

NO. 73519-5-I

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

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THE STATE OF WASHINGTON,  
 Appellee,  
 vs.  
 JASON LARONE THOMAS,  
 Appellant.

RECEIVED  
 STATE COURT CLERK  
 KING COUNTY  
 08/12/10  
*[Signature]*

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STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW

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King County Cause No. 14-1-06160-5 SEA  
 The Honorable Timothy A. Bradshaw, Presiding

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JASON LARONE THOMAS  
 DOC No. 987353, B-A-6-2  
 Coyote Ridge Corrections Center  
 P.O. Box 769  
 Connell, Washington  
 99326

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A. IDENTITY OF MOVANT

1. I, Jason Larone Thomas, hereinafter: "Thomas," the Appellant herein, has received and reviewed the Opening Brief of Appellant prepared by my attorney. Summarized below is my Additional Ground for Review that is not addressed in that brief. I understand the court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits. RAP 10.10.

B. ADDITIONAL GROUND FOR REVIEW

2. The Evidence Presented at Trial did not Support the Jury's Special Verdict Finding That the Injuries of the Victim of the Current Offense Substantially Exceeded the Level of Bodily Harm Necessary to Satisfy the Elements of the Crime. In Count One of the First Amended Information the state alleges, in pertinent part:

That the defendant Jason Larone Thomas in King County, Washington, on or about November 19, 2014, did intentionally assault Kavit Sanghvi with a deadly weapon, to wit; a metal bar or pipe, and did intentionally assault Kavit Sanghvi, thereby recklessly inflicting substantial bodily harm on Kavit Sanghvi; contrary to RCW 9A.36.021(1)(a), (c); while armed with a deadly weapon under the authority of RCW 9.94A.825 and RCW 9.94A.533(4), and; further charged that the injuries of the victim of the current offense substantially exceed the level of bodily harm necessary to satisfy the elements of the crime, under the authority of RCW 9.94A.535 (3)(y).

See, Attachment One: First Amended Information.

3. Court's Instructions to the Jury No. 20, which corrolates with Special Verdict Form B, instructed the jury:

If you find the defendant guilty of assault in the second degree, then you must determine if the following aggravating circumstance exists:

Whether the victim's injuries substantially exceeded the level of bodily harm necessary to constitute substantial bodily harm, as defined in these instructions.

Id. Court's Instruction to the jury No. 12, instructed the jury:

"Substantial bodily harm' means bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or that causes a fracture of any bodily part.

See, Attachment Two: Court's Instructions to the Jury No. 12 & 20. The jury convicted Thomas of the assault charged and answered "Yes" to the question on Special Verdict Form B. See, Attachment Three: Verdict Form A, and: Attachment Four: Special Verdict Form B. As a result of this "Yes" answer, the trial court increased Thomas' assault sentence by 12-months. RP 5/22/2015, pg. 5-6; Attachment Five: Judgment and Sentence, pg. 4.

C. FACTS RELEVANT TO ADDITIONAL GROUND FOR REVIEW

4. Thomas was an employee, and Mr. Sanghvi was the manager, of MS International, a supplier of rock slabs and

tile, located at 4930 S. Fourth Avenue in Seattle. The Seattle store is one of 18 MS International locations worldwide. The Seattle location employs approximately 23 persons, including sales persons, customer service representatives, and warehouse workers. Prior to the alleged assault Thomas had been employed as a warehouse worker for slightly over one year. In the days leading up to the alleged assault, employment performance issues had arisen and Thomas had been directed to meet with Sanghvi before clocking in again to work at the warehouse.

5. The day before the assault, Thomas allegedly left an angry note taped to Sanghvi's office door. The next day, November 19, 2014, Thomas allegedly sat in his truck in the facility parking lot waiting for Sanghvi to arrive. Viewing the evidence in light most favorable to the state, security video shows Thomas sitting in his truck for several minutes until Sanghvi's car enters the parking lot and drives past Thomas's truck. Thomas can then be seen getting out of his truck, taking a three to four foot long pipe from his truck bed, and then moving quickly in the direction of Sanghvi's car. A different video camera, this one mounted inside the store and focused out through the glass double

doors at the store entrance, recorded aspects of Thomas allegedly assaulting Sanghvi. The video security system records only one frame per second, so the recording is not fluid, but Sanghvi is clearly seen on the landing just outside the entrance with his arms raised attempting to fend off blows; a person the state identified as Thomas can also be seen in a swinging motion directed at Sanghvi.

6. Several employees of MS International were working just inside the front entrance to the store and heard and saw different aspects of Thomas's alleged attack against Sanghvi. These coworkers, all of whom claimed they knew Thomas, rushed to Sanghvi's aid. Two men urged Thomas not to swing again, and after directing angry words toward Sanghvi, Thomas backed away from the scene of the assault and walked back to his truck and drove away. While the two men put themselves between Thomas and Sanghvi, other employees pulled Sanghvi into the store and then locked the doors. The employees could see that Sanghvi's right leg was bleeding and obviously deformed. Multiple employees called 911 and police and fire department personnel soon arrived.

7. Sanghvi testified at trial that Thomas struck him with the pipe three times. Sanghvi testified as he approached

the entrance to the store he was struck on the right shoulder from behind and without warning. After that initial blow he testified he was struck twice on the right leg. Medical testimony established that Sanghvi suffered a fracture to his right shoulder (scapula) and compound comminuted fractures to both bones of his lower right leg. Sanghvi had surgery to repair the bones in his leg. For two months after the surgery Sanghvi was confined to a wheelchair or the use of crutches. During this period, Sanghvi was unable to return to work because of his injuries. The scapula fracture did not require surgery but Sanghvi had strict limitations in the use of his shoulder and arm to allow for healing of the fracture.

8. At trial, during it's closing argument, the prosecutor told the jury the second degree assault charged against Thomas could be proved by proof beyond a reasonable doubt that Thomas either: (a) Intentionally assaulted Sanghvi and thereby recklessly inflicted substantial bodily harm [or]; (b) intentionally assaulted Sanghvi with a deadly weapon. RP 4/1/2015, pg. 122; Court's Instruction to the Jury No. 8. The prosecutor then went on to focus the jury's attention to alternative (a), opining:

Because I think we're all past the fact that there was an intentional assault that occurred here. The defendant intentionally assaulted Kavita Sanghvi, so let's focus on the meaning of substantial bodily harm. That is defined for you in Instruction No. 12.

RP 4/1/2015, pg. 123.

9. "Substantial bodily harm," the prosecutor advised the jury, could be proved by three alternative means: (1) by a bodily injury that involves a temporary but substantial disfigurement; (2) by a bodily injury that causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or; (3) by a bodily injury that causes a fracture of any bodily part. RP 4/1/2015, pg. 123-124.

10. With respect to alternative (1) of substantial bodily harm, the prosecutor told the jury:

"The assault definitely caused immediate substantial disfigurement in that Mr. Sanghvi's lower right leg was immediately disfigured upon the contact of the metal pipe or bar with his leg."

RP 4/1/2015, pg. 124. With respect to alternative (2) of substantial bodily harm, the prosecutor told the jury:

"The second injury that causes a temporary but substantial loss or impairment of the function of any bodily part or organ. Here we've got that satisfied, not just with the leg injury, but the shoulder injury. There's a substantial temporary impairment of the function of Mr. Sanghvi's right arm and shoulder . . . . But of course the main impairment here is that devastating injury to his leg."



RP 4/1/2015, pg. 126. With respect to alternative (3) of substantial bodily harm, the prosecutor told the jury:

"Well, here the evidence is undisputed: There were three fractures: The fracture to the scapula, the fracture to the tibia, and the fracture to the fibula."

RP 4/1/2015, pg. 126-127.

11. With respect to Special Verdict Form B, which asked the jury: "Did the victim's injuries substantially exceed the level of bodily harm necessary to constitute substantial bodily harm, as defined in these instructions," the prosecutor told the jury:

I submit that you should read this (Instruction No. 20) when you're looking at the word "necessary" in terms of the harm necessary to constitute substantial bodily harm as what is the minimal requirement, what are the minimum injuries that the state must prove in order to satisfy substantial bodily harm and then you compare the injuries actually inflicted on Mr. Sanghvi to the minimal requirements for substantial bodily harm, and you will agree that what happened to Mr. Sanghvi, these injuries substantially exceed what is required to prove substantial bodily harm.

RP 4/1/2015, pg. 131-132.

12. To support it's position that the injuries to Mr. Sanghvi substantially exceeded the level of bodily harm "necessary to prove substantial bodily harm," the prosecutor told the jury:

Now let's go back then to Instruction No. 12, substantial bodily harm. Now, you'll remember that I just argued that all three of these alternative methods of proving substantial bodily harm were clearly established here when only one need be. Okay? So there again is evidence that the harm inflicted on Mr. Sanghvi exceeded substantially what is required to prove substantial bodily harm. Okay. Also, impairment suffered by Mr. Sanghvi, injury to his leg in particular, was not just a temporary but substantial loss of impairment of the leg; it was essentially a temporary but a significant period of time. Temporary is certainly any period of time. This was temporary and more than substantial; it was essentially a complete impairment of that leg for many weeks with also the potential for certain lifetime impairment. We don't know exactly how Mr. Sanghvi will recover entire use of his leg. We do know that he was a runner, that he ran even for a specific purpose, to help control his diabetes. When he was able to run, he didn't have to take medication for his diabetes. He can't run now. He's on medication for this other medical condition. That is something that you should really consider . . . . We don't know to what extent he will be able to run in the future. This is all uncertain. But this all puts us above substantially those minimum requirements that the state must prove to satisfy substantial bodily harm . . . . The state has proven that the injuries suffered by Mr. Sanghvi substantially exceeded the injuries that we were required to prove to establish bodily harm.

RP 4/1/2015, pg. 132-134. This argument misstated the law, and relieved the State of it's burden of proof at trial.

D. ARGUMENT INSUPPORT OF ADDITIONAL GROUND FOR REVIEW

13. The State requested that the jury consider the aggravating factor whether "the injuries of the victim of the current offense substantially exceeded the level of bodily harm necessary to satisfy the elements of the crime,"

under the authority of RCW 9.94A.535(3)(y), in support of an exceptional sentence. Here, Thomas submit's, the evidence introduced at trial was insufficient to support this aggravating factor and, as a result, the 12-month enhancement to his second degree assault sentence based on this aggravating factor must be reversed.

14. The facts supporting an aggravating factor must be proved to a jury beyond a reasonable doubt. RCW 9.94A.537(3). The court employs the same standard of review for the sufficiency of the evidence of an aggravating factor as it does to the sufficiency of the evidence of the elements of a crime. See, State v. Webb, 162 Wash.App. 195 (2011) (quoting State v. Yarbrough, 151 Wash.App. 66, 96, 201 P.3d 1029 (2009)). Thus, because Thomas challenges the jury's finding, the court must determine whether substantial evidence supports an exceptional sentence under RCW 9.94A.535(3)(y).

15. The enumerated factors justifying an exceptional sentence in RCW 9.94A.535(3) are "exclusive," not merely illustrative. Laws of 2005, ch. 68, § 3 (3)(y). Thus, the plain language of RCW 9.94A.535(3)(y), the statute charged in this case, defines the aggravating factor the State must prove beyond a reasonable doubt.

16. RCW 9.94A.535(3)(y) authorizes a sentence above the standard range exclusively when:

(y) The victim's injuries substantially exceed the level of bodily harm necessary to satisfy the elements of the offense.

RCW 9.94A.535(3)(y). However, in spite of this statute's plain language and the legislature's limited intent in subsection (y) to authorize an exceptional sentence above the standard range in circumstances where the victim's injuries substantially exceed the level of bodily harm necessary to satisfy the elements of the "offense," the trial judge in this case asked the jury to decide in Jury Instruction No. 20, and to answer on Special Verdict Form B, a question not authorized by the legislature in RCW 9.94A.535(3)(y), that is whether:

The victim's injuries substantially exceeded the level of bodily harm necessary to constitute substantial bodily harm.

Attachment Six: Special Verdict Form B: Attachment Two, Jury Instruction No. 20.

17. Jury Instruction No. 20 is Constitutionally Deficient. To satisfy the constitutional requirement of a fair trial, the jury instructions, when read as a whole, must correctly tell the jury of the applicable law. State v. Mills, 154 Wash.2d 1, 7, 109 P.3d 415 (2005). If the

jury instructions either incorrectly define or are silent on an element of a crime, the state is impermissably relieved of its burden to prove beyond a reasonable doubt that the defendant committed all the essential elements. State v. Williams, 136 Wash.App. 486, 492-93, 150 P.3d 111 (2007).

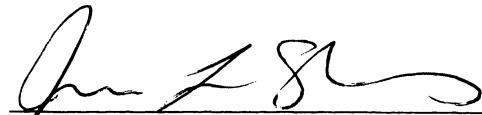
18. To convict Thomas of committing assault in the second degree; with the aggravating factor that the victim's injuries substantially exceeded the level of bodily harm necessary to satisfy the elements of the "offense," the state bore the burden of proving beyond a reasonable doubt at trial not only the elements of the assault charged, but also that the victim's injuries "substantially exceeded" the level of bodily harm necessary to satisfy the crime of assault in the second degree. The instructions to the jury and Special Verdict Form B only allowed the jury to decide whether the victim's injuries substantially exceeded the level of bodily harm necessary to constitute substantial bodily harm; which the state told the jury proved the aggravating factor because it had proven all three alternative methods of proving substantial bodily harm. See, pg. 8 supra. The gist of the state's argument is that, because it had proved all three alternative means of

substantial bodily harm, it had proved the victim's injuries substantially exceeded the level of bodily harm necessary to constitute substantial bodily harm. This, the state told the jury, "is evidence that the harm inflicted on Mr. Sanghvi exceeded substantially what is required to prove substantial bodily harm." Id. Because jury instruction no. 20 incorrectly defines RCW 9.94A.535(3)(y), and Special Verdict Form B is silent on the essential element of whether the victim's injuries substantially exceeded the level of bodily harm necessary to constitute the crime of assault in the second degree, the court should conclude the state failed to prove the aggravating factor beyond a reasonable doubt, and should REVERSE and REMAND the matter to the trial court for RESENTENCING without the 12-month enhancement.

It Should be so Ordered.

DATED this 21<sup>st</sup> day of December, 2015.

Respectfully submitted,  
BY THE APPELLANT:



---

JASON LARONE THOMAS  
DOC No. 987353, B-A-6-2  
Coyote Ridge Corrections center  
P.O. Box 769  
Connell, WA. 99326

DECLARATION OF MAILING

This is to certify that I, Jason Larone Thomas, the Appellant in COA No. 73519-5-I, have filed with the Court and provided a copy of my pro se STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW to the following sources postage pre-paid and addressed as follows:

Daniel T. Satterberg  
Prosecuting Attorney  
W554 King County Courthouse  
516 Third Avenue  
Seattle, Wa. 98104-2385

Nielsen, Broman & Koch, P.L.L.C  
1908 East Madison Street  
Seattle, Wa. 98122

DONE this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

BY THE APPELLANT:

\_\_\_\_\_  
JASON LARONE THOMAS

ATTACHMENT

1

First Amended Information



**FILED**  
KING COUNTY WASHINGTON

**MAR 26 2015**

**SUPERIOR COURT CLERK  
BY DAVID J. ROBERTS  
DEPUTY**

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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7	THE STATE OF WASHINGTON,	)	
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9	v.	)	No. 14-1-06160-5 SEA
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11	JASON LARONE THOMAS,	)	
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		)	FIRST AMENDED INFORMATION

I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse JASON LARONE THOMAS of the following crime[s]: **Assault In The Second Degree**, committed as follows:

Count 1 Assault In The Second Degree

That the defendant Jason Larone Thomas in King County, Washington, on or about November 19, 2014, did intentionally assault Kavit Sanghvi with a deadly weapon, to-wit: a metal bar or pipe, and did intentionally assault Kavit Sanghvi, thereby recklessly inflicting substantial bodily harm on Kavit Sanghvi;

Contrary to RCW 9A.36.021(1)(a), (c), and against the peace and dignity of the State of Washington.

And further do accuse the defendant, Jason Larone Thomas at said time of being armed with a deadly weapon, to-wit: a metal bar or pipe, under the authority of RCW 9.94A.825 and 9.94A.533(4).

And further do charge that the injuries of the victim of the current offense substantially exceeded the level of bodily harm necessary to satisfy the elements of the crime, under the authority of RCW 9.94A.535(3)(y)

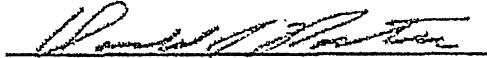
DANIEL T. SATTERBERG  
Prosecuting Attorney

Daniel T. Satterberg, Prosecuting Attorney  
CRIMINAL DIVISION  
W554 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104-2385  
(206) 296-9000 FAX (206) 296-0955

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By:



Donald J. Porter, WSBA #20164  
Senior Deputy Prosecuting Attorney

CAUSE NO. \_\_\_\_\_



SEATTLE  
POLICE  
DEPARTMENT

**CERTIFICATION FOR DETERMINATION  
OF PROBABLE CAUSE**

GENERAL OFFENSE #	14-387050
UNIT FILE NUMBER	14-365

That RC Norton is a Detective with the Seattle Police Department and has reviewed the investigation conducted in Seattle Police Department Case Number 14-387050;

There is probable cause to believe that Jason Thomas committed the crime(s) of Assault within the City of Seattle, County of King, State of Washington.

This belief is predicated on the following facts and circumstances:

The following incident occurred in the State of Washington, County of King, and City of Seattle.

On November 19, 2014 at approximately 1000 hours South Precinct officers responded to an assault at MS International, a granite counter-top business at 5930 4<sup>th</sup> Av. S. Officers found victim Kavir Sanghvi down on the ground being treated by medics. Sanghvi, the business' manager, had sustained a compound fracture to his right leg. Sanghvi was transported to Harborview and underwent surgery to reset the bones in his right leg.

Witnesses A. Arias, R. Gayacao, M. Delaney, and R. Lollar, employees at MS International, reported that they were inside the building when they heard Sanghvi screaming something similar to "No! Jason!" The employees went outside by the ramp and saw Sanghvi down on the ground and Thomas standing near him holding a metal pipe or bar of that was approximately three feet long. Lollar saw Thomas swing the pipe at Sanghvi. The employees told Thomas to stop. Arias stated that he heard Thomas say something about him being the winner and Sanghvi not being the winner. The witnesses reported that Thomas then left.

Witness A. Gavrishchuk, another employee at the business reported that Thomas had come in a day or two earlier and left a note for Sanghvi. The note, which was recovered by officers, stated, "Kavir, call me when you get in!! I'm not gonna wait for you when you decide to come in and talk you don't have meetings about Jimmy or Regine. Stop singling me out!! I come to work, actually work, and I have all the problems with you! You know we need a forklift you haven't provided one!! Jason"

Officers collected video from the business' security system. The video shows Thomas exit his vehicle in the NW parking lot, collect a pipe or bar from the back of a truck, and run to the front door. The video shows Thomas attacking Sanghvi. The video shows Thomas walk back to the truck with the bar in his hand and drive away.

Officers attempted to locate Thomas in the area and at several residences but did not find him. Thomas turned himself in to officers roughly eleven hours later at the South Precinct.

Sanghvi provided a statement to a detective on November 20<sup>th</sup> at Harborview where he was still receiving treatment. Sanghvi said that Thomas had worked for him for approximately 14-15 months. Sanghvi said that Thomas had some work performance and/or attendance problems and that he had sent Thomas an email earlier in the week advising Thomas to come speak to him before clocking in at his next shift. Sanghvi said that Thomas did not work on November 17<sup>th</sup> or



SEATTLE  
POLICE  
DEPARTMENT

**CERTIFICATION FOR DETERMINATION  
OF PROBABLE CAUSE**

INCIDENT NUMBER	14-387050
UNIT FILE NUMBER	14-365

18<sup>th</sup>. Sanghvi said that on the morning of November 19<sup>th</sup> Thomas approached him from behind and began striking him with a steel bar outside of the business. Sanghvi said that Thomas struck him on his upper back and several times on his leg. Sanghvi said that he fell to the ground and attempted to get up and run but could not because his leg was severely broken. Sanghvi said that other employees intervnced and Thomas left. Sanghvi stated that he believed Thomas intended to kill him.

Sanghvi viewed a photo of Thomas and verified that Thomas was the individual who assaulted him.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct to best of my knowledge and belief. Signed and dated by me this 24 day of Nov, 2014, at Seattle, Washington.

A handwritten signature in black ink, appearing to be "S. Sanghvi", written over a horizontal line.

# ATTACHMENT

2

Court's Instructions to Jury

**FILED**  
KING COUNTY WASHINGTON

MAY 6 2015

SUPERIOR COURT CLERK  
BY DAVID J. ROBERTS  
DEPUTY

**SUPERIOR COURT OF WASHINGTON FOR  
COUNTY OF KING**

STATE OF WASHINGTON,

Plaintiff,

v.

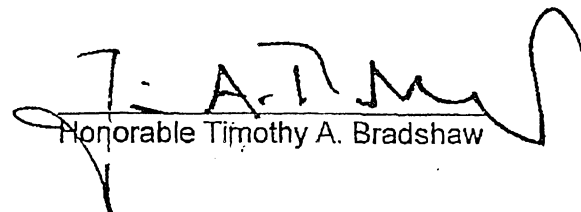
JASON THOMAS,

Defendant.

No. 14-1-06160-5 SEA

**COURT'S INSTRUCTIONS TO THE JURY**

April 01, 2015

  
Honorable Timothy A. Bradshaw

**ORIGINAL**

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No. 1

It is your duty to decide the facts in this case based upon the evidence presented to you during this trial. It also is your duty to accept the law from my instructions, regardless of what you personally believe the law is or what you personally think it should be. You must apply the law from my instructions to the facts that you decide have been proved, and in this way decide the case.

Keep in mind that a charge is only an accusation. The filing of a charge is not evidence that the charge is true. Your decisions as jurors must be made solely upon the evidence presented during these proceedings.

The evidence that you are to consider during your deliberations consists of the testimony that you have heard from witnesses, stipulations and the exhibits that I have admitted during the trial. If evidence was not admitted or was stricken from the record, then you are not to consider it in reaching your verdict.

Exhibits may have been marked by the court clerk and given a number, but they do not go with you to the jury room during your deliberations unless they have been admitted into evidence. The exhibits that have been admitted will be available to you in the jury room.

One of my duties has been to rule on the admissibility of evidence. Do not be concerned during your deliberations about the reasons for my rulings on the evidence. If I have ruled that any evidence is inadmissible, or if I have asked you to disregard any evidence, then you must not discuss that evidence during your deliberations or consider it in reaching your verdict. Do not speculate whether the evidence would have favored one party or the other.

In order to decide whether any proposition has been proved, you must consider all of the evidence that I have admitted that relates to the proposition. Each party is entitled to the benefit of all of the evidence, whether or not that party introduced it.

You are the sole judges of the credibility of each witness. You are also the sole judges of the value or weight to be given to the testimony of each witness. In considering a witness's testimony, you may consider these things: the opportunity of the witness to observe or know the things he or she testifies about; the ability of the witness to observe accurately; the quality of a witness's memory while testifying; the manner of the witness while testifying; any personal interest that the witness might have in the outcome or the issues; any bias or prejudice that the witness may have shown; the reasonableness of the witness's statements in the context of all of the other evidence; and any other factors

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that affect your evaluation or belief of a witness or your evaluation of his or her testimony.

The lawyers' remarks, statements, and arguments are intended to help you understand the evidence and apply the law. It is important, however, for you to remember that the lawyers' statements are not evidence. The evidence is the testimony and the exhibits. The law is contained in my instructions to you. You must disregard any remark, statement, or argument that is not supported by the evidence or the law in my instructions.

You may have heard objections made by the lawyers during trial. Each party has the right to object to questions asked by another lawyer, and may have a duty to do so. These objections should not influence you. Do not make any assumptions or draw any conclusions based on a lawyer's objections.

Our state constitution prohibits a trial judge from making a comment on the evidence. It would be improper for me to express, by words or conduct, my personal opinion about the value of testimony or other evidence. I have not intentionally done this. If it appeared to you that I have indicated my personal opinion in any way, either during trial or in giving these instructions, you must disregard this entirely.

You have nothing whatever to do with any punishment that may be imposed in case of a violation of the law. You may not

consider the fact that punishment may follow conviction except insofar as it may tend to make you careful.

The order of these instructions has no significance as to their relative importance. They are all important. In closing arguments, the lawyers may properly discuss specific instructions. During your deliberations, you must consider the instructions as a whole.

As jurors, you are officers of this court. You must not let your emotions overcome your rational thought process. You must reach your decision based on the facts proved to you and on the law given to you, not on sympathy, prejudice, or personal preference. To assure that all parties receive a fair trial, you must act impartially with an earnest desire to reach a proper verdict.

No. 2

As jurors, you have a duty to discuss the case with one another and to deliberate in an effort to reach a unanimous verdict. Each of you must decide the case for yourself, but only after you consider the evidence impartially with your fellow jurors. During your deliberations, you should not hesitate to reexamine your own views and to change your opinion based upon further review of the evidence and these instructions. You should not, however, surrender your honest belief about the value or significance of evidence solely because of the opinions of your fellow jurors. Nor should you change your mind just for the purpose of reaching a verdict.

No. 3

The defendant has entered a plea of not guilty. That plea puts in issue every element of the crime charged. The State is the plaintiff and has the burden of proving each element of the crime beyond a reasonable doubt. The defendant has no burden of proving that a reasonable doubt exists as to these elements.

A defendant is presumed innocent. This presumption continues throughout the entire trial unless during your deliberations you find it has been overcome by the evidence beyond a reasonable doubt.

A reasonable doubt is one for which a reason exists and may arise from the evidence or lack of evidence. It is such a doubt as would exist in the mind of a reasonable person after fully, fairly, and carefully considering all of the evidence or lack of evidence. If, from such consideration, you have an abiding belief in the truth of the charge, you are satisfied beyond a reasonable doubt.

No. 4

The evidence that has been presented to you may be either direct or circumstantial. The term "direct evidence" refers to evidence that is given by a witness who has directly perceived something at issue in this case. The term "circumstantial evidence" refers to evidence from which, based on your common sense and experience, you may reasonably infer something that is at issue in this case.

The law does not distinguish between direct and circumstantial evidence in terms of their weight or value in finding the facts in this case. One is not necessarily more or less valuable than the other.

No. 5

The defendant is not required to testify. You may not use the fact that the defendant has not testified to infer guilt or to prejudice him in any way.

No. 6

A witness who has special training, education, or experience may be allowed to express an opinion in addition to giving testimony as to facts.

You are not, however, required to accept his or her opinion. To determine the credibility and weight to be given to this type of evidence, you may consider, among other things, the education, training, experience, knowledge, and ability of the witness. You may also consider the reasons given for the opinion and the sources of his or her information, as well as considering the factors already given to you for evaluating the testimony of any other witness.

No. 7

A person commits the crime of assault in the second degree when he or she intentionally assaults another and thereby recklessly inflicts substantial bodily harm, or assaults another with a deadly weapon.



No. 8

To convict the defendant of the crime of assault in the second degree, each of the following two elements of the crime must be proved beyond a reasonable doubt:

(1) That on or about November 19, 2014, the defendant:

(a) intentionally assaulted Kavit Sanghvi and thereby recklessly inflicted substantial bodily harm;

or

(b) intentionally assaulted Kavit Sanghvi with a deadly weapon; and

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

If you find from the evidence that element (2) and either of alternative elements (1)(a) or (1)(b) have been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty. To return a verdict of guilty, the jury need not be unanimous as to which of alternatives (1)(a) or (1)(b) has been proved beyond a reasonable doubt, as long as each juror finds that either (1)(a) or (1)(b) has been proved beyond a reasonable doubt.

On the other hand, if, after weighing all of the evidence, you have a reasonable doubt as to either element (1) or (2), then it will be your duty to return a verdict of not guilty.

No. 9

A person acts with intent or intentionally when acting with the objective or purpose to accomplish a result that constitutes a crime.

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No. 10

An assault is an intentional striking of another person that is harmful or offensive.

No. 11

A person is reckless or acts recklessly when he or she knows of and disregards a substantial risk that a wrongful act may occur and this disregard is a gross deviation from conduct that a reasonable person would exercise in the same situation.

When recklessness as to a particular fact or result is required to establish an element of a crime, the element is also established if a person acts intentionally or knowingly as to that fact or result.

No. 12

Substantial bodily harm means bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or that causes a fracture of any bodily part.

No. 13

Deadly weapon means any weapon, device, instrument, substance, or article, which under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or substantial bodily harm.

---

No. 14

The defendant is charged in Count I with Assault in the Second Degree. If, after full and careful deliberation on this charge, you are not satisfied beyond a reasonable doubt that the defendant is guilty, then you will consider whether the defendant is guilty of the lesser crime of Assault in the Third Degree.

When a crime has been proved against a person, and there exists a reasonable doubt as to which of two or more that person is guilty, he or she shall be convicted only of the lowest degree of that crime.

No. 15

**A person commits the crime of assault in the third degree when he with criminal negligence, causes bodily harm accompanied by substantial pain that extends for a period sufficient to cause considerable suffering.**



No. 16

To convict the defendant of the crime of assault in the third degree, each of the following elements of the crime must be proved beyond a reasonable doubt:

- (1) That on or about November 19, 2014, the defendant caused bodily harm to Kavit Sanghvi;
- (2) That the bodily harm was accompanied by substantial pain that extended for a period of time sufficient to cause considerable suffering;
- (3) That the defendant acted with criminal negligence; and
- (4) That this act occurred in the State of Washington.

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

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

No. 17

Bodily harm means physical pain or injury, illness, or an impairment of physical condition.

---

No. 18

A person is criminally negligent or acts with criminal negligence when he fails to be aware of a substantial risk that a wrongful act may occur and this failure constitutes a gross deviation from the standard of care that a reasonable person would exercise in the same situation.

No. 19

For purposes of a special verdict the State must prove beyond a reasonable doubt that the defendant was armed with a deadly weapon at the time of the commission of the crime.

A deadly weapon is an implement or instrument that has the capacity to inflict death and from the manner in which it is used, is likely to produce or may easily and readily produce death. Any metal pipe or bar used or intended to be used as a club is a deadly weapon.

No. 20

If you find the defendant guilty of assault in the second degree, then you must determine if the following aggravating circumstance exists:

Whether the victim's injuries substantially exceeded the level of bodily harm necessary to constitute substantial bodily harm, as defined in these instructions.

The State has the burden of proving the existence of the aggravating circumstance beyond a reasonable doubt. In order for you to find the existence of an aggravating circumstance in this case, you must unanimously agree that the aggravating circumstance has been proved beyond a reasonable doubt.

No. 21

When you begin deliberating, you should first select a presiding juror. The presiding juror's duty is to see that you discuss the issues in this case in an orderly and reasonable manner, that you discuss each issue submitted for your decision fully and fairly, and that each one of you has a chance to be heard on every question before you.

During your deliberations, you may discuss any notes that you have taken during the trial, if you wish. You have been allowed to take notes to assist you in remembering clearly, not to substitute for your memory or the memories or notes of other jurors. Do not assume, however, that your notes are more or less accurate than your memory.

You will need to rely on your notes and memory as to the testimony presented in this case. Testimony will rarely, if ever, be repeated for you during your deliberations.

If, after carefully reviewing the evidence and instructions, you feel a need to ask the court a legal or procedural question that you have been unable to answer, write the question out simply and clearly. In your question, do not state how the jury has voted. The presiding juror should sign and date the question and give it to the bailiff. I will confer with the lawyers to determine what response, if any, can be given.

You will be given the exhibits admitted into evidence and these instructions, verdict forms A and B, and special verdict form A and special verdict form B. Some exhibits and visual aids may have been used in court but will not go with you to the jury room. The exhibits that have been admitted into evidence will be available to you in the jury room.

When completing the verdict forms, you will first consider the crime of assault in the second degree as charged. If you unanimously agree on a verdict, you must fill in the blank provided in verdict form A the words "not guilty" or the word "guilty," according to the decision you reach. If you cannot agree on a verdict, do not fill in the blank provided in Verdict Form A.

If you find the defendant guilty on verdict form A, do not use verdict form B. If you find the defendant not guilty of the

crime of Assault in the Second Degree , or if after full and careful consideration of the evidence you cannot agree on that crime, you will consider the lesser crime of Assault in the Third Degree. If you unanimously agree on a verdict, you must fill in the blank provided in verdict form B the words "not guilty" or the word "guilty", according to the decision you reach.

You will also be given special verdict forms for the crime of assault in the second degree. If you find the defendant not guilty of this crime, do not use the special verdict forms. If you find the defendant guilty of this crime, you will then use the special verdict forms and fill in the blank with the answer "yes" or "no" according to the decision you reach. In order to answer the special verdict forms "yes," you must unanimously be satisfied beyond a reasonable doubt that "yes" is the correct answer. If you unanimously agree that the answer to the question is "no," you must fill in the blank with the answer "no." If after full and fair consideration of the evidence you are not in agreement as to the answer, then do not fill in the blank for that question.

Because this is a criminal case, each of you must agree for you to return a verdict. When all of you have so agreed, fill in the proper form of ~~verdict or verdicts~~ (s) to express your decision. The presiding juror must sign the verdict forms and notify the bailiff. The bailiff will bring you into court to declare your verdict.

JB

**FILED**  
KING COUNTY, WASHINGTON

APR 02 2015

SUPERIOR COURT CLERK  
BY Victor Bigornia  
DEPUTY

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

STATE OF WASHINGTON,	)	
	)	No. 14-1-06160-5 SEA
Plaintiff,	)	
	)	
vs.	)	VERDICT FORM <b>A</b>
	)	
JASON LARONE THOMAS	)	
	)	
Defendant.	)	

We, the jury, find the defendant JASON LARONE THOMAS  
guilty (write in "not guilty" or "guilty") of the  
crime of Assault in the Second Degree as charged.

4/2/15  
Date

Bruce D. Bergdahl  
Presiding Juror



ATTACHMENT

3

Verdnet Form A

**FILED**  
KING COUNTY, WASHINGTON

APR 02 2015

SUPERIOR COURT CLERK  
BY Victor Bigornia  
DEPUTY

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

STATE OF WASHINGTON,	)	
	)	No. 14-1-06160-5 SEA
Plaintiff,	)	
	)	SPECIAL VERDICT FORM A
vs.	)	
	)	
JASON LARONE THOMAS	)	
	)	
Defendant.	)	

We, the jury, return a special verdict by answering as follows:

QUESTION: Was the defendant Jason Larone Thomas armed with a deadly weapon at the time of the commission of the crime?

ANSWER: Yes (Write "yes" or "no")

4/2/15  
Date

Bruce D. Beatty  
Presiding Juror

54

ATTACHMENT

4

Special Verdict Form B

**FILED**  
KING COUNTY, WASHINGTON

APR 02 2015

SUPERIOR COURT CLERK  
BY Victor Bigornia  
DEPUTY

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

STATE OF WASHINGTON,	)	
	)	No. 14-1-06160-5 SEA
Plaintiff,	)	
	)	SPECIAL VERDICT FORM B
vs.	)	
	)	
JASON LARONE THOMAS	)	
	)	
Defendant.	)	

---

We, the jury, return a special verdict by answering as follows:

QUESTION: Did the victim's injuries substantially exceed the level of bodily harm necessary to constitute substantial bodily harm, as defined in these instructions?

ANSWER: yes (Write "yes" or "no")

4/2/15  
Date

*Frankly D. Berglund*  
Presiding Juror

ATTACHMENT

5

Judgment and Sentence

FILED

2015 MAY 22 PM 3:44

KING COUNTY  
SUPERIOR COURT CLEAR  
SEATTLE, WA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,	)	
	)	
	)	No. 14-1-06160-5 SEA
Plaintiff,	)	
	)	
vs.	)	JUDGMENT AND SENTENCE
	)	FELONY (FJS)
JASON LARONE THOMAS,	)	
	)	
Defendant.	)	

I. HEARING

I.1 The defendant, the defendant's lawyer, Harold Palmer, and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: \_\_\_\_\_

II. FINDINGS

There being no reason why judgment should not be pronounced, the court finds:  
2.1 CURRENT OFFENSE(S): The defendant was found guilty on 04/02/2015 by Jury Verdict of:

Count No.: 1 Crime: Assault In The Second Degree  
RCW: 9A.36.021(1)(a), (c) Crime Code: 01040  
Date of Crime: 11/19/2014

Additional current offenses are attached in Appendix A

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**SPECIAL VERDICT or FINDING(S):**

- (a)  While armed with a firearm in count(s) \_\_\_\_\_ RCW 9.94A.533(3).
- (b)  While armed with a deadly weapon other than a firearm in count(s) I RCW 9.94A.533(4).
- (c)  With a sexual motivation in count(s) \_\_\_\_\_ RCW 9.94A.835.
- (d)  A V.U.C.S.A offense committed in a protected zone in count(s) \_\_\_\_\_ RCW 69.50.435.
- (e)  Vehicular homicide  Violent traffic offense  DUI  Reckless  Disregard.
- (f)  Vehicular homicide by DUI with \_\_\_\_\_ prior conviction(s) for offense(s) defined in RCW 46.61.5055, RCW 9.94A.533(7).
- (g)  Non-parental kidnapping or unlawful imprisonment with a minor victim. RCW 9A.44.128, 130.
- (h)  Domestic violence as defined in RCW 10.99.020 was pled and proved for count(s) \_\_\_\_\_.
- (i)  Current offenses encompassing the same criminal conduct in this cause are count(s) \_\_\_\_\_ RCW 9.94A.589(1)(a).
- (j)  Aggravating circumstances as to count(s) I: the injuries of the victim of the current offense substantially exceeded the level of bodily harm necessary to satisfy the elements of the crime

2.2 OTHER CURRENT CONVICTION(S): Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): \_\_\_\_\_

2.3 CRIMINAL HISTORY: Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.525):

- Criminal history is attached in Appendix B.
- One point added for offense(s) committed while under community placement for count(s) \_\_\_\_\_

**2.4 SENTENCING DATA:**

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
I	5	IV	22-29 months	12 months	34-41 months	10 YRS and/or \$50,000

Additional current offense sentencing data is attached in Appendix C.

**2.5 EXCEPTIONAL SENTENCE**

Findings of Fact and Conclusions of Law as to sentence above the standard range:  
Finding of Fact: The jury found or the defendant stipulated to aggravating circumstances as to Count(s) I.  
Conclusion of Law: These aggravating circumstances constitute substantial and compelling reasons that justify a sentence above the standard range for Count(s) I.  The court would impose the same sentence on the basis of any one of the aggravating circumstances.

An exceptional sentence above the standard range is imposed pursuant to RCW 9.94A.535(2) (including free crimes or the stipulation of the defendant). Findings of Fact and Conclusions of Law are attached in Appendix D.

An exceptional sentence below the standard range is imposed. Findings of Fact and Conclusions of Law are attached in Appendix D.

The State  did  did not recommend a similar sentence (RCW 9.94A.480(4)).

**III. JUDGMENT**

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2.1 above and Appendix A.

The Court DISMISSES Count(s) \_\_\_\_\_

## IV. ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below.

- [ ] This offense is a felony firearm offense (defined in RCW 9A.1010). Having considered relevant factors, including criminal history, propensity for violence endangering persons, and any prior NGI findings, the Court requires that the defendant register as a firearm offender, in compliance with 2013 Laws, Chapter 183, section 4. The details of the registration requirements are included in the attached Appendix L.

## 4.1 RESTITUTION, VICTIM ASSESSMENT, AND DNA FEE:

- Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E.  
 Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.753(5), sets forth those circumstances in attached Appendix E.  
 Restitution to be determined at future restitution hearing on (Date) \_\_\_\_\_ at \_\_\_\_\_ m.  
 Date to be set.  
 Defendant waives right to be present at future restitution hearing(s).  
 Restitution is not ordered.

Defendant shall pay Victim Penalty Assessment in the amount of \$500 (RCW 7.68.035 - mandatory).  
 Defendant shall pay DNA collection fee in the amount of \$100 (RCW 43.43.7541 - mandatory).

## 4.2 OTHER FINANCIAL OBLIGATIONS: Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:

- (a)  \$ \_\_\_\_\_, Court costs (RCW 9.94A.030, RCW 10.01.160);  Court costs are waived;  
 (b)  \$ \_\_\_\_\_, Recoupment for attorney's fees to King County Public Defense Programs (RCW 9.94A.030);  Recoupment is waived;  
 (c)  \$ \_\_\_\_\_, Fine;  \$1,000, Fine for VUCSA  \$2,000, Fine for subsequent VUCSA (RCW 69.50.430);  VUCSA fine waived;  
 (d)  \$ \_\_\_\_\_, King County Interlocal Drug Fund (RCW 9.94A.030);  
 Drug Fund payment is waived;  
 (e)  \$ \_\_\_\_\_, \$100 State Crime Laboratory Fee (RCW 43.43.690); [ ] Laboratory fee waived;  
 (f)  \$ \_\_\_\_\_, Incarceration costs (RCW 9.94A.760(2)); [ ] Incarceration costs waived;  
 (g)  \$ \_\_\_\_\_, Other costs for: \_\_\_\_\_

- 4.3 PAYMENT SCHEDULE: The TOTAL FINANCIAL OBLIGATION set in this order is \$ 600.00. Restitution may be added in the future. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms:  Not less than \$ \_\_\_\_\_ per month;  
 On a schedule established by the defendant's Community Corrections Officer or Department of Judicial Administration (DJA) Collections Officer. Financial obligations shall bear interest pursuant to RCW 10.82.090. The Defendant shall remain under the Court's jurisdiction to assure payment of financial obligations: for crimes committed before 7/1/2000, for up to ten years from the date of sentence or release from total confinement, whichever is later; for crimes committed on or after 7/1/2000, until the obligation is completely satisfied. Pursuant to RCW 9.94A.7602, if the defendant is more than 30 days past due in payments, a notice of payroll deduction may be issued without further notice to the offender. Pursuant to RCW 9.94A.760(7)(b), the defendant shall report as directed by DJA and provide financial information as requested.  
 Court Clerk's trust fees are waived.  Interest is waived except with respect to restitution.



4.4 CONFINEMENT OVER ONE YEAR: Defendant is sentenced to a term of total confinement in the custody of the Department of Corrections as follows, commencing:  immediately;  (Date): \_\_\_\_\_ by \_\_\_\_\_ m.

41 months/days on count 1; \_\_\_\_\_ months/days on count \_\_\_\_\_; \_\_\_\_\_ months/days on count \_\_\_\_\_; \_\_\_\_\_ months/days on count \_\_\_\_\_; \_\_\_\_\_ months/days on count \_\_\_\_\_; \_\_\_\_\_ months/days on count \_\_\_\_\_;

The above terms for counts \_\_\_\_\_ are  consecutive  concurrent.

The above terms shall run  consecutive  concurrent to cause No.(s) \_\_\_\_\_

The above terms shall run  consecutive  concurrent to any previously imposed sentence not referred to in this order.

In addition to the above term(s) the court imposes the following mandatory terms of confinement for any special WEAPON finding(s) in section 2.1: 12 MONTHS

which term(s) shall run consecutive with each other and with all base term(s) above and terms in any other cause. (Use this section only for crimes committed after 6-10-98.)

The enhancement term(s) for any special WEAPON findings in section 2.1 is/are included within the term(s) imposed above. (Use this section when appropriate, but for crimes before 6-11-98 only, per In Re Charles.)

[ ] On the conviction for aggravated murder in the first degree, the defendant was under 18 at the time of that offense. Having considered the factors listed in RCW 10.95.030, a minimum term of \_\_\_\_\_ years of total confinement and a maximum term of life imprisonment is imposed. (If under 16 at the time of the offense, minimum term must be 25 years; if 16 or 17, minimum term must be 25 years to life without parole.)

The TOTAL of all terms imposed in this cause is 53 months.

Credit is given for time served in King County Jail or EHD solely for confinement under this cause number pursuant to RCW 9.94A.505(6):  \_\_\_\_\_ day(s) or  days determined by the King County Jail.

4.5 NO CONTACT: For the maximum term of 10 years, defendant shall have no contact with KAVIT SANEHVI

4.6 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, as ordered in APPENDIX G.

HIV TESTING: The defendant shall submit to HIV testing as ordered in APPENDIX G. RCW 70.24.340.

4.7 (a)  COMMUNITY CUSTODY for qualifying crimes committed before 7-1-2000, is ordered for  one year (for a drug offense, assault 2, assault of a child 2, or any crime against a person where there is a finding that defendant or an accomplice was armed with a deadly weapon);  18 months (for any vehicular homicide or for a vehicular assault by being under the influence or by operation of a vehicle in a reckless manner);  two years (for a serious violent offense).

(b)  COMMUNITY CUSTODY for any SEX OFFENSE committed after 6-5-96 but before 7-1-2000, is ordered for a period of 36 months.

(c)  **COMMUNITY CUSTODY** - for qualifying crimes committed after 6-30-2000 is ordered for the following established range or term:

Sex Offense, RCW 9.94A.030 - 36 months—when not sentenced under RCW 9.94A.507

Serious Violent Offense, RCW 9.94A.030 - 36 months

If crime committed prior to 8-1-09, a range of 24 to 36 months.

Violent Offense, RCW 9.94A.030 - 18 months

Crime Against Person, RCW 9.94A.411 or Felony Violation of RCW 69.50/52 - 12 months

If crime committed prior to 8-1-09, a range of 9 to 12 months.

\_\_\_\_\_ months (applicable mandatory term reduced so that the total amount of incarceration and community custody does not exceed the maximum term of sentence).

Sanctions and punishments for non-compliance will be imposed by the Department of Corrections or the court.

APPENDIX H for Community Custody conditions is attached and incorporated herein.

APPENDIX J for sex offender registration is attached and incorporated herein.

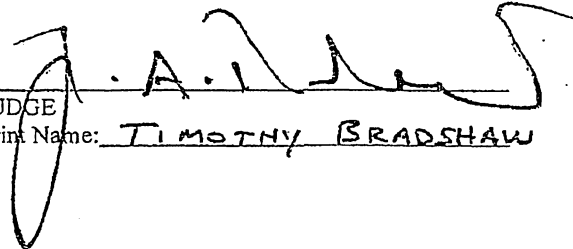
4.8  **ARMED CRIME COMPLIANCE**, RCW 9.94A.475, 480. The State's plea/sentencing agreement is

attached  as follows:

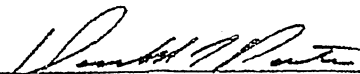
\_\_\_\_\_

The defendant shall report to an assigned Community Corrections Officer upon release from confinement for monitoring of the remaining terms of this sentence.

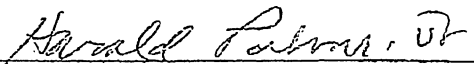
Date: May 22, 2015

  
JUDGE  
Print Name: TIMOTHY BRADSHAW

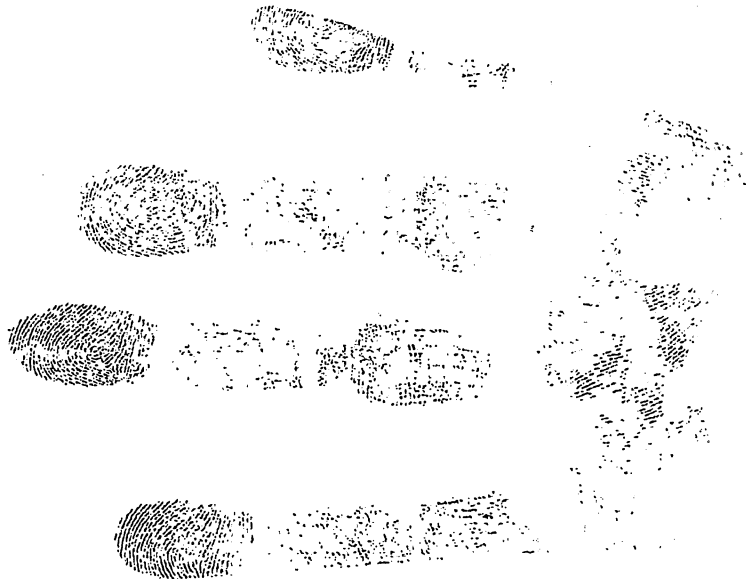
Presented by:

  
Deputy Prosecuting Attorney, WSBA# 20164  
Print Name: DOW PORTER

Approved as to form:

  
Attorney for Defendant, WSBA # 33057  
Print Name: Harold Palmer

FINGER PRINTS



RIGHT HAND  
FINGERPRINTS OF:  
JASON LARONE THOMAS

DEFENDANT'S SIGNATURE: *Jason Larone Thomas*  
DEFENDANT'S ADDRESS: 13918 S. Lucille St  
Seattle, WA 98148

Dated: 5/22/2015

ATTESTED BY: BARBARA MINER,  
SUPERIOR COURT CLERK

*[Signature]*  
JUDGE

By: *[Signature]*  
DEPUTY CLERK

CERTIFICATE

OFFENDER IDENTIFICATION

I, \_\_\_\_\_  
CLERK OF THIS COURT, CERTIFY THAT THE  
ABOVE IS A TRUE COPY OF THE JUDGMENT AND  
SENTENCE IN THIS ACTION ON RECORD IN MY  
OFFICE.  
DATED: \_\_\_\_\_

S.I.D. NO. WA15097818

DOB: 11/10/1964

SEX: Male

RACE: Black/African American

\_\_\_\_\_  
CLERK  
By: \_\_\_\_\_  
DEPUTY CLERK

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

JASON LARONE THOMAS,

Defendant.

No. 14-1-06160-5 SEA

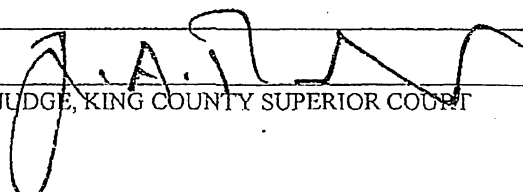
JUDGMENT AND SENTENCE,  
(FELONY) - APPENDIX B,  
CRIMINAL HISTORY

2.2 The defendant has the following criminal history used in calculating the offender score (RCW 9.94A.525):

Crime	Sentencing Date	Adult or Juv.	Cause Number	Location
forgery	07-16-2004	AF	04-1-12180-5	King Superior Court WA
theft 2nd	09-26-2001	AF	01-1-04308-2	Pierce Superior Court WA
assault 2nd	01-04-2001	AF	00-1-08149-5	King Superior Court WA
theft 2nd	12-05-1991	AF	91-1-00621-8	Cowlitz Superior Court WA

[ ] The following prior convictions were counted as one offense in determining the offender score (RCW 9.94A.525(5)):

Date: 5/22/15

  
 JUDGE, KING COUNTY SUPERIOR COURT

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,	)	
	)	
Plaintiff,	)	No. 14-1-06160-5 SEA
	)	
vs.	)	APPENDIX G
	)	ORDER FOR BIOLOGICAL TESTING
JASON LARONE THOMAS,	)	AND COUNSELING
	)	
Defendant.	)	
	)	
	)	

(1) DNA IDENTIFICATION (RCW 43.43.754):

The Court orders the defendant to cooperate with the King County Department of Adult Detention, King County Sheriff's Office, and/or the State Department of Corrections in providing a biological sample for DNA identification analysis. The defendant, if out of custody, shall promptly call the King County Jail at 296-1226 between 8:00 a.m. and 1:00 p.m., to make arrangements for the test to be conducted within 15 days.


(2)  HIV TESTING AND COUNSELING (RCW 70.24.340):

(Required for defendant convicted of sexual offense, drug offense associated with the use of hypodermic needles, or prostitution related offense.)

The Court orders the defendant contact the Seattle-King County Health Department and participate in human immunodeficiency virus (HIV) testing and counseling in accordance with Chapter 70.24 RCW. The defendant, if out of custody, shall promptly call Seattle-King County Health Department at 205-7837 to make arrangements for the test to be conducted within 30 days.

If (2) is checked, two independent biological samples shall be taken.

Date: 5/22/15

  
 \_\_\_\_\_  
 JUDGE, King County Superior Court

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,	)	
	)	
	)	Plaintiff,
	)	No. 14-1-06160-5 SEA
vs.	)	JUDGMENT AND SENTENCE (FELONY)
	)	APPENDIX H
JASON LARONE THOMAS,	)	COMMUNITY CUSTODY
	)	
	)	Defendant.
	)	

The Defendant shall comply with the following conditions of community custody, effective as of the date of sentencing unless otherwise ordered by the court.

- 1) Report to and be available for contact with the assigned community corrections officer as directed;
- 2) Work at Department of Corrections-approved education, employment, and/or community restitution;
- 3) Not possess or consume controlled substances except pursuant to lawfully issued prescriptions;
- 4) Pay supervision fees as determined by the Department of Corrections;
- 5) Receive prior approval for living arrangements and residence location; and
- 6) Not own, use, or possess a firearm or ammunition. (RCW 9.94A.706)
- 7) Notify community corrections officer of any change in address or employment;
- 8) Upon request of the Department of Corrections, notify the Department of court-ordered treatment;
- 9) Remain within geographic boundaries, as set forth in writing by the Department of Corrections Officer or as set forth with SODA order.

The defendant shall not consume any alcohol.

Defendant shall have no contact with: Victim

Defendant shall remain  within  outside of a specified geographical boundary, to wit:

The court finds that the defendant has a chemical dependency ( alcohol  other substance) that has contributed to his or her offense. Treatment is reasonably related to the circumstances of this crime and reasonably necessary or beneficial to the defendant and the community. (RCW 9.94A.607) Therefore, the defendant shall participate in the following treatment:

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

Other conditions may be imposed by the court or Department during community custody.

Community Custody shall begin upon completion of the term(s) of confinement imposed herein, or at the time of sentencing if no term of confinement is ordered. The defendant shall remain under the supervision of the Department of Corrections and follow explicitly the instructions and conditions established by that agency. The Department may require the defendant to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants and/or detain defendants who violate a condition.

Date: 5/22/15

J.A.M.  
JUDGE