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SUPREME COURT  
STATE OF WASHINGTON  
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NO. 88731-4

RECEIVED BY E-MAIL

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

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STATE OF WASHINGTON, Respondent

v.

DERON ANTHONY PARKS, Petitioner

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FROM THE SUPERIOR COURT FOR CLARK COUNTY  
CLARK COUNTY SUPERIOR COURT CAUSE NO. 10-1-01215-0

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RESPONSE TO PERSONAL RESTRAINT PETITION

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 ORIGINAL

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A. IDENTITY OF RESPONDENT AND AUTHORITY FOR RESTRAINT

The State of Washington is the Respondent in this matter. Mr. Parks is restrained under the authority of the judgment and sentence entered by the Superior Court of Clark County for Count One: Rape in the Second Degree, Count Four: Furnishing Liquor to Minors. *See* Appendix A.

B. RESPONSE TO ASSIGNMENTS OF ERROR

I. PARKS WAS NOT DENIED EFFECTIVE ASSISTANCE OF COUNSEL

C. STATEMENT OF THE CASE

Deron Anthony Parks (hereafter 'Parks') was charged with Rape in the Second Degree, Indecent Liberties, Delivery of a Narcotic to a minor, and Furnishing Liquor to a Minor. CP 1, 2. Prior to opening statements on the first day of trial Counts 2 and 3- Indecent Liberties and Delivery of a Narcotic to a Minor were dismissed. VRP 19-20.

The first day of trial, witness T.M.D., the alleged victim in dismissed counts 2 and 3, testified in an offer of proof and fully recanted his allegations of sexual touching and drug delivery by Parks. VRP 12-19. During the offer of proof defense had an opportunity to cross-examine T.M.D. VRP 18-19. Defense counsel successfully moved to dismiss the counts involving T.M.D. VRP 19-20. During the offer of proof neither the

prosecutor nor defense attorney questioned T.M.D. regarding a possible burglary in which he was suspected. VRP 12-19.

The testimony at trial showed 42 year-old Deron Parks frequented Swift Skate Park on Fourth Plain Road in Vancouver, Washington. RP 63-34. At the park, Mr. Parks met several teenage boys, including then-fifteen year-old C.T. RP 61, 63-64. Mr. Parks provided marijuana to C.T. while at the skate park and they would smoke it together. RP 64-65. In December of 2008 C.T. went over to a man named "T's" house. RP 66, 68. "T" is friends with Parks. RP 66. When C.T. arrived at "T's" house, Parks was there along with "T" and "T's" girlfriend and another female. RP 69. Everyone was drinking. RP 70. C.T. drank beer that the defendant provided him and indicated he consumed at least six drinks, possibly more. RP 70-71. At some point C.T. passed out on the couch. RP 72.

C.T. awoke some time later to find himself being anally raped by Parks. RP 73-75. C.T. was still intoxicated; he went to the bathroom and felt something "weird and slimy" on his butt. RP 73, 76. C.T.'s pants and underwear had been pulled down. RP 74. C.T. was embarrassed and did not immediately tell anyone what happened. RP 79-80. C.T. eventually told a friend, Mariah. RP 80-81. Mariah testified that C.T. was "embarrassed," "extremely emotional" and "uncomfortable" when telling her about what Parks had done to him. RP 36. Mariah also testified that during the weeks

immediately after the rape, C.T. went from “being funny and carefree and a person that you definitely wanted to hang out with to someone who was rude and snappy and he was just generally not a nice person afterwards.” RP 38.

C.T. did not report the rape to police. RP 79. Someone eventually told C.T.’s mother what happened, and she reported it to police. RP 97. Vancouver Police Officer Aldridge testified at trial, over defense’s hearsay objection, that C.T.’s mother “...was wishing to report that her minor son, [C.T.], had been sexually assaulted.” RP 97. Officer Aldridge interviewed C.T. about the allegations while he was in juvenile detention. RP 97.

At trial defense counsel set forth the theory that C.T. used a made-up rape allegation to get out of trouble he was in with his probation. RP 23, 142. Parks was convicted by jury of Rape in the Second Degree and Furnishing Liquor to Minors. CP 66, 67.

Parks timely appealed his convictions alleging ineffective assistance of counsel, and improper opinion testimony when Officer Aldridge testified that C.T.’s mother “wish[ed] to report her minor son had been sexually assaulted.” In an unpublished opinion, the Court of Appeals affirmed Parks’ convictions. (COA No. 41534-8). The mandate was issued on November 29, 2012. This Personal Restraint Petition timely follows.

D. ARGUMENT

I. PARKS HAD EFFECTIVE ASSISTANCE OF TRIAL COUNSEL

A personal restraint petition is an extraordinary remedy that is designed to address fundamental legal defects that lead to restraints on an individual's freedom. *See In re Hagler*, 97 Wn.2d 818, 825-26, 650 P.2d 1103 (1982). In order to prevail in a personal restraint petition on a claim of constitutional error, the petitioner must show "actual prejudice." *Id.* at 825-26. In a claim of ineffective assistance of counsel in a personal restraint petition, the petitioner meets his burden to show actual and substantial prejudice when he meets the *Strickland* standard for prejudice. *In re Pers. Restraint of Crace*, 174 Wn.2d 835, 848, 280 P.3d 1102 (2012). Parks cannot prove any prejudice from his counsel's performance, let alone that her performance was deficient.

a. Parks Cannot Show his Trial counsel's Performance was Deficient or that any Deficiency Prejudiced Him.

Parks argues his trial counsel was ineffective for failing to investigate alibi witnesses, failing to cross-examine a witness during an offer of proof on the subject of a burglary of defendant's house, for conspiring with the State to obtain defendant's stipulation to testimony, for failing to object to Officer Aldridge's testimony about her report of the

assault, and for cumulative errors which denied him his right to counsel. Parks cannot show his counsel was ineffective because his counsel did not fail to do anything a reasonably competent attorney would have done, and legitimate trial tactics influenced her actions. Further, Parks cannot show any prejudice as the jury's verdict would not have been affected by changes in counsel's performance. Parks' claim of ineffective assistance of counsel fails.

The Sixth Amendment to the United States Constitution and article I, section 22 of the Washington Constitution guarantee the right of a criminal defendant to effective assistance of counsel. *Strickland v. Washington*, 466 U.S. 668, 685-86, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984); *State v. Thomas*, 109 Wn.2d 222, 229, 743 P.2d 816 (1987). In *Strickland*, the United States Supreme Court set forth the prevailing standard under the Sixth Amendment for reversal of criminal convictions based on ineffective assistance of counsel. *Id.* Under *Strickland*, ineffective assistance is a two-pronged inquiry:

“First, the defendant must show that counsel's performance was deficient. This requires showing that counsel made errors so serious that counsel was not functioning as the ‘counsel’ guaranteed the defendant by the Sixth Amendment. Second, the defendant must show that the deficient performance prejudiced the defense. This requires showing that counsel's errors were so serious as to deprive the defendant of a fair trial, a trial whose result is reliable. Unless a defendant makes both showings, it cannot be said

that the conviction ... resulted from a breakdown in the adversary process that renders the result unreliable.”

*State v. Thomas*, 109 Wn.2d at 225-26 (quoting *Strickland*, 466 U.S. at 687); see also *State v. Cienfuegos*, 144 Wn.2d 222, 226, 25 P.3d 1011 (2011) (stating Washington had adopted the *Strickland* test to determine whether counsel was ineffective).

Under this standard, trial counsel’s performance is deficient if it falls “below an objective standard of reasonableness.” *Strickland*, 466 U.S. at 688. The threshold for the deficient performance prong is high, given the deference afforded to decisions of defense counsel in the course of representation. To prevail on an ineffective assistance claim, a defendant alleging ineffective assistance must overcome “a strong presumption that counsel’s performance was reasonable.” *State v. Kylo*, 166 Wn.2d 856, 862, 215 P.3d 177 (2009). Accordingly, the defendant bears the burden of establishing deficient performance. *State v. McFarland*, 127 Wn.2d 322, 335, 899 P.2d 1251 (1995). A defense attorney’s performance is not deficient if his conduct can be characterized as legitimate trial strategy or tactics. *Kylo*, 166 Wn.2d at 863; *State v. Garrett*, 124 Wn.2d 504, 520, 881 P.2d 185 (1994) (holding that it is not ineffective assistance of counsel if the actions complained of go to the

theory of the case or trial tactics) (citing *State v. Renfro*, 96 Wn.2d 902, 909, 639 P.2d 737 (1982)).

A defendant can rebut the presumption of reasonable performance of defense counsel by demonstrating that “there is no conceivable legitimate tactic explaining counsel's performance.” *State v. Reichenbach*, 153 Wn.2d 126, 130, 101 P.3d 80 (2004); *State v. Aho*, 137 Wn.2d 736, 745-46, 975 P.2d 512 (1999). Not all strategies or tactics on the part of defense counsel are immune from attack. “The relevant question is not whether counsel's choices were strategic, but whether they were reasonable.” *Roe v. Flores-Ortega*, 528 U.S. 470, 481, 120 S. Ct. 1029, 145 L. Ed. 2d 985 (2000) (finding that the failure to consult with a client about the possibility of appeal is usually unreasonable).

Even if Parks can show that his counsel was deficient on one or more of his claims, he still must show that his counsel's deficient performance prejudiced him. To satisfy this second prong of the *Strickland* test, the defendant must establish, within reasonable probability, that “but for counsel's deficient performance, the outcome of the proceedings would have been different.” *Kyllo*, 166 Wn.2d at 862. “A reasonable probability is a probability sufficient to undermine confidence in the outcome.” *Strickland*, 466 U.S. at 694; *Thomas*, 109 Wn.2d at 266; *Garrett*, 124 Wn.2d at 519. In determining whether the defendant has

been prejudiced, the reviewing court should presume that the judge or jury acted according to the law. *Strickland*, 466 U.S. at 694-95. The reviewing court should also exclude the possibility that the judge or jury acted arbitrarily, with whimsy, caprice or nullified, or anything of the like. *Id.*

Also, in making a determination on whether defense counsel was ineffective, the reviewing court must attempt to eliminate the “distorting effects of hindsight, to reconstruct the circumstances of counsel’s challenged conduct, and to evaluate the conduct from the counsel’s perspective at the time.” *Id.* at 689. The reviewing courts should be highly deferential to trial counsel’s decisions. *State v. Michael*, 160 Wn. App. 522, 526, 247 P.3d 842 (2011). A strategic or tactical decision is not a basis for finding error in counsel’s performance *Strickland*, 466 U.S. at 689-91.

*i. Parks’ argument that counsel was ineffective for failing to investigate alibi witnesses is frivolous*

Parks argues that he had alibi witnesses for the timeframe the victim claimed the rape occurred, which, had they been investigated, would have exonerated him of the charges. The existence of these supposed alibi witnesses contradicts Parks’ testimony at trial. Under oath Parks stated that “T, his girlfriend, Jeremiah and...another guy named Chris” remained at T’s house when he left the night of the rape. RP 112.

Per Parks' documents submitted in support of his personal restraint petition, the documents indicate that a man named "Chris" or "Kris" was with Parks when he left T's house. See Statement of James Hettrick, and Statement of Kristofer Bay (attached to Parks' personal restraint petition).

It is true that defense counsel must "conduct appropriate investigations to determine what defenses were available, adequately prepare for trial, or subpoena necessary witnesses." *State v. Maurice*, 79 Wn. App. 544, 552, 903 P.2d 514 (1995) (citing *State v. Jury*, 19 Wn. App. 256, 263-64, 576 P.2d 1302, *review denied*, 90 Wn.2d 1006 (1978)). A defense attorney cannot investigate a possible defense she does not know about, or put forth what she knows to be false testimony. The circumstances surrounding this claim suggest it is a fabricated claim on Parks' part in an attempt to obtain a new trial.

Parks raised the issue on appeal that his attorney failed to present defense witnesses at trial in a statement of additional grounds. However, Parks failed to support his claim with any credible evidence on appeal, and he again fails to present any credible evidence to support his claim. Parks' failure to testify at trial that he had been with other people during the time period the rape took place, and his failure to present these affidavits on direct appeal suggest these alibi witnesses are recent fabrications and should be disregarded. Parks fails to show with competent evidence that

defense counsel's failure to investigate his alibi defense would have changed the trial outcome. Parks has the burden of demonstrating this would have changed the outcome of the trial. The fact Parks failed to mention this during his testimony is highly suggestive that this is newly fabricated evidence. Also, Parks has failed to obtain an affidavit from his defense counsel that supports this allegation. His attorney is an officer of the court and would admit if she did not investigate possible known alibi witnesses. Parks continues to fail to present credible evidence to support his claim.

Further, any decision to put forth these alibi witnesses would have created a problem with Parks' contradictory testimony, and could have likely caused the jury to believe he was fabricating a defense because he was in fact guilty. It would be a reasonable tactical decision not to put forth testimony that was not credible or reliable. Parks was not denied the effective assistance of counsel.

- ii. *Parks' argument that counsel was ineffective for failing to cross-examine a witness during an offer of proof is without merit*

Parks argues his defense attorney was ineffective for failing to question T.M.D. about his and C.T.'s involvement in the burglary of the

defendant's home in February 2009. Parks cannot show that this decision was not tactical or that he was prejudiced by this failure.

Defense counsel's trial strategy was to show that C.T. was in custody at the time he made his disclosure of rape and was making this disclosure only in an attempt to lessen his punishment on a probation violation. RP 23, 142. Parks argues that his counsel should have attempted to argue further that C.T. was involved in the burglary of his home in February 2009 and therefore used this rape allegation as a way to get back at Parks. This argument is flawed.

Defense counsel recognized what Parks does not: it was not a winning argument to argue that the rape allegation was retribution for a burglary C.T. committed. First, the evidence shows that Parks named two suspects in the burglary, "Scottie" and "Tim." Parks never named C.T. as a possible suspect to police. CP 48-49 Second, C.T. is not the person who reported the rape to police, his mother did. RP 97 Third, the report to police took place approximately 8 months after the burglary took place. RP 96. This is a significant amount of time after a burglary which Parks alleges is the motive behind C.T.'s fabrication of the rape.

Parks cannot show that defense counsel did not make a reasonable and strategic trial tactic by not pursuing the possibility that C.T. was involved in the burglary. Further, there is very little likelihood that T.M.D.

would have waived his 5<sup>th</sup> Amendment Right against self-incrimination and testified as to his own involvement in the burglary, let alone his ability to have direct knowledge of C.T.'s possible involvement. This line of questioning would not have impacted the outcome at trial.

*iii. Parks Cannot show his counsel was ineffective for having him enter into a stipulation as to Watkins' testimony*

Parks contends his attorney and the State conspired to have him stipulate to the testimony of Officer Deanna Watkins. It is unclear from the record, but it appears that Officer Watkins was not available for trial. The State was willing to stipulate to the testimony that was helpful to Parks. This stipulation allowed Parks to proceed to trial in a timely fashion, while also admitting into evidence statements from a police officer who was not present at the time for trial.

Parks does not put forth any credible evidence that he informed Officer Watkins of C.T.'s involvement in the burglary as he claims in his personal restraint petition. Parks did not testify to this at trial, and his failure to so testify strongly suggests that his recent statement that he told police C.T. was involved in the burglary is fabricated. Also, Parks cannot show any conspiracy between the State and his defense attorney. Oftentimes defense counsel and defendants attempt to balance the desire

for a speedy trial, and that of one in which all the evidence can be best presented. Here, Parks and his attorney appear to have discussed the stipulation, which was then entered into the record after Parks signed. RP 3, 53-56. Parks has no evidence to suggest that there was a conspiracy between the State and his attorney.

Parks' current statement that he later phoned police to indicate that C.T. was involved in the burglary as well directly contradicts testimony he gave at trial. At trial Parks stated that he never had any further contact with law enforcement about the burglary case after his initial report. RP 109. The circumstances strongly suggest Parks has fabricated this issue. It can not be ineffective for his attorney to agree to a stipulation which is to his benefit without knowing about defendant's allegations of additional evidence to be obtained from this witness. Parks has not met his burden of showing that his attorney's performance was deficient or that this witness' testimony in person at trial would have changed the outcome of his case.

*iv. Counsel was not ineffective for failing to object to Officer Aldridge's testimony about C.T.'s mother's initial report*

Parks assigns error to defense counsel's failure to object to opinion testimony when Officer Aldridge stated that C.T.'s mother "...was wishing to report that her minor son, [C.T.], had been sexually assaulted."

RP 97. Parks cannot show that defense counsel's failure to object was not tactical. A defense attorney's "decision not to object can be characterized as legitimate trial strategy or tactics." *In re Pers. Restraint of Davis*, 152 Wn.2d 647, 714, 101 P.3d 1 (2004). It can be said that objections may emphasize the testimony. *See id.* Here, it could have been a reasonable trial tactic not to object a second time to the same essential question, by thus emphasizing it.

Further, any objection would have likely been overruled as the evidence was relevant to show the course of the investigation and how it began, and also was not prejudicial to the defendant. Even if his attorney had made a proper objection for which it could have been appealed, it is unlikely any court would have overturned his conviction on this basis. The statement by C.T.'s mother that she was reporting that her son had been sexually assaulted does not offer an opinion on C.T.'s credibility. But even if it did, this would not have been reversible error.

The jury is not bound by uncontradicted testimony regarding a victim's credibility. *State v. Kirkman*, 159 Wn.2d 918, 928, 155 P.3d 125 (2007) (citing *State v. Davenport*, 100 Wn.2d 757, 763, 675 P.2d 1213 (1984) and *State v. Cerny*, 78 Wn.2d 845, 850, 480 P.2d 199 (1971), *vacated on other grounds*, 408 U.S. 939, 92 S. Ct. 2873, 33 L. Ed. 2d 761

(1972)). Not all statements regarding a victim's credibility invade the province of the jury.

The court should consider the circumstances of the case in determining whether certain statements are impermissible opinion testimony. *Kirkman, supra* at 928. The court should also consider factors such as: 1) the type of witness involved; 2) the specific nature of the testimony; 3) the nature of the charges; 4) the type of defense; and 5) the other evidence before the trier of fact. *Id.* at 928-29 (citing *State v. Demery*, 144 Wn.2d 753, 759, 30 P.3d 1278 (2001)). Further, our courts have expressly declined to take an expansive view of claims that testimony constitutes an opinion on guilty. *See State v. Wilber*, 55 Wn. App. 294, 298, 777 P.2d 36 (1989); *see also City of Seattle v. Heatley*, 70 Wn. App. 573, 579, 854 P.2d 658 (1993).

Officer Aldridge's testimony regarding C.T.'s mother's statement contained no direct opinion on C.T.'s credibility or on Parks' guilt. At most this statement conveyed an implied belief in C.T.'s status as a victim. From the record, it appears C.T. never even spoke to his mother about being raped by Parks, so the statement is not even about C.T.'s credibility, but could possibly go to the credibility of the person who relayed the information to her. If Parks' argument that this statement by Officer Aldridge is impermissible opinion testimony is taken to its logical

conclusion, no mother could testify that she called police once her child disclosed sexual abuse to her because it would be considered an opinion on that child's credibility. This result is absurd and would take away the State's ability to explain to the jury how the case came to arrive in court before them for its consideration.

Finally, the absence of this statement would not have affected the outcome of the case. The statement was minimal, brief, and nothing further about C.T.'s mother's opinion on the case was admitted. The State did not rely upon this statement in its closing arguments or emphasize C.T.'s credibility based upon his mother's opinion of him. Parks cannot support his claim of ineffective assistance of counsel.

- v. *Parks was not denied the effective assistance of counsel due to cumulative error*

For the reasons set forth above, each of Parks' assignments of error based on ineffective assistance of counsel are without merit. Trial counsel was effective; she obtained the dismissal of two felony counts prior to opening statements; she put forth a seemingly valid and believable basis for disbelieving the victim. One does not need to be successful to be effective. Parks cannot show that his attorney was deficient, and that the outcome would have been different absent these alleged errors.

E. CONCLUSION

Parks received effective assistance of counsel. Parks cannot now put forth unsubstantiated and non-credible evidence to attempt to convince this court of his trial attorney's deficient performance. Ms. Clark was an effective advocate for her client, and made strategic legal decisions in an attempt to best present the case for trial. A competent and effective attorney is not always a successful one. Parks has not met his burden of showing his attorney was ineffective or that he suffered prejudice. The State respectfully requests this Court dismiss Parks' petition.

DATED this 25<sup>th</sup> day of June, 2013.

Respectfully submitted:

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\_\_\_\_\_  
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# APPENDIX A

Mr - Suzan Clark  
C-Jail  
C-S.F.



FILED

NOV 19 2010 11:26

Sherry W. Parker, Clerk, Clark Co.

Superior Court of Washington  
County of Clark

State of Washington, Plaintiff,

vs.

DERON ANTHONY PARKS,  
Defendant.

SID: WA23005769  
If no SID, use DOB: 12/3/1967

No. 10-1-01215-0 ✓

Felony Judgment and Sentence --  
Prison

RCW 9.94A.507 Prison Confinement  
(Sex Offense and Kidnapping of a Minor)

(FJS) 10-9-07635-1

Clerk's Action Required, para 2,1, 4.1, 4.3a,  
4.3b, 5.2, 5.3, 5.5 and 5.7

Defendant Used Motor Vehicle

Juvenile Decline  Mandatory  Discretionary

I. Hearing

1.1 The court conducted a sentencing hearing this date; 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, in accordance with the proceedings in this case, the court  **Finds:**

2.1 **Current Offenses:** The defendant is guilty of the following offenses, based upon

guilty plea  jury-verdict 11/4/2010  bench trial :

Count	Crime	RCW (w/subsection)	Class	Date of Crime
01	RAPE IN THE SECOND DEGREE	9A.44.050/9A.44.050(1)(b)	FA	12/1/2008 to 12/31/2008

Class: FA (Felony-A), FB (Felony-B), FC (Felony-C)  
(If the crime is a drug offense, include the type of drug in the second column.)

Additional current offenses are attached in Appendix 2.1a.

The defendant is a sex offender subject to indeterminate sentencing under RCW 9.94A.507.

The jury returned a special verdict or the court made a special finding with regard to the following:

The defendant engaged, agreed, offered, attempted, solicited another, or conspired to engage a victim of child rape or child molestation in sexual conduct in return for a fee in the commission of the offense in Count \_\_\_\_\_.  
RCW 9.94A.839.

The offense was predatory as to Count \_\_\_\_\_. RCW 9.94A.836.

Felony Judgment and Sentence (FJS) (Prison)  
(Sex Offense and Kidnapping of a Minor Offense)  
(RCW 9.94A.500, .505)(WPF CR 84.0400 (7/2009))  
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WP

- The victim was under 15 years of age at the time of the offense in Count \_\_\_\_\_ RCW 9.94A.837.
- The victim was developmentally disabled, mentally disordered, or a frail elder or vulnerable adult at the time of the offense in Count \_\_\_\_\_. RCW 9.94A.838, 9A.44.010.
- The defendant acted with **sexual motivation** in committing the offense in Count \_\_\_\_\_. RCW 9.94A.835.
- 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 defendant used a **firearm** in the commission of the offense in Count \_\_\_\_\_. RCW 9.94A.825, 9.94A.533.
- The defendant used a **deadly weapon other than a firearm** in committing the offense in Count \_\_\_\_\_. RCW 9.94A.825, 9.94A.533.
- Count \_\_\_\_\_, **Violation of the Uniform Controlled Substances Act (VUCSA)**, RCW 69.50.401 and RCW 69.50.435, took 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.
- 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** in Count \_\_\_\_\_ RCW 9.94A.605, RCW 69.50.401, RCW 69.50.440.
- Count \_\_\_\_\_ is a **criminal street gang**-related felony offense in which the defendant compensated, threatened, or solicited a minor in order to involve that minor in the commission of the offense. RCW 9.94A.833.
- Count \_\_\_\_\_ is the crime of **unlawful possession of a firearm** and the defendant was a **criminal street gang** member or associate when the defendant committed the crime. RCW 9.94A.702, 9.94A.\_\_\_\_\_.
- The defendant committed  **vehicular homicide**  **vehicular assault** proximately caused by driving a vehicle while under the influence of intoxicating liquor or drug or by operating a vehicle in a reckless manner. The offense is, therefore, deemed a violent offense. RCW 9.94A.030.
- Count \_\_\_\_\_ involves **attempting to elude** a police vehicle and during the commission of the crime the defendant endangered one or more persons other than the defendant or the pursuing law enforcement officer. RCW 9.94A.834.
- Count \_\_\_\_\_ is a felony in the commission of which the defendant used **amotor vehicle**. RCW 46.20.285.
- The defendant has a **chemical dependency** that has contributed to the offense(s). RCW 9.94A.607.
- The crime(s) charged in Count \_\_\_\_\_ involve(s) **domestic violence**. RCW 10.99.020.
- Counts \_\_\_\_\_ encompass the same criminal conduct and count as one crime in determining the offender score (RCW 9.94A.589).
- Other current convictions listed under different cause numbers used in calculating the offender score are** (list offense and cause number):

	<b>Crime</b>	<b>Cause Number</b>	<b>Court (county &amp; state)</b>
1.			

- Additional current convictions listed under different cause numbers used in calculating the offender score are attached in Appendix 2.1b.

**2.2 Criminal History (RCW 9.94A.525):**

Crime	Date of Crime	Date of Sentence	Sentencing Court (County & State)	A or J Adult, Juv.	DV?*	Type
1 See attached criminal history						

\*DV: Domestic Violence was pled and proved

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

**2.3 Sentencing Data:**

Count No.	Offender Score	Seriousness Level	Standard Range (not including enhancements)	Plus Enhancements*	Total Standard Range (including enhancements)	Maximum Term	Maximum Fine
01	0	XI	78 MONTHS to 102 MONTHS		78 MONTHS to 102 MONTHS	LIFE	\$50,000.00

\* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present, (SM) Sexual motivation, RCW 9.94A.533(8), (SCF) Sexual conduct with a child for a fee, RCW 9.94A.533(9), (CSG) criminal street gang involving minor, (AE) endangerment while attempting to elude.

- Additional current offense sentencing data is attached in Appendix 2.3.

For violent offenses, most serious offenses, or armed offenders, recommended **sentencing agreements or plea agreements** are  attached  as follows: \_\_\_\_\_

**2.4  Exceptional Sentence.** The court finds substantial and compelling reasons that justify an exceptional sentence:

- below the standard range for Count(s) \_\_\_\_\_.
  - above the standard range for Count(s) \_\_\_\_\_.
  - 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.
  - within the standard range for Count(s) \_\_\_\_\_ but served consecutively to Count(s) \_\_\_\_\_.
- 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): \_\_\_\_\_

The defendant has the present means to pay costs of incarceration. RCW 9.94A.760.

### 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 \_\_\_\_\_ in the charging document.

### IV. Sentence and Order

#### **It is ordered:**

**4.1 C onfinement.** The court sentences the defendant to total confinement as follows:

(a) **Confinement.** RCW 9.94A.589. A term of total confinement in the custody of the Department of Corrections (DOC):

102 months on Count 01

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

The confinement time on Count \_\_\_\_\_ includes \_\_\_\_\_ months as enhancement for  firearm  deadly weapon  sexual motivation  VUCSA in a protected zone  manufacture of methamphetamine with juvenile present  sexual conduct with a child for a fee.

Actual number of months of total confinement ordered is: 102 months

All counts shall be served concurrently, except for the portion of those counts for which there is an enhancement 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 any other sentence previously imposed in any other case, including other cases in District Court or Superior Court, unless otherwise specified herein: \_\_\_\_\_

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

The total time of incarceration and community supervision shall not exceed the statutory maximum for the crime.

(b) **Confinement.** RCW 9.94A.507 (Sex Offenses only): The court orders the following term of confinement in the custody of the DOC:

Count 01 minimum term 102 months maximum term Statutory Maximum

(c) **Credit for Time Served:** The defendant shall receive 102 days credit for time served prior to sentencing for confinement that was solely under this cause number. RCW 9.94A.505. The jail shall compute earned early release credits (good time) pursuant to its policies and procedures.

(d)  **Work Ethic Program.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic program. The court recommends that the defendant serve the sentence at a work ethic program. Upon completion of work ethic program, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions in Section 4.2. Violation of the conditions of community custody may result in a return to total confinement for remaining time of confinement.

**4.2 Community Custody** . (To determine which offenses are eligible for or required for community placement or community custody see RCW 9.94A.701)

(A) The defendant shall be on community placement or community custody for the longer of:

- (1) the period of early release. RCW 9.94A.728(1)(2); or
- (2) the period imposed by the court, as follows:

Count(s) \_\_\_\_\_ 36 months Sex Offenses  
Count(s) \_\_\_\_\_ 36 months for Serious Violent Offenses  
Count(s) \_\_\_\_\_ 18 months for Violent Offenses  
Count(s) \_\_\_\_\_ 12 months (for crimes against a person, drug offenses, or offenses involving the unlawful possession of a firearm by a street gang member or associate)

(Sex offenses, only) For count(s) 01, sentenced under RCW 9.94A.507, for any period of time the defendant is released from total confinement before the expiration of the statutory maximum.

The total time of incarceration and community supervision/custody shall not exceed the statutory maximum for the crime.

(B) 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) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while on community custody; (6) not own, use, or possess firearms or ammunition; (7) pay supervision fees as determined by DOC; (8) perform affirmative acts as required by DOC to confirm compliance with the orders of the court; (9) for sex offenses, submit to electronic monitoring if imposed by DOC; and (10) abide by any additional conditions imposed by DOC under RCW 9.94A.704 and .706. The defendant's residence location and living arrangements are subject to the prior approval of DOC while on community custody. For sex offenders sentenced under RCW 9.94A.709, the court may extend community custody up to the statutory maximum term of the sentence.

The court orders that during the period of supervision the defendant shall:

consume no alcohol.

have no contact with: victim

remain  within  outside of a specified geographical boundary, to wit:

not reside within 880 feet of the facilities or grounds of a public or private school (community protection zone). RCW 9.94A.030(8).

participate in the following crime-related treatment or counseling services:

undergo an evaluation for treatment for  domestic violence  substance abuse  mental health  
 anger management, and fully comply with all recommended treatment.

comply with the following crime-related prohibitions: \_\_\_\_\_

Additional conditions are imposed in ~~Appendix 4.2~~, if attached or are as follows:

Appendix "A" and Appendix "F"

(C) For sentences imposed under RCW 9.94A.507, the Indeterminate Sentence Review Board may impose other conditions (including electronic monitoring if DOC so recommends). In an emergency, DOC may impose other conditions for a period not to exceed seven working days.

Court Ordered Treatment: If any court orders mental health or chemical dependency treatment, the defendant must notify DOC and the defendant must release treatment information to DOC for the duration of incarceration and supervision. RCW 9.94A.562.

**4.3a Legal Financial Obligations:** The defendant shall pay to the clerk of this court:

JASS CODE

<i>RTN/RJN</i>	\$ <u>to be set</u>	Restitution to: _____ (Name and Address--address may be withheld and provided confidentially to Clerk of the Court's office.)	
<i>PCV</i>	\$ <u>500.00</u>	Victim assessment	RCW 7.68.035
<i>PDV</i>	\$ _____	Domestic Violence assessment	RCW 10.99.080
<i>CRC</i>	\$ <u>1063.<sup>55</sup></u>	Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190	
		Criminal filing fee \$ <u>200.00</u>	FRC
		Witness costs \$ <u>613.<sup>55</sup></u>	WFR
		Sheriff service fees \$ _____	SFR/SFS/SFW/WRF
		Jury demand fee \$ <u>250.00</u>	JFR
		Extradition costs \$ _____	EXT
		Other \$ _____	
<i>PUB</i>	\$ <u>2,250.00</u>	Fees for court appointed attorney	RCW 9.94A.760
	\$ _____	Trial per diem, if applicable.	
<i>WFR</i>	\$ <u>301.40</u>	Court appointed defense expert and other defense costs	RCW 9.94A.760
	\$ _____	DUI fines, fees and assessments	
<i>FCM/MTH</i>	\$ <u>500.00</u>	Fine RCW 9A.20.021; <input type="checkbox"/> VUCSA chapter 69.50 RCW, <input type="checkbox"/> VUCSA additional fine deferred due to indigency RCW 69.50.430	
<i>CDF/LDI/PCD NTF/SAD/SDI</i>	\$ _____	Drug enforcement Fund # <input type="checkbox"/> 1015 <input type="checkbox"/> 1017 (TF)	RCW 9.94A.760
	\$ <u>100.00</u>	DNA collection fee	RCW 43.43.7541
<i>CLF</i>	\$ _____	Crime lab fee <input type="checkbox"/> suspended due to indigency	RCW 43.43.690
<i>FPV</i>	\$ _____	Specialized forest products	RCW 76.48.140
<i>RTN/RJN</i>	\$ _____	Emergency response costs (Vehicular Assault, Vehicular Homicide, Felony DUI only, \$1000 maximum)	RCW 38.52.430
		Agency: _____	
	\$ _____	Other fines or costs for: _____	
	\$ <u>4714.<sup>95</sup></u>	<b>Total</b>	RCW 9.94A.760

The above total does 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:

shall be set by the prosecutor.

is scheduled for \_\_\_\_\_ (date).

The defendant waives any right to be present at any restitution hearing (sign initials): \_\_\_\_\_.

**Restitution** Schedule attached.

Restitution ordered above shall be paid jointly and severally with:

RJN	Name of other defendant	Cause Number	Victim's name	Amount

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 to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(7)(b).

The court orders the defendant to pay costs of incarceration at the rate of \$ \_\_\_\_\_ per day, (actual costs not to exceed \$100 per day). (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.

**4.3b**  **Electronic Monitoring Reimbursement.** The defendant is ordered to reimburse \_\_\_\_\_ (name of electronic monitoring agency) at \_\_\_\_\_, for the cost of pretrial electronic monitoring in the amount of \$ \_\_\_\_\_.

**4.4 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.

**4.5 No Contact:**

The defendant shall not have contact with CAT (male, 1/1/1993), ~~with female, 1/1/1992~~ including, but not limited to, personal, verbal, telephonic, written or contact through a third party for LIFE years (which does not exceed the maximum statutory sentence).

The defendant is excluded or prohibited from coming within:

500 feet  880 feet  1000 feet of:

CAT (male, 1/1/1993), ~~with female, 1/1/1992~~ (name of protected person(s))'s

home/ residence  work place  school

(other location(s)) \_\_\_\_\_

other location \_\_\_\_\_,  
for \_\_\_\_\_ years (which does not exceed the maximum statutory sentence).

- A separate Domestic Violence No-Contact Order, Antiharassment No-Contact Order, or Sexual Assault Protection Order is filed concurrent with this Judgment and Sentence.

**4.6 Other:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4.7 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: \_\_\_\_\_

- 4.8** For Offenders on Community Custody, when there is reasonable cause to believe that the defendant has violated a condition or requirement of this sentence, the defendant shall allow, and the Department of Corrections is authorized to conduct, searches of the defendant's person, residence, automobile or other personal property. Residence searches shall include access, for the purpose of visual inspection, all areas of the residence in which the defendant lives or has exclusive/joint control/access and automobiles owned or possessed by the defendant.
- 4.9** If the defendant is removed/deported by the U.S. Immigration and Customs Enforcement, the Community Custody time is tolled during the time that the defendant is not reporting for supervision in the United States. The defendant shall not enter the United States without the knowledge and permission of the U.S. Immigration and Customs Enforcement. If the defendant re-enters the United States, he/she shall immediately report to the Department of Corrections if on community custody or the Clerk's Collections Unit, if not on Community Custody for supervision.

## V. Notices and Signatures

**5.1 Collateral Attack on Judgment.** If you wish to petition or move 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, you must do so 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.** If you committed your offense prior to July 1, 2000, you 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. If you committed your offense on or after July 1, 2000, the court shall retain jurisdiction over you, for the purpose of your compliance with payment of the legal financial obligations, until you have completely satisfied your obligation, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). The clerk of the court has authority to collect unpaid legal financial obligations at any time while you remain under the jurisdiction of the court for purposes of your 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 (DOC) 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 Community Custody Violation.**

- (a) If you are subject to a first or second violation hearing and DOC finds that you committed the violation, you may receive as a sanction up to 60 days of confinement per violation. RCW 9.94A.633.

(b) If you have not completed your maximum term of total confinement and you are subject to a third violation hearing and DOC finds that you committed the violation, DOC may return you to a state correctional facility to serve up to the remaining portion of your sentence. RCW 9.94A.714.

**5.5 Firearms.** You may not own, use or possess any firearm unless your right to do so is restored by a superior court in Washington State, and by a federal court if required. You must immediately surrender any concealed pistol license. (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 and RCW 9.41.047.

**5.6 Sex and Kidnapping Offender Registration.** Laws of 2010, ch. 367 § 1, 10.01.200.

**1. General Applicability and Requirements:** Because this crime involves unlawful imprisonment involving a minor as defined in Laws of 2010, ch. 367 § 1, you are required to register.

If you are a resident of Washington you must register with the sheriff of the county of the state of Washington where you reside. You must register within three business days of being sentenced unless you are in custody, in which case you must register at the time of your release with the person designated by the agency that has jurisdiction over you. You must also register within three business days of your release with the sheriff of the county of the state of Washington where you will be residing.

If you are not a resident of Washington but you are a student in Washington, or you are employed in Washington, or you carry on vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register within three business days of being sentenced unless you are in custody, in which case you must register at the time of your release with the person designated by the agency that has jurisdiction over you. You must also register within three business days of your release with the sheriff of the county of your school, where you are employed, or where you carry on a vocation.

**2. Offenders Who are New Residents or Returning Washington Residents:** If you move to Washington or if you leave the state following your sentencing or release from custody but later move back to Washington, you must register within three business days after moving to this state. If you leave this state following your sentencing or release from custody but later while not a resident of Washington you become employed in Washington, carry on a vocation in Washington, or attend school in Washington, you must register within three business days after starting school in this state or becoming employed or carrying out a vocation in this state.

**3. Change of Residence Within State:** If you change your residence within a county, you must provide, by certified mail, with return receipt requested or in person, signed written notice of your change of residence to the sheriff within three business days of moving. If you change your residence to a new county within this state, you must register with the sheriff of the new county within three business days of moving. Also within three business days, you must provide, by certified mail, with return receipt requested or in person, signed written notice of your change of address to the sheriff of the county where you registered.

**4. Leaving the State or Moving to Another State:** If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within three business days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. If you move out of the state, you must also send written notice within three business days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State.

**5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12):** If you are a resident of Washington and you are admitted to a public or private institution of higher education, you are required to notify the sheriff of the county of your residence of your intent to attend the institution within three business days prior to arriving at the institution. If you become employed at a public or private institution of higher education, you are required to notify the sheriff for the county of your residence of your employment by the institution within three business days prior to beginning to work at the institution. If your enrollment or employment at a public or private

institution of higher education is terminated, you are required to notify the sheriff for the county of your residence of your termination of enrollment or employment within three business days of such termination. If you attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW, you are required to notify the sheriff of the county of your residence of your intent to attend the school. You must notify the sheriff within three business days prior to arriving at the school to attend classes. The sheriff shall promptly notify the principal of the school.

**6. Registration by a Person Who Does Not Have a Fixed Residence:** Even if you do not have a fixed residence, you are required to register. Registration must occur within three business days of release in the county where you are being supervised if you do not have a residence at the time of your release from custody. Within three business days after losing your fixed residence, you must send signed written notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than 24 hours, you will be required to register with the sheriff of the new county not more than three business days after entering the new county. You must also report weekly in person to the sheriff of the county where you are registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. You must keep an accurate accounting of where you stay during the week and provide it to the county sheriff upon request. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

**7. Application for a Name Change:** If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your name, you must submit a copy of the order to the county sheriff of the county of your residence and to the state patrol within three business days of the entry of the order. RCW 9A.44.130(7).

**8. Length of Registration:**

Class A felony – Life;  Class B Felony – 15 years;  Class C felony – 10 years

**5.7 Motor Vehicle:** If the court found that you used a motor vehicle in the commission of the offense, then the Department of Licensing will revoke your driver's license. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke your driver's license. RCW 46.20.285.

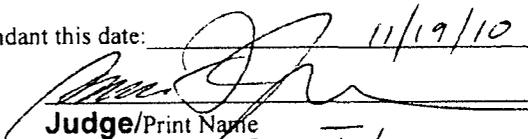
**5.8 Other:** \_\_\_\_\_

**5.9 Persistent Offense Notice**

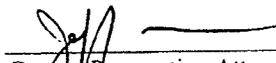
The crime(s) in count(s) 01 is/are "most serious offense(s)." Upon a third conviction of a "most serious offense", the court will be required to sentence the defendant as a persistent offender to life imprisonment without the possibility of early release of any kind, such as parole or community custody. RCW 9.94A.030, 9.94A.570

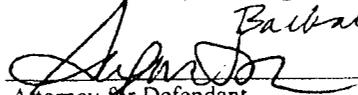
The crime(s) in count(s) \_\_\_\_\_ is/are one of the listed offenses in RCW 9.94A.030.(31)(b). Upon a second conviction of one of these listed offenses, the court will be required to sentence the defendant as a persistent offender to life imprisonment without the possibility of early release of any kind, such as parole or community custody.

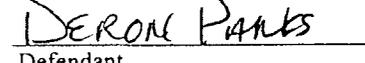
Done in Open Court and in the presence of the defendant this date: 11/19/10

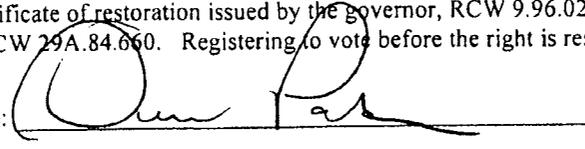
  
Judge/Print Name

Barbara D. Johnson

  
Deputy Prosecuting Attorney  
WSBA No. 33134  
Print Name: Jeffery P. McCarty

  
Attorney for Defendant  
WSBA No. 17476  
Print Name: Suzan L. Clark

  
Defendant  
Print Name:  
DERON ANTHONY PARKS

**Voting Rights Statement:** I acknowledge that I have lost my right to vote because of this felony conviction. If I am registered to vote, my voter registration will be cancelled.  
My right to vote is provisionally restored as long as I am not under the authority of DOC (not serving a sentence of confinement in the custody of DOC and not subject to community custody as defined in RCW 9.94A.030). I must register before voting. The provisional right to vote may be revoked if I fail to comply with all the terms of my legal financial obligations or an agreement for the payment of legal financial obligations.  
My right to vote may be permanently restored by one of the following for each felony conviction: 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 29A.84.060. Registering to vote before the right is restored is a class C felony, RCW 29A.84.140.  
Defendant's signature: 

I am a certified or registered interpreter, or the court has found me otherwise qualified to interpret, in the \_\_\_\_\_ language, which the defendant understands. I interpreted this Judgment and Sentence for the defendant into that language.

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

Signed at Vancouver, Washington on (date): \_\_\_\_\_

\_\_\_\_\_  
Interpreter Print Name

I, Sherry Parker, 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 the Defendant

DERON ANTHONY PARKS

10-1-01215-0

SID No: WA23005769

Date of Birth: 12/3/1967

(If no SID take fingerprint card for State Patrol)

FBI No. 670040VB1

Local ID No. 180887

PCN No. \_\_\_\_\_

Other \_\_\_\_\_

Alias name, DOB:

Race: B

Ethnicity:

Sex: M

**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,

*Whitney June*

Dated: 11-19-10

**The defendant's signature:**

*Deron Parks*

Left four fingers taken simultaneously

Left Thumb

Right Thumb

Right four fingers taken simultaneously



SUPERIOR COURT OF WASHINGTON - COUNTY OF CLARK

STATE OF WASHINGTON, Plaintiff,

v.

DERON ANTHONY PARKS,

Defendant.

SID: WA23005769

DOB: 12/3/1967

NO. 10-1-01215-0

**WARRANT OF COMMITMENT TO STATE  
OF WASHINGTON DEPARTMENT OF  
CORRECTIONS**

THE STATE OF WASHINGTON, to the Sheriff of Clark County, Washington, and the State of Washington, Department of Corrections, Officers in charge of correctional facilities of the State of Washington:

**GREETING:**

WHEREAS, the above-named defendant has been duly convicted in the Superior Court of the State of Washington of the County of Clark of the crime(s) of:

COUNT	CRIME	RCW	DATE OF CRIME
01	RAPE IN THE SECOND DEGREE	9A.44.050/9A.44.050(1)(b)	12/1/2008 to 12/31/2008

and Judgment has been pronounced and the defendant has been sentenced to a term of imprisonment in such correctional institution under the supervision of the State of Washington, Department of Corrections, as shall be designated by the State of Washington, Department of Corrections pursuant to RCW 72.13, all of which appears of record; a certified copy of said judgment being endorsed hereon and made a part hereof,

NOW, THIS IS TO COMMAND YOU, said Sheriff, to detain the defendant until called for by the transportation officers of the State of Washington, Department of Corrections, authorized to conduct defendant to the appropriate facility, and this is to command you, said Superintendent of the appropriate facility to receive defendant from said officers for confinement, classification and placement in such correctional facilities under the supervision of the State of Washington, Department of Corrections, for a term of confinement of :

COUNT	CRIME	TERM
01	RAPE IN THE SECOND DEGREE	102 Days <u>Months</u>

These terms shall be served concurrently to each other unless specified herein:

concurrent to count 4

The defendant has credit for 102 days served.

The term(s) of confinement (sentence) imposed herein shall be served consecutively to any other term of confinement (sentence) which the defendant may be sentenced to under any other cause in either District Court or Superior Court unless otherwise specified herein:

And these presents shall be authority for the same.

HEREIN FAIL NOT.

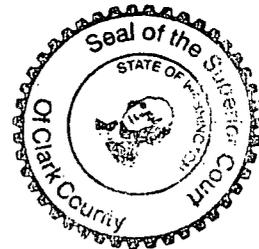
WITNESS, Honorable



JUDGE OF THE SUPERIOR COURT AND THE SEAL THEREOF THIS DATE: 11-19-10

SHERRY W. PARKER, Clerk of the  
Clark County Superior Court

By:   
Deputy



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

STATE OF WASHINGTON,  
Plaintiff,  
v.  
DERON ANTHONY PARKS,  
Defendant

No. 10-1-01215-0

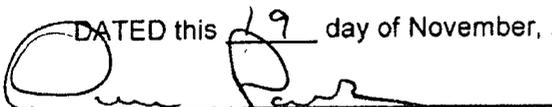
DECLARATION OF  
CRIMINAL HISTORY

COME NOW the parties, and do hereby declare, pursuant to RCW 9.94A.441 that to the best of the knowledge of the defendant and his/her attorney, and the Prosecuting Attorney's Office, the defendant has the following undisputed prior criminal convictions:

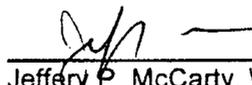
CRIME	COUNTY/STATE CAUSE NO.	DATE OF CRIME	DATE OF SENTENCE	PTS.
NO FELONY CONVICTIONS				

The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.360.

DATED this 19 day of November, 2010.

  
Defendant

Suzan L. Clark, WSBA #17476  
Attorney for Defendant

  
Jeffery P. McCarty, WSBA #33134  
Deputy Prosecuting Attorney

DECLARATION OF CRIMINAL HISTORY  
Revised 9/14/2000

CLARK COUNTY PROSECUTING ATTORNEY  
CHILDREN'S JUSTICE CENTER  
PO BOX 61992  
VANCOUVER, WASHINGTON 98666  
(360) 397-6002 (OFFICE)  
(360) 695-1760 (FAX)

"APPENDIX A"

STIPULATED CONDITIONS OF SENTENCE/COMMUNITY CUSTODY

1. You shall commit no law violations.
2. You shall report to and be available for contact with the assigned community corrections officer as directed.
3. You shall work at a Department of Corrections approved education program, employment program, and/or community service program as directed.
4. You shall not possess, consume, or deliver controlled substances, except pursuant to a lawfully issued prescription.
5. You shall pay a community placement/supervision fee as determined by the Department of Corrections.
6. You shall not have any direct or indirect contact with the victims, including but not limited to personal, verbal, telephonic, written, or through a third person without prior written permission from his community corrections officer, his therapist, the prosecuting attorney, and the court only after an appropriate hearing. This condition is for the statutory maximum sentence of 10 years, and shall also apply during any incarceration.

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE UNDER  
CHAPTER 10.99 RCW AND WILL SUBJECT THE VIOLATOR TO  
ARREST; ANY ASSAULT OR RECKLESS ENDANGERMENT  
THAT IS A VIOLATION OF THIS ORDER IS A FELONY.

7. You shall not enter into or frequent business establishments or areas that cater to minor children without being accompanied by a responsible adult. Such establishments may include but are not limited to video game parlors, parks, pools, skating rinks, school grounds, malls or any areas routinely used by minors as areas of play/recreation.
8. You shall not have any contact with minors. This provision begins at time of sentencing. This provision shall not be changed without prior written approval by the community corrections officer, the therapist, the prosecuting attorney, and the court after an appropriate hearing.
9. You shall remain within, or outside of, a specified geographical boundary as ordered by your community corrections officer.
10. Your residence location and living arrangements shall be subject to the prior approval of your community corrections officer and shall not be changed without the prior knowledge and permission of the officer.
11. You must consent to allow home visits by Department of Corrections to monitor compliance with supervision. This includes search of the defendant's person, residence, automobile, or other personal property, and home visits include access for the purposes of inspection of all areas the defendant lives or has exclusive/joint control or access. RCW 9.94A.631
12. Your employment locations and arrangements shall be subject to prior approval of your community corrections officer and shall not be changed without the prior knowledge and permission of the officer.
13. You shall not possess, use, or own any firearms or ammunition.

14.  You shall not possess or consume alcohol.
15.  You shall submit to urine, breath, or other screening whenever requested to do so by the program staff or your community corrections officer.
16.  You shall not possess any paraphernalia for the use of controlled substances.
17.  You shall not be in any place where alcoholic beverages are the primary sale item.
18.  You shall take antabuse per community corrections officer's direction.
19. You shall attend an evaluation for abuse of drugs, alcohol, mental health, anger management, or parenting and shall attend and successfully complete all phases of any recommended treatment as established by the community corrections officers and/or treatment facility
20. You shall enter into, cooperate with, fully attend and successfully complete all inpatient and outpatient phases of a Washington State certified sexual deviancy treatment program as established by the community corrections officer and/or the treatment facility. You shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, community corrections officer and shall not change providers without court approval after a hearing if the prosecutor and/or community corrections officer object to the change. "Cooperate with" means you shall follow all treatment directives, accurately report all sexual thoughts, feelings and behaviors in a timely manner and cease all deviant sexual activity.
21. The sex offender therapist shall submit quarterly reports on your progress in treatment to the court, Department of Corrections, and prosecutor and you shall execute a release of information to the community corrections officer, prosecutor and the court so that the treatment provider can discuss the case with them. The quarterly report shall reference the treatment plan and include the following, at a minimum: dates of attendance, your compliance with requirements, treatment activities, and your relative progress in treatment.
22. During the time you are under order of the court, you shall, at your own expense, submit to polygraph examinations at the request of the Community Corrections Order and/or the Prosecuting Attorney's office (but in no event less than twice yearly). Copies shall be provided to the Prosecuting Attorney's office upon request. Such exams will be used to ensure compliance with the conditions of community supervision/placement, and the results of the polygraph examination can be used by the State in revocation hearings.
23. You shall submit to plethysmography exams, at your own expense, at the direction of the community corrections officer and copies shall be provided to the Prosecutor's Office upon request.
24. You shall register as a sex offender with the County Sheriff's Office in the county of residence as defined by RCW 9.94A.030.
25. You shall not use/possess sexually explicit material as defined in RCW 9.68.130(2).
26. You shall sign necessary release information documents as required by Department of Corrections or the Prosecuting Attorney, to monitor your compliance with any of the conditions of this Judgment and Sentence. And, you shall stipulate that the Prosecuting Attorney can disseminate copies of any psychosexual evaluations and polygraph tests in this matter to the DOC.

27. If the offense was committed on or after July 24, 2005, you may not reside within eight hundred eighty (880) feet of the facilities and grounds of a public or private school. RCW 9.94A.030

The undersigned defendant agrees that he has read this Appendix A, or it has been read and explained to him; that he understands it, agrees with it, and has no questions about it. This is a binding agreement upon the undersigned defendant that is entered into knowingly, voluntarily and intelligently, as part of the plea of guilty and Judgment and Sentence.

Dated: \_\_\_\_\_ Signed: \_\_\_\_\_(Defendant)

Print name: \_\_\_\_\_(Defendant)





## OFFICE RECEPTIONIST, CLERK

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**To:** Utterback, Connie  
**Subject:** RE: Respondent's Brief in Deron Parks Case, 88731-4

Rec'd 6-25-13

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

**From:** Utterback, Connie [<mailto:Connie.Utterback@clark.wa.gov>]  
**Sent:** Tuesday, June 25, 2013 10:22 AM  
**To:** OFFICE RECEPTIONIST, CLERK  
**Subject:** Respondent's Brief in Deron Parks Case, 88731-4

Attached please find the Respondent's Brief and a Declaration of Mailing in the Deron Parks Case.

*Connie Utterback*  
Legal Secretary - Appeals Unit  
Clark County Prosecutor's Office

Phone: 1-360-397-2261 X5961  
Email: [Connie.Utterback@clark.wa.gov](mailto:Connie.Utterback@clark.wa.gov)

This e-mail and related attachments and any response may be subject to public disclosure under state law.