

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

STATE OF WASHINGTON, )  
 )  
 Respondent, )  
 )  
 vs. )  
 )  
 DERRICK BOYD, )  
 )  
 Appellant. )

67 OCT 20 11 14 AM  
NO. 35736-4-11111  
BY *gm*  
STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW  
RAP 10.10

I, Derrick Boyd (pro se), have received and reviewed the opening brief prepared by my appointed attorney. Summarized below are the additional ground(s) with a statement of facts and argument for review that are not addressed in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

Statement of Facts

In September 2004, following his guilty plea to two counts of first degree child molestation and one count of third degree assault of a child, Mr. Boyd received a SSOSA sentence. CP 37-49. Specifically, the court imposed concurrent sentences of 131 months for the molestation counts and 6 months for the assault count, then suspended all but 46 days on condition that Mr. Boyd successfully complete the SSOSA and comply with the supervision conditions imposed by the Department of Corrections (DOC). Id.

In November 2006, the trial court conducted a hearing on the State's motion to revoke the SSOSA. The State alleged Mr. Boyd had violated the conditions of his SSOSA by using alcohol and having contact with minors in violation of the conditions imposed by DOC. CP 121-22. The court imposed its original sentence for 131 months

for counts I and II, and 6 months for count III with all counts to run concurrent sentences. Mr. Boyd timely appeals. RP (sentencing hearings) July 29, 2004 at 3-11 and September 10, 2004 at 3-16.

#### Substantive Facts

On September 13, 2004 the trial court filed its judgment and sentence. The court entered a sentence for 131 months for two first degree child molestations, each with a offender score of 7 and sentence ranges of 108 to 144 months. See attached Judgment and Sentence.

#### Additional Ground 1

The trial court erred when during September 2004 sentencing, it miscalculated Mr. Boyd's offender score for 7 points which included 7 Adult Misdemeanor convictions. These misdemeanor convictions should not have been considered to determine Mr. Boyd's offender score points and sentence.

Due process requires that a defendant's guilty plea be knowing, voluntary, and intelligent. In re Pers. Restraint of Isadore, 151 Wn.2d 294, 297, 88 P.3d 390 (2004)(citing Boykin v. Alabama, 395 U.S. 238, 242, 89 S. Ct. 1709, 23 L.Ed. 2d 274 (1969)). A plea is involuntary if made without an understanding of all direct consequences of the plea, including the sentencing range. State v. Paul, 103 Wn.App. 487, 494-95, 12 P.3d 1036 (2000). A guilty plea is considered involuntary, and withdrawal of the plea is available, if it was based on misinformation regarding direct consequences of the plea. State v. Mendoza, 157 Wn.2d 582, 584, 141 P.3d 49 (2006). A plea is considered involuntary even if a miscalculation results in a lower standard range than anticipated

right to challenge the validity of the plea if informed of the miscalculation and given the opportunity to withdraw the plea prior to sentencing. Id. at 591.

The Mendoza decision provides a basis to withdraw a plea if the seriousness level and resulting standard range are miscalculated. "[A] guilty plea may be deemed involuntary when based on misinformation regarding a direct consequence on the plea, regardless of whether the actual sentencing range is lower or higher than anticipated. Absent a showing that the defendant was correctly informed of all of the direct consequences of his guilty plea, the defendant may move to withdraw the plea." Mendoza, 157 Wn.2d at 591.

Here, the trial court cannot include misdemeanor convictions adult or juvenile, but only those other current convictions for offender score purposes. Count one should be used for the serious level X sentence ranges, then the other current convictions should be used for calculating offender score points. Count II will score 3 points and count III will score 1 point, which should total 4 rather than 7 offender score points, with a sentence range of 72 to 96 rather than 131 months. See attached Sentence Score Sheets for 2000 and 2001. In addition, these provided sentencing score sheets should be used because of the laws that were in effect for the date of the crimes committed.

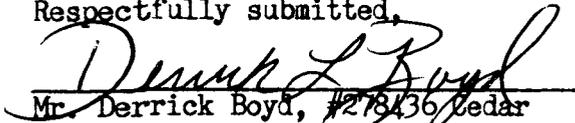
#### CONCLUSION

Wherefore, supported in the above foregoing facts and argument this Honorable Court of Appeals should vacate and remand back to trial court for resentencing Mr. Boyd within the correct offender

score and sentence.

Dated this 22 day of October 2007.

Respectfully submitted,

  
Mr. Derrick Boyd, #278436 Cedar  
Washington Corrections Center  
Post Office Box 900  
Shelton, Wa 98584

FILED  
DEPT. 18  
IN OPEN COURT  
  
SEP 10 2004  
  
Pierce County Clerk  
By [Signature]  
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 04-1-00005-1

vs.

JUDGMENT AND SENTENCE (JS)

DERRICK LEE BOYD

Defendant.

- Prison
- Jail One Year or Less
- First-Time Offender
- SSOSA
- DOSA
- Breaking The Cycle (BTC)

SEP 13 2004

SID: WA11888839  
DOB: 6/20/1962

I. HEARING

1.1 A sentencing hearing was held and the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

II. FINDINGS

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

2.1 CURRENT OFFENSE(S): The defendant was found guilty on 7-29, 2004  
by  plea  jury-verdict  bench trial of:

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO.
I	CHILD MOLESTATION IN THE FIRST DEGREE (Charge Code: I39A)	9A.44.083	None	11/30/00 - 7/31/01	PCSD 03-194-1391
II	CHILD MOLESTATION IN THE FIRST DEGREE (Charge Code: I39A)	9A.44.083	None	11/30/00 - 7/31/01	PCSD 03-194-1391
III	ASSAULT OF A CHILD IN THE THIRD DEGREE (Charge Code: I53A)	9A.36.031(1)(f) 9A.36.140(1)	None	11/30/00 - 11/29/01	PCSD 03-194-1391

\* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Horn, See RCW 46.61.520, (JP) Juvenile present.

JUDGMENT AND SENTENCE (JS)

(Felony) (6/19/2003) Page 1 of       

04-9-10801-3

Office of Prosecuting Attorney  
Pierce County City Building  
Tacoma, Washington 98402-2171  
Telephone: (253) 798-7400

04-1-00005-1

as charged in the First Amended Information

- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):
- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

	CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J ADULT JUV	TYPE OF CRIME
1	THEFT 3		Fife Muni/WA	2/01/95	Adult	Misd
2	DWLS 3		Tacoma Muni/WA	11/22/95	Adult	Misd
3	DWLS 3		Tacoma Muni/WA	12/07/95	Adult	Misd
4	DWLS 3		Pierce Cty Dist/WA	9/22/97	Adult	Misd
5	DWLS 3		Tacoma Muni/WA	4/01/98	Adult	Misd
6	DWLS 3		Tacoma Muni/WA	9/04/98	Adult	Misd
7	DWLS 3	5/27/03	Pierce Cty Dist/WA	5/13/03	Adult	Misd

- The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancement)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancement)	MAXIMUM TERM
I	7	X	108 - 144 months	None	108 - 144 months	LIFE/ \$50,000
II	7	X	108 - 144 months	None	108 - 144 months	LIFE/ \$50,000
III	2	III	4 - 12 months	None	4 - 12 months	5yrs/ \$10,000

- 2.4  EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence  above  below the standard range for Court(s) \_\_\_\_\_. Findings of fact and conclusions of law are attached in Appendix 2.4. The Prosecuting Attorney  did  did not recommend a similar sentence.

- 2.5 LEGAL FINANCIAL OBLIGATIONS. The judgment shall upon entry be collectable by civil means, subject to applicable exemptions set forth in Title 6, RCW, Chapter 379, Section 22, Laws of 2003.

- The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):
- 

- The following extraordinary circumstances exist that make payment of nonmandatory legal financial obligations inappropriate:
-

04-1-00005-1

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

III. JUDGMENT

3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1.

3.2 [ ] The court DISMISSES Counts \_\_\_\_\_ [ ] The defendant is found NOT GUILTY of Counts \_\_\_\_\_

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court: (Pierce County Clerk, 930 Tacoma Ave #110, Tacoma WA 98402)

JASS CODE

RTN/RJN

\$ 383.26 Restitution to: CVC Re: VR 55326

\$ \_\_\_\_\_ Restitution to: \_\_\_\_\_ (Name and Address--address may be withheld and provided confidentially to Clerk's Office).

PCV \$ 500.00 Crime Victim assessment

DNA \$ 100.00 DNA Database Fee

PUB \$ \_\_\_\_\_ Court-Appointed Attorney Fees and Defense Costs

FRC \$ 110.00 Criminal Filing Fee

FCM \$ \_\_\_\_\_ Fine

OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)

\$ \_\_\_\_\_ Other Costs for: \_\_\_\_\_

\$ \_\_\_\_\_ Other Costs for: \_\_\_\_\_

\$ 1093.26 TOTAL

[X] All payments shall be made in accordance with the policies of the clerk, commencing immediately, unless the court specifically sets forth the rate herein: Not less than \$ \_\_\_\_\_ per month commencing \_\_\_\_\_, RCW 9.94.760. If the court does not set the rate herein, the defendant shall report to the clerk's office within 24 hours of the entry of the judgment and sentence to set up a payment plan.

4.2 RESTITUTION

[ ] The above total does not include all restitution which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

[ ] shall be set by the prosecutor.

[ ] is scheduled for \_\_\_\_\_

[ ] defendant waives any right to be present at any restitution hearing (defendant's initials): \_\_\_\_\_

X RESTITUTION. Order Attached above

4.3 COSTS OF INCARCERATION

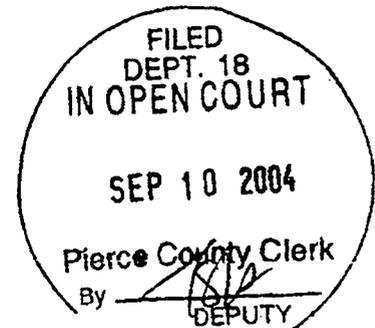
JUDGMENT AND SENTENCE (JS)

(Felony) (6/19/2003) Page 3 of \_\_\_\_\_

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04-1-00005-1 21766403 APXH 09-13-04



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

STATE OF WASHINGTON	]	Cause No.: 04-1-00005-1	SEP 13 2004
	]		
	]		
Plaintiff	]	JUDGEMENT AND SENTENCE (FELONY)	
v.	]	APPENDIX H	
Derrick Boyd	]	COMMUNITY PLACEMENT / CUSTODY	
	]		
Defendant	]		
	]		
DOC No. 278436	]		

The court having found the defendant guilty of offense(s) qualifying for community custody, it is further ordered as set forth below.

**COMMUNITY PLACEMENT/CUSTODY:** Defendant additionally is sentenced on convictions herein, for the offenses under RCW 9.94A.712 committed on or after September 1, 2001 to include up to life community custody; for each sex offense and serious violent offense committed on or after June 6, 1996 to community placement/custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2) whichever is longer; and on conviction herein for an offense categorized as a sex offense or serious violent offense committed on or after July 1, 1990, but before June 6, 1996, to community placement for two years or up to the period of earned release awarded pursuant to RCW 9.94A.150 (1) and (2) whichever is longer; and on conviction herein for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, to a one-year term of community placement.

Community placement/custody is to begin either upon completion of the term of confinement or at such time as the defendant is transferred to community custody in lieu of early release.

(a) **MANDATORY CONDITIONS:** Defendant shall comply with the following conditions during

APPENDIX "G" - CONDITIONS FOR SSOSA SENTENCE

I. The defendant shall attend and complete sexual deviancy treatment with:

Traywick & Associates

- 1. The defendant shall follow all rules set forth by the treatment provider;
- 2. The defendant shall submit to quarterly polygraph examinations to monitor compliance with treatment conditions;
- 3. ~~The defendant shall submit to periodic plethysmograph examinations;~~
- 4. The defendant shall not peruse pornography, which shall be defined by the treatment provider.
- 5. \_\_\_\_\_

II. The defendant shall not have any contact with the victim(s) R.K. or any minor child (without prior written authorization from the treatment provider and community corrections officer). The defendant shall not frequent establishments where minor children are likely to be present such as school playgrounds, parks, roller skating rinks, video arcades, \_\_\_\_\_

III. The defendant's living arrangements shall be approved in advance by the community corrections officer.

IV. The defendant shall work at Department of Corrections approved education or employment.

V. The defendant shall not consume alcohol.

VI. The defendant shall not consume controlled substances except pursuant to lawfully issued prescriptions.

VII. The defendant shall remain within geographical boundaries prescribed by the community corrections officer.

VIII. all conditions set forth by DOC/CCO  
& treatment provider except (a) re:

plethysmograph see

04-1-00005-1

[ ] In addition to other costs imposed herein, the court finds that the defendant has or is likely to have the means to pay the costs of incarceration, and the defendant is ordered to pay such costs at the statutory rate RCW 10.01.160.

4.4 COLLECTION COSTS

The defendant shall pay the costs of services to collect unpaid legal financial obligations per contract or statute. RCW 36.18.190, 9.94A.780 and 19.16.500.

4.5 INTEREST

The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090

4.6 COSTS ON APPEAL

An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW. 10.73.

4.7 HIV TESTING

The Health Department or designee shall test and counsel the defendant for HIV as soon as possible and the defendant shall fully cooperate in the testing. RCW 70.24.340.

4.8 [X] DNA TESTING

The defendant shall have a blood/biological sample drawn for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency, the county or DOC, shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.

4.9 NO CONTACT

The defendant shall not have contact with R.K (11-30-90) (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for life years (not to exceed the maximum statutory sentence).

Domestic Violence Protection Order or Antiharassment Order is filed with this Judgment and Sentence.

4.10 OTHER:

Attached Appendix H & G
All conditions imposed by treatment provider except plethysmograph
DEG

4.11 BOND IS HEREBY EXONERATED

4.12 SPECIAL SEX OFFENDER SENTENCING ALTERNATIVE. RCW 9.94A. The court finds that the defendant is a sex offender who is eligible for the special sentencing alternative and the court has determined that the special sex offender sentencing alternative is appropriate. The defendant is sentenced to a term of confinement as follows:

(a) CONFINEMENT. RCW 9.94A.400. Defendant is sentenced to the following term of total confinement in the custody of the county jail or Department of Corrections (DOC):

131 months on Court I 6 months on Court III  
131 months on Court II months on Court

COUNTS I + II - COMMUNITY CUSTODY 36-48 months

Actual number of months of total confinement ordered is: \_\_\_\_\_

CONSECUTIVE/CONCURRENT SENTENCES. RCW 9.94A.589. All counts shall be served concurrently, except for the following which shall be served consecutively:

The sentence herein shall run consecutively to all felony sentences in other cause numbers that were imposed subsequent to the commission of the crime(s) being sentenced unless otherwise set forth here.

[ ] The sentence herein shall run onsecutively to the felony sentence in cause number(s) \_\_\_\_\_

Confinement shall commence immediately unless otherwise set forth here: \_\_\_\_\_

(b) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.120. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: 46 days

(c) SUSPENSION OF SENTENCE. The execution of this sentence is suspended; and the defendant is placed on community custody under the charge of DOC for the length of the suspended sentence or three years, whichever is greater, and shall comply with all rules, regulations and requirements of DOC and shall perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC. Community custody may be extended for up to the statutory maximum term of the sentence. Violation of community custody may result in additional confinement. The defendant shall report as directed to a community corrections officer, pay all legal financial obligations, perform any court ordered community service work and be subject to the following terms and conditions or other conditions that may be imposed by the court or DOC during community custody:

Attached Appendix H + G

Undergo and successfully complete an  outpatient [ ] inpatient sex offender treatment program with

Traywick & Associates for a period of 3 years

Defendant shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, community corrections officer and the court and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change.

Serve 6 days/months of total confinement. Work Crew and Electronic Home Detention are not authorized. RCW 9.94A.030. - Credit for 46 days

[ ] Obtain and maintain employment.

[ ] Work release is authorized, if eligible and approved. RCW 9.94A.180. in custody as of today.

forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

5.6 **SEX AND KIDNAPPING OFFENDER REGISTRATION.** RCW 9A.44.130, 10.01.200. Because this crime involves a sex offense or kidnapping offense (e.g., kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW where the victim is a minor and you are not the minor's parent), you are required to register with the sheriff of the county of the state of Washington where you reside. If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register immediately upon being sentenced unless you are in custody, in which case you must register within 24 hours of your release.

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

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

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

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

If you move to another state, or if you work, carry on a vocation, or attend school in another state you 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. You 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 you last registered in Washington State.

04-1-00005-1

5.7 OTHER: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DONE IN OPEN COURT and in the presence of the defendant this date: 9-10-04

JUDGE  
Print name

Reverly G. Meent  
Robert G. Grant

Rosalie V. Martinelli

Deputy Prosecuting Attorney  
Print name: ROSALIE V. MARTINELLI  
WSB # 25078

Attorney for Defendant

Print name: MOIRA A. ...  
WSB # 8677

Derrick Lee Boyd  
Defendant  
Print name: DERICK LEE BOYD

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CERTIFICATE OF CLERK

CAUSE NUMBER of this case: 04-1-00005-1

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

WITNESS my hand and seal of the said Superior Court affixed this date: \_\_\_\_\_

Clerk of said County and State, by: \_\_\_\_\_, Deputy Clerk

**CHILD MOLESTATION, FIRST DEGREE**

(RCW 9A.44.083)  
 CLASS A FELONY  
 VIOLENT SEX

**I. OFFENDER SCORING (RCW 9.94A.360 (16))**

In the case of multiple prior convictions for offenses committed before July 1, 1986, for purposes of computing the offender score, count all adult convictions served concurrently as one offense and all juvenile convictions entered on the same date as one offense (RCW 9.94A.360).

**ADULT HISTORY:**

Enter number of sex offense convictions..... \_\_\_\_\_ x 3 = \_\_\_\_\_  
 Enter number of other serious violent and violent felony convictions ..... \_\_\_\_\_ x 2 = \_\_\_\_\_  
 Enter number of other nonviolent felony convictions..... \_\_\_\_\_ x 1 = \_\_\_\_\_

**JUVENILE HISTORY:**

Enter number of sex offense dispositions..... \_\_\_\_\_ x 3 = \_\_\_\_\_  
 Enter number of other serious violent and violent felony dispositions..... \_\_\_\_\_ x 2 = \_\_\_\_\_  
 Enter number of other nonviolent felony dispositions..... \_\_\_\_\_ x 1/2 = \_\_\_\_\_

**OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)**

Enter number of other sex offense convictions..... \_\_\_\_\_ x 3 = \_\_\_\_\_  
 Enter number of other serious violent and violent felony convictions..... \_\_\_\_\_ x 2 = \_\_\_\_\_  
 Enter number of other nonviolent felony convictions..... \_\_\_\_\_ x 1 = \_\_\_\_\_

**STATUS:** Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = \_\_\_\_\_

Total the last column to get the **Offender Score**  
 (Round down to the nearest whole number)

--

**II. SENTENCE RANGE**

A. OFFENDER SCORE:  
 STANDARD RANGE  
 (LEVEL X)

0	1	2	3	4	5	6	7	8	9 or more
51 - 68 months	57 - 75 months	62 - 82 months	67 - 89 months	72 - 96 months	77 - 102 months	98 - 130 months	108 - 144 months	129 - 171 months	149 - 198 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. When a court sentences an offender to the custody of the Dept. of Corrections, the court shall also sentence the offender to community custody for the range of 36 to 48 months, or to the period of earned release, whichever is longer (9.94A.120).
- D. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-14 or III-15 to calculate the enhanced sentence.

**III. SENTENCING OPTIONS**

- A. If no prior sex offense conviction and sentence is less than eleven years: Special Sex Offender Sentencing Alternative (RCW 9A.20.120).

**CHILD MOLESTATION OR ATTEMPTED CHILD MOLESTATION,  
FIRST DEGREE  
(RCW 9A.44.083)  
CLASS A FELONY  
VIOLENT SEX**

**I. OFFENDER SCORING (RCW 9.94A.525(16))**

In the case of multiple prior convictions for offenses committed before July 1, 1986, for purposes of computing the offender score, count all adult convictions served concurrently as one offense and all juvenile convictions entered on the same date as one offense (RCW 9.94A.525).

**ADULT HISTORY:**

Enter number of sex offense convictions ..... x 3 = \_\_\_\_\_  
 Enter number of other serious violent and violent felony convictions ..... x 2 = \_\_\_\_\_  
 Enter number of other nonviolent felony convictions ..... x 1 = \_\_\_\_\_

**JUVENILE HISTORY:**

Enter number of sex offense dispositions ..... x 3 = \_\_\_\_\_  
 Enter number of other serious violent and violent felony dispositions ..... x 2 = \_\_\_\_\_  
 Enter number of other nonviolent felony dispositions ..... x 1/2 = \_\_\_\_\_

**OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)**

Enter number of other sex offense convictions ..... x 3 = \_\_\_\_\_  
 Enter number of other serious violent and violent felony convictions ..... x 2 = \_\_\_\_\_  
 Enter number of other nonviolent felony convictions ..... x 1 = \_\_\_\_\_

**STATUS:** Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = \_\_\_\_\_

Total the last column to get the **Offender Score**  
 (Round down to the nearest whole number)

**II. SENTENCE RANGE**

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL X)	51 - 68 months	57 - 75 months	62 - 82 months	67 - 89 months	72 - 96 months	77 - 102 months	98 - 130 months	108 - 144 months	129 - 171 months	149 - 198 months

- B. The range for an attempt is 75% of the range for the completed crime (RCW 9.94A.595).
  - C. If the offender is not a persistent offender, then the minimum term for this offense\* is the standard sentence range, and the maximum term is the statutory maximum for the offense. See RCW 9.94A.712.
  - D. When a court sentences a non-persistent offender to this offense, the court shall also sentence the offender to Community Custody under the supervision of the Dept. of Corrections and the authority of the Indeterminate Sentence Review Board for any period of time the person is released from total confinement before the expiration of the maximum sentence. See RCW 9.94A.712.
  - E. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-18 or III-20 to calculate the enhanced sentence.
- \* The offense must have been committed on or after September 1, 2001 and the offender must have been over 17 years of age at the time of the offense.

**III. SENTENCING OPTIONS**

CERTIFICATE OF SERVICE BY MAIL

This is to certify and state under the penalty of perjury under the laws of the State of Washington that I have mailed a true and correct copy of the following documents(s):

Pro Se Statement of Additional Grounds  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BY MAIL  
STATE  
07/07/2010 10:44 AM  
JMS

By depositing in the United States mail, marked *Legal Mail*, postage prepaid, on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ to the following: \_\_\_\_\_

Kathleen Proctor, Pirce County Prosecutor's Office, 930 Tacoma Ave,  
S. Rm 946, Tacoma, WA 98402-2171  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Respectfully Submitted,



Signature  
Derrick Boyd, #278436

Printed/Typed Name  
D.O.C.# 278436 Unit # Cedar Cell # G-8