

FILED  
COURT OF APPEALS  
DIVISION II

2015 DEC 14 PM 3:23

STATE OF WASHINGTON

BY [Signature]  
DEPUTY

Cause No. 99-1-60-1

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COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION II

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In re  
Personal Restraint Petition of:

Steven E. Pink

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PERSONAL RESTRAINT PETITION

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Steven E. Pink  
(Print Your Name)  
Petitioner, *Pro se.*  
DOC# 277511, Unit C-312-2  
Monroe Correctional Complex  
(Street Address) MCC / TRU  
P.O. Box 888  
Monroe, WA 98272



3. I was sentenced after  trial, after plea of guilty  on the \_\_\_\_\_ day of October 27, 2014. The trial judge who imposed the sentence was the Honorable Judge David Edwards

A copy of my judgment and sentence is attached as **Appendix- A**.

4. My trial court lawyer was: Christopher Baum  
My trial lawyer's address was: \_\_\_\_\_

5. I did  did not  appeal from the decision of the trial court. If the answer is that I did, I appealed to (name of court or courts to which appeal was taken): Court of Appeals Div. II

My lawyer on appeal was: Jodi Backlund  
My appellate lawyer's address was: \_\_\_\_\_

The decision of the appellate court was  was not  published. If the decision was published, and I have this information, the decision was published in: \_\_\_\_\_

6. Since my conviction I have  have not  asked a court for some relief from my sentence other than I have already written above. (If the answer is that I have asked), the Court I asked was: \_\_\_\_\_

Relief was denied on (date of decision or if more than one, all dates) October 19,  
2015

7. (If I have answered in question 6 that I did ask for relief), the name of my lawyer in the proceeding mentioned in my answer to question 6 was (Name and address if known; if none, write "none"): \_\_\_\_\_

8. If the answer to the above questions do not really tell about the proceedings and the courts, judges and attorneys involved in your case, tell about it here: My direct appeal is still pending

No 46858-1-II

**B. GROUNDS FOR RELIEF**

(If I claim more than one reason for relief from confinement, I attach sheets for each reason separately, in the same as the first one. The attached sheets should be numbered "First Ground", "Second Ground", "Third Ground", etc.) I claim that I have 4 (number of reasons) for this Court to grant me relief from the conviction and sentence described in Part A.

**FIRST GROUND**

1. I should be given a new trial or released from confinement because

(Here state legal reasons why you think there was some error made in your case which gives you

the right to a new trial or release from confinement): My offender score

has been miscalculated, and my sentence is  
therefore unlawful

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



3. The following reported court decisions (include citations if possible) in cases similar to mine show the error I believe happened in my case (If none are known, state "None known"): See attached brief

4. The following statutes and constitutional provisions should be considered by the court (If none are known, state "None known"):

Constitutional 14. Amendments

5. This petition is the best way I know to get the relief I want, and no other way will work as well because: The relief I'm now requesting was not challenged due to ineffective assistance of counsels

**C. STATEMENT OF FINANCES**

If you cannot afford to pay the filing fee or cannot afford to pay an attorney to help you, fill this out. If you have enough money for these things, do not fill out this part of the form.

1. I do  do not  ask the court to file this without making me pay the filing fee because I am so poor I cannot pay the filing fee.

2. I have a spendable balance of \$ 0 in my prison or institution account. My account certification is attached as **Appendix- B**.

3. I do  do not  ask the court to appoint a lawyer for me because I am so poor I cannot afford to pay a lawyer.

4. I am  am not  employed. My salary or wages amount to \$ 0, per month. My employer is: NA

My employer's address is: \_\_\_\_\_

5. During the past 12 months I did  did not  get any money from a business, profession or other form of self-employment. If I did, it was \$ \_\_\_\_\_ and the total income I got was \$ \_\_\_\_\_

6. During the past 12 months, I did  did not  get any rent payments. If so, the total amount I got was \$\_\_\_\_\_.

a. I did  did not  get any interest. If so, the total amount I got was \$\_\_\_\_\_.

b. I did  did not  get any dividends. If so, the total amount I got was \$\_\_\_\_\_.

c. I did  did not  get any other money. If so, the total amount I got was \$\_\_\_\_\_.

7. I did  did not  have any cash except as said in answer 2. If so, the total amount of cash I have is \$\_\_\_\_\_.

a. I did  did not  have any savings accounts or checking accounts; if so, the amount in all accounts is \$\_\_\_\_\_.

b. I did  did not  own stocks, bonds or notes; if so, their total value is \$\_\_\_\_\_.

8. List all real estate and other property or things of value which belong to you or in which you have an interest. Tell what each item of property is worth and how much you owe on it. Do not list household furniture and furnishings and clothing which you or your family need:

<u>Items</u>	<u>Value</u>
None	\$
	\$
	\$
	\$
	\$

9. I am  am not  married. If I am married, my wife's name and address is: Karol Emerson address unknown

legally separate on 1/15/15

10. All of the persons who need me to support them are listed here.

<u>Name and Address</u>	<u>Relationship</u>	<u>Age</u>
None		

11. All the bills I owe are listed here. Name of the creditor(s):

<u>Name of Creditor</u>	<u>Address</u>	<u>Amount</u>
Restitution		\$326,000.00
		\$
		\$
		\$

**D. REQUEST FOR RELIEF**

I request this Court to: vacate my sentence and release me from confinement.

- vacate my conviction and give me a new trial
- vacate my conviction and dismiss the criminal charges against me without a new trial
- other (specify):

vacate my sentence and release from continued unlawful restraint and confinement

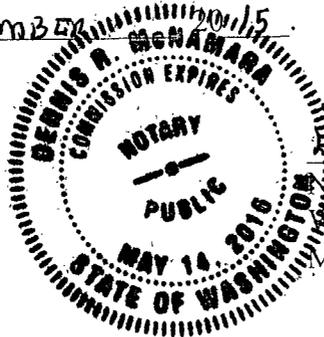
**E. OATH OF PETITIONER**

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SNOHOMISH )

After being first duly sworn, on oath, I depose and say: That I am the petitioner, that I have read the petition, know its contents, and I believe the petition is true.

SUBSCRIBED AND SWORN to before me this 8<sup>th</sup> day of

DECEMBER 2015



Dennis R. McNamara  
Notary Public in and for the State of  
Washington, residing at SNOHOMISH  
My commission expires: 5-14-16

If a Notary is not available, explain why none are available and indicate who can be contacted to help you find a Notary:

\_\_\_\_\_  
\_\_\_\_\_

I declare that I have examined this petition and to the best of my knowledge and belief it is true and correct.

Dated this 8 day of December, 2015.

Steven Pink  
(Print) Steven Pink  
Petitioner, *Pro se.*  
DOC# 277511, Unit C-312-2  
Monroe Correctional Complex  
(Street address) TRU  
P.O. Box 888  
Monroe, WA 98272

12/03/2015

Department of Corrections

PAGE: 01 OF 01

MDHELL

WASHINGTON STATE REFORMATORY

OIRPLRAR

10.2.1.18

**PLRA IN FORMA PAUPERIS STATUS REPORT  
 FOR DEFINED PERIOD : 05/31/2015 TO 11/30/2015**

DOC# :	0000277511	NAME :	PINK STEVEN	ADMIT DATE :	10/27/1999
DOB :	03/28/1963			ADMIT TIME :	13:00
	<b>AVERAGE</b>		<b>20% OF</b>		<b>AVERAGE</b>
	<b>MONTHLY RECEIPTS</b>		<b>RECEIPTS</b>		<b>SPENDABLE BALANCE</b>
	44.17		8.83		7.93
					<b>20% OF</b>
					<b>SPENDABLE</b>
					1.59

**PROCESSED  
MCC**

**DEC 03 2015**

**INMATE ACCOUNTS**

**CERTIFIED**

**X** 

IN THE COURT OF APPEALS FOR THE STATE OF WASHINGTON

Division Two

In re Personal Restraint  
Petition of:

Steven E. Pink  
petitioner

Cause No. 99-1-60-1  
COA No. 46858-1-II

**1. Identity of Petitioner:** Mr. Pink, Pro Se petitioner in the above cause seeks the relief as designated in part 2:

**2. Statement of Relief Sought:** Mr. Pink respectfully requests this court to consolidate this petition with the pending direct appeal, and also remand for resentencing with exclusion of one point from his offender score for the following.

**3. Facts:** Mr. Pink pled guilty to first degree assault, and challenged the state's burden of proof regarding all alleged prior convictions, and to his offender score of 8.

Mr. Pink's trial counsel objected, challenging his 1995 conviction for delivery of meth, his 1983 out-of-state Oregon conviction, and the alleged community custody point.

On direct appeal, appellate counsel challenged the 1995 delivery of meth conviction as unconstitutional and facially invalid.

Mr. Pink Pro Se, challenged the out-of-state Oregon conviction as unconstitutional, and facially invalid, both obtained in violation of the constitution and both should have been excluded from his criminal history and offender score.

The court commissioner denied said direct appeal on October 19, 2015, and there is a pending motion to modify filed by appellate counsel at this time.

Mr. Pink and appellate counsel both request that this Personal Restraint Petition be consolidated with the now pending direct appeal accordingly, and order Mr. Pink's immediate release from the continued unlawful confinement as follows.

#### 4. Argument and Authorities:

1. The trial court and state erred when calculating Mr. Pink's offender score, by counting converted judicially ordered concurrent convictions and sentences as separate offenses, causing prejudice, elevating his offender score from 7 to 8, then imposing an elevated sentence of 277 months.

At sentencing on October 27, 2014, the state and trial court erred separating Mr. Pink's prior judicially ordered concurrent convictions for Theft 2, and taking, riding in a motor vehicle without permission (Ex 1,2,&3)

There should be no dispute, both Judgement and Sentences entered on same day, were converted , reflecting "sentence to be ran concurrent to 81-1-00051-0" and "sentence to be ran concurrent to 81-1-00192-3" both filed 12/11/81, Mr. Pink did serve concurrent sentences, and paroled on concurrent sentences.

Neither Judgement and Sentence reflect any sentence or reference to being a result of a probation revocation, or ordering the remainder of a sentence to be served concurrently with the later conviction, but specifically converted the two convictions and sentences concurrent to each other.

However, when calculating Mr. Pink's offender score for the current offense, the state separated the two concurrent prior convictions (Ex 3) giving him 2 points instead of one, causing prejudice, elevating both his offender score, and sentence. *See LaChapelle supra. Current crime occurred 1/28/99*

There have been several cases decided on issues of pre July 1, 1986 concurrent convictions, and sentences, wherein the legislature amended former RCW 9.94A.360(b)(5) with (iii) allegedly effectively overruling *In re Sietz*, 124 Wn.2d 645, 880 P.2d 34 (1994) see RCW 9.94A.360 recodified as § 9.94A.525 and 589 by laws 2001 ch.10 6 current as of 10/15/15. It seems in reading *Sietz*, then looking at the dissenting opinion, the legislature added definition 360(iii) favoring *State v Chavez*, 52 Wn.App.796, 764 P.2d 659, even though the *Sietz* court effectively overruled it in 1994.

Even when reading the amended statute and definition, "the current timing of the sentence was not the result of a probation or parole revocation on the former offense" is somewhat confusing. Regardless, none of the cases or legislative amendments specifically address the circumstances herein.

Unlike *Chavez*, *Sietz*, or *Roberts supra's*, to include amendments 360 (iii); 525 or 589, when looking at the face of the two prior 1981 Judgement and Sentences submitted by the state, the trial court as a result of a plea

agreement specifically converted the 1981 conviction and sentences concurrent to each other, "sentence to be concurrent to 81-1-00192-3" and "sentence to be concurrent to 81-00051-0" (Ex 1 and 2). Both Judgement and Sentences were submitted, filed on the same day. The court did not treat either as a separate offense or sentence as the result of a probation revocation, or ordering the remainder of a sentence to be served concurrently with the later conviction, as in *Chavez*, even though probation was allegedly revoked, the records specifically support concurrent convictions and sentences, via both Judgement and Sentences herein, entered on same day, calculating the offender score as 1 point. See *In re LaChapelle*, 153 Wn.2d 1, 100 P.3d 805 (2004)

Had the trial court intended for there to be a separate sentence, or the remainder of a sentence to be served concurrently with a later sentence, it would have specified to such in the records, or on the face of the Judgement and Sentence itself, the probation revocation was not enforced or dismissed.

Herein, the court specifically treated both as one offense unlike *Chavez*, *Sietz*, or *Roberts supra's* wherein the court treated *Chavez* 1979 conviction as a separate offense, order the remainder of his 1979 sentence itself to be served concurrent to his 1983 conviction and sentence, therefore the court found his probation revocation sentence ran concurrent to his later conviction in 1983 was not converted concurrent convictions and sentences like Mr. Pink's case at hand, and therefore lies the distinction.

Had the trial court intended Mr. Pink's 1981 convictions to be counted separately, it would reflect so in the records.

Mr. Pink requests his sentence be remanded for resentencing with the exclusion of one point, a reduced sentence of at most 236 months accordingly.

Mr. Pink's current restraint is unlawful based on an incorrect offender score of 8, and sentence of 277 months causing prejudice, as he would have already been released from confinement over 15 months ago at resentencing 10/27/14. Thus, prejudice is inherent because the error constitutes a fundamental defect resulting in a complete miscarriage of justice Rap 16.4 In re *Cook*, 144 Wn.2d 30 (1990); In re *Grimsby*, 121 Wn.2d 419 (1993); In re *Moore*, 116 Wn.2d 30 (1991), remand is appropriate.

2. Mr. Pink requests this court to remand for resentencing with exclusion of one point from his offender score as follows:

In 1981, Mr. Pink entered into a negotiated plea agreement with the state, then pled guilty to Theft 2, and taking, riding in a motor vehicle without

permission. See (J&S Ex 4 ).

Under the plea bargain and agreement, Mr. Pink would receive converted concurrent convictions and sentences, which the trial court accepted the guilty plea as knowing, intelligent, and voluntary, ordering both Judgements on the same day and concurrent sentences.

The court did not order an alleged probation revocation to merge with a later conviction, or ordered the remainder of any sentence to be concurrent with a later conviction as a separate sentence or conviction.

However, on 1/26/99, and 10/27/14 during calculation of Mr. Pink's current offender score, the state separated both converted concurrent convictions and sentences, giving petitioner 2 points instead of 1 as initially agreed upon.

Since the state and trial court erred in doing so, presumably on a change in law for sentencing purposes, has changed the original plea, depriving Mr. Pink of the benefits of the original plea agreement for which the state in exchange gained the guilty plea, wherein petitioner gave up constitutional rights, has been lost.

A plea agreement functions as a binding contract *Santabello v New York*, 404 U.S. 257, 92 S.Ct. 495, 30 L.Ed.2d 427 (1971), in which defendant exchanges his guilty plea for some bargained concessions from the state, such as dropping of charges, or sentencing recommendations, etc, *State v Sledge*, 133 Wn.2d 828, 838-40, 947 P.2d 1199 (1997).

Specific performances entitle a defendant to the benefits of his original bargain, and receives the promises he bargained for *State v Hunsicker*, 129 Wn.2d 554, 559, 919 P.2d 79 (1996); *State v Tourtellotte* 88 Wn.2d 579, 564 P.2d 799 (1997).

Plea agreements are valid, binding, and must be upheld when entered into intelligently, voluntarily, and with understanding of the consequences *State v Hilyard*, 66 Wn. App. 413, 819 P.2d 809 (1991) (Div II).

Herein, Mr. Pink and Prosecutors negotiated and entered into a valid binding plea agreement, filed, presented to the court at sentencing on 12/11/81 (Ex 4 ) CrR 4.2.

The court presented with it, accepted the plea agreement, and guilty plea, imposed concurrent convictions and sentences as reflected on both Judgement and Sentences, did not sentence Mr. Pink separately on probation revocation.

Despite this plea agreement on 10/27/14, the state chose to ignore it, separating them, giving Mr. Pink two points incorrectly.

Mr. Pink requests this court for remand, specific performance of the original plea, and excluding one point from his offender score, and resentence him to 7 points and 236 months accordingly.

Furthermore, in *State v Miller*, 110 Wn.2d 528, 756 P.2d 124 (1988) "where fundamental principles of due process so dictate, the specific terms of a plea agreement based on mistakes as to sentencing consequences may be enforced despite the explicit terms of a statute" *Cosner*, 85 Wn.2d 45, 530 P.2d 321 (1975). Reaffirming *Tourtellotte*, that the integrity of the plea bargaining process requires that once the court has accepted the plea deal, it cannot ignore the terms of the bargain.

Mr. Pink is now entitled to the benefits of the original plea agreement resulting in one point, because as held, the latter sentence was imposed with specific references to the former, and likewise the former to the latter. As agreed upon, the concurrent relationship of the sentence was judicially imposed, and both convictions and sentences were entered on the same day, converted, and judicially ordered concurrent to each other.

As a result, Mr. Pink's current restraint and sentence is unlawful resulting in prejudice, and a fundamental defect resulting in a complete miscarriage of justice, *Cook, Grimsby, and Moore, supra's* See Rap 16.4, and remand is appropriate.

### 3. Mr. Pink should be granted pre-hearing release Rap 16.15(b)

This court has the authority to grant pre-hearing release before deciding the petition if release prevents further unlawful confinement, and it is unjust to delay petitioner's release until the petition is determined.

Mr. Pink's immediate release is justified, pending this court's determination of the petition, because it cannot be disputed that both 1981 prior convictions and sentences were ran concurrent. (Ex 1 and 2)

The state also cannot dispute they thereby incorrectly separated the two, when calculating Mr. Pink's offender score at 8 (Ex 3).

This results in an incorrect offender score and unlawful sentence causing prejudice because Mr. Pink's corrected sentence with good time, would be 236 months at most, 15 years, 4 months, and he has already served 17 years of straight confinement as of 1/26/16, thus his immediate release is justified.



Exhibit 1

Judgement and Sentence ran concurrent  
to 01-1-00192-3

**FILED**  
IN THE OFFICE OF  
COUNTY CLERK, Grays Harbor Co., Wash.  
150111981  
MARGARET BINGHAM, County Clerk  
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR GRAYS HARBOR COUNTY

STATE OF WASHINGTON, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 Steven E. Pink )  
 )  
 Defendant. )

NO. 81-1-00051-D

JUDGMENT AND SENTENCE

81 04953

THIS MATTER coming before the court for sentence, the defendant being present and represented by his/her attorney, Pan Tigue, Maia R. Fuller, Deputy Prosecuting Attorney, representing the State of Washington, and the defendant having (entered a plea of guilty to) (been found guilty by \_\_\_\_\_) of the crime(s) of Second Degree Theft RCW 9A.56.040, as charged in the Information, and no legal reason appearing why Judgment and Sentence should not be passed, now, therefore, it is hereby

ORDERED, ADJUDGED AND DECREED that the defendant is guilty of the crime(s) charged and is hereby

SENTENCED to serve a maximum term of imprisonment of not more than five (5) years in such correctional facility under the supervision of the Department of Corrections as the Secretary of such Department shall deem appropriate. shall pay restitution in lieu of a fine in the amount of \$150.00 to Holcomb Marine, Aberdeen  
The defendant is hereby remanded to the custody of the sheriff to be detained and delivered to the custody of the proper officers for transportation to the Washington Corrections Center, Shelton, Washington. ~~sentence to be concurrent to 81-1-00192-3~~

DATED: DEC 11 1981, 19\_\_\_\_, in the presence of the defendant and his/her attorney.

Presented by:  
Maia R. Fuller  
Deputy Prosecuting Attorney

Approved as to Form:  
[Signature]  
Attorney for Defendant

JUDGMENT AND SENTENCE  
(Institution)



Certificate of Clerk of the Superior Court of Washington in and for Grays Harbor County. The above is a true and correct copy of the original instrument which is on file or of record in this court.

PA Cheryl Brown Received 7/8/81 SEP 05 2016  
Cheryl Brown, Clerk By [Signature]  
Deputy Clerk

Exhibits 2

Judgement and Sentence ran concurrent  
to 81-1-00051-0

DEC 11 1981

SUPERIOR COURT OF WASHINGTON FOR GRAYS HARBOR

MARGARET J. BINGHAM, County Clerk DEPUTY

STATE OF WASHINGTON, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 Steven E Pink )  
 )  
 Defendant. )

NO. 81-1-00192-3  
JUDGMENT AND SENTENCE

81 04954

THIS MATTER coming before the court for sentence, the defendant being present and represented by his/her attorney, Dan Tighe, Gerald R. Fuller, Deputy Prosecuting Attorney, representing the State of Washington, and the defendant having (entered a plea of guilty to) (~~been found guilty by~~ RDWGA-56 070) of the crime(s) of Taking Riding in Motor Vehicle w/o Permission, as charged in the Information, and no legal reason appearing why Judgment and Sentence should not be passed, now, therefore, it is hereby

ORDERED, ADJUDGED AND DECREED that the defendant is guilty of the crime(s) charged and is hereby

SENTENCED to serve a maximum term of imprisonment of not more than five (5) years in such correctional facility under the supervision of the Department of Corrections as the Secretary of such Department shall deem appropriate. Def shall pay restitution in lieu of a fine ~~to James Palmer, 729 1/2 East Pioneer, Montesano~~

The defendant is hereby remanded to the custody of the sheriff to be detained and delivered to the custody of the proper officers for transportation to the Washington Corrections Center, Shelton, Washington. Sentence to be concurrent to 81-1-00251-01

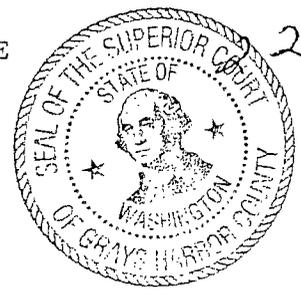
DATED: DEC 11 1981, 1981, in the presence of the defendant and his/her attorney.

[Signature]  
JUDGE

Presented by:  
Gerald R. Fuller  
Deputy Prosecuting Attorney

Approved as to Form:  
[Signature]  
Attorney for Defendant

JUDGMENT AND SENTENCE  
(Institution)



Certificate of Clerk of the Superior Court of Washington in and for Grays Harbor County. The above is a true and correct copy of the original instrument which is on file or of record in this court. 7/81  
Done this \_\_\_\_\_ day of \_\_\_\_\_ 2014  
Cheryl Brown, Clerk By [Signature] Deputy Clerk

Exhibits 3

1999 Judgement and Sentence separating  
previous ordered concurrent convictions

SUPERIOR COURT OF WASHINGTON  
 COUNTY OF GRAYS HARBOR

STATE OF WASHINGTON, Plaintiff,

v.

STEVEN E. PINK,  
 Defendant.

SID: WA12050834  
 If no SID, use DOB: 03/28/1963

ARR CLK 3  
 DOC 1  
 DOL 1  
 F/U 1  
 ABST 1  
 S G 1  
 PROS 3  
 FN COL 1  
 OFR (FAX) 1  
 GHHD 1

No. 99-1-60-1

JUDGMENT AND SENTENCE (JS)

- Protection Order
- Prison
- Jail One Year or Less
- First Time Offender
- Special Sexual Offender Sentencing Alternative
- Special Drug Offender Sentencing Alternative

I. HEARING

1.1 A sentencing hearing was held and the defendant, the defendant's lawyer, ERIK KUPKA, and Prosecuting Attorney H. Steward Menefee were present.

II. FINDINGS

There being no reason why judgment should not be pronounced, the Court FINDS:

997270

2.1 CURRENT OFFENSE(S): The defendant was found guilty on October 7, 1999 by jury verdict of:

COUNT	CRIME	RCW	DATE OF CRIME
I	CONSPIRACY TO COMMIT MURDER IN THE FIRST DEGREE	9A.28.040 9A.32.030(1)(a) 9.94A.125, 9.94A.310(4), 9.94A.370	on or between November 1, 1998 and January 26, 1999
II	ASSAULT IN THE FIRST DEGREE	9A.36.011(1)(a)(c) 9.94A.125, 9.94A.310(4), 9.94A.370	January 26, 1999

as charged in the ( Amended) Information.

A special verdict/finding for use of deadly weapon other than a firearm was returned on Count(s) I and II  
 RCW 9.94A.125,.310

2.2 CRIMINAL HISTORY: (RCW 9.94A.360):

	CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	<u>A</u> (Adult) or <u>J</u> (Juvenile)	TYPE OF CRIME
1.	<del>Theft 2°</del>	<del>07/24/81</del>	<del>G.H. #81-1-51-0</del>	<del>01/24/81</del>	<del>A</del>	<del>Felony</del>
2.	<del>TMVWOP</del>	<del>12/11/81</del>	<del>G.H. #81-1-192-3</del>	<del>10/31/81</del>	<del>A</del>	<del>Felony</del>
3.	Robbery 2°	10/27/83	Marion Cty., Oregon #143876	07/22/83	A	Felony
4.	Unl. Pos. of a Firearm	02/29/88	G.H. #87-1-287-2	10/31/87	A	Felony
5.	VUCSA-Pos. Marijuana in Excess of 40 Grams	03/05/90	G.H. #89-1-244-5	11/05/89	A	Felony
6.	VUCSA-Del. of Meth.	01/31/95	G.H. #94-1-384-1	11/16/94	A	Felony

JUDGMENT AND SENTENCE (Felony)  
 (RCW 9.94A.110, .120)(WPF CR 84.0400 (3/95))

230

99-9-1571-3

Exhibits 4

1991 Plea deal to concurrent  
convictions and sentences



SUPERIOR COURT OF WASHINGTON - COUNTY OF GRAYS HARBOR

FILED

IN THE OFFICE OF  
COUNTY CLERK, Grays Harbor Co., Wash.

DEC 11 1981

MARGARET J. BINGHAM, County Clerk  
DEPUTY

STATE OF WASHINGTON

Plaintiff,

vs.

STEPHEN PINK

Defendant(s)

CASE NO. 81-1-00192-3

STATEMENT OF DEFENDANT ON PLEA OF GUILTY

1. My true name is: Stephen Pink  
(I am also known as: \_\_\_\_\_)
2. My age is 18 Date of birth 3-28-63
3. My lawyer's name is: Daniel J. Tighe
4. The court has told me that I am accused of: taking or riding in a motor vehicle without permission.  
The crime of: \_\_\_\_\_  
The maximum penalty for which is: 5 years in prison and/or a \$5,000.00 fina.
5. The court has told me that:
  - a. I have the right to a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me;
  - b. I have the right to a trial by jury;
  - c. I have the right at trial to testify or to remain silent and if I decide to remain silent I may request that the jury be instructed that that fact may not be considered in arriving at its verdict;
  - d. I have the right to hear and question witnesses who testify against me;
  - e. I have the right to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
  - f. The charge must be proven beyond a reasonable doubt;
  - g. I have the right to appeal;
  - h. By entering a plea of guilty, I give up the rights listed in (b) through (g) and I will be sentenced on the basis of my plea;
6. I plead guilty to the crime of taking or riding in a motor vehicle with as charged in the information, a copy of which I have received; out permission.
7. I make this plea freely and voluntarily;
8. No one has threatened harm of any kind to me or to any other person to cause me to make this plea;
9. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement;
10. I have been told the prosecuting attorney will take the following action and made the following recommendation to the court:  
\* that any sentence I receive on this matter should run concurrently with any sentence I receive on matter #81-1-00051-0

STATEMENT OF DEFENDANT ON PLEA OF GUILTY

CR-04.0100-7, 78-WPF

21

11. I have been told and fully understand that the court does not have to follow the prosecuting attorney's recommendation as to sentence. The court is completely free to impose any sentence within the limits provided by law.
12. The court has told me that if I am sentenced to prison the judge must sentence me to the maximum term required by the law. The minimum term of sentence is set by the Board of Prison Terms and Paroles. The judge and prosecuting attorney may recommend a minimum sentence to the Board but the Board does not have to follow their recommendations. ~~I have been further advised that the crime of which I am accused carries a mandatory minimum of \_\_\_\_\_ years. (If not applicable, this sentence shall be stricken and initialed by the defendant and the judge.)~~
13. I understand that if I now am on probation or parole, a plea of guilty to the present charge will be sufficient grounds for a judge or the parole board to revoke my probation or parole.
14. I understand that if I have prior misdemeanor or felony convictions, I might be sentenced as an habitual offender as set out in RCW 9.92.090. (Code section read to defendant if applicable.)
15. The court has asked me to state briefly in my own words what I did that resulted in my being accused of the crime in the information. This is my statement:

on October 31, 1981 I was riding a motorcycle that I  
knew to be stolen.

16. I have read or have had read to me and I understand all of the numbered sections above (1 through 15) and have received a copy of this statement. I have no further questions to ask of the court.

Steve Ruff  
 Defendant

JUDGE'S CERTIFICATE

The foregoing statement was read by and/or read to the defendant and signed by the defendant in the presence of:

[Signature]  
 Lawyer for Defendant

[Signature]  
 (Deputy) Prosecuting Attorney

and the undersigned judge in open court.

Dated: DEC 11 1981

[Signature]  
 Judge

cc: Defendant  
 Defense lawyer  
 Prosecuting Attorney  
 Probation/Board of Prison Terms and Paroles

Exhibits 5

Probation Revocation not enforced or  
dismissed

FILED  
IN THE OFFICE OF  
COUNTY CLERK, Grays Harbor Co., Wash.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR GRAYS HARBOR COUNTY

11 1981

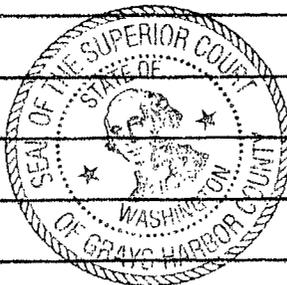
MARGARET J. BINGHAM, County Clerk  
DEPUTY

STATE OF WASHINGTON, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 Stephen E. Pink )  
 )  
 Defendant. )

NO. 81-1-00051-0  
ORDER

[X] On motion of the State of Washington  
[ ] By stipulation of the parties,

IT IS ORDERED that defendant's probation is  
revoked.



Certificate of Clerk of the Superior Court of  
Washington in and for Grays Harbor County.  
The above is a true and correct copy of the  
original instrument which is on file or of  
record in this court.

Done this SEP 23 2016 day of  
Cheryl Brown, Clerk By Cheryl Brown  
Deputy Clerk

DATED DEC 11 1981, 198

Presented by:  
Merald R. Fuller  
(Deputy) Prosecuting Attorney

[Signature]  
JUDGE  
Approved (for entry) (as to form)  
[Signature]  
Attorney for Defendant

ORDER