has previously been found not guilty by reason of insanity of any offense in this state or elsewhere.  
 evidence of the defendant's propensity for violence that would likely endanger persons.  
 other: \_\_\_\_\_  
 The court decided the defendant  should  should not register as a felony firearm offender.

### III. Judgment

- 3.1 The defendant is **guilty** of the Counts and Charges listed in Paragraph 2.1 and Appendix 2.1.  
3.2  The court **dismisses** Counts \_\_\_\_\_ in the charging document \_\_\_\_\_

### IV. Sentence and Order

*It is ordered:*

**4.1 C onfinement.** 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):

24 months on Count I \_\_\_\_\_ 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  VUCSA in a protected zone  
 manufacture of methamphetamine with juvenile present.

Actual number of months of total confinement ordered is: 24 MONTHS CONSECUTIVE TO 14-1-173-6

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: \_\_\_\_\_

This sentence shall run consecutively with the sentence in the following cause number(s) (see RCW 9.94A.589(3)): 14-1-00173-6

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

- (b) **Credit for Time Served.** 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.
- (c)  **Work Ethic Program.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic program. The court recommends that the defendant serve the sentence at a work ethic program. Upon completion of work ethic program, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions in Section 4.2. 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 confinement.

**4.2 Community Custody .** (To determine which offenses are eligible for or required for community custody see RCW 9.94A.701)

(A) The defendant shall be on community custody for:

Count(s) \_\_\_\_\_ 36 months for Serious Violent Offenses  
Count(s) \_\_\_\_\_ 18 months for Violent Offenses  
Count(s) 1 12 months (for crimes against a person, drug offenses, or offenses involving the unlawful possession of a firearm by a street gang member or associate)

Note: combined term of confinement and community custody for any particular offense cannot exceed the statutory maximum. RCW 9.94A.701.

(B) While on 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 on community custody; (6) not own, use, or possess firearms or ammunition; (7) pay supervision fees as determined by DOC; (8) perform affirmative acts as required by DOC to confirm compliance with the orders of the court; and (9) abide by any additional conditions imposed by DOC under RCW 9.94A.704 and .706. The defendant's residence location and living arrangements are subject to the prior approval of DOC while on community custody.

The court orders that during the period of supervision the defendant shall:

- consume no alcohol.
- have no contact with: \_\_\_\_\_
- remain  within  outside of a specified geographical boundary, to wit: \_\_\_\_\_
- not serve in any paid or volunteer capacity where he or she has control or supervision of minors under 13 years of age.
- participate in the following crime-related treatment or counseling services: \_\_\_\_\_
- undergo an evaluation for treatment for  domestic violence  substance abuse  mental health  anger management, and fully comply with all recommended treatment.
- comply with the following crime-related prohibitions: \_\_\_\_\_

Other conditions: See Attached Appendix H.

Court Ordered Treatment: If any court orders mental health or chemical dependency treatment, the defendant must notify DOC and the defendant must release treatment information to DOC for the duration of incarceration and supervision. RCW 9.94A.562.

**4.3 Legal Financial Obligations:** The defendant shall pay to the clerk of this court: \_\_\_\_\_

JASS CODE

PCV \$ 500 Victim assessment RCW 7.68.035  
 PDV \$ Domestic Violence assessment RCW 10.99.080  
 CRC \$ 200 Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190  
     Criminal filing fee \$ 200 FRC  
     Witness costs \$ WFR  
     Sheriff service fees \$ SFR/SFS/SFW/WRF  
     Jury demand fee \$ JFR  
     Extradition costs \$ EXT  
     Other \$  
 PUB \$ 250 Fees for court appointed attorney RCW 9.94A.760  
 WFR \$ Court appointed defense expert and other defense costs RCW 9.94A.760  
 FCM/MTH \$ 2,000 Fine RCW 9A.20.021;  VUCSA chapter 69.50 RCW,  VUCSA additional  
     fine deferred due to indigency RCW 69.50.430  
 CDF/LDI/FCD \$ Drug enforcement fund of \_\_\_\_\_ RCW 9.94A.760  
 NTF/SAD/SDI \$ DUI fines, fees and assessments  
 CLF \$ 100 Crime lab fee  suspended due to indigency RCW 43.43.690  
     \$ 100 DNA collection fee RCW 43.43.7541  
 FPV \$ Specialized forest products RCW 76.48.140  
     \$ Other fines or costs for: \_\_\_\_\_  
 DEF \$ Emergency response costs (\$1000 maximum, \$2,500 max. effective Aug. 1,

2012.) RCW 38.52.430

Agency: \_\_\_\_\_

RTN/RJN \$ Restitution to: \_\_\_\_\_  
 \$ Restitution to: \_\_\_\_\_  
 \$ Restitution to: \_\_\_\_\_

(Name and Address--address may be withheld and provided confidentially to Clerk of the Court's office.)

\$ 3 150 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:

shall be set by the prosecutor.  
 is scheduled for \_\_\_\_\_ (date).

The defendant waives any right to be present at any restitution hearing (sign initials): \_\_\_\_\_

Restitution Schedule attached.

Restitution ordered above shall be paid jointly and severally with:

Name of other defendant      Cause Number      (Victim's name)      (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 DOC or the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ 35.00 per month commencing one month after entry of this Judgment and Sentence or one month after release from custody; unless the defendant enters into a time payment agreement with the Clerk of the Court. 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 orders the defendant to pay costs of incarceration at the rate of \$ \_\_\_\_\_ per day, (actual costs not to exceed \$100 per day). (JLR) RCW 9.94A.760. (This provision does not apply to costs of incarceration collected by DOC under RCW 72.09.111 and 72.09.480.)

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.

**4.4 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. This paragraph does not apply if it is established that the Washington State Patrol crime laboratory already has a sample from the defendant for a qualifying offense. RCW 43.43.754.

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

**4.5 No Contact:**

The defendant shall not have contact with \_\_\_\_\_ (name) including, but not limited to, personal, verbal, telephonic, written or contact through a third party until \_\_\_\_\_ (which does not exceed the maximum statutory sentence).

The defendant is excluded or prohibited from coming within \_\_\_\_\_ (distance) of:  
 \_\_\_\_\_ (name of protected person(s))'s  home/  
residence  work place  school  (other location(s)) \_\_\_\_\_, or  
 other location: \_\_\_\_\_  
until \_\_\_\_\_ (which does not exceed the maximum statutory sentence).

A separate Domestic Violence No-Contact Order, Antiharassment No-Contact Order, or Stalking No-Contact Order is filed concurrent with this Judgment and Sentence.

**4.6 Other:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4.7 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: \_\_\_\_\_  
\_\_\_\_\_

**4.8 Exoneration:** The Court hereby exonerates any bail, bond and/or personal recognizance conditions.

**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). 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).

**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 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.633.

(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.714.

**5.5a Firearms.** You may not own, use or possess any firearm, and under federal law any firearm or ammunition, unless your right to do so is restored by the court in which you are convicted or the superior court in Washington State where you live, and by a federal court if required. ~~You must immediately surrender any concealed pistol license.~~ (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.

**5.5b Felony Firearm Offender Registration.** If the court has determined that the Defendant should be required to register in section 2.6 above, this section applies and the defendant is required to register as a felony firearm offender. The specific registration requirements are in the "Felony Firearm Offender Registration" attachment.

5.6 Reserved

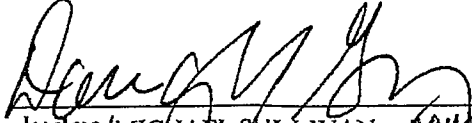
**5.7  Department of Licensing Notice:** The court finds that Count \_\_\_\_\_ is a felony in the commission of which a motor vehicle was used. Clerk's Action—The clerk shall forward an Abstract of Court Record (ACR) to the DOL, which must revoke the Defendant's driver's license. RCW 46.20.285. Findings for DUI, Physical Control, Felony DUI or Physical Control, Vehicular Assault, or Vehicular Homicide (ACR information) (Check all that apply):

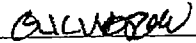
- Within two hours after driving or being in physical control of a vehicle, the defendant had an alcohol concentration of breath or blood (BAC) of \_\_\_\_.
- No BAC test result.
- BAC Refused. The defendant refused to take a test offered pursuant to RCW 46.20.308.
- Drug Related. The defendant was under the influence of or affected by any drug.
- THC level was \_\_\_\_\_ within two hours after driving.
- Passenger under age 16. The defendant committed the offense while a passenger under the age of sixteen was in the vehicle.

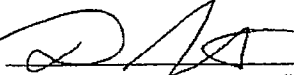
Vehicle Info.:  Commercial Veh.  16 Passenger Veh.  Hazmat Veh.


5.8 Other: \_\_\_\_\_

Done in Open Court and in the presence of the defendant this date: DECEMBER 12 2014

  
Judge/~~MICHAEL SULLIVAN~~ DOUGLAS GOETZ

  
ERIC WESTON, WSBA#21357  
Chief Deputy Prosecuting Attorney

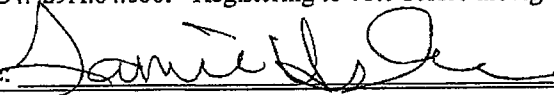
  
DAVID HATCH, WSBA#21310  
Attorney for Defendant

  
JAMIE A. HESLEN  
Defendant

**Voting Rights Statement:** I acknowledge that I have lost my right to vote because of this felony conviction. If I am registered to vote, my voter registration will be cancelled.

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

My right to vote may be permanently restored by one of the following for each felony conviction: 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 29A.84.660. Registering to vote before the right is restored is a class C felony, RCW 29A.84.140.

Defendant's signature: 

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

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) \_\_\_\_\_, (state) \_\_\_\_\_, on (date) \_\_\_\_\_.

\_\_\_\_\_  
Interpreter

\_\_\_\_\_  
Print Name

## VI. Identification of the Defendant

SID No. WA18339758  
 (If no SID complete a separate Applicant card  
 (form FD-258) for State Patrol)

Date of Birth 01/12/1976

FBI No. 58160AC7

Local ID No. \_\_\_\_\_

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

Other \_\_\_\_\_

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

**Race:**

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

**Ethnicity:**

- Hispanic   
  Male  
 Non-Hispanic   
  Female

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

Clerk of the Court, ~~Deputy Clerk~~, *[Signature]*

Dated: 12-12-2014

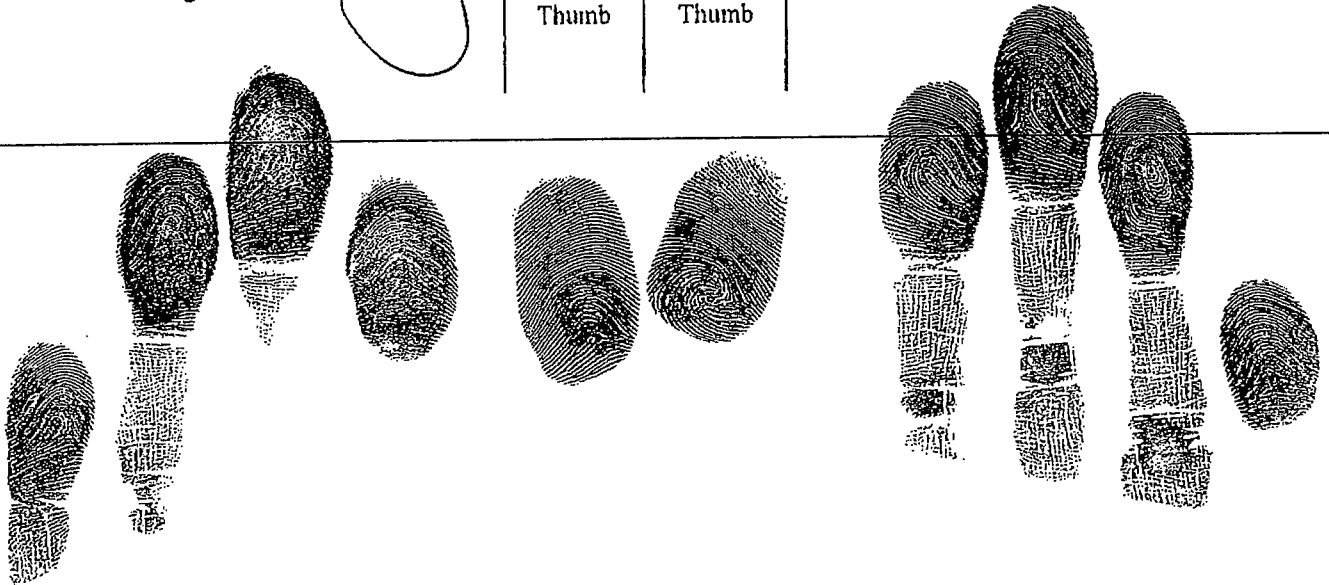
**The defendant's signature:** *[Signature]*

Left four fingers taken simultaneously

Left  
Thumb

Right  
Thumb

Right four fingers taken simultaneously





JUDGMENT AND SENTENCE (FELONY) APPENDIX "H" ADDITIONAL CONDITIONS OF SENTENCE

4.3 Continued: Additional conditions of sentence are:

[X] Defendant shall serve the community custody term defined in section 4.2 above. Defendant shall report to the Department of Corrections, by phone at (360)533-9758 or (360)942-4817, within 72 hours of the commencement of community custody and the defendant shall comply with all rules, regulations and requirements of the Department of Corrections, and any other conditions of community custody stated in this Judgment and Sentence;

[X] Must consent to DOC home visits to monitor compliance with supervision. Home visits include access for the purposes of visual inspection of all areas of residence, in which the offender lives or has exclusive/joint control/access.

[X] Defendant shall report to and be available for contact with the assigned community corrections officer as directed;

[X] Defendant shall work at department-approved education, employment, or community restitution, or any combination thereof;

[X] Defendant shall not possess or consume controlled substances except pursuant to lawfully issued prescriptions;

[X] Defendant shall pay supervision fees as determined by the Department;

[X] The residence location and living arrangements shall be subject to the prior approval of the department during the period of community placement;

[X] The Defendant shall remain within, or outside of, a specified geographical boundary.

[X] The Defendant shall participate in crime-related treatment or counseling services, which shall include a drug and alcohol evaluation and comply with any recommended services and treatment;

[X] The Defendant shall not possess or consume alcohol or marijuana during the term of community custody;

[X] The defendant shall comply with any crime-related prohibitions.

~~[X] The defendant shall have no direct or indirect contact with \_\_\_\_\_.~~

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
FOR PACIFIC COUNTY

STATE OF WASHINGTON,

Plaintiff

vs.

JAMIE A. HESLEN,

Defendant.

NO. 14-1-00019-5

WARRANT OF COMMITMENT

STATE OF WASHINGTON

TO: The Sheriff of Pacific County.

The defendant named above, pled guilty in the Pacific County Superior Court of the State of Washington of the crime as charged in the information and the Court has ordered that the defendant be punished by serving the determined sentence of:

Count I 24 months; Count II - \_\_\_\_\_ months; Count III - \_\_\_\_\_ months.

\_\_\_\_\_ (day(s) (month(s)) of partial confinement in the County jail.

\_\_\_\_\_ (month(s)) of total confinement in the Pacific County jail.

Defendant shall receive credit for time served to this date.

YOU, THE SHERIFF, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence in the Pacific County Jail.

YOU, THE SHERIFF, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections; and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence.

The defendant is committed for up to thirty (30) days evaluation at Western State Hospital or Eastern State Hospital to determine amenability to sexual offender treatment.

YOU THE SHERIFF ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections pending delivery of the proper officers

of the Secretary of the Department of Social and Health Services.

YOU, THE PROPER OFFICERS OF THE SECRETARY OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES, ARE COMMANDED, to receive the defendant for evaluation as ordered in the Judgment and Sentence.

DATED this 12 day of DECEMBER, 2014.



By Direction of the Honorable  
**DOUGLAS GOELZ**

\_\_\_\_\_  
JUDGE JUDGE PRO-TEM

\_\_\_\_\_  
CLERK

BY: \_\_\_\_\_

DEPUTY CLERK

cc: Prosecuting Attorney  
Defendant's Lawyer  
Defendant  
Jail ✓  
Institutions (3) (2)

\_\_\_\_\_  
*SK*

FILED

2014 DEC 12 PM 2:59

VIRGINIA LEACH CLERK  
PACIFIC COUNTY WABY all  
DEPUTY**Superior Court of Washington  
County of PACIFIC****State of Washington**, Plaintiff,

vs.

JAMIE H. HESLEN, 01/12/1976  
Defendant. DOB  
PCN:  
SID: WA18339758**14 9 00388 6**  
No. ~~14~~-1-0073-6**Felony Judgment and Sentence  
Drug Offender Sentencing Alternative  
(FJS)**

- Clerk's Action Required, 2.1, 3.2, 4.1, 4.3, 4.7, 5.2, 5.3, 5.5 and 5.7  
 Defendant Used Motor Vehicle  
 Juvenile Decline  Mandatory  Discretionary

**I. Hearing**

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

**II. Findings**

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

guilty plea (date) 12/12/14  jury-verdict (date) \_\_\_\_\_  bench trial (date) \_\_\_\_\_

<b>Count</b>	<b>Crime</b>	<b>RCW (w/subsection)</b>	<b>Class</b>	<b>Date of Crime</b>
I	DELIVERY OF METHAMPHETAMINE	69.50.401(1)(2)(b)	B	8/20/14
II	DELIVERY OF METHAMPHETAMINE	69.50.401(1)(2)(b)	B	8/21/14
III	DELIVERY OF METHAMPHETAMINE	69.50.401(1)(2)(b)	B	8/27/14

Class: FA (Felony-A), FB (Felony-B), FC (Felony-C)

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

Additional current offenses are attached in Appendix 2.1a.

The defendant is a drug offender who is eligible for the drug offender sentencing alternative and the court determines that the sentencing alternative is appropriate. RCW 9.94A.660.

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

GV  For the crime(s) charged in Count \_\_\_\_\_, domestic violence was pled and proved. RCW 10.99.020.

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.

*Felony Judgment and Sentence (FJS)  
(Drug Offender Sentencing Alternative)  
(RCW 9.94A.500, .505)(WPF CR 84.0400 (07/2013))*

Page 1 of 11

- In count \_\_\_\_\_ the defendant committed a robbery of a pharmacy as defined in RCW 18.64.011(21), RCW 9.94A.\_\_\_\_\_.
- 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 has a **chemical dependency** that has contributed to the offense(s). RCW 9.94A.607.
- Count \_\_\_\_\_ is a **criminal street gang**-related felony offense in which the defendant compensated, threatened, or solicited a minor in order to involve that minor in the commission of the offense. RCW 9.94A.833.
- Count \_\_\_\_\_ is the crime of **unlawful possession of a firearm** and the defendant was a **criminal street gang member** or associate when the defendant committed the crime. RCW 9.94A.702, 9.94A.829.
- Count \_\_\_\_\_ is a felony in the commission of which the defendant used a **motor vehicle**. RCW 46.20.285.
- Count \_\_\_\_\_ involves **attempting to elude** a police vehicle and during the commission of the crime the defendant endangered one or more persons other than the defendant or the pursuing law enforcement officer. RCW 9.94A.834.
- Counts \_\_\_\_\_ encompass the same criminal conduct and count as one crime in determining the offender score (RCW 9.94A.589).
- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):**

	<b>Crime</b>	<b>Cause Number</b>	<b>Court (county &amp; state)</b>	<b>DV* Yes</b>
1.				
2.				

\*DV: Domestic Violence was pled and proved.

- Additional current convictions listed under different cause numbers used in calculating the offender score are attached in Appendix 2.1b.

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

	<b>Crime</b>	<b>Date of Crime</b>	<b>Date of Sentence</b>	<b>Sentencing Court (County &amp; State)</b>	<b>A or J Adult, Juv.</b>	<b>Type of Crime</b>	<b>DV* Yes</b>
1	POSS OF METH	1/18/14	12/12/14	PACIFIC CO	A	F	
2	POSS OF METH	9/30/09	1/8/10	PACIFIC CO	A	F	
3	POSS OF METH	12/19/09	1/8/10	PACIFIC CO	A	F	
4	POSS OF METH	9/9/06	2/2/07	PACIFIC CO	A	F	
5	POSS METH	8/17/05	4/7/06	PACIFIC CO	A	F	
6	POSS METH	2/20/06	4/7/06	PACIFIC CO	A	F	
7	PSP 1 <sup>ST</sup>	1/11/04	2/2/04	DOUGLAS CO	A	F	

\*DV: Domestic Violence was pled and proved.

- 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 prior convictions listed as numbers(s) \_\_\_\_\_, above, or in appendix 2.2, are one offense for purposes of determining the offender score (RCW 9.94A.525)

The prior convictions listed as numbers(s) \_\_\_\_\_, above, or in appendix 2.2, 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	9+	II	60+-120 MONTHS			10 YRS \$20,000
II	9+	II	60+120 MONTHS			10 YRS \$20,000
III	9+	III	60+-120 MONTHS			10 YRS \$20,000

\* (V) VUCSA in a protected zone, (RPh) Robbery of a pharmacy, (JP) Juvenile present, (CSG) criminal street gang involving minor, (AE) endangerment while attempting to elude.

Additional current offense sentencing data is attached in Appendix 2.3.

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

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.

within the standard range for Count(s) \_\_\_\_\_, but served consecutively to Count(s) \_\_\_\_\_.

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 Legal Financial Obligations/Restitution.** The court has considered the total amount owing, the defendant's 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. (RCW 10.01.160). The court makes the following specific findings:

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

The defendant has the present means to pay costs of incarceration. RCW 9.94A.760.

**2.6  Felony Firearm Offender Registration.** The defendant committed a felony firearm offense as defined in RCW 9.41.010.

The court considered the following factors:

the defendant's criminal history.

whether the defendant has previously been found not guilty by reason of insanity of any offense in this state or elsewhere.

evidence of the defendant's propensity for violence that would likely endanger persons.

other: \_\_\_\_\_

The court decided the defendant  should  should not register as a felony firearm offender.

III. Judgment

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

3.2 [ ] The court dismisses Counts \_\_\_\_\_ in the charging document.

IV. Sentence and Order

It is ordered:

4.1 Confinement. The court waives imposition of a sentence within the standard range and imposes the following sentence:

(a) Prison-Based Alternative (effective for sentences imposed on or after October 1, 2005).

(1) Confinement. A term of total confinement in the custody of the Department of Corrections (DOC) (half of the midpoint of the standard range, or 12 months, whichever is greater):

45 months of total confinement in the custody of DOC on Count I.
45 months of total confinement in the custody of DOC on Count II.
45 months of total confinement in the custody of DOC on Count III.

CONCURRENT (handwritten note with bracket)

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

Work release is authorized, if eligible and approved. If the midpoint of the standard range is 24 months or less, no more than three months may be served in work release status. RCW 9.94A.731.

Credit for Time Served. 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.

(2) Community Custody. The defendant shall serve:

45 months in community custody on Count I.
45 months in community custody on Count II.
45 months in community custody on Count III.

CONFIRMATION SHALL RUN CONSECUTIVELY TO PACIFIC COUNTY CAUSE #14-1-00019-5.

(One half the midpoint of the standard range.) The defendant shall comply with the community custody conditions in paragraph 4.2.

(3) Additional Term of Community Custody. If the defendant fails to complete, or is administratively terminated from, the drug offender sentencing alternative program, the court imposes a term of 12 months community custody under RCW 9.94A.701 unless community custody is not authorized for the crime

(b) Residential Chemical Dependency Treatment-Based Alternative (effective for sentences imposed on or after October 1, 2005).

(1) The defendant shall serve:

\_\_\_\_\_ months in community custody on Count \_\_\_\_\_.
\_\_\_\_\_ months in community custody on Count \_\_\_\_\_.
\_\_\_\_\_ months in community custody on Count \_\_\_\_\_.

(A term equal to one-half of the midpoint of the standard range or two years, whichever is greater) under the supervision of the Department of Corrections (DOC), on the condition that the defendant enters and remains in residential chemical dependency treatment certified under chapter 70.96A RCW for \_\_\_\_\_ months.

- (2) The defendant shall comply with the community custody conditions in paragraph 4.2. DOC shall make chemical dependency assessment and treatment services available to the defendant during the term of community custody, within available funding.
- (3) The defendant shall appear in person or by telephone at a progress hearing and a termination hearing to be set by the court at a later date.

**4.2 Community Custody Conditions.** RCW 9.94A.660. The defendant shall report to DOC not later than 72 hours after sentencing or release from custody at the address provided in open court or by separate document. The defendant shall comply with the instructions, rules and regulations of DOC for the conduct of the defendant during the period of community custody. The defendant shall perform affirmative acts as required by DOC to confirm compliance with the orders of the court. The defendant shall not use illegal controlled substances. The defendant shall comply with any other conditions of community custody stated in this Judgment and Sentence or imposed by DOC under RCW 9.94A.704 and .706 during community custody. While under supervision the defendant shall not own, use, or possess firearms or ammunition. The court orders that during the period of supervision the defendant shall:

- (a) Undergo and successfully complete a substance abuse treatment program approved by the Division of Alcohol and Substance Abuse of the Department of Social and Health Services.
- (b) Undergo urinalysis or other testing to monitor drug-free status.  The defendant shall pay the statutory rate to DOC, while on community custody, to offset the cost of urinalysis.
- (c) Additional conditions (choose at least three):

- pay all court-ordered legal financial obligations.
- report as directed to a community corrections officer.
- notify the court or community corrections officer in advance of any change in defendant's address or employment.
- remain within or outside of prescribed geographical boundaries.
- perform community restitution (service) work.
- devote time to specific employment or training.
- stay out of areas designated by the judge.

Court Ordered Treatment: If any court orders mental health or chemical dependency treatment, the defendant must notify DOC and the defendant must release treatment information to DOC for the duration of incarceration and supervision. RCW 9.94A.562.

Other Conditions: SEE ATTACHED APPENDIX H  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4.3 Legal Financial Obligations:** The defendant shall pay to the clerk of this court:

JASS CODE  
PCV            \$ 500            Victim assessment            RCW 7.68.035  
CRC            \$ 200            Court  
costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190  
Criminal filing fee \$200            FRC



Witness costs \$ \_\_\_\_\_ WFR  
 Sheriff service fees \$ \_\_\_\_\_ SFR/SFS/SFW/WRF  
 Jury demand fee \$ \_\_\_\_\_ JFR  
 Extradition costs \$ \_\_\_\_\_ EXT  
 Other \$ \_\_\_\_\_

PUB \$ 250 Fees for court appointed attorney RCW 9.94A.760  
 WFR \$ \_\_\_\_\_ Court appointed defense expert and other defense costs RCW 9.94A.760  
 FCM/MTH \$ 2,000 Fine RCW 9A.20.021; [X] VUCSA chapter 69.50 RCW, [ ] VUCSA additional fine deferred due to indigency RCW 69.50.430

CDF/LDI/FCD \$ \_\_\_\_\_ Drug enforcement fund of \_\_\_\_\_ RCW 9.94A.760  
 NTF/SAD/SDI

CLF \$ 100 Crime lab fee [ ] suspended due to indigency RCW 43.43.690  
 \$ 100 DNA collection fee RCW 43.43.7541

FPV \$ \_\_\_\_\_ Specialized forest products RCW 76.48.140  
 \$ \_\_\_\_\_ Other fines or costs for: \_\_\_\_\_

\$ \_\_\_\_\_ Restitution to: \_\_\_\_\_

RTN/RJN \$ \_\_\_\_\_ Restitution to: \_\_\_\_\_

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

\$ 3 150 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:

shall be set by the prosecutor.  
 is scheduled for \_\_\_\_\_ (Date).

The defendant waives any right to be present at any restitution hearing (sign initials): \_\_\_\_\_.

Restitution Schedule attached.

Restitution ordered above shall be paid jointly and severally with:

Name of other defendant      Cause Number      (Victim's name)      (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 DOC or the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ \_\_\_\_\_ 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 orders the defendant to pay costs of incarceration at the rate of \$ \_\_\_\_\_ per day (actual costs not to exceed \$100 per day). (JLR) RCW 9.94A.760. (This provision does not apply to costs of incarceration collected by DOC under RCW 72.09.111 and 72.09.480.)

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.

**4.4 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. This paragraph does not apply if it is established that the Washington State Patrol crime laboratory already has a sample from the defendant for a qualifying offense. RCW 43.43.754.

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

**4.5 No Contact :**

The defendant shall not have contact with \_\_\_\_\_ (name) including, but not limited to, personal, verbal, telephonic, written or contact through a third party until \_\_\_\_\_ (which does not exceed the maximum statutory sentence).

The defendant is excluded or prohibited from coming within \_\_\_\_\_ (distance) of:  
 \_\_\_\_\_ (name of protected person(s))'s  home/  
residence  work place  school  (other location(s)) \_\_\_\_\_, or  
 other location \_\_\_\_\_,  
until \_\_\_\_\_ (which does not exceed the maximum statutory sentence).

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

**4.6 Other:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4.7 Exoneration:** The Court hereby exonerates any bail, bond and/or personal recognizance conditions.

**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 1073.100. 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). 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).

**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 Community Custody Violation.**

(a) Prison-based alternative: If DOC finds that you willfully violated the conditions of the drug offender sentencing alternative program, DOC may reclassify you to serve the remaining balance of the original sentence.

(b) Residential chemical dependency treatment-based alternative: If the court finds that you willfully violated the conditions of the drug offender sentencing alternative, the court may order you 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.

(c) In any case, 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.633.

(d) In any case, 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.714.

**5.5a Firearms.** You may not own, use or possess any firearm, and under federal law any firearm or ammunition, unless your right to do so is restored by the court in which you are convicted or the superior court of Washington State where you live, and by a federal court if required. **You must immediately surrender any concealed pistol license.** (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.

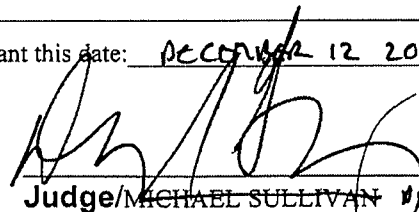
**5.5b**  **Felony Firearm Offender Registration.** The defendant is required to register as a felony firearm offender. The specific registration requirements are in the "Felony Firearm Offender Registration" attachment.

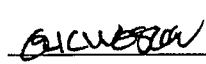
5.6 Reserved.


**5.7**  **Department of Licensing Notice:** The court finds that Count \_\_\_\_\_ is a felony in the commission of which a motor vehicle was used. **Clerk's Action**—The clerk shall forward an Abstract of Court Record (ACR) to the DOL, which must revoke the Defendant's driver's license. RCW 46.20.285.


**5.8 Other:** \_\_\_\_\_

*Done* in Open Court and in the presence of the defendant this date: December 12 2014

  
Judge MICHAEL SULLIVAN DOUGLAS GOELZ

  
ERIC WESTON, WSBA#21357 V.  
Chief Deputy Prosecuting Attorney

  
DAVID HATCH, WSBA#21310  
Attorney for Defendant

  
JAMIE H. HESLEN  
Defendant

**Voting Rights Statement:** I acknowledge that I have lost my right to vote because of this felony conviction. If I am registered to vote, my voter registration will be cancelled.

My right to vote is provisionally restored as long as I am not under the authority of DOC (not serving a sentence of confinement in the custody of DOC and not subject to community custody as defined in RCW 9.94A.030). I must re

register before voting. The provisional right to vote may be revoked if I fail to comply with all the terms of my legal financial obligations or an agreement for the payment of legal financial obligations.

My right to vote may be permanently restored by one of the following for each felony conviction: 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 29A.84.660. Registering to vote before the right is restored is a class C felony, RCW 29A.84.140.

Defendant's signature: *Janice [Signature]*

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

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) \_\_\_\_\_, (state) \_\_\_\_\_, on (date) \_\_\_\_\_.

\_\_\_\_\_  
Interpreter

\_\_\_\_\_  
Print Name

### VI. Identification of the Defendant

SID No. WA18339758  
(If no SID complete a separate Applicant card  
(form FD-258) for State Patrol)

Date of Birth 01/12/1976

FBI No. 58160AC7

Local ID No. \_\_\_\_\_

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

Other \_\_\_\_\_

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 defendant who appeared in court affix his or her fingerprints and signature on this document.

Clerk of the Court, Deputy Clerk, *[Signature]*

Dated: 12-12-2014

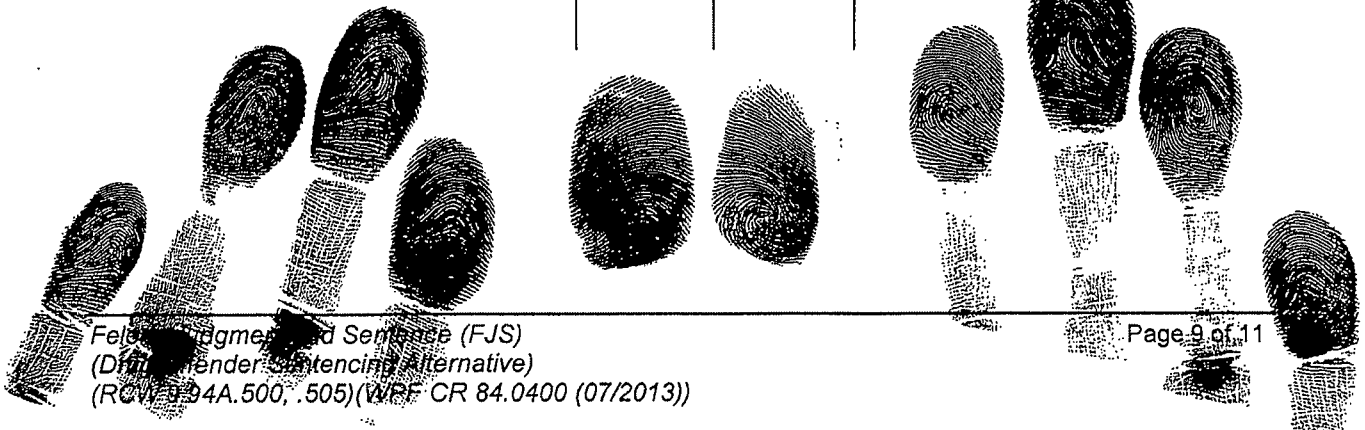
**The defendant's signature:** *Janice [Signature]*

Left four fingers taken simultaneously

Left  
Thumb

Right  
Thumb

Right four fingers taken simultaneously



IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
FOR PACIFIC COUNTY

STATE OF WASHINGTON,

Plaintiff

vs.

JAMIE H. HESLEN,

Defendant.

NO. 14-1-00173-6

WARRANT OF COMMITMENT

STATE OF WASHINGTON

TO: The Sheriff of Pacific County.

The defendant named above, pled guilty in the Pacific County Superior Court of the State of Washington of the crime as charged in the information and the Court has ordered that the defendant be punished by serving the determined sentence of:

**Count I** 45 months; **Count II** - 45 months; **Count III** - 45 months.

\_\_\_ (day(s) (month(s)) of partial confinement in the County jail.

\_\_\_ (month(s)) of total confinement in the Pacific County jail.

Defendant shall receive credit for time served to this date.

YOU, THE SHERIFF, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence in the Pacific County Jail.

YOU, THE SHERIFF, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections; and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence.

The defendant is committed for up to thirty (30) days evaluation at Western State Hospital or Eastern State Hospital to determine amenability to sexual offender treatment.

YOU THE SHERIFF ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections pending delivery of the proper officers of the Secretary of the Department of Social and Health Services.

YOU, THE PROPER OFFICERS OF THE SECRETARY OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES, ARE COMMANDED, to receive the defendant for evaluation as ordered in the Judgment and Sentence.

DATED this 12 day of DECEMBER, 2014.

By Direction of the Honorable

**DOUGLAS GOELZ**

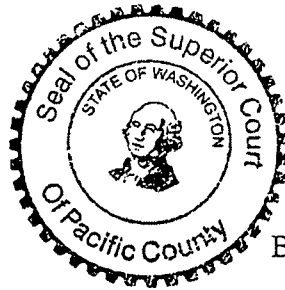
JUDGE

JUDGE PRO-TEM

CLERK

BY:

DEPUTY CLERK



cc: Prosecuting Attorney  
Defendant's Lawyer  
Defendant  
Jail ✓  
Institutions (3) (2)

*SG* ✓

# PACIFIC COUNTY PROSECUTOR

**July 29, 2015 - 10:21 AM**

## Transmittal Letter

Document Uploaded: 1-470209-Respondent's Brief.pdf

Case Name: State of Washington v. Jamie A. Heslen

Court of Appeals Case Number: 47020-9

**Is this a Personal Restraint Petition?** Yes  No

### The document being Filed is:

Designation of Clerk's Papers Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: \_\_\_\_\_

Answer/Reply to Motion: \_\_\_\_\_

Brief: Respondent's

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: \_\_\_\_\_

Hearing Date(s): \_\_\_\_\_

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

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

### Comments:

No Comments were entered.

Sender Name: Brandi Huber - Email: [bhuber@co.pacific.wa.us](mailto:bhuber@co.pacific.wa.us)

A copy of this document has been emailed to the following addresses:

[maureen@washapp.org](mailto:maureen@washapp.org)

[mmclain@co.pacific.wa.us](mailto:mmclain@co.pacific.wa.us)