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COURT OF APPEALS  
DIVISION II

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STATE OF WASHINGTON  
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DEPUTY

NO. 37383-1-II

COURT OF APPEALS, DIVISION II  
OF THE STATE OF WASHINGTON

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STATE OF WASHINGTON, Respondent,

v.

ROBERT THOMAS YOUNG, Appellant.

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APPELLANT'S BRIEF

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Rebecca Wold Bouchey  
WSBA #26081  
Attorney for Appellant

P.O. Box 1401  
Mercer Island, WA 98040  
(206) 275-0551

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## **I. ASSIGNMENTS OF ERROR**

1. The trial court erred by finding that “a chemical dependency contributed to this offense” without any evidence that Young suffered from drug or alcohol dependency.
2. The trial court erred by ordering mental health and drug and alcohol evaluations.
3. The trial court erred by failing to treat Young’s forgery and second degree theft convictions as the same offense for purposes of calculating his offender score.

## **II. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR**

1. The trial court erred by failing to treat the forgery and second degree theft convictions as the same offense for sentencing purposes.
2. The trial court erred by finding without any evidence that “a chemical dependency contributed to this offense” and ordering mental health and drug and alcohol evaluations

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

On August 28, 2006, Robert Young was charged with theft in the first degree and forgery based on time sheets he allegedly altered and

submitted to his work-study employer between June 1, 2003 and February 28, 2004.<sup>1</sup> CP 1-2. Young was also charged with bail jumping based on one failure to appear. CP 2.

Robert Young, a retired army sergeant, began a work-study position for the Veterans Administration early in 2003. RP3 454, RP2 197. He was assigned to work in the warehouse and was supervised by Don Turpin. RP3 454.

To be paid for his work, a VA work-study employee submits a time sheet showing his hours daily during the specified period. RP2 200. The number of hours worked each day must be initialed by both the employee and the supervisor. RP2 200. The amount owed to the employee was then calculated based on the work-study contract (which specified the rate of pay) and the hours shown on the timesheet. RP3 327.

Turpin testified that he did initial timesheets for Young from February 17, 2003 through June 16, 2003. RP2 217-219. Turpin had no specific memory of Young being absent from work, nor did he report Young's absence to human resources. RP2 205, 234. However, he testified that he had not initialed the timesheets submitted by Young from June 16, 2003, through February 19, 2004. RP2 219-221. According to

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<sup>1</sup> The Information was subsequently amended twice, the second amended information being filed on December 6, 2007, which returned the charges to be the same as the initial information. CP 24-25.

Turpin, although there were other employees in the warehouse who could sign timesheets in his absence, they were authorized to sign only with their own initials, not his. RP4 546.

On January 27, 2006, Special Agent James Eckrich confronted Young during Young's counseling appointment at the VA. RP4 490. According to Eckrich, during the interview that followed, Young admitted to him that he had signed Turpin's initials on the timesheets he submitted June 2003 through February 2004. RP3 382-83. Young later submitted a written statement. RP3 393.

Young testified that he had worked in the warehouse without incident until the summer of 2003, when Turpin transferred him to the mailroom. RP3 457. Young complained about the transfer and was eventually returned to the warehouse. RP3 485. The mailroom supervisor signed his timesheets for the hours he worked there. RP3 460. When Young was transferred back to the warehouse after a month, Turpin was either absent or hostile to him and refused to sign his timesheets in his presence. RP3 463, 479. Young would leave the timesheets for Turpin to sign and return to pick them up. RP3 479. Young denied initialing for Turpin, though he did admit that he had missed a few days of work for sickness. RP3 488. Young testified that Eckrich manipulated his words to obtain the alleged confession. RP3 502.

The human resources supervisor testified that Young was paid \$7,383 for 1,050 hours worked from June 16, 2003, through February 19, 2004. RP3 349.

The jury found Young guilty of the lesser offense of second degree theft, forgery, and bail jumping. RP5 626. The jury was asked by special verdict when the forgery was committed, and they found it was committed during the period from June 16, 2003, to February 19, 2004. RP5 631.

At sentencing, the defense moved to dismiss the forgery conviction, arguing that the timesheets were not "written instruments" as defined in the statute. RP 1/25/08 5. The court denied the motion, finding that the timesheets were within the definition of RCW 9A.60.010. RP 1/25/08 10.

The defense further argued that the forgery and theft convictions merged for double jeopardy purposes. However, the court held that the offenses did not merge because the forgery was complete prior to completion of the theft. RP 1/25/08 10.

The court determined that Young had an offender score of 2, with a standard range of 2-5 months on the second-degree theft and forgery convictions, and 4-12 months on the bail jumping charge. Judgment and Sentence, p. 2 (Attached). The court granted Young first-time offender status and ordered 30 days confinement on all three convictions

(concurrent), with 24 months community custody. Judgment and Sentence, pp. 4-5.

The court orally conditioned the sentence on mental health and drug and alcohol evaluations. RP 1/25/08 17-18. The Judgment and Sentence states that “a chemical dependency contributed to this offense.” Judgment and Sentence, p. 2. And the Judgment and Sentence orders mental health and drug and alcohol evaluations. Judgment and Sentence, Appendix E.

This appeal timely follows.

#### **IV. ARGUMENT**

##### **ISSUE 1: THE TRIAL COURT ERRED BY FAILING TO TREAT THE FORGERY AND THEFT CONVICTIONS AS THE SAME OFFENSE FOR SENTENCING PURPOSES.**

If concurrent offenses encompass the same criminal conduct, they are treated as one crime for the purposes of calculating the offender’s sentence. RCW 9.94A.589(1)(a); *State v. Vike*, 125 Wn.2d 407, 410, 885 P.2d 824 (1994). Same criminal conduct “means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim.” RCW 9.94A.589(1)(a). All three prongs must be met, and the absence of any one prong prevents a finding of “same criminal conduct.” *State v. Lessley*, 118 Wn.2d 773, 778, 827 P.2d 996 (1992). The trial court’s finding on same criminal conduct is

reviewed for abuse of discretion. *State v. Freeman*, 118 Wn. App. 365, 377, 76 P.3d 732 (2003).

In this case, Young did not challenge the offender score calculation below, but he did not stipulate to it either. A defendant may challenge an offender score calculation for the first time on appeal because the sentencing court acts without statutory authority when it imposes a sentence based on a miscalculated offender score. *In re Pers. Restraint of Goodwin*, 146 Wn.2d 861, 868, 50 P.3d 618 (2002); *State v. Soper*, 135 Wn. App. 89, 143 P.3d 335 (2006), review denied, 161 Wn.2d 1004 (2007); *State v. McDougall*, 132 Wn. App. 609, 132 P.3d 786 (2006). Moreover, “a sentence that is based upon an incorrect offender score is a fundamental defect that inherently results in a miscarriage of justice.” *Goodwin*, 146 Wn.2d at 868 (citing *In re Pers. Restraint of Johnson*, 131 Wn.2d 558, 569, 933 P.2d 1019 (1997)).

The relevant inquiry for finding the objective criminal intent is “the extent to which the criminal intent, objectively viewed, changed from one crime to the next. . . . This, in turn, can be measured in part by whether one crime furthered the other.” *State v. Vike*, 125 Wn.2d at 411 (citations omitted). Objective intent may be determined by examining

whether one crime furthered the other or whether both crimes were a part of a recognizable scheme or plan. *State v. Lewis*, 115 Wn.2d 294, 302, 797 P.2d 1141 (1990).

In this case, there is no factual dispute as regards the underlying acts.<sup>2</sup> Young was charged with theft and forgery based on his alleged alteration of his time sheets. The time and place of each offense was the same. The victim remained the same. His objective intent was to be paid for time shown on the timesheet—this is the same for both crimes. Therefore, these offenses should have been treated as the same offense for purposes of calculating the offender score. Because they were not treated as the same offense, the sentence must be reversed and remanded for entry of the correct offender score and sentence.

**ISSUE 2: THE TRIAL COURT ERRED BY FINDING WITHOUT ANY EVIDENCE THAT “A CHEMICAL DEPENDENCY CONTRIBUTED TO THIS OFFENSE” AND ORDERING MENTAL HEALTH AND DRUG AND ALCOHOL EVALUATIONS.**

RCW 9.94A.700(5)(c) allows the court to impose “crime-related treatment or counseling services.” Under this section, drug treatment “reasonably relates to the offender’s risk of reoffending and to the safety of the community, only if the evidence shows that [drug use] contributed

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<sup>2</sup> The failure to identify a factual dispute can result in waiver of an offender score challenge. *State v. Nitsch*, 100 Wn. App. 512, 520, 997 P.2d 1000 (2000).

to the offense.” *State v. Jones*, 118 Wn.App. 199, 208, 76 P.3d 258 (2003). A trial court’s determination that drug use contributed to the offense is reviewed for an abuse of discretion. *State v. Riley*, 121 Wn.2d 22, 37, 846 P.2d 1365 (1993).

In this case, the trial court found that “a chemical dependency contributed to this offense.” Supp. CP, Judgment and Sentence, p. 2 (attached). The Judgment and Sentence further orders mental health and drug and alcohol evaluations. Supp. CP, Judgment and Sentence, Appendix E. There was no evidence offered at trial or sentencing that Young suffered from a mental health issues or an alcohol or drug dependency, nor that any such dependency contributed to his offenses in this case. Therefore, this finding was an abuse of discretion.

The case must be remanded and the finding that chemical dependency relates to the crimes struck from the judgment and sentence and the requirements of mental health and drug and alcohol evaluations struck.

## **V. CONCLUSION**

For the reasons stated above, Young’s judgment and sentence should be reversed and remanded for re-sentencing.

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DIVISION II

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STATE OF WASHINGTON  
BY     Cm      
DEPUTY

DATED: September 29, 2008

By:     Rebecca W. Bouchey      
Rebecca Wold Bouchey #26081  
Attorney for Appellant

CERTIFICATE OF SERVICE

I certify that on September 29, 2008, I caused a true and correct copy of this Appellant's Brief to be served on the following via prepaid first class mail:

*Counsel for the Respondent:*  
Kathleen Proctor  
Office of Prosecuting Attorney  
930 Tacoma Ave. S., Rm. 946  
Tacoma, Washington 98402-2171

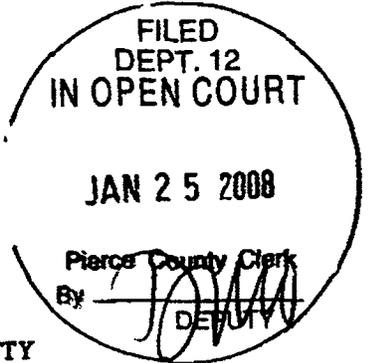
*Appellant:*  
Robert Thomas Young  
6711 Ardmore Dr. S.W.  
Lakewood, WA 98499

    Rebecca W. Bouchey    

Rebecca Wold Bouchey  
WSB# 26081  
Attorney for Appellant

**ATTACHMENT 1:**  
Judgment and Sentence, filed January 25, 2008  
Supplemental Clerk's Papers

06-1-04018-1



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 06-1-04018-1  
COUNTS I, II, XII ONLY

vs.

JUDGMENT AND SENTENCE (FJS)

ROBERT THOMAS YOUNG

Defendant.

Prison  RCW 9.94A.712 Prison Confinement

Jail One Year or Less

First-Time Offender

SSOSA

DOSA

Breaking The Cycle (BTC)

Clerk's Action Required, para 4.5 (DOSA),  
4.15.2, 5.3, 5.6 and 5.8

SID: 23541252

DOB: 3/18/70

JAN 28 2008

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 12/12/07 by  plea  jury-verdict  bench trial of:

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO.
I	THEFT IN THE SECOND DEGREE	9A.56.020(1)(b) AND 9A.56.040(1)(b)		6/1/03 and 2/28/04	
II	FORGERY	9A.60.020(1)(a)(b)		6/1/03 and 2/28/04	
XII	BAIL JUMPING	9A.76.170(1) AND 9A.76.170(3)(c)		10/26/06	

\* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, See RCW 46.61.520, (JP) Juvenile present, (SM) Sexual Motivation, See RCW 9.94A.533(8).

as charged in the Enter Type of Information Information

06-1-04018-1

a chemical dependency contributed to this offense

- Current offenses encompassing the same criminal conduct and courting 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	FORGERY	CURRENT	PIERCE	6/1/03 AND 2/28/04	ADULT	NV
2	BAIL JUMPING	CURRENT	PIERCE	10/26/06	ADULT	NV

- 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 enhancements)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	2	I	2-5 MOS	NONE	2-5 MOS	5 YRS
II	2	I	2-5 MOS	NONE	2-5 MOS	5 YRS
XII	2	III	4-12 MOS	NONE	4-12 MOS	5 YRS

- 2.4**  **EXCEPTIONAL SENTENCE.** Substantial and compelling reasons exist which justify an exceptional sentence  above  below the standard range for Count(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:
- 

- 2.6** For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are  attached  as follows: N/A

**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 \$ Restitution to:

\$ 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 \$ 400.00 Court-Appointed Attorney Fees and Defense Costs

FRC \$ 200.00 Criminal Filing Fee

FCM \$ Fine

OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)

\$ Other Costs for:

\$ Other Costs for:

\$ 1200.00 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 clerk per month commencing per clerk. 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

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

[ ] RESTITUTION. Order Attached

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

NAME of other defendant CAUSE NUMBER (Victim name) (Amount-\$)

RJN

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4.3 COSTS OF INCARCERATION

[ ] 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 \_\_\_\_\_ (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for \_\_\_\_\_ 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:

Empty rectangular box for additional notes or conditions.

4.11 BOND IS HEREBY EXONERATED

4.12 JAIL ONE YEAR OR LESS. 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 county jail:

30 days/months on Court I 30 days/months on Court III
30 days/months on Court II

06-1-04018-1

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

[X] 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 prior to the commission of the crime(s) being sentenced.

The sentence herein shall run concurrently with 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 consecutively to the felony sentence in cause number(s) \_\_\_\_\_

The sentence herein shall run consecutively to all previously imposed misdemeanor sentences unless otherwise set forth here: \_\_\_\_\_

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

[ ] PARTIAL CONFINEMENT. Defendant may serve the sentence, if eligible and approved, in partial confinement in the following programs, subject to the following conditions: \_\_\_\_\_

[ ] Work Crew RCW 9.94A.135 [ ] Home Detention RCW 9.94A.180, .190

[ ] Work Release RCW 9.94A.180

[ ] CONVERSION OF JAIL CONFINEMENT (Nonviolent and Nonsex Offenses). RCW 9.94A.680(3). The county jail is authorized to convert jail confinement to an available county supervised community option and may require the offender to perform affirmative conduct pursuant to RCW 9.94A.

[ ] BTC Facility

[ ] ALTERNATIVE CONVERSION. RCW 9.94A.680. \_\_\_\_\_ days of total confinement ordered above are hereby converted to \_\_\_\_\_ hours of community service (8 hours = 1 day, nonviolent offenders only, 30 days maximum) under the supervision of the Department of Corrections (DOC) to be completed on a schedule established by the defendant's community corrections officer but not less than \_\_\_\_\_ hours per month.

[ ] Alternatives to total confinement were not used because of: \_\_\_\_\_

[ ] criminal history [ ] failure to appear (finding required for nonviolent offenders only) RCW 9.94A.680.

(b) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. 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:

credit for time served 5 days

4.13 COMMUNITY [ ] SUPERVISION [X] CUSTODY. RCW 9.94A.505. Defendant shall serve 04 months (up to 12 months) in [ ] community supervision (Offense Pre 7/1/00) or [ ] community custody (Offense Post 6/30/00). Defendant shall report to DOC, 755 Tacoma Ave South, Tacoma, not later than 72 hours after release from custody; and the defendant shall perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC and shall comply with the instructions, rules and regulations of DOC for the conduct of the defendant during the period of community supervision or community custody and any other conditions of community supervision or community

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custody stated in this Judgment and Sentence or other conditions imposed by the court or DOC during community custody. The defendant shall:

- remain in prescribed geographic boundaries specified by the community corrections officer  notify the community corrections officer of any change in defendant's address or employment
- Cooperate with and successfully complete the program known as Breaking The Cycle (BTC)

Other conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The community supervision or community custody imposed by this order shall be served consecutively to any term of community supervision or community custody in any sentence imposed for any other offense, unless otherwise stated. The maximum length of community supervision or community custody pending at any given time shall not exceed 24 months, unless an exceptional sentence is imposed. RCW 9.94A.589.

The conditions of community supervision or community custody shall begin immediately unless otherwise set forth here: \_\_\_\_\_

- 4.14 OFF LIMITS ORDER (known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the county jail or Department of Corrections: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

#### 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.
- 5.3 **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 may be taken without further notice. RCW 9.94A.7602.
- 5.4 **CRIMINAL ENFORCEMENT AND CIVIL COLLECTION.** Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. Per section 2.5 of this document, legal financial obligations are collectible by civil means. RCW 9.94A.634.
- 5.5 **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

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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. N/A

5.7 RESTITUTION AMENDMENTS. The portion of the sentence regarding restitution may be modified as to amount, terms, and conditions during any period of time the offender remains under the court's jurisdiction, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum sentence for the crime.

5.8 OTHER: \_\_\_\_\_

DONE in Open Court and in the presence of the defendant this date: 1-25-08

JUDGE

Print name

Stephane Alcantara

[Signature]

Deputy Prosecuting Attorney

Print name: April O. McCamb

WSB # 11520

Attorney for Defendant

Print name: Jane Pierson

WSB # 23085

Robert T. Young

Defendant

Print name: Robert T. Young

VOTING RIGHTS STATEMENT: RCW 10.64.140. I acknowledge that my right to vote has been lost due to felony convictions. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.660.

Defendant's signature:

Robert T. Young

FILED  
DEPT. 12  
IN OPEN COURT  
  
JAN 25 2008  
  
Pierce County Clerk  
By [Signature]  
DEPUTY

06-1-04018-1

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**CERTIFICATE OF CLERK**

CAUSE NUMBER of this case: 06-1-04018-1

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

**IDENTIFICATION OF COURT REPORTER**

JAN-MARIE GLAZE

Court Reporter

~~COURT REPORTER~~