

Court of Appeals No. 35690-2
Thurston County Superior Court No. 01-1-01136-1

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

In re the Personal Restraint of:

JERRY D. WIATT, JR.

Petitioner.

SUPPLEMENTAL APPENDIX TO PERSONAL RESTRAINT PETITION

By:

David B. Zuckerman

Attorney for Petitioner

1300 Hoge Building

705 Second Avenue

Seattle, WA 98104

(206) 623-1595

FILED
COURT OF APPEALS
DIVISION II
07 FEB -2 PM 1:05
STATE OF WASHINGTON
BY DA
DEPUTY

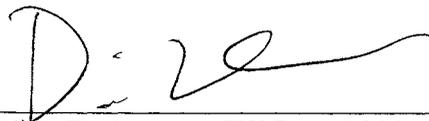
I. REASON FOR SUPPLEMENTAL APPENDIX

On January 5, 2007, the Court of Appeals granted petitioner's motion to transfer the record from his direct appeal. On January 29, 2007, the Court Clerk notified the parties that it does not retain the Clerk's papers after a direct appeal and that the parties would have to provide to the Court any portions of the Clerk's papers that they wish to have considered. After reviewing his prior submission to the Court, Wiatt has determined that he has already provided to the Court all but two of the Clerk's documents upon which he relies in his Personal Restraint Petition. Those documents are listed below and are attached to this pleading.

II. INDEX TO SUPPLEMENTAL APPENDIX

- ◆ Verdict Forms (CP 71-90)
- ◆ Statement of Defendant on Plea of Guilty to Sex Offense in Fifth Amended Information (CP 139-50)

DATED this 1st day of February, 2007.



David B. Zuckerman, WSBA #18221
Attorney for Jerry D. Wiatt, Jr.

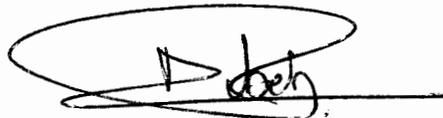
CERTIFICATE OF SERVICE

I hereby certify that on the date listed below, I served by United States
Mail one copy of the foregoing Supplemental Appendix to Personal Restraint
Petition on the following:

Mr. James C. Powers
Thurston County Senior Prosecuting Attorney
2000 Lakeridge Dr SW
Olympia, WA 98502-6001

Mr. Jerry Wiatt, Jr. #850497
Stafford Creek Corrections Center
191 Constantine Way
Aberdeen, WA 98520

02/01/07
Date


Rubén García Fernández

FILED
COURT OF APPEALS
DIVISION II
07 FEB -2 PM 1:06
STATE OF WASHINGTON
BY  CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THURSTON COUNTY OF THURSTON

12 NOV 13 P4:36

STATE OF WASHINGTON,
BETTY J. GOULD CLERK
Plaintiff, _____ DEPUTY

vs.

JERRY D. WIATT, JR.

Defendant.

No. 01-1-1136-1

VERDICT FORM XVIII

We, the jury, find the defendant, JERRY D. WIATT, JR.,

Guilty of the crime of FURNISHING LIQUOR TO A
(write in "not guilty" or "guilty")

PERSON UNDER THE AGE OF 21, as charged in Count XVIII.

James E. Jackson

PRESIDING JUROR

CP-12
121

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON

NOV 13 P 4:36

STATE OF WASHINGTON,

BETTY J. GOULD, CLERK

Plaintiff, BY _____ DEPUTY

vs.

JERRY D. WIATT, JR.

Defendant.

No. 01-1-1136-1

VERDICT FORM XVII

We, the jury, find the defendant, JERRY D. WIATT, JR.,

Guilty of the crime of FURNISHING LIQUOR TO A
(write in "not guilty" or "guilty")

PERSON UNDER THE AGE OF 21, as charged in Count XVII.

James E. Jackson
PRESIDING JUROR

CP-7m

132-

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON

NOV 13 P4:36

STATE OF WASHINGTON,
BETTY J. GOULD CLERK.

Plaintiff, DEPUTY

vs.

JERRY D. WIATT, JR.

Defendant.

No. 01-1-1136-1

VERDICT FORM XVI
[Corrected]

We, the jury, find the defendant, JERRY D. WIATT, JR.,

Guilty of the crime of RAPE IN THE THIRD
(write in "not guilty" or "guilty")

DEGREE, as charged in Count XVI.

James E. Jackson
PRESIDING JUROR

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON

NOV 13 P4:36

STATE OF WASHINGTON,

BETTY J. GOULD CLERK

Plaintiff, BY _____ DEPUTY

vs.

JERRY D. WIATT, JR.

Defendant.

No. 01-1-1136-1

VERDICT FORM XV

We, the jury, find the defendant, JERRY D. WIATT, JR.,

Guilty of the crime of FURNISHING LIQUOR TO A
(write in "not guilty" or "guilty")

PERSON UNDER THE AGE OF 21, as charged in Count XV.

James E. Jackson

PRESIDING JUROR

CP 75

124

FILED
SUPERIOR COURT OF THE STATE OF WASHINGTON
THURSTON COUNTY WASH
IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON

NOV 13 P 4:36

STATE OF WASHINGTON, DEPUTY CLERK

Plaintiff, BY _____ DEPUTY

vs.

JERRY D. WIATT, JR.

Defendant.

No. 01-1-1136-1

VERDICT FORM XIV

We, the jury, find the defendant, JERRY D. WIATT, JR.,

Guilty of the crime of RAPE IN THE SECOND
(write in "not guilty" or "guilty")

DEGREE, as charged in Count XIV.

James E. Jackson
PRESIDING JUROR

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON

02 NOV 13 P4:36

STATE OF WASHINGTON,
Plaintiff,
vs.
JERRY D. WIATT, JR.
Defendant.

BETTY J. GOULD CLERK
BY _____ DEPUTY

No. 01-1-1136-1
VERDICT FORM XIII

We, the jury, find the defendant, JERRY D. WIATT, JR.,

Guilty of the crime of FURNISHING LIQUOR TO A
(write in "not guilty" or "guilty")

PERSON UNDER THE AGE OF 21, as charged in Count XIII.

James E. Jackson
PRESIDING JUROR

CP 17
12/1

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON

NOV 13 P4:36

STATE OF WASHINGTON

Plaintiff, ^{BY} _____ DEPUTY

vs.

JERRY D. WIATT, JR.

Defendant.

No. 01-1-1136-1

VERDICT FORM XII

We, the jury, find the defendant, JERRY D. WIATT, JR.,

Guilty of the crime of RAPE IN THE SECOND
(write in "not guilty" or "guilty")

DEGREE, as charged in Count XII.

James E. Jackson
PRESIDING JUROR

CP 78

FILED
SUPERIOR COURT
NOV 13 2001
IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON

NOV 13 P4:36

STATE OF WASHINGTON
BETTY J. GOULD, CLERK

Plaintiff, ~~by~~ DEPUTY

vs.

JERRY D. WIATT, JR.

Defendant.

No. 01-1-1136-1

VERDICT FORM XI

We, the jury, find the defendant, JERRY D. WIATT, JR.,

Not Guilty of the crime of UNLAWFUL IMPRISONMENT,
(write in "not guilty" or "guilty")

as charged in Count XI.

Jama L. Jackson
PRESIDING JUROR

CP 79

120

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE SUPERIOR COURT
THURSTON COUNTY WASH THURSTON

NOV 13 P 4:36

STATE OF WASHINGTON,

BETTY J. GOULD CLERK.

Plaintiff,

BY _____

DEPUTY

vs.

JERRY D. WIATT, JR.

Defendant.

No. 01-1-1136-1

VERDICT FORM X (A)

We, the jury, having found the defendant JERRY D. WIATT, JR., not guilty of the crime of RAPE IN THE THIRD DEGREE as charged in count X or being unable to unanimously agree as to that charge, find the defendant Guilty of the lesser included crime of ATTEMPTED RAPE IN (write in "not guilty" or "guilty") THE THIRD DEGREE.

James E. Jackson
PRESIDING JUROR

CP 80

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON

NOV 13 P4:36

STATE OF WASHINGTON,
BETTY J. GOULD CLERK

Plaintiff, BY _____ DEPUTY

vs.

JERRY D. WIATT, JR.

Defendant.

No. 01-1-1136-1

VERDICT FORM X

We, the jury, find the defendant, JERRY D. WIATT, JR.,
Undecided - could not unanimously agree
of the crime of RAPE IN THE THIRD
(write in "not guilty" or "guilty")

DEGREE, as charged in Count X.

James E. Jackson
PRESIDING JUROR

12-21
11.

FILED
SUPERIOR COURT STATE OF WASHINGTON
THURSTON COUNTY, WASH.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON

NOV 13 P 4:36

STATE OF WASHINGTON, CLERK

Plaintiff, BY _____ DEPUTY

vs.

JERRY D. WIATT, JR.

Defendant.

No. 01-1-1136-1

VERDICT FORM IX

We, the jury, find the defendant, JERRY D. WIATT, JR.,

Guilty of the crime of FURNISHING LIQUOR TO A
(write in "not guilty" or "guilty")

PERSON UNDER THE AGE OF 21, as charged in Count IX.

James E. Jackson

PRESIDING JUROR

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON

NOV 13 P4:36

STATE OF WASHINGTON,
BETTY J. GOULD CLERK.

Plaintiff, _____ DEPUTY

vs.

JERRY D. WIATT, JR.

Defendant.

No. 01-1-1136-1

VERDICT FORM VII

We, the jury, find the defendant, JERRY D. WIATT, JR.,

Guilty of the crime of FURNISHING LIQUOR TO A
(write in "not guilty" or "guilty")

PERSON UNDER THE AGE OF 21, as charged in Count VII.

James E. Jackson

PRESIDING JUROR

CP 24

12/10

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON

NOV 13 P4:36

STATE OF WASHINGTON,

BETTY J. GOULD CLERK

Plaintiff, BY _____ DEPUTY

vs.

JERRY D. WIATT, JR.

Defendant.

No. 01-1-1136-1

VERDICT FORM VI

We, the jury, find the defendant, JERRY D. WIATT, JR.,

Guilty of the crime of VOYEURISM, as charged in
(write in "not guilty" or "guilty")

Count VI.

James E. Jackson

PRESIDING JUROR

1136

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON

NOV 13 P4:36

STATE OF WASHINGTON,

BETTY J. GOULD CLERK

Plaintiff, BY _____ DEPUTY

vs.

JERRY D. WIATT, JR.

Defendant.

No. 01-1-1136-1

VERDICT FORM V

We, the jury, find the defendant, JERRY D. WIATT, JR.,

Guilty of the crime of VOYEURISM, as charged in
(write in "not guilty" or "guilty")

Count V.

James W. Jackson
PRESIDING JUROR

178

441

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR SUPERIOR COUNTY OF THURSTON
THURSTON COUNTY WASH.

NOV 13 P4:36

STATE OF WASHINGTON,
BETTY J. GOULD CLERK

Plaintiff, _____
DEPUTY

vs.

JERRY D. WIATT, JR.

Defendant.

No. 01-1-1136-1

VERDICT FORM IV

We, the jury, find the defendant, JERRY D. WIATT, JR.,

Guilty of the crime of SEXUAL EXPLOITATION OF
(write in "not guilty" or "guilty")

A MINOR, as charged in Count IV.

James G. Jackson
PRESIDING JUROR

CP 87

1/15

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON

NOV 13 P 4:36

STATE OF WASHINGTON,

BETTY J. GOULD, CLERK

Plaintiff,

BY _____

DEPUTY

vs.

JERRY D. WIATT, JR.

Defendant.

No. 01-1-1136-1

VERDICT FORM II

We, the jury, find the defendant, JERRY D. WIATT, JR.,

Guilty of the crime of RAPE IN THE SECOND
(write in "not guilty" or "guilty")

DEGREE, as charged in Count II.

James E. Jackson

PRESIDING JUROR

CP 89

147

FILED
SUPERIOR COURT
THURSTON COUNTY WASH.
IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON

NOV 13 P4:36

STATE OF WASHINGTON,

BY _____ DEPUTY
Plaintiff,

vs.

JERRY D. WIATT, JR.

Defendant.

No. 01-1-1136-1

VERDICT FORM I

We, the jury, find the defendant, JERRY D. WIATT, JR.,
could not unanimously agree -
_____ of the crime of RAPE IN THE SECOND
(write in "not guilty" or "guilty")
DEGREE, as charged in Count I.

James E. Jackson

PRESIDING JUROR

2013

SUPERIOR COURT OF WASHINGTON
FOR THURSTON COUNTY
03 JAN -3 PM 2:27
FILED
BY 12
RECEIVED

**SUPERIOR COURT OF WASHINGTON
FOR THURSTON COUNTY**

STATE OF WASHINGTON
Plaintiff,

vs.

JERRY WIATT JR.
Defendant.

NO. 01-1-01136-1

**STATEMENT OF DEFENDANT ON
PLEA OF GUILTY TO SEX
OFFENSE IN FIFTH AMENDED
INFORMATION**
(As to Counts XXII and XXIV only)

1. My true name is: Jerry Wiatt Jr.
2. My age is: 29.
3. I went through the 12th grade and graduated college.
4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:
 - (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyers are David Allen and Todd Maybrown.
 - (b) I am charged with:
 - (1) Voyeurism (Count XXII); and
 - (2) Communication with a Minor for Immoral Purposes (Count XXIV)

The elements are:

(1) Voyeurism: knowingly viewing, photographing or filming another person without that person's knowledge and consent and while that person was in a place

CP 177
11.6

where she would have a reasonable expectation or privacy, for the purpose of arousing or gratifying the sexual desire of any person, in Thurston County, Washington;

(2) Communication with a Minor for Immoral Purposes: communicating with another person, who is under the age of eighteen, for immoral purposes, in Thurston County, Washington.

5. I UNDERSTAND 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) Each crime with which I am charged carries a maximum sentence, a fine, and a STANDARD SENTENCE RANGE as follows:

COUNT NO.	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	COMMUNITY CUSTODY RANGE (Only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph 6(f))	MAXIMUM TERM AND FINE
XXII	9	0-12 months	n/a	0-12 months	n/a	5 years \$10,000 fine
XXIV	n/a	n/a	n/a	n/a	n/a	1 year \$5,000 fine

*(F) Firearm, (D) other deadly weapon

- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.
- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment

without the possibility of parole is required by law.

- (e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.
- (f) For sex offenses committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community supervision if the total period of confinement ordered is not more than 12 months. If the period of confinement is more than one year, the judge will order me to serve three years of community custody or up to the period of earned early release, whichever is longer. During the period of community custody, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For sex offenses committed on or after July 1, 2000 but prior to September 1, 2001: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, the judge will sentence me to community custody for a period of 36 to 48 months or up to the period of earned release, whichever is longer. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For sex offenses committed on or after September 1, 2001:

(i) Sentencing under RCW 9.94A.712: If this offense is for any of the offenses listed in subsections (aa) or (bb), below, the judge will impose a maximum term of confinement consisting of the statutory maximum sentence of the offense and a minimum term of confinement either within the standard range for the offense or outside the standard range if an exceptional sentence is appropriate. The minimum term of confinement that is imposed may be increased by the Indeterminate Sentence Review Board if the Board determines by a preponderance of the evidence that it is more likely than not that I will commit sex offenses if released from custody. In addition to the period of confinement, I will be sentenced to community custody for any period of time I am released from total confinement before the expiration of the maximum sentence. During the period of community custody I will be under the supervision of the Department of Corrections and I will have restrictions and requirements placed upon me and I may be required to participate in

rehabilitative programs.

(aa) If the current offense is any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree committed when I was at least 18 years old.	Rape of a child in the second degree committed when I was at least 18 years old.
Child molestation in the first degree committed when I was at least 18 years old.	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Burglary in the first degree	

(bb) If the current offense is any sex offense and I have a prior conviction for any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree	Rape of a child in the second degree
Child molestation in the first degree	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Burglary in the first degree	

- (ii) If this offense is for a sex offense that is not listed in paragraph 6(f)(i), then in addition to sentencing me to a term of confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, the judge will sentence me to community custody for a period of 36 to 48 months or up to the period of earned release, whichever is longer. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

(g) The prosecuting attorney will make the following recommendation to the judge as to the charges in the Fifth Amended Information: dismissal of Counts XIX, XX, XXI, XXIII, and XXV upon acceptance of guilty pleas as to Counts XXII and XXIV; incarceration not to exceed 12 months as to Counts XXII and XXIV, with time to run concurrently with any sentence on these two counts and concurrently with sentences on all other counts at issue in the Fourth Amended Information; no contact with the named victims; payment of the victim penalty assessment, costs and restitution (if any); community supervision with supervision to run concurrently with any supervision/custody imposed as to counts at issue in the Fourth Amendment Information; and same conditions of supervision as recommended for all other counts by State and pre-sentence investigator.

The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference and attached hereto.

- (h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. If the judge goes outside the standard range, either the state or I can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.
- (i) 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.
- (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) Public assistance will be suspended during any period of imprisonment.
- (l) I will be required to register where I reside, study or work. The specific registration requirements are described in the "Offender Registration." Attachment .
- (m) I will be required to have a biological sample collected for purposes of DNA identification analysis. For offenses committed on or after July 1, 2002, I will be required to pay a \$100 DNA collection fee.
- (n) I will be required to undergo testing for the human immunodeficiency (AIDS) virus.

NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE.

M
gw
[o] ~~This offense is a most serious offense or strike as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole. In addition, if this offense is (1) rape in the first degree, rape of a child in the first degree, rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child molestation in the first degree, or (2) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation, or (3) any attempt to commit any of the offenses listed in this sentence and I have at least one prior conviction for one of these listed offenses in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.~~

[p] Special sex offender sentencing alternative:

M gw
~~For offenses committed before September 1, 2001: The judge may suspend execution of the standard range term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under former RCW 9.94A.120(8) (for offenses committed before July 1, 2001) or RCW 9.94A.670 (for offenses committed on or after July 1, 2001). If the judge suspends execution of the standard range term of confinement, I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater; I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me; and I will be subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.~~

M gw
~~For offenses committed on or after September 1, 2001: The judge may suspend execution of the standard range term of confinement or the minimum term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under RCW 9.94A.670. If the judge suspends execution of the standard range term of confinement for a sex offense that is not listed in paragraph 6(f)(i), I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater. If the judge suspends execution of minimum term of confinement for a sex offense listed in paragraph 6(f)(i), I will be placed on community custody for the length of the statutory maximum sentence of the offense. In addition to the term of community custody, I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me; and I will be~~

subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

1-1
JW

[q] ~~If this is a crime of domestic violence and if I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.~~

[r] If the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.

[s] ~~If this offense involves a motor vehicle, my driver's license or privilege to drive will be suspended or revoked. If I have a driver's license, I must now surrender it to the judge.~~

1-1 JW

[t] ~~The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6[o].~~

1-1 JW

[u] ~~I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.~~

1-1 JW

[v] ~~I understand that the offense(s) I am pleading guilty to include a deadly weapon or firearm enhancement. Deadly weapon or firearm enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon or firearm enhancements.~~

7. I plead guilty to:

- (1) Voyeurism (Count XXII) and
- (2) Communication with a Minor for Immoral Purposes (Count XXIV)

in the Fifth Amended Information. I have received a copy of that Information.

8. I make this plea freely and voluntarily.

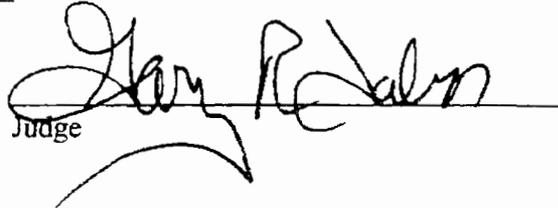
9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

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

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

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: 1-3-03


Judge

Case Name: State v. Jerry Wiatt, Jr.

Cause No.: 01-1-01136-1

"OFFENDER REGISTRATION" ATTACHMENT: sex offense, or kidnapping offense involving a minor as defined in RCW 9A.44.130. (If required, attach to Statement of Defendant on Plea of Guilty.)

Because this crime involves 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 sheriff of the county of the state of Washington where I reside. If I am not a resident of Washington but I am a student in Washington or I am employed in Washington or I carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register immediately upon being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has me in custody and I must also register within 24 hours of my release with the sheriff of the county of the state of Washington where I will be residing, or if not residing in the state of Washington, where I am a student, where I am employed, or where I carry on a vocation.

If I leave this state following my sentencing or release from custody but later move back to Washington, I must register within 30 days after moving to this state or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections. If I leave this state following my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry on a vocation in Washington, or attend school in Washington, I must register within 30 days after attending school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections.

If I change my residence within a county, I must send written notice of my change of residence to the sheriff within 72 hours of moving. If I change my residence to a new county within this state, I must send written notice of the change of address at least 14 days before moving to the county sheriff in the new county of residence, I must register with the sheriff of the new county within 24 hours of moving, and I must also give written notice of my change of address to the sheriff of the county where last registered within 10 days of moving. If I move out of Washington State, I must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom I last registered in Washington State.

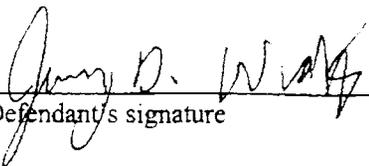
If I move to another state, or if I work, carry on a vocation, or attend school in another state I must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state.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

If I am a resident of Washington and I am admitted to a public or private institution of higher education, I shall, within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff of the county of my residence of my intent to attend the institution.

If I lack a fixed residence, I am required to register. Registration must occur within 24 hours of release in the county where I am being supervised if I do not have a residence at the time of my release from custody or within 48 hours, excluding weekends and holidays, after ceasing to have a fixed residence. If I enter a different county and stay there for more than 24 hours, I will be required to register in the new county. I must also report in person to the sheriff of the county where I am registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and shall occur during normal business hours. I am required to provide a list of the locations where I have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make me subject to disclosure to the public at large pursuant to RCW 4.24.550.

If I apply for a name change, I must submit a copy of the application to the county sheriff of the county of my residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If I receive an order changing my name, I must submit a copy of the order to the county sheriff of the county of my residence and to the state patrol within five days of the entry of the order.
RCW 9A.44.130(7).

Date: 11/3/02

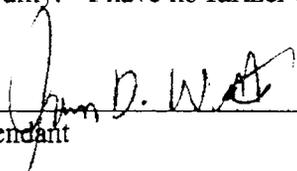

Defendant's signature

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 what I did in my own words that make me guilty of these crimes. This is my statement:

I do not believe that I am guilty of the crimes charged in the Fifth Amendment Information. However, in order to obtain the prosecutor's favorable recommendation and to avoid a painful and costly trial, I am prepared to enter pleas of guilty to Counts XXII and XXIV. I have reviewed all discovery materials and police reports with my attorneys, and I agree that there is a substantial likelihood that I would be convicted if the case proceeded to trial. I authorize the Court to review the police reports and related documents to find that there is a factual basis for this plea.

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 and the "Offender Registration" Attachment. 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.



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



Prosecuting Attorney Bar #19783-23581

~~Jon Tunheim~~

Print Name



Defendant's Lawyer Bar #18557

~~Todd Maybrow~~

Print Name