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2012 AUG -7 AM 8:32
SCOTT G. WEBER, CLERK
CLARK COUNTY

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

STATE OF WASHINGTON,)	
)	
Plaintiff,	)	NO. 11-1-00015-0
)	
vs.	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW, AND
JEREMY PUTNAM BAKKE,	)	ORDER TRANSFERRING MOTION TO
	)	MODIFY OR CORRECT JUDGMENT
	)	AND SENTENCE PURSUANT TO
	)	CrR 7.8 TO COURT OF APPEALS,
	)	DIVISION II
)	
Defendant.	)	[CrR 7.8(c) (2)]
)	
	)	[CLERK'S ACTION REQUIRED]

This matter came on regularly before the undersigned judge of the above-entitled court on August 6, 2012, on the motion of the defendant, Jeremy Bakke, for relief from judgment pursuant to CrR 7.8 (b). The court has reviewed the records and files herein, and the motion to modify or correct judgment and sentence (pursuant to CrR 7.8), filed by the defendant on August 3, 2012. The motion was accompanied by an affidavit in

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support of the motion, and a declaration of service. Based upon this review, the court makes the following:

FINDINGS OF FACT

1. The defendant, Jeremy P. Bakke, was convicted following a plea of guilty of one count of Attempted Burglary in the Second Degree. The plea was based upon a statement of defendant on plea of guilty, completed and reviewed with the defendant at a March 1, 2012 hearing. Following this review, the court accepted the defendant's plea as knowing, intelligent and voluntary, and supported by a sufficient factual basis.

2. The plea statement, paragraph 6(a), advised the defendant that his standard range of sentencing was 38.25-51 months, based on an offender score of 9+. A declaration of criminal history was attached to the plea form in support of this calculation. The declaration was signed by the prosecutor and the defendant's counsel, but was not signed by the defendant. The plea form included paragraph 6(c), which indicated that the defendant agreed with the prosecutor's declaration unless a separate declaration was attached. Bakke did not attach a separate declaration of criminal history.

3. The State agreed to recommend the low end of the range, 38.25 months. The defendant was free to argue for a sentence under the Drug Offender Sentencing Alternative (DOSA). Sentencing was continued, to allow the defendant to be screened for DOSA eligibility.

4. The sentencing hearing was postponed on several occasions, to allow Bakke to present information which would challenge the State's calculation of his offender score and standard range, and the State's assertion that he was not eligible for DOSA because of a prior conviction. The defendant was sentenced on June 4, 2012. At

this hearing, the court heard the defendant's challenges to the calculation of his offender score, and determined that Bakke's offender score was thirteen, and that his standard range of sentencing was 38.25-51 months of actual confinement. The court sentenced Bakke to the low end of this range, 38.25 months of actual confinement.

5. The court entered judgment and sentence on June 4, 2012. Bakke filed a notice of appeal, challenging the sentence, on June 6, 2012. That appeal is currently pending in the Court of Appeals, Division II, and has been assigned docket No. 43525-0.

6. On August 3, 2012, Bakke filed a motion to modify or correct judgment and sentence, pursuant to CrR 7.8. The motion asks the sentencing court to again review and recalculate his offender score, based upon the defendant's assertion that juvenile convictions were incorrectly scored, and that his offender score was seven. This scoring challenge was presented to the court, along with other assertions concerning his offender score, both before and at the time the defendant was sentenced.

Based upon the foregoing Findings of Fact, the court enters the following
Conclusions of Law:

CONCLUSIONS OF LAW

1. The defendant's motion to modify or correct judgment and sentence is made pursuant to CrR 7.8.
2. The motion is not time barred by RCW 10.73.090, since it was filed prior to any decision on the defendant's direct appeal. The motion appears to be timely, pursuant to the requirements of CrR 7.8 (b).
3. The defendant has not made a substantial showing that he is entitled to relief from the judgment and sentence entered on June 4, 2012. The court correctly

calculated the offender score, for the reasons stated at the sentencing hearing. Bakke's reassertion of his arguments does not convince the court that there was a scoring error.

4. Resolution of the motion does not require a factual hearing, since the factual and legal basis for the court's scoring decision is in the record.

Based on the foregoing Findings of Fact and Conclusions of Law, now, therefore, it is hereby ORDERED, ADJUDGED and DECREED as follows:

ORDER

1. The defendant's motion for relief from judgment, denominated a motion to modify or correct judgment and sentence, filed August 3, 2012, is transferred to the Court of Appeals, Division II, for consideration as a personal restraint petition, as required by CrR 7.8 (b)(2).

2. The Court shall mail a copy of this order to the defendant, to the defendant's previous counsel, Arthur Bennett, to the defendant's current appellate counsel, John Hays, and to deputy prosecutors Scott Ikata and Anne Cruser.

Dated this 6^h day of August, 2012.



Judge Robert A. Lewis

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SCOTT G. WEBER, CLERK
CLARK COUNTY

Superior COURT OF WASHINGTON
IN AND FOR CLARK COUNTY

<u>Washington State</u>)	
PLAINTIFF)	
	)	No. <u>11-1-00015-0</u>
)	
V.	)	MOTION TO MODIFY OR
	)	CORRECT JUDGEMENT
	)	AND SENTENCE
<u>Jeremy P. Bakke</u>	)	(Pursuant to CrR 7.8)
DEFENDANT)	

FACTS

- I. Comes now Jeremy P. Bakke, defendant, in Pro Se, in the above entitled matter:
- II. The defendant appeared before Judge: Robert A. Lewis
- III. The state being represented by: Scott Ikita, of the CLARK County Prosecutors Office.
- IV. The defendant being represented by: Art, Beaweti Defense Attorney.
- V. The defendant plea or trial and received a sentence of 38, 25

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GROUNDS

Pursuant to Rule 7.8, Superior Court Rules of Criminal Procedure, and the court-imposed sentence. The Defendant only seeks modification of sentence, not retrial. Error in sentencing court happened when:

A sentence which is ambiguous with respect to time, and manner in which to be served.

The sentencing Judge must be very clear in pronouncement about whether the sentence will run concurrent or consecutive: U.S. V. Preston, 643 F.2d.1285 (1983); also see RCW 9.94A.400; U.S. V. Nass, 755 F. 2d. 1133,1136 (Fifth Circuit 1985)

Other to correct my points that I WAS
SENTENCED UNDER.
THE POINTS I WAS SENTENCED UNDER WAS
INCORRECT AT 9+.
THE COURTS USED THE 15 JUVENILE ADJUDICATIONS
AND OFFENSE THAT HAVE THE SAME CASE NO AND
WAS RUN CONCURRENT TOGETHER

RELIEF

TO HAVE THE UNLAWFUL SENTENCE OF 9+
POINTS TO BE PUT WHERE MY POINTS SHOULD BE
AND THAT IS AT 7 POINTS.
I ASK TO BE RESENTENCED WITH THE RIGHT
OFFENDER SCORE OF 7 POINTS NOT 9+ POINTS.
BECAUSE THE SENTENCE IMPOSED IS NOT WITHIN
THE REQUIRED RANGE, THE SENTENCE IMPOSED
WAS UNLAWFUL AND MUST BE CORRECTED.

Lined area for text entry.

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

Dated on the 1st day of August, 20 12.

Jeremy P. Bakke
Signature

Jeremy P. BAKKE 737768
Printed Name and D.O.C. #

FILED

2012 AUG -3 PM 2:14

IN THE Superior COURT FOR WASHINGTON
IN AND FOR CLARK COUNTY
SCOTT WEBER, CLERK
CLARK COUNTY

State of Washington
Plaintiff

No. 11-1-00015-0

v.

DECLARATION OF SERVICE BY
MAILING

Jeremy P. BAKKE
Defendant.

I Jeremy P. BAKKE, the Defendant, in the above entitled cause, do hereby declare that I have served the following documents;

GROUNDS, Relief, Affidavit

Note for motion to Docket court CALENDAR

DECLARATION of Service by Mail

PARTIES SERVED:

CLERK OF THE COURT

PLAINTIFF / PROSECUTOR

Scott Webb

Anthony Golik

PO BOX 5000

PO BOX 5000

VAN, WA 98666-5000

VAN, WA 98666-5000

That I deposited in with the Unit Officer's Station, by processing as Legal Mail, with First Class Postage at: AIRWAY heights corrections center

Dated this 1st day of August, 20 12

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

Jeremy P. Bakke
(Signature)

FILED

2012 AUG -3 PM 2:14

SCOTT G. WEBER, CLERK
CLARK COUNTY

SUPERIOR COURT FOR THE STATE OF WASHINGTON
COUNTY OF CLARK

State of Washington
Plaintiff/ Respondent

No. 11-1-00015-0

**NOTE FOR MOTION
TO DOCKET COURT
CALENDAR
(Clerk's Action Requested)**

Jeremy P BAKKE,
Defendant/Petitioner

To: CLARK County Superior Court Clerk and
Prosecutor, Anthony GOLIK.

PLEASE TAKE NOTICE that the Litigant, Mr. Jeremy P. BAKKE
Acting Pro Se moves the above entitled court on the 7th day of September
Year of 2012, at 9 o'clock A. m for a (an)

With oral argument, or [] With out oral argument, and that the undersigned
will bring on for hearing a motion, or motions for:

Resentencing, AND to correct the points etc.

Nature of the Case: Criminal, or [] Civil

Or as soon thereafter as the motion(s) can be heard.

The address of the place of the hearing is:

SUPERIOR COURT 1200 FRANKLIN PO BOX 5000 UWA, WA 98666-5000

Date: 8/1/12, 2012

Jeremy P Bakke
Signature

Jeremy P BAKKE
Print/type Name

NOTICE SETTING OF HEARING

Law Library- Note For SC 08 Note for Motion Docket Page 1 of 1

State Statute 3504 states: under former LAW, Juvenile Convictions would not be counted after the person turned 23 OR if the person was under the Age of 15 At the time of former offense. Here is some CASE LAW on "convictions of juveniles".

J.H 978 P2D 1121, NOS 41486-1-I

Significant to the courts was the fact that under the Juvenile Code an Adjudication does not constitute conviction of a crime. R.C.W 13.04.240 provides; An order of court Adjudging a Child Delinquent OR Dependent under the provisions of [R.C.W 13.04] shall in no case be deemed a conviction of a crime thus, "An Act which would be a crime, if committed by an adult is not a crime and thus not a felony, if committed by a Juvenile."

All felonies committed before Age 15 are excluded from "CRIMINAL History" as used in S.R.A.

I, Jeremy P BAKKE, declare under penalty of perjury, under the laws of the State of Washington, and to the Laws of the United States of America, that the foregoing is true and correct pursuant to: RCW 9A.72.085, and 28 U.S.C. § 1746.

DATED: 8/01/12 20 12.

Jeremy P BAKKE 737768
Signature DOC#
Jeremy P, BAKKE
Print Name

AFFIDAVIT OF:

Jeremy BAKKE

Affidavit

State V. HONDRIKES 14 P3D 811 Nos 24283-4-II
Juvenile felonies "wash-out" for purposes of calculating
An Adult offender score. After the offenders 23RD BIRTHDAY,
AND Juvenile felonies committed when the Defendant was
less than 15 years old were never included in calculating
A subsequent offender score.

State V. Benjamin Scott Jones 88 P3D 424 Nos 30232-2-II
When the 1997 Amendment took effect on July-1-1997, AND
Should not have been included in the offenders scores for
their current Adult offenses. Additionally Jones Adjudications
for pre-Age 15 offenses which had never occurred in the first
place - had "washed-out" had not been "Reviewed" and should not
have been counted.

The Prior Juvenile Adjudication Does not count if the Defendant
committed the underlying Juvenile offense before Age 15,
provided that he or she attained Age 15 before July-1-1997.

(A) the Prior Juvenile Adjudication Does not count if the Defendant
committed the underlying Juvenile offense before Age 15

provided that he or she attained Age 15 before July-1-1997 (B)
the Prior Juvenile Adjudication Does not count if the Defendant
committed the underlying Juvenile offense while Age 15, or older
provided that he or she attained Age 23 before July-1-1997.

994A.345 timing states:

Any sentence imposed under this chapter shall be determined
in accordance with the law in effect when the current
offense was committed [2000 C265 2]

And Senate Bill 6182 states:

In March 2002, the 56th Washington State Legislature passed
Substitute Senate Bill 6182 (S.B. 6182 S.S.B.) which amended Chapter
994A R.C.W. effective June-8-2000 to provide: Any sentence
imposed under this chapter shall be determined in accordance
with the law in effect when the current offense was
committed.

The Law in effect as of Right Now Are State Statute 3505.05
Laws of 1997 Ch 338 § 2, 5 (effective July-1-1997)

Effect of Previous Law:

Juvenile offenses do not count if the conviction
occurred before July-1-1997 AND the offender was younger
than 15 at the time of the offense.

I was born 11/09/1976 AND that made me 13 for the II courts
of Burglary case no 70-3-00359-6 sentenced date of June-
15-1990 AND for the Residential Burglary case no 90-3-00996-6
sentenced date of 1/13/1991 that makes me 14 at the time of
the offense. so for this offense that makes me under the age
of 15 for this offenses.

Affidavit

I All so HAVE (3 counts) of P.S. P II in 1998 Case No 97-1-01277-S.
All (3 counts) of P.S. P II All Have the SAME CLARK COUNTY CASE NO
97-1-01277-S.

AND All HAVE the SAME Sentencing Date of 4/21/1998.

AND they All encompasses the SAME CRIMINAL conduct.

AND All 3 counts where RAW Concurrent together.

On June-6-2012 During my Sentencing, Judge Robert A Lewis
counted the 3 counts of P.S. P II AS A point for each one
of them in my S.R.A offender score.

R.C.W 9.94A.525 (5) (A) STATES:

The current Sentencing court MAY Presume that such other
Prior offenses were not the SAME CRIMINAL conduct from
sentences imposed on separate Dates.

AND R.C.W 9.94A.525 (5) (A) (I) STATES:

Prior offenses which were found under R.C.W 9.94A.589 (1) (E) to
encompass the SAME CRIMINAL conduct shall be counted AS ONE
offense.

Washington Motions of Limine, Volume 30 § 7:43-7:45 STATES:

Impeachment By evidence of conviction of crime.

(B) Time Limit.

Evidence of conviction under this Rule is NOT Admissible if
A period of more than 10 years has elapsed since the date of
the conviction or of the Release of the witness from confinement
imposed for that conviction, which ever is the later Date, unless
the court determines in the interests of Justice, that the
probative value of the conviction supported by specific
facts and circumstances, substantially outweighs its
prejudicial effect.

However evidence of a conviction more than 10 years old AS
CALCULATED Herein, is NOT Admissible unless the proponent
gives to the Adverse Party sufficient Advance written notice
of intent to use such evidence to provide the Adverse Party
with a fair opportunity to contest the use of such evidence.

(D) Juvenile Adjudications.

Evidence of Juvenile Adjudications is Generally NOT Admissible
under this Rule.

CASE LAW:

State v. Stackhouse 957 P2D 218 (Div-3) (1998)

State v. Johnson 950 P2D 981 (Div-2) (1998)

State v. Wilson 922 P2D 1986 (Div-1) (1996)

State v. King 878 P2D 466 (Div-1) (1994)

State v. Alexis 621 P2D 1269 (Div-1) (1980)

State v. Mitschke Cause No. 99-1-00667-1 Ct App No. 45924-4-1

Affidavit

Washington Rules of Evidence, Rule 404 Provides that But for three limited exceptions, "[E]vidence of a person's character or a trait of character is not admissible for the purpose of proving action in conformity therewith on a particular occasion." Washington Rules of Evidence, Rule 404(A); State v. Every Body Talks About, 145 Wash 2d 456, 468, 39 P3d 294 (2002) (New Bases) (Detectives testimony concerning Defendant's leadership qualities was improper propensity evidence, even though such actions were not necessarily misconduct, the evidence was admissible for purposes of showing that Defendant acted in conformity with that trait)

Washington Rules of Evidence, Rule 609(A) State v. King, 75 Wash. App. 891, 904-905, 878 P2d 466 (D.U.-1) (1994) (error for trial court to admit evidence that Defendant had been convicted of felony without balancing prejudicial effect on the record; "unless the prior felony involved dishonesty or false statement, in which case the conviction is per se admissible, the trial court must determine whether the evidence will be more useful in helping the jury to determine whether the witness is credible than it will be prejudicial to the defendant")

Rule 609(A), State v. Deal, 117 Wash. App. 331, 343, 73 P3d 402 (D.U.-1) (2003) Aff'd 152 Wash 2d 333, 96 P3d 974 (2004) (Defendant's prior convictions for forgery, taking motor vehicle and attempted robbery crimes of dishonesty under Washington Rules of Evidence, Rule 609(A)(2))

In the present case the evidence of the Plaintiff's prior conviction is in no way relevant to any issues raised by the Plaintiff's complaint or the Defendant's affirmative defenses, the only possible reason for addressing this case is to place the Plaintiff in a bad light, it is no secret that this case is heard in a county with a likely jury pool consisting of elderly or conservative voters (which by the way, occurred more than 10 years ago, to allow this evidence to be tossed about by the defense, absent any arguable relevance, certainly will meet even the strictest standard for exclusion under Washington Rules of Evidence, Rules 403, 404 and 609 and the cases cited above, in the present case, the Plaintiff prior convictions occurred more than 10 years prior to the subject incident during that time the Plaintiff has "cleaned up his act" considerably with no subsequent felony convictions or involvement in any criminal activities.

To avoid undue prejudice to the Plaintiff, it is respectfully requested that this motion be granted and that any reference to the prior conviction be excluded.

Jeremy BAKKE

D.O.C #737768

Unit: R-A-33

AIRWAY heights Corrections Center

PO Box 2049

Airway heights, Washington

99001-2049



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2012 AUG -7 AM 8:32

SCOTT G. WEBER, CLERK

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

Cause No. 11-1-06015-0

Date: 8-3-12

State of Washington vs Jeremy Putnam Bakke
(defendant)

A motion was filed by the defendant in the above listed case on 8-3-12
And is being forwarded to Dept # 9. Please indicate below what type of action is
to be taken regarding this motion. _____ Deputy Clerk.

- Assigned Department will respond with a letter to the defendant.
- The Clerk is directed to note the motion for hearing on this court's next
criminal docket date _____ at 9:00 am/ 1:30 pm
- The defendant may cite this motion to the Probation Violation Docket.
- No action is to be taken.
- A copy of the motion is being sent to the Prosecuting Attorney for their
response.

Other: ^{Motion} ~~Case~~ transferred to Court of Appeals. Please file/mail
attached order as indicated in page 4, paragraph 2.

Dated this 6th day of August, 2012

(Judge or Judicial Assistant)

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VF

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AUG 03 2012

Scott G. Weber, Clerk, Clark Co.

Superior COURT OF WASHINGTON
IN AND FOR CLARK COUNTY

Washington State
PLAINTIFF

No. 11-1-00015-0

v.

MOTION TO MODIFY OR
CORRECT JUDGEMENT
AND SENTENCE
(Pursuant to CrR 7.8)

Jeremy P. BAKKE
DEFENDANT

FACTS

- I. Comes now Jeremy P. BAKKE, defendant, in Pro Se, in the above entitled matter:
- II. The defendant appeared before Judge: Robert A. Lewis
- III. The state being represented by: Scott Ikita, of the CLARK County Prosecutors Office.
- IV. The defendant being represented by: Art Bennett Defense Attorney.
- V. The defendant plea or trial and received a sentence of 38,25

GROUNDS

Pursuant to Rule 7.8, Superior Court Rules of Criminal Procedure, and the court-imposed sentence. The Defendant only seeks modification of sentence, not retrial. Error in sentencing court happened when:

A sentence which is ambiguous with respect to time, and manner in which to be served.

The sentencing Judge must be very clear in pronouncement about weather the sentence will run concurrent or consecutive: U.S. V. Preston, 643 F.2d.1285 (1983); also see RCW 9.94A.400; U.S. V. Nass, 755 F. 2d. 1133,1136 (Fifth Circuit 1985)

Other to correct my Points that I WAS
SENTENCED UNDER.
The Points I WAS SENTENCED UNDER WAS
INCORRECT AT 9+.
the COURTS USED PRe 15 JUVENILE ADJUDICATIONS
AND offense that HAVE the SAME CASE NO AND
WAS RAN CONCURRENT together

RELIEF

To HAVE the UNLAWFUL Sentence of 9+
Points to Be put where my Points should Be
AND that is At 7 points.
I ASK to Be Resentenced with the Right
offender Score of 7 points not 9+ points.
Because the Sentence imposed is not within
the REQUIRED RANGE, the Sentence imposed
WAS UNLAWFUL AND must Be corrected.

Lined area for text entry.

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

Dated on the 1st day of August, 20 12.

Jeremy P. Bakke
Signature

Jeremy P. BAKKE 73766
Printed Name and D.O.C. #

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ORIGINAL FILED

AUG 03 2012

Scott G. Weber, Clerk, Clark Co.

SUPERIOR COURT FOR THE STATE OF WASHINGTON
COUNTY OF CLARK

State of Washington
Plaintiff/ Respondent

No. 11-1-00015-0

NOTE FOR MOTION
TO DOCKET COURT
CALENDAR
(Clerk's Action Requested)

Jeremy P BAKKE
Defendant/Petitioner

To: CLARK County Superior Court Clerk and
Prosecutor, Anthony Golik

PLEASE TAKE NOTICE that the Litigant, Mr. Jeremy P. BAKKE
Acting Pro Se moves the above entitled court on the 7th day of September
Year of 2012, at 9 o'clock A. m for a (an)

With oral argument, or [] With out oral argument, and that the undersigned
will bring on for hearing a motion, or motions for:

Resentencing, AND to correct the points etc.

Nature of the Case: Criminal, or [] Civil

Or as soon thereafter as the motion(s) can be heard.

The address of the place of the hearing is:

SUPERIOR COURT 1200 FRANKLIN PO BOX 5000 UAW, WA 98666-5000

Date: 8/1/12, 2012

Jeremy P BAKKE

Signature

Jeremy P BAKKE

Print/type Name

NOTICE SETTING OF HEARING

Law Library- Note For SC 08 Note for Motion Docket Page 1 of 1

IN THE Superior COURT FOR WASHINGTON
IN AND FOR CLARK COUNTY

State of Washington
Plaintiff

No. 11-1-00015-0

V.

DECLARATION OF SERVICE BY **COPY**
MAILING **ORIGINAL FILED**

Jeremy P. BAKKE
Defendant.

AUG 03 2012

Scott G. Weber, Clerk, Clark Co.

I Jeremy P. BAKKE, the Defendant, in the above entitled cause, do hereby declare that I have served the following documents;

Grounds, Relief, Affidavit

Note for motion to Docket Court Calendar

Declaration of Service by Mail

PARTIES SERVED:

CLERK OF THE COURT

PLAINTIFF / PROSECUTOR

Scott Webb

Anthony Golik

Po Box 5000

Po Box 5000

VAN, WA 98666-5000

VAN, WA 98666-5000

That I deposited in with the Unit Officer's Station, by processing as Legal Mail, with First Class Postage at: Airway heights corrections center

Dated this 1st day of August, 20 12

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

Jeremy P. Bakke
(Signature)

AUG 03 2012

AFFIDAVIT

Scott G. Weber, Clerk, Clark Co.

STATE OF WASHINGTON)
)
) ss AFFIDAVIT OF Jeremy BAKKE
) IN SUPPORT OF MOTION TO
) MODIFY OR CORRECT
) JUDGEMENT AND SENTENCE
 COUNTY OF CLARK)
 (Pursuant of CrR 7.8)

Mr. Jeremy P. BAKKE, On Oath Says:

On June 16/2012 During my Sentencing, Judge Robert A. Lewis Computed my S.R.A offender score AS 13 AND ORDERED A term of imprisonment of 38.25 months BASED UPON A STANDARD RANGE of 31-68 months for Attempted Burglary II. IN ORDER TO YIELD A 9t point offender score the court included my Prior Juvenile convictions of Burglary II (II counts) CLARK COUNTY CASE NO 90-8-00359-6 SENTENCED DATE OF JUNE-15-1990, AND RESIDENTIAL BURGLARY CLARK COUNTY CASE NO 90-8-00996-9 SENTENCED DATE OF 1-18-1991. § 3505.05 LAWS OF 1997 Ch 338. § 2, 5 (effective July-1-1997) STATES: Juvenile offenses do not count if the conviction occurred Before July-1-1997 AND the offender was younger then 15 At the time of the offenses.

R.C.W 9.94A.525 STATES: 1) INCLUDE Juvenile felony convictions if the offender WAS 15 or OLDER AT the time the offense WAS committed

State Statute 3504 states: under former LAW, Juvenile Convictions would not be counted after the person turned 23 OR if the person was under the age of 15 at the time of former offense. Here is some case LAW on "convictions of juveniles".

J.H 978 P2D 1121, NOS 41486-1-I

Significant to the courts was the fact that under the Juvenile Code an Adjudication does not constitute conviction of a crime. R.C.W 13.04.240 provides; An order of court adjudging a child delinquent or dependent under the provisions of [R.C.W 13.04] shall in no case be deemed a conviction of a crime thus, "an act which would be a crime if committed by an adult is not a crime and thus not a felony, if committed by a juvenile."

All felonies committed before age 15 are excluded from "CRIMINAL HISTORY" as used in S.R.A.

I, Jeremy P BAKKE, declare under penalty of perjury, under the laws of the State of Washington, and to the Laws of the United States of America, that the foregoing is true and correct pursuant to: RCW 9A.72.085, and 28 U.S.C. § 1746.

DATED: 8/01/11 20 12.

Jeremy P Bakke 737768
Signature DOC#
Jeremy P. BAKKE
Print Name

AFFIDAVIT OF:

Jeremy BAKKE

Affidavit

State V. Hendricks 14 P3D 811 Nos 24283-4-II

Juvenile felonies "wash-out" for purposes of calculating an adult offender score. After the offenders 23rd birthday, and juvenile felonies committed when the defendant was less than 15 years old were never included in calculating a subsequent offender score.

State V. Benjamin Scott Jones 88 P3D 424 Nos 30232-2-II when the 1997 Amendment took effect on July-1-1997, and should not have been included in the offenders scores for their current adult offenses. Additionally Jones adjudications for pre-age 15 offenses which had never counted in the first place - had "washed-out" had not been "reversed" and should not have been counted.

The prior juvenile adjudication does not count if the defendant committed the underlying juvenile offense before age 15, provided that he or she attained age 15 before July-1-1997.

(A) the prior juvenile adjudication does not count if the defendant committed the underlying juvenile offense before age 15

provided that he or she attained age 15 before July-1-1997 (B)

the prior juvenile adjudication does not count if the defendant committed the underlying juvenile offense while age 15, or older provided that he or she attained age 23 before July-1-1997.

994A.345 timing states:

Any sentence imposed under this chapter shall be determined in accordance with the law in effect when the current offense was committed [2000 c. 26 s. 2]

and Senate Bill 6182 states:

In March 2000, the 56th Washington State Legislature passed substitute Senate Bill 6182 (SB 6182 S.S.B.) which amended chapter 9A RCW, effective June-8-2000, to provide: Any sentence imposed under this chapter shall be determined in accordance with the law in effect when the current offense was committed.

The laws in effect as of right now are state statute 3505.05 laws of 1997 ch 338 s 2, 5 (effective July-1-1997)

Effect of previous law:

Juvenile offenses do not count if the conviction occurred before July-1-1997 and the offender was younger than 15 at the time of the offense.

I was born 11/09/1976 and that made me 13 for the II counts of burglary case no 90-8-00359-6 sentenced date of June-15-1990, and for the residential burglary case no 90-8-00976-6 sentenced date of 1/13/1991 that makes me 14 at the time of the offense. so for this offense that makes me under the age of 15 for this offense.

Aff. DAU it

I All so HAVE (3 counts) of P.S. PII in 1998 CASE NO 97-1-01277-5.
All (3 counts) of P.S. PII All Have the SAME CLARK COUNTY CASE NO 97-1-01277-5.

AND All HAVE the SAME Sentencing DATE of 4/21/1998.

AND they All encompass the SAME CRIMINAL CONDUCT.

AND All 3 counts were RAJ CONCURRENT together.

ON June-6-2012 During My Sentencing, Judge Robert A Lewis Counted the 3 counts of P.S. PII AS A POINT for each one of them in My S.R.A OFFENDER score.

R.C.W 9.94A.525 (5) (A) STATES:

the current Sentencing court MAY Presume, that such other Prior offenses were NOT the SAME CRIMINAL CONDUCT FROM sentences imposed ON SEPARATE DATES.

AND R.C.W 9.94A.525 (5) (A) (I) STATES:

Prior offenses which were found UNDER R.C.W 9.94A.587 (1) (E) TO encompass the SAME CRIMINAL CONDUCT shall be counted AS ONE offense.

WASHINGTON Motions of Limine, Volume 30 § 7:43-7:45 STATES:
IMPEACHMENT BY EVIDENCE OF CONVICTION OF CRIME.

(B) Time Limit.

Evidence of conviction UNDER this Rule is NOT ADMISSIBLE IF A period of more than 10 YEARS has ELAPSED since the DATE of the conviction OR of the Release of the witness from confinement imposed for that conviction, which ever is the LATER DATE, unless the court DETERMINES in the interests of Justice, that the PROBATIVE VALUE of the conviction supported BY SPECIFIC FACTS AND CIRCUMSTANCES, SUBSTANTIALLY OUTWEIGHS its PREJUDICIAL effect.

However, evidence of a conviction more than 10 years OLD AS CALCULATED HEREIN, IS NOT ADMISSIBLE unless the PROponent GIVES to the ADVERSE PARTY SUFFICIENT ADVANCE WRITTEN NOTICE of intent to use such evidence, to PROVIDE the ADVERSE PARTY with a FAIR OPPORTUNITY to CONTEST the use of such evidence.

(D) Juvenile ADJUDICATIONS.

Evidence of JUVENILE ADJUDICATIONS IS GENERALLY NOT ADMISSIBLE UNDER this Rule.

CASE LAW:

State V. STACKHOUSE 957 P2D 218 (Div-3) (1998)

State V. JOHNSON 950 P2D 981 (Div-2) (1998)

State V. WILSON 922 P2D 198 (Div-1) (1996)

State V. KING 878 P2D 466 (Div-1) (1994)

State V. ALEXIS 621 P2D 1269 (Div-1) (1980)

State V. NITSCHKE CASE NO. 99-1-00667-1 Ct App NO. 45924-4-I

Affidavit

Washington Rules of Evidence, Rule 404 provides that but for three limited exceptions, "EVIDENCE OF A PERSON'S CHARACTER OR A TRAIT OF CHARACTER IS NOT ADMISSIBLE FOR THE PURPOSE OF PROVING ACTION IN CONFORMITY THEREWITH ON A PARTICULAR OCCASION [.]". Washington Rules of Evidence, Rule 404(A); State v. EVERYBODY TALKS ABOUT, 145 WASH 2D 456, 468, 39 P3D 294 (2002) (Ten Banc.) (Defendant's testimony concerning Defendant's leadership qualities was improper propensity evidence, even though such actions were not necessarily misconduct, the evidence was admitted for purposes of showing that Defendant acted in conformity with that trait)

Washington Rules of Evidence, Rule 609(A) State v. King, 75 WASH. APP. 899, 904-905, 878 P2D 466 (D.U.-1) (1994) (Error for trial court to admit evidence that Defendant had been convicted of felony without balancing prejudicial effect on the record; "unless the prior felony involved dishonesty or false statement, in which case the conviction is per se admissible, the trial court must determine whether the evidence will be more useful in helping the jury to determine whether the witness is credible than it will be prejudicial to the defendant.) Rule 609(A); State v. teal, 117 WASH. APP. 836, 843, 73 P3D 402 (D.U.-1) (2003), Aff'd 152 WASH 2D 333, 96 P3D 974 (2004) (Defendant's prior convictions for forgery, taking motor vehicle and attempted robbery crimes of dishonesty under Washington Rules of Evidence, Rule 609(A)(2))

In the present case, the evidence of the Plaintiff's prior conviction is in no way relevant to any issues raised by the Plaintiff's complaint or the Defendant's affirmative defenses. The only possible reason for addressing this case is to place the Plaintiff in a bad light. It is no secret that this case is being tried in a county with a likely jury pool consisting of elderly or conservative jurors (which by the way, occurred more than 10 years ago, to allow this evidence to be tossed about by the defense, absent any arguable relevancy, certainly will meet even the strictest standard for exclusion under Washington Rules of Evidence, Rules 403, 404 and 609 and the cases cited above. In the present case, the Plaintiff's prior convictions occurred more than 10 years prior to the subject incident. During that time, the Plaintiff has "cleared up his act" considerably with no subsequent felony convictions or involvement in any criminal activities.

To avoid undue prejudice to the Plaintiff, it is respectfully requested that this motion be granted and that any reference to the prior conviction be excluded.

Jeremy BAKKE
D.O.C #737768
Unit: R-A-33
Airway Heights Corrections Center
PO Box 2049
Airway Heights, Washington
99001-2049
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SCOTT G. WEBER, CLERK
CLARK COUNTY

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

STATE OF WASHINGTON,)	
	)	NO. 11-1-00015-0
Plaintiff,)	
vs.	)	DECLARATION OF SERVICE
)	
JEREMY BAKKE,)	
)	
Defendant.)	

I declare under penalty of perjury under the laws of the State of Washington that on this date I sent by regular U.S. Mail a copy of the Findings of Fact and Conclusions of Law, and Order Transferring Motion to Modify or Correct Judgment and Sentence Pursuant to CrR 7.8 to Court of Appeals, Division II, dated August 6, 2012; and a copy of the court's response form dated August 6, 2012, with defendant's Motion to Modify or Correct Judgment and Sentence with supporting Affidavit, Note for Motion Docket and Declaration of Service, to prosecutors, and defense counsel, as addressed below:

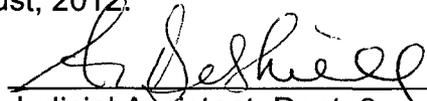
Scott Ikata
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John Hays
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(via interoffice courier)

Alfred A. Bennett
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1409 Franklin Street, #218
Vancouver, WA 98660

DATED this 7th day of August, 2012.



Judicial Assistant, Dept. 9

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VF

CLARK SUPERIOR COURT
August 07, 2012 - 11:50 AM
Transmittal Letter

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Case Name: State of Washington v Jeremy Putnam Bakke

County Cause Number: 11-1-00015-0

Court of Appeals Case Number:

Personal Restraint Petition (PRP) Transfer Order

Notice of Appeal/Notice of Discretionary Review

(Check All Included Documents)

Judgment & Sentence/Order/Judgment
Signing Judge: _____

Motion To Seek Review at Public Expense

Order of Indigency

Filing Fee Paid - Invoice No: _____

Affidavit of Service

Clerk's Papers - Confidential Sealed

Supplemental Clerk's Papers

Exhibits - Confidential Sealed

Verbatim Report of Proceedings - No. of Volumes: _____
Hearing Date(s): _____

Administrative Record - Pages: _____ Volumes: _____

Other: _____

Co-Defendant Information:

No Co-Defendant information was entered.

Comments:

No Comments were entered.

Sender Name: Heather D Hunt