

NO. 68558-9-I

IN THE COURT OF APPEALS – STATE OF WASHINGTON  
DIVISION ONE

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STATE OF WASHINGTON  
Respondent,

v.

**MICHAEL RICH,**  
Appellant.

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ON APPEAL FROM THE SUPERIOR COURT OF THE  
STATE OF WASHINGTON, FOR SKAGIT COUNTY

The Honorable Susan K. Cook, Judge

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**RESPONDENT'S BRIEF**

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**I. SUMMARY OF ARGUMENT**

Mr. Michael Rich was charged with Felony DUI in Skagit County in November of 2010. Mr. Rich went through a colloquy with the trial judge as to his desire to represent himself pro se. He also read and signed a form waiving his right to be represented by counsel and had no questions. A defense attorney read through this document with him as well. Mr. Rich proceeded through trial pro se. At trial, the prosecutor presented certified copies of five prior convictions for DUI (one that had been amended to Reckless Driving from a DUI) within ten years of the current Felony DUI. The certified copies were properly admitted as evidence. In closing argument the prosecutor made persuasive argument pointing to inferences drawn from the evidence admitted and from testimony provided that was within the bounds allowed of a prosecutor and without objection from Mr. Rich. Mr. Rich was sentenced to 60 months in prison, followed by 12 months of community custody. Mr. Rich now timely appeals his conviction for Felony DUI asking that it be reversed. The State respectfully requests that his appeal be denied.

## **II. ISSUES**

1. Whether Mr. Rich validly waived his right to counsel.
2. Whether an instruction regarding juror unanimity is required in a prosecution for Felony DUI.
3. Whether there was sufficient evidence that Mr. Rich had previously been convicted of at least four DUIs within ten years of the instant offense.
4. Whether the prosecutor committed misconduct during his closing argument.
5. Whether Mr. Rich was sentenced within the standard range after he was convicted of Felony DUI.

## **III. STATEMENT OF THE CASE**

### **1. Statement of Procedural History**

<sup>1</sup>Mr. Michael Rich was charged with Felony DUI and Driving with a License Suspended in the First Degree in Skagit County by way of information filed on November 24, 2010. CP 1-2. Mr. Rich decided to represent himself pro se and proceed to trial pro se as

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<sup>1</sup> The State will refer to the verbatim report of proceedings by using the date followed by “RP” and the page number.

well. CP 246-248. On February 29, 2012, Mr. Rich was found guilty of Felony DUI by a jury of his peers. CP 119. Prior to trial, the State decided not to proceed on the second count—DWLS 1—and dismissed that charge before commencing the trial. Mr. Rich was sentenced to 60 months in prison followed by 12 months of community custody. CP 141-152. Mr. Rich timely filed notice of appeal. CP 205-206. He now asks that his conviction for Felony DUI be reversed.

## **2. Statement of Facts**

### Statement of Facts pertaining to Michael Rich's waiver of Counsel.

On November 24, 2010, the State charged Michael Rich with Felony Driving Under the Influence (DUI) and Driving While License Suspended in the First Degree (DWLS). CP 1-2.

At Rich's arraignment on December 2, 2010, his attorney represented that she had reviewed the charges and his rights with him and believed he understood them. 12/2/10 RP 2. Rich acknowledged having been advised of his charges and his rights via the Acknowledgment of Advice of Rights form filed with the court. Supp. CP \_\_\_\_ (sub 13, Acknowledgment of Advice of Rights). Rich had no questions about his rights. 12/2/10 RP 2.

The week prior to August 24, 2011, Rich advised the trial court that he wished to represent himself. 8/24/11 RP 3. The matter was continued to the following week where Rich reiterated his desire to represent himself. 8/24/11 RP 3. Rich reviewed with his attorney a written waiver of right to counsel. 8/24/11 RP 3; CP 246-248. The trial court entered into a colloquy with Rich where Rich indicated that he had been through the criminal process previously and the court advised that an attorney would be better equipped to handle the defense. 8/24/11 RP 3-4. The trial court inquired into Rich's educational history and advised Rich as to the problems he may face as a pro se defendant. 8/24/11 RP 5-6. From the discussion with Rich, Rich appeared well aware of his rights and how to proceed in the investigation and defense of his case. 8/24/11 RP 7-15.

The written waiver of counsel advised that the maximum sentence he was facing was five years' incarceration and a \$10,000 fine. CP 246-248. Defense counsel reviewed this form with Rich. 8/24/11 RP 3. Rich, after reviewing the form with counsel, signed the bottom of the form indicating that he had read it, completed it, and had no questions. CP 248.

The trial judge implicitly granted Rich's request to proceed pro se. 8/24/11 RP 6.

On October 6, 2011, the DWLS charge was dismissed. CP 255. Rich proceeded to trial on the Felony DUI on February 27, 2012, and was convicted on February 29, 2012. CP 119, 141-152.

#### **IV. ARGUMENT**

##### **1. RICH VALIDLY WAIVED HIS RIGHT TO COUNSEL.**

A defendant has the constitutional right to represent himself by waiving his right to counsel. *Faretta v. California*, 422 U.S. 806, 819, 95 S.Ct. 2525, 45 L.Ed.2d 562 (1975); *City of Bellevue v. Acrey*, 103 Wn.2d 203, 208, 691 P.2d 957 (1984); *State v. Lillard*, 122 Wn. App. 422, 427, 93 P.3d 969 (2004) *rev. denied*, 154 Wn.2d 1002, 113 P.3d 482 (2005); U.S. Const. amends. VI and XIV; Wash. Const. art. 1, sec. 22. A waiver of counsel must be knowing, voluntary, and intelligent. *Acrey*, 103 Wn.2d at 208-209; *State v. Modica*, 136 Wn. App. 434, 441, 149 P.3d 446 (2006). In order to establish a knowing, voluntary, and intelligent waiver, the trial court must ascertain whether the defendant is aware of the "dangers and disadvantages" of self-representation. *Acrey*, 103 Wn.2d at 209, *citing Faretta*, 95 S.Ct. at 2541. The trial court "should assume responsibility for assuring that decisions regarding self-

representation are made with at least minimal knowledge of what the task entails.” *Acrey*, 103 Wn.2d at 210. While “a colloquy on the record is the preferred means of assuring that defendants understand the risks of self-representation,” where there is no colloquy on the record, the reviewing court “will look at any evidence on the record that shows the defendant’s actual awareness of the risks of self-representation.” *Id.* 103 Wn.2d at 211.

In the absence of a colloquy, the record must somehow otherwise show that the defendant understood the seriousness of the charges and knew the possible maximum penalty. The record should also show that the defendant was aware of the existence of technical rules and that presenting a defense is not just a matter of telling one’s story.

*Acrey*, 103 Wn.2d at 211.

“While courts must carefully consider the waiver of the right to counsel, an improper rejection of the right to self-representation requires reversal.” *State v. Lawrence*, 166 Wn. App. 378, 390, 271 P.3d 280 *rev. denied*, 174 Wn.2d 1009, 281 P.3d 686 (2012). “The existence of two competing and contradictory rights often leaves trial judges in a very difficult situation.” *Lawrence*, 166 Wn. App. at 390.

In sum, a colloquy on the record is preferred but not required and the record as a whole should show that the defendant is aware

of the risks of self-representation that the defendant knew of the nature or seriousness of the charge, the possible maximum penalty, and that presenting a defense is a technical matter, subject to technical rules. *Acrey*, 103 Wn.2d at 211; *Lillard*, 122 Wn. App. at 427; *Modica*, 136 Wn. App. at 441.

In terms of being advised of the possible maximum penalty, even absent a colloquy, “a waiver may still be valid if a reviewing court determines from the record that the accused was fully apprised of these factors” such that the decision to represent himself can be said to have been made with his “eyes open.” *State v. Silva*, 108 Wn. App. 536, 540, 31 P.3d 729 (2001). In *Silva*, the defendant was *never* advised of the maximum penalties he faced. *Silva*, 108 Wn.App. at 542. (emphasis added). Therefore, he could not “make a knowledgeable waiver of his constitutional right to counsel.” *Silva*, 108 Wn. App. at 542. In *State v. Sinclair*, 46 Wn. App. 433, 438-439, 730 P.2d 742 (1986) *rev. denied*. 108 Wn.2d 1006 (1987), although the defendant was not specifically informed of the maximum penalty upon conviction, because he had several prior convictions, the reviewing court concluded, “therefore, that he was well aware of the possible consequences of another conviction.” A defendant’s waiver of the right to counsel is valid even if the trial

court fails to accurately advise the defendant if the defendant is otherwise aware of the possible penal consequences of conviction.

Here, Rich was advised of the risks of self representation through oral colloquy as well as via the written waiver he signed and filed. Furthermore, the record as a whole reflects that Rich was aware of the possible penal consequences of conviction.

Rich was aware of the nature or seriousness of the charges. At his arraignment on December 2, 2010, Rich's attorney represented to the court that she had reviewed the charges with Rich. 12/02/10 RP 2. Those charges were contained within the Information. The Information reflected the charges of felony DUI and DWLS in the First Degree. CP 1-2. The Information also reflected the maximum penalties for each charge. CP 1-2. This is the same Information as the one on file when Rich waived his right to counsel on August 24, 2011. The trial court inquired as to how Rich pled to the charge of Felony DUI and to the charge of DWLS. 12/2/10 RP 2. Additionally, at the August 24, 2011, hearing, the prosecutor stated that Rich was charged with Felony DUI involving a license suspension. 8/24/11 RP 3.

Rich was advised at the waiver hearing on August 24, 2011, about the risks of self-representation and that presenting a defense

is a technical matter, subject to technical rules. The trial court heard Rich's reasons for wanting to represent himself. 8/24/11 RP 3-5.

Rich was aware of the possible penal consequences of conviction. The Information on which Rich was arraigned reflected the maximum possible penalties upon conviction. CP 1-2. At the hearing on August 24, 2011, Rich was advised, via the written waiver that he reviewed with his attorney, that the possible penalty was five years' incarceration and \$10,000 fine. While he was not advised at that time of the separate penalty for the gross misdemeanor charge, he was advised of the maximum possible penalty on the felony charge. Furthermore, Rich has extensive criminal history for both felonies and gross misdemeanors. CP 140, 142-143, 153-204. Similar to the defendant in *Sinclair*, Rich "was well aware of the possible consequences of another conviction." An additional indication in the record that Rich knew what the consequences were is found at 2/27/12 RP 8 where the trial court was explaining to Rich that his behavior could lead to a finding of contempt. Rich indicated his disdain for the trial court's warnings about the consequences of contempt by implying that he was already looking at sixty months:

THE COURT: That also will result in you being held in

contempt. I'm warning you now.

MR. RICH: People are given 60 months in prison. What contempt of court (sic)?

THE COURT: For starters it could be 90 days in jail and a monetary fine.

MR. RICH: I don't know if you've noticed, I also have an extensive fine history with the County, you know. What are you

going to do, put me in jail? I've been incarcerated 15 months,

not quite 15, approximately. Now you are threatening me with

90 days in jail? I can do that sitting on the shitter.

The record as a whole reflects that Rich knew what the possible penal consequences were upon conviction.

Even if this Court determines, however, that Rich was not adequately made aware of the possible penalties upon conviction, it is not the Felony DUI conviction that ought to be dismissed. Rich was fully advised as to the maximum possible penalty for the DUI via the written waiver that he reviewed with his attorney. It is the DWLS that, arguably, he was not at that time adequately advised of. An invalid waiver of counsel as to the DWLS does not render invalid the waiver of counsel as to the DUI. Rich's trial for the Felony DUI was fair because he made a valid waiver as to that charge. If Rich had been also convicted as to the DWLS, then he possibly would have an argument as to reversal of that conviction on the ground that he was not adequately advised as to that count. But this inadequate

waiver would not invalidate the entire trial. Thus the conviction on the Felony DUI should be affirmed.

**2. JURY UNANIMITY IS NOT REQUIRED WHERE EVIDENCE OF ALTERNATIVE MEANS OR ALTERNATE MEANS ALLEGED ARE SAME CRIMINAL CONDUCT AND COULD BE CONSTRUED AS ONE CONTINUOUS ACT.**

Criminals in Washington State have the right to a unanimous jury verdict. *Wash.Const.* art. 1, sec. 21. In alternate means crimes, substantial evidence of each of the relied-upon alternative means must be presented. *State v. Smith*, 159 Wn.2d 778, 783, 154 P.3d 873 (2007). (citing *State v. Kitchen*, 110 Wn.2d 403, 410-11, 756 P.2d 105 (1988)). A court must find “(1) substantial evidence must support each alternative means on which evidence or argument was presented, or (2) evidence and argument must have been presented on only one means.” *State v. Lobe*, 140 Wn. App. 897, 905, 167 P.3d 627 (2007), see *State v. Johnson*, 132 Wn. App. 400, 410, 132 P.3d 737 (2006); *State v. Rivas*, 97 Wn. App. 349, 351-52, 984 P.2d 432 (1999), *review denied*, 140 Wn.2d 1013, 5 P.3d 9 (2000), *overruled on other grounds by Smith*, 159 Wn.2d 778, 154 P.3d 873. (This Court has affirmed convictions where there was substantial evidence of only *one* of several alternative means) *Id.*

The crime of DUI is an alternative means crime per the *Martin* Court. *State v. Martin*, 69 Wn. App. 686, 849 P.2d 1289 (1993). In *Martin*, however, the issue was that all three prongs of DUI were charged: under the influence of alcohol, under the influence of a combination, and the “per se” prong of having blood alcohol of over .08. *Id.* The instructions given in *Martin* were held to be unconstitutional as violating jury unanimity because there was no evidence of any blood alcohol given to the jury and the court held that since all three prongs were given to the jury and an instruction which allowed them to base their decision on either alternative was in error. *Id.*

The *Martin* court went on to state, “If the instructions given and the jury’s verdict plainly show the jury must have been unanimous as to the alternative means which was supported by sufficient evidence, this court may conclude the erroneous instruction did not affect the outcome, and the error was harmless.” *Id.*, citing *State v. Bonds*, 98 Wn.2d 1, 18, 653 P.2d 1024 (1982). Chief Judge Shields dissented indicating that there was no way the jury could have found under the other prong and agreed that the error was harmless. *State v. Martin, Id.*

In our case, the only two prongs alleged were prongs (b) and (c), the affected by prongs of 46.61.502(1). See RCW 46.61.502. There was an instruction given to the jury which allowed them to find guilt based upon both prongs and that they did not have to be unanimous. CP 96-118 (Jury Instructions, Instr. No. 10 (“to-convict” instruction)). The two prongs alleged in our case are not sufficiently different acts to warrant a unanimity instruction to the jury. *State v. Petrich*, 101 Wn.2d 566, 683 P.2d 173 (1984).

A *Petrich* unanimity instruction is not necessary in our case because there are not several distinct criminal acts. There is only one act that is being relied upon in our case, being affected by alcohol or drugs; or being affected by alcohol and drugs to impair driving abilities. *Petrich* instruction is necessary where “the evidence indicates that several distinct criminal acts have been committed, but the defendant is charged with only one count of criminal conduct, the constitutional requirement of jury unanimity is assured by either: (1) requiring the prosecution to elect the act upon which it will rely for conviction; or (2) instructing the jury that all 12 jurors must agree that the same criminal act has been proved beyond a reasonable doubt.” *State v. Petrich*, 101 Wn.2d 566, 683 P.2d 173 (1984). *Petrich* does not apply to “alternative means” cases or cases involving a

“continuous act.” *State v. Handran*, 113 Wn.2d 11, 775 P.2d 453 (1989). “Unanimity is not required as to the means by which the crime was committed, provided there is substantial evidence to support each of the alternative means. *State v. Smith*, 159 Wn.2d 778, 783, 154 P.3d 873 (2007) (citing *State v. Kitchen*, 110 Wn.2d 403, 410-11, 756 P.2d 105 (1988)). To determine whether criminal conduct constitutes one continuing act, “the facts must be evaluated in a commonsense manner.” *State v. Petrich*, 101 Wn.2d at 571, 566, 683 P.2d 173 (1984). “If the criminal conduct occurred in one place during a short period of time between the same aggressor and victim, then the evidence tends to show one continuing act.” *State v. Handran*, 113 Wn.2d 11, 775 P.2d 453 (1989).

In our case, Mr. Rich is charged with one crime, driving under the influence of intoxicants, however, there are two prongs alleged: (1) driving while under the influence of or affected by “intoxicating liquor or drug,” or (2) driving while under the “combined influence of or affected by intoxicating liquor and drug.” RCW 46.61.502(1). CP 96-118 (Jury instructions, Instr. No. 10 (“to-convict” instruction). In these two alternative means of the same crime, common sense is that they are effectuate the same result “the affected by” prong, not two separate and distinct acts for a jury to choose between. At trial,

there was evidence presented to allow a jury to find that Mr. Rich was affected by intoxicating liquor or drug or to presume a combination of intoxicating liquor and drug. The State did not present nor did it charge the third prong of DUI, the “per se” prong under RCW 46.61.502(1).

In our case, David LaCount testified that all he smelled when Mr. Rich got out of the vehicle was beer, coming from Mr. Rich, from the other side of the car. 2/28/12RP at 59. When asked further, Mr. LaCount testified that he smelled the beer from seven feet away from Mr. Rich. 2/28/12RP at 59 and 74. When Mr. LaCount asked Mr. Rich if he was drunk, Mr. Rich indicated to Mr. LaCount that “she’s my designated driver,” indicating the passenger. 2/28/12RP at 59. Mr. LaCount also confirmed that his observations of Mr. Rich on the night in question were the same observations he had personal knowledge of someone who was drunk. 2/28/12RP at 65.

Deputy Bearden testified that Mr. Rich smelled of alcohol on his breath and on his person. 2/28/12RP at 89. Deputy Bearden also stated that he also observed him stumbling, having slurred speech and bloodshot, watery eyes. 2/28/12 RP at 89, 120-121. Deputy Bearden also recalled that Mr. Rich was argumentative, and had poor coordination. 2/28/12RP at 122. Deputy Bearden went on

to state that upon patting Mr. Rich down prior to placing him in his car after arrest, he located a “blue in color glass marijuana-style pipe on him, which had residue in it, and it smelled of burnt marijuana in the bowl. 2/28/12RP at 92. Deputy Bearden also testified that Mr. Rich said to him after finding the pipe, that he “didn’t know why I was making such a big deal of all of this, and that this is just a misdemeanor.” 2/28/12RP at 93. Deputy Bearden also testified that he indicated in his report under impressions of impairment due to use of alcohol and drugs as “obvious.” 2/28/12RP at 153.

There was sufficient evidence of both prongs alleged that a jury could have found Mr. Rich guilty of being under the influence of intoxicating liquor or drugs and of being under the influence of intoxicating liquor *and* drugs (emphasis added). Deputy Bearden is trained to detect odor of marijuana and a pipe was recovered on Mr. Rich’s person, with burnt marijuana residue in it as testified to by Deputy Bearden. 2/28/12 RP at 92.

There was sufficient evidence of both prongs that the State alleged in this case for a jury to have made a finding of guilt on both prongs. *State v. Smith*, 159 Wn.2d 778, 783, 154 P.3d 873 (2007). (citing *State v. Kitchen*, 110 Wn.2d 403, 410-11, 756 P.2d 105 (1988)). Even if this Court finds that the evidence cited is not

sufficient for a finding of guilt on both prongs, there is ample evidence of the first prong, the affected by intoxicating liquor prong, as to not confuse a jury as to which prong they are finding guilt under; thus, any error would be harmless. *State v. Lobe*, 140 Wn. App. 897, 905, 167 P.3d 627 (2007), see *State v. Johnson*, 132 Wn. App. 400, 410, 132 P.3d 737 (2006); *State v. Rivas*, 97 Wn. App. 349, 351-52, 984 P.2d 432 (1999), *review denied*, 140 Wash.2d 1013, 5 P.3d 9 (2000), *overruled on other grounds by Smith*, 159 Wn.2d 778, 154 P.3d 873. (This Court has affirmed convictions where there was substantial evidence of only *one* of several alternative means) *Id.*

**3. THE STATE MET ITS BURDEN OF PROOF AT TRIAL THAT MR. RICH HAD FOUR PRIOR OFFENSES OF DUI WITHIN TEN YEARS.**

The Constitution provides that each and every element of a crime must be proven beyond a reasonable doubt. U.S. Const. amend. 14; Wash. Const. art 1, sec. 22. An element of Felony DUI is that the defendant have four or more prior convictions for DUI under RCW 46.61.502 or an “equivalent local ordinance,” or for certain offenses, including Reckless Driving, where the offense was originally charged as DUI under RCW 46.61.502 or an equivalent local ordinance. RCW 46.61.502(6); RCW 46.61.5055(14). Proving

the prior offenses beyond a reasonable doubt is not an essential element of the crime of Felony DUI but whether the prior offense “meets the statutory definition is a threshold question of law to be decided by the court before admitting a prior offense into evidence at trial.” *State v. Chambers*, 157 Wn. App. 465, 237 P.3d 352 (2010), citing *State v. Miller*, 156 Wn.2d 23, 31, 123 P.3d 827 (2005); *State v. Gray*, 134 Wn. App. 547, 138 P.3d 1123 (2006); *State v. Carmen*, 118 Wn. App. 655, 77 P.3d 368 (2003). The *Carmen* court looked at whether the State had to prove beyond a reasonable doubt the existence of prior convictions for violating provisions of a no contact order (essential element of the crime of felony violation of no contact order). *Carmen, Id.* The *Carmen* court went on to state that the only duty for the trial court was to make a determination whether the convictions relied upon by the jury actually were based on violations of protections orders issued under one of the statutes listed in RCW 26.50.110(5). *Id.*

The *Miller* court also held that “as part of its gate-keeping function,” the trial court “should determine as a threshold matter whether the order alleged to be violated is applicable and will support the crime charged. *Miller*, 156 Wn.2d at 31, 123 P.3d 827. The court in *Carmen* held that “since the defendant did not raise

objections to admissibility of the prior convictions based upon their statutory validity ..." that he waived his right to challenge the applicability of his prior convictions. *Carmen*, 118 Wn. App. at 668, 77 P.3d 368. The court in *Gray* also held that the defense waived objection to the admissibility of the prior documents establishing conviction by not objecting to their admissibility." *Gray*, 134 Wn. App. at 557-58, 138 P.3d 1123. Again, in *Chambers*, the defendant did not object to the admission of the evidence of her prior convictions and that court held that the objection and any potential error was waived. *Chambers*, 157 Wn. App. 465, 237 P.3d 352.

In the instant case, Mr. Rich did object to the admissibility of his prior convictions, but not on the grounds of statutory admissibility, but rather on the grounds that they were too prejudicial to the jury, and he objected "in general to the documents." Mr. Rich also objected based on the fact that the documents didn't pertain to him. 12/28/12 RP at 79, 81, and 105. (See attached Exhibits A-E ).

Mr. Rich did not object to the statutory admissibility of the underlying convictions at the time of trial and under the above cases, should not be able to proceed first time on appeal. Mr. Rich's objections should be deemed to have been waived as to any potential error on their statutory construction and admissibility. The

trial court below determined that they met the threshold for admissibility and overruled the objection for prejudice and admitted the prior convictions as evidence to be presented to the jury. 12/28/12RP at 81. *State v. Chambers*, 157 Wn. App. 465, 237 P.3d 352 (2010), citing *State v. Miller*, 156 Wn.2d 23, 31, 123 P.3d 827 (2005); *State v. Gray*, 134 Wn. App. 547, 138 P.3d 1123 (2006); *State v. Carmen*, 118 Wn. App. 655, 77 P.3d 368 (2003).

The court in *Cochrane* looked at whether a conviction for Felony DUI should stand where the defendant failed to object at trial and raised on appeal, for the first time, whether a prior conviction meets the definition under RCW 46.61.5055(14)(a); however, the court determined that the issue was waived because it was not raised below, and found that the prior convictions would have been sufficient to meet the Felony DUI conviction. *State v. Cochrane*, 160 Wn. App. 18, 253 P.3d 95 (2011). The Court in *Cochrane* looked at whether or not the municipal convictions qualified as “an equivalent local ordinance” and determined that they did. *Id.* In *Cochrane*, as in our case, the defendant failed to object to the statutory admissibility of the prior convictions; therefore, his objection at the appellate level must be denied. *Chambers*, 157 Wn. App. 465, 237 P.3d 352 (2010), citing *State v. Miller*, 156 Wn.2d 23, 31, 123 P.3d

827 (2005); *Gray*, 134 Wn. App. 547, 138 P.3d 1123 (2006); *Carmen*, 118 Wn. App. 655, 77 P.3d 368 (2003). However, under the findings in *Cochrane*, this Court may take a look at the records submitted of prior convictions and find that they statutorily do meet the definitions of “equivalent local ordinances” to qualify as prior offenses within 10 years under the Felony DUI statute. *Cochrane*, *Id.* (See Exhibits A-E ).

The State alleged that Mr. Rich had four or more prior convictions for DUI under RCW 46.61.502 or an “equivalent local ordinance,” or for Reckless Driving, where the offense was originally charged as DUI under RCW 46.61.502 or an equivalent local ordinance. Evidence of Mr. Rich’s prior offenses in this case was presented in Exhibits A-E, with Exhibit C showing two convictions. 2/28/12RP at 79-81; attached hereto as Exhibits A through E. Exhibit B is a copy of citation and conviction in Sedro Woolley Municipal Court for violation of RCW 46.61.500. (See Exhibit B) Exhibit A is a copy of a conviction for Reckless Driving 46.61.500, amended from DUI 46.61.502. (See Exhibit A). Exhibits C and D are copies of three citations and convictions for violation of RCW 46.61.502 DUI. (See Exhibits C and D). There are no convictions or citations for Stanwood Municipal Court as argued by defense. All of

the underlying convictions are for violating RCW 46.61.502 and one for a charge of RCW 46.61.502 that was amended to Reckless Driving, RCW 46.61.500, all clearly under the definitions of prior convictions under RCW 46.61.5055(14). (See Exhibits A-D). These convictions were compared and entered as admissible by the underlying trial court judge and were presented to the jury. 12/28/12 RP at 79-81. There is no room for questions of comparability as to these charges as they are all under RCW 46.61.502 DUI or Reckless Driving amended from DUI, RCW 46.61.500. RCW 46.61.5055(14). As such, this Court should find that they apply as "four or more prior convictions" to satisfy the Felony DUI statute.

**4. THE UNDERLYING CONVICTIONS WERE SUFFICIENT TO PROVE PRIOR CONVICTIONS FOR FELONY DUI.**

The best evidence of a prior conviction is a certified copy of the judgment. *State v. Chandler*, 158 Wn. App. 1, 5, 240 P.3d 159 (2010). "[W]hen criminal liability depends on the accused being the person to whom a document pertains ... the State must do more than authenticate and admit the document; it also must show beyond a reasonable doubt 'that the person named therein is the same person on trial.'" *State v. Santos*, 163 Wn. App. 780, 784, 260 P.3d 982 (2011), citing *State v. Huber*, 129 Wn. App. 499, 119 P.3d

388 (2005). “This showing cannot be based on the document; it must be based on independent evidence that ‘the person named therein is the defendant in the present action,’ which includes booking photographs or fingerprints, eyewitness identification, or distinctive personal information. *Id.* At 502-03, 119 P.3d 388.

In *State v. Brezillac*, sufficient evidence supported the identity element of the defendant's habitual criminal conviction because the trial court was able to compare and link certified copies of prior judgments to prison records, which contained photographs and a physical description of the inmate, and then compare and link the prison records to the defendant himself:

[T]he judgments and sentences show that a “Mitchell T. Brezillac” was convicted of two felonies in Georgia; the prison records show that a “Brezillac” who had a certain physical appearance and certain physical characteristics, was convicted of the same crimes, in the same county, on the same day; finally, the physical appearance of Brezillac in court enabled the trial judge to conclude by observation that, beyond a reasonable doubt, he was the same as the “Brezillac” in the prison records and, thus, the same as the “Brezillac” in the judgments and sentences.

*State v. Brezillac*, 19 Wn. App. 11, 13-14, 573 P.2d 1343 (1978).

The court in *Santos* did not have any of that extrinsic proof linking the prior DUI judgments. In fact, the documents presented for the prior conviction proof consisted of different names and conflicting dates of birth with ages in the documents. *Santos*, 163 Wn. App.

780, 784, 260 P.3d 982 (2011). Further, the State in *Santos* did not produce evidence of his address, birth date or criminal history, and no photographs to compare to the person at trial. *Id.*

In the instant case, the trial court properly denied Mr. Rich's motion for a directed verdict based on identity issues concerning the previous convictions for DUI because there was significant extrinsic evidence that linked Mr. Rich to his prior convictions and identification card. The trial court correctly denied Mr. Rich's motion for a directed verdict, finding that there were "several identifying indicators on the documents Exhibit 7, 8, 9 and 10, which are linked to Mr. Rich's drivers license (which was also admitted as an exhibit) all three names, Michael Christian Rich; the color of his eyes, which are green; the color of his hair, which is indicated as brown; date of birth, which is 2-26-87 on all documents as well as drivers license, all of those things taken together constitutes sufficient evidence to take issue to the jury as to whether there are five prior convictions ..." 12/28/12RP at 163-164 (See also Exhibits A-E).

Unlike in *Santos*, here, the underlying convictions all have the same name, the same identifying information, and all reference Mr. Michael Rich, with his date of birth, statistics, all of which were testified to by Deputy Bearden. 12/28/12 RP at 163-164. There was

sufficient evidence for a jury to have found beyond a reasonable doubt that the prior convictions submitted to them were those belonging to the Michael C. Rich that stood before them for trial. *State v. Chandler*, 158 Wn. App. 1, 5, 240 P.3d 159 (2010); *State v. Santos*, 163 Wn. App. 780, 784, 260 P.3d 982 (2011), citing *State v. Huber*, 129 Wn. App. 499, 119 P.3d 388 (2005), and *State v. Brezillac*, 19 Wn. App. 11, 13-14, 573 P.2d 1343 (1978). The trial court did not err in allowing the prior convictions for DUI in at trial and the appellant's request should be denied.

**5. STATE V. PETRICH DOES NOT APPLY IN CASES WHERE THERE IS ONLY ONE EVENT THAT THE STATE IS TRYING TO PROVE AND ONLY ONE EVENT CAN BE PROVEN BY THE EVIDENCE PROFFERED.**

A defendant's right to a unanimous verdict is rooted in the Sixth Amendment to the United States Constitution and in article I, section 22 of the Washington Constitution. *State v. Kitchen*, 110 Wn.2d 403, 409, 756 P.2d 105 (1988) (citing Const. art. I, sec. 22; U.S. Const. amend. 6). A conviction requires that a unanimous jury conclude that the defendant committed the criminal act charged in the information. *State v. Stephens*, 93 Wn.2d 186, 190, 607 P.2d 304 (1980).

When a defendant has committed several criminal acts but is charged with only one count, the prosecution normally has two choices. *Petrich*, 101 Wn.2d at 572, 683 P.2d 173. Either the State may elect the act it will rely on or the judge must instruct the jury as to the unanimity requirement. *Petrich*, 101 Wn.2d at 572, 683 P.2d 173. To determine whether multiple acts form one continuing offense, courts view the facts in a common sense manner. Evidence that multiple acts were intended to secure the same objective supports a finding that the defendant's conduct was a continuing course of conduct. *State v. Handran*, 113 Wn.2d 11, 17, 775 P.2d 453 (1989). An exception exists and *Petrich* does not apply when the acts constitute a continuing course of conduct. *State v. Handran*, 113 Wn.2d at 17.

A unanimity instruction is required, whether requested or not, when a jury could find from the evidence that the defendant committed a single charged offense on two or more distinct occasions. *State v. Petrich*, 101 Wn.2d 566, 570, 683 P.2d 173 (1984). If the instructions read as a whole permit some jurors to find that the defendant committed the offense on one occasion, and other jurors to find that the defendant committed the offense on a different occasion, the instructions do not require a unanimous

verdict, and they violate the right to a unanimous jury. A jury cannot find that the defendant committed a single charged offense on two or more occasions, unless the evidence shows only that the defendant committed a single continuing offense. *State v. Elliott*, 114 Wn.2d 6, 13-15 785 P.2d 440, *cert. denied*, 498 U.S. 838, 111 S.Ct. 110, 112 L.Ed.2d 80 (1990); *State v. Love*, 80 Wn. App. 357, 361, 908 P.2d 395, *review denied*, 129 Wn.2d 1016, 917 P.2d 575 (1996).

A unanimity instruction is not required merely because a jury could find from the evidence that the defendant committed the charged offense by more than one of several alternative means. *State v. Kitchen*, 110 Wn.2d 403, 410, 756 P.2d 105 (1988); *State v. Arndt*, 87 Wn.2d 374, 377, 553 P.2d 1328 (1976); *State v. Taylor*, 90 Wn. App. 312, 317, 950 P.2d 526 (1998). If each juror finds that the defendant committed the crime by any one of such means, each juror finds that the defendant committed the crime, and the jury verdict is unanimous.

In the instant case, a *Petrich* instruction was not required because there was only one event that the State sought to prove—that Mr. Rich committed one count of Felony DUI. Another way to frame this issue is that the State is not required to have a *Petrich* instruction for every element of the crime; rather, in certain cases,

*Petrich* is applicable for the actus reas of a crime. However, in the instant case, the fact that the State offered proof of five prior offenses of DUI (rather than only four) meets the requirements under the statute of *at least four* priors, but it has nothing to do with the *actus reas* of the crime of Felony DUI—which is driving. (emphasis added). Similarly, in *State v. Norby*, the court found that a *Petrich* instruction was not necessary. In *Norby*, the court stated the jury did not need to agree on whether to convict under the two-hour rule or the under the influence prong—both are alternatives to proving the individual was intoxicated, yet they have nothing to do with the actus reas of *driving*, so no *Petrich* instruction was necessary. *State v. Norby*, 88 Wn. App. 545 (1997)(emphasis added); See also, *State v. Simonson*, 91 Wn. App. 874 (1998)(where jury given choice between accomplice and principal, *Petrich* instruction not necessary; jury required to find same elements ; thus all convicted of same crime).

Even if this Court were to disagree with the aforementioned reasoning and deem *Petrich* applicable in the instant matter, failure to give a *Petrich* instruction was harmless. Constitutional errors require reversal unless it is harmless beyond a reasonable doubt. See *Chapman v. California*, 386 U.S. 18, 24, 87 S.Ct. 824, 17

L.Ed.2d 705 (1967) and as explained in *State v. Kitchen*, 110 Wn.2d at 411, 756 P.2d 105 (1988), error will be deemed harmless only if no rational trier of fact could have a reasonable doubt as to whether each incident established the crime beyond a reasonable doubt. Here, any error was harmless and reversal is not required.

**6. THE EVIDENCE PROFFERED TO SUPPORT MR. RICH'S FIVE PRIOR DUIS WAS NOT CONFLICTING, DOES NOT CONTAIN THE PHRASE "DWI" AND DOES NOT WARRANT A *PETRICH* INSTRUCTION.**

In the instant case, the prosecutor offered proof of five prior convictions for DUI at trial in order to prove the allegation of Felony DUI. Paperwork supporting the five prior convictions was admitted into evidence and is attached to this appeal as exhibits A through D. None of Mr. Rich's prior offenses were entitled "DWI" as the appellant alleges. The argument that the evidence provided to the jury was "conflicting" is without merit and should be disregarded by this Court.

**7. THE PROSECUTOR DID NOT COMMIT MISCONDUCT IN CLOSING ARGUMENT; REVERSAL IS INAPPROPRIATE.**

To raise prosecutorial misconduct on appeal when no objection was made at trial, the defendant must show that the alleged misconduct was so flagrant and ill-intentioned that no

curative instruction would have obviated the prejudice it engendered. *State v. O'Donnell*, 142 Wn. App. 314, 328, 174 P.3d 1205 (2007). In analyzing prejudice, courts look to the context of the total argument, the issues, the evidence, and the instructions. *State v. Warren*, 165 Wn.2d 17, 28, 195 P.3d 940 (2008). In determining whether the misconduct warrants reversal, courts consider its prejudicial nature and its cumulative effect. *State v. Suarez-Bravo*, 72 Wn. App. 359, 367, 864 P.2d 426 (1994).

It is misconduct for a prosecutor to state a personal belief as to the credibility of a witness. However, prosecutors have wide latitude to argue reasonable inferences from the facts concerning witness credibility, and prejudicial error will not be found unless it is clear and unmistakable that counsel is expressing a personal opinion. *State v. Warren*, 165 Wn.2d 17, 195 P.3d 940 (2008).

Evidence of a defendant's refusal to submit to sobriety tests is admissible at a subsequent criminal trial. See RCW 46.61.517; *State v. Long*, 113 Wn.2d 266, 272-73, 778 P.2d 1027 (1989)(blood alcohol tests); *City of Seattle v. Stalsbrotten*, 138 Wn.2d 227, 238-39, 978 P.2d 1059 (1999) (field sobriety tests). "The rationale for admission of refusal evidence is that a refusal to take the test demonstrates the driver's consciousness of guilt." *State v. Cohen*,

125 Wn. App. 220, 224 104 P.3d 70 (2005). Prosecutors are allowed to argue an inference from the evidence, as lawyers are permitted and expected to do in argument. See *State v. Belgrade*, 110 Wn.2d 504, 516, 755 P.2d 174 (1988).

Here, the statements made by the prosecutor in closing and that the appellant takes issue with are considered argument that points to an inference from the evidence, rather than flagrant misconduct as characterized by the appellant. Furthermore, the record does not support that the prosecutor stated that the appellant was of bad character or had the propensity to drive drunk. Even so, the evidence admitted for the jury to consider during deliberation supported the fact that Mr. Rich had been convicted of five prior DUIs within ten years, so the prosecutor was not alluding to facts not in evidence when he referred to the five previous times. 2/29/2012 RP 57. Although the prosecutor's statement may have been objectionable as argumentative, it could be viewed merely as a reference to the evidence presented during the trial rather than a personal opinion on Mr. Rich's guilt. The statement does not give the impression that the prosecutor was privy to additional evidence not presented to the jury. Furthermore, the trial court instructed the jury that the lawyers' statements were not evidence. Jurors are

presumed to follow the court's instructions. *State v. Kroll*, 87 Wn.2d 829, 835, 558 P.2d 173 (1976).

Prosecutors have wide latitude to argue reasonable inferences from the facts, from the evidence admitted at trial and concerning witness credibility, and prejudicial error will not be found unless it is clear and unmistakable that counsel is expressing a personal opinion. Here, prosecutorial misconduct did not occur; reversal is inappropriate.

**8. RICH'S SENTENCE WAS WITHIN THE CORRECT STANDARD RANGE.**

Felony DUI is a Level V offense for which the standard range for a 7 point offender is 51 to 60 months, for an 8 point offender is 60 months, and for a 9+ offender is 60 months. RCW 9.94A.525(11); RCW 9.94A.515. The top of the standard range of 60 months is reached at 8 points.

Generally, where a defendant's offender score is improperly calculated, the remedy is remand for resentencing using the correct offender score. *In re Pers. Restraint of Johnson*, 131 Wn.2d 558, 933 P.2d 1019 (1997). This is because usually different offender scores will result in different sentencing ranges and the trial judge must sentence based on a correct standard range. Even where the

trial court has imposed an exceptional sentence, an incorrect offender score may result in a remand for resentencing because “[b]efore departing from the standard range to impose an exceptional sentence, the sentencing court must have the correct standard range clearly in mind.” *In re Pers. Restraint of Rowland*, 149 Wn. App. 496, 507-509, 204 P.3d 953 (2009), citing *State v. Parker*, 132 Wn.2d 182, 188, 937 P.2d 575 (1997). However, where the record clearly indicates that the sentencing court would have imposed the same exceptional sentence anyway, then remand is not an appropriate remedy. *State v. Tili*, 148 Wn.2d 350, 60 P.3d 1192 (2003); *Rowland, supra*; *State v. Jennings*, 106 Wn. App. 532, 24 P.3d 430 *rev. denied*, 144 Wn.2d 1020, 32 P.3d 284 (2001). Thus, an incorrect offender score alone will not justify remand for resentencing where there would be no purpose because the record is clear that the judge would impose the very same sentence. There would also be no purpose to a remand where the sentencing range that the judge would sentence within is the exact same one that the defendant was, in fact, sentenced within.

Where the defendant argues for the very first time on appeal that the two crimes he was convicted of constituted the same criminal conduct, he waives his challenge to his offender score. *In re*

*Goodwin*, 146 Wn.2d 861, 875, 50 P.3d 618 (2002). Furthermore, even where the defendant does raise the issue at sentencing, the burden is on the defendant to prove that the offenses are same criminal conduct under RCW 9.94A.589. *State v. Graciano*, 295 P.3d 219 (2013).

Rich contends that his juvenile convictions were improperly scored as counting for one full point each. He cites to CP 15 but that citation is to the second page of the Findings of Fact regarding the CrR 3.6 hearing held in November, 2011. The citation appears to be a typographical error but the respondent is unable to determine what Rich is intending to cite to. The trial court in its oral ruling found that the offender score was at least an "8", 3/22/12 RP 94, and the Judgment reflects that the offender score is a "9+". CP 142. The prosecutor at sentencing pointed out that the two juvenile convictions did not affect "rank", i.e. the sentence range. 3/22/12 RP at 87. The State agrees that each juvenile conviction counts for half a point. That being the case, the offender score would be "10", or "9+" on the scoring table.

Rich also appears to argue that the trial court did not "determine" with respect to other prior offenses which were served concurrently whether those offenses were the "same criminal

conduct.” The State disagrees with this assessment. There were only two prior convictions which occurred on the same date, the Assault in the Second Degree and the Robbery in the Second Degree. CP 154-164. For these two convictions, the trial court’s finding that they were not the same criminal conduct is implicit in its sentence. The court had a basis for making this finding based on the Judgment entered in the assault and robbery case wherein these two offenses were not treated as same criminal conduct and based on subsequent convictions which did not treat these prior offenses as same criminal conduct.

Even if the trial court, however, did not adequately address on the record whether the priors were same criminal conduct, Rich waived any challenge to it by raising the issue for the first time on appeal. *In re Goodwin*, 146 Wn.2d 861, 875, 50 P.3d 618 (2002). In trial, Rich did not say that he did not agree that the offenses were not same criminal conduct; rather, he simply indicated he wanted to “reserve” the right to potentially revisit the issue in the future. This is inadequate to preserve the issue. Even if Rich did adequately preserve the issue below, he failed to meet his burden of proving that the prior were same criminal conduct. *Graciano, supra*.

Finally, even if Rich were correct about all of the issues he raises, that the juvenile adjudications were half a point each, and that the assault and robbery should have been treated as one point, he still would be a 9 point offender. Rich's presumptive sentence of the statutory maximum of 60 months is the same whether he is an 8, 9 or 10 point offender. Because the range is exactly the same whether Rich is an 8, 9, or 10 point offender, there is no purpose to remand. The sentence would be exactly the same.

9. **THE SENTENCE IMPOSED BY THE TRIAL COURT FOR FELONY DUI EXCEEDS THE STATUTORY MAXIMUM.**

The State concedes this issue based on *State v. Boyd*, 174 Wn.2d 470, 275 P.3d 321 (2012).

**V. CONCLUSION**

Due to the aforementioned reasoning the State respectfully asks that the appellant's requests be denied.

DATED this 12<sup>th</sup> day of April, 2013.

SKAGIT COUNTY PROSECUTING ATTORNEY

By:   
MELISSA W. SULLIVAN#38067  
Deputy Prosecuting Attorney  
Skagit County Prosecutor's Office #91059

DECLARATION OF DELIVERY

I, Karen R. Wallace, declare as follows:

I sent for delivery by;  United States Postal Service;  ABC Legal Messenger Service, a true and correct copy of the document to which this declaration is attached, to: Oliver R. Davis, addressed as Washington Appellate Project, 1511 Third Avenue, Suite 701, Seattle, WA 98101. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Executed at Mount Vernon, Washington this 12<sup>th</sup> day of April, 2013.

  
KAREN R. WALLACE, DECLARANT

EXHIBIT A

**CRIMINAL**  **TRAFFIC**  **NON-TRAFFIC**

C 0583323

IN THE  DISTRICT  MUNICIPAL COURT OF  
 STATE OF WASHINGTON, PLAINTIFF VS. NAMED DEFENDANT  
 COUNTY OF  
 CITY/TOWN OF

L.E.A. ORI #: WAWSP 7 00 11 COURT ORI #: OCT 17 2005

**THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON**

DRIVER'S LICENSE NO. RICH \*MC 13306 STATE WA EXPIRES 05 PHOTO I.D. ON PERSON  YES  NO

NAME: LAST RICH FIRST MICHAEL MIDDLE C

ADDRESS 23435 GUNDERSON RD  IF NEW ADDRESS

CITY WAVERAIN STATE WA ZIP CODE 98273 EMPLOYER LOCATION

DATE OF BIRTH 2-26-87 RACE WM SEX M HEIGHT 6-11 WEIGHT 150 EYES BROWN HAIR BRN

RESIDENTIAL PHONE NO. CELL/PAGER NO. WORK PHONE NO.

VIOLATION DATE MONTH 10 DAY 15 YEAR 05 TIME 0008  INTERPRETER NEEDED  
 ON OR ABOUT AT LOCATION 51270 3 TRAIL RD M.P. CITY/COUNTY OF SKAGIT

**DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND**

VEHICLE LICENSE NO. 857747 STATE WA EXPIRES 06 VEH. YR. 88 MAKE CAB SW MODEL STYLE - COLOR WHITE

TRAILER #1 LICENSE NO. STATE EXPIRES TR. YR. TRAILER #2 LICENSE NO. STATE EXPIRES TR. YR.

OWNER/COMPANY IF OTHER THAN DRIVER STANIS

ADDRESS CITY STATE ZIP CODE

ACCIDENT NO. BAC .105 COMMERCIAL  YES HAZARD  YES EXEMPT  FARM  FIRE  
 NO. NR. R. I. F. READING .10 VEHICLE  NO PLACARD  NO VEHICLE  R.V.  OTHER

**DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES**

#1 VIOLATION/STATUTE CODE RCW 46.61.502 amended DV  
 DUE 46.61.500 Reckless Driving

#2 VIOLATION/STATUTE CODE RCW 46.20.342 DV  
 REVOKED 3RD

MANDATORY COURT APPEARANCE OR  BAIL FORFEITURE IN U.S. \$

APPEARANCE DATE 10 18 05 TIME 4:00 P.M. RELATED # DATE ISSUED 10-15-05

WITHOUT ADMITTING HAVING COMMITTED EACH OF THE ABOVE OFFENSE(S), I PROMISE TO APPEAR AS DIRECTED ON THIS NOTICE.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT I HAVE ISSUED THIS ON THE DATE AND AT THE LOCATION ABOVE, THAT I HAVE PROBABLE CAUSE TO BELIEVE THE ABOVE NAMED PERSON COMMITTED THE ABOVE OFFENSE(S), AND MY REPORT WRITTEN ON THE BACK OF THIS DOCUMENT OR ATTACHED TO IS TRUE AND CORRECT.

OFFICER: [Signature] 1005  
 DEFENDANT'S SIGNATURE: [Signature]

**COMPLAINT / CITATION**

CRG	PLEA	CNG	FINDINGS	FINE	SUSPENDED	SUB-TOTAL	FIND/JUDG DATE
1	G NG	X G	NG D BF	\$ 9500	\$ 8896	\$ 604	4-19-06
2	G NG	G NG	D BF	\$ -	\$ -	\$ -	4-20-06
Plea Bargain							TO SERVE 365
OTHER COSTS \$ 271							WITH 365 DAYS SUP.
RECOMMENDED NON-EXTENSION OF SUSPENSION <input type="checkbox"/>				LICENSE SURR RENDER DATE	TOTAL COSTS 875	CREDIT / TIME SVD	

Certified to be a true copy of the original on file in Skagit County District Court 5 pages Certified  
 [Signature] 9-20-11  
 clerk date

C 0583323

STATE OF WASHINGTON,

NO. C583323/4

vs  
MICHAEL RICH  
Defendant

OFFENSE(S) R.A./M.D.  DWI  PHYSICAL CONTROL  
DATE OF OFFENSE 10-15-05 BAC \_\_\_\_\_

SENTENCE AND ORDER PLACING DEFENDANT ON PROBATION  
FOR 24 MONTHS

Supervision by:  
 Clerk  Probation Department  Other \_\_\_\_\_

Address \_\_\_\_\_

Defendants Date of Birth: \_\_\_\_\_

THIS MATTER having come on for hearing this date before the above entitled Court, and the Court and Defendant being fully advised, now therefore, IT IS HEREBY ADJUDGED that the Defendant above named is GUILTY of the crime(s) above designated and **DEFENDANT'S CASE HISTORY AND DRIVING RECORD ARE ATTACHED AS EXHIBIT 1 & 2 AND MADE A PART OF THIS RECORD**, now therefore;

Sentencing of the Defendant is DEFERRED for the probation period of \_\_\_\_\_ months. Upon written application to the Court the finding of Guilty may be set aside and the case dismissed if the terms and conditions set forth under **General Conditions** below are met:

The Defendant is hereby SENTENCED as follows:

Fine of \$ 5000/5000 plus Public Safety Education Assessment with sufficient portions thereof suspended to yield the amount payable, including surcharges, below set forth.

Jail term of 365/365 days with 365/365 suspended.

**The suspended portions of the sentence are suspended on the conditions set forth below:**

**GENERAL CONDITIONS:** The Defendant is ORDERED to:

- not be convicted of, found on probable cause to have committed, or forfeit bail on an offense like the one(s) herein, or a serious traffic violation, or an offense involving assault, liquor, controlled substances, domestic violence, theft or any other serious criminal violation.
- keep the court clerk at all times advised **IN WRITING** of any change in address from that set forth above. (Notice of any proposed revocation of probation will be sent to such last address, and failure of the Defendant to respond to any notice sent to such address will result in the issuance of a warrant for the Defendants arrest.)

**ADDITIONAL CONDITIONS OF PROBATION FOR DUI AND PHYSICAL CONTROL CASES:** (a) The defendant shall not drive a motor vehicle without a valid license and proof of insurance. (b) The defendant shall not drive a motor vehicle with an alcohol concentration of .08 or more within two hours after driving. (c) The defendant shall submit to a breath or blood alcohol test upon the reasonable request of law enforcement officer. If you violate (a) and (b) or (a) and (c), you will be sentenced to a minimum 30 days jail. If you violate any one of these conditions, the court will suspend your privilege to drive for at least 30 days.

read carefully both sides of this court order.

**SPECIAL CONDITIONS:** The Defendant is ORDERED to:

Pay fine of \$ 250 including surcharges and costs  \$125 breath test fee  all warrant fees in full by 12-15-06

make minimum payments toward fine/fee of \$ 25 per month, beginning 5-15-06

community service work may be substituted for  all  \$ 600 of the fine.

Serve \_\_\_\_\_ days in jail starting by \_\_\_\_\_.  \_\_\_\_\_ days on Electronic Home Monitoring commencing \_\_\_\_\_

Perform \_\_\_\_\_ hours of Community Service work by \_\_\_\_\_

Contact a state approved alcohol/drug evaluation agency within the time set forth on the reverse side of this order, **AND**  complete alcohol/drug evaluation and participate in an approved alcohol/drug treatment program if recommended by the evaluating agency, and if not so recommended,  attend alcohol information school.

Contact the Probation Department within the time and at the place set forth on the reverse side of this order, **AND** comply with the general rules and requirements of the Probation Department for  compliance  full supervision.

Make restitution  as determined by the Probation Department.  in the amount of \$ \_\_\_\_\_ by \_\_\_\_\_

Pay \$ \_\_\_\_\_ toward cost of probation supervision at \$ \_\_\_\_\_ per month beginning \_\_\_\_\_

Not drive without a driver's license valid in Washington.  Operate a vehicle equipped with an ignition interlock for a period of \_\_\_\_\_ months/years beginning  immediately  following reinstatement.

Attend victim's panel  comply with addendum terms.

Not consume  alcohol  non-prescribed drugs  prescribed drugs improperly  while in treatment.  at any time.

Comply with the following additional terms and conditions: \$1750 WSP

The Defendant's privilege to drive in the State of Washington will be suspended for 30 days concurrent 00c  
 This court retains jurisdiction of the Defendant for any probation period above designated and reserves the power summarily to revoke probation and impose sentence, or the portions of the sentenced which are suspended, or to take any action permitted by law, upon the failure of the Defendant to perform the terms or meet the conditions of this order.

**DEFENDANT IS PLACED ON PROBATION IF AND AS ABOVE STATED.**

Dated this 19 day of APRIL 2006.

Attorney of Record  Attorney Waived  JUDGE/COMMISSIONER  
I HAVE RECEIVED A COPY OF THIS ORDER AND UNDERSTAND THAT EACH ITEM MARKED WITH AN [X] APPLIES TO ME, AND I CONSENT TO RELEASE OF INFORMATION AS SPECIFIED IN #10 ON THE REVERSE SIDE OF THIS ORDER.

Michael Rich  
DEFENDANT

Sent 11/01  
PA  
DOL  
WSP

READ BOTH SIDES OF THIS ORDER

SKAGIT COUNTY DISTRICT AND MUNICIPAL COURTS

STATE OF WASHINGTON  
COUNTY OF SKAGIT

C46527  
NO. C583323

Plaintiff,

vs.

Michael Rich  
Defendant.

Address

MOTION TO DISMISS, AMEND, REDUCE, AND/OR  
POST AND FORFEIT BAIL AND ORDER ON MOTION

MOTION

COMES NOW the  Plaintiff  Defendant and moves the Court to grant the following relief:

- Dismiss the charge of DWLS 3° + DWLS 3°
- Amend the charge of DUI to Reckless Driving
- Allow the defendant to post and forfeit bail of \$ \_\_\_\_\_ by \_\_\_\_\_, 200\_\_
- on the following conditions:  pay warrant fees  show proof of  driver's license  vehicle license
- payment of all Skagit Co. Infractions  restitution  Evaluation/Counseling  Other \_\_\_\_\_
- No Contact Order to be dismissed upon completion of all conditions and the granting of this motion.

**NO CASES WILL BE DISMISSED OR CLOSED UNLESS ALL WARRANT FEES ARE PAID**

THIS MOTION is made for the following reason(s):

- Part of disposition of cause no. \_\_\_\_\_
- Not able to obtain sufficient evidence to convict
- Other \_\_\_\_\_
- Interest of Justice \_\_\_\_\_
- Plea bargain (basis): Def. to plead guilty to MIP and Reckless Driving

(If bail is not to be posted or conditions completed immediately, defendant moves for a continuance for the Court to rule on the motion, and WAIVES SPEEDY TRIAL RIGHT to at least 60 days past the requested date of performance. If this motion is signed by the defense counsel only, said counsel certifies that counsel has express authority to consent to such speedy trial waiver, or that such a waiver has been signed and filed herein by the defendant.)

DATED this 19 day of April, 2006

OPPOSING PARTY

MOVING PARTY

Consents  Opposes

[Signature]  
Signature of Non moving Party/Counsel WSB# 35506

Defendant  Plaintiff  
[Signature] WSB# 32745  
Attorney

ORDER ON MOTION

This case is continued to \_\_\_\_\_ at \_\_\_\_\_ M., to rule on the motion.

DEFENDANT IS ORDERED TO APPEAR on said hearing date and time  unless all conditions are completed and all required bail is posted.

DATED \_\_\_\_\_

\_\_\_\_\_  
JUDGE/COMMISSIONER/Pro-Tempore

\*\*\*\*\* | PROMISE TO APPEAR AS ABOVE ORDERED: \_\_\_\_\_

\_\_\_\_\_  
Defendant's Signature

The above motion is  GRANTED  DENIED  DEFENDANT FTC/FTA  ISSUE WARRANT  
 RESET to \_\_\_\_\_ 200\_\_ at \_\_\_\_\_ M for \_\_\_\_\_

Dated 4-19-06

\_\_\_\_\_  
JUDGE/COMMISSIONER/Pro-Tempore

PA  
file

SKAGIT COUNTY DISTRICT & MUNICIPAL COURTS  
DISTRICT [ ] CITY OF \_\_\_\_\_

DEFENDANT'S NAME Michael Rich CASE NO. C583323/4

VIOLATIONS CHARGED: (1) Reckless Driving (2) MIP

PENALTIES APPLICABLE TO ABOVE CRIME CHARGED: (If DUI or PCUI, check here [ ] and see DUI addendum.)

Charge 1: MAXIMUM SENTENCE: Jail 365 days, \$ 5000 fine\*, \_\_\_\_\_ days drivers license suspension  
MANDATORY MINIMUM: Jail \_\_\_\_\_ days, \$ \_\_\_\_\_ fine\*, \_\_\_\_\_ days drivers license suspension  
Charge 2: MAXIMUM SENTENCE: Jail 365 days, \$ 5000 fine\*, \_\_\_\_\_ days drivers license suspension  
MANDATORY MINIMUM: Jail \_\_\_\_\_ days, \$ \_\_\_\_\_ fine\*, \_\_\_\_\_ days drivers license suspension

\* PLUS up to 90% surcharge.

This conviction may subject you to increased penalties on prior charges if you are still on probation for them. If this crime involves a sexual offense, prostitution, or drug offense with hypodermic needles, you will be required to undergo testing for AIDS. If the crime is: Assault 4, Coercion, Stalking, Reckless Endangerment 2, Criminal Trespass 1, or Violation of a Restraining/Protection Order and involves domestic violence you must immediately surrender any concealed pistol license, and you will lose the right to own, possess, or have under your control any firearms, unless your right is restored by a court of record.

STATEMENT OF DEFENDANT ON PLEA OF GUILTY GED

- 1. My true name is above set forth. 2. I am 19 years old. 3. I have completed the 9 grade in school.
- 4. The court has informed me AND I FULLY UNDERSTAND THAT I have the right to representation by a lawyer and that if I cannot pay for a lawyer, one will be provided at no expense to me. With that right in mind,  
a. [ ] I waive (give up) my right to have an attorney help me, OR  
b.  I am now represented by Adam Yanasak, WSBA #35506

MCR  
Mar  
1, 2, 3

5. I 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 Skagit County;
- b. the right to remain silent, before and during trial, and the right to refuse to testify for or against myself;
- c. the right at trial to hear and question witnesses who testify against me;
- d. the right at trial to testify on my own behalf and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- e. I am presumed to be innocent until either I plead guilty, or all elements listed on the other side of this form, or the attached DUI Addendum, are proved beyond a reasonable doubt. I have read and understand the elements the State or City must prove;
- f. the right to appeal a finding of guilt after a trial.

4  
5a  
5b  
5c  
5d  
5e  
5f

IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:

- a. The crimes with which I am charged carry maximum and minimum penalties as stated above, or on the attached DUI addendum.
- b. The prosecuting authority will recommend the following to the judge (if none, put none): (P/A: CP)  
\$750 fine, \$175 rest. to WSP, Alc. eval., VP
- c. The judge does not have to follow anyone's recommendation as to sentence. The judge can give me any sentence up to the maximum authorized by law no matter what the prosecuting authority or anyone else recommends.
- d. I may be put on probation for up to 2 years (5 for DUI/PCUI) with conditions of probation imposed.
- e. The judge may require me to pay costs, fees and assessments authorized by law. The judge may also order me to make restitution to any victims who lost money or property as a result of crimes I committed. The maximum amount of restitution is double the amount of the loss of all victims or double the amount of my gain.
- f. If I am not a citizen, a plea of guilty is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

6a  
6b  
6c  
6d  
6e  
6f

I PLEAD GUILTY TO THE ABOVE CHARGE(S). I have received a copy of the complaint or citation.

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.

7  
8,9,10

The judge has asked me to state in my own words what I did that makes me guilty of these crimes. This is my statement:

On 10-15-05 I drove in Skagit County in a reckless manner without regard for the safety of the property of others and I possessed alcohol while I was under the age of 21 years.

I opt the following as part of my statement: \_\_\_\_\_

11

12. I understand that the elements of the crime to which I am pleading guilty are listed below or on the attached DUI Addendum in the items marked with an "x" ([X]), and that the State or City must prove all of those elements beyond a reasonable doubt if I plead not guilty.

ELEMENTS

The State (or the City if you are charged under City ordinance) must prove that:

- 1. ALL CRIMES: The acts occurred in Skagit County (or the specific City if charged under city ordinance), and:
- 2. ALL DRIVING OFFENSES: You drove a motor vehicle, and:
  - a. (DUI or PCUI) while so driving or in physical control of a motor vehicle, either i. Your ability to drive was appreciably affected by alcohol or drugs, or ii. Your blood or breath alcohol concentration was over .08 grams per 100 milliliters of blood or .08 grams per 210 liters of breath.
  - b. (NEGLIGENT DRIVING 1\*) you drove in a manner that was both negligent and endangered or was likely to endanger any person or property, and exhibited the effects of having consumed alcohol or an illegal drug.
  - c. (RECKLESS DRIVING) you drove with a willful or wanton disregard for the safety of persons or property.
  - d. (HIT AND RUN) you hit persons or property and left without leaving your name or address.
  - e. (DWLS/R) your driver's license was suspended, revoked or denied  while eligible for reinstatement  as an habitual traffic offender.
  - f. (NVOL) you had no current operator's license valid in the State of Washington and did not possess appropriate identification..
  - g. (MINOR DRIVING AFTER CONSUMING) you were under 21 years of age and had a BAC of .02 or greater within 2 hours of driving.
  - h. (NO CDL/ENDORSEMENT) you drove a commercial vehicle without the proper license/endorsement.
  - i. (HAZARDOUS MATERIALS) you transported hazardous materials without proper authorization/inspection/placarding/containment.
  - j. (FAILURE TO REGISTER VEHICLE/TRANSFER TITLE) you failed to register your vehicle or transfer title as required.
  - k. (COMMERCIAL DRIVER W/ ALCOHOL IN SYSTEM) you operated or were in physical control of a commercial vehicle with alcohol in your system.
- 3. (ASSAULT 4) you intentionally hit or offensively touched another person without permission of that person, and not in self-defense.
- 4. (CRIMINAL IMPERSONATION) you  assumed a false identity and acted for unlawful purpose  claimed to be a law enforcement officer.
- 5. (CRIMINAL TRESPASS) you entered or remained on another's property without permission.  building  fenced area  other.
- 6. (DISORDERLY CONDUCT) you intentionally created a risk of assault by the use of abusive language, OR without lawful authority, you intentionally disrupted a lawful assembly of persons, or intentionally obstructed vehicular or pedestrian traffic.
- 7. (DRUG PARAPHERNALIA) you used, or possessed with intent to deliver, items intended for illegal ingestion of controlled substances.
- 8. (FALSE STATEMENT) you knowingly gave false information to a public servant at a time you were required to be truthful.
- 9. (FURNISHING LIQUOR) you supplied alcohol, or furnished a place for consumption of alcohol, to a person under 21 years of age, without lawful authority.
- 10. (HARASSMENT) you threatened harm to another or their property.
- 11. (HUNTING/FISHING VIOLATIONS) you hunted/fished without a license and/or did not follow required hunting/fishing rules.
- 12. (ILLEGAL POSSESSION/CONSUMPTION OF ALCOHOL) you possessed or consumed alcohol while under 21 years of age.
- 13. (INTERFERING WITH REPORTING DOMESTIC VIOLENCE) you committed a crime of domestic violence and prevented it being reported.
- 14. (MALICIOUS MISCHIEF) you maliciously damaged another person's property of a value under \$250.
- 15. (OBSTRUCTING) you knowingly hindered, delayed or obstructed an officer in the performance of his or her official duties.
- 16. (POSSESSION OF MARIJUANA) you possessed marijuana, but under 40 grams.
- 17. (POSSESSION OF STOLEN PROPERTY 3) you knowingly possessed or concealed stolen property worth less than \$250.
- 18. (RECKLESS ENDANGERMENT) you recklessly engaged in conduct which created a substantial risk of death or serious physical injury to another.
- 19. (RESISTING ARREST) you intentionally prevented or attempted to prevent a peace officer from arresting you.
- 20. (TELEPHONE HARASSMENT) you called another repeatedly/anonymously/at inconvenient hours/used obscenity/threats.
- 21. (THEFT 3 /petit) you wrongfully took property or services of another worth less than \$250 with intent to deprive the rightful owner thereof.
- 22. (U.I.B.C.) with intent to defraud, you issued a check, knowing it would not be paid when presented for payment.
- 23. (VEHICLE PROWL 2) you entered or remained in a vehicle with the intent to commit a crime.
- 24. (V.P.O./V.H.O) with knowledge of its existence, you disobeyed a court order directing you to stay away from a specific person or place, or otherwise violated other terms of an order of protection or anti-harassment.
- 25. (OTHER CRIMES): MIP - I did possess alcohol while under 21 years of age.

I have read or had read to me all of the foregoing, understand it, have no questions for the court, and WITH ALL OF THE FOREGOING IN MIND, I STILL PLEAD GUILTY TO THE ABOVE CHARGE.

Dated: 4-19-06 2006 Michael K. Lien  
(Defendant's Signature)

DEFENSE ATTORNEY (if any) statement: I have fully discussed this defendant's guilty plea statement with him or her and believe the defendant is competent and fully understands it. Wendy Young

COURT CERTIFICATION AND FINDING OF GUILT

The defendant acknowledged in open court that:  defendant had previously read  defendant's attorney had previously read to defendant  an interpreter had previously read to defendant—the entire statement on the other side of this document, (and those parts on this page applicable to defendant), and that defendant understood it and signed it. I find that the defendant's plea of guilty was and is knowingly, intelligently and voluntarily made, that the defendant understands the charges and consequences of a guilty plea, and that there is a factual basis for the plea, and I FIND THE DEFENDANT GUILTY AS CHARGED.

DATED 4-19 2006. [Signature]  
Judge/Commissioner

EXHIBIT B

IN THE  DISTRICT  MUNICIPAL COURT OF SEDRO-WOOLLEY, WASHINGTON

STATE OF WASHINGTON, PLAINTIFF VS. NAMED DEFENDANT

COUNTY OF SKAGIT

CITY/TOWN OF SEDRO-WOOLLEY

L.E.A. ORI #: WA0290300

COURT ORI #: WA029041J

**THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON**

DRIVER'S LICENSE NO. <b>RICH # MC133C6</b>	STATE <b>WA</b>	EXPIRES <b>02/11</b>	PHOTO I.D. MATCHED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
NAME: LAST <b>RICH</b>	FIRST <b>MICHAEL</b>	MIDDLE <b>CHRISTIAN</b>	CDL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
ADDRESS <b>1005 STATE ST #B</b>			
CITY <b>SEDRO-WOOLLEY WA</b>	STATE <b>WA</b>	ZIP CODE <b>98284</b>	EMPLOYER LOCATION
DATE OF BIRTH <b>02/26/87</b>	RACE <b>W</b>	SEX <b>M</b>	HEIGHT <b>5-11</b>
WEIGHT <b>160</b>	EYES <b>GRN</b>	HAIR <b>BRN</b>	
RESIDENTIAL PHONE NO. ( )	CELL/FAXER NO. <b>(360) 770-3698</b>	WORK PHONE NO. ( )	
VIOLATION DATE ON OR ABOUT	MONTH <b>08</b>	DAY <b>22</b>	YEAR <b>2008</b>
TIME <b>1847</b>	<input type="checkbox"/> INTERPRETER NEEDED LANG: _____		
AT LOCATION <b>800 BLK NELSON ST</b>	M.P.	CITY/COUNTY OF <b>SEDRO-WOOLLEY / SKAGIT</b>	

**DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND**

VEHICLE LICENSE NO. <b>875 TYB</b>	STATE <b>WA</b>	EXPIRES <b>02/06</b>	VEH. YR. <b>1984</b>	MAKE <b>TOYOTA</b>	MODEL <b>FILED</b>	STYLE <b>DOOR</b>	COLOR <b>BLUE</b>
TRAILER #1 LICENSE NO.	STATE	EXPIRES	TR. YR.	TRAILER #2 LICENSE NO.	STATE	EXPIRES	TR. YR.
OWNER/COMPANY IF OTHER THAN DRIVER <b>FILEMON MAESTAS JR</b>				AUG 25 2008			
ADDRESS <b>1216 E BROADWAY</b>							
CITY <b>SEDRO-WOOLLEY</b>							
STATE <b>WA</b>							
ZIP CODE <b>98284</b>							
ACCIDENT <input checked="" type="checkbox"/> NO	BAC <input type="checkbox"/> NR	COMMERCIAL <input type="checkbox"/> R	READING <input type="checkbox"/> I	HAZMAT <input checked="" type="checkbox"/> YES	VEHICLE <input checked="" type="checkbox"/> NO	EXEMPT <input checked="" type="checkbox"/> YES	VEHICLE <input type="checkbox"/> NO
FARM <input type="checkbox"/> F	FIRE <input type="checkbox"/> R.V.	OTHER <input type="checkbox"/>					

**DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES**

#1 VIOLATION/STATUTE CODE <b>RCW 46.61.502</b>	<input type="checkbox"/> DV	<b>DUI + .15</b>
<b>DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS.</b>		
#2 VIOLATION/STATUTE CODE <b>RCW 46.20.740</b>	<input type="checkbox"/> DV	<b>IGNITION INTERLOCK VIOLATION</b>
<b>TO WIT: DID OPERATE A MOTOR VEHICLE WITHOUT A FUNCTIONING IGNITION INTERLOCK WITH A LICENSE RESTRICTION REQUIRE SAME.</b>		
<input checked="" type="checkbox"/> MANDATORY COURT APPEARANCE OR <input type="checkbox"/> BAIL FORFEITURE IN U.S. \$		

APPEARANCE DATE <b>08 21 08</b>	MO. <b>08</b>	DY. <b>21</b>	YR. <b>08</b>	TIME <b>0830</b>	A.M. <input type="checkbox"/>	P.M. <input checked="" type="checkbox"/>	RELATED # <b>08-006425</b>	DATE ISSUED <b>08/22/08</b>
<input checked="" type="checkbox"/> Served on Violator				I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT I HAVE ISSUED THIS ON THE DATE AND AT THE LOCATION ABOVE, THAT I HAVE PROBABLE CAUSE TO BELIEVE THE ABOVE NAMED PERSON COMMITTED THE ABOVE OFFENSE(S), AND MY REPORT ATTACHED TO THIS DOCUMENT IS TRUE AND CORRECT.				
<input type="checkbox"/> Sent to Court for Mailing				OFFICER <b>[Signature]</b> : 128				
<input type="checkbox"/> Referred to Prosecutor				OFFICER				

**COMPLAINT / CITATION**

CRG	PLEA	CNG	FINDINGS	FINE	SUSPENDED	SUB-TOTAL	FIND/JUDG DATE
1	G NG	G NG D BF		\$ 8000	\$ 5304	\$ 2696	5/7/09
2	G NG	G NG D BF		\$	\$	\$	TO SERVE 365
OTHER COSTS \$						125	WEL
RECOMMENDED NONEXTENSION OF SUSPENSION <input type="checkbox"/>				LICENSE SUR-RENDER DATE	TOTAL COSTS \$	2824	CREDIT / TIME SVD

CERTIFIED TO BE A TRUE COPY OF THE ORIGINAL ON FILE IN SEDRO WOOLLEY MUNICIPAL COURT  
9-19-11 [Signature] CLERK

SC0010310

SEDRO-WOOLLEY MUNICIPAL COURT  
325 Metall Street, Sedro-Woolley, WA 98284 (360)855-0366

CITY OF SEDRO-WOOLLEY,  
Plaintiff

No. SC 10310

Offense(s) DUI 7.15  DUI  Physical Control  
Date of Offense: 8-22-08 BAC \_\_\_\_\_  
SENTENCE and ORDER PLACING DEFENDANT ON PROBATION FOR 60 mos  
Supervision by:  Clerk  Probation Department  Other \_\_\_\_\_

Rich, Michael  
vs.  
Defendant

Defendant's Date of Birth 2-26-87

Address \_\_\_\_\_

THIS MATTER having come on for hearing this date before the above entitled Court, and the Court and Defendant being fully advised, now therefore, IT IS HEREBY ADJUDGED that the Defendant above named is GUILTY of the crime(s) above designated and DEFENDANT'S CASE HISTORY AND DRIVING RECORD ARE ATTACHED AS EXHIBIT 1 & 2 AND MADE A PART OF THIS RECORD, now therefore;

Sentencing of the Defendant is DEFERRED for the probation period of \_\_\_\_\_ months. Upon written application to the Court the finding of Guilty may be set aside and the case dismissed if the terms and conditions set forth under General Conditions below are met:

The Defendant is hereby SENTENCED as follows:

Fine of \$ 5,000 + 3,000 plus Public Safety Education Assessment with sufficient portions thereof suspended to yield the amount payable, including surcharges, below set forth.

Jail term of 365 days with -0- suspended

The suspended portions of the sentence are suspended on the conditions set forth below:

GENERAL CONDITIONS: The Defendant is ORDERED to:

not be convicted of, found on probable cause to have committed, or forfeit bail on an offense like the one(s) herein, or a serious traffic violation, or an offense involving assault, liquor, controlled substances, domestic violence, theft or any other serious criminal violation.

keep the court clerk at all times advised IN WRITING of any change in address from that set forth above. (Notice of any proposed revocation of probation will be sent to such last address, and failure to the Defendant to respond to any notice sent to such address will result in the issuance of a warrant for the defendant's arrest.)

ADDITIONAL CONDITIONS OF PROBATION FOR DUI and PHYSICAL CONTROL CASES: (a) The defendant shall not drive a motor vehicle without a valid license and proof of insurance. (b) The defendant shall not drive a motor vehicle with an alcohol concentration of .08 or more within two hours after driving. (c) The defendant shall submit to a breath or blood alcohol test upon the reasonable request of law enforcement officers. If you violate (a) and (b) or (a) and (c) you will be sentenced to a minimum 30 days jail. FURTHER, defendant is directed to apply for an ignition interlock driver's license..

read carefully both sides of this order.

SPECIAL CONDITIONS: The Defendant is ORDERED to:

Pay fine of \$ 2821 including surcharges and court costs  Plus \$125 breath test fee  All warrant fees in full by \_\_\_\_\_ @ \_\_\_\_\_ M.

Make minimum payments toward fine/fee of \$ \_\_\_\_\_ per month, beginning \_\_\_\_\_

Community service work may be substituted for  All  half  \$ 2,000 of the fine in full by \_\_\_\_\_

Serve 365 days in jail starting by \_\_\_\_\_  150 days on Electronic Home Monitoring commencing immediately upon release from jail

Perform \_\_\_\_\_ hours of Community Service Work by: \_\_\_\_\_

Contact a state approved  Alcohol/Drug evaluation agency  Anger Management Agency within the time set forth on the reverse side of this order, AND

Complete alcohol/drug/anger management evaluation and participate in and complete an approved alcohol/drug treatment program if recommended by the evaluating agency, and if not so recommended,  Attend alcohol information school  Attend victim's panel \_\_\_\_\_

Contact the Probation Department within the time and at the place set on the form on the reverse side of this order, AND comply with the general rules and requirements of the Probation Department for  compliance  full supervision

Make restitution as initially determined by the  Probation Department  Clerk  In the amount of \$ \_\_\_\_\_ by \_\_\_\_\_

Pay \$ \_\_\_\_\_ toward cost of  probation supervision  public defender at \$ \_\_\_\_\_ per month beginning \_\_\_\_\_

Not drive without a driver's license valid in Washington  Not operate a vehicle equipped with an ignition interlock for a period of 10 months/years beginning  immediately  following reinstatement.  Comply with addendum terms  Comply with No Contact Order issued:

Not Consume  Alcohol  non-prescribed drugs  Prescribed drugs improperly  while in Treatment  at any time

Comply with the following additional terms and conditions: \_\_\_\_\_

The defendant's privilege to drive in the State of Washington will be suspended for \_\_\_\_\_ days.

This Court retains jurisdiction of the Defendant for the probation period above designated and reserves the power summarily to revoke probation and impose sentence, or the portions of the sentence which are suspended, or to take any action permitted by law, upon the failure of the Defendant to perform the terms or meet the conditions of this order.

DEFENDANT IS PLACED ON PROBATION IF AND AS ABOVE STATED.

Dated May 7 2009

CERTIFIED TO BE A TRUE COPY [Signature]  
THE ORIGINAL ON FILE IN SEDRO  
WOOLLEY MUNICIPAL COURT  
Judge/Commissioner

Attorney of Record

Attorney Waived

I have received a copy of this order and understand that each item marked with an  applies to me and I consent to release of information as specified in #10 on the reverse side of this order.

DATE

CLERK [Signature]

DEFENDANT

SKAGIT COUNTY DISTRICT & MUNICIPAL  
COURTS

[ ] DISTRICT  
[X] CITY OF SEDRO WOOLLEY

No. SC10310

Michael Rich  
Defendant.

Statement of Defendant on Plea of  
Guilty

[X] Count 1: DUI + .15

[ ] Count 2: \_\_\_\_\_

[ ] Count 3: \_\_\_\_\_

[ ] \_\_\_\_\_

1. My true name is Michael Rich

2. My age is 22

3. I went through the \_\_\_\_\_ 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.

(b) I am charged with: DUI

The elements are: \_\_\_\_\_ elements of DUI  
\_\_\_\_\_ \*drive a motor vehicle  
\_\_\_\_\_ \*in Sedro-Woolley \*ability to  
\_\_\_\_\_ drive was appreciably affected by  
\_\_\_\_\_ alcohol/drugs OR \* BAC over .08

5. **I 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;
- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a finding of guilt after a trial.

CERTIFIED TO BE A TRUE COPY OF  
THE ORIGINAL ON FILE IN SEDRO  
WOOLLEY MUNICIPAL COURT.  
9-19-11  
DATE \_\_\_\_\_  
CLERK [Signature]

5-7-2009

J. Brumens

**In Considering the Consequences of my Guilty Plea, I Understand That:**

6.  
prior offer if 4th, now here 5th, pled yesterday Dist Ct to 4th DuI got 1 year recommended consecutive to any other sentence

(a) The crime with which I am charged carries a maximum sentence of 365 days in jail and a \$ 5000 fine.

(b) The prosecuting authority will make the following recommendation to the judge: not agreed, prior offer if 4th DuI w/in 10 yrs 6 mos + man mins for 2-3 prior offenses CTS

(c) The judge does not have to follow anyone's recommendation as to sentence. The judge can give me any sentence up to the maximum authorized by law no matter what the prosecuting authority or anyone else recommends.

(d) The judge may place me on probation for up to five years if I am sentenced under RCW 46.61.5055 or up to two years for all other offenses and impose conditions of probation. If the court orders me to appear at a hearing regarding my compliance with probation and I fail to attend the hearing, the term of probation will be tolled until I appear before the court on the record.

(e) The judge may require me to pay costs, fees and assessments authorized by law. The judge may also order me to make restitution to any victims who lost money or property as a result of crimes I committed. The maximum amount of restitution is double the amount of the loss of all victims or double the amount of my gain.

(f) 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.

**Notification Relating to Specific Crimes. If any of the Following Paragraphs Apply, the Box Should Be Checked and the Paragraph Initialed by the Defendant.**

- (g) The crime of \_\_\_\_\_ has a mandatory minimum sentence of \_\_\_\_\_ days in jail and \$ \_\_\_\_\_ fine plus costs and assessments. The law does not allow any reduction of this sentence.
- (h) 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.
- (i) This plea of guilty will result in suspension or revocation of my driving license or privilege by the Department of Licensing for a period of \_\_\_\_\_. This period may not include suspension or revocation based on other matters.
- (j) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040.
- (k) If this crime involves a drug offense, my eligibility for state and federal education benefits will be affected. 20 U.S.C. § 1091(r).

- (l) If this case involves driving while under the influence of alcohol and/or being in actual physical control of a vehicle while under the influence of alcohol and/or drugs, I have been informed and understand that I will be subject to  the penalties described in the "DUP" Attachment.

OR

- these penalties: The mandatory minimum sentence of \_\_\_\_\_ days in jail, \_\_\_\_\_ days of electronic home monitoring and \$ \_\_\_\_\_ monetary penalty. I may also be required to drive only motor vehicles equipped with an ignition interlock device as imposed by the Department of Licensing and/or the court. My driving privilege will be suspended or revoked by the Department of Licensing for the period of time stated in paragraph 6(i). In lieu of the minimum jail term, the judge may order me to serve \_\_\_\_\_ days in electronic home monitoring. If I do not have a dwelling, telephone service, or any other necessity to operate electronic home monitoring; if I live out of state; or if the judge determines I would violate the terms of electronic home monitoring, the judge may waive electronic home monitoring and impose an alternative sentence which may include additional jail time, work crew or work camp.
- (m) I understand that if this crime involves sexual misconduct with a minor in the second degree, communication with a minor for immoral purposes, or attempt, solicitation or conspiracy to commit a sex offense, or a kidnapping offense involving a minor, as defined in RCW 9A.44.130, I will be required to register with the county sheriff as described in the "Offender Registration" Attachment.
- (n) If this crime involves stalking, harassment or communication with a minor for immoral purposes, I will be required to have a biological sample collected for purposes of DNA identification analysis. RCW 43.43.754.
- (o) **Travel Restrictions:** I understand that I will be required to contact my probation officer, the probation director or designee, or the court if there is no probation department, to request permission to travel or transfer to another state if I am placed on probation for one year or more and this crime involves: (i) an offense in which a person has incurred direct or threatened physical or psychological harm; (ii) an offense that involves the use or possession of a firearm; (iii) a second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol; (iv) a sexual offense that requires the offender to register as a sex offender in the sending state. I understand that I will be required to pay an application fee with my travel or transfer request.

7. I plead guilty to the crime(s) of DUI as charged in the complaint(s) or citation(s) and notice. I have received a copy of that complaint or citation and notice.
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 in my own words what I did that makes me guilty of this crime.

This is my statement:

On 8/27/09 drove a motor vehicle in Sedro-Woolley and my BAC was over .08 OR my ability to drive was appreciably affected by alcohol the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

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.

Date: 5/07/09

X MCK  
Defendant

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

Jennifer Bauwens  
Prosecuting Authority  
Jennifer Bauwens  
Type or Print Name  
WSBA No. 32768

William R. Mc Cann  
Defendant's Lawyer  
William R. Mc Cann  
Type or Print Name  
WSBA No. 1072

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 the 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: 5-7-09

Brinn A. Allen  
Judge

EXHIBIT C

**THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON**

DRIVER'S LICENSE NO. **RICH \* MC133CL6** STATE EXPIRES PHOTO I.D. ON PERSON  YES  NO  
 NAME: LAST **RICH** FIRST **MICHAEL** MIDDLE **CHRISTIAN**  
 ADDRESS **23435 GUNDERSON ROAD** IF NEW ADDRESS   
 CITY **Mount Vernon WA** STATE ZIP CODE **98274** EMPLOYER LOCATION  
 DATE OF BIRTH **2/26/87** RACE **W** SEX **M** HEIGHT **6'0"** WEIGHT **150** EYES **GRN** HAIR **BRN**  
 RESIDENTIAL PHONE NO. CELL/PAGER NO. WORK PHONE NO.  
 VIOLATION DATE **10 22 2006** MONTH DAY YEAR TIME INTERPRETER NEEDED   
 ON OR ABOUT **12 12 2006** 24 HOUR LANG:  
 AT LOCATION M.P. CITY/COUNTY OF **SKAGIT**

**DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND**

VEHICLE LICENSE NO. STATE EXPIRES VEH. YR. MAKE MODEL STYLE COLOR  
 TRAILER #1 LICENSE NO. STATE EXPIRES TR. YR. TRAILER #2 LICENSE NO. STATE EXPIRES TR. YR.  
 OWNER/COMPANY IF OTHER THAN DRIVER  
 ADDRESS CITY STATE ZIP CODE  
 ACCIDENT BAC **NO test** COMMERCIAL  YES HAZARD  YES EXEMPT  FARM  FIRE  
 NO NR R I F READING VEHICLE  NO PLACARD  NO VEHICLE  R.V.  OTHER

**DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES**

VIOLATION/STATUTE CODE **DUI - NO test**  DV  
**RCW 46.61.502**  
 VIOLATION/STATUTE CODE  DV  
**33 Pages Certified**  
**9-20-11**  
**clerk date**

**MANDATORY COURT APPEARANCE OR BAIL FORFEITURE IN U.S. \$**

APPEARANCE DATE **1 19 07** MO. DY. YR. TIME **11:30 A.M.** RELATED # DATE ISSUED  
 WITHOUT ADMITTING HAVING COMMITTED EACH OF THE ABOVE OFFENSE(S), I PROMISE TO APPEAR AS DIRECTED ON THIS NOTICE.  
 I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT I HAVE ISSUED THIS ON THE DATE AND AT THE LOCATION ABOVE, THAT I HAVE PROBABLE CAUSE TO BELIEVE THE ABOVE NAMED PERSON COMMITTED THE ABOVE OFFENSE(S), AND MY REPORT WRITTEN ON THE BACK OF THIS DOCUMENT OR ATTACHED TO IS TRUE AND CORRECT.  
 OFFICER #  
 OFFICER #  
 DEFENDANT'S SIGNATURE **(Summ)**

COMPLAINT / CITATION **Summ**

CRG	PLEA	CNG	FINDINGS	FINE	SUSPENDED	SUB-TOTAL	FIND/JUDG DATE	ABS. MLD TO OLY	TO SERVE
1	G	NG	G NG D BF	\$8000	\$6083	1917	1/19/07	1/19/07	21.5
2	G	NG	G NG D BF	\$	\$				

**THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON**

DRIVER'S LICENSE NO. **RICH \* MC133CL6** STATE EXPIRES PHOTO I.D. ON PERSON  YES  NO  
 NAME: LAST **RICH** FIRST **MICHAEL** MIDDLE **CHRISTIAN**  
 ADDRESS **23435 GUNDERSON RD** IF NEW ADDRESS   
 CITY **Mount Vernon WA** STATE ZIP CODE **98274** EMPLOYER LOCATION  
 DATE OF BIRTH **2/26/87** RACE **W** SEX **M** HEIGHT **6'0"** WEIGHT **150** EYES **GRN** HAIR **BRN**  
 RESIDENTIAL PHONE NO. CELL/PAGER NO. WORK PHONE NO.  
 VIOLATION DATE **12 12 2006** MONTH DAY YEAR TIME INTERPRETER NEEDED   
 ON OR ABOUT **12 12 2006** 24 HOUR LANG:  
 AT LOCATION M.P. CITY/COUNTY OF **SKAGIT**

**DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND**

VEHICLE LICENSE NO. STATE EXPIRES VEH. YR. MAKE MODEL STYLE COLOR  
 TRAILER #1 LICENSE NO. STATE EXPIRES TR. YR. TRAILER #2 LICENSE NO. STATE EXPIRES TR. YR.  
 OWNER/COMPANY IF OTHER THAN DRIVER  
 ADDRESS CITY STATE ZIP CODE  
 ACCIDENT BAC **Refusal** COMMERCIAL  YES HAZARD  YES EXEMPT  FARM  FIRE  
 NO NR R I F READING VEHICLE  NO PLACARD  NO VEHICLE  R.V.  OTHER

**DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES**

#1 VIOLATION/STATUTE CODE  DV  
**DUI - Refusal**  
**RCW 46.61.502**  
 #2 VIOLATION/STATUTE CODE  DV

**MANDATORY COURT APPEARANCE OR BAIL FORFEITURE IN U.S. \$**

APPEARANCE DATE **1 19 07** MO. DY. YR. TIME **11:30 A.M.** RELATED # DATE ISSUED  
 WITHOUT ADMITTING HAVING COMMITTED EACH OF THE ABOVE OFFENSE(S), I PROMISE TO APPEAR AS DIRECTED ON THIS NOTICE.  
 I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT I HAVE ISSUED THIS ON THE DATE AND AT THE LOCATION ABOVE, THAT I HAVE PROBABLE CAUSE TO BELIEVE THE ABOVE NAMED PERSON COMMITTED THE ABOVE OFFENSE(S), AND MY REPORT WRITTEN ON THE BACK OF THIS DOCUMENT OR ATTACHED TO IS TRUE AND CORRECT.  
 OFFICER #  
 OFFICER #  
 DEFENDANT'S SIGNATURE **X Summ**

COMPLAINT / CITATION **Summ**

CRG	PLEA	CNG	FINDINGS	FINE	SUSPENDED	SUB-TOTAL	FIND/JUDG DATE	ABS. MLD TO OLY
1	G	NG	G NG D BF	\$8000	\$5938	2062	1/19/07	1/19/07
2	G	NG	G NG D BF	\$	\$			

FILED

OCT 18 11 7: 50

SKAGIT COUNTY  
DISTRICT COURT

<b>DISTRICT COURT OF WASHINGTON COUNTY OF SKAGIT</b>
STATE OF WASHINGTON, Plaintiff,  vs. MICHAEL C. RICH, Defendant.

NO: PA ~~1387~~ 1390, 1391 *etc*  
CRIMINAL COMPLAINT

TO: MICHAEL C. RICH,  
DOB: 2/26/87  
LKA: 23435 GUNDERSON ROAD, MOUNT VERNON, WA 98274  
PHY: W/M/6'0"/150#/EYES-GRN/HAIR-BRN  
DOL#: RICH\*MC133C6

That in Skagit County, Washington, MICHAEL C. RICH, did commit the crime of:

COUNT I

**Driving Under the Influence - All Three Alternatives - RCW 46.61.502**

On or about the ~~10th~~ <sup>*etc*</sup> day of October, 2006, in the County of Skagit, State of Washington, the above-named Defendant did drive a vehicle (a) and had, within two hours after driving, an alcohol concentration of 0.08 [incidents occurring January 1, 1999 or later] or 0.10 [incidents occurring prior to January 1, 1999] or higher as shown by analysis of the person's breath or blood, and/or (b) while under the influence of or affected by intoxicating liquor or any drug; and/or (c) while under the combined influence of or affected by intoxicating liquor and any drug; contrary to Revised Code of Washington 46.61.502(1). (Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 46.61.502(5) and RCW 9.92.020, plus restitution, assessments and court costs.)

COUNT II

**Driving Under the Influence - Refusal - RCW 46.61.502**

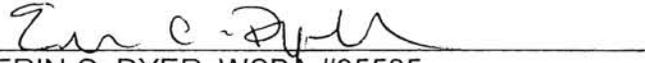
On or about the 12th day of December, 2006, in the County of Skagit, State of Washington, the above-named Defendant did drive a vehicle while under the influence of or affected by intoxicating liquor or any drug; and/or while under the combined influence of or affected by intoxicating liquor and any drug; contrary to Revised Code of Washington 46.61.502(1); and furthermore, the Defendant did refuse to take a test offered pursuant to RCW 46.20.308; contrary to Revised Code of Washington 46.61.5055.

ORIGINAL

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 46.61.502(5) and RCW 9.92.020, plus restitution, assessments and court costs.)

SKAGIT COUNTY PROSECUTING ATTORNEY

Dated: 4/17/07

  
ERIN C. DYER, WSBA #35585  
DEPUTY PROSECUTING ATTORNEY

SKAGIT COUNTY DISTRICT & MUNICIPAL COURT

600 S. Third \* P.O. Box 340 \* Mount Vernon, WA 98273

(360) 336-9319

STATE OF WASHINGTON,

NO. PA 1390 ; PA 1391

Michael Rich

Defendant

OFFENSE(S) DUI x2 12/12/06 [ ] DWI [ ] PHYSICAL CONTROL DATE OF OFFENSE 10-23-06 BAC

[x] SENTENCE AND ORDER PLACING DEFENDANT ON PROBATION FOR 60 MONTHS

Supervision by:

[ ] Clerk [ ] Probation Department [ ] Other

Defendants Date of Birth: 2.26.87

THIS MATTER having come on for hearing this date before the above entitled Court, and the Court and Defendant being fully advised, now therefore, IT IS HEREBY ADJUDGED that the Defendant above named is GUILTY of the crime(s) above designated and DEFENDANT'S CASE HISTORY AND DRIVING RECORD ARE ATTACHED AS EXHIBIT 1 & 2 AND MADE A PART OF THIS RECORD, now therefore;

[ ] Sentencing of the Defendant is DEFERRED for the probation period of months. Upon written application to the Court the finding of Guilty may be set aside and the case dismissed if the terms and conditions set forth under General Conditions below are met:

[x] The Defendant is hereby SENTENCED as follows:

[x] Fine of \$ 5000 x 2 plus Public Safety Education Assessment with sufficient portions thereof suspended to yield the amount payable, including surcharges, below set forth.

[x] Jail term of 305 x 2 days with 185 x 2 suspended.

The suspended portions of the sentence are suspended on the conditions set forth below.

[x] GENERAL CONDITIONS: The Defendant is ORDERED to:

[x] not be convicted of, found on probable cause to have committed, or forfeit bail on an offense like the one(s) herein, or a serious traffic violation, or an offense involving assault, liquor, controlled substances, domestic violence, theft or any other serious criminal violation.

[x] keep the court clerk at all times advised IN WRITING of any change in address from that set forth above. (Notice of any proposed revocation of probation will be sent to such last address, and failure of the Defendant to respond to any notice sent to such address will result in the issuance of a warrant for the Defendants arrest.)

[x] ADDITIONAL CONDITIONS OF PROBATION FOR DUI AND PHYSICAL CONTROL CASES: (a) The defendant shall not drive a motor vehicle without a valid license and proof of insurance. (b) The defendant shall not drive a motor vehicle with an alcohol concentration of .08 or more within two hours after driving. (c) The defendant shall submit to a breath or blood alcohol test upon the reasonable request of law enforcement officer. If you violate (a), (b) or (c), you will be sentenced to a minimum 30 days jail.

[x] read carefully both sides of this court order.

[x] SPECIAL CONDITIONS: The Defendant is ORDERED to:

[x] Pay fine of \$4125 including surcharges and costs \$125 breath test fee [ ] all warrant fees in full by 12/31/09

[ ] make minimum payments toward fine/fee of \$ per month, beginning

[ ] community service work may be substituted for [ ] all [ ] \$ of the fine.

[x] Serve 300 days in jail starting by now. [ ] days on Electronic Home Monitoring commencing

[ ] Perform hours of Community Service work by

[x] Contact a state approved alcohol/drug evaluation agency within the time set forth on the reverse side of this order, AND complete alcohol/drug evaluation, and participate in an approved alcohol/drug treatment program if recommended by the evaluating agency, and if not so recommended, attend alcohol information school.

[ ] Contact the Probation Department within the time and at the place set forth on the reverse side of this order, AND comply with the general rules and requirements of the Probation Department for [ ] compliance [ ] full supervision.

[ ] Make restitution [ ] as determined by the Probation Department. [ ] in the amount of \$ by

[ ] Pay \$ toward cost of probation supervision at \$ per month beginning

[x] Not drive without a driver's license valid in Washington. [x] Operate a vehicle equipped with an ignition interlock for a period of 10 months/years beginning [ ] immediately [x] following reinstatement.

[x] Attend victim's panel [ ] comply with addendum terms.

[ ] Not consume [ ] alcohol [ ] non-prescribed drugs [ ] prescribed drugs improperly [ ] while in treatment. [ ] at any time.

[ ] Comply with the following additional terms and conditions: [ ] \$175 WSP Restituion (no cash accepted) [ ] \$175 SCSO Restituion

[x] The Defendant's privilege to drive in the State of Washington will be suspended for 6 days years

[x] This court retains jurisdiction of the Defendant for any probation period above designated and reserves the power summarily to revoke probation and impose sentence, or the portions of the sentenced which are suspended, or to take any action permitted by law, upon the failure of the Defendant to perform the terms or meet the conditions of this order.

DEFENDANT IS PLACED ON PROBATION IF AND AS ABOVE STATED.

Dated this 1/19 day of 2007

Jan' [Signature] 3542 Attorney of Record [ ] Attorney Waived

[Signature] JUDGE COMMISSIONER

I HAVE RECEIVED A COPY OF THIS ORDER AND UNDERSTAND THAT EACH ITEM MARKED WITH AN [x] APPLIES TO ME, AND I CONSENT TO RELEASE OF INFORMATION AS SPECIFIED IN #10 ON THE REVERSE SIDE OF THIS ORDER.

[Signature] DEFENDANT

PA [Signature]

SKAGIT COUNTY DISTRICT & MUNICIPAL COURTS  
[ ] DISTRICT [ ] CITY OF \_\_\_\_\_

13901  
1391

DEFENDANT'S NAME Michael Rich CASE NO. PA 13901

VIOLATIONS CHARGED: (1) DUI no test (2) DUI refusal

PENALTIES APPLICABLE TO ABOVE CRIME CHARGED: (If DUI or PCUI, check here [ ] and see DUI addendum.)

Charge 1: MAXIMUM SENTENCE: Jail 365 days, \$ 5000 fine\*, 4yrs days drivers license suspension

MANDATORY MINIMUM: Jail 3060 days, \$ 1121 fine\*, 2yrs days drivers license suspension

Charge 2: MAXIMUM SENTENCE: Jail 365 days, \$ 5000 fine\*, 4yrs days drivers license suspension

MANDATORY MINIMUM: Jail 20150 days, \$ 2821 fine\*, 4yrs days drivers license suspension

\* PLUS up to 90% surcharge.

**This conviction may subject you to increased penalties on prior charges if you are still on probation for them. If this crime involves a sexual offense, prostitution, or drug offense with hypodermic needles, you will be required to undergo testing for AIDS. If the crime is: Assault 4, Coercion, Stalking, Reckless Endangerment 2, Criminal Trespass 1, or Violation of a Restraining/Protection Order and involves domestic violence you must immediately surrender any concealed pistol license, and you will lose the right to own, possess, or have under your control any firearms, unless your right is restored by a court of record.**

STATEMENT OF DEFENDANT ON PLEA OF GUILTY

1. My true name is above set forth. 2. I am 47 years old. 3. I have completed the 10 grade in school. 1, 2, ack

4. The court has informed me AND I FULLY UNDERSTAND THAT I have the right to representation by a lawyer and that if I cannot pay for a lawyer, one will be provided at no expense to me. With that right in mind,

a. [ ] I waive (give up) my right to have an attorney help me, OR  
b.  I am now represented by Deni Bontostki, 35420 4

5. I 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 Skagit County; 5a

b. the right to remain silent, before and during trial, and the right to refuse to testify for or against myself; 5b

c. the right at trial to hear and question witnesses who testify against me; 5c

d. the right at trial to testify on my own behalf and to have witnesses testify for me. These witnesses can be made to appear at no expense to me; 5d

e. I am presumed to be innocent until either I plead guilty, or all elements listed on the other side of this form, or the attached DUI Addendum, are proved beyond a reasonable doubt. I have read and understand the elements the State or City must prove; 5e

f. the right to appeal a finding of guilt after a trial. 5f

6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:

a. The crimes with which I am charged carry maximum and minimum penalties as stated above, or on the attached DUI addendum. 6a

b. The prosecuting authority will recommend the following to the judge (if none, put none): (P/A: \_\_\_\_\_) 360 days concurrent w/06-1-839-1, mand. fines, 60 mo probation + 6b

c. The judge does not have to follow anyone's recommendation as to sentence. The judge can give me any sentence up to the maximum authorized by law no matter what the prosecuting authority or anyone else recommends. all mand. 60 6c

d. I may be put me on probation for up to 2 years (5 for DUI/PCUI) with conditions of probation imposed. 6d

e. The judge may require me to pay costs, fees and assessments authorized by law. The judge may also order me to make restitution to any victims who lost money or property as a result of crimes I committed. The maximum amount of restitution is double the amount of the loss of all victims or double the amount of my gain. 6e

f. If I am not a citizen, a plea of guilty is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States. 6f

7. I PLEAD GUILTY TO THE ABOVE CHARGE(S). I have received a copy of the complaint or citation. 7

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. 8,9,10

11. The judge has asked me to state in my own words what I did that makes me guilty of these crimes. This is my statement: 12-12-06

On 10-23-06, in Skagit Co, I drove while appreciably affected by alcohol and refused the BAC. On 12-12-06, in Skagit Co, I drove while appreciably affected by alcohol.

I adopt the following as part of my statement: 10-23-06

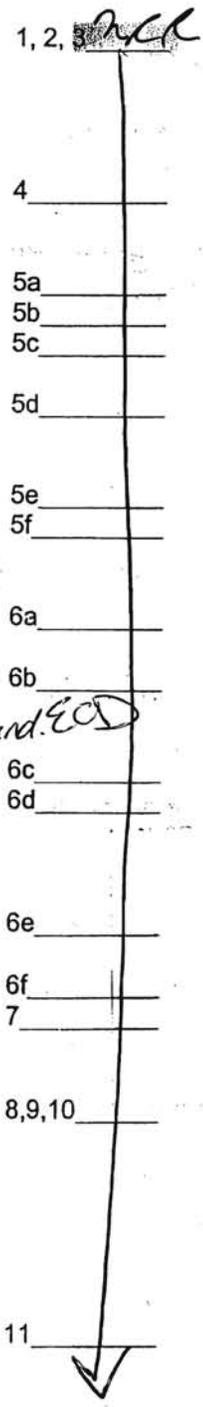


EXHIBIT D

**CRIMINAL**  **TRAFFIC**  **NON-TRAFFIC** **C. 49522**

IN THE  DISTRICT  MUNICIPAL COURT OF SKAGIT, WASHINGTON  
 STATE OF WASHINGTON, PLAINTIFF VS. NAMED DEFENDANT  
 COUNTY OF SKAGIT  
 CITY/TOWN OF

08-18664

L.E.A. ORI #: WA 0290000 COURT ORI #: WA 0290230

**THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON**

DRIVER'S LICENSE NO. **RICH XMC133CG** STATE **WA** EXPIRES **02/11** PHOTO ON PERSON  YES  NO

NAME: LAST **RICH** FIRST **MICHAEL** MIDDLE **CHRISTIAN**

ADDRESS **1005 STATE ST #3**  IF NEW ADDRESS

CITY **SEDO WOODLEY WA** STATE **WA** ZIP CODE **98284** EMPLOYER LOCATION

DATE OF BIRTH **02-26-87** RACE **WM** SEX **M** HEIGHT **5-11** WEIGHT **160** EYES **GRN** HAIR **BRO**

RESIDENTIAL PHONE NO. CELL/PAGER NO. WORK PHONE NO.

VIOLATION DATE MONTH **12** DAY **19** YEAR **08** TIME **1822**  INTERPRETER NEEDED  
 ON OR ABOUT 24 HOUR

AT LOCATION **LAFAYETTE RD. 20470 BUN** M.P. CITY/COUNTY OF **SKAGIT**

**DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND**

VEHICLE LICENSE NO. **100-XCH** STATE **WA** EXPIRES **10/31/09** VEH. YR. **01** MAKE **SAT** MODEL **SL** STYLE **4** COLOR **SIL**

TRAILER #1 LICENSE NO. STATE EXPIRES TR. YR. TRAILER #2 LICENSE NO. STATE EXPIRES TR. YR.

OWNER/COMPANY IF OTHER THAN DRIVER **CHRISTINA RICH**

ADDRESS **27426 76th DR NW** CITY **STANWOOD WA** STATE **WA** ZIP CODE **98292**

ACCIDENT  BAC **BLOOD** COMMERCIAL  YES  NO HAZARD  YES  NO EXEMPT  FARM  FIRE   
 NO. NR. R. I. F. READING **0.21** g/mL PLACARD  NO  YES VEHICLE  R.V.  OTHER

**DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES**

#1 VIOLATION/STATUTE CODE **RCW 46.20.342.1C DV DWLS 1<sup>st</sup>**  
**SUSPENDED 1<sup>ST</sup> FOR ADMIN PERSE -2/1**  
**FROM 10-21-08 TO 02-10-16**

#2 VIOLATION/STATUTE CODE **RCW 46.61.502**  DV **D.U.I.**  
**DRIVING UNDER THE INFLUENCE**

**MANDATORY COURT APPEARANCE** OR  **BAIL FORFEITURE IN U.S. \$**

APPEARANCE DATE **72 22 88** TIME **1:00** P.M. RELATED # **152097** DATE ISSUED **72 19 08** NR

WITHOUT ADMITTING HAVING COMMITTED EACH OF THE ABOVE OFFENSE(S), I PROMISE TO APPEAR AS DIRECTED ON THIS NOTICE.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT I HAVE ISSUED THIS ON THE DATE AND AT THE LOCATION ABOVE, THAT I HAVE PROBABLE CAUSE TO BELIEVE THE ABOVE NAMED PERSON COMMITTED THE ABOVE OFFENSE(S), AND MY REPORT WRITTEN ON THE BACK OF THIS DOCUMENT OR ATTACHED TO IS TRUE AND CORRECT.

**ROBERT**  
 **BY INVESTIGATION**

DEFENDANT'S SIGNATURE

OFFICER **466**

**COMPLAINT / CITATION** **Paul O'Brien 39509 DR**

ABSTRACT OF JUDGMENT	CRG	PLEA	CNG	FINDINGS	FINE	SUSPENDED	SUB-TOTAL	FIND/JUDG DATE
	1	G	NG	G NG D BF	\$	\$ -	\$ -	\$ -
2	G	NG	G NG D BF	\$ 2545	\$	\$ 2545	\$ 2545	5-6-09
OTHER COSTS \$							271	WITH 0 DAYS SUP.
RECOMMENDED NONEXTENSION OF SUSPENSION <input type="checkbox"/>					LICENSE SUR-RENDER DATE	TOTAL COSTS \$	2816	CREDIT / TIME SVD

Certified to be a true copy of the original on file in Skagit County District Court 22 pages certified  
 Clerk  
 date 9-20-11

49522

STAGIT COUNTY DISTRICT & MUNICIPAL COURT  
600 S. Third \* P.O. Box 340 \* Mount Vernon, WA 98273  
(360) 336-9319

STATE OF WASHINGTON,

NO. C 49522

vs

OFFENSE(S) 12/19/08  DWI  PHYSICAL CONTROL

DATE OF OFFENSE 12/19/08 BAC .21

SENTENCE AND ORDER PLACING DEFENDANT ON PROBATION

FOR 0 MONTHS

Supervision by:

Clerk  Probation Department  Other \_\_\_\_\_

Defendants Date of Birth: 2, 26, 09

Richt, Michael  
Defendant

Address \_\_\_\_\_

THIS MATTER having come on for hearing this date before the above entitled Court, and the Court and Defendant being fully advised, now therefore, IT IS HEREBY ADJUDGED that the Defendant above named is GUILTY of the crime(s) above designated and **DEFENDANT'S CASE HISTORY AND DRIVING RECORD ARE ATTACHED AS EXHIBIT 1 & 2 AND MADE A PART OF THIS RECORD**, now therefore;

Sentencing of the Defendant is **DEFERRED** for the probation period of \_\_\_\_\_ months. Upon written application to the Court the finding of Guilty may be set aside and the case dismissed if the terms and conditions set forth under **General Conditions** below are met:

The Defendant is hereby SENTENCED as follows:

Fine of \$ 2691 plus Public Safety Education Assessment with sufficient portions thereof suspended to yield the amount payable, including surcharges, below set forth.

Jail term of 365 days with 0 suspended.

**The suspended portions of the sentence are suspended on the conditions set forth below:**

**GENERAL CONDITIONS:** The Defendant is ORDERED to:

not be convicted of, found on probable cause to have committed, or forfeit bail on an offense like the one(s) herein, or a serious traffic violation, or an offense involving assault, liquor, controlled substances, domestic violence, theft or any other serious criminal violation.

keep the court clerk at all times advised **IN WRITING** of any change in address from that set forth above. (Notice of any proposed revocation of probation will be sent to such last address, and failure of the Defendant to respond to any notice sent to such address will result in the issuance of a warrant for the Defendants arrest.)

**ADDITIONAL CONDITIONS OF PROBATION FOR DUI AND PHYSICAL CONTROL CASES:** (a) The defendant shall not drive a motor vehicle without a valid license and proof of insurance. (b) The defendant shall not drive a motor vehicle with an alcohol concentration of .08 or more within two hours after driving. (c) The defendant shall submit to a breath or blood alcohol test upon the reasonable request of law enforcement officer. If you violate (a), (b) or (c), you will be sentenced to a minimum 30 days jail. FURTHER, defendant is directed to apply for an ignition interlock driver's license.

read carefully both sides of this court order.

**SPECIAL CONDITIONS:** The Defendant is ORDERED to:

Pay fine of \$ 2691 including surcharges and costs  \$125 breath test fee  all warrant fees in full by 5/15/12

make minimum payments toward fine/fee of \$ 50 per month, beginning 6/15/10

community service work may be substituted for  all \$ 1400 of the fine.

Serve \_\_\_\_\_ days in jail starting by \_\_\_\_\_.  \_\_\_\_\_ days on Electronic Home Monitoring commencing \_\_\_\_\_

Perform \_\_\_\_\_ hours of Community Service work by \_\_\_\_\_.

Contact a state approved alcohol/drug evaluation agency within the time set forth on the reverse side of this order, **AND**  complete alcohol/drug evaluation and participate in an approved alcohol/drug treatment program if recommended by the evaluating agency, and if not so recommended,  attend alcohol information school.

Contact the Probation Department within the time and at the place set forth on the reverse side of this order, **AND** comply with the general rules and requirements of the Probation Department for  compliance  full supervision.

Make restitution  as determined by the Probation Department.  in the amount of \$ \_\_\_\_\_ by \_\_\_\_\_

Pay \$ \_\_\_\_\_ toward cost of probation supervision at \$ \_\_\_\_\_ per month beginning \_\_\_\_\_

Not drive without a driver's license valid in Washington.  Not operate a vehicle unless equipped with an ignition interlock for a period of \_\_\_\_\_ months/years beginning immediately, or if suspended, following reinstatement of driving privilege.

Attend victim's panel  comply with addendum terms.

Not consume  alcohol  non-prescribed drugs  prescribed drugs improperly  while in treatment.  at any time.

Comply with the following additional terms and conditions: \_\_\_\_\_  \$125 WSP Restitution (no cash accepted)  \$125 SCSO Restitution

The Defendant's privilege to drive in the State of Washington will be suspended for \_\_\_\_\_ days.

This court retains jurisdiction of the Defendant for any probation period above designated and reserves the power summarily to revoke probation and impose sentence, or the portions of the sentenced which are suspended, or to take any action permitted by law, upon the failure of the Defendant to perform the terms or meet the conditions of this order.

**DEFENDANT IS PLACED ON PROBATION IF AND AS ABOVE STATED.**

Dated this 6 day of May 2009

Attorney of Record  Attorney Waived

JUDGE/COMMISSIONER

I HAVE RECEIVED A COPY OF THIS ORDER AND UNDERSTAND THAT EACH ITEM MARKED WITH AN [X] APPLIES TO ME, AND I CONSENT TO RELEASE OF INFORMATION AS SPECIFIED IN #10 ON THE REVERSE SIDE OF THIS ORDER.

No. C49522

Michael Rich  
Defendant.

Statement of Defendant on Plea of  
Guilty  
 Count 1: DUI ↑ .15  
 Count 2: \_\_\_\_\_  
 Count 3: \_\_\_\_\_  
 \_\_\_\_\_

1. My true name is Michael Rich
2. My age is 22
3. I went through the 9 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.
  - (b) I am charged with: DUI ↑ .15  
The elements are: Driving a motor vehicle with a BAC level above .15 in skagit county
5. **I 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;
  - (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
  - (e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
  - (f) The right to appeal a finding of guilt after a trial.

6. In Considering the Consequences of my Guilty Plea, I Understand That:

- (a) The crime with which I am charged carries a maximum sentence of 365 days in jail and a \$ 5000 fine.
- (b) The prosecuting authority will make the following recommendation to the judge:  
365 days jail w/ CFTJ and CFTJ authorized for inpatient treatment, 2821 fine, ~~and 1/PP~~ Al Eval + DUI of +
- (c) The judge does not have to follow anyone's recommendation as to sentence. The judge can give me any sentence up to the maximum authorized by law no matter what the prosecuting authority or anyone else recommends.
- (d) The judge may place me on probation for up to five years if I am sentenced under RCW 46.61.5055 or up to two years for all other offenses and impose conditions of probation. If the court orders me to appear at a hearing regarding my compliance with probation and I fail to attend the hearing, the term of probation will be tolled until I appear before the court on the record.
- (e) The judge may require me to pay costs, fees and assessments authorized by law. The judge may also order me to make restitution to any victims who lost money or property as a result of crimes I committed. The maximum amount of restitution is double the amount of the loss of all victims or double the amount of my gain.
- (f) 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.

**Notification Relating to Specific Crimes. If any of the Following Paragraphs Apply, the Box Should Be Checked and the Paragraph Initialed by the Defendant.**

- MR  (g) The crime of DUI 4.15 has a mandatory minimum sentence of 120/150 days in jail and \$ 2821 fine plus costs and assessments. The law does not allow any reduction of this sentence.
- (h) 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.
- MR  (i) This plea of guilty will result in suspension or revocation of my driving license or privilege by the Department of Licensing for a period of 4 years. This period may not include suspension or revocation based on other matters.
- (j) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040.
- (k) If this crime involves a drug offense, my eligibility for state and federal education benefits will be affected. 20 U.S.C. § 1091(r).

UR [✓] (1)

If this case involves driving while under the influence of alcohol and/or being in actual physical control of a vehicle while under the influence of alcohol and/or drugs, I have been informed and understand that I will be subject to

the penalties described in the "DUI" Attachment.

OR

these penalties: The mandatory minimum sentence of \_\_\_\_\_ days in jail, \_\_\_\_\_ days of electronic home monitoring and \$ \_\_\_\_\_ monetary penalty. I may also be required to drive only motor vehicles equipped with an ignition interlock device as imposed by the Department of Licensing and/or the court. My driving privilege will be suspended or revoked by the Department of Licensing for the period of time stated in paragraph 6(i). In lieu of the minimum jail term, the judge may order me to serve \_\_\_\_\_ days in electronic home monitoring. If I do not have a dwelling, telephone service, or any other necessity to operate electronic home monitoring; if I live out of state; or if the judge determines I would violate the terms of electronic home monitoring, the judge may waive electronic home monitoring and impose an alternative sentence which may include additional jail time, work crew or work camp.

(m) I understand that if this crime involves sexual misconduct with a minor in the second degree, communication with a minor for immoral purposes, or attempt, solicitation or conspiracy to commit a sex offense, or a kidnapping offense involving a minor, as defined in RCW 9A.44.130, I will be required to register with the county sheriff as described in the "Offender Registration" Attachment.

(n) If this crime involves stalking, harassment or communication with a minor for immoral purposes, I will be required to have a biological sample collected for purposes of DNA identification analysis. RCW 43.43.754.

(o) **Travel Restrictions:** I understand that I will be required to contact my probation officer, the probation director or designee, or the court if there is no probation department, to request permission to travel or transfer to another state if I am placed on probation for one year or more and this crime involves: (i) an offense in which a person has incurred direct or threatened physical or psychological harm; (ii) an offense that involves the use or possession of a firearm; (iii) a second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol; (iv) a sexual offense that requires the offender to register as a sex offender in the sending state. I understand that I will be required to pay an application fee with my travel or transfer request.

7. I plead guilty to the crime(s) of DUI § 15 as charged in the complaint(s) or citation(s) and notice. I have received a copy of that complaint or citation and notice.

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 in my own words what I did that makes me guilty of this crime.

This is my statement:

on 12/19/08 in Skagit County, I drove a motor vehicle  
with a BAC level above .15.

Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

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.

Date: 5/6/09

MCR  
Defendant

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

Russell G. Brown  
Prosecuting Authority

James Sullivan  
Defendant's Lawyer

Russell G. Brown 39809  
Type or Print Name WSBA No.

James Sullivan 39082  
Type or Print Name WSBA No.

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 the 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: 5/6/09

[Signature]  
Judge

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**WASHINGTON IDENTIFICATION CARD**

LIC # RICH\*MC133C6 EXP 02-26-2011

RICH, MICHAEL CHRISTIAN  
1005 STATE ST # B  
SEDRO WOOLLEY WA 98284-1838

SEX HT WT EYES  
M 5-11 160 GRN

ISSUE DATE 07-10-2008  
DOB 02-26-1987

*Michael C. Rich*



PIC #:	RICH*MC133C6
Control #:	23081921E1202
Name:	RICH, MICHAEL CHRISTIAN
Production status:	Mailed
Issue date:	7/10/2008
Mailed date:	7-14-2008

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