

NO. 39279-8-II

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

STATE OF WASHINGTON, Respondent

v.

WILLIAM C JUSTICE, Appellant

FROM THE SUPERIOR COURT FOR CLARK COUNTY
THE HONORABLE EDWIN L. POYFAIR
CLARK COUNTY SUPERIOR COURT CAUSE NO.89-1-01173-5

BRIEF OF RESPONDENT

Attorneys for Respondent:

ARTHUR D. CURTIS
Prosecuting Attorney
Clark County, Washington

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

A handwritten signature in black ink is written over a vertical stamp. The stamp contains the text "CLARK COUNTY SUPERIOR COURT" and "BY" followed by a signature. To the right of the stamp, the text "CLARK COUNTY SUPERIOR COURT" is printed vertically.

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

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I. STATEMENT OF FACTS

The defendant was charged by Information on December 6, 1989 with two counts of Rape of a Child in the Second Degree (a copy of that Information is contained as an appendix to the Declaration of Michael Dodds, CP 29). On February 1, 1990 the defendant pled guilty to an Amended Information (CP 1) charging him with a single count of Attempted Rape of a Child in the Second Degree.

On March 23, 1990, the defendant was sentenced (Findings of Fact and Conclusions of Law and Judgment and Sentence, CP 7) under a Special Sexual Offender Sentencing Alternative (SSOSA) to a term of local confinement, with probationary terms and conditions, including registration and payment of legal financial obligations.

On January 17, 1996, the State filed a Motion and Affidavit for Order Imposing Sanctions for Violation of Community Supervision, which incorporated a violation report by the defendant's community corrections officer and a claim that the defendant had failed to make payments towards his legal financial obligations. (A copy of the State's Motion and Affidavit, dated January 17, 1996 is attached as an exhibit to the declaration of Michael Dodds, CP 29).

Approximately a week later on January 25, 1996, a Clerk's Satisfaction of Judgment was entered reflecting the defendant's payment in full of his legal financial obligations. (A copy of the Clerk's Satisfaction of Judgment is attached as an exhibit to the Declaration of Michael Dodds, CP 29).

Based on the Satisfaction of Judgment, the prosecutor's office prepared a Motion and Order of Dismissal and Termination of Supervision, which was filed with the clerk on February 5, 1996. (CP 16). A copy of the Motion and Order of Dismissal and Termination of Supervision is attached hereto and by this reference incorporated herein.

The Motion referred to in the preceding paragraph included language asking the court, "for an order dismissing the information filed herein on December 6, 1989, and terminating the probation herein for the reason that the defendant has paid his legal financial obligations." The Order was signed by Judge Edwin Poyfair on February 2, 1996.

As set forth in the State's Memorandum in Support of Motion for Relief from Order (CP 21) the defendant was subsequently charged on February 27, 2007 under Clark County Cause Number 07-1-02149-3 with Failing to Register as a Sex Offender based upon the conviction in question here. On January 4, 2008, the defendant pled guilty to that charge and was sentenced to local incarceration.

On September 10, 2008, the defendant was again charged with a new Failing to Register as a Sex Offender under Clark County Cause No. 08-1-01490-8. In that case, the predicate offense was his conviction the year before in case no. 07-1-02149-3. He was found guilty by a jury on January 26, 2009, and on January 28, 2009 was sentenced to prison. On January 30, 2009, the defense counsel moved for Arrest of Judgment, citing the Motion and Order of Dismissal and Termination of Supervision, which was executed by the Superior Court on February 2, 1996 and filed with the clerk on February 5, 1996, in case no. 89-1-01173-5, and which is the subject of this appeal.

Based upon that recent discovery, the State filed a Motion for Relief from Order (CP 19) indicating that the true purpose of the Motion and Order of Dismissal and Termination of Supervision was to dismiss a then pending Motion for Sanctions and to terminate the defendant's probationary supervision, rather than to dismiss and thereby vacate his entire conviction. The State argued that inclusion of language dismissing the Information dated December 6, 1989, was the result of a clerical mistake, oversight, or omission.

The Court heard the State's motion on February 25, 2009. After review of Memorandum of Authorities and argument, the Court made the following determination:

THE COURT: ...My concern right now is I am looking at what I've just said, and that was, Mr. Dodds said, it was not the intention of the State. The determination was put on paper, was an error, and the Court signed it, and it was error. And this Court agrees with Mr. Walker with regards to the 9 – 9.94A that Mr. Justice did not in fact initiate.

But when I read a determination of clerical mistake in the judgment orders or other parts may be corrected by the Court at any time of its own initiative or on the motion of any party, and after such notice, whether it's of note or not of note, it appears this Court has authorization.

This Court finds that the intent appears to be by both parties on either side to treat it as in fact it was not dismissed, and then to catch it later as relates to – although, and I want that for the record, it could have been caught and should have been caught much earlier. It was not. This Court will in fact vacate the order that was signed back in '96.

-(RP 35, L17 – 36, L12)

Based on that finding by the Court, the Court entered an Order Granting Relief and Correcting Record Pursuant to CrR 7.8 (CP 224). The Order is dated March 18, 2009 and run nunc pro tunc to February 2, 1996. A copy of the Order Granting Relief is attached hereto and by this reference incorporated herein.

II. RESPONSE TO ASSIGNMENT OF ERROR

The assignment of error raised by the defendant is a claim that the trial court erred in granting the State's motion to vacate under CrR 7.8 because the State submitted insufficient proof that it was a clerical mistake.

The State of Washington has long accepted the concept of correction of clerical error or mistake when necessary for the ends of justice.

Rule 7.8. Relief from judgment or order

(a) *Clerical mistakes* Clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any, as the court orders. Such mistakes may be so corrected before review is accepted by an appellate court, and thereafter may be corrected pursuant to RAP 7.2(e).

“In deciding whether an error is ‘judicial’ or ‘clerical,’ a reviewing court must ask itself whether the judgment, as amended, embodies the trial court's intention, as expressed in the record at trial.” Presidential Estates Apartment Assocs. v. Barrett, 129 Wn.2d 320, 326, 917 P.2d 100 (1996) (considering CR 60). Washington courts have also used this distinction in interpreting CR 60's companion criminal rule, CrR 7.8(a). State v. Snapp, 119 Wn. App. 614, 626-27, 82 P.3d 252 (2004). State v. Hendrickson,

165 Wn.2d 474, 479, 198 P.3d 1029 (2009) found that an error is clerical if the judgment as amended embodies the trial court's intention as expressed in the record.

As stated in Hendrickson:

A nunc pro tunc order allows a court to date a record reflecting its action back to the time the action in fact occurred. See BLACK'S LAW DICTIONARY 1100 (8th ed. 2004). Nunc pro tunc power derives from the common law rather than a court rule. Garrett v. Byerly, 155 Wash. 351, 353, 284 P. 343 (1930), *overruled on other grounds by Martin v. Hadenfeldt*, 157 Wash. 563, 289 P. 533 (1930). We review a trial court's exercise of its authority to enter a nunc pro tunc order for abuse of discretion. See State v. Smissaert, 103 Wn.2d 636, 640, 694 P.2d 654 (1985).

A trial court misuses its nunc pro tunc power and abuses its discretion when it uses such an order to change its mind or rectify a mistake of law. But where the record demonstrates that the court intended to take, and believed it was taking, a particular action only to have that action thwarted by inartful drafting, a nunc pro tunc order stands as a means of translating the court's intention into an order. See Schulze v. Or. R.R. & Navigation Co., 41 Wash. 614, 617-18, 84 P. 587 (1906) (using the phrase "making the record speak the truth" to mean that the record may be corrected nunc pro tunc to reflect what the court intended).

Here, the trial court clearly intended to dismiss only Count 1, the possession of stolen property charge, on March 13. This is demonstrated by the fact that on March 13, Count 1 was the only count that remained outstanding; all other counts had either been dismissed at trial or were dealt with in Hendrickson's previously filed judgment and sentence

The record before us confirms that the trial judge intended to dismiss only Count 1 in the March 13 order and that the order dismissing the case in its entirety was a clerical error. Because it was a clerical error, a nunc pro tunc order was appropriately entered to reflect the trial court's intentions and make the record "speak the truth." We hold the trial court did not abuse its discretion in entering the nunc pro tunc order. Affirmed.

- (State v. Hendrickson, 165 Wn.2d at 477, 479-480.)

It's clear the intention of the parties here was not to dismiss the case because of the subsequent activities in the Superior Court. The defendant, when faced in the future with multiple failings to register as a sex offender, not only pled guilty but was sentenced twice without anyone picking up the fact that there had been this clerical error previously. Clearly everyone was under the understanding that the termination was for the purposes of terminating a sanction because he had satisfied the legal financial obligations of his earlier probation. There was never any intent on the part of the prosecution or on the part of the Court to relieve him of all responsibilities because of his prior sex offense.

The State submits that this is amply demonstrated in the documentation that was produced at the time of the hearing with the various declarations that were entered into the record (CP 151, 69, 66, 29)

and further by the clear understanding with subsequent court history of this defendant that there was never an intent to relieve him of all responsibilities. Further, it is of interest to note that the matter dismissed was the Information filed December 6, 1989, when in fact the defendant pled guilty to reduced charges in an Amended Information filed January 31, 1990. Again, this is another obvious showing that this is nothing more than a clerical error, mistake, or omission on the part of the parties and was not intended to dismiss the entire action under Clark County No. 89-1-01173-5. This matter is discretionary with the trial court and the trial court made a proper use of its discretion in granting the State's motion.

III. CONCLUSION

The trial court should be affirmed in all respects.

DATED this 17 day of Nov, 2009.

Respectfully submitted:

ARTHUR D. CURTIS
Prosecuting Attorney
Clark County, Washington

By:


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

FILED
FEB 10 1996

JoAnne McBride, Clerk, Clark Co.

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

STATE OF WASHINGTON,) No. 89-1-01173-5
Plaintiff,)
v.) **MOTION AND ORDER OF**
WILLIAM CHEAD JUSTICE, JR.,) **DISMISSAL AND TERMINATING**
Defendant.) **SUPERVISION**

COMES NOW MICHAEL B. DODDS, Deputy Prosecuting Attorney, and does hereby respectfully move the Court for an Order dismissing the Information filed herein on DECEMBER 6, 1989, and terminating the probation herein for the reason that Defendant has paid his legal financial obligations.

DATED this 2ND day of February, 1996.



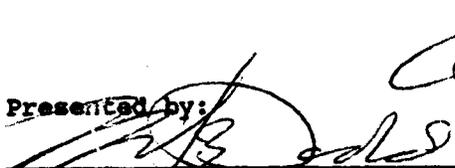
MICHAEL B. DODDS, WSBA #10785
Deputy Prosecuting Attorney

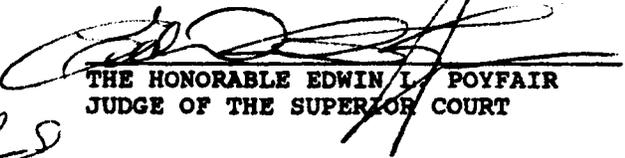
O R D E R

THIS MATTER having come on regularly for hearing upon the Motion of MICHAEL B. DODDS, Deputy Prosecuting Attorney for Clark County, for an Order of this Court dismissing the Information filed herein, and it appearing that said Motion should be granted,

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Information filed in the above-numbered and entitled cause on DECEMBER 6, 1989, be and the same is hereby dismissed

IT IS FURTHER ORDERED that the defendant's probation is terminated. DONE in Open Court this 2ND day of February, 1996.

Presented by: 
MICHAEL B. DODDS, WSBA #10785
Deputy Prosecuting Attorney



THE HONORABLE EDWIN L. POYFAIR
JUDGE OF THE SUPERIOR COURT

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CLARK COUNTY PROSECUTING ATTORNEY
1200 FRANKLIN
P.O. BOX 6000
VANCOUVER, WASHINGTON 98668
(206) 696-2261

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FILED

2009 MAY -7 AM 11: 36

Sherry W. Parker, Clerk
Clark County

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

STATE OF WASHINGTON,

Plaintiff,

v.

WILLIAM CHEAD JUSTICE, JR.,

Defendant.

No. 89-1-01173-5

ORDER GRANTING RELIEF AND
CORRECTING RECORD PURSUANT TO
CrR 7.8

THIS MATTER is before the Court on the motion of the plaintiff, State of Washington, pursuant to CrR 7.8, for entry of an Order Granting Relief from that certain Motion and Order of Dismissal and Terminating Supervision made on February 2, 1996, and entered on February 5, 1996, on the grounds that certain language therein was the result of a clerical mistake, oversight or omission, ~~and/or that the Order of Dismissal was void.~~ Specifically, plaintiff asks the Court to grant relief by striking language which refers to dismissal of the "December 6, 1989, Information" and interlining language which refers instead to the dismissal of the "January 17, 1996, Motion and Affidavit for Order Imposing Sanctions."

Plaintiff, State of Washington, appeared through its undersigned representative.

Defendant appeared by video and with counsel, Brian A. Walker. Counsel for defendant in Case

No. 07-1-02149-3, Lee Baker, [did] [did not] appear. The Court has reviewed the plaintiff's

ORDER GRANTING RELIEF AND CORRECTING
RECORD PURSUANT TO CrR 7.8 - Page 1 of 3

CLARK COUNTY PROSECUTING ATTORNEY
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45 AC

1 motion, has received pleadings in support and/or opposition to the motion, and has heard the
2 arguments of counsel. The Court has determined that the plaintiff's motion should be granted,
3 finds that the language of dismissal in the referenced Motion and Order was the result of a
4 clerical mistake, oversight or omission and was not intended by the Court or counsel to dismiss
5 the entire underlying action. Now, therefore,
6

7
8 IT IS HEREBY ORDERED that plaintiff's Motion for Relief from Order should be, and
9 the same hereby is, granted as follows:

10 1. The Court hereby strikes language in the previous Order which refers to dismissal
11 of the "December 6, 1989, Information" and replaces the same by interlining language which
12 refers instead to the dismissal of the "January 17, 1996, Motion and Affidavit for Order
13 Imposing Sanctions."
14

15 2. The Order entered in connection with the plaintiff's Motion and Order of
16 Dismissal and Terminating Supervision is hereby corrected to read:
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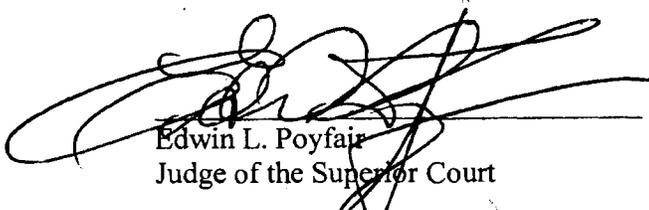
18 THIS MATTER having come regularly for hearing upon the Motion of
19 MICHAEL B DODDS, Deputy Prosecuting Attorney for Clark County, for an
20 Order of this Court dismissing the January 17, 1996 Motion and Affidavit for
21 Order Imposing Sanctions and, it appearing that said Motion should be granted,
22 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND
23 DECREED that the Motion and Affidavit for Order Imposing Sanctions filed in
24 the above-numbered and entitled cause on January 17, 1996, be, and the same is,
25 hereby dismissed.

26 IT IS FURTHER ORDERED that the defendant's probation is terminated.
27

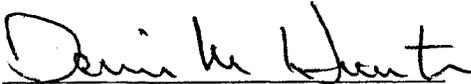
28 3. This Order shall be effective, nunc pro tunc, from February 2, 1996.
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DONE IN OPEN COURT this 18 day of ^{March}~~February~~, 2009, nunc pro tunc to February 2, 1996.


Edwin L. Poyfair
Judge of the Superior Court

Presented by:


Dennis M. Hunter, WSBA No. 6734
Chief Criminal Deputy Prosecuting
Attorney

This is a true copy
of the original order

May 7, 2009


Edwin L. Poyfair
Judge Dept 4.

APPENDIX

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

STATE OF WASHINGTON,
Plaintiff,
v.
WILLIAM CHEAD JUSTICE, JR.,
Defendant.

No. 89-1-01173-5

DECLARATION OF MICHAEL B.
DODDS IN SUPPORT OF MOTION FOR
RELIEF FROM ORDER

The undersigned hereby declares under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. My name is Michael B. Dodds and I am a deputy prosecuting attorney commissioned and employed by the Clark County Prosecuting Attorney. I have been so employed for nearly 22 years.

2. In my official capacity, I was one of the deputy prosecuting attorneys assigned to represent the plaintiff in the above-entitled case.

3. The file and records in this case reflect the following:

3.1 Defendant was charged by Information on December 6, 1989, with two counts of Rape of a Child in the Second Degree and that on February 1, 1990, defendant entered a plea of guilty to an Amended Information charging a single count of Attempted

1 Rape of a Child in the Second Degree. True and accurate copies of the Information,
2 Amended Information and Statement of Defendant on Plea of Guilty are attached to this
3 declaration as Exhibits (1), (2) and (3), respectively, and, by this reference, are
4 incorporated herein as if fully set forth.

5 3.2 On March 23, 1990, defendant was sentenced under a Special Sexual
6 Offender Sentencing Alternative to a term of local confinement, with certain probationary
7 terms and conditions imposed, including sex offender registration and payment of certain
8 legal financial obligations. A true and correct copy of the Findings of Fact, Conclusions
9 of Law and Judgment and Sentence is attached to this declaration as Exhibit (4) and, by
10 this reference, is incorporated herein as if fully set forth.

11 3.3 On December 4, 1990, defendant received a Registration Notification
12 from his Community Corrections Officer, which advised him of his duty to register as a
13 sex offender. A true and correct copy of the Registration Notification, dated December 4,
14 1990, and filed with the Court on December 5, 1990, is attached hereto as Exhibit (5)
15 and, by this reference, is incorporated herein as if fully set forth.

16 3.4 On January 17, 1996, the State filed a Motion and Affidavit for Order
17 Imposing Sanctions for Violation of Community Supervision, incorporating a Violation
18 Report by defendant's Community Corrections Officer, with the Court alleging defendant
19 had failed to make payments toward his legal financial obligations. A true and correct
20 copy of the State's Motion and Affidavit which is dated January 17, 1996 is attached
21 hereto as Exhibit (6) and the referenced Notice of Violation by CCO Stefani Meusborn
22 which is dated January 16, 1996 is attached as Exhibit (6)(a) and both are, by this
23 reference, incorporated herein as if fully set forth.
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1 3.5 On January 25, 1996, a Clerk's Satisfaction of Judgment was entered
2 reflecting defendant's payment in full of his legal financial obligations. A true and
3 correct copy of the Clerk's Satisfaction of Judgment is attached to this declaration as
4 Exhibit (7) and is, by this reference, incorporated herein.

5 4. The file and records further reflect that on February 2, 1996, I signed a Motion
6 and Order of Dismissal and Termination of Supervision, which was executed by the Court that
7 day and filed with the Clerk on February 5, 1996. A true and correct copy of my Motion and
8 Order of Dismissal and Terminating Supervision is attached to this declaration as Exhibit (8) and
9 is, by this reference, incorporated herein as if fully set forth.

10 5. The Motion in Exhibit (8) includes language asking the Court "...for an Order
11 *dismissing the Information filed herein on December 6, 1989*, and terminating the probation
12 herein for the reason that Defendant has paid his legal financial obligations." (emphasis added).

13 6. The Order contained in Exhibit (8) includes the following language:
14

15 "NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED *that*
16 *the Information filed in the above-numbered and entitled cause on DECEMBER 6, 1989, be and*
17 *the same is hereby dismissed*

18 IT IS FURTHER ORDERED that the defendant's probation is terminated." (emphasis
19 added).

20 7. I can affirmatively represent to the Court that the true purpose of the Motion in
21 Exhibit (8) was to dismiss the pending probation violation and to terminate defendant's
22 probation supervision in light of his payment of his legal financial obligations.

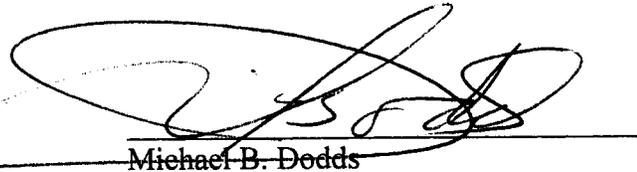
23 8. I believe the italicized portions of Exhibit (8) were included in the Motion and
24 Order by reason of a clerical mistake, oversight or omission on the part of the State.
25

1 9. It was not the intention of the State to vacate or dismiss defendant's underlying
2 conviction nor his obligation to register as a sex offender under the Community Protection Act of
3 1990 and as acknowledged by defendant in Exhibit (5).

4 10. In any event, I believe and therefore allege that defendant's underlying conviction
5 should not have been legally vacated or dismissed on February 2, 1996, that the Court lacked the
6 authority to do so, and that any Order purporting to do so is void.
7

8 WHEREFORE, based upon the foregoing and pursuant to CrR 7.8, I respectfully request
9 that the Court correct the Motion and Order of February 2, 1996, by striking the italicized
10 language quoted above.

11 EXECUTED this 6th day of February, 2009, at Vancouver, Washington.

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14 

15 Michael B. Dodds



STATE OF WASHINGTON } ss.
COUNTY OF CLARK }

I, Sherry W. Parker, County Clerk and Clerk of the Superior Court of Clark County, Washington, DO HEREBY CERTIFY that this document, consisting of 2 page(s), is a true and correct copy of the original now on file and of record in my office and, as County Clerk, I am the legal custodian thereof.

Signed and sealed at Vancouver, Washington this date:

January 30, 2009
Sherry W. Parker, County Clerk
By Therese S. Dodge

FILED

DEC 6 1989

Jeanne McBride Clerk Clark Co

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

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STATE OF WASHINGTON,

Plaintiff,

vs.

WILLIAM CHEAD JUSTICE,

Defendant.

No. 89 1 01173 5

INFORMATION

COMES NOW the Prosecuting Attorney in and for Clark County, State of Washington, and does by this inform the Court that the above-named defendant is guilty of the crimes committed as follows, to-wit:

Count I.

That he, William Chead Justice, in the County of Clark, State of Washington, between November 20, 1989, and December 1, 1989, did have sexual intercourse with another, to-wit: Mandy C. Plonski, who is at least twelve years old but less than fourteen years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim, in violation of RCW 9A.44.076, contrary to the statutes in such cases made and provided, and against the peace and dignity of the State of Washington.

Count II.

That he, William Chead Justice, in the County of Clark, State of Washington, on or about the 3rd day of December, 1989, did have sexual intercourse with another, to-wit: Mandy C. Plonski, who is at least twelve years old but less than fourteen years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim, in violation of RCW 9A.44.076, contrary to the statutes in such cases made and provided, and against the peace and dignity of the State of Washington.

Information - 1
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CLARK COUNTY PROSECUTING ATTORNEY
1200 FRANKLIN
P. O. BOX 5000
VANCOUVER, WASHINGTON 98660
(206) 699-2261

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ARTHUR D. CURTIS
Prosecuting Attorney in and
for Clark County, Washington

Date: December 6, 1989

By: 
Michael B. Dodds, WSBA #10785
Deputy Prosecuting Attorney

2 Counts - Rape of a Child in the Second Degree - RCW 9A.44.076

Information - 2
ca

CLARK COUNTY PROSECUTING ATTORNEY
1200 FRANKLIN
P. O. BOX 3888
VANCOUVER, WASHINGTON 98668
(206) 529-2251



STATE OF WASHINGTON } ss.
COUNTY OF CLARK

I, Sherry W. Parker, County Clerk and Clerk of the Superior Court of Clark County, Washington, DO HEREBY CERTIFY that this document, consisting of _____ page(s), is a true and correct copy of the original now on file and of record in my office and, as County Clerk, I am the legal custodian thereof.

Signed and sealed at Vancouver, Washington, this date:

January 30, 1990
Sherry W. Parker, County Clerk
By: *Sherry W. Parker*

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK**

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STATE OF WASHINGTON,

Plaintiff,

vs.

WILLIAM CHEAD JUSTICE, JR.,

Defendant.

No. 89-1-01173-5

**AMENDED
INFORMATION**

COMES NOW the Prosecuting Attorney in and for Clark County, State of Washington, and does by this inform the Court that the above-named defendant is guilty of the crime committed as follows, to-wit:

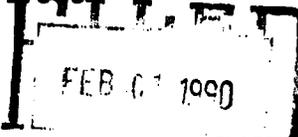
That he, William Chead Justice, Jr., in the County of Clark, State of Washington, on or about the 3rd day of December, 1989, with intent to commit the crime of Child Molestation in the Second Degree, did an act which was a substantial step toward the commission of that crime, to-wit: by attempting to have sexual contact with another, to-wit: Mandy C. Plonski, who is at least twelve (12) years old but less than fourteen (14) years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim, in violation of RCW 9A.28.020 (1) and RCW 9A.44.086, contrary to the statutes in such cases made and provided, and against the peace and dignity of the State of Washington.

ARTHUR D. CURTIS
Prosecuting Attorney in and
for Clark County, Washington

Date: January 31, 1990

By: *Michael B. Dodds*
Michael B. Dodds, WSPA #10785
Deputy Prosecuting Attorney

Attempted Child Molestation in the Second Degree - RCW 9A.28.020
(1) and RCW 9A.44.086



Amended Information - 1
ca

JoAnne McBride, Clerk, Clark Co.
CLARK COUNTY PROSECUTING ATTORNEY
1200 FRANKLIN
P. O. BOX 5000
VANCOUVER, WASHINGTON 98660
(206) 690-2261

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SUPERIOR COURT OF WASHINGTON FOR CLARK COUNTY

STATE OF WASHINGTON,)
) No. 89 1 01173 5
)
) Plaintiff,) STATEMENT OF DEFENDANT
)
 vs.) ON PLEA OF GUILTY
)
 WILLIAM C. JUSTICE,)
)
)
) Defendant.)

1. My true name is William C. Justice.
2. My age is 20.
3. I went through the 9th grade in school and received a GED. I can read and write the English language.
4. I have been informed and fully understand that I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is Richard A. Saunders.
5. I have been given and have read a copy of the Information and I have been informed and fully understand that I am charged with the following crimes which carry maximum sentences of:

Count I - Attempted Child Molestation II, 5 years, and/or \$10,000 fine.

The standard sentence range for the above offense(s) is as shown on the attached Offender Scoring Sheet which is based upon the attached Declaration of Criminal History.
6. The elements of the crime(s) charged against me are:

On or about December 3, 1989, in Clark County, Washington, I took a substantial step towards having sexual contact with another who was at least 12 years old but less than 14 years old and not married to me. I would have to be 36 months older than the alleged victim
7. I have been informed and fully understand that:
 - (a) I have the right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed.
 - (b) I have the right to remain silent before and during the trial and I need not testify against myself.
 - (c) I have the right at trial to hear and question witnesses who testify against me.

370
445

STATEMENT OF DEFENDANT - 1

LAW OFFICES OF
Whitlock Patten & Saunders
First Federal Plaza - 1220 Main Street
P. O. Box 748
Vancouver, Washington 98666
(206) 699-4450



STATE OF WASHINGTON } ss.
COUNTY OF CLARK }
I, Sherry W. Parker, Clerk of the Superior Court of Clark County, Washington, do hereby certify that the foregoing document, consisting of 3 page(s), is a true and correct copy of the original now on file and of record in my office and, as County Clerk, I am the legal custodian thereof.

Signed and sealed at Vancouver, Washington, this date,
January 30, 2009
Sherry W. Parker, County Clerk
By Charlene S. Dodge

- 1 (d) I have the right at trial to have witnesses testify for
- 2 me. These witnesses can be made to appear at no expense
- 3 to me.
- 4 (e) I am presumed innocent until the charge is proven beyond
- 5 a reasonable doubt or I enter a plea of guilty.
- 6 (f) I have the right to appeal a determination of guilty
- 7 after a trial.
- 8 (g) If I plead guilty I give up the rights in statements
- 9 7(a)-(f).
- 10 8. I have been informed and fully understand the Prosecuting
- 11 Attorney will make the following recommendation to the Court,
- 12 and take the following action:
- 13 The Prosecuting Attorney will recommend a sentence within the
- 14 standard range. He will recommend that I be evaluated for
- 15 SOSA and, if I am sentenced to SOSA, he will recommend up to
- 16 60 days in jail. Pre-sentence Investigation. No contact
- 17 with Mandy Plonski. No contact with minor girls under age 18
- 18 unless supervised. Community supervision. Court costs,
- 19 victim's assessment fee, recoupment of \$450 attorney's fees.
- 20 Restitution, if any. *No other known incidents will be filed (RWS)*
- 21 I have been informed and fully understand that the court does
- 22 not have to follow anyone's recommendation as to sentence.
- 23 9. I plead guilty to the crime of Attempted Child Molestation
- 24 II, as charged in the amended Information.
- 25 10. I make this plea freely and voluntarily.
- 26 11. No one has threatened harm of any kind to me or to any other
- 27 person to cause me to make this plea.
- 28 12. No person has made promises of any kind to cause me to enter
- 29 this plea except as set forth in this statement.
- 30 13. I have been informed and fully understand that the standard
- 31 sentencing range is based on the crime charged and my criminal
- 32 history. Criminal history includes prior convictions, whether in this state, in federal court, or elsewhere. Criminal history also includes convictions or guilty pleas at juvenile court that are felonies and which were committed when I was fifteen years of age or older. Juvenile convictions count only if I was twenty-three years of age or less at the time I committed this present offense. I fully understand that if criminal history in addition to that listed in the Declaration of Criminal History is discovered, both the standard sentence range and the Prosecuting Attorney's recommendation may increase. Even so, I fully understand that my plea of guilty to this charge is binding upon me if accepted by the Court, and I cannot change my mind if additional criminal history is discovered and the standard sentence range and Prosecuting Attorney's recommendation increases.
- 14. I have been fully informed and fully understand that the Court must impose a sentence within the standard sentence range unless the Court finds substantial and compelling

STATEMENT OF DEFENDANT - 2

LAW OFFICE RUS
 Whitlock, Potter & Saunders
 First Federal Plaza - 1220 Main Street
 P. O. Box 748
 Vancouver, Washington 98666
 (206) 699-4450

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reasons not to do so. If the Court goes outside the standard sentence range, either I or the State can appeal that sentence. If the sentence is within the standard sentence range, no one can appeal the sentence. I have been informed that I may be ordered to pay restitution, court costs, a fine, attorney's fees, a victim's compensation assessment or a drug fund contribution, if applicable.

15. I understand that if I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under the State law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States. If I am on probation or parole, this plea could be the basis for revocation of probation or parole.

16. The Court has asked me to state briefly in my own words what I did that resulted in my being charged with the crime in the information. This is my statement:

On or about December 3, 1989, I was with a 12-year-old female in Clark County, Washington. I had her pants down and was about to have sexual contact with her when the police arrived. I am 20 years old and am not married to the girl.

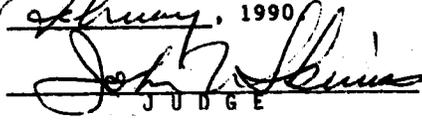
17. I have read or have had read to me and fully understand all of the numbered sections above (1 through 16) and have received a copy of "Statement of Defendant on Plea of Guilty." I have no further questions to ask of the Court.


Deputy Prosecuting Attorney

~~WILLIAM C. JUSTICE~~
WILLIAM C. JUSTICE, Defendant

RICHARD A. SAUNDERS, WSBA #06837
Of Attorneys for Defendant

The foregoing statement was read by or to the Defendant and signed by the Defendant in the presence of his or her attorney and the undersigned Judge, in open Court. The Court finds the Defendant's plea of guilty to be knowingly, intelligently and voluntarily made, that the Court has informed the Defendant of the nature of the charge and the consequences of the plea, that there is a factual basis for the plea, and that the Defendant is guilty as charged.

DATED this 15th day of February, 1990

JUDGE

A Hampton
CHILD MOLESTATION, SECOND DEGREE
 (RCW 9A.44.086)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.160 (8))

PRIOR HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions 0 x 1 = 0

VIOLATION HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications 0 x 1 = 0

Enter number of Nonviolent felony adjudications x 1/2 =

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

Enter number of other felony convictions 0 x 1 = 0

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

Total the last column to get the TOTAL OFFENDER SCORE 0
 (round down to the nearest whole number)

0

9 - 10.5

II. SENTENCE RANGE

OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 OR MORE
STANDARD RANGE:	12+ - 14	15 - 20	21 - 27	28 - 34	35 - 41	36 - 48	48 - 61	57 - 75	67 - 89	77 - 102
(Seriousness Level VI)	months	months	months	months	months	months	months	months	months	months

- 1. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
- 2. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))

III. SENTENCING OPTIONS FOR SECOND DEGREE CHILD MOLESTATION

- 1. If no prior sex offense conviction and sentence is less than six years: special sexual offender sentencing alternative (RCW 9.94A.120 (7)(a))
- 2. If sentence is less than six years: sexual offender treatment program (RCW 9.94A.120 (7)(b)(c))

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SUPERIOR COURT OF WASHINGTON FOR CLARK COUNTY

STATE OF WASHINGTON,)
)
) Plaintiff,) No. 89-1-01173-5
)
 vs.) DECLARATION OF
) CRIMINAL HISTORY
 WILLIAM C. JUSTICE,)
)
 Defendant.)

COME NOW the parties, and do hereby declare, pursuant to RCW 9.94A.100 that to the best of the knowledge of the Defendant and his attorney, and the Prosecuting Attorney's Office, the Defendant has the following prior criminal convictions:

I. UNDISPUTED
Year Charge County & State Sentence
NONE

II. DISPUTED
Year Charge County & State Sentence
NONE

DATED this 4 day of Feb, 1990.

William C. Justice
WILLIAM C. JUSTICE,
Defendant

Richard A. Saunders
RICHARD A. SAUNDERS, USBA #06837
Attorney for Defendant

[Signature]
Deputy Prosecuting Attorney

DECLARATION OF CRIMINAL HISTORY

LAW OFFICES OF
Whitlock, Potter & Saunders
First Federal Plaza — 1220 Main Street
P.O. Box 748
Vancouver, Washington 98666
(206) 699-4480

STATE OF WASHINGTON
COUNTY OF CLARK ss.

I, Sherry W. Parker, County Clerk and Clerk of the Superior Court of Clark County, Washington, DO HEREBY CERTIFY that this document, consisting of 9 page(s), is a true and correct copy of the original now on file and of record in my office and, as County Clerk, I am the legal custodian thereof.

Signed and sealed at Vancouver, Washington this date:

January 30, 2009
Sherry W. Parker, County Clerk
By: Marlene S. Dodge



SANDER

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

STATE OF WASHINGTON,)

Plaintiff,)

vs.)

William Chad Justice, JR.
Address: _____

Date of Birth: 10-9-69

Defendant.

No. 89-1-01173-5

90 9 00793 5

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
JUDGMENT AND SENTENCE
(SPECIAL SEXUAL OFFENDER
SENTENCING ALTERNATIVE)(a)

ENT'D

Judgment

Execution

Docket

THIS MATTER having come on regularly for sentencing on the day of _____, 1990, the defendant being present and represented by his undersigned attorney, with the State being represented by the undersigned Deputy Prosecuting Attorney, and the defendant having previously (entered valid pleas of guilty to) (been convicted at _____ jury _____ bench trial) of the crimes of:

Count I: charging

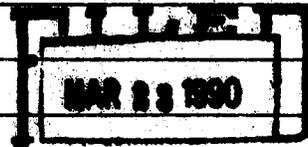
Attempted Child Molest 2: (12-3-89)

Count II: charging

Count III: charging

Count IV: charging

Count V: charging



John M. Smith, Clerk, Clark Co.

and the court having afforded each counsel the right to speak, having asked the defendant if he wished to make a statement in mitigation of punishment, and having heard and considered the arguments presented, now, therefore, the Court makes the following:

FINDINGS & CONCLUSIONS, JUDGMENT AND SENTENCE
(SPECIAL SEXUAL OFFENDER SENTENCING ALTERNATIVE (a) - 1

CLARK COUNTY PROSECUTING ATTORNEY
1200 FRANKLIN
P O BOX 3000
VANCOUVER, WASHINGTON 98660
(206) 699-2261

Left Thumb

By: _____
I attest that I saw the same defendant appear in court on this document affix his signature thereto. CLERK OF THE SUPERIOR COURT OF CLARK COUNTY Deputy

Right Thumb

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I. FINDINGS OF FACT

1. The defendant is guilty of the above-listed crimes;

2. The maximum terms for the above crimes are:

Count I: 5 years + 10,000
Count II: _____
Count III: _____
Count IV: _____
Count V: _____

3. The following crimes encompass the same criminal conduct and count as one crime in determining criminal history:
Counts: _____

4. The Court finds that the defendant has a criminal history as set forth in the Declaration of Criminal History previously filed.

5. The defendant has served 2 days of confinement prior to sentencing, said confinement being solely related to the crimes for which the defendant is being sentenced.

6. The presumptive sentencing range for this defendant based upon the criminal history related above is as follows:

Count I: 9-10 1/2 months
Count II: _____
Count III: _____
Count IV: _____
Count V: _____

7. Defendant is convicted of a violation of RCW 9A.44 or 9A.64.020, except RCW 9A.44.040 or RCW 9A.44.050, and has no prior convictions of any felony sexual offense in this or any other state.

FINDINGS & CONCLUSIONS, JUDGMENT AND SENTENCE
(SPECIAL SEXUAL OFFENDER SENTENCING
ALTERNATIVE (a) - 2

CLARK COUNTY PROSECUTING ATTORNEY
1206 FRANKLIN
P. O. BOX 3000
VANCOUVER, WASHINGTON 98668
(206) 699-2261

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8. The defendant and the community will benefit from the use of the Special Sexual Offender Sentencing Alternative authorized by RCW 9.94A.120(7).

II. CONCLUSIONS OF LAW

- 1. The Court has jurisdiction over the defendant and the subject matter.
- 2. The defendant is guilty of the crime(s) set forth above.
- 3. The defendant is eligible for sentencing under the Special Sexual Offender Sentencing Alternative, RCW 9.94A.120(7).

III. JUDGMENT AND SENTENCE

The court having determined that no legal cause exists to show why judgment should not be pronounced, now, therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. The defendant is sentenced to a term of confinement as follows:

10 months

2. In accordance with the multiple offender provisions of RCW 9.94A.400, terms of confinement under counts N/A

shall be served (concurrently) (consecutively).

The sentence imposed herein shall be served consecutive to any sentences which the defendant may be sentenced to under any other cause in either district court or superior court, unless otherwise specified herein.

FINDINGS & CONCLUSIONS, JUDGMENT AND SENTENCE
(SPECIAL SEXUAL OFFENDER SENTENCING
ALTERNATIVE (a) - 3

CLARK COUNTY PROSECUTING ATTORNEY
1200 FRANKLIN
P. O. BOX 5000
VANCOUVER, WASHINGTON 98668
(206) 599-2261

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3. Credit for time served prior to this date of 2
days is given and the defendant's term of confinement is to
commence: _____.

4. The defendant shall pay the following:

TO THE CLERK OF THE COURT

- \$ 70⁰⁰ Court Costs. RCW 9.94A.120(9)(a)
- \$ 475⁰⁰ Appointed attorney fees,
RCW94A.120(9)(b)(c)
- \$ 100⁰⁰ Victim's Assessment, RCW 7.68.035
- \$ — Drug Fund Contribution.
RCW 9.94A.120(9)(c)
- \$ — Fine. RCW 9A.20.021
- \$ — Restitution. RCW 9.94A.140
- \$ — Extradition Costs. RCW 9.94A.120 (9)(a)

The sum of the above amounts shall be paid at not
less than \$ 25⁰⁰ per month and shall
be paid in full prior to expiration of community
supervision.

TO THE DEPARTMENT OF CORRECTIONS:

- ✓ Community Supervision Assessment.
RCW 9.94A.270 (\$10.00)

Pursuant to RCW 10.82, 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.

FINDINGS & CONCLUSIONS, JUDGMENT AND SENTENCE
(SPECIAL SEXUAL OFFENDER SENTENCING
ALTERNATIVE (a) - 4

CLARK COUNTY PROSECUTING ATTORNEY
1200 FRANKLIN
P.O. BOX 5000
VANCOUVER, WASHINGTON 98668
(206) 495-2261

1 5. Execution of this sentence is suspended and the
2 defendant is placed on community supervision under the charge of
3 the Department of Corrections for a period of 2 years
4 years, subject to the following terms and conditions:

5 90 (a) 90 days of (total)
6 (X partial) confinement. work release.

7 (b) Obtain and maintain employment.

8 ✓ (c) Undergo and successfully complete an
9 (X outpatient) (inpatient)
10 sex offender treatment program with
11 40 hours of sexual counselling
12 for a period of recommended by P.O.

13 (d) Perform hours of
14 community service.

15 ✓ (e) Make recoupment to the victim for
16 the cost of any counselling required
17 as a result of the defendant's crime.

18 6. Bail and release conditions previously imposed are
19 hereby exonerated upon commencement of service of
20 sentence.

21 7. The following crime related prohibitions are imposed:

22 No contact with Mandy Plonski
23 _____
24 _____

25 DONE in Open Court this 23 day of March
26 1990.

27 John H. Stein
28 JUDGE OF THE SUPERIOR COURT

29 Ronald A. Samuel
30 Attorney for
31 Defendant

32 Deputy Prosecuting
33 Attorney

34 Defendant

35 FINDINGS & CONCLUSIONS, JUDGMENT AND SENTENCE
36 (SPECIAL SEXUAL OFFENDER SENTENCING
37 ALTERNATIVE (a) - 5

38 CLARK COUNTY PROSECUTING ATTORNEY
39 1200 FRANKLIN
40 P. O. BOX 8008
41 VANCOUVER, WASHINGTON 98668
42 (206) 699-2201

OFFENDER IDENTIFICATION

OFFENDER'S NAME William Chead Justice, JR

CAUSE NUMBER 89-1-01173-5

JUDGE John N. Skimas

OFFENDER'S DATE OF BIRTH 10-9-69

OFFENDER'S SID _____

OFFENDER'S FBI NUMBER _____

OFFENDER'S SEX : MALE: FEMALE: _____

OFFENDER'S RACE: CAUCASION:
BLACK: _____
AMERICAN INDIAN: _____
HISPANIC: _____
ORIENTAL: _____
OTHER: _____

POST RELIEF ATTACKS ON THE JUDGMENT

I, the above-named defendant, hereby acknowledge that I have been advised of the following information:

Except as otherwise provided, no petition or motion for any form of post-conviction relief, other than a direct appeal, may be filed more than one year after the date of this Judgment and Sentence or, if a direct appeal is filed, the date the appellate court issues a mandate disposing of the appeal pursuant to RCW 10.73.

DATED:

3-23-90

Bill C. [Signature]

DEFENDANT

POST RELIEF ATTACKS ON THE JUDGMENT - 1

CLARK COUNTY PROSECUTING ATTORNEY
1200 FRANKLIN
P. O. BOX 5000
VANCOUVER, WASHINGTON 98668
(206) 699-2201

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

STATE OF WASHINGTON,
Plaintiff,

No. 89-1-01173-5

vs.

William Chad Justice, Jr.
Defendant.

DECLARATION OF CRIMINAL HISTORY

COME NOW the parties, and do hereby declare, pursuant to RCW 9.94A.100 that to the best of the knowledge of the defendant and his attorney, and the Prosecuting Attorney's Office, the defendant has the following prior criminal convictions:

I. UNDISPUTED:

YEAR	CHARGE	COUNTY AND STATE	SENTENCE
	<u>None</u>		

II. DISPUTED:

	<u>None</u>		

DATED this _____ day of _____, 19 90.

William Chad Justice, Jr.
Defendant

Richard Hammer
Attorney for Defendant

W. S. Ochs
Deputy Prosecuting Attorney

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SEX OFFENDER REGISTRATION NOTICE

I, the above-named defendant, hereby acknowledge that I have been advised of the following information:

If I reside in the State of Washington, I must register with the County Sheriff of the County of my residence as a person found to have committed or having been convicted of a sex offense.

Within forty-five days of moving into a residence in the State of Washington if I have not lived in Washington before, or within thirty days of release from confinement if I already live in the State of Washington, or within thirty days of my sentencing if I am not incarcerated, I must provide the County Sheriff with the following information:

1. Name
2. Address
3. Place of employment
4. Crime for which convicted
5. Date and place of conviction
6. Alias used
7. Social security number

I further must provide written notice of a change of address within ten (10) days of moving to any new residence. If I move to a new county, I must register with the Sheriff of that county within ten days of moving to a new residence, as well as notify the County Sheriff of the prior county lived in before moved.

I further understand that if I fail to comply with this requirement I will be committing a new criminal offense.

Dated: 3-23-90 Richard [Signature]
Defendant

Witnessed: Richard Adams

89-01173-5

REGISTRATION NOTIFICATION

Substitute Senate Bill 6259, passed by the 1990 Legislature and signed by the governor, required the registration of sex offenders with local law enforcement agencies. The requirement applies to anyone convicted of a sex offense (as defined by RCW 9A.030) committed on or after the effective date of the legislation (2/28/90), and those under the custody or active supervision of the Department of Corrections for a sex offense regardless of when it was committed. The registration requirement also applies to any offender who transfers to the state of Washington from another state at the time the Department assumes supervision.

REQUIREMENTS OF THE LAW

Offenders required to register must go to the sheriff's office in person and provide the following information:

- a. Name
- b. Address
- c. Place of Employment
- d. Crime for which convicted
- e. Date and place of conviction
- f. Alias(es)
- g. Social Security Number

NOTE: The county sheriff will photograph and fingerprint you and send this information to the state patrol.

- Inmates released from prison with a registration requirement must register with the sheriff within thirty (30) days of release.
- Offenders under active supervision with the Department of Corrections who have a registration requirement must register within thirty (30) days of notification of this requirement by a Community Corrections Officer.
- New residents to the state of Washington with sex offense convictions have forty-five (45) days from the date of arrival to register.
- If you move to a new address within the same county where you registered, you must send written notice of the change of address to the sheriff within ten (10) days of the move. If you move to a new county, you must register in person with the sheriff of the new county within ten (10) days. You must also send a written notice to the sheriff in the county you moved from within the same ten (10) day period.

PENALTIES FOR FAILURE TO REGISTER

If you do not register, you may be guilty of a new Class C felony if the crime for which you were convicted was a Class A felony or a federal or out-of-state conviction for an offense that would be a Class A felony in Washington. If the crime was less than a Class A felony, etc., failure to register is a gross misdemeanor.

LENGTH OF REGISTRATION

How long you must continue to register depends upon the sex offense for which you were convicted.

- a. If your offense was a Class A felony. There is no time limit identified within the law, but you may petition to the superior court in the county where you were convicted, or in the case of convictions in other states, the Thurston County court, and ask to be relieved of your duty to register. The petition should identify the prosecuting attorney of the county as the individual to be named and served as the respondent. The court will consider the nature of the registerable offense committed, your criminal record and relevant non-criminal behavior before and after the conviction. The court may also consider other factors when deciding whether or not there is clear and convincing evidence that you may be relieved of the requirement to register. You may want to have a lawyer help you with this petition.
- b. If your offense was a Class B felony. You must register for (15) years after your release from confinement (including residential treatment), unless relieved of the requirement via a petition to the Superior Court in the county of conviction, or in the case of convictions in other states, the Thurston County Court. If you are not convicted of any new offense during this period, you do not have to register again.
- c. If your offense was a Class C felony. You must register for ten (10) years after your release from confinement (including residential treatment), unless relieved of the requirement via a petition to the Superior Court in the county of conviction, or in the case of convictions in other states, the Thurston County Court. If you are not convicted of any new offense during this period, you do not have to register again.

REMEMBER, IT IS A NEW CRIMINAL OFFENSE FOR YOU TO FAIL TO REGISTER UNLESS YOU ARE RELIEVED OF THE REGISTRATION REQUIREMENT AS DESCRIBED ABOVE. IT IS YOUR RESPONSIBILITY TO UNDERSTAND AND OBEY THIS LAW.

I, WILLIAM C. Justice Jr. 963592 have read or

OFFENDER NAME

DOC NUMBER

have had read to me the REGISTRATION NOTIFICATION and the foregoing conditions and requirements. Each of these conditions/requirements have been explained to me and I hereby agree to comply with them.

12/4/90
DATE

x Bill C. Justice
OFFENDER'S SIGNATURE

12/4/90
DATE

John Wood
WITNESSING OFFICER'S SIGNATURE

FILED

DEC - 5 1990

DISTRIBUTION Original County Clerk of Conviction (FOS Cases - Thurston County)
CC - Washington State Patrol, R. & I. Section, Sex Offender Desk, QE-02, Olympia, WA 98504
CC - File
CC - Offender

DOC 6-444 A (REV. 9/18/90)

JoAnne McBride, Clerk, CLM Co.

19



STATE OF WASHINGTON } ss.
COUNTY OF CLARK

I, Sherry W. Parker, County Clerk and Clerk of the Superior Court of Clark County, Washington, DO HEREBY CERTIFY that this document, consisting of 2 page(s), is a true and correct copy of the original now on file and of record in my office and, as County Clerk, I am the legal custodian thereof.

Signed and sealed at Vancouver, Washington this date:

January 30, 2009
Sherry W. Parker, County Clerk
By Marlene S. Dodge

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

STATE OF WASHINGTON,
Plaintiff

No. 89-1-01173-5

vs.

WILLIAM CHEAD JUSTICE, JR.,
Defendant.

MOTION AND AFFIDAVIT
FOR ORDER IMPOSING
SANCTIONS FOR VIOLATION
OF COMMUNITY
SUPERVISION

DOB: 10/09/69
DOC No: 963592

COMES NOW the State of Washington, Plaintiff, by and through Arthur D. Curtis, Prosecuting Attorney, and DANA M. FIELD, Deputy Prosecuting Attorney, and moves the Court for an Order imposing sanctions for violation of community supervision previously granted on defendant's conviction of the crime of Child Molestation in the Second Degree.

Defendant has violated the terms and conditions of his/her community supervision as follows:

1. By failing to make payments towards court ordered legal financial obligations as required.

This motion is based upon the pleadings and papers filed herein, and upon the following Affidavit.

DATED at Vancouver, Clark County, Washington this 17 day of

January, 1996.

Dana M. Field
DANA M. FIELD, WSBA #18324
Deputy Prosecuting Attorney

STATE OF WASHINGTON)
) ss
COUNTY OF CLARK)

FILED
JAN 17 1996

JoAnne McBride, Clerk, Clark Co.

CLARK COUNTY PROSECUTING ATTORNEY
1200 FRANKLIN
P.O. BOX 5000
VANCOUVER, WASHINGTON 98688
(206) 899-2261

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1 DANA M. FIELD, being first duly sworn, on oath, deposes and
2 states:

3 1. That your affiant is the Deputy Prosecuting Attorney who is
4 handling Clark County Superior Court Cause No. 89-1-01173-5, State of
5 Washington v. WILLIAM CHEAD JUSTICE, JR.

6 2. WILLIAM CHEAD JUSTICE, JR. was sentenced before the Honorable
7 JOHN N. SKIMAS, Judge, of the Superior Court on the 23rd day of March,
8 1990, and at that time was placed on Community Supervision on certain
9 terms and conditions.

10 3. That since the time of the granting of the Community
11 Supervision, STEFANI MEUSBORN, Community Corrections Officer for the
12 Department of Corrections, State of Washington has filed a violation of
13 the conditions of Community Supervision in regard to the defendant, a
14 copy of which is attached hereto and by such reference incorporated
15 herein as if set forth in full.

16 4. That based upon the violation report, there is good and
17 sufficient reason to impose sanctions based on violations of the terms
18 and conditions of community supervision.

19 Further your affiant saith not.

20 *Dana M. Field*
21 DANA M. FIELD, WSBA #18324
22 Deputy Prosecuting Attorney

23 SUBSCRIBED AND SWORN TO BEFORE ME THIS 17th DAY OF
24 January, 1996.

Charles J. Afford
NOTARY PUBLIC in and for the State of
Washington signed in Vancouver therein.
My commission expires: 7-1-98

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
DIVISION OF COMMUNITY CORRECTIONS

Report to: HONORABLE J. SKIMAS

Date: 01/16/1996

Name: WILLIAM CHEAD JUSTICE JR

Number: 963592

County Cause: CLARK 891011735

Crime: CHILD MOLESTATION 2
ATTEMPTED

Sentence: 24 MTH - COMM. SUPERVSN
MONETARY

Date of Sentence: 03/23/1990

Termination: 03/22/2000

Location:

1806 NE 104TH 3
VANCOUVER, WA 98664

Status: ACTIVE-FLD

Classification: 5B

FILED

JAN 31 1996

NOTICE OF VIOLATION

The above named offender has violated conditions of supervision by:

Failure to make payments towards Court ordered legal financial obligations as required.

SUPPORTING EVIDENCE AND ADJUSTMENT:

The Court ordered WILLIAM CHEAD JUSTICE JR to pay legal financial obligations totaling \$645.00 plus interest. WILLIAM CHEAD JUSTICE JR was placed on a payment schedule of \$25.00 per MONTH. A review of payment information received from the County Clerk's Office reveals that WILLIAM CHEAD JUSTICE JR paid \$0.00 during the last 12 months and has a balance of \$257.66 including interest. This case has been reviewed to determine his/her ability to pay the assessed court ordered legal financial obligations.

WILLIAM JUSTICE SIGNED CONDITIONS ON 04/09/1993 AGREEING TO PAY \$25.00 PER MONTH TOWARDS HIS LEGAL FINANCIAL OBLIGATIONS. HE HAS NOT MADE A PAYMENT SINCE 04/06/1993. JUSTICE IS CURRENTLY BEING HELD IN THE CLARK COUNTY JAIL ON CHARGES OF FORGERY. HIS NEXT COURT APPEARANCE IS SCHEDULED FOR 01/19/1996. AS A SEX OFFENDER, JUSTICE IS TO REGISTER HIS ADDRESS WITH THE CLARK COUNTY SHERIFF, I CHECKED WITH THEM AND HE HAS NOT REPORTED A CHANGE OF ADDRESS SINCE 12/09/1992 AND HE HAS HAD TWO KNOWN ADDRESS CHANGES SINCE THAT DATE. I RECOMMEND THAT THE COURT IMPOSE A 15 DAY JAIL SENTENCE FOR FAILURE TO PAY ON THIS CAUSE AT THE TIME OF HIS HEARING ON 01/19/1996.

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MS

Name: WILLIAM CHEAD JUSTICE JR

Number: 963592
Cause: CLARK 891011735

RECOMMENDATION:

- () It is recommended that a Hearing be scheduled and that the Court impose a 15 day jail sentence or other alternative such as work release or electronic monitoring as appropriate.
- () It is recommended that a Hearing be scheduled and that the appropriate legal financial obligations of _____ be converted to _____ hours of community service, based on the rate of _____ per hour.
- () It is recommended that a Hearing be scheduled and that the Court impose a _____ day jail sentence, to be converted to _____ hours of community service.
- () It is recommended that a Hearing be scheduled and that the Court change the monthly legal financial payment to _____.
- () It is recommended that a Hearing be scheduled and that the Court set a monthly legal financial payment amount.
- (X) Other It is recommended that at the Hearing scheduled for 01/19/1996, a
15 day jail sentence be imposed for failure to pay on this cause number
- () Enter Order Terminating Supervision.
- () No action.
- () Issue Bench Warrant. When apprehended, the offender should be instructed to report to the assigned Community Corrections Officer following any additional sanctions imposed by the Court.

UNLESS REQUESTED BY THE COURT, A COMMUNITY CORRECTIONS OFFICER WILL NOT BE PRESENT AT THE HEARING.

Submitted by:

Approved:

Stephan Meusborn

Stephan Meusborn
Community Corrections Office
E. VANCOUVER ODMU
8008 NE 4TH PLAIN ROAD 360
S-32
VANCOUVER, WA 98662

Richard Espenou

Supervisor/
Lead Community Corrections Officer 3

Distribution:

Original: Court
cc: Defense Attorney
Presentation Officer
Prosecuting Attorney
File

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

STATE OF WASHINGTON,)
)
 Plaintiff,)
)
 vs.)
)
 William Chead Justice,)
)
 Defendant.)

CASE NO. 89-1-01173-5
JUDGMENT NO. 90-9-00793-5
CLERK'S SATISFACTION
OF JUDGMENT

THIS IS TO CERTIFY that a certain judgment filed in the Superior Court of Clark County,
Washington, on the 1 day of February, 1990, and entered in the Office of
the County Clerk on the Execution Docket in favor of the State of Washington and against
William Chead Justice has been paid and is satisfied in full.

Dated: 1-25-96

JoAnne McBride, Clark County Clerk
Clerk of the Superior Court
Clark County, Washington

FILED

JAN 25 1996

JoAnne McBride, Clark County Clerk

Juli Swatosh, Deputy Clerk

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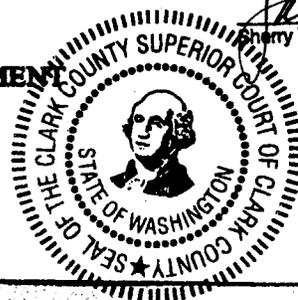
STATE OF WASHINGTON } ss.
COUNTY OF CLARK }

I, Sherry W. Parker, County Clerk and Clerk of the Superior Court of
Clark County, Washington, DO HEREBY CERTIFY that this
document, consisting of 1 page(s), is a true and correct
copy of the original now on file and of record in my office and, as
County Clerk, I am the legal custodian thereof.

Signed and sealed at Vancouver, Washington this date:

January 30, 2009
Sherry W. Parker, County Clerk
Marlene S. Dodge

CLERK'S SATISFACTION OF JUDGMENT
PAGE 1 OF 1



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MS

FILED
FEB 10 1996
JoAnne McBride, Clerk, Clark Co.

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

STATE OF WASHINGTON,) No. 89-1-01173-5
Plaintiff,)
v.) **MOTION AND ORDER OF**
WILLIAM CHEAD JUSTICE, JR.,) **DISMISSAL AND TERMINATING**
Defendant.) **SUPERVISION**

COMES NOW MICHAEL B. DODDS, Deputy Prosecuting Attorney, and does hereby respectfully move the Court for an Order dismissing the Information filed herein on DECEMBER 6, 1989, and terminating the probation herein for the reason that Defendant has paid his legal financial obligations.

DATED this 2ND day of February, 1996.



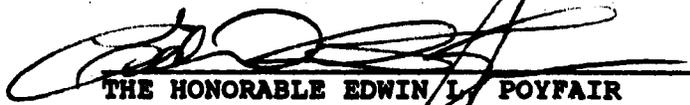
MICHAEL B. DODDS, WSBA #10785
Deputy Prosecuting Attorney

O R D E R

THIS MATTER having come on regularly for hearing upon the Motion of MICHAEL B. DODDS, Deputy Prosecuting Attorney for Clark County, for an Order of this Court dismissing the Information filed herein, and it appearing that said Motion should be granted,

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Information filed in the above-numbered and entitled cause on DECEMBER 6, 1989, be and the same is hereby dismissed

IT IS FURTHER ORDERED that the defendant's probation is terminated. DONE in Open Court this 2ND day of February, 1996.



THE HONORABLE EDWIN L. POYFAIR
JUDGE OF THE SUPERIOR COURT

Presented by:

MICHAEL B. DODDS, WSBA #10785
Deputy Prosecuting Attorney

CLARK COUNTY PROSECUTING ATTORNEY
1200 FRANKLIN
P.O. BOX 8000
VANCOUVER, WASHINGTON 98668
(206) 690-2261

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