

NO. 62290-1-I

COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION I

In re Personal Restraint Petition of

JACQUELINE FLETCHER,

Petitioner.

FILED
COURT OF APPEALS
STATE OF WASHINGTON
2008 NOV 13 PM 12:51

APPEAL FROM THE SUPERIOR COURT FOR KING COUNTY

STATE'S RESPONSE TO PERSONAL RESTRAINT PETITION

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A. AUTHORITY FOR RESTRAINT OF PETITIONER

Jacqueline Fletcher is restrained pursuant to judgment and sentence in King County Superior Court No. 93-1-06867-7 SEA. Appendix A. Fletcher has completed her term of confinement pursuant to this judgment. However, she is currently serving a term of life imprisonment without possibility of parole pursuant to judgment and sentence in Snohomish County Superior Court No. 96-1-00379-9.

B. ISSUES PRESENTED

1. Whether this petition should be dismissed as untimely where there is no invalidity in the sentence that is apparent on the face of the judgment and sentence.

2. Whether this petition should be dismissed where petitioner was correctly advised in the plea agreement, which she signed, as to the maximum fine.

3. Whether this petition should be dismissed where petitioner waived her challenge at sentencing.

4. Whether this petition should be dismissed where withdrawal of the plea is not warranted by the circumstances.

C. STATEMENT OF THE CASE

In 1993, Fletcher pled guilty to two counts of robbery in the second degree. Appendix B. On page 2 of the plea form, which is customarily completed by defense counsel, Fletcher was advised that the maximum sentence for robbery in the second degree was ten years imprisonment and a \$25,000 fine. Appendix B. On the plea agreement, which is customarily completed by the prosecutor and was signed by all the parties, including Fletcher, she was advised that the maximum was 10 years and a \$20,000 fine. Appendix B. The State agreed to recommend a standard range sentence of 22 months, plus restitution, court costs, a victim penalty assessment and recoupment of defense attorney fees. Appendix B, State's Sentencing Recommendation. The State did not recommend that the court impose any fine. Id.

Fletcher was sentenced on January 14, 1994. Appendix A. She received a sentence of 25 months of total confinement. Appendix A. The judgment and sentence states that the maximum term for the crime of robbery is "10 yrs and or \$10,000." The court imposed restitution in the amount of \$714.08 and the \$100 victim penalty assessment and waived all other fees. Appendix A and C.

Fletcher did not appeal. Fletcher satisfied her legal financial obligations in 2001. Appendix D.

D. ARGUMENT

1. THIS PETITION IS UNTIMELY BECAUSE THERE IS NO INVALIDITY IN THE SENTENCE THAT WAS IMPOSED.

Fletcher contends that her claim, which is raised fourteen years after her judgment and sentence became final, is not time-barred because the judgment and sentence is invalid on its face. Her claim should be rejected. There was no error in the sentence imposed. As such, the judgment and sentence is not invalid on its face.

No petition collaterally attacking a judgment and sentence may be filed more than one year after the judgment becomes final, if the judgment and sentence is valid on its face and was rendered by a court of competent jurisdiction. RCW 10.73.090(1). A judgment becomes final on the date that it is filed with the clerk of the trial court if no appeal is filed. RCW 10.73.090(3). In the present case, the judgment and sentence became final on January 18, 1994. Appendix A. This petition was not filed until August of 2008, more than 14 years later.

Pursuant to RCW 10.73.090(1), the one-year time limit only applies if "the judgment and sentence is valid on its face." RCW 10.73.090(1). A judgment is valid on its face unless the judgment evidences an error without further elaboration. In re Pers. Restraint of Thompson, 141 Wn.2d 712, 10 P.3d 380 (2000).¹

Fletcher argues that the 1994 judgment and sentence is invalid on its face because the form states the incorrect maximum fine. The maximum fine for robbery in the second degree, a class B felony, is \$20,000. RCW 9A.56.210(2); 9A.20.021(1)(b). The judgment and sentence states that the maximum fine is \$10,000. Significantly, the court did not impose a fine.

The actual "judgment" is contained in part III on the form. It states: "It is adjudged that defendant is guilty of the current offenses set forth in Section 2.1 above and Appendix A." Appendix A. Fletcher does not challenge the validity of this judgment.

Fletcher also does not challenge the sentence imposed: a standard range sentence of 25 months of total confinement, plus

¹ The documents of the plea can inform the inquiry as to whether the judgment and sentence is invalid on its face. In re Pers. Restraint of Hemenway, 147 Wn.2d 529, 55 P.3d 615 (2002). However, misinformation about the consequences of a plea is not a facial defect exempt from the one-year time limit on collateral attack. Id. at 533. Thus, the alleged error on the plea form, discussed *infra*, likewise does not render the judgment and sentence invalid on its face.

restitution and victim's penalty assessment. Rather, Fletcher attempts to rely on a typographical error contained in the document that affects neither the judgment or the sentence. By Fletcher's reasoning, the judgment and sentence would also presumably be invalid because her criminal history includes a 1993 robbery conviction from "Kign Co.", not "King Co." Appendix A.

Washington courts have never adopted a rule that any mistake on the judgment form renders a judgment and sentence invalid on its face. The error must affect the validity of the sentence itself. For example, in In re Pers. Restraint of Stoudmire, 141 Wn.2d 342, 354, 5 P.3d 1240 (2000), the judgment and sentence was invalid on its face because the crime was charged outside the statute of limitations thus rendering the sentence imposed invalid. In In re Thompson, supra, the judgment and sentence was invalid on its face because the defendant was convicted of a crime that did not exist at the time it was committed thus rendering the sentence imposed invalid. 141 Wn.2d at 719. In In re Pers. Restraint of Goodwin, 146 Wn.2d 861, 865-66, 50 P.3d 618 (2002), the judgment and sentence was invalid on its face where the offender score was incorrectly calculated thus rendering the sentence imposed invalid. In In re Pers. Restraint of West, 154 Wn.2d 204,

110 P.3d 1122 (2005), the judgment and sentence was invalid on its face due to a provision of the sentence that prohibited earned early release credit, which was outside the court's statutory authority, thus rendering the sentence imposed invalid. In no case has a Washington court held a judgment and sentence invalid on its face based on a mistake on the judgment form that does not affect the validity of the sentence imposed. This Court should reject Fletcher's contention that any mistake on the judgment and sentence renders the document invalid on its face, even where the mistake does not affect the validity of the sentence imposed. Fletcher's judgment and sentence does not evidence an error in the sentence on its face. It is not invalid on its face.

Fletcher argues that the time-bar cannot be applied to her because there is no proof that she received written notice of the time-bar when he was sentenced as provided by RCW 10.73.110. That statute states, "[a]t the time judgment and sentence is pronounced in a criminal case, the court shall advise the defendant of the time limit specified in RCW 10.73.090 and 10.73.100." RCW 10.73.110. The statute was enacted in 1989. There appears to be no written documentation in the court file of such an advisement. No transcript of the sentencing hearing has been provided.

However, Fletcher received written notice of the time bar just five months earlier when she was sentenced in a previous case, No. 93-1-03985-5. Appendix E. As such, Fletcher's reliance on In re Pers. Restraint of Vega, 118 Wn.2d 449, 823 P.2d 1111 (1992), is misplaced. In that case it was undisputed that petitioner had not been advised of the one-year time bar as required by RCW 10.73.120 while in federal prison, and thus the court did not apply the time bar. Id. at 450. Fletcher had already been advised of the one-year time when she was sentenced.

Moreover, while RCW 10.73.110 does provide that the court "shall" advise the defendant of the time bar at the time of sentencing, it does not provide a remedy for the court's failure to do so. Nothing in 10.73.090 reflects that the legislature intended application of the time bar to be dependent on the court's compliance with RCW 10.73.110. In this respect, RCW 10.73.110 is like the juvenile speedy disposition statute, RCW 13.40.130(8). In State v. Eugene W., 41 Wn. App. 758, 760-61, 706 P.2d 235 (1985), the court acknowledged that the statute required a juvenile disposition hearing within 14 days, but noted that the statute imposed no sanction for its violation. As such, the court refused to impose a remedy absent a showing of prejudice.

Although RCW 10.73.110 mandates that the court advise defendants of the time bar, it does not provide a remedy should the court fail to do so. The sentencing court's failure to comply with RCW 10.73.110 should not serve as a basis for ignoring the time bar in this case. Fletcher's petition should be dismissed as untimely.

2. THE PLEA AGREEMENT PROPERLY ADVISED FLETCHER OF THE MAXIMUM FINE, AND THUS FLETCHER HAS FAILED TO ESTABLISH THAT HER PLEA WAS INVOLUNTARY.

Fletcher contends that a mistake in the plea form, which incorrectly advised her that that the maximum fine was \$25,000, rendered her plea involuntary. Even if this claim were not time-barred, as argued above, it should be rejected on the merits. Fletcher was correctly advised in the plea agreement that the maximum fine was \$20,000. Fletcher has failed to establish that her plea was involuntary.

An appellate court will grant substantive review of a personal restraint petition only when the petitioner makes a threshold showing of constitutional error from which he has suffered actual prejudice or nonconstitutional error which constitutes a fundamental

defect that inherently resulted in a complete miscarriage of justice. In re Cook, 114 Wn.2d 802, 813, 792 P.2d 506 (1990). In a personal restraint petition, petitioner bears the burden of showing prejudicial error. State v. Brune, 45 Wn. App. 354, 363, 725 P.2d 454 (1986).

CrR 4.2(d) mandates that a plea of guilty shall not be accepted until the court ascertains that the plea is voluntary, that the defendant is competent, and that the defendant understands the nature of the charge and the consequences of the plea. In order for a plea to comport with the requirements of CrR 4.2, the defendant must be advised of the direct consequences of his plea. State v. Ross, 129 Wn.2d 279, 916 P.2d 405 (1996).

Fletcher's reliance on In re Isadore, 151 Wn.2d 294, 88 P.3d 390 (2004), is misplaced. In Isadore, the plea documents failed to advise Isadore that a one-year period of community placement would be imposed as part of his sentence. Id. at 297. The court held that failure to advise him of the mandatory period of community placement constituted a failure to inform the defendant of all the direct consequences of the plea, which rendered the plea invalid. Id. at 298.

In the present case, the plea agreement signed by all the parties, including Fletcher, correctly advised that the maximum fine was \$20,000. On page 2 of the Statement of the Defendant of Plea of Guilty the maximum of fine was mistakenly written as \$25,000. Yet, Fletcher indicated no confusion and did not seek clarification of this discrepancy.

Because Fletcher was correctly advised on the maximum fine in the plea agreement. Fletcher has failed to establish that her plea was involuntary.

3. FLETCHER WAIVED HER CHALLENGE AT SENTENCING.

At the time of sentencing, when a different, lower maximum fine number was set forth on the judgment and sentence, Fletcher did not move to withdraw her plea. That makes her case analagous to State v. Mendoza, 157 Wn.2d 582, 141 P.3d 49 (2006). In that case, the defendant learned at sentencing that his standard range was lower than he had been advised. Id. at 585. The supreme court held that under the circumstances it would not inquire into the materiality of the misadvisement in the defendant's subjective decision to plead guilty. Id. at 590. However, the court

held that Mendoza had waived the right to challenge the voluntariness of his plea at sentencing when he did not object to the lower standard range. The court stated:

[I]f the defendant was clearly informed before sentencing that the correctly calculated offender score rendered the actual standard range lower than had been anticipated at the time of the guilty plea, and the defendant does not object or move to withdraw the plea on that basis before he is sentenced, the defendant waives the right to challenge the voluntariness of the plea.

Id. at 592. In other words, if the defendant does not timely seek withdrawal upon learning that he was misadvised of a consequence, the defendant waives his challenge. Fletcher did not object or move to withdraw her plea when faced with information that the maximum fine was lower at sentencing. As such, Fletcher waived her challenge to the voluntariness of her plea on that basis.

4. UNDER THE FACTORS SET FORTH IN STATE V. MORLEY FLETCHER IS NOT ENTITLED TO WITHDRAWAL OF HER PLEA.

In State v. Morley, 134 Wn.2d 588, 952 P.2d 167 (1998), the supreme court addressed the question of when a defendant who has been misadvised as to the maximum sentence may be allowed to withdraw her plea. The court stated:

When a defendant is misinformed of the potential sentence, numerous factors must be analyzed when fashioning an appropriate remedy:

(1) Whether the error was inadvertent or the product of bad faith on the part of the State; where bad faith is found to exist, the court should give considerable weight to the choice of remedy;

(2) whether retrial of petitioner on the original charges would be frustrated by the absence of witnessess of either the State or the defendant;

(3) whether the discrepancy between the sentence imposed and the one anticipated by the plea agreement is great or small;

(4) the seriousness of the offenses to which the pleas were entered;

(5) whether the particular remedy selected will, in a fair way, restore defendant to the position he would have been in had the violation of CrR 4.2(d) not occurred.

134 Wn.2d at 621. An analysis of these factors in the present case shows that withdrawal of the plea is not warranted. First, the error was not made by the State. The State's plea agreement form set forth the correct maximum fine. Second, because the crime was committed over fifteen years ago it is almost a certainty that significant evidence has been lost or destroyed, and the witnesses will have little memory of the events. Third, and most importantly, there is no discrepancy between the sentence imposed and the sentence anticipated: the State did not request a fine and none

was imposed. Fourth, robbery in the second degree has been statutorily defined as a "most serious offense."

RCW 9.94A.030(29)(o). As to the fifth factor, it is obvious that Fletcher's present stated desire to withdraw her plea has nothing to do with the voluntariness of that plea, and is simply an attempt to invalidate her current persistent offender sentence. All of the five factors set forth in Morley weigh against allowing Fletcher to withdraw her plea.

In sum, even if this petition were not untimely, Fletcher has failed to establish that his plea was involuntary, or that withdrawal of her plea is a just remedy under these circumstances.

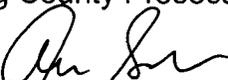
E. CONCLUSION

This petition should be dismissed.

DATED this 13th day of November, 2008.

Respectfully submitted,

DANIEL T. SATTERBERG
King County Prosecuting Attorney

By: 
ANN SUMMERS, WSBA #21509
Senior Deputy Prosecuting Attorney
Attorneys for Respondent
Office WSBA #91002

APPENDIX A

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

JAN 18 1994

COMMITMENT ISSUED

JAN 18 1994

COPY TO SENTENCING GUIDELINES COMMISSION

STATE OF WASHINGTON)
)
 Plaintiff,)
)
 v.)
)
 JACQUELINE MARIE FLETCHER)
)
 Defendant.)

No. 93-1-06867-7

JUDGMENT AND SENTENCE

CLERK
CLERK
CLERK

I. HEARING

1.1 The defendant, the defendant's lawyer, LEONA THOMAS and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: MICHAEL SHAW
MI APPLICABLE

1.2 The state has moved for dismissal of count(s) _____

II. FINDINGS

Based on the testimony heard, statements by defendant and/or victims, argument of counsel, the presentence report(s) and case record to date, and there being no reason why judgment should not be pronounced, the court finds:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on (date): 12-20-93 by plea of:

Count No.: I Crime: ROBBERY SECOND DEGREE
RCW 9A.56.210 Crime Code 02924
Date of Crime 10-2-93 Incident No. 93331633

Count No.: II Crime: ROBBERY SECOND DEGREE
RCW 9A.56.210 Crime Code 02924
Date of Crime 10-4-93 Incident No. 93331633

Count No.: _____ Crime: _____
RCW _____ Crime Code _____
Date of Crime _____ Incident No. _____
 Additional current offenses are attached in Appendix A.

SPECIAL VERDICT/FINDING(S):

- (a) A special verdict/finding for being armed with a deadly weapon was rendered on Count(s): _____
- (b) A special verdict/finding was rendered that the defendant committed the crimes(s) with a sexual motivation in Count(s): _____
- (c) A special verdict/finding was rendered for Violation of the Uniform Controlled Substances Act offense taking place in a school zone in a school on a school bus in a school bus route stop zone in a public park in public transit vehicle in a public transit stop shelter in Count(s): _____
- (d) Vehicular Homicide Violent Offense (D.W.I. and/or reckless) or Nonviolent (disregard safety of others)
- (e) Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score (RCW 9.94A.400(1)(a)) are: _____

2.2 OTHER CURRENT CONVICTION(S): Other current convictions listed under different cause numbers used in

94-9-01457-4

PRESENTENCE REPORT INFORMATION ATTACHED

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calculating the offender score a (list offense and cause number): 93107-380 FORGERY
(C ent offenses not listed here are not encompassed)

2.3 **CRIMINAL HISTORY:** Prior convictions constituting criminal history for purpose of calculating the offender score are (RCW 9.94A.360):

Crime	Sentencing Date	Adult or Juv. Crime	Cause Number	Location
(a) ROBB 2	8-6-93	ADULT	931039855	KIGN CO
(b)				
(c)				
(d)				

- Additional criminal history is attached in Appendix B.
- Prior convictions (offenses committed before July 1, 1986) served concurrently and counted as one offense in determining the offender score are (RCW 9.94A.360(G)(c)): _____
- One point added for offense(s) committed while under community placement for count(s) _____

2.4 **SENTENCING DATA:**

OFFENDER SCORE	SERIOUSNESS LEVEL	RANGE	MAXIMUM TERM
Count I : 5	IV	22 TO 27 MONTHS	10 YRS AND OR \$10,000
Count II : 5	IV	22 TO 27 MONTHS	10 YRS AND OR \$10,000
Count _____			

Additional current offense sentencing data is attached in Appendix C.

2.4 **EXCEPTIONAL SENTENCE:**
 Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) _____
 Findings of fact and conclusion(s) are attached in Appendix D.

III. JUDGMENT

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

The Court DISMISSES Count(s) _____

IV. ORDER

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

4.1 **RESTITUTION AND VICTIM ASSESSMENT:**

- Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E.
- Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.142(2), sets forth those circumstances in attached Appendix E.
- Restitution to be determined at future hearing on (Date) _____ at _____ m. Date to be set.
- Defendant waives presence at future restitution hearing(s).*

*TO BE DETERMINED *Hickridge Oldham is to be contacted if rest. hrg. is set*

✓ Defendant shall pay \$100 Victim Assessment, pursuant to RCW 7.68.035.

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

- (a) \$ WAIVED, Court costs; Court costs are waived;
- (b) \$ WAIVED, Recoupment for attorney's fees to King County Public Defense Programs, 2015 Smith Tower, Seattle, WA 98104; Recoupment is waived (RCW 10.01.160);
- (c) \$ _____, Fine; \$1,000, Fine for VUCSA; \$2,000, Fine for subsequent VUCSA; VUCSA fine waived (RCW 69.50.430);
- (d) \$ _____, King County Interlocal Drug Fund; Drug Fund payment is waived;
- (e) \$ _____, State Crime Laboratory Fee; Laboratory fee waived (RCW 43.43.690);
- (f) \$ _____, Incarceration costs; Incarceration costs waived (9.94A.145(2));
- (g) \$ _____, Other cost for: _____

4.3 **PAYMENT SCHEDULE:** Defendant's TOTAL FINANCIAL OBLIGATION is: \$ _____. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms:

- Not less than \$ _____ per month; On a schedule established by the defendant's Community Corrections Officer. _____
- The defendant shall remain under the Court's jurisdiction and the supervision of the Department of Corrections for up to ten years from date of sentence or release from confinement to assure payment of financial obligations.**

4.2 CONFINEMENT OVER ONE YEAR: Defendant is sentenced to a term of _____ months/days of confinement in the custody of the Department of Corrections as follows, commencing: Immediately; (Date) _____ by _____ .m.

25 months/days on Count No. I

25 months/days on Count No. II

_____ months/days on Count No. _____

The terms in Count(s) No. I, II are concurrent/consecutive
The sentence herein shall run concurrently/consecutively with the sentence in cause number(s) _____
93-107538-0 but consecutive to any other cause not referred to in this Judgment.

Credit is given for 101 days served days as determined by the King County Jail solely for conviction under this cause number pursuant to RCW 9.94A.120(13).

4.3 NO CONTACT: For the maximum term of _____ years, defendant shall have no contact with _____
Violation of this no contact order is a criminal offense under chapter 10.99 RCW and will subject a violator to arrest; any assault or reckless endangerment that is a violation of this order is a felony.

4.4 BLOOD TESTING: (sex offense, violent offense, prostitution offense, drug offense associated with the use of hypodermic needles) Appendix G is a blood testing and counseling order that is part of and incorporated by reference into this Judgment and Sentence.

4.5 COMMUNITY PLACEMENT: Community Placement is ordered for sex offense, serious violent offense, second degree assault, deadly weapon finding, Chapter 69.50 or 69.52 RCW offense, and standard mandatory conditions are ordered. Community placement is ordered for the maximum period of time provided by law. Appendix H (for additional conditions) is attached and incorporated by reference in this Judgment and Sentence.

4.6 WORK ETHIC CAMP: The court finds that the defendant is eligible for work ethic camp and is likely to qualify under Sec. 4(3), Chap. 338, Laws of 1993 and the Court recommends that the defendant serve the sentence at a work ethic camp. If the defendant successfully completes the program, the Department of Corrections shall convert the period of work ethic camp confinement at the rate of one day of work ethic camp confinement to three days of total standard confinement. Upon completion of the work ethic camp program, the defendant shall be released on community custody for any remaining time of total confinement.

4.7 SEX OFFENDER REGISTRATION (sex offender crime conviction): Appendix J is attached and incorporated by reference into this Judgment and Sentence.

4.8 OTHER: _____

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

Date: 1/14/94

Presented by:
Michelle Shaw
Deputy Prosecuting Attorney,
Office WSBA ID #91002

Robert L. Heck
Judge, King County Superior Court
Approved as to form:
Henry A. Thomas
Attorney for Defendant, WSBA # 16449

FINGERPRINTS



RIGHT HAND
FINGERPRINTS OF:

DEFENDANT'S SIGNATURE: Jackie Fletcher
DEFENDANT'S ADDRESS: 74514 176th St. S.W. #3
Dunwoood wa. 98037

JACQUELINE MARIE FLETCHER

DATED: 1/14/94
Robert L. Heck
JUDGE, KING COUNTY SUPERIOR COURT

ATTESTED BY:
M. JANICE MICHELS, SUPERIOR COURT CLERK
BY: _____
DEPUTY CLERK

CERTIFICATE

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

OFFENDER IDENTIFICATION

S.I.D. NO. WA13179013
DATE OF BIRTH: JANUARY 8, 1965
SEX: F
RACE: WHITE

CLERK

BY: _____
DEPUTY CLERK

APPENDIX B

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

FILED

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ad
Accelerate 10/10/193 POC *ad*
 Non Accelerated
 DPA Defense

STATE OF WASHINGTON,

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

NO. 93-1-06867-7 LT
93-1-03985-5

v.

JACQUELINE FLETCHER

STATEMENT OF DEFENDANT
ON PLEA OF GUILTY
(Felony)

Defendant.

1. My true name is Jacqueline Marie Fletcher
2. My age is 28 Date of Birth 1-08-65
3. I went through the 10th grade.

4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:

(a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is Lena Thomas

(b) I am charged with the crime(s) of 2 counts Robbery 1st
The elements of this crime(s) are see attached information

5. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:

- (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
- (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
- (c) The right at trial to hear and question the witnesses who testify against me;

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(d) The right at trial to have witnesses testify for me. These witnesses can be made to appear at no expense to me;

(e) I am presumed innocent until the charge is proven beyond a reasonable doubt or I enter a plea of guilty;

(f) The right to appeal a determination of guilt after a trial.

6. **IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA(S), I UNDERSTAND THAT:**

(a) The crime with which I am charged carries a maximum sentence of 10 years imprisonment and a \$ 25,000 fine. The standard sentence range is from 22 (days) months to 29 (days) months confinement, based on the prosecuting attorney's understanding of my criminal history.

(b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions, whether in this state, in federal court, or elsewhere. Criminal history also includes convictions in juvenile court for felonies or serious traffic offenses that were committed when I was 15 years of age or older. Juvenile convictions, except those for class A felonies, count only if I was less than 23 years old when I committed the crime to which I am now pleading guilty.

(c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete.

If I have attached my own statement, I assert that it is correct and complete. ~~If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.~~

(d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase.

(e) In addition to sentencing me to confinement for the standard range, the judge will order me to pay \$ 100 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damages to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The judge may also order that I pay a fine, court costs, and attorney fees. Furthermore, the judge may place me on community supervision, impose restrictions on my activities, and order me to perform community service.

(f) The prosecuting attorney will make the following recommendation to the judge: To be served concurrently on each count
32
months consecutive. Court costs, Attorney fees, Restitution
No contact with victims, for maximum term, \$100 Victim
Penalty Assessment

(g) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. If the judge goes outside the standard range, either I or the State can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

2.1.1.1
(h) The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. The law does not allow any reduction of this sentence. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(i) The sentence imposed on counts I and II will run concurrently unless the judge finds substantial and compelling reason to do otherwise. ~~[If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]~~

2.1.1.1
(j) In addition to confinement, the judge will sentence me to community placement for at least 1 year. During the period of community placement, I will be under the supervision of the Department of Corrections, and I will have restrictions placed on my activities. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

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(k) The judge may sentence me as a first time offender instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030(20). This sentence could include as much as 90 days' confinement plus all of the conditions described in paragraph (e). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

2/2
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(l) This plea of guilty will result in revocation of my privilege to drive. If I have a driver's license, I must now surrender it to the judge. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

2/2
2/2
(m) If this crime involves a sexual offense, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (AIDS) virus. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(n) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

2/2
2/2
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(o) If this crime involves a sex offense or a violent offense, I will be required to provide a sample of my blood for purposes of DNA identification analysis. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

2/2
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(p) If this crime involves a sex offense, I will be required to register with the sheriff of the county in this state where I reside. I must register immediately upon completion of being sentenced if I am not sentenced to begin serving a term of confinement immediately upon completion of being sentenced. Otherwise, I must register within 24 hours of the time of my release if I am sentenced to the custody of the Department of Corrections, Department of Social and Health Services, a local division of youth services, a local jail, or a juvenile detention facility.

If I do not now reside in Washington, but I subsequently move to this state, I must register within 24 hours of the time I begin to reside in this state, if at the time of my move I am under the jurisdiction of the Department of Corrections, the Indeterminate Sentence Review Board, or the Department of Social and Health Services. If at the time I move to this state I am not under the jurisdiction of one of those agencies, then I must register within 30 days of the time I begin to reside in this state.

If I subsequently change residences within a county in this state, I must notify the county sheriff of that change of residence in writing within 10 days of my change of residence. If I subsequently move to a new county within this state, I must register all over again with the sheriff of my new county, and I must notify my former county sheriff (i.e. the county sheriff of my former residence) of that change of residence in writing, and I must complete both acts within 10 days of my change of residence. [If none of the above three paragraphs is applicable, they should all be stricken and initialed by the defendant and the judge.]

7. I plead Guilty to the crime of robbery in the second degree, county I & II as charged in the original information. I have received a copy of that information. *as date of crime for robbery in the second degree*

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state briefly in my own words what I did that makes me guilty of this (these) crime(s). This is my statement: Count I On or about October 2, 1993, in King County I unlawfully and with intent to commit theft took cash and clothing belonging to Stephanie Bjorstad at the Modern Woman store, against Ms Bjorstad's will and by the threat of use of immediate force, violence or fear of injury to Ms Bjorstad.

ct II On or about October 4, 1993, in King County, I stole property at 7-11 at 1232 W. 185th when I grabbed cash out of the hand of cashier Theresa Lamb and threatened the use of immediate force, violence or fear of injury to Ms. Lamb and other people in the store.

These acts occurred in King County, Washington
STATEMENT OF DEFENDANT
ON PLEA OF GUILTY - 5 of 7

WCS

LT

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

Jackie Fletcher
DEFENDANT

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

Mykha 9002
PROSECUTING ATTORNEY

Thomas A. Thomas
DEFENDANT'S LAWYER
16 449

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- (a) The defendant had previously read; or
- (b) The defendant's lawyer had previously read to him or her; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated this 20th day of December, 19 93

[Signature]
JUDGE

I am fluent in the _____ language and I have translated this entire document for the defendant from English into that language. The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this _____ day of _____, 19_____.

INTERPRETER

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE STATE OF WASHINGTON,)	
)	
Plaintiff,)	No. 93-1-06867-7
)	
v.)	INFORMATION
JACQUELINE MARIE FLETCHER)	
AKA JACQUELINE MARIE)	
BIRCHER)	
)	
Defendant.)	

COUNT I

I, Norm Maleng, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse JACQUELINE MARIE FLETCHER AKA JACQUELINE MARIE BIRCHER of the crime of Robbery in the Second Degree, committed as follows:

That the defendant JACQUELINE MARIE FLETCHER AKA JACQUELINE MARIE BIRCHER in King County, Washington on or about October 2, 1993, did unlawfully and with intent to commit theft take personal property, to-wit: cash and clothing, from the person and in the presence of Stephanie Bjornstad, against her will, by the use or threatened use of immediate force, violence and fear of injury to such person or her property;

Contrary to RCW 9A.56.210 and 9A.56.190, and against the peace and dignity of the State of Washington.

COUNT II

And I, Norm Maleng, Prosecuting Attorney aforesaid further do accuse JACQUELINE MARIE FLETCHER AKA JACQUELINE MARIE BIRCHER of the crime of Robbery in the Second Degree, based on the same conduct as another crime charged herein, which crimes were so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the other, committed as follows:

Norm Maleng
Prosecuting Attorney
W 554 King County Courthouse
Seattle, Washington 98104-2312
(206) 296-9000

October 4, 1993

1 That the defendant JACQUELINE MARIE FLETCHER AKA ^VJACQUELINE
2 MARIE BIRCHER in King County, Washington on or about ~~May 7,~~ 1993,
3 did unlawfully and with intent to commit theft take personal
4 property, to-wit: cash, from the person and in the presence of
5 Theresa Lamb, against her will, by the use or threatened use of
6 immediate force, violence and fear of injury to such person or her
7 property;

8 Contrary to RCW 9A.56.210 and 9A.56.190, and against the peace
9 and dignity of the State of Washington.

10 NORM MALENG
11 Prosecuting Attorney

12 By: _____
13 James Burke, WSBA #91002
14 Deputy Prosecuting Attorney

2
3 CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE

4 That James Burke is a Deputy Prosecuting Attorney for King
5 County and is familiar with the police reports and investigations
6 conducted in King County Department of Public Safety case No.
7 93-331633 and King County Department of Public Safety case No.
8 93-329157;

9 That this case contains the following upon which this motion
10 for the determination of probable cause is made;

11 Stephanie Bjornstad is the assistant manager of Modern Woman,
12 a clothing store located at 15815 Westminster Way, Seattle, King
13 County, Washington. On October 2nd, 1993, Ms. Bjornstad was at work
14 and attending the cash register when she saw a person in the store,
15 later identified as the defendant Jacqueline Fletcher, selecting
16 numerous articles of clothing. The defendant walked up to the
17 counter under the ruse of paying for the merchandise and Ms.
18 Bjornstad and another sales person began bagging all of the clothes
19 for the defendant. The clothes were put into several large plastic
20 bags.

21 Suddenly, the defendant told Ms. Bjornstad, "I have something
22 to tell you, I have a gun and this is a robbery and give me your
23 cash!" Ms. Bjornstad handed over the cash in the register, which
24 was over \$100 and gave the defendant the bags of clothes. The
25 defendant ordered the sales people and the store customers to go
into a back room and told them not to follow her. The defendant ran
out with the clothes and the cash. The defendant made off with over
50 articles of clothing totalling over \$1,000 worth of merchandise.

The police were called and advised as to what happened and a
description of the defendant was provided.

Two days later, on October 4th, 1993, the defendant walked into
the 7-11 store located at 1232 N. 185th, Seattle and in King County
and walked up to one Theresa Lamb, who was the cashier on duty that
day. The defendant walked up to Ms. Lamb and again stated, "this is
a robbery, I have a gun and give me the money". The defendant also
said that if Ms Lamb did not cooperate, she and the other people in
the store would get hurt.

Ms. Lamb took the cash from the register and the defendant
grabbed it from her hand and took off out the store. In the
meantime, Al Pikelny, the manager of the 7-11 saw what was going on
and ran after the defendant. The defendant saw Pikelny and told him
to back off as she had a gun. The defendant frantically hailed down
a car near the 7-11 and told the driver of the car, one Michelle
Cooley, that her boyfriend was chasing her and trying to beat her

25
Certification for Determination
of Probable Cause - 1

Norm Maleng
Prosecuting Attorney
W 554 King County Courthouse
Seattle, Washington 98104-2312
(206) 296-9000

1 up. Ms. Cooley, innocently believing the defendant, quickly drove
away and took the defendant to a motel located on 145th and Aurora.

2 Ms. Cooley returned to the 7-11 area, where she was to pick up
3 her daughter from a babysitter's, and saw the police cars at the 7-
11. Cooley stopped to find out what was going on and learned that
4 a woman had robbed the store. Cooley then advised that she believed
she had just dropped off the robber.

5 The police went to the motel, where they saw the defendant
walking along the street. The police had been given a description
6 of the robber by Ms. Lamb and Mr. Pikelny and the defendant matched
that description. The police detained the defendant until Ms. Lamb,
7 Mr. Pikelny and Ms. Cooley were brought to the scene where they all
positively identified the defendant.

8 The defendant was placed under arrest and advised of her
Miranda rights, which she acknowledged and waived. The defendant
9 gave a confession at the arrest scene first admitting that she
committed the 7-11 robbery. The police knew about the robbery at
10 the Modern Women clothing store and asked her about that since the
defendant met the exact description of the suspect in that case.
11 The defendant admitted that she committed that robbery as well. The
defendant stated that she still had much of the clothes stolen from
store inside her motel room.

12 The defendant directed the police to her motel room which was
in the same motel that Ms. Cooley had dropped the defendant at. The
13 police obtained a written consent to search from the defendant and
searched her hotel room. Inside the room the police located about
14 35 articles of clothing which were in still in the shopping bags
marked Modern Woman. The police also found a burnt cooling spoon
15 for heroin.

16 The defendant later gave taped confession, after another
advisement of rights and a waive of those rights, detailing both
17 robberies. The defendant stated that indeed she brought a large
amount of clothing to the register at Modern Woman when she told the
18 cashier that this was a robbery. The defendant admitted that she
feigned having a gun and stole the clothes and the cash from the
19 register and took off and later sold a portion of the clothing for
drugs.

20 The defendant next detailed the 7-11 robbery, stating that she
had held a brush inside her pants telling the cashier it was a gun.
21 The defendant took the money and admitted she approached Ms. Cooley
under the pretense that her boyfriend was chasing her.

22 The police in a search incident to arrest, located a black
brush in the defendant's coat pocket, as well as a hypodermic
needle.

23 The defendant indicated finally that she just several months
previously held up the same 7-11, which in fact has been confirmed.

24 The defendant has been convicted of Theft 2 in 1988, Attempted
Possession of Stolen Property in 1987, and of Robbery 2 in 1993 for
25 the prior 7-11 robbery. The State requests bail in the sum of

Certification for Determination
of Probable Cause - 2

Norm Maleng
Prosecuting Attorney
W 554 King County Courthouse
Seattle, Washington 98104-2312
(206) 296-9000

1 \$30,000, the same as that set by the court at defendant's
2 preliminary appearance in this case. She is an admitted heroin
3 addict and obviously out of control, having been recently terminated
4 from a rehabilitation program.

5 Under penalty of perjury under the laws of the State of Washington,
6 I certify that the foregoing is true and correct. Signed and dated
7 by me this ____ day of October, 1993, at Seattle, Washington.

8 _____
9 James Burke, WSBA #91002
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Certification for Determination
of Probable Cause - 3

Norm Maleng
Prosecuting Attorney
W 554 King County Courthouse
Seattle, Washington 98104-2312
(206) 296-9000

PLEA AGREEMENT / TRIAL

10/26/93

Defendant:

Jacqueline Fletcher

Date:

Cause No:

93-1-06867-7

On Plea To:

As Charged

2 cts Robb 20

Special Finding/Verdict; Deadly Weapon (RCW 9.94.125); School Zone-VUCSA (RCW 69.50) on Count(s) _____

The State of Washington and the defendant enter into this PLEA AGREEMENT which is accepted only by a guilty plea. This agreement may be withdrawn at any time prior to entry of the guilty plea. The PLEA AGREEMENT is indicated above and as follows:

1. DISMISS: Upon disposition of Count(s) _____, the State moves to dismiss Count(s): _____
2. REAL FACTS OF HIGHER/MORE SERIOUS AND/OR ADDITIONAL CRIMES: In accordance with RCW 9.94A.370, the parties have stipulated that the court, in sentencing, may consider as real and material facts information as follows:
 - as set forth in the certification(s) of probable cause filed herein.
 - as set forth in the attached Appendix C.
3. RESTITUTION: Pursuant to RCW 9.94A.140(2), the defendant agrees to pay restitution as follows:
 - in full to the victim(s) on charged counts.
 - as set forth in attached Appendix C.
4. OTHER: _____

5. SENTENCE RECOMMENDATION:

- a. The defendant agrees to the foregoing Plea Agreement and that the attached sentencing guidelines scoring form(s) (Appendix A) and the attached Prosecutor's Understanding of Defendant's Criminal History (Appendix B) are accurate and complete and that the defendant was represented by counsel or waived counsel at the time of prior conviction(s). The State makes the sentencing recommendation set forth in the State's sentence recommendation.
- b. The defendant disputes the Prosecutor's Statement of the Defendant's Criminal History, and the State makes no agreement with regards to a sentencing recommendation and may make a sentencing recommendation for the full penalty allowed by law.

Maximum on Count I is not more than 10 years and/or \$ 20,000 fine.

Maximum on Count II is not more than 10 years and /or \$ 25,000 fine.

Mandatory Minimum Term (RCW 9.94A.120(4) only): _____

Mandatory license revocation RCW 46.20.285
Ten years jurisdiction and supervision for monetary payments. RCW 9.94A.120d(9).

The State's recommendation will increase in severity if additional criminal convictions are found or if the defendant commits any new crimes, fails to appear for sentencing or violates the conditions of his release.

Jackie Fletcher
Defendant

Mr. [Signature] 91002
Deputy Prosecuting Attorney

William [Signature] for Leon [Signature]
Attorney for Defendant

[Signature]
Judge, King County Superior Court

**APPENDIX B TO PLEA AGREEMENT
 PROSECUTOR'S UNDERSTANDING OF DEFENDANT'S CRIMINAL HISTORY
 (SENTENCING REFORM ACT)**

Defendant:	CRIME	DATE OF CONVICTION	PLACE OF CONVICTION	Date:	DISPOSITION (Probation and/or incarceration and length) SRA — Counts as Prior
Jacqueline Marie Clatcher			WA	8 Oct 1989	

ADULT FELONIES:

* 5-18-88	THEFT IN CHEMIST CITY	8-1-88	WA	12 months	
8-6-83	ROBBERY 2 nd KING	12-1-83	WA	12 months	
* 1-1-86	PERCUSSION	1-1-86	WA		

ADULT MISDEMEANORS:

	TRAVEL				
--	--------	--	--	--	--

JUVENILE FELONIES:

JUVENILE MISDEMEANORS:

Deputy Prosecuting Attorney

King County Prosecuting Attorney

GENERAL SCORING FORM
Violent Offenses

Use this form only for the following offenses: Arson 1; Arson 2; Assault 2; Bail Jumping with Murder 1; Damaging Building, etc., by Explosion with Threat to Human Being; Endangering Life and Property by Explosives with Threat to Human Being; Explosive Devices Prohibited; Extortion 1; Kidnapping 2; Leading Organized Crime; Manslaughter 1; Manslaughter 2; Robbery 1; Robbery 2.

OFFENDER'S NAME <i>Jacqueline Marie Ketcher MS</i>	OFFENDER'S DOB <i>1-26-65</i>	STATE ID# <i>WA 1372013</i>
JUDGE	CAUSE # <i>03-106 E677</i>	FBI ID # <i>1A71506A1</i>

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of other serious violent and violent felony convictions 1 x 2 = 2
 Enter number of nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY: (Adjudications entered on the same date count as one offense, except for violent offenses with separate victims)

Enter number of other serious violent and violent felony adjudications _____ x 2 = _____
 Enter number of nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct)

Enter number of other serious violent and violent felony convictions CTI 1 x 2 = 2
 Enter number of nonviolent felony convictions _____ x 1 = 1

STATUS AT TIME OF CURRENT OFFENSES:

If on community placement at time of current offense, add 1 point + 1 = _____

Add the scores in each category **TOTAL OFFENDER SCORE** **45**
 (round down to the nearest whole number)

STANDARD SENTENCE RANGE CALCULATION*

<u>Robbery 2 CTI</u>	<u>10</u>	<u>5</u>	<u>22</u>	<u>21</u>
CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER SCORE	LOW	HIGH
<u>CTI same range as CT 2</u>			TO <u>24 months</u>	
			STANDARD SENTENCE RANGE	

- * Multiply the range by .75 if the current offense is an attempt, conspiracy, or solicitation.
- * Add 24 months to the standard range if the current offense is Robbery 1 and includes a deadly weapon finding.
- * Add 12 months to the standard range if the current offense is Assault 2 or Kidnapping 2 and includes a deadly weapon finding.

STATE'S SENTENCE RECOMMENDATION
CONFINEMENT OF OVER ONE YEAR)

Defendant: Fletcher Date: 10/14/93
Cause No: 93-1-06867-7
State recommends that the sentence of this defendant be as follows:

- TOTAL CONFINEMENT:** State recommends that the defendant be sentenced to a term of total confinement in the custody of the Department of Corrections as follows:

Count I <u>22</u> 18 months/years.	Count IV _____ months/years.
Count II <u>22</u> months/years.	Count V _____ months/years.
Count III _____ months/years.	Count VI _____ months/years.

Terms on each count to run concurrently consecutively with each other.
Terms to be served concurrently/consecutively with: 93-1-07538-0
Terms to be consecutive to any other terms(s) not specifically referred to in this form.

SENTENCE MODIFICATION: State recommends modification of community supervision on King County Cause Number(s) _____ and recommends that terms be run concurrently/consecutively.

NO CONTACT: For the maximum term, defendant have no contact with ✓

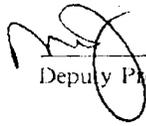
- MONETARY PAYMENTS:** The defendant shall make the following monetary payments under the supervision of the Department of Corrections (RCW 9.94A.120(11)) within 10 years:
 - a. Restitution as set forth on attached page entitled "Plea Agreement/Trial" and Appendix C.
 - b. Pay Costs, mandatory \$100 Victims Penalty Assessment, recoupment of cost of defense attorney fees, if appointed.
 - c. Pay to King County Local Drug Fund \$ _____
 - d. Pay a fine of \$ _____ ; \$1000, fine for VUCSA; \$2000, fine for subsequent VUCSA.
 - e. Other _____

COMMUNITY PLACEMENT: For any sex offense, serious violent offense; assault 2°; deadly weapon finding or drug offense under 69.50 or 69.52 RCW (committed after 1 July 1988) defendant be on community placement on conditions set forth in RCW 9.94A.120 8(b) and the following conditions under 8(c) (crime-related prohibitions only): _____

OFF-LIMITS ORDER: The defendant is a "known drug trafficker" and the state recommends defendant shall neither enter nor remain in the protected against drug trafficking area (described in the attachment) during the term of community placement.

HIV TESTING: State recommends HIV testing and counseling.

EXCEPTIONAL SENTENCE: This is an exceptional sentence, and the substantial and compelling reasons for departing from the presumptive sentence range are set forth on the attached form.

Approved by:

Deputy Prosecuting Attorney

APPENDIX C

APPENDIX D

NOV 19 2001

REACTIVATED

SUPERIOR COURT OF WASHINGTON COUNTY OF KING

STATE OF WASHINGTON,

Plaintiff,

vs.

FLETCHER, JACQUELINE MARIE

Defendant.

NO. 93-1-06867-7 SEA

SATISFACTION OF JUDGMENT

LEGAL FINANCIAL OBLIGATION

(SCOMIS Code: STFJG)

RCW 4.563100; 9.94.145

JUDGMENT CREDITOR: King County Superior Court Clerk

acknowledges satisfaction of the judgment for legal financial obligation in the amount of:

714.08	Restitution
	Court Costs
100.00	Victim Assessment
	Fine / Penalty
564.21	Interest
	Other:
1378.29	TOTAL

*Arch. date
08/26/97*

94-9-01457-4

EXHIBIT NUMBER

CPROC
CUST
CASH
<i>R</i> JREG
"I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct." DJS
correct. CJM
Date: November 15, 2001 ACCTG
EXH

"I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct."

Date: November 15, 2001

By: Teddy Jimeno Deputy Clerk

34

APPENDIX E

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

FILED
KING COUNTY WASHINGTON
AUG 06 1993
SUPERIOR COURT CLERK
BY **MAL A. REIFF**

STATE OF WASHINGTON,

PLAINTIFF,

vs.

Jaqueline Fletcher
DEFENDANT.

NO. 93-1-03985-5

NOTICE OF RIGHTS ON APPEAL AND
CERTIFICATE OF COMPLIANCE WITH
CR 7.2 (b); SUPERIOR COURT RULES

The undersigned hereby certifies that at the time of sentencing the above-named defendant was orally advised by the court of the following:

1. You have a right to appeal your conviction.
2. You have the right to appeal a sentence outside the standard sentence range. The sentence that has been imposed (is) (is not) outside the standard sentence range.
3. You are advised that unless a written notice of appeal is filed within 30 days after the entry of the judgment herein (which is today), the right of appeal is irrevocably waived. The original and one (1) copy of the notice of appeal must be filed with, and the filing fee paid to, the Clerk of the Superior Court within 30 days after the entry of the judgment herein. If you are authorized to proceed in forma pauperis, that order must be filed with the notice of appeal in lieu of the filing fee.
4. The Superior Court Clerk will, if requested by you if you do not have an attorney, supply you with a notice of appeal form and file it upon completion by you.
5. You have the right, if you are unable to pay the cost thereof, to have counsel appointed and portions of the trial record necessary for review of assigned errors transcribed at public expense for an appeal.
6. You are advised that pursuant to RCW 10.73.090 you have one (1) year from this date to file a petition or motion for collateral attack on the judgment herein. However, you are also advised that pursuant to RCW 10.73.100 that the one (1) year time limit does not apply to certain grounds as are more particularly set forth therein. (Said statutes are set forth on the backside hereof.)

A copy of this certificate was delivered to the defendant on this date.

Dated: Aug 6, 1993.

Leborah A. Heck
J U D G E

Copy Received:

x *Jaqueline Fletcher*
Defendant

I am fluent in the _____ language and I have translated this entire document for the defendant from English into that language. The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this _____ day of _____, 199____.

Interpreter

12

RCW 10.73.090. Collateral attack - One year time limit

(1) No petition or motion for collateral attack on a judgment and sentence in a criminal case may be filed more than one year after the judgment becomes final if the judgment and sentence is valid on its face and was rendered by a court of competent jurisdiction.

(2) For the purposes of this section, "collateral attack" means any form of post-conviction relief other than a direct appeal. "Collateral attack" includes, but is not limited to, a personal restraint petition, a habeas corpus petition, a motion to vacate judgment, a motion to withdraw guilty plea, a motion for a new trial, and a motion to arrest judgment.

(3) For the purposes of this section, a judgment becomes final on the last of the following dates:

(a) The date it is filed with the clerk of the trial court;

(b) The date that an appellate court issues its mandate disposing of a timely direct appeal from the conviction; or

(c) The date that the United States Supreme Court denies a timely petition for certiorari to review a decision affirming the conviction on direct appeal. The filing of a motion to reconsider denial of certiorari does not prevent a judgment from becoming final.

RCW 10.73.100 Collateral attack - When one year limit not applicable

The time limit specified in RCW 10.73.090 does not apply to a petition or motion that is based solely on one or more of the following grounds:

(1) Newly discovered evidence, if the defendant acted with reasonable diligence in discovering the evidence and filing the petition or motion;

(2) The statute that the defendant was convicted of violation was unconstitutional on its face or as applied to the defendant's conduct;

(3) The conviction was barred by double jeopardy under Amendment V of the United States Constitution or Article I, section 9 of the state constitution.

(4) The defendant pled not guilty and the evidence introduced at trial was insufficient to support the conviction;

(5) The sentence imposed was in excess of the court's jurisdiction; or

(6) There has been a significant change in the law, whether substantive or procedural, which is material to the conviction, sentence or other order entered in a criminal or civil proceeding instituted by the state or local government, and either the legislature has expressly provided that the change in the law is to be applied retroactively, or a court, in interpreting a change in the law that lacks express legislative intent regarding retroactive application, determines that sufficient reasons exist to require retroactive application of the changed legal standard.

