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COURT OF APPEALS
DIVISION II

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STATE OF WASHINGTON
BY
DEPUTY

IN THE COURT OF APPEALS OF
THE STATE OF WASHINGTON
DIVISION TWO
NO. 41166-1-II

IN RE THE PERSONAL)
RESTRAINT PETITION OF) RESPONSE TO
) PERSONAL RESTRAINT
AARON JAY GREEN) PETITION

Comes now Edward G. Holm, Prosecuting Attorney in and for Thurston County, State of Washington, by and through John C. Skinder, Deputy Prosecuting Attorney, and files its response to petitioner's personal restraint petition pursuant to RAP 16.9.

I. BASIS OF CURRENT RESTRICTIONS ON LIBERTY

Petitioner is currently in the custody of the Washington Department of Corrections pursuant to a sentence of 60 months imposed following a plea of guilty to one count of felony violation of post-conviction no contact order (domestic violence) on November 13, 2009. See Judgment and Sentence Thurston County Superior Court Cause No. 09-1-1372-5, Appendix A. This sentence is running concurrent to a DOSA sentence imposed in Thurston County Superior Court Cause No. 09-1-00995-7 imposed on August 11, 2009. See Judgment and sentence, Appendix B.

II. STATEMENT OF PROCEEDINGS

Mr. Green was charged by original Information with two counts of felony violation of post-conviction no-contact order (domestic violence). See Appendix C. He subsequently pleaded guilty to one count of felony violation of post-conviction no-contact order (domestic violence) as contained in the first amended information. See First Amended Information in Appendix D and Statement of Defendant on Plea of Guilty in Appendix E. These violations were based on the facts contained in the Certification of Probable Cause. See Appendix F.

III. RESPONSE TO ISSUES RAISED

The issue raised by Mr. Green in his personal restraint petition is frivolous and without merit as he was already “under sentence” in Thurston County Superior Court Cause No. 09-1-00995-7 when he committed a new felony offense in Thurston County Superior Court Cause No. 09-1-01372-5.

The petitioner claims that he was sentenced to a “hybrid” sentence in violation of RCW 9.94A.589. He is mistaken.

RCW 9.94A.589(3) provides that “whenever a person is sentenced for a felony that was committed while the person was not under sentence for conviction of a felony, the sentence shall run concurrently” with the other felony sentences, “unless the court

pronouncing the current sentence expressly orders that they be served consecutively”.

Mr. Green had already been sentenced on Thurston County Superior Court Cause No. 09-1-00995-7 before he committed the new offense in Thurston County Superior Court Cause No. 09-1-01372-5. In fact, according to the Certification of Probable Cause, Mr. Green called the protected party in violation of the no-contact order to discuss the special drug offender sentencing alternative (DOSA) sentence that had just been ordered in 09-1-00995-7. See Appendix F. Therefore, the petitioner’s claim that he was sentenced in violation of RCW 9.94A.589(3) is mistaken.

The petitioner also claims that *State v. Smith*, 142 Wn.App. 122, 173 P.3d 973 (2007) supports his claim. Again, for the reasons stated above, he is mistaken. *State v. Smith* dealt with a case where a defendant committed new felonies before he was sentenced on his older felony matters; the trial court imposed a standard range sentence for the first felony offense and granted a special drug offender sentencing alternative for the second felony. *Id.*, at 124-126. The Court in *State v. Smith* held that RCW 9.94A.589(3) does not authorize a part consecutive, part-concurrent hybrid sentence. *Id.*, at

127.

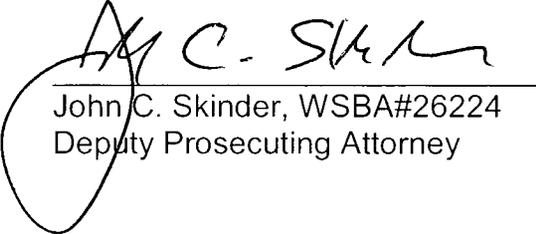
In Mr. Green's cases, he was already "under sentence" for his felony conviction in Thurston County Superior Court Cause No. 09-1-00995-7 when he committed the new crime in Thurston County Superior Court Cause No. 09-1-01372-5. Therefore, the analysis of the Court in *State v. Smith* does not apply to Mr. Green as Mr. Green's cases do not involve RCW 9.94A.589(3).

IV. CONCLUSION

As there is no factual support for Mr. Green's claim, the State respectfully asks this court to deny Mr. Green's petition.

RESPECTFULLY SUBMITTED this 10th day of January, 2011.

JON TUNHEIM
Prosecuting Attorney


John C. Skinder, WSBA#26224
Deputy Prosecuting Attorney

APPENDIX A

10

FILED
SUPERIOR COURT
THURSTON COUNTY WA

'09 NOV 13 P2:44

BETTY J. BOULD CLECK

**SUPERIOR COURT OF WASHINGTON
COUNTY OF THURSTON**

STATE OF WASHINGTON, Plaintiff,

vs.

AARON JAY GREEN,

Defendant.

No. 09-1-01372-5

FELONY JUDGMENT AND SENTENCE (FJS)

Prison (non-sex offense)

SID: WA18694872
If no SID, use DOB: 02/23/1980
PCN: 767007795 BOOKING NO. C0158985

I. HEARING

1.1 A sentencing hearing was held on NOVEMBER 13, 2009 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 NOVEMBER 13, 2009
by plea jury-verdict bench trial of

COUNT	CRIME	RCW	DATE OF CRIME
I	FELONY VIOLATION OF POST CONVICTION NO CONTACT ORDER/DOMESTIC VIOLENCE	26.50.110(5), 10.99.020, 10.99.050	AUGUST 11, 2009

as charged in the FIRST AMENDED information.

Additional current offenses are attached in Appendix 2.1.

The court finds that the defendant is subject to sentencing under **RCW 9.94A.712**.

A special verdict/finding for use of **firearm** was returned on Count(s) _____ RCW 9.94A.602, 9.94A.533.

A special verdict/finding for use of **deadly weapon other than a firearm** was returned on Count(s) _____ RCW 9.94A.602, 9.94A.533.

A special verdict/finding for **Violation of the Uniform Controlled Substances Act** was returned on Count(s) _____, RCW 69.50.401 and RCW 69.50.435, taking place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.

09-9-11990-5

FELONY JUDGMENT AND SENTENCE (FJS)
(RCW 9.94A.500, .505)(WPF CR 84.0400 (5/2006))

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- A special verdict/finding that the defendant committed a crime involving the manufacture of methamphetamine, including its salts, isomers, and salts of isomers, when a juvenile was present in or upon the premises of manufacture was returned on Count(s) _____. RCW 9.94A.605, RCW 69.50.401, RCW 69.50.440.
- The defendant was convicted of **vehicular homicide** which was proximately caused by a person driving a vehicle while under the influence of intoxicating liquor or drug or by the operation of a vehicle in a reckless manner and is therefore a violent offense. RCW 9.94A.030.
- This case involves **kidnapping** in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.
- The court finds that the offender has a **chemical dependency** that has contributed to the offense(s). RCW 9.94A.607.
- The crime charged in Count(s) I involve(s) domestic violence.
- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

None of the current offenses constitute same criminal conduct except: _____

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

CRIME	CRIME DATE	SENTENCE DATE	COURT OF SENTENCE	ADULT or JUVENILE	CRIME TYPE
Malicious Mischief 2 nd Degree	08/24/97	11/04/97	Clark Co., WA	Juvenile	NV
Malicious Mischief 2 nd Degree	06/24/98	08/17/98	Clark Co., WA	Adult	NV
Theft 1 st Degree	12/26/00	03/19/01	Clark Co., WA	Adult	NV
UPOCS – Methamphetamine	04/08/02	01/17/03	Clark Co., WA	Adult	NV
Bail Jumping	08/23/02	01/17/03	Clark Co., WA	Adult	NV
Possession of Stolen Property 2 nd Degree	09/28/04	09/28/04	Clark Co., WA	Adult	NV
Domestic Violence Court Order Violation	06/04/06	06/21/06	Clark Co., WA	Adult	DV/GM
Domestic Violence Court Order Violation	06/04/06	06/21/06	Clark Co., WA	Adult	DV/GM
Domestic Violence Court Order Violation	06/04/06	06/21/06	Clark Co., WA	Adult	DV/GM
Assault 3 rd Degree	12/07/08	2/11/09	Thurston Co., WA	Adult	DV
Domestic Violence Court Order Violation	03/18/09	08/11/09	Thurston Co., WA	Adult	DV
Domestic Violence Court Order Violation	04/19/09	08/11/09	Thurston Co., WA	Adult	DV
Domestic Violence Court Order Violation	04/21/09	08/11/09	Thurston Co., WA	Adult	DV

- Additional criminal history is attached in Appendix 2.2.
- The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525.
- The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):
- The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

None of the prior convictions constitutes same criminal conduct except _____

2.3 SENTENCING DATA:

COUNT	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE	ENHANCEMENTS*	TOTAL STANDARD RANGE	MAXIMUM TERM
I	9	II	60 MOS.	N/A	60 MOS.	60 MOS.

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present. [] Additional current offense sentencing data is attached in Appendix 2.3.

2.4 EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence:
 within below the standard range for Count(s) I by running sentence 7
 above the standard range for Count(s) concurrent WPO9-1-00995 below
 The defendant and state stipulate that justice is best served by imposition of the exceptional sentence ~~above~~ the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.
 Aggravating factors were [] stipulated by the defendant, [] found by the court after the defendant waived jury trial, [] found by jury by special interrogatory.
 Findings of fact and conclusions of law are attached in Appendix 2.4. [] Jury's special interrogatory is attached. The Prosecuting Attorney [] did [] did not recommend a similar sentence.

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

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

III. JUDGMENT

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

JASS CODE
 RTN/RJN \$ RESERVED Restitution to: _____
 \$ _____ Restitution to: _____
 \$ _____ Restitution to: _____
 (Name and Address--address may be withheld and provided confidentially to Clerk of the Court's office.)
 PCV \$ 500.00. Victim assessment RCW 7.68.035
 \$ 100.00 Domestic Violence assessment RCW 10.99.080

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

HIV TESTING. The defendant shall submit to HIV testing. RCW 70.24.340.

4.3 The defendant shall not have contact with Amber D. Beasley (12/04/78) (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for 5 years (not to exceed the maximum statutory sentence). *except as allowed in NCOs filed in 08-1-2226-2 + 09-1-995-7.*

Domestic Violence No-Contact Order or Antiharassment No-Contact Order is filed with this Judgment and Sentence.

4.4 OTHER: _____

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

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

60 months on Count I _____ months on Count _____
_____ months on Count _____ months on Count _____
_____ months on Count _____ months on Count _____

Actual number of months of total confinement ordered is 60 months (total time including community custody cannot exceed 60 mos)
(Add mandatory firearm and deadly weapons enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above.)

The confinement time on Count(s) _____ contain(s) a mandatory minimum term of _____.

Concurrent w/ cause 09-1-995-7.
NON-FELONY COUNTS:

Sentence on counts _____ is/are suspended for _____ months on the condition that the defendant comply with all requirements outlined in the supervision section of this sentence.

_____ days of jail are suspended on Count _____
_____ days of jail are suspended on Count _____

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

The sentence herein shall run consecutively with the sentence in cause number(s) _____

but concurrently to any other felony cause not referred to in this Judgment. RCW 9.94A.589.

Confinement shall commence immediately unless otherwise set forth here: _____

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: _____

4.6 COMMUNITY CUSTODY is ordered as follows:

Count I for a range from 9 to 18 months; *(total confinement + com. custody can not exceed 60 mos.)*
 Count _____ for a range from _____ to _____ months;
 Count _____ for a range from _____ to _____ months;

or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A.700 and .705 for community placement offenses, which include serious violent offenses, second degree assault, any crime against a person with a deadly weapon finding and chapter 69.50 or 69.52 RCW offenses not sentenced under RCW 9.94A.660 committed before July 1, 2000. See RCW 9.94A.715 for community custody range offenses, which include sex offenses not sentenced under RCW 9.94A.712 and violent offenses committed on or after July 1, 2000. Use paragraph 4.7 to impose community custody following work ethic camp.] **STATUTORY LIMIT ON SENTENCE.** Notwithstanding the length of confinement plus any community custody imposed on any individual charge, in no event will the combined confinement and community custody exceed the statutory maximum for that charge. Those maximums are: Class A felony--life in prison; Class B felony--ten (10) years in prison; Class C felony--5 (5) years in prison.

On or after July 1, 2003, DOC shall supervise the defendant if DOC classifies the defendant in the A or B risk categories; or, DOC classifies the defendant in the C or D risk categories and at least one of the following apply:

a) the defendant committed a current or prior:		
i) Sex offense	ii) Violent offense	iii) Crime against a person (RCW 9.94A.411)
iv) Domestic violence offense (RCW 10.99.020)		v) Residential burglary offense
vi) Offense for manufacture, delivery or possession with intent to deliver methamphetamine including its salts, isomers, and salts of isomers,		
vii) Offense for delivery of a controlled substance to a minor; or attempt, solicitation or conspiracy (vi, vii)		
b) the conditions of community placement or community custody include chemical dependency treatment.		
c) the defendant is subject to supervision under the interstate compact agreement, RCW 9.94A.745.		

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

Pay all court-ordered legal financial obligations Report as directed to a community corrections officer

Notify the community corrections officer in advance of any change in defendant's address or employment Remain within prescribed geographical boundaries to be set by CCO

The defendant shall not consume any alcohol and shall submit to random breath testing as directed by DOC for purposes of monitoring compliance with this condition.

Defendant shall have no contact with: Amber D. Beasley except as stated in section 4.3 of this document.
 The defendant shall undergo evaluation and fully comply with all recommended treatment for the following:

Substance Abuse

Mental Health

Sexual Deviancy

Anger Management

Other: _____

The defendant shall enter into and complete a certified domestic violence program as required by DOC or as follows: _____

The defendant shall not use, possess, manufacture or deliver controlled substances without a valid prescription, not associate with those who use, sell, possess, or manufacture controlled substances and submit to random urinalysis at the direction of his/her CCO to monitor compliance with this condition.

The defendant shall comply with the following additional crime-related prohibitions: _____

Other conditions may be imposed by the court or DOC during community custody, or are set forth here: _____

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

4.7 **WORK ETHIC CAMP.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6.

4.8 **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). The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

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 or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

5.4 **RESTITUTION HEARING.**

Defendant waives any right to be present at any restitution hearing (sign initials): _____

5.5 Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. RCW 9.94A.634.

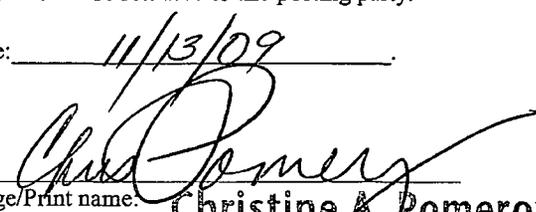
5.6 **FIREARMS.** You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

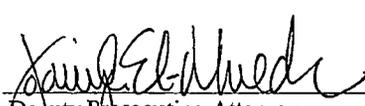
5.7 The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.

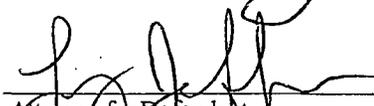
5.8 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.

5.9 OTHER: Bail previously posted, if any, is hereby exonerated and shall be returned to the posting party.

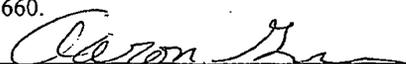
DONE in Open Court and in the presence of the defendant this date: 11/13/09


Judge/Print name: **Christine A. Pomeroy**


Deputy Prosecuting Attorney
WSBA No. 25120
Print name: JODILYN ERIKSON-
MULDREW


Attorney for Defendant
WSBA No. 24783
Print name: LARRY JEFFERSON

VOTING RIGHTS STATEMENT: RCW 10.64.140. I acknowledge that my right to vote has been lost due to felony conviction. 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: 

I am a certified interpreter of, or the court has found me otherwise qualified to interpret, the _____ language, which the defendant understands. I translated this Judgment and Sentence for the defendant into that language.
Interpreter signature/Print name: _____

I, _____, 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 the Court of said county and state, by: _____, Deputy Clerk

IDENTIFICATION OF DEFENDANT

SID No. WA18694872
(If no SID take fingerprint card for State Patrol)

Date of Birth 02/23/1980

FBI No. 921807HB6

Local ID No. _____

PCN No. 767007795

Other _____

Alias name, DOB: _____

Race:

Asian/Pacific Islander

Black/African-American

Caucasian

Ethnicity:

Hispanic

Sex:

Male

Native American

Other: _____

Non-Hispanic

Female

FINGERPRINTS: I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk, [Signature] Dated: 11/13/09

DEFENDANT'S SIGNATURE: [Signature]

Left four fingers taken simultaneously

Left Thumb

Right Thumb

Right four fingers taken simultaneously



**SUPERIOR COURT OF THE STATE OF WASHINGTON
COUNTY OF THURSTON**

STATE OF WASHINGTON

NO. 09-1-01372-5

Plaintiff,

**WARRANT OF COMMITMENT ATTACHMENT TO
JUDGMENT AND SENTENCE (PRISON)**

vs.

AARON JAY GREEN,

Defendant.

DOB: 02/23/1980
SID: WA18694872 FBI: 921807HB6
PCN: 767007795
RACE: W
SEX: M
BOOKING NO: C0158985

THE STATE OF WASHINGTON TO:

The Sheriff of Thurston County and to the proper officer of the Department of Corrections.

The defendant AARON JAY GREEN has been convicted in the Superior Court of the State of Washington for the crime(s) of:

FELONY VIOLATION OF POST CONVICTION NO CONTACT ORDER/DOMESTIC VIOLENCE

and the court has ordered that the defendant be sentenced to a term of imprisonment as set forth in the Judgment and Sentence.

YOU, THE SHERIFF, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections; and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence.

By direction of the Honorable:

Christine A. Pomeroy
BETTY J. GOULD

CLERK

By: 
DEPUTY CLERK

APPENDIX B

10

FILED
SUPERIOR COURT
THURSTON COUNTY WA

'09 AUG 11 P2:25

BETTY J GOULD CLERK

BY _____ DEPUTY

SUPERIOR COURT OF WASHINGTON
COUNTY OF THURSTON

STATE OF WASHINGTON, Plaintiff,

vs.

AARON JAY GREEN

Defendant.

No. 09-1-00995-7

FELONY JUDGMENT AND SENTENCE (FJS)

Special Drug Offender Sentencing Alternative
DOSA

SID: WA18694872
If no SID, use DOB: 02/23/1980
PCN: 767001487 BOOKING NO.

I. HEARING

1.1 A sentencing hearing was held on August 11, 2009 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 August 11, 2009 by plea jury-verdict bench trial of:

COUNT	CRIME	RCW	DATE OF CRIME
I	VIOLATION OF POST CONVICTION NO CONTACT ORDER/DV (FELONY)	26.50.110(5), 10.99.020	FEBRUARY 12, 2009
II	VIOLATION OF POST CONVICTION NO CONTACT ORDER/DV (FELONY)	26.50.110(5), 10.99.020	FEBRUARY 12, 2009
III	VIOLATION OF POST CONVICTION NO CONTACT ORDER/DV (FELONY)	26.50.110(5), 10.99.020	FEBRUARY 12, 2009

as charged in the FIRST AMENDED information.

Additional current offenses are attached in Appendix 2.1.

A special verdict/finding for Violation of the Uniform Controlled Substances Act was returned on

Count(s) _____, RCW 69.50.401 and RCW 69.50.435, taking place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school

FELONY JUDGMENT AND SENTENCE (FJS)
(RCW 9.94A.500, .505)(WPF CR 84.0400 (5/2006))

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district; or in a public park, public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.

A special verdict/finding that the defendant committed a crime involving the manufacture of methamphetamine, including its salts, isomers, and salts of isomers, when a juvenile was present in or upon the premises of manufacture was returned on Count(s) _____ RCW 9.94A.605, RCW 69.50.401, RCW 69.50.440.

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

The crime charged in Count(s) I, II, III involve(s) domestic violence.

Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):

Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

None of the current offenses constitute the same criminal conduct.

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

CRIME	CRIME DATE	SENTENCE DATE	COURT OF SENTENCE	ADULT or JUVENILE	CRIME TYPE
Malicious Mischief 2 nd Degree	08/24/97	11/04/97	Clark Co., WA	Juvenile	NV
Malicious Mischief 2 nd Degree	06/24/98	08/17/98	Clark Co., WA	Adult	NV
Theft 1 st Degree	12/26/00	03/19/01	Clark Co., WA	Adult	NV
UPOCS - Methamphetamine	04/08/02	01/17/03	Clark Co., WA	Adult	NV
Bail Jumping	08/23/02	01/17/03	Clark Co., WA	Adult	NV
Possession of Stolen Property 2 nd Degree	09/28/04	09/28/04	Clark Co., WA	Adult	NV
Domestic Violence Court Order Violation	06/04/06	06/21/06	Clark Co., WA	Adult	DV/GM
Domestic Violence Court Order Violation	06/04/06	06/21/06	Clark Co., WA	Adult	DV/GM
Domestic Violence Court Order Violation	06/04/06	06/21/06	Clark Co., WA	Adult	DV/GM
Assault 3 rd Degree	12/07/08	2/11/09	Thurston Co., WA	Adult	DV

Additional criminal history is attached in Appendix 2.2.

The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525

None of the above prior convictions constitute the same criminal conduct except _____

The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

2.3 SENTENCING DATA:

COUNT	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE	ENHANCEMENTS*	TOTAL STANDARD RANGE	MAXIMUM TERM
<u>I</u>	<u>8</u>	<u>V</u>	<u>60 mos.</u>	<u>n/a</u>	<u>60 mos.</u>	<u>5yr</u>
<u>II</u>	<u>8</u>	<u>V</u>	<u>60 mos.</u>	<u>n/a</u>	<u>60 mos.</u>	<u>5yr</u>
<u>III</u>	<u>8</u>	<u>V</u>	<u>60 mos.</u>	<u>n/a</u>	<u>60 mos.</u>	<u>5yr</u>

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present. [] Additional current offense sentencing data is attached in Appendix 2.3.

2.4 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS. The court has considered the total amount owing, the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.
 [] The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

III. JUDGMENT

3.1 The defendant is **GUILTY** of the Counts and Charges listed in Paragraph 2.1 and Appendix 2.1.
 3.2 [] The court **DISMISSES** Counts _____.
 3.3 [] 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:

JASS CODE

RTN/RJN \$ RESERVED Restitution to: _____
 \$ _____ Restitution to: _____
 \$ _____ Restitution to: _____

(Name and Address--address may be withheld and provided confidentially to Clerk of the Court's office.)

PCV \$ 500.00 Victim assessment RCW 7.68.035
 \$ 100.00 Domestic Violence assessment RCW 10.99.080
CRC \$ 200.00 Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190
 Criminal filing fee \$ 200.00 FRC
 Witness costs \$ _____ WFR
 Sheriff service fees \$ _____ SFR/SFS/SFW/WRF
 Jury demand fee \$ _____ JFR
 Extradition costs \$ _____ EXT
 Other \$ _____
PUB \$ _____ Fees for court appointed attorney RCW 9.94A.760
WFR \$ _____ Court appointed defense expert and other defense costs RCW 9.94A.760
FCM/MTH \$ _____ Fine RCW 9A.20.021; [] VUCSA chapter 69.50 RCW, [] VUCSA additional fine deferred due to indigency RCW 69.50.430
CDF/LDI/PCD \$ _____ Drug enforcement fund of Thurston County RCW 9.94A.760
NTF/SAD/SDI \$ _____ Thurston County Drug Court Fund
CLF \$ _____ Crime lab fee [] suspended due to indigency RCW 43.43.690
 \$ 100.00 Felony DNA collection fee [] not imposed due to hardship RCW 43.43.7541

\$ _____ Other costs for: _____
\$ 900.00 TOTAL RCW 9.94A.760

The above total may not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing may be set by the prosecutor or is scheduled for _____

RESTITUTION. Schedule attached.

Restitution ordered above shall be paid jointly and severally with:

<u>NAME of other defendant</u>	<u>CAUSE NUMBER</u>	<u>(Victim's name)</u>	<u>(Amount-</u>
<u>S)</u> <u>RJN</u>			

The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

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

The defendant shall report as directed by the clerk of the court and provide financial information as requested. RCW 9.94A.760(7)(b).

In addition to the other costs imposed herein, the court finds that the defendant has the means to pay for the cost of incarceration and is ordered to pay such costs at the rate of \$50.00 per day, unless another rate is specified here: _____ (JLR) RCW 9.94A.760.

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

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

HIV TESTING. The defendant shall submit to HIV testing. RCW 70.24.340.

4.3 The defendant shall not have contact with Amber D. Beasley (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for 5 years (not to exceed the maximum statutory sentence).

Domestic Violence No-Contact Order or Antiharassment No-Contact Order is filed with this Judgment and Sentence.

4.4 OTHER: _____

4.5 **SPECIAL DRUG OFFENDER SENTENCING ALTERNATIVE.** RCW 9.94A.660. The court finds that the defendant is a drug offender who is eligible for the special sentencing alternative and the court has determined that the special drug offender sentencing alternative is appropriate. The court waives imposition of a sentence within the standard range and imposes the following sentence:

(1) **CONFINEMENT.** Defendant is sentenced to the following term(s) of total confinement in the custody of the Department of Corrections (DOC) (half of the midpoint of the standard range):

Count I for a term of 30 months;
Count II for a term of 30 months;
Count III for a term of 30 months;
Count _____ for a term of _____ months;

30 months of total confinement in the custody of DOC.

Confinement shall commence immediately unless otherwise set forth here: _____

Work release is authorized, if eligible and approved. If the midpoint of the standard range is 24 months or less, no more than three months may be served in work release status. RCW 9.94A.731.

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: _____

(2) **COMMUNITY CUSTODY.** Defendant shall serve the following term(s) of community custody (the remainder of the midpoint of the standard range):

Count I for a term of 30 months;
Count II for a term of 30 months;
Count III for a term of 30 months;
Count _____ for a term of _____ months;

The defendant shall comply with the community custody conditions in paragraph 4.6.

4.6 **COMMUNITY CUSTODY CONDITIONS** (RCW 9.94A.660):

Defendant shall report to the Department of Corrections, 715 8th Ave SE, Olympia, WA 98504 (360-586-0917) not later than 72 hours after sentencing or release from custody and the defendant shall comply with the instructions, rules and regulations of DOC for the conduct of the defendant during the period of community custody, shall perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC, shall not use illegal controlled substances and shall comply with any other conditions of community custody stated in this Judgment and Sentence or other conditions that may be imposed by the court or DOC during community custody:

- (a) Undergo and successfully complete a substance abuse treatment program approved by the division of alcohol and substance abuse of the Department of Social and Health Services.
- (b) Undergo urinalysis or other testing to monitor drug-free status. The defendant shall pay the statutory rate to DOC, while on community custody, to offset the cost of urinalysis. Defendant shall not associate with those who use, possess, deliver or manufacture controlled substances.
- (c) Defendant shall not consume alcohol and shall submit to random breath testing at the direction of a CCO to monitor compliance with this condition.
- (d) Additional conditions as required by DOC:

Pay all court-ordered legal financial obligations

Report as directed to a community corrections officer

Notify the court or community corrections officer in advance of any change in defendant's address or employment	Remain within or outside of prescribed geographical boundaries
Perform community restitution (service) work	Stay out of areas designated by the judge
Devote time to specific employment or training	

Other Conditions: _____

4.7 (a) **ADDITIONAL CONFINEMENT UPON VIOLATION OF SENTENCE CONDITIONS.** If the defendant violates any of the sentence conditions in Section 4.6 above, or, for offenses committed on or after June 8, 2000, is found by the United States attorney general to be subject to a deportation order, a violation hearing shall be held by the department, unless waived by the offender. If the department finds that the conditions have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence. For offenses committed on or after June 8, 2000, if the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence. An offender who fails to complete the special drug offender sentencing alternative program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of the sentence as ordered by the sentencing judge and shall be subject to all rules relating to community custody and earned release time. An offender who violates any conditions of supervision as defined by the department shall be sanctioned. Sanctions may include, but are not limited to, reclassifying the offender to serve the unexpired term of sentence as ordered by the sentencing judge. If an offender is reclassified to serve the unexpired term of the sentence, the offender shall be subject to all rules relating to earned release time. RCW 9.94A.660.

(b) **CONFINEMENT ORDERED AT THE TREATMENT TERMINATION HEARING** (effective for sentences imposed on or after October 1, 2005). At the treatment termination hearing, the court may impose a term of total confinement equal to one-half of the midpoint of the standard sentence range. Confinement imposed at the hearing shall be followed by the term of community custody in paragraph 4.8. Within available funding, DOC shall make chemical dependency assessment and treatment services available to the defendant during the terms of total confinement and community custody.

4.8 **ADDITIONAL TERM OF COMMUNITY CUSTODY UPON FAILURE TO COMPLETE OR TERMINATION FROM ALTERNATIVE PROGRAM.** (a) For offenses committed on or after June 8, 2000, the following term of community custody is ordered and shall be imposed upon the defendant's failure to complete or defendant's administrative termination from the special drug offender sentencing alternative program (b) (effective for sentences imposed on or after October 1, 2005) For a defendant sentenced under the residential chemical dependency treatment-based alternative, the following term of community custody is ordered after the term of total confinement imposed at the treatment termination hearing.

Defendant shall serve community custody as follows:

Count <u>I</u>	for a range from	<u>9</u>	to	<u>18</u>	months;
Count <u>II</u>	for a range from		to	<u>18</u>	months;
Count <u>III</u>	for a range from		to	<u>18</u>	months;
Count _____	for a range from		to		months;

as sentence is statutory maximum there is no community custody. However, community confinement + community custody shall not exceed total of 18 months.

While on community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) not consume controlled substances except pursuant to lawfully issued prescriptions; (4) not unlawfully possess controlled substances while in community custody; (5) pay supervision fees as determined by DOC; and (6) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community custody. In addition, the defendant shall:

- Pay all court-ordered legal financial obligations
- Report as directed to a community corrections officer
- Notify the community corrections officer in
- Remain within prescribed geographical boundaries to

advance of any change in defendant's address or employment be set by CCO

[X] The defendant shall not consume any alcohol and shall submit to random breath testing as directed by DOC for purposes of monitoring compliance with this condition.

[] Defendant shall have no contact with: _____

[X] The defendant shall undergo evaluation and fully comply with all recommended treatment for the following:

- [X] Substance Abuse
- [] Sexual Deviancy
- [] Other: _____
- [] Mental Health
- [] Anger Management

[X] The defendant shall enter into and complete a certified domestic violence program as required by DOC or as follows: _____

[X] The defendant shall not use, possess, manufacture or deliver controlled substances without a valid prescription, not associate with those who use, sell, possess, or manufacture controlled substances and submit to random urinalysis at the direction of his/her CCO to monitor compliance with this condition.

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

Other conditions may be imposed by the court or DOC during community custody, or are set forth here: _____

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

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). The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

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 or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

5.4 RESTITUTION HEARING.

[] Defendant waives any right to be present at any restitution hearing (sign initials): _____.

5.5 Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. RCW 9.94A.634.

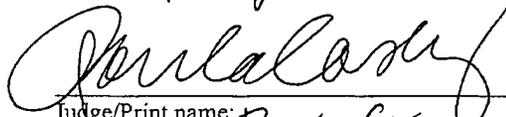
5.6 FIREARMS. You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

5.7 [] The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.

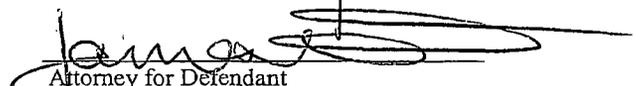
5.8 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.

5.9 Bail previously posted, if any, is hereby exonerated and shall be returned to the posting party.

DONE in Open Court and in the presence of the defendant this date: August 11, 2009


Judge/Print name: Paula Casey


Deputy Prosecuting Attorney
WSBA No. 25120
Print name: JODILYN ERIKSON-
MULDREW


Attorney for Defendant
WSBA No. 18174
Print name: JAMES SHACKLETON

VOTING RIGHTS STATEMENT: RCW 10.64.140. I acknowledge that my right to vote has been lost due to felony conviction. 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: 

I am a certified interpreter of, or the court has found me otherwise qualified to interpret, the _____ language, which the defendant understands. I translated this Judgment and Sentence for the defendant into that language.
Interpreter signature/Print name: _____

I, _____, 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 the Court of said county and state, by: _____, Deputy Clerk

IDENTIFICATION OF DEFENDANT

SID No. WA18694872
(If no SID take fingerprint card for State Patrol)

Date of Birth 02/23/1980

FBI No. 921807HB6

Local ID No. _____

PCN No. 767001487

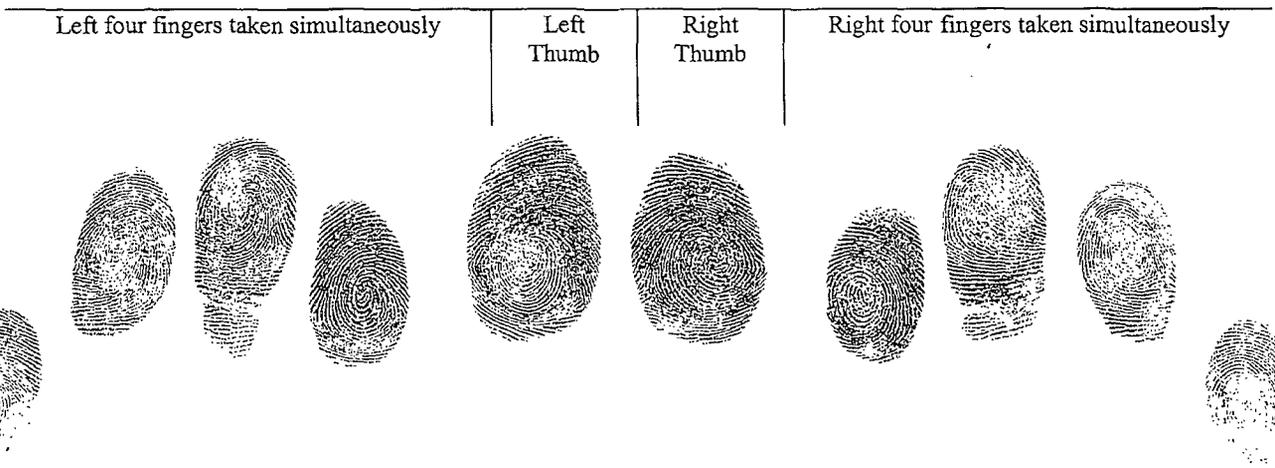
Other _____

Alias name, DOB: _____

Race: Asian/Pacific Islander Black/African-American Caucasian Native American Other: _____ Ethnicity: Hispanic Non-Hispanic Sex: Male Female

FINGERPRINTS: I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk, John Scott Dated: 08-11-09

DEFENDANT'S SIGNATURE: *Carson S. J.*



SUPERIOR COURT OF THE STATE OF WASHINGTON
COUNTY OF THURSTON

STATE OF WASHINGTON

NO. 09-1-00995-7

Plaintiff,

vs.

WARRANT OF COMMITMENT ATTACHMENT
TO JUDGMENT AND SENTENCE (PRISON)

AARON JAY GREEN,

Defendant.

DOB: 02/23/1980
SID: WA18694872 FBI: 921807HB6
PCN: 767001487
RACE: W
SEX: M
BOOKING NO:

THE STATE OF WASHINGTON TO:

The Sheriff of Thurston County and to the proper officer of the Department of Corrections.

The defendant AARON JAY GREEN has been convicted in the Superior Court of the State of Washington for the crime(s) of:

VIOLATION OF POST CONVICTION NO CONTACT ORDER/DV (FELONY) (3 CNTS.)

and the court has ordered that the defendant be sentenced to a term of imprisonment as set forth in the Judgment and Sentence.

YOU, THE SHERIFF, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections; and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence.

By direction of the Honorable:

PAULA CASEY

BETTY J. GOULD
CLERK

By *Jodi Scott*
DEPUTY CLERK

APPENDIX C

FILED
SUPERIOR COURT
THURSTON COUNTY, WASH.

09 AUG 20 AM 10:52

BETTY J. GOULD, CLERK

BY _____
DEPUTY

**IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THURSTON COUNTY**

STATE OF WASHINGTON,

Plaintiff,

vs.

AARON JAY GREEN

DESC: W/ M/600/200/BRN/BRN

DOB: 02/23/1980

SID: WA18694872 FBI: 921807HB6

BOOKING NO.

PCN NO.

Defendant.

NO. **09-1-01372-5**

INFORMATION

JODILYN ERIKSON-MULDREW

Deputy Prosecuting Attorney

Jointly Charged with Co-Defendant(s):

N/A

Comes now the Prosecuting Attorney in and for Thurston County, Washington, and charges the defendant with the following crime(s):

COUNT I - VIOLATION OF POST CONVICTION NO CONTACT ORDER/DOMESTIC VIOLENCE - THIRD OR SUBSEQUENT VIOLATION OF ANY SIMILAR ORDER, RCW 26.50.110(5), RCW 10.99.020, RCW 10.99.050 - CLASS C FELONY:

In that the defendant, AARON JAY GREEN, in the State of Washington, on or about August 11, 2009, with knowledge that the Thurston County Superior Court had previously issued a no contact order, pursuant to Chapter 10.99 in Thurston County Superior Court, Cause No. 09-1-00995-7, did violate the order while the order was in effect by knowingly violating the restraint provisions therein pertaining to Amber Dawn Beasley, a family or household member, pursuant to RCW 10.99.020; and furthermore, the defendant has at least two prior convictions for violating the provisions of a protection order, restraining order, or no-contact order issued under Chapter 10.99, 26.09, 26.10, 26.26, 26.50, 26.52, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020.

COUNT II - VIOLATION OF POST CONVICTION NO CONTACT ORDER/DOMESTIC VIOLENCE - THIRD OR SUBSEQUENT VIOLATION OF ANY SIMILAR ORDER, RCW 26.50.110(5), RCW 10.99.020, RCW 10.99.050 - CLASS C FELONY:

In that the defendant, AARON JAY GREEN, in the State of Washington, on or about August 12, 2009, with knowledge that the Thurston County Superior Court had previously issued a no contact order, pursuant to Chapter 10.99 in Thurston County Superior Court, Cause No. 09-1-00995-7, did violate the order while the order was in effect by knowingly violating the restraint

INFORMATION

EDWARD G. HOLM
Thurston County Prosecuting Attorney
2000 Lakeridge Drive S.W.
Olympia, WA 98502
(360) 786-5540 Fax (360) 754-3358

1 provisions therein pertaining to Amber Dawn Beasley, a family or household member, pursuant
2 to RCW 10.99.020; and furthermore, the defendant has at least two prior convictions for
3 violating the provisions of a protection order, restraining order, or no-contact order issued under
Chapter 10.99, 26.09, 26.10, 26.26, 26.50, 26.52, or 74.34 RCW, or a valid foreign protection
order as defined in RCW 26.52.020.

4 DATED this 18th day of August, 2009.

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6 
7 JODILYN ERIKSON-MULDREW, WSBA#25120
8 Deputy Prosecuting Attorney
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INFORMATION

EDWARD G. HOLM
Thurston County Prosecuting Attorney
2000 Lakeridge Drive S.W.
Olympia, WA 98502
(360) 786-5540 Fax (360) 754-3358

APPENDIX D

FILED
SUPERIOR COURT
THURSTON COUNTY, WASH.

09 NOV 10 PM 1:40

BETTY J. GOULD, CLERK

1
2
3
4 **IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THURSTON COUNTY**

BY _____
DEPUTY

NO. 09-1-01372-5

5 STATE OF WASHINGTON,

Plaintiff,

FIRST AMENDED INFORMATION

6 vs.

7 AARON JAY GREEN
8 DESC: W/M/600/200/BRN/BRN
9 DOB: 02/23/1980
10 SID: WA18694872; FBI: 921807HB6
BOOKING NO: C0158985
PCN: 767007795

Defendant.

JODILYN ERIKSON-MULDREW
Deputy Prosecuting Attorney

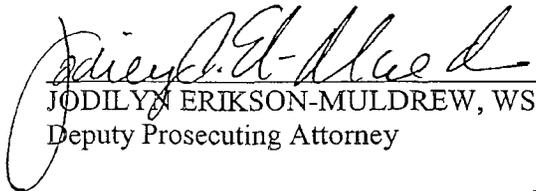
Jointly Charged with Co-Defendant(s):
N/A

11 Comes now the Prosecuting Attorney in and for Thurston County, Washington, and
12 charges the defendant with the following crime(s):

13 **COUNT I - VIOLATION OF POST CONVICTION NO CONTACT ORDER/DOMESTIC
14 VIOLENCE - THIRD OR SUBSEQUENT VIOLATION OF ANY SIMILAR ORDER,
15 RCW 26.50.110(5), RCW 10.99.020, RCW 10.99.050 - CLASS C FELONY:**

16 In that the defendant, AARON JAY GREEN, in the State of Washington, On or about August
17 11, 2009, with knowledge that the Thurston County Superior Court had previously issued a no
18 contact order, pursuant to Chapter 10.99 in Thurston County Superior Court, on August 11, 2009,
Cause No. 09-1-00995-7, did violate the order while the order was in effect by knowingly
violating the restraint provisions therein pertaining to Amber Dawn Beasley, a family or
household member, pursuant to RCW 10.99.020; and furthermore, the defendant has at least two
prior convictions for violating the provisions of a protection order, restraining order, or no-
contact order issued under Chapter 10.99, 26.09, 26.10, 26.26, 26.50, 26.52, or 74.34 RCW, or a
valid foreign protection order as defined in RCW 26.52.020.

19 DATED this 9th day of November, 2009.

20
21 
22 JODILYN ERIKSON-MULDREW, WSBA #25120
Deputy Prosecuting Attorney

23 FIRST AMENDED INFORMATION - 1

24
Edward G. Holm
Thurston County Prosecuting Attorney
2000 Lakeridge Drive S.W.
Olympia, WA 98502
360/786-5540 Fax 360/754-3358

APPENDIX E

FILED
SUPERIOR COURT
THURSTON COUNTY WA

'09 NOV 13 P2:46

BETTY J GOULD CLERK

BY _____ DEPUTY

SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY	
STATE OF WASHINGTON _____	Plaintiff
AARON J. GREEN	
vs.	
_____	Defendant.

NO. 09-1-1372-5

**STATEMENT OF DEFENDANT ON
PLEA OF GUILTY
(STTDFG)**

[Docket No. 1107]

1. My true name is: AARON J. GREEN
2. My age is: 29
3. I went through the 10th grade.
4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:
 - (a) 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.
 - (b) I am charged with: COUNT 1: D.V. VIOLATION OF A NO CONTACT ORDER,

 The elements are as set forth in the State's () information.
5. I UNDERSTAND I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:
 - (a) 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) The right to remain silent before and during trial, and the right to refuse to testify against myself;
 - (c) The right at trial to hear and question the witnesses who testify against me;
 - (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
 - (e) That I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
 - (f) The right to appeal a finding of guilt after a trial.

6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:

- (a) Each crime with which I am charged carries a maximum sentence, a fine, and a STANDARD SENTENCE RANGE as follows:

COUNT NO.	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	COMMUNITY CUSTODY RANGE (Only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph 6(f))	MAXIMUM TERM AND FINE
1	9	60 MONTHS	N/A	60 MONTHS	9-18 MONTHS	5 YEARS 10,000

*(F) Firearm, (D) other deadly weapon, (V) VUCSA in protected zone, (VH) Veh. Horn, See RCW 46.61.520, (JP) Juvenile present

- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (c) The prosecuting attorney's statement of my criminal history has been filed with this statement. Unless I have attached a different statement, I stipulate and agree that the prosecuting attorney's statement is true, correct and complete, and that any federal or out of state convictions listed are properly classified under the laws of this state as a felony, that none of the convictions constitutes same criminal conduct, and I waive any and all challenges to that history. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.
- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.
- (e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.
- (f) For crimes committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community supervision if the total period of confinement ordered is not more than 12 months. If this crime is a drug offense,

assault in the second degree, assault of a child in the second degree, or any crime against a person in which a specific finding was made that I or an accomplice was armed with a deadly weapon, the judge will order me to serve at least one year of community placement. If this crime is a vehicular homicide, vehicular assault, or a serious violent offense, the judge will order me to serve at least two years of community placement. The actual period of community placement, community custody, or community supervision may be as long as my earned early release period. During the period of community placement, community custody, or community supervision, I will be under the supervision of the Department of Corrections, and I will have restrictions placed on my activities.

For crimes committed on or after July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the crime I have been convicted of falls into one of the offense types listed in the following chart, and I am sentenced to more than 12 months, the court will sentence me to community custody for the community custody range established for that offense type unless the judge finds substantial and compelling reasons not to do so. If the period of earned release awarded per RCW 9.94A.150 is longer, that will be the term of my community custody. If the crime I have been convicted of falls into more than one category of offense types listed in the following chart, then the community custody range will be based on the offense type that dictates the longest term of community custody. If the crime I have been convicted of is not listed in the following chart and I am sentenced to more than 12 months, then there will be no period of community custody.

OFFENSE TYPE	COMMUNITY CUSTODY RANGE
Serious Violent Offenses	24 to 48 months or up to the period of earned release, whichever is longer.
Violent Offenses	18 to 36 months or up to the period of earned release, whichever is longer.
Crimes Against Persons	9 to 18 months or up to the period of earned release, whichever is longer.
Offenses under Chapter 69.50 or 69.52 RCW	9 to 12 months or up to the period of earned release, whichever is longer.

During the period of community custody I will be under the supervision of the Department of Corrections, and I will have restrictions placed on my activities. My failure to comply with these conditions will render me ineligible for general assistance, RCW 74.04.005(6)(h), and may result in the Department of Corrections transferring me to a more restrictive confinement status or other sanctions.

- (g) The prosecuting attorney will make the following recommendation to the judge: _____
60 MONTHS DOC. 9-18 MONTHS COMMUNITY CUSTODY, 200 COURT COSTS, 500 CVA, 100 DNA, 100 D.V. RESTITUTION, IF ANY, NO CONTACT W/VICTIM 5 YEARS, NO CRIMINAL LAW VIOLATIONS, OBEY DOC, NO POSSESSION OF CONTROLLED SUBSTANCES, DRUG AND ALCOHOL ABUSE EVALUATION AND COMPLETE TREATMENT, DNA TEST, DV EVALUATION AND COMPLETE TX ; CONCURRENT WITH 09-1-0995-7 AND STATE WILL DISMISS COUNT 2:

- (h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. If the judge goes outside the standard range, either the state or I can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.
- (i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under 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.
- (j) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040.
- (k) Public assistance will be suspended during any period of imprisonment.

NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE.

- [l] ~~This offense is a most serious offense or "strike" as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.~~
- [m] ~~The judge may sentence me as a first-time offender instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030. This sentence could include as much as 90 days' confinement, and up to two years community supervision if the crime was committed prior to July 1, 2000, or up to two years of community custody if the crime was committed on or after July 1, 2000, plus all of the conditions described in paragraph (e). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.~~
- [n] ~~If this crime involves a kidnapping offense involving a minor, I will be required to register where I reside, study or work. The specific registration requirements are set forth in Attachment "A."~~
- [o] **For all sentencings on or after July 1, 2002, that involve a felony**, or stalking under RCW 9A.46.110, or harassment under RCW 9A.46.020, or communicating with a minor for immoral purposes under RCW 9.68A.090, I will be required to provide a biological sample for purposes of DNA identification analysis, and will be assessed a \$100 fee for this purpose.
- [p] If this is a crime of domestic violence, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

- [q] ~~If this crime involves prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (AIDS) virus.~~
- [r] The judge may sentence me under the special drug offender sentencing alternative (DOSA) if I qualify under former RCW 9.94A.120(6) (for offenses committed before July 1, 2001) or RCW 9.94A.660 (for offenses committed on or after July 1, 2001). This sentence could include a period of total confinement in a state facility for one-half of the midpoint of the standard range plus all of the conditions described in paragraph 6(e). During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose community custody of at least one-half of the midpoint of the standard range that must include appropriate substance abuse treatment, a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. Additionally, the judge could prohibit me from using alcohol or controlled substances, require me to devote time to a specific employment or training, stay out of certain areas, pay thirty dollars per month to offset the cost of monitoring and require other conditions, including affirmative conditions.
- [s] If the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.
- [t] ~~If this crime involves the manufacture of methamphetamine, a mandatory clean-up fine of \$3,000.00 will be assessed. If this crime involves a felony violation of the Uniform Controlled Substances Act, then a mandatory \$1,000 drug enforcement fund penalty will be assessed, and shall be doubled if this is a subsequent controlled substances offense.~~
- [u] ~~If this crime involves a violation of the state drug laws, my eligibility for state and federal food stamps, welfare, and education benefits will be affected. 20 U.S.C. § 1091(r) and 21 U.S.C. § 862a.~~
- [v] ~~If this crime involves a motor vehicle, my driver's license or privilege to drive will be suspended or revoked. If I have a driver's license, I must now surrender it to the judge.~~
- [w] ~~If this crime involves the offense of vehicular homicide while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, committed on or after January 1, 1999, an additional two years shall be added to the presumptive sentence for vehicular homicide for each prior offense as defined in RCW 46.61.5055(8).~~
- [x] ~~The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. The law does not allow any reduction of this sentence.~~
- [y] ~~I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.~~

[z] I understand that the offense(s) I am pleading guilty to include a deadly weapon or firearm enhancement. ~~Deadly weapon or firearm enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon or firearm enhancements.~~

[aa] I understand that the offenses I am pleading guilty to include both a conviction under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and one or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm. ~~The sentences imposed for these crimes shall be served consecutively to each other. A consecutive sentence will also be imposed for each firearm unlawfully possessed.~~

[bb] I understand that if I am pleading guilty to the crime of unlawful practices in obtaining assistance as defined in RCW 74.08.331, no assistance payment shall be made for at least 6 months if this is my first conviction and for at least 12 months if this is my second or subsequent conviction. ~~This suspension of benefits will apply even if I am not incarcerated. RCW 74.08.290.~~

7. I plead guilty to: D.V. VIOLATION OF A NO CONTACT ORDER

in the _____ Information. I have received a copy of that Information, discussed it with my attorney, and understand the nature of the charges to which I am pleading guilty.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime.

This is my statement: IN THURSTON COUNTY, WASHINGTON, ON AUGUST 11, 2009, I DID WILFULLY VIOLATED THE TERMS OF A PREVIOUSLY ISSUED NO CONTACT ORDER BY HAVING CONTACT WITH ELEAN BEASLEY, A FAMILY MEMBER AND I HAVE AT LEAST 2 PRIOR CONVICTIONS FOR VIOLATING THE TERMS OF NO CONTACT ORDERS

[] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea..

[] I do not believe I am guilty. However, I wish to plead guilty in order to take advantage of the State's plea offer. I agree that the State could produce sufficient evidence at trial from which a reasonable jury would likely find me guilty beyond a reasonable doubt of the above charges.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and Attachment "A," if applicable. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

Defendant

Aaron Sheer

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

Vernice E. Muehr
Deputy Prosecuting Attorney, WSBA # *25120*

Larry Jefferson
Larry Jefferson, Defendant's Lawyer, WSBA #24783

COURT'S FINDINGS

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- (a) The defendant had previously read the entire statement above and that the defendant understood it in full;
- (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: *11/13/09*

Christine A. Pomeroy
JUDGE **Christine A. Pomeroy**

INTERPRETER'S DECLARATION

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands, and I have translated the statement of defendant on plea of guilty for the defendant from English into that language. The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated: _____

Interpreter

Location: Olympia, Washington

APPENDIX F

CERTIFICATE OF SERVICE

I certify that I served a copy of the State's Response to Personal Restraint Petition, on all parties or their counsel of record on the date below as follows:

- US Mail Postage Prepaid
- ABC/Legal Messenger
- Hand delivered by

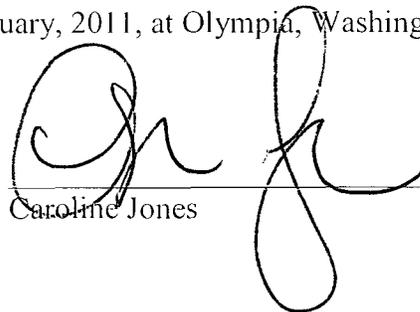
DAVID C. PONZOHA, CLERK
COURTS OF APPEALS DIVISION II
950 BROADWAY, SUITE 300
TACOMA, WA 98402-4454

FILED
COURT OF APPEALS
DIVISION II
11 JAN 12 PM 12:04
STATE OF WASHINGTON
BY _____
DEPUTY

AND TO: AARON J. GREEN, #785636/C-208B
MCC-WSR-MIN SECURITY UNIT
PO BOX 7001
MONROE, WA 98272

I certify under penalty of perjury under laws of the State of Washington that the foregoing is true and correct.

Dated this 11 day of January, 2011, at Olympia, Washington.



Caroline Jones