

Corrections (DOC) wherein he ultimately plead guilty to numerous charges arising from the incident. On 25 April 2000, Amos was sentenced to the Department of Corrections for a total of 120 months for the crimes of Burglary in the First Degree, Count I, Robbery in the First Degree, Count II, Assault in the Second Degree with Firearm Enhancement, Count III, Theft of a Firearm, Count V and Unlawful Possession of a Firearm in the First Degree, Count VI.

At the time of sentencing, Amos was 16+ years old (DOB 05-16-83) and was subject to adult Superior Court jurisdiction by operation of RCW 13.04.030(1)(e)(v)(C)&(D). The sentencing Court found that Amos had four prior juvenile felony convictions, two of which occurred before Amos' 15th birthday. Amos did not appeal his sentence and his judgment was final on 25 April 2000.

Amos filed his first personal restraint petition (COA# 31735-4-II) on 6 May 2000, more than four years after the judgment had become final. On

28 February 2005 this Court entered an Order Staying Petition in Part, Granting Petition in Part, and Dismissing Petition in Part. On 18 April 2005 this Court entered an Order Lifting Stay, Enforcing Resentencing, and Dismissing Remaining Issues. Based on the Supreme Court decision of *In re Westfall*, 153 Wn.2d 1 (2004) the Court directed resentencing and based on Amos' withdrawal of the double jeopardy issue from the Court's consideration dismissed that prong of the petition.

Amos' second personal restraint petition (COA# 33314-7-II) was dismissed by this Court on 4 November 2005. Amos was re-sentenced on 12 September 2005. At the hearing and in the judgment and sentence (paragraph, top of page 2 of J&S), the sentencing judge made the following findings:

Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589): Counts I & II. The court further finds that the conduct in Count III (w/firearm) is separate and distinct from the assaultive conduct (w/walkie-talkie) underlying Counts I & II. The court also finds that under RCW 9A.52.050 the crimes in Counts III, V, and VI may be

punished separately from the crime in Count I and that the crimes in Counts III, V, and VI are not the same criminal conduct as Counts I or II. The court further finds that only Counts I & II merge for sentencing purposes and that under the facts of this case, conviction of Count I - Robbery in the First Degree and Count III - Assault in the Second Degree is not barred by double jeopardy.

In calculating Amos' offender score the sentencing judge included Amos' pre-resentencing conviction of Assault in the Second Degree based on his guilty plea entered in Walla Walla Superior Court on 20 June 2005. Amos did not appeal his judgment and sentence and the sentencing court's decision became final on 13 October 2005. Amos filed this, his third, personal restraint petition on 10 January 2006. A copy of the judgment and sentence is attached as Appendix A.

This petition challenges 1) the trial court's determination that conviction and sentence for both first degree robbery and second degree assault under the facts of this case was not barred by double jeopardy, 2) inclusion of pre-resentencing Walla Walla County conviction for second degree assault

which occurred after the original guilty plea, but before, the resentencing, 3) imposition of a sentence identical to the original bargained for sentence, and 4) recalculation of offender score at resentencing based on a collateral estoppel argument.

4. GROUNDS FOR RELIEF AND ARGUMENT

Having obtained the benefit of a plea agreement which resulted in substantially less time in prison, and having had 2 juvenile felony convictions removed from his offender score, Amos now seeks to further renege on his plea agreement by contending that some of his convictions constitute "multiple punishments" for the "same offense." The plea, sentencing and resentencing being challenged by Amos, as noted, were the result of plea agreement that was part of a "package deal." The result sought by Amos is tantamount to a withdrawal from only part of the plea agreement. The plea agreement must be treated as indivisible and any attempt to further "pick at"

only a portion of the agreement must result in a withdrawal of the entire agreement. Amos cannot obtain the remedy he seeks. *State v. Bisson*, 156 Wn.2d 507 (2006); *State v. Ermels*, No. 76665-7, opinion filed 16 March 2006.

Double Jeopardy.

The issue to be determined is whether Count II Robbery in the First Degree (physical assault and assault with walkie-talkies) and Count III Assault in the Second Degree while Armed with a Firearm constituted the "same offense." The proper test, long adhered to in Washington, to be applied in the context of double jeopardy challenges to multiple punishments imposed in a single prosecution is referred to as the "same elements" test enunciated by the U.S. Supreme Court in *Blockburger v. United States*, 284 U.S. 299, 76 L. Ed 306, 52 S.Ct. 180 (1932).

The applicable rule is that where the same act or transaction constitutes a violation of two distinct statutory provisions, the test to be

applied to determine whether there are two offenses or only one, is whether each provision requires proof of a fact which the other does not. The *Blockburger* test focuses primarily on whether or not each offense contains an additional element not included in the other. *State v. Maxfield*, 125 Wn.2d 378, 401 (1994); *State v. Laviolette*, 118 Wn.2d 670, 675 (1992). "Where a defendant's act supports charges under two criminal statutes, a court weighing a double jeopardy challenge must determine whether, in light of legislative intent, the charged crimes constitute the same offense." *In re Pers. Restraint of Orange*, 152 Wn.2d 795, 815 (2004).

Amos and his confederates entered into the terminally ill victim's home with the intent to steal the victim's medical marijuana. At the time of entry they were armed with walkie-talkies. No one was armed with a firearm. After physically assaulting the victim with fists and walkie-talkies, the defendant and his colleagues forcefully obtained some marijuana and the victim's pistol. In the

later stages of the robbery, Amos or one of his confederates, pressed a further theft of items from the victim by assaulting the victim with the stolen firearm. The "elements" of Count II Robbery involved actual physical assault and assault of the victim with walkie-talkies. The "elements" of Count III Assault in the Second Degree involved a later, separate and distinct assault of the victim with the victim's own firearm. Clearly, Count II and Count III did not share the "same elements" and conviction on both was not barred by double jeopardy. Under the facts of this case, the crime of Robbery in the First Degree accomplished with actual physical assault and assault with walkie-talkies is not the same in fact and law as the later-in-time Assault in the Second with a firearm. The findings of the sentencing judge on this issue are supported by substantial evidence.

Walla Walla Assault Conviction

Prior to his resentencing Amos entered and the court accepted a guilty plea to Assault in the

Second Degree in Walla Walla Superior Court No. 04-1-00201-7 on 20 June 2005. For sentencing purposes a guilty plea is a "conviction." RCW 9.94A.030(11). Under RCW 9.94A.525(1), [formerly 9.94A.360(1)], a "prior conviction" is "a conviction which exists before the date of sentencing for the offense for which the offender score is being computed." All prior convictions existing at the time of a particular sentencing, without regard to when the underlying incidents occurred, or the sentencing or resentencing chronology must be included in the offender score. *State v. Clark*, 123 Wn.App. 515 (2004); *State v. Collicott*, 118 Wn.2d 649 (1992).

Plea Agreement Honored

Contrary to Amos' assertion, the State fully honored the bargained for agreement of 120 months in DOC at resentencing by asking for an exceptional sentence downward to insure that Amos received no more time than the original "package deal." Amos says he has a right to be resentenced "pursuant to my original plea agreement." At resentencing that

is precisely what happened.

Collateral Estoppel

Without citing any germane authority Amos asserts that the calculation of his offender score at resentencing was somehow barred by the equitable doctrine of equitable estoppel. Having attempted to avoid the consequences of agreed to recommendation, Amos hardly is in a position to obtain equitable relief. There is no authority to support his claim. If the process employed at resentencing in the calculation of the offender score is not barred by the constitutional prohibition against double jeopardy, it certainly is not prohibited by equitable estoppel. *Clark*, 123 Wn.App. at 515.

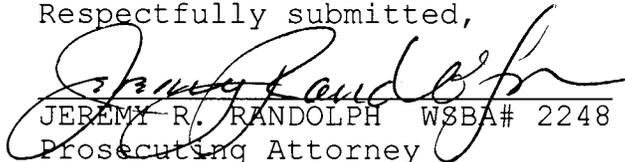
This petition is without merit and should be dismissed without oral argument.

Pursuant to RAP 14.2 and 14.3 and RCW 10.73.160, the State respectfully requests that petitioner be required to pay all taxable costs of this PRP, including the cost of the reproduction of briefs, verbatim transcripts, clerk's papers, filing

fee, and statutory attorney fees. *State v. Blank*,
131 Wn. 2d 230, 930 P.2d 1213 (1997).

Dated this 7th day of May, 2006.

Respectfully submitted,



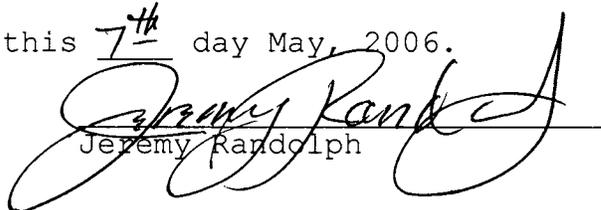
JEREMY R. RANDOLPH W3BA# 2248
Prosecuting Attorney
Attorney for Respondent
360 NW North Street MS:PRO01
Chehalis, WA 98532-1900
360.740.1240

CERTIFICATE

I certify that on 7 day of May, 2006 I mailed a copy
of the foregoing Response by Way of Motion to
Dismiss by depositing same in the United States
Mail, postage pre-paid, to the following parties at
the addresses indicated:

Forrest Eugene Amos
Inmate No. 809903
Washington State Reformatory
P.O. Box 777
Monroe, WA 98272

DATED this 7th day May, 2006.



Jeremy Randolph

APPENDIX A

Certified

ORIGINAL

Received & Filed
LEWIS COUNTY, WASH
Superior Court
SEP 12 2005
By Kathy A. Brack, Clerk
Deputy

SUPERIOR COURT OF WASHINGTON
COUNTY OF LEWIS

STATE OF WASHINGTON, Plaintiff,

v.
FORREST EUGENE AMOS, Defendant.

SID#: WA 18562708
DOC#: 809903

No. 00-1-00033-7
JUDGMENT AND SENTENCE (JS)

PRISON

Clerk's Action Required, para 4.1, 5.6 & 5.7

I. HEARING

1.1 A sentencing hearing was held and the defendant appearing pro se and the Prosecuting Attorney were present.

II. FINDINGS

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

2.1 CURRENT OFFENSES: The defendant was found guilty of Counts I,II,V&VI on 16 February 2000 and Count III on 25 April 2000 by guilty pleas to the following crimes:

COUNT	CRIME	RCW	DATE OF CRIME
I	BURGLARY IN THE FIRST DEGREE	9A.52.020(1)(a)	01.16.00
II	ROBBERY IN THE FIRST DEGREE	9A.56.200(1)(a)	01.16.00
III	ASSAULT IN THE SECOND DEGREE	9A.36.021(1)(c)	01.16.00
V	THEFT OF A FIREARM	9A.56.300	01.16.00
VI	UNLAWFUL POSSESSION OF A FIREARM 1 st	9.41.040(1)(a)	01.16.00

as charged in the 2nd Amended Information.

[X] A special verdict/finding for use of firearm was returned on Count III RCW 9.94A.602, .510.

[] The court finds that the offender has a chemical dependency that has contributed to the offense(s).
RCW 9.94A.607.

JUDGMENT AND SENTENCE (JS) (Felony)
(RCW 9.94A.500, .505)(WPF CR 84.0400 (6/2002))

Jail

[X] Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589): Counts I & II. The court further finds that the conduct in Count III (w/firearm) is separate and distinct from the assaultive conduct (w/walkie-talkie) underlying Counts I & II. The court also finds that under RCW 9A.52.050 the crimes in Counts III, V, and VI may be punished separately from the crime in Count I and that the crimes in Counts III, V, and VI are not the same criminal conduct as Counts I or II. The court further finds that only Counts I & II merge for sentence purposes and that under the facts of this case, conviction of Count I – Robbery in the First Degree and Count III – Assault in the Second Degree is not barred by double jeopardy.

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 Assault in the Second Degree	*	Walla Walla Co., WA 04-1-00201-7		A	V
2 Burglary in the Second Degree	03.02.99	Lewis Co., WA 99-8-00079-0	02.25.99	J	NV
3 Malicious Mischief 2 nd	09.01.98	Lewis Co., WA 98-8-00271-9	05.24.98	J	NV
4 Burglary in the Second Degree	05.16.97	Lewis Co., Wa ** 97-8-00215-0	05.02.97	J	NV
5 Possession of Stolen Property 2 nd	05.16.97	Lewis Co., WA ** 97-8-00230-3	05.02.97	J	NV

* Defendant entered and the court accepted a guilty plea on 20 June 2005. RCW9.94A.030(11).

** These convictions were deemed “washed” at the time of the commission of the instant offenses and have not been counted in the offender score for these offenses. *In re La Chappell*, 153 Wn.2d 1 (2004) holding Laws of 2002, Chapt. 107 applies to crimes committed after 13 June 2002; *State v. Varga*, 151 Wn.2d 179 (2004).

[X] The court finds that NONE of the 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 enhancements)	PLUS ENHANCEMENTS*	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	7.5	VII	67-89 mos	None	67-89 months	Life
II	7.0	IX	87-116 mos	None	87-116 months	Life
III	7.0	IV	43-57 mos	36 months +	79-93 months	10 years
V	4.0 ++	VI	31-41 mos	None	31-41 months	10 years
VI	4.0 ++	VII	36-48 mos	None	36-48 months	

+ Firearm enhancement must run consecutively to to the total period of confinement for all offenses, regardless of which underlying offense is subject to the firearm enhancement. RCW 9.94A.533(3).

++ Theft of Firearm and UPF1 not counted against each other as they are to be served consecutively. RCW 9.94A.5891(a).

2.4 [X]EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence below the standard range for Count II. Findings of fact and conclusions of law are attached in Appendix 2.4. The Prosecuting Attorney did recommend a similar sentence.

2.5 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS. The court has considered the total amount owing, the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

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

2.6 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are as follows: 120 months DOC.

III. JUDGMENT

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

3.2 The court DISMISSES Count IV.

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court:

JASS CODE

\$ 600.00 Restitution to: Joe Hull, 118 Urquhart Road, Chehalis, WA

RTN/RJN

\$ Restitution to:

\$ Restitution to:

(Name and Address--address may be withheld and provided confidentially to Clerk's Office)

PCV \$ 500.00 Victim assessment RCW 7.68.035

CRC \$ 110.00 Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190

Criminal filing fee \$ 110.00 FRC

Witness costs \$ WFR

Sheriff service fees \$ SFR/SFS/SFW/WRF

Jury demand fee \$ JFR

Extradition costs \$ EXT

Other \$

PUB \$ Fees for court appointed attorney RCW 9.94A.760

WFR \$ Court appointed defense expert and other defense costs RCW 9.94A.760

FCM/MTH \$ Fine RCW 9A.20.021; [] VUCSA chapter 69.50 RCW, [] VUCSA additional fine deferred due to indigency RCW 69.50.430

CDF/LDI/FCD \$ _____ Drug enforcement fund of _____ RCW 9.94A.760
 NTF/SAD/SDI

CLF \$ _____ Crime lab fee [] suspended due to indigency RCW 43.43.690
 \$ _____ Felony DNA collection fee not imposed due to hardship RCW 43.43.(Ch.
 289 L 2002 § 4)

RTN/RJN \$ _____ Emergency response costs (Vehicular Assault, Vehicular Homicide only, \$1000
 maximum) RCW 38.52.430
 \$ 1,000.00 Other costs for: Incarceration in the Lewis County Jail RCW 9.94A.145
 \$ _____ TOTAL RCW 9.94A.760

[X] Restitution ordered above shall be paid jointly and severally with:

	<u>NAME of other defendant</u>	<u>CAUSE NUMBER</u>	<u>(Victim name)</u>	<u>(Amount-\$)</u>
RJN	Lane Patrick Steele	00-1-00032-9	Joe Hull	\$600.00
	Lance Martin Kapsh	00-1-00031-9	Joe Hull	\$600.00

[X] The Department of Corrections (DOC) may immediately issue a Notice of Payroll Deduction.
 RCW 9.94A.7602.

[X] All payments shall be made in accordance with the policies of the clerk and on a schedule established by
 DOC, commencing immediately, unless the court specifically sets forth the rate here: Not less than
 \$ _____ per month commencing _____ . RCW 9.94A.760.

[X] In addition to the other costs imposed herein, the court finds that the defendant has the means to pay for
 the cost of incarceration and is ordered to pay such costs at the statutory rate. RCW 9.94A.760.

[X] The defendant shall pay the costs of services to collect unpaid legal financial obligations. RCW
 36.18.190.

The financial obligations imposed in this judgment shall bear interest from the date of the judgment until
 payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal
 against the defendant may be added to the total legal financial obligations. RCW 10.73.160.

4.2 DNA TESTING. The defendant shall have a biological sample collected for purposes of DNA identification
 analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for
 obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.

[X] HIV TESTING. The defendant shall submit to HIV testing. RCW 70.24.340.

4.3 The defendant shall not have contact with Joe Hull including, but not limited to, personal, verbal, telephonic,
 written or contact through a third party for Life.

4.4 **OTHER:** refrain from the use of controlled substance not lawfully prescribed by a licensed medical
 practitioner, submit to random UA's as directed by CCO, no possession or consumption of alcohol, submit
 to random BAC/PBT's as directed by CCO. Prohibition against use of unlawfull controlled substances is
 an express condition of this Judgment and Sentence.

4.5 CONFINEMENT OVER ONE YEAR. The defendant is sentenced as follows:

- (a) CONFINEMENT. RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC):

71 months on Count I 38 months on Count V
84 months on Count II 48 months on Count VI
57 months on Count III months on Count

Actual number of months of total confinement ordered is : 84 + 36 = 120 months
(Add mandatory firearm and deadly weapons enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above).

All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm or other deadly weapon as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: Count V shall be served consecutively to Count VI.

Confinement shall commence immediately.

- (b) The defendant shall receive credit for time served since 21 January 2000.

4.6 [X] COMMUNITY PLACEMENT is ordered as follows: Count I for 12 months; Count II for 12 months; Count III for 12 months; or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A.700 and .705 for community placement offenses, which include serious violent offenses, second degree assault, any crime against a person with a deadly weapon finding and Chapter 69.50 or 69.52 RCW offenses not sentenced under RCW 9.94A.660 committed before July 1, 2000. See RCW 9.94A.715 for community custody range offenses, which include sex offenses not sentenced under RCW 9.94A.712 and violent offenses committed on or after July 1, 2000. Use paragraph 4.7 to impose community custody following work ethic camp.]

While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution; (3) not consume controlled substances except pursuant to lawfully issued prescriptions; (4) not unlawfully possess controlled substances while in community custody; (5) pay supervision fees as determined by DOC; and (6) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

[X]The defendant shall not consume any alcohol.

[] Defendant shall have no contact with:

[] Defendant shall remain [] within [] outside of a specified geographical boundary, to wit:

[] The defendant shall participate in the following crime-related treatment or counseling services:

[] The defendant shall undergo an evaluation for treatment for [] domestic violence [] substance abuse [] mental health [] anger management and fully comply with all recommended treatment.

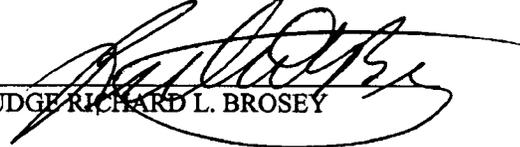
[] The defendant shall comply with the following crime-related prohibitions:

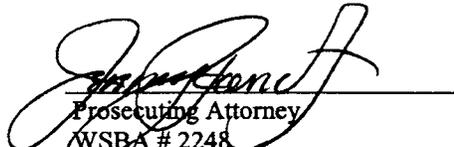
[] Other conditions:

V. NOTICES AND SIGNATURES

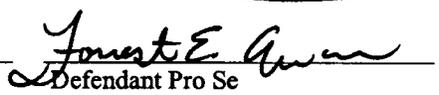
- 5.1 **COLLATERAL ATTACK ON JUDGMENT.** Any petition or motion for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.
- 5.2 **LENGTH OF SUPERVISION.** For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5).
- 5.3 **NOTICE OF INCOME-WITHHOLDING ACTION.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.
- 5.4 **RESTITUTION HEARING.**
 Defendant waives any right to be present at any restitution hearing (sign initials): _____.
- 5.5 Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. RCW 9.94A.634.
- 5.6 **FIREARMS.** You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The court clerk shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.
- 5.7 **VOTING RIGHTS.** Your right to vote in the State of Washington is forfeited until lawfully restored. The Clerk is directed to notify the Auditor of these felony convictions.
- 5.8 **OTHER:** _____

DONE in Open Court and in the presence of the defendant on the 12 day of September 2005.


JUDGE RICHARD L. BROSEY


Prosecuting Attorney
WSBA # 2248
JEREMY RANDOLPH

WAIVED
Attorney for Defendant
WSBA #
Print name:


Defendant Pro Se
FORREST EUGENE AMOS

CAUSE NUMBER of this case: 00-1-00033-7

I, Kathy Brack, 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

IDENTIFICATION OF DEFENDANT

SID No. WA18562708

Date of Birth 05.16.83

FBI No. 498830NB6

Local ID No. _____

PCN No. _____

DOC No. 809903

Alias name, SSN, DOB: _____

Race:

Asian/Pacific
Islander

Black/African-American

Caucasian

Ethnicity:

Hispanic

Sex:

Male

Native American

Other: _____

Non-Hispanic

Female

FINGERPRINTS: I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk, S. Tju Dated: 9/12/05

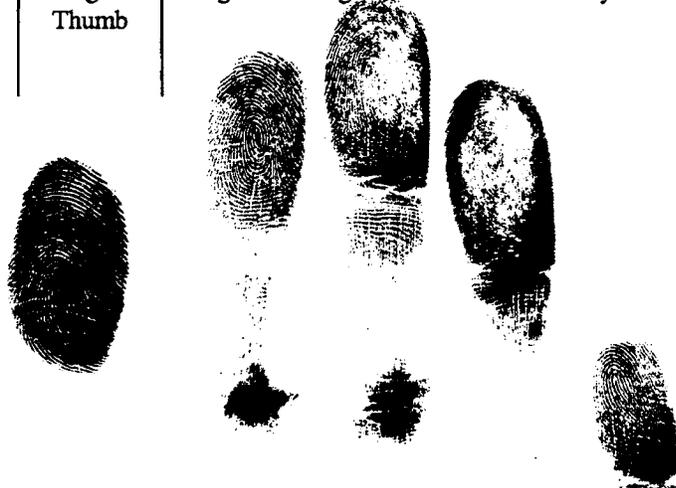
DEFENDANT'S SIGNATURE: Joseph E. Am...

Left four fingers taken simultaneously

Left
Thumb

Right
Thumb

Right four fingers taken simultaneously



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IN THE SUPERIOR COURT OF WASHINGTON FOR THE COUNTY OF LEWIS

STATE OF WASHINGTON,
Plaintiff,

v.
FORREST EUGENE AMOS,
Defendant.

No. 00-1-00033-7

**FINDINGS OF FACT AND CONCLUSIONS OF
LAW IN SUPPORT OF EXCEPTIONAL SENTENCE
APPENDIX 2.4 TO JUDGMENT AND SENTENCE**

An exceptional sentence below the standard range should be imposed based upon the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

- 1.1 The defendant and the state entered into a plea agreement wherein the state agreed to recommend a sentenced of 120 months in the Department of Corrections (DOC).
- 1.2 Based on the defendant's criminal history at the time of re-sentencing, the minimum sentence that may imposed without an exceptional sentence below the standard range is 123 months. The state requested the court to impose an exceptional sentence 3 months below the standard range to comport with its original plea offer.

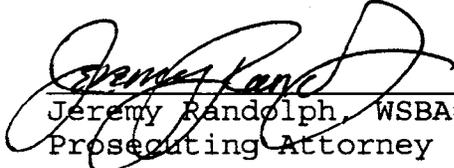
II. CONCLUSIONS OF LAW

1 2.1 This Court has jurisdiction over the defendant and the
2 subject matter of this action.

3 2.2 There are substantial and compelling reasons justifying
4 the imposition of an exceptional sentence below the
5 standard range pursuant to RCW 9.94A.535.

6 DONE in open court this 12 day of ^{September}~~July~~, 2005

7
8 
9 SUPERIOR COURT JUDGE
10 *Richard D. Blawie*

11 
12 Jeremy Randolph WSBA# 2248
13 Prosecuting Attorney

14 
15 Forrest E. Amos, Pro Se