

FILED
COURT OF APPEALS
DIVISION II

NO. 36725-4-II

COPIES - 9 FILED 21

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

CLERK OF COURT
BY Emm
DEPUTY

STATE OF WASHINGTON, Respondent

v.

STEVEN LAMONT HARRIS, Appellant

FROM THE SUPERIOR COURT FOR CLARK COUNTY
THE HONORABLE ROBERT LEWIS
CLARK COUNTY SUPERIOR COURT CAUSE NO. 07-1-00059-3

BRIEF OF RESPONDENT

Attorneys for Respondent:

ARTHUR D. CURTIS
Prosecuting Attorney
Clark County, Washington

MICHAEL C. KINNIE, WSBA #7869
Senior Deputy Prosecuting Attorney

Clark County Prosecuting Attorney
1013 Franklin Street
PO Box 5000
Vancouver WA 98666-5000
Telephone (360) 397-2261

TABLE OF CONTENTS

I. STATEMENT OF THE FACTS1
II. RESPONSE TO ASSIGNMENT OF ERROR.....3
III. CONCLUSION7

TABLE OF AUTHORITIES

Statutes

RCW 5.44.0403, 4, 5

Cases

State of Louisiana v. Donald, 99-3612 (La.12-8-00); 775 So.2d 1054
(2000 La. LEXIS 3372)5, 6

State v. Bergstrom, 162 Wn.2d 87, 169 P.3d. 816 (2007).....5

State v. Johnson, 194 Wash. 438, 78 P.2d 561 (1938)5

State v. Kirkpatrick, 160 Wn.2d 873, 881, 161 P.3d 990 (2007)4

State v. Lopez, 147 Wn.2d 515, 519, 55 P.3d 609 (2002).....5

State v. Monson, 113 Wn.2d 833, 836 – 837 784 P.2d 485 (1989)4, 5

I. STATEMENT OF THE FACTS

On July 27, 2007, the defendant plead guilty to the third Amended Information charging him with Theft in the First Degree (CP 7). The State maintained that the defendant had 6 points.

On August 29, 2007, the defendant was sentenced. (Felony Judgment and Sentence, CP 22). At that time, the Judgment and Sentence reflected a offender score of 5, rather than the 6 preliminarily suggested. The five convictions that were used were out of Louisiana. They included Thefts of over \$500, issuing worthless checks over \$500, and possession of controlled substance/ distribution of cocaine.

To establish this prior history, the State submitted a pre-sentence memorandum which included the original certified copies of the Judgment and Sentences from Louisiana (RP 14). The defense disputed the authenticity of the Louisiana convictions. The claim was not that the defendant had committed these felonies, but rather, the copies from Louisiana were not certified. "You don't have a certified document from Louisiana in front of you. None of those documents are certified. They are true copies." (Defense Attorney, RP 15 L 21 – 23). A copy of the attachments to the State's Pre-Sentence Memorandum (CP 36) dealing with the certified copies of the Louisiana Judgments are attached hereto and by this reference incorporated herein.

The documents presented for the court to review were as follows:

- 1) **Theft Over \$500, St. Tammany Parish/LA #265132:** Certified copies of: Felony Bill of Information, Extract of Minutes for Defendant's change of plea and sentencing, and Judgment on Revocation for a Probation Violation. Each document is certified as a true copy or extract, is signed by a deputy clerk. **(Attachment C)**.
- 2) **Theft Over \$500, St. Tammany Parish/LA #271309:** Certified copies of: Felony Bill of Information, Extract of Minutes for Defendant's change of plea and sentencing, and Judgment on Revocation for a Probation Violation. Each document is certified as a true copy or extract, is signed by a deputy clerk. **(Attachment D)**.
- 3) **Issuing Worthless Checks Over \$500, St. Tammany parish/LA #271310:** Certified copies of: Felony Bill of Information, Extract of Minutes for Defendant's change of plea and sentencing, and Judgment on Revocation for a Probation Violation. Each document is certified as a true copy of extract, is signed by a deputy clerk. **(Attachment E)**.
- 4) **Theft Over \$500, St. Tammany Parish/LA #273370:** Certified copies of: Felony Bill of Information, Extract of Minutes for Defendant's change of plea and sentencing, and Judgment on Revocation for a Probation Violation. Each document is certified as a true copy or extract, is signed by a deputy clerk. **(Attachment F)**.

5) Distribution of Cocaine, St. Tammany Parish/LA #273371:

Certified copies of: Felony Bill of Information, Extract of Minutes for Defendant's change of plea and sentencing, and Judgment on Revocation for a Probation Violation. Each document is certified as a true copy or extract, is signed by a deputy clerk. **(Attachment G).**

II. RESPONSE TO ASSIGNMENT OF ERROR

The assignment of error raised by the defendant is a claim that the State did not meet its burden of proving the prior convictions from Louisiana because they were not certified copies. The defendant is not disputing that he committed these felonies in the State of Louisiana, but is a technical argument that the requirements of Washington statutes were not met.

In the State of Washington there are a number of overlapping rules and statutes dealing with certified copies of public records. RCW 5.44.040 discusses certified copies of public records as evidence. The provisions of that statute are as follows:

RCW 5.44.040. Certified copies of public records as evidence

Copies of all records and documents on record or on file in the offices of the various departments of the United States and of this state or any other state or territory of the United States, when duly certified by the respective officers having by law the custody thereof, under their respective seals

where such officers have official seals, shall be admitted in evidence in the courts of this state.

In State v. Monson, 113 Wn.2d 833, 836 – 837 784 P.2d 485 (1989) and State v. Kirkpatrick, 160 Wn.2d 873, 881, 161 P.3d 990 (2007) the concept of the use of public records was one of the issues raised. It was determined that RCW 5.44.040 provided one exception to the hearsay rule for copies of records and documents on record or on file in the offices of various departments of the United States or of the State of Washington or other jurisdictions when duly certified by the respective officers having by law custody of those documents. In that regard then the public record certified in that manner is self authenticated. ER 902 (d). Additionally, to be admissible in Washington, a public record must (1) contain facts, rather than conclusions that involve judgment, discretion, or expression of opinions; (2) relate to facts that are of a public nature; (3) be retained for public benefit; and (4) be authorized by statute. Monson, 133 Wn.2d at 839. ER 902 discusses the concept of self authentication of certified copies of public records. That rule of self authentication does not necessarily require that a seal be used.

Also contained in this discussion is the concept of full faith and credit to be given to public records and judicial proceedings of other states. (Article IV, § 1, of the United States Constitution). This was

discussed in some detail in State v. Johnson, 194 Wash. 438, 78 P.2d 561 (1938). As indicated in State v. Monson, 113 Wn.2d at 837, RCW 5.44.040 is a codification of the common law public records hearsay exception and has been the rule in the State of Washington since at least 1891.

The State bears the burden of proving the existence of prior convictions by a preponderance of the evidence. State v. Bergstrom, 162 Wn.2d 87, 169 P.3d. 816 (2007). The best evidence to establish a defendant's prior conviction is the production of a certified copy of the prior Judgment and Sentence. State v. Lopez, 147 Wn.2d 515, 519, 55 P.3d 609 (2002). The State submits that that has been done in this case.

The scheme for court certification of documents in the State of Louisiana appears to be different than our system in the State of Washington. The State submits that full faith and credit should be given to the procedures followed in that State in certifying documentation as true and correct. This issue is demonstrated in the Louisiana case of State of Louisiana v. Donald, 99-3612 (La.12-8-00); 775 So.2d 1054 (2000 La. LEXIS 3372), released for publication December 22, 2000.

In the Donald case, the State of Louisiana was prosecuting the defendant for being a convicted felon in possession of a firearm. One of the documents to establish the prior conviction was a document from the

Los Angeles Police Department in California that showed that he had been convicted in California of Voluntary Manslaughter. The claim at the trial court level was whether this document was properly authenticated under the Louisiana code of evidence. The appellate court in Louisiana reversed the trial courts ruling. The appellate court felt the booking and identification record had not been properly “sealed” for purposes of the Louisiana code of evidence under their section 902 (1) and section 904. The Supreme Court in Louisiana reversed the Court of Appeals and complained that they had adopted an overly technical approach to the authentication of public records. This then led to a general discussion of what is meant by a certification of a public record for Louisiana statutory schemes and also the concept of the “seal” and what that means.

Louisiana’s statutory law is replete with references to seals, some of which are partially descriptive of raised or embossed impressions. (cite omitted). However, unlike other jurisdictions, Louisiana law lacks a general definition of the term....

Guided by the century old admonition of the Supreme Court that the intent of the executant is of primary importance in determining whether a document bears a “seal,” we conclude that for purposes of La. C.E. Art. 902, as long as the document bears an impression made by a public office or officer intended to designate it as an authentic public record or a copy thereof, the document has been properly “sealed.”

-(State of Louisiana v. Donald, 775 So.2d at 1056 – 1057).

The defendant in our case discusses a concept that this “certification” is not a court certification. (Brief of Appellant, page 5). The appellant does not cite any case law to support this concept. However, as indicated, the certification produced in the State of Louisiana would be recognized in their State as a court certification and would allow admissibility. There is absolutely no reason shown why full faith and credit should not be given to their concept of certification. The documents are authenticated by a deputy clerk with what appears to be an appropriate designation of authority to maintain records for one of the townships in the State of Louisiana. With that in mind, there is no reason for this Court not to honor that certification.

III. CONCLUSION

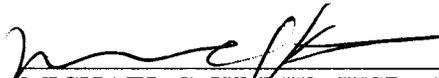
The trial court should be affirmed in all respects.

DATED this 7 day of May, 2008.

Respectfully submitted:

ARTHUR D. CURTIS
Prosecuting Attorney
Clark County, Washington

By:


MICHAEL C. KINNIE, WSBA#7869
Senior Deputy Prosecuting Attorney

APPENDIX "A"
STATES PRE-SENTENCE MEMORANDUM

ATTACHMENT C

A-1/08/97

FELONY BILL OF INFORMATION
STATE OF LOUISIANA - PARISH OF ST. TAMMANY
TWENTY-SECOND JUDICIAL DISTRICT

Motion
36 DEC 17 AM 9:30
FILED
ST. TAMMANY PARISH
CLERK OF COURT
265132

TO THE HONORABLE, THE TWENTY-SECOND JUDICIAL DISTRICT COURT OF LOUISIANA, sitting in and for the Parish of St. Tammany, comes now into open Court the undersigned District Attorney of the Twenty-Second Judicial District of Louisiana, in the name and by the authority of said State, informs the said Honorable Court;

That the person(s) named and identified below, late of the Parish of St. Tammany on or about the date below described, in the Parish of St. Tammany aforesaid and within the jurisdiction of the Twenty-Second Judicial District in and for the Parish of St. Tammany, State of Louisiana and contrary to the form of the Statutes of the State of Louisiana in such cases made and provided, and against the peace and dignity of the same did violate:

DEFENDANT'S NAME AND DATE OF BIRTH:

HARRIS, STEVEN L., 9/13/60

DATE OF OFFENSE: BETWEEN THE 1ST DAY OF AUGUST, 1996
AND THE 15TH DAY OF AUGUST, 1996

R.S. 14:67 THEFT, by the misappropriation or taking of property belonging to The Finish Line, wherein the value amounts to Over \$500.

Walter P. Reed
WALTER P. REED
DISTRICT ATTORNEY
22ND JUDICIAL DISTRICT
STATE OF LOUISIANA

A TRUE COPY
[Signature]
DY. CLERK 22nd JUD. DIST. COURT
ST. TAMMANY PARISH, LA

Div. A



I hereby certify that the above and foregoing fingerprints on this
bill are the fingerprints of the defendant Steven
Harris, and that they were placed thereon by said
detective this 15 day of 10, 19 97.
P. Guardia S.T.P.S.O

STATE OF LOUISIANA

22ND JUDICIAL DISTRICT COURT

VS. #265132 "A"

STATE OF LOUISIANA

STEVEN L. HARRIS

PARISH OF ST. TAMMANY

EXTRACT OF MINUTES

Wednesday, October 15, 1997

The defendant being present in open Court and attended by Counsel, James E. Talley, asked leave of Court to withdraw his previously entered plea of not guilty and entered a plea of guilty, whereupon Court had the defendant sworn and questioned him as to his age and education level, if the defendant could read and write the English language, questioned him as to his knowledge of the charges against him and the possible penalties for same, right to an attorney or Court appointed attorney, right to jury trial, right to appeal, right to confront accusers, and right against self-incrimination. The Court being satisfied the defendant is making a free and voluntary waiver of his constitutional rights and he is satisfied with the advise he has received from his Counsel, and the Court having found the defendant has the necessary mental capacity, and does, in fact, understand the nature of the charge, the Court having found there is a factual basis to support the charge, Court accepts the defendant's plea and the Defense at this time waived delays in sentencing, Court ordered the following sentence be imposed:

STEVEN L. HARRIS, having declared he is 37 years of age and after having plead guilty to unlawfully violated R.S. 14:67 by the misappropriation or taking of property belonging to The Finish Line, wherein the value amounts to Over \$500, Court at this time sentences the defendant to serve a period of five (5) years hard labor with the Department of Public Safety and Corrections, State of Louisiana, suspends said sentence and placed the defendant on probation for a period of five (5) years under the supervision of the Department of Public Safety and Corrections, State of Louisiana under the general terms of probation which have been made a part of the minutes of this

Court and with the following special conditions: 1) the defendant to pay a fine in the sum of \$500.00 and court costs, 2) the defendant to pay \$100.00 to the Indigent Defender Fund, and 3) the defendant to make restitution if necessary.

Further, Court informed the defendant he has three (3) years in which to file Post Conviction Relief.

Further, Court ordered the defendant to report for a probation interview on October 17, 1997.

Further, Court will allow the defendant's probation to be transferred to Oakland, California.

JOHN W. GREENE

JUDGE PRO TEMPORE, DIVISION "A"

A TRUE EXTRACT


CLERK, 22nd JUD. DIST. COURT
ST. TAMMANY PARISH, LA

Monday, April 30, 2001

COURT MET THIS DAY AND PURSUANT TO ADJOURNMENT, PRESENT AND PRESIDING, HIS HONOR, RAYMOND S. CHILDRESS, JUDGE DIVISION "A", DAVID WEILBAECHER, ASSISTANT DISTRICT ATTORNEY, RODNEY J. STRAIN, JR., SHERIFF, AND MALISE PRIETO, CLERK OF COURT. (ONEITA GRAHAM, COURT REPORTER AND LATIF EL-AMIN AND DARLENE BEACH, BAILIFFS)

265132 STATE OF LOUISIANA
 VS
 STEVEN L HARRIS

The defendant being present in open Court and attended by Counsel, John W. Hogue, III and this matter being on assignment for a Revocation Hearing, the defendant at this time admits to violating the conditions of his probation; whereupon Court revoked said probation and orders the defendant to serve the sentence originally imposed on October 15, 1997 and that sentence being to serve a period of five (5) years at hard labor with the Department of Public Safety and Corrections, State of Louisiana, credit of time served on this arrest and credit for time served in the State of Arizona.

COURT ADJOURNED SINE DIE MINUTES READ AND APPROVED

MINUTE CLERK VAF JUDGE DIVISION "A" RSC

A TRUE EXTRACT OF THE MINUTES OF THIS COURT


DEPUTY CLERK
22ND JUDICIAL DISTRICT COURT
ST. TAMMANY PARISH, LOUISIANA

A-1/08/97

**FELONY BILL OF INFORMATION
STATE OF LOUISIANA - PARISH OF ST. TAMMANY
TWENTY-SECOND JUDICIAL DISTRICT**

Memo
96 DEC 17 AM 9:38
FILED
ST. TAMMANY PARISH
CLERK OF COURT

265132

TO THE HONORABLE, THE TWENTY-SECOND JUDICIAL DISTRICT COURT OF LOUISIANA, sitting in and for the Parish of St. Tammany, comes now into open Court the undersigned District Attorney of the Twenty-Second Judicial District of Louisiana, in the name and by the authority of said State, informs the said Honorable Court;

WALTER P. REED
DISTRICT ATTORNEY

That the person(s) named and identified below, late of the Parish of St. Tammany on or about the date below described, in the Parish of St. Tammany aforesaid and within the jurisdiction of the Twenty-Second Judicial District in and for the Parish of St. Tammany, State of Louisiana and contrary to the form of the Statutes of the State of Louisiana in such cases made and provided, and against the peace and dignity of the same did violate:

DEFENDANT'S NAME AND DATE OF BIRTH:
HARRIS, STEVEN L., 9/13/60

DATE OF OFFENSE: BETWEEN THE 1ST DAY OF AUGUST, 1996
AND THE 15TH DAY OF AUGUST, 1996

R.S. 14:67 THEFT, by the misappropriation or taking of property belonging to The Finish Line, wherein the value amounts to Over \$500.

Walter P. Reed
WALTER P. REED
DISTRICT ATTORNEY
22ND JUDICIAL DISTRICT
STATE OF LOUISIANA

Div. A

A TRUE COPY
M. J. Sabowski
CLERK 22nd JUD. DIST. COURT
ST. TAMMANY PARISH, LA

ATTACHMENT D

5/29/97

FELONY BILL OF INFORMATION

STATE OF LOUISIANA - PARISH OF ST. TAMMANY

TWENTY-SECOND JUDICIAL DISTRICT

Melvin Prieto

97 MAY 12 AM 9 30

FILED
ST TAMMANY PARISH
CLERK OF COURT

271309

TO THE HONORABLE, THE TWENTY-SECOND JUDICIAL DISTRICT COURT OF LOUISIANA, sitting in and for the Parish of St. Tammany, comes now into open Court the undersigned District Attorney of the Twenty-Second Judicial District of Louisiana, in the name and by the authority of said State, informs the said Honorable Court;

**WALTER P. REED
DISTRICT ATTORNEY**

That the person(s) named and identified below, late of the Parish of St. Tammany on or about the date below described, in the Parish of St. Tammany aforesaid and within the jurisdiction of the Twenty-Second Judicial District in and for the Parish of St. Tammany, State of Louisiana and contrary to the form of the Statutes of the State of Louisiana in such cases made and provided, and against the peace and dignity of the same did violate:

DEFENDANT'S NAME AND DATE OF BIRTH:

STEVEN HARRIS, 9/13/60

DATE OF OFFENSE: BETWEEN THE 6TH DAT OF SEPTEMBER, 1996 AND THE 8TH DAY OF NOVEMBER, 1996

R.S. 14:67 THEFT, by the misappropriation or taking of property belonging to ILLIANA BLOCK AND BRICK, wherein the value amounts over \$500.

[Handwritten Signature]
WALTER P. REED
DISTRICT ATTORNEY
22ND JUDICIAL DISTRICT
STATE OF LOUISIANA

Div. A

A TRUE COPY
[Handwritten Signature]
DY. CLERK 22ND JUD. DIST. COURT
ST. TAMMANY PARISH, LA



I hereby certify that the above and foregoing fingerprints on this
bill are the fingerprints of the defendant, STEVEN HARRIS

, and that they were placed thereon by said
defendant this 15 day of OCT, 19 91.

By Michael [Signature] S.T.P.S.O.

STATE OF LOUISIANA

22ND JUDICIAL DISTRICT COURT

VS. #271309 "A"

STATE OF LOUISIANA

STEVEN HARRIS

PARISH OF ST. TAMMANY

EXTRACT OF MINUTES

Wednesday, October 15, 1997

The defendant being present in open Court and attended by Counsel, James E. Talley, asked leave of Court to withdraw his previously entered plea of not guilty and entered a plea of guilty, whereupon Court had the defendant sworn and questioned him as to his age and education level, if the defendant could read and write the English language, questioned him as to his knowledge of the charges against him and the possible penalties for same, right to an attorney or Court appointed attorney, right to jury trial, right to appeal, right to confront accusers, and right against self-incrimination. The Court being satisfied the defendant is making a free and voluntary waiver of his constitutional rights and he is satisfied with the advise he has received from his Counsel, and the Court having found the defendant has the necessary mental capacity, and does, in fact, understand the nature of the charge, the Court having found there is a factual basis to support the charge, Court accepts the defendant's plea and the Defense at this time waived delays in sentencing, Court ordered the following sentence be imposed:

STEVEN L. HARRIS, having declared he is 37 years of age and after having plead guilty to unlawfully violated R.S. 14:67 by the misappropriation or taking of property belonging to ILLIANA BLOCK AND BRICK, wherein the value amounts to Over \$500, Court at this time sentences the defendant to serve a period of five (5) years hard labor with the Department of Public Safety and Corrections, State of Louisiana, suspends said sentence and placed the defendant on probation for a period of five (5) years under the supervision of the Department of Public Safety and Corrections, State of Louisiana under the general terms of probation which have been made a part of the minutes of this Court.

Further, Court informed the defendant he has three (3)

years in which to file Post Conviction Relief.

Further, Court ordered the defendant to report for a probation interview on October 17, 1997.

Further, Court will allow the defendant's probation to be transferred to Oakland, California.

Further, Court ordered the sentence imposed herein run concurrent with the sentence imposed on Docket #265132.

JOHN W. GREENE

JUDGE PRO TEMPORE, DIVISION "A"

A TRUE EXTRACT


CLERK
DY CLERK 22nd JUD. DIST. COURT
ST. TAMMANY PARISH, LA

Monday, April 30, 2001

COURT MET THIS DAY AND PURSUANT TO ADJOURNMENT, PRESENT AND PRESIDING, HIS HONOR, RAYMOND S. CHILDRESS, JUDGE DIVISION "A", DAVID WEILBAECHER, ASSISTANT DISTRICT ATTORNEY, RODNEY J. STRAIN, JR., SHERIFF, AND MALISE PRIETO, CLERK OF COURT. (ONEITA GRAHAM, COURT REPORTER AND LATIF EL-AMIN AND DARLENE BEACH, BAILIFFS)

271309 STATE OF LOUISIANA
 VS
 STEVEN L HARRIS

The defendant being present in open Court and attended by Counsel, John W. Hogue, III and this matter being on assignment for a Revocation Hearing, the defendant at this time admits to violating the conditions of his probation; whereupon Court revoked said probation and orders the defendant to serve the sentence originally imposed on October 15, 1997 and that sentence being to serve a period of five (5) years at hard labor with the Department of Public Safety and Corrections, State of Louisiana, credit for time served on this arrest and credit for time served in the State of Arizona. Further, Court ordered the sentence imposed herein to run concurrent with the sentence imposed on Docket Number 265132.

COURT ADJOURNED SINE DIE MINUTES READ AND APPROVED

MINUTE CLERK VAF JUDGE DIVISION "A" RSC

A TRUE EXTRACT OF THE MINUTES OF THIS COURT


DEPUTY CLERK
22ND JUDICIAL DISTRICT COURT
ST. TAMMANY PARISH, LOUISIANA

ATTACHMENT E

FELONY BILL OF INFORMATION

STATE OF LOUISIANA

TWENTY-SECOND JUDICIAL DISTRICT

Melissa Rife

97 MAY 12 AM 9 30

FILED
ST. TAMMANY PARISH
CLERK OF COURT

271310

TO THE HONORABLE, THE TWENTY-SECOND JUDICIAL DISTRICT COURT OF LOUISIANA, sitting in and for the Parish of St. Tammany, comes now into Open Court the undersigned District Attorney of the Twenty-Second Judicial District of Louisiana, in the name and by the authority of said State, informs the said Honorable Court;

That the person named and identified below, late of the Parish of St. Tammany aforesaid and within the jurisdiction of the Twenty-Second Judicial District in and for the Parish of St. Tammany, State of Louisiana and contrary to the form of the Statutes of the State of Louisiana in such cases made and provided, and against the peace and dignity of the same did violate:

DEFENDANT'S NAME AND DATE OF BIRTH:
STEVEN HARRIS, 09-13-60

R.S. 14:71 ISSUING WORTHLESS CHECKS, by issuing in exchange for something of value with the intent to defraud the following check(s) drawn on ACADIAN BANK & AMERICAN BANK & TRUST CO. knowing at the time of issuance of said check(s) that there was not sufficient funds with said bank for payment of such check(s) upon presentation:

| | | | |
|----------|----------|-----------------------|------------|
| CHECK 1 | 08-12-96 | A & P #045 | \$250.00 |
| CHECK 2 | 10-29-96 | POPEYES-COVINGTON | 13.62 |
| CHECK 3 | 11-01-96 | COVINGTON SUPERMARKET | 217.43 |
| CHECK 4 | 11-06-96 | IGA/COVINGTON | 200.00 |
| CHECK 5 | 11-07-96 | COVINGTON SUPERMARKET | 243.00 |
| CHECK 6 | 11-09-96 | IGA/COVINGTON | 220.33 |
| CHECK 7 | 11-12-96 | IGA/COVINGTON | 100.00 |
| CHECK 8 | 11-14-96 | COVINGTON SUPERMARKET | 432.33 |
| CHECK 9 | 11-14-96 | IGA/COVINGTON | 232.23 |
| CHECK 10 | 11-19-96 | A & P #045 | 185.00 |
| CHECK 11 | 11-19-96 | COVINGTON SUPERMARKET | 187.43 |
| CHECK 12 | 11-21-96 | ALBERTSONS #2716 | 200.00 |
| CHECK 13 | 11-23-96 | ACT FOODS INC. | 125.00 |
| CHECK 14 | 12-07-96 | ACT FOOD INC. | 100.00 |
| CHECK 15 | 12-08-96 | A & P #016 | 33.57 |
| CHECK 16 | 12-16-96 | ACT FOODS INC. | 250.00 |
| CHECK 17 | 12-19-96 | PLAYVILLE, INC | 89.76 |
| CHECK 18 | 12-21-96 | ALBERTSONS #2739 | 35.46 |
| CHECK 19 | 12-21-96 | ALBERTSONS #2739 | 105.22 |
| CHECK 20 | 12-23-96 | WAL-MART #0541 | 169.86 |
| CHECK 21 | 01-15-97 | A & P #016 | 142.79 |
| CHECK 22 | 01-18-97 | JAMES SCHOULTZ | 207.46 |
| CHECK 23 | 01-21-97 | JAMES SCHOULTZ | 200.00 |
| TOTAL | | | \$3,940.49 |

WALTER P. REED
DISTRICT ATTORNEY
22ND JUDICIAL DISTRICT
STATE OF LOUISIANA

Div. A

A TRUE COPY

BY CLERK 22nd JUD. DIST. COURT
ST. TAMMANY PARISH, LA

Bond is herein fixed at the sum of \$

all conditioned as the law

directs

Covington, Louisiana

, 19

Judge

No.

STATE OF LOUISIANA

Versus

Information for



I hereby certify that the above and foregoing fingerprints on this bill are the fingerprints of the defendant, Steven Harris, and that they were placed thereon by said defendant this 15 day of 10, 19 97.
E. J. Anderson S.T.P.S.O.

Monday, April 30, 2001

COURT MET THIS DAY AND PURSUANT TO ADJOURNMENT, PRESENT AND PRESIDING, HIS HONOR, RAYMOND S. CHILDRESS, JUDGE DIVISION "A", DAVID WEILBAECHER, ASSISTANT DISTRICT ATTORNEY, RODNEY J. STRAIN, JR., SHERIFF, AND MALISE PRIETO, CLERK OF COURT. (ONEITA GRAHAM, COURT REPORTER AND LATIF EL-AMIN AND DARLENE BEACH, BAILIFFS)

271310 STATE OF LOUISIANA
 VS
 STEVEN L HARRIS

The defendant being present in open Court and attended by Counsel, John W. Hogue, III and this matter being on assignment for a Revocation Hearing, the defendant at this time admits to violating the conditions of his probation; whereupon Court revoked said probation and orders the defendant to serve the sentence originally imposed on October 15, 1997 and that sentence being to serve a period of two (2) years at hard labor with the Department of Public Safety and Corrections, State of Louisiana, credit for time served and credit for time served in the State of Arizona. Further, Court ordered the sentence imposed herein to run concurrent with the sentence imposed on Docket Number 265132.

COURT ADJOURNED SINE DIE MINUTES READ AND APPROVED

MINUTE CLERK VAF JUDGE DIVISION "A" RSC

A TRUE EXTRACT OF THE MINUTES OF THIS COURT


DEPUTY CLERK
22ND JUDICIAL DISTRICT COURT
ST. TAMMANY PARISH, LOUISIANA

STATE OF LOUISIANA

22ND JUDICIAL DISTRICT COURT

VS. #271310 "A"

STATE OF LOUISIANA

STEVEN HARRIS

PARISH OF ST. TAMMANY

EXTRACT OF MINUTES

Wednesday, October 15, 1997

The defendant being present in open Court and attended by Counsel, James E. Talley, asked leave of Court to withdraw his previously entered plea of not guilty and entered a plea of guilty, whereupon Court had the defendant sworn and questioned him as to his age and education level, if the defendant could read and write the English language, questioned him as to his knowledge of the charges against him and the possible penalties for same, right to an attorney or Court appointed attorney, right to jury trial, right to appeal, right to confront accusers, and right against self-incrimination. The Court being satisfied the defendant is making a free and voluntary waiver of his constitutional rights and he is satisfied with the advise he has received from his Counsel, and the Court having found the defendant has the necessary mental capacity, and does, in fact, understand the nature of the charge, the Court having found there is a factual basis to support the charge, Court accepts the defendant's plea and the Defense at this time waived delays in sentencing, Court ordered the following sentence be imposed:

STEVEN L. HARRIS, having declared he is 37 years of age and after having plead guilty to unlawfully violated R.S. 14:71 by issuing in exchange for something of value with the intent to defraud the following check(s) drawn on ACADIAN BANK & AMERICAN BANK & TRUST CO. knowing at the time of issuance of said check(s) that there was not sufficient funds with said bank for payment of such check(s) upon presentation, (see Bill of Information for victims and amounts) Court at this time sentences the defendant to serve a period of two (2) years hard labor with the Department of Public Safety and Corrections,

State of Louisiana, suspends said sentence and placed the defendant on probation for a period of five (5) years under the supervision of the Department of Public Safety and Corrections, State of Louisiana under the general terms of probation which have been made a part of the minutes of this Court.

Further, Court informed the defendant he has three (3) years in which to file Post Conviction Relief.

Further, Court ordered the defendant to report for a probation interview on October 17, 1997.

Further, Court will allow the defendant's probation to be transferred to Oakland, California.

Further, Court ordered the sentence imposed herein run concurrent with the sentence imposed on Docket #265132.

Further, an attachment having previously issued herein, Court ordered the attachment rescinded and recalled.

JOHN W. GREENE

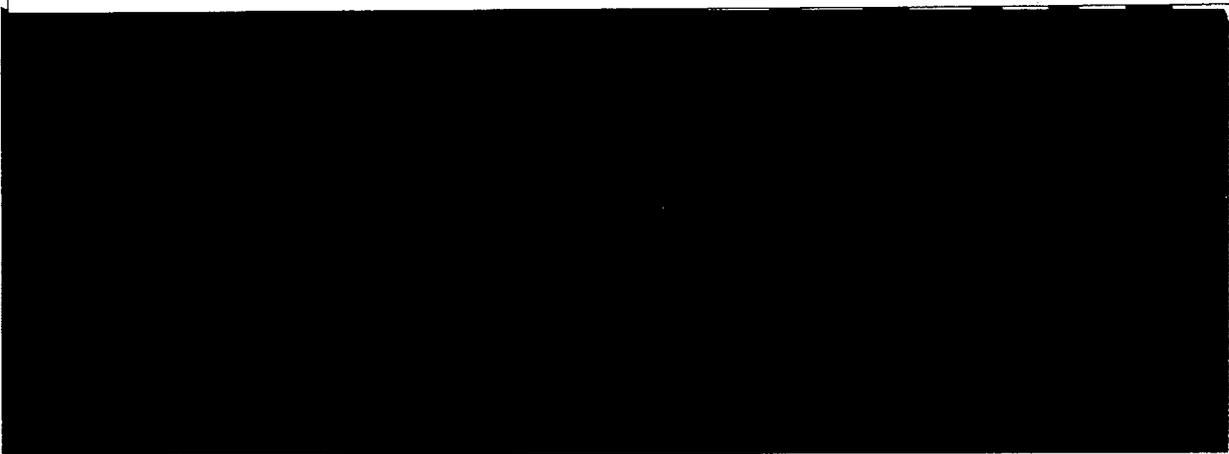
JUDGE PRO TEMPORE, DIVISION "A"

A TRUE EXTRACT



DY CLERK 22nd JUD. DIST. COURT
ST. TAMMANY PARISH, LA

ATTACHMENT F



7/16/97

FELONY BILL OF INFORMATION

STATE OF LOUISIANA - PARISH OF ST. TAMMANY

TWENTY-SECOND JUDICIAL DISTRICT

Malice Rife

'97 JUN 25 AM 9 00

ST. TAMMANY PARISH
CLERK OF COURT

FILES

273370

TO THE HONORABLE, THE TWENTY-SECOND JUDICIAL DISTRICT COURT OF LOUISIANA, sitting in and for the Parish of St. Tammany, comes now into open Court the undersigned District Attorney of the Twenty-Second Judicial District of Louisiana, in the name and by the authority of said State, informs the said Honorable Court;

That the person(s) named and identified below, late of the Parish of St. Tammany on or about the date below described, in the Parish of St. Tammany aforesaid and within the jurisdiction of the Twenty-Second Judicial District in and for the Parish of St. Tammany, State of Louisiana and contrary to the form of the Statutes of the State of Louisiana in such cases made and provided, and against the peace and dignity of the same did violate:

DEFENDANT'S NAME AND DATE OF BIRTH:

- 1.) JENNIFER HARRIS, 7/3/73
- 2.) STEVEN L. HARRIS, 9/13/60

DATE OF OFFENSE: DECEMBER 23, 1996

COUNT ONE

R.S. 14:67 THEFT, by the misappropriation or taking of property belonging to ETC COMPUTERS, wherein the value amounts over \$500.

COUNT TWO And further between the 28th day October, 1996 and the 15th day of November, 1996 did violate:

R.S. 14:67 THEFT, by the misappropriation or taking of property belonging to CBA RETREADERS, wherein the value amounts between \$100 - \$500.

11/17/97
Will Prosecute both
counts as to A Jennifer Harris
only
WRB

(A)

Div. A

Walter P. Reed
 WALTER P. REED
 DISTRICT ATTORNEY
 22ND JUDICIAL DISTRICT
 STATE OF LOUISIANA

A TRUE COPY
[Signature]
 DY. CLERK 22nd JUD. DIST. COURT
 ST. TAMMANY PARISH, LA

(Print Name) _____

Subscribed and sworn to before me this 15 day of Oct, 1997.

By Richard [Signature] Notary Public
\$14.50



STATE OF LOUISIANA

22ND JUDICIAL DISTRICT COURT

VS. #273370 "A"

STATE OF LOUISIANA

STEVEN L. HARRIS

PARISH OF ST. TAMMANY

EXTRACT OF MINUTES

Wednesday, October 15, 1997

The defendant being present in open Court and attended by Counsel, James E. Talley, asked leave of Court to withdraw his previously entered plea of not guilty and entered a plea of guilty to Counts 1 and 2, whereupon Court had the defendant sworn and questioned him as to his age and education level, if the defendant could read and write the English language, questioned him as to his knowledge of the charges against him and the possible penalties for same, right to an attorney or Court appointed attorney, right to jury trial, right to appeal, right to confront accusers, and right against self-incrimination. The Court being satisfied the defendant is making a free and voluntary waiver of his constitutional rights and he is satisfied with the advise he has received from his Counsel, and the Court having found the defendant has the necessary mental capacity, and does, in fact, understand the nature of the charge, the Court having found there is a factual basis to support the charge, Court accepts the defendant's plea and the Defense at this time waived delays in sentencing, Court ordered the following sentence be imposed:

STEVEN L. HARRIS, having declared he is 37 years of age and after having plead guilty to Count 1, unlawfully violated R.S. 14:71 by the misappropriation or taking of property belonging to ETC COMPUTERS, wherein the value amounts over \$500, Court at this time sentences the defendant to serve a period of five (5) years hard labor with the Department of Public Safety and Corrections, State of Louisiana, suspends said sentence and placed the defendant on probation for a period of five (5) years

under the supervision of the Department of Public Safety and Corrections, State of Louisiana under the general terms of probation which have been made a part of the minutes of this Court.

Count 2, And further between the 28th day October, 1996 and the 15th day of November, 1996 did violate: the defendant having plead guilty to unlawfully violated R.S. 14:67 by the misappropriation or taking of property belonging to CBA RETREADERS, wherein the value amounts between \$100-\$500, Court sentences the defendant to serve a period of two (2) years hard labor with the Department of Public Safety and Corrections, State of Louisiana, suspends sentence, and placed the defendant on probation for a period of five (5) years under the supervision of the Department of Public Safety and Corrections, State of Louisiana, under the general terms of probation which have been made a part of the minutes of this Court and with the following special conditions: 1) the defendant to pay a fine in the sum of \$300.00 and court costs, 2) the defendant to pay \$100.00 to the Indigent Defender Fund, and 3) the defendant to make restitution.

Counts 1 and 2 to run concurrent with each other.

Further, Court informed the defendant he has three (3) years in which to file Post Conviction Relief.

Further, Court ordered the defendant to report for a probation interview on October 17, 1997.

Further, Court will allow the defendant's probation to be transferred to Oakland, California.

Further, Court ordered the sentence imposed herein run concurrent with the sentence imposed on Docket #265132.

A TRUE EXTRACT

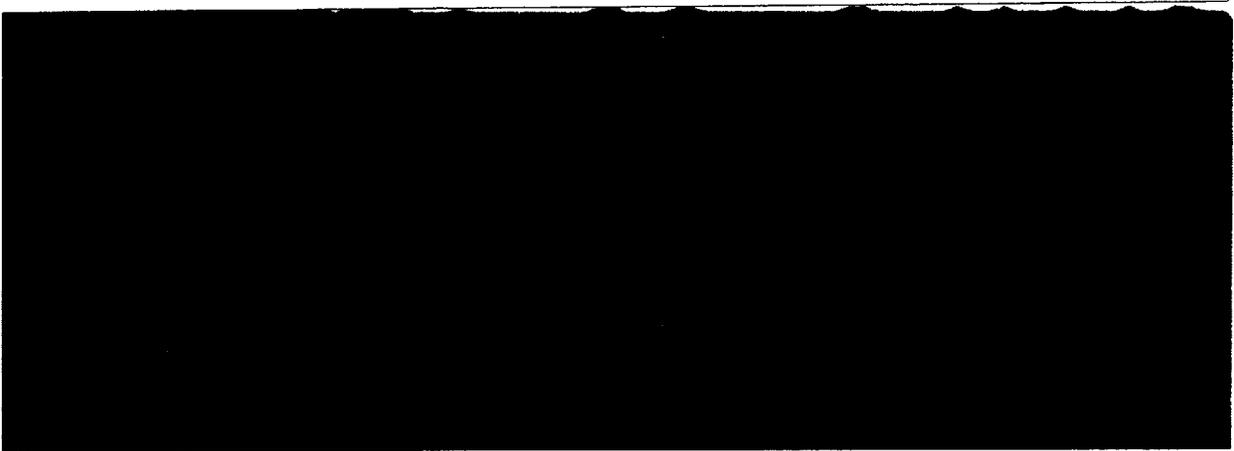


DY. CLERK 22nd JUD. DIST. COURT
ST. TAMMANY PARISH, LA

JOHN W. GREENE

JUDGE PRO TEMPORE, DIVISION "A"

ATTACHMENT G



7/16/97

FELONY BILL OF INFORMATION

STATE OF LOUISIANA - PARISH OF ST. TAMMANY

TWENTY-SECOND JUDICIAL DISTRICT

Melissa Rieff

'97 JUN 25 AM 9 00

FILED
ST. TAMMANY PARISH
CLERK OF COURT

273371

TO THE HONORABLE, THE TWENTY-SECOND JUDICIAL DISTRICT COURT OF LOUISIANA, sitting in and for the Parish of St. Tammany, comes now into open Court the undersigned District Attorney of the Twenty-Second Judicial District of Louisiana, in the name and by the authority of said State, informs the said Honorable Court;

**WALTER P. REED
DISTRICT ATTORNEY**

That the person(s) named and identified below, late of the Parish of St. Tammany on or about the date below described, in the Parish of St. Tammany aforesaid and within the jurisdiction of the Twenty-Second Judicial District in and for the Parish of St. Tammany, State of Louisiana and contrary to the form of the Statutes of the State of Louisiana in such cases made and provided, and against the peace and dignity of the same did violate:

DEFENDANT'S NAME AND DATE OF BIRTH:

- 1.) JENNIFER HARRIS, 7/3/73
- 2.) STEVEN L. HARRIS, 9/13/60

DATE OF OFFENSE: MARCH 13, 1997

R.S. 40:967A(1) DISTRIBUTION OF A SCHEDULE II CONTROLLED DANGEROUS SUBSTANCE, by knowingly and intentionally distributing a Schedule II controlled dangerous substance, to-wit: COCAINE.

Seethers

WALTER P. REED
DISTRICT ATTORNEY
22ND JUDICIAL DISTRICT
STATE OF LOUISIANA

ksr

Div. A

A TRUE COPY
[Signature]
CLERK 22ND JUD. DIST. COURT
ST. TAMMANY PARISH, LA

I hereby certify that the above and foregoing fingerprints on this bill are the fingerprints of the said Steven HARRIS and that they were placed thereon by said defendant this 15 day of OCT, 19 97.
Det. David Schultz S.T.P.S.O.



I hereby certify that the above and foregoing fingerprints on this bill are the fingerprints of the defendant, STEVEN HARRIS, and that they were placed thereon by said defendant this 15 day of OCT, 19 97.
Det. David Schultz S.T.P.S.O.

STATE OF LOUISIANA

22ND JUDICIAL DISTRICT COURT

VS. #273371 "A"

STATE OF LOUISIANA

STEVEN L. HARRIS

PARISH OF ST. TAMMANY

EXTRACT OF MINUTES

Wednesday, October 15, 1997

The defendant being present in open Court and attended by Counsel, James E. Talley, asked leave of Court to withdraw his previously entered plea of not guilty and entered a plea of guilty, whereupon Court had the defendant sworn and questioned him as to his age and education level, if the defendant could read and write the English language, questioned him as to his knowledge of the charges against him and the possible penalties for same, right to an attorney or Court appointed attorney, right to jury trial, right to appeal, right to confront accusers, and right against self-incrimination. The Court being satisfied the defendant is making a free and voluntary waiver of his constitutional rights and he is satisfied with the advise he has received from his Counsel, and the Court having found the defendant has the necessary mental capacity, and does, in fact, understand the nature of the charge, the Court having found there is a factual basis to support the charge, Court accepts the defendant's plea and the Defense at this time waived delays in sentencing, Court ordered the following sentence be imposed:

STEVEN L. HARRIS, having declared he is 37 years of age and after having plead guilty to unlawfully violated R.S. 40:967A(1) by knowingly and intentionally distributing a Schedule II controlled dangerous substance, to-wit: COCAINE, Court at this time sentences the defendant to serve a period of seven (7) years hard labor with the Department of Public Safety and Corrections, State of Louisiana, suspends said sentence and placed the defendant on probation for a period of five (5) years under the supervision of the Department of Public Safety and Corrections, State of Louisiana under the general terms of

probation which have been made a part of the minutes of this Court and with the following special conditions: 1) the defendant to serve a period of ninety (90) days in the Parish Jail, credit for time served, 2) the defendant to pay a fine in the sum of \$700.00 and court costs, 3) the defendant to pay \$200.00 to the Indigent Defender Fund, 4) the defendant to participate in a substance abuse program and to enroll with sixty (60) days of this date, 5) the defendant to submit to random drug screens, 6) the defendant to pay \$50.00 to the Judicial Expense Fund, and 7) the defendant to pay \$50.00 to the Drug Education and Eradication Program.

Further, Court informed the defendant he has three (3) years in which to file Post Conviction Relief.

Further, Court ordered the defendant to report for a probation interview on **October 17, 1997**.

Further, Court will allow the defendant's probation to be transferred to Oakland, California.

Further, Court ordered the sentence imposed herein run concurrent with the sentence imposed on Docket #265132.

JOHN W. GREENE

JUDGE PRO TEMPORE, DIVISION "A"

A TRUE EXTRACT


CLERK 22nd JUD. DIST. COURT
ST. TAMMANY PARISH, LA

