

FILED
SUPREME COURT
STATE OF WASHINGTON
9/11/2019 8:40 AM
BY SUSAN L. CARLSON
CLERK

NO. 97209-5

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON

RESPONDENT,

V.

BRANDON WILLIAM CATE

APPELLANT.

ANSWER TO PETITION FOR REVIEW
OKANOGAN COUNTY CAUSE NO. 17-1-00046-7
THE HONORABLE HENRY A. RAWSON, JUDGE

ARIAN NOMA
Prosecuting Attorney
237 4th Avenue N.
P.O. Box 1130
Okanogan County, Washington

509-422-7280 Phone
509-422-7290 Fax

TABLE OF CONTENTS

STATEMENT OF THE CASE 2

 A. Procedural History 2

 B. Sentencing 2

ARGUMENT 4

 A. Mr. Cate’s Sentence was Appropriate and Constitutional
 based Upon Mr. Cate’s Offender Score 5

CONCLUSION 8

TABLE OF AUTHORITIES

Washington State

State v. Cabrera, 99 Wn.App. 86, 90, 992 P.2d 505, 507, (1999) 4

State v. Hunley, 97 Wn.2d 159, 164, 641 P.2d 708 (1982)4

State v. Ford, 173 Wash.2d, 472, 973 P.2d 452, (1999) 4

State v. Strauss, 46 Wn.App. 471, 476, 191 P.3d 906, 909 (2008) 5

State v. Tili, 148 Wn.2d 350, 360, 60 P.3d 1192, 1197 (2003) 8

Appendices

Appendix A: Judgment and Sentence 17-1-00039-4

Appendix B: Judgment and Sentence 17-1-00040-8

Appendix C: Judgment and Sentence 15-1-00031-2

Appendix D: Judgment and Sentence 05-1-00163-5

STATEMENT OF THE CASE

1. Procedural History

On January 31st 2017, Appellant was booked into the Okanogan County Jail and held in relation to a number of burglaries in the Omak-Okanogan area. One of these cases involved the Appellant breaking into the Omak JC Penney's store and stealing a quantity of jewelry. This was charged as 17-1-00046-7 as Burglary in the Second Degree, Theft in the Second Degree, and Malicious Mischief in the Second Degree. [CP 4] The Appellant's had a jury trial on 4/5/2017 and 4/6/2017, which resulted in a hung jury. On 5/31/2017 the second jury trial commenced.

The testimony presented was essentially the same, with the exception of an additional witness, forensic scientist William Culnane because DNA evidence was tested and completed by the time of this second trial. Forensic Scientist Culnane compared a DNA profile from the Appellant's saliva to a DNA profile from the blood that was recovered inside JC Penney's store. The DNA profiles were the same. [RP 228 – RP 240]. The Appellant testified that he never confessed to the crime, and that he was not responsible for the burglary. [RP 301 – RP 211]. The jury returned a verdict of guilty as charged on all three counts.

Sentencing

The Appellant was sentenced on 6/2/2017. The Court reviewed the State's Sentencing Memorandum, and the Defense indicated that

they had received and reviewed the State's sentencing Memorandum. [RP 372].

Within the State's sentencing memorandum, the State indicated the Appellant's prior felony convictions. The State indicated that his three prior felony convictions for which he was sentenced on May 8th 2006, did not "wash out" because of subsequent misdemeanor criminal history.

The memorandum detailed particularized facts of the Appellant's subsequent felony convictions. The State identified his prior burglary conviction from May of 2015 in Okanogan County case 15-1-00031-2. The State then summarized the Appellant's recent convictions in Okanogan County from April 2017 by cause number. These were 17-1-00039-4 and 17-1-00040-8. The memorandum described the sentences imposed in these two cases. Trial counsel for the Appellant and State were the same for both of those cases. The memorandum indicated that the Appellant was at a "score" of 9+ for each count. The memorandum further indicated that the total "points" actually amounted to 16 on the controlling charge of burglary, and 12 on the other two charges. [CP 90]

The State orally represented to the Court that it calculated the Appellant's offender score by viewing prior plea agreements, judgment and sentences, the National Crime Information Center, and the Appellant's criminal history (Judicial Information System). The State recommended a sentence at the high end of the standard range. [RP 372 – RP 375] The Defense asked for the low end of the standard range

sentence on the controlling charge of burglary: 51 months. 51 months is the low end of the standard range for a score of 9+. The Court ultimately sentenced the Appellant to the middle of the standard range. [RP 375 – RP 381]

ARGUMENT

A. The Appellant was Sentenced Appropriately in Accordance with his Offender Score

In establishing the Appellant's criminal history for sentencing purposes, the State must prove by a preponderance of the evidence that a prior conviction exists. *State v. Cabrera*, 73 Wn. App. 165, 168, 868 P.2d 179 (1994). The best evidence of a prior conviction is a true and certified copy of the judgment. *Id.* at 168. The State may introduce other comparable documents of record or transcripts of prior proceedings to establish criminal history. *Cabrera* at 168. Bare assertions, unsupported by evidence, do not satisfy the State's burden. *Hunley* at 910. RCW 9.94A.530(2) states, "In determining any sentence other than a sentence above the standard range, the trial court may rely on no more information than is admitted by the plea agreement, or admitted, acknowledged, or proved in a trial or at the time of sentencing, or proven pursuant to RCW 9.94A537. Acknowledgement includes not objecting to information stated in the presentence reports and not objecting to criminal history presented at the time of sentencing." Under the Sentencing Reform Act of 1981, a court must conduct a separate evidentiary hearing where a Appellant

disputes material facts that the court may wish to consider for sentencing purposes. *State v. Strauss*, 119 Wn.2d 401, 410, 832 P.2d 78 (1992).

In this case, evidence adduced at trial regarding Mr. Cate's criminal record include, Mr. Cate waiving the Fifth Amendment and taking an oath to tell the truth, and testifying in his own defense. During that testimony, Mr. Cate was subject to cross-examination. During cross examination, Mr. Cate admitted and affirmed his prior burglary convictions. [RP 307-308] These admissions were supported in the actual sentencing hearing by the State's Sentencing Memorandum, the records that the Court had access too through electronic archive, and the Judgment and Sentencing Orders that the State relied upon to calculate the offender score (*See Appendix D: J&S 05-1-00163-5*).

Specifically, the State's memorandum referred to several prior felony convictions from 2006, noting the dates of sentencing and the crimes. The State noted that these convictions were supported by evidence in the form of plea agreements and a review of multiple subsequent judgment and sentences previously filed in the Okanogan and Douglas County Superior Courts. Mr. Cate did not object or challenge the convictions or offender score during this sentencing hearing because he already admitted to them at trial, during his case in chief. Those felony convictions from 2006 are accurately reflected in a Judgment and Sentence. *See Appendix D: J&S 05-1-00163-5*.

The State indicated in its sentencing memorandum that it had reviewed the Judgment and Sentences, among other materials that supported the Appellant's more recent convictions. Furthermore, Judge Henry Rawson was the sentencing judge in this matter, and was the sentencing judge in an earlier 2015 matter. *See Appendix C: J&S 15-1-00031-2.* The State discussed the details of this case in the signed sentencing memorandum to remind the sentencing court of the prior case and sentence. The State then provided the cause numbers and details of the two recent cases that the Appellant had been sentenced to just seven weeks prior to sentencing in the instant case. The assertion by the prosecutor in the sentencing memorandum and on the record was likewise supported by Judgment and Sentences. *Appendix A: J&S 17-1-00039-4 and Appendix B: J&S 17-1-00040-8.*

Even if it can be considered error for the Sentencing Court to adopt the criminal history of the Appellant with insufficient inquiry- it was harmless error. It is noteworthy that at sentencing, Trial Counsel asked for a sentence that was consistent with a score of 9 on the controlling charge of Burglary in the Second Degree. This was an implicit acknowledgement that the Appellant was indeed "maxed out" at his offender score. Appellate Counsel has not identified any error in the calculation of the Appellant's offender score, but merely states that sentencing was improper because the State never showed sufficient evidence of the Appellant's score. The remedy for such an error would

not be to resentence the Appellant with a score of zero. This would amount to the reviewing Court remanding a case for the purpose of imposing an *inaccurate* sentence. See State v. Tili, 148 Wn.2d 350, 360, 60 P.3d 1192, 1197 (2003).

Coupling Mr. Cate's admissions regarding his record during trial, the State's sentencing memorandum reviewed by Mr. Cate and his counsel prior to sentencing, the sentencing court's knowledge of Appellant and his record, along with the judgment and sentence orders presented and available to the court at the time of sentencing, the State met its burden of proof by preponderance that Mr. Cate's offender score is 9+. Furthermore, Mr. Cate never objected or challenged any information regarding his sentence. Therefore, because the Appellant's offender score was correctly calculated, there is no basis for the reviewing Court to remand the case for resentencing.

CONCLUSION

For the aforementioned reasons, the State asks that this Honorable Court deny Mr. Cate's Petition for Review and affirm his conviction and sentence.

Dated this 10th day of September 2019.

Respectfully Submitted:



Arian Noma, WSBA: 47546
Prosecuting Attorney

APPENDIX A: Judgment and Sentence for 17-1-00039-4

11

FILED

APR 19 2017

OKANOGAN
COUNTY CLERK

**Superior Court of Washington
County of Okanogan**

State of Washington, Plaintiff,

vs.

Brandon William Cate, 10/06/1986,
Defendant. DOB
PCN: 917498431
SID: WA22482533

No. 17-1-00039-4

**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, 5.7, and 5.8

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) 4/11/2017 bench trial (date) _____:

Count	Crime	RCW (w/subsection)	Class	Date of Crime
1	BURGLARY IN THE SECOND DEGREE	RCW 9A.52.030(1)	FB	December 10, 2016
2	MALICIOUS MISCHIEF IN THE SECOND DEGREE -- PHYSICAL DAMAGE EXCEEDING \$750	RCW 9A.48.080(1)(a)	FC	December 10, 2016
3	THEFT IN THE SECOND DEGREE -- OTHER THAN A FIREARM -- WRONGFULLY OBTAIN OR EXERT UNAUTHORIZED CONTROL	RCW 9A.56.040(1)(a) and RCW 9A.56.020(1)(a)	FC	December 10, 2016

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:

GP 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.

*Felony Judgment and Sentence (FJS) (Prison)(Nonsex Offender)
(RCW 9.94A.500, .505)(WPF CR 84.0400 (06/2016))*

Page 1 of 11

- The defendant used a deadly weapon other than a firearm in committing the offense in Count _____
_____. RCW 9.94A.825, 9.94A.533.
- Count _____, is aggravated murder in the first degree committed while the defendant was
 under 16 years of age 16 or 17 years of age when the offense was committed.
- Count _____, was committed while the defendant was under 18 years of age and the time
of confinement is over 20 years.
- 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(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.
- 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.
- GY 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.
- The defendant has a chemical dependency that has contributed to the offense(s). RCW 9.94A.607.
- Reasonable grounds exist to believe the defendant is a mentally ill person as defined in RCW 71.24.025, and
that this condition is likely to have influenced the offense. RCW 9.94B.080
- In Count _____, assault in the 1st degree (RCW 9A.36.011) or assault of a child in the 1st 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 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):

	Crime	Cause Number	Court (county & state)	DV* Yes
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):

	Crime	Date of Crime	Date of Sentence	Sentencing Court (County & State)	A or J Adult, Juv.	Type of Crime	DV* Yes
1	Burglary Second	24th day of January 2015	8th day of May 2015	Okanogan County WA	A		
2	Assault Third Degree	9th day of August 2005	8th day of May 2006	Douglas, WA	A		
3	Felony Bail Jumping	19th day of August 2005	8th day of May 2006	Douglas, WA	A		
4	Felony Bail Jumping	19th day of August 2005	8th day of May 2006	Douglas, WA	A		

* 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:

Count No.	Offender Score	Seriousness Level	Standard Range (not including enhancements)	Plus Enhancements*	Total Standard Range (including enhancements)	Maximum Term
1	8	3	51-68 months		51-68 months 43 to 57	10 years
2	6	1	22-29 months 12 to 14		22-29 months 12 to 14	5 years
3	6	1	22-29 months 12 to 14		22-29 months	5 years

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (RPh) Robbery of a pharmacy, (VH) Veh. Hom, see RCW 9.94A.533(7), (JP) Juvenile present, (CSG) Criminal street gang involving minor, (AB) 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 attached 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 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, and:

- The defendant should register as a felony firearm offender. The court considered the following factors in making this determination:
 - 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 defendant must register as a felony firearm offender because the offense was committed in conjunction with an offense committed against a person under the age of 18, or a serious violent offense or offense involving sexual motivation as defined in RCW 9.94A.030.

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 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):

<u>38</u> months on Count <u>I</u>	_____ months on Count _____
<u>13</u> months on Count <u>II</u>	_____ months on Count _____
<u>13</u> months on Count <u>III</u>	_____ 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 impaired driving.
Actual number of months of total confinement ordered is: 38 months

(b) **Confinement.** RCW 10.95.030 (Aggravated murder and under age 18.) The court orders the following:

Count _____ minimum term: _____ maximum term: Life
Count _____ minimum term: _____ maximum term: Life

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)): 17-1-00040-8

Confinement shall commence immediately unless otherwise set forth here: _____

- (c) **Credit for Time Served.** The defendant shall receive credit for eligible time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The jail shall compute time served.
- (d) **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, RCW 10.95.030(3))

(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) _____ 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:

- not possess or consume alcohol.
 not possess or consume controlled substances, including marijuana, without a valid prescription.
 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 use disorder mental health anger management, and fully comply with all recommended treatment.
- comply with the following crime-related prohibitions: _____
- Other conditions: _____

Court Ordered Treatment: If any court orders mental health or substance use disorder 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.

(C) If the defendant committed the above crime(s) while under age 18 and is sentenced to more than 20 years of confinement:

- (i) As long as the defendant's conviction is not for aggravated first degree murder or certain sex crimes, and the defendant has not been convicted of any crime committed after he or she turned 18 or committed a disqualifying serious infraction as defined by DOC in the 12 months before the petition is filed, the defendant may petition the Indeterminate Sentence Review Board (Board) for early release after the defendant has served 20 years.
- (ii) If the defendant is released early because the petition was granted or by other action of the Sentence Review Board, the defendant will be subject to community custody under the supervision of the DOC for a period of time determined by the Board, up to the length of the court-imposed term of incarceration. The defendant will be required to comply with any conditions imposed by the Board.
- (iii) If the defendant violates the conditions of community custody, the Board may return the defendant to confinement for up to the remainder of the court-imposed term of incarceration.

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

<u>JASS CODE</u>			
PCV	\$ 500.00	Victim assessment	RCW 7.68.035
PDV	\$ _____	Domestic Violence (DV) assessment	RCW 10.99.080
	\$ _____	Violation of a DV protection order (\$15 mandatory fine)	RCW 26.50.110
CRC	\$ 250.00	Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190	
	200.00	Criminal filing fee \$200.00	FRC
		Witness costs \$ _____	WPR
		Sheriff service fees \$ 200.00	SFR/SFS/SFW/WRF

Jury demand fee \$ _____ JFR
 Extradition costs \$ _____ EXT
 Other \$ _____

PUB \$ ~~400.00~~ Fees for court appointed attorney RCW 9.94A.760
 WFR \$ _____ Court appointed defense expert and other defense costs RCW 9.94A.760
 FCM/MTM \$ _____ 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 \$ _____ Crime lab fee suspended due to indigency RCW 43.43.690
 \$ 100.00 DNA collection fee RCW 43.43.7541

FPV \$ _____ Specialized forest products RCW 76.48.171
 \$ ~~400.00~~ Other fines or costs for: Booking fee

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.)
 \$ 800.00
 \$ ~~1,250.00~~ 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 \$ 25 per month commencing 60 days after release
 RCW 9.94A.760. no interest to accrue while defendant is in custody

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: _____, or
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 violation hearing and DOC finds that you committed the violation, you may receive a sanction of up to 30 days of confinement. RCW 9.94A.633(1).
- (b) If you have not completed your maximum term of total confinement and you are subject to a 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.633(2)(a).
- 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, identification, 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. 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 Department of Licensing Notice – Defendant under age 21 only.** Count _____ is (a) a violation of RCW chapter 69.41 [Legend drug], 69.50 [VUCSA], or 69.52 [imitation drugs], and the defendant was under 21 years of age at the time of the offense OR (b) a violation under RCW 9.41.040 [unlawful possession of firearm], and the defendant was under the age of 18 at the time of the offense OR (c) a violation under RCW chapter 66.44 [Alcohol], and the defendant was under the age of 18 at the time of the offense, AND the court finds that the defendant previously committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.
- 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 46.20.265
- 5.8 Other:** _____

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

11 April 19 17

Judge/Print Name: CHRISTOPHER E. CULLEN

Criminal Deputy Prosecutor
WSBA No. 46771
Lef Drangsholt

WSBA No. 30167
Jason Wargin

Mr. Brandon William Cote
Defendant
Brandon William Cote

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: Mr. Brandon William Cote

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. WA22482533
 (If no SID complete a separate Applicant card
 (form FD-258) for State Patrol)

Date of Birth: 10/06/1986

FBI No. 523599FC1

Local ID No. _____

PCN No. 917498431

Other _____

Alias name, DOB: _____

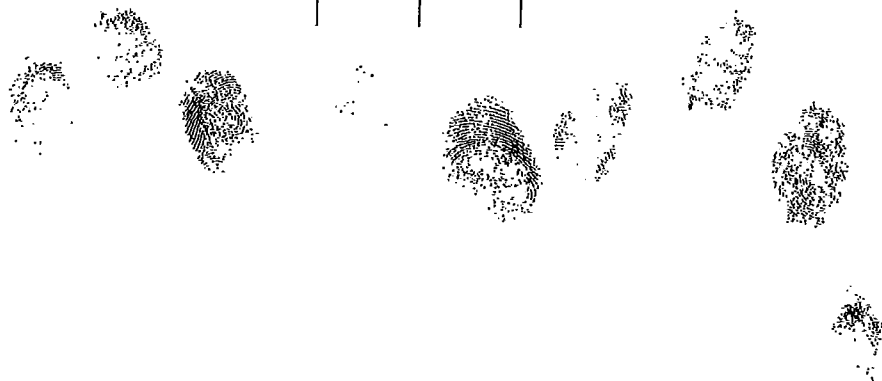
Race: Asian/Pacific Islander Black/African-American Caucasian Hispanic Male
 Native American Other: _____ Non-Hispanic Female

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

Clerk of the Court, Deputy Clerk, Marlexia M. Fitzgerald Dated: 4/19/2017

The defendant's signature: Mr. Brandon Williams Cate

Left four fingers taken simultaneously	Left Thumb	Right Thumb	Right four fingers taken simultaneously
--	------------	-------------	---



APPENDIX B: Judgment and Sentence for 17-1-00040-4

12

FILED

APR 19 2017

OKANOGAN COUNTY CLERK

Superior Court of Washington
County of Okanogan

State of Washington, Plaintiff,

No. 17-1-00040-8

vs.

Felony Judgment and Sentence --
Prison
(FJS)

Brandon William Cate, 10/06/1986
Defendant. DOB
PCN: 917498431
SID: WA22482533

Clerk's Action Required, para 2.1, 4.1, 4.3, 4.8
6.2, 6.3, 6.5, 6.7, and 6.8
 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) 4/12/2017 bench trial (date) ___

Count	Crime	RCW (w/subsection)	Class	Date of Crime
1	BURGLARY IN THE SECOND DEGREE	RCW 9A.52.030(1)	FB	January 07, 2017
2	THEFT IN THE SECOND DEGREE -- OTHER THAN A FIREARM -- WRONGFULLY OBTAIN OR EXERT UNAUTHORIZED CONTROL	RCW 9A.56.040(1)(a) and RCW 9A.56.020(1)(a)	FC	January 07, 2017
3	MALICIOUS MISCHIEF IN THE THIRD DEGREE -- PROPERTY DAMAGE (LESS THAN \$750)	RCW 9A.48.090(1)(a)	GM	January 07, 2017
4	BURGLARY IN THE SECOND DEGREE	RCW 9A.52.030(1)	FB	January 08, 2017
5	THEFT IN THE THIRD DEGREE	RCW 9A.56.050	GM	January 08, 2017

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.

Felony Judgment and Sentence (FJS) (Prison)(Nonsex Offender)
(RCW 9.94A.500, .505)(WPF CR 84.0400 (06/2016))

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.

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 _____ is aggravated murder in the first degree committed while the defendant was under 16 years of age 16 or 17 years of age when the offense was committed.

Count _____ was committed while the defendant was under 18 years of age and the time of confinement is over 20 years.

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(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.

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.

GY 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.

The defendant has a chemical dependency that has contributed to the offense(s). RCW 9.94A.607.

Reasonable grounds exist to believe the defendant is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. RCW 9.94B.080

In Count _____, assault in the 1st degree (RCW 9A.36.011) or assault of a child in the 1st 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 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):

	Crime	Cause Number	Court (county & state)	DV* Yes
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):

	Crime	Date of Crime	Date of Sentence	Sentencing Court (County & State)	A or J Adult, Juv.	Type of Crime	DV* Yes
1	Burglary Second	24th day of January 2015	8th day of May 2015	Okanogan WA	A		
2	Assault 3rd	19th day of August 2005	8th day of May 2006	Douglas, WA	A		
3	Felony Bail Jumping	19th day of August 2005	8th day of May 2006	Douglas WA	A		
4	Intimidating a Witness	19th day of August 2005	8th day of May 2006	Douglas WA	A		

* 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:

Count No.	Offender Score	Seriousness Level	Standard Range (not including enhancements)	Plus Enhancements*	Total Standard Range (including enhancements)	Maximum Term
1	#8	3	57-68 months 43 to 57		57-68 months 43 to 57	10 years
2	#6	1	9-12 months 12 to 14		9-12 months 12 to 14	5 years
3	N/A	Gross misdemeanor	0-364 days		0-364 days	364 days
4	#8	3	57-68 months 43 to 57		57-68 months 43 to 57	10 years
5	N/A	Gross misdemeanor	0-364 days		0-364 days	364 days

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (RPh) Robbery of a pharmacy, (VH) Veh. Hom, see RCW 9.94A.533(7), (JP) Juvenile present, (CSG) Criminal street gang involving minor, (AB) 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 attached 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 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, and:
- The defendant should register as a felony firearm offender. The court considered the following factors in making this determination:
 - 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 defendant must register as a felony firearm offender because the offense was committed in conjunction with an offense committed against a person under the age of 18, or a serious violent offense or offense involving sexual motivation as defined in RCW 9.94A.030.

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 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):

50 months on Count I 50 months on Count IV
 13 months on Count II 364 days months on Count V
 364 days months on Count III _____ 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 impaired driving.

• Actual number of months of total confinement ordered is: 50 months

(b) **Confinement.** RCW 10.95.030 (Aggravated murder and under age 18.) The court orders the following:

Count _____ minimum term: _____ maximum term: Life
 Count _____ minimum term: _____ maximum term: Life

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)): 17-1-00039-4

Confinement shall commence immediately unless otherwise set forth here: _____

(c) **Credit for Time Served.** The defendant shall receive credit for eligible time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The jail shall compute time served.

- (d) **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, RCW 10.95.030(3))

(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) _____ 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:

- not possess or consume alcohol.
- not possess or consume controlled substances, including marijuana, without a valid prescription.
- 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 use disorder mental health anger management, and fully comply with all recommended treatment.
- comply with the following crime-related prohibitions: _____

Other conditions:

Court Ordered Treatment: If any court orders mental health or substance use disorder 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.

(C) If the defendant committed the above crime(s) while under age 18 and is sentenced to more than 20 years of confinement:

- (i) As long as the defendant's conviction is not for aggravated first degree murder or certain sex crimes, and the defendant has not been convicted of any crime committed after he or she turned 18 or committed a disqualifying serious infraction as defined by DOC in the 12 months before the petition is filed, the defendant may petition the Indeterminate Sentence Review Board (Board) for early release after the defendant has served 20 years.
- (ii) If the defendant is released early because the petition was granted or by other action of the Sentence Review Board, the defendant will be subject to community custody under the supervision of the DOC for a period of time determined by the Board, up to the length of the court-imposed term of incarceration. The defendant will be required to comply with any conditions imposed by the Board.
- (iii) If the defendant violates the conditions of community custody, the Board may return the defendant to confinement for up to the remainder of the court-imposed term of incarceration.

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

<u>JASS CODE</u>			
PCV	\$ 500.00	Victim assessment	RCW 7.68.035
PDV	\$ _____	Domestic Violence (DV) assessment	RCW 10.99.080
	\$ _____	Violation of a DV protection order (\$15 mandatory fine)	RCW 26.50.110
CRC	\$ 200.00	Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190	
	200.00	Criminal filing fee \$200.00	FRC
		Witness costs \$ _____	WFR
		Sheriff service fees \$20.50	SFR/SFS/SFW/WRF
		Jury demand fee \$ _____	JFR
		Extradition costs \$ _____	BXT
		Other \$ _____	
PUB	\$ 400.00	Fees for court appointed attorney	RCW 9.94A.760
WFR	\$ _____	Court appointed defense expert and other defense costs	RCW 9.94A.760
FCM/MTH	\$ _____	Fine RCW 9A.20.021; <input type="checkbox"/> VUCSA chapter 69.50 RCW, <input type="checkbox"/> 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	\$ _____	Crime lab fee <input type="checkbox"/> suspended due to indigency	RCW 43.43.690
	\$ 100.00	DNA collection fee	RCW 43.43.7541
FPV	\$ _____	Specialized forest products	RCW 76.48.171
	\$ 40.00	Other fines or costs for: Booking fee	
DEF	\$ _____	Emergency response costs (\$1000 maximum, \$2,500 max. effective Aug. 1, 2012.) RCW 38.52.430	

RTN/RJN

Agency: _____

\$ _____ Restitution to: _____

\$ _____ Restitution to: _____

\$ _____ Restitution to: _____

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

\$ 800.00
~~1,000.00~~ 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, *pertaining to victim Omak marine/Frank Lay*
 is scheduled for _____ (date).

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

Restitution Schedule attached. *pertaining to victim Kevin Bowling*

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 \$ 25 per month commencing ~~on~~ *60 days after release*
RCW 9.94A.760. *no interest to accrue while defendant incarcerated*

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 violation hearing and DOC finds that you committed the violation, you may receive a sanction of up to 30 days of confinement. RCW 9.94A.633(1).
(b) If you have not completed your maximum term of total confinement and you are subject to a 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.633(2)(a).
- 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, identification, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

5.6b **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, 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 **Department of Licensing Notice - Defendant under age 21 only.**

Count _____ is (a) a violation of RCW chapter 69.41 [Legend drug], 69.50 [VUCSA], or 69.52 [imitation drugs], and the defendant was under 21 years of age at the time of the offense OR (b) a violation under RCW 9.41.040 [unlawful possession of firearm], and the defendant was under the age of 18 at the time of the offense OR (c) a violation under RCW chapter 66.44 [Alcohol], and the defendant was under the age of 18 at the time of the offense, AND the court finds that the defendant previously committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.

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 46.20.265

5.8 Other: _____

Done in Open Court and in the presence of the defendant this date: April 19, 17

Judge/Print Name: CHRISTOPHER E. LULL

[Signature]
Criminal Deputy Prosecutor
WSBA No. 46771
Leif Drangsholt

[Signature]
WSBA No. 30167
Jason Wargin

[Signature]
Defendant
Brandon William Cate

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: Mr. Brandon W. Olson, Co. 26

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. WA22482533
 (If no SID complete a separate Applicant card
 (form FD-258) for State Patrol)

Date of Birth: 10/06/1986

FBI No. 523599FC1

Local ID No. _____

PCN No. 917498431

Other _____

Alias name, DOB: _____

Race:

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

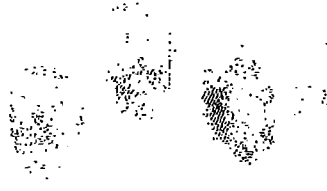



Ethnicity:

- 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, Markena M. Fitzgerald Dated: 4/19/2017

The defendant's signature: Mr. Brandon William Cate

Left four fingers taken simultaneously	Left Thumb	Right Thumb	Right four fingers taken simultaneously
			

APPENDIX C: Judgment and Sentence for 15-1-00031-2

Filed

MAY 08 2015

Okanogan County Clerk

**Superior Court of Washington
County of Okanogan**

State of Washington, Plaintiff,

vs.

No.15-1-00031-2

Felony Judgment and Sentence --

Jail One Year or Less

(FJS)

Brandon William Cate 10/06/1986,
Defendant. DOB
PCN: 917453624
SID:WA22482533

Clerk's Action Required, 2.1, 4.1, 4.3, 4.8, 5.2,
5.3, 5.5, 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) 5/13/15 jury-verdict (date) _____ bench trial (date) _____ :

Count	Crime	RCW (w/subsection)	Class	Date of Crime
1	BURGLARY IN THE SECOND DEGREE	RCW 9A.52.030(1)	FB	January 24, 2015
2	ATTEMPTED THEFT IN THE SECOND DEGREE -- OTHER THAN A FIREARM -- WRONGFULLY OBTAIN OR EXERT UNAUTHORIZED CONTROL	RCW 9A.56.040(1)(a) and RCW 9A.56.020(1)(a) and 9A.28.020	CM	January 24, 2015
3	CRIMINAL TRESPASS IN THE FIRST DEGREE	RCW 9A.52.070(1)	CM	January 24, 2015
4	CRIMINAL TRESPASS IN THE SECOND DEGREE	RCW 9A.52.080(1)	CM	January 24, 2015

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:

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

*Felony Judgment and Sentence (FJS) (Jail One Year or Less)
(RCW 9.94A.500, .505)(WPF CR 84.0400 (07/2013))*

- The defendant used a firearm in the commission of the offense in Count _____. RCW 9.94A.825, RCW 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.
- In count _____ the defendant committed a robbery of a pharmacy as defined in RCW 18.64.011(21), RCW 9.94A._____
- 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 has a chemical dependency that has contributed to the offense(s). RCW 9.94A.607.
- In Count _____, the defendant had (number of) _____ passenger(s) under the age of 16 in the vehicle. RCW 9.94A.533.
- Count _____ is a felony in the commission of which the defendant used a motor vehicle. RCW 46.20.285.
- 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):

	Crime	Cause Number	Court (County & State)	DV* Yes
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:

	Crime	Date of Crime	Date of Sentence	Sentencing Court (County & State)	A or J Adult, Juv.	Type of Crime	DV* Yes
1	Assault 3	19th day of August 2005	8th day of May 2006		A		
2	Bail Jumping	19th day of August 2005	8th day of May 2006		A		
3	Intimidating a Public Servant	19th day of August 2005	8th day of May 2006		A		

* 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 _____, above, or in appendix 2.2, are one offense for purposes of determining the offender score (RCW 9.94A.525).

2.3 Sentencing Data:

Count No.	Offender Score	Seriousness Level	Standard Range (not including enhancements)	Plus Enhancements*	Total Standard Range (including enhancements)	Maximum Term
1	3	III	9-12 months		9-12 months	10 years
2	N/A	N/A	0-364 days		0-364 days	364 days
3	N/A	N/A	0-364 days		0-364 days	5 years
4	N/A	N/A	0-364 days 10		0-364 days	90 days

* (F) Firearm, (D) Other deadly weapons, (RPh) Robbery of a pharmacy, (CSG) criminal street gang involving minor, (P16) Passenger(s) under age 16.

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.
- (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.

- 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 sentences the defendant as follows:

(a) **Confinement.** RCW 9.94A.589. A term of total confinement in the custody of the county jail:

<u>10</u> months on Count <u>1</u>	<u> </u> months on Count <u> </u>
<u>364</u> days on Count <u>2</u> with <u>64</u> days suspended <u>2</u> years	<u> </u> months on Count <u> </u>
<u>364</u> days on Count <u>3</u> with <u>64</u> days suspended <u>2</u> years	<u> </u> months on Count <u> </u>
<u>90</u> days on Count <u>4</u>	<u> </u> months on Count <u> </u>

Actual number of months of total confinement ordered is: 10 months

All counts shall be served concurrently, except for the following 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)): _____

Confinement shall commence immediately unless otherwise set forth here: _____

Partial Confinement. The defendant may serve the sentence, if eligible and approved, in partial confinement in the following programs, subject to the following conditions: _____

work crew RCW 9.94A.725
 work release RCW 9.94A.731

home detention RCW 9.94A.731, .190

Conversion of Jail Confinement (Nonviolent and Nonsex Offenses). RCW 9.94A.680(3). The county jail is authorized to convert jail confinement to an available county supervised community option, to reduce the time spent in the community option by earned release credit consistent with local correctional facility standards, and may require the offender to perform affirmative conduct pursuant to RCW 9.94A.

The defendant shall receive credit for time served in an available county supervised community option prior to sentencing. The jail shall compute time served.

Alternative Conversion. RCW 9.94A.680. _____ days of total confinement ordered above are hereby converted to _____ hours of community restitution (service) (8 hours = 1 day, nonviolent offenders only, 30 days maximum) under the supervision of the Department of Corrections (DOC) to be completed on a schedule established by the defendant's community corrections officer but not less than _____ hours per month.

Alternatives to total confinement were not used because of: _____
 criminal history failure to appear (finding required for nonviolent offenders only) RCW 9.94A.680.

(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.

4.2 Community Custody. RCW 9.94A.505, .702.

(A) The defendant shall serve _____ months (up to 12 months) in community custody.

The court may order community custody under the jurisdiction of DOC for up to 12 months if the defendant is convicted of a violent offense, a crime against a person under RCW 9.94A.411, or felony violation of chapter _____

69.50 or 69.52 RCW or an attempt, conspiracy or solicitation to commit such a crime. For offenses committed on or after June 7, 2006, the court shall impose a term of community custody under RCW 9.94A.701 if the offender is guilty of failure to register (second or subsequent offense) under RCW 9A.44.130(1)(a) and for offenses after June 12, 2008 for unlawful possession of a firearm with a finding that the defendant was a member or associate of a criminal street gang. The defendant shall report to DOC not later than 72 hours after release from custody at the address provided in open court or by separate document.

(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: _____
- participate in the following crime-related treatment or counseling services: _____
- undergo an evaluation for, and fully comply with, treatment for domestic violence substance abuse mental health anger management.
- comply with the following crime-related prohibitions: _____
- Other conditions: _____

(C) The conditions of community custody shall begin immediately upon release from confinement unless otherwise set forth here: _____

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:

<u>JASS CODE</u>			
PCV	\$ 500.00	Victim assessment	RCW 7.68.035
PDV	\$ _____	Domestic Violence assessment	RCW 10.99.080
CRC	\$ 220.50		Court

costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190

Criminal filing fee	\$ 260.00	FRC
Witness costs	\$ _____	WFR
Sheriff service fees	\$ 20.50	SFR/SFS/SPW/WRF
Jury demand fee	\$ _____	JFR

Extradition costs \$ _____ EXT
 Other \$ _____

PUB ~~\$250.00~~ Fees for court appointed attorney RCW 9.94A.760
 WFR \$ _____ Court appointed defense expert and other defense costs RCW 9.94A.760
 \$ _____ DUI fines, fees and assessments
 CLF \$ _____ Crime lab fee suspended due to indigency RCW 43.43.690
 \$ 100.00 DNA collection fee RCW 43.43.7541
 FPV \$ _____ Specialized forest products RCW 76.48.140
 \$ ~~40.00~~ Other fines or costs for: Booking fee _____

DEF \$ _____ Emergency response costs (\$1,000 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.)

600.00
 \$ ~~110.50~~ 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 \$ 35⁰⁰ per month commencing 60 days from release.
 RCW 9.94A.760. *No Interest to accrue while incarcerated. AR*
- 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 _____, or
until _____ (which does not exceed the maximum statutory sentence).

A separate Domestic Violence No-Contact Order, Stalking No-Contact Order, or Antiharassment 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. 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.

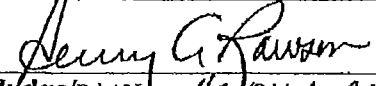
5.7 Department of Licensing Notice: The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. Clerk's Action -The clerk shall forward an Abstract of Court Record (ACR) to the DOL, which must revoke the Defendant's driver's license. RCW 46.20.285. Findings for DUI,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

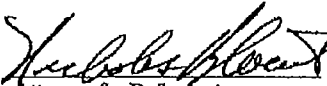
Vehicle Info.: Commercial Veh. 16 Passenger Veh. Hazmat Veh.

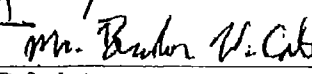
5.8 Other: _____

Done in Open Court and in the presence of the defendant this date: 5-8-2015


Judge/Print Name: HENRY A. RAWSON


Chief Criminal Deputy Prosecutor
WSBA No 46333.
Print Name: Branden Platter


Attorney for Defendant
WSBA No. 44783
Print Name: Nicholas Blount


Defendant
Print Name: Brandon William Cate

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: Mr. Benjamin W. Cato

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. WA22482533 (If no SID complete a separate Applicant card (form FD-258) for State Patrol)		Date of Birth 10/06/1986	
FBI No. 523599FCI		Local ID No.	
PCN No. 917453624		Other	
Alias name, DOB:			
Race:		Ethnicity:	Sex:
<input type="checkbox"/> Asian/Pacific Islander	<input type="checkbox"/> Black/African-American	<input checked="" type="checkbox"/> Caucasian	<input type="checkbox"/> Hispanic
<input type="checkbox"/> Native American	<input type="checkbox"/> Other:	<input checked="" type="checkbox"/> Non-Hispanic	<input type="checkbox"/> Female

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

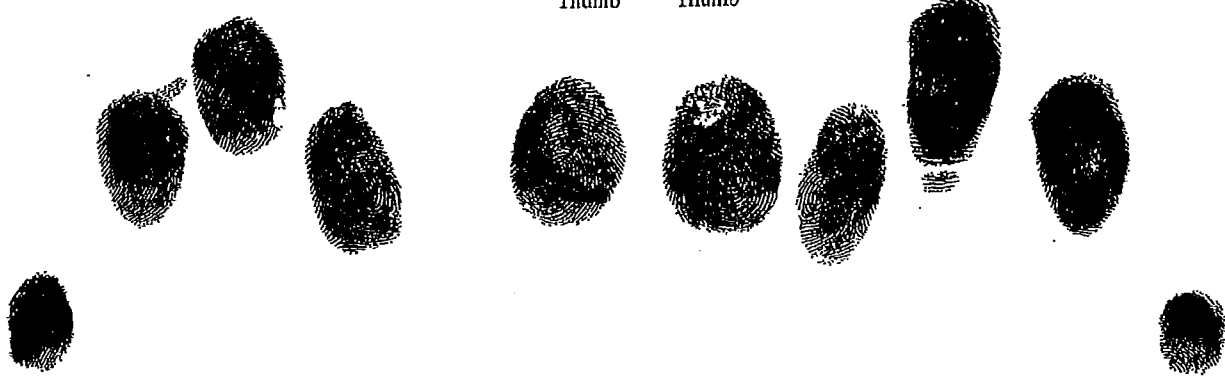
Clerk of the Court, Deputy Clerk

Charles Yoon 5-8-2015

The defendant's signature:

Mr. Barker W. Cat

Left four fingers taken simultaneously Left Thumb Right Thumb Right four fingers taken simultaneously



APPENDIX D: Judgment and Sentence for 05-1-000163-5

FILED

11

MAY 8 2006

JUANITA S KOCH
DOUGLAS COUNTY CLERK
WATERVILLE, WASH
BY F. J. [unclear] DEPUTY

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

SUPERIOR COURT OF WASHINGTON
COUNTY OF DOUGLAS

STATE OF WASHINGTON, Plaintiff,

No 05-1-00163-5

vs

FELONY JUDGMENT AND SENTENCE (FJS)

Jail One Year or Less

BRANDON W CATE
Defendant

06-9 00227 2

SID
If no SID, use DOB 10/06/1986

I HEARING

1 | A sentencing hearing was held and the defendant the defendant's lawyer and the (deputy) prosecuting attorney were present

II FINDINGS

There being no reason why judgment should not be pronounced, the court FINDS

2 | CURRENT OFFENSE(S) The defendant was found guilty on May 8, 2006 by [x] plea [] jury-verdict [] bench trial of

COUNT	CRIME	RCW	DATE OF CRIME
I	Intimidating a Public Servant	9A 76 180	08/19/05
II	Assault Third	9A 36 031	08/19/05
III	Bail Jumping with class B or C felony	9A 76 170(2)(c)	04/24/06

(If the crime is a drug offense, include the type of drug in the second column) as charged in the (_____ Amended) Information

[] Additional current offenses are attached in Appendix 2 1

[] The court finds that the defendant is subject to sentencing under RCW 9 94A 712

[] A special verdict/finding for use of firearm was returned on Count(s) _____ RCW 9 94A 602, 9 94A 533

[] A special verdict/finding for use of deadly weapon other than a firearm was returned on Count(s) _____ RCW 9 94A 602, 9 94A 533

[] A special verdict/finding of sexual motivation was returned on Count(s) _____ RCW 9 94A 835

[] A special verdict/finding for Violation of the Uniform Controlled Substances Act was returned on _____

- 1 Count(s) _____, RCW 69 50 401 and RCW 69 50 435, taking place in a school, school bus,
 2 within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated
 3 by the school district, or in a public park, public transit vehicle, or public transit stop shelter, or in, or within
 4 1000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in
 5 a public housing project designated by a local governing authority as a drug-free zone
 6 A special verdict/finding that the defendant committed a crime involving the manufacture of methamphetamine,
 7 including its salts, isomers, and salts of isomers, when a juvenile was present in or upon the premises of
 8 manufacture was returned on Count(s) _____ RCW 9 94A 605, RCW
 9 69 50 401, RCW 69 50 440
 10 The defendant was convicted of vehicular homicide which was proximately caused by a person driving a
 11 vehicle while under the influence of intoxicating liquor or drug or by the operation of a vehicle in a reckless
 12 manner and is therefore a violent offense RCW 9 94A 030
 13 This case involves kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as
 14 defined in chapter 9A 40 RCW, where the victim is a minor and the offender is not the minor's parent RCW
 15 9A 44 130
 16 The court finds that the offender has a chemical dependency that has contributed to the offense(s)
 17 RCW 9 94A 607
 18 The crime charged in Count(s) _____ involve(s) domestic violence
 19 Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender
 20 score are (RCW 9 94A 589)
 21 Other current convictions listed under different cause numbers used in calculating the offender score are (list
 22 offense and cause number)

2.2 CRIMINAL HISTORY (RCW 9 94A 525) None

CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J Adult, Juv	TYPE OF CRIME
1					
2					
3					
4					
5					

- 23 Additional criminal history is attached in Appendix 2.2
 24 The defendant committed a current offense while on community placement (adds one point to score)
 25 RCW 9 94A 525
 26 The court finds that the following prior convictions are one offense for purposes of determining the offender
 27 score (RCW 9 94A 525)
 28 The following prior convictions are not counted as points but as enhancements pursuant to RCW 46 61 520

STEVEN M CLEM
 DOUGLAS COUNTY PROSECUTING ATTORNEY
 PO BOX 360 WATERVILLE WA 98858
 509/745 8535 FAX 509/745 8670

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

23 SENTENCING DATA

COUNT NO	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS*	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	2	III	4 - 12 months	None	4 - 12 months	10 years
II	2	III	4 - 12 months	None	4 - 12 months	5 years
III	2	III	4 - 12 months	None	4 - 12 months	5 years

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh Hom, see RCW 46 61 520, (JP) Juvenile present

[] Additional current offense sentencing data is attached in Appendix 2 3

24 [] EXCEPTIONAL SENTENCE Not applicable

25 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS The court has considered the total amount owing, the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein RCW 9 94A 753

[] The following extraordinary circumstances exist that make restitution inappropriate (RCW 9 94A 753)

26 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are [] attached [] as follows _____

III JUDGMENT

31 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2 1 and Appendix 2 1

32 [] The court DISMISSES Counts _____ [] The defendant is found NOT GUILTY of Counts _____

IV SENTENCE AND ORDER

IT IS ORDERED

4 1 Defendant shall pay to the Clerk of this Court

JASS CODE

\$ _____ 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)

PCV \$ 500 00 Victim assessment RCW 7 68 035

1 \$ _____ Domestic Violence assessment RCW 10 99 080
 2 *CRC* \$ 200 00 Court costs, including RCW 9 94A 760, 9 94A 505, 10 01 160, 10 46 190
 3 Criminal filing fee \$ _____ FRC
 4 Witness costs \$ _____ WFR
 5 Sheriff service fees \$ _____ SFR/SFS/SFW/WRF
 6 Jury demand fee \$ _____ JFR
 7 Extradition costs \$ _____ EXT
 8 Other \$ _____
 9 *PUB* \$ 400 00 Fees for court appointed attorney RCW 9 94A 760
 10 *WFR* \$ _____ Court appointed defense expert and other defense costs RCW 9 94A 760
 11 *FCM/MTH* \$ 500 00 Fine RCW 9A 20 021, [] VUCSA chapter 69 50 RCW, [] VUCSA additional
 12 fine deferred due to indigency RCW 69 50 430
 13 *CDF/LDI/FCD* \$ _____ Drug enforcement fund of _____ RCW 9 94A 760
 14 *NTF/SAD/SDI*
 15 *CLF* \$ _____ Crime lab fee [] suspended due to indigency RCW 43 43 690
 16 \$ 100 00 Felony DNA collection fee [] not imposed due to hardship RCW 43 43 7541
 17 *RTN/RJN* \$ _____ Emergency response costs (Vehicular Assault, Vehicular Homicide only, \$1000
 18 maximum) RCW 38 52 430
 19 \$ _____ Other costs for _____
 20 \$ 1700 00 TOTAL RCW 9 94A 760

21 [] The above total does not include all restitution or other legal financial obligations, which may be set by
 22 later order of the court An agreed resitution order may be entered RCW 9 94A 753 A restitution
 23 hearing
 24 [] shall be set by the prosecutor
 25 [] is scheduled for _____

26 [] RESTITUTION Schedule attached
 27 [] Restitution ordered above shall be paid jointly and severally with
 28 NAME of other defendant CAUSE NUMBER (Victim's name) (Amount-\$)
 29 *RJN* _____
 30 _____

31 [] The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll
 32 Deduction RCW 9 94A 7602, RCW 9 94A 760(8)
 33 [X] All payments shall be made in accordance with the policies of the clerk of the court and on a schedule
 34 established by DOC or the clerk of the court, commencing immediately, unless the court specifically sets
 35 forth the rate here Not less than \$ 50 per month commencing ~~15~~ 30 days after jail release []
 36 _____ RCW 9 94A 760

37 The defendant shall report as directed by the clerk of the court and provide financial information as requested
 38 RCW 9 94A 760(7)(b)

39 [] In addition to the other costs imposed herein, the court finds that the defendant has the means to pay for the
 40 cost of incarceration and is ordered to pay such costs at the rate of \$50 00 per day, unless another rate is
 41 specified here _____ (JLR) RCW 9 94A 760

STEVEN M GLEM
 DOUGLAS COUNTY PROSECUTING ATTORNEY
 P O BOX 380 WATERVILLE WA 98888
 509/746 8535 • FAX 509/746 8870

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

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

The defendant is placed on monetary supervision through the Douglas County Superior Court Clerk, P O Box 516, 203 Ranier Street, Waterville, WA 98858, and such supervision shall continue until all ordered legal financial obligations are paid in full, including both principal and accrued interest The defendant is ordered to keep the Clerk advised of the defendant's current mailing address, telephone number and employer's name, and shall notify the Clerk of changes within two business days The defendant is further ordered to report to the collections officer as directed and appear for all scheduled financial review hearings

DNA TESTING The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement RCW 43 43 754

HIV TESTING The defendant shall submit to HIV testing RCW 70 24 340

4 3 The defendant shall not have contact with _____ (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for _____ years (not to exceed the maximum statutory sentence)

Domestic Violence No-Contact Order or Antiharassment No-Contact Order is filed with this Judgment and Sentence

4 4 OTHER _____

4 5 JAIL ONE YEAR OR LESS The defendant is sentenced as follows

(a) CONFINEMENT RCW 9 94A 589 Defendant is sentenced to the following term of total confinement in the custody of the county jail

12 months on Count I _____ months on Count _____
12 months on Count II _____ months on Count _____
12 months on Count III _____ months on Count _____

Actual number of months of total confinement ordered is 12

STEVEN M GLEM
DOUGLAS COUNTY PROSECUTING ATTORNEY
PO BOX 380 WATERVILLE WA 98858
509/745 8535 • FAX 509/745 8670

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

All counts shall be served concurrently, except for the following which shall be served consecutively

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

but concurrently to any other felony cause not referred to in this Judgment RCW 9 94A 589

Confinement shall commence immediately unless otherwise set forth here _____

PARTIAL CONFINEMENT Defendant may serve the sentence, if eligible and approved, in partial confinement in the following programs, subject to the following conditions _____

- work crew RCW 9 94A 725
- home detention RCW 9 94A 731, 190
- work release RCW 9 94A 731

CONVERSION OF JAIL CONFINEMENT (Nonviolent and Nonsex Offenses) RCW 9 94A 680(3) The county jail is authorized to convert jail confinement to an available county supervised community option and may require the offender to perform affirmative conduct pursuant to RCW 9 94A

ALTERNATIVE CONVERSION RCW 9 94A 680 _____ days of total confinement ordered above are hereby converted to _____ hours of community restitution (service) (8 hours = 1 day, nonviolent offenders only, 30 days maximum) under the supervision of the Department of Corrections (DOC) to be completed on a schedule established by the defendant's community corrections officer but not less than _____ hours per month

Alternatives to total confinement were not used because of _____
 criminal history failure to appear (finding required for nonviolent offenders only) RCW 9 94A 680

(b) CONFINEMENT RCW 9 94A 712 (Sex Offense, only) The defendant is sentenced to the following term of confinement in the custody of the DOC

Count _____	minimum term _____	maximum term _____
Count _____	minimum term _____	maximum term _____

(c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number RCW 9 94A 505 The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court _____

46 NO DEPARTMENT OF CORRECTIONS SUPERVISION (MONETARY SUPERVISION ONLY)

COMMUNITY SUPERVISION CUSTODY RCW 9 94A 505, 545 Defendant shall serve 12 months (up to 12 months) in community supervision or community custody

[On or after July 1, 2003, the court may order community custody under the jurisdiction of DOC for up to 12 months if the defendant is convicted of a sex offense, a violent offense, a crime against a person under RCW 9 94A 411, or felony violation of chapter 69 50 or 69 52 RCW or an attempt, conspiracy or solicitation to commit such a crime]

COMMUNITY CUSTODY for count(s) _____, sentenced under RCW 9 94A 712, is ordered for any period of time the defendant is released from total confinement before the expiration of the maximum sentence

Defendant shall report to DOC, 325 N Chelan, Suite A, P O Box 2869, Wenatchee, WA 98807-2869

1 not later than 72 hours after release from custody, and the defendant shall perform affirmative acts necessary to
2 monitor compliance with the orders of the court as required by DOC and shall comply with the instructions,
3 rules and regulations of DOC for the conduct of the defendant during the period of community supervision or
community custody and any other conditions of community supervision or community custody stated in this
Judgment and Sentence

4 The defendant shall comply with the following additional conditions of community custody

- 5 [x] The defendant shall make payments on all court ordered legal financial obligations as directed by the
6 court, and shall pay community supervision fees as determined by the Department of Corrections,
- 7 [x] The defendant shall notify his community corrections officer in advance of any change of address or
8 employment,
- 9 Must consent to allow home visits by the Department to monitor compliance with supervision Home
visits include access for purposes of visual inspection of all areas of the residence in which the
offender lives or has exclusive or joint control or access
- 10 [x] The defendant shall not associate nor have contact with persons with felony convictions,
- 11 [x] The defendant shall remain within, or outside of, a specified geographical boundary as set forth by the
12 Department of Corrections,
- 13 [x] The defendant shall not have direct or indirect contact with the victim of the crime or a specified class of
individuals, Deputy Joaquin Sanchez, Juan Sanchez
- 14 [] The defendant shall participate in the following crime-related treatment or counseling services, as
15 specified by his/her community corrections officer,
- 16 [x] The defendant shall obtain an alcohol/substance abuse evaluation within 60 days of release from
confinement and successfully complete any recommended treatment/counseling program,
- 17 [] The defendant shall undergo an evaluation for treatment for [] domestic violence [] mental health []
18 anger management, and shall fully comply with recommended treatment,
- 19 [x] The defendant shall not possess, use or deliver any controlled substances except as prescribed by a
physician,
- 20 [x] The defendant shall submit to random UA or breath tests at the direction of his community corrections
21 officer,
- 22 [x] The offender shall not possess or consume alcohol and shall not frequent any tavern, bar, lounge or other
business premises where the sale and consumption of alcoholic beverages is the primary business activity,
- 23 [x] The offender shall comply with the rules and regulations set forth by the department of corrections,
- 24 [] The offender shall comply with the following crime-related prohibitions
25 _____
- 26 [X] Other No [] similar [x] new violations of criminal law
- 27 [] Other Conditions _____

1 [] For sentences imposed under RCW 9 94A 712, other conditions may be imposed during community custody
2 by the Indeterminate Sentence Review Board, or in an emergency by DOC Emergency conditions imposed by
3 DOC shall not remain in effect longer than seven working days

4 The community supervision or community custody imposed by this order shall be served consecutively to any
5 term of community supervision or community custody in any sentence imposed for any other offense, unless
6 otherwise stated The maximum length of community supervision or community custody pending at any given
7 time shall not exceed 24 months, unless an exceptional sentence is imposed RCW 9 94A 589

8 The conditions of community supervision or community custody shall begin immediately unless otherwise set
9 forth here _____

10 4 7 OFF LIMITS ORDER (known drug trafficker) RCW 10 66 020 The following areas are off limits to the
11 defendant while under the supervision of the county jail or Department of Corrections _____
12 _____

V NOTICES AND SIGNATURES

13 5 1 COLLATERAL ATTACK ON JUDGMENT Any petition or motion for collateral attack on this Judgment
14 and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to
15 vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be
16 filed within one year of the final judgment in this matter, except as provided for in RCW 10 73 100 RCW
17 10 73 090

18 5 2 LENGTH OF SUPERVISION For an offense committed prior to July 1, 2000, the defendant shall remain
19 under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years
20 from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal
21 financial obligations unless the court extends the criminal judgment an additional 10 years For an offense
22 committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purpose of
23 the offender's compliance with payment of the legal financial obligations, until the obligation is completely
24 satisfied, regardless of the statutory maximum for the crime RCW 9 94A 760 and RCW 9 94A 505(5) The
25 clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains
26 under the jurisdiction of the court for purposes of his or her legal financial obligations RCW 9 94A 760(4)
27 and RCW 9 94A 753(4)

28 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 or the clerk of the court
may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly
payments in an amount equal to or greater than the amount payable for one month RCW 9 94A 7602 Other
income-withholding action under RCW 9 94A 760 may be taken without further notice RCW 9 94A 7606

5 4 RESTITUTION HEARING

[] Defendant waives any right to be present at any restitution hearing (sign initials) _____

5 5 Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation
RCW 9 94A 634

5 6 FIREARMS You must immediately surrender any concealed pistol license and you may not own, use or
possess any firearm unless your right to do so is restored by a court of record (The clerk of the court
shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the
Department of Licensing along with the date of conviction or commitment) RCW 9 41 040, 9 41 047

~~Cross off if not applicable~~

5 7 ~~SEX AND KIDNAPPING OFFENDER REGISTRATION RCW 9A 44 130, 10 01 200 Because this
crime involves a sex offense or kidnapping offense involving a minor as defined in RCW 9A 44 130, you
are required to register with the sheriff of the county of the state of Washington where you reside If you are
not a resident of Washington but you are a student in Washington or you are employed in Washington or you
carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of~~

1 employment, or vocation You must register immediately upon being sentenced unless you are in custody, in
2 which case you must register within 24 hours of your release

3 If you leave the state following your sentencing or release from custody but later move back to
4 Washington, you must register within 30 days after moving to this state or within 24 hours after doing so if
5 you are under the jurisdiction of this state's Department of Corrections If you leave this state following your
6 sentencing or release from custody but later while not a resident of Washington you become employed in
7 Washington, carry on a vocation in Washington, or attend school in Washington, you must register within 30
8 days after starting school in this state or becoming employed or carrying out a vocation in this state, or within
9 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections

10 If you change your residence within a county, you must send written notice of your change of residence
11 to the sheriff within 72 hours of moving If you change your residence to a new county within this state, you
12 must send written notice of your change of residence to the sheriff of your new county of residence at least
13 14 days before moving, register with that sheriff within 24 hours of moving and you must give written notice
14 of your change of address to the sheriff of the county where last registered within 10 days of moving If you
15 move out of Washington State, you must also send written notice within 10 days of moving to the county
16 sheriff with whom you last registered in Washington State

17 If you are a resident of Washington and you are admitted to a public or private institution of higher
18 education, you are required to notify the sheriff of the county of your residence of your intent to attend the
19 institution within 10 days of enrolling or by the first business day after arriving at the institution, whichever is
20 earlier If you become employed at a public or private institution of higher education, you are required to notify
21 the sheriff for the county of your residence of your employment by the institution within 10 days of accepting
22 employment or by the first business day after beginning to work at the institution, whichever is earlier If your
23 enrollment or employment at a public or private institution of higher education is terminated, you are required
24 to notify the sheriff for the county of your residence of your termination of enrollment or employment within 10
25 days of such termination

26 Even if you lack a fixed residence, you are required to register Registration must occur within 24 hours of
27 release in the county where you are being supervised if you do not have a residence at the time of your release
28 from custody or within 48 hours excluding weekends and holidays after ceasing to have a fixed residence If
29 you enter a different county and stay there for more than 24 hours, you will be required to register in the new
30 county You must also report weekly in person to the sheriff of the county where you are registered The
31 weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business
32 hours The county sheriff's office may require you to list the locations where you have stayed during the last
33 seven days The lack of a fixed residence is a factor that may be considered in determining an offender's risk
34 level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW
35 4 24 550

36 If you move to another state, or if you work, carry on a vocation, or attend school in another state you
37 must register a new address, fingerprints, and photograph with the new state within 10 days after establishing
38 residence, or after beginning to work, carry on a vocation, or attend school in the new state You must also
39 send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff
40 with whom you last registered in Washington State

41 If you apply for a name change, you must submit a copy of the application to the county sheriff of the
42 county of your residence and to the state patrol not fewer than five days before the entry of an order granting the
43 name change If you receive an order changing your name, you must submit a copy of the order to the county
44 sheriff of the county of your residence and to the state patrol within five days of the entry of the order RCW
45 9A 44 130(7)

46 5 8 [] The court finds that Count _____ is a felony in the commission of which a motor vehicle was used The
47 clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of
48 Licensing, which must revoke the defendant's driver's license RCW 46 20 285

49 5 9 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the
50 defendant must notify DOC and the defendant's treatment information must be shared with DOC for the
51 duration of the defendant's incarceration and supervision RCW 9 94A 562

52 5 10 OTHER _____

STEVEN M CLEM
DOUGLAS COUNTY PROSECUTING ATTORNEY
PO BOX 380 WATERVILLE WA 98858
509/745 8535 FAX 509/745 8670

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

5 11 BAIL/BOND EXONERATION That pursuant to the entry of this order the defendant's bail/bond is exonerated

DONL in Open Court and in the presence of the defendant this date 5/8/06

John Hotchkiss
Judge/Print name John Hotchkiss

Gordon Edgar
Deputy Prosecuting Attorney
WSBA No 26799-17425
Print name Gordon Edgar
Eric C. Biggar

Keith Howard
Attorney for Defendant
WSBA No 19226
Print name Keith Howard

Brandon William Cate
Defendant
Print name Brandon W Cate

VOTING RIGHTS STATEMENT RCW 10 64 ____ I acknowledge that my right to vote has been lost due to felony conviction. If I am registered to vote my voter registration will be cancelled. My right to vote may be restored by a) A certificate of discharge issued by the sentencing court, RCW 9 94A 637, b) A court order issued by the sentencing court restoring the right, RCW 9 92 066, c) A final order of discharge issued by the indeterminate sentence review board, RCW 9 96 050 or d) A certificate of restoration issued by the governor, RCW 9 96 020. Voting before the right is restored is a class C felony RCW 92A 84 660

Defendant's signature *Brandon William Cate* 2005 Wash Laws 246 § 1

I am a certified interpreter of, or the court has found me otherwise qualified to interpret, the _____ language which the defendant understands. I translated this judgment and sentence for the defendant into that language.
Interpreter signature/Print name _____

1
 2 I, _____, Clerk of this Court, certify that the foregoing is a full
 3 true and correct copy of the Judgment and Sentence in the above-entitled action now on record in this office.

4 WITNESS my hand and seal of the said Superior Court affixed this date _____
 5 Clerk of the Court of said county and state, by _____ Deputy Clerk

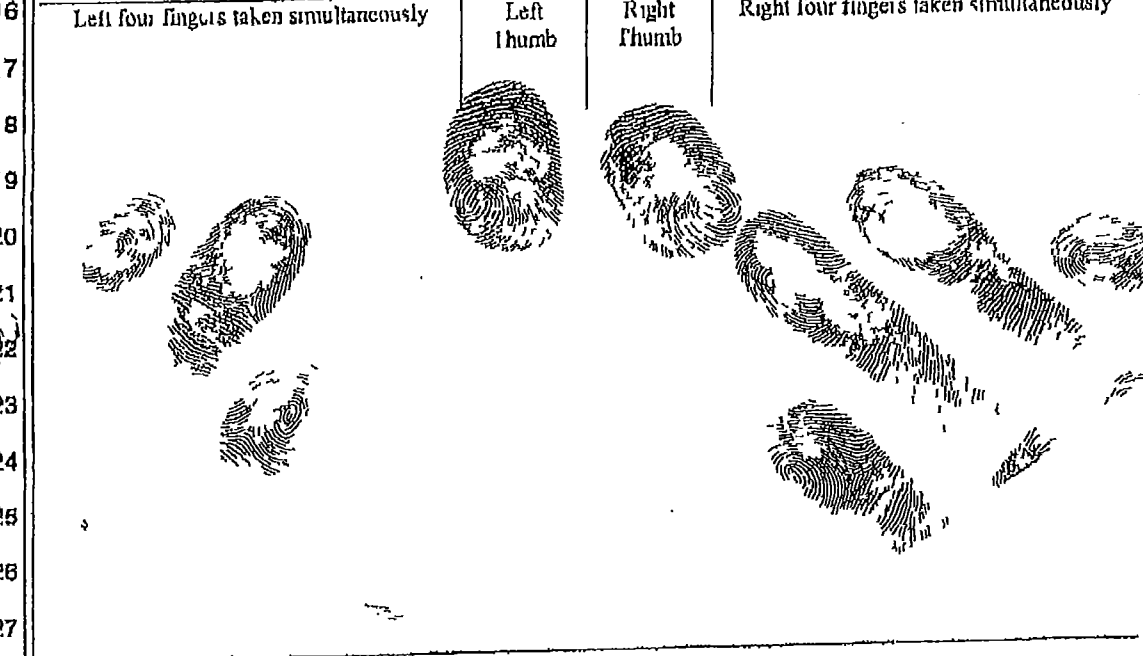
IDENTIFICATION OF DEFENDANT

6
 7 SID No _____ Date of Birth _____
 (If no SID take fingerprint card for State Patrol)
 8 FBI No _____ Local ID No _____
 9 PCN No _____ Other _____
 10 Alias name DOB _____

11 Race Ethnicity Sex
 12 Asian/Pacific Islander Black/African-American Caucasian Hispanic Male
 13 Native American Other _____ Non-Hispanic Female

14 FINGERPRINTS I attest that I saw the same defendant who appeared in court on this document affix his or her
 fingerprint and signature thereto Clerk of the Court Deputy Clerk Trista Wether Dated 5-8-06

15 DEFENDANT'S SIGNATURE Brendon William Cate




STEVEN M CLEM
 DOUGLAS COUNTY PROSECUTING ATTORNEY
 PO BOX 360 WATERVILLE WA 98858
 509746 8535 FAX 509745 8870

PROOF OF SERVICE

I, Shauna Field, do hereby certify under penalty of perjury that on the 3rd day of April, 2018, I provided email service to the following by prior agreement (as indicated), a true and correct copy of the Brief of Respondent:

E-mail: skylarbrettlawoffice@gmail.com

Skylar Texas Brett
Law Offices of Lise Ellner
PO Box 2711
Vashon, WA 98070



Shauna Field, Office Administrator

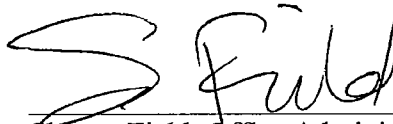
BRANDEN E. PLATTER
Okanogan County Prosecuting Attorney
P. O. Box 1130 • 237 Fourth Avenue N.
Okanogan, WA 98840
(509) 422-7280 FAX: (509) 422-7290

PROOF OF SERVICE

I, Shauna Field, do hereby certify under penalty of perjury that on the 11th day of April, 2018, I provided email service to the following by prior agreement (as indicated), a true and correct copy of the Motion for Additional Evidence:

E-mail: skylarbrettlawoffice@gmail.com

Skylar Texas Brett
Law Offices of Lise Ellner
PO Box 2711
Vashon, WA 98070

A handwritten signature in black ink that reads "S Field". The signature is written in a cursive style with a large, stylized "S" and "Field" written in a more legible but still cursive hand.

Shauna Field, Office Administrator

BRANDEN E. PLATTER
Okanogan County Prosecuting Attorney
P. O. Box 1130 • 237 Fourth Avenue N.
Okanogan, WA 98840
(509) 422-7280 FAX: (509) 422-7290

SUPREME COURT
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON

Plaintiff/Respondent,

v.

BRANDON WILLIAM CATE,

Defendant/Appellant.

COA No. 972095

CERTIFICATE OF
SERVICE

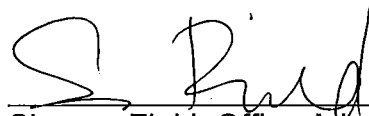
I, Shauna Field, do hereby certify under penalty of perjury that on the 11th day of September, 2019, I caused the original Answer to Petition for Review to be filed in the Supreme Court and a true copy of the same to be served on the following in the manner indicated below:

E-mail: skylarbrettlawoffice@gmail.com

Skylar Texas Brett
Law Office of Skylar T. Brett
P.O. Box 18084
Seattle, WA 98118

U.S. Mail
 Hand Delivery
 E-Service via Portal

Signed in Okanogan, Washington this 11th day of September, 2019.



Shauna Field, Office Administrator

OKANOGAN COUNTY PROSECUTING ATTORNEY'S OFFICE

September 11, 2019 - 8:40 AM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 97209-5
Appellate Court Case Title: State of Washington v. Brandon William Cate
Superior Court Case Number: 17-1-00046-7

The following documents have been uploaded:

- 972095_Answer_Reply_20190911083950SC954729_0418.pdf
This File Contains:
Answer/Reply - Answer to Petition for Review
The Original File Name was 2019.09.11 Answer to Petition.pdf

A copy of the uploaded files will be sent to:

- dstevens@co.okanogan.wa.us
- skylarbrettlawoffice@gmail.com
- valerie.skylarbrett@gmail.com

Comments:

Sender Name: Shauna Field - Email: sfield@co.okanogan.wa.us

Filing on Behalf of: Arian Noma - Email: anoma@co.okanogan.wa.us (Alternate Email: sfield@co.okanogan.wa.us)

Address:
PO Box 1130
Okanogan, WA, 98840
Phone: (509) 422-7288

Note: The Filing Id is 20190911083950SC954729